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Genève, le 20 février 1929.

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(Statut organique)

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PERMANENT MANDATES COMMISSION

MINUTES

of the

FIFTEENTH SESSION

Held at Geneva from July 1st to 19th, 1929,

Including the

REPORT OF THE COMMISSION TO THE COUNCIL

and

**Comments by Various Accredited Representatives
of the Mandatory Powers.**

Series of League of Nations Publications

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LEAGUE OF NATIONS.

PERMANENT MANDATES COMMISSION

MINUTES OF THE FIFTEENTH SESSION

Held at Geneva from July 1st to 19th, 1929.

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

Marquis THEODOLI (*Chairman*) ;
M. VAN REES (*Vice-Chairman*) ;
Mlle. DANNEVIG ;
M. KASTL ;
Lord LUGARD ;
M. MERLIN ;
M. ORTS ;
M. PALACIOS ;
COUNT DE PENHA GARCIA ;
M. RAPPARD ;
M. SAKENOBE.

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

Secretary : M. V. CATASTINI, Director of the Mandates Section.

The following members were absent from certain of the meetings : M. KASTL from the twelfth and thirteenth meetings ; M. RAPPARD from the eighteenth meeting ; M. MERLIN and M. ORTS from the twenty-ninth meeting.

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

M. FRANCESCHI, Honorary Director in the French Ministry of the Colonies ;
M. Albert DUCHÊNE, Honorary Director in the French Ministry of the Colonies ;
Major-General Sir Granville de Laune RYRIE, K.C.M.G., C.B., V.D., High Commissioner for Australia in London ;
Mr. E. H. LOUW, High Commissioner for the Union of South Africa in London ;
Mr. H. P. SMIT, Secretary of the Administration of South West Africa ;
Sir John CHANCELLOR, G.C.M.G., G.C.V.O., D.S.O., High Commissioner for Palestine and Trans-Jordan ;
Mr. G. L. M. CLAUSON, O.B.E., F.S.A., of the British Colonial Office ;
Mr. W. LUNN, M.P., Parliamentary Under-Secretary of State for the Colonies ;
Mr. D. J. JARDINE, O.B.E., Chief Secretary to the Government of Tanganyika Territory ;
Mr. E. G. S. MACHTIG, O.B.E., of the Colonial Office ;
M. Robert DE CAIX, former Secretary-General of the High Commissariat of the French Republic in Syria and the Lebanon.

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

FIRST MEETING.

Held on Monday, July 1st, 1929, at 11 a.m.

Chairman : Marquis THEODOLI.

979. Opening Speech by the Chairman.

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

Since our last session, our distinguished colleague General Freire d'Andrade, who had been unable to take part in our work for a year owing to a protracted illness, has tendered his resignation to the Council. He had from the beginning been a member of the Commission, where his long colonial and political experience was of great value. In paying a tribute to his special ability and to the energy with which he always discharged his duties, I should like to express to him, on the Commission's behalf, our regret at being deprived of his assistance, and our best wishes for his restoration to health.

His place is now filled by Count de Penha Garcia, to whom I offer a hearty welcome on behalf of all my colleagues. His reputation in international colonial questions dates back many years. I am sure that his help will be of the greatest value, for at the last session of the Assembly, in his capacity of Rapporteur on mandates questions, he showed a special understanding of the matters with which we deal.

I wish also to welcome the representatives of the mandatory Powers, several of whom administer mandated territories and have acquired personal and direct knowledge of the problems which arise in those territories. At this session we are particularly fortunate in securing the attendance of Sir John Chancellor, High Commissioner for Palestine, Mr. Jardine, Chief Secretary of the Government of Tanganyika, M. Marchand, Administrator of the Cameroons under French mandate, and Mr. Smit, Secretary to the Administration of South-West Africa.

At its fifty-fourth session, held in March 1929, the Council considered the report on our fourteenth session when I had the honour to represent the Commission. The Secretariat supplied you at the time with the documents relating to the Council's work on mandates, but it may not be out of place for me to give a brief summary of the decisions that were taken.

On the proposal of the Rapporteur, M. Procopé, the Council decided to communicate to the Powers administering territories under B mandate the conclusions on the question of the liquor traffic contained in the Commission's report, and to request them to conform thereto.

It took note of the views expressed by the mandatory Powers as to the definition of certain terms relating to spirituous liquors which the Commission had proposed. One of the effects of this definition was that only liquors containing a minimum of 20° pure alcohol by weight should be considered spirituous liquors, it being established that 20° alcohol by weight represented 25° by volume at a temperature of 15° C. The Council noted that, since the mandatory Powers were now in agreement, this definition proposed by the Commission had been adopted, and decided to ask these Powers to conform to it. My colleagues will therefore have observed that, in consequence of certain additional information received after the close of the fourteenth session of the Commission, the Council was able to reach a final settlement of this question, which had had to be left open in the Commission's report.

The Council instructed the Secretary-General to communicate the Commission's observations on the annual reports to the Governments of the mandatory Powers concerned and to request them to take such action as might be required. It approved the Commission's conclusions regarding the various petitions and instructed the Secretary-General to bring them to the notice of the respective mandatory Powers and of the petitioners concerned.

In the course of the Council meeting at which the Commission's work was considered, the British representative made a statement referring to the passage in our report which dealt with the new treaty between Great Britain and Iraq. He explained that, since negotiations were still in progress between the two Governments regarding the revision of the financial and military agreements supplementary to the Treaty of Alliance of 1922, the British Government had not, up to that time, been in a position to communicate to the Council the new Treaty of Alliance concluded on December 14th, 1927, ratification of which was subject to the conclusion of those agreements. At his request, the Council adjourned consideration of the questions raised in connection with the Treaty of 1927 until the British Government should be in a position to lay the text of that treaty and the supplementary agreements before it. Referring to the discussion on this matter in the Commission, the British representative said he was confident that, when he laid the texts in question before the Council, he would be able to reassure the latter in regard to any matters which might have given rise to misgivings.

At its meeting on March 9th, 1929, the Council considered a proposal by the British Government, dated February 15th, 1929, to approve in principle the abolition of the judicial agreement concluded on March 25th, 1924, between Great Britain and Iraq, and to institute a uniform system of justice in Iraq. After a speech by the Persian representative, who welcomed the British Government's action, and a statement by the British representative to the effect that his Government would, of course, take steps to afford the necessary guarantees to the Powers privileged under the agreement in force, the Council adopted the conclusions of the Rapporteur, the representative of Finland. These were that the Council had no reason to refuse the British Government the general authorisation for which it asked, though a change, on the lines proposed, of the system hitherto applied presupposed that the States which enjoyed privileges under the agreement in force would signify to the mandatory Power their willingness to renounce them. It was added in the report adopted by the Council that it should be clearly understood that, as the British Government had indicated, the agreement instituting the new regime would be submitted to the Council, which, before giving its final approval, should of course have an opportunity of making a thorough study of the question, based possibly on the opinion of the experts. Further, the conclusions of the report contain the following passage :

“ Up to the present, the application of the principles laid down in the Council resolutions of September 27th, 1924, and March 11th, 1926, has ensured close co-operation between the British and Iraq authorities and, at the same time, the maintenance of the responsibilities arising out of the Covenant. It is obviously necessary that this co-operation should be maintained under the system contemplated, as a necessary guarantee of the successful working of that system. ”

Public opinion all over the world continues to follow mandates questions with great interest. The daily and periodical Press in various countries, particularly those of the mandatory Powers and the territories under mandate, has published numerous comments on the recent work of the Commission and the Council. Further, important publications have appeared lately on the general aspects of the mandates system and on its application in certain territories, such as Palestine and Syria.

My colleagues will have warmly appreciated the communication to them by the British Government of the report of the Hilton Young Commission, submitting a plan for the administrative federation of the territories in East Africa, which would include Tanganyika. We shall no doubt be called upon to study this question when the British Government has taken a decision.

In the Parliaments of mandatory Powers there have been important debates — principally in connection with the estimates — which have touched upon, among other points, the policy followed in various mandated territories. I refer to the concession relating to the Dead Sea, the economic situation in Ruanda-Urundi, the enquiry into the administrative and financial conditions in Western Samoa and the enquiry into the cause of certain troubles which have recently arisen in New Guinea.

So much information has been furnished by the mandatory Powers in their annual reports, and in special documents they have sent us, that, with this information and the general questions and petitions on our agenda, the energies of every member of the Commission will undoubtedly be severely taxed during the present session. I am confident, however, in view of the experience we have gained in past years, that we shall bring the session which is now opening to a successful conclusion.

COUNT DE PENHA GARCIA thanked the Chairman warmly for the touching way in which he had referred to General Freire d'Andrade, who was unable to come to Geneva owing to illness and who deeply regretted his inability to co-operate with the members of the Mandates Commission of whom he had the warmest recollections. He would not fail to acquaint General Freire d'Andrade with what the Chairman had said.

For his own part, Count de Penha Garcia wished to thank the Commission for the way in which it had welcomed him. If his co-operation with it could be sufficiently furthered by the fact that he had followed its work from the beginning, that he knew all the members at any rate by reputation, and that he had for a long time taken a keen interest in mandates questions, he hoped that he would be able to be of some assistance in the work of the Commission.

980. Statement by the Director of the Mandates Section.

M. CATASTINI spoke as follows : The work of the Mandates Section has proceeded normally since the fourteenth session of the Commission. The Section has regularly distributed to the members of the Commission such information as it has been able to collect relating to the political, administrative and economic situation in the mandated territories.

The Section is endeavouring further to improve this information service. The newspapers and periodicals which it examines number at present over a hundred. In addition, it is supplied almost daily by an agency with cuttings from daily newspapers and reviews of all countries.

In its desire to furnish the members of the Commission with as full information as possible concerning territories under A mandate, the Section has also been distributing every month for nearly a year past an *Arab Press Bulletin*.

The Mandates Section has carried out the instructions issued at the last session of the Commission. The Minutes and the report of the fourteenth session were circulated in February 1929. In accordance with the desire expressed by the Commission, references to the relevant passages in the Minutes have been inserted at the end of each paragraph of the report. The comments of the accredited representatives on the observations of the Commission have been inserted in the volume containing the Minutes and the report.

In my last statement, I pointed out that most of the annual reports submitted at the fourteenth session contained data which would enable the statistics prepared by the Secretariat to be brought up to date. The same applies to the reports to be examined during the present session. The accredited representative of the French Government for Syria has informed me that the competent authorities are at present putting into their final form the statistics relating to Syria, the publication of which had to be deferred.

As usual, lists of the official documents forwarded by the mandatory Powers have been prepared for each of the territories with which the Commission will deal at the present session. These lists will be distributed shortly to the members of the Commission. I should like to mention specially a collection of the principal laws promulgated in Trans-Jordan during 1928 containing, in particular, the Organic Law of that territory, which the British Government has had translated into English for the Commission.

The annual reports reached the Secretariat in the following order and on the following dates :

Territory	Administrative period	Date on which received
Togoland under French mandate	1928	May 13th
Cameroons under French mandate	1928	May 13th
New Guinea	1927-28	May 17th
Nauru	1928	May 22nd
Tanganyika	1928	May 22nd
Palestine	1928	May 22nd
South-West Africa	1928	June 4th
Syria	1928	June 19th

The Mission of the Health Organisation of the League, which was entrusted with a preliminary enquiry into present health conditions in the Pacific Islands and particularly in New Guinea, of which mention was made in my previous statement, has completed its work, and the members of the Mission are now on their way home. A summary of the work of the Second International Conference on Sleeping-Sickness, held in Paris in November 1928, was sent to the members of the Commission in the monthly dossier distributed in March 1929. The Council took note, at its last session in Madrid, of the conclusions and recommendations made by the Health Committee on the basis of the Conference's report.

The bibliographical list of books, reviews, etc., relating to mandates, drawn up by the Library of the Secretariat for 1928, has been circulated to the Commission. The complete list for 1920-1929 will be printed during 1930; special provision is made for the purpose in the draft budget for the financial year 1930 to be submitted to the Assembly in September. I would like to point out that the Library gives special attention to mandates in the "bi-monthly lists of selected articles" which appear in the reviews and periodicals examined by the Secretariat.

The members of the Commission will no doubt be interested to learn that, at the request of the British Government, ten copies of the Minutes of the Commission have been sent to the Tanganyika Administration for the use of the non-official members of the Legislative Council.

The lists of decisions and recommendations of the Council and the Assembly on the subject of mandates, prepared by the Secretariat for the twelfth session of the Commission, covered the period up to September 1927; they have been supplemented by a list for the forty-sixth to fifty-fourth sessions of the Council and for the eighth and ninth sessions of the Assembly. This document was communicated on June 10th, 1929, to the members of the Commission (document C.P.M. 857).

GENERAL QUESTIONS : PRESENT POSITION.

Liquor Traffic.

- (a) *Revision of the Summary of Information drawn up by the Secretariat* (document C.P.M.723) (Thirteenth Session of the Commission : Resolution of the Council of September 1st, 1928).

The Secretariat has received additional information from the Governments of South Africa, Belgium, Great Britain, France (for Togoland and the Cameroons), Japan and New Zealand. With the help of the particulars received by the Secretariat, it will be possible shortly to bring up-to-date the memorandum on the liquor traffic in the mandated territories.

- (b) *Delimitation of the Zone of Prohibition to the Importation of Spirituous Liquors into Africa.*

At its thirteenth session, the Commission requested the mandatory Powers to indicate the parts of the territories placed under their mandates to which they had applied Article 4,

paragraph 2, of the Convention of St. Germain relating to the liquor traffic in Africa. Great Britain's reply for Tanganyika and for the Cameroons and Togoland under British mandate has been circulated to the members of the Commission (document C.620.1928.VI). The reply of the French Government for Togoland appears on page 114 of the report for 1928.

Postal Rates.

The mandatory Powers concerned have complied with the resolution of March 5th, 1928, in which the Council agreed to the request made by the Commission at its twelfth session for information concerning the actual position in regard to postal rates in the territories under A and B mandates. These replies have been recently circulated to the members of the Commission and the question appears on the agenda of the present session.

Status of the Inhabitants of Territories under B and C Mandates.

All the mandatory Powers have complied with the resolution of the Council dated March 5th, 1928, requesting them to furnish any information as to the action taken by them on the Council's resolution of April 23rd, 1923, concerning the status of the inhabitants of the territories under B and C mandates. The replies of the mandatory Powers have been collected in a document recently circulated (document C.157.1929.VI., C.P.M.844) and the question appears on the agenda of the present session.

Recommendations made by the Council on September 15th, 1925, and September 1st, 1928, concerning the Extension of Special International Conventions to the Territories under Mandate.

The Governments of the following States have forwarded communications relating to the request made by the Council on September 1st, 1928 : Union of South Africa, Belgium, Colombia, Denmark, Estonia, Great Britain, Luxemburg.

The replies — on the whole favourable — sent by these Powers have been circulated to the Members of the Council and of the Commission. The Secretary-General has also received acknowledgments from the Spanish, New Zealand, Siamese, Uruguayan and Venezuelan Governments.

Economic Equality : Purchase of Material by the Public Authorities of the Territories under A and B Mandates.

In pursuance of the request made by the Commission at its thirteenth session and incorporated in the resolution of the Council on September 1st, 1928, the British Government has communicated a document containing the regulations governing the purchase of material and supplies by the public authorities in Palestine and Trans-Jordan, Tanganyika, Togoland and the Cameroons under British mandate. Certain data with regard to this question also figure in the annual reports of the French Government for 1928 on the administration of Togoland (page 29) and the Cameroons (page 61).

The reply of the British Government for Iraq will be shortly circulated to the members of the Commission. As far as Syria and the Lebanon are concerned, no reply has yet reached the Secretariat. The question, nevertheless, appears on the agenda of the present session of the Commission.

List of General and Special International Conventions.

At its twelfth session, the Commission requested the mandatory Powers to communicate revised lists of the general and special international conventions applied to the mandated territories. The Council forwarded to the mandatory Powers the Commission's request, in a resolution dated March 5th, 1928. The replies of the Belgian, South African and New Zealand Governments and of the French Government for Togoland and the Cameroons have reached the Secretariat, and also a communication from the British Government regarding Tanganyika.

981. Publicity of the Commission's Meetings : Date of Publication of the Minutes.

Lord LUGARD observed that among the documents distributed to the members of the Commission he had found a number of comments on the fact that the Commission held its meetings in secret. The Chairman had taken the opportunity on previous occasions of explaining that by holding almost all its meetings behind closed doors the Commission's only object was to ensure full freedom of speech to its members in discussions which were often of a delicate nature, and even occasionally to allow the accredited representative of the mandatory Power to give a confidential explanation which he could not make publicly.

In view of the criticisms which continued to appear on this point, Lord Lugard hoped that it would be fully understood outside the Commission that it was not in any way the latter's object to keep its work secret, proof whereof was the publication of the Commission's Minutes, which were always drafted in great detail. It might perhaps be well if the Chairman were to refer to this subject once again in public.

M. RAPPARD associated himself entirely with Lord Lugard's observations. The members of the Mandates Commission constantly came across criticism, either in the Press or elsewhere, of the fact that the Commission's work, which was closely followed in all parts of the world, was carried out in secret, a practice which was at variance with the general policy of the League. Lord Lugard had explained the principal reason for this mode of procedure. There was another reason which was rather one of form. Being an advisory commission of the Council, the Mandates Commission was not entitled to give publicity to its proceedings until they had been submitted to the body on which the Commission was dependent.

M. Rappard, like Lord Lugard, attached the greatest importance to the publication *in toto* of the Commission's Minutes, the object of that publication being, in particular, to secure the assistance of public opinion in the moral control incumbent upon the Commission.

In this connection, M. Rappard wished to raise one question. During the present year, it had only been possible to publish the Minutes of the autumn session several months after the close of the session. Last year the Commission had had ground for congratulating the Secretariat upon its diligence, and M. Rappard was sure that the Secretariat had not ceased to deserve the praise that had been addressed to it. The delay that had occurred was no doubt due to the fact that other work had coincided with the publication of the Minutes. The only purpose for which M. Rappard ventured to make this observation in public was in order to assist the Secretariat, if need be, in overcoming any future obstacles to as prompt a publication as possible of the Commission's Minutes. The Commission's work was in essence of a retrospective character ; it must not become of an archæological character.

M. MERLIN said that he had always been one of those who had been averse to increasing the number of public meetings, but not because he was in favour of keeping the Commission's proceedings secret. Its discussions received all necessary publicity by the circulation of the Minutes. The reason for which he had spoken on the subject on previous occasions was the necessity in which the Commission was placed of dealing in private with the majority of the questions submitted to it. That procedure allowed the members of the Commission to make their remarks quite freely and it allowed the accredited representatives to give explanations or information and even to advance opinions which they would perhaps hesitate to formulate in public.

The opinions of the Permanent Mandates Commission had the advantage that they were presented to the public only after they had passed through the sieve of discussion and that they were the result of maturely considered criticism. They thus escaped any appearance of hesitation and came before public opinion in a much more doctrinal form.

Furthermore, as the result of a long experience of deliberative bodies, M. Merlin had observed that even the best speakers could not express themselves in public as they would in private. Either they hesitated to bring forward certain ideas because they wished to make allowances for certain quite worthy interests or they found it necessary to make allowances for and sometimes to endorse, even wrongly, certain currents of public opinion. It was a fact that the currents of public opinion often had an unfortunate influence on the discussions of assemblies. The members of the Commission were not parliamentarians ; they were experts whose duty it was to settle, as satisfactorily as possible for the various interests at stake, very delicate problems which would gain nothing from being debated in public.

The CHAIRMAN recalled that this question had been often debated in the nine years of the Commission's existence. Personally, he had for long been in favour of extending the number of public meetings, but he was bound to recognise that the experience gained in past years confirmed the wisdom of the existing practice. He ventured to remind the Commission of various observations which had been made by his colleagues at the meeting of the Commission held on October 28th, 1927. The Chairman himself had enquired " whether the intimate relations which the Commission had successfully established between itself and the accredited representatives would not be adversely affected were the examination of those reports to take place in public, because the questions put in public might be so presented by the Press as to appear highly tendentious or at all events detrimental to the work of the mandatory Power ". M. Rappard had said a long time ago : " There was a legal objection to public discussions of the Commission. The Commission, in presenting its views publicly, had the appearance of presenting them, not to the Council for whom they were destined in the first instance, but to the public in general ".

The Chairman would add that the position of the Mandates Commission as an advisory organ of the Council was quite distinct from that of its other advisory committees. Its position was, in fact, defined by Article 22 of the Covenant itself. That article imposed upon the mandatory Powers the duty of sending an annual report to the Council. As a result, the report, and everything relevant to it, belonged to the Council and not to the Commission. The latter, according to the terms of Article 22, was required merely to receive and examine the report and advise the Council on all matters relating to the observance of the mandates.

M. Van Rees, during the discussion to which the Chairman had referred above had said that the Commission was purely advisory in character. He had added that it had been set up to assist the Council for which it performed preparatory work. It did not therefore possess the right to communicate its conclusions to the general public before they had been laid before the Council. M. Merlin had added : " Further, the Commission had always been perfectly frank and examined accredited representatives without any reticence whatever ; it could not continue this admirable practice in public. Members would have to show reserve because, if they did not do so, they would certainly create trouble, not only for the Permanent Mandates Commission itself, but also for the mandatory Powers. To sit in public also would mean that

members *volens volens* would reach a point at which they found themselves speaking rather for the benefit of the general public than for that of the Commission and the League. The work of the Commission was purely preparatory and it had no right to submit its views to the general public until after they had been laid before the Council and discussed by it ”.

The Chairman considered that the opinions advanced in 1927 were as fully valid now and he thought that if the Commission desired to alter its practice it should only do so with caution and after due reflection.

M. CATASTINI thanked M. Rappard for his observations concerning the publication of the Commission's Minutes. M. Rappard was in the best possible position for knowing that there were two kinds of difficulty to any speedy publication of the Minutes. Delays were due first to the nature of the Minutes, which had to be treated as part of the report to the Council and could not be made public until the report itself had been approved by the Council, unless the latter authorised their publication beforehand as was the case each year in respect of the Minutes of the summer session. In the particular case of the report of the autumn session of 1928, and also of the Minutes, it had been impossible to submit those documents to the Council at its December session because of the short interval between the end of the session of the Commission and the beginning of the Council session. It had also been impossible to receive in that time the comments of all the accredited representatives. The documents in question had only been submitted to the Council at its March session and it was only after that session that it had been legally possible to publish the Minutes of the Commission.

As regards the other kind of difficulty, which concerned the internal organisation of the Secretariat, M. Catastini could assure the Commission that he had done all he could to persuade the competent authorities in the Secretariat to agree that the Commission's Minutes should be printed in Switzerland rather than outside. For reasons of economy, which were always very powerful in all respects in the League, the Secretariat had decided that the printing of the Minutes in question should be done outside Geneva and this had involved considerable delay. M. Catastini had, however, secured the adoption of a system whereby the Commission's documents would now be printed in Switzerland and he had, at the same time, made provision for the necessary supplementary credits for this purpose.

M. RAPPARD thanked M. Catastini for his explanations. It was obvious that the Commission's Minutes could not be published before the report, but that was an additional reason for making every effort to have the report and the Minutes of each session ready for the following session of the Council.

The CHAIRMAN, while taking account of and even expressing his gratification at what had been said in the Press — which showed with what deep interest the latter followed the Commission's work — thought that the unanimous view of his colleagues was that the existing procedure should not be modified. Nevertheless, when questions of general interest could be discussed in public, the Commission would not fail, in accordance with existing practice, to give sufficient notice in advance. In any case, it was only a question of a certain delay, since the records were published as soon as possible. It must be realised that the Commission's object was to avoid embarrassing the mandatory Powers, in the interests of those who were administered and who were the principle object of the Commission's care.

The Chairman wished to thank the Press for its interest in the work of the Commission.

982. Election of the Chairman and Vice-Chairman for the Year 1929-30.

The Commission elected the Marquis THEODOLI Chairman and M. VAN REES Vice-Chairman for the year 1929-30.

983. Adoption of the Agenda and Programme of Work.

The Commission adopted the Agenda (Annex 2) and its Programme of Work.

SECOND MEETING.

Held on Monday, July 1st, 1929, at 4 p.m.

Chairman : Marquis THEODOLI.

984. Arrangements for the Publication of the Minutes.

The CHAIRMAN reminded his colleagues that, in accordance with the desire expressed by the Commission, its report to the Council had always to be read in connection with the Minutes. The Secretariat had therefore to make a big effort, especially in the case of the summer session, in order to be able to publish a volume of from 200 to 300 pages within a very short time. That would be more especially the case with regard to the present session, the date of which had been postponed by two weeks. All possible steps had, however, been taken by the Secretariat to have the Minutes printed by August 15th. The essential condition for this was the active co-operation of all the members of the Commission. Unless circumstances made it quite impossible, the Minutes would be circulated within twenty-four hours of the meeting to which they referred. The members of the Commission were therefore requested to do their utmost to return the corrected Minutes to the Secretariat within twenty-four hours of their distribution. In this way, the work of printing could be begun in the course of the session. Otherwise, it would be impossible to guarantee that the Minutes would be ready in due time.

The Chairman was sure that the members of the Commission would endeavour to bear in mind the foregoing administrative exigencies.

985. Petition from the International Bureau for the Protection of Native Races : Question of Procedure.

The CHAIRMAN asked whether the Commission agreed with the proposals of the Rapporteur, M. Van Rees (Annex 8). Those proposals could be summarised as follows : First, that the Rapporteur should, on behalf of the Commission, formally ask the accredited representative for explanations on certain subjects referred to in his report and, secondly, that those members of the Commission who thought fit should regard merely as information certain points raised in Mr. Buell's book, but which had not been mentioned by the petitioners, and should put questions in that connection to the accredited representatives during the examination of the annual reports.

M. PALACIOS said that he had examined M. Van Rees' report, which he considered a remarkable study of the question. He fully concurred in the procedure proposed for clearing up certain points of detail.

The proposal of M. Van Rees was adopted.

986. Treaty between Great Britain and the Emir of Trans-Jordan : Question of Procedure.

The CHAIRMAN asked whether the Commission considered that this question should be taken up again, and if so in what form. Even if the Commission itself did not take the initiative in dealing with the question during the examination of the annual report, certain questions were raised by the petition from certain inhabitants of Kerak, for which M. Orts was Rapporteur. The Commission must therefore agree upon the attitude which it was to take up in this question, in order to avoid any inconsistency in its point of view during the examination of the annual report and of the petition respectively.

M. ORTS said that he had not yet finished his examination of the question. He thought, however, that he could say at once that in his opinion the subject lay outside the jurisdiction of the Mandates Commission.

M. RAPPARD emphasised the necessity for an exchange of views among the members of the Commission in regard to the treaty between Great Britain and Trans-Jordan if it were desired to obviate criticism on the score of lack of co-ordination. There were certain points in regard to which, at any rate, in his view, the Commission's attitude did not appear to be quite clear.

The CHAIRMAN pointed out that he was confining himself to drawing the attention of the members to the particularly delicate questions on the agenda and to asking them to consider them carefully. He was not requesting his colleagues to take a decision at the moment.

987. Tanganyika : Report of the Commission on Closer Union of the Dependencies in Eastern and Central Africa : Question of Procedure.

The CHAIRMAN believed that all his colleagues had received, direct from the British Government, a copy of the " Report of the Commission on Closer Union of the Dependencies

in Eastern and Central Africa". The report had been sent to the members without observations and the Commission had to decide in what light it should consider this document.

The Chairman thought that, in the first place, the Commission should consider that the report was merely a draft which had not yet received the approval of the British Cabinet. If, in the next place, the Commission desired to study the merits of the draft, it must take as a starting-point the legal position laid down in Article 10 of the Tanganyika mandate, which read as follows :

"The Mandatory shall be authorised to constitute the territory into a Customs, fiscal and administrative union or federation with the adjacent territories under its own sovereignty or control; provided always that the measures adopted to that end do not infringe the provisions of this mandate."

The only reservation made by the above article to a plan of the kind in question consisted, in the Chairman's opinion, in the strict observance of the rules of the mandate. It was true that the Commission had always closely followed the application not only of those rules but also of the underlying principles of the mandate. One of the latter was the temporary character which was the essential feature of all mandates. But the value of that principle, the importance of which varied with the different types of colonial mandates, was, in the Chairman's opinion, rather constitutional than executive, and it might be questioned whether or no its application fell within the province of the Commission.

In any case, the Chairman would be glad to have his colleagues' views on the point.

After an exchange of views, *the Commission decided* to reconsider the question before receiving the accredited representative of the mandatory Power for the examination of the Tanganyika report.

988. Question of the Proclamation of a State of Siege in Territories under Mandate : Communication dated June 13th, 1929, from the League of Nations Union, London.

The CHAIRMAN said that he had received from the League of Nations Union, London, a letter dated June 13th, 1929, a copy of which had been communicated to the members of the Commission. That letter raised once again a question which had formed as long ago as November 1925 the subject of the following resolution by the Executive Committee of the League of Nations Union :

"...That the Mandates Commission should suggest to the Council the propriety of requiring that any mandatory Power which finds it necessary at any time to suspend its ordinary laws should immediately inform the League."

This question had been placed on the agenda of the twelfth and thirteenth sessions of the Commission. The Rapporteur, M. Palacios, had confined himself to introducing the question to his colleagues. The discussion which had followed had not led to any definite conclusions on the merits of the question, and the Commission had accepted M. Palacios' point of view that "if the League of Nations Union in London were really interested in the question, it would know how to bring the matter before the Commission in accordance with the regular procedure".

The question had now been raised again by the League of Nations Union in the form of the communication before the Commission.

The Chairman thought that, in the first place, the Commission should decide whether or not the communication could be considered as a petition. He recalled that the Commission had, with the approval of the Council, given the word "petition" an interpretation which permitted it, if necessary, to include memoranda and other communications of any kind concerning the administration of territories under mandate. That definition which seemed to be wide enough, nevertheless, raised in the Chairman's opinion one doubtful point. What should be understood by the term "administration of territories under mandate"? Did it mean the *execution* or the *framing* of rules? The point was of considerable importance, since the letter from the League of Nations Union did not, in his view, bear on the application of the terms of the mandates, but rather suggested a new rule to govern the administrative activity of the mandatory Powers.

If the request of the League of Nations Union were not considered to be a petition, the Chairman would ask his colleagues what action they thought should be taken on it, and whether, for instance, any of them considered that the Commission should make a recommendation on the subject to the Council.

M. PALACIOS recalled that he had acted as Rapporteur on the question. He thought that, before taking a decision, the Commission should re-examine the observations which had been made during the discussion that had been held on the subject. In view of the gravity of the question, it deserved the most careful consideration.

The CHAIRMAN noted that the Commission agreed to take up the study of the question again at a later date.

989. Ex-Enemy Property in South West Africa : Communication from the Government of the Union of South Africa dated May 22nd, 1929 : Question of Procedure.

The CHAIRMAN observed that among the conclusions regarding the petition from the "Kaoko Land- und Minengesellschaft", contained in the report of the Permanent Mandates

Commission on the work of its fourteenth session, there was included the following paragraph (see Minutes of the Fourteenth Session, page 277) :

“ It (the Commission) hopes that the Council will request the mandatory Power to explain its declaration of February 19th, 1926, which appears to the Commission to be clearly inconsistent with the statements made, with reference to the status of the said properties and their disposal, by the accredited representative at the Commission's meeting, November 2nd, 1928, and by the mandatory Power itself in its observations of July 4th, 1928. ”

Although it was true that the Commission had raised this point during the consideration of the petition from the “ Kaoko Land- und Minengesellschaft ”, and had mentioned it in its conclusions concerning that petition, the question, nevertheless, appeared rather to relate to the consideration previously given by the Commission (particularly at its twelfth session) to the problem of ex-enemy property in the territories under mandate.

In a letter dated May 22nd, 1929, the Government of the Union of South Africa had supplied the explanation requested by the Council as a result of the proceedings at the fourteenth session of the Commission. The members of the Council and of the Permanent Mandates Commission had recently received a copy of that communication.

It would appear that the Commission should take note of the communication and, if necessary, make observations on the subject to the Council. The Commission itself had pointed out an apparent inconsistency in certain declarations of the South African Government, and it seemed that it was therefore for the Commission to decide its attitude towards the explanations that had been given.

The Chairman therefore proposed that M. Palacios, as Rapporteur for the petition from the “ Kaoko Land- und Minengesellschaft ”, and Lord Lugard, as Rapporteur for questions of ex-enemy property, should jointly draw up and submit to the Commission a proposal regarding the action to be taken on the communication in question.

LORD LUGARD and M. PALACIOS accepted the Chairman's proposal.

990. Palestine : Memorandum and Letter from the Zionist Organisation, dated May 3rd, 1929 : Question of Procedure.

The CHAIRMAN recalled that every year since 1924 the Zionist Organisation has sent to the Secretary-General, for the information of the members of the Permanent Mandates Commission, a memorandum on the establishment in Palestine of the Jewish National Home.

When the first memorandum had been sent, in 1924, the Zionist Organisation had been informed that, if it wished the memorandum to be dealt with officially by the Commission, it would have to be submitted through the mandatory Power according to the rules of procedure for petitions. Since that time this procedure had been followed.

Each memorandum had been accompanied by a covering letter containing various complaints by the Zionist Organisation against the Palestine administration. In forwarding these communications, the British Government had offered observations on the point raised in the letters and, in one case at least, on specific questions dealt with in the memorandum.

The Secretariat had recently received a memorandum for the year 1928, with a covering letter dated May 3rd, 1929. These documents had been forwarded to the members of the Commission. The last sentence of the covering letter was as follows :

“ . . . If this letter is of a purely formal character, this is not because it is meant to imply that there are no longer any outstanding questions under discussion between the Zionist Organisation and the mandatory Power, but because it is felt that, should the Zionist Organisation desire to address the Permanent Mandates Commission on a question of policy, it is more convenient and appropriate that this should be done by means of a separate communication, rather than through the medium of the covering letter to the annual report on the development of the Jewish National Home. ”

This seemed to suggest that the Zionist Organisation itself did not regard its communication as a “ petition ” in the proper sense of the term, but had, nevertheless, transmitted it in accordance with the rules of procedure for petitions.

The British Government, in its letter of June 20th, 1929, forwarding the Zionist Organisation's communication, had offered observations on certain points raised in the actual memorandum, thus treating it as a petition.

In these circumstances, and considering that the Council, at the suggestion of the Commission, had previously adopted an interpretation of the word “ petition ” whereby it could include memoranda and other communications concerning the administration of mandated territories, there seemed to be no reason why this communication should not be regarded as a petition. The Chairman, proposed, therefore, that the communication from the Zionist Organisation should be placed on the agenda of the present session, and that M. Van Rees, who had reported on a similar communication at the thirteenth session, should make a report upon the matter.

The Commission agreed.

991. *Togoland under French Mandate: Examination of the Annual Report for 1928.*

M. Franceschi and M. Duchêne, accredited representatives of the mandatory Power, came to the table of the Commission.

The CHAIRMAN welcomed the new accredited representative, M. Franceschi, and regretted that he was obliged to announce the departure of M. Duchêne. His regret, however, was mitigated by the certainty that M. Franceschi, observing the good traditions established by M. Duchêne, would be moved by the same spirit of collaboration, the only system which could facilitate their mutual task.

M. DUCHÊNE thanked the Chairman for his kind words. He, for his part, would always be grateful for the welcome he had invariably received from the Mandates Commission. He congratulated himself on being replaced by M. Franceschi, who, as the Chairman had said, would co-operate devotedly with the Commission.

Observations of the Mandatory Powers on the General Questions referred to them by the Council.

The CHAIRMAN, before entering upon the detailed examination of the report, wished to draw the Commission's attention, and particularly that of the accredited representative, to the following resolution, which had been adopted by the Council on December 9th, 1925 :

“ The mandatory Powers are invited in future to forward, in the form of a separate communication, at as early a date as possible, their views on general questions concerning the mandates which may be referred to them by the Council. ”

Speaking generally, the mandatory Powers had complied with this recommendation ; the French Government, however, had not always followed the procedure indicated by the Council. For instance, replies to certain questions raised in the reports on the work of the twelfth and thirteenth sessions of the Commission had been supplied by the French Government, not in a special letter but in paragraphs which had to be sought for in various parts of the annual reports. While not attaching any excessive importance to this question of form, the members of the Commission would agree that it would be preferable if the French Government could transmit its replies to general questions under separate cover. That practice would confer greater authority on the replies and would, moreover, facilitate the work of the Secretariat, which normally combined the replies of the various Powers in a single document which was then submitted to the Commission and to the Council.

M. DUCHÊNE said that the mandatory Power had thought that the Commission would be able to ascertain the replies just as easily if they were presented in the annual report. He and M. Franceschi would, of course, ask the Ministries concerned to send the replies as a separate communication if the Mandates Commission preferred that course.

Attitude of the Mandatory Power towards Certain Allegations contained in Mr. Buell's Book, "The Native Problem in Africa": Minutes of Councils of Notables: Labour Levies.

The CHAIRMAN recalled that, at the fourteenth session, certain questions had been put with regard to Mr. Buell's book, "The Native Problem in Africa". Pages 372 and 373 of Volume II of this book contained the following passages :

“ . . . In the annexes to the Togo annual reports, the Government prints what purports to be the Minutes of the Councils of Notables. As published in these reports, the Minutes show a happy state of affairs. But during his visit to Lomé, the writer was able to check the Minutes printed in the 1924 Togo report to the League of Nations with the actual records in the Minute Book of the Lomé Council. He found that in what purported to be the Minutes of this Council printed in the Mandates report, the Government had stricken out all discussion which in any way reflected upon the Government. These omissions related to matters which were not of serious importance, which makes their omission all the more difficult to understand. They showed the controversy over the use of British currency ; the difficulties with the system of land registration, and the fact that the prestation system was being used for construction purposes, contrary to the laws.

“ All of these passages were omitted from what purported to be the Minutes of this Council which were embodied in the annual report submitted by the French Government to the Council of the League of Nations, without any indication being given that such omissions had been made. Whether or not these omissions were made by the local administration or by the Colonial Office in Paris . . . ”

The passages to which Mr. Buell referred were reproduced on pages 410 and 411 of his book. The accredited representative would no doubt desire to give certain explanations regarding the allegations made in Mr. Buell's book.

M. DUCHÊNE replied that the departments concerned had discussed the allegations and statements made in Mr. Buell's book. Were they to be regarded as meriting official discussion ? That was a delicate point, especially since it would also be necessary to take into account the refutations that had been made in various quarters.

Furthermore, Mr. Buell himself recognised that the facts he had alleged were of no very great importance and the matter had no interest except as regards the inferences which it was desired to draw from the facts in question. It would, moreover, be very dangerous to compel the mandatory Power always to verify such allegations on the spot. A procedure of that sort would be likely to lead far afield.

M. RAPPARD explained that there was no question of establishing any general principle at the moment. A disinterested private person had undertaken a close and honest study as a result of which he had drawn attention to certain facts which had caused him surprise. It seemed that the mandatory Power should be glad of the opportunity to remove a misunderstanding. He did not ask for an enquiry, but for information which it should not be difficult to give.

M. DUCHÊNE thought it very possible and even probable that the administration had obtained information concerning Mr. Buell's allegations. The French Government had not, however, attached any official importance to this book.

The CHAIRMAN pointed out that on October 4th, 1928, the French Government had sent the following letter to the Secretary-General of the League :

(Translation.)

“ You were good enough to forward to me in your letter dated June 30th, for observations, a petition addressed to the League of Nations on May 20th, 1928, by the International Bureau for the Protection of Native Races; this petition relates to certain facts concerning the administration of the Cameroons and Togoland under French mandate, which are referred to in M. Raymond L. Buell's recent book “ The Native Problem in Africa ”.

“ The French Government was anxious that its administration should verify as closely as possible the passages in this book which attracted the attention of the International Bureau for the Protection of Natives, so that it might be in a position to furnish explanations to the Permanent Mandates Commission at its next session.

“ It seemed preferable to the French Government, however, and more in keeping with the respect due to the Permanent Mandates Commission, to leave the Commission itself to study Mr. Buell's book as a whole and to decide which points it considered should be explained, rather than to give a reply limited to a few extracts from this important work selected by an association without, apparently, having been specially verified.

“ For this reason, the French Government will submit no observations on the petition from the International Bureau for the Protection of Natives and will entrust M. Duchêne with the task of replying orally to the questions which the Permanent Mandates Commission may put to him. ”

M. DUCHÊNE noted that, according to the French Government's letter, it was for the accredited representative to reply to those allegations to which the Commission itself would particularly draw attention.

The CHAIRMAN said that that was not the case. The accredited representative had been requested to reply not to certain allegations but to questions which the members of the Commission would ask him.

M. DUCHÊNE observed, therefore, that the Mandates Commission considered as comparable certain statements made by Mr. Buell and the petitions regarding which the mandatory Power was requested to furnish data for a reply. He had not known that the Commission regarded the points in question in this light.

The CHAIRMAN replied that in any case the French Government had promised a reply eight months ago.

M. FRANCESCHI supposed that certain definite questions put by the Mandates Commission had been communicated to the Colonial Ministry. As the Commission had been good enough to await the reply to these questions for several months, he would request it to be kind enough to allow the French Government some three months more. As soon as he returned to Paris he would ask for explanations, which he would then submit at the October session. In the event, which would seem altogether abnormal, of the Commission's communication having gone astray, he would ask the Commission to be good enough to state once again the points which it wished elucidated.

M. ORTS personally attached very little importance to the point under discussion. The author of the book himself admitted that the passages which had been omitted were not of any great interest and it was easy to understand, moreover, that those parts of the Minutes of the Councils of Notables which were not calculated to be of interest to the Mandates Commission should have been cut out. In such a case, however, it was desirable to avoid giving the impression that the Minutes were complete. If Mr. Buell's statement were correct, the person who had made the cuts in the Minutes, without indicating that this had been done, had committed a blunder which might possibly detract from the value of any similar communications that might be made in the future. However that might be, it was very clear that there had been no intention to mislead the Commission by withholding things that it felt it should know.

M. RAPPARD observed that the Mandates Commission was required to pass judgment on all kinds of questions. It did so on the basis of evidence from contradictory sources. Events occurring in the mandated territories were related in reports and articles, in books and newspapers, many of which were taken into account. In the present circumstance, the Commission had

before it the evidence of a scholar who had travelled in Africa for more than a year and had undertaken a minute study with the object of explaining in a complete and impartial manner the situation in the colonies and territories under mandate. He had drawn attention to a point which was incorrect in form. It appeared to M. Rappard that the responsible Administrator also should be glad of this opportunity of replying. Mr. Buell's book had been published in a large number of copies and had received many favourable comments, so that, in his view, it could only be in the interests of the mandatory Power that it should not remain under the shadow of an unfavourable opinion, however mild.

M. DUCHÊNE thought that there was a misunderstanding. At the 1928 session he had not thought that the Mandates Commission regarded the critical examination of the opinions advanced by Mr. Buell as being on the same footing as a petition. The terms of the letter quoted by the Chairman indicated that the accredited representative would be instructed to reply on those passages that were likely to call for the Commission's attention. If Mr. Buell's allegations were, in any particular point, regarded as being on the same footing as a petition, the Togoland Administration would be requested, in accordance with the ordinary practice, to hold an enquiry and to give a definite reply. Generally speaking, it had been held that the information requested applied to the book as a whole. The book, however, had already given rise to strong criticism on the part of the administrations concerned since it was full of errors. Mr. Buell had passed only very rapidly through the mandated territories. He had been a traveller like anyone else; the French authorities, moreover, had done all they could to ensure that he was received with courtesy everywhere.

However that might be, if the particular question of the partial communication of the Minutes of the Councils of Notables had aroused attention, and if this was regarded as being identical to a petition, he would be extremely glad to furnish definite replies.

The CHAIRMAN wished to explain that, in accordance with the custom of the Commission to which as M. Rappard had just referred, it had wished merely to ask for explanations regarding this partial communication of the Minutes of the Councils of Notables.

M. DUCHÊNE could, at the moment, only repeat as a very definite affirmation on the part of the Administration concerned, that Mr. Buell's book was hasty, partial and inaccurate on a very large number of points.

As to the particular fact mentioned by the Chairman, the Administration would, of course, do its utmost to furnish an accurate and speedy reply. This it was all the more ready to do, since the French Administration was not obliged to reproduce *in extenso* in its reports the Minutes of any particular meeting of the Council of notables.

M. RAPPARD thought that the problem under discussion did not call for the display of any warmth of feeling. On the one hand, there was a petition which did not emanate from the territory itself and which had been submitted in accordance with the normal procedure. But even supposing that the charge that had been made was not in the nature of a petition, it was none the less true that the accredited representatives were very often requested to reply to questions of all kinds put to them by the members of the Commission as a result of their personal reading or of statements brought to their attention in their personal correspondence.

In the circumstance under review, the source had been quoted and it was not a negligible one. The author was a man of science. He was perhaps lacking in experience and perhaps ill-informed, but in any case he was a man whose evidence could not be ignored. The fact that the Administration concerned pointed out that his book contained a number of errors and questionable statements did not suffice. It could only be advantageous for the mandatory Power to reply to certain criticisms made in a book which had aroused the attention of political and colonial circles in many countries.

M. MERLIN thought that there was confusion on a number of points. The matter regarded as a petition was a letter from the International Bureau for the Protection of Natives. That letter referred to certain allegations in Mr. Buell's book. For instance, in the case of Togoland and the Cameroons under French mandate there were five definite points. The question would have been settled had the French Government confined itself to replying to these five questions without considering the book, however interesting and conscientious it might be. It should be said in passing that the book was indeed a conscientious one, but that it demonstrated total inexperience and was full of serious errors. The confusion, however, had been created by the French Government's reply. As the Mandates Commission had now defined the question and even raised a point which, while it was mentioned in Mr. Buell's book, did not appear in the letter from the International Bureau, it was legitimate that the accredited representative should be allowed time to obtain the necessary information.

Lord LUGARD observed that it was the Commission's duty to gather information wherever it might be found, for which purpose the Secretariat transmitted to each member a monthly dossier consisting of extracts from parliamentary reports, newspaper cuttings, books, etc. If the accredited representative were able to reply at once to any question he usually did so, but if he desired to postpone his reply either in order to obtain the information required or to consult his Government in case he did not wish to accept responsibility in a matter of serious importance he was naturally entitled to do so. In any case, such a question was not on the same footing as a petition, which had been submitted for the Mandatory's observations. The Mandates Commission asked for information irrespective of the source of any charges or criticisms that had been made. It had even happened on more than one occasion that members had put

questions regarding assertions which they believed were distorted or exaggerated in order to give the accredited representative an opportunity of publicly refuting them.

M. DUCHÊNE replied that the mandatory Power considered, of course, that it was the Mandates Commission's right and duty to ask for explanations concerning facts of any kind that came to its knowledge. That was, moreover, the sense of the French Government's letter of October 4th, 1928. That being so, as the situation had been cleared up and as the Commission had determined to regard as a petition and to take into consideration the point raised in Mr. Buell's book by the International Bureau for the Protection of Natives, he would obtain the requisite date for a definite reply.

The French Administration had no feeling against Mr. Buell, whom it had supplied with all the information in its possession and to whom it had granted all facilities for investigation. When, however, Mr. Buell's book had been placed on sale, the Administration had noted with surprise and regret a number of important errors.

M. VAN REES said that, as regarded Togoland under French mandate, there was only one question raised by Mr. Buell and endorsed by the International Bureau for the Protection of Natives to which he had found no reply in the report. That was the question of labour levies ("prestations"). Mr. Buell alleged that neither the Togoland nor the Cameroons Administration had observed the rule whereby the natives concerned were obliged to furnish labour for a fixed number of days exclusively for the purposes of certain public utility undertakings.

M. DUCHÊNE replied that this was, in point of fact, the only subject of any importance which required elucidation. He wished to say that neither the Administration of Togoland nor that of the Cameroons had had recourse to labour levies except for the public services and for public utility works. If such labour had been used for private purposes, this procedure would be contrary to the recognised principles. He was convinced that labour levies had been scrupulously reserved for public utility undertakings. The Administration would nevertheless make an enquiry, and a reply would be submitted at the next session.

The CHAIRMAN pointed out that it would be preferable for the accredited representative to give a reply at the present session.

M. DUCHÊNE observed that the letter of October 4th, 1928, which had been read did not by any means constitute an absolute engagement.

M. FRANCESCHI would be glad to ask his Government to cable to Togoland, but observed that the question of labour and labour levies was a somewhat complicated one. It seemed to him that it would be more advantageous if the mandatory Power were to ask for information by letter, so as to ensure an exact and circumstantial reply.

M. VAN REES pointed out that the Commission had to reply to the petitioner in the report to the Council which it would submit at the end of the session.

M. RAPPARD thought it a matter for regret that the mandatory Power was unable to give a reply at once, but it would be going too far to ask for a reply by cable. Furthermore, it was preferable that the mandatory Power should transmit a detailed account of the discussion to the Togoland Administration, in order to obtain a fuller reply.

M. DUCHÊNE remarked that hitherto no definite question had been put as to the character or duration of labour levies. It would no doubt be possible to present a detailed reply at the October session.

M. MERLIN wished to avoid any misunderstanding. The question raised by the International Bureau for the Protection of Natives bore, not on the wrong use of such labour for private undertakings, but on the period for which it was employed. It was alleged that the natives had been kept on the works longer than was legal. It was difficult to reply to remarks of so general a nature. It would be otherwise if it were said that an abuse of this kind had occurred on such-and-such a date or in such-and-such a district; this would have been a definite fact which could have been verified immediately.

M. RAPPARD reverted to the question of the communication of the incomplete Minutes of the Councils of Notables. He understood that the French Government held that it would be incompatible with its dignity to reply formally to an unjust accusation made in a book such as appeared daily in all countries. Had not the French Government, however, which, like all other Governments, rightly expended considerable sums on propaganda, thought it useful to inspire at least some criticism of this book in the Press?

M. DUCHÊNE replied that if official corrections had to be made concerning allegations of this kind, they would have to be made constantly. There was no sufficiently organised propaganda service for that purpose.

M. RAPPARD thought that a traveller of this importance and a book of such weight were not common occurrences. He would have thought that a Government Administrator would have been disinclined to remain under the shadow of charges of that kind and would have made some reply.

Question of the Replies of the Mandatory Power to the Commission's Questionnaire.

M. VAN REES said that he would like to express his admiration for the present report, which he considered excellent. He asked, however, why the report did not, like previous reports, contain brief replies to the Mandates Commission's questionnaire.

M. FRANCESCHI pointed out that the present report, like the preceding one, contained a chapter (Chapter XIV) headed : " Replies to the Questions put by the Mandates Commission ".

M. VAN REES recognised this fact, but pointed out that he had not referred to the replies to special questions raised during a previous session. He had had in mind the general questionnaire drawn up by the Commission and approved by the Council in 1921. Previous reports on Togoland and the Cameroons had given brief replies to this questionnaire and those replies had been of use to the Commission. These replies were omitted, however, from the reports under consideration.

M. FRANCESCHI replied that he would ask his Government to resume the practice of including in future reports the old questionnaire and the relevant replies such as the members of the Commission had been accustomed to find in former annual reports. It was understood that this would be done without prejudice to the replies to the new questions asked during the two previous sessions of the Commission. It would thus be easier for the members of the Commission to make their investigations and findings without it being necessary to refer always to previous reports. M. Van Rees' request was a reasonable one and his Government would be glad to give full satisfaction to the legitimate wish of the Mandates Commission.

THIRD MEETING.

Held on Tuesday, July 2nd, 1929, at 10.30 a.m.

Chairman : Marquis THEODOLI.

992. Togoland under French Mandate : Examination of the Annual Report for 1928
(Continuation).

M. Duchêne and M. Franceschi came to the table of the Commission.

Frontier between Togoland under French Mandate and Togoland under British Mandate.

M. PALACIOS said that the first condition for the status of a territory was that it should be clearly delimited and asked whether there had been any recent arrangements with regard to the frontier between Togoland under French mandate and Togoland under British mandate. His reason for asking the question was the following : According to one petition, the natives at Womé district of Klouto complained that, as a result of the delimitation, the village dwellings had remained in French territory, while the lands were now in British territory.

In delimitations of this kind, it had always been recommended that the integrity — social as well as geographical — of the territory of the tribes should be respected and that the legitimate interests of the inhabitants should be most scrupulously safeguarded.

M. FRANCESCHI replied that a Delimitation Commission had surveyed the entire frontier and had concluded arrangements which seemed to have given general satisfaction, not only to the British and French Governments, but also to the tribes living on the borders of the two territories and who might have had ground for complaining of the operation. The delimitation of the boundary would be continued by a small Boundary-Marking Commission, as was usual. The final Protocol would probably be signed in the current year and communicated to the Commission.

M. PALACIOS added that the natives of the village in question were anxious to know how they could profitably work the plantations they had made and which were now separated from their dwellings by the frontier.

M. FRANCESCHI said that it would be the task of the Boundary-Marking Commission to overcome this disadvantage. According to the most recent information, it appeared that the natives in question no longer had any grounds for complaint. He could give no more definite information. The Boundary-Marking Commission had full powers to make the necessary alterations in points of detail, in the interests of the tribes themselves.

Status of the Inhabitants of the Territory.

M. VAN REES recalled that, in the previous year, M. Duchêne had explained the reasons for which the French Government had found it impossible to give effect to the endeavours made by M. Bonnacarrère to institute Togoland " citizenship ". Was it to be inferred that M. Bonnacarrère's proposal had been definitely set aside ?

M. DUCHÊNE replied that M. Bonnacarrère's scheme had not yet been accepted by the French Government. It was possible that a less categorical solution might be found than that recommended by M. Bonnacarrère; there was some risk that his solution might give the Togolandese the impression that they were citizens of an absolutely independent State, whereas they were the inhabitants of a territory under mandate.

M. VAN REES asked whether the question was still being examined in Togoland.

M. DUCHÊNE replied that a study was being made of the terms which would define most exactly the conditions of the inhabitants of an African territory under mandate, but that the solutions so far obtained were incomplete.

M. RAPPARD referred to page 69 of the report, where mention was made of a category of native French citizens. In what way had the natives in question become French citizens? Was it likely that this category would increase in number, and did the Administration intend to pursue a broad policy of naturalisation?

M. FRANCESCHI replied that the passage referred purely to individual cases of sufficiently developed Togolandese who spoke French well and fulfilled certain conditions. There had never been any question of general naturalisation.

M. RAPPARD said that the question was of great importance for the future. The object of the mandates system was to raise the inhabitants of the territories to a certain standard of civilisation. If, in proportion as certain natives reached that standard, they became French citizens, the only possible result of the system would be complete assimilation of the natives to French citizens. That, doubtless, was not the intention of the mandatory Power.

M. DUCHÊNE explained that the purely individual naturalisations to which he had referred applied to native-born inhabitants of Togoland, just as might happen in the case of the inhabitants of any other country. There was no question of collective naturalisation.

M. Bonnacarrère had proposed and still had under consideration a special status for the inhabitants of the territory, but the expression used by him, "citizenship", had aroused the attention of the French public authorities. This term, "citizenship", as M. Duchêne had just observed, might imply — or appear to do so — the existence of a kind of independent State, of which there could be no question. It was, however, possible to imagine a so-called "élite" between French nationality and the general condition of "protégés" under the mandate which described the inhabitants of Togoland. This, in reality, was the very legitimate idea at the bases of M. Bonnacarrère's draft, but it was necessary to avoid possible misunderstandings and ambiguities.

M. RAPPARD hoped that, whatever might be the eventual decision, the status would be defined as soon as possible, since, if naturalisation were to continue in the case of the native *élite* alone, there would be reason to fear that the other inhabitants might come to regard themselves as belonging to a lower class. Nothing could be more unfavourable to the development of the population as a whole.

Lord LUGARD observed that in the table on page 69, referred to by M. Rappard, no mention was made of any single native who had been naturalised as a French citizen. The total figure of 545 applied to Europeans and Syrians only.

M. RAPPARD agreed that Lord Lugard was right, but added that the question still remained, since the French Administration expressly contemplated a special class of natives who would become French citizens.

M. MERLIN wished to remind M. Rappard that Togoland was not a country in the strict sense of the term. It was a geographical expression. It consisted of tribes who were not bound together by any ties, and who were separated by religion and sometimes by race. Apart from the arguments adduced by M. Duchêne, it was easy to understand that the mandatory Power had felt some apprehension in connection with the term "citizenship", as implying an independence which did not exist. M. Merlin did not see how it would be possible to lay down a common status for tribes so diverse in character.

The problem had two aspects, one national, or rather local, and the other international. In regard to the first point, the natives asked that they should be free from a special regime that was imposed by force of circumstances on the less-developed natives, notably the special police regulations known by the term "indigénat", which, moreover, was incorrect.

They also wished to obtain certain civil and political powers. It seemed possible to meet their wishes on these points without creating a special status for them.

In regard to the international factor, M. Merlin saw no difficulty at all. The mandatory Power had charge of those inhabitants of the territory under mandate who were its nationals and whom it represented in the natural course of affairs. Here, again, there did not seem to be any necessity to create a special status which would be very difficult to determine and which might possibly have unfortunate results. M. Merlin was therefore in no hurry to see introduced a status of Togolandese nor, for that matter, of Cameroonians, including populations which differed too widely to be subjected to a uniform rule.

M. ORTS observed that, if regard were had to the report, the class of natives which the Commission was discussing at the moment did not yet exist. No natives had, in fact, acquired French nationality.

M. DUCHÊNE said that among the 545 "Europeans and assimilated persons" there might be some Togolandese.

M. FRANCESCHI added, with the object of satisfying M. Rappard, that it would not be in the interests of the French Government to grant naturalisations for the good reason that an agitator who had become a French citizen would create far greater difficulties than an ordinary protected native.

M. ORTS said that if, in spite of the inference which it seemed should be drawn from the table on page 69, there were certain natives who had become French citizens, a minority of French citizens who were native-born in the mandated territories would develop, and that minority would have the power to exercise certain rights, in particular, certain political rights.

M. FRANCESCHI said that, as M. Duchêne would return to Paris in a few days, he would be able to ask the competent Department in the Ministry to make the necessary enquiries, in order to ascertain whether there were any natives belonging to the category in question and, if so, how many.

M. ORTS wondered whether a term used by M. Merlin had not expressed more than he had intended. The Permanent Mandates Commission had often dealt, in fact, with the status of the natives, but there had never been any question, properly speaking, of granting them a "national" status. When it had been agreed to apply to the inhabitants the term "protected under mandate", or any other similar term, they had not been accorded any specific nationality. The territories under mandate were not States the inhabitants of which would be nationals of those States, so that if a provision of the French laws approved the use of the term "protégés français sous mandat", for the natives of Togoland, the said inhabitants would not thereby receive a national status.

M. MERLIN agreed. The expression was intended as a mere description and not as defining a status in the real sense of the word. The question of status had not been determined and there was no occasion to determine it.

M. ORTS said that he merely wished to show that the inconveniences to which attention had been drawn did not appear to be very grave.

M. DUCHÊNE thought that, after having given to the inhabitants in question a certain description, it might be useful to define to some extent the consequences of that description. Several delicate cases as regards application had already arisen.

What were the rights of a person protected under mandate in respect of the mandatory Power? That was the point which interested M. Bonnacarrère and that was the point in regard to which greater precision was being sought.

M. FRANCESCHI drew attention to the passage in the report on the Cameroons for 1928 where it was stated on page 62 that measures had been taken in order that the inhabitants might be described as: "Natives of the Cameroons protected under French mandate" — a description which applied equally to Togoland. As M. Orts and M. Merlin had said, the expression was merely intended as a description and no inference should be drawn from it.

M. RAPPARD said that the question of the description applied to the natives was of small consequence. The important point was that the Commission had always been opposed to the proclamation of the sovereignty of the mandatory Power over the territories under mandate; it was also opposed, and for the same reason, to the natives receiving a status assimilating them to the nationals of the mandatory Power. These natives should be in a distinct category, and it was important that this distinction should be observed.

M. FRANCESCHI drew attention to the section on naturalisation, on page 117 of the report, in which the conditions were enumerated attaching to the naturalisation of the natives. These conditions were described as the result of a question raised by the Commission during its twelfth and thirteenth sessions concerning the application to Togoland of the third paragraph of the resolution adopted by the Council on April 23rd, 1923.

M. VAN REES said he did not for the moment desire to dwell on the question of principle raised by M. Merlin. He noted that on page 117 of the report two expressions were used, which might lead to confusion. It was said that the inhabitants of Togoland might be French citizens and later on obtain French nationality. Were these expressions intended to be identical or was there in French law a distinction between the status of subject and the status of citizen?

M. FRANCESCHI replied that a French subject had no political rights.

M. VAN REES recalled that the natives of the Belgian colonies were Belgian subjects and not Belgian citizens. Similarly, in the Netherlands East Indies, the natives were Dutch subjects and not Dutch citizens.

M. DUCHÊNE explained that French subjects kept their customary native laws; they had no other political rights beyond the local rights which they were recognised to possess. Herein lay the essential difference between French subjects and French citizens. The French subjects were numerous in comparison with the French citizens in the possessions of the French Republic as a whole. The distinction drawn corresponded with the position of the inhabitants of the Netherlands Indies in relation to the inhabitants of the Netherlands.

In the section dealing with naturalisation, on page 117 of the report, reference was made to the possibility of natives acquiring French naturalisation full and entire, and it did not seem to him that such an arrangement could be criticised.

M. VAN REES understood that French citizenship would only be granted by means of naturalisation.

M. ORTS foresaw that at no very distant date the inhabitants of Togoland, as they developed and tended more and more to go abroad, would find it to their interest to know quite definitely what their position was and to be able to give proof of their status. The question should be settled one day or another, in the interests of the inhabitants themselves.

M. DUCHÊNE thought that the question was one which interested not only Togoland under French mandate but all the inhabitants of mandated territories. A description had been adopted by the Commission and the competent organs of the League of Nations without any exact definition of the consequences, and embarrassing cases had come before the French authorities. For example, the following question arose: Should it be possible to treat an inhabitant of the Cameroons as an ordinary foreigner if he were an undesirable? More particularly, could he be expelled from French territory as an ordinary foreigner? The case had arisen and had never been settled. The mandatory Power must, in dealing with such matters, wait for a lead from the Commission when the latter had itself established its doctrine.

The CHAIRMAN desired to recall the terms of the resolution adopted by the Council on April 23rd, 1923. He did not think that it was the intention of the mandatory Power to depart in any respect from the rules which had thus been laid down by the Council.

Economic Equality.

M. ORTS said that it was stated in Section III dealing with economic equality, on page 29 of the report, that in asking for tenders the mandatory Administration not only applied to local firms of every nationality but to the nationals of all the States Members of the League when material was required which was not to be found on the spot.

M. FRANCESCHI said that this system had been in force for about fifteen months, with the exception of so-called essential public works and services.

M. RAPPARD understood that the list given in the first paragraph of the section on economic equality was not limitative, and that economic equality also existed in regard to the exercise of professions.

M. FRANCESCHI observed that special rules existed, for example, in relation to the exercise of the medical profession.

M. RAPPARD, referring to the passage in the same section where it was said that certain categories of material were purchased through the "Agence générale des Colonies" in Paris, presumed that a person desiring to buy an automobile was not compelled to do so through this agency.

M. DUCHÊNE replied that the passage evidently referred only to public services.

Advisory Councils.

M. ORTS reminded the Commission that at its thirteenth session, which he had not attended, certain questions had been raised in regard to the Councils of Notables. M. Duchêne had announced that the next report would contain information concerning the principal discussions which took place in these Councils. Doubtless this was the matter referred to on pages 47 and 117 of the report. Was this information satisfactory to Lord Lugard, who had asked for certain details?

M. FRANCESCHI explained that the reply would rather be found on pages 3 and 4 of the Introduction, in the passage beginning with the words: "Les Assemblées sont au nombre de quatre . . ." If this information did not satisfy Lord Lugard, he would ask that the next report should contain more details on the subject.

LORD LUGARD asked whether the elections to the Councils of Notables were made in the European manner, namely, by means of a secret ballot, etc., or according to native methods?

M. FRANCESCHI drew attention to the information given on page 117 of the report under the heading of: "Participation of the natives in the management of local and general interests" and, as regards electoral procedure, to the 1924 report (Chapter VI, page 72) and 1925 report (Annex to Chapter VI) mentioned on page 3 of the report for 1928.

M. DUCHÊNE added that the Commission might refer to the Ordinances published in 1922 to 1924.

M. VAN REES understood that the Ordinance of 1922 had been annulled by the Ordinance of 1924; in these circumstances, why was the Ordinance of 1922 mentioned in the second column of the introduction?

M. FRANCESCHI replied that he had not before him the local Decrees dated February 17th, 1922, and November 4th, 1924, but that it might quite well be that certain provisions of the Ordinance of 1922 still subsisted.

M. VAN REES noted that, according to the Introduction, the Assemblies were four in number. The Chamber of Commerce in Lomé, however, which had existed in 1921, was not mentioned,

probably because it had not been considered as one of the important parts of the Administration. Nevertheless, in considering the attributions of this Chamber of Commerce and those of the Economic and Financial Council, which also sat at Lomé, it might be asked whether there was not some risk of overlapping.

M. DUCHÊNE replied that the Chamber of Commerce was exclusively composed of representatives of commerce, whereas the Economic and Financial Council also included representatives of the public services. The Chamber of Commerce at Lomé was, as regarded its scope, a body which dealt with matters exclusively of interest to the town, whereas the scope of the Economic and Financial Council extended to the whole territory.

M. SAKENOBE noted that on page 47 of the report there was a reference to the fact that the Economic and Financial Council had not met in 1928 owing to the absence of the regular Commissioner. According to the Organic Law, however, there were certain questions which came within the province of this Council and in regard to which it should be consulted. Such consultation could not have taken place as the Council had not met.

M. DUCHÊNE said that the opinion of the Council might be reserved in case of need until the following session.

M. SAKENOBE suggested that an extraordinary session of the Council might be contemplated.

Native Migrations.

M. VAN REES asked for explanations in regard to the villages referred to on page 45. Did this reference apply only to the region of Sokodé, and what were the reasons for these native migrations ?

M. FRANCESCHI said that the native migrations were decreasing as it became steadily less easy to find districts which were unpopulated and without owners and where there existed a supply of drinking water. When the population was settled upon lands which were not very fertile or were too densely peopled, the Administration persuaded the natives to settle in model villages, which were known as "villages cabrais".

M. VAN REES asked whether there was any special reason why this migration should be of particular importance to the natives of the region of Sokodé.

M. FRANCESCHI said that the reply to that question would be found on page 38 of the report for 1927, in which it was stated that the district of Sokodé was particularly over-populated.

Lord LUGARD said that there was considerable emigration from Togoland to the Gold Coast. That movement had been attributed to the fact that the natives showed a preference for English currency, particularly prior to the stabilisation of the French franc. It was, however, also asserted that the movement was to be attributed to excessive taxation. Was there any truth in this assertion ?

M. FRANCESCHI replied that the emigration was not permanent. The natives returned to Togoland, as was stated in the report (chapter on "Population").

Distribution of European Officials in the Public Services.

M. ORTS noted with satisfaction that, on page 110 of the report, the Administration had replied at length to the requests of the Commission for information in regard to the distribution of the European staff in the various public services.

Financial Policy.

M. RAPPARD, referring to public finance, thanked the author of the report for having so carefully responded to the previous requests of the Commission. The chapter on Public Finance contained many very instructive schedules. He understood that there was a local budget and two annexed budgets.

The public health budget had its own revenue, because certain taxes were specifically assigned to it. Similarly, the budget of the railways and wharf included the revenue derived from those enterprises. The surplus of the latter budget appeared to be paid into the Reserve Fund and the surplus of the public health budget to a special fund for the improvement of the service. Was this so ?

M. DUCHÊNE replied in the affirmative.

M. RAPPARD said that the Commission should again note the considerable surplus of receipts over expenditure. A close examination of the figures showed that this excess was not due to the fact that expenditure was lower than the estimates, but to the fact that the revenue always considerably exceeded the estimates. If this fact were considered in connection with the information to the effect that the natives were emigrating in order to escape excessive taxation, it might be asked whether this was not a case of cause and effect.

M. DUCHÊNE said that the question had been considered by the Commission in previous years. The accredited representative had always replied that if the Reserve Fund in Togoland represented a considerable sum, the intention was to use it when required. Current expenditure had already diminished these surpluses. The Reserve Fund in Togoland now only amounted

to 21 millions, whereas at one time it had exceeded 30 millions, a sum which was clearly out of proportion to the total budget. The intention was to develop the railways of the territory by means of resources which were not exclusively due to loans. The French Government had just placed before Parliament a Bill guaranteeing a loan of 65 millions to Togoland. It had been laid down previously that a mandatory Power could quite well guarantee a loan issued by a territory under mandate.

The Administration desired to prolong the railway line in Togoland for 190 kilometers towards the north from Atakpamé to Sokodé. This railway would cost 110 millions. Of this amount, 65 millions only would be raised by a loan and 45 millions would be provided from the abnormal surpluses obtained during recent years. These surpluses would doubtless be continued for two or three years to come. It seemed to him to be a good financial arrangement to resort to a loan only within the limits which were strictly necessary.

M. RAPPARD said he did not wish to imply that the Administration taxed the natives for its pleasure. The construction of railways, however, was not solely in the interests of the natives. Was it not, moreover, too much to ask the present generation to make a fiscal effort which was out of proportion to their capacity in order to constitute a Reserve Fund of this character? He had been struck by the heaviness of certain taxation. The information given as to the causes of the emigration which had occurred appeared to suggest that taxation should be lightened.

M. DUCHÊNE said that the observations which had just been made were connected with a more general question. When works of public utility were undertaken and would be continued for a certain number of years, should the burden be laid on the future generations which would benefit more considerably from them or on the present generation which would profit them to a more limited extent? He would submit that the solution adopted and embodied in the Bill recently laid before Parliament was a compromise between the two points of view. Of the burden, 65 millions would be borne by future generations and 45 millions by the present generation.

He would not dwell on the observations made by M. Rappard concerning the alleged emigration towards British territories. That emigration had not the importance which appeared to be attached to it and, while admitting that it was partly explained by taxation, there were certainly other reasons, such as differences in the currency, salary, etc. The emigration, moreover, was not limited to Togoland and was more often seasonal; it occurred in the direction of the Gold Coast, where the inhabitants of the territory would pass a season and subsequently return to Togoland with their savings.

He would point out in reference to the general question raised by M. Rappard that it was essential to recognise that the present taxpayers would profit from the proposed railway which would be built within four or five years.

M. RAPPARD said he had no intention of provoking the present taxpayers to criticise the Administration. It was clear, however, that those living on the coast, and there was a large number of them, would profit least from the construction of the railway, which was chiefly of interest to the natives of the north.

The CHAIRMAN pointed out that this was the fourth time that the question had been raised in the Commission. It was a question which involved a very important principle and it was precisely such questions with which the Commission should deal. Various members of the Commission had certain views on the subject, and on several occasions the accredited representative had developed his own opinions.

The Chairman felt that the Commission should deal with the question raised by M. Rappard and arrive at conclusions, if it thought it was desirable to do so, when it was drawing up its observations.

Count DE PENHA GARCIA emphasised the importance of the question raised by M. Rappard. M. Rappard was asking whether, at present, the taxpayers of Togoland were not somewhat overburdened. Was there no way of making a special study of this subject? It was perhaps difficult to assess the financial capacity of the natives of Togoland, but a simple calculation showed that the present taxation amounted to 40 francs per head. Was that an excessive or a moderate sum? Personally, he did not know, but other information contained in the report might perhaps call for the attention of the Commission. In 1928 a slight decrease in the revenue from taxation was noted. Was this not a significant fact, and might not the mandatory Power next year, after having made a special study of the question, inform the Commission whether the native was overtaxed or whether the present system could be regarded as normal? If the present surpluses did not involve a taxation of the natives beyond their capacity, it was perfectly reasonable to use those surpluses for works of general interest.

M. RAPPARD thought it would be useful for the Commission to repeat its observations on this special point in order to emphasise the fact that it was still uneasy as regards the reserves which were accumulating and its desire that this situation should retain the attention of the Administration of the mandatory Power.

In regard to the exceptional withdrawals from the Reserve Fund shown in the table on page 51, M. Rappard was under the impression that this had been necessitated by a momentary lack of funds in the Treasury. The corresponding reimbursement of the sums was probably to be found under the heading "dépenses hors chapitre":

M. DUCHÊNE said that this was the case.

M. RAPPARD thought that the exceptional withdrawal of 13,850,000 francs from the extraordinary budget was also a Treasury operation. The repayment of the surplus of this account was not, however, specifically mentioned.

M. DUCHÊNE replied that M. Rappard would find the necessary explanations under the heading "opérations extraordinaires" on page 58.

With reference to the preceding observations of the Chairman, which had not been addressed particularly to the accredited representative, M. Duchêne thought that such discussions might be repeated every year as long as the Commission had not taken a definite decision as to its policy in the matter. If this policy became final, account must also be taken of the following new fact which would be clearly set forth in the next report, namely, that it was not because it desired to accumulate wealth that the Administration was trying to cause the receipts from the budget to be definitely larger than the expenditure. The Bill mentioned by M. Duchêne, which would be referred to in the report for next year, applied in part to the building of the proposed railway in Togoland.

In reply to the observations of Count de Penha Garcia, the accredited representative considered that had the native been called upon to bear too heavy a fiscal burden, the economic position of the country from the moment when the Commission had had the opportunity of noting the large size of the Reserve Funds, would have been in a very unsatisfactory condition. This, however, was not the case and the economic position of the territory remained in 1928 very much what it had been in 1927. Foreign trade had slightly fallen off (175 as against 183 millions). This could be attributed to other causes than excessive taxation. There had been difficulties of a commercial kind which had arisen not only in Togoland but which were to be found in all the possessions in Africa and outside that continent. Emigration, of which neither the causes nor the importance must be exaggerated, occurred mainly in regard to the population of the northern part of the territory, although it was the population dwelling near the coastline which sustained the weight of the taxation. He thought, therefore, that the economic position of the territory was not really unsatisfactory. The results of the work for which provision had been made would appreciably benefit the present generation as well as the future generations. He felt sure that the whole country would benefit from the construction of a railway connecting the coast with a district which was at the moment entirely without means of communication.

M. RAPPARD wished to put a question concerning the use of the Reserve Funds for the purchase of French Government and "Défense nationale" bonds. These securities had been bought at 4 per cent redeemable in two years. Had they been bought at the market rate? This was a matter of great importance, since it was contrary to the principles of disinterested rule that a mandatory Power should make a profit at the expense of a mandated territory.

M. FRANCESCHI replied that these bonds had been bought at the market rate of the day.

M. DUCHÊNE recalled that the Commission had already drawn the mandatory Power's attention to this point. It had been asked whether the interest on the bonds thus purchased had been paid into the budget of the French State. The reply was in the negative. The interest went to the budget of the territory. Further, it should be remembered that there was no special market or conditions favourable for the purchase of bonds with a view to creating a Reserve Fund. The purchases were carried out on the Paris Bourse under conditions which were quite normal. The Government had no wish to swell the Reserve Funds of Togoland to an exaggerated extent. About a week previously a decree had been published in the *Official Journal* of the French Republic laying down a compulsory minimum which must always be available in the Reserve Funds of the various territories dependent on France. The minimum in the case of Togoland was only 500,000 francs. This was significant.

M. ORTS, referring to the observations made regarding the Reserve Funds, thought that the mandatory Power must be allowed some freedom of action as regards its financial policy. He was inclined to agree, however, with M. Rappard regarding the practice of requiring the present generation to bear all the cost of the construction of railways to be used to open up the territory from which following generations would be the chief beneficiaries. There might, however, be good reasons for such action and it was for the mandatory Power itself to judge whether this policy would benefit the territory at the present moment.

Without requiring an immediate reply, M. Orts would like to know whether this practice was general, and if the case of French colonies or protectorates could be quoted in which, by means of Reserve Funds, important public works were carried out.

He added that in his view Count de Penha Garcia had put the question in the form in which it interested the Commission. Did not this financial policy involve excessive taxation for the native population? He thought that on this point the Commission was right in asking for fuller information. It was obviously difficult, as Count de Penha Garcia had pointed out, to determine the financial capacity of the natives, yet it was not impossible to do so. It would be useful to submit in a table, side by side with the amount of the native taxation per head, the standard usually adopted to calculate the financial capacity of the population — for example, the average wages of manual labour, the average value per hectare of the usual crops grown by the native (cotton and maize) or of the produce of small native breeding-farms. M. Orts hoped that the report for next year would contain a table of that kind.

M. DUCHÊNE replied that such a table could be furnished. He thought, however, that it would always be somewhat approximate.

FOURTH MEETING.

Held on Tuesday, July 2nd, 1929, at 3.30 p.m.

Chairman : Marquis THEODOLI.

993. **Togoland under French Mandate : Examination of the Annual Report for 1928**
(Continuation).

M. Duchêne and M. Franceschi came to the table of the Commission.

Financial Policy (continuation).

M. KASTL recalled that, at the previous meeting, M. Orts had taken the view that it would be necessary to discover by investigation whether taxation in the territory was proportionate to the fiscal capacity of the inhabitants. The table on page 61 of the report, however, showed that the Administration was collecting revenue which exceeded by between 20 and 30 per cent, and in some cases even 40 per cent, the amount which it expended on the upkeep of the territory. Such an excessive proportion of receipts over expenditure was not usually found in a normal budget.

The CHAIRMAN pointed out that in the budget of the territory for 1928 was included the share paid by Togoland towards the annual allowances made to the permanent delegate of the Ministry of Colonies accredited to the Permanent Mandates Commission of the League. This question, as well as that of the cost of printing the report to the League and the subsidies paid to a number of institutions in the mother-country which dealt with colonial interests in general, had been discussed at the thirteenth session of the Commission. It would be desirable for the mandatory Power to examine the possibility of abandoning this tendency to cause the mandated territory to support expenditure which was not incurred exclusively on its behalf.

M. DUCHÊNE said that the principle that any expenditure foreign to the territory must not be supported by the budget of the territory was strictly enforced. In the matter, however, of the expenses of the accredited representative and the upkeep of the agency in Paris, whose duty it was to give information on the commercial facilities to be found in Togoland, he could assure the Commission that the expenditure under these heads was in the interests of the territory.

The CHAIRMAN did not deny this fact. He pointed out, however, that if this conception were pushed to the extreme limit the following absurdity would be the result : the budget of the territory would have to support also a part of the cost of the Ministries dealing with the territories under mandate.

M. DUCHÊNE replied that the Administration had never contemplated meeting such expenditure in that manner. The only expenses placed on the budget of the territory were those incurred by the representative of France attending the Permanent Mandates Commission and by the upkeep of the agency for commercial information. The various items mentioned in the budget all concerned expenditure incurred for the benefit of the territory.

Economic Equality : Customs Policy.

M. VAN REES asked whether it was correct that some years ago all Customs barriers between French Togoland and Dahomey had been entirely suppressed. Did not this result, in practice, in an infringement of the principle of economic equality ?

M. DUCHÊNE replied that there was no internal Customs frontier, but that there was no Customs union, nor were the Customs tariffs in force in the two territories bound to be identical. The export and import duties were levied separately.

M. FRANCESCHI added that there was a Decree regulating the Customs tariffs in force in Togoland and another Decree regulating the Customs tariffs in Dahomey. Nevertheless, Article IX of the Mandate authorised unions of this kind between a mandated territory and a colony, provided that they did not affect the principle of economic equality and did not lead to confusion.

M. DUCHÊNE recalled that there were certain mandated territories of which the administration had been combined with that of adjacent colonies. This had never been the case as regards France.

M. VAN REES referred to the Decree of April 21st, 1928, concerning the colonial Customs regime. He concluded from that Decree that goods coming from the mandated territory benefited on their entry into France from the minimum tariff ; other goods coming from other territories under Belgian and British mandate were not admitted to France on the same basis.

M. DUCHÊNE replied that this was correct. Goods from all countries under French authority, of whatever kind, destined for France paid the lowest duty.

M. KASTL took the case in which goods were imported from France to Dahomey and re-exported to Togoland ; such goods would receive preferential treatment as compared with that granted to goods coming direct from other countries Members of the League.

M. DUCHÊNE replied that there was no preferential tariff in force for French goods imported into Dahomey ; that territory was still included in a zone which, by virtue of the Franco-British Agreement of 1898, gave no preferential treatment to French goods on entering the territory. A general import duty was imposed, which was the same for all goods whatever their origin. The possible combination referred to by M. Kastl could not therefore occur.

Lord LUGARD had seen it stated that preferential treatment was given to French vessels in so far as export of produce was concerned. It had been alleged that foreign vessels had to wait until French vessels were loaded.

M. DUCHÊNE replied that this appeared to be a case of preference pure and simple, for there was nothing to justify it. He did not know whether, in certain circumstances, the French authorities had been zealous in supporting the shipping companies of their own country.

M. RAPPARD thought that the Commission should express the hope that the zeal of the officials in the mandated territory would be displayed also for the benefit of the other Members of the League of Nations and also in the service of the principle of economic equality.

Economic Development : European and Native Agriculture.

M. MERLIN desired to return to the economic question dealt with in the chapter on the finances of the territory. The receipts from the railways and harbours, and the movement of trade, showed a slight decrease. Two or three reasons were given for this in the report. There had been an epidemic of yellow fever, which had lasted a month ; the cocoa crop had been late. There was a third reason which had not been stated : this was that the general fall in the exchange had led to a general decrease in business.

Much had been said in regard to the amount of taxation which the natives were capable of bearing. There were very few means available for calculating such an amount. They existed, however, and M. Merlin thought that the attention of the Administration should be drawn to them in order that some information might be given in the next report.

He would refer to another point to be borne in mind when drafting the next report. Mention had been made on many occasions of the movements of the population. He thought that these were merely seasonal migrations. For several years, the Gold Coast and Nigeria had been held in great favour by the natives because of the high value of their currency. Seasonal migrations had therefore occurred, and the persons going into these territories returned to Togoland after a certain time. In any case, the next report should give more definite information as to the character and importance of these movements.

Now that the general questions had been settled, M. Merlin wished to congratulate the Administration on its efforts to encourage agriculture, especially in regard to the establishment of experimental stations. He noted, however, from the budget of 1927, that only 151,000 francs had been expended out of a credit of 990,000 francs. This credit had been considerably increased for the year 1928 and had amounted to 3,200,000 francs. The figure for the actual expenditure was not yet definitely known. Occasionally, a considerable increase of credits was to be noted, although the credits voted for the previous financial period were far from being fully exhausted. It was irregular to insert in the budget credits which were out of all proportion to the actual expenditure, and M. Merlin would like to have explanations regarding this practice at the next session of the Commission.

M. ORTS noted that the statistics in the report gave the impression that the territory had been suffering for several years from a commercial crisis.

M. DUCHÊNE replied that the crisis was not severe. A slight falling-off in foreign trade was to be noted, which was due to the causes mentioned by M. Merlin.

A comparative study of the resources of the country and the amount which the taxpayers could support in taxation would be submitted in the next report, in so far as this could be done with the figures available.

As far as expenditure on agriculture was concerned, M. Duchêne observed that the actual figure would not be known until the close of the financial year. It was probable, however, that it did not reach the figure shown in the budget. The reasons which had made it impossible to use all the credits voted would be given in the next report.

Finally, he would make a note of the observations of M. Merlin concerning certain agricultural experiments which were being conducted.

M. ORTS noted from the table on page 11 of the report that the number of natives employed in European agricultural and industrial enterprises was only 336, and that it tended to diminish. On the other hand, the quantity of agricultural products exported was increasing. It followed from this that European exploitation by means of native labour played only a small part in the economic life of the country, and that, on the other hand, native agricultural exploitation was increasing. This latter situation was satisfactory.

M. DUCHÊNE replied that the table from which M. Orts had taken the figures referred to was only a summary of a preceding table. It represented a very small part only of the

economic life of the country. It could be seen from page 10 of the report that the total amount of native labour employed in commercial houses amounted to 983, which was fewer by 183 than the number employed in the previous year. This difference was due to a reduction in the number of agencies, which had fallen from 429 in 1927 to 331 in 1928. The obvious cause lay in a falling-off of business in oil products.

M. RAPPARD said it would be of interest to know the number and importance of European concerns in the territory, and how native labour was organised.

M. MERLIN recalled that in the Gold Coast and Togoland the natives were the main producers and sellers.

Mr. GRIMSHAW said that the reply to M. Rappard's question was to be found on page 116 of the report. The Agou plantation was exploited directly by the territory. The plantations of Baguida and Kpémé had been sold by public auction to prominent natives. The plantations of Wouame and of the firm of Otto Wallbrecht, at Lomé, had been sold by auction to native traders, who were managing them themselves. The plantation of Batonou had been bought and was being exploited by the Société des Comptoirs et Huileries du Dahomey. There were thus very few European employing native workers.

Parcel Post Service.

M. KASTL said that a letter sent by the French authorities to the German postal authorities had notified them that the parcel post service would not be applied to the French colonies. Did this also apply to mandated territories?

M. FRANCESCHI replied that all commercial parcels were carried by the parcel post service, and that a single system was applied everywhere.

M. KASTL was aware that one rate only existed, but he wished to know if only French boats were authorised to carry postal parcels?

M. FRANCESCHI was unable to say. He would reply before the end of the session¹.

Administrative Plantations.

M. VAN REES pointed out that, under the head "Administrative Plantations", agricultural plantations were included, which the Administration was exploiting with the object of hastening the development of the country. Its example was leading the natives and the European population to grow large plantations. Doubtless, these enterprises belonged solely to the territory of Togoland and their produce was sold for the benefit of that territory?

M. FRANCESCHI replied in the affirmative.

M. VAN REES asked whether the labour was free or compulsory on such plantations, whether they were granted special tax exemption, and what became of the produce.

M. DUCHÊNE replied that the report gave detailed information in regard to each plantation. The workers were in no way obliged to work there. Labourers were recruited by contract or engaged voluntarily by the day.

M. FRANCESCHI added that the produce sold either on the spot or in France was a source of profit to the territory.

M. DUCHÊNE said that the report showed that the average number of workers employed in 1928 in the various services and in the various districts of the territory was approximately 3,000, of which number about 800 had been labourers.

Native Justice.

M. KASTL said that a Decree of May 16th, 1928, provided that a native accused of a misdemeanour might have the assistance of counsel, whereas, if accused of crime, counsel was indispensable. Mr. Buell's book alleged that, according to the new system, a native could be condemned directly without trial. Was this possible?

M. FRANCESCHI replied that there was undoubtedly a misunderstanding. This could only refer to an administrative decision taken in conformity with the system applied to natives (*indigénat*).

M. DUCHÊNE pointed out that Mr. Buell's book had been published and, above all, had been written before the Decree of May 16th, 1928.

M. KASTL said that, whatever might be the actual facts, this passage had given a widespread false idea of the system of justice. It would be in the interests of the mandatory Power to explain the measures of protection which the natives could claim when they were brought before the law courts.

M. DUCHÊNE would recall that the Decree of 1928 had been issued in the interests of the native populations of Togoland. It was possible that Mr. Buell, during his visit, which had taken

¹ See Minutes of the sixteenth meeting.

place before the promulgation of the Decree, had been able to discover certain isolated facts concerning the system applied to the natives, but which no longer existed.

Arms and Ammunition.

M. SAKENOBE noted that there was a considerable increase in the import of powder, as was to be seen from the table on page 12 of the report ; that table showed that the quantity imported in 1927 was three times greater than the quantity imported in 1926, and that the figure for 1928 showed a fresh increase of 50 per cent. What were the reasons for this ?

M. DUCHÊNE replied that the quantities imported were not yet very large. It was stated in the report that anyone possessing a gun could buy 1 kilogramme of powder a year. This was only a small amount, and, in view of the number of trade guns, the maximum quantity that could be imported was not yet by any means reached. The Administration took every precaution possible to obtain an exact census of the arms and powder in the country in order to prevent abuses.

M. SAKENOBE noted that on the same page of the report the quantity of powder actually sold was given. As the consumption had not increased, was it to be understood that the stock in hand had now risen considerably ?

M. DUCHÊNE replied that the stock was still certainly very low.

Employment of the Natives in the Administrative Positions.

Lord LUGARD asked what proportion of natives were employed in administrative positions. It had been alleged that there were very few so employed.

M. DUCHÊNE said that a detailed reply to this question was to be found in the table on page 112 of the report. In 1928, 1,201 natives had been employed.

M. FRANCESCHI added that, as education developed, the number of small native employees would increase in the Administration and in private businesses.

M. DUCHÊNE drew the Commission's attention to the Decree of November 25th, 1928, regulating the conditions under which natives could obtain certain classes of employment.

Labour.

Mr. GRIMSHAW noted that, in 1928, there had been 607 contract labourers. The passage concerning administrative work, however, said that the average number of workers employed in 1928 by various services and in the districts of the territory might be said to be 3,000. In these circumstances, a considerable proportion of native labourers appeared to be employed without contracts and, consequently, were not protected by the Decree consolidating labour legislation, of which the text was to be found on page 128 of the report. Was there any other legal protection of their interests ?

M. DUCHÊNE replied that the natives in question were day labourers. In any case, there had been no "prestation" of a fiscal character, nor had workers been requisitioned in 1928. This was stated in the report.

Mr. GRIMSHAW had noted the information on these points with satisfaction. He wished to know, however, what legislation protected the 2,500 day labourers.

M. DUCHÊNE replied that it was the short periods which they worked which formed their protection.

Mr. GRIMSHAW recalled that, at the thirteenth session, M. Duchêne had informed the Mandates Commission that the chiefs of Togoland were very powerful, and that one of their tasks was to furnish labour. Did they still perform this task in the interests of the Administration ?

M. DUCHÊNE replied that the report had specified that the recruitment of day labourers gave rise to no difficulty. Natives whose natural habit of life did not make them strenuous workers came forward in large numbers when the task they were to perform was of a definite nature and of short duration.

Mr. GRIMSHAW wished to explain his question more clearly. In a number of colonies, a system was used which, in his view, was somewhat hypocritical, by which the Administration maintained that it had no recourse to forced labour, but that it simply called upon the native chief to use his influence to send labourers to the Administration. He wished to know whether the Administration of Togoland used its authority and prestige to bring pressure on the local chiefs.

M. DUCHÊNE was convinced that nothing of this kind occurred. The report laid emphasis on the amount of protection given to native labour and on the ease with which it was recruited.

Lord LUGARD called the attention of the accredited representative to the speech of M. Albert Lebrun in the French Senate on December 14th, 1928, reported in the *Journal Officiel* of May 18th, 1929. Taking a population of 13,500,000 in French West Africa and deducting those unfit for hard work, and also women and males under 20 and over 40, he arrived at a total of 1,900,000 adults. Four-fifths of these, he considered, should be left in the villages to cultivate

food crops, and maintain the race, etc. This reduced the total available to 380,000, of whom probably 35 per cent would not be suitable. Thus only about 200,000 remained out of a total of 13,500,000, viz., 1½ per cent of the gross population. These figures were perhaps exaggerated, but Lord Lugard was much interested to learn that the French Government had pursued the same line of investigation as had been adopted by a Belgian Commission in the Congo in order to ascertain the proportion of wage-labour which could be employed without injury to native life. He would like to know whether there was any intention of restricting recruiting on these lines or in proportion to the distance of the place of employment from the villages, and what was the present percentage employed in wage-labour in Togoland with a population of 787,000, whether for Government or private enterprise.

M. DUCHÊNE replied that these various percentages could be easily calculated from the various categories shown in the statistical table. The result would be submitted to the Commission in the next report. He was unaware of the designs of the Administration in regard to the adoption of a coefficient similar to the Belgian coefficient. There was no doubt, however, that the present proportion of labourers employed in all kinds of work seemed to correspond quite closely to the average mentioned by Lord Lugard.

Lord LUGARD said that the Belgian calculation was that only 5 per cent should be allowed to engage under contract for work at a distance. A larger percentage could be taken for work nearer their district and a still larger number might work if they returned to their homes every night.

Mr. GRIMSHAW noted that the bonus granted in 1925 to native labourers employed on the railways, wharves and public works had been abolished. Why had this step been taken when the legislation concerning contract labourers had re-established the bonus?

M. DUCHÊNE replied that the only reason was that the pay of the natives had increased.

Mr. GRIMSHAW noted that payment of taxes in labour had become entirely useless since every person liable to it had commuted it by money payment. Would it not therefore be preferable to convert such taxes into a direct money tax?

M. DUCHÊNE thought that this suggestion was justified by the present situation. If it continued, his impression was that the Administration would move in the direction desired by Mr. Grimshaw. It was, however, for the local Administration to decide on the desirability of such measures.

Education.

Mlle. DANNEVIG said that, according to Decree No. 364, the essential object of elementary primary education was to make the natives familiar with the French language. No mention was made of the native vernacular.

She noted that, on page 23 of the report, it was said that the Administration had made a careful selection of pupils with the object of keeping only those who showed themselves capable of profiting from education. Was it for that reason that the numbers of children attending school had decreased? The report said that, even in the village schools, the number of pupils was decreasing, except in the schools run by the Catholic Missions.

M. DUCHÊNE replied that the mandatory Power must be able to spread the use of its language in order that the administrators might be able to make themselves understood by the natives.

M. MERLIN added that there was no single native language in Togoland.

Mlle. DANNEVIG was well aware of this fact. The same difficulty occurred in other territories under mandate, where, however, the young children were taught in their vernacular and the older children in the language of the mandatory Power.

M. DUCHÊNE replied that mandatory Powers taught European languages in all mandated territories. It should be remembered that only the indispensable rudiments of the language were taught.

As far as the decrease in the number of pupils was concerned, it should be noted that in Togoland, just as in the French countryside, it was often difficult to arouse the interest of the average family and of the children in order to induce them to obtain the education which was at their disposal in the schools.

Mlle. DANNEVIG noted that the report, in reply to a question put in 1928, only mentioned domestic economy schools for girls who did not attend the ordinary schools though they were open to them. Did that mean that there was no general education for girls in the territory?

M. DUCHÊNE replied that Mme. Wicksell had attached great importance to the establishment of domestic economy schools. This in no way prevented girls from obtaining access to the general education.

Mlle. DANNEVIG noted that the report stated that there was a lack of schoolmistresses. She noted with satisfaction the reply of M. Duchêne, for it would be impossible to train mistresses if girls were not given a general education first.

M. DUCHÊNE drew the Commission's attention to the table showing the number of European teachers (page 22 of the report), which showed that there was a woman director of secondary education, another of the School of Domestic Economy, another for the girls' school and, finally, a mistress whose duty it was to teach a European class at Lomé. The same table showed that there was a mistress attached to the district school at Anecho.

Mlle. DANNEVIG replied that these persons were all European. The matter in which she was especially interested was the training of native teachers.

M. FRANCESCHI said that the Administration was training elementary teachers. It was difficult, however, even in France to apply strictly and absolutely the laws in force regarding compulsory education. It was still more difficult to do so in Togoland.

Mlle. DANNEVIG recalled that, at the thirteenth session of the Commission, details had been asked for in regard to the expenditure on education. It had also been asked whether the actual expenditure corresponded with the sums set aside in the budget for 1927. The reply contained in the report (page 115) appeared to show that the sums in question were only budgetary estimates. For the year 1928, however, the credits set aside, but not the sums actually expended, were shown in the table under sums devoted to education (page 27). What had been the actual expenditure?

M. DUCHÊNE replied that this information would be available at the close of the financial year 1928.

As to the number of persons receiving education, he would recall that there were certain compensating factors. Although the number of pupils attending certain schools had decreased, the number of pupils attending the Mission schools had slightly increased, which meant that the actual total was about the same, though this, indeed, was not sufficient.

Mlle. DANNEVIG replied that the number of scholars attending the Catholic Mission schools had slightly increased, but the numbers attending the Protestant and lay schools had considerably diminished. It was to be seen on page 115 of the report that the subsidies granted to free schools amounted to 150,000 francs. Would it not be possible to increase these?

M. DUCHÊNE said that the Administration would take this request into consideration and would decide how far it was possible to meet it.

M. FRANCESCHI said that, in that case, the local Administration would probably be more liable to require that the missionaries should possess university degrees and, in spite of the most complete liberality, to request that their main preoccupation should be that of teaching.

Mlle. DANNEVIG thought that it would be too much to require university degrees for teachers whose duty it was to teach small negroes between 6 and 12 years of age.

M. DUCHÊNE referred to the table, on page 26 of the report, which showed the numbers attending the Evangelical Mission school at Lomé. In 1927, 2,034 pupils had attended, and 2,011 in 1928. The decrease was therefore only 23.

Mlle. DANNEVIG recalled that there was an urgent need of native teachers. It was to be noted from the report, however, that, out of twenty native candidates who had submitted themselves for examination, only three had been accepted. This was disquieting in view of the difficulty of recruiting native teachers.

M. DUCHÊNE replied that the standard of the examinations had been raised. Perhaps it would be advisable to lighten the programme.

Mlle. DANNEVIG returned to her first question. It might happen that parents did not send their children to school because they were not taught in the vernacular. Could not some effort be made in this direction?

M. DUCHÊNE replied that, owing to the great number of dialects, it was difficult to require the teachers to be acquainted with them. Moreover, the Missions taught the Catechism in the native dialect, and in spite of that fact the number of pupils attending the Missions remained stationary.

Schoolbooks and the Mandates System.

Lord LUGARD said he had read in *Foreign Affairs*, a newspaper of the British Labour Party, that French classbooks deliberately ignored the existence of the mandates system, and territories under mandate were merely treated as French colonies. The quotations in support of this allegation were taken from the schoolbooks of MM. Baudrillard, Colin and Fraysse.

M. DUCHÊNE said he had no knowledge of the matter. He was under the impression that the books referred to were used in French schools.

He declared, in answer to Lord Lugard, who asked whether an attempt was made to explain the mandates system to the more advanced pupils, that in all probability the native children would with difficulty understand the distinctions between the various forms of authority with which the European countries were entrusted.

M. RAPPARD said it was clear that the French authorities could not be asked to prepare special schoolbooks for the countries under mandate, and that it was impossible for the

Commission to interfere with the organisation of public education in France. It could not, however, fail to be of advantage to the children of all countries to be made acquainted with the existence of the League of Nations and the mandates system. It seemed to him that the Mandates Commission might express the wish that, in the schoolbooks used in the territories under mandate, account should be taken of these new facts.

M. DUCHÊNE reminded the Commission that the geographical schoolbooks drew a distinction between the different systems. In primary schools, however, these distinctions could not be readily comprehended by the pupils.

M. ORTS said that the English paper in question referred to an atlas and schoolbooks used for education purposes in France and not in the territories under French mandate.

M. DUCHÊNE said that, in those circumstances, the problem was a general one, which went beyond the mission entrusted to the accredited representative of the mandatory Power. The Mandates Commission might perhaps rather make its wishes known to the Committee on Intellectual Co-operation, for example.

The CHAIRMAN thought that such a step would be irregular. The Mandates Commission was drawing the attention of the accredited representative to a mistake which had been noted in certain textbooks. It was for the Administration of the mandatory Power and not for the Mandates Commission to determine the body to which it was desirable to forward these observations.

M. MERLIN thought that it would be easy to raise the same objections in regard to the books used for education in England. He had had a sufficiently long experience of the Press to know how lightly such allegations were made, and he must protest against the readiness with which the Mandates Commission tended to base its judgments upon newspaper articles.

The CHAIRMAN replied that, if attention were drawn to a mistake of the same character in the official programme of education in force in England, the Commission could only make the same observations. He would point out to M. Merlin that, from the general point of view, the Commission could always utilise all sources of information. It was for the accredited representatives to dispute their accuracy if they felt it necessary to do so. As he had said on several occasions, the Commission, in acting thus, thought it was giving the mandatory Power a good opportunity to establish the real facts.

M. ORTS pointed out that the same article in the paper in question had drawn attention to the same mistakes in English atlases.

Spirits and Drugs.

COUNT DE PENHA GARCIA said he would present certain observations and would express his satisfaction with the legislation in force and the results achieved.

First, the questions raised by the Commission during its thirteenth session had received satisfactory replies (page 115 of the report).

Secondly, there would be found in the report, on page 14, very complete statistical information on the import and consumption of alcohol and the results of the repressive legislation.

It would first be noted that the consumption of spirituous liquors had decreased in 1928. In that year a very important law had been enacted which was intended to achieve its purpose by indirect means. The sale of containers for liquor below a certain quantity was prohibited, as was the sale by the glass, except in certain very rare cases in which exception was made in favour of the hotel industry. This legislation was thoroughly reasonable and appropriate. He would point out, however, that, since 1922, steps had been taken in Togoland to reduce the consumption of alcohol. The import of alcohol had nevertheless increased up to 1927, and it was only in 1928 that a considerable decrease had been noted. To what cause was this recent result to be attributed? What exactly were the provisions of the legislation of 1928 which had been more especially effective?

Smuggling of spirituous liquors was virtually non-existent. The report, however, drew attention to a small case of contraband which had been suppressed. Had that case occurred near the frontier or near the seaboard? The consumption of drugs, he noted, was permitted only for medical purposes, and subject to a very strict control.

M. FRANCESCHI said he would reply to these questions at the next session.

COUNT DE PENHA GARCIA said he would also like to raise a general question. Certain administrators in Togoland claimed that the considerable decrease in consumption noted in 1928 was in correlation with the increase in the consumption of beer, millet and palm-wine. Was that the case?

Had a scientific study been made of the injurious effects of native liquors? Some of these drinks were harmless; others, on the contrary, were toxic.

Attention was drawn in the report to the very widespread use of gin. Probably the cardinal factor here was a question of price. Would it not be well to ascertain whether the import duty should not be increased in order that the consumption of this beverage might be diminished?

Finally, he had noted that the Administration thought it desirable to replace the tax on consumption by an equivalent duty. Was this due to the difficulty of control?

M. FRANCESCHI agreed that this substitution was due to the difficulty of controlling the tax on consumption, which also existed to the same extent in respect of the manufacture of palm-wine.

As regards the consumption of gin, the low price of that beverage must necessarily be an important factor. Alcohol made from any sort of wine was sold at 55 francs, whisky at 35 francs, and gin at only 27 francs. He would furnish the information requested by Count de Penha Garcia at the next session.

COUNT DE PENHA GARCIA thanked M. Franceschi and expressed his satisfaction at this portion of the report.

LORD LUGARD was glad to note that, in the table on page 14 of the report, the different kinds of spirits were given and mineral waters, etc., omitted as he had suggested. He would like to know whether the reference to "pure alcohol" was by weight or by volume. The definition adopted by the Council should be observed.

M. FRANCESCHI replied that the Belgian definition had been adopted: 18 degrees by weight, or 2 degrees less than the British Government had proposed. The indications by weight would, in the forthcoming reports, be placed within parentheses.

M. DUCHÊNE, replying to another question on the consumption of alcoholic liquors, said that time would enable an opinion to be formed as to whether there was a connection between the amount of alcohol imported and the consumption of native alcohol. The Administration would endeavour to ascertain the facts, but he felt bound to state at once that it would probably be difficult to analyse native liquors scientifically.

Public Health.

M. KASTL was pleased to note that 23 per cent of the revenue was expended upon public health. It would be seen, however (page 43 of the report), that during recent years leprosy had appreciably increased. The Administration had taken steps, particularly by organising villages for lepers. Had those villages been organised since 1928, and had any use been made of the invitation by the Health Section of the League of Nations as regards the campagne against leprosy.

M. MERLIN reminded the Commission, in this connection, that experience had shown that, in new countries, and even in ancient countries, the statistics collected for each new disease were usually considerable. The reason was very simple: the large number was due to an improvement in diagnosis which enabled all existing cases to be verified. A large number of cases had previously been in existence without having been notified.

M. FRANCESCHI pointed out that the report explained that the villages for lepers would be organised as from the beginning of 1929. The system would be developed or other measures would be tried according as the system was well or ill received.

M. KASTL observed (page 43 of the report) that venereal diseases remained frequent and constituted a great menace to public health. What steps had been taken to deal with these diseases?

M. FRANCESCHI replied that along the whole of the West Coast of Africa these diseases had developed considerably, and that it was very difficult to combat them, in spite of the exceptional gravity of the danger which they involved. There had been instituted periodical consultations, but the natives did not regularly submit to them. These diseases were a matter of constant anxiety to the Health Administration.

M. KASTL noted that the territories in which sleeping-sickness prevailed had been delimited with great precision. It would be desirable if in the next report a distinction were made between the number of patients notified in 1927 and in 1928.

M. FRANCESCHI replied that the number of natives examined in 1927 was 72,000 and in 1928 the number was 99,000. The number of individual cases recognised was 2,577. A distinction would be drawn in the next report as between the years 1927, 1928 and 1929.

M. KASTL asked whether there were any special reasons why infant mortality should amount to 37 per cent.

M. DUCHÊNE said that this alarming rate of mortality was due more particularly to syphilis. It was not surprising, moreover, if the care of the child in infancy was not yet well developed in the native families.

Population.

M. RAPPARD said he had read with great interest the study of Dr. Bertrand on the demographic situation. He noted that Dr. Bertrand based his study of the proportion between the two sexes on the standard rate per million of the population in England established in 1901. According to that rate, 48.3 per cent of the population were male and 51.7 per cent were female. Polygamy was current in Togoland. If, however, there were fewer men than women, and if 100 men married 151 women (he was taking these figures from page 76 of the report), would not an unfortunate situation arise, leading to collusive arrangements or to disputes between the households.

M. FRANCESCHI replied that formerly certain natives of Togoland took a large number of wives and used them as workers in order to enrich themselves. At present, however, the women were beginning to be emancipated and to be aware of their right to the money which they earned. This type of emancipation did not fit in very well with polygamy.

The CHAIRMAN thanked the accredited representative of the mandatory Power for his assistance.

FIFTH MEETING.

Held on Wednesday, July 3rd, 1929, at 10.30 a.m.

Chairman : Marquis THEODOLI.

994. Nauru : Examination of the Annual Report for 1928.

Sir Granville RYRIE, High Commissioner for Australia in London, accredited representative of the mandatory Power, and Major Fuhrman came to the table of the Commission.

The CHAIRMAN, on behalf of the Commission, welcomed the accredited representative.

Form of the Annual Report.

The CHAIRMAN said that the Commission would note with satisfaction that, in accordance with the practice adopted during the last few years, the Australian Government had forwarded to the Commission observations furnished by the Administrator of Nauru (document C.137.1929. VI), not only on the points dealt with in the observations adopted by the Commission in the previous year, but also in connection with questions addressed by individual members to the accredited representative at the thirteenth session.

While it was doubtless of some advantage to the Mandates Commission and to the readers of the report in general that each report should, as an introduction, contain the most important general information about the mandated territories, it might perhaps be asked whether this practice had not been carried a little too far in the case of Nauru. As a matter of fact, each annual report contained practically the same material arranged in practically the same way. It was natural that, in such a small territory as Nauru, few new events worthy of record took place each year. Would it not be possible, after eight years of application of the mandate, to reduce somewhat the information given, so as to bring out more clearly the new elements in each report ?

Sir Granville RYRIE replied that his Government would be glad to reduce the volume of written reports and, in his opinion, could do so, as the island was so small that there was very little to report from time to time. The population was contented and the Administration appeared to be carried on admirably.

M. RAPPARD, while agreeing with the Chairman's proposal that the report should be reduced in volume, took it that there was no intention that it should be reduced in scope. There was no information which, if new, was not of interest to the Commission. The Commission desired to avoid reiteration, but not to omit anything that was of interest or that was new solely on account of the smallness of the island.

Sir Granville RYRIE said that nothing that was new or of interest to the Commission would be withheld ; at the same time, he thought that it would be possible to indicate new events in any particular year on a page or two of foolscap.

M. RAPPARD pointed out that, in regard to finance, it would be necessary to give the new figures for each year.

The CHAIRMAN explained, as an example of what he had just said, that, on October 13th, 1927, the New Zealand House of Representatives had been informed that a report had been submitted to the Commonwealth Government in regard to the administration of the Nauru and Ocean Islands phosphate deposits. It would be interesting to know what particular subjects had been dealt with in the report in question and whether a copy could be communicated to the Mandates Commission.

General Administration.

M. RAPPARD understood that the arrangement was that the Administration of Nauru changed every five years, so that the third change in the Administration would be due very shortly.

Sir Granville RYRIE replied that Mr. Newman, the present Administrator, had been in Nauru for about two years.

M. RAPPARD asked whether there was any intention of changing the Government which exercised the mandate on behalf of the Empire.

Sir Granville RYRIE replied that, so far as he knew, there was no such intention. According to the agreement between the three Governments concerned, the Administrator was appointed by agreement between the partner Governments.

Request for Information regarding the Cost of the Military Occupation of Nauru.

The CHAIRMAN reminded the accredited representative that, in forwarding to the Secretariat on March 7th, 1928, the memorandum by the Administrator of Nauru in connection with questions addressed to the accredited representative at the thirteenth session, he had intimated that the information given in the memorandum would be supplemented at a later date by a communication on the subject of the cost of the military occupation of Nauru, a question which had also been raised at the thirteenth session. No such communication had been received, and the Chairman wished to ask Sir Granville Ryrie whether he had any information on the point.

Sir Granville RYRIE regretted that the information promised by the Australian Government had not come to hand. According, however, to a personal letter addressed to him by the Prime Minister of Australia and dated April 9th last, the question of liabilities incurred as a result of military occupation was receiving attention and the information might be expected at a later date.

The CHAIRMAN expressed the hope that Sir Granville Ryrie would forward the information to the Commission as soon as received.

Nauruan Advisory Council.

M. VAN REES observed that, on page 32 of the report, mention was made of the Nauruan Advisory Council, which was composed entirely of natives; he asked whether the Council had been set up by a legal enactment or merely by an administrative arrangement. As regards the former Advisory Council, which had consisted of two Europeans and two natives, he had not been able to ascertain the origin of this institution either.

Sir Granville RYRIE believed that the Nauru Advisory Council had been set up by internal arrangement. He promised to ascertain for the Commission's information full particulars regarding this question.

Election System.

Lord LUGARD asked whether it was considered really necessary to introduce the elaborate European system of polling booths with secret ballot boxes, as illustrated on page 83 of the report, in a small island like Nauru, where the natives might be expected to prefer their own system of selection.

Sir Granville RYRIE replied that he had understood that it was the general idea of the mandates system that the natives in the mandated territories should be schooled up to the ideas of higher civilisation, and that an endeavour should be made to raise their standards of living and ideas. He considered it advantageous that the natives should carry out their elections by the orthodox method rather than by the primitive method of a show of hands.

Appointment of Nauruans to Junior Administrative Posts.

M. SAKENOBE asked whether the accredited representative could state to what extent the Administration's policy of filling vacancies in the junior administrative staff by the appointment of educated Nauruans had been carried out.

Sir Granville RYRIE drew M. Sakenobe's attention to the first two paragraphs on page 16 of the report, which seemed to contain the reply to his question. He added that the majority of the posts referred to were public service appointments.

The list of administrative staff, on page 49 of the report, indicated the posts held by Nauruans in 1928. Former reports had shown photographs of the clerical staff carrying out their duties.

Public Finance.

M. RAPPARD expressed his gratitude to the Administration for the information on finance. Certain matters had been cleared up which the Commission had never fully understood before. There were, however, to his mind one or two questions which were raised rather than answered by the report. The Commission was informed that there was a budget for the territory which was intended to supply the needs of the Administration. It was further stated that it was the policy of the Administration to favour the natives, and that the latter paid only half the poll tax, and that the tax so collected was paid into a special fund (see page 41 of the report).

The Commission was also told that there was a Nauruan Royalty Trust Fund which did not constitute part of the territory's budget, and which was earmarked solely for the welfare of the natives (see page 40 of the report), so that it appeared that the appropriations for native education were made from this Trust Fund. If that were so, what was the reason for which the

total poll tax paid by the natives, which was paid into the special fund, was not mentioned in the receipts of the Nauruan Royalty Trust ?

Major FUHRMAN pointed out that, according to Table B on page 37 of the report, the amount collected from capitation taxes in 1928 had been £1,674, and that this sum appeared in the revenue of the Administration. On page 41 of the report, however, it was stated that the whole amount received from the Nauruans in respect of capitation tax during the year 1928 had been paid into a special account, the proceeds of which would be applied by the Administration solely for the benefit of the Nauruans. It appeared then that there was a third special account, and this was borne out by the remark on page 41 that a statement as to the disposal of these monies would be furnished in the report for next year ; it had probably been transferred from the revenue account to the special account mentioned.

Lord LUGARD observed that, generally speaking, funds appropriated for education were shown in the general budget. Was there any object, therefore, in having this special fund ?

Major FUHRMAN replied that the Administration considered that the Trust Fund did not constitute part of the budget of the territory, in view of the origin of the taxation in question.

Lord LUGARD thought that there might have been some point in having a special fund if the Nauruans themselves were given some responsibility in the expenditure of the money — a development he would heartily welcome.

Major FUHRMAN thought it probable that, as the Nauruans became better educated in administration and accountancy, they would automatically take over the management of the fund.

Mr. GRIMSHAW understood that the creation of the Royalty Trust Fund had formed part of the agreement between the British Phosphates Commission and the Nauruan natives, whose lands, from which they gained their living, were rendered useless for cultivation by the exploitation of the phosphates.

Major FUHRMAN replied that that was the case. It might reasonably be supposed that the Nauruans appreciated their own shortcomings in the matter of accountancy and were glad to have the fund administered for them.

Mr. GRIMSHAW observed that in those circumstances it would be improper to include the fund in the budget of the territory.

Sir Granville RYRIE said that, if there were any obscure points in regard to this question, he would be glad to cable to his Government for information before the session rose.

M. RAPPARD did not think that the question was worth the price of a cable.

Lord LUGARD agreed. He found it difficult, however to understand why the fund was allocated to a special account instead of to the general revenues if it were not to be expended by the natives themselves.

Mr. GRIMSHAW thought there was some misunderstanding. The Trust Fund had been created to receive monies paid by the British Phosphates Commission as royalties to the natives, who were the owners of the lands from which the phosphates were extracted. The fund received no other money from any other source. It had been laid down that the proceeds of the fund should be devoted entirely to the welfare of the natives. It therefore seemed important that the fund should be kept entirely separate.

Major FUHRMAN added that the money in point of fact belonged to the natives. If the persons interested in the fund had been whites, no doubt the money would have been paid over to them, but the native ideas of accountancy were not fully developed and in point of law trust funds had to be kept separate and could not form part of the ordinary revenue.

Lord LUGARD observed with satisfaction that the annual fee for auditing had been reduced from £200 to £160. It appeared, therefore, that the question he had put on this subject in the previous year was pertinent, in spite of the fact that in document C.137.1929.VI the Administrator had stated that the amount of £200 was not excessive.

Sir Granville RYRIE thought that it might be assumed that, as ideas progressed in the island, the accounts would become simpler and would therefore be less costly to audit.

Accounts of the British Phosphates Commissioners.

The CHAIRMAN observed that it had been stated repeatedly in the report on Nauru that it was not possible to include in the annual report for any given year the report and accounts of the British Phosphates Commissioners for the year ending June 30th of the year reviewed in the annual report, but only the report ending June 30th in the previous year. In the records of the Australian Parliamentary Debates, March 22nd, 1929 (page 1707), it was stated, however, that the report and accounts of the British Phosphates Commission for the year ending June 30th, 1928, had been presented to Parliament on March 22nd, 1929. It would therefore seem that it should also be possible to include an extract from this report in the annual report on Nauru, which was despatched during the month of April.

Sir Granville RYRIE replied that he would enquire whether the Chairman's request could be carried out.

Population.

M. MERLIN noted that the population of the island was increasing by about three hundred inhabitants per annum. The island was small and largely uninhabitable. Was there not some danger of overcrowding, and had the Administration considered the question of the means of subsistence? He did not, however, wish to press this question, but merely to draw attention to the fact that the problem might one day become urgent. In previous cases of overcrowding it had been found possible to transfer the population from one island to another, as in the case of the Pitcairn islanders, some of whom had been transferred to Norfolk Island. That course, however, could not be adopted in the case of Nauru, which was a mandated area and the population of which could not be transferred to a territory not under mandate and where they could no longer enjoy the exceptional and special advantages of the island.

M. RAPPARD thought the Commission should express gratification at the increase in the population, which demonstrated the prosperity and well-being of the inhabitants. As to the economic problem, the population of the island could make use of imported provisions if their own produce no longer sufficed, since they would always have sufficient exports to pay for their imports. M. Rappard believed that there was no territory in the world which could show so active a balance of trade.

Mlle. DANNEVIG did not agree that there had been a very considerable increase in the population. According to page 45, the Nauruan population in 1924 amounted to 1,189 inhabitants while in 1928 it was 1,297. She recollected that the population had been decimated by an outbreak of influenza in 1922, when some 20 or 25 per cent of the native population had died.

Sir Granville RYRIE did not think that the eventuality of overcrowding was likely to occur in the island for many years. One reason which made it unnecessary to view the future with anxiety was that ground which had been mined gradually became available for reclamation and habitation. Mlle. Dannevig was right in saying that the population had been decimated by influenza a few years previously.

Exemption of the British Phosphates Commission from Customs Duties.

M. KASTL asked what were the special reasons for which the British Phosphates Commissioners were granted freedom from import duties on certain articles (see page 37 and page 12 of the report). It appeared that only the Commission was free from such duties, and not the population.

Sir Granville RYRIE said that the population was fully able to stand the levy of the small import duties imposed.

Major FUHRMAN said that, under the concession granted by the German Government to the original Company (Jaluit Gesellschaft) for the exploitation of phosphates in Nauru, the British Phosphates Commissioners enjoyed freedom from Customs duties for material and appliances serving for the exploitation of the phosphate deposits as well as for provisions imported by the Commissioners for the feeding of the employees and workmen engaged in the exploitation of the deposits.

M. KASTL enquired whether the concession was based on the same terms as those governing that granted to the Jaluit Gesellschaft.

Major FUHRMAN replied that he presumed so.

Justice.

M. KASTL drew attention to the large number of convictions for crime indicated in the table on page 48. It appeared that nearly every second Chinese had been sentenced for some offence in the year under review.

Sir Granville RYRIE pointed out that the table showed that the majority of the offences committed were of a purely minor character. As regard, for instance, the smoking of opium and the illegal possession of opium, the Chinese in all countries were addicted to opium-smoking and that was an offence which was not regarded by the Chinese themselves as of a serious character. Again, breaches of the peace probably consisted in offences of a quite minor character.

M. KASTL pointed out that 113 Chinese had been sentenced for theft.

Sir Granville RYRIE thought that the convictions recorded pointed to the fact that the Administrator was carrying out his duties very thoroughly. It would be a misnomer to call the majority of these very minor offences by the name of "crime". He would prefer to call the action taken "disciplinary measures".

Creation of a Local Branch of the Red Cross.

M. SAKENOBE had noted with great satisfaction that a local branch of the Red Cross was functioning in Nauru. This was probably the first Red Cross to be instituted in a territory under mandate. He had no doubt that, if fostered and well guided, the spirit of the Red Cross would be an important factor in the promotion of the moral, social and material welfare of the natives. He therefore trusted that this new movement would be guided and furthered by the Administration so that it would gradually develop into a very useful institution.

Sir Granville RYRIE was sure that every member of the Commission would cordially support M. Sakenobe's remarks.

Labour.

Mr. GRIMSHAW called the Commission's attention to the report on Chinese labour on pages 4 and 5 of the report and to the evidence showing the close attention that had been paid by the Administration to the work of the Commission in the previous year. In view of the remarks which he had made at the thirteenth session, he was happy to see the proposals for the amendment of contracts mentioned on page 5 of the report. The proposed amelioration in the conditions of labour were very considerable in some points. For instance, workers injured by accident were now guaranteed full pay for the whole period of their incapacity instead of for a period of only three months. Again, the repatriation of workers disabled altogether from work by accident was now carried out under better conditions. Finally, there was some recognition of the employers' liability for sick employees. If he might venture a word of criticism, it was that that recognition was not yet adequate, although a beginning had been made. It was the tendency of modern legislation on compensation to assimilate illness and accident, especially in cases where workers had been brought from their home country to work in another climate. Mr. Grimshaw would, however, thank the Administration for what it had already succeeded in doing.

Sir Granville RYRIE was glad that Mr. Grimshaw had referred to this point. He thought that the Administrator was due for some commendation for having carried out these measures for the amelioration of the conditions of workers.

Missions.

M. PALACIOS noted with satisfaction that a grant of £500 had been made to the missions and that it had been shared out approximately in proportion to the number of adherents of the different churches.

Education.

Mlle DANNEVIG thought that the Commission would note with satisfaction the interest taken by the Administration in education, especially the measures for the preservation and development of the Nauruan language side by side with the teaching of English. The members would also note with interest the fact that young Nauruans had been sent to Australia to complete their technical education.

The table on page 38 of the report showed a heavy decrease in the amount expended on European education. This might be accounted for by the statement on page 39 that the male teacher formerly in charge had been replaced by a female teacher at a much lower salary. The saving of £300 seemed large, even if the woman teacher's qualifications were not so high as those of the male teacher.

Spirituous Liquors and Drugs.

M. DE PENHA GARCIA observed that the situation in regard to liquor was fairly satisfactory. There had been a slight increase in imports of spirits; but, even though they were consumed only by the white population, the increase noted could not, in actual fact, be considered to be excessive. The Commission would further note that the Australian Government had responded to its request for a definition of the term "intoxicating beverages", although there had been no fresh legislation on the point. In regard to the manufacture of native toddy, he was glad to see from page 10 of the report that the chiefs were co-operating with the Administration. The statement contained in the report showed, however, the great difficulty in suppressing the use of native liquor.

There were two points which M. de Penha Garcia wished to put to the accredited representative. In the first place, there was no table of contents to the report itself, so that reference to the various questions was somewhat difficult. Secondly, as to the use of narcotics, there was a small consumption in Nauru, and the Administrator had initiated a strong campaign for their suppression. In the annual report offences under the Drugs Act were shown under the heading of "Justice". It would be clearer if they could be shown also under the heading "Liquor and Drugs", as was done in the New Guinea report.

Sir Granville RYRIE thought that the addition of a table of contents to the report would be most helpful.

Public Health.

M. KASTL observed that the problem of leprosy was still serious in Nauru, although the position had improved since the previous year. Was there in Nauru a specially trained medical officer for the treatment of leprosy, or did the ordinary Medical Officer deal with this disease in addition to his other duties ?

Sir Granville RYRIE replied that there were two Medical Officers in the Island, one of whom had charge of the leper station. There could be no doubt that this officer was an expert in tropical diseases. The staff at the leper station was recruited from the patients, one member being an assistant who had, unfortunately, contracted the disease at the station, while the other was a former patient. The considerable drop in the number of lepers this year was a matter for congratulation, and it seemed that the work being done was bearing fruit.

Land Tenure.

M. VAN REES drew attention to the terms of the Lands Ordinance No. 12 of 1921, whereby the consent of the Administration was required for any transfer of land. Did this provision apply only to transfers of land between natives and Europeans or did it also apply to transfers between the natives themselves ?

Sir Granville RYRIE replied that the provision applied to all transfers.

M. VAN REES asked whether it might not be considered that such a provision constituted excessive protection.

Sir Granville RYRIE said that this safeguard was held to be necessary in the interests of the natives.

M. VAN REES noted that, according to the new rates operating as from July 1st, 1927, as a result of the new agreement between the Nauruan landowners and the British Phosphates Commissioners, the payment per acre of phosphate-bearing land was £40 (see page 30 of the report). Was this sum — which was a substantial one — paid in full to the natives, or was a part of it paid into the Royalty Trust Fund ?

Sir Granville RYRIE said that the Royalty Trust Fund was constituted solely by the royalties.

M. VAN REES recalled the statement that it was in the interests of the natives to hold over a part of the payments due to them. He asked why it had been considered necessary to adopt a different procedure in this case ?

Sir Granville RYRIE believed that there was no objection to such direct payment. He drew attention to the following statement in the report (see page 33) :

“ With a view to inculcating habits of thrift, an agency of the Commonwealth of Australia Savings Bank has been established on the Island. The savings bank agency has been in existence for about five years. On December 31st, 1922, the deposits held by the agency on account of Nauruan depositors amounted to over £9,880 . . . Encouragement is given by the Administration for the development of saving habits. It is desired that every Nauruan shall have a banking account. ”

The savings of natives constituted a fund on which they could draw for the purchase of clothes, bicycles, etc. There was no obligation for natives to open a banking account, but the figure given in the statement which he had just quoted showed that they took advantage of the bank's agency.

Sir Granville Ryrie and Major Fuhrman withdrew.

995. New Guinea : General Administration : Statement by the Chairman.

The CHAIRMAN recalled the following general observation regarding New Guinea contained in the report to the Council on the work of the thirteenth session of the Commission :

“ The Commission would be very grateful to the mandatory Power if, to the summary of existing legislative provisions, could be added more detailed information as to the action taken under this legislation, all the more since information has reached the Commission which is of such a nature as specially to arouse certain apprehensions. ”

This observation, which had been drafted in very prudent terms, had been inserted in the report as the result of an exchange of views which had taken place in the Commission, particularly between Lord Lugard and the accredited representative (see pages 21 and 22 of the Minutes). In the course of that discussion, Lord Lugard had referred to certain rather serious information which had come to his knowledge and it had been suggested that an enquiry should be made.

It appeared that the Commission had understood that the accredited representative would not fail to draw the attention of his Government to the question which had arisen in the

Commission in order that there might be no misunderstanding as to the bearing of this observation.

In the replies of the Australian Government, the only passages in reply to this particular observation were as follows (document C.211.1929.VI) :

“With reference to the request of the Permanent Mandates Commission for more detailed information as to the action taken under legislative provisions, the Commonwealth Government desires to say that it has endeavoured, through the information furnished in its annual reports, in its replies to the general and special observations on those reports and in statements made by it from time to time on questions raised by individual members of the Commission (as elicited from a perusal of the Minutes of the meetings), to convey to the Commission full particulars regarding the administration from both the legislative and the executive standpoints.

“The report for the year 1921-22 was a voluminous document setting out in detail a description of the territory and its inhabitants, the legislative enactments and the action taken under such enactments.

“The reports for subsequent years up to 1926-27 aimed at keeping the Commission advised of the progress made since the report for 1921-22 was published.

“When the report for the year 1926-27 was being prepared, it was felt that, as the personnel of the Commission had changed somewhat, the inclusion in that report of a résumé of the legislative enactments and of the administration generally would be opportune and would be appreciated by the Commission. The report was drafted, therefore, with that object specially in view”.

The Chairman wondered whether the observations of the Commission had been fully understood.

There was, however, annexed to the report for the year 1927-28, a “Description by the Administrator of New Guinea of his Tours of Inspection within the Territory during the Year 1927-28”, a document which would certainly help in some degree to give the Commission a more exact idea of the Administrator's activities.

The members of the Commission would have learned from extracts from the discussions in the Australian Parliament that the Australian Government had sent a Special Commissioner, Mr. Griffiths, former Administrator of Nauru, to make an enquiry in New Guinea. It appeared however, that Mr. Griffiths had confined himself to examining the immediate causes of certain disturbances which had occurred at Rabaul at the beginning of January 1929. There was no reference, however, to this mission in any of the documents transmitted by the mandatory Power.

The Chairman thought that under these circumstances it would be well for the Commission, before commencing its examination of the report on New Guinea, to agree upon the general attitude which it would maintain with regard to this important question.

An exchange of views then took place in connection with this subject.

SIXTH MEETING.

Held on Wednesday, July 3rd, 1929, at 3.30 p.m.

Chairman : Marquis THEODOLI.

996. New Guinea : Examination of the Annual Report for 1927-28.

Sir Granville Ryrie, High Commissioner for Australia in London, accredited representative of the mandatory Power, and Major Fuhrman came to the table of the Commission.

General Situation in the Territory.

The CHAIRMAN observed that it would appear, from the records of the Australian Parliamentary debates, from the proposals made at the Missionary Conference at Rabaul, and from other sources of information, that the situation in the mandated territory was not altogether satisfactory. On the other hand, the report of the mandatory Power for 1927-28 did not expressly state that the situation in the territory was unsatisfactory. The Chairman wished to ask the accredited representative whether he had anything to add to the report and whether any unfavourable criticisms that had been made of the New Guinea Administration were regarded by the Australian Government as altogether unfounded.

Sir Granville RYRIE thought that it would not be possible for him to make any statement on the point raised by the Chairman. The report must be taken as received. So far as he was concerned, he did not think that it would be right for him to comment on statements made in Parliament or in the Press.

The CHAIRMAN had thought that he would be acting in accordance with the normal practice of the Commission by giving the accredited representative an opportunity of adding something to the report if he desired to do so. Since, however, the accredited representative did not wish to, the Commission would proceed to examine the report.

Administration at Edie Creek.

The CHAIRMAN observed that the report of the "Royal Commission on the Edie Creek (New Guinea) Leases", dated August 30th, 1927, of which the Mandates Commission had received copies, contained a reply to the following question put to the Commission :

"Whether, having regard to all the circumstances, reasonable provision was made for the administration of the Edie Creek locality after the reported discovery of gold, and in particular for the medical requirements of Europeans and natives on the field."

The reply was as follows :

"On this part of question (5), the answer should be, in my opinion, that there was no lack of attempt to provide adequate administration on and in connection with the field, but the shortage of competent or available officers, further accentuated by leave, illness and death, prevented the intended establishment of a competent officer on the field from being carried out for some months prior to November 1926."

Might the Commission take it that the shortage of competent or available officers referred to in this case was quite exceptional ?

Sir Granville RYRIE replied in the affirmative. He drew attention to the second and third paragraphs on page 45 of the annual report, indicating increases of expenditure in respect of (a) the engagement of staff to provide for the adequate administration of the gold-fields area, (b) the engagement of special survey gangs to overtake arrears of work, and (c) the appointment of five additional cadets, as well as increased expenditure under the various items of "Contingencies".

Visit of the Minister for Home and Territories to New Guinea in 1927-28 and Tours of Inspection by the Administrator.

The CHAIRMAN observed that the description by the Administrator of his tours of inspection (pages 79-84 of the annual report) contained many items of interest. The Commission would appreciate the inclusion in the annual report of this description, which was of great assistance to the members, as it gave a more complete picture of conditions in the territory.

In this connection the Chairman wished to ask whether there were any cases on record of complaints made by natives against officers of the Administration apart from that referred to on page 13 of the annual report, and whether it was considered difficult for natives to obtain satisfaction under such circumstances. Further, could any information be given as to the number of offences which had been charged against officers of the public services, and of the percentage of cases in which charges of any importance had been sustained ? While the question might give the appearance of being related to a special point, the Chairman hoped that the accredited representative's reply would be such as to enable the Commission to form a general picture of conditions.

Sir Granville RYRIE said that he must rely on the statements made in the report. In the report by the Administrator of his tours of inspection it was stated on page 79 that "many of the queries, complaints and requests of the natives are, according to European ideas, trivial, but are very real and important to the natives, who have now the feeling that the humblest may have direct access to the head of the Government of the territory". So far as the accredited representative had learned, no complaint had been made against either the District Administrators or the Administration in general.

M. RAPPARD asked whether the visit of the Minister for Home and Territories to New Guinea had not been determined by the fact that complaints had reached Australia with regard to general conditions in the mandated area. M. Rappard, in asking this question, had no intention of going beyond the scope of the documents before the Commission. The Minister's report had obviously been carefully drafted ; if read with attention, it disclosed certain indications which, although very discreetly worded, showed that such indeed appeared to have been the purpose of the Minister's visit. On page 73, for instance, the Minister stated : "The miners whom I met at Salomaua spoke well of the work of the present warden and it appears that everything on the field is now most peaceful". The fact that the Minister stated that everything was now peaceful appeared to indicate that that condition had not previously prevailed. Again, the Minister had passed through Papua, and M. Rappard had been struck by the fact that in the four lines he devoted to that territory the Minister had referred to the good

feeling of the community towards the Papuan Administration. There was no mention of any such good feeling on the part of the New Guinea population towards the Administration of the territory under mandate. It followed that the Commission could not help feeling that there was some uneasiness in New Guinea. As it was the Commission's object to assist the mandatory Power in the administration of the territory, it would be glad to have more detailed information, since it could not make any useful suggestions on the basis of hypotheses or deductions.

Sir Granville RYRIE said that he would be the first to comply with the wishes of the Commission, as put by M. Rappard, if he were able to do so. Everyone knew that there had been certain troubles in the mandated territory — there had been trouble at Edie Creek, but that had been cleared up by the Commission which had gone into the matter and the position was now entirely satisfactory.

The Minister for Home and Territories had gone to New Guinea and he had enquired into many questions. Sir Granville Ryrie had read the Minister's report carefully and, according to that, everything appeared to be normal. He hoped, therefore, that the Commission would be satisfied with the present situation. He would remind the members that it was not wise to place too much credence in rumours that were spread in Parliament or by the Press.

M. RAPPARD pointed out that the accredited representative had been good enough to say frankly, for which M. Rappard thanked him, that there had been some trouble in the territory but that he did not know what the trouble was and, as the Commission too did not know what the trouble was, even after reading the report, the Commission was placed in a somewhat difficult position.

Sir Granville RYRIE asked whether the members of the Commission had read the report of the Royal Commission on the Edie Creek (New Guinea) Leases, which should contain full details.

M. CATASTINI explained that the report had been sent to the members of the Commission by the Secretariat on April 10th, 1928.

Disturbances at Rabaul.

The CHAIRMAN understood that a report on the troubles at Rabaul had been printed and would be sent to Parliament. Would the Mandates Commission have an opportunity of seeing that report ?

Sir Granville RYRIE said, if such a report had been prepared, he would make a request for it to be forwarded to the Commission if it was required.

The CHAIRMAN said that the Commission would take note of Sir Granville Ryrie's promise.

Sir Granville RYRIE added that he had received the following report on the trouble at Rabaul :

“ During the night of January 2nd, 1929, about 2,500 native labourers and police left Rabaul and assembled at the Roman Catholic and Methodist Mission Stations at Malaguna, where they remained until the following day. Malaguna is about two miles distant from Rabaul. In explanation of their action, the natives informed the missionaries that they were dissatisfied with the rates of pay they were receiving. What occurred was not in any sense a 'rising', as has been stated in some quarters. There were no displays of violence of any kind, and the Acting Government Secretary and the Inspector of Police had little difficulty in inducing the natives to return to Rabaul. By the evening of January 3rd practically all the natives had offered themselves for duty again. The native police who had participated in the incident, about 200 in number, were charged with desertion and were sentenced to six months' imprisonment.

“ Several public meetings were held by European residents of Rabaul, and demands were made for the removal from office of the Acting Government Secretary and the Inspector of Police. These demands were refused on the ground that any such action might prejudice the official investigation that it had been decided to make into the origin and causes of the trouble.

“ Acting under the authority of the Commissions of Enquiry Ordinance, 1927, the Administrator appointed Brigadier-General T. Griffiths, C.M.G., C.B.E., D.S.O., a former Administrator of New Guinea, and more recently Administrator of Nauru, as Commissioner to enquire into the matter.

“ The terms of reference were as follows :

“ 'To enquire into and report upon matters relating to the mass meetings of natives that occurred at the Roman Catholic and Methodist Mission Stations at Malaguna on the second and third days of January, 1929, including the origin and causes of the meetings.'

“ The Commissioner, after taking evidence at Rabaul, found that the origin and causes of the meetings were :

“ (1) The talk of certain coloured foreign sailors ;

“ (2) The instigation of one Sumsuma, the native master of a local schooner owned by the Melanesia Company ;

“ (3) The co-operation with Sumsuma of a member of the native police, one Sergeant-Major Rami ;

“ That, without either one of these, the meetings would not have occurred, and that there was no evidence whatever to indicate that the meetings had any deeper significance.

“ He exonerated the missionaries and the Administration officers from all blame.”

Other Incidents.

M. VAN REES referred to another incident, which apparently had occurred in February of the current year. It had been reported by a telegram received in London that an officer, accompanied by 78 native police, who had endeavoured to penetrate into the interior of the country, had met with opposition from the natives and had had to withdraw with a number of wounded. Had the accredited representative any details of this incident ?

Sir Granville RYRIE replied in the negative.

M. RAPPARD pointed out that the events mentioned had occurred after the visit of the Minister for Home and Territories. The accredited representative had stated that the Minister's visit had had the effect of settling the situation. This other trouble, however, had occurred later, so that Sir Granville Ryrie would understand the reasons for which the Commission felt some anxiety.

Nature of the Report by the Minister for Home and Territories annexed to the Annual Report of the Mandatory Power.

M. ORTS said he had before him an extract from the Parliamentary Debates of the Australian House of Representatives for September 29th, 1927. In the course of an exchange of views on the report to the Council of the League on the administration of New Guinea for 1925-26, one of the members of the House had stated that, in his view, the administration of the territory under mandate called for more than just the mere printing of a report to the League of Nations.

He had continued :

“ The conditions in New Guinea as I saw them, and from what I heard of them, should at least engage the attention of this House, and an enquiry should be made respecting the position there. While I do not desire to make a speech on this motion, I hope that we shall have a statement from the Minister for Home and Territories. I took the opportunity to read the local papers of New Guinea, and I know that the Minister has been waited on by responsible bodies regarding alterations that should be made. I have had the privilege of reading the report of a conference called between the missionaries in the mandated territory and the department itself, and I might suggest to honourable members that that report contains some staggering information. Apparently, the conditions have never been considered by those responsible for the administration of the territory. I raise this point so that the report may not merely be printed and forwarded to honourable members to read — I want to get some little result from the suggestion of the honourable member for Perth. I want to know what the Minister discovered from his trip and what is to be the action of the Government regarding what I know to be the many anomalies in the mandated territory.”

The Prime Minister had replied that the Minister for Home and Territories had gone to New Guinea for the express purpose of inspecting the administration and in order to ascertain the general situation in the territory. He had already submitted a partial report and proposed later to submit a full report to the Cabinet. The Prime Minister also gave the assurance that later in the session the competent Minister himself would make a full statement.

M. Orts wished to know whether the report from the Minister for Home and Territories annexed to the annual report for New Guinea was the partial report of which the Prime Minister had spoken or the full and complete report which was to be deposited by the Minister for Home and Territories.

Sir Granville RYRIE said that he was not sure, but that he took it that the report annexed to the annual report was the Minister's full report.

M. ORTS regretted that the accredited representative was unable definitely to clear up this question.

Sir Granville RYRIE was sure that the Mandates Commission would realise his position as High Commissioner for Australia as well as representative for mandates questions. The proceedings in Parliament were political and not infrequently highly contentious. As High Commissioner, Sir Granville Ryrie had no concern with political or contentious proceedings. The more detailed report promised by the Minister for Home and Territories was to be submitted to the Cabinet and would therefore be confidential.

M. RAPPARD was sure that, just as the Mandates Commission fully appreciated the position of the accredited representative, he in his turn would appreciate the position of the Commission. How could the Commission give any useful opinion on the basis of a partial report when a detailed report was in existence which had not been communicated to the Commission? In expressing a categorical opinion, the Commission would be laying itself open to a charge of acting very superficially.

Sir Granville RYRIE said that he could ask for the detailed report if such a document existed.

M. ORTS asked whether the detailed statement which, according to the Prime Minister's promise, was to be made by the Minister for Home and Territories had yet been made.

Sir Granville RYRIE replied that he did not know.

M. ORTS presumed that, if the statement had been made, there was no reason why the text of this public declaration could not be sent to the Mandates Commission.

Sir Granville RYRIE replied that the statement would be published verbatim in "Hansard" and that he could ask for a copy if the Commission desired one.

M. ORTS said that, from the accredited representative's statements, he understood that the report annexed to the annual report on New Guinea was the partial report. It was a very brief one.

Sir Granville RYRIE said he did not admit this. He had always taken it that the report annexed to the annual report was the full one. He gathered, however, from the account of the debates in Parliament that there was another report submitted to the Australian Cabinet, which was confidential. The only report, however, which had been forwarded to him was that annexed to the annual report.

M. ORTS said that the Commission naturally considered it of great importance to know, as regards the situation in this territory which it was called upon to follow, the opinion of a Minister who had been entrusted with the duty of studying that situation on the spot. In some respects, however, the report aroused the curiosity of the Commission and failed to satisfy it. The Minister stated (see page 73) that "he had discussed fully with the Administrator the many important matters which had been brought before him". The report enumerated those questions and they were of interest to the Commission, but failed to express any opinion regarding them.

Sir Granville RYRIE pointed out that the fact that a discussion of certain questions had taken place did not imply that a solution had been reached, or even that a decision was necessary.

M. ORTS concurred. It might be expected, however, that the Minister would indicate what he had ascertained.

Sir Granville RYRIE presumed that the absence of any further reference in the report to these questions might be taken to indicate that the general situation was satisfactory.

Question of Illegal Recruiting.

Lord LUGARD said that the Chairman had expressed a fear that the situation in the mandated territory was not altogether satisfactory, but no definite grounds for this fear had been adduced. He had before him, however, a copy of the report of certain cases which had been tried before Chief Judge Wanliss, C.M.G. In the trial of one Alimel, the chief judge observed that "natives had been sent out on recruiting expeditions unaccompanied by a white man . . . in this case the result was the death of one native, and might have been far more serious". The same judge, summing up in another case (V. Albert Dudley) remarked: "It is more or less a custom, with some recruiters at any rate, to capture some of the villagers as hostages and use them as a means of obtaining recruits." In a third case before His Honour Judge Phillips (Rex v. Miau and Tanga), it was noted that "the evidence showed that the wives of some of the natives were kept in custody as hostages".

Lord Lugard was glad to note that a Commission of Enquiry had been appointed to enquire into the matter of illegal recruiting; but it seemed to him that, in view of the cases which he had quoted, the statement in the report (see page 13) that "the Commission had found that a number of natives had been illegally recruited and that certain irregularities had occurred" appeared to be somewhat inadequate. It was probably due to such occurrences that the reports to which the Chairman and others had alluded had arisen.

Sir Granville RYRIE said that, in consequence of certain statements which had been made to the Administrator, Mr. F. B. Phillips, then Stipendiary Magistrate of the territory and now a Judge of the Supreme Court, had been appointed by the Administrator pursuant to the provisions of the Commissions of Enquiry Ordinance 1927, to be a Commissioner to enquire into and report upon alleged irregularities in connection with recruiting in the Morobe district.

The Commissioner had proceeded to the Morobe district and visited Salamaua and all the villages in the Finschhafen area, where the irregularities were reported to have occurred.

A total of 538 witnesses, of whom 501 were natives, had been examined. The investigations had occupied a period of approximately five months.

The Commissioner had found :

1. That a temporary officer employed by the Administration had :

- (a) Recruited natives who were unwilling to be recruited ;
- (b) Seriously depleted certain villages of their ablebodied and married men ;
- (c) Signed on as casual labourers, contrary to Section 51 of the Native Labour Ordinance, natives whose customary place of residence was more than twenty miles from their place of employment ;
- (d) Signed on natives from areas above 3,000 feet in altitude without the prior permission of the Administrator ;
- (e) Ordered natives to supply himself and his party with food without making adequate payment therefor ;
- (f) Permitted private recruiters to accompany him on his recruiting expeditions and, on certain occasions, assisted them to obtain labourers ;

2. That certain private recruiters had also illegally recruited casual labourers and natives from areas above 3,000 feet in altitude and had signed on as labourers natives they had not recruited.

The Commissioner recommended :

- (a) The cancellation of a number of contracts of natives recruited both by the Administration and by private recruiters ;
- (b) The cancellation of the licences issued to certain recruiters ;
- (c) The payment of compensation to certain natives who had supplied food to the temporary officer of the Administration and his party and had not received payment therefor.

Immediately upon the receipt of the Commissioner's recommendations, the following action was taken by the Administration :

- (a) A special officer, experienced in native matters, was detailed to visit all villages concerned and to effect payment of compensation to native communities and individual natives for food and labour supplied but not paid for ;
- (b) Another officer was instructed to cancel the contracts of all natives considered by the Commissioner to have been illegally recruited ;
- (c) An experienced police officer was despatched to Morobe to make enquiries with a view to instituting proceedings wherever possible.

The following are the results to date :

1. The payment of all compensation adjudged to have been due has been made ;
2. The cancellation of contracts has been commenced ;
3. The renewal of the licences of all recruiters implicated has been refused ;
4. Proceedings were taken against the temporary officer of the Administration concerned, who was sentenced to concurrent terms of imprisonment of twelve months and six months respectively.

Sir Granville Rylie thought that these particulars showed that every means had been taken to bring the offenders to justice and to provide adequate compensation for those who had been injured, either financially or otherwise.

Lord LUGARD said he was glad to have elicited this full account, and regretted that it had not been communicated to the Commission. His object in referring to these cases had been to account for the unfavourable rumours regarding the Administration, for these irregularities had apparently been going on for some time, since the Chief Judge said it had become a custom.

Mr. GRIMSHAW said that there was a distressing passage in the report of the Mission Conference on the subject, of illegal recruiting.

“ . . . Already the demand for native labourers is such a great one that recruiting is becoming a heavy burden on the people. One recruiting vessel follows the other and one recruiter walks in the still warm footsteps of the one just gone before. By means of enticing, threatening and deceiving, boys are led to follow the recruiter. Not long ago a recruiter sent his boys to some hill people to tell them to come because the missionary desired to see them. After they reached the valley they found themselves at the mercy of a recruiter. Another sent his boys into an uncontrolled area with guns and they by force brought out a number of boys and one girl. In addition to this, patrol officers go and requisition the boys whom the recruiters were unable to persuade in the above-mentioned ways, and they also take men above the age allowed to recruiters.

“ Some weeks ago, approximately 400 natives were in this manner taken out of Azera and at present the same is taking place north of Finschhafen. For the sake of the gold-fields, hundreds of natives are sacrificed.”

The paper containing this passage had been read in the presence of the Commissioner for Native Affairs and had not been refuted. It was, of course, universally recognised that the indentured labour system contained some elements of compulsion. The Commissioner himself had referred to that matter in the course of the same meeting. If, however, that system were, in addition, to be maintained by forced, dishonest or financially interested recruiting, it would become nothing less than a system of forced labour. Mr. Grimshaw would suggest that the only remedy lay in a rigorous supervision of the methods of recruiting. The Commission had never been given very full particulars of the recruiting system employed in New Guinea and perhaps the Australian Government could present a study of the system in the next year's report. It would, for instance, be interesting to know the regulations governing the issue of licences, who were the recruiters (*e. g.* whether they were employees of plantations or of planters' associations, or were merely individuals engaged in the procuring and sale of labour for their own private profit), and the methods by which the activities of the recruiters were controlled.

Sir Granville RYRIE said that he would draw the attention of his Government to Mr. Grimshaw's observations. He pointed out that the report dated from July 1st, 1927, whereas the Mission Conference had been held from June until July 11th, 1927. There was no doubt that such disciplinary action had been taken after the Conference.

Amendment to the Public Service Ordinance regarding Acquisition of Land by Public Servants.

M. RAPPARD drew attention to the following statement in the annual report (page 8) concerning an amendment recently made in the Public Service Ordinance :

“ The provision of the Ordinance prohibiting an officer from engaging in duties unconnected with his office without the express permission of the Administrator was amended to make it clear that officers who desired to acquire interests in the plantations in the territory or to hold shares in any public company operating in the territory must first obtain the permission of the Administrator.”

Was it to be understood that this amendment had been made as a result of the recognition of abuses ?

Sir Granville RYRIE was not aware that any abuses had occurred in this connection. The existing New Guinea Public Service Regulations were modelled on those of the Commonwealth Public Service Regulations and laid down certain restrictions as to public servants engaged in other work. They provided for every contingency except as regards plantations.

M. ORTS thought that the change might possibly have been due to the visit of the Minister for Home and Territories. Among the subjects which the Minister had discussed with the Administrator was “ acquisition of land by public servants ”.

Sir Granville RYRIE said that he could not give definite information on this point. As there was no reference in the original Ordinance to the case of officers desiring to acquire interests in plantations, it was possible that the amendment had been made in order to meet a special need.

Health Regulations regarding Clothing of Natives.

M. VAN REES said that he had been much impressed by the decision of the Advisory Council to maintain the Native Regulations whereby natives were forbidden to wear clothing on the upper part of their bodies, in spite of the fact that the Mission Conference had been unanimously of opinion that these regulations could not be justified by any valid argument. It appeared that Dr. Cilento, the Chief Medical Officer, had concurred with the Conference in this view.

M. Van Rees was, of course, aware that regulations of this character were as a rule due to health considerations. He did not believe, however, that the absence of such regulations — which were indeed, he thought, unique — in other tropical territories had been attended by any danger.

Sir Granville RYRIE said that these regulations had been made solely in the interests of the health of the natives. The natives did not dry their clothing when wet and thus became susceptible to pneumonia. Their clothing also became vermin-infested. He pointed out that, for the purposes of this regulation, clothing did not include clothes made of native material, this material being of a coarse fibre which did not retain moisture. Applications for exemption might be made to the district officer.

Cadet System.

Lord LUGARD said that he had been interested in reading a series of articles on “ New Guinea To-day ” in the *Sydney Herald* of April last, and especially in the account given of the new cadet system by which young men were to be trained first in the territory and then in the university, with special regard to character and personality. They would replace the staff who had been appointed solely because they had been soldiers. Could the accredited representative state how many of these cadets had now entered the service ?

Sir Granville RYRIE thought that none of these cadets had yet finished their course of training.

Immigration Policy.

In reply to a question by Lord Lugard as to whether the Australian Government continued to maintain the "White Australia" policy in New Guinea, Sir Granville RYRIE said that the Australian Laws relating to immigration were in force and applied to the Territory of New Guinea.

Dissemination in Australia of Knowledge regarding the Mandate System.

M. DE PENHA GARCIA said that a book had recently been published in Australia which was intended to explain the mandate system — as yet very imperfectly understood in that country — and to enlighten public opinion regarding the rôle of the Mandates Commission. It appeared from this volume that certain of the decisions of the Mandates Commission were received in Australia, not, perhaps, with resentment, but with surprise and distrust. He was sure that the mandatory Power would do its best to ensure a better understanding of the system in Australia and he wished to thank the authors of the interesting book to which he had referred ("The Australian Mandate for New Guinea". Issued for the Victorian Branch of the League of Nations Union. Edited by the Hon. F. W. Eggleston).

The CHAIRMAN said that he had been glad to note that the book which had been published at the University of Melbourne gave an entirely clear and exact explanation of the working of the mandate system.

Sir Granville RYRIE replied that the Australian Government could not, of course, be held responsible for statements made in private publications. The Government would welcome any initiative which would assist it in improving the administration of the territory under mandate.

Native Reserves.

M. VAN REES noted that among the duties of the Native Affairs Department was the settlement of questions relating to the "native reserves". It would be interesting to have information in the next year's report on the policy of the Administration in regard to these reserves, their area, etc.

Sir Granville RYRIE said that the Australian Government would be glad to give this information.

Desertion of Indentured Labourers.

M. RAPPARD said that he had been impressed by the large number of cases (more than 1,200) of desertion of indentured labourers in the year 1927-28 (see table on page 14 of the report). This figure would seem to indicate that the indentured labour system was not working satisfactorily.

Sir Granville RYRIE thought that the explanation for most of these cases was to be found in the casual and irresponsible nature of the natives. Since less than one-half of the deserters had been apprehended, the Australian Government could not be charged with undue severity in this connection.

Right of Petition of the Natives.

The CHAIRMAN asked whether the inhabitants were aware of their right to petition the Australian Government. Did they exercise this right? Or had they, in the accredited representative's opinion, any ground for so doing?

Sir Granville RYRIE said that the natives were perfectly aware of this right. He did not believe, however, that there were any grounds for serious complaint.

Powers of the Accredited Representative before the Commission.

The CHAIRMAN trusted that Sir Granville Ryrie would not take amiss a request for a more exact definition of his powers as accredited representative before the Commission. Sir Granville Ryrie had stated that he was not entitled to give information relating to political matters or matters which were not dealt with in the annual report. The British Empire representative at the same time as the rest of the Council of the League, had settled the constitution of the Commission. On the basis of that constitution the accredited representative was not in any way debarred from giving all the information for which the Commission might ask. For this purpose the accredited representative was identified with the mandatory Power itself, not only as regards his powers but also as regards all his duties.

Sir Granville RYRIE said he would prefer not to reply to this question immediately, but would make a considered statement at the next meeting.

SEVENTH MEETING.

Held on Thursday, July 4th, 1929, at 10.30 a. m.

Chairman : The Marquis THEODOLI.

997. **New Guinea : Examination of the Annual Report for 1927-28** (continuation).

Sir Granville Ryrie and Major Fuhrman came to the table of the Commission.

Powers of the Accredited Representative before the Commission (continuation).

Sir Granville RYRIE made the following statement :

Since the last meeting of the Commission I have been considering the tactfully worded interrogation of the Chairman as to whether I could precisely define the extent to which I am in a position to reply to questions put to me by members of the Commission. It will be remembered that I was interrogated on points arising out of a debate in the House of Representatives of the Parliament of Australia with particular reference to a question put to the Right Honourable the Prime Minister by a member of the Opposition and to which the Prime Minister replied. Permit me at the outset to say that, whilst acting as accredited representative of the mandatory Power and when appearing before this Commission in that capacity, I have absolute freedom of action in the matter of replying to any interrogation arising out of the official documents with which this Commission is furnished by the Commonwealth Government. If it is the wish of the Commission to be furnished with supplementary information to that contained in such reports, may I assure you that the Commonwealth Government is only too anxious to assist to the greatest possible extent compatible with the terms of the mandate and the functions of this Commission. I presume it is for that specific purpose that accredited representatives appear before this Commission in person, namely, to clear up any points requiring elucidation or explanation.

Nevertheless, I feel bound to point out that such representatives can scarcely be expected to explain, interpret, or express any opinion on matters which are of a purely political and controversial nature, and my conception of Parliamentary debates is that they are political and not infrequently controversial. Whilst on my part I fully realise the position of the Commission, I hope that the members on their part will also realise mine, and, in addition, will appreciate that, if cognisance must be taken of proceedings in Parliament, accredited representatives can scarcely be expected to explain what, after all, are matters raised by members of Parliament in their personal capacities as such.

There is only one matter to which I desire to refer very briefly, and that is to the report which the Minister for Home and Territories is said to have made to the Cabinet of the Australian Parliament. Such a report, by its very nature, is confidential to the Government, and on reflection I feel bound to express the personal opinion that the members of this Commission cannot expect the contents of this document to be made known to them.

The CHAIRMAN wished merely to draw the attention of the accredited representative to the terms of the Constitution of the Permanent Mandates Commission as approved by the Council on December 1st, 1920. Paragraphs (b) and (c) of the Constitution read as follows :

“ (b) The mandatory Powers should send their annual report provided for in paragraph 7 of Article 22 of the Covenant to the Commission through duly authorised representatives who would be prepared to offer any supplementary explanations or supplementary information which the Commission may request.

“ (c) The Commission shall examine each individual report in the presence of a duly authorised representative of the mandatory Power from which it comes. This representative shall participate with absolute freedom in the discussion of this report.”

There was therefore no limitation to the powers of the Commission in the examination of the annual reports nor to the powers of the accredited representative to reply to any questions put to him by the members of the Commission in order to obtain further information.

The Chairman would, moreover, point out that it was to the common interest of the Mandates Commission and of the mandatory Power that the fullest possible light should be thrown on all facts in which public opinion was interested, so that the whole truth might be established. He would add that the Commission only wished to be as fully informed as possible. In order to attain this end without embarrassing the mandatory Power, the Commission had in similar cases adopted the procedure of allowing the accredited representative to give explanations which were not included in the Minutes. The Commission was ready to facilitate in this way the task of Sir Granville Ryrie.

Nature of the Report of the Minister for Home and Territories annexed to the Annual Report of the Mandatory Power (continuation).

M. ORTS had no wish to open a debate. He desired merely to correct what appeared to be an erroneous interpretation placed by the accredited representative on M. Orts' intervention at the previous meeting. The annexes to the annual report for New Guinea included a report of a visit to the territory by the Minister for Home and Territories. Among the records of the Australian House of Representatives, M. Orts had found the statement that the competent Minister had in point of fact made two reports, one a summary and the other complete; he had accordingly asked the accredited representative whether the report communicated to the Commission was the full report of the Minister or the partial report. The Commission would remember that the accredited representative had at first said that he could not reply to this question. He had then said that the report communicated to the Commission was probably the partial report, the full report being a confidential one for the use of the Australian Cabinet and which on that account could not be submitted to the Commission. M. Orts had not asked that the confidential report should be communicated to the Commission, but he would like to know whether the report communicated to it was considered as the full report. In point of fact, the report communicated to the Commission was a summary one and incomplete; it did not contain either the findings or the conclusions of the Minister entrusted with the enquiry, regarding the important points which would be of interest to the Commission.

Sir Granville RYRIE said that he would be delighted to ask for information on the points in question.

Establishment of a Legislative Council.

Lord LUGARD said that the observations of the Australian Government dated April 16th, which had been circulated to the Commission (document C.211.1929.VI), made mention of an act to establish a Legislative Council and indicated the proposed constitution of the Council. It appeared that the Council would consist solely of nominated Europeans. He wished to know what representation it was proposed to give on that body to native interests. The interests of Europeans were not always identical with those of the natives. The Europeans alleged that they supplied 90 per cent of the territory's revenue, but it must be remembered that they only did so by the employment of native labour.

Sir Granville RYRIE observed that the Bill for the creation of a Legislative Council had been introduced into the Commonwealth Parliament on August 28th, 1928, but had not been passed previous to the dissolution of Parliament, and had therefore lapsed. Under Parliamentary procedure an entirely new Bill would have to be submitted. There was, therefore, in existence at the moment no Bill for the creation of a Legislative Council.

Major FUHRMAN added that under the Bill which had been introduced into the previous Parliament the Council would consist of the Administrator, the official members of the Executive Council (that was to say, officers of the territory), and five non-official members, nominated by the Administrator and appointed by the Governor-General.

M. PALACIOS asked whether the representative on the Legislative Council of the Christian missions in the territory, referred to in paragraph 7 of the report, was chosen by the missions themselves or by the Government. Further, it was not clear whether this appointment had already been made or whether it was merely a plan for the future.

Sir Granville RYRIE pointed out that the sentence in question referred solely to the territory of Papua. There was no Legislative Council at present in the mandated territory owing to the bill providing for its constitution having lapsed.

Construction of a Native Compound near Rabaul.

Lord LUGARD asked what was the nature of the native compound which was being built by the Administration near Rabaul and to which particular attention was drawn by the Minister for Home and Territories in his report (page 75 of the annual report). Was the compound modelled on the South African system?

M. ORTS added that it would be interesting to know whether the compound was intended to shelter the foreign workers on the spot or whether it was an enclosure for the resident population.

Sir Granville RYRIE understood that the compound was intended to confine natives at night. He thought that the paragraph taken as a whole was self-explanatory and that the compound applied to all natives.

Appointment of Non-Permanent Officers in the Public Service: Frequency of the Changes in the Staff.

Lord LUGARD, referring to the list of officers on page 8 of the report, asked what was meant by the terms "officers employed for specified periods" and "temporary employees". From other documents which had been circulated to the Commission it appeared that service in New Guinea was not popular. It had even been stated that in 5½ years there had been 267 new officers and that 208 had left the territory. What was the reason for this movement?

Sir Granville RYRIE replied that, so far as he knew, there was no reason for these constant changes except, perhaps, climatic conditions and the isolation of New Guinea from civilisation.

He further pointed out that it was stated on page 8 of the report for 1926-27 that the Administrator might make temporary appointments for a period of six months, and that period might be extended by the Administrator in any case where the Permanent Head reported that an extension was desirable. Probably, therefore, a number of the appointments referred to by Lord Lugard had been temporary ones. As to the question of officers employed for specified periods, it was obvious that such officers would leave the service upon the expiration of their period.

Relation between the Completion of the Sale of Expropriated Properties and the Institution of Local Government.

M. PALACIOS drew attention to the statement in paragraph 3, page 7, that "the sale of the expropriated properties having been completed, it has been decided to extend to the territory a measure of local government somewhat on the lines of that existing in the territory of Papua", and asked what was the connection between the sale of the expropriated properties and a change in the methods of administration.

Sir Granville RYRIE replied that, prior to the sale and settlement of the expropriated properties, many questions relating to a settled system of administration had had to be left in abeyance. Stable legislative measures had, however, become possible as soon as the sale of the expropriated properties had been completed.

Public Finance. Incidence of Taxation on Natives and Non-Natives.

Lord LUGARD observed that in the tables showing the expenditure out of revenue, on pages 45 *et seq.* of the report, the salaries were shown in a lump sum. The usual practice in British Crown Colonies was to show the different grades of staff and the salaries appertaining to each. He would ask that the number and grades of officers with their salaries might be indicated in future.

He observed, further, that the figures for loans and advances in the Table on page 55 did not appear to be added to the figures for the public debt at the close of each year. On the other hand, the public debt was shown to have increased largely, though no sum corresponding to the increase appeared in the "Loans and Advances" column. In 1926-27, for instance, the loan or advance during the year was £2,000, whereas the public debt increased from £24,000 to £53,000.

M. ORTS observed that, from the list of taxes on page 43, it appeared that there were two direct taxes on Europeans; first, the business tax which, according to a footnote, had been abolished, so that the amount entered against this item was presumably due to recoveries of arrears and, secondly, the income tax. It also appeared that there was one direct tax on natives.

Sir Granville RYRIE agreed that that was the case.

M. ORTS had been struck by the fact that, in a country where the European community was relatively large, where it owned a considerable part of the best lands and the largest plantations and where it played a bigger part in the economic life than the native inhabitants, the amount of direct taxation paid by the European community was only £218; whereas the native population paid direct taxes amounting to £20,451. The statistics of the non-indigenous population showed that the number of adult males was 2,530 and these might presumably be taken as constituting the European taxpayers. The total native population under control was stated to be about 323,000, of whom 167,700 were males. It seemed that the direct fiscal burdens borne by the natives were considerably heavier than those borne by the Europeans who were, moreover, richer than the indigenous population.

M. SAKENOBE pointed out that there were about 1,200 Chinese in New Guinea.

Sir Granville RYRIE said that the question raised by M. Orts would depend on how much the taxation worked out at per head of the population.

M. VAN REES observed that, since 1921, the natives had paid on an average 10s. per annum per head of the population. Nevertheless, a certain number of categories of natives were exempt from the poll tax.

M. ORTS pointed out that a rough calculation of the figures given in the report indicated that the Europeans paid 1s. 6½*d.* per head in direct taxation.

M. VAN REES enquired whether, in the following year, it would be possible to include in the report a table showing the incidence of taxation per head of population in the European and native communities respectively.

Sir Granville RYRIE undertook to forward this request to his Government.

M. ORTS was aware that the business tax had been abolished and that the sums collected during the last financial year represented payments of arrears. On the other hand, for some

reason, the income tax paid by Europeans yielded only £2 14s. in the year under review. It appeared therefore that, as a result of the abolition of the business tax, the Europeans would be exempt from all direct taxation. Had the business tax been replaced by any other direct tax on Europeans ?

Major FUHRMAN pointed out that the reason for the abolition of the business tax was the inequality of the tax, which, being 1½ per cent of gross turnover, frequently resulted in the taxing of persons whose businesses had been conducted at a loss and in multiplied taxation in cases where articles had been sold by one person to another for subsequent sale.

As regards the income tax, this had been abolished at the same time as the business tax. The amount of revenue from the former source, namely, income tax, had been so small and the administrative expenses of collection so high that the balance available for expenditure upon developmental work had been negligible. It might reasonably be presumed that the amounts of £218 and £2 14s., entered under the headings of business and income taxes respectively in the statement of revenue, represented payments of arrears.

M. ORTS asked whether, the income tax and business tax having both been abolished, the Europeans now paid any direct tax levied on some other basis.

Sir Granville RYRIE replied that they did not, so far as he knew.

M. VAN REES observed that a tax of 9s. to 12s. per annum was paid by employers for each native labourer employed. The yield of this tax was handed over to the Education Fund.

M. KASTL observed that, whereas in the previous year there had been a deficit in the budget of £11,000, there had in the current year been a surplus of £46,000. He enquired whether it would not be practicable, as was indicated in the report, to continue to reduce taxation as far as possible.

Sir Granville RYRIE drew attention to the passage on page 42 of the report, where it was stated, "As a result of the improvement in the finances of the territory . . . consideration was given to the desirableness of effecting a reduction of taxation". There was a further passage on the same page reading: "The export duty on copra, viz., £1 5s. per ton, has been considerably higher than that imposed in neighbouring territories and it was accordingly decided to reduce this tax to £1 per ton, as from October 1st, 1928. The amount involved in this reduction of taxation is estimated at, approximately, £18,000 per annum."

M. KASTL pointed out that this reduction would not go far to cover the whole surplus of £46,000.

Sir Granville RYRIE replied that the territory was still in debt for a large amount to the Commonwealth, and this must be kept in mind. It would be a shortsighted policy immediately to spend any surplus that appeared.

M. KASTL asked whether it would be possible to have in the next report a statement of the debt to the Commonwealth.

Sir Granville RYRIE drew M. Kastl's attention to the figures given on pages 52 and 55 of the report, which showed that the amount due to the Commonwealth at the end of the closed financial period had been, approximately, £72,000.

Mlle. DANNEVIG asked whether she was correct in understanding that, as a result of the abolition of the business tax, the expenditure of the territory would in future be borne by the natives in a still higher proportion than hitherto.

Sir Granville RYRIE said there would be no increase in the taxes paid by the natives.

Major FUHRMAN added that the business tax had been abolished because a number of the businesses concerned had shown a loss on their operations, while the revenue collected from income tax had been so small and the expense of collection so heavy that any balance had been negligible.

Mlle. DANNEVIG said that these explanations did not meet her point that the natives would in future bear a higher percentage of the total direct taxation.

Sir Granville RYRIE reminded Mlle. Dannevig that he had promised to ask his Government to supply, in the following year, a statement of the incidence of taxation in the territory. The information she required would therefore be contained in that statement.

M. ORTS asked for explanations regarding the purchase of land for native reserves to which reference was made on page 53 of the report, purchases which amounted to £917 16s. 11d.

Sir Granville RYRIE regretted that he was unable to give the information required at the moment.

The CHAIRMAN requested the accredited representative to take note of the various points that had been put to him by the members of the Commission and to include replies to them in the report for the following year.

Sir Granville RYRIE intimated that he would endeavour to comply with this request.

Upkeep of Half-caste Children.

Lord LUGARD asked what was the purpose of the item £396 for "Upkeep of Half-caste Children" mentioned on page 46. Why were they not supported by their parents?

Sir Granville RYRIE said that in his opinion this was a most humanitarian provision. It was not normal for half-castes to find much consideration in any part of the world, and he felt that it was a matter for congratulation that the Administration had made this provision for half-caste children.

Mlle. DANNEVIG asked whether the fathers were not supposed to pay for the maintenance of their children.

Sir Granville RYRIE replied that, in the majority of cases, it was difficult to fix the responsibility of parentage.

Agriculture.

M. MERLIN had noted with satisfaction the efforts made by the Administration to develop agriculture and the establishment of an experimental station. He noted that there did not yet seem to be any definite agricultural policy, the department concerned being engaged upon testing crops without having yet come to a definite decision as to those upon which to concentrate.

There was one matter to which he wished to draw the special attention of the mandatory Power. In his report on "The Causes of Depopulation of the Western Islands of the Territory of New Guinea", Dr. Cilento had stated: "The surcharge of £1 per ton on native copra is no hardship when it is recollected that the planters buy for £5 and sell for, approximately, £20 or more without other responsibility than the rebagging and shipping of the produce". It appeared therefore that, whatever the costs incurred by the middleman, his profit was a very good one. The profit made by the middleman on the sale of native copra was one of the points which had been the cause of the recent agitation in Western Samoa. M. Merlin therefore hoped that the mandatory Power would pay close attention to this question in order to avoid the possibility of similar troubles in New Guinea.

Lord LUGARD pointed out that the report made little mention of the progress made in native agriculture, which was of far greater interest to the Commission than European agriculture, since the natives formed the vast majority of the population.

Sir Granville RYRIE drew Lord Lugard's attention to the statement by the Director of Agriculture quoted in paragraph 68 on pages 21 and 22 of the annual report for 1924-25.

Shipping Communications : Bounties.

M. MERLIN observed that the trade balance continued to be favourable and that both exports and imports were increasing steadily. He wished, however, to draw the accredited representative's attention to the following points: On March 21st, 1927, the Joint Committee of Public Accounts of the Commonwealth, presided over by Sir Granville RYRIE, presented a "Report on the Pacific Islands Shipping Facilities", including various proposals which were also of interest to New Guinea. Had the accredited representative any information concerning the measures taken as a consequence of this report? In this connection, it should be noted that, in his report for the year 1927-28, the Director of Agriculture complained of the absence of direct steamship communication with other parts of the tropical world (see Annual Report, page 27).

Sir Granville RYRIE replied that the suspension of the Australian Navigation Act had changed the situation by providing more facilities for communication with the islands. Under the Navigation Act, certain steamers had, he believed, been prevented from calling at the islands. The position was now therefore improved.

M. SAKENOBE remarked that the report for 1926-27 contained information concerning the Papua and New Guinea Bounties Act, which provided for the payment, for a period of ten years from January 1st, 1927, of an amount not exceeding £25,000 per annum as bounties on certain goods produced in the territories and imported direct into Australia for home consumption. M. Sakenobe would be glad to know how the system worked and in what way the bounties were paid. According to the report for the year 1927-28, it appeared that the only export which had earned the bounty was one of 73 tons of cocoa-beans. Was the object of the bounty to encourage exports or production? In other words, was the bounty paid to the exporter or to the grower?

Sir Granville RYRIE said that the bounty was intended to encourage production.

M. VAN REES enquired whether the bounties were granted to native agriculturists or to European agriculturists as well ?

M. SAKENOBE thought that the bounties were given without discrimination of race.

Native Reserves.

M. VAN REES said that the Commission had noted in various reports and, in particular, in that of Dr. Cilento on the causes of depopulation that depopulation was partly due to land difficulties. On page 56 of the annual report it was stated that a special feature of the year's transactions had been the resumption of nearly 5,000 hectares for the creation of native reserves. Had that measure been taken as a result of the state of affairs to which Dr. Cilento had drawn attention ?

Sir Granville RYRIE said that that was probably the case although he had no information on the point.

M. VAN REES asked if it was correct that the lands were merely set aside for the natives without the latter being obliged to live on them ; in other words, that the measure had nothing to do with any policy of segregation, whereby the natives would have to live in separate districts.

Sir Granville RYRIE replied that that was the case.

Justice.

M. KASTL pointed out that, both in the Australian Press and in the Australian Parliament, reference had been made to the increasing number of attempted offences on white women by natives in New Guinea. In the Senate, Senator William Glasgow, representing the Minister for Home and Territories, had replied that the matter was receiving attention, with a view to the taking of such action as might be deemed necessary. Had the accredited representative any information with regard to the facts of the case and the measures which it was proposed to take ?

Sir Granville RYRIE replied that it had been partly on account of this state of affairs that the reserve system had been created. The natives would be compelled to remain within the compound during the night.

M. PALACIOS drew attention to the following sentence in connection with control of natives in Rabaul (page 75 of the report) : " The deputations urged that the use of the cane in certain instances be allowed, as corporal punishment was the only one which the native understands and appreciates. " Was corporal punishment actually enforced ; or was it merely contemplated ?

Sir Granville RYRIE said that he could definitely assert that no corporal punishment was at present enforced in the territory. He was not aware whether such a system was under consideration.

Lord LUGARD drew attention to the statement made in the report of the Mission Conference (pages 50 and 52), that corporal punishment was prohibited by the terms of the mandate. The mandate did not interfere with sentences pronounced by courts of law.

Police.

The CHAIRMAN recalled that the accredited representative had stated at the preceding meeting that two hundred of the native police at Rabaul had been imprisoned for desertion. What was the total number of the police force in that district ?

Sir Granville RYRIE replied that the total number was two hundred and seventeen. Practically the whole of the local force had therefore been involved in the affair. He presumed that special police had been sworn in to cope with the shortage consequent upon the imprisonment of the deserters.

Recruitment of Labour : Proceedings of the Mission Conference.

Mr. GRIMSHAW drew attention to the following item in the statement of expenditure in 1926-27 and 1927-28 (page 50 of the annual report) : " Recruiting expeditions : 1926-27, £770 ; 1927-28, £537 ".

What was the aim of these expeditions ?

Sir Granville RYRIE said that he did not know but would ask for information on this point.

Mr. GRIMSHAW recalled that, in 1922, an order had been promulgated prohibiting the recruitment of natives at an altitude greater than three thousand feet. It had been held that natives living at this altitude suffered on descending to a lower one. The order, however, had been revoked in the preceding June. Had this revocation been due to any change of opinion as to the physical effects on the natives of their transfer ?

Sir Granville RYRIE recalled that, at the preceding meeting, he had referred to disciplinary action which had been taken in connection with the recruitment of natives at an altitude greater than the one indicated. This matter would therefore require elucidation and he would refer it to his Government.

Mr. GRIMSHAW said that he had had an analysis made of the figures given for recruitment in the preceding reports. It appeared from this analysis that in certain districts there were movements of workers both inwards and outwards. It seemed that more careful organisation might restrict the total movement.

Lord LUGARD noted the statement on pages 137 and 138 of the report of the Mission Conference that many labourers were under contract for nine or twelve years without spending any time in their village between the different contracts, and meanwhile their wives awaited their return.

He drew attention to the statement on page 136 of the report to the effect that the new Ordinance, whereby every labourer had to return home every three years was "necessary . . . both in regard to increase of population, for the mitigation of disruption of village life, and for the prevention of illegal recruiting practices". It had been strongly urged at the Conference that the indenture labour system should be abandoned (pages 141 and 153). It had also been urged that the Administration should undertake the repatriation of labourers at the termination of their contract (pages 146, 181 and 195). Under present conditions, the labourer, who had usually spent all his money, was ashamed to return.

M. PALACIOS thanked the mandatory Power for having sent to the members of the Commission the Minutes of the Missions Conference. He had asked for them at the time when the previous report on New Guinea was being examined. The Conference showed to what extent the Missions interested themselves in all questions that were vital to the country. He would be glad if the Commission could be informed of the opinions expressed and the proposals made, of the results of the Conference, of the system of collaboration which existed between the missions and the Administration and of the scope of the activities of the former.

Sir Granville RYRIE said that he would bring this request to the notice of the authorities.

Education.

Mlle. DANNEVIG drew attention to the following statement on page 19 of the report :

" It is proposed to appoint a Committee to study the question of native education in its application to New Guinea, and to submit recommendations for the establishment of a system that will adequately meet the needs of the territory. "

Had this Committee been appointed, and, if so, had it submitted its report ?

Sir Granville RYRIE stated that the Committee was intended to be constituted at a date subsequent to that of the present report. The information which Mlle. Dannevig requested would appear in the report of the following year.

Mlle. DANNEVIG, referring to the table at the foot of page 53 of the report, noted that more than £10,000 per annum had been expended in the past two years from the Native Education Trust Fund. There had been an increase in the item " salaries " in the year 1927-28 as compared with the year 1926-27 of some £1,500. The reason for this increase was not clear, for there had been no corresponding increase in the number of pupils. It appeared that the amount of £1,500 which had formerly been paid to the anthropologist was transferred to the salaries. To whom and for what had it been paid ?

Sir Granville RYRIE said that he would bring this point to the notice of the authorities.

Mlle. DANNEVIG recalled that the missionaries, although undertaking the responsibility of educating some thirty-eight thousand children, declined to accept any subsidy from the Government. It appeared that the missionaries at the Mission Conference had complained of a lack of interest on the part of the Government officials in their activities (see pages 68, 70, 76 and 77 of the report). There had even been cases of Government officials inducing children to remain away from school during school hours to work on the roads. The Rev. Cox pointed to the fact that, under such circumstances, the missions would not appreciate Government officers being authorised to enter their schools and criticise their work (page 77). Was the Administration aware of this state of affairs, and did it intend to take any action in the matter ?

Sir Granville RYRIE said that, if such a state of affairs existed, it would be most regrettable. He would make representations to the authorities and would, he hoped, be in a position to give satisfactory information in this connection at the next session.

Lord LUGARD asked why girls over twelve years of age were prohibited from remaining at the mission station unless under contract (see page 70 of the Mission Conference report) ; why the vernacular schools were not subsidised (pages 77 and 88) ; and why there was no educational board of any kind (page 84).

Sir Granville RYRIE said that he would make representations to the authorities in connection with these questions.

Spirits and Drugs.

M. DE PENHA GARCIA asked that information should be given in the next report as to whether any liquor was manufactured by the natives, and, if this was the case, that the alcoholic content of this liquor should be stated. Information might also be given as to whether this question had received the attention of the authorities.

He recalled that, in 1927, Lord Lugard had drawn attention to the large consumption of spirits by the white population, and had suspected that cases of leakage might occur. The statement on page 18 of the report showed that Lord Lugard had been right. The statistics regarding the conviction of a number of natives for being in possession of intoxicating liquor proved that this suspicion was well founded. Count de Penha Garcia pointed out that the importation of spirits had increased, whereas there had been no increase in the white population. He trusted that anyone supplying spirits to a native would be adequately punished.

It was stated on page 19 that the prosecutions during the year 1927-28 in connection with illicit traffic in opium had related only to nine cases. The prosecutions in Nauru had, however, related to fifty-seven cases. This disproportion was remarkable, and he drew the attention of the mandatory Power to it so that it should not allow cases of the illicit traffic or consumption of opium to go unpunished.

Sir Granville RYRIE thought that the explanation of this disproportion lay in the fact that there was a Chinese colony in Nauru and that its members were therefore in a position easily to arrange for the circulation of opium, whereas in New Guinea the Chinese population was scattered.

Public Health : Depopulation.

M. KASTL said that the members of the Commission would all have received the report by the Director of Public Health on the " Causes of the Depopulation of the Western Islands ". It was regrettable that the Director could not avoid making the former Government responsible for that depopulation because it had not prohibited the immigration of persons infected by malaria. He thought that it was quite impossible to know whether a person was infected or not.

The report contained a thorough study of the situation in the Western Islands and of all possible remedies. It would be interesting to know what steps were contemplated by the Administration to give effect to the recommendations of the Director of Public Health. The annual report contained no information on this point, and the report itself only mentioned certain measures taken with regard to immediate relief.

At the preceding session, the Commission had asked for the fullest information concerning any decrease in the population or danger of such decrease in any parts of the territory. The observations of the Australian Government stated that this request had been noted and would be complied with. Account should, however, be taken of the fact that it was not only in the Western Islands that depopulation had taken place. The annual report for 1926-27 contained a disquieting account (page 121) of conditions in the Bainings district, and also recorded an actual decrease in the population of the Kavieng and Namatamai districts.

Could the accredited representative give any further information on this point, and had any measures been taken by the Administration in this connection ?

Sir Granville RYRIE said that he would request the authorities to furnish this information.

M. KASTL noted the following statement on page 92 of the report with regard to the Gasmata station and native hospital :

" Though there is usually a representative of the Public Health Department on this station, it was necessary to leave this post unfilled for a considerable time owing to staff shortages and other causes. "

This statement appeared to be in contradiction with the assertion that the Australian Government was in a position to supply the necessary sanitary staff for the territory.

Sir Granville RYRIE said that the Administration was in a position to supply sanitary staff, but he would obtain information on this particular point.

Lord LUGARD asked whether there were any private practitioners in the territory. It would seem that the time of the official medical staff, many of whom were only part-time officers, might be engrossed by attending to the needs of the large European population.

Sir Granville RYRIE said that the work of the official medical staff related chiefly to the native population. There were a number of private practitioners in the territory, and their patients were mainly Europeans.

Question of the Economic Exploitation of the Territory in Relation to the Development of the Natives.

M. RAPPARD said that it would be noted that the territory was becoming increasingly rich, the excess of exports over imports now amounting to some £660,000. The revenues obtained from the territory, which in the last resort were paid indirectly by the natives, showed satisfactory progress. The generosity of the Government in allotting an annual subsidy of £10,000

to be spent for the benefit of the natives would certainly have been appreciated. On the other hand, although a general reduction of taxes had been contemplated and was partially effected, no suggestion had been made that the native poll tax should be reduced. M. Rappard could not but feel that the mandatory Power, attracted by the great natural resources of the territory, was perhaps being tempted, in pursuing the further development of those resources, to allow itself to be deflected in some degree from the work of civilisation entrusted to it by the mandate.

M. Rappard drew attention to the following passages on page 13 of the report :

“ In view of the fact that gold-seekers were beginning to extend their activities towards the regions of the Upper Waria River in the Morobe district, it was decided to send the Government anthropologist to that area to establish friendly relations with the natives and to prepare the way for the coming of the prospectors.

“ As a result of the efforts of the anthropologist, prospectors entering the area were received without hostility on the part of the natives, and succeeded in procuring native food and guides as they journeyed from place to place.”

In the “ establishment of friendly relations ” of this kind, the primary consideration appeared to be a commercial one. It would be entirely contrary to the spirit of the mandate system if the mandatory Power allowed its paramount duty of raising the level of civilisation among the natives to become subservient to the economic exploitation of the territory.

Sir Granville RYRIE said that he would draw the attention of his Government to this serious observation. He did not, for his part, share M. Rappard's apprehension.

Mlle DANNEVIG drew attention to the following passage of the report by the Minister for Home and Territories (see page 75 of the annual report) which would seem to have some bearing upon M. Rappard's observations.

“ I instructed the Administrator to prepare a scheme whereby the facilities for training natives could be vastly increased, and he will submit a scheme to me as soon as possible for consideration. The crux of this question, however, is the cost involved to the administration, and I propose to submit a recommendation to the Cabinet in that regard when I am in a position to do so.”

In view of the existence of a surplus in the revenue, it seemed that the “ cost involved to the Administration ” would not be a very serious obstacle.

Statistical Tables.

M. VAN REES pointed out that the statistical tables appended to the report were presented in such a form as to render their use for comparative purposes extremely difficult. It would be desirable to have the tables in the report of the following year presented in a simpler form.

Sir Granville RYRIE agreed that the tables were rather complicated and said that he would notify the authorities of M. Van Rees' request.

EIGHTH MEETING

Held on Thursday, July 4th, 1929, at 3.30 p.m.

Chairman : The Marquis THEODOLI.

998. South West Africa : Examination of the Annual Report for 1928.

Mr. Eric H. Louw, High Commissioner for the Union of South Africa in London, and Mr. H. P. Smit, Secretary of the Administration of South West Africa, accredited representatives of the mandatory Power, came to the table of the Commission.

Form of the Annual Report.

The CHAIRMAN said that at the fourteenth session of the Commission several members had expressed the opinion that the form of the annual report for South West Africa had not been entirely satisfactory. It was, therefore, very gratifying to note that great efforts had been made in order to present the report for 1928 in a form corresponding to the wishes of the Commission. Not only had the Government of the Union of South Africa now made use of a title entirely in accordance with the resolution of the Council, but it was evident that the report had been expressly prepared for the Permanent Mandates Commission. It was particularly satisfactory to note that everything had been done to furnish information on the questions appearing in the list adopted by the Permanent Mandates Commission (document A.14.1926).

The report as a whole gave a much more vivid and detailed picture of the administration during the year than previous reports had done. It set out many aspects of the administration which had hardly been touched on previously and, in general, clearly showed a desire to meet the wishes of the Commission. This could be taken as a proof of the importance of direct contact between the high officials of the mandated territories and the Permanent Mandates Commission. It was evident that Mr. Werth, in his return to South-West Africa, had been in a much better position to understand the point of view of the Commission, and it was very gratifying that the mandatory Power had again, on the present occasion, sent one of the highest officials of the territory, the Secretary of the Administration, Mr. Smit, to Geneva as one of its accredited representatives.

Introductory Statement by the Accredited Representative.

Mr. Louw. — I am not going to make a long statement.

In the first instance, I want to express my thanks to you for the welcome extended to myself and to Mr. Smit. I particularly appreciate the remarks you have made about the report, and I am sure Mr. Smit is equally gratified, seeing that he is responsible for the drawing-up of that document. When studying the Minutes of the last session, when Mr. Werth was here, I noticed the remarks which were made about the report. The present report shows that every effort has been made to meet the wishes of the Commission.

In sending Mr. Smit here, the Government of the Union of South Africa has again given evidence of its sincere desire to do everything it possibly can to assist the Commission in its work, and to give it all possible information. It is with a certain measure of sacrifice that Mr. Smit has been allowed to leave his duties in South-West Africa to come here on this occasion, and I am sure the Commission will appreciate how real is the desire of the Government of the Union of South Africa to give the fullest possible information to the Commission, to co-operate in its work, and to further the good relations which were so happily established on the last occasion by the visit of Mr. Werth.

Mr. Smit, being the Chief Executive Officer of South-West Africa, will bear the brunt of most of the questions which will be put by the members of the Commission. On one or two matters of a general nature I will make statements, but I am going to leave it to Mr. Smit, who is conversant with conditions in South-West Africa, to give you the fullest possible information.

Replies to the Observations of the Commission and to the Questionnaire.

The CHAIRMAN asked whether the replies to the observations of the Commission could in future be included in a separate chapter of the report ?

Mr. SMIT replied that, at the time the report had been drafted, the Administration had not been in a position to give the information requested. This concerned the Dominion railways, the status of the inhabitants of the mandated territory and the steps taken to safeguard the health of labourers.

Relation of the Governor-General of South Africa to the Territory of South West Africa.

Lord LUGARD, with reference to the powers of the Governor-General, asked what was the relation of the Governor-General of South Africa to the territory of South West Africa. His proclamations over-ruled those of the Administration. It was, for example, stated in paragraph 6 that "by Act No. 49 of 1919 the Governor-General of the Union is invested with power of administration and legislation over the mandated territory and with power to delegate such authority". In paragraph 14 it was said that "the Governor-General . . . legislates in matters in respect of which the Assembly is not competent to legislate and may even repeal, amend or modify ordinances made by the Assembly". It seemed to Lord Lugard that the Union of South Africa as Mandatory was alone competent to legislate or confer powers of legislation ?

Mr. SMIT replied that the Union Parliament was the supreme legislative authority for the mandated territory. By Act 49 of 1919, however, that Parliament had delegated legislative powers to the Governor-General, and the Governor-General could delegate and had delegated his authority to the Administrator. When the Legislative Assembly was formed, it was granted limited legislative power. Certain important subjects were reserved entirely to the Union Parliament and no delegation of powers in respect of these could be granted. There were, however, a number of subjects which had been temporarily reserved, and in regard to which the Legislative Assembly could be allowed to legislate after the passage of three years, if it requested to be allowed to do so by a two-thirds majority. On receipt of such a resolution, the Governor-General might grant power to the Assembly to legislate on these temporarily reserved subjects. Generally speaking, the Administrator was the legislative authority and issued proclamations relating to all subjects in regard to which the Legislative Assembly was not competent to legislate.

Lord LUGARD observed that, according to this statement, there were four legislative authorities, the Union of South Africa, the Governor-General, the Administrator and the Assembly. The Governor-General represented is Britannic Majesty, who did not legislate as a delegate, though he issued Orders in Council.

Mr. SMIT said that the power to legislate and to delegate legislative authority had been expressly conferred on the Governor-General by the Union Parliament.

Mr. LOUW explained that the Governor-General in this sense meant the "Governor-General in Council". That was virtually the Cabinet. It was that body which had power to legislate in the name of the Governor-General. Members of the Commission, not being fully conversant with constitutional practice in the Dominions were apt to be misled by the term "Governor-General".

M. ORTS enquired if the Governor-General possessed the same powers of legislation in the Union as had been granted him in South-West Africa.

Mr. LOUW replied that the Governor-General in Council could issue proclamations in the Union. It often occurred that an Act of Parliament provided that some of its provisions could be put into operation by means of regulations authorised by the Governor-General in Council.

Lord LUGARD thanked the accredited representative for his explanation that the Governor-General meant the Governor-General in Council.

Police Zone. Administration of Ovamboland.

Lord LUGARD noted that the police zone had been extended and that a map was in course of preparation. Could the members of the Commission be furnished with copies?

Mr. SMIT replied in the affirmative. A new map was being prepared and sections thereof were at the moment in the hands of the printers.

Lord LUGARD noted that, according to paragraph 32 of the report, the officer in charge of native affairs was in control of Ovamboland and was responsible to the Administrator for the management of that district. Had the officer in question any powers inside the police zone?

Mr. SMIT replied that the only powers he possessed were in respect of Ovamboland, which was outside the police zone.

M. VAN REES enquired whether the native chiefs of Ovamboland and Okavango were subject to any control by the Administration. He understood that there was a European official in Ovamboland. What was his position and what were his powers?

Mr. SMIT replied that the Native Affairs Officer was always in close touch with the native chiefs and visited the tribes at short intervals. He had in all the tribes his own native agents who kept him informed, and he acted as adviser to the chiefs, who frequently consulted him, even in regard to the infliction of appropriate punishments in particular cases.

Qualifications and Rights of Permanent Administrative Officers.

Lord LUGARD, with reference to paragraph 40, asked whether the permanent administrative officers in the public service received any preliminary training in administrative duties. Were they required to pass examinations in native languages, law, etc.?

Mr. SMIT replied that practically all the senior administrative officers had been transferred from the public service of the Union of South Africa where they had received their training. Junior officers received no special training but were required to pass the matriculation examination before they could be admitted to the clerical or administrative divisions and, if in the legal or magisterial branch, to qualify in law in order to obtain promotion to the higher posts. An officer could not be appointed Magistrate or Native Commissioner unless he qualified in law. There was no general obligation to qualify in the native languages but, as the report stated, "when appointments are made to posts in which a knowledge of native languages is required, preference is given to candidates possessing that knowledge".

Lord LUGARD noted that, according to paragraph 42, public servants were forbidden to take any active part in politics. Could they, however, own land?

Mr. SMIT replied in the affirmative.

M. RAPPARD thought that the right to own land meant only to own their own houses but not to engage in real-estate operations.

Mr. SMIT agreed. By the law, the full time of every public servant was at the entire disposal of the Administration and he could carry on no other business without the consent of the Administrator.

Attitude of the Rehoboth Community towards the Administration.

Lord LUGARD referred to Proclamation No. 9, establishing an Advisory Board for the Rehoboth Gebiet, and to paragraph 671 of the annual report, in which the difficulties in connection with the Rehoboth community were set out. It appeared that the new Raad party would still have nothing to do with the Administration, and that, owing to their refusal

to co-operate, the Advisory Board at the moment consisted entirely of members of the old Raad party, who represented only a small section of the community and possessed neither the confidence nor the respect of the majority, with whom they were completely out of sympathy. Was there any chance that before the next election the new Raad party would change its attitude ?

Mr. SMIT replied that, at the moment, there was, unfortunately, no indication that the Rehoboths desired to see reason. In fact, if he were correctly informed, the Secretary-General of the League of Nations had recently received a request from the Rehoboths asking to be allowed to state their case personally to the Permanent Mandates Commission.

M. PALACIOS enquired :

1. Had any recent development taken place in regard to the Rehoboth community ? Was there, in the opinion of the Administrator, any possibility that the majority of the community would abandon their attitude of passive resistance and thus render possible a return to real self-government ?

2. It was stated in paragraph 672 of the report that all natives, except the Klip Kaffirs, had been transferred from the Rehoboth Gebiet. Why had this particular category of natives been exempted ?

Mr. SMIT replied :

1. That he could give no definite answer to the question. He could only repeat what he had said in reply to Lord Lugard and express the hope that the Rehoboths would see in time the folly of the course which they had adopted. It was impossible for the Administration at present to grant them any more than it had given, and the Bastards understood clearly that they would not get more unless they proved themselves fit to enjoy greater powers.

2. The action taken in regard to the Klip Kaffirs had been in accordance with the desires of the Rehoboth community and with the recommendation of the Commission presided over by Mr. Justice de Villiers. The Klip Kaffirs had lived for many years in the Gebiet and had been used by the Bastards as servants.

The Hereros, on the other hand, were of a more independent spirit ; they were farmers, not servants, and they were encroaching on the lands of the Rehoboths. The latter had accordingly asked that they should be transferred. Moreover the Hereros had been a very disturbing element in the Gebiet, and had joined in the rebellion of the Rehoboths in 1925, so they had been transferred.

Difficulties resulting from the Delimitation of the Frontier between South West Africa and Angola.

Lord LUGARD thanked the Administration of the mandatory Power for the very full information concerning administrative organisation contained on pages 5 and 6 of the report, and on native affairs contained on pages 50 and following, in reply to the questions which he had put at the previous session. He noted from paragraphs 4 and 5 that the delimitation of the boundary between South West Africa and Angola had created hardship on the natives in the vicinity of the frontier in regard to water for their cattle. Was no compromise with the Portuguese Government possible, and could not arrangements be made whereby such natives could cross the frontier in order to retain the use of their former water-supply ?

Mr. SMIT replied that, hitherto, the only point at issue had been certain water rights on a limited strip of the Kunene River, and on this subject the Portuguese Government had been approached, but he did not think it could be expected to meet the Administration by granting a general right to natives to enter its territory. In regard to the position of the natives on the Kunene River, a reply from the Portuguese Government was awaited.

Lord LUGARD wondered why it was not possible for the natives to have access to the water without it being necessary to confer upon them any rights of ownership of land, etc. As regards Togoland, for example, where the frontier between the French and British portion of the territory divided villages from their fields, the Commission had just been told that arrangements had been made whereby the native owners of those fields should continue to cultivate them on one or other side of the frontier. Could not similar arrangements be made in regard to South West Africa and Angola ?

Mr. SMIT doubted whether such arrangements would be practicable, because the native were agriculturists as well as pastoralists and must live on the land which they were cultivating. The Portuguese Government would hardly agree to a general arrangement whereby the natives could reside and cultivate their lands in South West Africa and pasture and water their stock in Angola.

M. ORTS recalled that at its⁷fourteenth session the Permanent Mandates Commission had expressed the hope that the natives should not be deprived of their customary grazing rights and rights of cultivation by the fact that they were separated from their former territory by a new frontier line.

Mr. SMIT said that the question of the rights of the natives living on the Kunene River had been taken up. The Administration of South West Africa had sent an irrigation expert to Ovamboland with the object of investigating the possibility of conserving water for the natives.

Lord LUGARD endorsed M. Orts' observation that the Permanent Mandates Commission had expressed very definite views on the subject of native rights in connection with frontiers.

Mr. SMIT would point out that the particular territory in question had never belonged to South West Africa, but had always been a neutral zone. Any of the natives who desired to return to South West Africa could do so.

M. DE PENHA GARCIA noted that the Government of the mandatory Power was doing its best to settle these difficulties without calling into question the delimited frontiers. A frontier once made must be a real frontier, and it was important, above all, not to leave any impression of vagueness on this subject. He hoped that the difficulties encountered by the mandatory Power were gradually growing less as a result of the work undertaken by the Administration to ensure the supply of water for the pastures, the more so as the natives often moved of their own accord.

Mr. SMIT said that the Union Government had approached the Portuguese Government on such points regarding the frontier as it considered necessary at the moment, and could make further representations if and when occasion arose.

Status of the Inhabitants.

M. PALACIOS thought that the moment had come to repeat the questions which had been asked by the Commission in its report to the Council concerning its last examination of the Administration of South West Africa (Minutes of the Fourteenth Session, page 274).

Mr. LOUW said that he realised the great importance attached by the Commission to the laws regulating the status of the inhabitants of South West Africa, more particularly the Act defining Union nationality, and its Act amending the law relating to the naturalisation of aliens. He had cabled to his Government and had received a reply to the effect that a detailed statement on the whole position had been despatched to the League on June 19th, and would reach Geneva in about a week's time. He asked for the indulgence of the Commission in the matter of this delay, but he would point out that general elections had recently been held in South Africa, which had probably had the effect of delaying action.

In reply to the Chairman, Mr. Louw undertook to appear before the Commission if it wished to discuss the reply of the Government of the Union of South Africa when it came to hand.

Application of Special International Conventions to the Territory.

M. ORTS said that, in the memorandum of the Administrator attached to the report of South West Africa for 1923, the following statement was made :

“ Application of Special International Conventions to Mandated Territories. — I am in entire accord with the view and recommendation of the Permanent Mandates Commission.

“ To illustrate the disabilities resulting from the existing state of affairs, it may be stated that the ends of justice have on several occasions been defeated by the fact that none of the extradition treaties entered into between Great Britain and other countries have been applied to South West Africa.

“ Criminals take refuge in Angola and cannot be extradited. ”

What was the present situation, and had the difficulties mentioned disappeared ?

Mr. SMIT replied that a number of extradition treaties had now been extended to the mandated territory, but these did not include the treaty with Portugal. There was an extradition treaty between Portugal and Great Britain which applied to the Union, but it had not yet been extended to South West Africa.

M. ORTS reminded the accredited representative that the Permanent Mandates Commission had recommended that special international treaties should be extended to mandated territories when such an extension seemed to be useful and had asked that, when necessary, the mandatory Powers should give the reasons in those cases where they considered this measure to be useless or undesirable. Was there any reason in the present case for not extending the extradition treaties with Portugal to South West Africa ?

Mr. SMIT replied that the matter had doubtless been overlooked, as no cases had recently occurred. He would, however, bring the question before the Union Government for consideration. It might well be desirable for the extradition treaty with Portugal to be extended to South West Africa.

M. DE PENHA GARCIA pointed out that M. Orts was referring only to general cases and not particularly to South West Africa.

M. ORTS agreed. It was for the parties concerned to decide in each case upon the desirability of carrying out the recommendation of the Commission.

Representatives of Foreign Countries.

In reply to M. Kastl, Mr. SMIT undertook to insert in the next report a list of States having foreign representatives and residents in Windhoek and elsewhere in the territory of South West Africa.

Scheme for the Settlement of Angola Farmers in the Territory.

Lord LUGARD noted that, in paragraph 663, it was stated that the Union Government had undertaken to finance the scheme for the establishment of immigrants on blocks of farms in certain districts of South West Africa, and that the sum of £350,000 had been granted for the purpose. In paragraph 171 it was stated that, "with regard to expenditure, the Loan Vote includes an expenditure during the first nine months of the current financial year of £126,155, in respect of the settlement of Angola farmers". Why, in view of the fact that the Union Government had voted the money, was it charged to the Loan Account of the territory of South-West Africa? Did this mean that the territory would be required to refund this loan?

Mr. SMIT replied in the negative. The debit was purely nominal, and had been dealt with in this way in order to conform with a ruling by the Auditor-General. In terms of the Constitution, all moneys received by South West Africa had to be paid into the Territory Revenue Fund, and their expenditure voted by the Legislative Assembly. In this particular instance, the matter was purely formal. The loan would not be repaid by South West Africa.

M. KASTL thought that, in those circumstances, it would be better to show this loan as a non-recoverable sum.

Mr. SMIT said the territory was not responsible for the loan, and he thought the terms would be clearly stated in the Act to be passed by the Union Government making the appropriation.

In reply to M. Kastl, Mr. Smit pointed out that Account No. 1 in paragraph 166 of the report reflected the revenue position on March 31st, 1928. A balance of £17,710 had been carried forward to April 1st, 1928. This represented the surplus of the previous year, and had been carried over to the financial year 1928-29.

Diamonds.

The CHAIRMAN noted that one of the main resources of the territory had been the tax on diamonds. In paragraph 281 it was stated that, although the market had remained reasonably good throughout the year, the position of producers had been worse than in the previous year. He would like to have explanations regarding this matter.

Mr. SMIT replied that the price of diamonds had fallen considerably. The producers had not sold a much smaller quantity of diamonds in value, but had had to produce more diamonds to obtain the same value, which had inevitably meant higher overhead charges.

Paragraph 284 of the report explained the reasons for the higher cost of production. Reference should also be made to paragraph 282. Paragraph 281 merely meant that the world's demand for diamonds remained steady.

Mr. Louw said that the production of diamonds in South West Africa had now to encounter strong competition from the newly-opened diamond fields in Namaqualand.

Mr. SMIT explained that the yearly production and sale of diamonds was strictly limited in order to maintain the price.

M. MERLIN noted that, owing to the policy of restriction, the exports of diamonds had dropped by over £600,000 from 1927 to 1928. This was a loss to the territory, for it meant that the receipts from the diamond tax were lower. According to paragraphs 283 and 284, a number of mines had been closed altogether. The powerful diamond combinations were carrying out a policy of restriction to prevent a fall in the value of diamonds. He could quite understand this policy, and in no way wished to criticise it. He wanted to know, however, whether it was pursued only in the Union of South Africa, or also in the mandated territory.

Mr. SMIT said that the policy was general. All the big producers of diamonds had entered into an agreement whereby each obtained a quota according to the amount produced. The diamonds were sold to a diamond syndicate, and the volume of trade fixed by agreement. To throw the full production of the diamond mines on to the world market would mean that the price of diamonds would sink to nothing.

M. MERLIN pointed out that this was a highly artificial state of affairs. He feared that, within a few years, it would no longer be possible to maintain the price of diamonds even by these means. A fall would be inevitable, even if resort were had to the most drastic steps, such as closing the mines.

Mr. SMIT said that every endeavour would be made to maintain the present system as long as possible.

Mr. Louw added that the Government of the Union had, in many instances, prohibited further prospecting, and that the production of diamonds found on the Crown lands was rigidly controlled.

Mr. SMIT said that the production and sale of diamonds was governed by law throughout the territory of the mandatory Power and the mandated territory.

Economic Situation of the Territory.

M. MERLIN thought that the whole economic life of the territory turned largely on the production of the diamond mines and on various industrial enterprises. For example, he noted there was a production for export of caracal pelts. There were also other articles produced, including wool, butter and cheese. He could not, however, find any general statistics as to what the territory did produce. How did the population live, apart from their industrial enterprises? They appeared to possess herds and sheep, but not to produce any very great quantity of foodstuffs. He would be grateful if details could be furnished in the next report concerning the production of foodstuffs in the territory. It might appear that the population lived from the imported foodstuffs, but there were no data regarding this matter in the Customs receipts.

Mr. SMIT replied that the country was not agricultural. The soil was fertile, but, owing to the lack of water, it was impossible without irrigation to develop it extensively. Irrigation would cost many millions, and the country was not at the moment in a position to afford such expenditure. The main industry was cattle and sheep breeding. As far as the importation of foodstuffs was concerned, full details would be found in the trade statistics shown in paragraph 189. These amounted in 1928 to the value of £533,897.

Public Finance.

M. RAPPARD desired to thank the mandatory Power for the much fuller information regarding public finance given in the present report. This information was clear, and the Department which had compiled it deserved the congratulations of the Commission.

The most striking feature of the financial position of the territory was that its basis had been completely overthrown in the past few years. Formerly, the equilibrium of the budget depended, to the extent of more than 50 per cent, on the mining royalties. In the last statement of revenue, however, this had fallen to about 10 per cent of the previous revenues (1923-24, £459,942; 1927-28, £48,885). The loss of mining royalties, together with the decrease of certain other revenues, had reduced the total revenue to the level of the actual expenditure. In the first years, in point of fact, the former had greatly exceeded the latter.

In the report of the Controller and Auditor-General on the accounts of the Administration of South West Africa, the following statement was to be found :

“ *Loss of Working Walvis Harbour.* — As after the estimates for the year were framed it was decided, under the agreement with the Railway Administration for the working of Walvis Harbour, that April 1st, 1927, should be regarded as the date from which the Administration of South-West Africa guarantees the Railway Administration against loss in working the harbour up to the maximum of the interest charged on the capital expenditure on the works covered by that agreement, it became necessary to alter, in accord with this decision, the designation of the item £30,000 in the estimates under Vote 16A for interest, which was done under personal approval of the Administrator dated February 7th, 1928.”

It would be interesting to obtain definite information regarding the terms of, and the reasons for, the Agreement referred to, by which the Administration of South West Africa assumed a guarantee towards the Railway Administration against loss in working the harbour.

Mr. SMIT replied that the position was as follows : Prior to the completion of the new harbour works, the Administration had had to pay the interest on the capital cost of those works. After they had been completed and started, however, the Administration was only liable for any loss incurred in their working subject to a maximum of the interest paid on the capital. So far, the Administration had not been called upon to pay the maximum.

He was unable to say why the personal authority of the Administrator had been considered necessary as the arrangement had been automatic. It might, however, refer to the date on which the change came into force. The Administrator and the railways had to come to an agreement in regard to the date which should be deemed to be the date on which the harbour works commenced working.

In reply to a further question from M. Rappard, Mr. Smit explained that it was hoped and expected that, in time, the wharves would not only pay for themselves but also show a profit.

Dog Tax.

M. RAPPARD noted that by proclamation No. 5 of 1928 applying the Dog Tax Ordinance of 1927 to natives, magistrates might grant exemption for the liability of payment of tax in respect

of one dog owned by each native if the dog were used for the protection of his live-stock. On the other hand, by the terms of General Notice No. 38 of 1928, members of farmers' associations or clubs for the extermination of vermin could be exempted from the payment of tax for two dogs. Were these regulations applicable to Europeans only, and what was the explanation of the different conditions imposed ?

Mr. SMIT replied that he would have to consult the laws. In one case he would point out that the exemption was granted for the protection of the stock of the individual ; in the other, in order to encourage the formation of clubs for the extermination of vermin, which was a matter of public interest.

Customs Policy.

M. RAPPARD, with reference to the abolition of the antidumping duty on cement from Belgium, asked why it had ever been necessary to impose such a duty, in view of the fact that only about 1 per cent of the cement consumed in the mandated territory emanated from manufacturers in the Union (page 30 of the annual report).

Mr. SMIT replied that the territory formed a part of the Union of South Africa for Customs purposes and therefore was subject to the regulations imposed by the Government of the Union. That Government had placed an import duty on cement in order to protect the large cement industry in the Union.

M. RAPPARD quite understood the explanation, but wished to know whether the existence of a Customs Union between a little developed country, such as South West Africa, and a country like the Union of South Africa was not disadvantageous to the former. Was the situation really in conformity with Article 2 of the mandate, which required that " the Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present Mandate ".

It would seem that this provision should be given due consideration when considering the first section of the same article, according to which the Mandatory had full powers of administration and legislation over the territory, and might administer it as an integral portion of the Union of South Africa.

M. RAPPARD added that the question was at the moment purely academic, as the duty had been withdrawn. He hoped, however, that such cases would not be numerous.

Mr. LOUW said that, quite apart from the fact that South West Africa was being administered as an integral part of the Union and should therefore be subject to the same tariff laws, there was the practical difficulty that, if in the case in point the dumping duty were not applied in the territory under mandate, there was nothing to prevent imported cement entering the Union via South West Africa, there being no Customs frontier between the two territories. This would defeat the object of the dumping duty and detrimentally affect Union producers.

M. RAPPARD pointed out that, if such cases arise in any number, it would be necessary to settle which of the two provisions of the mandate, and incidentally of the Covenant, was paramount.

Land Tax.

M. RAPPARD asked what was the meaning of the reference to pfennigs in the land tax shown on page 28 of the report.

Mr. SMIT replied that the old German law had been maintained, and that the pfennig was used in the law.

Payment by the Union for Diversion of Radio Traffic.

M. RAPPARD noted that, in the supplementary estimates of expenditure defrayed by the Union of South Africa during the year ending March 31st, 1928, the following item was included : " Payment to South West Africa for diversion of radio traffic, £3,000 ". What was the explanation of this item ?

Mr. SMIT replied that, formerly, the Administration of South West Africa had done much of the radio work of the Union from its station in Walvis Bay. This had meant extra expenditure in order to increase the size of that station. The Union had lately strengthened its own station at Slangkop and consequently had taken over a lot of the traffic formerly dealt with by the Walvis Bay Station. The Government of the Union had undertaken to pay £3,000 a year for three years by way of compensation.

Revenue from Railways for the Period 1920-1928.

M. KASTL said that the accredited representative for South West Africa had promised last year to submit a statement of the revenue received from the railways for the period 1920-1928.

Mr. SMIT said he had not understood that returns would be submitted for the whole of the period 1920-1928. He would note the request of the Commission.

Agriculture.

M. KASTL noted that there had been 315 applicants for farms in 1928 and that only 44 applicants had succeeded in obtaining land. He understood that it was impossible to meet the requirements of the other applicants owing to the difficulty of making adequate progress with the boring operations for the settlement of the Angola Boers. Was it not desirable to increase the staff which was employed upon this work? It seemed to him regrettable that so many good applicants for settlement, as the report states, could not obtain land.

Mr. SMIT said that the staff engaged in the boring operations had been increased, and he hoped that, during the current year, a greater number of farms would be allocated to new applicants than in any previous year.

M. SAKENOBE, referring to Ordinance No. 13 on page 3 of the report, asked whether the inspection and grading of agricultural produce for export might not act to the detriment of the natives, as compared with European farmers. It might be difficult for a native farmer to grow produce of a quality high enough to compete with the European produce.

Mr. SMIT said that the natives mainly produced stock, and the stock was of so poor a quality that it could not be marketed for export in the ordinary way. The natives were extremely reluctant to dispose of their stock; but, if they wished, they could always dispose of it to local buyers or to the Liebig company.

M. SAKENOBE enquired whether the natives produced any dairy produce.

Mr. SMIT said that they did not produce any dairy produce for sale. An attempt had been made in one reserve to induce them to dispose of their surplus milk and cream, but without success. This was referred to in the report.

M. RAPPARD enquired whether there was sufficient contact between the natives and markets outside the territory to make it possible to develop a dairy industry.

Mr. SMIT said that at present the natives only produced sufficient milk for their own use. A market could, however, be found for their produce if a dairy industry were developed.

M. RAPPARD asked whether such a development would not be encouraged if the natives were assured of a good price for their produce. In such circumstances they might make an endeavour to increase the quantity and improve the quality.

M. SMIT said an endeavour had been made to promote the development of a dairy industry among the natives of one reserve without success.

Proclamation of 1928 relating to Certain Native Customs.

M. KASTL drew attention to a proclamation of 1928, on page 66 of the Collection of Laws relating to the territory. This proclamation referred to certain native customs, which had been prohibited.

Mr. SMIT said that this proclamation referred to a certain practice among the Ovambos and Hereros. The provision had been made under a misapprehension that the practice referred to represented a purchase of wives by the natives. The transaction, however, amounted, in fact, only to a gift of stock which was made to the parents of the bride by the bridegroom and was used for the marriage festivities. The provision would, therefore, be of no value.

Justice.

Lord LUGARD drew attention to the statement in paragraph 50 that the jurisdiction of the High Court extended over the whole of the territory; did that mean that the jurisdiction of the High Court and circuit courts extended over Ovamboland and Okavango?

Mr. SMIT said that Ovamboland and Okavango lay outside the circuit districts. The circuit courts did not visit them. In serious cases, however, criminals might be sent to the nearest magistrates for preparatory examination and subsequent trial by the circuit court.

Lord LUGARD asked what was the decree of "perpetual silence" referred to in paragraph 63.

Mr. SMIT replied that he thought it was an order of the Court prohibiting a plaintiff from bringing an action in any shape or form at any time after the order. To illustrate this he said instances had occurred where a person had brought action after action involving the same substance but different in form, thus exposing the defendant to expense and worry. The

defendant could ask the Court for an order of perpetual silence, and, if granted, the plaintiff was barred for ever from bringing the same action before any court.

Lord LUGARD, referring to paragraph 87, enquired whether there was any limit to the penalties which could be imposed by native chiefs. Could they, for example, impose the death penalty ?

Mr. SMIT said that there was no law interfering with or limiting the jurisdiction of the native chiefs. They were, in theory, entitled to inflict the death penalty. The Native Affairs Officer, Ovamboland, had reported, however, that there had been only two cases for many years, and the last case had occurred some time ago. The Native Affairs Officer had been fourteen years in Ovamboland.

M. VAN REES enquired whether the penalty of mutilation was imposed.

Mr. SMIT answered that, in practice, there had been no cases for many years.

Lord LUGARD enquired whether the territory referred to at the beginning of paragraph 76 was intended to indicate only the police zone. Why did not the Courts recognise native law and custom when adjudicating in native cases ?

Mr. SMIT replied in the affirmative to the first question. Under the Native Administration Proclamation, which would shortly come into force, however, provision was made for the establishment of courts of Native Commissioners, which could apply the native and customary law.

Native Taxation and Distribution of the Funds collected.

Lord LUGARD, referring to paragraph 180, enquired whether it was not possible to give to the chiefs and headmen a percentage of the tax collections to be used on behalf of the community.

Mr. SMIT said that all revenue collected in the reserves was expended there. There were no chiefs in the reserves, only headmen ; for each reserve a Reserve Fund Board was constituted, consisting of the headmen and a number of natives selected by the adult native males resident or having interests in the Reserve. This Board advised as to the expenditure of the fund ; it was not responsible for the expenditure but was always consulted in regard to it. In Ovamboland, the natives were not taxed. The Assistant Secretary for South-West Africa had, however, recently visited the tribes and explained to them the advantage of taxation for the development and improvement of their country. The natives had expressed their willingness to accept a system of taxation, and the details of that system were now being considered. The first object to which the taxation would be devoted was the development of water-power.

Lord LUGARD said he had enquired as to this matter, because he thought that responsibility for the expenditure of revenue was an excellent form of education in local self-government

Famine in Ovamboland.

Lord LUGARD noted a reference in paragraph 435 to a prospect of severe famine in Ovamboland. Had the accredited representative any further information ?

Mr. SMIT said that, owing to the drought, the position would undoubtedly become serious about September or October, when the hot weather set in, unless the rains came at an earlier date than usual. Steps were being taken to create a provisional organisation to act if and when it should be necessary.

Militia.

M. SAKENOBE said that the Commission had been informed at its last session that the burghers were organised in a militia ; he would like to have some further information concerning the organisation and discipline of this militia.

Mr. SMIT pointed out that a summary of the Burgher Force Law had been given in the report for 1925. There had since been a new proclamation passed in 1926, which varied certain points such as the age of liability for service and the appointment of officers, etc. There was no permanent military force, but the burghers might be called up annually for rifle practice and training.

M. SAKENOBE thanked Mr. Smit for this information ; he had been unaware that particulars had been given in a previous report.

Arms and Ammunition.

M. SAKENOBE noted that no particulars had been given in paragraphs 142-144 concerning any export of arms and ammunition. Was it to be inferred that there had been no such exports ?

Mr. SMIT said that no arms or ammunition were manufactured in South West Africa. The only possible exports would consist of arms and ammunition taken outside the territory by persons who were leaving, and not for trade purposes.

Labour.

Mr. GRIMSHAW said he was grateful to the Administration of the mandated territory for the clear and full information given in the report in regard to labour conditions. He would ask whether there was any system of labour inspection of the mines, apart from medical inspection.

Mr. SMIT pointed out that regular inspections were made by the Native Affairs and Mines officials. Particulars as to the organisation of the Mines Department were given in paragraph 34 of the report. There were six European officers, most of whom were technical officers, and four native officers. Information with regard to the inspection of the mines would, however, be given in the next report.

Mr. GRIMSHAW noted that the mortality figures among the natives recruited for work in the mines at Tsumeb were again extremely high, and natives from the tropical areas appeared to suffer most heavily. Moreover, it was stated in the report that authorities were looking more and more to the north for the recruiting of labour. He would therefore repeat his question of the previous year, and enquire whether the policy adopted on the east coast, namely, the prohibition of recruiting natives from further north than 22° S. latitude for mine work, should not be considered for the west coast also. It seemed obvious that the natives brought from tropical districts were unable to withstand the conditions prevailing in the mines.

Mr. SMIT said that this question had been raised from year to year and had caused the Administration great concern. He had drawn up a statement on the general health position in the territory which was at the disposal of the Commission (see Annex 3).

Lord LUGARD pointed out that in paragraph 568 it was said that the native labour supply was inadequate, but in paragraph 570 it was also said that no restriction was considered necessary on the establishment of new enterprises. He noted, moreover, that in paragraph 414 it was stated that barely 25 per cent of the natives residing in the reserves were men, chiefly those who were physically unfit to go and seek work.

Mr. SMIT thought that Lord Lugard had misunderstood the statement in paragraph 570. That statement was to the effect that the Administration did not consider any restriction on the establishment of new enterprises necessary in the interests of the proper care and development of the native races and did not refer to the development of the territory. The Administration felt that any form of labour was for the moral good of the natives.

Lord LUGARD hoped that the phrase "enterprises in the interest and development of the natives" would not be given too wide an interpretation. He noted in paragraph 581 that recruited workers were not encouraged to bring their wives. Was this a desirable restriction?

Mr. SMIT said that it was not considered desirable in the interests of the natives that their wives should accompany them to the mines, where there was a large and mixed male population. The experience of the Administration was that such a course would only tend to encourage immorality among the native women, and, as regards children, the atmosphere would be undesirable. There was also the problem of providing suitable accommodation for them.

NINTH MEETING.

Held on Friday, July 5th, 1929, at 10.15 a.m.

Chairman : Marquis THEODOLI.

999. South West Africa : Examination of the Annual Report for 1928 (continuation).

Mr. Eric H. Louw and Mr. H. P. Smit came to the table of the Commission.

Freedom of Conscience.

M. PALACIOS believed that the Commission would note with satisfaction that the Administrator, contrary to the attitude adopted last year, had found it possible to obtain from the various missions interesting reports on their activities, which have been inserted in the annual report. This had apparently been done in reply to the observations made by the Commission at its eleventh session.

Had any difficulties arisen out of the fact that (see page 54 of the report) keen rivalry existed in the Ombalantu between the Roman Catholic and the Finnish Missions ?

Mr. SMIT said that there were no difficulties.

Education.

Mlle DANNEVIG thought the Commission might note with satisfaction that, according to paragraph 367, page 50 of the report, instruction in the aims and objects of the League of Nations was given in all schools, and that textbooks had been supplied by the Administration for this purpose. In paragraph 357 there was an interesting account of itinerant schools established for the Angola farmers, and in paragraph 362 it was said that the compilation of a history of South-West Africa had been begun at the instigation of the Administrator, which showed the interest he was taking in education.

As regards the education of natives, Mlle Dannevig drew attention to the provision in the Education Proclamation No. 16, 1926 (Laws, page 196), whereby the Government might prevent the establishment of a school for coloured or native pupils and close it if such closing, in his opinion, was in the best interests of the territory. Did not this leave very wide powers to the Administrator ?

Mr. SMIT replied that there had been no occasion hitherto to exercise this right. Circumstances might arise, however, in which it would be necessary to resort to it. For instance, an endeavour might be made to establish a school for purposes of political propaganda.

Mlle DANNEVIG drew attention to the discrepancy between the statement in paragraph 375 that during the year " progress has been steady and satisfactory " in the schools for coloured and native children, and the statement in paragraph 378 that " at almost every point progress is retarded by the shortage of trained teachers ".

In 1928, only 3,837 native and coloured children received any education at school. Last year, the Administrator had said he could not " risk war " to compel the Rehoboths to send their children to school. This year the Rehoboths had opened three schools in the Gebiet, where a good school-building had been erected by private means. The situation, therefore, seemed very hopeful.

Mr. SMIT explained that the progress referred to in paragraph 375 was progress in the actual work of the students. It was true that there was a shortage of trained teachers, but that the Administration was granting every assistance to the missions was testified to by the Roman Catholic Mission (see statement under the heading " Missions " in the annual report under review) and also by Dr. Vedder in his article on the Hereros published in the booklet on the native tribes of South Africa, in which he (Dr. Vedder) referred to the generous subsidies granted for educational purposes. Since the financial year 1923-24, the Administration's expenditure on native education had trebled. A serious obstacle to the spread of education was the fact that natives, and the Hereros in particular, did not avail themselves of the facilities which were offered for the education of their children.

M. RAPPARD was sure that all his colleagues appreciated the progress that had been made and welcomed the increase in the subsidies. He trusted, however, that the Administration would endeavour to achieve further progress, even by gradually removing, by appropriate means, the resistance of the parents who refused to allow their children to profit from the instruction which it was the duty of the mandatory Power to provide for them.

Mr. Louw pointed out that in the territory under mandate the Administration was dealing with uncivilised natives who were nearer to the "savage" stage than even the natives in the Union.

This fact should be borne in mind in all matters affecting the natives, and more particularly in such a matter as that of education. Principles applied in Switzerland could not be considered as applicable in South-West Africa. The conditions were absolutely different. Abrupt methods of compulsion could not be employed. It was necessary to proceed slowly and with prudence.

Mr. SMIT pointed out that, both in the report and in Dr. Vedder's article, reference was made to the opposition on the part of the Hereros, the principal tribe in the Police Zone, to the establishment of schools. Missions had offered to open schools in two or three reserves occupied by Hereros, but their offers had been summarily rejected.

The malcontents in the Rehoboth Gebiet had also emphatically refused to have anything to do with any Government or subsidised schools. Their objection, of course, was political, and was consistent with their general attitude towards the Administration. The reason they assigned for this attitude was that to accept any offer of assistance by the Government would imply an acknowledgment of the Government's authority, whereas their claim was for absolute independence. The result, however, was that their children were not receiving education.

Lord LUGARD drew attention to the reference in paragraph 419 to the "ever-increasing desire (except in the case of the Herero) on the part of the natives to have their children educated".

Mr. SMIT pointed out that the Hereros constituted the principal tribe, the remaining tribes being small.

In reply to a question by M. Sakenobe, Mr. Smit said that the Government agricultural schools were intended exclusively for Europeans. Education of the natives was entrusted entirely to the missionaries. The industrial schools were subsidised by the Administration and he referred, in particular, to the institution established at Onguediva by the Finnish Mission. The Administration was always prepared to support an extension of practical education of this character.

Lord LUGARD observed that, according to the table in paragraph 374, there was only one trained teacher for from fifty to sixty pupils in the subsidised schools, and asked whether it would not be possible to obtain trained teachers from the Cape Colony, as had been done for the school established in co-operation with the Rhenish Mission referred to in paragraph 380.

Mr. SMIT explained that the fact that the medium of instruction in the schools was the home language of the pupils made such a course impossible; the Union natives had no knowledge of the native languages of South West Africa.

He added, in reply to Mlle. Dannevig, that one of the official languages was an accessory subject in the curriculum.

Spirits and Drugs.

M. DE PENHA GARCIA was glad to note that the mandatory Power had taken account of the observations of the Commission with regard to the liquor traffic.

He drew attention to the statement, which appeared a surprising one, that the amount of wine produced in the territory in each of the years 1925 to 1928 had been identical.

Mr. SMIT explained that practically the sole producer of wine in the territory was the Roman Catholic Mission at Windhoek. Since the Mission paid excise duty on this wine, it might be taken that the figures given were accurate.

M. DE PENHA GARCIA pointed out that the number of offences for the possession of or traffic in kaffir beer had increased by 25 % in 1928 as compared with 1927 (see table on page 13). He trusted that the Administration would take note of this fact, and would ensure that the prohibition of manufacture of this beer by natives would be more rigorously enforced.

Lord LUGARD drew attention to the statement in paragraph 133 that the natives regarded kaffir beer as food. If this were so, it seemed hard that the natives should be absolutely prohibited from the consumption or brewing of such beer. The prohibition in the mandate related only to the "sale or supply of intoxicating liquor to natives". That the law weighed heavily on the people was shown by the fact that in 1928 there were 1,278 convictions for the crime of "possessing kaffir beer" (paragraph 102).

In reply to a question by Count de Penha Garcia as to the ingredients of this beer, Mr. SMIT said that the ordinary kaffir beer was brewed from grain, such as maize, kaffir corn or millet. Such beer was innocuous and was regarded by the natives as food and drink. Other beer, however, was brewed from certain roots, bulbs or fruits and this was more powerful. The beer brewed in urban centres was rendered more intoxicating by the use of such agents to fermentation as yeast of certain brands, syrup and treacle. Alcohol or spirit was occasionally

added, when obtainable. The Administration was not concerned at the consumption of pure grain beer in the rural areas, particularly in Ovamboland and in the Okavango.

M. DE PENHA GARCIA asked whether the health services had taken steps to make an analysis of kaffir beer and to enquire into its effects on the natives.

Mr. SMIT replied that such general action had not been thought necessary. The percentage of persons convicted of the possession of such beer to the total population had been very small.

M. MERLIN asked whether the natives drank this beer daily or only on special occasions.

Mr. SMIT said that the beer was largely consumed during the week-ends in the urban areas.

M. DE PENHA GARCIA asked whether any cases of consumption of opium or of morphine had been discovered ?

Mr. SMIT said that the Government of the Union was a party to the International Opium Conventions, but that no such cases had come to the knowledge of the police.

Public Health.

Lord LUGARD noted the statement in paragraph 603 that, of the twenty-seven medical practitioners, only two were full-time officials and thirteen were part-time district surgeons, the remainder being in the employ of various mines or in private practice. Was it considered that the number of medical officers in the territory was sufficient ?

Mr. SMIT believed that the number of these officials was sufficient for present requirements.

Lord LUGARD pointed out that it appeared from paragraph 364 that there had hitherto been no system of medical inspection of schools.

Mr. SMIT stated that this had been the case. He would recall, however, that medical inspection was rendered extremely difficult in the territory by the fact that the territory was very large and sparsely populated, and the schools were scattered over a wide area.

Land Tenure.

M. VAN REES pointed out that the report, although providing a detailed account of the movement of non-native settlement in the territory, gave no information which made it possible to obtain a general picture of the system of land tenure in force throughout the territory. He recalled that the Commission had drawn up a list of the points regarding which it desired further information.

Would the accredited representative request his Government to include these particulars in the report of the following year ?

Mr. SMIT recalled that, in 1925 (he thought), the Government of the Union had transmitted to the League a full memorandum on the land tenure system. This memorandum contained all the particulars indicated in the list to which M. Van Rees had referred.

M. Van REES was aware of this memorandum. It had, however, only referred to the system of land tenure in regard to Europeans, whereas it was the system of the land tenure in the native reserves and in the northern part of the territory that was of particular interest to the Commission.

M. Van Rees understood that the land in these reserves was the public property of the natives. Did the Government control the allocation of this land, and what were the principles governing that allocation ? Briefly, from the point of view of the natives, of what did the system usually called "land tenure" consist ?

In reply to a question by Lord Lugard, Mr. SMIT explained that the word "Erven" (page 90 of the report) referred to small holdings or plots of ground in urban areas.

Lord LUGARD noted the statement in paragraph 344 that "there is keen competition for any holding which becomes available for allotment". What were the principles that guided the authorities in their consideration of the demands for these holdings ?

Mr. SMIT said that applicants for land settlement farms must possess a minimum capital of £500. Apart from this, the Land Board was guided in its recommendations by the experience and general suitability of the applicants.

Population.

M. RAPPARD said that he had been impressed by the great increase in the European population, which had been largely due to a heavy immigration of Germans. He pointed out that the birth rate per thousand in respect of the European population had risen from 29.92 in 1927 to 34.83 in 1928. Was this sudden rise to be attributed to an improvement in the system of registration ?

Mr. SMIT said that the Director of Census prepared the tables and he would obtain information on this point.

M. RAPPARD also drew attention to the figures relating to the births and deaths of non-Europeans for the year 1928 (see paragraph 155), which appeared to be abnormally low.

Mr. SMIT said that it was, of course, impossible to guarantee accuracy in these statistics. The authorities could only work upon the basis of the actual registrations of births and deaths.

Status of the Population of Walvis Bay.

M. KASTL asked whether the population of Walvis Bay was entitled to participate in the elections to the Parliament of the Union, and also in the elections of the territory ?

Mr. SMIT said that it was definitely laid down in the Constitution that, for the purposes of the Constitution, Walvis Bay should be regarded as forming part of the mandated territory, and it followed, therefore, that the inhabitants were entitled to vote in South-West Africa. It must be borne in mind that they were subject to the same taxation and other obligations as the other inhabitants of the territory, and it was only logical that they should have a say in the Government there.

Mr. Louw recognised that an anomaly appeared to exist in this case. The population of Walvis Bay was subject to taxation by the mandated territory and the principle of "no taxation without representation" had no doubt been followed.

M. KASTL said that the present situation seemed to be quite unsatisfactory. He felt that it was urgently necessary to deal with this anomaly.

1000. South West Africa: "Kaoko Land- und Minengesellschaft": Communication from the Government of the Union of South Africa, dated May 22nd, 1929¹.

M. PALACIOS said that the Commission had received the answer of the mandatory Power to the observations submitted by the Council on the petition of the German company of the Kaokoland. The Mandates Commission had not yet discussed the question. M. Palacios, as Rapporteur of the Commission, had made some observations in order to clear up the point, reserving not only the opinion of the Commission but also that at which he might arrive.

On this understanding, if the explanations furnished by the Government of the Union of South Africa regarding the question of ex-enemy property raised by the petition of the Kaoko Land- und Minengesellschaft could, perhaps, satisfy M. Palacios on some points, they gave rise, on the other hand, to problems on the subject of which it would be interesting to hear the accredited representative of the mandatory Power.

The explanations given as regards the apparent contradiction between the declarations of February 19th, 1926, and July 4th, 1928, in the replies on the question of ex-enemy property, might perhaps be accepted in some part; but, in the same measure as these were accepted, it might be necessary to open up again the problem of the right of the mandatory Power to cancel, without indemnity, rights to landed property when these rights had not been denied or questioned before the Commission by the mandatory Power.

In doing what it did, the mandatory Power seemed to base its action entirely in accordance with its first declaration, on Article 297 of the Treaty of Versailles. If this basis were set aside, on what other legal grounds could it base its action.

It could be inferred from the reply that its action was in the public interest. This was also stated in Proclamation No. 59 of 1920. In what way could the mandatory Power take that consideration as a basis, from a legal point of view, for the authoritative cancellation of a property and the negation of the *locus standi* of the dispossessed proprietor ?

Was it by right of conquest, as the above Proclamation also appeared to state ? This could only be justified legally by the Treaty of Versailles. The Commission was now again faced by Article 297, and it was very clear for what reason it asked for the explanations requested by the Council.

Mr. Louw replied that, if the terms of the Proclamation which had effected the cancellation were examined, it would be clear that the cancellation had been dictated by the public interest. The contradiction to which M. Palacios had referred was due to the confusion which had arisen in connection with the second paragraph of the communication of July 4th, 1928, the case alluded to in that paragraph having been a hypothetical one. Mr. Louw added that a British company in London had been expropriated of its rights at the same time as the German company which had presented this petition. There was therefore, in this particular case, no question of expropriation of ex-enemy property owners by virtue of the Treaty of Versailles. Mr. Louw also quoted from the various proclamations in support of his argument.

Mr. SMIT recalled that the action taken by the Union Government on the report of the Commission appointed to enquire into the position of concession companies in general had been communicated to the Council of the League in the annual report of the Union Government for the year 1920. The Council was therefore aware of what had been done.

The CHAIRMAN wished to emphasise that the fact that the Council had not taken up the matter did not necessarily imply that it had approved of the decision of the Union Government.

¹ See Minutes of the Fourteenth Session, page 111.

M. PALACIOS said that, for the moment, there was nothing to be done but note the reply which justified the observations he had thought it necessary to forward to Mr. Louw, in order that the Commission might be more fully informed.

M. RAPPARD recalled that the question of indemnity also arose.

Mr. LOUW understood that the Commission had already decided that it was not competent to deal with this aspect of the matter.

M. RAPPARD replied that that decision had been taken at a time when the Commission had believed that the cancellation had been effected in virtue of an article of the Treaty of Versailles. The situation would therefore now be completely changed.

1001. South West Africa : Examination of the Annual Report for 1928 (continuation).

Ownership of the Railways in the Territory.

The CHAIRMAN wished to make a general declaration on behalf of the Commission. The relations between the Commission and the mandatory Power has always been good and were steadily improving. There were, however, two points in connection with which the Commission had endeavoured for many years without success to obtain information — the attitude of the Government of the Union towards the question of sovereignty, and the position that it assumed with regard to the question of the “full dominion” of the railways. The Chairman understood that a report had been despatched which would provide information on the second of these points. He hoped, however, that the mandatory Power would be good enough to make definite statements regarding these two points.

M. ORTS read the following passage from the Commission’s observations to the Council on the report for South-West Africa for 1927 :

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

“ The Commission hopes that the mandatory Power will now find it possible to amend the South West Africa Railways and Harbours Act (No. 20) of 1922, in order to bring the legal regime of the railways and harbours into conformity with the principles of the mandate and the Treaty of Versailles and the decision adopted by the Council of the League of Nations on June 9th, 1926. ”

He would like to know whether the mandatory Power had thought it possible to give effect to this recommendation of the Commission.

Mr. Louw agreed that the Chairman was correct in saying that the question of the use of the term “full dominion” in regard to the railways had been hanging fire for some time. He had noted the full discussion which had taken place at the previous session when Mr. Werth had explained the legal reasons for which the term had been introduced into the Act, as well as the reasons for which, in his opinion, it would be undesirable to remove it from the Act. He noted that the Commission had requested the Government of the Union to give some assurance that the term would be removed. He regretted that he was unable to give any definite reply at the moment.

He had had a communication from the Union Government, and had received a further cable in the course of the previous week, saying that this matter presented certain legal difficulties and that the Government’s legal advisers were considering how the Commission’s wishes could be met. He would therefore beg the Commission’s indulgence for a further delay. Meanwhile, he could assure the Commission that the question would be answered either one way or the other within a reasonable time. There were certain legal difficulties in the matter which the Government considered important.

M. RAPPARD thought that the members of the Commission would be unanimous in thinking that it was impossible, under these circumstances, to take up again at the present time the legal question.

In regard to the economic aspect of the matter, he reminded the accredited representative that, in the previous year, the Commission had expressed the hope that it might receive information in the annual report for this year concerning the running of the railways and especially the grants made by the Administration of the mandated territory to the railways. While he was grateful for the financial statement contained on page 105, he thought that the Commission would desire to have some fuller information, especially concerning cases in which the Government of the mandated territory had promised or guaranteed subsidies for the running of the railways.

Mr. Louw said that, before leaving London, he had searched his office records with a view to obtaining all possible information concerning the finances of the railways, but he had been unable to find anything except what was contained in the annual report. He would note M. Rappard’s point, and would ask the Government of the Union for more specific information. He would remind the Commission that the difficulty in obtaining information was due to the

fact that the railways were not run by the mandated territory, but by the Government of the Union.

M. RAPPARD said that it was for that reason that he had asked this question.

Mr. SMIT said that the Administration could, of course, give full information in regard to the guarantees given in respect of the Walvis Bay Harbour and the construction of the Gobabis railway line, since the Administration was liable for these, and he undertook that the information required on these particular points should be given to the Commission in the next annual report.

Legal Relations between the Union and South West Africa.

M. VAN REES said that he did not intend to go into the substance of the question of sovereignty which had been raised on several occasions. He wished, however, to make clear the object of a request for information made by the Commission in the report on the work of its eleventh session. As was clear from the Minutes of that session, the Commission only "desired an explanation of a term which might perhaps have different shades of meaning in English and in French" (see Minutes of the eleventh session, page 90). This request was expressed as follows in the eleventh report of the Commission to the Council :

"The Commission . . . hopes that the Government of the Union of South Africa will be so good as to explain whether, in its view, the term 'possesses sovereignty' expresses only the right to exercise full powers of administration and legislation in the territory of South-West Africa under the terms of the mandate and subject to its provisions and to those of Article 22 of the Covenant, or whether it implies that the Government of the Union regards itself as being sovereign over the territory itself."

Although this passage in the report of the Commission had been approved by the Council and by the Assembly of the League at its eighth session, the Government of the Union had only felt able to send to the Secretariat a reply which was, to say the least of it, enigmatic.

M. Van REES had been especially surprised at this answer, for he found it difficult to understand why the mandatory Power refused to reply to a request for explanations, which was entirely inoffensive and altogether free from anything aggressive. He would add that no supplementary reply had since been received by the Commission.

Mr. Louw said that before leaving London, he had endeavoured to obtain information for the Commission on all points upon which the Commission had requested information, but, speaking for himself personally, he was obliged to say that this point had not been mentioned in the Commission's previous report. He therefore was unaware that the question had been raised two years ago, nor did he expect it to be raised now. Under the circumstances, he regretted his inability to give the Commission any information on what was merely a legal question and a difficult one at that. If there were any question of fact on which the Commission desired to be informed, Mr. Smit would no doubt be in a position to reply.

M. ORTS thought he could say that the Commission had never made a more legitimate request, nor one which was less calculated to call for long reflexion.

Mr. LOUW regretted that he was not prepared to reply to the question raised.

Mr. SMIT said that he had not perused the correspondence recently, but he was surprised that the matter was raised again as he was under the impression that the question had been disposed of finally. No reference to it had been made after the reply of the Government of the Union to which M. Van Rees had referred, nor had the Council of the League expressed dissatisfaction with the reply sent. In the circumstances, the Union Government had been entitled to consider that its reply had been accepted and that the matter was closed. He was speaking from memory, but in the circumstances he could not see his way clear to make a statement on the subject.

M. VAN REES added that the point which occupied the minds of the members of the Commission was not the solution of the theoretical problem of knowing in whom the sovereignty of the mandated territory was vested, but simply that of the meaning which the Union Government attributed to a term which it employed and which might lead to confusion.

M. RAPPARD said that it was a thankless task for the Mandates Commission to have to repeat the same questions year after year. The Commission, being desirous to mitigate the torment which it was obliged to inflict upon the accredited representatives, sometimes left a question on one side, even if it had not received a reply. It must not, however, be concluded that it ceased to be interested in the question and that its curiosity could be killed by prescription.

Mr. LOUW repeated that there was nothing in the Commission's last report to indicate that further information was required on this point. The Union Government could hardly, under the circumstances, be blamed for not dealing with it. He suggested that, in future, such points be raised again if the Commission still desired further information.

Close of the Hearing : Relations between the Mandatory Power and the Mandates Commission.

The CHAIRMAN said that, in closing the discussion on the annual report for South-West Africa, he could not help wondering whether Mr. Louw and Mr. Smit, who had shown so much cordiality in giving as satisfactory answers as possible to the Commission's questions, was aware of the cloud which had for some time hung over the relations between the Mandates Commission and the Government of the Union of South Africa. It must not be imagined that the Commission took too seriously the talk that sometimes went round in the Press according to which the Government of the Union was sometimes lacking in deference to the Mandates Commission in matters appertaining to the mandate for South-West Africa.

It was the duty of the members of the Commission to sound the alarm when questions of principle arose. As regards the matter which the Commission had just been discussing with the accredited representative, the Commission had asked for a clear and simple question of principle upon which there was no doubt nor hesitation in the minds of the members.

The Commission gave the mandatory Power once more the opportunity to give a definite reply to certain questions to which it attached the greatest importance.

Mr. Louw expressed thanks on behalf of Mr. Smit and himself for the courtesy with which the Commission had received them.

In reply to what he Chairman had said, he would repeat what he had said at the beginning of the examination: that he felt strongly that no suggestion could be made that the Government of the Union had at any time been guilty of lack of deference or consideration towards the Mandates Commission. No better proof of this could be found than in the fact that in the previous year, and again in the present year, the Government had sent representatives at considerable expense and sacrifice, on a journey of 8,000 miles, with the object of acquainting the Commission with the facts of the case. At the same time, Mr. Louw could not say — and it obviously was not within this power to say — whether this practice would be followed in the future.

In regard to questions put by the members of the Commission, Mr. Louw trusted that they would not shrink from repeating questions upon which they desired information, from a fear that they might be hurting the feelings of or causing undue worry to the accredited representatives. If, for instance, he had known that the question of sovereignty was to be raised again in the present year, he would have cabled out for his Government's instructions, as he had done in regard to certain other matters.

As to the Chairman's question regarding the representation of the mandatory Power at the sessions of the Commission, Mr. Louw said that he was not in a position to give a definite reply. He could, however, say that the Union Government had in mind the appointment of two diplomatic representatives on the continent of Europe, and it was not unlikely that one of these representatives would be entrusted with all matters appertaining to the League of Nations. If this course were followed, it would mean that the same man would appear before the Commission on at least three or four successive occasions, and this would ensure that such a representative would take a very particular interest in the administration of the mandated territory and be in a better position to see that the Commission's enquires were dealt with promptly.

Mr. Louw added that his statement on this point must not be taken as constituting a definite assurance. He was merely mentioning a probable development, which might, or might not, take place.

He would conclude by assuring the Commission that Mr. Smit and he would do their utmost to see that all the points on which it had not been possible to give full information at the present session would be cleared up as soon as possible.

The CHAIRMAN replied that, in giving this assurance, Mr. Louw was rendering a great service to all parties concerned, and not only to the Mandates Commission, whose only object was to assist the mandatory Power in the administration of the territory committed to its charge. If the document in regard to the question of nationality announced by Mr. Louw reached Geneva before the end of the session, the Commission would be glad if he could return, if necessary, to discuss it with the Commission.

On behalf of the Commission, he would thank Mr. Louw and Mr. Smit for their cordial co-operation.

(Mr. Louw and Mr. Smit withdrew.)

1002. Palestine and Trans-Jordan: Examination of the Annual Report for 1928.

Sir John Chancellor, High Commissioner for Palestine and Trans-Jordan, accredited representative of the mandatory Power, and Mr. Clauson, Colonial Office, came to the table of the Commission.

The CHAIRMAN, on behalf of the Commission, welcomed the accredited representative.

General Statement by the Accredited Representative.

Sir John CHANCELLOR made the following general statement:

I beg first to thank you, Mr. Chairman, for your welcome.

I consider it a great privilege to appear before the Mandates Commission, and I welcome its co-operation and advice in discharging my duties as the representative of the mandatory Power in Palestine.

The Commission will remember that my predecessor, Sir Herbert Samuel, appeared before it in 1924 on the first occasion on which a report on Palestine came up for consideration. A good deal has happened since then, but I think it will be found that the general lines of administration in Palestine, as adopted by the mandatory Power and approved by the Mandates Commission, have not materially changed. To those of us who carry on the task on the spot, often in circumstances of difficulty, it is a source of strength and encouragement to know that we have the Commission's approval.

It will always be our object to place all the facts before the Commission in the fullest and frankest manner.

I should like, in the preliminary statement which you are good enough to allow me to make, to divide my remarks into two main heads, namely (1) Political and (2) Economic.

*Palestine*¹.

Political.

As regards the general political situation, I can repeat, in general terms, what my predecessors have stated before me. You are all aware of the Arab-Jew controversy, which has played so prominent a part in the politics of Palestine. I think I can say that the relations between the two communities continue to improve. There has been little open friction between them. The one exception to this general statement is the Wailing Wall case. Apart from the controversy as to the Wailing Wall, my general statement as to the improvement in the relations of the two races holds good.

This does not, of course, mean that there is no room for further improvement, or that anything in the nature of a final solution has yet been reached in the relations of the Jews and Arabs. Since I assumed office as High Commissioner last autumn, it has been made clear to me that the Arab population still resents the Balfour Declaration and is hostile to the policy of setting up a national home for the Jews in Palestine. Their hostility is perhaps less marked than it was, but it is still there. The apprehensions of the Arabs that their country would come under the domination of the Jews are abating and the more intelligent of them are realising the advantage accruing to all sections of the population from the influx of Jewish capital and industry.

A further phase of Arab opinion that has come to my notice relates to the constitutional position. You are familiar in general terms with what that position is. No progress has been made in the direction of creating a central legislative body or of representative institutions for the country as a whole. I need not go into past history of this question. As you are aware, the mandatory Power is not to blame for the failure to take action in this matter. Prior to November 1923, three successive proposals were put forward by the mandatory Government with a view to the closer association of the Arab community with the Administration of Palestine. Towards all these proposals the Arabs adopted the same attitude, namely, refusal to co-operate in measures which they considered did not satisfy their aspirations. The mandatory Government was accordingly driven reluctantly to the conclusion that further efforts on similar lines would be useless, and consequently decided not to repeat the attempt.

That is the position to-day ; but there have been recent indications of a change of attitude on the part of the Arab community. Several deputations of Arab bodies have already waited upon me to protest against the present constitutional position and to ask for the constitution of a representative character in order that they may have a share in the Government of the country. The grant of constitutions to Trans-Jordan and Iraq is constantly urged as an argument in favour of the grant of a similar privilege to the people of Palestine.

In replying to these representatives, I explained in general terms the various considerations that prevented the grant to Palestine of democratic institutions under which the people would be free to govern the country in their interests and as they thought fit.

These considerations are: (1) The international obligations imposed upon the mandatory Power by the League of Nations and (2) The importance of Palestine to hundreds of millions of people throughout the world as the home and birthplace of three great religions.

In these circumstances, the reservation of powers to the Mandatory is essential in order that he should not be prevented or hampered in discharging the obligations that devolve upon him. That is the general line that I have taken upon the subject in replying to deputations, and I informed them that I intended to discuss the question with the Secretary of State when on leave in England this summer. I am now in correspondence with the British Government in regard to the whole question, which I need not assure you will be examined with the utmost care and with the single desire to do what is best for the mandated State.

Economic.

I do not know that I can add much under this head to what has been stated by my predecessors. You are aware that Palestine, like other countries, has passed through a period of acute depression. But it may be fairly claimed that the tide has now turned. The financial position of the country is better than it has been for several years past. Unemployment, once a serious menace, has greatly diminished. Agriculture and industry have revived, or are

¹ The sub-headings have been introduced by the Secretariat for Convenience of reference.

reviving. In particular, there has been a great extension of the area of the orange plantations, which may be described as the staple industry of the country.

Work has actually been started upon the great project of constructing a harbour at Haifa, which should do much in the future to promote the commerce and prosperity of the country. Past experience makes me hesitate to adopt too optimistic a tone, but I do believe that the worst of the economic difficulties are over, that confidence in the future of the country is established, and that an era of substantial progress may be anticipated.

Economic development must depend, in the first instance, upon public security. On that point I can report that the situation is satisfactory. There has been no serious breach of the peace since I became High Commissioner, and I consider that the resources at the disposal of the Government are sufficient to deal with any situation that is likely to arise.

You will perhaps allow me to deal with one or two subjects in rather more detail. I will say a word in the first place about the development of the Jewish national home. This, as is obvious, is largely dependent upon Jewish immigration and upon the financial support of the movement by Jews in all parts of the world. The economic crisis of two years ago brought immigration practically to a standstill. For some months the number of Jews who left the country was actually greater than those who entered it. In this respect the tide has now definitely turned. Since the beginning of the present year there has been an average monthly balance in favour of immigrants of about 200, and the Government has been able to issue a substantial number of immigration licences for the current half year. The Hebrew University at Jerusalem continues to make progress and affords a conspicuous centre of Hebrew culture in the country. The Hebrew language holds its own as a living medium of speech.

Public Health. — Marked progress has been made in the control of malaria and ophthalmia. The success of the anti-malarial campaign may fairly be pointed to as a striking example of the benefit that Palestine has gained from the mandatory regime. Whole areas have been freed of the scourge. The campaign proceeds steadily and I look forward to a time when, as regards the greater part of the country at any rate, malaria will be unknown. Its conquest is a blessing that can hardly be over-estimated.

Education. — This is a subject which has engaged my very close attention ever since I assumed office. The difficulties of establishing a uniform system of education in Palestine are insuperable. The Jews insist upon maintaining separate schools for Jewish children; so do numerous religious and missionary bodies. The Government, even supposing that it desired to do so (which, of course, it does not) could not interfere with the activities of these various communities nor can it exercise over them controlling authority. At the same time, it is desirable that the Government should at least be able to co-ordinate information with regard to the different educational institutions and that it should be in a position, as required by Article 15 of the Mandate, to impose such educational requirements of a general nature as it may deem necessary. A draft Ordinance designed to secure this object has been framed after careful consideration and anxious efforts have been made to meet the views of the various religious communities concerned. It is hoped that this draft Ordinance, when it passes into law, will mark a definite stage in the progress of education in Palestine.

The subject of higher education has also been much in my mind. I cannot say that any definite decision has yet been reached on this important matter, but the whole question is under close examination and it is my hope that I shall be able before long to make concrete recommendations to the mandatory Government on the subject. I should like, however, to utter a word of warning at this point. The creation of facilities for higher education is beyond the financial means of the Palestine Government. If anything is to be done, it can only be as the result of a successful public appeal for funds.

Trans-Jordan.

The report mentions the conclusion of an Agreement last year between the British Government and the Amir, and also the enactment, two months later, of the Organic Law of the country. The Agreement could not be ratified until it had been approved by the Legislative Council to be established under the Organic Law. This necessarily meant some delay; but the Legislative Council was duly elected and proceeded to consider the Agreement. The Legislative Council approved the Agreement a few weeks ago, and the way is now clear for its ratification.

Generally speaking, I can report favourably upon the administrative and other progress made in Trans-Jordan. Public security on the frontiers of the country still leaves something to be desired, and on the southern frontier, in particular, various raids have occurred between the nomad tribes on either side. Such incidents are almost inevitable on an ill-defined desert frontier, but the whole question is being examined most carefully and every effort will be made to prevent the recurrence of trouble. Internally, public security in Trans-Jordan has been unbroken.

The constitutional regime recently introduced must be regarded as in the nature of an experiment. The new regime will no doubt have difficulties to face and obstacles to overcome. That is inevitable and is no more than falls to the lot of every young State wherever situated. Only gradually can the new system become efficient and acquire the momentum attained by older constitutions elsewhere. Patience will certainly be required, but, given patience and goodwill, I do not see why the experiment should not prove a success.

Form of the Annual Report : Replies to Observations of the Commission.

The CHAIRMAN thanked the accredited representative for the statement he had just made, the more so as he had thereby filled a gap which the Chairman had noticed in the annual report, the general introduction to which seemed to him to be a little brief and dry. He wondered whether it would not be possible to extend somewhat the introductory section so as to afford a more graphic picture of the principal events that had occurred during the year.

Further, while the mandatory Power had endeavoured to indicate in the report the replies to the various questions put by the Commission in its observations on Palestine in the previous year, the Commission would find it useful if some indication of the replies — for instance, a list of the pages in the report on which the information might be found would suffice — could be given under separate cover or in a separate chapter in the report. It was important for the Commission to be able to ascertain without difficulty the action taken by the mandatory Power upon the observations which had been approved by the Council.

Sir John CHANCELLOR agreed that the report might be improved in the matter of editing. The imperfect form in which it had been drafted in the present year was due to pressure of other work consequent, in part, upon his recent arrival in the territory. He would make every endeavour to see that the editing of the report was improved in the following year, and he had indeed already given instructions to that effect.

Relations between the Jews and the Arabs.

M. PALACIOS said that, in his opening statement, the accredited representative had mentioned many points of great interest which were not indicated in the report. He had, in particular, given information concerning the currents of public opinion and political movements in the mandated territory. He had stated that while the relations between the Jews and the Arabs remained on the whole unsatisfactory, some progress had nevertheless been made. Further, the accredited representative had said he had received deputations who had come to ask for more direct representation in the political life of Palestine. Could the accredited representative say what was the power of the opposition? Did the Arab Congress still meet, and did it still stir up agitation?

Sir John CHANCELLOR said that the Arab Congress still met, and he had received two deputations from the Congress, the second of them only a month previously, which had made a strong appeal for representation in the Government of the country, and for the institution of some form of representative government. They had instanced the institution of representative government in Trans-Jordan and Iraq, the population of which were, they alleged, far less advanced than that of Palestine, which had enjoyed a certain measure of representative government under the old Turkish regime. He had said in his opening statement that the relations between the Jews and the Arabs were improving.

M. PALACIOS said that he understood that part of the Arab population had shown readiness to co-operate in the Government of the country. Did that mean that the situation was improving as a whole, or was the opposition still strong or becoming stronger?

Sir John CHANCELLOR reminded M. Palacios that in his opening statement he had said that the position was improving and that the Arabs were showing willingness to co-operate on such terms as the mandatory Power was able to offer them. He had told the Arab deputations that the establishment of democratic institutions in Palestine must depend upon the terms of the mandate and, further, that as Palestine was the home of three great religions, the adherents of those religions in all parts of the world felt that they had an interest in the country. There were therefore certain obstacles to the introduction of complete democracy in the mandated territory.

Self-Government.

M. PALACIOS congratulated the accredited representative not only on his interesting statement but for his great cordiality and frankness. When speaking of the self-governing institutions, he had removed a misunderstanding which had often been noted in the reports and which occurred once more in the 1928 report. Thus, on pages 114 and 115 of the report, the replies given to Questions I, 2, and II tended to be the same. The mandate, however, distinguished between self-government, to which reference was made in Article 2, and local autonomy, mentioned in Article 3. The High Commissioner had always taken this distinction into account, using the term self-government in connection with the highest representative institutions of the State.

Sir John CHANCELLOR said that he had taken certain action in connection with the development of local self-governing institutions.

M. PALACIOS suggested that the accredited representative's information on this point should be given when the Commission came to consider the question of the autonomous municipalities.

TENTH MEETING.

Held on Friday, July 5th, 1929, at 4 p.m.

Chairman : Marquis THEODOLI.

1003. Palestine and Trans-Jordan : Agreement between Great Britain and the Amir of Trans-Jordan : Attitude of the Commission.

The CHAIRMAN recalled that, at the second meeting, he had asked the Commission if it wished to take up again the examination of the Treaty between Great Britain and the Amir of Trans-Jordan. He asked the question because the Commission, even if it did not deal with the matter on its own account when examining the annual report, would be called upon to consider a certain number of problems connected with it which were raised in a petition from certain inhabitants of Kerak, a petition for which M. Orts was Rapporteur. For that reason, the Commission should agree on the attitude which it should take in the matter in order that the views expressed during the discussion on the annual report should not differ from those expressed during the discussion of the petition.

M. ORTS said that the petition referred to three different points. In the first place, the petitioners criticised the facts which had led to the establishment of the British mandate over Trans-Jordan, and, finally, to the conclusion of the Treaty with Great Britain. This part of the petition was now of no interest and need not be considered. In the second place, the petitioners complained of the administration in force up to the date of the Treaty. In regard to this matter, M. Orts proposed to put a number of questions to the accredited representative the replies to which would complete the written observations of the mandatory Power. In the third place, the petitioners attacked a number of clauses in the Treaty concluded with the Amir Abdullah. What they desired in fact was independence, and they considered that they should only accept the assistance of the mandatory Power in so far as they themselves considered it necessary to do so.

M. Orts did not think that the examination of the Agreement concluded on February 20th 1928 between Great Britain and the Amir Abdullah was any longer within the competence of the Commission, for it had been duly submitted to the Council of the League, which had expressed the view that it was in conformity with the terms of the mandate. Further, the Commission had been informed by the accredited representative that the Treaty had recently been approved by the Legislative Council of Trans-Jordan. That being so, the Treaty could be and should be regarded as final.

M. RAPPARD recalled that the Commission had expressed a discreet opinion in regard to the terms of the Treaty when it was being drafted about a year previously. The Council had not asked the views of the Commission in regard to it.

M. CATASTINI recalled that the Treaty had been forwarded at the same time as the annual report of the mandatory Power for 1927, and that the Permanent Mandates Commission, during its thirteenth session, had made some criticisms regarding the Treaty which it had inserted in its report to the Council. When the matter had come before the Council, Lord Cushendun had made a declaration in answer to the anxiety expressed by the Permanent Mandates Commission.

M. ORTS quoted the end of the declaration of Lord Cushendun :

“ There should be no doubt at all in the minds of the members of the Council that my Government regards itself as responsible to the Council for the proper application in Trans-Jordan of all the provisions of the Palestine mandate, except those which have been excluded under Article 25.”

M. CATASTINI remarked that the mandatory Power had circulated to the members of the Commission a collection of the administrative acts completing the Treaty and in force in Trans-Jordan, and which constituted together a complete administrative system.

M. ORTS repeated that, in his view, the Commission was not now called upon to express an opinion regarding the terms of the Treaty. If any abuses arose in its application, the Commission would have full powers to discuss them. At the moment, however, there was no complaint in regard to the fulfilment of the Treaty, the petitioners confining themselves to protesting against the principles embodied in the Treaty.

The views of M. Orts were adopted by the Commission.

1004. Palestine and Trans-Jordan : The Dead-Sea Concession and the Harbour Works at Haifa.

The CHAIRMAN reminded the Commission that, by the terms of Article 18 of the Mandate, all the Members of the League were on a footing of economic equality. In respect of the Dead-Sea Concession, as far as he knew, this article of the mandate had been ignored and, in his view,

the mandatory Power was showing a similar tendency in regard to the public works on the harbour of Haifa. He would remind his colleagues that he had raised the question at the previous session, and that the accredited representative had returned an evasive reply. Should he press the point now as Chairman of the Commission or merely as one of its members ?

M. ORTS quoted Article 11 of the Mandate, whereby the Mandatory Power " 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 established or to be established therein ".

M. KASTL agreed with the Chairman. In his view, the mandatory Power was wrong in using the Crown Agents only, for these naturally had recourse exclusively to British firms. Public works in the territory and any concessions ought to be open to international public tender. In the case of the Dead Sea, a certain Mr. Tulloch had applied for the concession. As far as he could find out, Mr. Tulloch had formerly been an officer of the Palestine Administration, and had been asked by the Administration to investigate the possibilities of profit to be derived from the Dead Sea. He had later resigned and now was applying for the concession.

M. RAPPARD pointed out that Articles 11 and 18 of the Mandate might give rise to different interpretations. In his view, all that the Commission could do would be to draw attention to the action of the mandatory Power, and thus afford any Member of the Council an opportunity to demand an official interpretation of the terms of the mandate from the Permanent Court of International Justice, if it felt the need to do so.

M. VAN REES agreed with M. Rappard on condition that the Commission did not express any opinion regarding the two points raised by the Chairman. It should be pointed out that the clause relating to concessions included in the B mandates and in the mandate for Syria and the Lebanon had been omitted from the Palestine mandate. This omission had not been accidental but, on the contrary, intentional, as could be seen from the official documents reproduced in a publication of the State Department at Washington issued in 1927¹. In the matter of concessions, therefore, the mandatory Power was free to act as it wished in Palestine.

As regards public works, these also escaped the application of the principle of economic equality by the terms of Article 11 of the Palestine Mandate already mentioned by M. Orts, and also in view of the fact that the working of the public services and the execution of public works were essentially matters for the Government and not economic in character.

M. PALACIOS agreed with M. Rappard and, as far as the substance of the question was concerned, with the Chairman. What M. Van Rees had said was correct if the administrative part of the mandate were interpreted literally.

M. KASTL did not think that a merely legal interpretation of the meaning of Articles 11 and 18 of the Mandate was sufficient. In his view, the Commission was perfectly competent to interpret those articles itself. If the clauses for economic equality were not interpreted in the broadest sense, they would be of no value.

M. MERLIN drew the attention of the Commission to the character of the Chairman's question. It was one of procedure and not of substance. Wishing to remind the mandatory Power, in the person of its accredited representative, of the provisions of Article 18 of the Palestine Mandate, the Chairman had asked the Commission whether he should offer his observations in his capacity as Chairman of the Commission or in his own name.

There was no question, therefore, for the moment of settling the matter of the application of the clauses of the mandates relating to economic equality. This was a subject on which the members of the Commission had already had an exchange of views on several occasions and to which it would revert, since it remained upon the agenda. It was a subject on which all the members of the Commission had not yet reached agreement and on which, indeed, agreement should not be reached without adequate examination and discussion. Under these circumstances, M. Merlin thought that it would be difficult for the Chairman to speak on behalf of a Commission which had not finally determined its guiding principles.

M. Merlin added that he wished to warn the Commission against any excessive extension of the principle of economic equality in the mandated territories. The term " economic equality " was a well-known one and was in common use in respect of Customs tariffs or regulations, whether maritime or commercial. It had already appeared in the Berlin and Brussels Acts, and it was in its original spirit that it had been included in the various mandates, when these instruments had been drawn up in 1919 in the course of the Peace Conference. It had appeared in the 1898 Agreements between France and Great Britain relating to their respective possessions in the Bight of Benin. The term would be greatly abused if it were to be allowed so to degenerate as to mean an international system, such as the one established at Tangiers by the Act of Algeciras.

For his own part, M. Merlin thought that the Commission should maintain M. Van Rees' views as set forth in his masterly work on international mandates.

He could not support the procedure suggested by M. Rappard. If a Member State of the League thought that the application by one of the mandatory Powers, in any particular circumstances, of the clauses of the Covenant or of the mandate relating to economic equality was prejudicial to its interests, it was for that State, either to inform the Permanent Mandates

¹ *Mandate for Palestine*, Washington, 1927.

Commission of this by means of a petition, or to request an interpretation from The Hague Court.

It was not for the Permanent Mandates Commission to apprise the Court of the question, when it had not itself received a complaint from either of the parties concerned. Its intentions in doing so might be misunderstood, or its action might be regarded as being at any rate inopportune. He could not but believe that the Commission's prestige depended not only upon the stability of its views but also upon the prudence of its actions.

Under these circumstances, and also considering the fact that certain members of the Commission had not yet reached a common point of view, M. Merlin thought that if the Chairman wished to question the accredited representative on the subject under discussion he could only do so in his own name.

M. RAPPARD thought that the Commission should do no more than draw the Council's attention to the decisions of the mandatory Power in regard to the Dead-Sea Concession and the public works at Haifa, and at the same time inform the Council that it had discussed the matter. By the terms of Article 26 of the Mandate, any State Member of the League could submit any dispute concerning the interpretation or application of the provisions of the mandate to the Permanent Court of International Justice. It was not for the Commission to take the place of the Court, but it could recall to the States Members of the League the possibility of recourse to the Court.

He could not agree with the views of M. Merlin regarding economic equality. The clauses stipulating that such equality should be granted were based on the terms of the Covenant, and had been inserted so as to make it quite clear that the mandatory Powers were trustees and should derive no exclusive profit from that position.

The CHAIRMAN, in summing up the discussion, noted that the members were not unanimous, and proposed, therefore, to raise the matter, not as Chairman of the Commission, but as one of its members.

1005. Palestine and Trans-Jordan : Petitions from the Agudath Israel (Jerusalem) dated January 4th, 1928, and the Askenasic Community dated April 29th, 1928.

M. PALACIOS, Rapporteur, said that these petitions contained a complaint against a religious Ordinance issued by the mandatory Power. The petitioners had twice asked the Commission to postpone its discussion and decision until it had received a supplementary petition. This had never been forthcoming. He would propose that the Commission should adjourn the examination of the petition *sine die* until the additional information arrived. There was one point, however, about which he was in doubt. As two parties were concerned in the petition, namely, the petitioners and the mandatory Power, the matter might call for a resolution on the part of the Mandates Commission. In any case, however, the petition had the character of an administrative or civil case, and there was nothing objectionable in it from the point of view of the Mandatory. The Commission might ask the latter if it wished an immediate reply. M. Palacios did not think so. The report even referred to new arrangements which were contemplated for the Jewish communities. He was therefore inclined to suggest an adjournment.

The Commission decided to adjourn its consideration of the petition until the further observations from the petitioners had been received.

1006. Petitions rejected as not deserving the Attention of the Commission : Report of the Chairman submitted in conformity with Article 3 of the Rules of Procedure.

The Commission took note of the Chairman's report (Annex 19), *which was adopted.*

1007. South-West Africa : Petition from Mr. A. Bergmann of Windhoek.

M. MERLIN, Rapporteur, explained briefly that the complaints made by Mr. Bergmann against the mandatory Administration were not supported by any details as regards facts, time or place.

On the other hand, the mandatory Power had given complete information in its reply which nullified the vague accusations made by Mr. Bergmann, and which would serve fully to enlighten the Commission. In these circumstances, M. Merlin had thought it useless to prepare a written report regarding a petition which had so little foundation. He proposed that the Commission should take no action in the matter.

The views of M. Merlin were adopted.

1008. Palestine and Trans-Jordan : Examination of the Annual Report for 1928 (continuation).

Sir John Chancellor and Mr. Clauson came to the table of the Commission.

Enlargement of the Jewish Agency and its Relations with the Administration.

M. PALACIOS, referring to the passage on page 6 of the report indicating that negotiations had been proceeding between Zionists and non-Zionists with a view to establishing an enlarged

Jewish Agency, asked whether this sentence was to be taken to mean that the enlarged Jewish Agency would represent Zionists and non-Zionists in equal proportions, and whether in that case the Zionist Organisation would not be the only organisation contemplated under Article 4 of the Mandate.

Sir John CHANCELLOR replied that the proposal had been approved by the Zionist Organisation, and there was ground for hoping that it would be confirmed by the Jewish Congress to be held in Zurich in July. The object was to secure the co-operation of the non-Zionists, especially in America, by broadening the basis of the Agency so that it would consist of Zionists and non-Zionists in equal numbers. In this way it was hoped to obtain the co-operation of all Jews throughout the world, whether Zionists or non-Zionists, irrespective of the opinions held with regard to the political aspects of the National Home.

Lord LUGARD asked what was the specific point of difference between the Zionists and non-Zionists, since the latter were now willing to form part of the Jewish Agency in promoting the Jewish National Home.

Sir John CHANCELLOR said that some of the non-Zionists were not satisfied with the ability of the Zionists from the administrative and economic point of view. It would be recalled that two years ago an economic Mission had been sent out to Palestine by Lord Melchett and other Jews associated with him to enquire into the position of the Zionist agricultural colonies. The report of that Mission had, he believed, been before the Mandates Commission. The Mission had criticised adversely the economic position of some of the agricultural colonies, on the ground that they were not self-supporting and were only able to continue to exist through the subsidies granted to them by the Zionist Organisation. The Mission had thought that, while these grants-in-aid were essential for new colonies for a certain number of years, it was desirable that they should come to an end after a certain period, and that when settlers had received all the assistance necessary to establish themselves and to equip their farms, they should be required to subsist on their own resources.

The idea of the proposal now under consideration was to strengthen the Executive in Palestine by the addition to it of men with wide administrative and business experience.

Lord LUGARD understood from this explanation that the differences were purely economic.

Sir John CHANCELLOR replied in the negative. He believed that many American Jews did not approve of the political objects of the Zionist Organisation, but were anxious to assist the members of their race who were living in countries where they were oppressed and to help them to establish themselves in Palestine.

M. VAN REES observed that Article 4 of the Mandate read as follows :

“ 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 annual report for 1923 (page 6) stated that a Committee nominated by the Zionist Organisation had been established in Palestine, and was officially recognised as an advisory body to give advice to and co-operate with the Government on all matters which might concern the establishment of the Jewish National Home. From the terms of the mandate, it followed that the Jewish Agency did not form an integral part of the Administration. Nevertheless, it was a sort of advisory body, without executive powers, but serving as one of the wheels of the Administration. It would, he thought, be interesting to know whether the Agency was considered as such. If so, it would seem that, if it were to work properly, the relations between it and the Government and the obligations of both should be established by some form of regulations. Did such regulations exist? There was no trace of them in any of the reports. The only mention of the Agency's activity given in the annual reports was that indicated in the replies to Question 3 of the Questionnaire, where it was regularly stated that the Agency had made such-and-such proposals to the Administration and that those proposals had been taken into consideration or not.

M. Van Rees therefore wished to ask whether, in practice, the Jewish Agency was consulted by the Administration on all matters appertaining to the establishment and development of the National Home, or whether, as a general rule, measures of the kind were taken by the Administration without consulting the Agency.

Sir John CHANCELLOR pointed out that the Jewish Agency had been established and its relations with the Administration defined under the second paragraph of Article 4 of the Mandate, which read :

“ The Zionist Organisation, so long as its organisation and constitution are in the opinion of the Mandatory appropriate, shall be recognised as such agency (the Jewish 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.”

The Jewish Agency's functions were described in the previous paragraph already quoted by M. Van Rees. While there were no periodical consultations between the Administration and the Palestine Zionist Executive Committee (*i.e.*, the local agency of the Zionist Organisation), the High Commissioner himself frequently discussed with the Executive Committee questions affecting the Jewish population. The Executive Committee sometimes took the initiative in approaching the High Commissioner, as it had done, for instance, in regard to labour questions and the Haifa harbour works. On other occasions, the initiative came from the Government. It was impossible to generalise.

He would point out that the Palestine Zionist Executive was in no sense part of the Administration of the territory, and it had been observed in the White Paper of 1922, which laid down the policy of His Majesty's Government in Palestine, that the Zionist Organisation did not possess and did not desire to possess any share in the administration of the country. The position was that its advice might be given and sought on questions affecting the Jewish population.

M. VAN REES feared that he had failed to express himself clearly. He had not meant to ask whether the Zionist Executive Committee took part in the administration of the territory. He had observed that it constituted an advisory body, which was officially recognised by the mandate and, in fact, by the mandatory Power. He therefore thought that he had been right in saying that, without forming part of the Administration, it constituted an organ that was at the disposal of the Administration, and was, in fact, a sort of advisory body. The point which he had wished to know was whether the Administration invariably waited for proposals to be made by the Agency, or whether it took the initiative in consulting that organisation before taking certain measures which might affect the interests of the Jewish population. In short, he would like to know what was the usual practice in these matters.

Sir John CHANCELLOR replied that he had already said that on some occasions the Administration took the initiative in consulting the Executive Committee, while on other occasions the initiative was taken by the Executive Committee itself.

Municipal Government.

M. PALACIOS said that the time had come to hear what the High Commissioner had to say regarding the local autonomies. The Arab Press, of which clippings were sent to the members of the Commission by the Secretariat, complained that the municipalities had no independence. Some newspapers, rightly or wrongly, complained rather loudly. It appeared that a member of the British Parliament had also mentioned the matter in the House of Commons.

Sir John CHANCELLOR said that he had been devoting much attention to this problem. The municipalities were constituted on an elective basis. He had found that the municipalities were not satisfied with their present position. They had formerly derived a considerable part of their revenue from "octroi" duties, a system which had been found inconvenient. The octroi had accordingly been exchanged for a 1-per-cent duty on imported goods, but this second system too had been found inconvenient and had been abolished. The municipalities were now given a lump sum grant-in-aid by the Government. They were not, however, satisfied with this system, since the amount of the grant-in-aid varied and they considered it to be contrary to their dignity to be dependent upon the goodwill and charity of the Government.

Some months ago, the High Commissioner had therefore assembled a conference to discuss the whole question of local government. A number of meetings had been held, and a new Ordinance had been drafted. The draft Ordinance would shortly be printed and discussed with the local authorities. Three weeks ago, Sir John Chancellor had summoned all the mayors to meet him and had explained the position to them. He had stated that, as soon as the Bill had been printed, he intended to circulate it to the municipalities for their comments, and to discuss any proposals and amendments suggested by them before the Bill was examined by the Legislative Council.

Jewish National Development.

M. ORTS wished to ask a question which would enable the accredited representative to complete the general statement he had made when he first came to the table of the Commission. Jews came to Palestine — which would henceforth offer them a national home — from all parts of the world, and principally from Eastern Europe, where they had had no political rights and had sometimes only quite recently acquired civil rights. The Jewish immigrants therefore represented a great diversity of political training. He would like to know whether this Jewish nation, now in course of re-formation, tended to coalesce? Did it reveal signs of some moral unity, which was an essential condition if it was to become a nation? Did those Jews, who had never had any political experience, show a political sense which made it possible to hope that they would be able to direct their own affairs?

Sir John CHANCELLOR said that it was true that the Jewish immigrants came from all parts of the world, and that there was a certain antagonism between the different sections of the Jewish population. The Agudath Jews, for instance, were strongly religious and attached great importance to ritual and to the observance of the letter of the law. The Jews brought up in Eastern Europe, on the other hand, were much less strict in their religious observances. The Agudath Jews were therefore out of sympathy with them, and had refused to join the Jewish

community now being set up under the law. They had asked the High Commissioner to allow them to be formed into a separate community. Apart from that, unity in the political sense was developing in a very conspicuous manner among the Jews settled on the farms. The interest of the Jews in politics might be termed excessive.

He added that the younger generation on the farms showed a striking improvement in physique and health as compared with their parents. Both young men and young women worked enthusiastically on the farms.

M. ORTS said that he had had in mind political qualities, namely, a sense of responsibility, respect for the rights of minorities, and, above all, a sense of realities.

Sir John CHANCELLOR replied that the Jews in Palestine had had no opportunity of showing their strength or weakness in regard to the treatment of minorities, since the responsibility of government in that respect rested entirely on the shoulders of the High Commissioner.

Administration of Tel Aviv.

M. RAPPARD observed that there was a large measure of local self-government allowed in the case of the administration of Tel Aviv. Did the members of the municipal council of that city show a certain sense of political responsibility ?

Sir John CHANCELLOR replied in the affirmative. Some time previously, the Town Council had fallen into financial difficulties, and the Administration had had to amend the law with a view to controlling its activities. The Council had consisted of forty members, a number which had been found unwieldy. It had been reduced under the new law to something like twelve or fifteen members. At the recent elections, a more moderate body of Councillors had been elected, and the finances of the town were now being placed on a better basis.

M. PALACIOS observed that Tel Aviv was quite exceptional.

Sir John CHANCELLOR agreed that Tel Aviv formed a unique unit. It was not, however, a municipality in the strict sense of the term, since it was originally a quarter of the town of Jaffa, but its individuality was so peculiar that the Government had taken advantage of a clause in the law which allowed of the establishment of local councils for certain quarters or wards of towns and communities. Although, therefore, the town had no municipality, the local Council had considerable powers and had taken advantage of them to introduce a special system of proportional representation of a most advanced character.

Immigration.

M. VAN REES handed the accredited representative a paper, giving information concerning difficulties experienced by Jewish immigrants from the Yemen, and asked whether the information deserved attention.

Sir John CHANCELLOR replied that he had no knowledge of the complaint in question. The Government had issued a considerable number of immigration certificates in the course of the year. Applications from persons desirous of coming to Palestine were sent to the Immigration Office in Jerusalem, which considered them on their merits.

Land Tenure.

M. VAN REES enquired whether the new regulations regarding the Baisan Lands had been inspired by Article 6 of the Mandate. He understood that a certain part of the lands conceded to the Arabs in that area could be transferred by them to other persons who could then cultivate them.

Sir John CHANCELLOR said that the settlement had been effected before his arrival in Palestine and he was therefore unable to say whether it had been inspired by Article 6. The regulations were, however, certainly in conformity with that article. Progress was being made with the transfer of certain Arab lands to the Jews.

In reply to a further question by M. Van Rees, Sir John Chancellor said that it must be remembered that the Government had little land at its disposal. The land tenure system had been found in a state of chaos at the time when the Administration took over the territory. In many cases, the land registers had been destroyed by the Turks, and the whole work of surveying and registering titles had to be taken in hand *de novo*. A Survey Department had been established which cost the Government some £ 40,000 per annum. A Settlement Commission was now enquiring into the ownership of every parcel of land. This was necessarily a very slow process, and until the rights of ownership had been determined it was impossible to say what area of land was owned by the Government. The ownership of a plot of land was often divided into a number of minute shares, reckoned in millionths.

M. VAN REES enquired whether the work was making progress.

Sir John CHANCELLOR replied in the affirmative. When the survey had been completed, the Administration would proceed to registration. The Administration began the registration of the lands in each district as soon as the survey was completed.

M. VAN REES said that he would be glad to have further information concerning the claim against the Government of Transjordan made by the Department of Waqfs to the title of 100,000 dunums in the Jordan Valley, mentioned on page 103 of the report.

Sir John CHANCELLOR regretted he was unable to answer M. Van Rees' question. The case had been settled before his arrival in the country.

Barat Caesarea Lands.

M. VAN REES enquired whether the accredited representative could give any additional information regarding the report of the commission concerning the Barat Caesarea Lands mentioned on page 132 of the annual report.

Sir John CHANCELLOR regretted that he was unable to comply with this request as the report had not been ready when he left Palestine.

M. RAPPARD observed that the question of these lands had been before the Commission for years, and, while he fully understood the complexity of the question, he was unable to understand the advantage of spending years on the study of it. What advantage was it hoped to gain by postponing the final decision ?

Sir John CHANCELLOR agreed that there was nothing to be gained from postponing the decision, but pointed out that the difficulty was due to the fact that it sometimes happened that at the last moment, when a decision had been reached, some claimant might put forward a claim for perhaps a thirteen-millionth share of a plot, and the proceedings had to be re-opened.

M. RAPPARD said that he would not have insisted on this point, but he had the impression that some individual claimant would always turn up at the last moment to prevent the Administration from making a settlement. The Administration would perhaps, therefore, stand to gain by a definite solution even though it were an imperfect one.

Sir John CHANCELLOR said that he would bear M. Rappard's point in mind, and would prepare for a final decision.

Palestinian Citizenship.

M. VAN REES recalled that Article 7 of the Mandate required that the Administration should enact a nationality law to include provisions "framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine". The Administration had promulgated the Palestinian Citizenship Order of 1925, but did that Order contain any special provision facilitating the acquisition of Palestinian citizenship by the Jews, or were the latter on the same footing as any other non-Palestinians ?

Sir John CHANCELLOR pointed out that under the mandate no discrimination was to be made in legislative matters between the inhabitants of Palestine. The legislation that had been passed did, however, in point of fact specially favour the acquisition of Palestinian nationality by the Jews, since the grant of immigration licenses was confined almost entirely to members of the Jewish race.

Lord LUGARD enquired whether residence in Palestine qualified a Jew for British naturalisation.

Sir John CHANCELLOR replied in the negative. Residence in Palestine was a qualification only for Palestinian naturalisation.

Treatment of Palestinians in the States Members of the League.

The CHAIRMAN asked for information upon the position of Palestinians who had emigrated to other countries.

Sir John CHANCELLOR replied that a number of Syrians and Palestinians had gone to South America, where they had made large fortunes. He believed that the South-American Governments were imposing restrictions on these immigrants.

M. RAPPARD said that the Commission had had before it the case of certain Syrians who had been expelled from Liberia. Under the mandates, the nationals of all Members of the League were entitled, in the territories under A and B mandates, to the same rights and treatment as those enjoyed by the nationals of the mandatory Power or of any other country. In the existing legislation of the Members of the League there was, however, no clause providing for reciprocity in this respect, that was to say, a clause to the effect that the inhabitants of the mandated territories should enjoy in the territory of the Members of the League the same rights as those enjoyed by the nationals of the other Members of the League. The Commission had accordingly had under consideration the advisability of proposing a Protocol by which all States Members would undertake to grant equal treatment to inhabitants of territories under A and B mandates. He enquired whether Sir John Chancellor would view such an arrangement with favour.

Sir John CHANCELLOR replied that he saw no *prima facie* objection to the proposal, but that he thought that the question was one of minor importance.

Justice.

M. KASTL drew attention to the heavy increase in serious crime (page 59 of the Report), murder, attempted murder and manslaughter. Was there any special reason for this increase ?

Sir John CHANCELLOR said that he knew of no special reason, but suggested that the increase might perhaps be due to the results of the bad season, which might have led to theft and consequently to murder.

Lord LUGARD asked what was the relation between the High Court and the Supreme Court ?

Sir John CHANCELLOR replied that the High Court had original jurisdiction. The appeal was from the High Court to the Supreme Court. The right of appeal in Palestine was excessive and was inconvenient and hampering to the administration of justice.

M. MERLIN pointed out that, in France, appeal proceedings were more expensive than ordinary proceedings and that this system reduced the number of appeals.

Legislative Powers of the High Commissioner.

The CHAIRMAN enquired whether the High Commissioner enjoyed in legislative matters powers which were similar to those of a Parliament.

Sir John CHANCELLOR replied in the affirmative.

Right of Petition to the League.

The CHAIRMAN observed that Section 85 of the Palestine Order in Council, 1922, read as follows :

“ 85. If any religious community or considerable section of the population in Palestine complains that the terms of the mandate are not being fulfilled by the Government of Palestine, it shall be entitled to present a memorandum through a member of the Legislative Council to the High Commissioner. Any memorandum so submitted shall be dealt with in such manner as may be prescribed by His Majesty in conformity with the procedure recommended by the Council of the League of Nations. ”

Had any amendment to this section been adopted since the Council resolution of January 1923, establishing the procedure in the matter of petitions to the League of Nations ? It would seem that in the first sentence of Section 85, the words “ considerable section ” would seem to limit the right of petition in a way which was not contemplated by the Council. Probably it was, however, only a question of an unsuitable form of words which might have escaped the notice of the mandatory Power.

Sir John CHANCELLOR said that he did not think that any change had been made in the section of the Order in question. He did not think that the right of petition had been limited in any way.

Dead-Sea Concession.

M. KASTL enquired what procedure had been adopted in regard to the Dead-Sea Concession. Had the concession now been granted ?

Sir John CHANCELLOR replied that the negotiations had been conducted by the Secretary of State in London and that the concession had been granted.

M. KASTL asked whether the concession had been granted to the company formed by Mr. Tulloch.

The CHAIRMAN pointed out that the text of the concession had not been communicated to the Permanent Mandates Commission.

Sir John CHANCELLOR said that he would be glad to communicate a copy of the concession to the Commission. He had only received a copy himself a week before he had left Palestine. The concession had been granted to Major Tulloch and Mr. Novomaysky. A company had now been floated by them to work the concession. The Chairman of the company was Lord Lytton. Several financial houses, British and American, were interested in the company. All of them were firms of good standing, so far as the accredited representative was aware.

M. KASTL asked whether, before the concession had been granted, it had been offered for public tender and whether any foreign tenders had been received ?

Sir John CHANCELLOR said that he could only answer M. Kastl's question from memory. He believed that public tenders had been invited several years ago and five applications for the concession had been received. The conditions proposed by the applicants had been examined, and it was considered that the most favourable offer was that of Major Tulloch and

Mr. Novomeysky. The negotiations for the concession had continued for a long time and the concession had, so far as the accredited representative knew, been granted only within the last few weeks. All particulars with regard to the concession had been elicited by question and answer in the British Parliament within the last few years.

M. KASTL said that he had observed a report of a debate on the subject in the House of Lords. It appeared that there had been a movement in the House of Lords for the exclusion of foreign interests, but the Government had rightly objected to that movement on the ground that it was incompatible with the condition of economic equality laid down in the mandate. M. Kastl therefore wished to know whether any tenders had been received from foreigners and whether there had been any other movement to exclude foreigners.

Sir John CHANCELLOR replied that there had been no such movement but that, from the time when the tender of Major Tulloch and Mr. Novomeysky had been selected as the most satisfactory application, negotiations had been conducted solely with them.

M. RAPPARD observed that, in May, a fresh demand had been made upon the British Government to exercise vigilance in watching over British interests in the mandated territory, and the Under-Secretary of State had replied that all claims were carefully considered, and had assured the House of Lords that all due care was taken to protect the British interests involved. The protection of British interests seemed somewhat incompatible with the principle of economic equality. Had as much care been taken to protect that principle as to safeguard the interests of British subjects?

Sir John CHANCELLOR said that he found it difficult to reply to that question. His main object had been to protect the interests of residents in Palestine and Trans-jordan in the matter and to obtain the best possible terms for the mandated territories. He had acted in consultation with the Trans-Jordan Government throughout.

M. KASTL asked whether a statement regarding the concession could be included in the next report.

Sir John CHANCELLOR undertook to comply with this request.

The CHAIRMAN said that the Commission would be particularly glad to have this statement in the next annual report. The matter had merely been discussed eight years ago.

Haifa Harbour Works.

The CHAIRMAN said there was another question in which the principle of economic equality was involved. The Commission understood that the Crown agents were making arrangements for important work, such as dredging in connection with the construction of the harbour at Haifa. Would that work be offered to public tender in all countries?

Sir John CHANCELLOR replied that the Haifa harbour works would be carried out departmentally by the Palestine Government and not by the Crown agents.

Ruthenberg-Jordan Electricity-Concession.

M. KASTL asked whether the Ruthenberg-Jordan electricity concession had been promulgated by law.

Sir John CHANCELLOR replied in the affirmative.

M. KASTL asked whether that concession had been put up to public tender. He had received complaints that foreign tenders had been excluded.

Sir John CHANCELLOR replied that the concession had been granted as long ago as 1921 before the mandate came into force. The concession was operated by a private company and was not under Government control.

He added that the hydro-electric power-house under construction on the Jordan would be completed in October.

Agriculture.

M. SAKENOBE asked what was the position of the Jewish population in Palestine in regard to agriculture.

Sir John CHANCELLOR replied that the Jewish population was extending the area under agriculture and that the number of Jewish farms was growing. The orange-growing industry, for instance, was largely developed by the Jews. A million and a-half boxes of oranges had been exported in the current year and it was estimated that, with the new areas coming under cultivation, exports would increase to five or six million boxes within the next five or six years.

M. SAKENOBE asked whether agriculture was almost entirely in the hands of the Jews.

Sir John CHANCELLOR replied that that was not the case. The greater part of the orange plantations were in Jewish hands. On the other hand, the cultivation of grain, wheat, barley, maize and durra was in mainly Arab hands. The Jews were also developing the dairy industry.

Economic Conditions.

M. MERLIN reminded the accredited representative that, in his opening statement, he had said that the general economic conditions in Palestine were satisfactory. While optimism of that kind was usual in the Administration, M. Merlin did not think that it was altogether justified, at any rate by the figures given in the report for 1928. The report noted, it was true, an increase in revenues from Customs duties. Was that due to the application of the new tariff or to increased commercial activity ?

Sir John CHANCELLOR said that both causes operated. In the current year, the revenue from Customs duties was even more satisfactory, the receipts to date exceeding the estimates of £P.100,000.

M. MERLIN said that there were other figures in the report which did not seem absolutely to justify, at any rate as regards 1928, the High Commissioner's optimism. Exports in 1928 had declined as compared with the 1927 figures. A further point which required particular attention was the very considerable adverse trade balance. It was hardly necessary for him to say that unless a country had special reserves it was not economically sound that it should import more than it exported, since in that way it would gradually become impoverished.

Reference, too, was made on page 26 to the drop in the purchasing power of the rural population. Finally, it was said that there was a decline in the growth of tobacco and that there had been a certain number of bankruptcies. On page 65 of the report, it was indicated that there had been an agricultural crisis. The High Commissioner had made a special point of the development of the orange plantations and yet the report indicated that the value of orange exports in 1928 had been £P.189,000 less than in 1927. It might therefore be wondered whether the situation was quite so brilliant as had been depicted by the accredited representative. Although, therefore, M. Merlin would not assert that the situation was bad, he would be glad to have some explanations of the contradictory statements given in the report for 1928 and in the general statement of the High Commissioner.

Sir John CHANCELLOR agreed that the trade balance did not appear satisfactory. Indeed, on his arrival in the country, he had felt some alarm about it. Closer examination, however, had shown that the situation was not so gloomy as might be supposed. Important factors in the situation were that the Zionist Organisation spent some three-quarters of a million of pounds of money, which was sent to Palestine by supporters of the Zionist movement in all parts of the world. There was, further, a considerable invisible export in the form of the receipts from the tourist traffic. Over 63,000 travellers had visited Palestine in 1928 and it had been estimated that the expenditure of each traveller in the country amounted to about £10. The trade balance would therefore be improved to the extent of the sum indicated.

The reductions in exports last year had been due to the bad season of 1927, when the drought had damaged the crops. The orange crop in particular had suffered. The same reason was responsible for the reduction in the tobacco crop and for the entire absence of exports of grain and cereals. The local scarcity had indeed made it necessary to import grain and cereals to feed the population. The olive crop also had failed, so that there had been no export of olive oil, and the soap factories, which were of some economic importance, had been obliged to import oil for their industry.

The 1928 season, on the other hand, had been a very good one. Sir John Chancellor had himself inspected all parts of the country and he could affirm that, with the exception of a small area near Beersheba, the crops were in exceptionally good condition. There was therefore every ground for hoping that the figures for the next year would show a marked improvement. In particular, it might be expected that there would be no imports of grain or olive oil.

M. MERLIN thanked the accredited representative for his explanations. It was valuable for the Commission to know, as he had presumed, that there was an invisible import which was a source of wealth.

Afforestation.

M. MERLIN said he took particular interest in the question of afforestation. He wished to congratulate the Administration on the steps it had taken to prevent deforestation and to encourage afforestation. What, however, was the reception accorded to these measures by a population which consisted very largely of herdsmen ? Sheep and goats were the worst enemies of trees. Was it hoped to improve the habits of the herdsmen ? Any such effort would necessarily take a considerable time.

Sir John CHANCELLOR said that the Government was doing all in its power to further afforestation. At the same time, it was in a difficult position as it had no clear title to any considerable area of land suitable for afforestation. That being so, it had adopted the policy of declaring certain lands to which it had some title to be forest reserves. It had declared, or would shortly declare, as forest reserves about one million dunums which would ultimately be planted or regenerated. The bare slopes of the Judean hills were responding to conservation measures in the most extraordinary way ; trees planted on rocky slopes grew freely, especially the Aleppo pine, which was indigenous. In regard to the destruction of trees, Sir John Chancellor could not agree with M. Merlin in giving the sheep so bad a character from a forestry point of view. It was the goats which were so harmful. He had seen areas from which goats had been excluded where regeneration of the forests was making good progress. It was to be hoped that, as

Palestine became more prosperous, the Government would have more money available to devote to the work of afforestation, especially in view of the resulting benefits to the water supplies and amenities of the country.

Development of Rock Phosphate Deposits.

Lord LUGARD asked whether any steps had been taken to develop the rock phosphate deposits mentioned on page 78 of the report.

Sir John CHANCELLOR replied that applications had been received for concessions, but that claims had been received in respect of concessions alleged to have been granted by the Turkish Government before the institution of the mandate. It would therefore be impossible to grant some of the concessions applied for until these claims had been examined.

ELEVENTH MEETING

Held on Saturday, July 6th, 1929, at 10.15 a.m.

Chairman : Marquis THEODOLI.

1009. Palestine and Trans-Jordan : Examination of the Annual Report for 1928 (continuation.)

Sir John Chancellor and Mr. Clauson came to the table of the Commission.

Holy Places.

M. PALACIOS recalled that during the examination of the last report he had raised before the accredited representative certain questions regarding the Holy Places and had even referred to the Commission mentioned in Article 14 of the Mandate and which did not yet exist. All was going well at the time. Unfortunately, however, a short time later the unfortunate incident of the Wailing Wall occurred, regarding which the Commission had received numerous petitions and expressions of opinion from all parts of the world, both for and against the respective causes of the Jews and the Arabs. The Commission had expressed its opinion regarding the event. M. Palacios entirely agreed with M. Rappard's report which, while regretting the incident, expressed complete confidence in the experience and tact of the mandatory Power. M. Palacios would like to see established a condition of moral peace and mutual respect, perhaps even collaboration, between the religious communities concerned. The report stated (page 123) that the Administration had intervened to preserve the *status quo*. M. Palacios asked Sir John Chancellor to be good enough to give the Commission information regarding the present situation.

The CHAIRMAN recalled that this question had acquired extraordinary prominence throughout the world. It had been widely exploited, and it was to be hoped that as a result of the discussion which was about to take place it would be restored to its due proportions.

Sir John CHANCELLOR spoke as follows : I have this morning received the following telegram from the National Council of the Jews in Palestine (Waad Leumi) :

“ Request that Mandates Commission should not proceed with our memorandum dated October 14th regarding Wailing Wall submitted through the mandatory Government to the League, pending submission of additional material. Organisation hopes memorandum may be held over for further consideration by the Commission.”

I presume the Commission will not think it necessary for me to postpone anything I have to say on the subject.

When I went to Jerusalem six months ago, a white paper had been issued by His Majesty's Government in November. That was subsequent to the incident at the Wailing Wall on the Day of Atonement.

The Moslems were satisfied with the views expressed in the paper, which they interpreted as a decision that the Jews were not entitled under the *status quo* to bring benches and certain other appurtenances to the Wall. The head of the Moslem community recently came to me and asked that decisions contained in the white paper should be enforced. I replied that I was unable to accede to his request without the authority of the Secretary of State for the Colonies, with whom I was in communication on the subject.

On the plan which I have brought for the information of the Commission will be seen a blue flat wash which indicates the pavement on which the Jews stand to carry on their worship, and

the blue vertical area is the lane by which they have access to the pavement in front of the Wall. Strictly speaking, that is the only part of the Wall in which the Jews are interested, the Wall being the outside boundary wall of the Moslem area — the Haram-ash-Sharif. It should be made quite clear that the whole of that area, including the pavement and the adjacent buildings, belongs to the Moslem community. You will see on the plan adjacent to the pavement an enclosure containing houses. That belongs to the Moroccans and is Waqf property. It is a collection of mean hovels in which the Moroccans live. Although the Jews have right of access only to the area indicated by the blue flat wash, they claim the right to prevent the Mohammedans making any structural alterations to their property overlooking or in the neighbourhood of the Wall.

On the plan you will see a small wall painted in brown. Subsequent to the trouble last September, the Mohammedans heightened that wall. It is there that the Grand Mufti lives, and the object of heightening the Wall was to screen the ladies of his household from public view. The Secretary of State has ruled in regard to those matters that the Moslems must not alter their buildings in that locality in such a way as to cause disturbance to the Jews in carrying out their accustomed devotions. Anything in the way of erecting buildings in which there would be loud celebrations or other disturbance of the *status quo* would therefore be illegal. In accordance with that ruling, the heightening of the wall to give seclusion to the ladies of the Grand Mufti's family is regarded as legitimate.

About two months ago, the Jews complained to me that certain other alterations, against which they protested, were made in the neighbourhood of the Wall. These are shown at the right of the plan. I had, I believe, no legal right to interfere with this building, but I sent for the Grand Mufti and asked him to suspend the work until I could ascertain whether the proposed buildings would interfere with the rights now exercised by the Jews. The Grand Mufti consented to do so, but only as a personal favour to me, and not because he admitted that the Jews had any right to interfere with the construction of the buildings. Subsequently, I received instructions from the Secretary of State as regards the Jews' rights in the matter of the buildings in the neighbourhood of the Wall, and I came to the conclusion that the alterations proposed by the Grand Mufti were not of such a nature as to interfere with the rights of worship enjoyed by the Jews, and, before I left Jerusalem, I gave authority for the construction of the building to be continued.

The Commission will remember that last year it expressed the hope that it might be possible to bring about an agreement between the Jews and the Mohammedans in regard to this question.

Accordingly, when I went to Palestine last November, I lost no time in studying the question and I discussed the position with both the Jewish and Mohammedan leaders. The conclusion I came to was that there must not, in the first place, be any attempt to expropriate, in favour of the Jews, the area of the pavement in front of the Wall.

The Mohammedans are exceedingly suspicious of the motives of the Jews in respect of their rights at the Wailing Wall. They say that there is constant encroachment on the part of the Jews. The Grand Mufti maintained that, if the Moslems made any concession over and above the rights to which they were entitled under the *status quo*, the Jews would soon be building a synagogue overlooking the Wall. That is of course absurd, but his fears explain the uncompromising attitude which the Mohammedans have adopted in regard to this matter.

The area adjacent to the pavement where the Jews come to pray is an enclosure with a wall around it, and inside are the houses occupied by Moroccan Arabs to which I referred previously. It is Moslem religious property and the use of the pavement as a thoroughfare by the inhabitants of these houses frequently disturbs the Jews praying at the Wall.

My view was that the difficulty would be overcome if the Moslem authorities would consent to sell the enclosure to the Jews, who would be able to make there a courtyard surrounded by a loggia where they could say their prayers in peace and in dignified surroundings. I suggested this to the leading Jews in Palestine, and to Dr. Weizmann, who welcomed the suggestion. At the present time the Jews have, I understand, a sum of money at their disposal which would enable them to buy the area if the Mohammedans would consent to sell it.

I approached the Grand Mufti on the question, and asked him if he would be prepared to come to terms on that basis. I found the Grand Mufti, however, uncompromising on the subject. He said that the area in question was a Waqf property, and that it could not, therefore, be sold. I suggested that, if superior accommodation were provided for the Moroccans elsewhere in exchange at the expense of the Jews, he might transfer the property to me and I could hand it over to the Jews if he would prefer that to dealing with them directly. He answered that the Mohammedans' feelings were so excited on the question at present that if any such proposition, even from me, were made public it would arouse bitter religious feelings and perhaps cause a disturbance. There is therefore nothing that I can do in the matter until conditions are more favourable.

I explained the position to the Jewish leaders, and expressed the opinion that their best course of action was to be silent on this question and not to fill their newspapers with attacks on Government and the Moslem authorities. By so doing, the bitterness of feeling would die down and the confidence of the Mohammedans would be gradually re-established and an atmosphere would be created in which I might be able to intervene usefully. That being the present position, it became necessary to consider the question of giving decisions in harmony with the policy laid down in the white paper of last November. Both the Jews and the Moslem authorities, in interviewing me, claimed that they could show authority for the practices which

the one party desired to carry out and which the other party desired to prevent. The Mohammedans maintained that the right to bring benches to the Wall, as the Jews were now doing, was a practice which had been prohibited by the Turks, and which in addition had twice been prohibited by the mandatory Government since it came into power. The Jews, on the other hand, contended that they had been bringing up benches to the Wall for a long time, and they produced photographs showing that benches were brought to the wall thirty or forty years ago. I showed these photographs to the Grand Mufti and his rejoinder was that anyone could take a photograph of benches put there at a time when the question of the Wailing Wall was not exciting general interest and that he did not therefore attach any importance to such photographs. He also produced a Turkish document in which the bringing of benches to the Wall was prohibited. I therefore asked both sides to produce their documentary authority for bringing benches to the Wall. The Mohammedans produced a copy of the Turkish Government's document to which I have referred above. This information was asked for last January, but I have received no communication from the Jews in support of their claim, and when the incident in connection with the structural alterations near the Wall arose in the middle of May last I asked the Grand Rabbinate to submit without further delay any documentary authority they might possess, as decisions on the question could not be much longer delayed. The head of the Zionist Executive came to see me in order to discuss the question, and I inferred from his conversation that there was no official document authorising the Jews to bring benches to the Wailing Wall.

I asked the Grand Mufti if he would consent to individual Jews being given a licence or a permit to bring up benches, in order that the old and infirm who prayed there could do so in comfort. He declined to consent to this.

I am in communication with the Secretary of State for the Colonies on the whole subject ; but at present I can give no indication of his views.

I should like to add that the Jews claim that they should be allowed to do the things which they have been doing in the past, whether they have documentary authority or not. I have been trying to obtain information from both parties that would enable the *status quo* to be determined. The Secretary of State has instructed me not to make any pronouncement in regard to the *status quo* without his authority. The Commission will realise that the position is a delicate one and that it is necessary to be exceedingly careful in giving any ruling on the subject.

M. RAPPARD congratulated the High Commissioner on the action that he had taken. It had been the unanimous feeling of the Commission at the last session that the situation was not very satisfactory. It had therefore recommended that that situation should, if possible, be modified by mutual agreement, but failing this that the *status quo* should be scrupulously respected. M. Rappard was pleased to note that the High Commissioner had in all respects acted in conformity with those principles.

He understood that the construction of a new wall was not contrary thereto, as that construction was outside the limits of the area affected.

Could the High Commissioner state whether both parties regarded the *status quo* as a legitimate basis for agreement on principle ?

Sir John CHANCELLOR replied that the *status quo*, as they interpreted it, satisfied the Mohammedans, but that to the Jews it represented only a minimum claim. It was necessary, however, to have an authoritative ruling with regard to the *status quo* — in the definition of which the two parties disagreed — in order to enable him to enforce it. Delay was dangerous, for the Mohammedans were circulating certain rumours intended to give Mohammedan sanctity to a section of the Wall.

M. RAPPARD thought that the Commission might express complete satisfaction with the action of the High Commissioner. The situation appeared to be the same as that of last year. The Commission could but hope, therefore, that the minds of the people would become calmer and that in the absence of a mutual agreement the *status quo* would not be modified in favour of one party without the full consent of the other party.

The CHAIRMAN agreed that the High Commissioner was to be congratulated upon the manner in which he had endeavoured to solve this question in accordance with the recommendations of the Commission. The Chairman's own experience in the East had proved to him how easily religious passions might trouble relations between Eastern races. This enabled him to estimate to the full the difficulty of the High Commissioner's task, and to congratulate him upon having done all in his power to obtain a fair and satisfactory solution of the problem.

Freedom of Conscience.

M. PALACIOS asked if the proposed arrangements to which reference was made on pages 36 and 37 of the report affected the Askenasic community. He asked this question as it might explain why that community had already asked the Commission on two occasions to adjourn, until the receipt of supplementary information, its examination of the petition from the community, regarding which the mandatory Power had already made known its views. This supplementary information was always on the point of arriving, but had never yet reached the Commission.

Sir John CHANCELLOR said that 78,000 adult Jews had expressed their desire to be registered as members of the Jewish community. This number represented practically the whole of the

Jewish population, with the exception of the community of the Agudath, which numbered approximately 10,000, and which had requested recognition as a separate community. It had not been found possible to comply with that request.

The CHAIRMAN asked whether strained relations also existed between various groups of the same religion, whether Jewish or Christian. Had the High Commissioner noted any improvement in the relations between the religious groups during his stay in Palestine ?

Sir John CHANCELLOR said that he had seen few signs of any marked improvement in the short time he had been in Palestine. At one extreme of the Jewish population was the orthodox community which regarded the Zionist Organisation as negligent in regard to religious formalities and at the other extreme were the Communist Jews who had little religion. The Communist Jews, who immigrated mainly from Eastern Europe and Russia, were hostile to the Zionists.

With regard to the Christians, the divided ownership of individual churches between several communities and the complicated regulations governing the use of churches by them made it inevitable that friction should arise. Feelings ran high in connection with matters of ownership of the Holy Places, and there was always a danger of incidents occurring between the officiating clergy. There seemed to be little possibility of immediate improvement in the situation.

Constitution of the Supreme Moslem Sharia Council.

M. PALACIOS said that, according to Ordinance No. 18 of 1926 (Ordinances of Palestine, page 111) and No. 17 of 1929 (*Official Gazette*, May 1st, 1929, page 230), the members of the Supreme Moslem Sharia Council, which was now working, were appointed by the High Commissioner. This he had done temporarily until the next elections. What were the difficulties, if any, in the way of a final constitution of the Council ? This point had been one of those which had given rise to criticism in Arab circles. The latter had held that this state of affairs served to prove that authority was becoming more and more concentrated in the hands of the mandatory Power.

Sir John CHANCELLOR said that these rumours were unjustified. The affairs of the Sharia Courts were in the hands of the Supreme Moslem Council and independent of the Government. He added that he had been disturbed by rumours that justice was being denied to certain of the humbler Moslems by these Courts. His predecessor had appointed a Commission of Enquiry to report upon the organisation of the Supreme Moslem Council. The Commission had recently reported, and two members of the Commission had presented minority reports.

M. PALACIOS said that undoubtedly the High Commissioner had misunderstood his question. M. Palacios had neither thought nor spoken of rumours. The question he had asked was in conformity with the third paragraph on page 37 of the report. He would like to know whether the draft presented by the Committee appointed in 1926 and relating to the method of election of the Moslem Council had been accepted ?

Sir John CHANCELLOR said that it was proposed to introduce election of members to the Council by Moslem electors.

M. PALACIOS thanked the High Commissioner for the information he had given.

Military Clauses.

M. SAKENOBE said that he had no question to ask. He only wished to thank the accredited representative for the detailed information furnished in this year's report on the subject.

Labour.

Mr. GRIMSHAW desired, in the first place, to congratulate the Administration on the marked improvement shown in the conditions of employment. He had studied the report on labour conditions very carefully and this led him reluctantly to make a complaint. The report on the labour conditions in a country where the question of labour was of very great importance was only one and a-half pages long, and as such could truly be described as a marvel of condensation. But with so highly condensed a report it was impossible to obtain a clear picture of the labour situation.

He would point out, for purposes of comparison, that three pages of the report were devoted to one detail of the administration — the Trans-Jordan frontier force. He hoped that, in future, more details and explanations would be included ; for example, the important report of the Wages Commission had been dismissed in six lines. He would therefore earnestly ask the High Commissioner to insert more details in the report for the next year.

Sir John CHANCELLOR undertook to comply with Mr. Grimshaw's request.

Mr. GRIMSHAW asked what was the meaning of the reference to contract labourers on page 27 of the report. What was the difference between wage-earners and contract labourers ?

Sir John CHANCELLOR replied that contract labourers meant piece-workers.

Mr. GR MSHAW realised the difficulties in connection with social legislation. Had the Administration, however, considered the possibility of producing the same effects, possibly without having recourse to legislation, by making use of the workers' organisations already existing in Palestine? The Jews were fairly well organised and the Arab organisation was improving. Would it not be possible to use the Trade Union machinery, for example, for welfare work and for assisting the provision, at least for the workers organised in these Trade Unions, of certain benefits of great social value which, in other countries, were provided as the result of general legislation? He would point out that it was a mere suggestion, and he did not know whether it would be practicable.

Sir John CHANCELLOR said that he would consider the suggestion very carefully. Conditions, however, in Palestine were very complicated, owing to the fact that two populations inhabited the country.

Lord LUGARD, with reference to page 85, noted that a number of important public works in Trans-Jordan had not been completed owing to the limited amount of labour available. Would it not be possible to send some of the unemployed labourers from Palestine for such work, or was the hostility towards Palestinians too great?

Sir John CHANCELLOR replied that there would be no objection to obtaining outside labour for such work but that, as it consisted mostly of making up the railway banks to the standard width, it was not urgent and could be done in time by the local labour available. He would deprecate making any special arrangement involving the introduction of foreign labour for such a purpose.

Lord LUGARD enquired whether adequate precautions had been taken to prevent the import of cheap Egyptian labour for the work to be done on the harbour at Haifa?

Sir John CHANCELLOR replied in the affirmative. No Egyptian labour would be employed.

Drugs.

M. DE PENHA GARCIA noted that drugs were not produced in Palestine and Trans-Jordan and that there was no import for consumption. There was, however, a considerable quantity of contraband traffic, as was to be seen from the section on page 125. Where did the drugs in question come from?

Sir John CHANCELLOR said that strong police measures had been taken with a view to stamping out this traffic. It occurred mostly between Syria and Egypt and was in the nature of a transit trade. The opium came, he thought, from Turkey. It was extremely difficult to suppress the traffic entirely.

M. DE PENHA GARCIA noted with satisfaction that the Government of Palestine was doing its utmost to suppress the traffic. For that purpose it was working out a joint plan with the Governments of Egypt and Syria for the more expeditious detection and suppression of the traffic in dangerous drugs. While it would be premature to ask for information at the moment, could it be included in the next report?

Sir John CHANCELLOR undertook to do so.

Liquor Traffic.

Lord LUGARD said that the Native Races and the Liquor Traffic United Committee had sent him a letter in regard to Palestine in which they complained that an organised liquor traffic had been established in the territory. They stated that the number of licences issued in Jerusalem was excessive and in 1926 had reached 290; and added that in the past three years the imports of liquor had shown an increase of 96.48 per cent. According to information received by the Committee, the Moslems had fallen into the drink habit and could be seen openly drinking in many of the public places. It would also appear that most of the big wine presses and liquor establishments were being financed by Jewish capitalists and that the retail sale was falling more and more into the hands of the Jews, who employed young women in places where strong drink was sold. Lord Lugard asked whether the High Commissioner would enable him to reply to these allegations.

Sir John CHANCELLOR said that the Secretary of State had received similar communications on the subject. The information at Sir John Chancellor's disposal did not support these allegations. The Secretary of State had in one case invited the critics to submit to him evidence in support of their statements. Six months had now elapsed since they were invited to do so, but no evidence had been forthcoming.

As far as the import and export of liquor in Palestine was concerned, imports had diminished and exports increased, which tended to show that there had been no increase in local consumption. He did not believe that the Moslems were acquiring the drink habit. He had been in the territory for seven months and had not seen a single man the worse for drink.

Lord LUGARD noted that the production of alcohol was protected, according to page 26 of the report. What was the reason for this ?

Sir John CHANCELLOR replied that it was the practice in Palestine to protect local industries.

Education.

Mlle. DANNEVIG thought that the Commission should congratulate the mandatory Power on the fact that its expenditure on education had increased despite the bad financial period through which the territory had passed during the year under review. On page 48 of the report, it was stated that a number of teachers in the Jewish Zionist schools had continued to work even when their salaries had been many months in arrears. Had these salaries now been paid ?

Sir John CHANCELLOR replied that, although he was unable to speak for the Zionist Organisation, he believed that a considerable amount of the arrears had been paid.

Mlle. DANNEVIG said that, owing to the great complexity of the school system and the different headings of the report of the Administration in succeeding years, it was difficult to obtain a comprehensive view of what the Government of Palestine was doing for education. Would it be possible for information to be included in the next report showing the number of girls in the co-educational schools and the proportion of girls to boys attending school ?

Sir John CHANCELLOR undertook to furnish the information requested.

Mlle. DANNEVIG said that it would appear that candidates for the Women's Elementary Training College were difficult to obtain. Out of 102 applicants, only 15 had been accepted in 1928. Was that because the standard had been raised ?

Sir John CHANCELLOR explained that the reason lay in the low standard of education among Moslem women. Improvement in this respect, however, was being steadily maintained and a welcome change of attitude in regard to education was to be noticed. The Girls' Schools were everywhere full, and in many cases candidates had to be refused admission owing to lack of accommodation.

Mlle. DANNEVIG noted that in September 1927 about 2,000 pupils had been refused admission to the Government schools for lack of room. She concluded that this 2,000 came from all parts of Palestine and belonged to the Arab population. Would it be possible for them to enter school next year ?

Sir John CHANCELLOR replied that they were spread throughout the country. At Hebron he had found over 100 children waiting admission to the school. The Government was doing all it could to build schools and train teachers, but progress was inevitably slow, for the country had previously been without a proper educational system.

Mlle. DANNEVIG pointed out that many children did not finish their education but left after two or three years. Their places could presumably be taken by children still waiting to enter school.

Sir John CHANCELLOR replied in the affirmative.

In reply to a further question from Mlle. Dannevig, he explained that the *Kuttabs* were religious schools dependent on the Warfs.

Lord LUGARD had read the draft Ordinance on education with great interest. He asked what was the difference between community and religious schools.

Sir John CHANCELLOR would obtain the information requested.

Public Health.

M. VAN REES hoped that the chapter on Public Health would be more detailed in the next report. The chapter on Trans-Jordan was better in this respect than the chapter on Palestine. He noted, for example, an interesting statement on page 55 of the report to the effect that the birth-rate and the death-rate were the highest so far recorded. An explanation of this fact, and in general a greater number of details in regard to public health, would be appreciated by the Commission.

Sir John CHANCELLOR undertook to furnish a fuller chapter on Public Health in the next report.

Lord LUGARD asked that this undertaking should apply also to Trans-Jordan, in regard to which details concerning the medical conditions of the country would be of great interest.

Ottoman Public Debt.

M. RAPPARD did not understand the position regarding the settlement of the Ottoman debt. It appeared that it had been satisfactorily settled, but could the accredited representative furnish any supplementary explanations ?

Sir John CHANCELLOR explained that the Government of Palestine had been liable for a certain sum to be paid off by considerable annual payments spread over a number of years. It had, however, been successful in buying a large number of Turkish bonds and these were used in effecting a settlement of the debt.

M. RAPPARD concluded that the amount of debt had not been reduced but that means had been found to pay it cheaply.

Sir John CHANCELLOR agreed. Securities instead of cash were being handed over; and this method of payment did not involve any increase in anyone else's share of the debt.

Public Finance.

M. RAPPARD thanked the Administration for the manner in which the chapter of the report on Public Finance had been drafted. The author had taken account of the desires of the Commission as expressed at previous sessions. He would refer to the deficit incurred during the period of the military administration. This appeared to be a charge on the territory. Generally speaking, the expenses of military occupation prior to the issue of the mandate had been borne by the mandatory Power.

Sir John CHANCELLOR pointed out that the expenditure referred to had been incurred before the issue of the mandate and had been of an administrative character. His Majesty's Government had handed over to the territory assets which were far greater in value than the recorded debt.

The CHAIRMAN, with reference to pages 82 and 83 of the report, asked how the public works at Haifa were to be paid for — out of the loan or out of revenue?

Sir John CHANCELLOR replied that they were to be paid for out of the loan. The Administration of Palestine handled the loan, subject to instruction from the mandatory Power.

The CHAIRMAN hoped that full details would be given in the next report if the loan was a charge on the territory.

Sir John CHANCELLOR pointed out that Appendix 4 gave details regarding the distribution and allotment of the loan. The item £60,000 had been spent on improvements to the harbour at Jaffa. The amount to be spent on the harbour at Haifa would be about one and a-quarter millions. The exact estimate had not yet been definitely settled.

M. VAN REES pointed out that in the last report a statement concerning the amount of the Public Debt had been included. This had now been omitted.

Sir John CHANCELLOR said that it would be reinserted next year.

M. VAN REES pointed out that the figures on page 11 of the report for the grants-in-aid shown as having been given in 1927 differed somewhat from the same figures given in the last report. Was the military expenditure shown on page 12 met out of a grant-in-aid?

Sir John CHANCELLOR said that the expenditure referred to the cost of the Trans-Jordan frontier force which existed for the protection of both territories. Five-sixths of the cost of its upkeep was charged to Palestine.

In reply to a further question from M. Van Rees, he explained that all grants-in-aid were non-recoverable, and that, in respect of these, Article 28 of the Mandate would not be applied.

In reply to a question from M. Rappard, Sir John Chancellor explained that the tithe had been commuted for a fixed annual payment calculated on an average yield over a period of three years.

Trans-Sinai Railway.

M. VAN REES asked whether the Trans-Sinai Railway belonged to the British Government, though it appeared that the costs of working were borne by the Administration of Palestine.

Sir John CHANCELLOR replied that the Trans-Sinai Railway belonged, for the moment, to the British Government, but that the Palestine Administration worked it as agent to the British Government. Any profits were divided between Palestine and Great Britain in proportion to the capital share held by the two countries. In view of the fact, however, that nearly all the capital had been provided by Great Britain, the profits were divided in a ratio between 30-40 and 1. For example, out of last year's profits, £24,000 had gone to Great Britain but only a few hundreds to the Palestine Government.

Collection of Laws relating to Trans-Jordan.

The CHAIRMAN noted that the information given concerning the administration of Trans-Jordan was considerably fuller in the present report than in the preceding one. It was to be hoped that future annual reports would contain at any rate equally full information on this part of the mandated territory.

He recalled that, at the thirteenth session (see Minutes, page 46), he had pointed out that, in accordance with Article 24 of the Palestine Mandate, the text of all laws and regulations

promulgated in the course of the year should be annexed to the annual report, and that he had added that, while the members of the Commission had regularly received each year the collection of Ordinances promulgated in Palestine, they had received no such documents in the case of Trans-Jordan. The Commission had inserted an observation to this effect in its report to the Council.

The Commission might note with satisfaction that the mandatory Power had complied with its wish in respect of the year 1928 by preparing and translating a special collection of the laws promulgated in Trans-Jordan in the year in question.

It appeared desirable, however, that the Commission should have at its disposal a complete collection of the laws and regulations in force in that part of the mandated territory. If, as the accredited representative had stated at the thirteenth session, the majority of the laws promulgated in Trans-Jordan corresponded to those of Palestine, it would be enough to transmit to the Commission a statement to the effect that certain of the laws of Palestine (the text of which was already at the disposal of the Commission) had been applied in Trans-Jordan. It would then only be necessary to translate those laws, or parts of laws, which applied to Trans-Jordan but which did not apply to Palestine.

Sir John CHANCELLOR replied that the legislation in Palestine did not apply to Trans-Jordan. The laws in Trans-Jordan were promulgated in Arabic. Every effort would be made to expedite their translation and to forward them to the Commission, but since the country was poor and understaffed, such work inevitably took a considerable time. The Commission might, however, rest assured that every possible effort would be made to comply with its wishes in this respect.

The CHAIRMAN thanked the accredited representative. What the Commission desired was the text of all special legislation applicable to Trans-Jordan. He thought it probable that much of the legislation of Palestine also applied to Trans-Jordan, but where that was not the case details should be forwarded to the Commission.

Sir John CHANCELLOR said that in certain respects, for example, in regard to the Companies Law, legislation was the same for both territories.

M. RAPPARD concluded that the basis of the two legislations was entirely different. In Trans-Jordan it was based on Arabic custom, whereas the legislation of Palestine was upon a special foundation.

Sir John CHANCELLOR agreed. He repeated that he would do his best to comply with the Commission's desires in the matter.

Organic Law for Trans-Jordan.

Lord LUGARD, with regard to the Organic Law for Trans-Jordan, asked the following questions :

(1) According to Section 48, which dealt with the position of foreigners before the law, was there any extraterritorial jurisdiction, or would mixed courts be established in the territory? What authority decided the court competent to try a foreigner?

(2) Section 56 of the law regulated the appointment and dismissal of administrative officers. What was the legal position of the British advisers and other British officers? By what legal authority were they appointed and exercised their powers in Trans-Jordan?

(3) Section 67 vested all public lands in the Amir. Was there any definition of public lands?

(4) Throughout the Organic Law, with the exception of Section 70, the Amir was referred to as the "Amir in Council". In Section 70, however, the Amir was empowered to alter or annul provisions of the law, subject to the Treaty, but the words "in Council" had been omitted. Was there any check upon the powers of the Amir under this section? Could he act with reference either to the Adviser or to his Council?

Sir John CHANCELLOR replied :

(1) He was unable to give a definite answer immediately. Foreigners had the right to be tried by British judges.

(2) There were British advisers attached to the Government of Trans-Jordan whose advice the Amir was bound to accept. The terms of their appointments and their status were not yet definitely settled. Sir John Chancellor had made suggestions to the Secretary of State in regard to these matters and was awaiting his instructions.

(3) The position in regard to public lands was governed by the old Turkish laws. The situation, however, was unsatisfactory. The Survey Department was making progress, and was regularising titles. Trans-Jordan could not yet afford a trigonometrical survey. Local surveys of villages and surrounding districts were being undertaken.

(4) The formula used in Section 70 was identical with that used in similar constitutional documents relating to the British Colonies, except that "Amir" was substituted for "Governor".

LORD LUGARD noted that under the Press Law all the responsible editors and journalists connected with any paper published in Trans-Jordan must be of Trans-Jordan nationality. Was not this a somewhat arbitrary provision ?

SIR JOHN CHANCELLOR agreed. The law had been passed by the Legislative Assembly.

Nationality Law of Trans-Jordan : Admission of Foreigners.

LORD LUGARD, with reference to the Nationality Law, noted that by Section 4 all Ottoman subjects who did not opt for Trans-Jordan nationality were required to leave the country within twelve months.

SIR JOHN CHANCELLOR replied that this provision was due to the stipulations of the Treaty of Lausanne with Turkey.

MR. CLAUSON explained that the position of the Trans-Jordan Government would be very difficult if, while the vast majority of the inhabitants of the territory who had formerly been Turks became Trans-Jordan subjects, a minority could still live in the country without opting for Trans-Jordan nationality and thus claim the protection of a foreign Power.

The CHAIRMAN concluded that the law applied only to Turkish subjects.

MR. CLAUSON replied in the affirmative.

SIR JOHN CHANCELLOR said that Khalid Pasha, Chief Minister, had been a Turk and now possessed Trans-Jordan nationality.

M. RAPPARD desired to know quite definitely that the law applied only to Turks.

The CHAIRMAN pointed out that it was impossible for the Commission to admit the rule that foreigners must be forced to adopt the nationality of a particular mandated territory as a condition of residence in that territory.

SIR JOHN CHANCELLOR agreed. There might be a certain vagueness in regard to the law, and, if so, it should be made clear by amendment. Article 4, however, he thought, referred only to Turks.

In reply to Lord Lugard, Sir John Chancellor said that there was very little Jewish penetration in Trans-Jordan. Jews were disliked there. There were, for example, only two persons of that nationality in the Trans-Jordan frontier force.

M. VAN REES enquired whether the Trans-Jordan Government could refuse to allow Jews from Palestine to enter the territory.

SIR JOHN CHANCELLOR replied that they could be prevented from settling in Trans-Jordan.

M. VAN REES asked whether this prohibition extended to Jews who were nationals of some State Member of the League — Jews, that was to say, not possessing Palestinian nationality.

SIR JOHN CHANCELLOR replied that he believed that legally they could not be excluded.

M. RAPPARD said that obviously if any individual were considered undesirable the Government of Trans-Jordan was quite within its rights in excluding him from the territory. To declare, however, that all Jews of whatever nationality were undesirable would obviously be contrary to the terms of the mandate.

SIR JOHN CHANCELLOR explained that there was no legal prohibition to prevent them entering. What he had tried to do was to explain the hostile attitude of the Trans-Jordan Government towards the settlement of Jews in Trans-Jordan. He had in fact been describing the feelings prevalent in Trans-Jordan. Trans-Jordanians were hostile to the admission of all foreigners.

One reason, for example, for the unpopularity of the Amir's Government was that many of the high officials were not Trans-Jordanian by birth. The population complained that their country was being governed by foreigners. The reason, of course, was that very few persons of Trans-Jordan birth were competent to fill important administrative posts, especially those requiring some technical knowledge.

M. RAPPARD said the question was of importance, for, by the terms of the mandate, any person possessing the nationality of any Member of the League had the general right to enter Trans-Jordan or any other territory under A and B mandates for the purpose of carrying on his business or living there. If the Government of Trans-Jordan maintained that it was against the public interest for any particular person to enter, no objection could be made. If, however, it was a question of general exclusion, the terms of the mandate had been broken.

The CHAIRMAN asked whether all foreign officials who were working in the territory were British ?

SIR JOHN CHANCELLOR replied in the negative. Several were Turkish and Syrian. Khalid Bey, the Chief Minister, was a Turk. There were only two British officers in the Arab

Legion. There were a few technical advisors in the various departments, as well as the British Resident. There were very few British officials in the country.

The CHAIRMAN concluded that the higher officials of the Government, other than the British, had adopted Trans-Jordan nationality.

Sir John CHANCELLOR replied in the affirmative.

Lord LUGARD enquired what proportion of the inhabitants of Trans-Jordan were settled tribes and what proportion were nomads. Was there any tendency among the nomads to settle ?

Sir John CHANCELLOR replied that, without being able to quote definite figures, his impression was that about three-quarters of the tribes were nomads. The Administration hoped that a tendency to settle on the land would become increasingly prevalent, but there was not much sign of it at the moment.

Financial Situation of Trans-Jordan.

M. RAPPARD noted that the financial position of Trans-Jordan was very far from satisfactory. Deficits in the budget were only covered by grants-in-aid from the mandatory Power. In view of the fact that the country had now become largely autonomous with a consequent lessening of control on the part of the mandatory Power, would not the British taxpayers have a legitimate grievance if Trans-Jordan, which governed itself, was not at the same time able to pay for itself ? Were the grants-in-aid in proportion to the salaries paid to British officials ?

Sir John CHANCELLOR replied that they were considerably higher than those salaries. It was quite true that the British taxpayer supported a considerable burden. The grants-in-aid, however, were being continually reduced and had now been cut down to the very minimum. For the present year, they would amount to not more than £40,000. There were very few British officials in the territory.

M. RAPPARD noted that the financial situation gave rise to real anxiety. Its unsatisfactory nature could be seen from the fact that the money derived from the sale of State domains had been shown as ordinary revenue and the only explanation given was that it had been so shown in order to reduce the deficit. In actual fact, however, the deficit was not being reduced in this way, for the reduction effected was only apparent.

Sir John CHANCELLOR agreed. At the moment, however, nothing could be done.

M. RAPPARD asked if any details could be supplied regarding the item "Miscellaneous" in the table of expenditure on page 101, in view of the importance and variability of this item ?

Sir John CHANCELLOR was unable to reply. He suggested that this item might include part of the cost of the locust campaign.

Self-Government in Trans-Jordan.

The CHAIRMAN noted that the mandatory Power had given a large measure of self-government to Trans-Jordan, which was inhabited by a number of tribes whose development was not very far advanced, whereas the inhabitants of Palestine, in a far higher state of civilisation, did not possess any self-government. Had not this apparent contradiction given rise to criticism ?

Sir John CHANCELLOR replied that the Arab leaders in Palestine did make this complaint. In reply to representations that had been made by Arab deputations, he had explained that the mandatory Power had undertaken certain international obligations by the terms of the mandate and that Palestine, as the home of three great religions, was of interest to hundreds of millions of people throughout the world. It was essential that the mandatory Power should reserve powers to enable it to discharge the obligations that devolved upon it. Democratic institutions under which the people could govern the country solely in their own interests could not, therefore, be granted to Palestine.

The reason why a measure of self-government had been granted to the less advanced population of Trans-Jordan was that certain promises had been made to the Arabs in that part of the world during the war.

Education in Trans-Jordan.

Lord LUGARD, with reference to the paragraph "Education", on page 107 of the report, asked whether any missions were at work in Trans-Jordan or any European teachers ?

Sir John CHANCELLOR replied that there were, he believed, a number of French and Italian Roman Catholic missions, but that he could not, for the moment, give details of them.

Frontiers of Trans-Jordan.

M. SAKENOBE asked what was the present situation with regard to the frontiers of Trans-Jordan. In February, trouble had occurred in the north with the Syrian tribes, in the east

with the Nejd, and in the south there had also been a certain amount of unrest. Since June, however, a normal situation had apparently been restored.

Sir John CHANCELLOR said that the northern frontier of Trans-Jordan with Syria was still undefined. The British Government had approached the French Government for the purpose of proceeding with negotiations for its settlement. The eastern frontier with Iraq was also undefined. The southern frontier with Nejd was approximately defined, but tribes moved across it for grazing their flocks and herds at different seasons of the year. Raids in that part of the world were frequent. Such raids had been customary for centuries, and with the resources now at the disposal of the Government could not be completely controlled. He had recently made a number of proposals to the Secretary of State with a view to improving the conditions on the border.

Trans-Jordan. Petition from the Inhabitants of Kerak.

M. ORTS, as Rapporteur, desired to obtain further information from the accredited representative with the object of supplementing the very full particulars given by the mandatory Power in its written reply regarding this petition (Annex 11). The petitioners maintained that the British advisers attached to the Departments of Finance and Justice possessed unlimited authority. Their view was that the object of the mandate over Trans-Jordan was gradually to bring its people to political maturity, thus enabling them to govern themselves, but that owing to the powers given to the officials of the mandatory Power such development would never occur. What were the duties of the British advisers ?

Sir John CHANCELLOR replied that they were merely advisers and their presence in the territory was due to the fact that there were no citizens of Trans-Jordan capable of filling the higher posts in the Departments of Finance and Justice. That was the real reason for the complaint in the petition. The advisers were British. The Minister of Finance was a Syrian who had opted for Trans-Jordan nationality. In view of the fact that grants-in-aid were given to the territory, it was essential for His Majesty's Government to keep control over finances.

The CHAIRMAN agreed with the accredited representative.

In reply to M. Orts, Sir John CHANCELLOR said that the Minister of Justice was a Turk, assisted by a British adviser.

M. ORTS noted from the memorandum of the mandatory Power regarding the petition that only five of the petitioners had any standing. Were the petitioners a corporation or a mere collection of individuals ? Did they all reside in Kerak ?

Sir John CHANCELLOR replied that they were not a corporation and that they were all citizens of Kerak.

M. ORTS concluded that as soon as a citizen of Trans-Jordan showed himself capable of holding a higher post in the Administration such a post would be given to him then available.

Sir John CHANCELLOR replied in the affirmative.

Close of the Hearing.

The CHAIRMAN thanked Sir John Chancellor for the manner in which he had co-operated with the Commission. The Commission was happy to note that the situation in Palestine, despite many difficulties, was steadily improving. It would be due to the tact of the High Commissioner that those difficulties would be removed. The position in Trans-Jordan was somewhat more nebulous as far as the Commission was concerned. He hoped that the various recommendations and requests made by the Commission would be fulfilled in the next report.

Sir John CHANCELLOR thanked the members of the Commission.

TWELFTH MEETING.

Held on Monday, July 8th, 1929, at 10.30 a.m.

Chairman : Marquis THEODOLI.

1010. Tanganyika : Report of the Commission on Closer Union of the Dependencies in Eastern and Central Africa. Commission's Attitude.

The CHAIRMAN reminded his colleagues that, at the second meeting of the session, he had drawn their attention to the report of the Hilton Young Commission regarding the scheme for union between the British East African territories and had asked them to reflect upon the attitude which the Commission should adopt *vis-à-vis* the mandatory Power. He would recall that the mandatory Power had not indicated the purpose for which it had sent the report to the Commission. The Chairman would therefore enquire of his colleagues, first, whether the question should be raised before the accredited representative ; secondly, if the question were to be raised, what was the procedure to be followed ; and, thirdly, whether in the event of the accredited representative replying that he would prefer not to answer the Commission's questions, on the ground that he had only recently taken up his duties in the Colonial Office, the Commission should let the subject drop or should refer to it in the report to the Council.

The Chairman added that M. Kastl, being absent, had asked his permission to allow a statement to be read giving his personal views on the matter, as well as the observations he would have made to the accredited representative had he been able to attend the meeting.

Lord LUGARD thought that the Under-Secretary of State would probably afford the Commission an opportunity of putting questions on the subject by referring to the matter in his opening remarks. Personally, Lord Lugard thought that the British Government would be glad to have the views of the Mandates Commission. But as the Under-Secretary of State was to attend the Commission as accredited representative, he would be able to tell the Commission whether or not His Majesty's Government had intended to invite an expression of the Commission's opinion by forwarding the report.

M. ORTS recalled the precedent established in 1928, when the British Government had communicated to the Commission the draft Treaty between Great Britain and Iraq. The Commission had thought that this draft had apparently been communicated to it in order that it might take note of the treaty and make any observations regarding it which it considered useful.

The Hilton Young report had been communicated in identical circumstances and the members had probably formed an opinion regarding it. M. Orts thought that the mandatory Power expected that an opinion would be expressed. As regards procedure, M. Orts proposed that the accredited representative should be asked whether it expected the Commission to deal with the Hilton Young report. If the reply were in the negative, the Commission would still be free to express its opinion when the British Government had taken a decision regarding the draft proposals for union.

The CHAIRMAN asked for his colleagues' opinion on the substance of the question. Did they consider that the draft contained in the report would be contrary to the principles of the mandate if it were put into force ? Did not the proposal made in the report constitute an important step towards a more direct form of administration ?

The Chairman thought that the Commission should express its opinion, not to the accredited representative, but in the report to the Council on the work of the session, even if the accredited representative stated that the British Government had not submitted the Hilton Young report to the Commission for an opinion.

Lord LUGARD expressed the opinion that, so far as the question of the mandate was concerned, provided the policy of closer union between Tanganyika and other British East-African territories did not involve any cession of mandated territory, or any additional cost for defence, or any financial or other disadvantage to the Tanganyika Government in respect of railway rates, or of Customs tariffs, and provided it would not deprive Tanganyika of its status as a constitutional unit and so interfere with the supervision of the Mandates Commission, he saw no objection to some form of closer union. On the contrary, the effect would be to extend the principles of the mandates system. At the same time, the Commission should not express a definite approval of closer union until it had more definite information as to the form which closer union would take.

M. VAN REES said that he had devoted much time to this problem. There were, he considered, two aspects of the question, not only as it concerned the British Government, but also as it concerned the Mandates Commission. There was, first, the purely legal aspect. The British Government was proposing to take certain action under Article 10 of the Mandate, and on this point M. Van Rees agreed entirely with Lord Lugard. There was, however, the

second aspect, namely, the way in which the mandatory Power's proposals affected the mandates system as a whole. On this point, M. Van Rees would be glad to have an opportunity of developing his views at a later meeting, but he could say at once that, in his opinion, the authorisation to constitute administrative, fiscal and Customs federations was one of the weakest points in the whole mandates system; indeed, he would go so far as to say that it undermined the system.

While he associated himself with Lord Lugard's remarks as to the legitimacy of the measures proposed, M. Van Rees would urge that this other aspect of the question should not escape the attention of the Commission, which should, in his view, discuss it in order to ascertain whether it was not necessary to make certain observations to the Council. The Commission should not give the impression of failing to take due account of the importance of the direct or more distant consequences which might result from the unions contemplated in Article 10 of the Mandate, especially since public opinion in a certain part of the world had been deeply stirred by the proposals outlined in the Hilton Young report.

The Commission had frequently had occasion to discuss the official statements of authorised persons, which gave the impression that there was a tendency on the part of the mandatory Power to act as if the mandated territory were part of its own possessions. In this connection, he might remind his colleagues that the Commission had changed its opinion on certain statements which Sir Donald Cameron had himself made after the latter had assured the Commission that the Mandatory had no intention of disregarding the political status of the territory under mandate. Nevertheless, the feeling of public opinion was still one of alarm because the Hilton Young report, together with the official declarations to which he had referred, might give the impression that it was the final act in a tendency which, rightly or wrongly, had been attributed to the British Government.

The CHAIRMAN observed that time was of no significance in the discussion of so serious and so important a problem, which would need careful examination. He hoped that M. Van Rees would develop his views on the question when the Commission re-examined it after having heard the accredited representative.

M. DE PENHA GARCIA thought it unnecessary to go into the question of substance for the moment. He agreed with Lord Lugard that the relevant article in the mandate appeared to justify legally the proposals in the Hilton Young report. Nevertheless, it was the Commission's duty to take all steps to ensure that the proposed union would not affect the mandates system as a whole, and the objects and purpose for which the mandate had been constituted, particularly in the matter of economic equality.

His personal opinion as regards the attitude to be adopted when the accredited representative was present was quite simple. The accredited representative came before the Commission to answer questions and to give information. The Commission therefore had only to put to him any points which, in its view, required to be cleared up; it could, for instance, ask whether the mandatory Power proposed to adopt the policy of union of the territories. There was no need for the Commission to give the accredited representative its views on the subject. After hearing him in order to clarify its views, the Commission had only to discuss the matter later, and then to express an opinion to the Council.

M. PALACIOS thought it was the duty of the Commission to study the question of "a closer union" of some parts of British Africa with the mandated territory of Tanganyika, not only because it had received the Hilton Young report, but also because the problem had already been discussed in Parliament, in books, and in the Press. In these circumstances, it would be somewhat remarkable were the Commission to pretend to ignore it.

He agreed with M. Van Rees that "a closer union" raised a problem of two aspects. The opinion of Lord Lugard was perhaps correct, in so far as the strictly formal and legal aspect of the question was concerned. There was, however, the political aspect; M. Palacios might almost qualify it as the world political aspect. This was very complex, for there were divergent and even opposite currents manifest in the populations of Africa, whose interest it was not to be overwhelmed by the white policy pursued in Kenya.

He would not attack the problem in all its complexity, but wished to emphasise that aspect which was contrary to the formal legal principles of the mandates system. The Permanent Mandates Commission had throughout proclaimed the doctrine that countries, territories and communities under the mandates system were separate entities from the mother-country and its colonies, and that their administration must not be carried on in the interests of the mandatory Powers but in the interests of the peoples who were regarded as minors. The task of guardianship in this case, as in any other, was a heavy burden, but must be regarded as an honour and constituted one of the missions of civilisation. According to the proposals of the Hilton Young report, however (page 288), in which were to be found the main principles of the proposed system, the territories of Kenya, Tanganyika and Uganda were to be placed under the authority of a single Governor-General. The duties of that official were defined in the following manner: "The principal duties of the Governor-General will be (a) to secure imperial interests . . ." Would not the Commission feel that such words should not be used to describe the duties of a guardian or a trustee? The primary duty of such a person should be defined as the duty of safeguarding the interests entrusted to his care. In the present case, the interests in question were those of the territories and populations living under the mandates system.

M. ORTS thought that the proposed union could not be criticised if the method used in its application did not run counter to the principles of the mandate. This should be the

primary point of view from which the Permanent Mandates Commission should examine the proposals contained in the Hilton Young report. M. Van Rees had pointed out that Article 10 had caused a "crack" to appear in the edifice. Those cracks, however, or to speak more accurately, those compensations had made the mandates system acceptable and capable of application. Whatever might be thought, Article 10 subsisted, and the mandatory Power was free to establish a Customs, fiscal and administrative union between the territory of Tanganyika and its neighbouring possessions.

Further, it must be borne in mind that there were advantages for mandated territories in the establishment of such unions. For some territories, such as Togoland and Ruanda-Urundi, their union with a larger economic unit had been the indispensable condition for their development.

It was undoubtedly true that such a union made control on the part of the Permanent Mandates Commission more difficult, but this was only a subsidiary consideration.

A further point of view which the Commission should adopt should be that of the interests of the Territory. If it were demonstrated that the establishment of a union was favourable to Tanganyika, the Mandates Commission should agree to such a union. If the contrary proved to be the case, the Commission should state what its feeling was regarding the matter. Lord Lugard had referred to the advantages which the Territory would derive from such a union. On the other hand, the sentence in the report just referred to by M. Palacios raised the question whether the authors of the report had been really concerned with the interests of the Territory or merely with the interests of the Empire, and M. Orts would remind the Commission that the most convinced adherents of the "closer union" plan were identified with those who in Kenya, for example, urged that the interests of the whites should take precedence over all.

The conclusions of the Hilton Young report should therefore be examined from the twofold point of view of their compatibility with the terms of the mandates and of the interests of the territory.

M. MERLIN thought that the Commission would be certainly within its powers in asking the accredited representative what were the purposes for which the Hilton Young report had been communicated to it. Whatever the accredited representative's reply, the Commission could not fail to examine the report in order to ascertain whether it was consistent with the mandate. The Commission could not shrink from that task, or from expressing an opinion to the Council. At the same time, it must be remembered that the Hilton Young proposals had not yet received the approval of the British Government and it was by no means certain that the present Cabinet would endorse those proposals. It was not unlikely that the Commission's observations might lead the Government, if it thought it desirable, to drop the scheme or, if necessary, to amend it.

In reply to M. Van Rees, he did not think that it would be right for the Mandates Commission to formulate any general point of view in regard to the union of mandated territories with neighbouring territories under the same Government. Such a federation had been foreseen by an article in the mandates; that was a fact which the Commission could not alter, whether it was to be regretted or not. The Commission therefore should confine itself to seeing whether the measures proposed in the particular scheme under consideration were consistent with the exercise of the mandate. M. Merlin therefore agreed with M. Orts as to the necessity of objectivity. He agreed, too, that the Commission should consider not only whether there were no legal inconveniences in the proposals, but whether it was really to the advantage of the mandated territory to be placed in closer union with the neighbouring territories.

Lord LUGARD, referring to what M. Orts had said, remarked that the definite advantage which the report claimed would be conferred by the adoption of the proposals contained therein was that they would perpetuate a sound native policy. It was said (on page 7 of the report) that, in comparison with this, all other objects of closer union were insignificant.

M. CATASTINI then read the following written observations by M. Kastl :

"As will be seen from the mandatory Power's report, in 1928 a Commission for the study of the 'closer union of the Dependencies in Eastern and Central Africa' travelled also through the mandated territory of Tanganyika. The report of this Commission was sent by the mandatory Power to the Mandates Commission for information; in addition, each member of the Mandates Commission received the report direct from the mandatory Power. It is not yet known what action the mandatory Power will take on the basis of the report. As, however, the report has been laid before the Mandates Commission, it is in my opinion the Commission's duty to examine the statements and proposals of the report and come to some conclusion regarding them.

"The very detailed and interesting observations contained in the report may be summed up essentially in the proposal to amalgamate the three territories of Kenya, Tanganyika and Uganda into a fiscal and administrative union or federation, and entrust their administration to a High Commissioner, to be later replaced by a Governor-General. The Governor-General's duty will be to protect the British Empire's interests, and he will be assisted *inter alia* by a joint Advisory Council for the three territories. It is obvious that such a measure, quite apart from its practical drawbacks for the mandated territory, is fundamentally incompatible with the character of the mandates system. The territories under mandate must be administered on the principles of guardianship, to their own advantage and to that of their inhabitants, and not to the advantage of the mandatory Power.

"The report's ultimate aim is to form a centrally administered territory, consisting of the three areas mentioned above, which are destined to become provinces within this territory.

Such a measure would, however, deprive Tanganyika of its character as a mandated area. According to the principle of the mandates system, a territory under mandate must remain an inviolable unit, and can therefore never be absorbed into another territory of the mandatory Power not subject to a mandate. A territory under mandate must be a "separate entity", not only in its relations with the League of Nations, but also in its relations with other countries, and, particularly, in this special case, with the other British colonial possessions. When the report says, on page 220, that eventually a Central Council may be established as, for instance, in India, with provinces under Lieutenant-Governors, it becomes plain that the proposals made in the report do not contemplate the maintenance of the territory under mandate as an inviolable unit.

"The report gives as a reason for the proposed amalgamation the unification of native policy in the three territories. In my opinion, it is obvious that unification of native policy in the three territories is not desirable, as in this respect the territories are entirely different in character. In Kenya, European colonisation predominates, while the economic system of the Uganda Protectorate is mainly based on native cultivation. The mandated territory of Tanganyika, on the other hand, comprises both native cultivation and European plantations and farming settlements.

"Apart from this difference, however, there are other very important differences between the territories in question which make any amalgamation of the three areas most undesirable. The territory under mandate would, in fact, suffer severe economic prejudice from amalgamation. In this connection, I need only point to the competition between the railways of Tanganyika and Kenya, to the rivalry between Tanga and Mombasa as ports of importation, and to other questions which make any union with neighbouring territories quite out of the question in the interests of the territory under mandate. The mandatory Power should not take, or be allowed to take, any measure which could in any way be detrimental to the territory under mandate.

"From the point of view of the economic equality of all the Members of the League in the territory under mandate, it is difficult to see how this principle could be maintained if the territory under mandate was amalgamated with the other two areas, to which the principle of economic equality does not apply, unless of course the other two territories were also made subject to some extent to the mandates system. The important point is not, as the report suggests, to regulate the economic development of all the British territories on a uniform basis, but to take care that the interests of the territory under mandate are protected in every respect, even if these interests, in certain circumstances, are in conflict with those of the British territories as a whole. In the case of a union under a Governor-General, however, it is hardly to be expected that this principle would be observed. I do not know how the Governor-General could reconcile his conflicting duties, binding him, on the one hand, to protect British interests, and, on the other hand, to defend the interests of the territory under mandate, even when they run counter to British interests. The same conflict would occur in the case of the joint Advisory Council for all three areas.

"In conclusion, I would point out that it is of the essence of the system of guardianship that it should only provide for temporary guidance. But the incorporation of the territory under mandate as a province in another newly created union could not be regarded as compatible with the idea of temporary protection and guidance, and would therefore be in contradiction with the system of guardianship and with the character of the mandates.

"The Note from the United States Government to the British Government, dated November 20th, 1920, goes in detail into the principles on which the idea of the mandates system was based. This Note says that the German colonies were brought by the common victory of the Allied and Associated Powers under their 'temporary dominion', and adds: 'This dominion will be wholly misconceived, not to say abused, if there is even the slightest deviation from the spirit and the exclusive purpose of a trusteeship as strict as it is comprehensive.'¹

The CHAIRMAN enquired whether the members of the Commission thought that M. Kastl's statement should be read to the accredited representative.

M. ORTS considered that, as the question of union was not to be discussed with the accredited representative, there was no need to read to him the personal opinion of one member. On the other hand, if the decision taken were ignored and the conclusions of the Hilton Young report were discussed, then the note of M. Kastl should be read.

The CHAIRMAN noted different currents of opinion among the members of the Commission. He would therefore ask his colleagues to confine themselves to putting questions to the accredited representative and to abstain on that occasion from expressing their own opinions.

In his view, the British Government was right, from the legal point of view, but there was a political aspect of the question in respect of which the Council should, and no doubt would, play a predominant part.

¹ See Minutes of the Council of the League of Nations (twelfth session, February-March 1921), page 72.

1011. Tanganyika : Examination of the Annual Report for 1928.

Mr. Lunn (Under-Secretary of State for the Colonies), Mr. Jardine (Chief Secretary of the Tanganyika Territory) and Mr. Machtig (of the Colonial Office), accredited representatives of the mandatory Power, came to the table of the Commission.

Welcome to the Accredited Representatives.

The CHAIRMAN said that, before opening the discussion on the annual report, he desired to welcome Mr. Lunn, Under-Secretary of State for the Colonies, whom the British Government had appointed its accredited representative. The Commission fully appreciated the value of such a testimony. It was also glad to be able to co-operate, as it had done in the preceding year, with the leading official of the mandated territory in the person of Mr. Jardine, Chief Secretary of the Administration. He was confident that Mr. Jardine, like his predecessor Mr. Scott, would readily furnish the Commission with information based on his experience on the spot.

Form of the Annual Report.

The CHAIRMAN was glad to note the steps taken by the mandatory Power, in framing the annual report, to follow the order of the points in the list of questions prepared by the Commission. Consideration of the report would be greatly facilitated by this change.

While not desiring to anticipate the observations which his colleagues might desire to make on the different branches of the Administration, he wished to convey his general thanks to the mandatory Power for the way in which it had acted upon the Commission's recommendations, more particularly with regard to the development of certain special chapters and the communication of full information on problems in which the Commission had taken special interest at its preceding session.

"Sovereignty" of the Territory.

The CHAIRMAN added that there was one point to which it was his duty to draw the attention of the accredited representatives. In the *Official Gazette* of Tanganyika dated December 3rd, 1928, a telegram sent by Sir Donald Cameron to the Prince of Wales had been reproduced. In this telegram he expressed his devotion to the "Sovereign" of the Territory. The Chairman would point out that this was the second time that a grave error of principle had been introduced in an official document. He would observe that sovereignty was not vested in His Majesty the King of Great Britain, and he regretted that such an incorrect expression should have been used by Sir Donald Cameron, who had given the Commission the impression that he had a complete and correct understanding of the mandate system.

Statement by the Accredited Representative.

Mr. LUNN read the following statement :

Mr. Chairman — I thank you for your words of welcome, and I appreciate your references to the improvement in the report on Tanganyika. I have quite recently taken up my new position. It is only a few weeks since, following upon the general election in England, I was appointed to my present office. I have never been to East Africa and there has not yet been sufficient time for me to familiarise myself closely with the administration of the Tanganyika Territory, which is the subject of to-day's examination, or to have studied in detail its problems and requirements. But, imperfectly equipped though I may be on the technical side of my task, I felt it my duty to take advantage of the present occasion in order that I might make the personal acquaintance of the distinguished members of the Permanent Mandates Commission. The Secretary of State for the Colonies, Lord Passfield, whom I have no doubt that some of you will have known as Mr. Sidney Webb, desired me to express to you, on behalf of the new British Government, our appreciation of the Commission's work and achievements. It is the firm intention of the new Government cordially to co-operate with the Commission in every way, and to afford it the fullest support in carrying out the high task with which it has been entrusted.

As it is the duty of the Commission to supervise the execution of the mandates, so it is the duty of the mandatory Power itself, in the words of Article 3 of the Tanganyika Mandate, "to promote to the utmost the material and moral well-being and the social progress of the inhabitants of the mandated territory". My Government is in closest sympathy with the spirit which animates this pledge, and I wish to assure the Commission that it is keenly alive to its solemn import, and that my Government will constantly keep it in the forefront of its endeavours.

I now turn to the affairs of Tanganyika during 1928. It will perhaps be convenient if I first give a brief account of the progress of the Territory during the year as a summary of, and supplement to, the annual report.

*Native Administration.*¹

The system of indirectly administering the native population through the tribal chiefs and headmen has continued to function smoothly, to develop on preconceived lines, and to be productive of the beneficial results which experience elsewhere has taught us to expect.

The Wanyakyusa tribe, living in the Rungwe district in the extreme south of the Territory, and the Wachagga, living in the extreme north in the Moshi district, became temporarily disaffected during the year. In neither case was such temporary disaffection connected with, or in any way the result of, the system of indirect administration which continues to be popular with all sections of the native community. In both cases, it was due to a misapprehension on the part of the local officials, and consequently of the chiefs and tribesmen, as to the intentions of the Central Government with regard to matters intimately affecting the welfare of the natives concerned. In both cases, as soon as these misapprehensions were removed by the Central Government, such feelings of resentment as existed gave way to feelings of a contentment and satisfaction.

The Commission will doubtless note with satisfaction that the task of establishing native administrations and of applying the principles of indirect rule in the Lindi province has now been completed by the successful establishment of such administrations in the Kilwa district of that province, in replacement of the former system of government through alien native agents and headmen selected by the Central Government. This achievement has been made possible only by much patient research and tactful organising on the part of the Provincial Commissioner and the District Officer concerned.

Further and substantial progress has been made with the work of amalgamating small native administration units into one larger unit under one paramount chief with one common purse. Such amalgamations enable works of public utility, such as demonstration farms, water supplies, schools, dispensaries, etc., which the slender purse of smaller units would render prohibitive, to be undertaken. The other advantages of these federations, such as the elimination of traditional feuds and animosities as between different units of the same tribe, which are so inimical to progress, are too obvious to require elaboration here.

The native administrations continue to supplement in ever-increasing measure the activities of the Central Government in the spheres of health, education, and agriculture and in combating the spread of the tsetse fly.

Leasing of Land to Immigrants.

The Commission will have observed that, during the year under review, 182,828 acres of land were leased to immigrants, 154,828 for agricultural purposes and 28,000 for pastoral purposes, mainly in the Iringa and northern provinces.

In the past, as the Commission is aware, it has been the practice for intending settlers to select the land they desire for themselves. The land thus selected has been examined by an Administrative Officer, whose duty it has been to report whether it is required by the natives either for their present use or for their future development. If the land has been thus found available for alienation, and adequate means of evacuating the produce have existed, the right of occupancy has been put up to auction after advertisement. Such procedure has, however, been found open to objections.

In future, it will be the Government that, after enquiring whether there is adequate reason on public grounds for any leasing of land in an area, will select the site after a thorough survey by a senior Administrative Officer, an Agricultural Officer, and a Land Surveyor, and will then advertise it after it has been divided into suitable blocks as advised by the Agricultural Department.

Trade and Finance.

The trade of the Territory continues to develop and expand surely and steadily; and its total value increased from just over £8,500,000 sterling in 1927 to nearly £10,000,000 in 1928. To this very gratifying progress the domestic export trade, which was more than 17 per cent greater than in 1927, and the transit trade contributed in almost equal degree. Of the domestic exports, sisal, coffee, cotton, copra, and grain showed satisfactory increases in quantity; and it may confidently be anticipated that the productivity of the Territory will continue to be enhanced annually as a larger acreage comes under cultivation.

The steady expansion of the Territory's trade is, of course, duly reflected in its finances, as also are the fuller and more efficient collections of hut and poll tax, consequent upon the establishment of indirect rule. Satisfactory as are the figures and estimates set forth in the report now under the examination of the Commission, it is gratifying to be able to record that later and more accurate estimates of the revenue for 1928-29 and of the surplus balance as on March 31st, 1929, are £1,990,000 and £958,472 respectively. Consequently, the financial

¹ The sub-headings have been introduced by the Secretariat for convenience of reference.

position is even more satisfactory than when the budget for 1929-30 was framed or the report for 1928 drafted.

The increase in the Territory's revenue has enabled the local Government to budget for an increased expenditure on public services in 1929-30 : to budget for a total expenditure of £1,943,263 as against £1,832,828 in 1928-29, and an actual expenditure of £1,741,191 in 1927-28. The services which will benefit most from this increasing prosperity are education, health, agriculture, and animal husbandry to the advantage of the indigenous inhabitants of the Territory.

Public Health.

In no sphere has greater progress been achieved than in that of public health. During 1928, it has been possible to increase the staff, European, Asiatic and African. Many useful buildings have been completed, including a Central Lunatic Asylum and a Criminal Leper Farm at Dodoma, a European Hospital at Iringa, and Native Hospitals at Kasulu, Maswa, and Handeni. The increase of 3,770 in the number of in-patients and of 94,207 in the number of out-patients is an indication of the progress achieved in making the advantages of European medical science available to the African.

Reference to the statistics in paragraph 79 of the report will show that the progress made in maternity and child welfare work may justly be claimed as remarkable. Particular attention continues to be devoted to the care of sick labourers on plantations; to the training of African dispensers; to the extension of the system of tribal dressers; to the treatment of tuberculosis; and also to the care and prevention of venereal diseases and yaws.

Labour.

The labour conditions in the Territory have continued to engage the anxious attention of the Government and, in particular, of the Labour Department, whose European staff was increased during the year. The Commission will doubtless note with special satisfaction that conscripted labour for public purposes has now dwindled to a very low figure; that apart from portorage only thirteen requests for sanction to resort to compulsion were received in 1928; and that in two cases only was it found necessary to grant these requests. The policy of the Government absolutely prohibits the exaction of any compulsory labour for private employers and no such compulsory labour exists.

The experiment of employing a Labour Supervisor on a public work of some magnitude, namely, the Dodoma-Kondoa road, was of particular interest and, so far as can be gauged from one experiment on a public work in a locality where conditions were exceptionally favourable, it was an unconditional success.

Among the outstanding events of the year not already recorded may be mentioned the decision to participate in the joint meteorological service to be established in Eastern Africa; the increase in the output of gold and diamonds; the completion of the Tabora-Mwanza branch lines from the Central Railway to Mwanza on Lake Victoria, a distance of 235 miles, which was opened to traffic on August 15th; and the purchase of an aeroplane for use on survey work.

Tribute to Sir Donald Cameron.

I cannot leave this part of my statement without a reference to the able Governor of Tanganyika, Sir Donald Cameron, who has so successfully administered the Territory since 1925. The remarkable progress which Tanganyika has made in every direction under Sir Donald's guidance affords striking testimony to the soundness of his policy, of which the system of native administrations is a cardinal feature. It is the intention of the new British Government to lend this policy its full support.

Visit of the Commission on Closer Union of the Dependencies in Eastern and Central Africa.

An event of importance during the year, not only to Tanganyika but to all the British Dependencies in East and Central Africa, was the visit of the Commission on Closer Union in East Africa which had been appointed in 1927. Its terms of reference were given in the annual report on Tanganyika for 1927, and included a request to consider how best to give effect to Article 10 of the Mandate for Tanganyika Territory, which lays down that the Mandatory may constitute the Territory into a Customs, fiscal and administrative union or federation with adjacent territories under its own sovereignty or control, provided always that measures adopted to that end do not infringe the provisions of the mandate.

The Commission's report was issued early this year and is in the hands of the Permanent Mandates Commission. The late British Government, after careful study of the report, decided that further consultation with local authorities and representatives of unofficial opinion was

desirable before it could arrive at any decision with regard to the Commission's recommendations. Sir Samuel Wilson, the Permanent Under-Secretary of State for the Colonies, accordingly proceeded to East Africa for this purpose in March and visited Tanganyika as well as Kenya, Uganda and Zanzibar. He has just reached England on his return.

On assuming office, the new British Government at once devoted its attention to the Commission's report and the questions arising out of it, but the time available has, of course, been too short to enable it to form any conclusions on so important a question, and Sir Samuel Wilson's report upon his mission has not yet been considered. The position at this moment is that no kind of decision has been taken, and the Permanent Mandates Commission will appreciate that, in the circumstances, I am at present not in a position to discuss the issues involved. I wish, however, to make it clear that His Majesty's Government is fully alive, in this connection, to its responsibilities under the mandate for Tanganyika and that no change in the existing form of administration in East Africa would commend itself to that Government which did not strictly comply with the provisions of the mandate so far as Tanganyika is concerned.

Re-organisation of Local Native Military Forces in East Africa.

Before I conclude this statement, I should like to refer to certain proposals for the re-organisation of the local native military forces in East Africa (the King's African Rifles) which have recently been under consideration. These proposals were originally made in connection with the recommendations of the Commission on Closer Union, but they have since come to be considered somewhat separately from these and may, perhaps, be adopted independently of a decision on the wider question of closer union among the East African territories.

So far as these proposals concern Tanganyika, they provide for a re-distribution of the military garrisons of Tanganyika and the neighbouring British Protectorate of Nyasaland in such a way as to admit of the reduction of the garrison of Tanganyika from its present strength of seven companies to one of five companies and a consequent saving of expenditure to the Tanganyika Government which is estimated to amount, ultimately, to £24,000 a year. At the same time, the proposals provide for an internal re-organisation of the Tanganyika garrison which should ensure that the troops, though reduced in numbers, will be more mobile and more highly organised, so that they would be better equipped than before to carry out their primary duty, namely, the maintenance of peace and good order in the Territory in the event of these being threatened. It is an essential feature of the proposals that the military garrisons of Tanganyika and Nyasaland should be grouped in one command under a Commandant who would normally be resident in Dar-es-Salaam and would act as military adviser to the Governors of both territories, but in no circumstances do they contemplate native troops consisting of inhabitants of Tanganyika being stationed or employed outside the Territory.

The above proposals are at present receiving expert examination in London, but there is good reason to believe that they may be adopted at an early date, and their adoption will, as I have shown, result in substantial relief to the finances of the Territory. This is, I venture to suggest, a practical instance of how the provision in Article 10 of the Mandate for the Administrative Union of the mandated territory with an adjacent British territory can be applied to the direct and immediate advantage of the mandated territory.

May I suggest, in conclusion, that it would be a convenient arrangement if questions by members of the Commission relating to the annual report or to the summary of it in my statement and to local questions generally which arise from the report were addressed to Mr. D. J. Jardine, the Chief Secretary of Tanganyika, who is here with me to-day? Mr. Jardine has succeeded, as Chief Secretary, Mr. John Scott, who was present here last year as an accredited representative of His Majesty's Government, and he has recently arrived in Europe from Dar-es-Salaam, where he has been in close touch with developments in the Territory. I shall be glad if the arrangement that he should answer questions of detail commends itself to you. I may say that if there are any questions which the Commission feel that it ought to put in regard to the question of closer union, even after my very definite statement that I know nothing of the policy of the new British Government, I suppose that it will fall upon me to answer questions relating to that matter.

I thank you for your patience in listening to my statement, and I would again express to you most cordially the friendly support of the new Government in Great Britain in all your work.

The CHAIRMAN was sure that all his colleagues would join in thanking the accredited representative for his statement and especially for his assurance that the mandatory Power intended to maintain the tradition of close co-operation between itself and the Commission. He wished to lay emphasis on the statement just made, according to which the British Government, pending its examination of Sir Samuel Wilson's report, had not decided upon any definite policy with regard to the Hilton Young report.

The Chairman recalled that when that report had been communicated to the Commission by the British Government on February 6th, 1929, the covering letter did not indicate why the report had been sent. Could the accredited representative state whether the report had been communicated merely for information or whether the British Government had desired that the Commission should comment upon it. Further, might the Commission expect that Sir Samuel Wilson's report would also be communicated to it in due course?

Mr. LUNN said that, not being a member of the Cabinet, he was not in a position to state the policy of his Government. He was therefore unable to say whether Sir Samuel Wilson's report would be made public.

M. RAPPARD asked whether the accredited representative was in a position to say whether this was the last occasion on which the Commission would be able to express an opinion on the Hilton Young report, or whether the British Government, before coming to a final decision, would afford the Commission a further opportunity for discussion ?

Mr. LUNN said that it was impossible for him to answer this question at the moment. The Hilton Young report had been communicated to the Commission by the late Government and it was not for him to say why that communication had been made. Nor was he able to state at present whether further communications or reports on this matter would be sent to the Commission.

He might, however, state on his own account that any request for information from the Commission would be considered, and that he would be pleased to convey such request to the Secretary of State.

The CHAIRMAN thought that the Commission might take note of this frank statement, for which he thanked the accredited representative.

He understood from Mr. Lunn's statement that the Commission would be able to raise this particular matter at some convenient time should it be found desirable.

Mr. LUNN thought that this would depend upon the normal procedure of the Commission. He added that he had just learned that the Commission would hold its next session at the beginning of November. While he could not make any statement on the policy of the present Government with regard to Tanganyika, he thought it most improbable that any decision in the matter which the Government might propose to take could be put into effect before that date.

THIRTEENTH MEETING.

Held on Monday, July 8th, 1929, at 3.30 p.m.

Chairman : Marquis THEODOLI.

1012. Syria and the Lebanon : Petition from Inhabitants of Damascus and Cairo : Appointment of a Rapporteur.

On the proposal of the CHAIRMAN, *the Commission appointed* Count de Penha Garcia Rapporteur for the petition which had been submitted by inhabitants of Damascus and Cairo and which referred to incidents which had taken place at Homs during the previous spring.

1013. Tanganyika : Examination of the Annual Report for 1928 (continuation).

Mr. Lunn, Mr. Jardine, and Mr. Machtig came to the table of the Commission.

Circulation of the Commission's Minutes to the members of the Legislative Council of Tanganyika.

The CHAIRMAN thought the Commission should congratulate the Governor of Tanganyika for having asked the Secretariat to forward him a number of copies of the Minutes of each session of the Permanent Mandates Commission in order that they could be placed at the disposal of members of the Legislative Council of the Territory of Tanganyika. On the proposal of the Commission, the Council of the League had recommended some years previously that documents concerning the mandates system should be circulated to high officials serving in mandated territories. The action taken by the Governor of Tanganyika went further than the proposal of the Commission, but completed it in a very satisfactory manner.

Tribute to the Work of Sir Donald Cameron.

M. ORTS desired personally to associate himself with the tribute paid by the Under-Secretary of State for the Colonies to Sir Donald Cameron, Governor of Tanganyika. Sir Donald Cameron had appeared before the Commission two years previously and had explained the policy he had introduced in the Territory. All the members had joined in praising the principles underlying that policy. But however good principles might be, the main thing was to know how they were applied. In Tanganyika, the native policy, as it had been explained to the Commission, had actually been put into practice. That policy possessed two virtues which were bound to make it successful: the first was that it carried conviction with those whose duty it was to serve; the second, that it was adapted to the mentality of the natives. If

this policy were continued, the natives would become as attached to the institutions created by it as they had been in the past to their native traditional customs.

M. ORTS hoped that the strong personality of the present Governor would long exercise its influence over the direction of affairs in Tanganyika.

Participation of the Governor in the Work of the Legislative Council.

M. ORTS, in regard to the general administration of the Territory, noted that the Governor presided over the Legislative Council. It was sometimes asked whether it was not inconvenient for the Government to participate actively in the debates of a Legislative Council which was a Parliament on a small scale ; the representative of His Majesty the King was thereby obliged to intervene in the discussions and to take up a position at any moment against the representatives of a certain section of public opinion. Had not this system given rise in practice to some difficulties ?

Mr. JARDINE replied that the arrangement had proved satisfactory in practice. No Government Bill could be introduced into the Legislative Council except on the Governor's initiative or with his previous approval. It was only right, therefore, that the Governor should be present in order to explain and defend the Government policy, if necessary.

M. ORTS pointed out that he could only do so by attacking the Opposition.

Mr. JARDINE agreed.

M. ORTS would repeat that the Governor was not in the same position as a Prime Minister, but was the representative of His Britannic Majesty.

Mr. JARDINE agreed that there were advantages and disadvantages in the arrangement. The former, however, outweighed the latter. For example, in the course of debate it might prove desirable to amend a Government Bill. To do so would be difficult unless the Governor were present to consent to an amendment of a Bill the draft of which he had previously approved.

Ex-Enemy Property.

M. RAPPARD, with reference to paragraph 22 containing an account of the position in regard to ex-enemy property, noted that the sum of £17,994 had been paid to claimants against the German Government based on formal awards made by the Anglo-German Mixed Arbitral Tribunal. This seemed to him to be an exceptional measure and a very generous one. Was it the general rule ?

Mr. JARDINE was not in a position to give information as to the case. The arrangement in question had been made by the Clearing Office and the Government of Tanganyika was not directly concerned.

Boundary of the Masai Province.

Lord LUGARD, with reference to the reported introduction of disease (pages 75 and 76 of the report by cattle, asked whether the boundary of the Masai had now been fully demarcated, and whether any map of the boundary was available ?

Mr. JARDINE replied that the boundary had been demarcated, but that, as the distance it traversed was very great, it was extremely difficult for Government officers to control movements of cattle across it.

In reply to further questions by Lord Lugard, Mr. Jardine said that, so far as he was aware, the Masai were satisfied as regards the frontier.

M. PALACIOS said that the following statement had appeared in the annual report for 1927 of the Native Affairs Department, Colony and Protectorate of Kenya, page 14 :

Masai Province.

.....
“ 57. There have been, on occasions, boundary troubles arising mainly from the difficulty of ascertaining the exact line of the boundary : (1) where it marches with Tanganyika, (2) where it marches with South Kavirondo district, and (3) where Mr. Powys Cobb's peninsula, in shape like the map of Italy, enters the Masai reserve. The last-named part of the boundary has now been demarcated, as have also the doubtful stretches of the Kenya-Tanganyika boundary.

“ 58. The arbitrary nature of this inter-colonial boundary — a straight line ruled across the map without regard to physical features or to social considerations — is responsible for such difficulties as are inseparable from artificial boundary lines. In the Kajiado district a satisfactory settlement has been arrived at with the Tanganyika Government, which, for a consideration, has granted grazing and water concessions in their territory to Kenya Masai. In the Narok district, however, there is still a problem which does not seem so easy of solution. Certain sections of the Purko and Loita have crossed the boundary from Kenya and are residing in Tanganyika Territory, separated

from the main bodies, to the extreme annoyance of the Elders. The separation must, however, result in friction and in breaches of local ordinances, the quarantine regulations in particular. Negotiations with the Tanganyika Territory Government are still proceeding . . .”

Could the accredited representative inform the Commission whether the mandatory Power intended to take measures to meet the situation and, if so, what were the measures contemplated.

Mr. JARDINE replied that difficulties had occurred in 1927, but that he had heard little of the subject more recently. The District Officers in Tanganyika and Kenya had no doubt come to a satisfactory working arrangement. The difficulties were inherent in the artificial nature of the frontier and in the nomadic nature of the Masai.

He went on to observe that the boundaries of the Masai had always given rise to difficulties. They had occupied vast tracts of land prior to the arrival of Europeans in East Africa. Part of these vast tracts occupied by the Masai came under British and part under German protection. A reserve was established in the British section, and similarly a reserve in the German section had been created in 1906. The German reserve, however, proved inadequate in extent and inconvenient to other tribes. As a consequence, the Masai overflowed and were continually trespassing both on the land of other tribes and on the land of European farmers, particularly around Arusha.

The situation became so difficult that in 1914 the German Legislative Council decided upon the formation of a larger and more adequate reserve which was to be placed in charge of a Commissioner who was to be held responsible for the administration of the Masai. No effect, however, was given to this decision, owing presumably to the war; and during the war such control as the Germans had been able to exercise ceased, with the result that the Masai trespassed still further and further afield. The British Administration found them in no less than six districts: Arusha, Moshi, Kondoa, Usambara, Pangani, and Dodoma. Accordingly, in 1923 a reserve of approximately 18,000 square miles was created for the use of the Masai. Of that area, 32 square miles of land, infected by the tsetse fly, had been abandoned by the Masai owing to the fly and to East Coast fever; and the Government had recently alienated it to immigrants. The Masai had made no objection to this alienation. On the other hand, they had been allowed to occupy two thousand square miles of land outside the reserve without let or hindrance.

He made this statement in order to refute an allegation which had been made in certain quarters that the Masai had been deprived of some of their land and that this had been given to Europeans. In actual fact, the Masai were occupying far more land outside the reserve than they had abandoned within it.

Native Administration.

M. SAKENOBE noted that since the adoption of indirect rule a number of smaller native units had been combined into larger federations. About how many of such federations were there which administered their own budget?

Mr. JARDINE was not in a position to give this detailed information. He observed that federations were being effected in many parts of the Territory, more particularly in the Mwanza province. More detailed information on the subject would be given in future reports.

M. SAKENOBE thanked the accredited representative. The Commission would be much interested to learn of the development of the federations. Apparently rapid progress was being made.

M. RAPPARD, in connection with paragraph 13 of the report, asked what was the fate of chiefs dispossessed as the result of the federation. Had they taken kindly to the new system? How had they been persuaded to abandon their rights in favour of those possessed by the paramount chief?

Mr. JARDINE replied that, speaking generally, if twelve small units were federated one chief would become paramount, but the other eleven would retain their emoluments and their prestige with their own followers. The paramount chief was, indeed, no more than *primus inter pares*.

In reply to a further question from M. Sakenobe, Mr. Jardine said that, so far as he was aware, no case of the separation of units after federation had occurred. It might be anticipated, however, that sometimes after the death of a paramount chief in some federation the other chiefs would not readily accept his successor, in which case the federation might dissolve.

M. ORTS said that the usual criticism of the system of indirect administration was that it exposed the natives to the arbitrary will of the chiefs. There were in Tanganyika chiefs who still preserved intact their moral power. Did this give rise to abuses? If so, how did the Administration learn of them? How were the funds making up the treasuries of the native administrations controlled? How was it ensured that they were spent for the purpose for which they had been allotted?

Mr. JARDINE replied that the most important of the duties of a Provincial Commissioner, of a District Officer and of an Assistant District Officer was to maintain a close supervision over the conduct of the chiefs, more particularly with regard to possible oppression of the native

peasantry and possible defalcation of native treasury funds. The accounts of the native treasuries were kept by native clerks ; and it was the duty of the Administrative Officer to exercise a close and constant supervision over their financial transactions.

M. ORTS noted that such control could only be successful if the native felt sufficiently independent to complain against the least abuse on the part of his chief and had sufficient confidence in the European authority to believe that his complaint would be properly heard. Had the natives shown that independence ?

Mr. JARDINE replied that the degree of independence varied in different parts of the Territory. But in most districts the Administrative Officer would have to find out for himself whether any malpractices were taking place. The chief factor at present must be the ability and zeal of the Administrative Officer.

M. ORTS said that he was referring more particularly to the big Arab chiefs who had great power over their people.

Lord LUGARD, with reference to the formation of native federations, noted that they possessed a common council. Of how many members were these councils composed, and how many representatives could be sent to them by the various federated councils ?

Mr. JARDINE was not in a position to give detailed information as to the constitution of such common councils.

M. RAPPARD said that, in general, the report was extremely interesting and well prepared. Certain passages of it, however, had been drafted in a somewhat involved style. He referred more particularly to the appendix on page 87. The Government had apparently decided to clear up the difficulties referred to in that appendix by an appeal to public opinion. Could the native, however, really be expected to understand explanations couched in such a legal style ? For example, the meaning in the following sentence was a little difficult to grasp at first reading : " They were appealing, therefore, to the authority whom they believed to be responsible for an order which they understood to have been given to rescind it, and not to that authority against their District Officer " .

Mr. JARDINE said that the report in the appendix had not been in the nature of a Proclamation intended for the information of the natives. On the contrary, it had formed an enclosure attached to a letter sent to a private individual who had summoned what was known in local parlance as a " Mass Meeting " to protest against an alleged anti-European and anti-Government agitation among the natives. The statement had been sent to him and a copy to the local Press for information.

M. RAPPARD had thought, from what was said on page 10 of the report, that the memorandum was a means used by the Government to clear up the situation, which had led to a certain degree of unrest among the natives.

Mr. JARDINE replied that such disquiet among the natives as had existed ceased before the publication of the memorandum, which had been intended for that part of the European population which had maintained, without producing any evidence, that native unrest persisted.

In reply to M. Orts, he said that, so far as he was aware, there had been no further manifestations of unrest among the Wachagga.

M. ORTS said that, according to the local Press, the policy of the Government was encountering strong opposition from the European residents in the Territory. Was the whole European community opposed to the policy of the Government with regard to the natives or was it supported by a certain section of the community only ?

Mr. JARDINE replied that a number of non-official Europeans disapproved of certain aspects of the Government's native policy, but a number fully endorsed it. Naturally, those who criticised were more vocal in the Press than those who supported the Government.

Participation of Tanganyika in the Expenses of the Delegation of the Empire Parliamentary Association.

M. RAPPARD mentioned that the members of the Commission had received the report of the representatives of the Empire Parliamentary Association. Part of the expenses of the deputation of that Association which had visited Tanganyika, had been paid out of the Tanganyika budget to the extent of £1,000. Was it the general practice of the Administration to finance such tours ?

Mr. JARDINE replied that the expenditure incurred had been small and was regarded by the local Government as well worth while as affording an opportunity of educating four Members of Parliament of different political persuasions in Tanganyika problems.

Attitude of the European Community towards the Policy of the Administration.

M. ORTS noted that a group existed called the "European Constitutional Association". Had it been established to protest against the present policy of the Administration?

Mr. JARDINE replied in the negative. The Association had been formed partly to collate the views of the unofficial European population and partly to act as a self-constituted organ of liaison between unofficial opinion in the country and the Government.

In reply to another question from M. Orts, he explained that the Association had held two Congresses, the first in Dodoma, in October 1928, and the second at Dar-es-Salaam, in May 1929, the latter in connection with the visit of Sir Samuel Wilson.

M. ORTS noted that, as a result of one of the Congresses, the Government had replied to a memorandum in which the Federation had set forth its views. Had an agreement been reached between the Government and the Association? What action had now been taken?

Mr. JARDINE said that as the second Congress had been held after he had left the Territory on leave he was not in a position to reply to the question. The Government's reply of May 22nd, which had reached certain members of the Commission, referred not to the second Congress but apparently to a deputation which had waited upon the Governor and placed certain views before him.

Unrest among the Wanyakyusa Tribe.

M. RAPPARD, with reference to paragraph 11 of the report, noted that a section of the Wanyakyusa tribe had been somewhat disorderly and disaffected towards their chief. No violence, however, had been used. Nevertheless, the members of the tribe had been convicted. If no violence had been used, why had it been necessary to punish them?

Mr. JARDINE replied that his recollection was that the natives had refused to take orders from their lawful chief and had shouted down an Administrative Officer when he had supported the authority of the chief. It was for this disorderly conduct that a few had been punished after conviction before a Subordinate Court.

Application of International Conventions to the Territory.

M. ORTS noted that, in conformity with the wishes of the Commission, the report contained on pages 6 and 7 a list of international Conventions, which had been adhered to on behalf of the Territory.

Lord LUGARD thought that there were several omissions in the list. No mention had been made, for instance, of the Convention on the Traffic in Women and Children and the Convention on the Preservation of Game. In view of the fact that the Commission had asked at a previous session that when an international Convention was not adhered to on behalf of a territory under mandate, the mandatory Power should state the reasons for refusing to do so. Would the Administration give reasons in the next report?

Mr. JARDINE undertook to do so. The omissions referred to by Lord Lugard had possibly been accidental.

Public Finance.

M. RAPPARD noted that the report was fuller and more explicit than the previous report. The financial results achieved were very favourable. The surplus was continually growing and extraordinary expenditure had been met out of revenue. He noted, however, that nearly 40 per cent of the revenue was accounted for by the hut and poll tax (page 16). This was a very large proportion. Would it be possible to reduce such tax in view of the fact that the Administration had not hitherto been very lavish in regard to its expenditure on public health and education, though it was true that the amount spent on those services was about to be increased. In view of the high poll tax, however, could not more be spent on education and health? or else the tax itself be reduced? He made this criticism with diffidence, for he had the utmost admiration for the policy pursued by Sir Donald Cameron in regard to the natives. He put it, however, in order to learn the future intentions of the Administration.

Mr. JARDINE replied that, as the Commission was aware, the amount of the hut and poll tax differed in various parts of the country. It varied from 4 to 15 shillings per head according to the native's ability to pay. The greatest care was taken in each case to ensure that the rate was such as not to constitute an undue burden on the natives. He was not in favour of any arbitrary reduction. It was true that the taxes, direct and indirect, paid by the natives formed a large proportion of the revenue of the Territory; but it was equally true that a large proportion of the expenditure was devoted primarily to services which were maintained for the benefit of the natives, such as health, agriculture, education and animal husbandry.

The financial position was indeed extremely favourable, and the balance was not far short of £1,000,000, whereas £500,000 was regarded as adequate as a reserve. The practice was to

budget in each year for an increased expenditure which was in proportion to the increased revenue anticipated. It was due to the fact that the revenue had recently been larger than anticipated that a big reserve had accumulated. The surplus reserve was available for much needed public works.

M. RAPPARD noted that the tribe rated highest under the hut and poll tax were the Masai. It might therefore be presumed that this tribe possessed the greatest capacity for meeting taxation. He understood, however, that the Masai were not an industrious people but were, on the contrary, of a warlike character. Since, moreover, they lived on the frontier, were there no difficulties in collecting the taxes ?

Mr. JARDINE said the Masai was a wealthy tribe possessing large herds of cattle ; they were well able to pay. He was not aware that any special difficulties had occurred in collecting the tax.

M. RAPPARD drew attention to the following passage on page 25 of the report : " A part of this increase was due to revenue received from Kenya Colony in connection with the Customs Agreement between Tanganyika and that Colony . . . but, on the whole, the figures are a fair indication of the expansion of trade ". It seemed that the figures in question should normally be such an indication.

Mr. JARDINE said that the increase in Customs revenue was in fact due to the operation of the new Agreement, which was favourable to Tanganyika, and in part to improved trade conditions.

M. RAPPARD, referring to the imposition of an excise duty on matches manufactured in the Territory (paragraph 37), said he thought it surprising that the Administration should wish to safeguard the revenue at the expense of local industry.

Mr. JARDINE said that all aspects of the question had been carefully considered. At present the revenue derived from import duty upon matches amounted to £10,000. Supposing, for the sake of argument, such importation were to cease entirely, owing to the local manufacture of matches, this £10,000 must either be made good by increased taxation or expenditure on public services must suffer to that extent.

In reply to a question by M. Orts, Mr. Jardine explained that the hut and poll taxes were distinct. A native paid one or other of these taxes, but not both.

M. ORTS drew attention to the following sentence on page 24 of the report: " The amount paid out to native administrations as their share in the hut and poll tax in 1927-28 was £132,014 ". This, no doubt, was a rebate on part of the taxes and paid into the native treasuries. Was this sum fixed each year in proportion to the yield of the tax or in proportion to the needs of each particular tribe ?

Mr. JARDINE said that the tax was collected by native administration officials and that part of it was paid back by the Government to the native treasuries. The amount thus paid was determined by the needs of the native administration treasury concerned.

In reply to a further question by M. Orts, Mr. Jardine said that, apart from these payments, the resources of these treasuries consisted of funds derived from the issue of licences and court fines.

Lord LUGARD noted the following item under the heading " Revenue from Government Property : Accounting Entries — £23,763 " (page 17). To what did this item refer ?

Mr. JARDINE said that he believed this represented contributions to the Widows and Orphans Pension Scheme.

Lord LUGARD noted the statement that the public debt of the Territory as at March 31st, 1928, amounted to £2,219,532. Mr. Amery, Secretary of State for the Colonies under the late Government, had, however, stated, that the total amount of the recoverable loans from the British Government to the Territory was £3,085,891.

Mr. JARDINE said he would arrange for Lord Lugard to be furnished with a statement showing the connection between the two totals referred to.

Ex-Enemy Property : Central Railway.

Lord LUGARD noted the following sentence on page 14 of the report :

“ The taking over of the central line of the Tanganyika railways involved the payment to the Custodian of Enemy Property of a net amount of £33,995 .”

Under what circumstances had this payment occurred ?

Mr. JARDINE stated that the position was, briefly, as follows. The assets of the private German Company which owned the Central Railway were subject to liquidation in accordance with Article 297 of the Treaty of Versailles. They were valued and purchased from the Custodian of Enemy Property by the Tanganyika Government. Payment was effected in 1927.

The valuation of the assets amounted to £600,000. Against this was a claim against the German Company for £4,214,000. This claim, which represented money advanced to the German Company by the Treasury of the German Protectorate under an agreement, was inherited by the Tanganyika Government as successor to the German Government of German East Africa in accordance with Article 257 of the Treaty of Versailles.

The figure £33,995, paid by the Tanganyika Government to the Custodian, was arrived at by allowing for a proportionate payment of the Tanganyika Government's claim and for other minor adjustments.

M. VAN REES understood that Article 297 of the Treaty of Versailles applied to the case. It would have been open to the mandatory Power either to liquidate the railway or to take it over. In the latter case, which had occurred, its value should have been paid into the Reparations Fund. The German Government would then have compensated the former owners. It was not clear, moreover, how the sum of £33,995 had been reached, for the liabilities of the railway had originally considerably exceeded its assets.

Lord LUGARD drew attention to the following passage in paragraph 22 of the report :

“ Of the ex-enemy properties scheduled for sale, only one plantation remained unsold at the end of 1928. During the year, twenty-six properties were disposed of.”

In the report of the Custodian, forwarded by the British Foreign Office on March 22nd, 1927, it was stated that 152 of these properties remained unsold. The report was not dated. What, therefore, was the total number of ex-enemy properties remaining unsold at the present date, whether scheduled for sale or not ?

Mr. JARDINE said that, according to his information, one property only remained to be disposed of.

The CHAIRMAN asked Mr. Jardine to request that full information should be given on this point in the report of the following year.

The Allied Powers had at one time recommended that the widest possible advertisement should be given to sales of ex-enemy property. It appeared, however, that in the case of Tanganyika the only advertisement of the sales in the Territory had been a very small one in *The Times*, of London.

M. RAPPARD pointed out that the question of these sales was of considerable importance, since the character of the purchasers would affect the general welfare of the Territory.

Mr. JARDINE took note of the Chairman's request. The arrangements for the sale of ex-enemy property were in the hands of the Custodian of Enemy Property. Sales had been advertised not only in *The Times*, of London, but also extensively in East and South Africa. It would be appreciated that the sales had been in progress for several years and that all the most valuable properties had already been sold.

Railway Tariff Policy.

M. RAPPARD drew attention to the following passage in paragraph 122 :

“ A new goods tariff was brought into operation on August 15th, and progress was made in the direction of a complete assimilation of rates on the Tanganyika and the Kenya-Uganda Railways, the object in view being that non-competitive rates should be arranged so that trade may take its natural course.”

Could the accredited representative state which country benefited by the present situation ? If the assimilation were to lead to decrease of traffic on the Tanganyika railway, would not such procedure be contrary to the spirit of the mandate ?

Mr. JARDINE said that, so far as he was aware, no case had arisen in which the assimilation had proved detrimental to the interests of Tanganyika.

M. ORTS asked who had taken the initiative regarding the negotiations. If one of the parties was satisfied with the *status quo* and the other thought it would gain something by a change, it was usually the latter that took the initiative. It appeared that Kenya had lowered its rates and that, in Tanganyika, the rates had in some cases been raised and in others lowered.

The interest of Kenya was obvious, but that of Tanganyika was not so clear. M. Orts would also ask whether, if Tanganyika had had to make a sacrifice in order that this assimilation might be obtained, it had received compensation in some other respect.

Mr. JARDINE said that the agreement had been the outcome of protracted correspondence between the two Administrations. While an arrangement of this nature must be one of give-and-take in details, there had been no sacrifice hitherto of Tanganyika's interests as a whole.

M. MERLIN pointed out, in this connection, that the aim of the new tariff, the restoration of traffic to its natural course, while very commendable, was very difficult to achieve.

Mr. JARDINE said that he had no reason to believe that the Territory had suffered in any way from the adoption of the new goods tariff.

Customs Policy.

M. VAN REES drew attention to the reference (page 33) to the new " Customs Ordinance amending the Customs Ordinances of 1922 to 1924 ", the object of which had been to bring the existing Customs legislation into conformity with those of Kenya and Uganda. The report for 1926 (pages 37 and 38), however, stated that the import duties imposed in Tanganyika were normally the same as those of Kenya and Uganda. The question which arose was the following: Did the Customs legislation in the two latter territories imply a protectionist policy? If so, did the local conditions in Tanganyika justify the same policy? If not, the Customs Union thus instituted could not but be prejudicial to the interests of the Territory under mandate and to those of the inhabitants, and beneficial to the interests of a neighbouring colony; such a condition would be contrary to the guiding principle of the mandate system.

Mr. JARDINE said that this aspect of the question was under consideration locally and would be dealt with in the report for 1929.

M. RAPPARD asked whether, in negotiations affecting such matters as points of Customs policy, the rights of the Governors of the territories concerned, *vis-à-vis* of each other, were absolutely sovereign, or whether the final decision rested with the Colonial Office.

Mr. JARDINE said that if the Government of Kenya desired an alteration of tariffs in the interests of Kenya, it would apprise the Government of Tanganyika of this desire. If the Government of Tanganyika were not prepared to accept the proposed change, an endeavour would be made by correspondence to find common ground. If this endeavour were unsuccessful, reference would be made to the Secretary of State.

M. RAPPARD pointed out that this statement amounted to an admission that, as a result of the Customs Union, action might be taken which would be contrary to the interests of the mandated territory, such as they were conceived to be by the Government of that territory.

The CHAIRMAN pointed out that this policy was objectionable in respect of other matters than Customs matters. The policy of regarding the Territory as merely a part of a larger unit might result in the diversion of certain currents of railway traffic from the Territory.

Mr. LUNN said that he knew of no case in which Tanganyika's interests had been sacrificed. He agreed, however, that the point was a very important one, and might have a bearing upon other questions than Customs policy alone. The observations of the Commission would be conveyed to the Secretary of State and would, he was sure, carry great weight in the event of any appeal to the Secretary of State on the part of Tanganyika.

M. MERLIN thought that it was the duty of a mandatory Power not blindly to defend the interests of a mandated territory against the interests of any other territory, but to conciliate the interests at issue.

The CHAIRMAN said that the Commission might take note of Mr. Lunn's assurance, which gave him entire satisfaction, that the mandatory Power would take account of the views of the Commission on this matter.

Diamonds.

M. MERLIN, referring to paragraph 101, understood that the Shinyanga district had been closed to diamond prospecting in order to prevent a rush.

Mr. JARDINE said that this measure had been taken in the interests of the inhabitants of the district.

M. MERLIN asked whether the Diamond Industry Protection Ordinance had been enacted, as in the case of similar Ordinances in South West Africa, as a measure of general protection affecting the sale of diamonds on the market, or whether its primary aim had been to protect the industry against theft.

Mr. JARDINE said that the object was to prevent diamonds being smuggled out of the country illicitly.

In reply to a question by M. Van Rees, Mr. Jardine said that the Ordinance, which had been modelled on Ordinances of the same character in other countries, had been passed somewhat

as an emergency measure. It could not be regarded as final. It might be necessary to make extensive amendments later, or even to replace it by another Ordinance.

Food-Shortage in Tanganyika and Neighbouring Territories.

M. MERLIN understood that the famine in Ruanda-Urundi had led to a certain emigration from that territory to Tanganyika. Could the accredited representative state the number of the immigrants, and the number of those who had remained permanently in the Territory?

Mr. JARDINE said that he had no information on the point.

M. RAPPARD asked whether the problem was not a recurrent one and whether the Administration had not any settled policy with regard to it.

Mr. JARDINE said that the question had never been brought to his notice during his service in the Territory.

In reply to a question by Lord Lugard, Mr. Jardine said that the effects of the drought which had occurred in Ruanda had not been such as seriously to affect the situation in the neighbouring districts of Tanganyika. Cases of local food-shortage occurred each year. For instance, in 1929, there had been such a shortage in certain areas as a result of an invasion of locusts and delayed rains. In such cases the situation was remedied by distributions of food-stuffs and seed. The set-back in the crop of ground-nuts had been a merely temporary one.

In reply to a question by M. Merlin, Mr. Jardine said that great progress had been made by one Veterinary Department in recent years in combating disease. In reply to a supplementary question, he explained that "East Coast fever" was a form of cattle disease.

Transit Trade.

In reply to a question by Lord Lugard as to whether the local revenue benefited by the transit trade, Mr. JARDINE said that the profits of this trade were confined to railway receipts.

In reply to a further question by Lord Lugard as to the difference between transit and re-export trade, he explained that the transit trade was trade passing through the Territory on which no duties were paid, whereas the re-export trade related to goods which paid duty in Tanganyika and were then re-exported to an adjoining British territory, free of duty, in accordance with the terms of the Customs Agreement.

Lord LUGARD said that he had asked the question because the amount of the re-export trade was surprising.

Mr. JARDINE agreed that it appeared to be large.

Agriculture.

Lord LUGARD asked what percentage of land allotted to white settlers was not under cultivation.

Mr. JARDINE considered that it would not be practicable to obtain this information at present.

M. SAKENOBE asked whether the accredited representative could give approximate figures for the number of areas under cultivation by natives and Europeans respectively.

Mr. JARDINE replied that the Director of Agriculture had furnished rough figures which were in possession of members of the Commission, but he emphasised that these were rough estimates only and that reliable figures could not be obtained.

M. VAN REES said that the Aborigines Protection Society had drawn the attention of the Commission to the measures taken by the British authorities with a view to discouraging coffee-plant growing by natives in the neighbourhood of Mount Kilimanjaro. No explanation of the reasons for these measures had, however, been given. M. Van Rees added that no coercion had been employed.

Mr. JARDINE said that the object of the authorities was to encourage the natives to grow a hardy type of coffee known as Robusta instead of a more delicate type known as Arabica, which was extremely liable to parasitic disease. This was as much in the interests of the native growers themselves as of the coffee industry as a whole.

Investment of Private Capital in Tanganyika.

The CHAIRMAN recalled that several years previously, at the time when the mandate system was first applied, the Commission had been informed that economic difficulties had arisen in connection with a certain mandated territory, doubts as to the future of the territory having discouraged investment of capital in it. It was satisfactory to know that, according

to a statement made by Sir Donald Cameron in the Legislative Council, he had ascertained, from conversations with various firms in London, that investments in Tanganyika were regarded as altogether sound.

Departure of Mr. Lunn.

The CHAIRMAN regretted that Mr. Lunn, recalled by his Parliamentary duties to England, would not be able to be present at the next meeting. He trusted that Mr. Lunn had received a good impression of the cordial relations existing between the Commission and the mandatory Power.

Mr. LUNN said that his impression of the manner in which the Commission performed its duties had been very favourable. He wished to thank the Commission for its courtesy towards him, and to reiterate his assurance of his Government's intention to co-operate closely.

FOURTEENTH MEETING.

Held on Tuesday, July 9th, 1929, at 10 a.m.

Chairman : Marquis THEODOLI.

1014. **Tanganyika : Examination of the Annual Report for 1928** (continuation).

Mr. Jardine and Mr. Machtig came to the table of the Commission.

Government Participation in Meat-preserving Industry and Electricity Supply.

Lord LUGARD drew attention to the passage on page 77 of the report, stating that an arrangement whereby, in return for certain financial guarantees, the Government would be entitled to a share in the profits of the meat-preserving factory at Mwanza and to a voice in the management of the company had been approved by the Legislative Council. For what reason was the Government taking part in this industry or creating a monopoly for it? The same question applied to the electricity scheme mentioned on page 80.

Mr. JARDINE replied that in the Tabora and Mwanza provinces the natives had very large surplus stocks of cattle, of which they were not in a position to dispose. In order to deal with this situation, the Government had undertaken to assist a company which would buy up the surplus stock and can the meat. The Government's object was to help the natives in reducing their stock to more reasonable proportions.

As to the electricity scheme, it had been decided that the scheme could be run better by a company than by the Government. No company, however, was likely to interest itself in the matter without Government co-operation.

Justice.

Lord LUGARD observed that, according to a statement on page 32 of the report, 124 females had received sentences of imprisonment during the year, and asked whether there were any female wardresses in charge of female prisoners.

Mr. JARDINE replied in the affirmative.

Defence of the Territory.

M. SAKENOBE had listened with great interest to the passage in the Under Secretary of State's opening statement, in which he had referred to the re-organisation of the King's African Rifles in the mandated territory. M. Sakenobe observed that, in the previous year, the garrison in Tanganyika had been reduced by one company, and that in the current year it was to be reduced by two companies, while an entire re-organisation of the garrison was under contemplation. He congratulated the Administration on these reductions, which afforded proof of the peacefulness of internal conditions. He asked whether the proposed reduction was to be made in the 2nd Battalion of the King's African Rifles which was recruited in Nyasaland.

Mr. JARDINE replied that it was proposed to make reductions in both battalions.

M. SAKENOBE hoped that the next report would give details of the proposed re-organisation, if effected. He would also be glad to have information concerning the health, discipline and training of the troops and, in particular, their movements and activities, if any.

Mr. JARDINE said that he would make a note of this request.

M. SAKENOBE asked for information upon the following items which he had observed on pages 44 and 46 of the Treasurer's report: "Contribution to War Office", "Contribution to Ministry of Health", "Hut Tax payable to Nyasaland".

Mr. JARDINE replied that the contribution to the War Office represented contributions in respect of the pensions of officers of the British Regular Army seconded for service with the King's African Rifles. The contribution to the Ministry of Health represented contributions in respect of the sickness insurance of British non-commissioned officers of the Regular Army serving with the King's African Rifles. The payment of hut tax to Nyasaland was made in respect of native soldiers recruited in Nyasaland for service in Tanganyika. These native soldiers were exempted from the payment of hut tax in Nyasaland, and this loss of revenue was made good to the Nyasaland Government by the Tanganyika Government.

M. PALACIOS said that he had observed in a report by the British Labour Party to the Workers' Socialist International Congress, held at Brussels in 1928, a statement to the effect that the troops in Tanganyika might be called upon to serve in all parts of the world.

Mr. JARDINE replied that the statement was not correct. The 6th Battalion of the King's African Rifles, which was based on Dar-es-Salaam and was recruited in Tanganyika, was liable for service in Tanganyika only. The 2nd Battalion, which was based on Tabora and recruited in Nyasaland, could be employed anywhere.

Arms and Ammunition.

M. SAKENOBE, referring to the data given on page 36 of the report concerning the importation of arms and ammunition, asked whether there had been any illicit traffic in arms. Did the table on page 36 include arms in the possession of the troops? Further, while it was stated that the importation of gas pistols and of automatic or silenced rifles was prohibited except under licence, it was not stated whether arms belonging to these categories had been imported during the year.

Mr. JARDINE replied that, presumably, the arms in the possession of the troops were not included in the table referred to, since such arms were not liable to registration. In regard to gas pistols and automatic or silenced rifles, so far as he knew, no licences for importation had been granted in the course of the year; and no instance of illicit trafficking in such arms had come to his notice.

M. VAN REES observed that mention was made on page 35 of the Arms and Ammunition Ordinance of 1922 as giving effect to the provisions of the Convention of St. Germain. No mention, however, was made of the Geneva Convention of 1925, Article 34 of which abrogated the previous Conventions on the subject, notably that of St. Germain. According to Article 12 of the new Convention, the latter applied to Tanganyika.

Mr. JARDINE said that he had no information as to what action had been taken by the Tanganyika Government under the 1925 Convention. He would make a note of the point raised by M. Van Rees.

Scheme for Peasant Cultivation.

Lord LUGARD asked for information upon the large scheme for the exploitation of certain areas of the territory by peasant cultivation mentioned on page 71 of the report.

Mr. JARDINE replied that the areas in question were the Rufiji Valley and districts near the Kilombero River. It was not possible at present to give details in regard to this scheme. A report on the question had been drawn up by an expert from the Sudan after a study of the local conditions. The report had not long been completed and was now receiving the consideration of the Governor.

Labour.

Mr. GRIMSHAW drew the Commission's attention to the manner in which labour legislation was developing in Tanganyika year after year, and in which the Governor was carrying out the policy he had outlined to the Mandates Commission two years previously.

With regard to contract labour, it appeared that particular attention had been paid to those points which a study of the system of contract labour appeared to indicate to be those where abuses most frequently occurred. Amending legislation had been passed on the following points:

1. The limitation of advances to recruits;
2. An improved form of contract;
3. A restriction in the issue of licences for recruiting, this being now limited to the Labour Commissioner;
4. Compulsory medical examination of all recruits for contracts exceeding two months.

There had also been interesting developments in the matter of sanctions.

The Commission would note the abolition of imprisonment without the option of a fine for labour offences, and the fact that the desertion of a contract labourer was no longer a cognizable

offence for the police ; that was to say, that the police could not pursue and capture a labourer who broke his contract except under the authority of a warrant issued by a magistrate. In this respect, legislation in Tanganyika represented a big advance on that in many other similar territories.

Mr. Grimshaw further noted in this connection that the letter from the British Government to the Secretary-General with regard to the petition of May 20th, 1928, from the International Bureau for the Defence of Natives contained the statement that : “ The Governor has publicly stated that a criminal sanction for desertion cannot endure indefinitely ”¹. That was a very important statement from many points of view.

The various points which Mr. Grimshaw had enumerated were contained in the newly amended Masters and Servants Ordinance of 1928, which was considered so important by the International Labour Office that it was reprinting and issuing the Ordinance in three languages in its Legislative Series. Section 12 of the Ordinance, however, left a certain feeling of misgiving. That Section allowed employers, or certain employers, to fine their employees for certain sanitary offences, and to deduct the amount of the fines from wages. Mr. Grimshaw observed, however, that, under the Regulations of February 1929, forms were established for recording such deductions. It followed that the Administration had set up a system of supervision in this matter which would enable it to follow it with ease. Mr. Grimshaw hoped that the Commission would in future be informed as to the working of the system.

Mr. JARDINE foresaw no difficulty in meeting Mr. Grimshaw's wish. Fuller information on labour matters generally would be found in the annual report of the Labour Commissioner for 1928, which would be ready in a few weeks and would be communicated to the Mandates Commission. He enquired whether the Commission would prefer to have the information referred to by Mr. Grimshaw given in the annual report or in the Labour Commissioner's report.

Mr. GRIMSHAW pointed out that the Labour Commissioner's report did not come before the Commission as an official document ; a summary of its contents might be useful to the members of the Commission, if printed in the annual report itself.

Mr. JARDINE said that the Labour Commissioner's report contained nine appendices of statistics and that these appendices would probably be the most convenient place for indicating the information desired by Mr. Grimshaw.

M. RAPPARD thought that it would be unfortunate if the Tanganyika Administration were to send the Mandates Commission abbreviated reports on the ground that it had to report elsewhere on the same subject at greater length. He raised this point because a case of this kind had already occurred.

Mr. GRIMSHAW drew attention, in connection with forced labour, to the fact that the report gave complete information on the only two cases in which forced labour had been permitted (page 42). That was a practice which the Commission might usefully ask the other mandatory Powers to follow in their reports.

Turning to the question of compensation for accidents, Mr. Grimshaw understood — and the accredited representative would correct him if he were wrong — that a workman, at any rate one under contract, in Tanganyika was only entitled to compensation if he could prove negligence on the part of his employer or employer's servants. That was a principle which had been abandoned in labour legislation a long time ago. Mr. Asquith had expressed a principle which had been adopted in almost all legislation on this matter when, speaking in 1897 on the first British Workmen's Compensation Bill, he had said : “ When a person on his own responsibility and for his own profit sets in motion agencies which create risks for others, he ought to be civilly responsible for the consequences of his own acts ”. That principle clearly went beyond the notion that the employer was only responsible when accidents arose from his own negligence or that of his employees. Mr. Grimshaw asked whether the Tanganyika Government would consider the question of the adoption of this principle in the light of modern legislation.

Mr. JARDINE said that the point would be considered. In actual practice, very few cases occurred in which an injured labourer was not compensated, whether the injury was due to his own fault or not.

Mr. GRIMSHAW remarked that the Empire Parliamentary Delegation, which had visited Tanganyika in the previous year, had called attention to this point, and to the further fact that no benefits were provided in cases of sickness. The only provision of which Mr. Grimshaw was aware in this connection gave the employer the right to “ dismiss and return to his place of recruitment any servant who was, or from sickness became, inefficient ”. The tendency in modern legislation was to assimilate sickness and accident, especially when workers were brought from their own homes to work in unaccustomed climatic or other conditions which might be the cause of their sickness. Was there not need for some provision for the indemnification of the worker who became sick in the course of his employment ?

¹ See Annex 8 B.

Mr. JARDINE said that he was not sure what form of indemnification Mr. Grimshaw suggested. Did he propose that pay should continue ?

Mr. GRIMSHAW replied in the affirmative, and said that, if sickness led to disablement, care should be taken to make provision not only for the disabled worker but for his family dependents.

Mr. JARDINE said that the matter would receive consideration. At the same time, he foresaw very grave obstacles in the way of the adoption of such legislation in Tanganyika.

Mr. GRIMSHAW asked whether the accredited representative could give any additional information to that contained in the report concerning the employment of women and children ? In the Legislative Council in April 1929, a question had been asked whether the Government were aware that Mangis of the Wachagga Tribe were preventing coffee-pickers (women and children) from picking coffee for European growers, the average rate of pay for which was 25 cents per tin picked, and were forcing them to pick for native growers at the reduced rate of 10 cents per tin. Was there any truth in this statement and what, in particular, was a Mangi ?

Mr. JARDINE replied that a "Mangi" was a chief of the Wachagga. He doubted whether there was any foundation for the statement read by Mr. Grimshaw.

M. VAN REES asked whether the accredited representative could give any additional information to that contained in the British Government's reply on the allegations made in Mr. Buell's book, which had formed the subject of a petition by the International Office for the Protection of Natives¹. Mr. Buell had alleged that in Tanganyika the Government constructed roads by the employment of requisitioned labour which was not remunerated. The British Government in its reply had referred to the discussion on the subject at the eleventh session of the Commission when the Governor of Tanganyika had recognised the existence of a form of labour "which came close to the borderline of forced labour, although it probably might be classed as labour which would be covered by a rate in a civilised country". That form of labour was the labour required of tribes to maintain native administration roads passing through certain parts of the mandated territory. The Governor had further stated that such labour was only allowed with his own express permission and that "it was his policy to do away with unpaid labour on these roads by including a small sum in the native budgets for this purpose. The appropriations were, as a rule, very small, but it was the first beginning of the principle that labour on all the roads should be paid".

The Commission in its observations on the Tanganyika report had stated that "it is glad to observe that it is the policy of the Government to provide funds by which the native authorities will in future be able to employ paid labour for work on the native administration roads". It appeared from the British Government's communication that that policy had been abandoned. M. Van Rees would therefore be glad to know whether labour requisitioned for local work was or was not remunerated.

Mr. JARDINE replied that the question of levying a rate for the payment of this form of labour had been fully considered by the Government but that it had come to the conclusion that it would not be to the advantage of the natives to do so. In other words, it was considered that it was preferable for such labour to continue to be unpaid rather than that a tax, which the native himself would have to pay, should be levied and paid back to him as remuneration for his labour.

M. VAN REES asked in what way the Administration regarded the question of unpaid public labour. Was it held that such unpaid labour for public works did not come within the scope of Article 5 of the Mandate, which prescribed payment for compulsory labour ?

Mr. JARDINE did not think that the article in question referred to traditional labour carried out by the people for their chiefs and themselves.

M. VAN REES understood from the accredited representative's reply that compulsory native labour which was requisitioned for work on native roads but not remunerated was regarded by the Administration as legitimate and as not being forbidden by the mandate. If that were so, what was the form of compulsory labour in Tanganyika to which the article in the mandate referred ?

Mr. JARDINE replied that he considered that the article in question referred to forced labour for the Government for public works or for private employers.

M. RAPPARD asked what was the theory behind the Administration's practice. The terms of the mandate were perfectly clear. The form of labour which the Commission was discussing was labour requisitioned for public works but not paid. It followed that the Administration must have a theory which squared its practice with the mandate.

Mr. JARDINE replied that the natives did not regard this form of labour as forced labour, but purely as a traditional service rendered to their chiefs.

¹ See Annex 8 A.

M. VAN REES did not think that there could be any question of traditional service. The labour was given for the upkeep and also for the construction of the local roads ; that was to say, practically the whole road system of the Territory, with the exception of the main roads.

Mr. JARDINE said that M. Van Rees was under a misapprehension. The roads maintained by the native administrations were very few in number and were but tracks which were kept up entirely for the natives' own use and convenience. They formed no part of the communications of the Territory.

M. RAPPARD asked whether, in the event of the natives refusing to render such traditional service to their chiefs, the District Commissioner would side with the chiefs in imposing such labour.

Mr. JARDINE said that he had never heard of such an occurrence. The question was largely one of convenience. There were two courses open to the Government. It could either authorise the native administrations to levy a kind of municipal tax upon their people so as to pay for the labour upon the tracks which were kept up solely for their convenience or it could permit the continuance of the custom whereby the people gave their chiefs certain service on these tracks. Both alternatives had been carefully considered by the Government, which had decided in favour of the second. It was clear, however, that if, in future, as the natives became more advanced, they refused to render such service, the whole matter would have to be reconsidered in a new light.

Lord LUGARD observed that under the system of administration obtaining in Tanganyika the native chiefs formed part of the Government. It followed that if they were allowed to levy forced labour, whether such labour was traditional or no, the work done was carried out on behalf of the Government. There seemed to be no reason why a special rate should be levied for the purpose of maintaining these roads since they could be paid for out of the native treasuries just as the larger roads were paid for out of public revenue.

M. DE PENHA GARCIA asked whether native chiefs assisted in the recruiting of labour for private employers.

Mr. JARDINE replied that chiefs were not used as recruiting agents. A chief might encourage or discourage his people from working for private employers according to the conditions prevailing in the tribe. The chief, for instance, might perhaps encourage his people to seek work in order to increase the wealth of the tribe. The chiefs certainly never forced their people to work for private employers.

Mr. GRIMSHAW thought that Count de Penha Garcia's question might also be put as follows : Would the Administration make use of its influence with the chiefs in order to encourage the recruiting of native labour for private employers ?

Mr. JARDINE thereupon read the following extract from the report of the Labour Commissioner of Tanganyika for 1928 :

“ The tribal authorities have continued to show considerable interest in labour conditions ; their attitude is important, since they could influence the flow very considerably. On the whole, it can be said that they decidedly encourage their people to go to work, and this is only to be expected since they are, on the one hand, solicitous for the revenue which the tribe will have to spend, while they are also, as a rule, the progressive element of the population and therefore anxious to encourage prosperity rather than stagnation. At the same time, there is a conservative element that regards with disfavour any tendency to travel on the part of the tribesmen through a fear that they will not return ; this, however, is disappearing, since there is little evidence to show that the worker leaves his home permanently in the great majority of cases. ”

Mr. GRIMSHAW, in order to avoid any misunderstanding, thought that he could put the question still more precisely. In certain colonies when there was a demand for labour on the part of European enterprises it was the practice for the latter to inform the Administration that they desired so many men. The Administration passed the information on to a chief or chiefs who requisitioned the contingent required. Would that practice be followed in Tanganyika ?

Mr. JARDINE replied in the negative.

Porterage.

Lord LUGARD welcomed the introduction of the Ordinance to make provision for the restriction of the employment of porterage on roads over which motor transport was available, mentioned on page 43 of the report. That Ordinance should have very useful effects.

Leasing of Farms in Iringa Province : Compensation to Natives.

Mr. GRIMSHAW observed that the *Tanganyika Gazette* for October 26th, 1928, gave a schedule of 40 farms which were to be leased in Iringa Province, with the following footnote : " An additional sum of 20/- will be added as compensation for the loss of the use of the land for cultivation purposes in the case of each native affected. Such further sum or sums as assessed will be announced by the District Officer prior to the sale ". This footnote appeared to imply that certain natives would have to be turned off their lands, which had been scheduled for leaseholds, and that the amount of compensation to be paid would be 20/- per native. What was the purpose of the compensation ; was it to be given in respect of disturbance ? In any case, the sum seemed inadequate unless there was a special circumstance to justify it.

Mr. JARDINE assured Mr. Grimshaw that if there were any disturbance of native occupiers it had only been effected with the occupier's full consent. In such cases, a native holding an isolated plot might be given compensation for disturbance, and might also be permitted to continue to cultivate the plot at the discretion of the leaseholder.

Mr. GRIMSHAW said that he had been struck by the fact that compensation to the amount of 20/- appeared to have been announced in this one case only.

Mr. JARDINE agreed that the sum of 20/- appeared small, but he had no doubt that the District Officer would have satisfied himself that the compensation was appropriate to the circumstances of the particular case.

M. VAN REES asked whether the small native properties in question formed enclaves surrounded by lands held on lease.

Mr. JARDINE said that this might be so in some cases.

M. VAN REES said that it would be interesting to learn whether such native properties remained as enclaves ; that was to say, whether the natives were permitted to remain on such an isolated property or were forced to relinquish it.

Mr. JARDINE replied that there was never any question of forcing a native to give up his plot. If with his own consent he relinquished it to a European, he might either be permitted to continue to cultivate it or might elect to go elsewhere.

M. VAN REES asked why, in that case, compensation was allowed to the native.

Mr. JARDINE replied that the compensation was given for disturbance.

Grants to Missions for Educational Purposes.

M. PALACIOS had observed in the Blue Book for 1926 that the only mission in the Territory to receive a subsidy was the Church Missionary Society of the Church of England, which had been granted a subvention of about £1,000. Had that subsidy come from the public funds and, if so, why had this privilege been granted ?

Mr. JARDINE replied that the Tanganyika Government gave grants to missions for educational work. In 1926 the only grant shown was that made to the Church Missionary Society, but since then a number of missions of all denominations had qualified for grants in respect of educational work.

The CHAIRMAN asked what was the criterion on which the Governor decided to make such grants.

Mr. JARDINE replied that the Governor's decision depended on whether the mission had qualified for a grant under the education code. From page 45 of the report, it would be seen that ninety-seven missions were now receiving grants towards their educational work. Any mission of any denomination could qualify for a grant.

M. PALACIOS observed that, according to the report for 1927, the grant-in-aid made to the Anglican and Protestant Missions was greatly in excess of that made to the Roman Catholic Missions and asked in what way it was decided that these grants should be made.

Mr. JARDINE repeated that any mission of any denomination might qualify for a grant. If one denomination obtained more grants than another, it was to be assumed that a greater number of the missions belonging to that denomination had qualified to receive them.

Mlle. DANNEVIG asked whether the grant was given on the basis of the number of pupils at the mission school or the quality of the work done. Further, were the missions anxious to obtain more grants for education ?

Mr. JARDINE replied that the education code took both considerations referred to by Mlle. Dannevig into account. It required the missions to adopt a certain educational syllabus ; and they had also to show that the school was attended by a certain number of pupils and that the school buildings conformed to certain standards. £25,000 had been appropriated for these grants in the current financial year.

Education.

Mlle. DANNEVIG asked whether the table on page 55 of the report, showing the total expenditure on education, included the figures for the grants made to the missions.

Mr. JARDINE replied in the affirmative.

Mlle. DANNEVIG asked whether in future reports it would be possible to have a table indicating the total number of pupils and the total number of schools so as to facilitate the examination of the position in regard to education in the Territory. In reading the report, she had been greatly impressed by the interest taken by the Administration in education and by the high quality aimed at and achieved. It seemed that the native schools in Tanganyika might be considered as models for native schools in Africa.

Mr. JARDINE said that he would be glad to comply with Mlle. Dannevig's request.

Mlle. DANNEVIG noted that the expenditure on education was constantly increasing. At the same time, in 1927 to 1928, it had amounted to only 8.44 per cent of the hut and poll tax and to not quite 3d. per head of population. That did not appear to be a large sum for so rich a territory. In the report for education, it was stated that the amount would increase in the following year. In view of the statement made by the Under-Secretary of State, Mlle. Dannevig hoped that the amount spent on education might perhaps equal that spent on prisons and police or on defence.

With reference to page 52 of the report, Mlle. Dannevig noted that the tradition of hard work for women was well maintained at the Girls' Boarding School of the White Fathers in the Tabora Vicariate. It was said that "the daily routine is almost Spartan. The first batch of girls appear to have suffered something of a shock when they discovered that the school did not emancipate them from the normal agricultural activities of the home, and the headmistress in charge may be warmly congratulated on the way in which, by personal participation in every kind of garden activity, difficulties have been circumvented". What work was performed by the girls, and how many hours a day did they work?

Mr. JARDINE said that he had no personal experience of the alleged Spartan regime in the school in question. He was quite certain, however, that no support would have been given to the school by the Education Department if its inspectors had not approved the system followed in it.

Mlle. DANNEVIG, with reference to paragraph 72, asked whether the German schools received Government grants-in-aid.

Mr. JARDINE was not in a position to say whether there were any German schools actually in receipt of such grants. There was nothing, however, to prevent them from qualifying for grants.

Mlle. DANNEVIG pointed out that it had been said that the German school at Lupembé had been refused a grant.

Mr. JARDINE had no information as to this case, but assumed that if the school did not receive a grant it was because it had not qualified for one.

Mlle. DANNEVIG said that, in one of the issues of *Tanganyika Opinion* of last February, an article had appeared requesting the establishment of a junior school for Indians. She wondered if a subsidy would be granted enabling such a school to be built?

Mr. JARDINE said that, so far as he recalled, the article in question was a complaint to the effect that the pupils, or some of the pupils, attending the existing school had to walk a mile and a-half in the hot sun to reach it. It was extremely difficult, if not impossible, to build a school within easy reach of all its pupils. The grievance in this case did not seem to him to be very serious.

M. ORTS asked in which category the schools attended by sons of chiefs were placed?

Mr. JARDINE replied that they were central schools.

The number of central schools in Tanganyika was ten supported by the Government and nine by the missions.

Spirits.

M. DE PENHA GARCIA noted, from the information given on pages 55 and 56 of the report, that there had been an increase of import of liquor in the last four years of about 30 per cent. The average consumption was fairly high and amounted to eleven gallons per head per year. He realised that a certain quantity of the alcohol imported left the country again on board ships, but, in view of this increase in consumption, was there not a certain degree of leakage? Did the natives obtain alcohol clandestinely?

Mr. JARDINE said that there was no reason to fear any serious leakage. There was certainly none in the country districts, but no doubt there were small leakages in the towns owing to petty thefts.

M. DE PENHA GARCIA asked that statistics of all the offences committed by Europeans or natives in regard to liquor ordinances and the liquor traffic be included in the next report.

Mr. JARDINE undertook to furnish that information.

In reply to a further question from M. de Penha Garcia, Mr. Jardine said that there was a native liquor called pombé which resembled strong beer. No distilleries were allowed in the territory.

M. DE PENHA GARCIA enquired whether pombé was harmful. Some native drinks were undoubtedly of that nature.

Mr. JARDINE asked whether Count de Penha Garcia was referring to the temporary or the permanent effects of the drink.

M. DE PENHA GARCIA asked that information should be given in regard to both.

Mr. JARDINE said that the temporary effects of excessive pombé drinking were undoubtedly very devastating. He had no information as to its permanent effects.

In reply to a further question from M. de Penha Garcia, Mr. Jardine said that the manufacture and sale of pombé were governed by the Native Liquor Ordinance which controlled its sale in towns. A licence was required to manufacture and sell it.

M. DE PENHA GARCIA enquired the meaning of the phrase "municipal beer compound" contained in the financial report for 1926-27.

Mr. JARDINE said that this was a site in Dar-es-Salaam where the sale of native beer was controlled.

Lord LUGARD asked that the statistics relating to the import of alcoholic liquors should in future be given over a series of years to make comparison possible.

Mr. JARDINE undertook that this should be done.

Drugs.

M. DE PENHA GARCIA asked whether any cases of drug-taking had appeared before the Courts.

Mr. JARDINE replied in the negative. He had heard of no such cases. If they occurred, however, mention would be made of them in the next report.

Public Health.

M. KASTL said that the report gave the particulars requested by the Commission at its previous session regarding the organisation and working of the public health services (paragraphs 76 and 85). It also contained a detailed table on the treatment of leper cases in the Territory (paragraph 88). The position regarding sleeping-sickness was briefly described in paragraph 89, and details were given regarding the new focus of infection discovered in 1927 in the Tabora province north of the Central Railway. The table at the end of that paragraph showed a notable increase in the total number of cases diagnosed and of deaths during 1926, 1927 and 1928.

Had there been any extension of the disease, or was the increase in the cases diagnosed merely the result of the development of the prophylactic and therapeutic campaign, and was the increase in the number of deaths to be explained by an improvement in the statistical returns?

Mr. JARDINE replied that the increase in the figures was not due to an increased incidence of the disease, but to the fact that a larger medical staff was employed, with consequent closer control. In other words, more cases had come to light.

In reply to a further question from M. Kastl, Mr. Jardine explained that there was one officer permanently employed as a sleeping-sickness officer, and that he thought four other medical officers had been seconded to this work.

M. KASTL noted from the table in paragraph 84 that the number of cases of venereal diseases appeared to have increased considerably since 1924. For example, syphilis had increased from 4,377 cases to 24,367.

Mr. JARDINE said that the position was the same as in the case of sleeping-sickness. A larger number of medical officers was now employed, with a consequent increase in the number of cases treated.

Lord LUGARD noted that there were only fifty-four doctors in the Territory. This was a very small number for so large an area. Would it be possible for a statement of the amount of the proportion of the revenue spent on public health to be included in the next report?

M. KASTL noted that thirty-one doctors were in private practice. Were these counted among the fifty-four mentioned in the report?

Mr. JARDINE, replying to Lord Lugard, said that the table on page 19 gave the information required. The percentage of the total expenditure on public health was 11.7.

In reply to M. Kastl, he said that the thirty-one doctors in private practice were additional to those employed by the Government.

Lord LUGARD enquired whether the owners of plantations were required by law to keep a doctor. If not, would it be possible to adopt some system whereby a doctor should be maintained on any plantation or group of plantations in which the number of labourers exceeded a specified figure?

Mr. JARDINE replied that planters were not required to keep a doctor. A scheme had been suggested whereby a private medical practitioner might be made available to look after a group of plantations, and this, he believed, was now under the consideration of certain planters.

In reply to the Chairman, Mr. Jardine said that the Administration had experienced no difficulty in obtaining medical officers.

Lord LUGARD enquired whether the doctors shown as engaged in private practice included mission doctors.

Mr. JARDINE said that they were mainly mission doctors.

Lord LUGARD enquired whether any details were available regarding the mission of Dr. Kleine for the investigation of sleeping-sickness in the Territory.

Mr. JARDINE said that he had no knowledge of Dr. Kleine undertaking any work for the Government of the Tanganyika Territory.

Lord LUGARD thought that Dr. Kleine had been a member of the official sleeping-sickness mission despatched to Uganda and was now carrying out an investigation of his own in the mandated territory.

Central Railway (continuation).

M. KASTL noted that the assets of the private German company, which had owned the Central Railway, had been subject to liquidation in accordance with Article 297 of the Treaty of Versailles. They had been valued and purchased from the Custodian of Enemy Property by the Tanganyika Government, and payment had been made in 1927. The assets of the company had been valued at £600,000. Was this the total value of the assets? There was a claim against the Germany company of £4,214,000 by the Treasury of the Territory. The claim represented money advanced to the German company by the German Government of the Territory before the war. The Tanganyika Government had paid only £33,995 for the whole railway. M. Kastl found it difficult to compare these figures and asked how they had been obtained.

Mr. JARDINE replied that the position was as follows: In German times, the railway had been a private concern run by a German company. The Treasury of the German Protectorate had advanced to the company sums amounting to £4,214,000 on an agreement which included the condition that the German Government should have first lien on the assets of the company. When the assets had been liquidated, their value had been put at £600,000, and interest to the extent of £14,000 had accrued when payment was effected in 1927, the total therefore being £614,000.

Among the claims against the company's assets was the claim for £4,214,000 made by the Government of the Tanganyika Territory, acting as successor to the German Government of German East Africa in accordance with Article 257 of the Treaty of Versailles. This claim had ranked proportionately to other claims as £580,005. Consequently, when the Government of the Tanganyika Territory had acquired the railway, it had had to pay £614,000 (the valuation, plus the interest accrued), less £580,005. The total paid, therefore, had been £33,995, which was the sum enquired into by the Commission.

M. VAN REES asked who possessed the other claims on the company.

Mr. JARDINE replied that he had no information as to this.

M. KASTL pointed out that as the Territory in German times had possessed fiscal autonomy, and that as this continued to be the case, the railway purchased by the Tanganyika Government was the property of the Territory.

Mr. JARDINE agreed.

M. RAPPARD did not understand why a railway, for which a sum of four million pounds sterling had been advanced, had only been valued at £600,000 in 1920.

M. KASTL said that he also could not understand the valuation made and thought that perhaps only the private assets of the company had been valued at £600,000.

M. RAPPARD did not agree. From what the accredited representative had said, it appeared clear that the total assets of the company had been put at that figure in 1920.

Mr. JARDINE said that he had no detailed report of the valuation in his possession, but he pointed out that the assets had been valued as at January 1920, at which period the railway had been almost derelict.

The CHAIRMAN said that the Commission would ask a special question in regard to the Central Railway in its general observations in order that the mandatory Power might have an opportunity of giving an exact reply.

Land Tenure.

M. VAN REES pointed out that, in the French Cameroons and French Togoland, the natives who held their land by customary tenure had been allowed, by new legislation, to register their titles and have them permanently recorded. Was any similar system in force in Tanganyika ?

Mr. JARDINE replied that it was impracticable in Tanganyika to issue a right of occupancy or a lease to every native occupying land. An Ordinance had been enacted, however, laying down that, although a native did not possess a lease, he was as much entitled to the land he owned as though he held one.

M. VAN REES said that this system was not the same as that used in French Togoland and the Cameroons. In these territories, a native, if he so desired, could ask for and receive a title for his land, which was thus registered. Could a native of Tanganyika make the same sort of request ?

Mr. JARDINE replied that this system was not in force in Tanganyika.

Demographic Statistics.

M. RAPPARD, with reference to the table on page 79 of the report, noted that, whereas there had been a general increase in population in the Territory, there had been a decrease in the population of the provinces of Lindi and Mahenge. Was there any special reason for the decrease in these two provinces, such as shortage of food or emigration ?

Mr. JARDINE replied that the population of Lindi had increased since 1921. The population had increased between the 1921 and the 1928 census from 327,400 to 357,255. He could not account for the decrease in the population of the Mahenge Province.

Foreign Population : Indians.

M. RAPPARD enquired what part the British Indians and Arabs played in the social life of the Territory ?

Mr. JARDINE said that a few were engaged as farmers, chiefly cotton, and a number were engaged in trade. The bulk, however, were clerks, storekeepers, etc., in the employ of the Government and European or Indian firms. In reply to a further question of M. Rappard as to whether this was an undesirable element, Mr. Jardine said that this was by no means the case. Many of them were employed by the Government and by the railways as artisans, clerks, etc.

In reply to Lord Lugard, Mr. Jardine said that he thought that nearly all the Indians in Tanganyika were British subjects and that few of them came from the Protected States.

In reply to a final question of M. Rappard, Mr. Jardine said that most of the 195 Swiss in the country were presumably White Fathers.

Close of the Hearing.

The CHAIRMAN thanked Mr. Jardine for the information with which he had furnished the Commission. He asked him to offer the Commission's congratulations to Sir Donald Cameron on the manner in which the Territory was being administered. He hoped that Mr. Jardine had been able to appreciate the great interest taken by the Commission in the Territory.

Mr. JARDINE thanked the Chairman and the Commission for the courtesy extended to him during the examination of the 1928 report. He considered it a great privilege to have attended the meetings of the Commission, and could assure all members that while he continued to be Chief Secretary of the Tanganyika Territory he would do all in his power to give them every assistance.

(Mr. Jardine and Mr. Machtig withdrew.)

1015. Cameroons under French Mandate : Petition of Mr. Gogo Briggs of Buea (Cameroons under British Mandate).

The CHAIRMAN said the French Government had forwarded with its observations a petition from Mr. Gogo Briggs of Buea, Cameroons under British mandate, dated July 5th, 1928.

The Chairman had already received a petition from Mr. Briggs dated November 23rd, 1927, and he had submitted his conclusions regarding it to the Commission in his report to the thirteenth session (document C.341.M.99.1928.VI, page 18). That petition had contained complaints concerning commercial transactions carried on by Mr. Briggs in the Cameroons under French mandate. In view of the fact that it had not been concerned with the interpretation of the provisions of the Covenant or the mandate, the Chairman had not considered it worthy of consideration — all the more so as the complaints of the petitioner came within the category of those which should be brought for settlement before the courts of the Cameroons under French mandate.

The Chairman took the view that no new fact had come to light which would cause him to revoke his decision in regard to this matter. Consequently, he thought that the Commission could decide that no action should be taken on the second petition of Mr. Briggs, which should be treated in the same way as the first.

The views of the Chairman were approved.

1016. Form of Observations by the Mandatory Powers.

The CHAIRMAN submitted the following note :

“ My colleagues will certainly have noticed that the mandatory Powers often use different methods in complying with the resolutions adopted by the Council in regard to our work. I think it would be well to unify, if we can, the methods hitherto employed, and I venture to submit for your consideration the following observations :

“ I. *Replies to the Commission's Observations on considering the Reports on the Various Territories.*

“ In communicating their replies to the Commission's observations concerning particular territories, the mandatory Powers at present adopt one of the following three methods :

“ 1. The forwarding of a separate communication ;

“ 2. The addition of a special chapter in the annual report ;

“ 3. The inclusion of the information requested in various chapters of the annual report (usually supplemented by a list of references to the respective passages included in the report).

“ The experience of the past few years seems to show that *it would be better if the mandatory Powers submitted their replies to the Commission's observations on the examination of an annual report as an annex to the report of the following year.*

“ 1. This procedure would ensure a certain continuity in the documentation.

“ 2. It would guarantee that all persons who receive the annual reports would also receive the replies of the mandatory Powers to the Commission's observations ; it would, moreover, avoid the necessity for the Secretariat to publish a very large number of documents and the scattering of information through separate communications in various issues of the *Official Journal*. It would also mean a considerable budgetary saving.

“ 3. A further advantage of the new system would seem to be that the Mandates Commission would receive these observations first and that, when forwarded to the Council, they would be accompanied, if need be, by any comments which they might have occasioned in the Commission's report or Minutes.

“ 4. It is true that in certain cases the Commission *might* wish to have the replies to its observations of the previous year *before* examining the new report concerning the territory in question. This, however, would be exceptional. Generally, the separate communications containing replies to observations reach the Secretariat only a short time before the annual reports, and are examined at the same session as the latter.

“ II. *Observations concerning General Questions.*

“ *As regards general questions, the position is quite different. These are in no way directly connected with the annual reports and are dealt with by the Commission separately. It would be much better if separate communications could be received as early as possible, which might then be collected and published by the Secretariat in a single document.*

“ If my colleagues agree, it would perhaps be well to make a recommendation on this matter, which we should submit to the Council in our report. ”

M. VAN REES said that there were two kinds of observations made by the Commission — those observations forwarded to the Council which, if it adopted them, it would send to the

mandatory Powers concerned, and the observations made during the discussions and not mentioned in the report to the Council. These were to be found in the Minutes. The object of the latter observations was to obtain replies from the mandatory Powers, which were inserted in the ensuing year's report. The reply of the mandatory Power to the first kind of observations made by the Commission had always been separate from its reply to the observations made during the course of the discussion. In order to avoid all confusion, the two kinds of observations must be kept clearly distinct.

On the proposal of M. RAPPARD, *it was decided* to delete the following paragraph :

“ 3. A further advantage of the new system would seem to be that the Mandates Commission would receive these observations first and that, when forwarded to the Council, they would be accompanied, if need be, by any comments which they might have occasion to make in the Commission's report or Minutes.”

M. PALACIOS agreed in principle with the Chairman's note and also accepted the modification which had just been adopted.

M. MERLIN agreed with M. Van Rees in thinking that there were two kinds of observations. The official observations of the Commission were really the observations of the Council which adopted them and a very clear distinction must therefore be maintained between these and the observations made during the examination of an accredited representative. He thought, as had been suggested more than once during the session, that it would be useful for any definite replies to questions put at a previous session by the Commission to be inserted as an annex to the report of the mandatory Power. The reply to the official observations of the Commission, however, should be kept quite separate. He pointed out that, in any case, the reply to those observations was invariably submitted by the Council to the Permanent Mandates Commission. In his view, the only change necessary in the present procedure would be for the Commission to request the mandatory Powers to put any definite answer to a question asked in an annex to their report for the ensuing year.

The CHAIRMAN thought that the reply of a mandatory Power to the observations of the Commission as forwarded by the Council should be annexed to the mandatory Power's report for the ensuing year.

M. RAPPARD, while having no objection to this proposal, considered that such replies, as soon as they had been made to the official observations of the Commission, should be included in a document of the League of Nations. Nevertheless, he was glad that they should be repeated as an annex to the report of the mandatory Power.

FIFTEENTH MEETING

Held on Tuesday, July 9th, 1929, at 4 p.m.

Chairman : Marquis THEODOLI.

1017. Cameroons under French Mandate : Examination of the Annual Report for 1928.

M. Franceschi and M. Marchand, High Commissioner of the French Republic in the Cameroons, accredited representatives, came to the table of the Commission.

The CHAIRMAN welcomed M. Marchand, who had assisted the Commission on a previous occasion in its examination of the report of the mandatory Power on the Cameroons, and expressed his thanks to the mandatory Power for having authorised M. Marchand to collaborate with the Commission.

The Chairman said that he had no general observations to make on the report and asked M. Marchand whether he wished to make a general statement.

M. MARCHAND replied that, in 1926, he had made a statement to the Commission on the situation in the Cameroons resulting from the work done by the mandatory Power since the conferment of the mandate. Important progress had been made in the territory along various lines in the course of the last three years, but M. Marchand did not think that it had been so great as to deserve special mention. It was not, moreover, the wish of the local Administration that too rapid progress should be made; it wished to prevent any disturbance of balance in the organisation of the native tribes, which were still backward and whose evolution should proceed steadily and reasonably.

Decrees relating to the Political and Financial Autonomy of the Territory.

M. VAN REES drew attention to the reference in the first paragraph of the chapter "General" to the Decree of March 23rd, 1921, as modified by the Decrees of February 20th and September 18th, 1925. He did not think that this latter decree had been sent to the Commission and he would like to know its contents.

M. MARCHAND believed that the decree in question was the one which had applied to the territory of the Cameroons the texts which had previously applied to French Equatorial Africa. He would, however, make enquiries and would give more exact information at the next meeting.

M. VAN REES added that, on the other hand, no reference was made in the paragraph in question to the Decree of April 13th, 1927, which had also modified the Decree of March 23rd, 1921.

M. MARCHAND replied that this was due to an error, which would be corrected.

Delimitation of the Frontiers.

M. ORTS asked how matters stood with regard to the delimitation of the frontier with the Cameroons under British mandate.

M. MARCHAND replied that negotiations had been opened with the Governor of Nigeria with a view to the signature of a Protocol which would be submitted for ratification to the two Governments.

M. ORTS asked whether investigations on the spot had been made.

M. MARCHAND replied in the affirmative, and added that nothing remained to be done except the final arrangements, which would be entrusted to the officers of the geographical service. The Administrators on the spot had undertaken the delimitation and they had reached agreements on all points except two or three questions of detail which it had not been possible to settle before M. Marchand had left.

M. ORTS asked whether the peoples concerned had been informed of what was happening.

M. MARCHAND said that the natives had been consulted and that no protest had been made.

M. ORTS pointed out that the frontier between the territory and French Equatorial Africa was marked, throughout the greater part of its length, by the natural features of the landscape. In places where this was not the case, had the frontier been marked and did everyone know where his property ended ?

M. MARCHAND replied that the frontier was uncertain ; in the south it passed through forests, whereas towards the north it passed through a region of savannas. He thought that no confusion arose with regard to it, except in the minds of natives who were in contact with natives of other tribes and had relations on both sides of the frontier.

Question of Preferential Treatment in the past for the French Language.

M. ORTS noted that, according to the report, the mandatory Power had taken account of the observations which the Chairman had made in the preceding year in connection with the preferential treatment accorded to publications printed in French.

M. MARCHAND replied that an error had occurred but that the matter had been settled.

Disturbances in the Frontier Zone of French Equatorial Africa.

M. VAN REES read the following extract from the *Courrier Colonial* of January 11th, 1929 :
[Translation.]

" . . . Our correspondent at Yaoundé wrote to us on December 17th that the Cameroons were quiet except in the northern district of Batouri-Carnot where disturbances had occurred. Europeans had been attacked ; one of them had been killed and a lieutenant wounded.

" The road had been blocked. A motor-car on its way to Carnot had had to return to Yaoundé after its occupants had been assailed by blows from assegais, and the car had been riddled by arrows.

" The Bahia who inhabit this district are a good Mohammedan people, but they appear unwilling to pay taxes. Since they work under bad conditions, there is probably a fairly high death rate among them, the result being this agitation.

" Measures of repression had been taken and there was every reason to expect that calm would be restored."

M. Van Rees asked whether M. Marchand could give the Commission information on this subject.

M. MARCHAND replied that this document did not relate to facts which concerned the Cameroons. He had referred on page 59 of the report to disturbances which had begun in French Equatorial Africa in the frontier zone, which had led to a certain amount of restlessness among the neighbouring peoples. These peoples were not, as had been stated in the article

in question, Mohammedans ; they were fetish worshippers. These natives, who were of a peaceful nature, had not the least idea of an administrative frontier zone ; they mixed with each other, were on friendly terms, and were bound by ties of relationship.

When disturbances had occurred in Equatorial Africa close to the frontier, at the instigation of a witch doctor, the natives of Equatorial Africa had gone to the homes of certain of their relations in the Cameroons, and had aroused a slight agitation which had been very quickly repressed. These events had occurred at the end of December, and M. Marchand had not therefore mentioned them in the 1928 report. He would give details in the report for 1929. He might, however, state immediately that calm had been very quickly restored. It had been enough to send to these parts two small detachments of fifty-five men, who were to show the natives that they had strayed into an enterprise which would lead to nothing. The natives had very soon recognised this.

M. Marchand said that he had to add with regret that, in the course of an engagement, the natives — who were not Bahia but natives of the northern district — after having crossed the frontier, had attacked a detachment. Unfortunately, the detachment had been obliged to use its arms. The event was the more regrettable in that the Administration was doing its utmost to ensure an increase in the population. It had not, however, been possible to act otherwise, and order had been completely restored after this incident.

Councils of Notables and other Organs of the Administration.

M. VAN REES pointed out that a statement was always made in the introductory chapter to the effect that the district officers were aided by Councils of Notables. No information was given elsewhere in the report on the activities of these Councils and the result of their work. Would it be possible to give some particulars on this point in the next report ?

M. MARCHAND replied that two of the Minutes of the Councils of Notables had been included in the annexes of a previous report, probably the 1924 report. Since then, it had been realised that the activities of these Councils were most useful and the mandatory Power had noted that the natives were attaining a certain degree of civic maturity.

At present the Councils of Notables were regularly consulted on all questions regarding finance, roads and public works. Quite recently, for instance, in order to meet the wish of certain financial groups, M. Marchand had had occasion to consult the Administrators — who presided over the Councils of Notables — on the question whether an extension of railways might be contemplated at a more or less early date. He had received the impression that the natives were, for the present, opposed to an extension of the railway system, since they preferred that roads should be constructed. They considered that, at the present stage of economic development of the territory, it would be premature to extend existing railways, and that it was desirable to develop and improve the road system in order that, so far as was practical, lorries of increasing power might ensure the traffic of the territory.

M. VAN REES asked whether the natives had really a settled opinion on this point.

M. MARCHAND replied that, in this case, the opinion he had mentioned had been that of the Administrators. He had, however, consulted some chiefs himself and had noted that they were resolutely opposed to the expansion of the railways.

M. Marchand believed that he had stated before the Commission in 1926 that the natives thought that they should be allowed a little rest before a further construction of railways was undertaken, and the Administration shared this view.

M. VAN REES wished to point out that his question had been due to the interest with which the Commission followed this development of the territory.

M. MERLIN wished to make certain observations and to ask the High Commissioner certain questions with regard to the railways and roads. This, however, was an economic question which had been raised in connection with the Councils of Notables, and he thought it would be better to postpone it until the Commission's examination of that part of the report.

M. VAN REES recalled that the Councils of Notables had been created by a Decree of October 9th, 1925, which was given on page 171 of the report of that year. He would be glad to know the reasons which had led the Administration to introduce a different organisation for the Councils of Notables from that adopted in Togoland, where, since November 1924, the members had been elected by an absolute majority of the two electoral colleges.

M. MARCHAND replied that, in the Cameroons, the Councils of Notables were constituted by an electoral body of tribes which indicated a certain number of members, the list of which it submitted to the Administrator, who proposed a certain number of names to the Governor. The Cameroons had not reached a degree of development which would justify, as in Togoland, an electoral system for the appointment of the members. M. Marchand added that the Councils of Notables, as at present constituted, functioned in an altogether satisfactory manner. The natives were entitled to state their views, and M. Marchand had given instructions in this respect to the Administrators who presided over the Councils of Notables. This tendency was reflected in the Minutes, which were almost a verbatim record of the discussions.

M. VAN REES wished to know whether the Council of Notables which sat at Ngaoundere, had taken the place of the Advisory Commission which had been instituted by a Decree dated December 15th, 1923, or whether the latter organisation still existed.

M. MARCHAND replied that it was at Ngaoundere that the first experiment had been made by instituting a Council of Notables under the name of Advisory Commission. Since then, the Advisory Commission of Ngaoundere had assumed all the attributes of a Council of Notables and functioned in exactly the same way. Possibly, the situation had not been regularised by a Decree. The situation at Ngaoundere was, moreover, a somewhat special one on account of the presence of a local Sultan whose authority in the territory was traditional, the result being that the Administrator presided over a form of Protectorate and that his administration was not absolutely direct.

M. VAN REES said that he had noted that the report on the Cameroons, unlike the report on Togoland, gave no details on the remaining machinery of the Administration, particularly the Administrative Council and the Consultative Chamber of Agriculture, which had been instituted in the Cameroons by a Decree dated November 2nd, 1926. Nor were there any details of the activities of the Health Commissions or of the Agricultural Commissions instituted on December 20th, 1923.

M. MARCHAND said that the Administrative Council had been enlarged in virtue of a recent Decree. Two heads of departments had been added to it, together with two business men, one of whom was the President of the Chamber of Commerce.

The Advisory Chamber of Agriculture had hardly begun to work up to the present. This was due to the fact that the members lived at such a distance from each other that it was difficult to convene them when desired.

On the other hand, the activities of the Agricultural Commissions had given good results and M. Marchand would annex Minutes of their work to the next report. He believed that he had already done this in a preceding report.

With regard to the Health Commissions, these Commissions were still working and were convened whenever circumstances made it necessary. M. Marchand would give details also of their activities.

Financial Policy : Economic Development : Native Taxation : Labour Levies.

M. RAPPARD noted with satisfaction that the author of the report, who seemed to be a reader of the Commission's Minutes, had replied in advance to the majority of the questions likely to be put to him. He explained at length, for instance, the budgetary methods and the efforts made to avoid exceeding the estimates. Exceeding the estimates, however, appeared to have become a habit. It was true that this might, to a certain extent, be explained by the depreciation of the franc and currency fluctuations. M. Rappard asked, however, whether that was really the only cause for exceeding the credits voted. Was it not the case that authorisation was granted perhaps somewhat too easily to exceed the credits or estimates of expenditure for the reason that the Administration anticipated surplus receipts? Did not this flexibility in budget practice present certain disadvantages of which the High Commissioner was aware?

M. MARCHAND replied that it was impossible to determine the estimates of expenditure absolutely rigidly, the Administration being forced to take into account unforeseen expenses which might suddenly become necessary. For instance, in the course of 1928, it had been necessary to make certain increases in salaries in order to bring the local franc — which was the French franc — into harmony with the conditions of stabilisation. It had not been possible to include this expenditure in the relevant chapter of the budget, since it could not be foreseen at what moment the modification in question, which would result from the Decree issued by the central authorities, would take place. It had therefore been necessary to call for the mandatory Power's instructions on this point.

The surpluses of revenue were due to the fact that it was not always possible to obtain the requisite staff for carrying out certain work, with a consequent reduction in expenditure.

There was therefore some elasticity in the budget of the Cameroons. This did not give too much concern to the local Administration, for it knew that, in so far as concerned receipts, a surplus might be hoped for from taxes and, in particular, from Customs receipts. The Commission would observe, for example, that whereas the Customs receipts amounted to from 26 to 28 million francs per annum, the Administration estimated only for 21 or 22 millions, so as to have a margin. That might be called an insurance measure, since the possibility of a commercial crisis which might cause a decrease in the revenue for any given year must always be borne in mind.

M. RAPPARD personally could not escape the impression that the general exceeding of the estimates was due to the fact that the Administration was anticipating these supplementary receipts. Many of the reasons indicated by the Commission might explain similar practices elsewhere. Those practices, however, were scarcely employed except in this territory.

In the case of the Customs dues and registration taxes, the yield for which, in the years 1925, 1926 and 1927, had been 16, 31 and 32 million francs respectively, the estimates had been framed at 7, 11 and 19 millions. That margin was so large that, in default of a serious crisis which no one would have in view when framing a budget, it was inevitable that there should be a heavy surplus in receipts. That, moreover, was anticipated even in the report. As it always had an assured surplus of receipts as compared with the estimates, the Administration was deprived of the main argument which was always adduced against those who wished to undertake possibly unjustifiable expenditure, namely, that there was no means of authorising them.

The Commission would be wrong in offering any criticism, since everything had gone well hitherto. Was there, however, no fear lest in this way there might inevitably be engendered, in all grades of the Administration, a habit of prodigality which would have pernicious results when the receipts were stabilised ?

M. MARCHAND pointed out that the budget in the Cameroons was framed under the supervision of the Commissioner in accordance with statements of estimates furnished by the departments. If the latter appeared inclined to somewhat excessively liberal views, the Commissioner restored the balance by reducing the different chapters, very considerably, if necessary. He examined the framework of the budget not only on the basis of the estimates of receipts, but also on that of the rules laid down in the Financial Decree of December 30th, 1912, which applied to all French overseas territories, and prescribed that the estimates of receipts must be made on the basis of the average of the three preceding years.

M. RAPPARD remarked that this rule had not always been observed.

M. MARCHAND agreed, but said that the mandatory Power had laid down this rule as one that was to be observed in the most categorical fashion in order to avoid surprises. Hitherto, the position in the Cameroons had been characterised by great elasticity in the budget. The surpluses were due, not only to the fact that certain receipts had exceeded the estimates, but, as he had already said, also to the fact that, in certain cases, the amounts estimated could not be expended owing, for instance, to the shortage of technical staff required for undertaking certain work. The surplus from Customs receipts was due to the economic development of the territory, as was indicated in the annual statistics. The Administration could not foresee what the commercial situation in each budgetary year would be.

Furthermore, the fact that certain estimates of expenditure were exceeded was due to exigencies which arose at one time or another and which had to be met as speedily as possible. The Cameroons was a country in which it was necessary to progress as resolutely as possible. M. Marchand had in mind, more especially, road communications. In the course of the financial year, and quite apart from the estimates, the Administration might have grounds for judging that a road must be constructed in one place or another, since it was suddenly found to be necessary. That had happened in connection with the minor incidents to which he had referred at the beginning of the meeting and which had occurred on the frontier of French Equatorial Africa.

M. Marchand recalled that a question had been put in the previous year concerning the reserve fund. The 1928 report replied to that question. The reserve fund was utilised each year in the estimates for public works; for instance, in the next financial year it would be used for the second part of the construction of the Port of Duala. The territory, however, had been compelled, in order to secure greater elasticity in the exchequer, to make provision for a 10 million franc loan, authorisation for which had been applied for from the mandatory Power. That loan had been embodied by the Colonial Office in a general scheme. It was a liquidation loan which would enable the important work now in hand to be completed. There would also be a new programme to be drawn up, but M. Marchand would take up that question after M. Merlin had made his observations.

M. RAPPARD said that, in making his observations, he had only had under consideration the public finances, which were obviously in close relationship with the economic position of the territory.

He did not know whether his colleagues felt with him that a certain fever of spending was prevalent in the territory, causing the Administrators not to waste money but to use it very freely and very quickly. The development of the territory was so rapid that it appeared to him that the Administration wished to execute a full programme of public works out of current revenue.

M. MARCHAND pointed out that this was not the case. It was not the Administrators but the Governor alone who drew up the programme of work. The expenditure corresponded to the necessities of the country and to the wishes of the Councils of Notables. As he had said in his previous report and had repeated at the beginning of the meeting, the Administration was often compelled to apply the brake, for the native chiefs showed a desire to construct roads in every direction. They were not guided by any motives of economic interests, but thought only of being able to go very fast and open up districts which they could traverse by motor-car.

The Administration was also obliged to damp the desire for the construction of railways. It was necessary, therefore, to choose between the too-urgent desires of the Europeans and those of the natives, which were not the same. In regard to plans for the construction of roads, the local Administration considered the matter only from the point of view of the general interests of the territory and the immediate economic necessities. For the moment, the railways were sufficient to deal with the existing traffic; it was not advisable to suppose that that traffic would increase on anything but a reasonable basis.

M. RAPPARD concluded that this fever of expenditure which he had noted, and which the accredited representative had not denied, was prevalent among the natives themselves. He wondered what could explain the contrast between the native as pictured by M. Marchand and the native of tradition, who was lazy and slept beneath a palm tree, sucking a coco-nut. What had led to the Americanisation of these natives ?

M. MARCHAND replied that it was due to the motor-car, to the feeling that it was now possible to go very quickly from place to place, and to the idea that life in the native villages was rendered far easier by the lorry which penetrated into the heart of the forest and as far

as the native villages. To this should be added the facility with which it was possible to procure the means of exchange, owing to the fact that the trader entered the village itself, bought the agricultural produce and sold European goods, which were coveted by the natives.

Lord LUGARD asked in what way the native chiefs proposed that the expenditure on the roads they were so anxious to construct should be met ?

M. MARCHAND replied that the chiefs confined themselves to expressing a desire for roads at the meetings of the Councils of Notables. They did not possess powers to construct them. For example, two chiefs who had constructed a small road twelve kilometers long, connecting the main road with their dwelling-place, had been severely punished, for they had done so without the authority of the Administration.

Since the chiefs possessed no power to construct roads, the programme was established in the first place by the Administration, after a technical investigation carried out by an engineer and after credits had been opened for the purpose of paying the natives. They were paid in accordance with local conditions, some roads costing 4,000 francs a kilometer, fixed price, others 10,000 and one even 20,000. The tendency was to pay the natives higher and higher wages in order to make it possible for them to buy European products at their varying prices. Travelling Commissions paid them, who went every fortnight to the construction camps for that purpose. They only paid the wages of the natives and not all the expenses incurred by opening up the road.

M. RAPPARD noted on page 36 of the report that the personal tax which the native was required to pay annually fell far below the maximum tax-paying capacity of the population under the Cameroons Administration. On the other hand, the last paragraph in the same chapter contained the following passage : " An examination of the terms of the 10,000,000 franc loan mentioned above has shown that, if the cover for a sum of 10,000,000 francs could be assured, that would be an absolute limit which must not be exceeded on any grounds ".

M. Rappard wondered whether there was not some inconsistency between these two statements.

M. MARCHAND replied that the tax-paying capacity of the natives was, in point of fact, still very elastic. If, for one reason or another, the Administration found itself in difficulties, it might have resort to that course, but it would only decide upon a measure of that sort with the utmost caution. The maximum total of taxes paid by the native was 30 paper francs. Personally, M. Marchand thought that it was preferable not to over-burden the natives with direct taxes, since they already paid their taxes in the form of Customs duties, the yield from which would grow in proportion as their prosperity advanced. Progress along this road should be made with prudence.

At present he had under contemplation a programme of work, the carrying out of which would require an expenditure of about 100,000,000 francs, to be spread out over a decade of years. He would accordingly apply for authorisation to issue an appropriate loan. He did not, however, intend to apply for public credits until all measures had been taken for the immediate utilisation of the yield of the loan without running the risk of paying interest on money lying unproductive in the Treasury.

M. RAPPARD personally had the impression that the territory under mandate was developing at an accelerated rate. It was for the specialists in colonial administration to consider whether that rate was suitable for a native population. He thought, however, that the mandatory Power, and more particularly the Administration of the territory, might be congratulated on the way in which they had succeeded in developing the possibilities of the territory.

M. VAN REES was somewhat astonished to note in the special budget for 1929 (page 1) that the majority of the Councils of Notables had asked of their own accord for an increase in the head tax. How was this somewhat surprising phenomenon to be explained ?

M. MARCHAND explained that the Councils of Notables consisted of the chiefs who collected a certain percentage of the tax. The Administration, however, had only fallen in with this desire, which was by no means disinterested, when it had ascertained that it coincided with reasonable budgetary requirements.

M. VAN REES noted that the budget mentioned a small increase in the head tax, whereas from the table on page 2 it appeared that in most districts it had increased from 10 to 22, 24, 28 and 30 francs, on an average.

M. MARCHAND explained that this increase was due to the period of adaptation which had followed the fall, and later the stabilisation, of the franc, but added that regard was invariably paid to the tax-paying capacities of the natives, and that in certain districts the tax amounted to only 1 fr. or 1.50 frs.

M. VAN REES said that the special budget gave no figure below 4.50 frs.

M. MARCHAND pointed out that, in any case, the difference was considerable.

M. VAN REES asked what proportion of the natives paid the tax in money in lieu of labour.

M. MARCHAND replied that the figure might be calculated at 95 per cent in the districts where the tax was 30 francs. In the less well-off districts, the natives preferred to carry out the forced labour in person.

M. VAN REES asked why the so-called "prestation tax" was retained when, from the point of view of the mandate, this constituted a method of imposing forced labour, the legality of which had been discussed. Why was not the tax in question transformed into a tax which could in all cases be paid in money?

M. MARCHAND replied that forced labour was an absolutely indispensable institution. The natives were allowed to pay a commutation tax for their labour, but only as a special favour, and the Administration far preferred the natives to carry out their forced labour in person, and would compel them to do so but that it considered that compulsion would be tantamount to restricting their liberty. Forced labour was absolutely indispensable for the execution of urgent public works. The term of forced labour was ten days.

M. VAN REES asked whether this preference could be explained by the practical difficulties experienced by the Administration in connection with the commutation tax.

M. MARCHAND replied in the negative.

M. VAN REES asked why, in that case, in those districts where it was possible, the forced labour tax was not converted into a tax paid in cash.

M. MARCHAND replied that the Administration was not opposed to the natives paying for their forced labour in cash, but even in the richer districts there were certain natives who preferred to carry out their forced labour in kind and the Administration was glad to accept the work they offered.

M. MERLIN wished to support M. Rappard's judicious remarks on certain points, and, in particular, to draw attention to the way in which the budget worked. It was obvious that the Cameroons budget, like all Colonial budgets, showed certain large surpluses, and in the course of the financial year benefited by the opening of fairly large supplementary credits, so much so that the final accounts bore practically no relationship to the budget estimates. This discrepancy was generally due to the fact that the estimates were not sufficiently precise. There was a general tendency to estimate the receipts well below the sums which would almost certainly be obtained, so as to obviate any unpleasant surprises, and, if need be, to record surpluses which were to some degree illusory. The estimates of expenses, on the other hand, were framed on a very restrictive scale, the credits allowed for being far below the sums which the Administration would almost certainly have to expend. M. Merlin therefore associated himself with M. Rappard's criticisms on this point, and drew the accredited representative's attention to this defect in Colonial finance.

As far as the amount of direct taxation was concerned, the maximum was obtained in districts which were especially rich; it amounted to 30 paper francs or 6 gold francs. Before the war, there had been very few French colonies in which the rate of taxation had been so low and, during the present session, the Commission had been informed of English colonies where taxation reached 60 and even 90 francs. The tax was therefore in no degree excessive, and could even be considered as rather small. M. Merlin did not ask that it should be increased; it was for the Governor to raise it with prudence when the need was felt. He desired, however, that a statement be inserted in the next report concerning the general amount of taxation per head in the territory.

Finally, M. Merlin noted that since the financial position was stabilised the Administration was right to have recourse to the normal means, that was to say, loans available for paying for very large public works. Such a procedure made it possible to draw up a detailed plan and to cause the generation benefiting from a work of economic interest to pay for it.

M. MARCHAND said that recourse to a loan was thought a just and advantageous procedure, for, by this means, the total cost of the economic reform would not be borne only by the present generation. Each generation would have to support its share of expenditure on works of public utility: the present generation would have to bear the cost of installing the railways; the cost of the periodical renewal of the railways would fall successively on the future generations.

The Administration had drawn up a ten-year programme of principal public works which it intended to execute in a prudent manner, corresponding with local labour conditions and with the economic possibilities of the moment. In July 1926, M. Marchand had said that it was his intention to give a rest to the present generation, who had constructed the railways. The period to be contemplated covered about twelve years. At the end of that period, a railway programme would be undertaken and normal recourse made to a loan guaranteed by the annual excess of revenue.

M. MERLIN agreed that, up to the moment, it was not wise to contemplate a loan. He made no criticism, therefore, but he was happy to observe that the economic and financial situation of the country made a return possible to the normal method of paying for large public works, that was to say, the utilisation of a loan.

M. MARCHAND recalled that, if he had had recourse in 1924 to the loan authorised by Parliament, when the interest would have been 12 per cent, the territory, which was free of all debt, would now have to support a public debt of 85 million francs, whereas it was free of any charges of this kind.

Lord LUGARD asked whether all the taxes were paid in cash, or partly in kind.

M. MARCHAND replied that they were entirely paid in cash.

Various Subsidies.

M. RAPPARD desired to put certain questions concerning subsidies. The Commission had been surprised last year to note that subsidies were increasing and that the mandatory Power had not thought it good to justify such a policy. Nothing was to be found on this subject in the present report.

M. MARCHAND replied that he himself had deleted the passage from the budget, for he had received advice from the Ministry for the Colonies to the effect that in future a Commission would deal with the distribution of subventions on a report from the Governors. In those circumstances, M. Marchand had considered that it would be preferable not to retain the passage showing the grant of a certain number of subsidies, because the said Commission might, after reading it, desire to make a number of changes. The new system, which was applied to all French overseas dependencies, facilitated the task of the Governors. Despite the policy of economy which M. Marchand exercised in preparing his budget, there had been cases in which he had consented to the grant of a subsidy to an organisation which might be of use for the territory. The Commission, however, was far stricter.

M. RAPPARD asked on whose responsibility that part of the budget was drawn up.

M. MARCHAND replied that the territory placed a fixed sum at the disposal of the Ministry for the Colonies and asked that subsidies for such-and-such purposes should be continued.

M. MERLIN pointed out that the chapter for grants-in-aid was represented by a blank page on which appeared certain aggregate credits placed at the disposal of the Ministry for the Colonies. He concluded from this that the page in question would always be left blank in all reports, and that the details of the appropriations under the aggregate figure would never be known.

M. Merlin was perfectly well aware that many Colonial chiefs harassed with applications for credit from all quarters had passed on the cup to the Ministry, which had accepted it with pleasure, and had appointed an Allocations Committee to distribute the funds.

M. MARCHAND said that the Department in question was good enough to consult him very closely regarding the division of the subsidies which the Administration thought useful.

M. VAN REES drew attention (page 44 of the budget) to the contributions made to various bodies: "Secrétariat général du Conseil supérieur des colonies", "Bureau de Berne", "Agence comptable des timbres-poste coloniaux". He asked how these contributions could be justified.

M. MARCHAND replied that the territory was required in the normal course of events to share in the expenses of the French organs for the joint administration of the colonies. The territory had an obvious interest in the work of these bodies.

M. VAN REES asked what was the reason for another grant mentioned on page 126 of the budget?

M. MARCHAND replied that this was a grant to certain newspapers and illustrated publications in return for giving information on the possibilities of the territory and encouraging colonisation.

Expenditure for the Sleeping-Sickness Campaign.

M. RAPPARD noted that the exchange of views led the Commission to examine the question of the subsidy for the campaign against sleeping-sickness.

M. MARCHAND said that this was not, strictly speaking, a subsidy, but a credit inserted in the budget to cover the cost of the campaign against sleeping-sickness. This credit had amounted in 1928 to 5,100,000 francs and had been used to ensure the maintenance of eleven doctors, twenty European and two hundred native assistants. It had also covered the cost of medicinal appliances and hospital construction.

M. RAPPARD asked why, in those circumstances, the term "subsidy" was used.

M. MARCHAND said that a tax for medical aid was imposed in the Cameroons. That tax was additional to the main tax. The amount was paid directly into the public health and sleeping-sickness budget. The sum thus obtained had not proved sufficient. For that reason, the Administration had been compelled to complete the budget for the campaign against sleeping-sickness and medical assistance by means of a subsidy. It would be more logical to describe it as a contribution from the general budget to the special budget for sleeping-sickness. The subsidy had appeared to the Director of the permanent mission carrying on the campaign against sleeping-sickness to be insufficient. He had asked last year for a supplementary amount of three million francs. M. Marchand had replied that it was impossible to grant this sum without upsetting the other services. Since, however, it was a necessity, he had asked the French Government to furnish the sum. The matter was about to be submitted to the French Parliament, which would shortly take a decision. The mission would thus receive a sum of eight million francs.

M. RAPPARD wondered whether the Sleeping-Sickness Mission could not be incorporated in the Public Health Administration Services. The Health Service was one of the departments whose expenditure invariably exceeded their receipts. What, then, was the reason for which it had been thought necessary to give the supplementary credits granted to the Mission for balancing its budget the term "subsidies"? Why had it been thought necessary to make

an appeal to the French Government for contributions towards expenditure which concerned the territory alone? Was it because the conclusions reached as a result of the experiments made in the territory could be applied generally?

M. MARCHAND replied that the budget expenditure had to be distributed among the different services in accordance with a fixed percentage. When a service like the Sleeping-Sickness Mission applied for a large supplementary contribution on the ground that the credits appropriated to it were inadequate, the Governor examined the state of its finances and estimated the amounts which he was likely to be able to grant. Seeing that he could not grant the Sleeping-Sickness Mission a supplementary credit of 3,000,000 francs without injuring the other services in the territory, and considering, moreover, that the work was one of worldwide importance, he had requested the aid of the French Government, since he thought that within a certain number of years, not exceeding probably three or four, the 8,000,000 francs which formed the budget of the Sleeping-Sickness Mission might be taken over *in toto* by the territory.

M. MERLIN fully agreed with the accredited representative as to the legitimate nature of the expenditure on the campaign against sleeping-sickness. It would, however, be desirable to see such expenditure in a special chapter of the general budget. This procedure could very speedily be adopted, since, by the normal method of loans, funds would be available for public works. It would also be permissible to include this normal and indispensable expenditure in the part of the budget devoted to medical assistance, all the more so as it was expected that such expenditure would disappear in some years' time.

As far as the contributions from the French Government were concerned, which would certainly ask nothing better than to assist the territory, M. Merlin asked in what form they would appear in the budget. Would they be described purely and simply as a grant-in-aid, or as an advance to be repaid and placed, therefore, in an advance account, if necessary, without interest? M. Merlin asked that the next report should contain clear details of the agreements concluded between the mother-country and the territory in this respect.

M. MARCHAND replied that the budget for sleeping-sickness was included in a separate chapter outside the budget for medical assistance. The reason for this was that the Administration desired to control the use of these funds in order to ascertain the intensity and efficiency of the financial effort being made, in conformity with the desires expressed by the head of the mission, whose duty it was to organise the campaign against sleeping-sickness.

He did not know in what form the subsidy from the French Government, the reason for which he had given, would be granted.

M. MERLIN pointed out that the French Government certainly possessed this information; it would therefore be easy to include it in the next report.

M. MARCHAND agreed.

Expropriations in Duala: Petition from Mr. Joseph Bell.

M. VAN REES asked what was the reason for the subsidy for native building, indicated on page 126 of the budget.

M. MARCHAND replied that this grant was the consequence of the expropriation scheme, which had been in abeyance since 1912. The German Administration, with the object of extending the city of Duala, had invited the natives to cede certain properties. The natives had speculated and the Administration had then expropriated them on the ground of public utility. The expropriated natives were invited to come and receive the compensation allotted to them. The natives in question had made formal opposition to this course, and their opposition had been brought before the Reichstag at the time and, as a result, a Secretary of State had gone to the territory. The Secretary of State, Dr. Solf, had approved the procedure that had been followed. The question, however, had not been finally settled in 1914.

In 1922, the Administration of the mandated territory had begun to make use of a certain part of the expropriated properties. These had become State lands, and the natives had found themselves debarred from the exercise of their right of compensation. The expropriation procedure followed by the German authorities had been perfectly regular. The non-utilised properties had been put up for sale by the French Administration. The question had been an extremely irritating one, and it was time to end it. The natives complained that they had been despoiled by the German authorities. As the Administration had had no special need of the proceeds of the sale of the properties, it had decided to allot to the expropriated natives who complained of spoliation a plateau which it had at its disposal and which was very healthy, on condition that the natives undertook to build houses there in accordance with a fixed plan. The remainder of the proceeds of the sale of the properties was to be devoted to distributing building bounties. That was the origin of the grant-in-aid of 500,000 francs provided in the budget. Those concerned were still making difficulties, but the position of the Administration was absolutely unassailable. It had even shown great generosity. There could be no question that the natives would be obliged to accept the Administration's offer. Doubtless, many of them were still under an illusion and would like to speculate on the lands in question. The Administration remained unaffected by their recriminations, and was waiting. The proceeds of the sale of the lands had also enabled the Administration to arrange credits for important municipal works, such as the construction of streets and the supply of water to the native city mentioned above.

The CHAIRMAN asked M. Marchand if he could give any information on the petition of Joseph Bell ?

He was probably aware that a petition from Mr. Bell of Duala, dated September 6th, 1926, had been sent direct to the Secretariat, which had been returned to the petitioner with indications as to the correct method of procedure.

On June 25th, 1927, Mr. Bell had sent to the Secretariat a copy of the petition which he stated had been sent to the League through the intermediary of the authorities in the Cameroons under French mandate.

On May 7th, 1929, Mr. Bell had written again to the League recalling his previous letters and stating that he had had a conversation with the Governor of the Cameroons under French mandate regarding his petition, which had never been sent to the Commission by the French Government. Moreover, he would recall that, in reply to a question asked by M. Van Rees, reference had been made to Mr. Bell's petition at the twelfth session of the Commission (see document C. 545, M. 194, 1929, VI, page 63).

Was the accredited representative familiar with the question and could he, if necessary, give the Commission some information on the subject ?

M. MARCHAND replied that, when the Mandates Commission had intimated that the Joseph Bell petition did not come within its jurisdiction, he had personally called for the native in question and had explained to him that his case did not concern the Commission, adding that, if he wished to put forward a new request, he must do so through the Administration. The petitioner had taken no further action.

Railway Traffic.

M. MERLIN noted (page 40 of the report) that, though the goods traffic on the railways had considerably increased, the passenger traffic continued to fall off. The reasons given in the report did not seem to him to be conclusive. Could the accredited representative give further explanations ?

M. MARCHAND replied that the situation had not been quite clear when the report had been drafted. He could, however, now state that the medical service had insisted that travelling by railways should be reduced to the minimum possible in order to prevent the spread of sleeping-sickness. The application of these restrictive measures had perhaps been somewhat too drastic. For example, natives who were unable to show a certificate of vaccination had been refused railway tickets, and had therefore abandoned railway travel. At the moment, a revision of the procedure was taking place in order to re-establish the proper balance between goods and passenger traffic.

M. MERLIN said that such a procedure would mean a dangerous slackening of development in the economic life of the territory if it were applied too drastically. He was aware that, in order to put a stop to an epidemic, doctors were always prepared to urge the adoption of methods which would paralyse a country. It was essential for the Administration to pay attention to other interests which might enter into account, and thus avoid being placed by the medical authorities in a position in which *propter vitam vivendi perdere causas*.

He pointed out that, in Table XIII concerning the Central Railway (page 44 of the report), considerable traffic in "empties" had occurred. In what had these consisted ?

M. MARCHAND replied that they were probably palm-oil barrels.

Road Construction.

M. MERLIN noted (page 47 of the report) that the roads were being rapidly developed. Were paid labourers employed ? In that case, what was the average wage for a day's labour ? How were the workers recruited ? His point in putting these questions was quite different from that of Mr. Grimshaw. He wondered, indeed, whether the construction of roads was as cheap as was supposed and, particularly, whether the work thus necessitated did not in the end cost more than the construction of railway-beds. Whatever might be the progress achieved in motor-transport, the yield from railways was always much higher than that from roads.

M. MARCHAND said that the work was undertaken after a technical investigation carried out by an engineer in co-operation with the Administrator. The natives were recruited from villages near the spot where the work was to take place, and paid by a commission on the basis of fr. 1.00 to frs. 1.50 according to their district. They were given a ration of game. They were only kept at work for three months, and were sent back to their homes at the beginning of the rainy season or if any epidemic threatened.

It was certainly true that the cost price for the construction of roads was infinitely lower than the cost price for the construction of railway-beds. Taking into account the cost of metal and reinforced concrete bridges, the cost of a road was 50,000 or 60,000 frs. a kilometre. The construction of the Cameroons railway-bed, which had been carried out very economically — to such a degree that it might be described as a record — by the military engineers of Yaoundé, had cost 350,000 paper francs a kilometre, whereas the price was estimated, previously to 1914, as 110,000 gold francs per kilometre. This meant that, despite the fact that the engineers had shown such a desire for economy that they built the first railway stations out of the packing-cases in which the trucks had been delivered, there was a considerable difference between the cost price of this construction and that of the construction of a road.

Concessions.

M. MERLIN said (page 55 of the report) that 152 concessions had so far been granted to Europeans, representing a total area of 18,530 hectares. The table, however, showed that two plantations — one of 7,000 and the other of 11,000 hectares — must be added to this list. What were those two plantations ?

M. MARCHAND replied that the plantation of 7,000 hectares had been granted to the Cameroons Tobacco Company by an emphyteusis. The Administration had exercised the right of pre-emption over the Northern Railway of the Cameroons, which had received certain lands, as concessions, from the German Administration. The case in point was one of these concessions which had been leased to the Tobacco Company as a result of sequestration. The Company had wished to re-purchase it, but, owing to the Decree of August 11th, 1922, the sale of pre-empted property was impossible; the land could only be granted as a concession, provided that there was no immediate and final transfer of ownership. The local Administration had, in the first instance, consented to the sale, but the Commission of Colonial Concessions, when examining the dossier, had reminded the Administration that Article 9 of the Decree in question must be observed. An emphyteusis lease had therefore been drawn up, by the terms of which the Cameroons Tobacco Company had paid 1,152,000 francs, and had agreed to pay a rent of 25,000 francs a year after the fifth year, provided that the export duty on tobacco was removed. The territory shared in the profits in the form of super-dividends. The tobacco plantations covered several hundreds of hectares; the rotation for this crop was seven years. The remainder of the concession comprised forest, heveas, cocoa and coffee.

The concession of 11,000 hectares consisted of ground granted to the Equatorial Rubber Company. M. Marchand had only consented to this after having obtained a very definite opinion from the district officer to the effect that the natives were in no way opposed to the concession, and that the territory was in the nature of a desert but suitable for the cultivation of heveas.

M. ORTS observed that the 1926 report contained the statement that the Government of the territory was not very favourable to the granting of vast concessions. He had noted from the Minutes of a meeting of the Duala Chamber of Commerce that some feeling had been caused by a scheme for the grant of a vast concession in the forest district. What was the scheme in question ?

M. MARCHAND replied that there had never been any question of granting vast concessions. The Duala Chamber of Commerce, having learnt that a group had submitted an application, had formulated the hope that there would be no change in the land policy of the territory. That desire was entirely in accordance with the views of the Administration, which had never had any intention of ceding lands, the produce of which belonged by tradition to the natives, in virtue of a Decree of 1920.

M. ORTS recalled that at the eleventh session in 1927 mention had been made of a claim by the former company holding the concession in the South Cameroons. What was the position regarding that question ?

M. MARCHAND replied that the 1923 report contained, on page 52, a passage which he had himself prepared, and where he explained that, if the company in question were to be compensated for its incorporeal right to the concession, this would have to be allowed for in the budget, so that the native, despoiled the first time, would have to pay compensation in order to recover a property which had recently belonged to him. The Administration adhered firmly to this position.

M. ORTS was under the impression that the same company had submitted a fresh claim more recently.

M. MARCHAND had no information regarding the matter, which he considered to be closed.

Agriculture : Co-operative Societies.

M. MERLIN noted that several attempts had been made to introduce cinchona to the territory (page 57). It would be very interesting to know what results had been obtained from so important a cultivation, the monopoly of which was possessed by the Dutch Indies.

M. MARCHAND replied that the first six attempts had failed, but that finally a sowing of Java seed had produced 600 succirubra plants. This beginning had given rise to great expectations, but they were very uncertain.

M. MERLIN asked how the co-operative agricultural societies worked (page 58), and what results had been obtained.

M. MARCHAND replied that these societies worked on very well adapted lines, and that the results had been altogether satisfactory.

In addition to the main tax, the natives paid 1 franc for these societies and received a special coupon. The local agent collected these contributions from the chiefs and they were centralised in a private bank and paid to the account of the native Administrative Council. The district officer followed the working of the co-operatives very closely and kept the higher Administration informed of their activities.

When the central agricultural service undertook experiments with agricultural machines, the co-operative societies were informed of this, and if the Administrator considered that it would be well to purchase a certain machine, he convened the Administrative Council. Thus,

for instance, the co-operatives had recently purchased oil presses and even apparatus for the sulphatic treatment of coca-trees. When a purchase had been decided upon, the order was given by a local firm, and the cheque was signed by the President of the native Administrative Council and was visaed by the Administrator.

M. MERLIN pointed out that this was a most remarkable achievement. The natives were taking interest in the development of agriculture, and showed themselves capable of administering institutions which had sometimes a large capital at their disposal.

M. MARCHAND, in reply to two questions by M. de Penha Garcia, said that the basis of these co-operative societies was the tribe. The paramount chief of a district exercised authority over a group of villages, with the result that, in a district under the direction of an Administrator, there might be five or six co-operative societies.

These societies were authorised to purchase everything concerned with agriculture : machines, animals, seeds. They were really agricultural syndicates, but this term had appeared pretentious for native co-operative societies, all the more so since doubts had been felt at the outset as to the success of this undertaking.

In reply to a question by M. Palacios, M. Marchand said that the mutual educational fund societies, which were an excellent preparation for the agricultural co-operative societies, were also developing very satisfactorily.

M. MERLIN recalled that the Cameroons were a great stock-breeding country and that the Peulhs in particular were splendid stock-breeders. He asked, therefore, that this part of the report should be considerably expanded in the following year.

M. MARCHAND replied that this part of the economic life was followed very closely by the Administration. The present report had, perhaps, erred by an excess of modesty, as it might otherwise have pointed out that an agricultural competition was held each year in each district. The next report would be much more complete.

Mines.

M. MERLIN pointed out that the mining system was based upon the former system, all the deficiencies of which he had noted. Was the possibility contemplated of promoting the prospection of a country which was remarkable from the geological point of view and which might give very welcome surprises ?

M. MARCHAND replied that there was, in the archives, a geological survey of the northern district which had been carried out by two German geologists and which was not very optimistic. Three French engineers had prospected the country, but the results had not been any more encouraging. Later, three engineers, acting on behalf of private companies, had recently obtained permission to survey the plateaux north of Yaoundé. The Administration, however, was unable to express an opinion regarding the value of these researches.

Native and Government Plantations.

M. VAN REES noted (page 54 of the report) that the industrial plantations belonging to natives had developed considerably in certain areas. Was it the native chiefs who desired these developments ?

M. MARCHAND replied that the developments were due to private initiative. The Administration watched closely the native chiefs with the object of preventing their having plantations made for their own profit.

M. VAN REES said that Mr. Buell had drawn attention to the abuses consequent upon the extension of the plantations of the chiefs. He alleged that the extension was favoured by the Administration. He gave a number of concrete cases to show how this policy had led to cases of real exaction.

M. MARCHAND feared that in his very voluminous book, which was incorrect as regards the Cameroons, Mr. Buell had not gone very deeply into the problem. The Administration had never allowed commercial plantations to be made for the profit of the chiefs, and there was even no need to refute this charge, which went beyond the mind of the author. That the chiefs should employ natives for their own profit was sometimes so habitual that the Administration could only note the fact with a view to taking energetic sanctions. Mr. Buell might have been alluding to the chief Atangena, who had had an opportunity of buying from the Custodian of Enemy Property for 18,000 francs a property he had recently re-sold to a European company for 550,000 francs. On the other hand, a strict enquiry had been held, which had shown that the chief in question kept a return of the payment of labourers. Further, no complaint had been received against him.

M. FRANCESCHI added that Atangena had been appointed a member of the Administrative Council in 1928. He would certainly not have been raised to that rank if the enquiry had revealed any irregularities.

M. MARCHAND pointed out that the Administration had had certain " Government plantations " made. This was the term given to an enclosure consisting of 50 palm-trees in front of each village. In point of fact, these plantations were intended solely for the benefit of the native communities.

SIXTEENTH MEETING.

Held on Wednesday, July 10th, 1929, at 10.30 a.m.

Chairman : Marquis THEODOLI.

1018. Togoland under French Mandate : Examination of the Annual Report for 1928
(continuation).

M. Franceschi, accredited representative of the Mandatory Power came to the table of the Commission.

Postal Parcel Service.

M. FRANCESCHI reminded the Commission that he had undertaken to provide information concerning two questions put by members of the Commission arising out of the report on Togoland.

As far as the postal parcel service was concerned, M. Kastl had asked whether parcels sent from abroad to the Cameroons and to Togoland and *vice versa* were carried only by French steamship lines or also by foreign lines. The reply was as follows. Parcels from any foreign address, for example, from Hamburg, might arrive on a foreign steamship. Parcels might therefore be taken to the country by a steamship of any nationality. Parcels sent from the territory addressed to Hamburg, for example, could, if it were thought desirable, be handed over by the French postal services at Duala to German steamships. If a German steamship left before a French boat, even letters were handed to it in order to save time. Such action, however, was unofficial, and no payment was made to the captain of the German steamship. The transaction only took place in agreement with him.

M. KASTL warmly thanked the accredited representative for his information.

M. FRANCESCHI added that an agreement had been concluded with a French company prior to the date on which German steamships had begun to call at Duala. Since that date, the Commercial Agreement of October 15th, 1926, had been concluded. Postal parcels addressed abroad were carried by French companies.

Naturalisation.

M. FRANCESCHI recalled that M. Rappard had asked how many cases of naturalisation had occurred among the inhabitants of the Cameroons or Togoland. The reply was as follows. In the Cameroons only one grant of naturalisation papers had been made since 1921. In regard to Togoland, two had been made and two applications had been refused, all four cases occurring in 1928. Up to the moment, no request for naturalisation papers had been made. The Commission could therefore realise that the situation held none of the dangers feared by M. Rappard.

1019. Cameroons under French Mandate : Examination of the Annual Report for 1928
(continuation).

M. Marchand came to the table of the Commission, with M. Franceschi.

Judicial System : Penalties imposed by the Courts.

M. VAN REES read the passage of his report (Annex 8 C), containing his comments on the observation made by Mr. Buell on page 311 of his second volume. It was stated :

“ In the Cameroons, the heads of districts (*chefs de circonscriptions*) or other European officials who preside over the native courts, called *Tribunaux de races*, have, in virtue of the Decree of April 13th, 1921, been invested with almost unlimited judicial powers both in civil and in criminal matters. Owing to the fact that the native assessors have in such cases only an advisory vote, the president is in practice the sole judge and, under Article 30 of the Decree, is alone empowered to impose whatever penalty he sees fit, ranging to life imprisonment and even the death penalty. There is no penal code to limit this power.

“ The annual reports on the Cameroons for 1921 (page 42), 1922 (pages 63 *et seq.*), 1923 (page 79) and 1924 (page 47) explain that the fundamental principle of the existing judicial organisation is to guarantee to Cameroon natives before the courts respect for local customs, when these are not at variance with civilisation.

“ The text of the decree mentioned above was reproduced as an annex to the report covering the period between the conquest of the Cameroons and July 1st, 1921 (see page 478).

“ This decree was amended by the Decree of July 31st, 1927, based on the same principles as the 1921 Decree, and containing as its main innovation the recognition in

favour of natives of the right of appeal, which they did not previously possess (see reports for 1925, page 35, and 1926, page 41).

“ This innovation no doubt constitutes a considerable improvement in the organisation of native justice in the Cameroons. At the same time, none of the annual reports states clearly why the French Government has not thought fit to establish a detailed code of penal procedure for the use of the administration of native justice in the Cameroons. ”

M. Van Rees thought that this point deserved attention.

Article 52 of the Decree of 1927 contained the penalties which native courts could impose in criminal cases. These penalties ranged from a fine to imprisonment for life, and even the death penalty. This decree, however, did not contain, any more than did the Decree of 1921, what might be described as a detailed penal code or a reference to a similar code applied in another territory. Could this absence be justified sufficiently by the desire shown in Article 53 of the new decree to guarantee to natives brought before the courts respect for their local customs, in so far as it was possible to do so ?

In the territory of Togoland, the situation was different in the following sense : that reference was made to the penal code applied in other territories, which meant that in this case it was applied to Togoland. On the other hand, in the Cameroons nothing similar was to be found. At the moment, therefore, M. Van Rees had the impression, at first sight, that Mr. Buell was not altogether wrong in maintaining that in the Cameroons the judicial powers over natives were almost unlimited.

M. MARCHAND replied that what Mr. Buell was criticising, in reality, was not so much the absence of a penal code as the whole range of penalties which could be imposed by the native courts. He would point out that the assessors in the courts could now take part in the discussions and were not merely in an advisory position. Further, there now existed a chamber of homologation, which was very active. This institution might set right any arbitrary or excessive sentence.

The accredited representative added that, in practice, the application of penalties was based on the French Penal Code. Each Administrator possessed a penal code and a list of penalties within the power of the *tribunaux de races* to impose, drawn up by the head of the Legal Department. The Administrators consulted this list when they were in difficulties in regard to a case or when it was a question of imposing a severe sentence. Natives brought before the courts, therefore, had every guarantee of justice. The French Government had taken the view that the Decree of 1921 had not been sufficient, and the Decree of 1927 made provision for appeals.

There were therefore three courts before which a case could be brought : the district court, the court of appeal and the chamber of homologation. Frequent cases occurred in which the chamber of homologation referred back to the district court sentences which it thought too mild and which it considered should be increased. The Administrators could therefore not be reproached for exercising too great a severity. Mr. Buell himself paid a tribute to them in another passage of his book, and M. Marchand could wholly subscribe to this tribute.

M. FRANCESCHI recalled, in regard to the same point, that Mr. Buell had referred to the fact that an Administrator could sentence a native to six months' imprisonment for theft, while the Administrator of a neighbouring district might impose sentences amounting to six years' imprisonment. The actual facts, however, must be taken into account. By the terms of Articles 405 and 408 of the French Penal Code, sentences from three months to five years might be inflicted for breach of trust and fraud. The scale of penalties could therefore vary greatly according to the facts of the case.

M. VAN REES pointed out that he had not endorsed the observation of Mr. Buell, but that he had merely asked for additional information. There was something surprising in the fact that, in the Cameroons, the Administration had thought it unnecessary to establish a penal code, while this was not the case in Togoland.

M. MARCHAND replied that it had been thought that the natives of the Cameroons had not reached a sufficiently high state of development to justify the application of a penal code modelled on the French Penal Code, though it had been found possible to do so in Togoland. The Administration had taken the view that the assistance of two assessors enabled the Administrator to reach a just view of the case in so far as local customs were concerned, taking account at the same time, in practice, of the provisions of the French Penal Code. It had been thought that the equivalent of a penal code had, in fact, existed in the native customs. This was a question which was being investigated, and M. Marchand was endeavouring at the moment to prepare a code adjusted to local conditions but not modelled on the European code.

M. VAN REES explained that it was the duty of the Permanent Mandates Commission to reply to the petition which it had received. Several points contained in that petition had been fairly well cleared up. Other points were somewhat doubtful, and it was for that reason that M. Van Rees asked for additional information, in order that the Commission might later on merely refer to a particular passage in its Minutes in support of its decision.

M. MERLIN desired to make an observation of a purely personal kind in regard to the word “ petition ” used by M. Van Rees. M. Merlin could not consider that the book of Mr. Buell, which contained so many errors, could be regarded as a petition. M. Van Rees would certainly reply to a number of points raised in the book which had been expressly referred to by an

association making a number of allegations and asking for information in regard to them. M. Merlin did not wish to open a discussion on the point, but only that his observation should be recorded in the Minutes.

M. VAN REES said that he did not wish to discuss the substance of the question. He would merely recall that he had not dealt with this petition of his own free will but because he had been instructed to do so by the Chairman of the Commission. The Commission had received a petition which it had recognised as such and which had therefore been communicated to the various mandatory Powers, which had furnished replies. The file had been submitted to him with the request that he furnish a report upon it. In those circumstances, the observation of M. Merlin had been made, he thought, somewhat late.

The CHAIRMAN agreed.

Lord LUGARD thought that M. Marchand, M. Franceschi and M. Merlin, who had such a large experience of conditions in Africa, would agree with him that the common idea that native courts were inclined to inflict very severe punishments such as mutilation, etc., arose largely from the fact that prior to the advent of Europeans these courts had possessed no other means of punishment. Now, however, that they were able to inflict sentences of imprisonment, fines, etc., they had no longer any need to resort to cruel punishments.

M. MARCHAND agreed with Lord Lugard. He believed the present native courts, organised as they were almost on the lines of European courts, were very satisfactory in so far as the natives were concerned.

Arms and Ammunition.

M. SAKENOBE desired the report for the next year to state the exact number of firearms in the territory.

M. MARCHAND replied that the general inventory had not yet been completed, but that it was being carried out.

Native Reserves.

Lord LUGARD wished to refer to the question of reserves for natives. As there were practically no European planters in the Cameroons, why was it necessary for such reserves to be established there ?

M. MARCHAND explained that the district in question was heavily wooded and was served by the Northern Railway. The European settlements established in it dated from many years past, and it was in that district that the main German plantations in the Cameroons now under French mandate were to be found. North of it there were high tablelands, very densely inhabited, with the result that the population did not possess sufficient land for its support. The Government had thought it useful to encourage their emigration in order to establish them in the district of the Northern Railway, which was more fertile. For that purpose, it had been necessary to reserve land for them by refusing to grant the applications made for it by the European colonists.

Lord LUGARD wondered whether it would not be better, in the circumstances, to establish reserves for Europeans rather than for the natives.

M. MARCHAND explained that, in principle, the land on each side of the railway was to be granted to the European colonists or to native farmers well versed in the local forms of agriculture. As, however, the Europeans might show a tendency to consider that the land in question should be specially conceded to them, the Administration had thought it necessary to make special provision for the native settlements which were being contemplated by the Administration.

Method of Perception of Taxes.

Lord LUGARD recalled that M. Marchand had referred to a tax levied by the chiefs, the revenue from which had been granted to them as private salary. Had the Governor considered the possibility of assigning to these native chiefs some portion of the general tax in order to give them some sense of public responsibility and initiation ?

M. MARCHAND said that the Government had considered the question. It would have preferred to make the native chiefs officials drawing a monthly salary. Being well aware, however, of their laziness, he had thought that if they drew a monthly salary, they might show themselves less careful to collect the taxes, or sometimes forget to pay them into the Treasury, which would mean that the Administration would in actual fact be paying them a double salary.

Lord LUGARD thought that it would be for the French district officers to pay attention to this point.

M. MARCHAND agreed. The Administrator did everything he could to prevent fraud, but no precautions or measures of supervision could infallibly prevent such cases.

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M. FRANCESCHI added that the present system was similar to the system of percentage on sales followed in order to encourage employees in big shops to increase their turnover.

Lord LUGARD asked whether it was not possible in some cases for the Administration to place more reliance on the chiefs and entrust them with larger responsibilities.

M. MARCHAND replied that the Administration preferred to follow the present system, which afforded the maximum guarantee.

M. FRANCESCHI observed that, according to Mr. Buell, the native chiefs were required to pay in the taxes in an aggregate sum. That was incorrect. The system of tax collection in the Cameroons had not yet been brought to the state of perfection that existed in, for instance, Madagascar. The native chief was given a number of tokens equal to the number of taxpayers as notified by himself. The chief then had to pay in a sum corresponding to the number of tokens he had succeeded in passing on. The remaining tokens were returned to the Administration.

M. VAN REES asked how far the Administration could be certain that a chief did not make his taxpayers pay twice the amount of the tax, of which he kept half for himself, a situation which certainly would not be very surprising in colonial territories.

M. MERLIN asked permission to reply to M. Van Rees, since it was he himself who had introduced in 1892 the system of tokens in Senegal and the Sudan. It had been necessary to find a system which would enable the Administrators to supervise the collection of the taxes and these tokens were, so to speak, the receipts which could be issued in a country of illiterates. The system worked in the way explained by M. Franceschi. Supervision was carried out as follows: The Administrator, on arriving in a village during his tours of inspection, asked whether the village had paid the tax and, if the answer was in the affirmative, he called for the tokens which had been issued in exchange for the taxes collected. He himself had seen natives wearing their tokens in the form of a necklace.

M. FRANCESCHI added that there were certain natives whose only garment was the necklace of tokens.

M. VAN REES asked M. Merlin if he really believed that a native would openly accuse his chief if he were guilty of fraud in this matter.

M. MERLIN said that, in order to avoid the danger pointed out by M. Van Rees, the Administrator asked each native how he had paid the tax to the chief. It would be seen that this system, though somewhat primitive, attained all the objects of the Administration in a very new country.

Bonus to Native Mothers at Ebolowa Hospital.

M. SAKENOBE noted (page 95) that the Decree of June 1st, 1928, provided for the payment of a bonus of 20 francs to any native woman who gave birth to a live child in the hospital of Ebolowa. What was the reason for that decree and why was it specially applied to this hospital?

M. MARCHAND replied that it was in the nature of an experiment. It was limited to the hospital at Ebolowa because the American Mission with its own hospital was close by.

Creation of a Native Elite.

M. DE PENHA GARCIA said that he had been very pleased to note the care taken by the mandatory Power to follow a sensible gradual native policy based on actual circumstances. It was stated on page 28 that, in addition to the chiefs, a special class of planters, small-holders, forest rangers, wood sawyers, store-keepers, officials of the public service, had been created. Was this class exclusively composed of natives? If this were the case, it was very interesting, for it followed that the new native communities in formation were developing on much the same lines as those of European civilisations.

M. MARCHAND replied that this was the object of the local Administration. It desired to establish a special class of workers, to train artisans in all branches of crafts, to encourage the spread of the small farmer class and to establish a small native bourgeoisie.

Labour.

Mr. GRIMSHAW noted that, according to page 8, 1,200 labourers had been requisitioned to construct a road and 4,000 to construct another road. No further information was given. Were these the labourers to whom the accredited representative had referred at the previous meeting in connection with labourers engaged only for three months? What were the conditions of work?

M. MARCHAND explained that this passage in the report referred to labourers who had been requisitioned for three months. The Administration only kept them for three months working on roads which ran close to their village. The labourers had been recruited according to the usual principles by the native chiefs, acting under the instructions of the Administrator. The Administrator had taken care that a proper selection had been made. The natives came to a construction camp not far from their homes; they were subject to supervision, were given medical attendance and sick-wards were established on the roads.

Mr. GRIMSHAW asked whether it had been necessary to provide lodging for the labourers or whether they had been able to return to their homes at the end of the day's work.

M. MARCHAND replied that, generally speaking, the labourers returned to their homes. When, however, the construction camps were five or six kilometers from their villages, they were provided with provisional straw huts, in which they found identical conditions to those in their own homes.

Mr. GRIMSHAW asked what the last paragraph on page 8 referred to, in which mention was made of a flying squad of labourers. Were these special workers expert in construction ?

M. MARCHAND explained that there was a certain number of labourers attached to the Roads and Bridges Service on a permanent footing. They comprised a number of natives with very considerable experience in bridge building. When any road repairs were necessary, these flying squads were sent out. Another practice was also used, which was as follows : The native populations living near a road, as soon as they discovered that it was falling into slight disrepair, immediately carried out the requisite repairs without it being necessary to urge them to do so, for they were so frightened that a return to the system of portage would be made that they showed themselves to be valuable voluntary assistants of the Roads and Bridges Department.

Mr. GRIMSHAW noted the statement on page 8 that the construction of the Port of Duala had necessitated the employment of approximately 200 voluntary labourers, whereas it was stated a little higher on the same page that the Administration had had to requisition other labour for this purpose. How many labourers had there been in all ?

M. MARCHAND replied that there had been approximately 350 labourers, between 200 and 250 of which had been voluntary. This figure was due to the fact that natives whose labour had been levied on a former occasion when the Administration had carried out the first part of the works had, after making a short journey to their tribe, asked that they might come back to work in the port. It should be added that the offer made to the Administration of such voluntary labour was due to the fact that the natives, like the Europeans in other places, found labour in cities attractive.

Mr. GRIMSHAW said that he could not find at the end of the report the annex indicated on page 9, at the end of the chapter under discussion.

M. MARCHAND said that this annex had been overlooked. The identity booklet in question had been instituted as a first stage towards the creation of a system of registration. This measure had also been taken in order to prevent natives in the employ of Europeans from evading the obligations of their contract. The natives were easily able to sell the contract if it were not accompanied by an identity card, a photograph, finger-prints, etc. To give an instance of the kind of things that took place, an employer having come to agreement with some 60 or 70 natives caused these natives to present themselves to the Administration in order to obtain health booklets. On their way some other natives might take the place of certain of the labourers who had been engaged, and it sometimes happened that the doctor discovered cases of sleeping-sickness among the party. Such action was not consistent with the health safeguards which the Administration endeavoured to obtain.

Mr. GRIMSHAW referred to the paragraph on pages 8 and 9 in which reference was made to portage. Did the Administration issue ordinances in this connection and was portage prohibited wherever roads existed ?

M. MARCHAND replied that, if an employer asked for authorisation to make use of portage, the Administration requested him to use lorries where a road existed.

Lord LUGARD asked whether military conscripts were made use of as labourers.

M. MARCHAND said that there was nothing of this kind in the Cameroons, since there was no system of quotas nor of conscription in the territory, the soldiers being all volunteers. Things were different in West Africa and in Madagascar, for instance, where the local Administration was authorised to employ men of the second portion of the quota as labourers for public services.

Lord LUGARD asked for how long there had been no conscription in the Cameroons ?

M. MARCHAND replied that there had never been any conscription.

M. VAN REES, in connection with the question of "prestation" labour, read the following passage of his report on the petition of the International Office for the Protection of Native Races (Annex 8 C) :

" Further, Mr. Buell points out that, although legally 'prestation' labour can only be demanded for a limited number of days in the year and only used for certain public works, these conditions have not been strictly observed either in Togoland or in the Cameroons. "

Could the accredited representative give any information on this subject ?

M. MARCHAND explained that a commission of inspection, which had journeyed through the territory at almost the same time as the American Professor, had come to the following conclusions :

[*Translation.*]

“ The system of ‘ prestation ’ labour has not given rise in practice to any difficulty or abuse. The work performed by labour of this kind has been in all respects work of public interest. It has sometimes happened that men have been detained in the workshops rather longer than they should have been, not because any particular group chief wished to keep them, but because it was necessary that the works should be brought to an early conclusion, either on account of the urgent need for them or on account of atmospheric conditions.

“ Each time that the term of labour has to be extended beyond the normal period, the men have received wages or a ration in kind equivalent to wages. The vigilance of the Commissioner, to whom reports were made, never ceased for an instant in all cases. This is proved by the correspondence on the subject with the Administrators. ”

M. VAN REES said that this reply was perfectly satisfactory.

Concessions (continuation).

Mr. GRIMSHAW apologised for speaking on a subject which should perhaps be treated by M. Merlin. According to the table on page 54, fifty concessions had been granted this year ; that was to say, thirty-two more than in 1927. Was there any reason for this rapid increase in the number of concessions granted to Europeans ?

M. MARCHAND explained that the settlers had been attracted by the profits of two European planters who, after considerable trouble, had resold plantations of coffee and cocoa plants at a high price. These planters were two French settlers, one of whom had sold his plantation to a German Company and the other to a French Company.

M. FRANCESCHI did not wish to abuse the Commission's time by drawing attention to all the errors in Mr. Buell's book, but would content himself with pointing out that, according to Mr. Buell, when a European applied for a concession and if there were opposition on the part of a native, the Commissioner decided without appeal. If, however, Mr. Buell had read carefully Article 31 of the Ordinance of September 15th, 1921, which gave effect to the Decree of August 11th, 1920, he would have seen that the Governor gave his decision within a period of one month and that, if the native's claim were rejected, the term within which appeal must be made to the “ Conseil de contentieux administratif ” began to run. The “ Conseil de contentieux ” might be likened to a “ Conseil de préfecture ” or to the “ Conseil d'Etat ”, according to the cases under consideration.

M. MARCHAND added that Mr. Buell had also expressed amazement that a native should be threatened with a fine when his claim was held to be unjustified. That practice existed in all civilised countries. Moreover, the fear of a fine, which was not necessarily inflicted, had never prevented a native from opposing an application for a concession made by a European.

Liberty of Conscience.

M. PALACIOS had no question to put concerning this chapter on page 11. With regard, however, to the Decree of July 31st, 1927, on the addition to the lists of assessors of members representing the religious groups, he wondered how this provision, the principle of which seemed to be rather adverse than favourable to religious liberty, worked in practice.

M. MARCHAND explained that this measure had been taken at the request of the religious groups, who had expressed surprise that special steps had been taken for the appointment of Moslem assessors. The Administration had held that there would be no disadvantage in appointing representatives of the religious groups in addition to the representatives of the racial groups.

M. PALACIOS asked whether Catholics, Protestants, etc., sat jointly on each court.

M. MARCHAND replied in the negative. When there was a dispute in a Catholic household, for instance, the President was assisted by two Catholic assessors. It was held that this gave an additional guarantee to the parties concerned. In point of fact, practically the only power of the assessors was to indicate the native custom.

In answer to another question by M. Palacios, M. Marchand said that the assessors were invariably natives.

Education.

Mlle. DANNEVIG recalled that, at the thirteenth session, the Commission had asked the Administration of the mandated territory to supply statistics of the total number of children of school age and of the percentage of children receiving school education. In the replies given on page 61, it was stated that these particulars could not be given for the entire territory but that statistics had been prepared for the area of Yaoundé.

It was stated on page 12 that the percentage of children benefiting by education was still very low. It resulted from the table at the bottom of page 14 that expenditure in 1927 on the

Government schools had amounted to 1,371,025 francs, whereas the budget estimates for 1929 were for 1,358,988 francs, that was to say, a reduction of about 12,000 francs. What was the reason for this reduction? Could not education be encouraged and could not larger sums be entered in the budget? On page 28 reference was made to the educational value of labour, but obviously it did not follow that schools were any the less necessary.

M. MARCHAND explained that the estimates proposed by the Chief of the Education Department had been followed very closely. It might be that the difference was due to the fact that certain stocks of educational equipment had been acquired previously and that there was no need to incur that expenditure again.

As to the statistics asked for, it would be very difficult to prepare these, since there was, as yet, no civil registry in the Cameroons. The Administration was working on the preparation of a registry, but the work would take a long time. It was impossible to state the number of children of school age, but the number of children attending school had been indicated quite precisely. The accredited representative added that the figure of 1,358,988 francs was not immutable. Supplementary credits might be obtained as a result of an application by the Chief of the Education Department in the course of the year. The final accounts, therefore, would indicate the exact expenditure on education.

Mlle. DANNEVIG asked whether it was mainly children belonging to the more highly developed natives who attended school.

M. MARCHAND replied that this was, in principle, the case, for it was mainly the more civilised type of native who felt the need of education. The rest of the population, however, was not indifferent to the schools.

Mlle. DANNEVIG said that she had put the question because of the passage on page 14, where it was stated that the Administration was less concerned with obtaining an imposing number of pupils for the schools than it was to train those elements of the population capable of becoming good auxiliaries, efficient in propagating French thought.

M. MARCHAND said that, though the Administration had been careful to discover the more developed elements of the population in order to make them its auxiliaries, it had in no way neglected the others. A child of a peasant, if he were intelligent, might become an administrative official.

In reply to another question by Mlle. Dannevig, M. Marchand explained that pupils had a choice of going either to the mission schools or to the Government schools. The curriculum of the mission schools included the purely religious training and not only educational training in the strict sense of the term.

Mlle. DANNEVIG said that the number of pupils in the central schools appeared very high in proportion to the number of pupils in the elementary schools. Was that because most of the elementary education was given by the missions?

M. MARCHAND said that that was the case. It was only in the last year that he had authorised the American Mission to set up a higher training college, provided that its work was not confined to the training of pastors but included also that of young people who might be employed in the public services.

Mlle. DANNEVIG supposed that the statement that there were 160 pupils for 24 classes in the Dschang area was due to a printing error. In other schools the number of pupils amounted to 50-60 per class.

M. MARCHAND promised to clear up this point in the next report.

Mlle. DANNEVIG asked whether she was right in understanding that the missions schools, which had about 7,400 pupils in their recognised schools, had in 1928 received only 46,400 francs by way of subsidies. Would these subsidies be increased by 20,000 francs in 1929? Would it be possible to increase them yet further?

M. MARCHAND explained that the subsidies were not granted collectively but according to the results of the elementary studies certificates examinations, and to the number of schools.

Mlle. DANNEVIG asked whether the missions would receive no subsidy supposing they had no success in the examinations. That would be a rather doubtful system, and there might perhaps be some better method of encouraging the native education by the missions without forcing the natives to take examinations based essentially on book work.

M. MARCHAND replied that the examinations were in no way based essentially on book work. Their object was to serve as a basis for the recruiting of the native administrative personnel. This method seemed to be the best, since it showed which of the many missions in the Cameroons trained the largest number of personnel for the Administration, and which among them confined themselves more strictly to religious education.

Mlle. DANNEVIG said that this method presupposed the existence chiefly of literary schools and not of practical schools, agricultural, domestic work schools, etc. Were practical courses of training of that kind given in the ordinary schools?

M. MARCHAND explained that in every elementary school there was a "Mutuelle scolaire" (Pupils' Co-operative Association), the object of which was to allow the pupils to profit by the

proceeds of the sale of their manual work. It was the Administration's policy, not to extend purely book work, but to ensure the children a livelihood earned solely by the labour of their hands.

Mlle. DANNEVIG asked if it were not possible gradually to increase the subsidies to the missions.

M. MARCHAND replied in the affirmative. He intended to increase the subsidies very considerably in the future budgets.

M. ORTS asked whether the fact that the Catholic Missions abstained from training candidates for the higher training colleges was not due to their disapproval of those institutions?

M. MARCHAND did not think so. It seemed that the Catholic Missions desired success in this branch of training, but it was possible that they did not yet have teachers with a sufficiently well-developed sense of training.

M. ORTS asked whether the missions did not fear lest their converts might become emancipated as a result of their attendance at the training colleges.

M. MARCHAND did not think so. The missions knew that the Administration did not want leisured literati but that, on the contrary, it desired to have men who would be useful to the country. The Administration had no desire to create an intellectual proletariat in the Cameroons.

Spirits.

M. DE PENHA GARCIA recalled that, in the previous year, the Commission had asked for information on the prohibition zone prescribed in Article 4, paragraph 2, of the Convention of St. Germain. This information had been given in the report on Togoland, but did not appear in that on the Cameroons.

M. MARCHAND replied that the prohibition zone embraced the whole area of the Cameroons. There was no district in which liquor might be imported without restrictions. Prohibition in the Cameroons was based on the system of rationing. Commercial firms were entitled to import each year a certain quantity, which was distributed among them according to the Customs duties paid in the previous year. Once that figure had been reached, they could not apply for further imports.

M. DE PENHA GARCIA recalled that the Convention of St. Germain had been based on the stipulation that endeavours should be made in districts in which the natives were not accustomed to taking alcoholic beverages to prevent them from acquiring this habit. It appeared from the report on the Cameroons that the natives were authorised to consume beverages the alcohol content of which did not exceed 14°. This being so, the prohibition areas provided for by the Convention of St. Germain would not exist in the Cameroons.

M. MARCHAND replied that the natives of the Cameroons consumed various kinds of alcoholic drink and more especially a beverage produced from millet or palm wine. In this connection, the Administration had been compelled to prohibit abuses in the production of palm-wine, for these abuses were leading to the destruction of the palm trees.

It had been thought that, by authorising the natives to take beverages the alcoholic content of which did not exceed 14°, the alcohol requirements of a people which was already used to this kind of drink would be satisfied without incurring the risk of promoting alcoholic habits. It appeared, moreover, that these measures had not been satisfactory to all, since cases had been found of natives drinking eau-de-Cologne and it had been discovered that certain importing firms were bringing methylated spirits into the territory under the name of eau-de-Cologne. It had therefore been considered advisable to draw up regulations regarding the importation of alcohol in perfumes — a proceeding which was rather difficult on account of the special rights of manufacturers with brands of their own.

M. DE PENHA GARCIA said that there was nothing abnormal in the consumption in the Cameroons of eau-de-Cologne as a drink; cases of this occurred in prohibitionist countries which were quite civilised.

He added that the results of the rationing system seemed to have been excellent, since there appeared to have been a considerable decrease in the amount of alcohol consumed. Since 1927, however, there had been a slight increase in this consumption. He wondered whether the present system did not contain a flaw by encouraging fraudulent introduction of alcohol. He thought, however, that there was no ground to be apprehensive on this score for the time being, since the maximum quantity of pure alcohol which might be introduced under the rationing system had not yet been reached.

M. MARCHAND pointed out that, to some extent, the Administration gave away with one hand what it took back with the other. Large firms, who paid considerable Customs duties in the course of the year, were authorised to import a certain number of litres of pure alcohol. They did not always fully avail themselves of this authorisation and the right which they had abandoned was not conferred upon other consumers.

M. DE PENHA GARCIA asked whether the accredited representative did not think that the maximum figure adopted for the rationing was somewhat too high. It had been difficult for him to establish the percentage of alcohol consumed per head of the inhabitants, the data for

determining the alcohol-consuming population being lacking. It appeared that consumption took place on the basis of 50 litres per head of the white inhabitants which would be a very high figure. It was true that account should be taken of the large number of ships which put in at Duala, but he wondered nevertheless whether the authorised maximum could not be reduced.

M. MARCHAND replied that the maximum provided for by the rationing was 60,000 litres of pure alcohol, *i.e.*, approximately, 120,000 bottles of liquor, a figure which was by no means excessive for a population of two million inhabitants, which included 2,000 Europeans, particularly if it were remembered that four or five ships put in each day at the port of Duala. Very little remained therefore for consumption by the native population and, if calculations were made of the distribution of this amount, it would be seen that the consumption was, approximately, 10 centilitres per head of native inhabitants per annum. This figure was negligible, and it might be concluded from it that there was no danger of alcoholism in the Cameroons.

He added that, in his own opinion, no attempt should be made to deprive Europeans and certain of the more highly developed natives, by means of a system of restriction, of the possibility of consuming a certain reasonable quantity of alcohol. In this connection, he quoted the instance of a native who was a member of the Administrative Council and had requested authorisation to purchase alcohol on the same condition as the whites, for consumption by himself and his wives. The Commissioner had been compelled to refuse such an authorisation although he had invited him to obtain wines of a good quality or beer instead. It appeared, moreover, that in the case of this native, who had attained a high position in the territory, the main consideration was the exercise of a privilege, far more than any wish to take up the habit of drinking alcohol.

The Administration thought that no attempts should be made to adopt unduly restrictive measures, and in certain cases it even had a tendency to shut its eyes to what was going on. There could be no doubt that certain chiefs succeeded in procuring a small quantity of alcohol from Europeans in secret. These cases were inevitable and should be treated tolerantly. In any case, the figure of 60,000 litres of pure alcohol for so large a population was by no means high.

M. DE PENHA GARCIA asked whether it would be possible to obtain statistics of the penalties imposed for infringement of the laws relating to alcohol.

M. MARCHAND replied that he received a statement every month from the legal service which gave the figures requested. This statement related to the Europeans and he could affirm that sometimes two or three penalties were imposed in a month.

He would undertake to include in the next report the statistics for which Count de Penha Garcia asked.

M. MERLIN noted (page 53 of the report) that there was no import of trade spirit. As a result of long experience in nearly every part of the world, he was convinced that the desire for alcohol was general to the human race, and even to animals. Had not the absence of any import of trade spirit resulted in a considerable increase in the consumption of millet beer, and particularly of palm wine? If this were so, would not the palm-tree plantations, which were one of the great sources of wealth of the country, be adversely affected?

M. MARCHAND pointed out that the import of hygienic liquors had increased. The native found it quite impossible to obtain alcohol, and was tending to replace it more and more by wine, lemonade or beer.

Lord LUGARD drew attention to an extract from the "Cahiers coloniaux" of the Colonial Institute at Marseilles of October 22nd, 1928. This extract contained the Minutes of the meeting held on July 5th by the Commission of the Duala Chamber of Commerce, which had been directed to draw up a report on the alcohol question.

These Minutes mentioned, among other drawbacks to the rationing system, the entry to the territory of "trade spirits", which Europeans were obliged to drink on account of the lack of beverages of good quality. Lord Lugard observed that the importation of trade spirits was prohibited by the Convention of St. Germain.

M. MARCHAND replied that the statement quoted by Lord Lugard had been made by a member of the Chamber of Commerce who wished for a change in the rationing system and who had alleged, as an argument in favour of such a change, that Europeans would soon find themselves forced to drink trade spirits.

Lord LUGARD, referring to the table on page 10 of the report relating to the Customs duties on imported spirits, etc., noted that the duty on spirits was 2,000 francs per hectolitre of pure alcohol. He asked whether this was higher or lower than the corresponding duty in the British Cameroons.

M. MARCHAND replied that the duties were, approximately, the same. He could not, however, give details on this point. The British duties were perhaps a little higher.

Lord LUGARD asked whether it would not be possible to equalise the duties in the two territories.

M. MARCHAND replied that, for his part, he was not in favour of such a uniform rate, for this measure would be penalising the whites of the French Cameroons. Account should be taken of the different exchanges. Traders in the French Cameroons paid the price of the alcohol and the duties in the coin on the basis of which their revenue was assessed. The

introduction of a uniform rate would entail such a reduction of consumption in the French Cameroons that it would practically amount, in the end, to a general prohibition. The settlers in the Cameroons were not very much in favour of the dry regime.

Lord LUGARD remarked that, in the table on page 10, reference was made to "pure alcohol". It was not stated whether this was by weight or volume, in accordance with the definition accepted by the Council.

M. MARCHAND said that this observation would be taken into account in the next report.

M. RAPPARD said that he had been particularly interested by the explanation which M. Marchand had made in reply to Lord Lugard's observation.

For several years the Mandates Commission had requested accredited representatives of the mandatory Powers of the neighbouring territories under British and French mandate to come to an understanding for the introduction of a uniform rate of duties on alcohol. This was the first occasion on which the Commission had obtained from an accredited representative a statement which made it possible to understand why an agreement between British and French territories on this matter was somewhat difficult to obtain.

M. MERLIN added the question was only of importance when there was a large trade in contraband alcohol across the frontier separating territories under French influence from territories under British influence. This was not the case in the Cameroons, although the position of Togoland was different.

Public Health : Medical Staff.

M. KASTL said that he had read with great interest the chapter of the report of the mandatory Power concerning hygiene and public health. He noticed from the list given on page 20 that syphilis cases represented 15.7 per cent of the total number of cases of sickness in the Cameroons, and asked what measures were taken by the Administration to combat this disease?

M. MARCHAND replied that the Administration used every means to reduce the ravages of the disease, but its efforts were thwarted by the negligence of the natives who failed to take care of themselves, or came for medical treatment too late, if at all.

M. KASTL asked whether the salvarsan treatment was given?

M. MARCHAND replied that this was the only cure employed, but the Health Service was restricted in its endeavours by the credits. It was rather medicines than doctors that were lacking at the present time in the Cameroons. It had been suggested that the medical staff should be increased, and he had wondered what the staff would be able to do unless it had sufficient medicines at its disposal.

M. ORTS asked whether the work carried out by the mission on sleeping-sickness had formed the subject of a publication. A publication of that sort would have the very greatest interest.

M. MARCHAND replied that the work had not yet been published in a book, but publication was possible if the Commission thought it useful. He added that Dr. Jannot had delivered a number of lectures on the cure of sleeping-sickness and that articles had appeared in a number of American reviews. Reports had been sent regularly to the Academy of Medicine and it might be said that the results obtained by the mission for the study of sleeping-sickness had been disseminated very widely.

Lord LUGARD said that the Sleeping-Sickness Commission had laid down five rules in regard to the method of dealing with this disease. Were these observed in the Cameroons?

M. MARCHAND replied that it would be difficult to give any definite particulars on this subject. He could, however, say that all processes had been studied (atoxyl, tryparsamid, Bayer 205, etc.) and that the mission had arrived at the conclusion that tryparsamid appeared to be the most effective method.

M. KASTL noted in the report that sleeping-sickness was advancing in certain districts, notably in the Yaoundé sector. He observed, further, that the number of doctors dealing with sleeping-sickness had fallen from eleven to nine and that the total number of doctors had also dwindled in a general manner, having fallen from forty-four to thirty-six. It seemed to him that this diminution was regrettable and he asked for the special reasons.

M. MARCHAND replied that this fall in the number of doctors was only temporary. It was probable that a good many doctors had been on leave at the time when the report was drawn up and had not been replaced. Far from reducing the number of doctors, the Administration tended, on the contrary, to increase it and that was one of the reasons why he had asked the French Government for a credit of three million francs for the creation of seven posts for additional doctors, ten new posts for European assistants, and one hundred and fifty new posts for native male nurses. Among the forty-four doctors to whom M. Kastl had referred must be included eight foreign doctors who were missionaries belonging either to the American Protestant Mission or to the French Protestant Mission. These missionaries carried on no medical work outside the sphere of the Mission.

M. Marchand added that he had obtained an assurance from the French Government that the number of Army doctors sent to the Cameroons would be raised at the end of the present examinations in the big French Army medical schools.

M. KASTL asked whether foreign doctors could practise outside the area of the missions ?

M. MARCHAND replied that the mission doctors had no private practice properly so called. There was nothing, however, to prevent them from practising outside the mission area and, if they did so, they charged no fees.

M. KASTL asked what was the position of private practitioners in possession of a foreign diploma ? Did they have to obtain a French diploma in order to be able to practise ?

M. MARCHAND replied that the promulgation by the French Government of the law on the practice of medicine involved the compulsory possession by foreign doctors of a French diploma for the practice of medicine.

M. KASTL asked whether the rule that foreign doctors were authorised to make application that their diplomas might be held equivalent to French diplomas constituted a temporary exception. He asked, further, whether this privilege would be accorded to the mission doctors alone.

M. MARCHAND replied that the matter of equivalent diplomas had formed the subject of a question to the French Government and that he had not yet received a reply on that point. He added that, hitherto, he had considered only the case of mission doctors. There could be no question of preventing a foreign doctor from practising in the Cameroons, since any such measure would be at variance with the principle of economic equality. There could, however, be no question of requiring the possession of a French diploma ; the only objection to the establishment of private doctors in the Cameroons would be the difficulty of obtaining patients.

M. RAPPARD congratulated M. Marchand on the liberal policy he had adopted in the Cameroons in regard to foreign doctors. He knew personally the family of the Swiss woman doctor who was attached to the French Protestant Mission and he had learnt how much the Administration's goodwill towards the mission doctors was appreciated.

M. ORTS referred to the paragraph headed "Léproseries" (leper colonies) and asked whether these were places for the segregation of lepers, or centres of treatment ?

M. MARCHAND replied that they were both. He added that the new medical theory did not consider segregation of lepers to be necessary when the patients showed no sores that were capable of spreading the disease. Lepers considered dangerous were segregated in the leper colonies where they received treatment in accordance with their condition.

M. ORTS had been struck by the number of the leper colonies ; he asked whether they were all placed under the permanent supervision of a doctor ?

M. MARCHAND replied that there was no doctor attached to each colony, but that they were all placed under the constant and regular supervision of the district medical officer. That supervision was very rigorous.

M. ORTS asked whether the patients were maintained at the expense of the Administration ?

M. MARCHAND replied that the buildings in the colonies were constructed and kept up by the Administration, but that the patients were maintained by their families who brought them provisions in kind. A leper colony included plantations which were worked by the patients and supplied the food required for their maintenance. Fertile sites had been chosen for the construction of the colonies. In case of need, they were given supplementary credits.

M. ORTS asked whether the results obtained in the colonies had formed the subject of a publication.

M. MARCHAND could give no definite information on this point, but he thought that the results had already been given a certain publicity.

M. ORTS asked whether tuberculosis showed a tendency to spread in the mandated territory. He observed in this connection that, in certain colonies, there had been noted a rapid advance in tuberculosis.

M. MARCHAND replied that very few cases of tuberculosis had been notified in the Cameroons, possibly because the natives were less sensitive to the changes in the weather, as they wore no clothes. The advance of tuberculosis in certain colonies might perhaps be due to a sudden change in the habits of the natives. It was, however, true that the Cameroons could, so far, be considered as completely free from tuberculosis.

SEVENTEENTH MEETING.

Held on Wednesday, July 10th, 1929, at 4 p.m.

Chairman : Marquis THEODOLI.

1020. **Cameroons under French Mandate : Examination of the Annual Report for 1928**
(continuation).

M. Marchand and M. Franceschi came to the table of the Commission.

Land Tenure.

M. VAN REES wished to revert to a question which he had already asked. In the previous year M. Duchêne had stated that the Cameroons Administration saw no objection to a change in the land tenure laws, in order to give effect to the decision taken by the Council on June 9th, 1926. The question was that of removing from this legislation the term "lands belonging to the State". That alteration had been made in Togoland by a Decree which expressly specified that ownership of vacant lands was vested in the territory of Togoland. The same provision had not, however, been made as regards the Cameroons.

M. FRANCESCHI replied that, in consequence of a proposal by the High Commissioner, a decree would appear shortly in the Cameroons. The question was at present under consideration by the Domains and Concessions Commission.

M. MARCHAND added that it had always been held that the term "State" applied to the collectivity of the Cameroons.

M. VAN REES drew attention to a Decree of August 20th, 1927, establishing a method of ascertaining native land tenure rights with the object of assisting in the development of small holdings and intensifying the utilisation of the soil (page 18 of the report). Were the natives in the Cameroons admitted, like those in Togoland, to the registration of land property ?

M. MARCHAND replied that the system for general registration ("transcription") had been regulated in accordance with the provisions of the law of March 28th, 1855. The question of land tenure registration ("immatriculation") was under consideration. The competent Commission had drawn attention to the practical difficulties to which this procedure would give rise, and the Government had come to the conclusion that there would be no advantages for the moment in making native ownership particularly mobile. The time had not yet been reached when it was convenient to apply this system.

M. VAN REES concluded that so far there existed only the method of ascertaining land rights, whereas in Togoland land tenure registration was also in force.

M. MARCHAND replied in the affirmative. A decree had been prepared on a proposal made by himself with the object of leading up to the second stage.

M. VAN REES pointed out in the same chapter that the local Administration had under consideration the question of remodelling the terms of ownership. Of what did that consist ?

M. MARCHAND replied that the Administration had had occasion to observe that the natives did not fully exploit their timber resources and that the palm groves were sometimes left to rack and ruin. He had wondered whether it would not be well to adopt the principle that the timber resources did not belong to the natives unless they utilised them. He had accordingly announced that a remodelling of the terms of ownership was under consideration. This was, however, a purely moral form of coercion, which would no doubt have happy results.

Hitherto he had experienced very great embarrassment in view of applications on the part of European farmers in regard to existing palm groves. He had been obliged to refuse the grant of palm groves to the farmers by way of concessions and to suggest that they should apply for land for the creation of more remunerative scientific plantations. Certain farmers, however, quite reasonably wished the natives to be told of the necessity to utilise the riches of the forest reasonably. In the light of these two sets of facts he hoped that the Administration would shortly succeed in bringing into use certain areas which had been allowed to depreciate, but unfortunately the natives were not incited to increase the harvests by the new needs of a more prosperous population. Climbers were tending to disappear, and the natives preferred to devote their attention to the cultivation of cocoa and coffee, which were more remunerative.

The modification of the terms of ownership was, therefore, under consideration. The work was intricate and would require much time, especially since the Administration would naturally hesitate to take any measure which, if too abrupt, would deprive the natives of the natural products of the soil.

M. RAPPARD said that this was another instance of the picture to which he was accustomed of natives who feared the railway but whose greatest bogey was the necessity to work. He

found it difficult to reconcile this picture with that of the frenzied energy recorded by the Administrator in the chapter on finance.

M. MARCHAND replied that the native regarded as among the advantages of European civilisation everything that reduced the necessity for effort. As to roads, he observed merely that they were less painful to build than railways and that they obviated porterage. As regards palm tree cultivation this represented, in his eyes, considerable work so that he was incited to direct his endeavours towards richer industrial crops, in particular coffee and cocoa, which could be more easily cultivated by the women or by badly-paid labourers. One ton of cocoa fetched from 2,500 to 3,500 French francs ; one ton of palm almonds was far from reaching the same figure.

As to the activity on which M. Rappard had laid stress, it was the Administration's policy that porterage should be abolished as soon as possible. It was therefore to its advantage to build roads so as to be able to employ up-to-date lorries. The natives had noticed that porterage ceased to exist in places where there were roads. After long and cautious reflection, they had transferred their villages near to the roads, and after some time the chiefs had come to the conclusion that the roads which had been constructed were inadequate and had asked the Administration for material to undertake the construction of new ones. Finally, after some further time, they had noticed the economic advantages of these new means of communication.

Lord LUGARD asked whether the mandatory Power held that all available land including forest constituted State domain.

M. MARCHAND replied that all land which was not private property was held to be State domain. The Decree of August 11th, 1920, however, gave the natives certain rights for the working of the forests where they were free to harvest rubber, cabbage-palm and fuel-timber.

M. ORTS had the impression that the rights of the Territory, which was the owner of the State lands, was an academic one since the utilisation of the various natural resources was reserved to the natives. It was not possible therefore to dispose of these products to any private person.

M. MARCHAND replied that that had been the case hitherto. A farmer might, for instance, ask for the concession of vast areas of palm grove which apparently were not exploited. The Administration hesitated to accede to this request. In certain stock-raising districts and savannas it had been possible to concede certain lands to a private company without injuring the interests of the natives. Each application had been the subject of cautious and fair consideration which had given those who might be concerned a chance of formulating their opposition. In all cases where such opposition had been held valid, the application had been refused, however hampering that refusal might be to the colonisation of the country.

Ex-enemy Property (continuation).

The CHAIRMAN recalled that, at the thirteenth session, information had been asked for concerning the sequestrated property. The report contained only a few lines and stated that there was no such property at the present time and that the last liquidation had taken place in May 1926. In what way had the proceeds of the sales of this property been entered in the territory's budget ?

M. MARCHAND said that he had already explained that 117 sequestrated properties had been liquidated. There still remained to be liquidated therefore only a very small number of properties which had not yet found a purchaser. They had been put up by the Advisory Sequestration Commission to auction on successive occasions. In certain cases, in the absence of a purchaser, the Territory had bought for one franc certain tiny lots and a few valueless buildings. Three years later, the Europeans had asked for the sale of the lots which had thus been pre-empted. The Administration had sold them under the hammer and some had gone up to a few thousand francs, as a result of the bidding. It had been observed that it was the Reparation Commission whose interests had been affected in this matter, but the sums involved were so insignificant that the total amount had been entered in the Cameroons budget.

Demographic Statistics.

M. RAPPARD said that the perusal of Chapter IX on demography and marriage — a chapter which was too brief — had not failed to be a source of diversion to the Commission, more especially in its considerations on the procreative instincts of the polygamous husband, which caused him easily to imagine that his wives were unfaithful. This chapter had, however, given too little information.

It was extremely important to have details with regard to the demographic movement and particularly with regard to the death rate. This question was one of the problems which had presented itself to him owing to the intensity of the economic activities. He would have liked to see how the natives were bearing the speeding up of the rate of their life. There could obviously be no question of a request for a complete census. Would it not be possible, however, to make some tactful soundings ?

The CHAIRMAN recalled in this connection that there were three races in the Cameroons, each of which had very distinct characteristics and a different capacity for work. This raised all kinds of demographic problems ; for example, the question of the considerations which

had led the Administration to encourage an increase in the birth rate of one race rather than of all three by giving a bounty of 20 francs for each healthy child.

M. MARCHAND replied that the rate of infantile mortality was a high one, and that mothers did not give their children that care which was indispensable for early childhood. Mothers had therefore been urged to pass their period of confinement in the hospitals and town infirmaries where they were treated much more carefully, and the experiment had been made of giving them a bounty in order to encourage them to come to these places. It was only possible to proceed by tentative efforts, and numerous difficulties were encountered. Thus, when the mother died at childbirth, it was often impossible to find wet-nurses. At present the Government was examining the possibility of creating an Infants' Home where native wet-nurses might be obtained.

The demographic problem was difficult to expound, so long as no fresh census could be taken. At present the system of registration was still in its embryonic stage. The first steps had been taken in the direction of this system by the preparation of an individual booklet which was to become a family booklet. When the use of this booklet had become general it would be possible to give details.

M. RAPPARD wished to explain that he had never thought of asking for a complete census but that the Mandates Commission would not be overstepping its rights by asking the Government for its impressions of the demographic movement. Was the population increasing, or was it, on the contrary, decreasing? Which parts of the population were best fitted to survive?

M. MARCHAND replied that the most vigorous races inhabited the high tablelands, and the compilation of demographic statistics for these races might be contemplated for the future. On the other hand, there were districts where underfeeding was still general, where no flesh was taken as a source of nourishment, and which were ravaged by malaria and sleeping-sickness. It was obviously impossible to expect a rapid increase in the birth-rate in these districts. The doctors were, however, actively engaged in the endeavour to improve this situation. Moreover, as lines of communication grew more numerous, there were introduced into the country fresh resources and fresh means of exchange, European products and richer foodstuffs. The results of this expansion would be slow, but it might be believed that the threshold of a favourable solution had now been reached.

M. RAPPARD hoped that the next report would contain more detailed information. Childbreeding was obviously one of the most important of all considerations and one to which the Commission should devote special attention. He hoped therefore that the Administration would cause soundings to be made in certain villages.

Mlle. DANNEVIG asked whether the position of the birth-rate did not indicate how important it was to give instruction to girls in hygiene, child welfare, etc. She had noted in other reports how instruction of girls had improved the situation in this respect. Instruction to a man, it was alleged, was given only to a single person but instruction to a woman was given not only to her, but also to her potential children.

M. MARCHAND replied that an endeavour had been made to organise precisely this form of instruction in girls' schools, where the guiding rules of health were taught.

Education (continuation).

Mlle. DANNEVIG asked if it would not also be well to institute schools where girls might be given secondary instruction which might qualify them for teaching such subjects.

M. MARCHAND replied that an institution of this kind presented greater difficulties. When thirteen years old the girls considered that their education was finished.

M. ORTS asked whether official efforts in the sphere of education were directed without distinction throughout the whole Territory, or whether they were concentrated on the more developed races which were capable of deriving more immediate profit from them. To the south of the great forest, a backward and wretched population, which did not seem ready for education, had to be dealt with, whereas in the north there were more highly developed races. Was it towards these units that the efforts of the Administration were more especially directed?

M. MARCHAND replied that the effort made had covered the whole Territory. In the Moslem district the natives had been induced with great difficulty to send their children to school. The chiefs did not wish that their children should sit on the same forms as the children of the natives they administered. Finally, with great difficulty, the Administration had succeeded in inducing a sufficient number of pupils to attend school.

The expansion of education was limited by the necessity of previously constructing schools in a sufficient number and possessing that minimum of comfort which was indispensable for male and female European teachers.

M. KASTL asked that the next report should give a table showing the non-native pupils by nationality and profession.

Immigration Policy.

M. KASTL wished to know if the return of a non-native who had taken a trip to Europe was subject to the same formalities as if he had immigrated for the first time.

M. MARCHAND replied that, on his departure, a non-native must simply have his passport visaed, "seen and authorised to return to the territory".

M. KASTL put this question because he had been informed that the Emigration Department had required a certificate of good conduct in a particular case. The person concerned had found it impossible to procure one, for he had resided in several towns during his trip to Europe. Owing to this fact he had encountered the greatest difficulty in returning to the Cameroons. The case was that of an emigrant who was not of German nationality.

M. MARCHAND replied that this might have been due to the too zealous interpretation of his duties by an ill-informed official. The case would be set right. The Administration had wished to prevent any undesirables from having access to the territory, whatever their nationality. Its immigration policy, however, was always inspired by liberalism, and the principle of equality was entirely respected.

Petition dated March 11th, 1929, regarding the Administration of the Territory.

The CHAIRMAN read a letter which had been sent to him on March 11th, 1929, from Paris, from which it appeared that a complaint had been communicated to the mandatory Power against certain officials in the Cameroons. Had that petition been retained in Paris to enable the French Government to supply additional information?

M. MARCHAND replied that the Government had forwarded the petition in question to the Administration of the territory for information.

M. FRANCESCHI added that the Administration was preparing the reply and that it was almost finished.

M. RAPPARD thought that, without forming any opinion on the question, in regard to which the papers were still incomplete, the Mandates Commission should not delay its work by being too strictly observant of formalities but should hear M. Marchand immediately as he was now with the Commission and would no longer be so when the Commission was officially notified of the petition.

M. ORTS suggested that M. Franceschi should submit his comments in writing. In this way, the normal procedure would be followed.

The CHAIRMAN proposed that the Permanent Mandates Commission, without discussing the substance of the question, should take note of any declaration made by M. Marchand.

M. MARCHAND had already replied to the Ministry for the Colonies, forwarding a sentence of a Court dated February 25th, 1929. The matter was very simple. A group of Jevos natives, who considered themselves to be in a particularly high state of civilisation, had established a mutual aid society, in the name of which they collected sums from their fellow natives. They had then used the funds which had been collected without authorisation. The Administrator had conducted an enquiry into this case of fraud and had brought the culprits into Court. One of them had succeeded in escaping to Duala, and from there immediately made a complaint through a Paris lawyer, who had laid the matter before the French Government. It had been sent back to the Administrator for enquiry. M. Marchand had endorsed his explanations, all the more so because in the case in question the official was a distinguished person, the former Chief Secretary of M. Marchand, who had been sent to administer one of the most difficult districts, a task which accorded well with his merits. The sentence could not be attacked on any grounds. There was, moreover, a court of appeal — the Chamber of Homologation. The Administration would have to wait until its judgment had been given before making a statement on the whole matter.

Behind this complaint was the feeling of a fairly active minority who desired to change the native administrative organisation. The group of young natives in question had wished to replace one of the chiefs by one of their friends. The sentence was the epilogue of an affair into which the mass of the inhabitants had been drawn by the dishonest acts of a number of natives. The sentence had been pronounced by the President of the Tribunal, who had applied the law in a perfectly legitimate manner. Moreover, M. Marchand had found amongst his papers information to the effect that the sentence had been confirmed by the Chamber of Homologation.

The CHAIRMAN thanked M. Marchand for this statement and reminded M. Franceschi that the mandatory Power should send its observations regarding the petition. The Commission would examine it when the proper moment came.

Public Health : Medical staff : Qualifications required of Foreign Doctors practising in the Territory (continuation).

M. FRANCESCHI recalled that at one of the previous meetings M. Kastl had asked whether a foreign doctor could practise in the Cameroons. M. Marchand had replied that a foreign doctor was required to possess a national diploma delivered in France.

M. Franceschi did not wish that any misunderstanding should remain. The Law of November 30th, 1892, was still in force, which meant that there was no question of considering a probationary period of three months to be the equivalent of a national diploma. He would recall that, during the discussion that had taken place at the fourteenth session in November 1928, the French Government had given no undertaking in regard to this matter.

M. RAPPARD agreed that this procedure was legitimate in the case of a doctor serving on the staff of the Administration. What, however, was the situation in regard to doctors attached to missions ?

M. MARCHAND replied that the law also applied to mission doctors. At his request, however, the rigorous interpretation of the law had been set aside in favour of marked concessions in regard to those doctors. The object of the law concerning the exercise of the profession of doctor was to protect the whole medical corps against unfair competition. Since mission doctors were entirely disinterested persons inspired solely by their humanitarian and philanthropic ideals, it could be supposed that the law referred especially to the private medical profession, to those, that was to say, living on the proceeds of their profession.

M. ORTS pointed out that what the Commission desired to know were the conditions to which the exercise of the medical profession was subordinated. Was one of these conditions the possession of a diploma delivered by a French University ? Was another condition that the person concerned should be of French nationality ?

M. MARCHAND replied that the law regarding the exercise of the medical profession did not require that the person concerned should be of French nationality. It required the diploma of a French faculty of medicine.

M. RAPPARD thought that the attitude of tolerance towards mission doctors was quite justified. In view of the fact that diplomas of a French faculty of medicine could only be delivered after about seven years' study, the rigorous application of the law would almost entirely prevent any doctors not possessing French nationality from practising in the territory. Would it not, therefore, be of advantage to amend the law of 1892 in order to satisfy M. Marchand himself ?

M. MERLIN wished to explain that no one could exercise the medical profession unless he possessed a diploma granted by a French faculty. Certain exceptions were allowed. In the Cameroons, this law was not applied in its full force in regard to mission doctors. That did not mean, however, that the law did not apply to mission doctors.

M. MARCHAND said that, if the law had been fully applied to them, a very considerable and disinterested form of assistance would have been lost. A number of private practitioners had alleged that the protection granted to mission doctors was irregular because they charged fees. The reply had been easy. The fee in question was very small and was used solely to increase the funds established to purchase drugs.

M. MERLIN recalled that the French Colonial Office would be required to take a large number of factors into consideration in order to settle the legal situation. The views of M. Marchand must not, therefore, be considered to be those of the mandatory Power.

M. MARCHAND thought that the existing position would not be modified.

M. MERLIN replied that such assurances could not be made use of until they were official.

Close of the Hearing.

The CHAIRMAN thanked M. Franceschi for the help which he had given on his appearance for the first time before the Permanent Mandates Commission.

As far as M. Marchand was concerned, he had merely confirmed the Commission's high opinion of him, thanks to the clear, substantial and concise explanations which he had given. The Permanent Mandates Commission warmly appreciated his presence and asked M. Franceschi to forward its thanks to the mandatory Power which had made the co-operation of M. Marchand with the Commission possible during the present session.

(M. Marchand and M. Franceschi withdrew.)

1021. Public Health in the Mandated Territories.

The CHAIRMAN opened the discussion on M. Rappard's report (Annex 4).

Lord LUGARD said that his attention had been drawn to an article in the *Quinzaine Coloniale* pointing out the insufficient numbers of doctors in certain French and Belgian Colonial possessions in Africa and in the Dutch East Indies.

Lord Lugard was, however, of opinion that an increase in the number of doctors was not by any means all that was required. Partially qualified assistants, and even trained natives as dispensers, and especially the training of women as midwives and in infant welfare and, finally, hospitals and dispensaries were needed. It seemed to him, therefore, that it would be very useful to make a study of this subject with the co-operation of the Health Section of the League, with the special object of ascertaining what proportion of the revenue was spent in each mandated territory on health and sanitation, and how the expenditure was distributed over the different sources mentioned above. The Health Section had, Lord Lugard believed, very full statistics. It might thus be found that a mandated territory which had only an inadequate number of European doctors was, nevertheless, spending a great deal in other ways. The subject was very complex, since some countries, especially those in which sleeping-sickness, leprosy and yaws were very prevalent, would need to spend more on health services than others.

In conclusion, while heartily supporting the suggestion made by M. Kastl and M. Rappard that any Mandatory, which found it difficult to get sufficient qualified doctors of its own nationality, should obtain doctors from other countries, provided they were fully qualified, he personally attached even greater importance to providing each doctor with a large subordinate staff and hospital equipment, to sanitary and isolation regulations, etc., and to the training of women assistants in maternity and infant welfare. Lord Lugard suggested that the Commission, in investigating these matters, should co-operate with the Health Section of the League, and should also urge the mandatory Powers to spend a larger proportion of their revenue on health and sanitation.

In such a study it would be possible to take note of special methods adopted by one or other Mandatory, such as the medical patrols in New Guinea, the system of training natives in a few special diseases adopted in Ruanda, the tribal dressers in Tanganyika, etc. This might be useful to other Mandatories.

M. MERLIN said that after a personal and very careful examination of the question he did not see that it called for any general communication to the Council. When the Commission noted that, in any mandated territory, the Administration failed to supply either enough money or enough men in the field of medical care, it was entitled, and it was its duty, to make observations to that Administration. It had done so on various occasions and there was ground for thinking that the situation, which had been extremely bad in the years immediately following the war, was steadily improving.

The Commission had observed from the report on the Cameroons that there was a large number of doctors in the territory and that their number was to be increased still further. In Togoland the situation was very different from that which had existed on the morrow of the war and even before the war. Without wishing, for the moment, to go into details, M. Merlin did not think that the situation was such that the Commission should say to the Council that it had found the position serious in all the mandated territories, that the mandatory Powers were for different reasons incapable of overcoming a critical situation and that it was bound to call the Council's attention to this state of affairs. There was ground for fearing that, if the Council was seized of the matter by the Commission in this way, it would ask for explanations.

M. Merlin had read the article to which Lord Lugard had referred but it had appeared to him to be somewhat speculative in nature. The population of the possessions referred to was unknown and the number of doctors was variable. It would be just as possible to conclude that the possessions were not administered at all on the ground that there were very few Government officials in them. It was of course true that the new colonial Powers, namely, those which had taken up colonisation in Africa in recent years, were confronted by pressing problems, but they could not hope to transform in a few years the situation of these districts, in the matter of health, when those problems had not yet been solved in Europe itself.

M. Merlin thought that each Mandatory was making a great effort to find money and men, and the Commission had no need to send a special appeal to the Council. He therefore thought it right to put what he might call a previous question. If, however, the Commission disregarded his advice and appealed to the Council, he would draw its attention to the very intricate points involved.

Everyone agreed upon the necessity of assisting the native population, but there were other considerations. A profession was in question, namely, the medical profession, which was regulated because it to some extent involved the responsibility of the mandatory Power. In that case, therefore, the principle of economic equality could not be invoked. The responsibility for the sick was incumbent upon the mandatory Power and it was for the Mandatory to issue rules for the medical profession. In these circumstances, no one could think of diminishing its rights as regards regulation which it held under an article in the mandate itself.

Finally, a number of very intricate problems was involved. It appeared that M. Rappard agreed that foreign doctors could not be expected to become Government medical officers and he now confined himself to the case of private practitioners. In countries like the territories under mandate, private practitioners would not find a livelihood. The population consisted of natives which a doctor could only treat if his pay was assured by the mandatory Power and, furthermore, it would be inadmissible that the only places in the territories under mandate which offered a private practice should be reserved to foreign doctors to the detriment of the doctors who were nationals of the mandatory Power. It would be equally inadmissible for them to receive subsidies from their national Governments to help them carry out their duties.

M. DE PENHA GARCIA, with regard to M. Kastl's proposal, thought that the Commission had not yet sufficient information to be able to decide on a question so important as that of ascertaining definitely what occurred in the various mandated territories in the field of public health. Conditions differed widely in these territories, as in all colonies. In certain districts there were fewer diseases, and thus the number of doctors in relation to the population referred to by Lord Lugard would have no significance. The question, therefore, required fuller study and it might be enquired whether that study should perhaps be carried out in co-operation with the Health Section of the League.

M. Rappard, in his note, had made a kind of selection. There were perhaps one or two questions which it would be interesting to raise at once without it being necessary to take up a

definite attitude regarding the question as a whole. It was quite natural to desire to have information regarding the number of doctors and the conditions under which they were recruited; but such information should bear less on the number of doctors than on the practice of medicine in the mandated territories. It would be valuable to have the point of view of all the mandatory Powers. M. de Penha Garcia therefore concurred in M. Rappard's conclusions, but with the modification that the information should relate not only to the number of doctors but also to conditions under which they practised medicine.

M. KASTL was in entire agreement with M. Rappard's proposal and with the further proposal made by Lord Lugard. As M. Kastl had said in his note in the previous year, he thought that the European countries had a joint responsibility for bringing about the best possible health conditions in Africa among the peoples whom they had taken under their charge. He had explained in his note that, to his mind, the question affected not only the mandated territories but also all other parts of Africa, since the relationship between these various regions was too close to enable them to be treated separately from one another. If health conditions in the mandated territories could be brought up to a certain standard, it would be impossible to maintain that standard if the same conditions did not obtain in the neighbouring territories.

It was, of course, not within the Commission's jurisdiction to take up the question of public health in the territories not under mandate, but if it noted that health conditions were unsatisfactory, it was its duty to make the necessary representations to the Council of the League, which body had full powers to watch over, through the Health Committee, health problems in all parts of the world, and the League of Nations, through the Health Committee, was entitled to undertake a general enquiry into health conditions in Africa. To Dr. Kastl's mind, the position from this point of view was not satisfactory in the mandated territories, although he admitted that the mandatory Powers were making efforts to improve it. Sleeping-sickness and leprosy were increasing, whereas the population in some districts was dwindling or stationary. The problem therefore was a very serious one, which should be given serious consideration. It was not enough for the Commission to follow up certain questions submitted to it in the reports of the mandatory Powers. It should encourage a general movement on the part of the League.

M. RAPPARD noted that two of his colleagues proposed to go further than he himself had suggested. Lord Lugard recommended measures of another kind, and M. Kastl wished to extend the geographical field of application of his, M. Rappard's, proposals. M. Rappard thought it would be unfortunate to overweight the Commission's first suggestion in this way. He thought that his colleagues would already have some difficulty in agreeing on this first, modest, but necessary, programme of work. If it were desired to take up a more ambitious project, success would be impossible. In regard, more particularly, to M. Kastl's proposal, the latter had certainly given the Commission in advance an arm against the criticism of going outside its jurisdiction, but, even so, that was the construction which would be placed on its action if it wished to suggest to the Council that it should extend its enquiry to other territories. There was an obvious connection between the mandated countries and certain colonies, but that was a matter of course and it was not for the Commission to say so. It could only suggest action to the Council in so far as concerned the territories under mandate.

On the other hand, M. Merlin alone had thought that there was no need to take any action at all. If M. Merlin would read carefully the note M. Rappard had drafted, he would see that it was not in any way framed in the style of an appeal, and M. Rappard read again the reasons given in his report, which showed that he entirely agreed with M. Merlin in regard to the present situation. What he was suggesting was that the Commission should be supplied with more complete data as to the possibility of associating itself with the efforts of the mandatory Powers. He did not see that that could give rise to any serious opposition in the Council, or that the latter could adopt an attitude which no single accredited representative had ever taken hitherto.

M. Rappard wished to add that he had certainly glimpsed the economic question among the objections of the medical corps. As M. Merlin had said, there might be certain public considerations to warrant the attitude of the mandatory Powers, but if there was no reason for excluding men belonging to one category, on condition that their activity gave rise to no other objection, the only remaining purpose would be that of favouring nationals from the economic point of view.

In reply to Count de Penha Garcia's observations, M. Rappard thought he had taken these into account. He did not think that any amendments or additions to his own proposals had been suggested.

M. PALACIOS concurred entirely in M. Rappard's proposals and in his arguments, subject perhaps to certain formal changes. He entirely approved of the general principle.

M. KASTL thought that M. Rappard was mistaken in regard to what he himself had said. It had not been his intention to go further than M. Rappard had proposed. He had said explicitly that he agreed with those proposals. It was his deep conviction that it would be extremely useful for the League to provoke something like a general movement, but M. Rappard's proposal was tantamount to calling for a general movement in regard to the territories under mandate. According to M. Merlin, the Commission was only qualified to deal with certain cases submitted to it, resulting from the annual reports. M. Kastl, on the contrary, held that the League was entitled to deal with the whole problem from the general point of view of public health.

To sum up, he entirely agreed with M. Rappard's proposals, which he considered as the absolute minimum in the present state of affairs.

M. ORTS understood that the Commission was not now discussing Lord Lugard's proposal. If his colleague were to maintain his proposal, he would beg him to make no express reference to this article of the *Quinzaine Coloniale* which he had read and which contained statistical errors invalidating its conclusions.

M. Orts agreed, therefore, that the Commission should ask the mandatory Powers the questions proposed by M. Rappard, for no form of action could be more legitimate on its part than to persuade these Powers to develop their method of fighting the diseases to which the native populations were subject and which sometimes even prejudiced their future. He could not, however, agree to a suggestion which did not concern exclusively the territories under mandate, which were the only territories with which the Commission had to deal.

M. Orts wished, however, to call the attention of his colleagues to the real extent of the problem. The increase of the medical staff was not the only condition for the improvement of health conditions in these countries. It was not only necessary to have sufficient doctors. It was also necessary that these doctors sent to those territories at great expense, that was to say, thanks to sacrifices in other important chapters of the budget, should be able to perform the services expected of them. The mandatory Powers themselves usually explained their position badly. They claimed that very few doctors offered their services and that the budgetary resources were limited. They failed to point out that, if the campaign against the disease were to be really efficacious, ways of communication must be opened which would enable permanent and regular contact to be established with the native population. It was only when medical activities were continuous and thorough that solid and permanent results could be obtained. It followed that the necessary preliminary to such activities was the opening up of the country by means of the creation of a system of roads and railways, and it was only after this condition had been fulfilled that a prudent administration would allot large resources in men and money for the purposes of medical activities. A premature use of such resources could not lead to any results which would be in proportion to the sacrifices that had been made.

On the other hand, in countries with a primitive population, public health and the demographic movement which reflected the level of that health were influenced by other causes than the varying frequency of the endemic or epidemic diseases, which was due to the climate and to ignorance of the elementary rules of health. In the first place, there was the poverty of the country in food products, due either to a barren soil or to the improvidence or laziness of the natives. Underfeeding was one of the main causes of the physiological troubles of black races. Moreover, the economic system, the system of land tenure, conditions of labour and even the political system, if ill adapted to the degree of development of the population, if running counter to traditional activities and native life, without any circumspection or endeavour to observe the gradual transition which was necessary, or if making excessive demands upon the natives, also influenced the state of public health by diminishing the physical and moral powers of resistance of the natives to the diseases which lay in ambush for them.

The solution did not therefore depend exclusively on medical science. On the other hand, if it were desirable on principle to increase the number of doctors, it was also important to be assured that local conditions were such that their services might be immediately profitable. In other words, the mandatory Powers should not be encouraged to develop a health organisation which, while claiming to be active everywhere, would not produce effective results anywhere.

M. SAKENOBE thought that, if questions were to be put to the mandatory Powers, those questions should be restricted to the African territories. With regard to the territories under A mandate their situation was, as Lord Lugard had affirmed in his statement at the last session, fairly satisfactory, and those territories had plenty of doctors of all nationalities. With regard to the mandated territories in the Pacific Ocean, neither the Australian Government, the New Zealand Government, nor the Japanese Government seemed to have experienced any difficulties in this respect in the execution of their mandate. These territories were not, moreover, very extensive ones and the Powers in question seemed to have achieved a fair measure of success in the sphere of public health. Obviously more could be done and endeavours were being made to do more; but these mandatory Powers seemed to be able to do so without appealing to the aid of foreign doctors. As far as New Guinea was concerned, the territory was now spending 17 per cent of its total expenditure on public health, and, although there had been, on occasion, a certain shortage of medical staff, the mandatory Government did not seem to have much difficulty in meeting the requirements, so far as the supply of the medical staff was concerned; it did not appear necessary for the Commission to intervene.

M. VAN REES wished to make the same observation as M. Sakenobe. The Commission should restrict its suggestions to the African territories, for the reason stated by his colleague. On the other hand, he was not opposed, in principle, to the Commission apprising the Council of the general question as formulated by M. Rappard, but he wondered whether it would be really desirable or prudent for the Commission to submit to the Council such a questionnaire as the one at the end of M. Rappard's report, which might give the impression that the Commission considered that the number of doctors was the only important point. In this respect he had been somewhat surprised, after having heard M. Orts' statement, to find that M. Orts supported this draft questionnaire.

M. RAPPARD suggested that there should be added to the considerations expressed in his note a consideration to the following effect: "While realising that this is only one of the factors of the problem".

M. VAN REES said that the Commission should not appear to lose sight of the considerations which had been so well expounded by M. Orts. The problem was extremely complicated and, for his part, M. Van Rees would be more in favour of presenting a general question to the Council in the sense of the first of M. Rappard's proposals, without adding a questionnaire which was always somewhat restrictive. The Council should merely be asked to request the mandatory Powers to consider, with the greatest care, what measures might be taken to remedy, as far as possible, the state of affairs to which attention had been drawn, all aspects of the problem being examined, and to state in subsequent annual reports such measures as were contemplated or had already been taken. By this means the Commission would place itself above all reproach.

M. MERLIN explained that he had made his last statement in order that it might be inserted in the Minutes, and in order to draw the attention of the Commission, and that of the Council and of persons who read the Minutes, to certain points of the problem which appeared to him important.

This having been said, he saw no objection to supporting M. Rappard's proposal. M. Orts had well shown how extensive the problem was. M. Merlin had also perceived this himself and, without dwelling on the point, had drawn the attention of the Commission to it, pointing out that the European countries could not expect to solve problems in Africa in a few years which they had not yet solved at home. It was not, therefore, by means of a few extra doctors that the present difficulties would be removed.

It also seemed to him a little risky to raise this great problem before the whole world. M. Merlin therefore supported M. Rappard's proposal and even his questionnaire. The Commission should continue carefully to supervise this problem and everything would be well.

On the other hand, he could not support M. Sakenobe's suggestion, the effect of which would be to place the Commission in an adverse attitude towards certain territories under mandate. In Togoland under French mandate it was not 17 per cent, as in New Guinea, but 22.7 per cent of the revenue that was devoted to the health budget, and expenditure under this head represented 93.93 per cent of the revenue levied from natives. The number of doctors and of the staff concerned with medical aid was high. M. Rappard's formula should apply to all territories irrespective of individual cases.

M. PALACIOS said that he was in favour of the questionnaire and of a general enquiry.

M. KASTL thought that M. Van Rees' suggestion should be followed to a certain extent. He supported M. Orts' observations.

M. RAPPARD proposed that there should be added to the third consideration in his report the following words ". . . and while fully realising that the increase in the qualified medical staff only constitutes one factor in the problem . . .".

M. PALACIOS supported this text.

Lord LUGARD said that he agreed with the addition M. Rappard proposed. While he had agreed with his colleague from the outset, he had stressed the fact that the question of the medical staff was not the only or even the more important aspect of the problem, and he was glad to note that his view was shared by M. Kastl, M. Orts and Count de Penha Garcia.

The Commission adopted the conclusions of M. Rappard's Report together with the addition which he proposed (see Report to the Council, Annex 20).

EIGHTEENTH MEETING.

Held on Thursday, July 11th, 1929, at 10.30 a. m.

Chairman : Marquis THEODOLI.

1022. Nauru : Observations of the Commission.

After an exchange of views, the Commission adopted its observations on the report for 1928 submitted by the Australian Government regarding Nauru (Annex 20).

1023. Togoland under French Mandate : Observations of the Commission.

After an exchange of views, the Commission adopted its observations on the report for 1928, submitted by the French Government regarding Togoland under French mandate (Annex 20).

1024. **Palestine : Memorandum of the Zionist Organisation dated May 3rd, 1929, concerning the Development of the Jewish National Home in Palestine in 1928, and Observations there on by the British Government dated June 20th, 1929.**

The Commission approved the conclusions submitted by the Rapporteur, M. Van Rees (see Annex 5).

1025. **Togoland under French Mandate : Petition from the "Bund der Deutsch Togoländer" dated July 11th, 1928.**

The Commission approved the conclusions of the Rapporteur, M. Sakenobe (see Annex 6).

1026. **South West Africa : Petition from Mr. D. W. Drew dated August 9th, 1928.**

The Commission approved the conclusions of the Rapporteur, Lord Lugard (see Annex 7).

1027. **Question of the Proclamation of a State of Siege in Territories under Mandate : Communication dated June 13th, 1929, from the League of Nations Union, London (continuation).**

The CHAIRMAN reminded the members of the statement he had made at the second meeting concerning the communication of the British League of Nations Union.

M. PALACIOS said that the Chairman's statement well expressed the point of view put forward by M. Palacios before the Commission in his capacity of Rapporteur the first time the League of Nations Union had made its suggestion (see Minutes of eleventh Session, document C. 545. M. 194. 1927. VI, page 152). The present memorandum, while it made the same proposal, was more detailed. The authors had endeavoured to comply with the rules laid down by the Commission as regards procedure, as they had been advised to do by M. Orts and M. Palacios. The document now before the Commission was a real petition transmitted through the correct channel.

M. MERLIN did not think that the communication from the League of Nations Union came within the purview of the Mandates Commission. The Commission was a supervisory body set up by the Covenant to ascertain the way in which the stipulations of the mandate were carried out by the mandatory Power. It was no part of its task to prepare draft amendments to the terms of the mandate. The communication in question was a proposal made by a private association which had thought fit to submit it to the League. It should therefore have referred this proposal to the League in the normal way. It would be dangerous for the Commission to exceed its strictly supervisory capacity, since that would impair its authority with the mandatory Powers.

M. ORTS considered that the League of Nations Union's communication now submitted in due form came well within the definition, in its wide sense, of the term "petition" given by the Mandate Commission and approved by the Council. If the substance of the communication were examined, it would be seen that the suggestion made was of no practical value. It was sufficient for the annual reports supplied by the mandatory Powers to contain the particulars recommended in the communication. If the procedure indicated in the petition were adopted, it would be required that the Commission should be informed of every public calamity the moment it occurred. Such a demand would exceed the requirements of the mandate itself and would result in the intervention of the Mandates Commission, which was a supervisory body, in the administration of the territory.

The CHAIRMAN emphasised the fact that, in general, the Council's decision approving the definition of the term "petition" given by the Mandates Commission had settled the question of the documents which should be considered as petitions. The communication from the League of Nations Union was therefore in the nature of a petition in the wide sense of the term.

M. MERLIN did not altogether agree with M. Orts. To his mind the communication was not a petition since it had no connection with the administration of any mandated territory. It was simply a memorandum on a possibility which might occur and consequently related to a possible administrative act in the future.

M. PALACIOS said that, if the communication was, as the Chairman, M. Orts and he himself thought, a petition, it should be dealt with according to the ordinary procedure and could not be rejected without further consideration.

M. MERLIN thought there was, in point of fact, a previous question. Was the communication a petition or not? Personally, he thought that it was in no way a petition, because it did not deal with the administration of any territory. It was impossible to prevent people from conceiving the most extraordinary ideas of all kinds. If the League of Nations Union's application were admitted, it would be necessary to take into consideration every odd idea that might occur in anyone's brain.

The CHAIRMAN pointed out that the constitution of a court-martial was certainly one of the questions connected with the administration of the territories under mandate.

M. MERLIN considered that the Mandates Commission should confine its activity to that of a body of control as had been the intention of the Covenant.

His conclusion was that the memorandum should be rejected. The British League of Nations Union could take up the matter with the statesmen in their country who would consider whether it was advisable to bring the matter before the Assembly. If, in this way, the question were sent back by the Council to the Mandates Commission, the situation would be changed and would be quite regular.

M. PALACIOS said that the administration of a territory consisted in both drawing up the rules and principles of government and in applying them.

M. VAN REES reminded the Commission that, at its first session in 1921, it had decided that it was within its powers to submit to the Council even suggestions regarding the terms of the mandate if an examination of the application of the mandates system indicated that it would be useful to consider modifying certain of the provisions in force. The Commission now had before it a proposal which certain of its members considered of no practical value. In these circumstances, the Commission need not spend much time on it. Even if, however, it might be held that the proposal was not worth adopting, it could not be said that it was outside the Commission's competence to consider it.

M. KASTL urged that no time should be lost on the question whether the letter from the British League of Nations Union was a petition or not. In his opinion the memorandum did perhaps not form a petition in the strict sense of the term but a proposal, which in the last resort would lead to suggestions for modifications in the mandates system. It was proposed that the Mandates Commission should request the Council to ask the mandatory Powers to inform the Council immediately through the Chairman of the Mandates Commission, in the event of the suspension of civil law over a considerable part of the territory or of any serious movement paralysing normal administration. In its last resort this proposal would mean that the Commission should eventually take immediate action in the event of disturbances. The Commission had to examine whether such action was not within its competence. It was for the Commission to supervise and criticise the administration, but it should not intervene in administrative acts and thus assume part of the responsibility.

Lord LUGARD said he did not think that the League of Nations Union had any intention of proposing any modification in the mandates system. It merely proposed that, if disturbances occurred involving the suspension of civil law, the Mandates Commission should be informed immediately instead of having to wait until the receipt of the annual report. He saw no objection to such a proposal.

M. MERLIN pointed out that the Mandates Commission had no legal existence outside the period of its sessions. Nor had it any direct powers of action; it was only a supervisory body. If, therefore, there occurred in any territory under mandate disturbances which appeared to call for an urgent decision, the body to which the matter should be submitted was the Council and it was for the Council, if it judged expedient, to convene the Mandates Commission.

The CHAIRMAN felt that he should remind M. Merlin that the Mandates Commission was a permanent one, and that not only the Chairman, but also any of its Members, might, in conformity with Article 1 of the Rules of Procedure approved by the Council, request its convocation in extraordinary session provided that that convocation was approved by a majority of its members and by the President of the Council. It had already held such a session once at Rome.

Mlle. DANNEVIG said that she had received the impression that the aim of this petition was to enable the Mandates Commission to take up immediately, for instance, at its October session, the examination of any important question which might arise, after the June session, in a territory whose report was not due till June the following year. It was a question of avoiding a delay of nearly a year.

Lord LUGARD agreed, and added that if martial law had been declared soon after the Commission had held its session and examined the annual report, it would at present have to wait a year before it had any official information on a matter so important as the suspension of the normal civil administration. If, on the other hand, it had this information, the matter would, no doubt, be considered at its next session — a delay of only six months — or, as in the case of Syria, a special session might conceivably be held. The declaration of martial law in any mandated territory seemed now very improbable, so that the proposal was not, in his opinion, of great moment at the present time.

M. KASTL thought that it would be reasonable to institute a procedure which would make it possible to obtain immediate information in the event of serious disturbances, but that, if the Mandates Commission were to generalise, it would perhaps go beyond its competence. The Mandates Commission should be fully entitled to request any explanations and to pass criticism of any kind. But it would be wise for the Commission not to intervene in the execution of the administration as there could be no question of its having any responsibility for the administration which rested solely with the mandatory Power.

M. MERLIN recalled that it sometimes happened that the ordinary rules of administration were suspended, in order to decree a state of siege in some particular town or village. Under these circumstances, what would be the use of learning that the Administration had had to

resort to a measure of this kind at some unimportant spot in the territory? Moreover, the Mandates Commission could not take any action without overstepping its rights. It was also preferable that it should refrain from the untimely intervention of requesting the mandatory Power for explanations at the height of a crisis. For its part, after having hampered the activities of the mandatory Power in this way, it would be called upon to take a decision which would at once be exploited by the parties concerned. In short, this procedure would actually run counter to the pacification at which the authors of the proposal aimed.

M. DE PENHA GARCIA thought that it would be useless to change the rules of procedure. The Commission had two opportunities in the year of examining the situation in the mandated territories. The delay that might be involved by the present procedure would be one of at most a few months. The Commission could be convened in extraordinary session. If an incident occurred which was so serious as to jeopardise peace, it would be for the Council to deal with it. On the other hand, it would be imprudent to intervene at the moment when the troubles occurred, for such action might weaken the part played by the mandatory Power in accordance with the principles of the mandate. It was always dangerous to intervene prematurely.

M. KASTL recalled that the Mandates Commission was not obliged to postpone, until such time as it had received a full report, its discussions on a rising or on disturbances which might break out in some particular territory. It might open a discussion and hold a session at any time.

There could, however, be no question of transferring to the Mandates Commission the slightest particle of the responsibility which was incumbent upon the mandatory Power. This was what would be done by causing the Mandates Commission to intervene during a period of disturbance. On the other hand, the Mandates Commission need not abstain from *criticising* the action of the mandatory Power at a time of crisis.

M. Kastl thought it would be very good for the Commission to receive, as soon as possible, the necessary information in cases of serious disturbance in mandated territories, but he also thought that the Commission should, as the British League of Nations Union proposed, refrain from generalising. Under the present rules of procedure the Mandates Commission was free to take any measure which was within its competence as an advisory organ of the League. The mandatory Power, for its part, was responsible to the League and to the Mandates Commission which was directed to advise the League.

M. MERLIN said that these principles were altogether just, but he recalled that a request was made in this petition that it should be suggested to the Council that the mandatory Power should apprise the Mandates Commission as soon as it had decreed martial law in any part of the territory, in order that the Commission might enquire into the situation and give advice. This would saddle the Mandates Commission with a responsibility the exercise of which would be most uncertain, for the Mandates Commission would have to enquire into the situation at the height of the crisis, without being able to obtain all the information that was indispensable, and to take decisions in the calm atmosphere of a thorough discussion.

Lord LUGARD observed that he had only supported the proposal that the Commission should be officially informed. There was no proposal that the Commission should intervene, least of all that it should relieve the Mandatory of any responsibility. It would be entirely free to adopt whatever course it considered right.

Mlle. DANNEVIG thought that the proposed procedure would enable the Mandates Commission to receive direct and official information of any disturbances which might break out, instead of becoming acquainted with this information by means of the newspapers.

M. PALACIOS said that the important question at the moment was the principle involved and the action to be taken on the petition in accordance with the rules of procedure. The petition should go through the usual procedure and be sent to the mandatory Power for its observations.

The CHAIRMAN noted that one position was represented by Lord Lugard and the other by M. Kastl. He invited these members to agree upon a draft resolution which they might submit at the next meeting.

This proposal was adopted.

1028. Petition from the International Bureau for the Protection of Native Races (continuation).

M. VAN REES referring to his report (Annex 8 C) recalled that certain points of this petition had been accompanied by inadequate comments. He had asked for additional information from the accredited representatives of the mandatory Powers for Tanganyika and for Togoland and the Cameroons under French mandate. After having thoroughly examined the matter, he thought that a reply might be made to the petitioners that the Mandates Commission, after having enquired into the various points raised by them, and after having heard the additional information of the different accredited representatives, was of opinion that Mr. Buell's assertions did not justify any action on its part.

Lord LUGARD said that he had not yet had time to examine all the points of this petition.

The CHAIRMAN proposed that M. Van Rees and Lord Lugard should consider the terms of the reply jointly and should submit a text at the next meeting.

This proposal was adopted.

NINETEENTH MEETING.

Held on Thursday, July 11th, 1929, at 5 p.m.

Chairman : Marquis THEODOLI.

1029. Palestine : Petitions concerning the Wailing Wall at Jerusalem.

M. RAPPARD submitted his report (Annex 9 C.)

M. VAN REES recalled that the petition of the General Council of the Jewish community in Palestine (Waad Leumi) had been withdrawn by its authors.¹

M. RAPPARD explained that his report had already been drafted when the petitioners had made this request. The point might be further elucidated. His conclusions made no special mention of the petition, and, according to its usual custom, the Commission only adopted the conclusions proposed by the Rapporteur and not his whole report.

M. VAN REES, in regard to the first conclusion, was of the opinion that the Commission should merely repeat its former recommendations as to the advantages of concluding a free agreement concerning the question of the Wailing Wall and making no reference to the *status quo* to which it had not referred last year. As soon as the Commission touched on the question of the *status quo*, it would appear to approve the views of the British Government in this regard, and the conception that Government took of the *status quo*.

M. RAPPARD replied that last year the Commission had recommended the conclusion of an agreement, leaving on one side the question of the *status quo*. It had not, however, ignored the fact that without such an agreement it would be necessary to maintain the *status quo*. It could not agree that a change should be made, in spite of one of the parties.

He thought that he could satisfy his colleague by stating in the first line of the first conclusion : “ the Commission, while repeating its former recommendation, etc. . . . ”

M. VAN REES desired to urge his point.

In his report, M. Rappard said that, failing agreement, “ the mandatory Power *can merely ensure* respect for the existing situation ”. It seemed to him to be doubtful whether legally the mandatory Power could not do more than ensure respect for the existing situation, for by the terms of Article 13 of the mandate, it was not in the least prohibited from acting otherwise. He recognised that, from the political point of view, the British Government was acting wisely but the recognition of this fact did not imply that, from the legal point of view, every other attitude was excluded. In order to explain this standpoint, M. Van Rees had prepared a note which he would like later to submit to the Commission.

M. RAPPARD thought it impossible for the Commission to refrain from referring to the scrupulous maintenance of the *status quo*, should an agreement not be concluded, since all the parties to the case accused each other of violating the *status quo*. Since the parties in question made no suggestion as to the settlement of the question, the only solution was to take the *status quo* as a basis.

M. VAN REES recalled the fact that the Commission had been informed that the British Secretary of State was preparing a decree defining the *status quo*. He considered that, in these circumstances, the British Government should take the responsibility for such a definition ; there was no reason why the Commission should assume such a responsibility. To do so would merely be to embitter the dispute.

The CHAIRMAN wondered why the Commission should find it necessary to await a definition from the Colonial Office of the meaning of the *status quo*. He contested the right of the mandatory Power to define it, for Article 14 provided for the establishment of a Committee for that purpose — that of the Holy Places.

M. PALACIOS agreed in principle.

M. VAN REES urged his point. He could not agree that it could be inferred from the conclusions of the present text that the Commission approved without previous examination, the conception held by the British Government of the *status quo*. If the report prepared by M. Rappard did not commit the author only, M. Van Rees would be the first to propose the suppression of the following passage : “ Failing agreement between the representatives of the different religions which submit conflicting claims to the Holy Places, the Mandatory Power can merely ensure respect for the existing situation as established by use and tradition. The precise definition of this situation is obviously a matter outside the competence of the Commission ”. He would also desire the deletion in the first conclusion of the words : “ failing such agreement, it has no option but to approve the scrupulous maintenance of the *status quo*.”

¹ See Minutes of the eleventh meeting.

The Commission considers that it has no authority to give the suggested definition of this *status quo*”.

M. RAPPARD replied that the Commission was asked to give its views on certain petitions. The Commission need not say anything, but, if it were to make any reply, it must once more recommend the conclusion of an agreement, and, failing an agreement, it must show clearly that it had never approved of any violent conduct by one of the parties against the other, and that it could not contemplate any change which should not be made by the common consent of the parties.

M. PALACIOS suggested that the Chairman should put the conclusions of M. Rappard to the vote, and that the observations of M. Van Rees and of the Chairman should be formally recorded in the Minutes.

The CHAIRMAN agreed. He proposed to maintain the text of the report with the amendment suggested by M. Rappard, and to delete the final sentence of the first conclusion : “ The Commission considers that it has no authority to give the suggested definition of this *status quo*.”

He thought that every member agreed that, by the terms of Article 14 of the mandate, the Holy Places Committee was the only body competent in the matter.

M. VAN REES thought that Article 14 had nothing to do with the question under discussion.

M. CATASTINI pointed out that, if the Commission expressed the hope that an agreement would be reached, it was obvious that such an agreement would affect the *status quo*, and that in expressing such a desire the Permanent Mandates Commission would be encroaching upon the powers of the Holy Places Committee.

M. PALACIOS agreed.

M. RAPPARD replied that no one would attempt to protest against such a change in the *status quo* if an agreement were reached between the parties.

M. MERLIN took the view that if the Permanent Mandates Commission thought that the only way of finding an issue from the present impasse was by way of an agreement, there was no objection to make to the text proposed by M. Rappard. Could the idea of the Rapporteur be put in the following form : “ Failing such an agreement, it appreciates the scrupulous care with which the mandatory Power is ensuring the maintenance of the *status quo* ” ?

M. VAN REES had no objection to this text which was accepted by M. Rappard.

The conclusions of the report, thus amended, were adopted.

1030. Tanganyika : Report of the Commission on Closer Union of the Dependencies in Eastern and Central Africa (continuation).

The CHAIRMAN thought it indispensable for the Mandates Commission to define its attitude regarding the report of the Commission on Closer Union of the Dependencies in Eastern and Central Africa.

M. ORTS summarised the position as follows: The Commission had taken the view that it should ask the representative of the mandatory Power, whether the British Government would welcome an expression of the opinion of the Commission on the conclusions of the Hilton Young report. The Commission had decided that, if the reply to this question were in the negative, it should reserve the right to raise the matter at a future date whenever it so desired, without being accused of violating the saying “ Silence gives consent ”. If the reply were in the affirmative, all the members of the Commission would have had to be invited to give their views, and the note, which Mr. Kastl (who had not been present) had drafted would have had to be read.

What had happened was something which had not been foreseen. The Commission had been informed by the accredited representative that the late British Government after careful study of the report decided that further consultation with local authorities and representatives of unofficial opinion was desirable before it could arrive at any decision with regard to the Commission's recommendation. It had, therefore, sent Sir Samuel Wilson to East Africa for this purpose. The British Government had not yet made known its views on this report.

There were therefore two elements of information existing at the moment, of which the Commission knew only one : the Hilton Young report. The Commission had asked whether the Wilson report would be forwarded to it. It had not been possible to give such an undertaking, for the British Government had not yet discussed the report. It might, however, be anticipated that the second report would be submitted to the Commission since it was a continuation of the Hilton Young report. In these circumstances, M. Orts thought that the only course to adopt would be for the Commission to reserve its action until it was in possession of all the elements of information, that was to say, not only the Hilton Young report, but also the Wilson report.

Lord LUGARD added that the accredited representative had stated that he believed that the Government would not have taken any decision before the next session of the Permanent Mandates Commission early in November. It was important to note this.

The CHAIRMAN considered that means should be found of drawing the attention of the Council to the Minutes in the light of which it could appreciate the anxiety felt on the part of

certain members of the Commission regarding the Hilton Young rapport. In view of the statements which the Under-Secretary of State for the Colonies had made regarding the spirit of co-operation and sympathy shown by the present British Government for the League of Nations in general and for the Mandates Commission in particular, there was reason to hope that that Government would not ignore the feelings of the Commission in this respect.

M. PALACIOS asked whether the Minutes of the present session would contain the observations made by the members of the Commission on this subject at the various meetings of the session. If so, he had nothing to add to what he had already said.

M. ORTS replied in the affirmative. The passages in question, however, would have to be re-read closely in order to make quite clear the various opinions expressed. Those members of the Commission who had not spoken could still do so.

M. VAN REES would regret that an immediate exchange of views was not held on the matter. A note had been submitted by M. Kastl, but M. Van Rees himself had refrained from exposing the difficulties that would inevitably arise in connection with the projected union of the three territories, for the Chairman had asked him to postpone expressing his opinion in the matter. The Minutes of the present session therefore were not complete and did not contain the views of all the members. He would recall that Mr. Lunn had said that he would be glad to be in a position to learn the observations of the Commission. The procedure proposed by M. Orts was extremely prudent. A further exchange of views, however, might show more clearly not only the fears of the Commission but also the difficulties to which the proposed union would lead. M. Van Rees did not say that this would change the decision of the mandatory Power, but at any rate it would take its decision with a full knowledge of the facts. The Hilton Young report maintained that this union would in no way interfere with the provisions of the mandate. On the other hand, it was the duty of the Commission to state, on the basis of the principles embodied in the mandate, certain consequences of the contemplated union which were not anticipated in the Hilton Young report.

The CHAIRMAN was perfectly prepared for the Commission to hold a further exchange of views. The question was whether this should take place immediately or at a later date.

M. MERLIN was ready to agree with the views of M. Orts. The Commission had received the Hilton Young report for its information. From the statement made by Mr. Lunn, however, it had been able to note that this report could only be considered at most as a preliminary draft, since another person had been sent to the spot with instructions to make a second report. Obviously, the mandatory Power had the right, by the terms of the mandate, to establish the contemplated union, but in doing so it would encounter many difficulties. The purely legal right of the mandatory Power did not therefore arise, but only the inconveniences to which the method of exercising this right would lead.

The Commission did not know what method would be adopted because it had not seen the Wilson report. An immediate discussion would therefore be rather vague. The Commission might make a mistake with the result that the mandatory Power would reply that it was going to propose something quite different from that supposed by the Commission. M. Merlin thought it would be wise therefore, in the interests of the Commission itself, to postpone the exchange of views until all the facts were before it.

The CHAIRMAN explained that he had been careful to point out that the Commission should not reach any conclusion forthwith. He had merely pointed out that the mandatory Power, when it consulted the Minutes, would be able to realise the apprehensions of certain of the members. In his view it would be doing a service to the mandatory Power at least to register the opinion of members immediately.

M. KASTL desired to add nothing to his statement which M. Catastini had read during the presenting discussion on this matter.

In his view, the Commission was unable to adopt any immediate conclusion, for it did not know the contents of the Wilson report. Generally speaking, the present question was serious from the point of view of the whole mandates system. The Commission must be assured that it would receive the Wilson report and that it would be able to examine it before the mandatory Power had taken any official and definite step.

M. PALACIOS supported this view.

The CHAIRMAN entirely agreed with M. Kastl.

M. RAPPARD suggested that a short sentence to the following effect might be inserted in the general report of the Commission :

“The Commission noted the statement made by the accredited representative that no decision would be taken before the Commission had had an opportunity of expressing its views on the scheme.”

M. KASTL said that he had read the Minutes very carefully but that he had found no such statement ascribed to the accredited representative.

M. ORTS asked the Secretariat to consult the text of the Minutes.

M. CATASTINI replied that the statement in question was not there.

M. ORTS asked that it should be verified that the accredited representative had not said that the object of Sir Samuel Wilson's mission was only to study the technical side of the problem.

M. CATASTINI replied that the Minutes contained no reference to this remark.

M. KASTL supported the suggestion of M. Rappard in regard to the passage to be inserted in the Commission's report.

Lord LUGARD expressed the view that the Commission should take note of the statement made by the accredited representative, but he thought that the Commission would not be justified in asking the British Government not to take any decision until it had heard the views of the Permanent Mandates Commission.

M. VAN REES reminded the Commission that he had pointed out at the meeting in question that it was undeniably true that Article 10 of the mandate conferred on the mandatory Power the right to establish unions or federations.

M. KASTL recalled that the mandatory Power could do so only if such unions did not infringe the principles of the mandate.

M. VAN REES, continuing, added that he had also said that such a right granted to the mandatory Power was in his view a weak point in the mandates system. What he wished to explain was the character of this weakness, not with the object of discussing the right possessed by the mandatory Power to act in this manner, but in order to show that this was perhaps a point which should be closely examined by it before using the right conferred upon it by Article 10 of the mandate. He had no intention of maintaining that the objections which the Commission might formulate could in any way interfere with the right which the mandatory Power possessed at the moment in virtue of that article. He thought, however, that it had been inserted in the mandate without proper account having been taken of the consequences to which such federations or unions of territories under mandate with the Colonies might give rise. His intention was merely to draw attention to these consequences.

Passing next to the statement which he proposed to make, M. Van Rees observed in the first place that the administrative incorporation of a mandated territory in a colony under the sovereignty of the mandatory Power could not fail in the end to weaken the conception, which was at the basis of the mandates system, that territories under mandate were separate international entities over which the mandatory Power only exercised a delegated authority.

This was the more so as this measure, by virtue of the mandate itself, involved the application in the mandated territory of the whole, or at any rate of the greater part, of the legislation in force in the neighbouring colony or protectorate. This meant that little by little the conception of the legal status of territories under mandate would inevitably give place to the conception that the territory belonged entirely to the mandatory Power.

This consequence, which was practically certain, would lead to others just as serious.

To misunderstand the special legal status of territories under mandate would, in the first place, lead to the failure to observe the obligation of a mandatory Power to prepare the population under its guardianship for the enjoyment of political autonomy and, finally, for independence. In view of the fact that the application of different policies to two districts forming the union would lead, or might lead, to administrative difficulties, it logically followed that as long as the line of conduct applied in the neighbouring colony was not inspired by a desire to lead the inhabitants of that colony as quickly as possible to complete freedom, such a desire would not be expressed in the policy pursued in the territory under mandate whose destiny it was one day to enjoy a free government.

Further, in a case of incorporation, how would it be possible to ensure to a mandated territory the enjoyment of full financial independence, the first condition for its political independence? The administrative union meant the establishment of common public services. From this only a confusion in regard to the receipts and expenditure of the united territories could result, as the Commission, moreover, had seen during its examination of the reports on Togoland and the Cameroons under British mandate which were incorporated administratively with the Gold Coast and Nigeria respectively (see fifth report of the Commission to the Council and later discussions on the same point).

The recognition to territories under mandate of financial autonomy was certainly not formally provided for in the Covenant, nor in the mandates, but it was, none the less, clearly understood, not only because the political development of those territories implicitly prescribed by the mandates system demanded the granting and maintenance of financial autonomy, but because, if that autonomy were lacking, another fundamental principle of the mandates system might be compromised. That principle was that the mandatory Power must act in an entirely disinterested manner.

That principle forbade the mandatory Power to use its powers in order to obtain from its position any material or exclusive profit of any nature. In other words, the principle laid down that none of the receipts of the territory could be taken away from its budget, and that all expenditure must be made solely in its interest. How was it possible to observe this principle correctly if the mandated territory, owing to the fact that it was incorporated in a neighbouring colony, lost, by reason of this incorporation, its budgetary autonomy, even though such might only be partial?

A third principle should be taken into account with the other two already mentioned. Its application might also encounter unexpected difficulties in the case of fiscal or administrative unions. This principle, which affected the object of the mandate, laid down that the manner in which a mandatory Power carried on its administration must be inspired by its desire to

protect the interests and well-being, and promote the development of the peoples of whom it was the guardian. Here too, it might be asked, how could these principles be rigorously carried out in the case of Customs or railway unions laying down that the same rates should be charged in both territories, since the interests of the territory under mandate, which had not reached the same stage of development as those of the colony to which it had been united, called for a railway or Customs policy which was more calculated to meet its needs ?

Further, if in order to carry out a big programme of public works, loans were contracted under the guarantee of both the territories thus united, how could the burden of such loans be justly divided between the colony and the territory under mandate ? How could that territory be ensured full legal possession of the public works thus executed if they had been erected partly at the cost of the neighbouring colony ?

Faced with this series of difficulties, both of a political and moral nature, from which it seemed extremely difficult to escape, M. Van Rees thought himself justified in saying that the authority in question given to the mandatory Power was a crack in the edifice of the mandates. He in no way desired to maintain that these difficulties must necessarily involve a change in Article 10 of the mandate in question, or in similar articles in other B mandates. The right conferred by these articles on mandatory Powers was definitely established and could not be withdrawn.

M. RAPPARD observed that this was so, subject to the principles of the mandate.

M. VAN REES would say rather "subject to the provisions of the present mandate". This was a restriction to which particular attention should be paid. What should be understood by this reservation ? Some might maintain that the authors of the mandates had only had in view the actual provisions expressly laid down in the mandate. Others would point out that this reservation affected all the provisions and principles, whether defined or not, which constituted, what it was now convenient to call, the mandates system. If the first interpretation were adopted, and it was the only one which, in the view of M. Van Rees was admissible, he thought it doubtful whether the consequences of such a union could legally affect the right conferred on mandatory Powers.

The Hilton-Young Commission only seemed to have examined the legal side of the matter ; the political and moral aspects did not seem to have been taken into consideration. The last aspect, however, was certainly as interesting as the first. The consequences of any union, as they had now been explained — and to which could still be added that concerning Customs duties referred to by M. Van Rees at the thirteenth meeting — appeared to him to be so grave as to shake, and even to undermine, the whole mandates system. He was of opinion therefore that a mandatory Government would be well advised to take due account of the character of these consequences before deciding to establish so important a union as that of Kenya, Uganda and Tanganyika — three territories which, from certain points of view, presented very dissimilar local conditions.

M. ORTS understood that Article 10 was considered to be a weakness in the mandates system. On the other hand, the observations of M. Van Rees seemed to him to be very well founded. He would, however, point out to M. Van Rees that his argument only emphasised the contrast which was alleged to exist between a kind of ideal system and the system established and laid down by the international agreements, which constituted the actual mandates system. What his colleague called a "crack" in the mandates edifice was precisely one of the conditions which had led the parties concerned to consent to the mandates system, and had made it possible to establish that system. M. Orts wondered, therefore, whether the Commission was prepared to attack the system laid down in favour of an ideal one which did not legally exist.

M. RAPPARD pointed out that, though the mandates might be compared to international agreements, they were, at the same time, the enforcement of the principles laid down in Article 22 of the Covenant. If there was a very definite contradiction between these principles, which were constitutional, and their application which was legislative in nature, it might well be asked what was the validity of such agreements. M. Rappard did not think that the Commission had reached this point. A solution should be sought in the following direction : the text of the mandates should be interpreted in the light of the principles which they should carry out. If, according to one interpretation, there appeared to be a contradiction with Article 22, it was the interpretation which was at fault. The only interpretation which was permissible was one not contrary to the principles of that article.

M. ORTS did not agree. He thought that the system established by Article 22 of the Covenant, completed by the mandates, constituted a whole upon which the parties concerned had agreed and from which it was not possible to cut out and separate any particular provision. Those provisions bound the League as they bound the Mandatories. They had made possible a practical application of the Covenant.

M. KASTL reserved the right to make further declarations later.

The continuation of the discussion was postponed to a future meeting.

TWENTIETH MEETING.

Held on Friday, July 12th, 1929, at 10.30 a.m.

Chairman : Marquis THEODOLI.

1031. **Syria and the Lebanon : Examination of the Annual Report for 1928.**

M. de Caix, late Secretary-General of the High Commissariat of the French Republic in Syria and the Lebanon, accredited representative of the Mandatory Power, came to the table of the Commission.

Welcome to the Accredited Representative.

The CHAIRMAN welcomed M. de Caix, with whom the Commission would once again co-operate at the present session.

The Chairman believed that M. de Caix had just returned from Syria, where he had gone as in previous years, to enquire personally into the situation, so as to be in a better position to give precise replies to the questions put to him by the members of the Commission.

Form of the Report.

The CHAIRMAN said that the report on the administration of Syria and the Lebanon for 1928, which the Commission would now examine, appeared to contain a very complete survey of the situation in these territories. The members of the Commission would doubtless have noticed with satisfaction that, in accordance with the wishes of the Commission, the mandatory Power had devoted greater space to certain chapters in the report.

The Chairman wished to draw attention to a note which the Commission had just received from the French Government replying to the various points raised in the observations made by the Commission to the Council during the eleventh and thirteenth sessions¹; the Chairman left it to his colleagues to take up, if need be, the various points referred to in the replies, in conformity with the programme of distribution of work.

Before opening the discussion on the annual report, the Chairman wished, in accordance with the usual practice, to give the accredited representative an opportunity of making, if he so desired, a general statement upon the situation in Syria and the Lebanon.

General Statement by the Accredited Representative.

M. DE CAIX made the following statement :

On my return from the Near East last year, I informed you that throughout my voyage I had had an impression that all was calm in the territory. That impression has been confirmed and accentuated during the stay I have just made in Syria and the Lebanon. The atmosphere is no longer the same as it was during the disturbances of 1925-26, nor as it was during the period when an authority, which had just victoriously replaced that wielded by the Turks, was almost undisputed, but when no very real contact with authority had yet been successfully established and when, above all, its intentions were still very little understood.

Certainly, statements in the Press have shown that the peace which reigns in the States of the Near East under French mandate is not what we are accustomed to in the West. From time to time we have been informed that motor-cars have been held up on the roads, persons murdered — recently an archæologist was killed near the Euphrates — and even villages on the northern border held to ransom. Such minor incidents must be regarded as normal in a country far less developed than our own, rather than as political incidents. Brigandage is a customary industry with some of the inhabitants and a casual one with a greater number in a country where it has not been adequately repressed and where adepts of this calling find shelter in many difficult or desert places. In the north, more especially along the Turkish border, which has never been sufficiently rigorously closed to malefactors in Syria, security is not what it should be, in spite of the efforts of flying columns of troops who endeavour to ensure it.

What I have just said does not mean that political agitation has ceased altogether ; it is not, however, accompanied by any act of violence and scarcely even with verbal violence ; its character appears, in fact, to have been appreciably softened. When I say this, I am not referring to the Lebanon, the Alaouites and the Sanjak of Alexandretta, where the mandate has not been opposed, but it is the case even in the great towns of Syria and particularly at Damascus.

The Syrians, especially the inhabitants of the towns, always seem to me to be sociable people, happy to talk things over even with someone who does not think as they do. But I have never before felt as I have felt this year, that contact had been established between the

¹ See document C.304.1929.VI. (C.P.M.894).

opposition and the mandatory authority although that authority has had, for reasons of principle, to break politically with the opposition on the question of the Syrian Constitution. That rupture, however, has not caused any break in the pleasant personal relations and the opposition which, in principle, has abandoned none of its claims, appears to me to have changed its tone considerably.

This progress is of course due, in great part, to the fact that the people have become accustomed to us. Situations which endure, lead in Syria, as elsewhere, to the necessary adaptations and adjustments, unless the work of time which is always on the side of the angels, is thwarted by too many mistakes. The work of time has, in this instance, been aided by the personal attitude of the authorities of the mandatory Power, particularly by the High Commissioner and his Political Chief Secretary who, without making any great display, have talked matters over with the opposition, have listened to them, have allowed them freely to carry on their political business during the elections and, during the period following them, have really tried to come to an understanding with them when the Syrian Assembly has met, and have given them an unquestionable impression of openness of mind and goodwill. In addition to the effect of the years that have rolled by since the establishment of the mandate, that attitude has played an appreciable part in reconciling men's minds.

The opposition, perhaps, have had their illusions. Syria is still morally under the influence of a system of government which practised not impartiality but favouritism. Those who exercise authority are exposed to the risk of finding that their liberal attitude and their goodwill are unduly exaggerated. Since they loyally afforded a chance to those who had recently been their adversaries, these could be tempted to believe, and also to make others believe that they were being called to power, and that their programme was being accepted almost without restriction. That belief, combined with the fact that they remained bound by the uncompromising attitude which they had never ceased to adopt when in opposition, may have led them to act as if they could disregard the principles which the mandatory Power must inevitably uphold. That at any rate is the impression gained when a spirit of deception and misunderstanding is discovered among some of the men who in the end have been confronted by a *non possumus* from the mandatory Power. They have not yet understood, or do not wish to understand, that the public law, by which the independence of their country has been recognised, involves certain necessary consequences, at least temporary, which the Syrians cannot remove at will.

Thus, their policy, as is indicated in the documents published at the beginning of the report for 1928, has been the very negation of the mandate. They refuse to admit that the exercise of the sovereignty of the Syrian people should be subject to conditions and limited by this temporary regime. Even if they recognise the mandate, it is devoid of meaning to them; they regard it as a system by which the mandatory Power must confine itself to giving advice which they can disregard entirely, and must assume the duty of protecting by its diplomacy and armed forces a country in the government of which the Mandatory has no other right of intervention. It was for this reason that they tried to bring about the acceptance, without restriction, of the constitutional articles which took no account of the obligations of the mandatory Power, even on points in regard to which the mandate is most definite. Their draft of a Constitution *a fortiori* took no account of the general scope of the mandate which is, however, formally recognised by Article 90 of the Lebanon Constitution of 1926. When later on, in order to overcome this obstacle, they agreed to make concessions in regard to the controversial articles, they refused to accept a general formula placing the entire Constitution within the frame-work of the mandate. It was, however, impossible for the mandatory Power to put an end, by accepting a wording, giving it as limited a form of satisfaction as possible, to a dispute to which the very length of the public discussion had given full scope. The quarrel, indeed, is not one of words, but is due to an attitude of mind.

The mandatory Power cannot fulfil its obligations through the intermediary of men who accept its authority, so to speak, drop by drop, and make use of formulæ possessed of as little meaning as possible. The mandatory Power cannot advance towards its final aim, in the just sense of the term, unless it discovers a method of creating a real and generous spirit of co-operation, as the Mandates Commission itself pointed out in 1926 at the end of its Rome session. That spirit can advantageously inspire a discussion of the details of execution, but it cannot be employed to contest and change fundamental matters. The spirit, however, which is still displayed among the adversaries of the mandate is merely one of verbal doctrinaire and uncompromising affirmation of sovereignty; one that carps at every text that constitutes the charter of Syrian independence, in order to admit as little as possible.

This was the spirit which I myself noted when talking with certain leaders of the opposition who have gained the upper hand in the Syrian Assembly. They say they accept Article 22 of the Covenant, but not the Declaration of July 24th, 1922. Not only do they refuse to recognise that the second text is a corollary which is implicitly required, and even explicitly announced by the Covenant, but one of them even told me that the mandate was an infringement of the Covenant. Although that spirit is displayed in a conciliatory manner, it is not likely that, with their doctrinaire spirit, their rivalry in maintaining an uncompromising attitude, their dependence upon old habits of mind, they will be able within a reasonable time to reform themselves and to accept the system of public law which has established the independence of Syria.

A situation of this kind necessarily determines the attitude of the Mandatory in the question of the Organic Law. The Mandatory, of course, cannot abandon its work of building up that Law by inducing the local authorities, whenever possible, to endorse the existing organisation which has been tested and generally accepted. It should not be forgotten that

the Organic Law is being established gradually and by a system of customary law which could scarcely have been foreseen at the time when the terms of the mandate were adopted. It appears that, at that time, it was expected that the mandatory Power would, by a stroke of the pen, confer a charter on the countries entrusted to its care.

The turn taken by events connected with the attempt to achieve agreement with the native authorities has led to a different form of evolution. The Organic Law is being established gradually, as the organisation provisionally granted to the country is adapted and strengthened, and as it obtains the agreement provided for in Article 1 of the mandate.

In the Lebanon the Constitution of 1926 has been adapted to reality in the face of experience. If it is to develop any further, it will do so probably, to judge by the tendencies of public opinion, in the direction of a failure to strengthen the powers of the executive. In the Alaouites State and in the Jebel Druse, there exists an organisation — not yet fully developed in the latter country — which corresponds to the present state of affairs, which is accepted and could no doubt be endorsed by the native authorities.

In Syria the situation is more difficult, apart from the Sanjak of Alexandretta in favour of which any Syrian Constitution will have to confirm the measure of autonomy which it has enjoyed since 1920. The mandatory Power is obliged to govern and administer the country in the best way possible, to assure its progress and to await the moment when it will find itself in a position to make a second attempt, similar to that which has now been brought to nought by the efforts of its opponents, to give to the organisation of Syria the form of a Constitution voted by the people.

As regards common interests, it is possible to conceive of the creation in a short time of delegations from the various States which will thus fulfil, but to a larger extent since they will deal with all questions of revenue, expenditure and common economic matters, the desire expressed by the Mandates Commission at its eleventh session, that the populations concerned should be allowed to express their opinion in respect of Customs tariffs.

Finally, there is nothing to prevent the mandatory Power and the mandated States from settling by agreements the method by which the control of the mandate is to be exercised.

Doubtless, all this does not concern the exercise of the mandate during the year 1928. It does not concern even what is going on at the moment, but I am describing certain possibilities which must be taken into consideration in any general statement made on the situation in Syria and the Lebanon.

There is one fact which must be especially borne in mind and that is that, though the Organic Law still continues to be built up, the gradual method followed justifies the request for adjournment which the mandatory Power induced the Council to accept. The country is organising itself. There is no need for the mandatory Power to wait, in order to continue its work, for that expression of goodwill which it has allowed the inhabitants much time and many opportunities to make. The moment, however, has not come when it can submit to the League of Nations the organisation which is developing into a *corpus* which in its turn will become the Organic Law provided for under Article 1 of the mandate.

That organisation can, as I said at the beginning, be built up in an atmosphere of better understanding to which an element which I have not yet mentioned contributes, namely, the general interest in economic questions. It appears that the new regime which gives greater security in regard to property, and opens up new possibilities of development, is beginning to produce a change in the state of mind of the population. They are endowed with fresh hopes in regard to the development of the resources of the country. The mandate also contributes to this development by maintaining a better state of order in the country. To this a person not belonging to the administration of the mandatory Power bears witness, for he told me that the reform of the tithe and its replacement by a fixed land tax has considerably improved the position of the peasants, and that they are showing greater confidence in their rights. There is a tendency to establish a number of industries. Cotton cultivation is leaving the experimental stage and is becoming developed. Syrian and Lebanon capitalists, who up till now have shown very little desire to purchase the shares reserved for the local market in connection with the capital required for the new enterprises established in the country, are now beginning to realise the profit to be made from such investments. These capitalists have ten times over-subscribed the number of shares reserved to them in the last of these enterprises: a factory for the treatment of olive stones. There are various signs that a change of mind is taking place.

When speaking of economic prospects, I must of course show the greatest reserve. The least that can be said, however, is that Syria and the Lebanon are not growing any poorer and that a new and intelligent interest in the economic development of the country is to be found. This tendency is preventing the people from paying as much attention as formerly to questions of doctrine and pure politics and to the acts and words of men who continue to devote themselves exclusively to such things.

May I add a word concerning the manner in which the authorities conceive the duty of supervising the mandate. Here definite progress has been achieved in connection with the comprehension of the manner in which documentation must be sent to Geneva. While it may be true, as the Chairman once pointed out, that the Permanent Mandates Commission has no material means for enforcing its opinions, the fact remains, nevertheless, that the obligation which is incumbent on the agents of the mandatory Power to furnish information to the League of Nations and to give very definite replies compels them to reflect and to understand better and better what the system is which they are called upon to apply. This is a moral consideration which I think it well to point out to the Commission.

The CHAIRMAN thanked M. de Caix for the statement he had made.

*Communication to the Commission of Legislative Texts
relating to Syria and the Lebanon.*

The CHAIRMAN thought it his duty once more to draw the attention of the accredited representative to the fact that the Permanent Mandates Commission had not yet received from the mandatory Power the collections of legislative texts for Syria and the Lebanon which it had requested on several occasions, as would be seen in the Minutes and in certain of its reports to the Council.

It was true that the Commission had received volumes containing the administrative measures of the High Commissariat between 1919 and 1926, but these volumes did not comprise the legislation relating to each of the States under mandate. Further, as appeared from M. de Caix's statement at the thirteenth session of the Commission (page 165 of the Minutes, document C.341.M.99.1928.VI), this publication — the information in which did not relate, moreover, to a later date than 1926 — was not an official one. The Chairman added that the various gazettes (*Official Journal* of the Republic of Lebanon, *Official Journal* of the State of the Alaouites, *El Acima* (fortnightly official bulletin of the State of Syria) and the *Official Bulletin* of the Administrative Measures of the High Commissioner) constituted a voluminous and loosely connected mass of documentation, which was not so practical a source of information as an annual collection.

A definite obligation had, however, been contracted in virtue of Article 17 of the mandate, which read as follows :

“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 this mandate. Copies of all laws and regulations promulgated during the year shall be attached to the said report.”

Even the best compiled reports could not take the place of a collection of all the legislative texts, which constituted the actual basis of the administration of the territories entrusted to the mandatory Powers. Thus, a collection of laws, such as those provided for all the other mandated territories, was an indispensable aid to the work of the members of the Commission.

In conclusion, the Chairman said that he was sure that the French Government would meet the request of the Commission in this connection.

M. DE CAIX observed that, in point of fact, the Commission received all the legislative texts which were quoted in the *Official Journal* of each State. He believed, therefore, that what the Commission actually wanted was a selection from these texts, for it seemed to him that it would be impossible to draw up a report which would reproduce as an annex the various State official bulletins. He explained that for purposes of office work the officials used the red book which had been sent to the Commission.

The accredited representative was, however, quite ready to arrange for the despatch to Geneva of a brief statement of the laws, together with a summary of each law. There was no collection of laws for the Lebanon and Syria.

The CHAIRMAN said that he was surprised that no such collection of laws existed, since one had been made in the case of all the other territories under mandate.

M. MERLIN pointed out that the position of Syria was somewhat different from that of the other territories, Syria being a federation of States, whereas elsewhere the mandatory Powers administered only a single State.

M. DE CAIX explained that the reason why the publication of the volumes containing the administrative measures of the High Commissariat had been stopped in 1926 was because the legislative activity of the local Governments had increased to such a degree that it had no longer been possible to consider the measures of the High Commissariat as representing the legislation of the country.

M. VAN REES asked whether the compilation of these collections had been abandoned for good.

M. DE CAIX replied that there had never been any official collections of the measures apart from the *Official Bulletins* issued by the High Commissariat and the States. If all the legislative measures contained in these collections were to be annexed to the annual report, the size of the volume would be unnecessarily large.

M. RAPPARD supposed that nevertheless the magistrates and lawyers, for example, had a collection of laws, which was something more than a certain number of pages taken from the *Official Journal*. It was a collection of this kind that the Commission wanted. It would be very valuable to be acquainted with the legal background of the country — not, of course, all the legislative decisions on particular points, but laws of general scope which, M. Rappard thought, must surely have been collected in some form.

M. DE CAIX said that the High Commissariat could draw up for the use of its administrators and for the local governments a collection of legislative measures which could then be forwarded to the League. He would certainly make such a suggestion.

The CHAIRMAN reminded M. de Caix that at its thirty-fifth session in 1925 the Council had taken the following decision :

“The Council decides to ask the Mandatory Powers to forward to the Secretariat the legislative texts applicable to mandated territories in accordance with one of the two methods suggested by the Commission.”

The suggestions of the Commission therein referred to were as follows :

“ In the course of its last session the Permanent Mandates Commission expressed to certain accredited representatives the wish that their Governments should forward to it, through the Secretariat of the League, the official gazettes containing the legislative and administrative texts applicable to the different mandated territories. Some mandatory Powers have been good enough, in accordance with this request, to forward twelve copies of these gazettes as issued. Experience has shown, however, that this method presented several practical disadvantages. The Commission is, therefore, obliged to ask the Council to request the mandatory Powers either to publish the legislation of general interest enacted during the year as an annex to their annual reports or to communicate it separately in the form of a special volume. These methods, which have been adopted by certain Governments, are equally satisfactory. In the event of the publication of a special volume, it should be forwarded, at the same time as the annual report, to each member of the Commission, and three copies should likewise be addressed to the Secretariat. ”¹

M. DE CAIX wishing to understand the position quite clearly thought that the Commission was not complaining that it had not received documents but that it had received them in an inconvenient form.

Preparation of the Organic Law.

M. RAPPARD drew attention to a description, in the first pages of the report, of a magnificent start towards a Constituent Assembly, a start that had been encouraged by the High Commissioner in terms which might almost appear rash and which had resulted in the adjournment of the Constituent Assembly *sine die*.

M. Rappard had nothing to say concerning the failure of this very liberal attempt, except perhaps to express astonishment at the fact that the reins had been allowed to fall somewhat slackly upon the Constituent Assembly and that the points on which the Mandatory would refuse to authorise local intervention had not been defined in advance. Once the elections had been ordered and once the deputies had met, it was obvious that the ultra-Nationalists would carry the day and that no deputy would wish to seem less pure than his neighbour. The result had been that the French Administration had been confronted with demands that were incompatible with the mandate.

This, however, referred to the past. In so far as concerned the present, M. de Caix had said that there was a reign of peace, that personal relations were not bad between the High Commissariat and the leaders of the Opposition and that the economic situation gave grounds for hope. Nevertheless, the political problem was still unsolved. Was it possible to foresee in what direction an attempt could now be made to prepare the future and according to what methods the territory was being administered pending that future of which there must, nevertheless, be a glimpse ?

M. DE CAIX replied that it could certainly be thought that the existing local conditions had made dangerous the attempt referred to by M. Rappard. Past promises, however, had to be fulfilled : they had been made in 1926. It had also been necessary to provide an occasion for the opposition to show its capacity and political spirit, for it had maintained and spread abroad — with the consequence that a number of Syrians believed it — that it was capable of settling all questions of interest to the country. The elections and the attempt to co-operate with the Assembly had been carried out in complete loyalty, whatever might have been the apprehensions of a number of French and even native officials. The attempt might have been risky, but its success would have been of interest, and no value could have been attached to it unless it had been fully carried through. It was this which the High Commissioner had desired to do.

The accredited representative had pointed out, in the statement which he had made, the nature of the relations of the mandatory authorities with the leaders of the opposition, the illusions which the latter might have cherished, and the incapacity which they had shown to break away from their past. They had demonstrated their inability to face facts, their political immaturity, their incapacity to understand the necessity of fulfilling the stipulations of the law which had established the independence of Syria, subject, however, for a time, to certain conditions. They had therefore compelled the High Commissioner to declare a *non possumus*, and they had lost the chance, honestly given them, to come into power.

Obviously, the future was determined by this negative demonstration. It made it impossible for the mandatory Power to renew, a short time after, the attempt which it had made. For the moment, other means must certainly be found to improve the condition of the population, the majority of which was very poor and far more concerned with its well-being and its security than with any political claims.

M. RAPPARD said that the reason why he used the word “ rash ” was to obtain a definition of the attitude of the High Commissioner in regard to the work of the Assembly and not to the elections.

M. DE CAIX replied that the assurances of goodwill, of which the Nationalist leaders had been lavish, had been such as to lead the authorities to believe that they did not intend to raise the question of the mandate. It might seem useless to decree a *non possumus* in this respect. Had it been easy to limit a *non possumus* ? The obligations of the mandate were not

¹ Report of the Permanent Mandates Commission on the work of its sixth session (document C.386.M.132. 1925.VI, page 173).

confined to the points particularly emphasised in the Declaration of July 1922. The Constitution could, without obviously and directly violating the mandate, contain provisions of which the application could compromise the good government and administration of the country, and thus affect the responsibility of the mandatory Power to which reference had once more been made during the thirteenth session of the Mandates Commission. It was impossible to declare a *non possumus* dispensing the mandatory Power from examining, and requiring, if necessary, the amendment of, a text voted, before authorising its promulgation. It would be seen how delicate had been the position when the Administration had sincerely desired to give the Opposition a chance to progress and to show that they were capable of adapting themselves to realities and of departing from their doctrinaire attitude of negation.

It was obvious that things would have been much easier if the agreement of the native authorities, mentioned in Article 1 of the mandate, had been conceived, as in the first place the mandatory Power had thought that it should be conceived, to be that of the traditional and corporative authorities of the country. Account, however, must be taken of all that had occurred in the East since the drafting of the Declaration of the mandate, and especially in Syria since the year 1925. M. de Caix repeated that he did not think that the loyal attempt which had had to be made could have been different in character to what it actually had been.

The mandatory Power could not now suspend its task nor await the expression of a feeling of goodwill, which it had never yet found except in verbal statements, and which vanished the moment an attempt was made to define it. It could not waste time seeking formulæ which were used only to mask a disagreement by trying to combine, by means of hidden contradictions, the responsibilities of the mandate and the *intransigence* of an opposition which had hitherto shown no desire to take serious account of those responsibilities.

The country needed to progress in the legal, administrative and economic fields. The mandatory Power, responsible as it was for that progress, could follow no other policy than to ensure that the country would obtain these through any government which might have the desire and capacity to achieve them under its guidance. What should thus be done should not subsequently be called in question. It could be confirmed, when the proper time came, in the organic laws voted, and a treaty could be drawn up between the Syrian Government and the mandatory Power.

What would happen in the future was necessarily conditioned by the attitude of mind which the mandatory Power might discover in those groups of Syrians who were concerned with the organisation of their country. It could, however, be stated immediately that the work involved by the mandate could not be indefinitely held up because an attempt which had been carried through as far as possible had failed, though it had passed through successive stages, thus allowing the persons concerned full time for reflection.

The CHAIRMAN thought he was right in saying that there had recently been an administrative election and that certain disturbances had occurred in connection with it.

M. DE CAIX replied that these elections had been held about a month previously and that there had been a dispute among the parties in the hill country near Tripoli.

M. DE PENHA GARCIA believed that the lack of success in the experiments made up to the present was due to the fact that the social structure of the mandated territory had not been sufficiently studied. It had been desired to apply systems and methods which were not altogether perfect even in more highly developed countries. It seemed clear that the peoples in Syria were not prepared for the electoral system. M. de Penha Garcia, however, wondered whether, in the case of the administrative elections, where politics did not play so definite a part, the country would not be capable of working an appropriate electoral system in a satisfactory way. It might, for instance, elect the municipal councils, or the members of the institutions which corresponded to the organs of municipal administration.

M. DE CAIX pointed out that, in Syria, there were very few municipalities. Such were to be found only in certain important cities. There were no rural municipalities, that was to say, the villages were not established in organised municipalities. It would be difficult rapidly to improve this situation in a country where the rural population was still, for the most part, ignorant, illiterate and not socially independent.

The municipalities existing in a certain number of towns were in principle elected, but in many cases the municipal councils had worked unsatisfactorily and it had been necessary to replace them by municipal committees composed of nationals of the country.

M. ORTS thought it useful to lay stress upon certain conclusions which arose from the verbal statement made by M. de Caix, together with the developments recorded in the first chapter of the annual report. He, like M. Rappard, would be glad to know the mandatory Power's views with regard to the future, in view of the failure of the Syrian Assembly to carry out the task which it had assumed of establishing the Constitution for the country.

It seemed that the very existence of the mandate, and in particular of Article 1, was being more and more forgotten in Syria. In accordance with the terms of this article, France undertook *vis-à-vis* the Council of the League of Nations to frame an Organic Law for Syria and to frame this law in agreement with the native authorities.

The mandate said that it was the duty of the mandatory Power to *frame* the Constitution, as it was also its duty to *enact* measures suitable to facilitate the progressive development of the country. It was the mandatory Power which was to play the principal part in regard to this work.

It would be seen from the report that the situation was far from this. In fact, in the Declaration of the Syrian Government, dated February 17th, 1928, it was said (see page 11 of

the report) : “ The third condition is that the Constituent Assembly resulting from the elections should discuss and vote freely the Constitution of the State, which it was the duty of the Government to promulgate in agreement with the mandatory Power”. Further, the High Commissioner himself, in his inaugural speech before the Assembly said “ This is a solemn hour . . . in which you are met together to undertake the framing of the Constitution of the State”.

The situation was completely reversed. According to the mandate it was for the mandatory Power to frame the Constitution, whereas the Syrian Assembly had undertaken this difficult task, before which, moreover, it had succumbed. The mandate provided that the preparation of the Organic Law should be effected in agreement with the native authorities (it was not said : “ in agreement with an Assembly elected by universal suffrage ”), whereas it could be seen, on the contrary, that it was the inhabitants of the country who authorised the mandatory Power to give its agreement to a Constitution, with the framing of which it had nothing to do.

Evidently, this was all in the past. However, it must be noted that the method adopted had failed. It would be necessary, nevertheless, one day or another, to deal with the problem afresh. It was for this reason that it was useful to recall the existence of the mandate and to insist upon the lesson of the past. Experience had shown that the mandatory Power had presumed too much upon the political maturity of the Syrian population, by assigning to it, in the execution of the mandate, a rôle which was beyond its capabilities.

Was it possible to create a *de facto* situation or, in default of a Constitutional Charter based on a series of special laws, a political regime which the population would accept ? If it were necessary to give up this hope, the moment would come to remind an Opposition which systematically ignored the mandate that the execution of a Convention concluded between the League of Nations and a mandatory Power could not depend upon its will.

M. Orts would like to ask M. de Caix whether, in view of recent events, the recollection of which it would be difficult to remove, the mandatory Power foresaw the possibility of again observing the legality, or, to put it otherwise, the application of the mandate.

The CHAIRMAN recalled that he had already asked the accredited representative on other occasions whether the fact that Iraq and Trans-Jordan were neighbouring countries, and the fact that a parliamentary system had been established there had not induced the mandatory Power to adopt in Syria a system of parliamentary institutions, the manifold disadvantages of which it now saw in a country which was not prepared for them. Had not the Syrians been led to make comparisons and to feel surprise that they did not enjoy an organisation at any rate similar to that enjoyed by the neighbouring countries, whom they considered less developed than themselves ?

M. DE CAIX pointed out that the questions put by M. Orts and by the Chairman made it incumbent upon him to be somewhat reserved in his replies. It was not for him to examine the policy pursued by another mandatory Power, or to criticise that followed in Syria, or to take the place of the High Commissioner and state a programme of which he could only describe the general possibilities.

To go more deeply in to the matter, the Commission should note that there existed a diversity of opinion and a degree of uncertainty regarding the way in which the mandate had been conceived. The Commission itself had not been opposed to a policy which might now appear to it to be somewhat bold. The fact that the attempt was to be made had been announced some time previously. It had then been undertaken, and the attitude of the Commission towards the matter was rather recent.

It was obvious that the example of what had happened in the neighbouring territories under mandate, and the general movement of opinion in the East, had contributed to the adoption of a system which was difficult to apply to such peoples. This, probably, had never been thought of when the mandates had been given and their terms defined. It had certainly not been intended at that time to grant the territories under mandate, even under A mandate, elected assemblies possessing a large measure of sovereign power. It was now easy to show that contradictions existed in the mandate owing to the fact that Article 22 of the Covenant laid down that the populations to be treated as minors had the right to draw up their constitution for themselves. Guardianship implied the ability to restrict the freedom of minors, otherwise it was not guardianship at all.

However that might be, it was obviously not impossible to conciliate the immediate necessities of the mandatory Power with the liberal procedure it had proved so right to adopt, and which it did not desire to abandon indefinitely. Probably a Syrian Government, composed in the best way possible, and strongly supported and advised by the mandatory Power, could not only achieve the reforms which the country needed, but cause its work to be ratified, when the moment came, by the representatives of the population. It should not be forgotten that the people, taken *en masse*, had no desire to oppose the mandate. Their principal preoccupation was to improve their position, for improvement was needed. The main problem was to increase their welfare and provide them with a better administration. By following this path the Organic Law would continue to be built up and would certainly be as fully ratified as was necessary when the moment came to seek ratification. The mandatory Power was not therefore in an *impasse* : it could continue its work without being compelled to abandon that liberal policy by which it desired to achieve that work.

M. ORTS, considering that the duty of the Mandates Commission was to assist in restoring a state of moral calm, would never reproach the mandatory Power for resorting to an elastic policy which would permit it to make good its mistakes. These mistakes should not be regarded harshly since the mandatory Power had been inspired by a liberal spirit and by a desire to

meet the wishes of those it administered. M. Orts was glad to note therefore that there appeared to be a satisfactory solution of the problem.

Another point which was clear from the report was that opinion in Syria had developed so that the majority of the Constituent Assembly no longer revolted against the mandatory Power so much as against the mandate itself. The mass of the population was not interested in the demands made in its name by an active minority and the latter appeared to ignore the mandatory Power in order constantly to attack the mandate. Endorsement of M. de Caix's statement was to be found in the facts given in the report, in the statements of the members of the Syrian Government, in the attitude of the Opposition and, above all, in the text itself of the draft Organic Law which the Syrian Constituent Assembly had drawn up.

A second point emerged from the information at the disposal of the Commission, namely, that the long continued opposition in Syria — in appearance, at least — to the mandatory administration only tended in reality to destroy the mandate. The draft Constitution voted by the Constituent Assembly left no doubt on this matter. It considered the mandate as rubbish and deliberately ignored its existence.

The Syrian Opposition adopted the same attitude also towards the League of Nations itself, which was a party to the Convention constituted by the mandate for Syria.

This Constitution was the work of people who misjudged their capacities and who imagined that they were capable of governing without advice of any kind. It would be desirable for the minority which persisted in fostering trouble in the country to know that, far from showing that political maturity which would make it possible to entrust to it the destiny of Syria, it was failing to give proof of its capability to play, in the regime established, the more modest rôle assigned to it under the mandate.

M. PALACIOS observed that the attitude of the Commission, as M. de Caix had said had been relatively recent, but, immediately it had been adopted, it had been badly received by the French representative on the Council. He recalled the speech of M. Paul-Boncour at the August session of 1928.

M. DE CAIX endorsed M. Orts' observations. It was true that the movement of the Opposition — in so far as there was any movement, for it should always be remembered that only a certain group of notables was implicated — was now directed against the mandate rather than against the mandatory Power itself. Indeed, whenever they had an opportunity, the members of the Opposition did not fail to point out to the French that France had, in reality, no reason to keep to the terms of the mandate, and that she would be considerably better off if she shook herself free and replaced the present system by a Franco-Syrian treaty. This did not mean that when such a suggestion was followed, the terms of the treaty would not be subject to as close a bargaining as had been the case in regard to the formulæ which were to be inserted in the draft Constitution in order to take account of the obligations under the mandate.

It was further true that the texts governing Syria and the Lebanon differed considerably from those governing Iraq and Trans-Jordan, but it would be wrong to draw too definite a conclusion from this difference. The Syrians and the Lebanese were certainly the most highly developed of the populations of the three territories under mandate. It would seem difficult, therefore, that, by virtue of a law, they should be placed once for all under a system which, though only in appearance, might be less liberal than that governing their neighbours. They were probably well aware that the mandatory Power preserved in Iraq and Trans-Jordan all the authority it needed, whatever might be the form under which it exercised that authority. They were particular in regard to those forms, however, and the mandatory Power must seek not to establish too great a difference in form between their system and the system in force in neighbouring territories, though it must remain firmly resolved to fulfil, as M. Orts asked, the imperative and unswerving obligations of the mandate.

M. de Caix considered that the Commission might usefully help the mandatory Power to bring back the opposition to a sense of reality. Anything which contributed to open the eyes of public opinion, both in Syria or elsewhere, to the nature of the doctrine and necessities of the mandate, could not but facilitate its application.

M. VAN REES deeply regretted that the line of action which M. de Caix had indicated some years previously should now have become impracticable. At the eleventh session of the Mandates Commission M. de Caix had made a very clear statement on the application of the first article of the mandate. This statement had been as follows :

“ In point of fact, the policy at present followed was actuated by the desire to afford the representatives of the population under mandate the widest possible opportunity of co-operating in the work of organisation carried out by the mandatory Power. It represented accordingly as liberal an interpretation as possible of the provisions of the passage in Article 1 of the mandate prescribing agreement with the native authorities. It was obvious, however, that if within a reasonable period of time — for although no date had been fixed, there were nevertheless certain moral limits — nothing had been achieved, in so far as concerned, first, the elaboration of the internal constitutions and, second, the relations between the different sections of the population, the Mandatory would still regard itself as bound towards the League, whereas it would consider itself released from its engagement to the representatives of the population and that it could act *proprio motu*, as was permitted under the terms of Article 1 of the mandate.”

It appeared that such action *proprio motu* was no longer practicable for the mandatory Power, in view of the course which had been followed since. It would perhaps have been

wiser for the mandatory Power not to have erected against itself the obstacle by which it was now checked. In any case it was obvious that at the outset, and even as late as in 1927, when M. Paul-Boncour had made a request to the Council for a *sine die* adjournment of the establishment of this Organic Law, the state of affairs which had afterwards come about had not yet been contemplated. At that date it had merely been presumed that there would be agreements with the chiefs of the various parts of the population, but not that an Organic Law would be drawn up by an elected assembly.

M. DE CAIX said, in reply to M. Van Rees, that the mandatory Power maintained two rights. The first of these was a negative one and consisted in opposing any kind of Organic Law which would be contrary to the public law in virtue of which Syria and the Lebanon were governed. The second was to act *proprio motu* to the full extent of the necessities of the country entrusted to it, and without awaiting the expression of co-operation which the inhabitants refused to give. It was to this method of action to which the mandatory Power had been forced to return in a large measure by the attitude of the Syrian Assembly. The accredited representative had just pointed this out to M. Orts. The mandatory Power had not abdicated; it had just carried out an experiment the results of which had compelled it to act for itself or, at any rate, through the intermediary of a government established by it. The question of ratification might arise later.

M. VAN REES stated that M. de Caix had in fact mentioned a new system of which a trial was to be made, but there was no guarantee that that venture would be successful. Supposing it did not give satisfactory results, he wondered whether any other course would remain open.

M. DE CAIX wondered whether it would be correct immediately to consider what could be done at the end of the period which was now about to open. It was impossible to take any decision immediately. The only problem was to ensure that the country should obtain a better organisation through the means available. The mandatory Power could take no other action. It was probable that the work which it would achieve, the benefits which would result, and the firmness with which the doctrine of the mandate would be maintained by those who executed it or were responsible for interpreting it, would gradually inculcate greater wisdom into those persons who were its unflinching opponents. Whatever might happen, the mandatory Power would, in order to fulfil its obligations, follow that path pointed out to it by experience.

The CHAIRMAN noted that several members of the Commission had formulated their point of view and put questions.

He felt, however, obliged to say once again, that the object of the Commission was to supervise the way in which the mandatory Power applied the mandate; but that did not detract from the responsibility of the mandatory Power, and the Commission could neither assume even the least particle of responsibility nor give advice for the future administration. Consequently, the statements of members merely expressed their interest and their desire to have information on a policy which had appeared to fluctuate and the responsibility for which was incumbent solely and entirely — and the Chairman insisted on this point — on the mandatory Power.

M. DE CAIX agreed with the Chairman in regard to the responsibility of the mandatory Power. The Commission, however, had a certain degree of responsibility because of the part which it played in determining the doctrine which the mandatory Power had to apply, and because of the influence which the Commission could exert on public opinion.

TWENTY-FIRST MEETING.

Held on Friday, July 12th, 1929, at 3.30 p.m.

Chairman : Marquis THEODOLI.

1032. Syria and the Lebanon: Examination of the Annual Report for 1928 (continuation).

M. de Caix came to the table of the Commission.

Preparation of the Organic Law (continuation).

The CHAIRMAN wished to point out, with regard to the Syrian Constitution that :

(1) The draft Constitution prepared in the previous year by the Syrian Constituent Assembly was very fully explained in the first chapter of the report, which indicated the general lines of that Constitution. The text of the draft had not, however, been communicated in its entirety to the Commission, and the official bulletins of the Territory had not, unless the Chairman was mistaken, published it.

The Commission would be glad to receive the text of the draft in order to complete its information.

(2) In the report submitted to the Chamber of Deputies on September 21st, 1928, by M. Joseph Paganon, on behalf of the Finance Commission, which had had under consideration the Bill confirming the general budget of the Ministry of Foreign Affairs for the financial year 1929 there appeared the following passage :

[Translation.]

“ It should further be noted that in his message to the Assembly, the High Commissioner made no reservation in regard to certain articles, those, for example, relating to education and the rights of minorities, the application of which would be calculated to involve the responsibility of the mandatory Power, or to the article which is inconsistent with the terms of the mandate and unfriendly to France, and which makes Arabic the only official language and excludes French.”¹

Was it to be inferred that these articles in the draft Constitution had escaped the attention of the authorities of the mandatory Power ?

M. DE CAIX said that he had brought a copy of the draft with him and would hand it to the Chairman.

The articles regarding education and the rights of minorities had not escaped the attention of the High Commissariat. It had, however, been held that the mandatory Power would, by reason of the rights which it held under the mandate and of its very definite obligations in regard to the rights of minorities and religious communities, retain the power to prevent the passing of laws which would restrict the rights of such minorities and communities.

(M. de Caix then handed the Chairman the text of the draft Constitution).

Refusal of Certain Countries of South America to allow the Entry of Syrians and Lebanese.

M. VAN REES asked M. de Caix whether he had read an article in *l'Asie française* stating that entry into certain South American Republics (in particular, Colombia and Brazil) had been refused to Syrians, Lebanese and Palestinians ? He read the following extract from this article :

[Translation.]

“ For instance, in the latter days of 1927, a big immigrant ship anchored in Colombian waters and immediately received orders from the Government at Bogotá to transport all Syrians, Lebanese and Palestinians on board to the territory of the Republic of Panama.”

M. DE CAIX replied that he had heard no rumours of a refusal to allow Syrians and Lebanese to enter the said countries on the ground that they were Syrians and Lebanese. The truth was that they were not liked in a number of countries because, whatever the occupation stated in their passport, the majority of them became hawkers and small traders in the country to which they had immigrated. Their exclusion was justified on grounds of health, so much so that the mandatory authority had contemplated representations to the Governments of the countries concerned with a view to their being represented on a medical board which would issue certificates to emigrants before departure. He repeated, however, that he had no knowledge of the exclusion of Syrians or Lebanese as such. Such exclusion was practised only in the United States of America, where there were very few Syrians owing to laws which applied moreover to all other countries, and rationed the number of immigrants from each.

M. VAN REES asked whether no representations had been made in this connection by the French Ministry of Foreign Affairs, Colombia being a Member of the League.

M. DE CAIX did not think so, since, if representations had been made, he would no doubt have been informed of the fact.

Treatment of Syrians in Liberia.

Lord LUGARD said that reference had been made at the thirteenth session to a letter to the Liberian Minister in Paris protesting against the treatment of Syrians in Liberia. It was reported that Liberia had declined to accept the views of the French Government and had asked that the question should be submitted to the Council. Could M. de Caix give any information on this point ?

M. DE CAIX replied that the negotiations were being continued and that the Minister for Foreign Affairs was pursuing the matter actively. He had no exact information on the matter.

Acquisition of Lebanese and of Syrian Nationality.

M. VAN REES drew the Commission's attention to the numerous complaints from Lebanese and Syrians established abroad, who had allowed the time-limit prescribed by the Treaty of Lausanne to elapse and had thus lost their nationality. He read, in this connection, a passage from the annual report (page 31) :

[Translation.]

“ Lebanese legislation will have practical effects in the case of the Lebanese who emigrated at the time when they were Turkish nationals and who returned to their country, since

¹ See debates of the Chamber of Deputies, *Official Journal of the French Republic*, of September 22nd, 1928 (page 1601).

it would enable them to acquire, with all possible facility, the nationality of the Lebanon, which has been set up as an independent State since their departure.”

If, therefore, they were to benefit by these facilities, they must return to their home country.

M. VAN REES wondered whether a suggestion might not be made to the Lebanese Government to pass an exceptional measure to facilitate the acquisition of Lebanese nationality by allowing Lebanese established abroad to obtain a certificate of naturalisation on request. He recognised that that measure would be at variance with the general practice, which usually required prolonged residence in the country where the applicant desired to be naturalised. He thought, however, that an exceptional measure of that kind would give satisfaction to thousands of Lebanese and Syrians.

M. DE CAIX did not see that there would, in principle, be any obstacle to a country adopting a system of that sort. He did not think that the French Government would refuse to transmit to those who applied for them certificates of Lebanese nationality issued under a law voted by the Lebanon. He did not, however, imagine that there would be any large number of people who would apply for such certificates. The Lebanese complained that the time-limit prescribed by the Treaty of Lausanne had not been prolonged. It was doubtful, however, whether many nationals of the Lebanon and of Syria would now desire to make use of the option, the time-limit of which they had allowed to expire. A very large number had automatically acquired the nationality of the countries where they had settled and in which their interests lay, these countries facilitating naturalisation as much as possible. Would they allow people to remain on their territory who claimed to be of foreign nationality? The Lebanon might take measures without overstepping its rights, but to how many emigrants could those measures be applied in practice?

M. VAN REES replied that it was because he had received a fairly large number of communications that he had formed the reverse impression, namely, that there was abroad a very large number of persons of Lebanese or Syrian origin who complained that they could not acquire Lebanese or Syrian nationality without leaving the country in which they were living and without returning to the Lebanon or to Syria.

M. DE CAIX replied that it was possible that a certain number of cases of this kind existed because the Syrian and Lebanese colonies had not realised the necessity of applying for the nationality of the country of origin when that nationality became other than Turkish. Many emigrants had confused geographical origin with nationality and believed themselves to be Syrians or Lebanese, whereas they were really only of Turkish nationality. There might be a certain number who now regretted that they had not availed themselves of the right of option which certain of their companions had dissuaded them from using on the pretence that the mandatory Power was bullying them by compelling them to make a choice in order to acquire the nationality of their country of origin. There was, however, nothing to prevent the Lebanon from endeavouring to take the measure which M. Van Rees had had in mind and the record of M. Van Rees' observations in the Minutes might act as a suggestion for the Lebanese Government.

M. VAN REES thanked M. de Caix for his explanations.

Armenian Refugees.

M. SAKENOBE asked whether the accredited representative had any information on the situation of the Armenian refugees of whom mention had been made in the previous year. Apparently, these refugees were experiencing certain difficulties in supporting themselves. An appeal had been launched to the League of Red Cross Societies, and the League, with the co-operation of the French Red Cross, was helping them. Were these refugees new refugees, or had they abandoned their homes because of the crisis resulting from the shortage of crops?

M. DE CAIX replied that no new refugees had come into the country in any appreciable number since 1923, and that the agricultural crisis did not seem to have had any decisive effect on their position. Since their arrival in Syria, where there were about 100,000 of them, some of the refugees had had difficulty in finding work or obtaining a situation.

An endeavour was being made to persuade these refugees gradually to leave the refugee camps, where they still were, and an appeal was being made to the voluntary associations which worked in their interest, with the assistance of the mandatory Power.

Representation of the Jewish Community in the Constituent Assembly.

M. PALACIOS said that, on May 10th, 1928, the "Hatikwah" had announced a protest by the Jewish community of Damascus against the decision of the Electoral Committee of the Syrian Constituent Assembly, which, it was stated, had refused to allow the Syrian Jews the right to elect representatives to this Assembly on the ground that the Jewish population in the country was not above thirty thousand. Was it correct that the Jewish community had protested? If so, had the refusal been due to a practical obstacle, resulting from the normal working of the electoral system, or to a decision which had actually been taken by the competent authorities on the basis of a legislative provision interpreted in the usual manner?

M. DE CAIX had heard that the Jews had protested against the fact that they were not represented. If this were the case, the point at issue was whether the Jews had the quantum which was required by the existing legislation as a condition of representation in the Assembly. It seemed that they had not this quantum.

Military Organisation.

M. SAKENOBE was happy to learn that public order had not been disturbed during 1928. There had been no change in the military situation except for a number of transfers of troops. He asked whether the officers or the troops had been affected by the political events, or if there had been no agitation among them.

M. DE CAIX replied that no such disturbance had occurred among the troops, whose loyalty had not wavered. The political crisis had had no effect on the auxiliary or supplementary troops.

M. SAKENOBE was very glad to receive this information. He thought that the mandated territory now maintained about 10,000 troops, auxiliary and supplementary troops included. He felt sure that a certain number left each year. Had the mandatory Power contemplated establishing a reserve force to be constituted with the help of these discharged men ?

M. DE CAIX replied that the number of men leaving the auxiliary troops was very small, compared with the regular troops, this force consisting of volunteers recruited on a fairly long term engagement. For a certain period after their discharge those men would undoubtedly be liable to be recalled to the colours. It could not, however, be said that they were in the nature of a reserve force similar to the reserves kept in countries where military service was compulsory.

M. KASTL asked how many troops there were in Syria including the French troops, the auxiliary troops and the gendarmerie.

M. DE CAIX replied that they numbered about 26,000.

Lord LUGARD asked whether the various States had any right of control over these troops.

M. DE CAIX replied that the whole military authority of the country was retained by the mandatory Power.

Lebanese Legislation concerning Right of Succession.

M. KASTL said that the report contained (on pages 45 and 46) explanations regarding the reform of the right of succession established by the Lebanon Law of March 7th, 1929. This law, which had introduced into the Lebanon legislation the right to make a will, had, according to the report, roused no opposition on the part of the Moslems, since the Moslem communities had been excluded from its operation.

He thought, however, that protest had been made in the local Press in November 1928 against the retroactive provisions of that reform. Could the accredited representative give the Commission any explanations on the point ?

M. DE CAIX replied that no protests had been brought to his notice. In any case, the protest mentioned by M. Kastl was previous to the promulgation of the law in question. M. de Caix did not think that the law had retroactive provisions on any point. He had not the text before him, but it would be easy to confirm this by consulting certain numbers of the *Official Bulletin* of the Lebanese Republic.

Prison System.

M. KASTL said that the report contained on pages 48 and 49 a chapter devoted to the prison system in Syria, Lebanon and in the Alaouite State. The improvements made during the course of the year 1928 were noted in that chapter. Could the chapter be completed in the future by some information on the health of the prisoners, and could a statistical table of deaths in prisons be attached to it ?

M. DE CAIX said that he would arrange for the figures required to be given in so far as the Administration was in a position to furnish them. He should, moreover, point out that the prisons were inspected by French magistrates.

Judicial System.

M. KASTL pointed out that a number of special courts still existed in the Lebanon. Did the mandatory Power contemplate their removal ?

M. DE CAIX replied that the suppression of these courts did not seem to be desired, and would be attended by certain drawbacks. They had not been instituted in order to meet certain political difficulties and they were by no means a legacy of the last rebellion. Their aim was to make it possible to judge certain criminals at places where local influence would play no part. The Lebanese had asked for these Courts themselves and had voted the necessary budget without any difficulty. Local influence, whether religious or political, made it very difficult to suppress certain crimes. He pointed out that the Mixed Court of Justice of the Lebanon judged cases referred to it by the terms of the decree of the President of the Republic in Council (page 46 of the report). It was, therefore, the Lebanese authorities who decided which cases should be referred to the Mixed Court rather than to the local Courts.

M. SAKENOBE asked in whose power it was to suspend the execution of the sentence ; did the system of probation exist in Syria ?

M. DE CAIX did not think that there was any probation system in Syria or in the Lebanon. information might be given on the question in the next report.

M. VAN REES asked whether there was a decree by which a particular class of case was referred to the Mixed Court of Justice of the Lebanon, or whether the President of the Republic took a separate decision in regard to each case.

M. DE CAIX said that a separate decision was taken in each case, as appeared from the text of the report, which he had just quoted.

M. ORTS observed that under this system the Executive had the right to entertain legitimate doubts as to the suitability of the ordinary Courts.

M. DE CAIX replied that the system to which the country was accustomed was not such as to lead it to feel anxiety of this kind. The Mixed Court was fully accepted and those deputies who were most ready to criticise French interference voted the necessary credit for its working, since the Court provided guarantees of impartial judgment which, when certain cases were being tried, it would be very difficult to find in other Courts.

Collective Fines.

M. VAN REES asked whether the system of collective fines established by the decrees of January 30th, 1926, and March 22nd, 1926, was still in force.

M. DE CAIX thought that he might reply in the affirmative.

M. VAN REES asked if the system of collective fines was still applied.

M. DE CAIX replied in the affirmative ; the town of Homs had recently been condemned to pay a fine of 5,000 gold pounds.

M. VAN REES pointed out that the case referred to by M. de Caix concerned two criminals whom the authorities had been unable to arrest. Article 1 of the Decree of January 30th, 1926, however, laid down that the system of collective fines was to be employed if the case concerned a band of criminals. Had these two criminals been considered as being members of a band ?

M. DE CAIX replied that they were not perhaps members of a band in the strict sense of the word ; it should be remembered, however, that throughout the country the brigands were given shelter and information ; there was, therefore, collusion on the part of a large number of people who assisted the brigands for one reason or another.

M. VAN REES asked whether the system of collective fines was of general application or whether it was applied only in exceptional cases.

M. DE CAIX replied that the system had been applied very rarely since the end of the rebellion. Personally, the only recent case that he knew of was that of the town of Homs.

Administration of the Waqfs.

M. PALACIOS said that there was an interesting chapter in the report beginning on page 77, on the supervision and administration of the Waqfs. There was a fair amount of detail in this chapter on the working of the institution and also on the policy which was followed with regard to it. The tendency towards the formation of Mohammedan communities was particularly important and the description of the respective positions of the religious parties was also very significant. The mandatory Power was working in the direction of secularisation, the establishment of order in the anarchical individualism caused by the local variety of the institutions and a satisfactory settlement of their budgets (see pages 80 *et seq.*, and pages 86 to 88).

How did the Administration intend to suppress the Zourieh Waqfs ?

M. DE CAIX replied that, until the end of the Turkish rule, the State had been founded on the principle of Mohammedan supremacy. The country had been considered as being the domain of the Commander of the Faithful. The Waqfs had therefore been under the control of the public administration, but the States under mandate were gradually losing this religious character. In three of them the Mohammedans were in a minority, and the consequent tendency had been to place the Waqfs under the administration of the Mohammedan community which, like the other communities, was distinguished from the State. The State was becoming less and less theocratic, and this process had already begun during the final period of Turkish rule.

The suppression of the Zourieh Waqf would not be brought about by any action on the part of the political authorities, but by a decision of the Supreme Council of the Waqfs which had legislative power in matters of this kind and which was competent to decide whether a reform of the Waqfs was or was not in conformity with Mohammedan law.

M. PALACIOS pointed out that on page 77 of the report it was stated that the Zourieh Waqf was used as a legal means to circumvent the provisions of the law on succession. He asked from what the special character of the Zourieh Waqf was derived.

M. DE CAIX replied that when a Moslem wished his estate to be administered in a certain manner, he set up a Zourieh Waqf instead of allowing it to be shared between his children according to the provisions of the Mohammedan law. He thus created a bare legal ownership for pious works, while allowing his family to draw the income until his descendants had died out.

M. PALACIOS asked whether the Waqfs had the right to possess immovable property, other than the property required for their activities.

M. DE CAIX replied that the Waqfs had the right to possess any form of property ; the income, however, must be used for the object stated in the testator's will. For example, the Moslem community of Beirut had constructed a café on a piece of ground belonging to it, the rent of which constituted a source of income to this community. The Waqfs might possess any kind of revenue-producing, immovable property. It was only their money which was specially devoted to charitable or religious purposes.

Participation of Local Elements in Public Works and Other Undertakings. Admission of Local Companies to Public Tenders.

M. ORTS drew attention to the passage in the report in which it was stated that the High Commissioner had granted to the Beirut Tramways and Lighting Company the concession to distribute electric power for all purposes in the neighbourhood of the towns of Homs and Hama. A local newspaper had made a protest in this connection. It had been asserted that the local companies had been excluded, although the terms which they had offered had been equally satisfactory. Was there adequate reason for this protest ?

M. DE CAIX pointed out that the Administration could not consider for the purposes of the tender individuals or companies who were well known to be incapable of properly carrying out the work or performing the services in question. It often happened in these countries that an individual or undertaking tendered at no matter what price with the intention of passing on the award to another undertaking. In the particular case in question the award had been absolutely regular. He had never heard of a serious complaint having been made. M. de Caix had before him a list of undertakings engaged in public work : of thirty-five of these contractors, four were French, five were Italian and twenty-six natives. It could not therefore be said that the natives were excluded from the tenders.

M. ORTS recalled that M. de Caix had said at the preceding meeting that a certain number of shares were reserved for local subscribers in certain undertakings. Was there a tendency to generalise this practice ?

M. DE CAIX replied that it had been decided at the beginning of the mandate to make a part of the capital and certain administrative posts in the new undertakings that were inaugurated available for the people of the country. The only difference was that, whereas formerly they had not shown any interest in such matters, it seemed that they now wished to subscribe a large part of the shares.

M. ORTS asked whether the Beirut Tramways and Lighting Company had made some of its shares available for local subscription.

M. DE CAIX replied that this company was not a new one, and that he did not think that fresh capital had yet been subscribed for the Homs and Hama concern. There could be no doubt, however, that a large number of shares would be open to local subscription. The companies did not adopt this policy merely as a result of encouragement by the authorities of the mandatory Power, but also with a view to their own interest, which clearly was to associate the Syrian and Lebanese notables in their undertakings.

Commercial Treaties.

Lord LUGARD remarked that a commercial treaty between Egypt and Syria had been signed. Did the mandatory Power consult each State separately when concluding such treaties ?

M. DE CAIX replied that the authorities of the mandatory Power consulted the commercial groups which were much more competent in this matter than the Governments. The Chambers of Commerce were in regular touch with the authorities of the mandatory Power and were also consulted by them.

Chambers of Commerce.

Lord LUGARD asked whether there was a federation of Chambers of Commerce.

M. DE CAIX replied that there was no such Federation. The various Chambers of Commerce kept, however, in constant touch with each other. They were, moreover, represented on the Committee which drew up the official lists of prices (*mercuriales*) and it would be easy to refer to the reports of this Committee.

M. RAPPARD wondered whether the Chambers of Commerce really represented all the economic interests of the countries. Were not the interests of the consumers neglected ? It would perhaps be well to consult the Governments even if they were less competent to deal with economic matters, in order that the interests of the consumers might be safeguarded.

M. DE CAIX replied that doubtless the Chambers of Commerce only represented the merchants. Organisations were always to be found in the country which would assert the public claims. As to the Governments, it had not seemed that they were yet much accustomed to concerning themselves with such questions as the consumers' interests.

Construction of Hotels in the State of the Alaouites.

M. RAPPARD said that he had read in the report (page 127) that the State of the Alaouites had arranged for the construction of an hotel in the summer centre of Henfé. Was it customary for the State of the Alaouites to draw profit from hotels ?

M. DE CAIX replied that the State of the Alaouites constructed hotels but did not run them. This function was, moreover, a very valuable one. There could be no doubt that the development of business had hitherto been hampered by the primitive state of the hotel industry. Europeans engaged in important business transactions would never doom themselves to staying at hotels which were inadequate in all respects and which were still the only ones in several towns in the country.

Treatment extended by Countries Members of the League of Nations to Goods from Syria and the Lebanon.

M. VAN REES drew attention to the following passage in the report (page 109).

[*Translation.*]

“ The report for the year 1927 (page 100) emphasises the economic inferiority imposed upon the States of the Near East under French mandate by Article 11 of the mandate which obliges them to accord the favour of their lowest Customs tariffs to goods originating from States Members of the League. This advantage, which the Convention relating to the mandate and signed by the French and United States Governments has extended to the United States continues to be granted without the country under mandate receiving any compensation. ”

He observed that attention had been drawn to this question in the two preceding reports. This was therefore the third occasion on which the French Government had raised this problem in its annual reports addressed to the Council. It would be interesting to know whether any solution of the problem had been considered at Paris.

M. DE CAIX replied that this question was being considered by the mandatory Power. Doubtless, it would be too lengthy a proceeding to open negotiations with all the States Members of the League, and it was thought that results might be obtained sooner by securing action on the part of the Council. In any case, since this disadvantageous situation was due to an instrument which had been drawn up by the League, it was above all for the League to induce its Members to put an end to it.

M. MERLIN thought that the legal question which M. Van Rees had thus raised was not unimportant. He would like to know how serious this question really was. There was no doubt that it was unjust that Syria should not benefit by reciprocity in these matters. Had it, however, been seriously injured by the present state of affairs ? What was the volume of export to the States Members of the League which did not grant Syria the benefit of the reciprocal clause or of the most-favoured-nation clause ?

M. DE CAIX thought it would be extremely difficult, if not impossible, to make such an estimate. M. Merlin's question was, in brief, as follows : How much more would Syria sell in certain given countries if it enjoyed a more favourable tariff ? An estimate of this kind, even if it were only an approximate one, would obviously require much time and a large staff in view of the number of factors that would have to be considered. He did not think that the injury which had been caused had hitherto been very serious.

Syria exported principally raw materials (silk, wool, etc.) and it was to the interest of the industrial countries not to impose high duties on these goods. There could be no doubt, however, that, if an endeavour were made to develop a native industry in the countries under mandate, the problem might become a rather serious one. It was therefore advisable, as well as just, to consider its solution forthwith.

M. RAPPARD thought that the mere fact that the mandatory Power always referred to this question in its report was proof that a certain amount of importance should be attached to it. It might, for instance, be suggested to the Council that a Protocol should be drawn up which would be open for signature by all States Members of the League. These States would undertake to grant most-favoured-nation clause treatment to the territories under mandate. M. Rappard asked what reception the French Government would give to a suggestion of this kind.

M. DE CAIX said that he was sure that the reception given by the mandatory Power to such a suggestion would be very favourable.

Agriculture.

M. MERLIN wished first to examine that part of the report which related to agriculture. A prolonged drought in the spring of 1928 had been followed by a poor harvest, especially in the case of wheat (page 102). The area under wheat had amounted to 375,000 hectares in 1926-27 and had given a yield of 326,000 tons ; in 1928, the area had diminished to 300,000 hectares and the yield to 130,000 tons. As a result of these poor crops, the sowings had been reduced. Was the crisis so serious that a marked decrease in the sowings was to be expected in the year 1929 and in the following years, or was this check, on the contrary, only a temporary one ?

M. DE CAIX replied that in this case also no attempt should be made to establish exact statistics, but only an estimate. It had not been his impression that the sowings had decreased. At the time that he had left Beirut the country people were saying that they had not had so good a year for a long time, and the crops would have encouraged them not to make any reduction in the areas sown.

M. MERLIN noted the statement in the report (page 102), that the cultivation of native cotton or baladi was being gradually replaced by the American variety "Lone Star", at any rate among the Alaouites. Had all cotton cultivation been abandoned in the Lebanon or was it merely the baladi that was being abandoned in order that the "Lone Star" might be introduced?

M. DE CAIX replied that the conditions of cotton cultivation varied greatly in the three States. In the State of the Alaouites, cultivation took place on the seaboard plain, where the climate was comparatively moist. Moreover, administrative measures, which had been carefully framed and were regularly applied, ensured the sorting and disinfection of the seed. In Syria, on the other hand, no such measures had hitherto been taken, chiefly on account of the lack of any seaboard and also because cotton was cultivated in the inland plains, where irrigation was more necessary, which complicated matters. In the Lebanon, a typical mountain district, the inhabitants preferred to give up the small seaboard plains to other forms of cultivation, for instance, banana trees. In this State certain pieces of land might, nevertheless, be given over to cotton.

Wherever the cotton cultivation necessitated irrigation, however, there was a tendency to abandon the "baladi" cotton, which had a very short fibre, for the American or Egyptian varieties.

Agricultural Banks.

M. MERLIN raised the question of the agricultural banks, mentioned on pages 100 *et seq.* of the report. Throughout the agricultural crisis the banks had fully carried out their functions and had assisted the farmers in a greater degree than was usual. Certain agricultural banks, the movement of which had been studied in the report for each State separately had received substantial assistance either from the States or from certain of the larger credit houses. The Agricultural Bank of Syria, with a capital of 935,000 Syrian pounds, had received 1,425,000 Syrian pounds from the Syrian State and 340,000 Syrian pounds from the Land Bank of Algeria and Tunis; the result being that this bank had secured funds by loan which had tripled its assets. What engagements had this bank entered into for the reimbursement of the loans? Did it intend to increase its capital later or to make reimbursements accordingly as it was itself reimbursed?

M. DE CAIX replied that the Bank would reimburse the Syrian State accordingly as it was itself reimbursed, for it sometimes happened that influential borrowers attempted to evade the obligation to reimburse. This was indeed one of the great difficulties in the working of the Agricultural Bank of Syria. He understood that certain large landowners borrowed sums from the Bank which enabled them to make loans to the peasants at a much higher rate of interest. The Agricultural Bank would certainly have to reimburse the sums it had borrowed from the credit houses. It should, moreover, be observed that this Bank was different from other banks, being a money-lending organisation which was in close dependence on the State.

M. MERLIN noted that, as against this, the Bank of the Lebanon had increased its capital. As regards the rates of interest, the Bank of Syria had lent money at 10 per cent, the Bank of the Alaouites at 8 per cent, the Land Bank of Algeria and Tunis at 9 per cent and the Bank of the Lebanon at 6 per cent. To what were these rather marked differences in rate due?

M. DE CAIX said that in the case of a bank like the Land Bank of Algeria and Tunis the rates were obviously determined by the state of the market. The rates of the other banks were determined by the Governments. In the Lebanon the political influence which was brought to bear upon the State was stronger than in the case of the Alaouites.

M. MERLIN noted that loans were effected on the security of jewels and gold and silver articles — on what proportion of the value of these jewels and articles?

M. DE CAIX said that he could not answer this question.

M. MERLIN explained that this system was followed in the old colonial banks, which served the purposes of pawning offices. This practice gave rise to many abuses.

M. DE CAIX said that this might be so.

M. MERLIN concluded that the practice of advancing loans on the security of jewels should be eliminated as soon as possible from the system of bank management.

Customs and Foreign Trade.

M. MERLIN had noted with regard to the Customs, pages 106 and 107, that the revenue from this source in 1926 had amounted to 182,000 Syrian pounds and, in 1927, to 223,000 Syrian pounds, but that in 1928 there had been a fall to 194,000 Syrian pounds. This was due, doubtless, to the bad season.

M. DE CAIX explained that account should be taken of the reduction in the duties on essential products to which reference had been made in the report.

M. MERLIN said that he had taken these reductions into account in calculating the figures he had just quoted. The revenue of 194,000 Syrian pounds in 1928 had been approximately the same as the estimates. The values therefore had decreased, but there was no deficit in respect of the budgetary estimates. He had been glad to note these reductions and had read the two decrees promulgated in June and August which had made it possible to create new industries. This line of policy was an excellent one.

The trade was more or less stationary and did not call for any comment. Would it not be possible, however, to give a more particular study in an early report of the trade of the Syrian States with their neighbours and especially with foreign countries, that was to say, with the overseas countries, a study which would relate to the conditions, the importance, the variations and the results of this trade. Syria had always been a country of transit, and had always worked in conjunction with its neighbours. Formerly, it had been on the commercial route to the Euphrates. It would be interesting to see how its trade was distributed among neighbouring and foreign countries.

M. DE CAIX pointed out that there would be found at the top of page 112 of the report a brief statement of the trade with neighbouring countries, together with the percentage of this trade in respect of the total exports. The transit trade was being continued and was even becoming of remarkable bulk in the case of cross-desert transit. All travellers to Iraq embarked on their ship at Beirut. This led, moreover, to valuable and frequent contact between the authorities of the two mandatory Powers.

M. de Caix explained that it now took some thirty hours to travel by motor from Damascus to Bagdad. There was a large motor-bus, which was called a Pullman, and was quite comfortable. In any case the journey was much less fatiguing than the journey round Arabia on board ship, and under climatic conditions which, for a great part of the year, were exhausting.

M. MERLIN noted with regard to navigation (page 117) that there had been a great increase of trade in the Port of Beirut but a very rapid decrease in the Port of Tyre. He understood the first of these changes, but not the second.

M. DE CAIX thought there could be only one explanation. Since transport by motor-lorries had made such progress, it might often be more satisfactory to disembark, even at some distance from the place of destination, in a well organised port, than in a port which had only a single open road.

Means of Communication.

M. MERLIN drew attention, in connection with the railways (page 121) to the following passage :

“ In order to contend against motor competition in passenger traffic the railways have adopted the return ticket system and have granted free luggage transport up to a maximum of 30 kilograms per traveller.”

There is an increasing tendency to set up, not competition, but co-operation between the two methods of transport and to make motors the supplement of the railways. In a country in which such co-operation can be established more or less freely, it is better to act thus, instead of waging a rates campaign which would not give good results.

M. DE CAIX replied that this competition could not be prevented. He would go further and would point out that the railways were not superseding the camel. Certain caravans reached Tripoli after having travelled for more than 100 kilometres alongside of the railway line. Similarly flocks of sheep went from Homs to Tripoli by road. The animals found sufficient nourishment by the wayside. It was a definite fact that methods of transport which had become the greatest anachronisms had not been wiped out in the East as the result of the introduction of the railways. The coal which the railways required was, moreover, very expensive in a country which was so remote from the coal production centres.

M. MERLIN said that he had seen instances elsewhere of the facts to which the accredited representative had referred. It should be observed, however, that the question of petrol for motors should be considered in the same way as the coal question in the case of the railways.

M. DE CAIX replied that cars might be driven right up to producers' houses and the products might be loaded there, which was a great asset in the case of short journeys. With regard to passenger traffic, motor-cars were competing with the railways, even on the journey from Beirut to Aleppo.

M. MERLIN noted that reference was made on page 122 of the report to the railway from Aleppo to Mosul, and that it was stated that this railway might be greatly improved. Attention was drawn to the practical difficulties, which were caused by the Turkish Government, that were encountered. How could this attitude of the Turkish Government be explained? Might it be hoped that that Government would arrive, at a more or less early date, at a better understanding of the general interests of the district?

M. DE CAIX replied that it was impossible to ascertain the reasons why the Turkish Government insisted on asserting its authority in a manner which was injurious to its own interests, since that Government benefited by the revenue from the railway traffic. The

question whether this attitude would soon change, would depend upon the nature and also upon the application of the agreements which had just been concluded and which aimed, *inter alia*, at a settlement of the question of the frontier railway.

Monetary System.

Lord LUGARD recalled that the accredited representative had said at the beginning of his statement that the economic position was far better than it had been some years previously. Lord Lugard believed that some of the economic difficulties were attributed to two causes: in the first place, the drought, and, secondly, the introduction into the country of Turkish coins which had led to depreciation of the coinage.

M. DE CAIX replied that obviously the crops had been poor, but that the slight extent to which the country had suffered from this seemed somewhat paradoxical.

With regard to the depreciation in the Turkish silver coinage, this had hampered a certain number of traders, but M. de Caix had never heard it asserted that it had been a serious hindrance to the economic activities of the community.

Lord LUGARD said that if these Turkish coins were, as he understood, of baser metal (*viz.*, of less silver content) than the Syrian coinage, they would, by a well-known law, tend to depreciate the coinage.

M. DE CAIX saw no reason why the introduction of these coins should have impoverished the country.

M. RAPPARD asked whether Turkish coin was legal currency in Syria?

M. DE CAIX said that all coins were, in fact, current in the country, it being possible to find money-changers everywhere.

The CHAIRMAN added that purchase transactions and the sale of coin was one of the usual forms of business in Eastern countries such as Syria.

M. DE CAIX said that certain people held that the introduction of the Syrian pound had been a calamity. He had not noted any instance of this himself, nor heard anything which could seriously be adduced in support of such an assertion. In point of fact, the people had accustomed themselves at once to exchanging the coin and to safeguarding themselves against its fluctuations. Doubtless, a number of people had even found an opportunity for fresh profit in the introduction of this new coin.

M. RAPPARD said that, obviously, only one coinage was legal currency. Would it not be possible to put an end to this diversity in the coinage in circulation?

M. DE CAIX replied that as far as possible the other coins were to be withdrawn and that notes of the value of a fraction of the Lebanese-Syrian pound would be substituted for them.

Lord LUGARD repeated his last remark. If the alien silver coinage was very depreciated, and became currency, the standard legal coinage would suffer.

M. DE CAIX replied that the Syrians had only taken the Turkish coin, like any other, at its market value. This was true of the medjities, which might now be brought into Syria. The depreciation of the medjities, which had been brought in at an earlier date when they were of greater value, had obviously impoverished their possessors.

The CHAIRMAN asked whether the coin would be withdrawn at its current price?

M. DE CAIX replied that he did not know of any other practical method of withdrawing coin than its purchase at market value.

The CHAIRMAN pointed out to M. Rappard that, throughout the East, there were no frontiers in the strict sense of the term and that all coins were current.

M. DE CAIX explained that Western people, with their habits of uniformity and order, found it very difficult to understand the tolerance, in its monetary system, of a people which had not such habits. Europeans had no dexterity in this respect and nothing approaching the agility with which Eastern people could follow the threads of their complicated monetary system and calculate the exchanges.

M. RAPPARD thought that from the economic point of view, these money-changers were nevertheless parasites. The question might be regarded in another light. While various foreign coins were in circulation in Syria, was the converse also the case? Might not Syria lose a part of the profit resulting from the right to coin money?

M. DE CAIX replied that the Bank of Syria had far fewer notes in circulation than would be the case if its coin were the only one in circulation. The share of the Bank's dues allotted to the Lebanon was much larger than that allotted to Syria, for the circulation of the Bank's notes was far greater in the Lebanon. These notes, when given to traders in the country, had hitherto been immediately changed for one of the forms of coin in circulation in the country, including the medjities. A change in this practice could doubtless only be brought about after a long time.

Emigration.

M. KASTL asked whether there was any special reason for the emigration of 14,000 Syrians which had occurred, especially to South America ? This figure was a high one in comparison with the total figure of the population.

M. DE CAIX replied that many people were leaving the mountains of the Lebanon. There was a general tendency in all countries in the direction of depopulation of the mountain districts, where the standard of living was not as good as elsewhere. It should be noted that the instruction which emulation of foreigners of various nations had secured for the Lebanon, and especially Christian instruction, had certainly been a cause of emigration. People who had received such instruction and who saw in it, above all, a means of living otherwise than as their fathers had done left their villages in order to trade in distant countries. Emigration was therefore prompted by psychological as much as by economic reasons. M. de Caix had been so impressed by this fact that he had asked the Lebanese authorities whether it would not be possible to draw up emigration statistics not only according to districts and occupations but also according to religious belief. It would probably be found that there was a larger number of Christians than of Moslems or Druses among the emigrants. The Christians reached a higher level of instruction than those of other creeds and were often no longer satisfied with the means of livelihood afforded by the ground inherited from their fathers. It should be added that a high birth rate was an incentive to emigration.

M. MERLIN said that a large number of Syrians had certainly emigrated to different countries. As a rule, these were active and business-like people, quick at making money and thrifty by nature. They were often reproached, however, in the countries to which they emigrated, with sending back their profits to their home country, to which they returned after a certain time. M. Merlin wondered whether this emigration was final except in the case of South American countries. At all events, his observation was correct for the whole of Africa.

M. DE CAIX said that reference might be made to the tables on pages 94 and 95 of the report. There had been 14,000 emigrants and 4,000 returned emigrants ; almost two-thirds had not therefore returned, at any rate, in the year under review. The number of returned emigrants was thus comparatively low. Those who returned to their homes reassumed the customs of the country fairly easily and built fine houses for themselves. On the whole, there was no return corresponding to the dead loss from which the country suffered, although large sums of money were sent back by the emigrants.

Hejaz Railway.

M. KASTL asked whether it was correct to say that the Hejaz Railway had been constructed, thanks to gifts by Mohammedan people throughout the world, and particularly in India. Secondly, was the railway administered by the Turkish Department for Railways or by the Waqfs ?

M. DE CAIX said that he did not know in what proportion the capital of the Hejaz Railway was due to gifts from Mohammedans and from the Turkish Government respectively. In any case, this capital had not been raised exclusively from the collections made among the Mohammedans. During the Ottoman rule there had been a special stamp, called the Hejaz stamp which had been affixed to a certain number of documents, the profits of which had been destined for the Railway. It was quite possible that much more money had been received from the Turkish Government than as a result of Mohammedan generosity, for the undertaking was one of those in which Abdul Hamid took great personal interest.

With regard to the other question, this had been examined from the point of view of Mohammedan legislation. It did not seem that it could be said that the Hejaz Railway was under Waqf administration properly so called, but it was burdened by a form of servitude of a religious character in the interest of the pilgrims to Mecca, without having the exact legal characteristics of a Waqf.

M. KASTL repeated his question : Was the railway dependent on the Waqfs or on the administration of the Turkish Railways ?

The CHAIRMAN replied that the railway was not under either of these two administrations. It was under a special administration which had been created directly by Abdul Hamid.

M. KASTL explained that there were two petitions on this subject on which he had been directed to act as Rapporteur. ¹ He wished therefore to be quite clear on the question.

M. DE CAIX thought that he might endorse the Chairman's reply. The railway was under a special administration which was in accordance with the personal views of the Sultan, although this administration was neither technically nor in practice a Waqf administration.

M. VAN REES raised the question of the ownership of the railway. This question had not been settled by the Treaty of Lausanne. What was the opinion of the mandatory Power in this respect ?

M. DE CAIX replied that the two mandatory Powers had been led to take up exactly the same position ; they did not admit that the railway might, under any pretext, be exempt from

¹ See Annex 15.

the sovereignty of the countries which it crossed. At a Conference held at Haifa with the representatives of the Nedj, the claim had been advanced to make this railway the property of the Moslem community, although it was not known who would be entitled to speak on behalf of that community. The two Powers had refused to allow the Conference, which had a technical agenda, to stray on to this field, and had closed the discussion on the point. They did not wish, however, to allow the revenue to accrue to the States which the railway crossed. This revenue should be earmarked for improvements in the railway, for its repair and, if possible, for its completion.

If reference were made to the chapter on page 120 of the report, it would be seen that the surplus revenue was received by the Board of Trustees and not by the Syrian State as was the case in the Damascus-Hamah Railway, for instance. The revenue in Syria was at present devoted to improvement of the Syrian section of the line.

M. VAN REES thought that nevertheless there might perhaps be a profit in some years time. To whom would that profit go ?

M. DE CAIX replied that it would be devoted to the repair and extension of the railway towards the south. At Lausanne, M. Bompard had made a statement on behalf of the French and British Governments accepting such employment of the surplus expected from the working of the Palestinian and Syrian sections of the railway. A Commission was to be set up at Medina to give advice on the distribution and employment of the surplus, without, however, interfering in the management of the railway in Palestine and Syria.

M. VAN REES asked whether the Syrian section of the railway would still require many further improvements.

M. DE CAIX was unable to give a definite reply. He had heard it said that in four years Syria would have carried out all the necessary repairs and improvements in its territory.

M. KASTL was under the impression that at the moment the Hejaz Railway possessed what amounted to financial autonomy, although its working was carried on under the authority of the various mandatory Powers.

M. DE CAIX said that the railway was financially independent to the extent that no part of its receipts could be paid to the Governments of the countries through which it ran.

Transport of Pilgrims to Mecca.

The CHAIRMAN recalled that formerly the pilgrims going to Mecca were granted special privileges when travelling by the Hedjaz railway. According to the report some pilgrims now embarked at Beirut and Haifa. Was their journey by sea subject to regulation, and had a concession been granted to a steamship company ?

M. DE CAIX explained that the transport of pilgrims was regulated in the following manner : Ships calling to pick them up when touching at Syria and probably at the ports of any other country must fulfil certain conditions from the point of view of health and the food supplies carried on board. The enforcement of these regulations was supervised by agents of the mandatory Power. M. de Caix had personally been in a position to note that pilgrims were always supervised at departure and during the voyage. There was always a police officer on board these boats, as well as a doctor. Pilgrimages were no longer made on the railway, which was blocked south of Trans-Jordan and the pilgrims embarked in Mediterranean ports. No monopoly for their transport existed. Any vessel fulfilling the necessary conditions would be authorised to embark pilgrims. Information on pilgrimages would be found on pages 70 and 71 of the report.

Contribution of the Lebanon towards the Expenses of Suppressing the Revolt of 1925-26.

M. VAN REES read the following extract from the *Palestine Weekly*, of November 9th, 1928 :

“ In an editorial dealing with the question of the Customs revenue, the local French paper *L'Orient* questions the right of the High Commissariat to appropriate part of the Lebanon share in this revenue as a contribution towards the cost of suppressing the Syrian revolt of 1925 and 1926. It argues that the Lebanon had nothing to do with the revolt and that it was a matter that solely concerned the Syrian State where the revolt took place. The Lebanon, it is pointed out, remained faithful to the mandatory Power during the whole period of trouble in the interior, and paid dearly for this loyalty when the bands attacked its southern territory and spread devastation and ruin there. *L'Orient* goes on to say that, rather than impose on the Lebanese Republic a contribution towards the expenses of suppressing the Syrian revolt, it would be more equitable to impose an indemnity on the Syrian State in favour of the inhabitants of Rashaya and the rest of the southern ruined homes.”

M. DE CAIX said that the views expressed in *L'Orient* were only partially justified. The movements, during the course of which some of these houses had been destroyed, might have been caused by certain Druse tribes coming from the outside. The main authors of the rebellion, however, had been the Hermon Druses. The Lebanon could therefore only complain on the ground that agitators from outside had induced the population to commit disorderly acts. There was only one question to be considered, the proportion of the expenses which could be

charged to the Lebanon. M. de Caix had been present at a discussion of this question at Beirut, and the amount imposed on the Lebanon had been decreased. It could not, however, be completely exempted from any charge. The Lebanon had been enlarged by incorporation of the districts west of the Hermon, and it could not complain when it was asked to pay for the injuries committed by its new nationals.

Losses incurred in connection with the Syrian Revolt of 1925-1926.

The CHAIRMAN was under the impression that the accredited representative had undertaken to communicate accurate information in regard to the total losses in human life and property incurred, on the one hand by the authorities, and on the other by the rebels. Would it be possible for the accredited representative to furnish those figures to the Commission either at the present session or in the next report? It would also be interesting to know the total amount of fines and indemnities collected and compensation paid to those concerned, whether native or otherwise.

M. DE CAIX replied that the latest figures available had been given in the report for 1927. He had tried to obtain as accurate figures as possible when the report had been drafted. A certain amount of compensation had been paid, but not to everyone. Certain notables, whose peasants had revolted, had not received compensation, for the Administration knew that they had not been foreign to the rebellion.

The CHAIRMAN recalled that in the preceeding years several villages had been fined in gold. No further mention was made of these fines. What had become of the gold?

M. DE CAIX replied that this question had not yet been settled. The demands for compensation were still under examination, and these demands were met according as the available resources permitted.

The CHAIRMAN asked what was the total amount of fines and indemnities.

M. DE CAIX would undertake to obtain this information.

Statistics.

The CHAIRMAN said that, as the Director of the Mandates Section had pointed out in the statement which he had made at the opening meeting, the Secretariat had not yet received statistics regarding Syria and the Lebanon. Members of the Commission and the accredited representative would recall that as a result of a decision of the Council dated March 5th, 1928, the Secretary-General had on May 21st, 1928, published statistical tables drawn up by the Secretariat and revised by the mandatory Powers in accordance with the Council's resolution of September 4th, 1926. That document contained no statistics on Syria and the Lebanon. It was to be hoped that the French Government would communicate statistics for those countries in sufficient time to enable them to be inserted in the next edition of this document which the Secretariat would publish.

M. DE CAIX explained that a table had been prepared and, he thought, forwarded to the Mandates Section. He hoped, however, that it would not be regarded as final, for he was under the impression that certain factors had not been taken into account. The revision of the figures that had been given was in progress, but it would necessarily be lengthy and difficult, since several different budgets, dating as far back as 1921, had to be re-examined.

Frontier between Turkey and Syria.

M. ORTS noted that, on page 27 of the report, it was stated that the Franco-Turkish negotiations had not led to the result desired. An agreement had just been reached and *Le Temps* of July 11th had published the text. Although this event had taken place after the year under review, would the accredited representative describe the general lines of that agreement? Did the new frontier differ in any marked degree from the line originally contemplated? What steps had been taken in regard to persons possessing property on the other side of the frontier? These questions had been raised at previous sessions.

M. DE CAIX explained that the report had been drafted at a moment when the Turks were systematically refusing to agree to the arbitration of General Ernst. Happily, the Ernst Commission had succeeded in preparing a map of the frontier on a scale of 1 to 50,000. Such a scale had made disputes regarding the frontier scarcely possible when once a line had been adopted. It had been decided, on principle, that this line should be the old road from Djezireh-Ibn-Omar, *i. e.*, in accordance with the Angora agreement. It had been considered, however, that a road did not constitute a frontier, and a small margin to the south had been granted. According to the information which the accredited representative had so far received, this margin was one of not more than two or three kilometres. This delimitation would preserve for Syria good communication with the Tigris.

As regards property, negotiations would be resumed in the autumn.

M. DE PENHA GARCIA asked whether any private property was cut in two by the newly delimited frontier and, if so, whether special provisions had been adopted, at the time of delimitation to cover the case of the persons concerned.

M. DE CAIX did not know the system under which property was held in that district. He did not think that there were many individual holdings. The system was probably that of village and tribal lands. As far as he knew, the frontier would follow the boundaries of the land belonging to the villages on each side.

The CHAIRMAN thought that the comprehensive map which the accredited representative had circulated to members did not show the frontier established by the recent agreement.

M. DE CAIX agreed. On a map of so small a scale it was impossible to show the small changes which had been made as a result of the last arrangements.

Frontier between Syria and Iraq.

M. VAN REES asked what was the position in regard to the frontier between Syria and Iraq.

M. DE CAIX replied that no negotiations had yet taken place. Elements of a solution, however, were now available, for the districts in question were far better known, as were the inhabitants and the local economic necessities, thanks to the topographical work which had been done and which would make it possible to establish a rational frontier.

M. ORTS recalled that, at the fourteenth session, the accredited representative for Iraq had said that this question would be dealt with after the question of the frontier between Turkey and Syria had been settled. M. Orts supposed that the reason for this was that the necessary technical staff would then be available. He could see no other reason.

M. DE CAIX had been much surprised to read this statement, which he had not properly understood. He had never thought there was the least connection between the two problems, for the frontier between Syria and Iraq was fixed by very clear geographical lines, the starting points of which could not be disputed, since a map was appended to the Convention in interpretation of the text. The frontier thus fixed was at all points outside the territory to which the Turks had formerly laid claim.

TWENTY-SECOND MEETING.

Held on Saturday July 13th, 1929, at 10.30 a. m.

Chairman : Marquis THEODOLI.

1033. **Syria and the Lebanon : Examination of the Annual Report for 1928** (continuation).

M. de Caix came to the table of the Commission.

Allocation of the Common Revenues of the States and Administration of the Ottoman Public Debt.

M. RAPPARD said that it was difficult to understand this chapter of the report. There was a common budget for the whole territory, and each State possessed its own budget. Revenue and expenditure, however, were grouped under the same headings. Did each State have its own code of taxation ?

M. DE CAIX replied that at the outset there was a complete fiscal unit. Except for the old autonomous sanjak of the Lebanon all the country was subject to the Ottoman fiscal legislation. That legislation had hardly been modified. The States in certain cases levied the tax at different rates. The tendency of the mandatory authority was to encourage them to introduce identical fiscal arrangements.

M. RAPPARD asked whether this tendency was contrary to another tendency to be noted from the report, which was to ensure each unit in the country as much autonomy as possible.

M. DE CAIX replied that the High Commissioner confined himself to an advisory activity. He tried to get the various Governments to understand the advantage of establishing fiscal uniformity. Each of the States, however, had an indisputable right to establish special taxes, since the system in force was a system of political decentralisation.

M. RAPPARD concluded that the natural consequence of this autonomy would be to prevent the presentation of the accounts of the various States in a uniform schedule.

The report stated, moreover, that the closed accounts would be ready in July. Were they available now ?

M. DE CAIX said, in reply to the first observation, that this view was in agreement with that of the Administration. The idea of the Administration was to introduce into the next report a section for each State containing information on everything with which the Administration was concerned. The report drafted in this way would be divided into three

parts, one dealing with the general situation, one dealing with the common services, and another dealing with the States. A table of contents would enable the reader immediately to find the various pages in which the same matters were dealt with under the headings for the different States.

The final accounts would not yet have been received at Beirut from all the States, but the final figures would not be appreciably different from those shown on December 31st, as given in the report.

M. RAPPARD noted (page 142 of the report) that Syria, which was the most important State from the point of view of population and budget, received a lower percentage of Customs duties than that received by the Lebanon. What was the reason?

What was the position of the States as regards the Ottoman Public Debt (page 156)?

M. DE CAIX replied that the allocation of the common revenues was one of the most difficult problems which the mandatory authority had to solve. Each Government, of course, desired to assume as little as possible of the common charges, and to absorb as much as possible of the common revenues. The Lebanon had to bear a part of the common charges and of the public debt inferior to that of the other States. Under the Ottoman regime the autonomous sanjak of the Lebanon was exempted from contributing to the service of the Ottoman Debt. On the other hand, the standard of living was higher in the Lebanon than in the other States. A large number of more important articles was consumed per head of the population. Account was, therefore, taken of the fact that its population paid a higher proportion of the Customs duties, and that, therefore, it had a right to receive a larger proportion of the Customs revenues.

An endeavour had been made to induce the representatives of Syria and the Lebanon to discuss the distribution of the Customs revenues. After long negotiation it was seen that agreement was impossible, and it had been necessary to resort to an arbitral decision on the part of the mandatory authority based on an estimate of the import of products for consumption in the different States. That estimate was difficult to establish, and it was not easy to lay down an incontrovertible basis on which the common receipts might be allocated. The financial adviser of the High Commissariat was at that moment dealing with this task.

An agreement had been reached in regard to the Ottoman Public Debt, as he had previously explained, between the parties carrying the Debt and the States under mandate. The States had not had to pay the first coupons on the sums originally set aside for this purpose. The States under French mandate had never ceased to permit the Administrators of the Public Debt to levy its revenues on the Territory as an advance on what they would finally have to pay. They had deposited these revenues, which they had begun to levy in 1923, in the bank as a trust fund reserving the amount in order to meet the charges which would fall upon them for account of the Ottoman Debt. The arrangement made with the bondholders left them a large credit balance as against these funds which had been set aside. In particular, the sums levied for the debt before 1923 on the territories under French mandate enabled them to ensure the payment of the first coupon and thus set free an equal sum which remained at the disposal of the States.

M. RAPPARD thanked M. de Caix. He hoped that the next report would contain a detailed table of public finances of each of the autonomous territories in order that the Permanent Mandates Commission might be able to examine them more closely.

Military Expenditure and Civil Expenditure under the Mandate.

M. DE CAIX said, in reply to a question by M. Rappard, that the contribution of the States to the military expenditure (page 157 of the report), covered the cost of the native forces, which would be one day formed into a national force. In regard to the contribution to the civil expenses, for some years a certain amount of expenditure necessary for the proper working of the mandate had been charged to the budget of the country. In order that the position might be made clearer, such expenditure had been concentrated in the common interests fund established in 1928.

M. RAPPARD noted that the military expenditure amounted to about 100 million French francs, while the expenses of two French divisions in the Territory amounted to a little more than 200 millions. Did the auxiliary troops represent a third of the total armed forces?

M. DE CAIX replied that conscription did not exist. The native troops were volunteers whose pay was fairly high. The native Syrian troops, therefore, cost more than an equal number of troops belonging to the French army.

Tobacco Régie.

M. RAPPARD noted that the report considered the situation in regard to the tobacco régie to be satisfactory. Complaints had been received, however, from several quarters in regard to this matter.

M. DE CAIX replied that the régie was naturally unpopular with the population because it put down contraband and supervised the cultivation of tobacco. The system conformed to the general organisation followed at the end of the Turkish Empire in which certain organisations had been in the position of a State within a State. The régie exercised rights over the whole territory, with the exception of the old autonomous territory of the Lebanon where the cultivation of tobacco had been and still was free. This situation had led to a great deal of smuggling.

Direct Taxation.

M. RAPPARD asked whether the direct taxes came in satisfactorily.

M. DE CAIX replied that the collection of taxes had made very great progress. The tithe had been replaced by a fixed tithe calculated on the average of the yield for the last four years. This notable improvement made in the system had put an end to abuses of all kinds which in certain cases had gone so far as to cause local disturbances and had at any rate encouraged the exploitation of the weakest elements of the population who had been at the mercy of the farmers of tithes.

The assessment of the tax had not yet been properly regulated. In certain cases the assessment of house property had been quite inadequate. The leading persons in the population offered resistance to any increase in direct taxation and to the yield they brought in. They exercised their political influence in this direction. Progress could not but be very slow. The habits of the people as much as the laws of taxation would have to be changed little by little in order to achieve a general improvement in the fiscal system.

Child Labour.

Lord LUGARD said that he would like to invite attention once more to the fact that children of six to ten years were employed in Damascus and worked from ten to fourteen hours a day for a wage of three to four shillings a week. Was there any prospect of improvement in these conditions ?

M. DE CAIX replied that the work they performed was done under conditions making it impossible to calculate accurately the connection between hours and wages. The work was carried on in family workshops which had been in existence for many years, and was under the direction of the father or relation, and the workshop was very often established in the house inhabited by the family. It was impossible in such circumstances to discover accurately the number of hours devoted to work, to sleep or to recreation, and for the moment any intervention in that field was impossible, all the more so since the old native industries had been very seriously threatened, and at the moment the problem was not so much to discover how the hours of labour should be organised, but how to ensure the continuation of industries providing a livelihood for a part of the urban population.

The accredited representative had visited weaving workshops in Homs. He was convinced that the workpeople of both classes in a certain number of these shops did not earn enough to pay for their food. Most of them had assured him that they would be grateful for the establishment of factories where they would be subject to strict discipline, provided that they were by this means able to gain a livelihood. It should be pointed out that the Syrians had begun to build several more modern weaving factories, more particularly at Damascus. The only hope that the crushing poverty among certain artisan classes would disappear was if the labour used in them could be used in industries possessing wider and more secure markets.

Mlle. DANNEVIG wondered whether the children employed in these workshops worked there during hours when they should be at school.

M. DE CAIX replied that they went one day to school, one day to the workshop ; it all depended on whether there was work to be done or not. It was probable that the schoolmasters were not very active in regard to the question of school attendance.

Drugs : Cultivation of Hashish.

M. DE PENHA GARCIA noted (page 72 of the report) that the smuggling of narcotics was still fairly prevalent, despite the very definite efforts made by the Administration. Did the smuggling consist solely of hashish, or was opium also smuggled ?

M. DE CAIX replied that cocaine and morphine entered the territory, but that only hashish left it. The production of opium was insignificant.

M. DE PENHA GARCIA asked what steps were taken to suppress the smuggling of hashish.

M. DE CAIX replied that the cultivation of Indian hemp was forbidden, but that the measure was inadequately applied ; moreover, it was very difficult to apply the measure, since production was connived at to a great extent. Further, smugglers showed much audacity and ingenuity. He had been informed, for example, that they had gone to such lengths as in certain cases to stuff the skins of dried grapes with hashish, after having removed the pulp and the pips.

M. DE PENHA GARCIA was well aware how difficult it was to suppress smuggling. Would not better results, however, be achieved by a direct attack on the cultivation of Indian hemp ? The crop took several months to mature. Would it be possible to send inspectors into the fields during that period ?

M. DE CAIX replied that any plantation of Indian hemp discovered was immediately destroyed. It was extremely difficult, however, to find a small area planted with hemp in the middle of a large field of corn or barley. The Commission should not lose sight of the fact that the French staff, which was most zealous in suppressing this unlawful production, was very small considering the size of the country.

M. DE PENHA GARCIA felt himself unable to go so far as to suggest the use of an aeroplane to discover land planted with Indian hemp. He wished, however, to know whether the native police were so under the influence of the chiefs as to be unable to exercise proper supervision.

M. DE CAIX replied that this was not, generally speaking, the case. There were among the native staff certain officials who carried out their duties satisfactorily. In view of the power possessed by certain notables, however, many officials did not dare to denounce them.

M. DE PENHA GARCIA noted that, in those circumstances, the only remedy was to intensify the campaign against smuggling. When the Commission had been examining the report on the mandated territory of Palestine, however, he had been informed that the Administration of the neighbouring territories had discussed a joint plan for the suppression of smuggling. Had Syria held an exchange of views on this subject with her neighbours?

M. DE CAIX replied that the Customs authorities of Syria maintained constant contact with the Customs officials of Palestine with whom they were on a very friendly footing.

He had heard no mention of any particular plan and did not know if such would be necessary. Such a scheme, however, would be fully in accordance with the policy followed in Palestine and in Syria.

M. DE PENHA GARCIA asked M. de Caix to draw the attention of the mandatory Power to the question of drugs and to state the measures which had been adopted in the next report. He desired specially to be given figures of the number of cases brought before a Court and, if possible, a classification of the various quantities of drugs seized.

M. MERLIN would not have desired to return to this question, had he not wished to speak as a Frenchman. He thought that too much emphasis could not be laid on the gravity of the situation. Hashish was one of the most harmful drugs and was still more dangerous than opium.

It was important to achieve the rapid suppression of the consumption of hashish. M. Merlin agreed with Count de Penha Garcia in thinking that the attack should be made against the cultivation of Indian hemp. Once the crop had been harvested, it was impossible to prevent consumption. This was the view which he had put forward at the Opium Conference. The case in point, however, concerned a mandated territory under the guardianship of a civilised Power anxious to fulfil its obligations. Despite the complexity of the problem, that mandatory Power must redouble its efforts and achieve the suppression of the cultivation of Indian hemp, whoever might be the notables who favoured the cultivation or benefited from it. The notables in question must be made to feel the danger they ran in the attitude they adopted. Sir John Chancellor had accused Syria of being a great producer of hashish. The Cairo chief of police had brought the same accusation as far as Egypt was concerned. It was necessary for the mandatory Power to free Syria from these grave accusations.

M. DE CAIX agreed with M. Merlin. Any steps taken by the Permanent Mandates Commission could not but strengthen the action of the mandatory authority in this respect.

M. MERLIN said that was the reason for his observations.

Lord LUGARD pointed out that the Advisory Committee on the Traffic in Opium and other Dangerous Drugs had said that, according to the police reports in Cairo, the traffic in drugs was more prosperous than ever, and had suggested several means of suppressing it. In the first place, the cultivation of the raw material should be attacked. In the second place, greater energy should be shown in the methods used to fight smuggling, and an increase should be made in the funds voted for that purpose. In the third place, efforts should be concentrated against certain important persons who were perfectly well known to the authorities in Syria, Palestine and Egypt. In the fourth place, the establishment of an air service was demanded, with instructions to search for caravans carrying contraband.

Finally, an increase in the rewards to informers was urged. Since one kilogram of heroin was valued at £200 sterling, a reward of £1 per kilogram was quite inadequate.

M. MERLIN expressed the hope that that report would contain a general study of the efforts made by the mandatory Power as the result of the observations of the Commission. The Commission was only too anxious to support the mandatory Power in every way. Persons whose responsibility was involved, however high their position, must be brought to realise the risks which they were running.

M. DE CAIX, in reply to a question of M. Rappard, said that the Indian hemp which produced hashish had very short roots, and that it was not at all likely that it could be used for the manufacture of rope.

International Conventions.

The CHAIRMAN asked in what way the mandatory Power was applying Article 12 of the mandate, and what were the conventions enumerated in that article to which it had adhered.

M. DE CAIX undertook to give a list in the next report.

Education.

Mlle. DANNEVIG said the report showed that the Administration was making great efforts to improve education. She was under the impression that the most difficult problem was to train a sufficient number of qualified teachers. Was this the case?

M. DE CAIX replied that the difficult part of the problem was precisely the recruiting of the teaching staff. The question of school buildings was also very difficult to settle. School buildings were built by the villages, but all did not possess the means to do so.

Mlle. DANNEVIG noted that a very large number of youths took degrees in law at the Universities of Damascus and Beirut, but afterwards could not be absorbed by the Administration, the magistrature and the bar. Would it not be better to encourage youths to take a course of training as teachers ?

M. DE CAIX replied that this would not be of much use, for there was no comparison between the fine careers which these youths hoped to have at the bar as compared with the career of teacher.

Mlle. DANNEVIG asked whether it would be possible to state in the next report the percentage of children of school-age who attended the schools.

M. DE CAIX could only give approximate statistics, for sufficiently accurate statistics showing sex and age were not available.

Mlle. DANNEVIG asked whether the universities could not be encouraged to train a larger number of agricultural experts and engineers, who seemed to be much needed by the country.

M. DE CAIX replied that engineers were trained by the French University of Beirut, and agricultural experts at the agricultural school at Selimé. Many young men who had passed through that school, however, sought to obtain an administrative post.

M. MERLIN wished to make some more general observations on this subject. The mandatory Power had only exercised authority in the country for a few years, and no attempt should be made to make too rapid progress in educational matters. Before children could be taught, masters must be trained. It might, moreover, be a false step to increase the number of schools without due foresight. The spread of teaching should be gradual, for otherwise there would be a danger of creating a special class who would have no root in the population as a whole and would have reached a so very much higher level of education than the general level of their fellow-countrymen that they would become isolated and unbalanced, would have no influence in their country and would inevitably swell the number of malcontents.

Development should therefore be gradual and prudent, and, before colleges for advanced teaching were instituted, it should be possible to count upon a certain number of students from among a people which had already been educated. This was not yet the case.

Education should, moreover, be professional, and the chief aim should be to train artisans, that was to say, agriculturists and students of schools of arts and crafts and not people who had received more book teaching and who could do no more than increase, as in India, a population of "babus" which could not be assimilated. Schools should therefore only be opened when a body of reliable, well-trained and well-paid teachers was available. The wish to obtain impressive statistics should not lead to the artificial creation of a faulty élite.

M. RAPPARD agreed that, according to the report, the Faculty of Law turned out a very large number of men whose qualifications were open to doubt. He quite agreed with M. Merlin in deploring this state of affairs.

Apart from this, however, the rapid progress which it was essential to make in establishing the basis of an educational system should not be discouraged. If that basis could not be laid, before a sufficient number of teachers had been trained, there would be a delay of at least a generation. M. Rappard was aware that M. Merlin agreed with him on this point and he had merely wished to make it clear in order to avoid any misunderstanding.

Mlle. DANNEVIG said that she had precisely wished to draw attention to the efforts of the Administration to establish a firm educational basis by giving special importance to elementary teaching and by adapting it to the special conditions of the country. She referred to pages 58, 61, 63 of the report.

M. DE CAIX said that it was true that the Administration was endeavouring to adapt its educational programme to the possibilities which the country offered and to concentrate to an increasing degree on the practical aspect of education.

Demographic Statistics.

M. RAPPARD regretted that the report gave no information on certain very interesting questions, and particularly on the death statistics from which very valuable indications might be obtained, even if those statistics were only based upon soundings. He hoped, therefore, that later reports would give the results of some wisely directed enquiries.

Armenian Refugees (continuation).

Lord LUGARD wished to add a few words to the observations which M. Sakenobe had made on the preceding day regarding the Armenian refugees, concerning whom he had asked some questions last year. Since then the Commission had received the report dated last August by the High Commissioner for Refugees which had been submitted to the last Assembly. It gave very full and interesting information which on the whole appeared to be satisfactory. He noted that an International Committee had been formed, that a Refugee Settlement had been

created at Beirut and a revolving fund established. Forty thousand of these refugees were to be settled in Syria at a cost of 120,000 Syrian pounds and five thousand were to be settled in France as *métayers* at a cost of 40,000 Syrian pounds. Lord Lugard asked if the accredited representative had any further information regarding this important work.

M. DE CAIX had visited in 1929 all the centres of colonisation. They were in excellent condition, and the same could be said of the new Armenian districts in Beirut and Aleppo. Administrative and charitable organisations had made a great effort. He would add that the Armenian element of the population generally showed energy and enterprise which had lightened the task of the Administration.

Petition from M. Soleiman Waked.

The CHAIRMAN recalled that M. Soleiman Waked, Bhamdoum (Syria) had sent a petition, directed against the Lebanon Court, dated January 28th, 1926, to the Registrar of the Permanent Court of International Justice, who had forwarded it to the Secretariat. On April 10th, 1926, the Secretariat had returned M. Soleiman Waked's letter to its author, informing him of the procedure to be followed in the case of petitions by inhabitants of mandated territories.

On May 2nd, 1927, M. Soleiman Waked had sent a further letter to the Mandates Commission informing it that he had sent his petition through the mandatory Power. This document had never reached the Secretariat, even after a reference to the failure to receive M. Soleiman Waked's petition had been made at the Commission's twelfth session (document C.545.M.194.1927.VI, page 63).

Was the accredited representative aware of this question and could he give the Commission any information with regard to it ?

M. DE CAIX had no recollection of this petition. There would have been no reason for refusing to forward it as had been done with the others. He took note of the observations of the Chairman, and would seek the petition in question and despatch it to the League.

Incidents at Homs.

M. DE PENHA GARCIA said that he had examined three petitions together with the replies of the mandatory Power which had been handed to him as Rapporteur. The first two were dated October 14th and October 20th, 1928, respectively, and the third April 3rd, 1929.¹ At these dates the situation in Syria had been normal. The legal provisions for recourse against abuses by the authorities, which had been set forth in the 1927 report were in force. Had the authors of these petitions taken some form of regular action against the abuses of authority and the ill-treatments of which they complained ?

M. DE CAIX said that the regular action referred to still actually existed. He was unable to say, however, whether the petitioners in question had tried to use it.

M. DE PENHA GARCIA noted that, at a time when the Administration had taken exceptional steps to secure the arrest of two dangerous bandits, martial law had not been decreed. Had the arrest been made by the police under the normal system ?

M. DE CAIX replied that an additional garrison had been stationed at Homs. The only abnormal fact concerned the fines imposed upon one town and one district. He had already referred to the special conditions faced by the authorities in Homs. The situation, which had been quite abnormal, had been dealt with by exceptional methods.

M. DE PENHA GARCIA had never thought that it would have been necessary, in order to arrest two bandits, to have recourse to exceptional measures of such long duration.

M. DE CAIX replied that the police was well organised, but that, while in a western country the population co-operated with it and put an end to the careers of brigands, at Homs there was a total absence of help, if not actual complicity, on the part of the population. Police emissaries were openly murdered.

M. RAPPARD noted that this was an avowal of weakness on the part of the police authorities, who, since they had failed to discover the guilty parties, had punished everyone.

M. DE CAIX replied that similar facts had been brought to his notice when he was in Syria. They all showed the existence of the same spirit among the population. After a murder had been committed quite openly, he had seen the direct authors of the crime arrested ; they had been paid to commit the crime. It had been impossible to find a witness willing to state who had furnished the money, although public gossip had unanimously denounced those who had paid the murderers. These had been sent into forced residence and calm restored. Under the more expeditious Turkish system, they would not have got off so lightly.

M. DE PENHA GARCIA asked what had become of the bandits whom the authorities had endeavoured to arrest at Homs.

¹ See Annex 18.

M. DE CAIX replied that it was unknown whether they had left the district of Homs as was rumoured, but that in any case no new fact had revealed their whereabouts.

M. DE PENHA GARCIA thought that the fact that the Administration had been unsuccessful in arresting them was very regrettable, although the district had been freed from the depredations of these bandits.

M. DE CAIX replied that the measures adopted at any rate appeared to have put an end for some time to attacks on the part of bandits. Probably, if a recrudescence occurred, the authorities would once more be compelled to have recourse to exceptional measures. He would also point out that there was no reason to think that these measures were accompanied by acts of personal violence such as those mentioned in a number of petitions. He had spoken quite freely with a notorious opponent of the mandate in Homs, and had asked him whether he had come across any acts of violence. The person with whom he had spoken had told him of lettuces stolen from the gardens and sold by the Tcherkess soldiers. The measures adopted had certainly weighed heavily on the population, but they had been carried out in an orderly manner.

Mlle. DANNEVIG had read in the Press that soldiers had frightened some children so that they had fallen into a well. Their mother had had a miscarriage as the result of shock.

M. DE CAIX replied that the petitioners seemed to him to exercise their imagination, or at any rate to exaggerate. Much reserve was therefore necessary.

Close of the Hearing.

The CHAIRMAN before closing the examination of the report on Syria noted that according to M. de Caix the position was now improved. The Mandates Commission would not attempt to contest his statements, but it received somewhat conflicting information from various sources. In any case, it should show confidence in the effort made by the mandatory Power. A country which had suffered such severe shocks as Syria could not immediately return to an atmosphere of calm.

It was a pleasure for the Commission once more to hear M. de Caix. Every member was always happy to co-operate with him, for he spared no effort in order to make them understand better the position of a country so divided.

(M. de Caix withdrew.)

1034. Syria and the Lebanon : Receivability as a Petition of a Communication from Ihsan el Djabri dated July 8th, 1929.

The CHAIRMAN had received a long communication dated July 8th, 1929, signed by Ihsan el Djabri. He was under the impression that his colleagues had received copies.

That communication contained a number of criticisms in regard to the policy pursued by the mandatory Power in Syria. The following were particulars of the complaints :

1. That the mandatory Power had an erroneous conception of its duties in executing the mandate.

2. That the mandatory Power was responsible for the development of the conflict between the Syrian Constituent Assembly and the mandatory Power's agents.

3. That the High Commissioner was alleged to have adopted arbitrary measures during the various phases of the conflict.

4. The terms of the mandate were criticised on the grounds that they were opposed to Article 22 of the Covenant.

5. The series of abuses appended were alleged to have been committed by the mandatory Power in the following fields :

- (a) International relations,
- (b) Customs system,
- (c) Economic system,
- (d) Railway system,
- (e) Fiscal system.

6. Finally, the memorandum ended by warning the Permanent Mandates Commission against the direction pursued by the mandatory Power in its policy towards Syria.

The Chairman thought that this document should be considered as a petition capable, on the whole, of reception. In view, however, of the fact that the Commission was at that moment in session, and out of deference to it, he asked whether his colleagues agreed with him in that view.

The Commission adopted this point of view.

1035. Status of the Inhabitants of South West Africa (continuation): Question of Procedure.

The CHAIRMAN said the Secretariat had received a reply from the Government of the Union of South Africa, on the question of the status of the inhabitants of that Territory which had been raised in the report of the Permanent Mandates Commission on its fourteenth Session.

Did the Commission wish to discuss the question at its present session, or adjourn it to the next session ?

M. KASTL thought the question was so complex that, as far as he was concerned, it would be essential perhaps to put further questions to Mr. Louw, in order the better to understand it.

M. RAPPARD thought the Commission should hold an exchange of views on the documents before it, and then hear Mr. Louw.

M. KASTL said he would draft a note in writing and submit it to the Commission at its morning meeting of July 15th. It would contain a list of those questions which he wished to put to the accredited representative.

TWENTY-THIRD MEETING.

Held on Monday, July 15th, 1929, at 10.30 a.m.

Chairman : Marquis THEODOLI.

1036. Palestine : Petitions concerning the Wailing Wall at Jerusalem (continuation).

The CHAIRMAN recalled that, when the petitions concerning the Wailing Wall at Jerusalem had been discussed and dealt with some days previously, M. Van Rees had wished to make a statement on the matter.

M. VAN REES said that he had asked to be allowed to explain his views on the question of the Wailing Wall, which had been dealt with some days before, not in order to re-open the discussion, nor to induce the Commission to revise the decision which it had taken, with which he could say, in passing, that he agreed, but simply in order to explain his personal views, for an opportunity of doing so had been lacking at the nineteenth meeting. On that occasion, he had made the following statement in regard to a report of M. Rappard on the petitions concerning the Wailing Wall : “ In his report¹ M. Rappard stated that, failing agreement, ‘ the mandatory Power can merely ensure respect for the *status quo* (situation acquire) ’. It was questionable, however, to say that the mandatory Power’s only legal duty was to ensure respect for the *status quo*, for by the terms of Article 13 of the mandate it was in no wise prevented from taking other action. M. Van Rees recognised that, from the political point of view, the British Government had acted wisely, but this did not imply that, from the legal point of view, it was prevented from adopting any other attitude. In order to explain his views, he had prepared a note which he wished to submit at a later date to his colleagues ”.

This explanation might, at the same time, clear up a fact that might appear a little surprising, which was that, while protesting against the statement that the Commission, if an agreement were not achieved, “ could only approve the scrupulous maintenance of the *status quo* ”, M. Van Rees had made no objection to the amended text proposed by M. Merlin and adopted by the Commission, in virtue of which, “ failing such an agreement, it appreciates the scrupulous care with which the mandatory Power is ensuring the maintenance of the *status quo* ”.

Since the expressions “ *status quo* ” and “ existing situation ” could be considered synonymous, it might have appeared strange, and this had now proved to be the case, that the objection he had made to the first expression had not led M. Van Rees to make objections to the second.

The explanation was very simple.

In speaking of the “ scrupulous maintenance of the *status quo*, M. Rappard had used the expression in a purely literary sense, and in that sense those terms could only mean the existing situation. The British Government, however, in referring to the *status quo* in the official communications in which it commented upon the incident in question, had used these terms in quite another sense.

That Government, in declaring that it was necessary to maintain the *status quo*, had meant — and members had only to refer to the printed document Cmd. 3299 to make certain of this

¹ See Annex 9 C.

point — that Article 13 of the Palestine mandate bound the British Government not to make any departure from the rule followed by the Ottoman Government which, in 1912, had prohibited Jews from bringing before the Wailing Wall any objects other than the indispensable accessories for the celebration of the Jewish ceremonies. What M. Van Rees wished to prevent was that, in using the same terms, that was to say, in referring to the *status quo*, the Commission should give the impression that it agreed with the interpretation put by the British Government on Article 13 of the mandate. It was precisely that interpretation which M. Van Rees considered open to question, and against which he had made objections when the incident had first been examined during the fourteenth session of the Commission.

On that occasion he had pointed out that : “ The British Government justified the attitude of the local authority by referring to Article 13 of the mandate. But did this justification not reveal a spirit of formality which was scarcely in harmony with the generally broad-minded views of the British nation, seeing that Article 13 clearly dealt with the maintenance of existing rights, and that it was scarcely admissible to infer, from the temporary use of a screen and the placing of some chairs on another’s property, that an attempt was being made on the part of the Jews to infringe any right whatever ”.

These observations deserved comment.

By Article 13 of the mandate, the mandatory Power was required to preserve the existing rights over the Holy Places, religious buildings and sites in Palestine and to ensure free access to these institutions and free exercise of religious rites.

The regulations of the Ottoman Government referred to by the British Government prohibited Jews from the performance of a certain practice. They prohibited a certain thing and nothing more. The prohibition affected the Jews and it would be difficult to see in it any addition to the full right of ownership possessed by the Moslems over the lane in front of the Wall, a right, moreover, which had never been disputed. It could add nothing to this right of ownership, for it was unable to extend or complete it because the right of full ownership was the most comprehensive right known and did not require anything to complete it.

The object of the Ottoman regulation could not, therefore, have been to confer any additional right of ownership on the Moslem owners of the lane. It had, therefore, been dictated by administrative considerations. In other words, it had been merely a police measure, in the nature of a precaution or protection, which had been thought necessary at the time. Precisely because it was of that nature and could be of no other nature, the Ottoman Government could, had it so desired, have removed the prohibition laid on the practice in question, without that act affecting, in any way, the rights of ownership held by the Moslems.

Could it be admitted, apart from any political considerations, that what the Ottoman Government could have done could not be done by the British Government which had taken its place in Palestine ?

Was Article 13 of the mandate opposed to this conception ? Certainly not, unless the meaning of the words “ existing rights ” which that article stipulated should be preserved was misunderstood. Far from forbidding such action, Article 13 itself pointed an opposite course and stipulated expressly that “ nothing in this article shall prevent the mandatory Power 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 ”.

This stipulation obviously did not allow of any arrangement which would infringe existing rights. On the other hand, the Government had full powers not to maintain an administrative prohibition, of which the suppression could not in any way affect the real rights covered by Article 13.

In conclusion, from a political point of view, the British Government had acted wisely in maintaining the Ottoman regulation of 1912, as was to be seen from the agitation provoked by the incident in the Moslem world. From the legal point of view, however, its statement that it had been careful to maintain this rule was open to doubt.

Lord LUGARD observed that M. Van Rees had said that “ the expressions ‘ *status quo* ’ and ‘ existing situation ’ were synonymous ”. He wished to point out that the term “ *status quo* ” was an abbreviation of *status quo ante* and should be translated as the “ pre-existing situation ” and not the “ existing situation ”.

1037. Palestine and Trans-Jordan. Observations of the Commission.

After discussion, *the observations of the Commission regarding Palestine and Trans-Jordan under British mandate were adopted* (see Annex 20).

M. PALACIOS raised, at the end of the discussion, the question of the Holy Places. He did not wish that the satisfaction expressed by the Commission to the accredited representative regarding certain of his replies on possible agreements between the Jews and Arabs in the matter of the Wailing Wall should in any way prejudge the question of the appointment of the “ Holy Places ” Commission — which was still non-existent — required under Article 14 of the mandate.

1038. Tanganyika: Report of the Commission on Closer Union of the Dependencies in Eastern and Central Africa (continuation).

The CHAIRMAN said that certain of the members had expressed the desire to make a statement on the Hilton Young report. He would emphasise the fact that the Commission was faced with a clear situation, since the accredited representative of the mandatory Power had

stated that his Government had not had time to study the question and, therefore, that the report of Sir Samuel Wilson who had conducted the enquiry on the spot, had not yet been examined. It would be sufficient, therefore, if the statements made by the members were inserted in the Minutes, in order that the attention of the mandatory Power might be drawn to their anxiety in the matter and in order that they might serve as a guide in the study which the Mandatory proposed to undertake.

M. SAKENOBE said that, during the exchange of views on the Hilton Young report, the attention of the Commission had been drawn to the practical difficulties in the way of establishing a union or Federation as suggested in the report.

A number of questions had been raised, among them that of settling how the various constituent units could be submitted to a common administration, while at the same time the fundamental policy of the mandatory Power must be such as to favour the development of the material and moral welfare of the inhabitants of the territory and their social progress. A further problem concerned the manner in which the revenues derived from the various constituent parts of that union could justly be divided between the territory under mandate and the other territories. Finally, how could the principle of economic equality in the mandated territory be maintained if that territory were united to other territories where that principle did not apply? These and other questions had been raised and presented serious difficulties which were, in fact, almost insurmountable, as M. Kastl, M. Van Rees and other members of the Commission had pointed out. M. Sakenobe was in full agreement with them.

The Commission should, however, remember that these difficulties were more or less inherent in any union or federation of this kind. They formed, in fact, its inseparable and inevitable counterpart. If, therefore, the establishment of such a union were admissible, as in the present case, a plan drafted in order to achieve it should not be rejected because of these difficulties.

When, therefore, the Commission came to examine the plan proposed, this aspect of the matter should not be forgotten. The plan must not be condemned because of the difficulties which would be encountered in applying it in practice, provided always that that plan contained nothing which was contrary to the stipulations of the mandate.

Despite these serious difficulties, the mandatory Power possessed the right to establish a union of the kind proposed, and the Commission had received a report on the union in question. It could be concluded from the statement of the accredited representative, however, that that report was, at most, not more than a preliminary draft, for another mission had been sent to the territory with instructions to prepare a fresh report.

Further, the attitude of the present Government with regard to the proposed plan was not known. In view of these circumstances, M. Sakenobe thought the Commission would be premature in discussing the substance of the report.

In examining so complicated a scheme of political organisation as that submitted to the Commission, it must be careful not to attach too much importance to the form of the scheme. What was important was its practical merit. The scheme, however careful its author had been in drafting it, was harmful if it were not applied properly. On the other hand, a scheme, even with defects and obscurities in it, might, if it were properly applied and executed with full knowledge of what those defects were, often be of advantage. The question of discovering how to remedy these defects and overcome the difficulties they created would largely depend upon the tact and competence of the person instructed to apply the scheme. For that reason, M. Sakenobe expressed the hope that, if the mandatory Power felt it necessary to establish the contemplated union, it would pay particular attention to the choice of the administrators instructed to carry out this task, for it required every quality of prudence and skill possessed by a statesman fully conscious of his duties as a guardian.

M. VAN REES thought that M. Sakenobe had referred to a particularly important point, in regard to which all members of the Commission might not, perhaps, agree. Personally, he shared M. Sakenobe's opinion, but he doubted whether it coincided with that of M. Kastl. He was under the impression that M. Kastl had taken the view that political and moral difficulties stood in the way of the mandatory Power's application of Article 10 of the mandate, so that that article would, in reality, be inapplicable.

M. Van Rees would not return to these difficulties, which had been emphasised some days previously. He thought, however, that, in this connection, a legal point arose in regard to which all members of the Commission were not in agreement. By the terms of Article 10 of the mandate for Tanganyika, "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". To what did the reservation contained in the last sentence refer? In its present form, M. Van Rees thought that the mandate only conferred a conditional right on the mandatory Power, which meant that the reservation in question restricted its freedom of action in regard to the case in point. Any formal restriction to a general attribution could only admit, according to the most elementary rules of legal definition, of a strict interpretation; that was to say, of a restrictive interpretation.

Consequently, the term "provisions of this mandate" could only be understood in the light of the provisions contained in the body of the mandate itself, that was to say, the provisions in the articles preceding and following Article 10. This interpretation, the only one which seemed to be admissible, was confirmed by the fourth paragraph of the preamble to the mandate, in which His Britannic Majesty declared his readiness to accept the mandate over Tanganyika

and undertook to exercise it, in the name of the League of Nations, "in accordance with the following provisions", that was to say, in accordance with the provisions contained in Articles 1 to 13 of the mandate.

The Convention concluded between His Britannic Majesty and the League of Nations — for the mandate was a special international convention — did no more than impose upon the mandatory Power the scrupulous observance of its clauses. From that it followed that, since none of the provisions of the mandate, strictly interpreted, were opposed in theory or in practice to the union or federation contemplated in Article 10, no legal obstacle could prevent the fulfilment of a measure of this kind.

That being so, M. Van Rees thought that the union proposed in the Hilton Young report could not be contested from the purely legal point of view. What preceded, however, was connected with only one of the two aspects of the problem for, in addition to the legal aspect, the problem had another to which he had already referred at the nineteenth meeting, namely, the political and moral aspect.

The mandate had been conferred, as was clearly to be perceived from the third paragraph of the Preamble, by the Principal Allied and Associated Powers on His Britannic Majesty "in accordance with Article 22 of the Covenant of the League of Nations". His Britannic Majesty, in accepting the mandate, had, in consequence, assumed the obligations resulting from Article 22 of the Covenant. These obligations constituted, in their sum total, what was generally described as the mandates system. The sum total of these obligations included the observation and application of certain fundamental principles not expressed in the mandates themselves and which, although they were only expressed more or less indirectly and vaguely in Article 22 of the Covenant, were still, none the less, the foundation stones of the mandates system. These fundamental essential principles had never been denied by any mandatory Power nor by any organ of the League of Nations. They comprised, on the one hand, principles connected with public international law and the recognition of the separate international status of mandated territories, and, on the other hand, principles of a moral kind, the gradual progress of peoples, now minors, towards free government and the disinterested administration of those peoples in the exclusive interests of the territory and its future.

It was those obligations, not definitely stated in any clause of the mandate, which, for the reasons already explained, might be undermined by the establishment of the union of the territory under mandate with the neighbouring colonies. The government of a mandatory Power, which was really anxious to fulfil its international obligations could not, therefore, neglect this particular aspect of the problem.

M. Van Rees added that it was useless to repeat that it was not the legality of the application of Article 10 of the mandate which could be called into question, but the observance of certain general principles, upon which Article 22 of the Covenant was based. To ignore those principles would undoubtedly place the mandatory Power under a suspicion that it was pursuing an aim which was fundamentally incompatible with the *raison d'être* of the mandate system and with the "sacred trust" with which it was charged.

M. KASTL had well understood the view of M. Van Rees, expressed during the previous discussion, in regard to the application of Article 10 of the mandate and of Article 22 of the Covenant. M. Van Rees did not think that the difficulties contemplated would make it impossible for the mandatory Power to apply in its entirety the right conferred upon it by Article 10. M. Kastl regretted that M. Van Rees did not agree with his arguments. For him, however, the matter was one of principle in the first instance, and in the second instance, of difficulties which, in his opinion, were insurmountable.

He read again Article 10 and the Preamble of the mandate. From these it was clear that the reservation expressed in the last sentence of Article 10 bound the mandatory Power to do nothing which would be contrary to the provisions of Article 22 of the Covenant and consequently Article 10 prohibited the mandatory Power from causing the territory under mandate to enter a union of the kind proposed in the Hilton Young report. The mandate, as the Preamble said, was given according to the provisions of Article 22 and the principles of this article had to be observed. Referring to his previous declarations, M. Kastl said that the Commission did not yet know what would be the attitude of the mandatory Power or the conclusions of the Wilson report. M. Kastl thought, therefore, that the Commission should say, in its report to the Council, that it reserved its right to express its opinion when it had received the second report in question and, further, that it hoped that the mandatory Power would wait until the Commission had discussed the two reports, before taking any measures concerning the régime to be applied to Tanganyika.

M. PALACIOS agreed with the close deductions of M. Van Rees' first statement. To the difficulties emphasised by his colleague could be added many others. For example, forced labour in Tanganyika was limited by the terms of Article 5 of the mandate, whereas in Kenya and Uganda it was sufficient to observe the much wider terms of Article 5 of the Slavery Convention of 1926.

M. Palacios did not like the word "fissure" employed by M. Van Rees. He agreed, however, with the latter part of the Netherlands member's statement, made at the present meeting. This problem revealed both political and moral aspects. M. Kastl would call it a matter of principle. If the mandate system was a system in process of evolution, Article 22 of the Covenant should, as M. Rappard had said, prevail over the terms of the mandate in the event of opposition between the two.

M. Palacios would recall once more that the mandate for Tanganyika was the only B mandate in which the phrase: ". . . this area shall be administered in accordance with the laws of the Mandatory as an integral part of its territory . . ." did not appear.

Lord LUGARD said that, so far as his personal view was concerned, he had really nothing to add to what he had said when introducing a motion in the British House of Lords last March — the official report of which had been circulated to his colleagues. He understood that the Closer Union report recommended that the appointment of a High Commissioner or Governor-General should interfere as little as possible with the existing Governors and Legislative Councils in each of the three territories. If that were so, and the Governor and Legislative Council of the mandated territory were free to make their own laws, it did not seem that the separate entity of the mandated territory would be interfered with, and there would, in his judgment, be no objection from the point of view of the mandate.

The proposal for unification under a Governor-General with a Federal Legislative Council, which would supersede existing Legislative Councils in each dependency, was quite a different matter, and did not form part of the present recommendations of the Commission. If and when such a recommendation were made, it would be time enough to examine it.

M. Van Rees had said in his speech some days previously that the application of Article 10 of the mandate would mean that all, or the greater part, of the legislation of the neighbouring territory would be applied to the mandated territory as had been the case in British Cameroons and Togo. Those countries, however, afforded no analogy at all. Both were small strips, too small to set up a separate administration, for such a separate administration would be too costly, and it was therefore greatly to their advantage that all the overhead charges (if they might be so called) should be borne by their neighbour. The situation, however, was very different in East Africa. Tanganyika was the largest of the territories under British control in tropical Africa. It was larger than Kenya and Uganda put together, and there was no more reason to suppose that, in case of closer union, their legislation would be applied to it, than that they could be placed under the laws of Tanganyika. The same applied to his argument about the financial position. Tanganyika was too large to be absorbed and must remain a financial unit. As to loans, it would only be responsible for that part of the loan actually expended on works in the territory. Those works would remain the property of the mandated territory. That situation had, in fact, already occurred, for a joint loan for £10 million had been approved, and the several sums allotted to each territory had been fixed by, what was known as, the "Schuster" Committee.

In what he had said, Lord Lugard wished to make it clear that he was not expressing an opinion either for or against closer union between the three dependencies, for, in considering this question, there were many other aspects to be considered, apart from the aspect of the mandate. He had only wished to point out any matter in regard to which a misconception of the facts, as Lord Lugard understood them, might exist in the minds of his colleagues.

M. MERLIN recalled that the mandates were conventions between the Allied and Associated Powers, that they had been created after agreement between those Powers and then confirmed by the Council of the League. Article 10 could not, therefore, now be cancelled *de jure* or annihilated *de facto*. In these circumstances, the question under consideration was, of necessity, reduced merely to a question of fact. The difficulties of the task could not invalidate the right of the mandatory Power to create the federations provided for under the mandate itself, on condition that it respected the terms and principles of the mandate and of the Covenant. Though the difficulties might be great, they did not appear to be insuperable. Consequently, M. Merlin would reserve his right to discuss the scheme for union between the East African territories when a final plan had been drawn up and he was familiar with the various clauses.

M. DE PENHA GARCIA said that he would sum up under three heads his views on the points raised by the report of the Hilton Young Commission and by the statements made before the Mandates Commission by the accredited representative.

(1) In his opinion, the mandatory Power was entitled, under the terms of Article 10 of the mandate, and within the definite limits of this article, and, taking into account the stipulations of Article 22 of the Covenant, to create unions or federations such as the one suggested in the Hilton Young report. (2) The Mandates Commission was entitled forthwith to draw the attention of the mandatory Power to the practical difficulties and disadvantages which might be occasioned by the creation of a union of the kind recommended by the Hilton Young report, if the limits of the mandate were to be observed. The Commission might fulfil this duty by drawing the attention of the Council to the exchanges of views which had taken place in the course of the discussion and to the observations of its members. (3) If the mandatory Power were to take measures in the direction of the union recommended by the Hilton Young report, the Mandates Commission would always retain the right and the duty to supervise the application of the system of union adopted, in order to ensure that that system strictly respected the principles of the mandate.

Mlle. DANNEVIG said that she would not touch on the legal aspect of the problem. She had read carefully the report and had followed her colleagues' statements with great attention.

She feared that, if such a closer union between Tanganyika and the neighbouring territories should be considered compatible with the mandate, it might constitute a dangerous precedent, not only a fissure in the mandates system, but an open door through which the adversaries of this system might, in future, enter and attack the whole mandates system.

M. ORTS reminded the Commission of the opinion he had expressed at the twelfth and nineteenth meetings.

The CHAIRMAN agreed with M. Kastl regarding the legal point he had raised. In his view, it was the duty of the mandatory Power to respect not only the stipulations of the mandate but also those of Article 22 of the Covenant. As regarded the substance of the question, it seemed to him that it would be difficult for the mandatory Power, completely to safeguard the interests of the Territory while applying an administrative system of the kind contemplated in the Hilton Young report. He even wondered whether the scheme in question had been conceived in the interests of the mandated territory. He therefore reserved his right to state his views, when the mandatory Power had given its opinion on the scheme, while expressing a wish that any decision it took should be communicated to the mandates Commission before the scheme was enforced.

The Chairman proposed therefore that the Commission should adopt the following text which set forth briefly the views expressed by its members :

“ The members of the Permanent Mandates Commission have each received from the British Government a copy of the Hilton Young Commission’s report, in which a closer union between the mandated territory of Tanganyika with the neighbouring territories of Kenya and Uganda which are under the sovereignty of Great Britain is proposed in administrative, Customs and fiscal matters.

“ The accredited representative informed the Commission that his Government had not yet reached any decision on the findings of that report.

“ In view of the importance of the proposals of this report from the point of view of their agreement with the provisions and principles of the Mandate, this question was discussed by the members of the Commission and various opinions were expressed in the course of these discussions.

“ The Commission did not feel that it should at this stage express a definite opinion with regard to the findings of the Hilton Young Report, but it has the honour to draw the attention of the Council to its discussions on the subject. ”

TWENTY-FOURTH MEETING.

Held on Monday, July 15th, 1929, at 4 p. m.

Chairman : Marquis THEODOLI.

1039. Status of the Inhabitants of South West Africa (continuation).

The CHAIRMAN said that M. Kastl, after having studied this matter, did not think that it would be useful to ask Mr. Louw to attend the meeting of the Commission for the purpose of answering fresh questions.

He proposed that M. Van Rees and M. Kastl should get into touch with Mr. Louw, study the question together and submit a report at the November session.

This proposal was adopted.

1040. Tanganyika : Observations of the Commission.

After an exchange of views, *the Commission adopted its general observations on Tanganyika (see Annex 20).*

1041. Replies of the Mandatory Powers to Council Resolutions on Observations concerning General Questions and Observations submitted by the Commission when examining the Annual Reports on the Various Mandated Territories (continuation).

M. CATASTINI reminded the Commission of an observation made by M. Van Rees to the effect that the procedure followed in connection with replies of the accredited representative to the questions put by various members of the Commission had not, in any way, been changed in the course of the discussions.

The Commission authorised the Chairman to change the form of the text and requested M. Merlin to draft it in its final form.

1042. Petition from the International Bureau for the Protection of Native Races (continuation).

The Commission adopted its conclusions on this petition (see Annex 20).

1043. Togoland under British Mandate : Petition dated July 3rd, 1928, from the Chief and Inhabitants of Wome (Togo under French Mandate) : Report by M. Palacios.

The conclusions of this report (Annex 10 C) *were adopted* with a formal amendment (see Annex 20).

1044. Palestine and Trans-Jordan : Petition dated November 24th, 1928, from Certain Persons in Kerak and Petition from Certain Inhabitants of Ajlun.

M. ORTS stated that, after he had written his report on the petition from certain inhabitants of Kerak, the Commission had received a letter from the British Government communicating the Arabic text of a petition from certain inhabitants of Ajlun (Trans-Jordan), and stating that the translation which it had sent on a previous occasion of a petition from the inhabitants of Kerak was exactly the same. Further observations therefore were not necessary.

The Commission took note of the report by M. Orts (Annex 11 C) *and adopted the following conclusion :*

“ After examining the various points touched upon in these petitions — except the question of the Hejaz Railway, which has been dealt with in connection with another petition — and the explanations offered by the mandatory Power, the Commission was of opinion that the complaints submitted by the petitioners were not of such a nature as to call for any action ”. (See Annex 20.)

1045. New Guinea : Observations of the Commission.

A letter from the accredited representative of the Australian Government, dated July 15th, 1929, was read (Annex 12).

Lord LUGARD pointed out that, if this new document, which had only just been received (July 15th, 1929), were to be considered in detail, the draft observations on New Guinea would have to be withdrawn and amended.

The CHAIRMAN wished to draw attention to the consequences of adopting a procedure whereby documents of this nature, arriving after the Commission had finished its examination of the annual report, could be accepted.

M. MERLIN pointed out that the letter might very well have arrived after the Commission had adopted its conclusions on New Guinea. In that case, no change would have been possible. The utmost that the Commission could have done would have been to attach the letter as an Annex to the Minutes.

The CHAIRMAN added that, in order to act conscientiously, it would be necessary, if the Commission adopted the procedure he had indicated, to revise the report point by point, review every question recorded in the Minutes and interrogate Sir Granville Ryrrie again.

M. RAPPARD thought that a paragraph could be added to the report stating that the draft conclusions of the Commission had already been prepared at the moment when these new observations had arrived. It had examined them but did not think it necessary to change the views it had already expressed.

M. CATASTINI thought that it might also be suggested to the accredited representative of the mandatory Power that he should adopt the regular procedure fixed by Rule 8 of the Rules of Procedure.

The CHAIRMAN proposed that Lord Lugard and M. Orts should agree upon a text which would be submitted to the Commission.

This proposal was adopted.

1046. Question of the Proclamation of a State of Siege in Territories under Mandate : Communication dated June 13th, 1929, from the League of Nations Union, London (continuation).

The CHAIRMAN read the following draft conclusions which Lord Lugard and M. Kastl proposed should be inserted in the report to the Council :

“ I. The petitioners ask that the Mandates Commission should request the Council to ask the mandatory Powers to inform the Council immediately, through the Chairman of the Mandates Commission, in case of

- “ (1) The suspension of civil law over a considerable district ;
- “ (2) Any serious movement paralysing normal administration.

“ They state that the object of this request is in order that the Mandates Commission may have early and official information, seeing that a long period may elapse between the outbreak of disturbances and the meeting of the Mandates Commission, during which the Commission would perhaps have no information other than newspaper reports. They

consider that, if the Mandates Commission and the Council had an early opportunity of considering the situation, it would enable the League to offer suitable advice in an emergency, and tend to shorten the period of trouble.

“ II. Although the Mandates Commission welcomes early and reliable information from the mandatory Powers whenever any serious disturbance may have occurred in the mandated territory (particularly if it should have resulted in the suspension of the civil administration) in order to enable it to co-operate with the mandatory Power, it desires that it should be clearly understood that the sole responsibility for its action rests with the mandatory Power, and is in no way shared by the Mandates Commission, which reserves to itself complete discretion as to the action (if any) it may take, in its capacity as advisory body to the Council. The Mandates Commission considers that the communication of such information would be evidence of mutual confidence and co-operation, but it does not wish to insist unduly, or to add any new obligation to the mandate.

“ We recommend, therefore, that the Mandates Commission, when reporting the receipt of this petition to the Council, should frame its conclusions in the above sense. ”

The CHAIRMAN said that M. Van Rees had also prepared some draft conclusions. They were as follows :

“ The British League of Nations Union asks that the Permanent Mandates Commission should request the Council to ask the mandatory Powers to inform the Council immediately, through the Chairman of the Mandates Commission, in case of serious disturbance in any mandated area under the administration of those Powers.

“ By ‘ serious disturbance ’ is meant ‘ armed conflict or conditions such as may involve the suspension of civil law over a considerable district, caused by invasion or by a rising of the inhabitants of the area ; or any movement which may cause serious disturbance by paralysing normal administration ’.

“ The object of this request is defined as follows : Peace is essential for the fulfilment of mandatory trusteeship. If the Commission and the Council delay in considering a conflict in a mandated territory, they may unjustly incur criticism for indifference to the welfare of peoples placed under their guardianship. Such criticism may endanger the general confidence in the efficacy of the mandatory system, a system dependent, ultimately, upon confidence in the League. Thus a quickening of procedure should contribute to the fulfilment of Article 22 of the Covenant.

“ The Permanent Mandates Commission has the honour to submit the following considerations on the matter :

“ In the case of any conflict arising, the examination of the question could not be undertaken until the Mandates Commission had received the necessary full information in writing.

“ It would be very difficult for the mandatory Power itself to furnish these particulars immediately. Before doing so, it is obliged to make thorough investigations, which usually take some time. It is more than likely, therefore, that it would be impossible for the Mandates Commission to examine the matter before its next session.

“ Consequently, the procedure recommended would defeat its own object, especially in the case of very serious disturbance.

“ While appreciating the considerations which moved the British League of Nations Union to make its suggestion, the Mandates Commission does not therefore consider it advisable to adopt that suggestion which, in a general way, would not constitute any substantial improvement in practice over the present procedure. ”

M. MERLIN regretted that he was unable to accept the draft conclusions of Lord Lugard and M. Kastl. There was a contradiction between the two parts of the conclusions. In the first, the utility of submitting rapid information was noted, and in the second, the Permanent Mandates Commission reserved its complete freedom of action and refused all responsibility. How were these two attitudes to be reconciled ? M. Merlin took the following example : Supposing that in some part of a territory a rebellion occurred, necessitating martial law. In this case, moreover, the civil administration was not suppressed ; the police direction was simply handed over to the armed forces of the Government. When that occurred, it was the duty of the mandatory Power to inform the Permanent Mandates Commission without delay, and the Commission was compelled to put the investigation of the causes of this rebellion upon its agenda. Upon what would it base that examination ? Would it be upon information which might be contradicted the following day ? It thus ran the risk of adopting very hazardous conclusions which would seriously compromise its responsibility.

Once the Commission had given advice, it would have assumed responsibility and would proportionately have released the mandatory Power from responsibility, even if the mandatory Power were not to follow its advice. It was, moreover, a question of a dispute between the mandatory Power and the inhabitants of the mandated territory. If the Commission were to be obliged to criticise the action of the mandatory Power, it would not merely release that Power from responsibility, but would also strengthen the position of the rebels. This

proposal was therefore a very serious one which might involve the Commission in all kinds of adventures in which it would compromise its moral authority.

In conclusion, while taking full account of the standing and intentions of the authors of this memorandum, M. Merlin thought that the Commission should reject it.

M. KASTL supposed that M. Merlin must be under a misunderstanding with regard to this text, the first part of which merely contained explanations of the request of the British League of Nations Union. The proposals were contained in the second part. It was there stated that it might be desirable to receive information rapidly but that it must be expressly declared that the Commission could never assume any responsibility in the suppression of disturbances which might occur in the mandated territories.

It was proposed, therefore, that the procedure advised by the authors of this petition should not be followed and that the situation should be left unchanged, the principle being adopted that the supply of documentation which was indispensable for the Commission was a matter of mutual trust and should not depend upon the creation of new rules.

LORD LUGARD recalled that, when this memorandum had been first discussed, he had clearly expressed the view that in no case should the Commission interfere in the suppression of disturbances or accept any responsibility. According to the proposal of the League of Nations Union if the Chairman were to receive, for instance, after the session at which the report on the territory had been examined, a telegram or letter to the effect that martial law had been decreed in a certain part of the mandated territory, he might place the telegram or letter on the agenda of the next session instead of waiting for a whole year. Thus, six months' delay would be saved, and, before the Commission met, it would probably have received fuller information from the mandatory Power. It would be open to the Commission to discuss the situation or not, as it might consider best.

M. MERLIN replied that it was, at any rate, stated in the second part of the draft reply, that the rapid supply of information would be appreciated in order that the Mandates Commission might co-operate with the mandatory Power. To co-operate was to act. He would urge that a prudent policy should be followed.

The path indicated by the British League of Nations Union was full of unobvious but inevitable pitfalls, and it was absolutely necessary to make it quite clear that the Commission did not share the views of the authors of this memorandum.

M. PALACIOS agreed neither with the proposal of Lord Lugard and M. Kastl nor with the draft resolution proposed by M. Van Rees.

M. CATASTINI wished to raise a previous question. The Commission should first decide whether the communication from the League of Nations Union was a petition or not. If it were, the Commission should state whether it was receivable. If the petition were receivable, there was nothing to do but transmit it to all the mandatory Powers for their observations, in accordance with the procedure laid down by the Council.

If the Commission considered that the communication in question was not a petition or was a petition, but non-receivable, it had merely to say so in the Minutes.

M. PALACIOS could only repeat the statements he had made when the matter was first discussed ; this communication, considered as a petition, should neither be set aside nor merely rejected, nor replied to only out of courtesy. The same procedure should be followed with regard to it as in the case of other petitions.

As regards the substance of the question, it was not now the time to discuss the practical problems, some of which were very complex, to which this proposal might give rise. For the moment, the question of principle was the main issue. This petition was in conformity with the spirit of the League which had been founded in order to avoid war (Article 11 of the Covenant). In the event of disturbances in the territories under mandate the League should employ every means in its power for the exercise of its pacifying influence, since war was the most serious danger to which peoples which were under the tutelage of the League could be exposed. This proposal was therefore altogether in conformity with the spirit of the mandate. At the time of the disturbances in Syria and Samoa, the Mandates Commission had itself been obliged to deal with questions which were outside the normal scope of its work. This petition asked, in a certain sense, that the procedure followed on those occasions should not only be regularised but perfected.

On the other hand, the body which had made the suggestion was an important association including even certain important persons who had tried to put forward a reasoned and well-founded proposal. There was no reason which would enable the Chairman, under the rules of procedure, to reject the petition as non-receivable. In these circumstances, there was nothing to be done but to follow the usual procedure adopted in connection with petitions that were submitted for examination. It should be brought to the notice of the mandatory Powers.

Under these circumstances, M. Palacios thought that the Commission should consider the substance of the question and the practical measures to be adopted when the Powers concerned had forwarded their observations.

LORD LUGARD proposed that, in order to remove M. Merlin's legitimate apprehensions, the following passage should be deleted from the draft reply : " in order to enable it to co-operate with the mandatory Power ".

M. RAPPARD thought that the communication in question was certainly a petition. It could not therefore be examined in the regular manner until the observations of all the mandatory Powers had been received. He proposed therefore that this examination should be postponed to the next session.

It was impossible to consider, as unworthy of examination, a document coming from an association which had full documentation on the League's work and which was one of the most active and valuable supporters of the League.

M. ORTS thought that all the members of the Commission, including Lord Lugard and M. Kastl, were agreed that the path recommended in this petition should not be followed. He wondered, therefore, whether there was any reason for apprising the mandatory Powers of a request which the Commission had unanimously decided not to accept.

M. PALACIOS did not think that the Commission was agreed that this request should be rejected, particularly since, apart from the consecration of an important principle, the League of Nations Union merely asked that the procedure which had already been followed, in part, in the case of Syria and Samoa should be regularised ; that was to say, it proposed that a gap should be filled. He would insist, therefore, that this document should be sent to the Powers concerned.

M. KASTL did not think that the authors of the petition had really been aware of the implications of a petition in the true sense of the word. It was on this account that Lord Lugard and himself had proposed a compromise between the procedure that would have been followed if the petition had been a real one and the proposals M. Merlin had made when the question had first been examined. They had considered that, if this document had been formally recognised as a petition, it would have been necessary to request the views upon it of all the mandatory Powers and that this procedure might have produced entirely opposite results from those which the League of Nations Union wished. Bearing in mind the respect which was due to this organisation, they had therefore proposed that the Commission should make a courteous reply but should not follow the procedure which was recommended.

M. RAPPARD thought that, under the circumstances, the Chairman could be asked to reply to the petitioners that the Permanent Mandates Commission had considered that this document was indeed a petition and that, in consequence, it could only be considered after the views of all the States concerned had been received. The Chairman would, therefore, ask the League of Nations Union whether, in these circumstances, it desired to maintain its suggestion. If the reply were in the negative, the question would be settled.

The CHAIRMAN observed that the Commission could not refer to a private organisation the decision on the question whether this document was or was not a petition.

M. PALACIOS agreed with the Chairman.

M. RAPPARD replied that there was no doubt that the document was a petition and that it was for the Chairman only to judge whether or not it was receivable. In view of the special circumstances, however, it was not to be expected that the Chairman would judge it non-receivable.

M. MERLIN felt that he must state his point of view. This document was not a petition, for a petition was a request presented by the parties injured by a mandatory Power in the application, or by an infringement, of the rules of the mandate. It was open to such injured parties to appeal to the Commission which was competent to call for the redress of the error committed.

There was no appeal of this kind in the document under discussion, but only a suggestion which would imply the assumption of further obligations by the mandatory Power. The Commission merely had a memorandum before it, a memorandum which, he admitted, was of particular interest on account of the importance of the subject and the standing of its authors. To send it, however, to all the mandatory Powers would imply the beginning of an investigation. The Commission could not adopt any other method of procedure than that adopted hitherto, as Lord Lugard and M. Kastl had themselves observed ; there was no need, therefore, to request the views of the mandatory Powers on this memorandum.

The CHAIRMAN read the Rules of Procedure adopted by the Council (document C. 545. M. 194. 1927. VI) and which contained a full list of those cases in which a petition could be approved. In his view, none of these applied to the present question. He concluded, therefore, that this document should be communicated to the mandatory Powers.

M. ORTS observed that it was possible that the Commission was being fettered by the procedure and that, since the petition concerned all the mandatory Powers, it would be compelled to communicate it to all those Powers.

To enter upon the path which the British League of Nations Union suggested would be completely to change the character of the Commission which, instead of being a supervisory organ, would be transformed into an advisory organ of the mandatory Powers which those Powers would be compelled to consult and in the very circumstances in which it was most difficult to judge from afar the exact situation and the measures likely to remedy it. Any action on the part of the Commission at a time of crisis, whether in the form of an expression of opinion, advice or criticism, would lead to a transfer of the responsibility which was incumbent upon the mandatory Power in all questions relating to the administration of the territories, including the maintenance of public order.

M. DE PENHA GARCIA thought that it would be useless to change the normal procedure and that it would be for the Council alone to take action, if it were required. In any case, however, this document was a petition. It was absolutely necessary, therefore, to communicate it to the mandatory Powers and to examine it at the next session, together with the replies of those Powers.

The Commission agreed to transmit the petition of the League of Nations Union to all the mandatory Powers for comment.

TWENTY-FIFTH MEETING.

Held on Tuesday, July 16th, 1929, at 10.30 a. m.

Chairman : Marquis THEODOLI.

1047. Syria and the Lebanon : Observations of the Commission.

After an exchange of views, *the Commission adopted its observations regarding Syria and the Lebanon (see Annex 20).*

1048. Tanganyika : Observations of the Commission (continuation).

After an exchange of views, *the Commission adopted its special observations on Tanganyika (see Annex 20).*

1049. Cameroons under French Mandate : Observations of the Commission.

After an exchange of views, *the Commission adopted its observations on the Cameroons (see Annex 20).*

1050. Treatment extended in Countries Members of the League to Persons belonging to Territories under Mandate and to Products and Goods coming therefrom.

M. RAPPARD submitted and commented upon his report (Annex 13).

M. DE PENHA GARCIA agreed, in principle, with the conclusions of the Rapporteur, who took the view that the present mandates system, as established by Article 22 of the Covenant was incomplete from a moral point of view, and that, after having obtained the views of the mandatory Powers, an endeavour should be made to remedy this omission by assuring, through an international convention or bilateral conventions, full reciprocity, in the matter of economic equality, to the nationals and products of territories under A and B Mandates.

He thought, however, that, in practice, the problem, as stated in M. Rappard's report, would be difficult to solve. How, indeed, would it be possible to find a legal basis by which to compel countries not following the system of economic equality to adopt a system similar to that imposed on territories under mandate after the war? It was impossible to ask States Members of the League of Nations to place themselves on a footing of equality with the territories under mandate. Some Members might be able to do so, but countries possessing colonies would probably refuse, because the products of their colonies were very similar to those of territories under mandate, which led inevitably to a clash of interests.

It should not be forgotten either that the States Members of the League all enjoyed economic equality in territories under mandate, but that some of them had not claimed this favourable treatment; generally speaking, but little use was made of this privilege. In any case it was essential, for the study of the question, that the mandatory Powers should be consulted on the point.

M. RAPPARD pointed out that all States Members of the League of Nations which enjoyed the privilege of economic equality in territories under mandate, which privilege had been bestowed upon them freely, should be ready, in strict justice, to grant reciprocity to the nationals and products of territories under mandate.

M. VAN REES, in reply to Count de Penha Garcia, wished to point out that the mandates had been confirmed by the Council in the collective name of the States of which the League was composed. It could not, therefore, be said that certain of those States had not wished to have the advantages resulting from the principle of economic equality which was embodied in the

A and B Mandates. All the States benefited, or could benefit, from the application of this principle in the territories under A and B Mandates. It was only just, therefore, that these States, or at least those which actually benefited from the principle of economic equality should ensure, in one way or another that the territories under mandate should receive from them the same treatment that those territories were obliged to accord to the States Members of the League.

M. DE PENHA GARCIA pointed out that, when the principle of economic equality was mentioned in connection with a territory under mandate, this did not mean that the territory in question was placed in a disadvantageous position. On the contrary, it was the mandatory Power which had to support the inconveniences arising from the application of that principle. It was entirely in the interests of a territory under mandate to preserve the system of economic equality, which safeguarded, for its benefit, the principle of free competition. If reciprocity for the nationals and goods of territories under mandate was claimed from the States Members of the League of Nations, it appeared probable that the mandatory Power would be the one to profit most, because of its preponderating influence in the territory under mandate.

M. ORTS was struck by the following fact. When two countries discussed an agreement to be concluded between them, the reason why they granted each other certain advantages was precisely because they both found it useful to conclude such a convention. In the present case, however, no convention existed, and it might well be maintained that, in exchange for illusory gains which they enjoyed in a territory under mandate, on the same footing as all other States, the countries which might suffer from the products of the territory under mandate would grant a substantial favour to such territories.

M. RAPPARD pointed out that, in that case, countries which feared the competition of the products of territories under mandate, would not sign the convention.

M. MERLIN thought that the discussion should not be brought to a close before the views of the mandatory Powers had been obtained.

The discussion was adjourned to a later meeting.

1051. General and Special Conventions applied in the Territories under Mandate.

The CHAIRMAN said that during its twelfth session, the Permanent Mandates Commission had taken note of lists of general and special conventions applied in each territory under mandate, drawn up by the Secretariat on the basis of information obtained from the annual reports of the mandatory Powers, or from the *Treaty Series* of the League of Nations.

On March 5th, 1928, the Council, in conformity with the recommendation of the Commission, had asked the mandatory Powers to revise these lists.

Up to the moment, lists had been received from the Union of South Africa, Belgium, New Zealand, Great Britain (in so far as Tanganyika was concerned), France (for the Cameroons and Togoland). The replies regarding the other territories: Syria, Iraq, Palestine, the Cameroons and Togoland under British mandate, the Islands under Japanese mandate, New Guinea and Nauru were not yet forthcoming. It was, however, possible that the missing lists would reach the Secretariat before the next session of the Permanent Mandates Commission.

In these circumstances, the question arose as to the action to be taken in regard to such lists. It might, perhaps, be useful for the Permanent Mandates Commission to express the hope, at its present session, that these lists, which were of great importance from the point of view of the mandates system, should be printed.

At the same time, the Commission might perhaps ask M. Orts — to be assisted, if necessary, by one or two of his colleagues — to submit, for the next session of the Commission, observations concerning these lists, especially in regard to the conventions not applied in the territories under mandate and the reasons given by the mandatory Powers for their action.

M. ORTS accepted the task entrusted to him.

TWENTY-SIXTH MEETING.

Held on Tuesday, July 16th, 1929, at 5.30 p. m.

Chairman : Marquis THEODOLI.

1052. **Treatment extended in Countries Members of the League to Persons belonging to Territories under Mandate and to Products and Goods coming therefrom (continuation).**

The CHAIRMAN asked his colleagues whether they had any further observations to make on M. Rappard's report (Annex 13).

M. DE PENHA GARCIA reverted to the observations he had made at the preceding meeting. He did not see how the question could be raised from the legal point of view, since the existing system had been established on the basis of texts, in special circumstances, and in order to meet special needs. On the other hand, from the economic point of view, the primary aim in instituting equality of treatment had been to defend the territory against encroachment on the part of the mandatory Power and to afford guarantees to the other Powers in this respect. From this point of view it might be wondered whether economic equality was an advantage or a drawback to the territories under mandate.

There was no doubt that, as far as importation was concerned, this system was very advantageous to the territories under mandate. On the other hand, those territories, being producers of certain raw materials on a large scale, were certain to export these raw materials to countries in which they were lacking without any need of conventions relating to economic equality. It might be added that it was to the interest of many countries that the territories under mandate should not endeavour to sell their products in the market of the mandatory Power alone. In short, the system of equality presented no serious disadvantages in the form of servitude imposed upon the territories under mandate, either in theory or from the economic point of view.

M. RAPPARD recognised that legally there were no established rights in virtue of which reciprocal treatment might be claimed. Since, however, the territories under mandate were under the guardianship of the League, it was quite compatible with the rôle of the Commission that it should make a request in favour of those territories. Such a request appeared, moreover, to be in accordance with the wishes of the Council.

M. Rappard was, moreover, less pessimistic. His proposal was a modest one and he hoped that the countries in question would not see any objection to according reciprocal treatment to the territories under mandate. It was to the interest of all the States to press for the principle of economic equality, as far as they were concerned, and public opinion would regard their demands as more justified if they offered reciprocal treatment.

M. KASTL thought that the question might be considered in two aspects, either from the point of view of the interests of the non-mandatory Powers or from the point of view of the adequate protection to be given to a country which was under the guardianship of the League. It was for the Mandates Commission especially to take the second point of view, and it seemed to M. Kastl that the only way in which a solution could be reached was to take as a basis the moral right of the ward to reciprocity. At present this ward had to accord the same treatment to all States and in exchange for this it had only the moral right to receive most-favoured-nation treatment. If it were proposed to conclude treaties like commercial treaties, the moral right of the territory under mandate would be weakened, since that territory would thereby be regarded as being on the same level as the other countries. He was, therefore, in favour of proposing the conclusion of a general convention only, and not to pursue the matter by proposing bilateral negotiations.

M. RAPPARD thought, on the contrary, that a convention would strengthen the moral right of the territories under mandate by giving sanction to that right. He entirely agreed with M. Kastl that, for the moment only, a moral claim could be made. A convention would add a legal right to the moral right of the territories.

M. KASTL said that M. Rappard had misunderstood his point of view. He was not opposed to the grant of a legal right to the mandated territories by a convention, but he asked that the basis of their moral right to reciprocity should be maintained.

M. RAPPARD did not see how this moral right could be transformed into a legal right by any other means than by the conclusion of a convention. It was not possible at present to oblige States to recognise this right of the territories under mandate.

In reply to a question by the Chairman, M. Rappard explained that the conclusion of his report recommended that the Commission should refer the matter to the Council. He would bow to the views of the majority and he was in any case glad that M. Van Rees shared his

view. The discussion which had taken place on this subject in the Commission should lead to some result. M. Rappard read the conclusion of his report, which was as follows :

“ The Commission might therefore confine itself for the moment, without abandoning the question, to recommending the Council to ask the mandatory Powers whether they consider it necessary and advisable to contemplate the conclusion of an international convention, or whether in their opinion it would be preferable, and sufficient, for them to pursue the end in view by means of direct and bilateral negotiations. It would seem that agreements thus concluded between the mandatory Powers and the countries which have immigration or commercial relations with territories under A and B Mandates should be based on the principle of equality as regards establishment and Customs. From the point of view of commercial relations, these agreements might assure to the products and goods derived from these territories the benefit of the lowest import duties by the adoption, for example, of the most-favoured-nation clause in its widest sense.

“ In this way it will be possible to remedy, on lines quite in conformity with the spirit of Article 22 of the Covenant, a legal deficiency in the present mandates system, as constituted by the terms of this article. ”

M. KASTL said that, if it were not made clear in the text of the conclusion that this recommendation was based, in the opinion of the Commission, on a moral right of the Territory, under mandate, no State would, perhaps, be willing to become a party to the Convention proposed by M. Rappard.

M. RAPPARD replied that his suggestion was dependent upon this idea but that he thought it would be a mistake to claim, as a right, what the States were free to refuse. He recalled that M. de Caix had stated that the French Government would give a very favourable reception to a request of this kind. For his part he would be unable to understand the attitude of a Government which, while pressing strongly for the principle of economic equality, refused to grant reciprocal treatment.

M. VAN REES added that such a Government would lay itself open to very justifiable criticism.

M. MERLIN observed that M. Rappard merely proposed to put a question to the Powers, which would reply as they thought proper, according as to whether they bore in mind their moral obligations or looked at the matter from the narrow point of view of their own interests. The only means of ascertaining their attitude was to ask them the question.

In the course of an exchange of views, which then ensued, M. DE PENHA GARCIA made the two following observations : Since economic equality seemed to be considered by some of his colleagues as a burden on the territories under mandate, would it be possible to contemplate repairing the injury by asking the Powers to suppress economic equality and to revise the mandates ? In the second place, if a State wished to relinquish the right of economic equality granted to it by the Covenant, was it possible for it to do so ? If the reply were in the negative, the real character of the economic equality, provided for under the mandate, would be clear and also its opposition to the principle of reciprocity.

M. RAPPARD had always held that countries acted in their own interest by granting economic equality to other States. It was not on account of any injury to the territories under mandate as a result of the Covenant — except that they had been deprived of a means of negotiation — that he had made his proposal, but in order to ensure reciprocal treatment for those territories. It was illogical to compel the wards of the League to receive goods upon equal conditions from those States which treated them the best and the worst. Since the Covenant could not be altered, the only way of restoring the balance was by means of new contractual obligations. If a country did not wish to benefit by the economic equality offered to it in the territories under mandate, it could merely cease all trade with that territory.

After discussion, M. Rappard's conclusion was *adopted* in the following form :

“ The Permanent Mandates Commission, after studying the question at its fourteenth and fifteenth sessions, has the honour to recommend to the Council to ask the mandatory Powers in charge of A and B Mandates whether they consider it necessary and expedient to contemplate the conclusion of an international convention intended to secure to the territories under A and B Mandates the benefit of reciprocity in respect of economic equality which these territories are obliged to grant to States Members of the League of Nations, or whether in their opinion it would be preferable, and sufficient for them to pursue the end in view by means of direct and bilateral negotiations. ”

1053. Status of the Inhabitants of the Territories under B and C Mandates.

M. VAN REES, summarising the conclusions of his report (Annex 14), said that the Commission had requested information, that this information had been examined and that it had seemed that it was not necessary to make observations thereon for presentation to the Council.

On M. MERLIN's suggestion, the final conclusion of M. Van Rees was adopted in the following form :

“ The Commission, having taken note of the replies of the mandatory Powers, considers that, at the present stage, it has no observations to make. ”

1054. **Palestine, Trans-Jordan and Syria : Petition from the Emir Chekib Arslan, dated November 5th, 1928, relating to the Hejaz Railway and Petition from Certain Inhabitants of Kerak, dated November 24th, 1928, in so far as it concerns the Hejaz Railway (Annex 11 A).**

M. KASTL summarised his report (Annex 15).

M. VAN REES referred to the following passage in the report : “ On the other hand, the petitioners should be earnestly advised to delegate representatives to the Advisory Council ”. What did his colleague mean by the delegation by the petitioners of representatives to the Advisory Council ?

M. KASTL said that he would change his text in order to make it quite clear that it was a question of advice to be given to the population represented by the petitioners.

M. VAN REES noted that the Rapporteur's conclusion was as follows :

“ I therefore propose that the mandatory Powers and the petitioners should be informed to this effect, and that the latter should be told that there is no other way of dealing with their petition. ”

The Rapporteur proposed, therefore, that the whole report should be communicated to the petitioners. If this were done, however, the Commission would be assuming responsibility for everything contained in the report, and not only for its conclusion, which would be contrary to the usual practice.

The CHAIRMAN asked the Rapporteur so to redraft his report that the Commission could take its conclusions from it, to which alone its decisions referred.

M. CATASTINI added that the conclusions of the Commission should in any case be addressed to the Council and not to the mandatory Powers. He took the opportunity to ask whether, as a general rule, the Rapporteurs could not always draft their conclusions in a form which the Commission could adopt for insertion in its final report.

TWENTY-SEVENTH MEETING.

Held on Wednesday, July 17th, 1929, at 10.30 a. m.

Chairman : Marquis THEODOLI.

1055. **New Guinea : Observations of the Commission (continuation).**

After an exchange of views, *the Commission adopted its observations regarding New Guinea (see Annex 20).*

1056. **Status of the Inhabitants of South West Africa (continuation).**

M. KASTL said that he had finally come to the conclusion that the questions which he had desired to put to Mr. Louw were too important and too delicate for the accredited representative to be in a position to reply to them immediately. Further, M. Van Rees and himself were not in agreement in regard to the substance of the question. They thought, therefore, that the best procedure would be for both to put forward their views in a memorandum. The Commission would examine and compare these memoranda at the next session.

This procedure was adopted.

1057. **Ex-Enemy Property in South West Africa : Communication from the Government of the Union of South Africa, dated May 22nd, 1929 (Kaoko Land-und Minen-Gesellschaft) (continuation).**

Lord LUGARD recalled that he had been asked to study with M. Palacios a number of questions concerning the Kaoko Land-und Minen-Gesellschaft. They had closely studied the

matter, and proposed the following draft letter, to be signed by the Chairman and forwarded to Mr. Louw :

“ You were good enough, at the end of the examination of the annual report on South West Africa, to let the Permanent Mandates Commission understand that you would be glad to assist it before the end of the session if it was necessary further to clear up any doubtful points.

“ I should like to bring the following matter to your attention. Before adopting its conclusions in connection with the petition from the Kaoko Land- und Minen-Gesellschaft and the recent communication from the Union Government on the subject, the Commission would like to have information on the following point : In view of the fact that the Commission has now been informed that the Kaokoveld Concession was cancelled in the public interest, and not as ex-enemy property, under Article 297 of the Versailles Treaty, the Commission would like to know :

“ 1. Whether there is any Act or any clause of the Constitution empowering the South West African Administration to cancel a concession without compensation ;

“ 2. Whether the Kaoko Land-Gesellschaft has any right of appeal to the courts, or otherwise ;

“ 3. Whether similar action would have been open to the Union Government in the territory of the Union.

“ I should be very grateful if you could let me have your replies on this matter to-day or to-morrow morning if possible. ”

The draft letter was approved.

1058. Date of the Next Session.

The opening date of the next session was fixed for November 4th, 1929.

1059. Palestine, Trans-Jordan and Syria : Petition of Emir Chekib Arslan, dated November 5th, 1928, relating to the Hejaz Railway, and Petition from Certain Inhabitants of Kerak, dated November 24th, 1928, in so far as it concerns the Hejaz Railway (continuation).

M. KASTL said that he had redrafted his report. The new draft would be circulated to the members of the Commission. He would confine himself to reading his conclusion, which contained the following proposal :

“ The provisions and proposals made by the mandatory Powers concerned with the administration and the operation of the Hejaz Railway are such as would seem not to conflict with the religious aspirations of the Moslem population. They tend to create a situation as similar to pre-war conditions as circumstances allow. The Permanent Mandates Commission is, therefore, unable to comply with the wishes of the petitioners. It adds that, in its opinion, the Moslem population of the mandated territories concerned would be well advised, in the interests of the resumption of traffic on the Hejaz Railway and of improved conditions in pilgrim transport, to negotiate an agreement on the basis proposed by the mandatory Powers. ”

In reply to a question from M. Merlin, M. Kastl explained that the Advisory Council was a permanent organisation which had not sat owing to the opposition of the Moslem population, whose representatives refused to associate themselves with it. The Conference which was to have met to settle the technical questions in regard to the railway had also been unable to sit owing to the opposition of the Moslems, who had said that they did not wish to take part in any work of organisation before the question of the ownership of the railway had been settled. The mandatory Powers were perfectly ready to hold a new technical conference under similar conditions.

The continuation of the discussion was adjourned.

1060. Film concerning Palestine to be shown by the Zionist Organisation.

M. CATASTINI said that the Zionist Organisation had expressed a desire to show a film on Palestine to the Commission.

After an exchange of views, *the Commission decided* to suggest that the Zionist Organisation should take the initiative of exhibiting this film during the next session and to send personal invitations to the members of the Commission.

TWENTY-EIGHTH MEETING.

Held on Thursday, July 18th, 1929, at 10.30 a. m.

Chairman : Marquis THEODOLI.

1061. **Palestine, Trans-Jordan and Syria : Petition from the Emir Chekib Arslan, dated November 5th, 1928, relating to the Hejaz Railway and the Disarmament of the Population of the Jebel Druse, and Petition from Certain Inhabitants of Kerak in so far as it concerns the Hejaz Railway (continuation).**

M. KASTL explained that, in regard to the first question, he had reached agreement with M. Merlin.

With reference to the question of the disarmament of the Jebel Druse, the Commission should note that the French Government had carried out a special enquiry in 1928 into the complaints made on this subject ; that enquiry had shown that the persons mentioned in the petitions as having been wounded or flogged had, in reality, suffered no harm at all. The conclusion of the Rapporteur was that the Commission need not take any action on these petitions.

The conclusions of the Rapporteur were adopted (see Annex 20).

1062. **Syria and the Lebanon : Petition dated October 20th, 1928, from Certain Inhabitants of Hama.**

M. DE PENHA GARCIA summarised his report (Annex 16).

The French Government in its observations had stated that the ceremony, which certain inhabitants of Hama had proposed to perform, had not been prohibited ; the authorities had only intervened in order to make use of persuasion. He proposed that the Commission should adopt the following conclusion :

“ The reply of the mandatory Power is very clear. The public meeting convened by the persons making the complaint was not actually prohibited. The intervention of the authorities was only of a persuasive character, and for this they deserve great credit. In these circumstances, the Commission is of opinion that no action need be taken on this petition. ”

M. RAPPARD thought that it would be prudent to change the wording of the conclusion. The petitioners had made certain statements which the mandatory Power declared to be untrue. Instead of appearing to adopt the statement of the mandatory Power in its entirety, the Commission might say : “ In view of the fact that, from the statements of the mandatory Power, the meeting . . . was not prohibited, etc. ”

M. PALACIOS agreed with M. Rappard's proposal.

M. DE PENHA GARCIA observed that, even if the meeting had been prohibited, the mandatory Power would have been perfectly justified in taking such action.

M. RAPPARD said that, if the Commission adopted such a formula, it would never be able to take any action on a petition which a mandatory Power might declare to be unfounded.

M. DE PENHA GARCIA replied that even if that statement had not been true, and this could not be doubted, the mandatory Power would still have been within its rights in forbidding the meeting for fear of excesses. Nevertheless, the Rapporteur had not wished to go so far or to emphasise the fact that, even in European countries, the Government might prohibit a ceremony for reasons of public order.

M. RAPPARD pointed out that the Commission, acting as a third party, must adopt an impartial attitude in regard to any statements made by either side.

M. MERLIN could not agree to any formula which would shed the least doubt on the sincerity of the mandatory Power's declarations.

After an exchange of views, *the conclusion was adopted in the following form :*

“ The Commission, having noted the mandatory Power's statements, that the public meeting, convened by the complainants, was not prohibited, and that the intervention of the authorities only took the form of persuasion, considers that no action can be taken on the petition ” (see Annex 20).

M. RAPPARD asked in what form the Secretariat would insert this conclusion in the report to the Council.

M. CATASTINI replied that this question arose in connection with all petitions. It was the custom of the Commission to insert in its report to the Council its conclusions regarding each petition, while annexing to the Minutes the report of the Rapporteur and the text of certain petitions which it considered to be the most interesting. It should not be forgotten that the Minutes were considered to be an integral part of the report to the Council, which was not as a rule sent without them.

1063. Syria and the Lebanon : Petition of M. Souheil el Attar, of Damascus, dated August 14th, 1928 : Report by Count de Penha Garcia (Annex 17).

M. ORTS asked whether it was consonant with the dignity of the Commission to deal with a petition from a student who had been put in prison for twenty-four hours.

The CHAIRMAN pointed out that the petition had been sent to the League through the intermediary of the French Government, and that, in these circumstances, the Commission was obliged to consider it.

M. DE PENHA GARCIA added that the student in question complained of having been tortured. If that were so, M. Orts would agree that the case would merit the full attention of the Commission.

M. VAN REES quite understood that the Chairman had been unable to set aside the petition. The Commission, however, was free to reject it. He added that the petition did not concern the application of the mandate in any way. It dealt merely with a police matter.

M. MERLIN and Lord LUGARD pointed out that the student could have recourse to the local authorities and even, if necessary, to the courts.

M. DE PENHA GARCIA read his conclusion, to the following effect :

“ The explanations of the mandatory Power are very convincing. The Commission is of opinion, after having considered them, that no action need be taken on the petition. ”

He added that there were many other petitions which were not of great importance. Had the Commission the right to reject them or must it take a decision on them merely because they were petitions ?

The CHAIRMAN said that it was not disputed that the complaint of the student bore the character of a petition. The Rapporteur, however, had the right to propose that it should be rejected.

M. RAPPARD suggested that the following procedure could be followed : Without merely passing over such questions in silence, the Commission, after having made its report on the petitions examined, could state that it had rejected such and such a petition, of which the contents did not seem to it to deserve attention.

The CHAIRMAN recalled that, in other cases, this procedure had already been adopted.

Lord LUGARD said that, if the petitioner complained that he had no access to the local courts, he should have mentioned the fact in the petition, and as there was no reason to assume that he had not access, the petition would be excluded under the Rules of Procedure regarding petitions.

M. DE PENHA GARCIA pointed out, nevertheless, that, as the mandatory Power itself had appeared to regard the matter in a very serious light, it would be difficult for the Commission to state that the question did not concern it. Perhaps a passage could be added to the conclusion in the form suggested by Lord Lugard, to the effect that, since the person making the complaint had the right of recourse to the courts, he could avail himself of it.

M. KASTL did not think it correct to say that the person making the complaint could appeal to the courts ; this was only possible when sentence had been pronounced by a lower court. There had been no sentence in the present case ; the person making the complaint had merely been arrested.

M. RAPPARD said that the Commission could speak, not of appeal, but of recourse to the courts.

M. DE PENHA GARCIA observed that, if this were so, very few petitions would be admissible, and that all the petitions would have to be revised. In point of fact, the question was a different one. The right to petition was absolute and was supplementary to the right to have recourse to the courts. The petitioners might be reminded of this latter fact.

M. VAN REES ventured to recall that the Council had established a certain procedure by which the Commission was bound, and that the Commission had adopted, apart from that procedure, certain principles which had been submitted to the Council and approved by it. One of these principles concerned the admissibility of petitions. Perhaps M. Catastini might recall the text of the rules which applied to this point.

M. CATASTINI read and explained (document C.545.M.194.1927) the rules relating to the admissibility of petitions sent either directly to the Chairman or through the intermediary of

the mandatory Power. He laid stress on the rules drawn up for the Chairman and the rules and principles established for the Commission.

M. DE PENHA GARCIA referred to the following principle:

“ (a) Any petition is regarded as inadmissible if it lays before the Commission a dispute with which the Courts have competence to deal, or if its author appeals from a decision regularly pronounced by a Court (properly constituted). ”

He pointed out that this was not the case in the present instance.

M. RAPPARD referred to the following principle :

“ (b) If a petitioner protests against an act of the mandatory Power, in regard to which he has no judicial remedy, the Commission will have to consider whether this act is in conformity with the terms of Article 22 of the Covenant and of the mandate in question. ”

He pointed out that he did not know whether any appeal could be made against a decision of a police authority.

M. DE PENHA GARCIA said that it would be necessary to ask the mandatory Power in each case whether an appeal could be made. Such a step would be fraught with consequences for the Commission.

The CHAIRMAN suggested that a text should be adopted to the effect that the Commission, not having found anything in the petition which merited further investigation, considered that the matter might be dropped.

M. DE PENHA GARCIA proposed the following text :

“ The Commission, after examining the petitioner's allegations and the mandatory Power's observations considers that no action can be taken on the petition. ”

M. RAPPARD observed that this text might be used for all petitions of a similar character.

M. DE PENHA GARCIA replied that this was his intention.

Lord LUGARD thought that the Commission should state that the petitioner should have made sure, before sending the petition, that he had exhausted all means of redress.

M. MERLIN observed that the petition had been transmitted by the mandatory Power which should, consequently, notify the petitioner of this fact. While agreeing with Lord Lugard, M. Merlin supported Count de Penha Garcia's text.

The text of the conclusion finally submitted by the Rapporteur was adopted (See Annex 20).

1064. **Syria and the Lebanon : Petitions from the Executive Committee of the Syro-Palestinian Congress dated April 19th and May 20th, 1929, and from a Group of Inhabitants of Damascus and of Cairo dated April 3rd, 1929, concerning Certain Incidents which occurred at Homs (Annex 18 A).**

M. DE PENHA GARCIA commenting on his report (Annex 18 C), explained that these were two petitions of a more delicate nature, one from the Executive Committee of the Syro-Palestinian Congress, and the other from a group of inhabitants of Damascus and Cairo, but both relating to the same matter. There was copious documentation and the accredited representative had also given certain oral explanations.

The petitioners complained of the exceptional measures which the Administration had adopted. Some of these measures, such as forced billeting of troops, when the houses of the notables had been chosen, and collective fines, etc., were certainly not normal. Measures of this kind were obviously undesirable, but provision had been made for all of them in the Syrian legislation. Even in the matter of fines, which the Rapporteur had believed to be altogether abnormal measures, M. Van Rees had drawn his attention to previous decrees making it possible to inflict such fines.

M. de Penha Garcia thought that the actual facts should be borne in mind, and especially the fact that the bandits sought by the authorities were spreading terror in the country and that the terror-stricken people were ready to become their accomplices. After examining the facts to which the petitioners had drawn attention and the replies of the mandatory Power, the Rapporteur had reached the conclusion, from the legal point of view, that exceptional and, indeed, abnormal measures had been taken, but that these were permitted by the Syrian legislation.

As regards the execution of these measures, some violence had, perhaps, been shown, and it was very regrettable that three men had been killed, but these men had been worthy of very little esteem and had offered armed resistance.

M. de Penha Garcia submitted the following conclusion :

“ Having recognised the legal justification of the exceptional and stringent measures taken at Homs, and having noted the explanations submitted by the Administration, and taking into account the fact that the petitioners have always the right of appeal against abuses before the courts provided for in the Syrian legislation, the Commission considers

that there is no need to take any action on the two petitions. It is, however, to be hoped that local circumstances will make it less and less necessary to have recourse to police measures of so abnormal a character."

M. VAN REES would prefer that the Commission should not go into all these details and should adopt a more simple conclusion to the following effect :

"The Permanent Mandates Commission, having examined the two petitions in the light of the mandatory Power's observations and the supplementary particulars supplied by the accredited representative in the course of the session, considers that these petitions call for no action on the part of the Council."

Lord LUGARD approved this text, but he wished to point out that, if it were true, as the Rapporteur had stated, that "the petitioners have always the right of appeal before the Courts", this petition should not properly be accepted. He, therefore, thought that as brief a conclusion as possible should be adopted.

M. ORTS asked whether the petitioners really had such a right of recourse to the courts.

M. RAPPARD said that a distinction should be drawn between redress against abuses committed by individuals and redress against action by the mandatory Power. The very act of imposing collective fines was, from the political point of view at any rate, questionable. Judicial proceedings might be taken in order to protest against individual acts but not in order to protest against political acts. The latter might, therefore, form the subject of a petition. In this particular instance, the presentation of such a petition seemed to be only barely admissible. M. Rappard had understood the explanations M. de Caix had given, but they had not reflected any great glory in connection with this matter. It must be recognised that to impose collective fines upon an entire population because it had not been possible to capture the brigands who lived among them was not a form of governmental proceeding which was, in itself, commendable.

Mlle. DANNEVIG admitted that collective fines were legally justifiable. It was nevertheless true that the question had another aspect, namely, the fact that the sufferings which the brigands had caused the population had been made still worse by the measures that had been taken. It was for the mandatory Power to protect the inhabitants against the bandits but not further to increase their sufferings, and the police of the mandatory Power had given evidence of great weakness. Mlle. Dannevig hoped that the Commission would express this view in a text.

M. MERLIN said that, as the Rapporteur had well explained, the question had two aspects : the fact that a collective fine had been imposed and the manner in which this measure had been executed. The collective fine, although abnormal, was not illegal, since provision had been made for such fines in the Syrian legislation. The Commission could not protest against a legal measure. The obligation to resort to collective punishments might be regretted but such punishments were not so rare. They were applied in Europe, when a number of persons were involved in schools and even in the army. This particular instance of punishment had occurred in a country where it was very necessary to take exceptional measures in order to meet exceptional cases.

The CHAIRMAN observed that it no longer seemed necessary to discuss the substance of the matter. The Commission had before it two texts of conclusions, upon which he asked his colleagues to express an opinion.

M. MERLIN observed that nothing had been seen of the bandits since the measures had been taken. He did not think that the mandatory Power could be blamed for having taken the only measures in its power, and no blame was implied in the text proposed by Count de Penha Garcia. M. Merlin was, moreover, sure that the mandatory Power wished for nothing better than to be able to abandon such measures.

With regard to the actual execution of the measures, the Commission had heard M. de Caix's statement. It was moreover the usual practice during manœuvres to billet troops among the inhabitants and in this particular instance the troops had not committed any act of violence, as even a certain nationalist in the country had admitted.

Mlle. DANNEVIG said that she disapproved of the practice of collective punishment in schools and that she thought that the mandatory Power should by no means be forced to follow such a practice.

Mlle. Dannevig did not think that the explanations of the mandatory Power proved that the people were accomplices of the bandits. Finally, she did not think it very reassuring that the presence of two bandits in a town should necessitate the proclamation of martial law.

M. PALACIOS supported Count de Penha Garcia's text, which, while saying what the author thought should be said, contained all the consideration necessary, from the point of view of the mandatory Power and from that of the Commission.

M. VAN REES thought that the Commission should be extremely circumspect in this matter. No member of the Commission was in the position to form a judgment of the necessity of the measure taken by the mandatory Power in imposing a collective fine. M. Van Rees did not see what solid ground the Commission had for passing what amounted to criticism on the attitude

of the mandatory Power in the affair. The Commission might regret, and there was no doubt that the mandatory Power also regretted, that it had been necessary to resort to exceptional measures in an altogether exceptional case, but the mandatory Power would not have done so unless it had been necessary.

The CHAIRMAN noted that M. Van Rees' text was approved by six members (M. Sakenobe, Lord Lugard, M. Orts, M. Merlin, M. Kastl and M. Van Rees), while Count de Penha Garcia's text was only approved by five members (Mlle. Dannevig, M. Rappard, M. Palacios, Count de Penha Garcia and the Chairman).

M. DE PENHA GARCIA said that he would bow to the views of the majority. He wished, however, to have the reasons on which the text of his conclusions had been based recorded in the Minutes. That text had not been a vague one, but had been drafted in accordance with certain principles and particular considerations. In his opinion, when the Commission had before it three petitions of so different a character as those on which he had submitted his three reports, it could not give a single expression of opinion on all three. The petition under discussion related to rather a serious incident, as the accredited representative himself had asserted. The Chairman had often said that the Commission should co-operate with the mandatory Power. What position should it therefore take up? Should it discourage those who made complaints?

M. de Penha Garcia did not agree with M. Van Rees' text. The petition had not come from some unknown person but from the Executive Committee of the Syro-Palestinian Congress and from the notables of two important towns; the Rapporteur had wished to give the petitioners the impression that their petition had been carefully examined by the Commission. He had agreed upon his text with M. Merlin, and this text afforded the petitioners a certain amount of consideration, while maintaining the necessary authority of the mandatory Power.

The CHAIRMAN agreed with the Rapporteur's statement.

M. Van Rees' text was adopted by a majority of six votes to five.

1065. Ex-Enemy Property in South West Africa : Communication of the Government of the Union of South Africa, dated May 22nd, 1929 (Kaoko Land- und Minengesellschaft) (continuation) : Letter from Mr. Louw.

M. CATASTINI informed the Commission that the following reply to the Commission's communication dated July 17th, 1929, had been received from Mr. Louw :

" Your letter of to-day's date was handed to me this afternoon, and I note that the Mandates Commission wishes to have certain information ' before adopting its conclusions in connection with the petition from the Kaoko Land- und Minengesellschaft '.

" I was under the impression that this matter had been finally disposed of. In your Commission's last report to the Council of the League, the petition of the Kaoko Land-Gesellschaft was dealt with, and the following conclusion arrived at (see page 261 of the Minutes of the fourteenth session) :

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

" I am, however, happy to assist the Commission by giving such information as I have available here. It will be appreciated that my sources of information at Geneva are necessarily somewhat limited, especially as Mr. Smit, the Secretary for South West Africa, has already departed. In the circumstances, I am giving the information, subject to such amendment as my Government may consider necessary.

" You state that the Commission would like to know :

" 1. Whether there is any Act or any clause of the Constitution empowering the South West African Administration to cancel a concession without compensation.

" 2. Whether the Kaoko Land-Gesellschaft has any right of appeal to the courts, or otherwise ;

" 3. Whether similar action would have been open to the Union Government in the territory of the Union.

" My replies are as follows :

" 1. The cancellation took place by virtue of Proclamation 59 of 1920. At the time (as the Commission is aware) no Constitution had yet been granted to South West Africa. The grant took place only in 1925. There can therefore be no question of any ' clause of the Constitution ' as suggested by the Commission.

" There were, however, two Acts of the Union Parliament (No. 49 of 1919 and 32 of 1921) which authorised the Governor-General to make such appointments and to perform such acts as he might consider necessary. The powers so conferred were very wide and would cover the action which was taken in connection with the Kaoko Land-Gesellschaft by Proclamation 59 of 1920.

“ 2. This question is answered by Section 3 (1) of the above-mentioned Proclamation which reads :

“ ‘ No action at law shall lie against the Administration of the Protectorate, or any of its officers, or any person acting under their authority, by reason of the application directly or indirectly of the provisions thereof. ’ ”

“ 3. The third question submitted does not appear to me to have any bearing on the petition of the Kaoko Land-Gesellschaft, whose property was confiscated by a Proclamation applicable only to the South West African Territory, and which was issued in consequence of certain local conditions and circumstances prevailing in that Territory.

“ In any event, it will be appreciated that I cannot give an opinion on a purely hypothetical case which might arise in the Union of South Africa.

“ I might, however, venture to point out that the Parliament of the Union is supreme within its own territory and has power to take any action which it may deem fit or necessary.

“ I trust that the above information will be of some assistance to the Commission.

“ (Signed) Eric H. Louw,
“ High Commissioner for the Union of
South Africa. ”

The Commission decided to refer this letter, the text of which would be distributed to all the members, to the Sub-Committee composed of Lord Lugard and M. Palacios.

1066. South West Africa : Observations of the Commission.

After an exchange of views, the Commission *adopted its observations* regarding *South West Africa* (see Annex 20).

1067. Application of General and Special International Conventions to the Territories under Mandate (continuation).

M. ORTS proposed that the Commission should adopt a recommendation, in accordance with the wish expressed by the Chairman on July 16th, with regard to the desirability of a printed list of the international conventions applying to the territories under mandate.

M. Orts' proposal was adopted.

TWENTY-NINTH MEETING.

Held on Friday, July 19th, 1929, at 10.30 a.m.

Chairman : Marquis THEODOLI.

1068. Report to the Council on the Work of the Session.

The Commission examined the text of the draft report to the Council on the work of the session.

Treatment extended in Countries Members of the League to Persons belonging to Territories under Mandate and to Products and Goods coming therefrom.

With regard to the treatment, in the territory of the States Members of the League, of the nationals of the territories under A and B Mandates, as well as of the produce and goods originating in those territories, M. VAN REES feared that the recommendation, already adopted by the Commission during the session, and included in its report to the Council, would not prove acceptable, owing to the fact that the recommendation, as drafted, implied the granting of reciprocity in all the spheres covered by the principle of economic equality.

It seemed probable that the States Members of the League would be unable to undertake such wide engagements, particularly as regarded reciprocity of treatment for the nationals of the territories under A and B Mandates, although those States, or, at least, a certain number of them, might have no objection of principle to granting that reciprocity in commercial matters. It seemed to him important to make clear in the recommendation itself that, in the view of the Commission, a possible refusal to grant the privilege of reciprocity to *individuals* did not necessarily involve a refusal to grant that privilege in respect of *goods*. For this purpose, M. Van Rees thought it would be sufficient to introduce into the existing text after the words “ League of Nations ” the phrase “ at least in respect of commercial exchanges ”.

M. RAPPARD had no objection to this addition which was not incompatible with the remainder of the text. Nevertheless, it must not be forgotten that the origin of the matter was the fact that Syrians had encountered difficulties in Liberia.

M. Van Rees' amendment was adopted.

After an exchange of views, *the draft report was adopted with various modifications* (see Annex 20).

M. VAN REES expressed a wish that the Secretariat should arrange for references to be made in the Minutes, not only after each observation but also after each conclusion, concerning petitions and general questions. When petitions or general questions had been discussed at previous sessions, references should be made to the discussions and annexes as a whole.

M. CATASTINI wished to assure M. Van Rees that the Secretariat would endeavour to act upon his suggestion in so far as it proved possible to do so.

1069. Resolution concerning the Age of Marriage voted by the Eleventh Congress of the International Alliance of Women for Suffrage and Equal Citizenship.

The CHAIRMAN read a letter, dated June 25th, 1929, concerning the age of marriage in mandated territories, which had been addressed to him by the Secretary of the Eleventh Congress of the International Alliance of Women for Suffrage and Equal Citizenship.

M. DE PENHA GARCIA said that the question which the Congress had examined was of an extremely delicate character. In European countries, the age which was given might be accepted, but in the Colonies the question had such different aspects that the Commission could do no more than make a slight study of it. In some territories, the age of marriage was much lower than in European countries. The problem had been examined from the physiological point of view, and it had been ascertained that the age of twelve years might often be recognised as the normal and natural age for marriage. In any case, the question had to be considered in a different light in the various parts of the world over which the colonies and territories under mandate were distributed, and no uniform legislation could be enacted with regard to it.

The CHAIRMAN did not think that there was any occasion to begin a thorough examination of the question forthwith. He approved Count de Penha Garcia's observations. In its reply, the Commission might merely acknowledge the receipt of the letter, and state that it would be borne in mind.

M. VAN REES thought that it should be added that the question had received the attention of the Commission.

LORD LUGARD entirely agreed with Count de Penha Garcia. When acknowledging the receipt of the letter which had been forwarded to him, the Chairman might point out that it would, in the opinion of the Commission, be difficult to establish a uniform rule for all countries. The Commission, if it were to restrict itself to M. Van Rees' suggestion, would appear to imply that it agreed with the Congress, which was not the case.

M. RAPPARD suggested that the Chairman should acknowledge the receipt of the letter and should state that he had drawn the attention of the Commission to it.

M. PALACIOS agreed.

M. DE PENHA GARCIA supported Lord Lugard's proposal. Many people would not realise that colonial problems were different from European problems.

M. KASTL agreed with Lord Lugard and Count de Penha Garcia.

M. CATASTINI observed that, if the Commission were to make a reply of this kind, it would be taking up a position with regard to the substance of the question which it could not do. In that case it should rather refer the matter to the Council.

The CHAIRMAN stated that the Commission was not in a position to communicate its opinion on this matter to the signatories of the letter. The latter could, however, ascertain the views of the Commission by consulting the Minutes of the present meeting.

1070. Question of Hearing of Petitioners by the Commission : Resolution adopted by the Women's International League at its Annual Council Session on March 19th and 20th, 1929.

The CHAIRMAN read a letter, dated March 25th, 1929, which he had received from the Secretary of the Women's International League, expressing the admiration of the Council of the Women's International League for the work of the Commission, and touching on the question of hearing of petitioners by the Commission.

The Chairman said that the Commission could only acknowledge the receipt of this communication and take note of it.

Lord LUGARD proposed that the attention of the Womens' League should be drawn in the reply to the discussions of the Commission on the question of hearing of petitioners, references being given to the Minutes and the resolutions of the Council.

The CHAIRMAN proposed that the Secretariat should be asked to reply in the sense indicated by Lord Lugard.

These suggestions were approved.

1071. List of Annexes to be Appended to the Minutes.

M. CATASTINI submitted to the Commission a list of annexes to be appended to the Minutes.

The list was approved.

1072. Representation of the Commission at the Next Session of the Council.

The CHAIRMAN informed his colleagues that he had asked M. Orts, before the latter's departure, whether he would be prepared to represent the Commission at the session of the Council which was to commence at the end of August, in case neither he himself nor M. Van Rees, the Vice-Chairman, should be able to be present. The Chairman had made this request to M. Orts in view of the fact that he would at that time be within easy reach of Geneva. With his well-known devotion, M. Orts had accepted. Did the other members of the Commission agree to this suggestion?

The Commission approved of the Chairman's action, and asked him to thank M. Orts.

1073. Date of the Next Session (continuation).

The Commission, cancelling its previous decision, *decided that its next session should begin on November 6th, 1929.*

1074. Ex-Enemy Property in South West Africa. Communication from the Government of the Union of South Africa, dated May 22nd, 1929: (Kaoko Land- und Minengesellschaft) (continuation).

M. PALACIOS said that, as Rapporteur on this subject, he had nothing to add to the statements and explanations in the report which he had submitted to the Commission, and which the Commission had approved, at its session in November 1928.

The Union of South Africa had replied, on May 22nd, 1929¹, to the request which the Council of the League had decided on March 4th, 1929, to make to it, in accordance with the Commission's resolution.

The mandatory Power, in order to explain the contradiction between its communications of February 19th, 1926, and July 4th, 1928, to which its attention had been drawn, described its reference to Article 297 of the Treaty of Versailles as a "hypothetical case". In M. Palacios' opinion, the Union of South Africa had thus given a partial reply to the Council's request. On the other hand, the South African Government, by seeking to set aside Article 297, the sole legal justification claimed by it in its reply of July 4th, 1928, to the petition of the Kaoko Land- und Minengesellschaft relating to possible compensation for the cancellation of the land properties of this Company, was re-opening a question which the Commission had considered as settled. Since the Union of South Africa had neither denied nor questioned the title deeds of the Company, on what other legal basis could it justify their abrogation without payment of compensation? Could it be justified from the point of view of public interest? If so, it would then be the mandatory Power, and not the Commission, that would find itself in a very embarrassing situation; the former was reverting to a problem raised by the petitioning Company.

The question involved was a very difficult one. Mr. Louw's letter of July 18th, 1929, which was full of reservations, maintained that the abrogation had been effected in virtue of three legal acts: Proclamations No. 49 of 1919, No. 59 of 1920 and No. 32 of 1921. The last-mentioned Proclamation might be set aside since it did not relate to the question, having been issued at a later date than Proclamation No. 59, the one of which the petitioners had complained.

The two other Proclamations were based on the Treaty of Versailles. There could be no doubt of this, in the case of Proclamation No. 49, its title being "Treaty of Peace and South West Africa Mandate Act", of September 19th, 1919. Proclamation No. 59, which was entitled "Concessions: Modification and Mining Law Amendment", was dated November 17th, 1920, and opened as follows:

"Whereas during the war between Germany and the British Empire, the German territory of German South West Africa was fully and effectively occupied by the military forces of the Union of South Africa . . ."

Since occupation and conquest only acquired legal validity in virtue of a treaty, it appeared that the legal authority of the mandatory Power to dispose of this territory of right could not be derived from any other treaty than the Treaty of Versailles. Consequently, the regulations relating to ex-enemy private property were derived from Article 297.

¹ See Document C. 259, 1929. VI (*Official Journal*, August 1929).

In point of fact, Proclamation No. 59 had been preceded by Proclamations No. 148 of August 20th and No. 187 of November 2nd, 1920, on "enemy property", these two latter proclamations having themselves been based on Proclamation No. 49, which gave effect to the aforementioned Article 297. It was strange that the part of this Article reproduced in these proclamations was the same as that which the mandatory Power had recalled when replying, on July 4th, 1928, to the allegations of the petitioning Company. The fact that the Union of South Africa now declared that it had referred to a "hypothetical case" did not render the contents of that reply any the less valid.

M. Palacios wished, however, further to point out : (1) that, in the list accompanying Proclamation No. 59, the land property rights of all the Companies therein enumerated were respected (it was only in the case of the Kaoko Land- und Minen-Gesellschaft and of the Hanseatische Minengesellschaft, doubtless a German company too, that it was stated that "All these rights were abrogated"; and (2) that with regard to "the public interest and the good administration of the Protectorate", neither the mandatory Power nor the High Commissioner had given any explanations to the Mandates Commission (see "Laws of South West Africa, 1915-1922", pages 10, 32, 41, 436 *et seq.*).

The petition also deals with "ex-enemy Property". In any case, since various reasons were given in his aforementioned report for declaring the Commission incompetent to deal with the substance of the difficult question raised by the petitioners, reasons which in his opinion still held good, M. Palacios proposed that nothing should be added to the Commission's previous decision and that the Minutes of all the discussions on the matter should be given all the publicity that was desirable. He would leave to Lord Lugard the task of drawing up a text for adoption.

M. KASTL said that he had read Mr. Louw's letter very carefully. He wondered whether it was possible that the Administration of South West Africa confiscated private property in the public interest without giving compensation.

M. PALACIOS said that, in its observations on the petition (July 4th, 1928), the mandatory Power stated that, in the event of it being necessary to grant the Company compensation, the expense would fall upon Germany in virtue of Article 297 of the Treaty of Versailles; it was this which the mandatory Power, in its recent reply, had described as a "hypothetical case". M. Palacios added that the petition spoke also of "ex-enemy properties".

Lord LUGARD explained that he had at first concluded that since the petitioners had no right of recourse to the local courts, the only course that remained open to them was to appeal to the Mandates Commission, and that the Commission might inform the Council that the petition was admissible. After having examined the question afresh with M. Palacios, and having consulted the documentation and the arguments of the accredited representative, Lord Lugard agreed, however, with his colleague in his view that the Commission could only maintain its position of the preceding year. With regard to the question which M. Kastl had raised, the reply of the accredited representative was that the Parliament of the Union of South Africa could take whatever action it might see fit to take.

Lord Lugard then submitted the following draft report :

"The Company in question submitted a petition (dated March 5th, 1926) alleging that, by a Proclamation, dated November 17th, 1920, the South African Government had declared the confiscation of its landed estates without granting it any compensation.

"The Company was a German one, domiciled in Berlin. Attention was therefore drawn to the fact that the mandatory Power had informed the Permanent Mandates Commission that no exceptional war measures had been applied to landed estates belonging to enemy subjects who, it was asserted, would be allowed to retain their property.

"On the proposal of M. Palacios, Rapporteur, the Permanent Mandates Commission decided that the question of the titles and rights of the Company was not within the Commission's competence. Other institutions existed for dealing with such questions. At the same time, it proposed that the Council should ask the mandatory Power to explain its declaration of February 19th, 1926, which appears to the Commission to be clearly inconsistent with the statements made, with reference to the status of the said properties and their disposal, by the accredited representative at the Commission's meeting on November 2nd, 1928, and by the mandatory Power itself in its observations of July 4th, 1928.

"The Council approved this request on March 4th, 1929.

"The reply from the Government of the Union of South Africa, dated May 22nd, 1929, may be summarised as follows :

"1. No property in South West Africa belonging to German subjects has been retained by the Government of the Union for purposes of liquidation on account of reparations payments;

"2. The result of any enquiry concerning concessionnaire companies in general (not only German companies), together with Proclamation No. 59 of 1920, were communicated to the Council with the report for that year;

"3. The rights in question were abrogated by the Government of the Union in the public interest. This abrogation did not apply to enemy property in particular, and German companies were not the only ones affected;

“ 4. The property in question reverted to the mandated territory without any compensation, and

“ 5. The Government regrets that the reference to Article 297 of the Treaty of Versailles led to a misunderstanding.

“ In view of the fact that this reply would seem to reopen certain questions discussed last year in connection with the petition from the Kaoko Land- und Minengesellschaft, the Commission thought it necessary to proceed to a further examination of the matter, and also to obtain certain additional information from the accredited representative.

“ It has now arrived at the following conclusions :

“ The reply of the Government of the Union of South Africa partly explains the apparent contradiction referred to in the resolution of the Permanent Mandates Commission on November 10th, 1928.

“ The Permanent Mandates Commission has no information as to the nature of the public interests which are now stated to be the reason of the cancellation, and, in view of the fact that it has now been informed by the accredited representative that the petitioners have no opportunity of recourse to the local courts, it can add nothing to the conclusions reached during its fourteenth session. ”

After an observation by M. Rappard, M. KASTL said that he quite agreed that it was not for the Commission to interfere with legislative or administrative action of the Union which related to the territory of the Union. South West Africa was, however, a territory under mandate and M. Kastl still held that such a confiscation without payment of compensation was inadmissible.

M. PALACIOS agreed with M. Kastl on the point of principle, but the problem was to apply a principle to a particular case. The Mandates Commission was not a Court. It had not examined the title deeds to the property, or the German legislation from which those title deeds originated, and it should only express an opinion on the basis of the material which was available for it, that was to say, the petition and the replies of the mandatory Power. The Commission had noted, in the preceding year, that an irregularity had occurred in connection with properties which were obviously “ ex-enemy ” but it could not examine the matter thoroughly. M. Palacios was not in a position to assert that the company in question was the owner of a tract of land which was larger than Andalusia, or that it should receive an indemnity of seven million marks. Neither did he say the contrary.

M. KASTL wished to make clear his point of view. The Commission was certainly not a Court. It was an organisation created to ensure the good administration of the territories under mandate. It was not good administration to confiscate private property without payment of compensation, and the Commission was entitled to draw the attention of the Council to an incident which had occurred in a territory under mandate. It might do this equally well in the case of property, belonging to others than Germans, which had been confiscated. It was not for the Commission to fix the amount of compensation or even to express a view with regard to payment of such compensation on principle, but it should ask the Council whether it could authorise a proceeding of this kind in a territory under mandate.

M. PALACIOS said that to do this would be precisely to give an opinion on the substance of the question, regarding which certain elements, which were essential to enable the Commission to take a decision, were missing. He added that the nature of the complaint, and even the date of the decision (1920), were outside the competence of the Commission.

Lord LUGARD did not think that the Commission was competent to dictate to a mandatory Power what it should or should not do. It was for the Council to make such a statement if it thought it necessary to do so. The Commission might and should, however, inform the Council that the petition was, in its opinion, admissible and leave it to the Council to decide what measures should be taken.

M. VAN REES said that he had only just read the report of Lord Lugard and M. Palacios. He had not examined the question sufficiently and he would not venture to express agreement immediately with the conclusions of his colleagues. He would be in favour of adjourning consideration of the question to the next session, in order that all members might have time to examine it in the light of the existing documentation. If the Commission wished to reach a conclusion at once — at the moment of closing its session — in a matter which appeared to be a somewhat important one, it should do so subject to reservations.

M. PALACIOS would be glad to have a definite counter-proposal from M. Kastl, who was the only member who had, as yet, opposed the conclusions of the Sub-Committee.

Lord LUGARD drew attention to the fact that the High Commissioner had said that the confiscation was justified by a certain Law, No. 32 of 1921, whereas the confiscation had taken place in 1920.

M. PALACIOS added that he had taken account of all the facts supplied by the two parties in his report of the preceding year, which he had drafted with great care and in which he thought he had said all that the Commission could say. In the absence of further details, it would be difficult for him to make a different proposal.

M. VAN REES, in support of his request for adjournment, observed that the Commission should enquire into the question, for instance, as to whether the right of confiscation was not contained in one of the clauses of the contract on which the mandatory Power might have based its rights. He doubted that the Administration would have acted in this way without being entitled to do so.

M. KASTL did not wish to prolong the discussion unduly. He would merely point out that the company in question had landed property in the mandated territory. Before the war the German Government had examined the titles and rights of all the companies in South West Africa and the rights of the said company had been fully acknowledged by the German Government. The Government of the Union had, in 1919, directed a special commission to enquire into the concessions of companies in South West Africa. The land in question was not, however, a concession, but the private property of the company. Before any enquiry was opened, the Commission should ensure that the principle was recognised that private property could not be confiscated in the public interest without payment of compensation.

M. Kastl proposed that the end of the Sub-Committee's conclusion should be deleted, *i. e.*, from the words: "It can add nothing to the conclusions reached during its fourteenth session", and that the following text should be substituted for it:

"Taking into consideration the foregoing information, the Commission is of opinion that the Kaoko Land- und Minengesellschaft is entitled to ask for compensation for the property confiscated because it does not seem possible to the Commission that, as a matter of principle, private property, even for reasons of public interest, can be confiscated without compensation."

M. Kastl was prepared to agree to an adjournment of the question to the next session.

Lord LUGARD asked M. Kastl whether he could explain why this company was the only one which had protested against the confiscation, whereas the Proclamation contained a long list of confiscated properties.

M. KASTL replied that several companies had had their property confiscated but that some only held that property in virtue of concessions, whereas the company in question was one which held a private property by a recognised right. Certain other complaints had, moreover, been made.

M. PALACIOS said that M. Kastl's proposal might be a just one, but that he could not support it. If the Commission were to adopt this proposal, it would be acting the part of a court without possessing the necessary data and without the necessary competence.

As regards the observations made by Lord Lugard and M. Kastl, the reply was to be found in the list annexed to Proclamation No. 59.

The CHAIRMAN believed that all his colleagues agreed that the petition was admissible. Difficulties only arose when the Commission endeavoured to examine the substance of the question. The Commission might inform the Council that it was of opinion that the matter should be elucidated. The Council would then take such action as it thought fit.

Lord LUGARD and M. KASTL supported this proposal.

M. PALACIOS also agreed with this proposal, provided that the Commission did not state that there were arguments in favour of or against the petitioner. This would amount to a return to the proposal of the two Rapporteurs, which was that the Commission should say that it had nothing to add to its statement of the preceding year.

M. KASTL thought that M. Palacios should be asked to present a further report at the next session. Otherwise, the Council would refer the question back to the Commission for additional information.

M. RAPPARD thought that matters would be better thus, for the Commission would be in a much stronger position *vis-à-vis* the mandatory Power if the Council were to ask it to propose a solution.

A text might be adopted to the following effect:

"The Commission, having carefully examined the petition, has not been able to discover any justification for the confiscation of a property. Under the circumstances, the Commission could only draw the attention of the Council to the situation which has thus been created."

The CHAIRMAN said that this proposal would go further than his own suggestion.

M. PALACIOS said that he could not accept it either.

Lord LUGARD proposed the following text:

"The Commission considered that the petitioners appeared justified, in the circumstances described, in asking for consideration by the Council of their appeal."

M. KASTL suggested that there should be added the following sentence:

"The Commission is of opinion that, as a matter of principle, private property cannot be confiscated without payment of compensation, even for reasons of public interest."

The CHAIRMAN observed that the adoption of this text would amount to the Commission dealing with the substance of the question, a course to which M. Van Rees and M. Palacios were opposed.

M. CATASTINI recalled that, in the preceding year, the Commission had concluded that it was not competent to consider the company's request. He drew the attention of the Commission to this fact, so that it should run no risk of contradicting its previous statement.

M. KASTL replied that the matter did not come within the Commission's competence, if only Article 297 of the Treaty of Versailles were concerned. The problem now appeared, however, in a different light, since a point of principle was at issue.

M. PALACIOS would prefer that the resolution, which he and Lord Lugard had drafted, should be adopted. Unless the Commission received further information enabling it to take a more carefully considered decision, he did not think it could say anything different at the next session. Nevertheless, he did not oppose the adjournment of the discussion, provided that that adjournment was not interpreted as being either in favour of or against the rights claimed by the Company.

M. RAPPARD, summing up the discussion, thought that the Commission, not having appointed further Rapporteurs, and considering the fact that two of its members were absent and the importance of the question, was of opinion that the matter should be adjourned to the November session.

M. Rappard's suggestion was approved.

1075. Close of the Session.

M. VAN REES was sure that he might speak on behalf of all his colleagues in expressing their sincere thanks to the Chairman for the manner in which he had presided over the work of the Commission. All the members of the Commission greatly appreciated the Chairman's impartiality, his ability, his tact and that indefatigable good humour which was so valuable and indeed indispensable a condition to the good progress and success of the tasks which had been assumed. The work that had been done in the present session would prove to be no less useful than that which had been done in the past. This work was becoming more and more appreciated in many scientific and political circles, and there was a growing belief in these circles that the activities of the Commission had resulted in the transformation of what had been at the outset a vaguely understood system into a practical reality. There could be no doubt that the Chairman had contributed to this result.

The CHAIRMAN said that he was very touched by M. Van Rees's words. Since its institution, some members of the Commission had been replaced by others, but it must be recognised that, nevertheless, the Commission had always followed the same guiding principles, even improving its work in the light of the experience gained. It enjoyed a good reputation in the opinion of the world as a whole and of the mandatory Powers which might, however, sometimes find it tiresome. Everyone agreed that it carried out its duties very conscientiously.

The Chairman was sure that he might speak on behalf of all his colleagues, whether present or absent, in once more thanking M. Catastini and his immediate collaborators, the other members of the Secretariat who co-operated with the Commission's work, and all the staff of the Secretariat whom the Commission did not know and who often worked for it until a late hour of the night.

Erratum.

Page 173 : 11th line. *For* « in the direction of a failure to strengthen the powers of the executive » *Read* « to have the powers of the executive strengthened. »

ANNEX 1.

C.P.M.871(1).

LIST OF DOCUMENTS ¹ FORWARDED TO THE SECRETARIAT BY THE MANDATORY POWERS SINCE THE LAST EXAMINATION OF THE REPORTS RELATING TO THE FOLLOWING TERRITORIES :

A. <i>Palestine.</i>	E. <i>Togoland under French Mandate.</i>
B. <i>Syria and the Lebanon.</i>	F. <i>Nauru.</i>
C. <i>Cameroons under French Mandate.</i>	G. <i>New Guinea.</i>
D. <i>Tanganyika.</i>	H. <i>South West Africa.</i>

A. PALESTINE.

I. *Annual Report and Legislation.*

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Palestine and Trans-Jordan for the Year 1928.
2. Ordinances, 1928.
3. Proclamations, Regulations, Rules, Orders and Notices, 1928.
4. Legislation enacted in Trans-Jordan during 1928. (Translation into English.)

II. *Various Official Publications.*

1. Memorandum containing Information in Supplement and Explanation of certain Statistics given in the Report (document C.P.M.851).
2. *Official Gazette* of the Government of Palestine. ²
3. *Trans-Jordan Official Gazette* (in Arabic). ²
4. List of the Senior Staff in the Service of the Palestine Government on December 31st, 1928. ²
5. The Western or Wailing Wall in Jerusalem : Memorandum by the Secretary of State for the Colonies (Cmd.3229).
6. Exchange of Notes recording a Provisional Commercial Agreement between Egypt and Palestine, June 1928 (Cmd.3236).

III. *Communications transmitted in Reply to Previous Observations of the Commission.*

1. Observations, dated April 9th, 1929, from the British Government, concerning the Council's Resolution of March 5th, 1928, relating to the Postal Rates (Permanent Mandates Commission, Twelfth Session) (document C.158.1929.VI).
2. Map and Photographs of the Wailing Wall at Jerusalem, given by Sir John Chancellor on July 5th, 1929. ²

IV. *Observations on Petitions.*

1. Petition from the Palestine Arab Congress and Observations thereon, dated July 24th, 1928, from the British Government (document C.P.M.767).
2. Petition, dated October 12th, 1928, relating to the Incidents which occurred at the Wailing Wall in Jerusalem on September 24th, 1928, from the Zionist Organisation, and Observations from the British Government thereon, dated October 29th, 1928 (document C.P.M.796).
3. Telegram from the Chief Rabbis Kook and Meir, relating to the Incident at the Wailing Wall of Jerusalem, transmitted on October 27th, 1928, by the Officer administering the Palestine Government (document C.P.M.804).

¹ Documents received by the Secretariat primarily for any of the technical organisations (*cf.*, Advisory Committee on Traffic in Opium and other Dangerous Drugs) or other Sections of the Secretariat (*cf.*, Treaty Registration) are not included in this list. Unless otherwise indicated, the members of the Permanent Mandates Commission should have received copies of all the documents mentioned hereafter.

² Kept in the archives of the Secretariat.

4. Letter from the British Government, dated December 8th, 1928, transmitting Copies of Two Telegrams received from the Officer administering the Government of Palestine conveying Messages to the Permanent Mandates Commission of the League of Nations from the General Moslem Conference for the Defence of Buraq and the President of the Supreme Moslem Council (document C.P.M.830).
5. Letter from the British Government, dated December 22nd, 1928, transmitting Copy of a Letter received by the Officer administering the Government of Palestine from the General Moslem Conference communicating Resolutions on the Subject of the Incident which occurred at the Wailing Wall in Jerusalem on September 24th, 1928 passed at a Meeting of the Conference held in Jerusalem on November 1st (document C.P.M.831).
6. Petition, dated October 14th, 1928, from the General Council (Va'ad Leumi) of the Jewish Community of Palestine, and Observations thereon, dated February 25th, 1929, from the British Government (document C.P.M.838).
7. Observations, dated April 5th, 1929, from the British Government on a Petition from M. Chekib Arslan, dated November 5th, 1928, concerning the Hejaz Railway (document C.P.M.841).
8. Petition, dated November 24th, 1928, from Certain Persons in Kerak, Trans-Jordan, and Observations thereon, transmitted by Letter, dated May 27th, 1929, from the British Government (document C.P.M.855).
9. Observations, dated June 8th, 1929, from the British Government (document C.P.M.859) on a Petition relating to the Incident of the Wailing Wall of Jerusalem, from M. Chekib Arslan, M. Ihsan el Djabri and M. Riad el Souh, dated December 11th, 1928.
10. Letter, dated June 20th, 1929, from the British Government, transmitting with Observations a Letter, dated May 3rd, 1929, and a Memorandum on the Subject of the Development of the Jewish National Home in Palestine in 1928, from the Zionist Organisation (document C.P.M.868).
11. Letter, dated July 9th, 1928, from the British Government, transmitting with Observations, a Petition from Certain Persons in Ajlun, Trans-Jordan (document C.P.M.904).

B. SYRIA AND THE LEBANON.

I. *Annual Report and Legislation.*

Report to the League of Nations on the Situation in Syria and the Lebanon (1928).

II. *Various Official Publications.*

1. *Bulletin of the Administrative Acts of the French High Commission.*¹
2. *El Acima*, official bi-monthly Bulletin of the State of Syria.¹
3. *Official Journal* of the Lebanese Republic.¹
4. *Official Journal* of the State of the Alaouites.¹
5. Budget of the State of the Alaouites for the 1929 Financial Period.
6. *Quarterly Economic Bulletin of the Mandated Territories*¹ (State of Syria, Lebanese Republic, State of the Alaouites, State of the Jebel Druse).
7. "Syria and the Lebanon under the French Occupation and Mandate, 1919-1927". Berger-Levrault, Nancy (1928 ?).
8. *Syria*. Review of Oriental Art and Archæology, published under the patronage of the French High Commission in Syria. Vol. IX, Nos. 1, 2, 3, 4.¹ Paul Geuthner, Oriental Booksellers (1928).
9. Several Maps given to the Permanent Mandates Commission by M. de Caix on July 12th, 1929 :
 - (a) Maps of the various parts of the Territories of Syria and the Lebanon under French Mandate, numbered 1 to 46, series A. B. C.
Reproduced by the Service géographique de l'Armée de la carte de reconnaissance de l'Etat-Major Ottoman (October 1919, printed 1924 ; scale 1/200,000).
 - (b) Maps of Zahlé, Beyrouth and Lattaquié, drawn up, engraved and published by the Geographical Service of the Army in 1927, according to work executed on the ground in 1926 (printed January 1928 ; scale 1/50,000).

¹ Kept in the archives of the Secretariat.

- (c) Map of the States of the Near East under French Mandate, drawn up and published by the Bureau topographique des troupes françaises du Levant, Beyrouth, 1928, numbers 1, 2, 3 (one unnumbered), 6, 7, 9, 10, 11, forming a series (scale, 1/500,000).
- (d) Administrative Map of the States of the Near East under French Mandate, drawn up and published by the Bureau topographique des troupes françaises du Levant, February 1929 (scale 1/1,333,000).

III. *Communications transmitted in Reply to Previous Observations of the Commission.*

1. Observations of the French Government, dated October 27th, 1928, in Pursuance of the Council's Resolution of March 5th, 1928, concerning Postal Rates (Permanent Mandates Commission, Twelfth Session) (document C.158.1929.VI).
2. Observations by the French Government, dated July 4th 1929, on the Council's decisions concerning the special observations relating to Syria and the Lebanon contained in the Report of the Permanent Mandates Commission on the Work of its thirteenth session (document C. 304. 1929. VI.)
3. Letter from the French Government, dated July 6th, 1929, in pursuance of the Council's Resolution of September 1st, 1928, concerning Purchase of Supplies by or for the Use of Administrations of Territories under A and B Mandates or for Public Works (Permanent Mandates Commission, Thirteenth Session) (document C.P.M.899).

IV. *Observations on Petitions.*

1. Observations of the French Government (document C.P.M.794), dated October 19th, 1928, on the Petitions forwarded by :
 - (a) MM. Chekib Arslan and Riad el Soulh, dated March 8th, 1928.
 - (b) M. Chekib Arslan, dated June 4th, 1928.
2. Observations of the French Government, dated June 26th, 1929, on the Petition from the Emir Chekib Arslan, dated November 5th, 1928, relating to the Railway of Hejaz and the Disarmament of the Jebel Druse (document C.P.M.879).
3. Observations of the French Government, dated June 28th, 1929, relating to the Petition of M. Souheil el Attar, dated August 14th, 1928 (document C.P.M.884).
4. Observations of the French Government, dated June 28th, 1929, relating to the Petition, dated November 20th, 1928, of Certain Inhabitants of Hama (document C.P.M. 885).
5. Observations of the French Government, dated July 3rd, 1929, relating to the Petition of a Group of Inhabitants of Damascus and Cairo, dated April 3rd, 1929, and to the Petition of the Executive Committee of the Syro-Palestinian Congress, dated April 19th and May 20th, 1929 (document C.P.M.891).

C. CAMEROONS UNDER FRENCH MANDATE.

I. *Annual Report and Legislation.*

Annual Report of the French Government to the Council of the League of Nations on the Administration of the Cameroons Territory during the year 1928 (submitted in conformity with Article 22 of the Covenant) (Legislation annexed).

II. *Various Official Publications.*

1. *Official Journal* of the Cameroons Territories under French mandate. ¹
2. Budget of Receipts and Expenditure, 1928 Financial Period.
3. Budget of Receipts and Expenditure, 1929 Financial Period.
4. Closed Accounts of the Special Budget and Subsidiary Budgets, 1926 Financial Period.
5. *Monthly Bulletin* of the Economic Agency of the African Mandated Territories. ¹
6. "Cameroons" : Supplement to No. 20 of the *Bulletin* of the Economic Agency of the African Mandated Territories.
7. Map of the Sleeping-Sickness in the Regions of the High Nyong, Dja, Dourne Kadei and Sanaga, in July 1928 (Ayos, October 29th 1928).
8. Commercial Annual Statistics. Tables indicating the Principal Goods imported in the Cameroons under French Mandate during 1928, and establishing the Comparison with the Results of the Previous Year.

¹ Kept in the archives of the Secretariat.

III. *Communications transmitted in Reply to Previous Observations of the Commission.*

1. Observations by the French Government, dated October 3rd, 1928, concerning the Definition of Certain Terms relating to the Liquor Traffic proposed by the Permanent Mandates Commission at its Tenth Session (document C.234(a).1928.VI).
2. Letter from the French Government, dated October 27th, 1928, in Pursuance of the Council's Resolution of March 5th, 1928, concerning Postal Rates (Permanent Mandates Commission, Twelfth Session) (documents C.P.M.783 (a) and C.158.1929.VI).
3. Letter from the French Government, dated May 1st, 1929, concerning the National Status of the Inhabitants of Territories under B and C Mandates (document C.157.1929.VI).
4. Letter from the French Government, dated June 4th, 1929, forwarding a Table concerning the Liquor Traffic, with a View to the Revision of Document C.P.M.823. ¹
5. Letter from the French Government, dated June 4th, 1929, forwarding a Revised Table of the General Statistics contained in Document C.143.M.34.1928.VI. ¹
6. Letter from the French Government, dated June 4th, 1929, forwarding Information concerning the Lists of International Conventions (document C.P.M.632). ¹
7. Letter from the French Government, dated July 6th, 1929, in Pursuance of the Council's Resolution of September 1st, 1928, concerning the Purchase of Supplies by or for the Use of Administrations of Territories under A and B Mandates or for Public Works (Permanent Mandates Commission, Thirteenth Session) (document C.P.M.899).

IV. *Observations on Petitions.*

1. Observations by the French Government, dated October 4th, 1928, with regard to the Petition, dated May 20th, 1928, from the Bureau international pour la défense des indigènes (document C.P.M.779).
2. Observations by the French Government, dated July 1st, 1929, with regard to the Petition, dated July 5th, 1928, from M. Gogo Briggs (document C.P.M.893).

D. TANGANYIKA.

I. *Annual Report and Legislation.*

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Tanganyika Territory for the Year 1928.
2. Ordinances enacted during the Year 1927, with an Appendix containing Proclamations, Rules, Regulations and Notices, Vol. VIII, 1927.
3. Tanganyika Territory Ordinances enacted during the Year 1928, with an Appendix containing Proclamations, Rules, Regulations and Notices, Vol. IX, 1928.

II. *Various Official Publications.*

1. Tanganyika Territory *Gazette*. ¹
2. Annual Report by the Treasurer for the Financial Year 1927-28.
3. Report of the Commission on Closer Union of the Dependencies in Eastern and Central Africa (Cmd. 3234).
 - (a) Proceedings of the Legislative Council at Meetings held on January 19th, May 18th, June 11th, 12th, 13th, and 14th, 1928. Second Session. Supplement to the Tanganyika Territory *Gazette*, Vol. IX, No. 30, June 22nd, 1928.
 - (b) Minutes of the Legislative Council at Meetings held on June 15th, 1928, December 11th, 17th and 18th, 1928. Second and Third Sessions. Supplement to the Tanganyika *Gazette*, Vol. IX, No. 61, December 28th, 1928.
 - (c) Minutes of the Legislative Council at Meetings held on December 19th, 1928, April 2nd and 3rd, 1929. Third Session. Supplement to the Tanganyika *Gazette*, Vol. X, No. 22, April 12th, 1929.
5. (a) Trade Report for the Year 1927.
(b) Trade Report for the Year 1928.
6. Annual Report of the Education Department, 1927.
7. Annual Report of the Department of Veterinary Science and Animal Husbandry for 1927. ¹
8. Tanganyika Territory Staff List. July 1st, 1928. ¹
9. Tanganyika Railways Staff List. July 1st, 1928. ¹

¹ Kept in the archives of the Secretariat.

III. *Communications transmitted in Reply to Previous Observations of the Commission.*

1. Comments, dated July 18th, 1928, by the Accredited Representative of the British Government on the Observations of the Commission concerning the Report for 1927 on the Administration of Tanganyika (document A.25.1928.VI).
2. Observations, dated July 24th, 1928, of the British Government on the Council's Decision concerning the Report of the Permanent Mandates Commission on the Work of its Twelfth Session (Status of the Inhabitants of the Territories under B and C Mandates) (documents C.369.1928.VI and C.157.1929.VI).
3. Observations, dated December 11th, 1928, of the British Government on the Council's Decision concerning the Report of the Permanent Mandates Commission on the Work of its Thirteenth Session (document C.620.1928.VI).
4. Observations, dated April 9th, 1929, from the British Government concerning the Council's Resolution of March 5th, 1928, relating to the Postal Rates (Permanent Mandates Commission, Twelfth Session) (document C.158.1929.VI).
5. Letter, dated June 20th, 1929, from the British Government, forwarding Corrected Copies of those Sections of the Memorandum prepared by the Secretariat (document C.P.M.723) on the Subject of the Liquor Traffic which concern Togoland, the Cameroons and Tanganyika Territory. ¹

IV. *Observations on Petitions.*

Observations, dated November 29th, 1928, from the British Government with regard to the Petition, dated May 20th, 1928, from the Bureau international pour la défense des indigènes (document C.P.M.828).

E. TOGOLAND UNDER FRENCH MANDATE.

I. *Annual Report and Legislation.*

Annual Report of the French Government to the Council of the League of Nations, submitted in conformity with Article 22 of the Covenant, on the Administration of the Territory during the Year 1928 (Legislation annexed).

II. *Various Official Publications.*

1. Local Budget ; Special Budget of Public Health and Native Medical Assistance and Budget of the Railway and Wharf Administrations, 1928, Financial Period.
2. Closed Accounts of the Local Budget and of the annexed Railway and Wharf Budget, 1927 Financial Period.
3. *Official Journal* of the Togoland Territory under French Mandate. ¹
4. *Monthly Bulletin* of the Economic Agency of the African Mandated Territories. ¹

III. *Communications transmitted in Reply to Previous Observations of the Commission.*

1. Observations by the French Government, dated October 3rd, 1928, concerning the Definition of Certain Terms relating to the Liquor Traffic proposed by the Permanent Mandates Commission at its Tenth Session (document C.234 (a).1928.VI).
2. Observations by the French Government dated October 27th, 1928, in Pursuance of the Council Resolution of March 5th, 1928, concerning Postal Rates (Permanent Mandates Commission, Twelfth Session) (document C.158.1929.VI).
3. Letter from the French Government, dated May 1st, 1929, concerning the National Status of the Inhabitants of Territories under B and C Mandates (document C.157.1929.VI).
4. Letter from the French Government, dated June 4th, 1929, forwarding a Table concerning the Liquor Traffic, with a View to the Revision of Document C.P.M.823. ¹
5. Letter from the French Government, dated June 4th, 1929, forwarding a Revised Table of the General Statistics contained in Document C.143.M.34.1928.VI. ¹
6. Letter from the French Government, dated June 4th, 1929, forwarding Information concerning the Lists of International Conventions (document C.P.M.632). ¹
7. Letter from the French Government, dated July 6th, 1929, in Pursuance of the Council Resolution of September 1st, 1928, concerning the Purchase of Supplies by or for the Use of Administrations of Territories under A and B Mandates or for Public Works (Permanent Mandates Commission, Thirteenth Session) (document C.P.M.899).

¹ Kept in the archives of the Secretariat.

IV. *Observations on Petitions.*

1. Letter from the French Government, dated October 4th, 1928, with regard to the Petition, dated May 20th, 1928, from the Bureau international pour la défense des indigènes (document C.P.M.779).
2. New Petition, dated June 18th, 1928, from Mr. Casely Hayford, forwarded by the French Government on October 4th, 1928, with its Observations (document C.P.M.780).
3. Observations of the French Government concerning the Petition of the Bund der Deutsch-Togoländer, dated July 11th, 1928 (document C.P.M.836).

F. NAURU.

I. *Annual Report and Legislation.*

Report to the Council of the League of Nations on the Administration of Nauru during the Year 1928 (submitted in Conformity with Article 22 of the Covenant of the League of Nations) (Ordinances and Regulations annexed).

II. *Various Official Publications.*

Government Gazette¹.

III. *Communications transmitted in Reply to Previous Observations of the Commission.*

1. Observations, dated July 3rd, 1928, of the Australian Government relating to the Definition of Certain Terms concerning the Liquor Traffic proposed by the Permanent Mandates Commission during its Tenth Session (document C.234 (a).1928.VI).
2. Letter, dated October 8th, 1928, from the Australian Government transmitting Statistical Information completing the Document C.143.1928.VI.
3. Information forwarded by the Australian Government, on March 7th, 1929, after Consideration of the Report on Nauru for 1928 by the Permanent Mandates Commission at its Thirteenth Session (document C.137.1929.VI).
4. Letter, dated December 13th, 1928, from the Australian Government, relating to the Status of the Inhabitants of the Territories under B and C Mandates (document C.157.1929.VI).

G. NEW GUINEA.

I. *Annual Report and Legislation.*

1. Report to the Council of the League of Nations on the Administration of the Territory of New Guinea from July 1st, 1927, to June 30th, 1928 (submitted in Conformity with Article 22 of the Covenant of the League of Nations).
2. Laws of the Territory of New Guinea, Vol. VIII, 1927.

II. *Various Official Publications.*

1. New Guinea Gazette.¹
2. Records of the Mission Conference held at Rabaul from June 20th to July 11th, 1927.
 - (a) Agenda Paper ;
 - (b) Report of Proceedings of the Conference ;
 - (c) Report of Findings Committee ;
 - (d) Minutes of Meeting of Advisory Council at which the Reports were discussed, and the Administrator's Comments on the Recommendations of the Council.
3. "The Causes of the Depopulation of the Western Islands of the Territory of New Guinea", by B. W. Cilento, M.D., B.S., D.T. M.&H., Director, Department of Public Health Territory of New Guinea.

III. *Communications transmitted in Reply to Previous Observations of the Commission.*

1. Observations, dated July 3rd, 1928, of the Australian Government, relating to the Definition of Certain Terms concerning the Liquor Traffic (proposed by the Permanent Mandates Commission during its Tenth Session) (document C.234 (a).1928.VI).
2. Letter, dated December 13th, 1928, from the Australian Government, relating to the Status of the Inhabitants of the Territories under B and C Mandates (document C.157.1929.VI).

¹ Kept in the archives of the Secretariat.

3. Observations, dated April 6th, 1929, from the Australian Government on the Council's Decision concerning the Thirteenth Session of the Permanent Mandates Commission (document C.211.1929.VI).

IV. *Miscellaneous Communications.*

Letter, dated July 13th, 1929, from Sir Granville de Laune Rynie, Representative of the Australian Government accredited to the Permanent Mandates Commission (document C.P.M.909).

H. SOUTH WEST AFRICA.

I. *Annual Report and Legislation.*

1. (a) Report presented by the Government of the Union of South Africa to the Council of the League of Nations concerning the Administration of South West Africa for the Year 1928.
(b) Letter, dated July 2nd, 1929, from the Accredited Representative of the Union of South Africa, transmitting Modifications and Alterations to be made to the Annual Report for 1928. (Document C.P.M.889).
2. Laws of South West Africa, 1928.

II. *Various Official Publications.*

1. *Official Gazette* of South West Africa.¹
2. Accounts of the Administration of South West Africa for the Financial Year 1927-28, together with the Report of the Controller and Auditor-General thereon.

III. *Communications transmitted in Reply to Previous Observations of the Commission.*

1. Observations, dated September 1st, 1928, of the Government of the Union of South Africa, relating to the Definition of Certain Terms concerning the Liquor Traffic proposed by the Permanent Mandates Commission during its Tenth Session (document C.234(a).1928.VI).
2. Comments, dated November 19th, 1928, of the Accredited Representative for South West Africa on the Commission's Observations formulated at its Fourteenth Session (documents C.579.1928.VI, page 11 and C.568.M.179.1928.VI, page 278).
3. Memorandum, dated December 19th, 1928, from the Government of the Union of South Africa, relating to the National Status of the Inhabitants of the Territories under B and C Mandates (document C.157.1929.VI).
4. Letter, dated May 22nd, 1929, from the Government of the Union of South Africa giving Information on Ex-Enemy Properties in South West Africa, as requested by the Council on March 4th, 1929.
5. Observations of the Government of the Union of South Africa, dated June 19th, 1929, on the Council's Decision concerning Certain Remarks relating to the Status of the Inhabitants of South West Africa contained in the Report of the Permanent Mandates Commission on the Work of its Fourteenth Session (document C.309.1929.VI).
6. Letter relating to Ex-Enemy Property, dated July 17th, 1929, from Mr. E. H. Louw, Representative of the Government of the Union of South Africa accredited to the Permanent Mandates Commission and High Commissioner in London (document C.P.M.919).

IV. *Observations on Petitions.*

1. Observations, dated January 23rd, 1929, from the Government of the Union of South Africa on the Petition dated August 9th, 1928, from Mr. D. W. Drew, relating to the Status of the Rehoboths (document C.P.M.835).
2. Letter, dated April 11th, 1929, from the Government of the Union of South Africa, forwarding a Petition from Mr. Bergmann and its Observations thereon (document C.P.M.852).

¹ Kept in the archives of the Secretariat.

ANNEX 2.

C.P.M.846 (2).

AGENDA OF THE FIFTEENTH SESSION OF THE PERMANENT MANDATES
COMMISSION.

I. Opening of the Session.

II. Election of the Chairman and Vice-Chairman of the Commission for the Year 1929-30.

III. Examination of the Annual Reports of the Mandatory Powers.

- Palestine, 1928.
- Syria and the Lebanon, 1928.
- Cameroons under French Mandate, 1928.
- Togoland under French Mandate, 1928.
- Tanganyika, 1928.
- New Guinea, 1927-28.
- Nauru, 1928.
- South West Africa, 1928.

IV. Petitions.

(a) Palestine and Syria.

Petition dated November 5th, 1928, from the Emir Chekib Arslan (document C.P.M.825).

(Rapporteur : M. Kastl.)

(b) Palestine.

1. (i) Petition of the Agudath Israel (Jerusalem) dated January 4th, 1928, and Letter from the British Government dated March 9th, 1928 (document C.P.M.699).

(ii) Petition from the Askenasic Community dated April 29th, 1928, and Observations of the British Government, dated June 8th, 1928 (document C.P.M.737).

(Rapporteur : M. Palacios.)

2. Petitions regarding the Incidents which occurred at the Wailing Wall in Jerusalem on September 24th, 1928.

(i) Petition dated October 14th, 1928, from the Va'ad Leumi of Jerusalem, and Observations of the British Government (document C.P.M.838).¹

(ii) Telegram from the "General Moslem Conference" forwarded by the British Government on December 8th, 1928 (document C.P.M.830).

(iii) Telegram from the "Supreme Moslem Council" forwarded by the British Government on December 8th, 1928 (document C.P.M.830).

(iv) Resolution of the "General Moslem Conference" forwarded by the British Government on December 22nd, 1928 (document C.P.M.831).

(v) Petition, dated December 11th, 1928, from the Emir Chekib Arslan, M. Ihsan el Djabri and M. Riad el Soulh, and Observations thereon from the British Government, dated June 8th, 1929 (documents C.P.M.837 and 859).

(Rapporteur : M. Rappard.)

3. Petition from Certain Inhabitants of Kerak (Trans-Jordan), dated November 24th, 1928, and Observations thereon from the British Government, dated May 27th, 1929 (document C.P.M.855).

(Rapporteur : M. Orts.)

(c) Cameroons and Togoland under French mandate, Tanganzika and Ruanda-Urundi.

Petition dated May 20th, 1928, from the International Office for the Protection of Natives (document C.P.M.733), and Observations from the French Government regarding the Cameroons and Togoland under French Mandate, dated October 4th, 1928 (document C.P.M.779); from the British Government regarding Tanganyika, dated November 29th, 1928 (document C.P.M.828), and from the Belgian Government regarding Ruanda-Urundi dated September 12th, 1928 (document C.P.M.776).

(Rapporteur : M. Van Rees.)

(d) Togoland under British Mandate.

Petition dated July 3rd, 1928, from the Inhabitants of Wome (received through the French Government) (document C.P.M.826).

(Rapporteur : M. Palacios.)

¹ The accredited representative of the British Government for Palestine stated, in the course of the eleventh meeting of the session, that the authors of the petition had asked for postponement of its consideration.

(e) Togoland under French Mandate.

Petition dated July 11th, 1928, from the Bund der Deutsch-Togoländer and Observations of the French Government dated February 22nd, 1929 (documents C.P.M.772 and 836).

(Rapporteur : M. Sakenobe.)

(f) South West Africa.

(i) Petition dated August 9th, 1928, from Mr. Dewdney Drew, and Observations dated January 23rd, 1929, of the South African Government (documents C.P.M.778 and 835). (See Minutes of the Fourteenth Session page 212).

(Rapporteur : Lord Lugard.)

(ii) Petition, dated July 15th, 1928, from Mr. A. Bergmann and Observation, dated April 11th, 1929, of the South African Government (document C.P.M.852).

(Rapporteur : M. Merlin.)

(g) Petitions rejected as not deserving the Commission's Attention : Chairman's Report.

V. General Questions.

(a) Economic Equality.

(1) Purchase of Supplies by or for the Use of Administrations of Territories under A and B Mandates or for Public Works.

(Rapporteur : M. Orts.)

(2) Postal Rates in the Territories under A and B Mandates.

(Rapporteur : M. Kastl.)

(b) Public Health in the Mandated Territories.

Note by M. Kastl.

Report by M. Rappard.

Note by Lord Lugard.

(See Minutes of the Fourteenth Session, pages 265-267.)

(Rapporteur : M. Rappard.)

(c) Treatment extended in Countries Members of the League of Nations to Persons belonging to Mandated Territories and to Products and Goods coming therefrom.

(Rapporteurs : M. Van Rees and M. Rappard.)

(d) National Status of the Inhabitants of Territories under B and C Mandates.

(Rapporteur : M. Van Rees.)

VI. Miscellaneous Questions.

Communication, dated May 22nd, 1929, from the Government of the Union of South Africa, forwarded in Accordance with the Resolution of the Council, dated March 4th, 1929, concerning the Fourteenth Session of the Commission.

ANNEX 3.

SOUTH WEST AFRICA.

MEMORANDUM ON PUBLIC HEALTH BY THE ACCREDITED REPRESENTATIVE OF THE UNION OF SOUTH AFRICA TO THE PERMANENT MANDATES COMMISSION, DATED JULY 4TH, 1929.

First, I should like to emphasise the difficulty of our labour problem. In all reports it has been made abundantly clear that the supply of labour in the Territory is inadequate. We cannot look to the Union to supply all our requirements. I need only point out that the Union Government itself is obliged to import labour for the mines. Under the Mozambique Convention, which was recently entered into with the Portuguese Government, the Rand mines import annually about 80,000 labourers from Portuguese territory.

So bad has the position become that recently the northern mines sent a deputation to the Governor of Northern Rhodesia in the hope of obtaining permission to recruit labour in Barotseland, but the request was refused. It is obvious, therefore, that unless natives from Ovamboland are utilised, the northern mines will be compelled to close down, and such a step would be disastrous to the Territory.

It is impossible to assign any reason for these periodical recurrences of influenza. I think M. Kastl, who has an intimate knowledge of conditions in South West Africa, will bear me out when I say that, prior to the great epidemic of influenza which swept the whole of South Africa in 1918, influenza of this type was unknown in South West Africa and that the northern mines were therefore free from the heavy mortality subsequently resulting from this cause. Again, climatic conditions do not differ so materially from those obtaining in Ovamboland as to furnish explanation. Tsumeb and Grootfontein adjoin Ovamboland and the climatic conditions do not differ very materially. In any case, if climatic changes were the vital factor, then it might reasonably be expected that the mortality at Lüderitz, where the winter climate is really rigorous, would be infinitely higher. On the contrary, the mortality there is much lower than it is in the north, where conditions are so much milder.

Nor is the disease aggravated by insanitary conditions or unsuitable compounds. The compounds meet the requirements of the Medical Officer of Health, and the hospital at Tsumeb is a model one.

Nor is the disease peculiar to Tsumeb and Grootfontein. There is an annual epidemic throughout the Territory, as previous reports will show, and Europeans as well as natives suffer. Native labourers on the mines, however, for some reason or other, seem to suffer most severely. The mortality amongst natives who come from precisely the same sources as the mine labourers, and who are employed in other directions, for example on farms, in the same districts as the mines and therefore under identical climatic conditions, is negligible in comparison with the mortality amongst the natives in the mines.

Again, the mortality cannot be ascribed only to underground working, because with the exception of the copper mine at Tsumeb, the works in the Grootfontein district are practically open works.

The aggregation of labour no doubt accounts for the mortality to some extent, but that it can hardly be the only explanation is evidenced by the lower mortality at Lüderitz, where far more labourers are employed than in the north.

I should like to direct particular attention to the statement of the medical officer at Tsumeb (see page 82 of the report) that many influenza patients were suffering also from measles. As the medical officer rightly pointed out, although the epidemic of measles was a mild one, when measles were combined with influenza, the case assumed a different aspect, and it is impossible to say to what extent the measles contributed to the high mortality in the northern mines last year. Yet the mortality was much lower than it was during the preceding year. This point I wish to emphasise.

Another point is that the outbreaks of influenza are not always regular in their seasonal incidence. Reference to the annual report for 1926 (page 90) will show that, during that year, there were no less than three distinct epidemics throughout the Territory — one of which occurred in the height of summer.

As has been pointed out by the medical officer at Tsumeb, inoculation of labourers has been tried, but so far without any marked success. From what I have said, it will be realised that the problem is a baffling one, but we do not despair of solving it, and I hope I may be pardoned for here pointing out what the Administration has done generally for the natives from a public health point of view.

When Dr. Orenstein, who is generally regarded as an authority on public health matters, gave evidence before this Commission not very long ago, he stated he was satisfied, as a result of seasonal investigation, that the Administration was doing everything possible for natives in the mines. That is the evidence of an impartial witness who has had very wide experience in all parts of the world.

The following is a summary of the general measures in the prevention and treatment of disease among natives.

I. *General Population.*

1. Provision is made in the contracts of district surgeons for the treatment of, and provision of, the necessary medicines by them, free of charge, to all indigent natives on the order of a magistrate.

Hospital Treatment.

2. Government native hospitals for the treatment of disease among natives have been established at Windhoek, Keetmanshoop and Omaruru. Those at Windhoek and Keetmanshoop have been erected since the war, and the one at Omaruru has been largely rebuilt and improved.

Practically the whole of the cost of maintenance of patients is borne by the Administration (*vide* page 63, Annual Report 1922).

3. Accommodation for the treatment of natives has been provided in the State-aided hospital at Lüderitz. Indigent patients are treated free and others pay a merely nominal fee according to their means (as provided for in the Hospital Proclamation).

4. Cost of maintenance of indigent patients, admitted on order of a magistrate, to the Catholic Mission Hospitals at Swakopmund Gobabis or to any mine hospital, is borne by the Administration.

5. An annual subsidy is made to the Finnish and Damaraland missions towards the cost of maintenance of its hospitals in Ovamboland.

6. Special provision has been made for the treatment of patients suffering from tuberculosis and venereal disease in certain mission hospitals.

7. Mentally disordered and leprous patients (outside Ovamboland) are maintained in institutions in the Union at the cost of the Administration.

Distribution of Medicines.

8. Distribution of medicines through magistrates, missions, etc. (*vide* page 63, Annual Report 1923).

Provision of Medicines for Treatment of Venereal Disease, Malaria and Leprosy.

9. Free issues of the drugs required for these diseases are made to district surgeons, mission and other hospitals for the free treatment of natives.

Venereal Disease. — (For legislation, *vide* Chapter IV, Public Health Act 1919.)

10. (a) Educative propaganda is carried out through officials, district surgeons, hospitals, missions, etc.

(b) Provision of facilities for treatment by district surgeons, native and other hospitals, missions, etc.

(c) Provision of special treatment centres at Gibeon, Karibib, Otjiwarongo and Grootfontein, with accommodation for, and maintenance of, indigent patients from outlying rural areas.

(d) Free issue of the necessary drugs to all persons carrying out treatment.

(e) Provision for maintenance in hospital of patients at cost of Administration.

Tuberculosis. — (For legislation, *vide* Part IV, Chapter III, Public Health Act.)

11. Among preventive measures may be mentioned :

(a) Care and supervision of patients during convalescence from acute respiratory disease. (*Vide* Tuberculosis, page 68, Annual Report 1923, and pages 85 and 86, Annual Report 1924.)

(b) Enforcement of notification of cases of pulmonary tuberculosis.

(c) Isolation in hospital of such cases whenever practicable and examination of contacts.

(d) Transfer of pre-tuberculous and tuberculous patients from the diamond fields to Windhoek Hospital for treatment before repatriation.

(e) Subsidy to missions for isolation of patients in hospital in Ovamboland with view not only to securing proper nursing and treatment but also to preventing spread of the disease among relatives.

(f) Issue of rations to debilitated indigent persons who decline treatment in hospital or cannot for some reason or other be admitted to hospital.

Other Notifiable Infectious Diseases. — (*Vide* Chapters II and III Public Health Act.)

12. Provision is made for the isolation of such in hospital. (For Notifiable Infectious Diseases, see Section 18, Public Health Act 1919.)

13. A qualified native nurse has been appointed in the native location at Windhoek. One of her duties will be to instruct the natives in the location on the subject of child and maternity welfare. Instruction on this subject will also be imparted to natives in other parts of the Territory as widely as possible. The principal agents will be the missionaries.

II. *Health of Recruited Workers.*

The measures taken by the Administration in the interests of the recruited workers are detailed in the Annual Reports for 1924 and 1925 and may be briefly summarised as follows :

1. Medical Examination of Recruits. — The standard of physical fitness is laid down. Recruits are examined by the Government Medical Officer in Ovamboland, who bears in mind the Standard Act.

2. Supervision of recruits during transit by officers of Native Affairs Branch. (*Vide* pages 84 and 85 of Minutes of Fourth Session of Mandates Commission, 1924.)

3. Scales of rations are prescribed by Regulations. (*Vide* Native Labour Regulations and Annual Report for 1924.)

4. Housing Accommodation. — The Medical Officer of Health was sent especially to the Rand to study the housing and hospital system on the mines there, and our system is based on that study.

The requirements are laid down in the Native Labour Regulations. Accommodation of approved type has been provided at Lüderitz, Tsumeb and Abenab. (*Vide* Annual Reports and photographs supplied to League of Nations.)

5. Hospital Accommodation. See above (4).

6. Suitable facilities for preparation of food have been provided in connection with all compounds except at Tsumeb where the natives cook for themselves.

7. Facilities for washing are provided in all compounds.

8. Sick labourers are treated by mine medical officers.

9. Warm clothing is provided by the mine compounds.

10. Various improvements have been effected in sanitation, water-supply, etc., especially on the Lüderitz fields and at Tsumeb, with result that there is a marked decrease in incidence of fly and water-borne disease. The supply at Tsumeb is chlorinated.

Other measures taken in interests of native population are :

(a) Encouragement of local authorities to improve sanitary and housing conditions in locations.

(b) Erection of compounds at Walvis Bay.

(c) Encouragement of and assistance to natives in Reserves to grow crops, vegetables, etc., with view to augmenting and improving the food supply.

Finally, research work has not been neglected :

(a) As a result of the research work and measures adopted by the Administration, a somewhat troublesome disease of the eyes, locally known as Okahandja eye disease (a form of conjunctivitis) which formerly was very prevalent, has practically disappeared.

(b) Notwithstanding the fact that the whole of our sanitary system is still the conservancy system owing to lack of water, enteric fever has virtually been eliminated.

(c) Two district surgeons have been placed by the Administration in Ovamboland, the main duty of one of whom is the study of tropical diseases and general research work. He will direct particular attention to the question of influenza. The seasonal epidemics invariably sweep Ovamboland in common with the rest of the Territory.

(d) As has been stated, inoculation of native labourers at Tsumeb has been tested, hitherto with no success, but experiments will be continued and it is possible that an effective vaccine will be discovered.

(e) More complete statistics will be kept showing as accurately as possible the tribal distribution of the natives and the mortality amongst the different tribes. Moreover the effect of various occupations on different tribes will be closely observed.

More than this the Administration cannot do at present. The mining companies are as much concerned as we are, and the Commission may rest assured that they are sparing no effort to reduce the mortality.

ANNEX 4.

C.P.M. 883.

PUBLIC HEALTH IN THE MANDATED TERRITORIES.

REPORT BY M. RAPPARD.

At the Commission's last session, M. Kastl put in a note on public health in the mandated territories. To improve a state of affairs which he did not hesitate to describe as very serious, our colleague proposed that we should draw the Council's attention to the matter, recommending it to ask the mandatory Powers to increase their efforts in this direction. M. Kastl suggested that the mandatory Powers might increase their own medical staff by engaging, if necessary, physicians from other countries than their own, and that they might also subsidise the medical work of the missions.

I was asked to make a report on this note at our last session, and I entirely shared M. Kastl's anxieties. I thought, however, that, before recommending any definite reforms, it would be wiser, and more in accordance with precedent, to ask the Council to put certain preliminary questions to the mandatory Powers.

Thereupon Lord Lugard, in a note, said that he thought several of the questions I had suggested were superfluous, but proposed to embody certain definite recommendations at once in the report to the Council, as M. Kastl desired. Indeed, he appended a draft for this purpose to his note.

In the course of a somewhat hasty discussion of these various suggestions in the Commission at the very end of our last session, M. Merlin and M. Orts expressed certain apprehensions. In particular, they doubted whether it was desirable to raise the question of the nationality of doctors in the mandated territories. After M. Merlin had agreed "that the mandatory Powers should be consulted as to the conditions on which the practice of medicine might be thrown open to all comers, whether directly or indirectly", it was decided to postpone the question to the present session, and the Chairman asked me to introduce the discussion with another note.

I think I can meet his wishes without doing more than explain, as I have just done, the present position of the question. I am sure my colleagues are familiar with all its aspects. The questions we now have to decide are these :

(1) Whether the Commission does or does not wish to put before the Council any general proposal regarding public health in the mandated territories and methods of improving it.

(2) If so, whether the Commission wishes to propose in the first place a preliminary enquiry at the expense of the mandatory Powers, or prefers to make definite recommendations at the outset.

(3) In either case, and whatever its reply to the latter question, the Commission will have to consider whether the enquiry or its recommendations should be extended to all the mandated territories or confined to B and C Mandates.

From the discussion that took place at our last session, it seems to me clear that :

(a) The Commission unanimously replies in the affirmative to Question 1 above ;

(b) Members are not unanimous as to the procedure to be followed — preliminary enquiry or immediate recommendation — or as to the territorial area to be covered by the enquiry or recommendation.

For my own part, while holding to the opinion I had the honour to state in my report, but taking into consideration some of the remarks made by my colleagues, I should like to propose the following draft resolution as a basis for discussion :

"Whereas the shortage of doctors and public health specialists is frequently referred to by the mandatory Powers as one of the factors which hamper their efforts towards reform in the field of public health ;

"And whereas this shortage appears to be due as much to the insufficient number of qualified candidates prepared to go abroad who can be found in the home territory of the mandatory Powers as to financial causes ;

"The Commission, while highly appreciating the efforts made and the progress achieved by the mandatory Powers in this direction during the last few years, has the honour :

"(1) To draw the Council's attention to this important question, and

"(2) To propose that the Council ask the mandatory Powers to state their views on the following points :

"(a) What are the difficulties encountered in recruiting public health officers for your mandated territories ?

"(b) Do you accept properly qualified doctors of foreign nationality as officials in your mandatory administrations ? If not, would you be prepared to consider altering your practice in that direction ?

"(c) What qualifications do you require of officials, whether nationals or foreigners, in the public health services of your mandatory administrations ?

"(d) Should insuperable difficulties be encountered in recruiting an adequate number of doctors who are your own nationals, and should the rules of your administration absolutely prohibit you from engaging foreign doctors as public officials, would you be prepared to encourage by more liberal subsidies the development of the medical work of the missions operating in your mandated territories ? "

ANNEX 5.

C.P.M.890.

PALESTINE.

MEMORANDUM OF THE ZIONIST ORGANISATION, DATED MAY 3RD, 1929,
ON THE DEVELOPMENT OF THE JEWISH NATIONAL HOME IN PALESTINE IN 1928.

Report by M. Van Rees.

[*Translation.*]

As in recent years, the Mandates Commission has received through the mandatory Power a memorandum from the Zionist Organisation on the development of the Jewish National Home during the administrative period covered by the annual report on Palestine which we have to examine during this session. This document does not contain any complaint or request addressed to the League of Nations; moreover, the Zionist Organisation points out in its covering letter that it has abstained this year from expressing its opinion on the policy of the mandatory Power in regard to Zionist interests, believing it more satisfactory to present any criticisms in the form of separate communications.

The memorandum in question is not therefore intended by its authors to be regarded as a petition in the sense of the procedure in use.

Nevertheless, as the British Government has transmitted the document to us, together with its comments, it is the duty of the Commission to examine it.

The Zionist Organisation's memorandum deals with the following points: population and vital statistics; immigration; agricultural colonisation; development of cities; industries; public health; education; organisation of the Jewish community; the Jewish agency and finance.

The British Government's observations furnish information on five points.

The question of the employment of Jewish labour on public works and the question of immigration are at present under the consideration of the Government. With regard to the acquisition of State land for Jewish colonisation, the Administration of Palestine considers that Article 6 of the Mandate cannot be interpreted in any manner that is inconsistent with the obligation to safeguard the interests of the Arabs who derive a living, by long-established custom, from State and waste lands.

The Committee of Commerce and Industry, and also the Palestine Railway Board and Harbour Board, which have been recently established, are at present composed of officials, and there is no intention of appointing or co-opting non-official members, as was suggested by the Zionist Organisation. Contact between these bodies and the Palestine Zionist Executive Committee is adequately assured in regard to all questions concerning the latter Committee.

Finally, the British Government state that it is their policy to allow the self-development of Jewish education under the Jewish agency, so long as that self-development is not inconsistent with the discharge of the obligations incumbent upon the Administration of Palestine under the mandate.

* * *

Neither the memorandum of the Zionist Organisation nor the observations of the British Government thereon would seem to give occasion for the insertion of any recommendation in the Commission's report to the Council.

ANNEX 6.

C.P.M.888.

TOGOLAND UNDER FRENCH MANDATE.

PETITION OF THE BUND DER DEUTSCH-TOGOLÄNDER, DATED JULY 11TH, 1928
(DOCUMENTS C.P.M.772 AND 836).

Report by M. Sakenobe.

The petitioners complain that the mandatory Power nominated as the representatives of Togo fourteen notables who were all foreigners but one, that the nomination was made without the knowledge of the real people of Togo, and that, among the notables selected, two Togomen refused to accept the nomination and underwent exile and captivity rather than betray their native country. They further complain that these notables, being one and all foreigners, do nothing on behalf of Togoland, having accepted the nomination solely to obtain the large sum given to them as a reward of their servility. In conclusion, they request that Togo should be returned to its former owners, who are best acquainted with the country.

The French Government, in its observations dated February 22nd, 1929, draws attention to the Decree of November 4th, 1924, and states that, by the Decree above mentioned, the notables are to be elected and not to be nominated as asserted by the petitioners, and that the fourteen persons indicated as notables of Togo are but the members of one of the seven Councils of Notables in the territory, that of the district of Lomé.

As to the nationality of these notables, the French Government observes that three were not re-elected at the election of 1928, that, out of the remaining eleven, six are Togomen and five were born on the Gold Coast, but the latter have been established for many years in Togo as agriculturists and have acquired estates and properties which make them veritable Togomen. The fact that they were elected by the natives without the least intervention on the part of the administration well supports this affirmation. As to the allegation of ill-treatment of two Togomen who refused to accept the nomination, the French Government states that one was a member of the Council from 1922 to 1925, during which time the notables were nominated by the authority ; he is not now a member of the Council, as he was not elected in 1925 when the first election took place in Togo. The other was never nominated nor elected.

The French Government refuses to accept the further allegation that the nomination was made without the knowledge of the real people of Togo, by stating that all who were interested in the election were notified fifteen days previous to the election.

Lastly, referring to the large sums alleged to be given to the notables, the French Government states that thirty francs only is the indemnity due to them at each session, which is held once in three months.

In the light of the observations supplied by the mandatory Power and summarised above, I would propose to reply to the petitioners that their allegations have not been found to be correct. As regards the concluding paragraph of the petition, it is a request incompatible with the terms of the mandate and is therefore outside the competence of the Commission.

ANNEX 7.

C.P.M.854.

SOUTH WEST AFRICA.

PETITION OF MR. D. W. DREW, DATED AUGUST 9TH, 1928 (DOCUMENTS C.P.M.778 AND 835).

Report by Lord Lugard.

The letter from Mr. D. W. Drew to the President, dated August 9th, 1928, consists for the most part of a criticism of the treatment of the Rehoboths, especially in regard to the boundaries of their lands, by the late German Government. The question was (as we are informed by the mandatory Power) settled by a commission appointed by the German Government on which the Rehoboths were adequately represented. It was again, *inter alia*, dealt with by the Agreement of 1923, the negotiations on behalf of the Rehoboths having been conducted (according to his own statement) by Mr. Drew himself. The remainder of the letter raises questions in regard to the report of Commissioner, Judge de Villiers, and the action of the Administration of South West Africa, which have already been dealt with by the Permanent Mandates Commission. The mandatory Power states that "Mr. Drew's interference is mischievous", and regards him as an unreliable witness.

I recommend that Mr. Drew should be informed that the Permanent Mandates Commission has already recorded its opinion — which has been accepted by the Council — that "the grievances of the Rehoboths have been fully investigated and have now lost their relevance" and that in these circumstances the Permanent Mandates Commission does not intend to reopen the question or take any action on Mr. Drew's letter.

ANNEX 8.

C.P.M.733.

PETITION OF THE INTERNATIONAL BUREAU FOR THE PROTECTION OF NATIVE RACES, DATED MAY 20TH, 1928.

A. TEXT OF THE PETITION.

[*Translation.*]

To the Chairman of the Permanent Mandates Commission,

The International Bureau for the Protection of Native Races ventures to recommend to your notice an important book just published and likely to interest the Mandates Commission.

The work in question is written by Mr. Raymond L. Buell, formerly Professor at Harvard University. At the request of that University's Committee on International Research, Mr. Buell visited Africa in order to study the systems of government in the autonomous States (Liberia), in the colonies proper and in the mandates territories. In connection with the latter, Mr. Buell noted certain facts which he considers to be contradictory to the spirit or letter of the mandates.

It is not for our bureau to say whether these facts are true or not, for we have not been able to investigate them. Nevertheless, the author's obvious impartiality and his freedom from all animosity incline us to believe that his observations are well founded; we would, therefore, draw the attention of the Mandates Commission to them, mentioning on the attached sheet [see Appendix] those which we think the most important.

Accordingly our bureau requests: "That it may please the Mandates Commission to draw the attention of the mandatory Powers to the facts alleged in Mr. R. L. Buell's book in order that they may be investigated".

We are among the admirers of the work of the Mandates Commission, and it seems to us that an examination of this kind can only lead to an improvement in the administration of the territories under the Commission's control.

On behalf of the International Bureau for
the Protection of Native Races:

(Signed) Henri A. JUNOD,
President.

Appendix.

Subject: The book which has just appeared by Raymond L. Buell, entitled *The Native Problem in Africa*.

In this book the writer describes certain practices of mandatory Powers in Africa, which he regards as contrary to the spirit or letter of the mandate system.

Among the charges which Mr. Buell makes, the following may be noted as typical:

In Tanganyika Territory (British Mandate).

The Tanganyika Government exacts unpaid labour for commercial purposes (Volume I, page 468).

The Tanganyika Government has discouraged native coffee-growing in the Kilimandjaro region (Volume I, page 494).

The punishment of desertion with six months' imprisonment; also the whipping of juveniles for disciplinary purposes (Volume I, page 500).

The attempt to discourage native cultivation (Volume I, page 509).

The maintenance in the mandated area, at the expense of the Tanganyika Government, of troops recruited in Nyasaland (Volume I, page 519).

In French Togo and French Cameroons.

The "Compagnie des tabacs" has been granted certain properties in the Cameroons, formerly belonging to German companies, without being obliged to bid for such properties at auction (Volume II, page 296).

The French courts in the Cameroons try natives without a penal code, and without allowing the right of appeal (Volume II, page 311).

A system of "prestation labour" is operated, whereby natives are required to work for a certain number of days each year without pay, subject to the right of redemption (Volume II, page 320). This labour has been used for terms longer than those prescribed in the legislation concerned (Volume II, page 329).

Natives have been forced by chiefs to work on their private plantations (Volume II, page 344).

The French Government has granted "à titre gratuit" to two French companies, certain concessions in the Cameroons, in return for abandoning certain rights in French Equatorial Africa (Volume II, page 337).

In Ruanda-Urundi.

Native labour from the mandated territory of Ruanda-Urundi is being recruited for the Katanga mines in the Belgian Congo (Volume II, page 537).

B. OBSERVATIONS OF THE MANDATORY POWERS.

C.P.M.776.

(a) *Letter of the Belgian Government, dated September 12th, 1928.*

[Translation.]

To the Secretary-General of the League of Nations.

I have the honour to acknowledge receipt of the letter dated June 30th last (No. 758) in which you kindly forwarded to me a copy of a petition submitted on May 20th, 1928, by the

International Bureau for the Protection of Native Races. This bureau refers to certain charges concerning the administration of Ruanda-Urundi under Belgian mandate, made by Mr. Buell in a book entitled *The Native Problem in Africa*, which he has recently published and of which you sent me the two volumes.

The Belgian Government has examined this petition and instructs me to inform you that the measures attacked in Mr. Buell's book have been explained and vindicated at considerable length in the reports on the administration of the territories under Belgian mandate in 1925 and 1926, and in the explanations furnished to the Permanent Mandates Commission by the accredited representative of the Belgian Government.

The said explanation and vindication satisfied the Commission, which neither raised objections nor made criticisms in this connection.

For the Minister :
(Signed) LE TELLIER,
Director-General.

C.P.M.779.

(b) *Letter of the French Government, dated October 4th, 1928.*

[Translation.]

To the Secretary-General of the League of Nations.

You were good enough to forward to me in your letter dated June 30th, for observations, a petition addressed to the League of Nations on May 20th, 1928, by the International Bureau for the Protection of Native Races. This petition relates to certain facts concerning the administration of the French Cameroons and French Togoland, which are referred to in Mr. Raymond L. Buell's recent book *The Native Problem in Africa*.

The French Government was anxious that its administration should verify as closely as possible the passages in this book which attracted the attention of the International Bureau for the Protection of Native Races, so that it might be in a position to furnish explanations to the Permanent Mandates Commission at its next session.

It seemed preferable to the French Government, however, and more in keeping with the respect due to the Permanent Mandates Commission, to leave the Commission itself to study Mr. Buell's book as a whole and to decide which points it considered should be explained, rather than to give a reply limited to a few extracts from this important work selected by an association, without, apparently, having been specially verified.

For this reason the French Government will submit no observations on the petition from the International Bureau for the Protection of Native Races and will entrust M. Duchêne with the task of replying orally to the questions which the Permanent Mandates Commission may put to him.

For the Minister for Foreign Affairs :
(Signed) CORBIN,
Minister Plenipotentiary, Director of
Political and Commercial Affairs.

C.P.M.828.

(c) *Letter of the British Government, dated November 29th, 1928.*

To the Secretary-General of the League of Nations.

With reference to your letter No. 6A/4479/758 of June 30th last, I am directed by Secretary Sir Austen Chamberlain to transmit to you herewith the observations of His Majesty's Government on the petitions presented by the International Bureau for the Defence of Native Races with regard to the administration of the Tanganyika Territory.

2. I am to request that these observations may be communicated to the Permanent Mandates Commission.

(Signed) R. H. CAMPBELL.

Appendix.

In the enclosure to that petition it is stated that in Mr. Raymond L. Buell's book entitled *The Native Problem in Africa*, which has recently been published, certain practices in the Tanganyika Territory are described which he regards as being contrary to the spirit or letter of the Tanganyika Mandate.

2. The first allegation is that the Tanganyika Government exacts unpaid labour for commercial purposes, with a reference to page 468 of Volume I of Mr. Buell's book. On that page Mr. Buell deals with communal and not commercial labour; he makes no mention of unpaid labour for commercial purposes. The allegation is that the Tanganyika Government employs unpaid labour for road maintenance purposes. This problem was fully dealt with by the Governor of Tanganyika when he appeared before the Permanent Mandates Commission

at Geneva in June 1927 (pages 73-75 of the Minutes of the Eleventh Session). He then stated as follows :

“ There was a further form of labour in Tanganyika which came close to the borderline of forced labour, although it probably might be classed as labour which would be covered by a rate in a civilised country. He referred to the labour required of certain tribes to keep clean the native administration roads passing their territories. This labour was in some places unpaid. The Governor was giving his personal attention to the roads question, which was one of enormous scope. It was his policy to do away with unpaid labour on these roads by including a small sum in the native budgets for this purpose. The appropriations were, as a rule, very small, but it was the first beginning of the principle that labour on all the roads should be paid. ”

The Commission, in its observations on the Tanganyika report, stated that it was glad to observe that it was “ the policy of the Governor to provide funds by which the native authorities will in future be able to employ paid labour for work on the native administration roads ”.

Since his return to the territory, the Governor has considered the question of levying a rate for the native administration roads, by means of an addition to the direct tax, but has come to the conclusion that no benefit would accrue to the native if that course were adopted ; rather the contrary.

3. The second allegation is that the Tanganyika Government has discouraged native coffee-growing in the Kilimanjaro region (page 494 of Volume I of Mr. Buell's book). Mr. Buell does not, however, allege therein that the policy of the local Government in this connection is contrary to the mandate. That policy is set out in the following circular instructions issued on December 20th, 1927 :

“ I. I am directed by the Governor to inform you that the policy of the Government with regard to the growing of coffee by natives is as follows :

“ (a) That the growing by natives of Arabica coffee should be confined as far as possible to the areas where it is already being grown and that any extension should be discouraged except in areas where no European coffee estates exist :

“ (b) That the growing by natives of Robusta and types of coffee other than Arabica shall be allowed to continue ; and

“ (c) That rules for the prevention of and for controlling diseases and pests shall be rigidly enforced.

“ II. All officers concerned should clearly understand that the restriction ‘ confined as far as possible ’ in (a) above can be undertaken only so far as it is possible to advise the native not to grow Arabica coffee and to endeavour to persuade him not to do so ; an order not to grow it cannot be given, as such an order would be illegal and could not be enforced. Should the cultivation offend in any way against the provisions of the new Coffee Ordinance and Regulations which are about to be enacted, the offence should be dealt with as the law may prescribe.

“ III. If, however, the native persists in growing Arabica coffee and follows the provisions of the law, it is the duty of the Government to help him to cultivate it in the best possible manner as is at present being done at Moshi. The attitude of the Government towards assisting natives to grow coffee is explained in the following extract from a letter addressed by His Excellency's direction to the Provincial Commissioner, Northern Province, in April of last year :

“ ‘ I am to ask that the Arusha Coffee Planters' Association should again be informed that the Governor is unable to stop the native from growing coffee even if he wished to do so. A great many coffee plantations have already been established by natives at Moshi, a tendency which is being followed at Arusha, and in these circumstances it is to the benefit of all the coffee cultivation at those places that the native coffee should be subject to inspection by European coffee officers who are appointed for that purpose. It is the duty of the Government to see that such crops as are grown by the natives are grown to the best advantage, and instruction in the best method by officers of the Agricultural Department, whether they are called coffee officers or by any other term, is entirely correct and justifiable. It is, the Governor adds, surely to the interests of the non-native coffee-planters at Kilimanjaro and Meru that the cultivation of coffee by natives at those places, a cultivation which they are thoroughly entitled to carry on if they so elect, and which cannot be stopped even if such a course were desirable, should be conducted in the most efficient manner.’ ”

“ IV. The term ‘ Discouraged ’ in (a) in paragraph I of this circular should be read to mean that no assistance whatever is to be given to the cultivation of Arabica coffee by natives (throughout the territory) except with the express approval of the Governor in each case, that approval being regarded as having been given in one case only so far, *i.e.*, that of the Kilimanjaro native planters. ”

No compulsion whatsoever is used. Each native is a completely free agent.

4. The third allegation (Volume I, page 500 of the book) is as regards the punishment of desertion with six months' imprisonment, and the whipping of juveniles for disciplinary purposes. Legislation has recently been passed in the territory, under which desertion ceases to be an offence cognisable to the police, and enacting further that imprisonment may be inflicted only in case the deserter fails to pay the fine, two of the points to which Mr. Buell directs attention. The Governor has publicly stated that a criminal sanction for desertion cannot endure indefinitely, but he is not prepared at present to recommend that any drastic step should be taken at this juncture to abolish it.

It is considered that it is in the interests of a juvenile, whatever his offence, that he should be whipped with a light cane of the prescribed pattern rather than be imprisoned. No whippings of juveniles under Section 31 of the Master and Native Servants Ordinance were inflicted during 1927.

5. The fourth allegation (Volume I, page 509) is that an attempt has been made to discourage native cultivation. It is quite untrue that the Tanganyika Government has at any time attempted to discourage native cultivation, and a careful perusal by an impartial person of the instructions of the Tanganyika Government reproduced on pages 554 and 555 of Mr. Buell's book will, it is thought, clearly demonstrate that Mr. Buell's statements and conclusions are not justified. For example, the Governor wrote as follows in his despatch of February 24th, 1926, forwarding the Labour Commissioner's first report (Colonial No. 19) :

“ So far, the attitude of the Government has been one of neutrality as between the competing claims of peasant cultivation and labour for the plantations, and to my mind there is strong reason for believing that, if departure is made from this policy in the direction of active inducement of the native by the administrative officer to take up cultivation on his own account throughout the territory, expansion of non-native cultivation must cease. If, therefore, the policy is changed in the direction I have indicated, it will be advisable that the Government should declare definitely that it has abandoned the neutrality policy and adopted another one ; if it does not make that declaration, non-natives who invest money in agricultural undertakings in Tanganyika in ignorance of the fact that the Government has abandoned the neutrality policy will receive injury, the country will get a bad name, and capital will be driven away. As Major Orde-Browne points out, capital is required for bringing to the home markets the produce grown by the native ; ‘ the native, in fact, whether he elects to become a wage-earner or a private producer, is dependent upon the investment of capital from overseas ’ . ”

Mr. Buell, without any remark to denote that he had done so, omits a large portion of this quotation, his observations being as follows :

“ The Tanganyika Government goes on to say : ‘ There is strong reason for believing that, if departure is made from this policy (of neutrality) in the direction of active inducement of the native by the administrative officer to take up cultivation on his own account throughout the territory, expansion of non-native cultivation must cease ’. The Governor does not, apparently, wish this to happen, because the territory will ‘ get a bad name and capital will be driven away ’. The Governor has doubtless forgotten that on the west coast of Africa, capital, in the form of trading firms, has appeared in abundance to market the products of peasant farmers. ”

There is in Tanganyika no form of compulsion or pressure whatsoever designed to oblige natives to work for European employers. The native is left an entirely free agent, and, in those areas in which he can at present grow no crops himself for export, every endeavour is being made to provide such crops for him and means of communication for their evacuation. For example, cotton and coffee in Biharamulo, coffee in Kibondo and Kasulu, coffee in Tukuyu, Mahenge, Songea and Ufiome, and in all these areas transport facilities are now available for the evacuation of the crops when they are established. In 1925, eighteen European officers were provided on the annual estimates of the Agricultural Department with a total expenditure on the Department of £30,273 ; in 1928-29, as many as thirty-one European officers are provided for, with a total annual budget of £50,560, the expansion of the work being almost entirely in the native areas.

6. The fifth allegation (Volume I, page 519) is to the effect that the Tanganyika Government maintains, at the expense of the territory, troops recruited in Nyasaland, the insinuation being that these troops, *i.e.*, the Second Battalion, King's African Rifles, are not required by the Tanganyika Government for its own purposes. As to this, it is evident that the mandatory Power must be the judge of what military strength is required in Tanganyika. On the Governor's recommendation, the fourth company of the Second Battalion, King's African Rifles, has recently been abolished, in view of the extension of the railway system from Tahora to Mwanza, but the Governor is not for the present prepared to recommend the reduction of the strength of the Second Battalion below three companies. The Governor's consideration of this question has throughout been based upon the interests and requirements of Tanganyika itself.

C. REPORT BY M. VAN REES.

In a letter dated May 20th, 1928, the International Bureau for the Defence of Native Races drew the attention of the Permanent Mandates Commission to a book by Mr. Raymond L. Buell called *The Native Problem in Africa*, in which the author sets forth certain facts which he considers to be contrary to the spirit or letter of the mandates.

With reference to this book, the petitioner, in an annex to his letter, enumerates a number of facts relating to the administration of Ruanda-Urundi, the French Cameroons and French Togoland, and Tanganyika.

He states the purpose of his petition in the following terms: "That it may please the Mandates Commission to draw the attention of the mandatory Powers to the facts alleged in Mr. R. L. Buell's book in order that they may be investigated".

In accordance with Article 3 of the Rules of Procedure in regard to petitions, copies of the petition and of its annex were communicated to the Belgian, French and British Governments, which replied by letters dated, respectively, September 12th, October 4th and November 29th.

In preparing a report on this petition at the Chairman of the Commission's request, I thought it advisable to confine myself to an examination of these allegations to which the International Bureau for the Defence of Native Races drew the Commission's particular attention.

Other facts mentioned by Mr. Buell concerning the territories in question can, if any member of the Commission so desires, be brought up during the next examination of the annual reports on the administration of these territories.

The allegations in question are as follows:

I. *Ruanda-Urundi* (Belgian Mandate).

With regard to this territory, the petition only mentions the remarks on page 537 of Volume II of the book, in which the author gives his views on the recruiting of native labour practised, with the consent of the Administration, by the Upper Katanga *Union Minière* for the purpose of working mines in the Belgian Congo.

As to this matter, Mr. Buell doubts whether many natives would voluntarily undertake to work in so remote an area as the Katanga. He adds that the other mandates in Central Africa do not allow the recruiting of their labour to places of employment outside the mandate. He further shows that, if the Belgian Administration in recruiting natives for the Katanga mines utilises the same system in Ruanda-Urundi as it employs in many parts of the Congo, the result will be a system of compulsion prohibited by the express terms of the mandate.

In its letter already mentioned, the Belgian Government merely observes "that the measures attacked in Mr. Buell's book have been explained and vindicated at considerable length in the reports on the administration of the territories under Belgian mandate in 1925 and 1926, and in the explanations furnished to the Permanent Mandates Commission by the accredited representative of the Belgian Government. The said explanation and vindication satisfied the Commission, which neither raised objections nor made criticisms in this connection".

The question of recruiting for the Katanga was, in fact, dealt with in detail in the annual reports on Ruanda-Urundi for 1925 (pages 85 and 86), 1926 (pages 85 and 86) and 1927 (pages 62-64).

It was discussed during the twelfth session of the Mandates Commission (see document C.545.M.194.1927.VI, pages 144 and 145) and at its fourteenth session (see document C.568.M.179. 1928.VI, pages 130 and 131).

A study of these documents will show that Mr. Buell's objections cannot be upheld. The emigration of natives of Ruanda-Urundi is subject to very strict conditions fixed by a Decree of July 19th, 1926, which was supplemented by the Ordinance of December 7th, 1926 (see "Laws and Regulations of Ruanda-Urundi 1926", pages 289 to 298); moreover, the engagements entered into by the natives were "entered into quite voluntarily and spontaneously" (reply by M. Halewyck de Heusch, document C.545.M.194.1927.VI, page 145).

Further, the mandate nowhere forbids in principle the recruiting of native labour for work outside the mandated territory.

II. *Cameroons and Togoland* (French Mandate).

The petition draws attention to five observations by Mr. Buell relating to the administration of these two territories.

The French Government does not deal with them in detail. It seemed to that Government preferable "to leave the Commission itself to study Mr. Buell's book as a whole and to decide which points it considered should be explained". It adds that it will entrust M. Duchêne with the task of replying orally to the questions which the Commission may put to it.

1. The first question, raised on page 296 of Volume II of the book, relates to the acquisition by the "Compagnie des Tabacs du Cameroun" of five ex-enemy tobacco plantations having an area of 9,935 hectares. These plantations are said to have been handed over without having been previously put up for auction and on conditions exceedingly advantageous to the company.

This question has not been commented upon in the annual reports on the Cameroons, nor has it been discussed during sessions of the Commission. ¹

Pages 156 to 158 of the annexes to the report for 1925, however, reproduce the text of a decree dated May 11th, 1925, approving a contract concluded on May 7th by the French Commissioner in the Cameroons with the above-mentioned company and granting the latter, for the purpose of growing tobacco, a lease of certain domain lands in the territory.

In his statement of reasons, the Commissioner "rightly considered that the cultivation of tobacco by the 'Compagnie des tabacs du Cameroun' was likely to contribute towards the economic prosperity of the country and was also of real advantage to the French Tobacco Monopoly".

This concession was apparently granted without having been put up to any public bidding. At the same time it should be observed that Article 6 of the mandate for the Cameroons, although it insists upon the observance of the principle of economic equality, does not prescribe that any concessions to be granted must necessarily be put up for auction, which would in fact have been a practical impossibility. The mandatory Power is under no obligation to do so, since the principle of equality does not necessarily imply the previous offer of a concession for public tender.

The lease was actually granted for sixty years and covers not 9,935 hectares, as Mr. Buell states, but approximately 7,555 hectares. The leaseholder is required to pay to the local Administration of the Cameroons a lump sum of 1,052,444 francs, representing the sum paid by the territory at the time when this right of pre-emption was exercised. The annual rent was fixed at 25,000 francs payable after the end of the sixth year of the lease. Further, the territory was to participate in the profits of the company up to 8 per cent after shareholders had received a dividend of 8 per cent on the capital, and it retains a right to 8 per cent of all existing reserves at the dissolution of the company. As long, however, as any export tax on tobacco is in force, the company is relieved of its obligations to pay the annual rent of 25,000 francs or the 8 per cent super-profits tax.

In view of this last provision, Mr. Buell reckons that the company has been granted about 25,000 acres of land, most of which was already under cultivation, for the ridiculous sum of about two dollars an acre. In making this calculation, however, he forgets that the export tax on tobacco was suppressed by the Decree of September 14th, 1925 (see page 161 of the annexes to the report on the Cameroons for 1925). It should be added that, under Article 6 of the contract concluded with the Tobacco Company, the latter was to be treated exactly like any other private company and would therefore continue to be subject to all fiscal or other provisions in force or which might subsequently come into force in the Cameroons.

Accordingly, the point at issue is the granting of a private concession involving no blame to anyone and which in any case has done no direct harm to the territory, since the whole of the sum disbursed by the Cameroons has been or will be refunded.

Whether terms more favourable to the territory might have been obtained is a question of fact which the Commission is hardly in a position to consider.

2. On page 311 of Volume II, Mr. Buell reports that in the Cameroons the heads of districts (*chefs de circonscriptions*) or other European officials who preside over the native courts, called *Tribunaux de races*, have, in virtue of the Decree of April 13th, 1921, been invested with almost unlimited judicial powers both in civil and in criminal matters. Owing to the fact that the native assessors have in such cases only an advisory vote, the president is in practice the sole judge and, under Article 30 of the Decree, is alone empowered to impose whatever penalty he sees fit, ranging to life imprisonment and even the death penalty. There is no penal code to limit this power.

The annual reports on the Cameroons for 1921 (page 42), 1922 (pages 63 *et seq.*), 1923 (page 79) and 1924 (page 47) explain that the fundamental principle of the existing judicial organisation is to guarantee to Cameroonian natives before the courts respect for local customs, when these are not at variance with civilisation.

The text of the Decree mentioned above was reproduced as an annex to the report covering the period between the conquest of the Cameroons and July 1st, 1921 (see page 478).

This Decree was amended by the Decree of July 31st, 1927 ², based on the same principles as the 1921 Decree, and containing as its main innovation the recognition in favour of natives of the right of appeal, which they did not previously possess (see reports for 1925, page 35, and 1926, page 41).

This innovation no doubt constitutes a considerable improvement in the organisation of native justice in the Cameroons. At the same time, none of the annual reports states clearly why the French Government has not thought fit to establish a code prescribing for the use of the administration of native justice in the Cameroons at least the maxima and minima punishments, and making a distinction between crimes and offences.

This point appears to deserve attention.

3. On pages 320, 321 and 329 of Volume II, Mr. Buell deals with the question of "prestations", a form of tax either in labour or in cash imposed both in the French Cameroons and in French Togoland.

¹ It was merely touched upon at the eleventh session (see document C.348.M.122.1927.VI, pages 33 and 34).

² The report for 1927 notes this Decree (page 33). The text was reproduced in the annex to the report for 1928, pages 100-109.

This tax was imposed in the Cameroons by a Decree of the French Commissioner dated July 1st, 1921 (see report for 1921, page 84); this Decree was replaced by the Decree of March 9th, 1927 (see report for 1927, page 82), and in Togoland by the Decree of July 3rd, 1922 (see report for 1922, page 85).

As these Decrees impose a form of unpaid labour, Mr. Buell is of opinion that it would be more in conformity with the spirit of the mandate, which does not allow of any forced or compulsory labour without fair remuneration, if a money tax were imposed, and if those natives who wished to work off the tax by their labours could do so.

Further, Mr. Buell points out that, although legally "prestation" labour can only be demanded for a limited number of days in the year and only used for certain public works, these conditions have not been strictly observed either in Togoland or in the Cameroons.

Further information should be asked about this practice, since the annual reports make no mention of it.

The question of principle has on several occasions formed the subject of discussions between the Commission and the accredited French representative.¹ The French Government has always maintained that, as the native upon whom was imposed this "prestation" tax was free to pay it in labour or in money, there was no question of forced labour.

On the other hand, the Commission, on page 3 of its sixth report to the Council, recognised that "it cannot be contested that a labour levy ('prestation') is in fact forced unpaid labour".

It would, indeed, seem evident that the fiscal form of "prestation" does not alter the fact that the labour is forced or compulsory. The limited number of days of work demanded, and the fact that this work may be paid for in cash, would not seem to affect the nature of the tax, which in principle is and must mean recourse to unpaid and non-voluntary labour. No doubt "prestation" labour is devoted to public works, but neither its purpose nor the fact that similar exactions are imposed in several colonies can justify their use in a mandated territory, the administration of which is subject to special rules.

It is not the effect of the measure upon the person who furnishes the "prestation", nor the weight of the burden which it imposes, but the measure itself which seems contrary to the terms of the mandate — not because it establishes compulsory labour, but because it establishes it in a manner to exclude all remuneration, and this the mandate does not allow.

Owing, however, to the different views on this matter expressed during various sessions of the Commission, the latter decided to postpone the question and to re-examine it in the light of the conclusions arrived at by the Committee of Experts on Native Labour set up by the International Labour Office to study more particularly the question of forced or compulsory labour.²

In December 1928, this Committee prepared a draft questionnaire to be submitted to the International Labour Conference at its session in June 1929. No. 2 of this draft gives the following definition of forced or compulsory labour for the purposes of a convention on the matter :

"All work or service which is exacted under menace of any penalty for its non-performance and for which the worker concerned does not offer himself voluntarily."³

As the proposed convention would without any doubt extend to the territories under B and C Mandates, it would seem that the Mandates Commission should reserve the question of principle raised in Mr. Buell's book.

4. Mr. Buell criticises the conventions concluded in 1924 by the Minister for the Colonies with the Compagnie Commerciale de Colonisation du Congo français and the Compagnie française de l'Ouhamé et de la Nana (see pages 336 and 337 of Volume II).

According to these conventions, the two companies obtained, in compensation for the renunciation of concessions in the French Congo, certain land in the Cameroons, gratuitously, and with full proprietary rights.

These conventions were discussed during the eleventh and thirteenth sessions of the Commission (see document C.348.M.122.1927.VI, page 34, and document C.341.M.99.1928.VI, page 87).⁴

On the latter occasion, M. Duchêne, the accredited representative, declared that the application of these conventions had been suspended.

In reply to a remark that the attribution of agricultural concessions in the Cameroons implied the payment of the regulation dues, since gratuitous concessions were contrary to the existing legislation, M. Duchêne replied that there could be no doubt on this point.

Accordingly, the question raised by Mr. Buell is no longer relevant.

5. Lastly, Mr. Buell draws attention on pages 344-346 of Volume II to the abuses that have arisen out of the extension of the commercial plantations of native chiefs (particularly in the districts of Yaoundé and Edea) which has been encouraged by the Cameroons Administration. He mentions several concrete cases showing in his opinion that the policy pursued in this matter leads to all kinds of exactions.

¹ See, among others, document C.386.M.132.1925.VI, pages 16-20, and pages 101-107; document C.405.M.144.1926.VI, pages 142-144; document C.632.M.248.1926.VI, pages 29-30, 98-100 and 118 and 119.

² See document C.348.M.122.1927.VI, page 17.

³ See the recent publication of the International Labour Office, *Forced Labour*, page 337.

⁴ The report on the Cameroons for 1927 mentions the two companies in question on page 21.

There are no comments upon this question in the documents at the Commission's disposal. Accordingly, the cases mentioned by Mr. Buell should be submitted to the accredited representative when the Report on the Cameroons for 1928 comes to be examined.

III. *Tanganyika* (British Mandate).

The petitioner drew attention to five questions relating to the administration of this territory.

The British Government dealt with them in detail in its reply of November 29th, 1928, but its comments do not appear sufficiently conclusive on all points.

1. Mr. Buell objects to the maintenance of local roads by means of unpaid labour requisitioned by the native administration (see page 468 of Volume I).

The British Government refers to the discussion which took place on this matter during the Commission's eleventh session (see document C.348.M.122.1927.VI, pages 73 and 74).

On that occasion, Sir Donald Cameron, the Governor of Tanganyika, recognised the existence of this practice in certain parts of the territory. As a result, however, of further information furnished by him, the Commission authorised the inclusion in its report to the Council of the following passage :

“ The Commission notes with satisfaction that the native authorities are not allowed to requisition labour for work on roads without the express authorisation of the Governor, and it is glad to observe that it is the policy of the Governor to provide funds by which the native authorities will in future be able to employ paid labour on the native administration roads. ”

The British Government's comments, however, show that the Governor has since abandoned this idea.

This brief statement does not tell us whether the practice attacked by Mr. Buell is regarded as allowed under the mandate.

Accordingly, this point calls for further explanation.

2. Mr. Buell's second allegation refers to measures to discourage native coffee-growing in the Kilimanjaro district (see Volume I, page 494).

The British Government explains the measures taken in this matter. It adds that no compulsion is used, but it does not explain the reasons which prompted the measures in question.

As the mandatory Power has undertaken, in accordance with Article 3 of the mandate for Tanganyika, to increase the material well-being, etc., of the natives by every means in its power, the Commission would be interested to learn these reasons.

3. The third point, concerning legislation in regard to labour contracts (Volume I, pages 500 and 501), calls for no comments from the point of view of the mandate, as the punishment to which Mr. Buell alludes is not forbidden under the mandates.

4. The fourth allegation, which criticises the policy pursued in regard to native plantations in general (Volume I, pages 508-509), is formally disputed by the British Government.

It would seem that this charge may be dismissed.

5. The same would appear to apply to the fifth point, concerning military expenditure borne by the Territory of Tanganyika (Volume I, pages 519 and 520).

In conclusion, it would seem that the Commission cannot express an opinion upon the petition examined until it has obtained from the accredited representatives of France and Great Britain detailed information on certain questions mentioned above.

ANNEX 9.

(Extract from document C.P.M.830.)

PALESTINE.

PETITIONS CONCERNING THE WAILING WALL OF JERUSALEM.

A. Text of the Petitions.

(a) *Communications from the General Moslem Conference for the Defence of Burag.*

I. *Telegram dated November 7th, 1928.*

The Grand Moslem Conference convened Jerusalem first November representing Moslems and their official bodies in Palestine Syria Lebanon Trans-Jordan decided submit that Burag so-called Wailing Wall is Moslem sanctuary sanctified by text of Koran and Moslem uncontested

Wakf inalienable property and that all Jewish claims are supported by no right whatever except that previously they were allowed as followers of all creeds to visit Buraq with no right of worship preachings or speeches and while standing as registered in official documents and enforced long time ago as attested by administration new Jewish claim to worship and prayers rites to which they never had rights is only made to gain prescription rights which Moslems can never tolerate as actually infringing their rights alienating their property by actual possession of one of their Shrines Moslems determined defend their absolute rights in this their Holy Place with no matter what consequences this may entail ends. — GENERAL MOSLEM CONFERENCE FOR DEFENCE OF BURAQ.

(Extract from document C.P.M.831.)

II. Letter dated November 7th, 1928.

His Excellency, The High Commissioner, Jerusalem.

I beg to inform Your Excellency that a General Moslem Conference was held at Jerusalem on Thursday, November 1st, 1928, which was attended by delegates representing all the Moslems of Palestine including all classes, societies, associations, and clubs, and by official deputations from Syria, the Grand Lebanon, Trans-Jordan, Arab tribes and sub-tribes of Palestine and Trans-Jordan, and supported by Moslem Young Men's Associations in Egypt and by Moslem public opinion here and abroad. This Conference was convened with a view to studying the present situation and taking the necessary measures for the purpose of eliminating the menace of Jewish ambitions on the Prophet's Holy Buraq, and for the safeguarding of the rights of the Moslems in their Holy Places. The following resolutions, which were called for by the gravity of the present situation, were passed by the Conference.

The Secretaries have the honour to submit to Your Excellency, in accordance with the decision passed at the meeting, such resolutions of the Conference as are of direct concern to the Government. The Secretaries request Your Excellency to be good enough to transmit these resolutions to His Britannic Majesty's Government in London and to the League of Nations.

The following are the resolutions :

1. The Conference unanimously declare that the place of the Holy Buraq, which forms part of the Mosque of Aqsa, is a Moslem Holy Place sanctified by the text of the Koran, and that this place, together with all Waqf buildings and premises which surround it from all directions over a large area, is private property of the Moslems. The Conference further declare that any Jewish claim on this place is unfounded and not based on any right. The Jews, similarly to others, are only entitled to visit this place, simply stand therein and neither to hold prayers nor to raise their voices or give speeches, in accordance with official documents in possession of the Moslem authorities, of which the Government of Palestine is fully aware, and the genuineness of which the Government has admitted expressly in communication to Moslem official bodies and actually by preventing the Jews from creating for themselves a right to place several objects in the area which were removed by Government themselves during the incident of 1925 and during the recent incident in September 1928.

The Conference therefore unanimously resolved :

(a) To strongly protest against any action or attempt which aims at the establishment of any right to the Jews in the Holy Buraq area and to deprecate any such action or attempt. The Conference further protest against any leniency, disregard or vacillation which the Government may show in this respect.

(b) To ask the Government immediately and perpetually to prevent the Jews from placing under any circumstances whether temporary or permanent any objects in the area, such as seats, lamps, objects of worship or reading, and to prevent them also from raising their voices or making any speeches, in such a manner as would not compel the Moslems to take such measures themselves, in order to defend at any cost this holy Moslem place and to safeguard their established rights therein which they have exercised for the last thirteen centuries.

(c) To hold Government responsible for any consequences of any measures which the Moslems may adopt for the purpose of defending the Holy Buraq themselves in the event of the failure of the Government which are entrusted with the maintenance of public security and the safeguarding of the Moslem Holy Places to prevent any such intrusion on the part of the Jews.

2. The Conference unanimously declare that the attempt of the Jews to intrude upon the Holy Buraq with a view to creating a dispute between the Moslems and themselves in respect of this place and to include such dispute amongst the many prevalent disputes in respect

of the Holy Places in Palestine is an unjustified and unwarranted attempt which is actuated solely by the desire to take control of the Moslem Holy Places. The Conference strongly protest against any such attempt and ask the Government, in the name of all the Moslems, to put an end to such attempts for the reason that the Holy Buraq, the Western Wall of the Mosque of Aqsa, is a purely Moslem Holy Place, which is governed by the second part of Article 13 of the Mandate, and as to which the rights of the Moslems, similarly to all other Moslem Holy Places, are incontestable.

3. The Conference resolved that it is its religious duty, in view of this dangerous situation, to make known the following facts to the entire world :

Whereas the Jews have repeatedly intruded upon the Buraq, which form an integral part of the Mosque of Aqsa — the first of the “ Qiblas ” and the third of the three holy mosques — which is revered by the entire Moslem world ; and

Whereas the Moslems of Palestine are, on behalf of all the Moslems, the guardians of this holy mosque and of the Buraq area, which is connected with the “ Isra ” of their Prophet ; and

Whereas the evident objective of the repeated encroachments of the Jews upon this place is to challenge the Moslems in respect of one of their most holy places, situated, as it is, in the centre of the Moslem world ; and

Whereas such encroachment will naturally give rise to a strong religious disturbance not only in Palestine and in neighbouring countries, but also in the entire Moslem world ;

In view therefore of the above and of the duty imposed upon the Moslems of Palestine in their capacity of guardians of the Mosque of Aqsa to appeal to the Moslem world to remove such a grievance and repel this danger, the Conference has resolved to issue an appeal to the Moslem world in this respect ; to notify the local Government, His Britannic Majesty's Government in London, the League of Nations, and the foreign Powers through their respective consuls ; and to acquaint public opinion in the East and West with the fact that the repeated encroachments of the Jews upon the Buraq, the Western Wall of the Mosque of Aqsa, and the reluctance on the part of the Government to put an end to such intrusions will, in the nature of things, result in serious occurrences in the Moslem countries in which Moslems will rise to defend themselves against the most serious menace that has threatened them in the past eight centuries and which endangers their most precious religious sanctuary. The Moslems appeal to the Powers and Nations of the world against such incursion, which is sure to have serious consequences.

4. The Conference observe that the Expropriation of Land Ordinance, 1924, includes *inter alia* certain provisions which in view of the special circumstances prevailing in Palestine aroused the anxiety of the Moslems in respect of their Wakfs and religious places. The Moslems are aware that such provisions were made in the Ordinance as a result of the endeavours of the Jews to realise many of their ambitions which aim at their taking control of Moslem Wakfs and buildings which are safeguarded by the text of the second part of Article 13 of the Mandate. Official Moslem bodies on several occasions protested to Government, in the name of all Moslems, against this Ordinance, when it was first published, and requested not to include in the Ordinance any such provisions which were the cause of their fears. Such fears have now been justified by the demand made by the Jews to expropriate the Buraq area, under the provisions of this Ordinance, which is a purely Moslem Wakf.

In view therefore of the above, the Conference ask the Government to remove the causes of such fears in the law so as to assure the Moslems of the safeguarding of their Holy Places and religious Wakfs. Such aim could only be attained either by the repeal of the provisions of the Ordinance which were the object of the fears of the Moslems or by the issue of an official announcement declaring that the Expropriation of Land Ordinance does not apply to Moslem religious places and that no Moslem Wakf shall be expropriated to meet the wishes of any other religious community, and also that Moslem Wakfs could only be expropriated by following the Sharia procedure of substitution (Istibdal) through a Moslem Sharia Court and in accordance with the Moslem Sharia Law.

5. Whereas Mr. Norman Bentwich, the Attorney-General to the Government of Palestine, is an ardent Zionist leader, as is evident from his views, activities and books, and as the office of the Attorney-General is a great factor in legislation, the Moslems of Palestine therefore see in the presence of this person in such a legislative and executive office a serious menace to their most important interests. The Moslems, who form the majority of the population, have protested on previous occasions against the presence, since the British occupation, of this person in such a high office, through which he paves the way for the realisation of Jewish and Zionist aspirations. The Conference therefore ask the Government, in the name of the Moslem community, to remove Mr. Bentwich from the legislative and executive office which he occupies in the Government of Palestine, and resolve to protest against his presence in such an office. The Conference feel that it is a serious prejudice to the Moslems that such an office be occupied by a Zionist leader such as Mr. Bentwich, who endeavours to achieve the realisation of the Zionist aspirations, which are very harmful to the religious rights of the Moslems in their Holy Places.

6. In view of this serious situation and the intense commotion of the Moslems, the Conference resolved to delegate at once a deputation from among its members to wait on His Excellency the High Commissioner and to ask him in the name of the Conference that Government

issue as soon as possible an official *communiqué* proclaiming the protection of the Buraq and of other Moslem sacred places from any encroachment in which the Jews may, by various means, attempt to introduce innovations, in order that the apprehensions of the Moslems may be removed. The deputation should also summarise to His Excellency such resolutions of the Conference as are a direct concern to the Government, pending the communication of such resolution to Government in writing.

7. The Conference resolved that such resolutions be officially communicated to the Government of Palestine and that a copy thereof be transmitted through the Government to His Britannic Majesty's Government in London and the League of Nations.

(Signed) HASSAN ABUL SA'OUH.

(Extract from document C.P.M.830.)

(b) *Telegram, dated November 7th, 1928, from the Supreme Moslem Council.*

Supreme Moslem Council official representative Palestine Moslems draw your attention to Jewish aggression upon prophets Buraq being the Western Wall of Aqsa Mosque. Buraq itself including all grounds around it stretching for a long distance is uncontested Moslem Wakf property. Buraq is Moslem Sanctuary and an integral part of Aqsa Mosque which is sanctified in Koran. Jewish aggression openly contravenes status quo the principle that was adopted by League of Nations thus creating among Moslems great excitement. In applying status quo the present Government as well as Turkish Government have had to prevent directly such aggression every time the Jews tried to repeat it as happened 1925 and this year. Jewish claim to prayers in Buraq has no foundation whatever as registered evidences here totally repudiate it and on the contrary show clearly that Jews were allowed nothing more than others were allowed to merely visit devoid of preachings speeches or worship the Moslem Holy Buraq has never been the place of prayer for Jews. Jews desire acquire prescription rights in this Moslem Holy property by using in it such articles as to make place in their actual possession thus adding great insult to intolerable injury. Government removed part of said articles but although admitting that it is their duty to apply status quo that imposes removal of all said articles they still by reason of Jewish organised turbulent propaganda postponing removal the rest of articles to the detriment of Moslem rights. Request literal application of status quo non-application of which causes great injustice and entails dangerous excitement ends. — PRESIDENT SUPREME MOSLEM COUNCIL.

C.P.M.837.

(c) *Letter from the Emir Chekib Arslan and M. Ihsan el Djabri and M. Riad el Souh, dated December 11th, 1928.*

To His Excellency, M. Aristide Briand, President of the Council of the League of Nations, and the Members of the Council, Lugano.

[*Translation.*]

On behalf of and as representing the Moslem Congress which met recently at Jerusalem, we respectfully appeal to you to intervene, in the interests of justice and peace, in defence of the Moslem rights over the walls of the Great Mosque of Jerusalem and its precincts. The Council of the League is competent, in our view, to assist us, as the circumstances which we are about to report affect international relations and constitute a menace to peace.

Article 11, paragraph 2, of the Covenant of the League of Nations is therefore applicable. The provisions of Article 22 of the Covenant relating to mandates give you full power to act.

At the foot of one of the walls of the Great Mosque of Jerusalem is a space known as Buraq Sharif. This land is undoubtedly Moslem property. It is part of the Abu-Madian Wakf, that is, the pious foundation of the Moorish saint, Abu-Madian. The wall itself belongs, of course, to the Great Mosque, the Haram, the Moslem ownership of which is uncontested. It is the tradition of our faith to respect the religious beliefs of others, and members of our faith have, out of pity for the Jews, always allowed the latter to come and wail at the foot of this wall. This is simply a case of toleration, a mere concession, and has never implied any Jewish right of ownership, usufruct or user. On one occasion, when Mehemet, Viceroy of Egypt, invaded Syria, the Jews took advantage of the change of regime and attempted to establish their ownership by introducing certain changes in the condition of this site. The new authorities immediately intervened, and we have in our possession an order from Cherif Pasha, the Governor-General, prohibiting any such action on the part of the Jews. This order was subsequently confirmed by the Ottoman Empire, by decision of the Administrative Council of Jerusalem

When the British Government occupied Palestine on the conclusion of the world war, it made a point of maintaining the *status quo*, realising quite rightly that, in delicate matters such as this, any change might easily lead to serious disputes and unforeseen results. It is a matter of common knowledge that the Crimean War owed its origin to a conflict of this kind. In Jerusalem, where so many Churches are represented, only the observance of the established order of things can ensure religious peace and, at the same time, internal and external peace.

The Jews at first realised the necessity of this, but subsequently began to make friendly overtures with a view to acquiring the ground on which the Wailing Wall is built and offered large sums for this purpose to the Moslem pious foundations. They acted through the intermediary of Mr. Ronald Storrs, then Governor of Jerusalem, who is now Governor of Cyprus. Their offers were categorically refused by the Moslems, and the Jews have since employed every means to secure this site; the ground being adjacent to the Great Mosque, they attach supreme importance to its possession, regarding this as a possible stage in the realisation of their plan for restoring their worship on the Haram area.

In 1926, the Jews brought the matter before the League of Nations, their purpose being to have it dealt with as a necessary consequence of the Jewish National Home. The Moslems have consistently opposed their efforts. The Arabs of Palestine, including those who are Christians, do not wish the site to be handed over to the Jews; the Moslems would regard this as a serious violation, not only of the inviolable right of property, but also of the religious rights of Islam over a site which they consider as sacred and which is mentioned in the Koran.

Quite recently, on September 24th, 1928, the Jews, during one of their festivals, gathered at the foot of the Wailing Wall. They set up various wooden structures, thereby manifesting their firm intention of taking possession of this ground and gradually establishing their claim to peaceful ownership. Their purpose in short was, by means of definite acts, to create the conditions of a veritable usucaption title. The Moslems, having observed these erections, formally notified the British authorities. The latter sent a contingent of police, who removed the objects in question, thus maintaining the *status quo ante*. In acting thus, the British authorities recognised the Moslems' incontestable right to the ground and walls on the site referred to. They also recognised that the western wall of the mosque under which the Jews come and wail forms part of the enclosure of the Great Mosque and constitutes an integral part of the latter. The action of the Jews in coming to wail here is tolerated, but that is all that they can reasonably claim. The Moslems are in possession of official documents showing that the Jews are not entitled to engage in prayer or in other ceremonies or to erect structures of any description on this site.

Some time later, the Jews made a fresh effort and again set up the various objects which the authorities had removed. The police, on this occasion, showed less decision; they removed some of the structures, but left others. The Moslems are greatly alarmed at the maintenance of these Jewish structures on their ground. It represents a first step towards occupation of the land and there is reason to suppose that the Jews will gradually act as if the place really belonged to them.

In order to divert attention from the real question at issue — namely, the question of ownership arising out of this case — the Jewish world is stirring up public opinion and introducing political considerations into what is a purely judicial affair. The Moslems are anxious that the question should be viewed in its true light. In every country, they have realised the importance of the question and are protesting against this Jewish encroachment. The Congress at Jerusalem determined to defend their rights with the utmost energy. The Moslems will allow the Jews, as in the past, to come and wail at the foot of the Haram wall, but never will they cede to the Jews an inch of land which would enable them to do anything beyond what they have been doing up till now. No religious ceremonies can be tolerated.

The Moslem Congress protested energetically to the Office of the British High Commissioner in Palestine against the encroachment of the Jews. The British authorities realised the justice of our claim. The Jewish world then turned against them and endeavoured to create a belief that the representatives of the British Government were making themselves responsible for provoking a religious dispute. The Moslem Congress protests against this and brings this serious question before the League of Nations, regarding it as one of international concern.

The Moslem Congress directs the attention of the League of Nations to the danger to religious peace arising out of the law, promulgated in 1924 by the Palestine Government, authorising expropriation for general utility purposes. It realises the expediency of an expropriation law, like the laws in force in the great European States, for the purposes of undertakings in the public interest: but it cannot admit that the law in question shall operate in the Holy Places. This particular law has the appearance of a weapon devised for use in a future attack on Moslem pious foundations.

It would allow the Jews, acting in the interests, not of public utility, but of their religion, gradually to lay hands on the Moslem Holy Places and perhaps on those of other religious communities.

The Moslems insist that this expropriation law should be amended so as to embody express reservations on this point.

The Moslems desire to direct your attention to the fact that the supreme judicial authority in Palestine, which is exercised by the Attorney-General, ought not to be in Zionist hands, but should be entrusted to a completely impartial magistrate determined to maintain the principle of absolute neutrality in religious matters.

The Moslem Congress has instructed us, therefore, to request the Council of the League of Nations to take up the question of the rights of Islam over the walls of the Great Mosque of Jerusalem and the land of the Abu-Madian Wakf. It calls upon the Council to consider the questions bound up with this religious dispute and to insist on the principle of the inviolability of property rights. Unless the law relating to landed property in Palestine is strictly observed, Jerusalem, the Holy City of Moslems, Jews and Christians, may become a grave cause of international conflict and constitute a threat to world peace.

(Signed) Emir CHEKIB ARSLAN.
IHSAN EL DJABRI.
RIAD EL SOULH.
Syro-Palestinian Delegation.

(Extract from document C.P.M.830.)

B. Observations of the British Government.

- (a) *Letter, dated December 8th, 1928, relating to the Petitions from the General Moslem Conference for the Defence of Burag and from the Supreme Moslem Council.*

To the Secretary-General.

I am directed by Secretary Sir Austen Chamberlain to transmit to you the accompanying copies of two telegrams received from the Officer administering the Government of Palestine conveying messages to the Permanent Mandates Commission of the League of Nations from the General Conference for the Defence of Burag and the President of the Supreme Moslem Council.

2. In this connection, I am to invite a reference to the memorandum which was enclosed in Foreign Office letter No. E 5148 /4947 /65 of October 29th last regarding a Zionist petition on this subject.¹ The only further comment which His Majesty's Government desire to offer on the present telegrams is that they are unable to accept the statement made therein that, under the *status quo*, Jewish rights in connection with the Wailing Wall are limited to mere rights of access.

(Signed) MONTEAGLE.

(Extract from document C.P.M.831.)

- (b) *Letter, dated December 22nd, 1928, relating to the Petition from the General Moslem Conference for the Defence of Burag.*

To the Secretary-General.

With reference to Foreign Office letter No. E 5693 /4947 /65 of December 8th in regard to the incident which occurred at the "Wailing Wall" in Jerusalem on September 24th, I am directed by Secretary Sir Austen Chamberlain to transmit to you the accompanying copy of a letter which the Officer administering the Government of Palestine has received from the General Moslem Conference, communicating resolutions on this subject passed at a meeting of the Conference held in Jerusalem on November 1st.

2. As this communication is not a petition, but merely a document sent for the information of the League, His Majesty's Government do not propose to comment on it. They wish, however, to express their emphatic dissent from the allegations made paragraph 5 of the letter, without ground or reason, against Mr. Bentwich, the Attorney-General of Palestine.

(Signed) MONTEAGLE.

(C.P.M.859.)

- (c) *Letter, dated June 8th, 1929, relating to the Petition from the Emir Chekib Arslan, M. Ihsan el Djabri and M. Riad el Souh.*

To the Secretary-General.

I am directed by His Majesty's Principal Secretary of State for Foreign Affairs to refer to your letter No. 6A /7929 /224 of March 26th, transmitting a copy of a petition received from the Emir Chekib Arslan, M. Ihsan el Djabri and M. Riad el Souh concerning the incident at the Wailing Wall of Jerusalem, and to communicate to you the following observations on that petition.

2. His Majesty's Government note that, in the opinion of the Chairman of the Permanent Mandates Commission, this petition raises certain specific points (*e.g.*, the Expropriation Ordinance of 1924), which distinguish it from other petitions on the subject of the Wailing Wall referred to in the report adopted by the Council of the League on March 4th last.

¹ See Minutes of the Fourteenth Session (document C.568.M.179.1928.VI), page 250.

3. The petitioners maintain that the Expropriation Ordinance of 1924 has the appearance of a weapon devised for use in a future attack on Moslem pious foundations, and they ask that the Ordinance should be amended so as to exclude Moslem Holy Places from the buildings, etc., to which the provisions of the Ordinance apply. His Majesty's Government desire to point out that the Ordinance in question merely applies the Ottoman Law of Expropriation of 1332, subject to certain amendments in form necessitated by a change of regime. The 1924 Ordinance and the Ottoman Law have, however, been superseded by the Expropriation of Land Ordinance, 1926, which sets up fresh machinery in the expropriation of land for public purposes. His Majesty's Government desire to state emphatically that there is no foundation for the suggestion that either Ordinance has been devised for use in attacks on Moslem pious foundations, and to point out that, having regard to the responsibility in respect of Holy Places imposed on the Mandatory by Article 13 of the Mandate for Palestine, there can be no question of the compulsory expropriation of any Holy Place. In the circumstances, the suggested amendment of the Ordinance appears unnecessary. In this connection, the attention of the Permanent Mandates Commission is invited to the statement which was issued in Jerusalem by the Palestine Zionist Executive on November 6th, 1928, in which the Zionist Organisation reaffirmed its repeated declarations unreservedly recognising the inviolability of Moslem Holy Places.

4. On page 4 of the petition appears a statement to the effect that the Moslems are in possession of official documents showing that the Jews are not entitled to engage in prayer, or in other ceremonies, or to erect structures of any description on the site in front of the Wailing Wall. His Majesty's Government would invite attention to the comment which they made in paragraph 2 of the letter addressed to you on December 8th, 1928, transmitting copies of telegrams from the Officer administering the Government of Palestine conveying messages from the General Moslem Conference for the defence of Buraq and the President of the Supreme Moslem Council. His Majesty's Government desire to reaffirm that they are unable to accept the view that Jewish rights in connection with the Wailing Wall are limited to mere rights of access.

5. His Majesty's Government also desire to take this opportunity to record their emphatic dissent from implied allegations against Mr. Bentwich, the Attorney-General for Palestine, in the penultimate paragraph of the petition. They would also point out that the supreme judicial authority in Palestine is not, as alleged in the petition, exercised by the Attorney-General. This officer exercises no judicial functions, but is simply the Government's Legal Adviser.

(Signed) MONTEAGLE.

C.P.M.880 (1).

C. Report by M. Rappard.

Since our last session we have received from various sources a number of communications relating to the Wailing Wall at Jerusalem.

As Rapporteur on the Zionist Organisation's petition, I have been asked by the Chairman to report to the Commission on these new communications. I propose to begin by briefly summarising them, and then to suggest what action I think should be taken.

1. *Resolutions of the General Moslem Conference and the Supreme Moslem Council* (documents C.P.M. 830 and 831), transmitted by the British Government in Letters dated December 8th and 22nd, 1928.

The petitioners complain :

(a) That the British Government has broken the rule of the *status quo* in favour of the Jewish Community and to the detriment of the Moslem Community.

(b) That the Expropriation of Land Ordinance, 1924, which is intended to permit of the expropriation of Wakf property for the benefit of the Jewish Community, threatens a breach of the provisions of the mandate. The petitioners ask that the Ordinance should be repealed or that an official announcement should be issued declaring "that the Expropriation of Land Ordinance does not apply to Moslem religious places and that no Moslem Wakf shall be expropriated to meet the wishes of any other religious community, and also that Moslem Wakfs could only be expropriated by following the Sharia procedure . . . through a Moslem Sharia Court and in accordance with the Moslem Sharia Law".

(c) That the presence of Mr. Norman Bentwich, Attorney-General, in the Palestine Administration constitutes a serious threat to the Moslem population. The petitioners ask that he should be relieved of his office.

The mandatory Power has made no observations except on this last point ; and in its letter of December 22nd, 1928, it formally denies the petitioners' allegations. In its observations on the petition from the Emir Chekib Arslan, M. Ihsan el Djabri and M. Riad el Souhl, to which reference is made below, the British Government confirms this denial and adds the official in question, who occupies the post of Legal Adviser to the Government, discharges no judicial functions.

2. *Petition dated October 14th, 1928, from the General Council (Va'ad Leumi) of the Jewish Community of Palestine (document C.P.M. 838).*¹

In its letter of February 25th, 1929, forwarding this petition, the British Government states that it is in every respect similar to the Zionist Organisation's petition. I think, however, that a distinction must be drawn between the two.

The principal, if not the exclusive, subject, of the Zionist Organisation's petition was the incidents that occurred at the Wailing Wall on September 24th, 1928. The General Council's petition, on the other hand, deals with the Wailing Wall question generally, and asks the League to secure for the Jewish people the fundamental rights to this site. It is made clear in the petition that the petitioners do not share the British Government's view as to the definition of the *status quo*, but claim the establishment in their favour of a legal system much more extensive than at present obtains.

3. *Petition from the Emir M. Chekib Arslan, M. Ihsan el Djabri and M. Riad el Souhl, dated December 11th, 1928 (document C.P.M.837).*

This petition was communicated to the mandatory Power, in accordance with the usual procedure, on March 26th, 1929. We have now received the British Government's observations upon it (document C.P.M. 859).

The petition is addressed to the President of the Council of the League of Nations in the name of the Moslem Congress, from which one of the petitions referred to above proceeds.

It contains, however, a fresh allegation. It is asserted that the Expropriation Ordinance of 1924 is "a weapon devised for use in a future attack on Moslem pious foundations". In the view of the petitioners, the Ordinance would allow hands to be laid gradually on the Moslem Holy Places and perhaps on those of other religious communities. They demand that the ordinance should be "amended" and that in its new form it should "embody express reservations on this point".

In my opinion, all the complaints made in these various petitions relate to two separate questions²:

1. The definition of the *status quo* in regard to the Holy Places.
2. The alleged danger of an infraction of the mandate constituted by the Expropriation of Land Ordinance of 1924.

As regards the *status quo*, the Commission can, I think, only repeat its former recommendations. Failing agreement between the representatives of the different religions which submit conflicting claims to the Holy Places, the mandatory Power can merely ensure respect for the existing situation as established by use and tradition. The precise definition of this situation is obviously a matter outside the competence of the Commission.

As regards the second point, *i.e.*, the Expropriation of Land Ordinance of 1924, there can be no doubt as to the Commission's powers. This is a legislative enactment, of which the Commission can take cognisance for the purpose of deciding whether it is in conformity with the principles of the mandate.

It should be noted that the petitioners do not explicitly state that the Ordinance is not in conformity with the mandate, but merely express the fear that the application of the Ordinance may violate acquired rights. They are apprehensive that public utility may be put forward as a reason for unduly favouring the rights of one religious community at the expense of another.

The point we have therefore to consider is the alleged danger of an infringement of Article 2 of the mandate for Palestine, which guarantees the safeguarding of "the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion", and of Article 9, which guarantees "respect for the personal status of the various peoples and communities and for their religious interests".

In its observations, the British Government indicates the actual position of the law on this question. From these statements it appears that the existing Expropriation Law is not at variance with Moslem traditions. The British Government, further, formally denies that the law in question is directed against the Moslem pious foundations and that there could be question of expropriating any Holy Place. It does not, indeed, declare that the law can in no case be applied to the property of the Moslem pious foundations. The necessity of expropriating Wakf immovable property on grounds of public utility is conceivable, but obviously the authorities could not plead public utility as a reason for dispossessing one religious community for the benefit of another. It would seem desirable to trust to the impartiality of the mandatory Power on this point and to reassure the petitioners.

I would therefore propose that the Commission should adopt the following conclusions:

1. The Commission refers to its previous recommendations as to the advantages of an agreement freely entered into under the auspices of the mandatory Power in regard to the rights of the Jewish and Moslem Communities over the precincts of the Wailing Wall,

¹ The accredited representative of the British Government for Palestine stated, in the course of the eleventh meeting of the session, that the authors of the petition had asked for postponement of its consideration.

² I consider it unnecessary to deal here with the personal reference to Mr. Bentwich, the Attorney-General. The Commission will no doubt merely desire to take note of the British Government's declaration on this particular point.

and, failing such an agreement, it has no option but to approve the scrupulous maintenance of the *status quo*. The Commission considers that it has no authority to give the suggested definition of this *status quo*.

2. The Commission, noting the statements submitted by the mandatory Power on the existing legal enactments regarding expropriation on grounds of public utility, considers that, in view of these statements, it is in a position to declare that the fears of the petitioners are groundless.

ANNEX 10.

(Extract from document C.P.M.826.)

TOGOLAND UNDER BRITISH MANDATE.

PETITION, DATED JULY 3RD, 1928, FROM THE CHIEF AND INHABITANTS OF WOME (TOGOLAND UNDER FRENCH MANDATE).

A. Text of the Petition.

[Translation.]

The Chief and inhabitants of Wome have the honour to inform the Mandates Commission that the village of Wome, situated in the French area, owns fields in the British area.

The frontier, as drawn by the two delimitation missions, follows a line which runs from Mount Agaga to Mount Fiameketo. West of this line, and close beside Mount Agaga, there is a tableland on which are large plantations belonging to the inhabitants of Wome. They are chiefly cocoa plantations, made by certain inhabitants of Wome, whose names are as follows :

	Cocoa plants.
1. Tsogbe Kolagbe	3,000
2. Kofitse Abatso	4,000
3. Joseph Kpesse	3,000
4. Félix Kpesse	3,000
5. Adolph Tsogbe	2,000
6. Tadeuz Tokpo	1,500
7. Tayi Adomtse	1,000
8. Vincent Kokroko	2,000
9. Albert Bleko	3,000
10. Kpesse Kloutse	3,000
11. Markus Ankou	1,400
12. Philipp Kolagbe	2,000
13. Johnson Beatus	3,000
14. Lâkle Jomch	4,000
15. Immanuel Kwassi	200
16. Anthony Dzofemenya	1,200
17. Mateo Tefe	1,200
18. Thomas Klu	1,000
19. Gottfried Kwamni	3,000
20. Wilhelm	2,500
21. Godwin Degbe	3,000
22. Karl Tegbi	1,500
23. Christoph Iboe	1,000
24. Norbert Kwadze	1,600
25. Mote Bleko	1,300
26. Raphael Abotsi	1,000
27. Kpodumega Agbezuko	1,200
28. Toko Wilhelm	1,300
29. Benjamin Gbogblovo	1,200
30. Kodjojui Tete	300
31. Justin Foli	3,700
32. Lukas Blawu	2,300
33. Pakou Lakle	2,000
34. Michael Foli	2,000
35. Mensa Demelo	1,000
36. Mensa Foli	2,000
37. Kwajo Foli	200
38. Gerhard Degbe	2,000

Other inhabitants of Wome, whose names appear below, have cleared large tracts of land for cocoa planting :

- | | |
|---------------------|---------------------|
| 1. Richard Dza | 9. Tsekuma Tegbi |
| 2. Degbe Lakle | 10. Yawo Tegbi |
| 3. Manfred Abutso | 11. Immanuel Ankou |
| 4. John Enos | 12. Bernhard Amomoe |
| 5. Christlich Dogba | 13. Dedo Kwadjo |
| 6. Alfred Nyasogbo | 14. Amedji Kwassi |
| 7. Siegfried Abotsi | 15. Eio Nukpenu |
| 8. Heinrich Kwassi | 16. Abotsi Sono. |

The frontier between the two areas of Togoland now separates the inhabitants of Wome from their cocoa plantations, and the inhabitants of the village of Honuta, in the British area, have taken possession of the fields and plantations referred to above.

The petitioners have applied in vain to the British authorities, who take the view that the inhabitants of a village situated in one area can have no further right to fields situated in the other area.

When the frontier was delimited, the League of Nations recommended the two mandatory Powers to do their best to ensure that the frontier should not separate the inhabitants of the villages from their fields.

The petitioners feel bound to admit that the two delimitation missions did their best to carry out the League's recommendations, in spite of the confusion existing as regards the position of the land belonging to the various frontier villages. Unfortunately, the missions were faced at times with insuperable difficulties. Often the territory of a village does not form a continuous whole, and the inhabitants own, besides the fields immediately adjoining their village, other more distant fields from which they are separated by the territories of other villages. Thus the inhabitants of Wome own, not only the surrounding fields, but also the tableland already referred to, from which they are separated by the village of Majondi.

In these circumstances, it was a practical impossibility to trace a continuous frontier without at certain points separating the inhabitants of some of the villages from a part of their fields.

In view of the difficulties involved thereby, the petitioners do not ask that the frontier line should be changed, but they appeal to the League's sense of justice and goodwill and implore it to recommend the British Government to leave them their lands situated in the British area, more especially their cocoa plantations; for there is no reason why the inhabitants of one country should not own estates in another country.

The British authorities thought to find a solution by advising the petitioners to sell their plantations to the inhabitants of Honuta; this suggestion, however, cannot be considered, as the price paid would necessarily be absurdly low. The petitioners ask one thing only — to keep the plantations which they have made at the cost of long labour. They promise to cause no trouble to the British authorities.

Confident in the spirit of justice with which the League of Nations is imbued, the petitioners beg the Mandates Commission to accept the tribute of their deep respect.

(12 signatures follow.)

C.P.M.882.

B. Observations, dated June 28th, 1929, of the British Government.¹

To the Secretary-General.

With reference to your letter No. 6A/8535/5381 of December 12th last, I am directed by Mr. Secretary Henderson to inform you that the Governor of the Gold Coast has now furnished a report on the questions raised in the petition addressed to the Permanent Mandates Commission by the inhabitants of Ouamé (Wome) in the French sphere of Togoland, regarding the ownership of certain lands situated in the British sphere of Togoland.

2. The Governor states that the dispute in regard to this land is of long standing. In 1924, when there were only two small cocoa farms in the area in dispute, the French and British District Commissioners concerned met to discuss the question. In order not to prejudice the final delimitation of the Franco-British boundary in Togoland, the area in question was declared to be a neutral zone in which neither party was to be allowed to farm or hunt. This arrangement was made clear to both parties by their respective Commissioners. A copy of a report made on the question at that time by the British District Commissioner is enclosed herein (Appendix A).

3. The international frontier in this area has now been demarcated by the joint Franco-British Boundary Commission, and the area in question lies on the British side of the boundary thus demarcated. A clause was, however, included in the Protocol signed on March 6th, 1929, by the French and British Boundary Commissioners stating that :

“ It is understood that, in respect to land on either side of the frontier, the rights, whether individual, tribal or family, hitherto enjoyed in respect thereto by persons whom

¹ The British Government sent at the same time : (a) a map of the zone to be demarcated ; (b) a map of the final boundary. These documents are kept in the archives of the Secretariat and are at the disposal of the members of the Commission.

the delineation of the frontier will separate from those lands shall continue to be enjoyed undiminished.”

4. Thus the inhabitants of Ouamé will continue to enjoy the possession of their farms, even though these lie on the British side of the frontier, and their fears lest they should be deprived of their property are groundless.

5. The Governor of the Gold Coast adds that steps are being taken to reach a settlement in regard to the tribal boundary between the two tribes concerned in this dispute. A provisional tribal boundary has been fixed, which appears likely to be satisfactory to both parties, and it is proposed that, if and when this boundary has been accepted by the chiefs of Ouamé and Honuta, both chiefs should be invited to sign a binding agreement undertaking to observe this boundary.

6. A copy of a report from the local British District Commissioner at Ho dealing with this question is enclosed herein as of possible interest (Appendix B).

7. The Secretary of State would be glad if you would be good enough to communicate the foregoing information to the Permanent Mandates Commission.

(Signed) R. H. CAMPBELL.

Appendix A.

District Commissioner's Office,
Ho, Togoland.

June 30th, 1924.

Boundary Dispute between the Honuta Division (British Zone) and the Wome Division (French Zone).

The Honourable Commission of the Eastern Province, Koforidua.

I have the honour to report that mention of the above dispute was made in my diary for May 27th last ; I now submit a report on my meeting with M. Armand, Commandant du Cercle de Kluto, which took place at Honuta on May 27th.

2. In the first instance, the Honutas reported to Captain Lilley, during my absence on leave, that the Womes had trespassed on their land and had cultivated sections of it. Captain Lilley visited Kluto and saw M. Coez, the then Administrateur, and afterwards ordered the Honutas to keep off the land until such times as the boundary could be demarcated, a similar order being issued to the Womes by the Administrateur.

3. During the early morning of May 27th, accompanied by the disputants and the Chief of Mayondi, who acted as an arbitrator, the Administrateur and I climbed the hills of Agaga, Fiamekito and Kolokoto in order to obtain a correct view of the land in dispute, so as to enable us to fix a temporary boundary between the parties until such time as the international boundary can be properly defined.

4. The disputed area consists of several plots of land which had previously never been cultivated until recently, when they were cleared by the inhabitants of Wome for the purpose of planting cocoa. These plots are located on the summits of the hills of Agaga and Fiamekito and to the east. The Womes claim the land to be theirs, whilst the Honutas claim their boundary to join that of the Haingbas at the Triangle (marked red on the enclosed map)¹ at the River Divetwe. This Triangle represents a heap of stone purported to have been placed there by Dr. Gruner, as the boundary between these two Divisions. The Honutas' claim therefore embraces the hills Fiamekito (marked green) and Agaga (marked yellow, on the map).

5. During the whole of the hearing of this dispute, considerable ill-feeling had been displayed by both parties, and in the face of this, by mutual agreement, the Administrateur and I came to the conclusion that it would be advisable to allow the boundary to be that fixed by the Anglo-French Agreement of July 10th, 1919 (shown on the map), and, in view of the difficulties which confronted us in endeavouring to trace a divisional boundary on the summits of the hills mentioned, which are completely wooded and overrun by dense bush, we ordered that the territories of the Agaga, Fiamekito and Kolokoto hills, west of the River Damitsi, which forms the international boundary, should remain temporarily a neutral zone, within which the Honutas and the Womes should not cultivate nor especially hunt. This order was made to avoid any conflict, and it does not prejudice any of the parties, since the heights had not been cultivated, save in respect of two small farms, from which the owners are allowed to gather their crops of cocoa.

6. In order to give a clearer aspect of the dispute, I consider it advisable to quote the measures previously adopted on the subject of the boundaries in this region.

(a) The Anglo-French Declaration of July 10th, 1919, provides that in this section the boundary shall be formed as follows :

“ 34. From a line following generally the southern tribal boundary of the Agome to a point situated on the watershed about 2 kilometres south of Moltke Peak ;

¹ Note by the Secretariat: Not reproduced.

- “ 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”

(b) As the boundary thus constituted cuts the Divisions concerned at several points, during a meeting I held with M. Coez during 1920, we decided that the boundary should provisionally be as follows :

“ From the south-western point of the Haingbe Division running to the north-western point of the Majondi Division, thence following the western tribal boundary dividing the Majondis and Honutas to a point cutting the Majondi-Kpedse Road south of the ‘ M ’ in Deme ; at this point a pillar was fixed on a mango-tree by the Commissioners, denoting the boundary between these divisions — thence following south, cutting the River Wuto, thence running east to the ‘ O ’ in Todschie, thus giving the whole of Majondi to the French. ”

7. You will observe in the last paragraph of the Administrateur’s letter of June 5th which letter I enclose in original, that he suggests that, in the definite settlement, the tribal boundaries such as appear in the German map 1 : 100,000, of which the topographical extracts are more fresh, should be adhered to rather than those on the map 1 : 200,000 of 1905, and to compel the natives to observe them.

8. Taking into consideration that the Honutas, on the one hand, claim their boundary to extend to the Triangle mentioned above, and the Womes, on the other hand, claim their boundary to extend to the Agaga, I personally consider that the River Damitsi, which is a natural boundary, should be taken as the correct one. This, of course, will have to be decided by the proper Boundary Commissioner.

9. Again you will observe that, when I met M. Coez in 1920 in connection with this boundary, we endeavoured, as far as possible, not to cut through Divisions.

10. I shall be very much obliged if the Administrateur’s letter, enclosed herein, may be returned to me when finished with.

(Signed) E. T. MANSFIELD,
District Commissioner.

Appendix B.

March 9th, 1929.

1. The 1919 Milner-Simon Agreement defined the frontier in this neighbourhood as :

“ A line running generally southwards . . . to the Fiamekito hills, which it leaves to reach the River Damitsi. Thence the River Damitsi to its confluence with the River Todschie. ”

2. In 1920, Captain Mansfield and M. Coez, the French Commandant, fixed one point on the Kpedse-Majondi road as frontier. They failed to locate the River Damitsi and did not note that the village of Majondi had moved to the right bank of that river since 1902, when the Sprigade map was printed.

3. In 1923, the people of Wome started to cultivate on a hill called Agaga. The Chief of Honuta protested. Both parties were warned not to cultivate.

4. In May 1924, Captain Mansfield and M. Armand met and went into the matter. They decided that the area in question should be “ neutral ”.

5. In June 1925, a conflict took place between the people of Wome and Honuta.

6. In February 1927, I went to Honuta with Major Nesham on boundary work and explored the heights of Agaga. I found the Pillar placed by Dr. Gruner, called Kpedodo. This is situated on the River Adetugbe about 150 metres north of its confluence with the River Wumaklu. I was told of a tree called Hanokpokpoe which is situated on hill Fiamekito between Pillars 36 and 37. The position of these two points can be seen from the sketch map of the frontier I sent in with my first season’s report on the work of the Boundary Commission. A line between Hanokpokpoe and Kpedodo forms the boundary fixed by Dr. Gruner, the German Commissioner, as the southern boundary of the Haingbas. I was also informed (1927) that Dr. Gruner offered to fix a boundary between the Honutas and Womes, but they declined as they had no palaver. I was shown how this line went and walked along what was said to be the line. The Chief of Haingba, uninvited, joined me and confirmed all that the Honutas had said.

7. M. Bauche met me afterwards and fixed the frontier in February 1927. The Chief of Wome was not present, though M. Bauche informed me he had been invited. Majondi should really be British but, as it was decided to let it remain French, we made a frontier here leaving all Majondi cocoa farms in the French Zone and those of Honuta in the English Zone. Instead of the line between Kpedodo and Hanokpokpoe, we used the River Adetugbe as the frontier. This practically coincides, by chance, with the southern Haingba limit. When fixing the frontier

I had in my mind anyhow that it was better to have the disputed land either in the English or French Zone.

8. The following is General Clause (1) of the Protocol which was signed by M. Bauche and myself on March 6th and which we have submitted to our Governments :

“ (1) It is understood that, in respect to land on either side of the frontier, the rights, whether individual, tribal or family, hitherto enjoyed in respect thereto by persons whom the delineation of the frontier will separate from these lands shall continue to be enjoyed undiminished. ”

9. I am not in a position to say to whom the land belongs, but make the following observations :

(a) The Chief of Wome in “ C ” admits Hanokpokpoe as a point on the boundary.

(b) It is an extraordinary coincidence if the Preventive Service Station was built exactly on the other point of the boundary. The Chief of Wome makes no mention of Kpedodo.

(c) The map shows a path from Wome going only as far as a point just over the River Adetugbe. I send you a proof copy of a map around here.

(d) M. Armand and Captain Mansfield saw two farms only. So did I. Now it is said there are 38 farms with 78,000 trees in them. Both parties were warned not to cultivate.

10. I propose to ask the Chief of Honuta if he would agree to the following tribal boundary between himself and the Womes : From Pillar 34/11 upstream, the River Damitsi to its source ; thence a straight line to Pillar 36. This would not affect the international boundary. If he agrees, then I would ask the Chief of Wome. I would then ask for a document of agreement to be drawn up which would be binding in our Courts.

11. I have not had an opportunity of going on to Hill Agaga again, but will try to do so after the end of the financial year.

(Signed) C. C. LILLEY,
District Commissioner, Ho District.

Appendix C.

Wome, September 20th, 1927.

To the District Commissioner, Ho.

I have the honour most respectfully begging you to explain to you what you have told me about my land at the present of our Commandant.

The land of the Fiamkeke mountain belonged to me and not for Honutas. There we stayed formerly. And our old buildings still there. All the land upon the mountain belonged to me. And the land under the mountain to Lubudo belonged to Honutas.

Formerly when we were under the rules of Germany the boundary between Wome and Hanyigbatodzi stretched to the tree of Ahanokpokpoe. And from there to Honuta Deme (Station) is the boundary between Wome and Honutas. There is no land for Honuta upon the mountain. But land under the mountain to Honuta for them.

And now I am begging you, and I agreed to leave the land which belonged to me under your rules. I get no power to stand against your boundary. But Your Worship to let my farmers work on it. Did I know these when I come to you for it. And begging you again to make it a clear for us, so that no quarrelling will be there again between Wome and Honuta. We are all brothers.

Writer : (Signed) Alfred NYASOGBO.

(Signed) Chief DOGBOE LAKLE.

C.P.M.896 (1).

C. Report by M. Leopoldo Palacios.

The petition is dated District of Kluto, July 3rd, 1928, is signed by the Chief and eleven other inhabitants of Wome, and asserts the rights of thirty-eight cocoa-planters possessing 73,600 plants in the frontier area of British Togoland and the rights of sixteen other inhabitants who have cleared large tracts of land for cocoa-planting in the same area. This petition was forwarded by the French Government with a letter dated November 17th, 1928. The French Government refrained from submitting any observations, considering these to be a matter for the British Government, against which the petition was made. The British Government has just forwarded, in a communication dated London, June 28th, 1929, its observations on the question, together with two short reports on demarcation and frontier difficulties in the area in question, dated June 30th, 1924, and March 9th, 1929, a letter from Chief Dogboe Lakle, of Wome, dated September 20th, 1927, and two maps, one of the zone to be delimited and the other of the final frontier.

A mere enumeration of the documents reveals that the question is of long standing and suggests numerous and violent quarrels between the Womes and the Honutas. The former, whose village is in French territory, claim their fields, which the frontier line has included in British territory. The latter, whose hamlets are in this territory, dispute the former's ownership of the adjacent fields. The petition admits that the French and British Administrations did

their best to delimit the frontier without infringing rights or damaging interests; its signatories do not ask that the frontier line should be changed; they only ask that they should be allowed to exploit what they consider to be their land, although they continue to inhabit the French zone while the land is in the British zone, and they do not agree to the British Administration's proposal to sell their land to the Honutas at a price which would necessarily be trifling.

Fortunately, the question appears to be well on the way to settlement, judging by the reply of the British mandatory Power. The latter says that the international frontier in this area has been recently demarcated; that in the Protocol signed on March 6th, 1929, a clause was inserted stating that "it is understood that, in respect to land on either side of the frontier, the rights, whether individual, tribal or family, hitherto enjoyed in respect thereto by persons whom the delineation of the frontier will separate from those lands shall continue to be enjoyed undiminished"; and, lastly, that the Governor of the Gold Coast is taking steps to conclude a frontier agreement between the tribes, which is outlined by the District Commissioner at Ho, whose proposal, according to his own statement, does not affect the international boundary.

In these circumstances, and subject to consideration of the complete and final delimitation of the frontier when submitted to it, the Permanent Mandates Commission should in my opinion confine itself:

1. To noting the mandatory Power's statement that "thus the inhabitants of Wome will continue to enjoy the possession of their farms, even though these lie on the British side of the frontier, and their fears lest they should be deprived of their property are groundless"; and

2. To expressing the hope that the frontier agreement between the tribes will be promptly signed by the respective chiefs, and that the question will thus receive a peaceful solution.

ANNEX 11.

Extract from document C.P.M.855.

PALESTINE AND TRANS-JORDAN.

PETITION FROM CERTAIN PERSONS IN KERAK DATED NOVEMBER 24TH, 1928, AND PETITION FROM CERTAIN OF THE INHABITANTS OF AJLUN (TRANS-JORDAN).

A. Text of the Petition from certain Persons in Kerak (Trans-Jordan).

[Translation.]¹

To the Secretary-General of the League of Nations, c/o the British Resident.

1. We have the honour to submit to you our petition to protest against the conduct of the mandatory Power in Trans-Jordan and against the Agreement concluded recently between His Britannic Majesty and His Highness the Amir of Trans-Jordan.

2. Trans-Jordan was, until the end of the incidents which took place between His Majesty King Faisal and the French Government, connected directly with Damascus, the capital of Syria, and was administered from there in accordance with International Agreement at the time.

3. After the departure of King Faisal, we, the people of Trans-Jordan, desired to be independent in our Administration with the aid of Great Britain to help us in what we needed. We requested said Government to respond to our request, and after due communications it was decided that such compliance depends on the approval of the League of Nations.

4. In August 1920, Sir Herbert Samuel, the High Commissioner, came to Es Salt and declared to us such acceptance, saying:

"Great Britain does not want to annex you to the present Administration in Palestine, but will establish for you an independent Administration which will help to govern yourselves by yourselves. We shall send you experienced Political Officers and Judicial Officers conversant with Arabic and Mamurs of Customs of the Arabs, who will help you to organise your defences against any foreign attack and to organise the Police Force for Public Security in the interior, to improve trade and dispense justice and to expend

¹ Note by the Secretariat. — This translation was supplied by the British Government. The original of the petition is in Arabic.

what taxes you pay in your own interests and your needs by improving roads and opening schools and by introducing sanitary measures.”

He also said :

“ Officials will be of the sons of the country and shall be guided by a few British officials — and there is no intention to enact any law for conscription or disarmament in any case whatever. ”

He went on to say :

“ The general instructions sent by the British Government to British officials here are based on the rule : to assist the people of the country towards self-government. ”

5. Therefore, by reciprocal desire between the two peoples, negotiations were started between some of our people and Major Somerset, who was appointed by His Excellency the High Commissioner, and the following agreement was concluded :

- (a) That this Government shall have an Arab Amir.
- (b) That this Government shall have a House of Representatives.
- (c) That there shall be no connection whatever between this Government and the Palestine Government.
- (d) That Zionist immigration into this country should be prohibited and no lands shall be sold to Zionists.
- (e) That this Government should have a National Army to preserve peace and order, and that the Government will have the right to increase such Army if necessary.
- (f) The National Government will have the sole right to disarm the people or otherwise.
- (g) Political offenders in the interior of this country to be pardoned and that no political offender shall be surrendered.
- (h) Trade to be free with neighbouring countries and that we should be paid our due from the Syrian Customs.
- (i) As the Hejaz Railway is a Wakf pure and simple, we request the British Government to intercede in this matter and entrust the administration of this railway to Trans-Jordan.
- (j) The National Flag of this country to be the Syrian Flag with the star.
- (k) The British Government will in a friendly manner supply Trans-Jordan with the necessary arms and ammunitions and other war material against payment.
- (l) Trans-Jordan will be annexed to Syria whenever Syrian unity becomes an established fact.

6. Therefore the speech of the representative of Great Britain which he delivered at Es Salt, in conformity with this Agreement. Then the League of Nations decided that Great Britain shall be the mandatory Power over Trans-Jordan as per Article 25 of the mandate over Palestine and Trans-Jordan.

7. In Memorandum B of September 6th, 1922, approved by the League of Nations, it was stated :

“ The right of the British Government to entrust some of its authorities to others was discussed and it was found that it is in conformity with the text of the mandate over Palestine. ”

8. Then, on April 25th, 1923, the High Commissioner for Palestine published the following declaration :

“ His Britannic Majesty’s Government acknowledges, subject to the approval of the League of Nations, the existence of an independent Government in Trans-Jordan under the rule of His Highness the Amir Abdullah, provided such Government is constitutional and places the Government of His Britannic Majesty in a position to fulfil her international obligations in respect of that territory by means of an Agreement to be concluded between the two countries. ”

9. After all this, and whilst the people of Trans-Jordan were hoping to obtain their national aims approved by the League of Nations, His Britannic Majesty’s Government commenced to rob us gradually of our rights and took over the administration of the Hejaz Railway, which is within the boundary of Trans-Jordan, *i.e.*, from Nassib as far as Ma’an; in contravention to her promise, and to the basis of the mandate, whereas her interests were not exposed to any danger whatever. The said Administration should have remained in the hands of the Trans-Jordan Government, to be guided by the British Government should there be any cause therefor.

10. Then she took over the command of the Army and handed it to a British officer, whereas there are amongst us persons who are able to undertake that post very satisfactorily. Because when the command was entrusted to an Arab officer, nothing happened to disturb public peace, nor there happened any trespassing against neighbouring Governments nor any misuse of office.

11. Then, again, she discharged from the Army most of the Arab officers who are sons of the country and replaced them by other officers of the Reserve, who have no experience

and, moreover, are not of the inhabitants of the country, and up till the present no military school has been established to teach native officers.

12. So how could we ever hope to be accomplished in the discharge of duty, if the mandatory Power rob us of all means and we are left outside the zone of action? And how can we reach a degree of independence granting, as is argued, that we have not attained our majority, if we are not allowed to administer our own affairs?

13. They have introduced a British Financial Adviser at the Ministry of Finance and another Adviser at the Ministry of Justice with unlimited authority. So the Financial Adviser brought out a financial scheme on a grand scale which has caused the Treasury to bear exorbitant and unnecessary salaries. Thus the Treasury became unable to pay and caused the Government to resort to the mandatory Power for financial assistance, whereas the people were expecting that economy would be compatible with the financial condition.

14. The Departments of the Ministry of Finance are replete with various officials and various Departments such as Inspectors and the Audit Department and their branches. The Ministry of Finance has brought out Rules and Regulations which are not compatible with the customs of the country. The Administrative Governors were invested with authority to levy fines.

15. That is to say, the question of punishments has been taken from the Courts of Justice and vested in Administrative Governors with the application of tithe and tax collection law and the law granting Administrative Governors magisterial jurisdiction.

16. The Ministry of Finance has also refused the people of the country employment in its Departments with the exception of a few.

17. The Judicial Adviser came and commenced to elaborate laws which are not compatible with the customs of the country. The majority of such laws and regulations are in convention to the acknowledged rules of jurisprudence known in this country from ancient times. The Judicial Adviser suggested extensive amendments in the Rules of Criminal Procedure and in a short time the Executive Council passed and accepted this suggestion. The main object in these amendments is to place the innocent and weak at the mercy of the strong, so that any person bearing a grudge against another may plead under the provisions of Article 4 of the Amended Rules of Criminal Procedure and to cause a person to be put into prison whether there were not proofs of his guilt.

18. The said Adviser has also suggested to abolish the system of evidence and the system Tezkiat (vouching for the bona fides of a witness) in Courts, whereas such procedure disturbs the course of justice; because the Tezkiat in judicial methods was enacted that the Court may be certain about the good faith of witnesses. Therefore, its abolishment and the abolishment of Collective Evidence (El Tawater) is an encroachment of the rights of people.

19. Since the establishment of the present regime in Trans-Jordan, several administrations have existed, in all of which we see only an increase of salaried situations, the enhancement of salaries and submission to instructions issued to them by His Highness the Amir and by the British Resident, whereas nothing has been noticed in the country of advancement or progress in commerce or agriculture, or in education; but the present Government has been so generous to us in the variety of new laws which are not compatible with the customs of the country, such as "Prevention of Crime Law", "The Protection of Telegraph Lines Law", "Collective Punishment Law", "Deportation and Banishment Law", and the "Press Law". In this manner, the people of Trans-Jordan became surrounded by such a fence of laws, which are similar to a state of Martial Law. The freedom of speech and the freedom of thought are meaningless words in Trans-Jordan and but few of the natives of this country occupy important positions in the Administration.

20. The object of the mandate is to guide minor peoples in the ways in which they should be able to organise themselves and to advance and thus succeed and that interests should be reciprocal. Such an end could not be attained except after a people take hold of the reins of their Government and administer their own affairs and gain experience by practice with the help of the mandatory Power, who would correct what mistakes that may make in the course of their administration. But if the mandatory Power should rob the weak people of such administrative powers and administer herself, then there is no benefit of such a mandate.

21. We were previously complaining of administration in regard to the various laws enacted and ratified by the Government; but we have since been overwhelmed by the Agreement concluded recently between His Britannic Majesty and His Highness the Amir of Trans-Jordan, which we find cancels all our rights and is in contravention to the pledges given to the Arabs, as well as to President Wilson's principles and to Article 22 of the League of Nations Covenant, and also to the declaration by Sir Herbert Samuel, the High Commissioner, which he delivered at Es Salt, and also to his official *communiqué* at Amman. We therefore protest and request that a defined and continuous state should permanently be established in Trans-Jordan as follows:

(a) We ask that Trans-Jordan should be an Arab Independent State within its natural and known boundaries.

(b) That the country should be administered by an independent constitutional Government under the Presidency of His Highness the Amir Abdullah.

(c) We ask that the mandate of Great Britain be as a disinterested technical help for the advancement of the country and that such mandate should be defined in a treaty or agreement to be concluded between Trans-Jordan and Great Britain on basis of reciprocal rights and that such should not encroach upon national pledge.

(d) Any election for public representation that takes place in Trans-Jordan on other than basis of true representation and basis of the non-responsibility of the Government to the House of Representatives shall not be considered as an election representing the true wishes of the nation or their national prestige within constitutional rules ; but should be considered an artificial election and of no representative value, and any members so elected, if they act politically, financially or judicially in a manner harmful to the fundamental interest of Trans-Jordan, shall not receive the acknowledgment of the people ; but shall be considered as part of an action committed by the mandatory Power by force and on its own responsibility.

(e) Trans-Jordan refuses the raising of any force not decreed by a responsible and constitutional Government, because we consider that the organisation of armies is part and parcel of national prestige, and we refuse to have the command of the Army in Trans-Jordan entrusted to a British officer ; but would accept to be entrusted with technical advice only.

(f) Trans-Jordan refuses to bear the expenses of any foreign army of occupation and considers that any amount thus imposed on her in this respect as money forced out of her poor labourer and needy farmer.

(g) Trans-Jordan considers that, if she is granted the privilege to collect her own revenues through her original civil Government, such resources will be adequate to the needs of a constitutional Government under the Presidency of His Highness the Amir Abdullah. As to the grant-in-aid paid by the British Government, this is considered by Trans-Jordan as necessary expenditure for the protection of her line of communication and the military forces kept for the protection of British interests only. Therefore this grant-in-aid, to which a portion is now added from the revenues of Trans-Jordan, is merely " means to an end " in which Trans-Jordan has no interest whatever and should not warrant Great Britain to have the right to dominate the financial position, as is the case to-day and which is injurious to Trans-Jordan. We therefore consider that this financial position, which is based on deriving financial aid from the British citizen, at the expense of the Trans-Jordan citizen, is an illegal scheme which the fiscal condition of the country cannot afford by a more solid scheme to ensure the financial position of Trans-Jordan.

(h) Trans-Jordan considers that any exceptional legislation not based on justice and public benefit and the needs of the people a void legislation.

(i) Trans-Jordan does not acknowledge any financial loans negotiated before the formation of the House of Representatives.

(j) State domain lands should not be disposed of without the consent of the House of Representatives. Any sale taking place before the formation of the Assembly shall be considered null and void.

22. These are our requests and aims and, since a large portion of the articles of the Agreement concluded recently between His Britannic Majesty and His Highness the Amir of Trans-Jordan conflicts with their requests, we find it necessary to submit same before your honourable League, with the request that you may be able to study the situation in Trans-Jordan and deliver the country from a great calamity.

(a) The last clause of Article 1 of the Agreement states :

" His Highness the Amir agrees that the ordinary expenses of the Civil Government and Administration and the salaries and expenses of the British Resident and his Staff will be borne entirely by Trans-Jordan. His Highness the Amir will provide quarters for the accommodation of British members of the Staff of the British Resident. "

But, since the financial position of Trans-Jordan is unable to bear the expenses of the British Resident and his Staff, and since the presence of the British Resident at Amman is in the interests of Great Britain, therefore his expenses should be paid by the British Treasury, and we therefore reject this clause absolutely.

(b) Article 2 of the Agreement provides :

" The powers of legislation and administration entrusted to His Britannic Majesty as Mandatory for Palestine shall be exercised in that part of the area under mandate known as Trans-Jordan by His Highness the Amir through such constitutional Government as is defined and determined in the Organic Law of Trans-Jordan and any amendment thereof made with the approval of His Britannic Majesty.

" Throughout the remaining clauses of this Agreement the word ' Palestine ', unless otherwise defined, shall mean that portion of the area under mandate which lies to the

west of a line drawn from a point two miles west of the town of Akaba, on the gulf of that name, up the centre of the Wady Araba, Dead Sea and River Jordan, to its junction with the River Yarmuk ; thence up the centre of that river to the Syrian frontier. ”

But we demanded that the powers of legislation and administration be vested in His Highness the Amir of Trans-Jordan and, since the natural boundary between Palestine and Trans-Jordan is the Jordan river, we therefore ask for the inclusion of Samakh and its vicinity on the east as part of Trans-Jordan and also on the north as far as the Syrian frontier.

(c) Article 4 of the Agreement states :

“ His Highness the Amir agrees that all such laws, orders or regulations as may be required for the full discharge of the international responsibilities and obligations of His Britannic Majesty in respect of the territory of Trans-Jordan shall be adopted and made, and that no laws, orders or regulations shall be adopted or made in Trans-Jordan which may hinder the full discharge of such international responsibilities and obligations. ”

We ask that it should be said in this article :

“ If His Britannic Majesty’s international obligations do not conflict with Syrian national predomination. ”

(d) Section I of Article 7 states :

“ Except by agreement between the two countries, there shall be no Customs barrier between Palestine and Trans-Jordan, and the Customs tariff in Trans-Jordan shall be approved by His Britannic Majesty. ”

We request that the approval of Customs tariff be exercised by His Highness the Amir alone, as such right is vested in him as per Article 2 of the Agreement.

(e) Article 10 states :

“ His Britannic Majesty may maintain armed forces in Trans-Jordan, and may raise, organise and control in Trans-Jordan such armed forces as may, in his opinion, be necessary for the defence of the country and to assist His Highness the Amir in the preservation of peace and order.

“ His Highness the Amir agrees that he will not raise or maintain in Trans-Jordan or allow to be raised or maintained any military forces without the consent of His Britannic Majesty. ”

We reject this article and ask that Clause I should be amended as follows :

“ When occasion arises to ward off a foreign danger and if the Amir’s Council approves, a British armed force may enter Trans-Jordan and may remain in the country until the need is removed, provided the general leadership in Trans-Jordan Government be with the advice of His Britannic Majesty’s Government. ”

And we ask that the second clause should be :

“ His Highness the Amir has the right to raise and maintain in Trans-Jordan military forces in accordance with the needs of the country and subject to the funds available, and that this should be decided by the National Assembly with the advice of His Britannic Majesty. ”

(f) Article 11 states :

“ His Highness the Amir recognises the principle that the cost of the forces required for the defence of Trans-Jordan is a charge on the revenues of that territory. At the coming into force of this Agreement, Trans-Jordan will continue to bear one-sixth of the cost of the Trans-Jordan Frontier Force, and will also bear, as soon as the financial resources of the country permit, the excess of the cost of the British Forces stationed in Trans-Jordan so far as such Forces may be deemed by His Britannic Majesty to be employed in respect of Trans-Jordan, over the cost of such forces if stationed in Great Britain and the whole cost of any forces raised for Trans-Jordan alone. ”

We ask that this article be amended as follows :

“ His Highness the Amir recognises the principle that the forces required for the defence of Trans-Jordan is a charge against the revenues of that territory, but when the need is over and the helping British Forces evacuate the country, Trans-Jordan will continue to bear one-sixth of the cost of the Trans-Jordan Frontier Force, and, since the object of the Frontier Force is to protect the interests of Palestine, therefore, Palestine should pay half that sixth, and that as soon as the financial resources of the country permit, Trans-Jordan will also bear the excess of the cost of the British Forces stationed in Trans-Jordan as far as such forces are considered by His Britannic Majesty to be employed in respect of Trans-Jordan and the whole cost of any forces raised for Trans-Jordan, provided such were approved by the Constitutional Government of Trans-Jordan. ”

(g) Article 13 states :

“ His Highness the Amir agrees that all such laws, orders or regulations as may be required by His Britannic Majesty for the purpose of Article 10 shall be adopted and made and that no laws, orders or regulations shall be adopted or made in Trans-Jordan which may, in the opinion of His Britannic Majesty, interfere with the purposes of that article.”

If Article 10 is amended as requested, this article becomes useless and we ask it should be cancelled.

(h) Article 14 states :

“ His Highness the Amir agrees to follow the advice of His Britannic Majesty with regard to the proclamation of martial law in all or in any part of Trans-Jordan and to entrust the Administration of such part or parts of Trans-Jordan as may be placed under martial law to such officer or officers of His Britannic Majesty's Forces as His Britannic Majesty may nominate. His Highness the Amir further agrees that, on the re-establishment of civil government, a special law shall be adopted to indemnify the armed forces maintained by His Britannic Majesty for all acts done or omissions or defaults made under martial law.”

We ask that the proclamation of martial law be by decision of the National Council and that the administration thereof be entrusted to someone nominated by the Trans-Jordan Government with the advice of His Britannic Majesty and that the judgments under martial law be in accordance with Trans-Jordan Law.

(i) Article 15 states :

“ His Britannic Majesty may exercise jurisdiction over all members of the armed forces maintained or controlled by His Britannic Majesty in Trans-Jordan.

“ For the purpose of this and five preceding Articles the term “ armed forces ” shall be deemed to include civilians attached to or employed with the armed forces.”

We request that this article should be abolished, in view of our foregoing requests.

(j) Article 19 : — We do not allow the surrender of political offenders in Trans-Jordan, this being a fundamental condition of national prestige.

(Signed) MOHAMMED MAMDOUH EL MAJALI.	(Signed) MOHD. BIN MINEIZIL EL KATADNAH.
NAIF EL MAJALI.	SALIM EL GUSUS.
ABDUL HAMEED EL MAJALI.	SALIM (?)
ABDULLAH EL MAJALI	MUSTAPHA EL MUHAYIDDIN.
ATALLAH EL TARAWNEH	SALIM BIN SULEIMAN EL DIMOR.
MATTAR MUJALLI	KHALAF EL MAJALI.
SALEEM EL NAWABSAH	HAYIL EL MAJALI.
FALAH EL FADAILAH.	THALJI EL MAJALI.
SALAMEH EL TARAWNEH.	ISMAIL EL MAJALI.
SULEIMAN EL DIMOR.	

November 24th, 1928.

(Extract from document C.P.M.855.)

B. Observations of the British Government.

(i) *Letter dated May 27th, 1929.*

1. In the first place, His Majesty's Government desire to state that they understand that only four or five of the signatories to the petition are men of standing.

2. The first seven paragraphs of the petition concern mainly events which happened prior to the acceptance by His Britannic Majesty of the mandate in respect of Palestine and Trans-Jordan. It is not desired to offer any comments on this part of the petition, except to state that, so far as can be ascertained, no record exists of the text of the speech by Sir Herbert Samuel, an alleged quotation from which appears on page 1¹, or of the alleged agreement between Major Somerset and the people of Trans-Jordan which is set out on page 2². It should also be stated, however, that Sir Herbert Samuel has referred to the speech in the following terms :

“ I proceeded to the central town of Salt on August 20th, and, at an assembly of notables and Sheikhs of the district, announced that His Majesty's Government favoured the establishment of a system of local self-government, assisted by a small number of British Officers as Advisers.”

3. In paragraph 9, the petitioners refer to the assumption by the Palestine Railways of the administration of that portion of the Hejaz Railway which lies in Trans-Jordan. His Majesty's

¹ Note by the Secretariat : Page 262 and 263 of the present document.

² Note by the Secretariat : Page 263 of the present document.

Government in the United Kingdom desire to explain that the administration of the Trans-Jordan section of the Hejaz Railway was transferred from the Chief British Representative to the General Manager of the Palestine Railways in order that both the Palestine and Trans-Jordan sections of that railway could be administered and operated as one concern, entirely separate from the Palestine Railways in so far as all matters of revenue and expenditure were concerned. In taking the decision to transfer the control of the Trans-Jordan section of the railway, His Majesty's Government were actuated by the desire to fulfil the undertakings which they had given that the peculiar religious aspect of the railway should be preserved. In this connection, reference is invited to the following statement made by M. Bompard at the fifth meeting of the Economic and Financial Commission at the Lausanne Conference on Near Eastern Affairs, 1922-23 :

“ The Governments of France and Great Britain, acting on behalf of Syria, Palestine and Trans-Jordan, and desiring to recognise the religious character of the Hejaz Railway, declare that they are ready to accept the constitution of an advisory council with power to submit to the administrations of the different sections of the railway lying in Syria, Palestine, Trans-Jordan and the Kingdom of the Hejaz recommendations for the upkeep of the line and for the improvement of the conditions of the pilgrim traffic. This council will include four Moslem members appointed, respectively, by Syria, Palestine, Trans-Jordan and the Hejaz, and will itself choose its president, and two other members amongst the nationals of other Moslem countries interested in the pilgrimage. It will sit at Medina.

“ The recommendations of this council must not be contrary to the provisions of the international Sanitary Conventions. The French and British Governments declare that, in so far as concerns the sections of the railway lying in Syria, Palestine and Trans-Jordan, any profits realised will be devoted to the upkeep and improvement of the whole of the railway. Any sums left over after such improvement will be devoted to the assistance of pilgrims.”

The present position in regard to the status of the Hejaz Railway is explained in the letter of April 5th, 1929, from the Foreign Office to the Secretary-General of the League of Nations. ¹

His Majesty's Government also hoped that by the transfer of the line its commercial and economic possibilities would be developed to the fullest extent.

4. In the following paragraph (10) of the petition reference is made to the Army. The force to which the petitioners refer is presumably the Arab Legion. This force was raised in 1923 to replace the local Gendarmerie, which was found to be ill-disciplined and not under proper control. It was considered desirable to place the new force, which absorbed the greater part of the local Gendarmerie, under the command of a British officer, in view of the necessity of securing an efficient and well-disciplined force. The statement in the last sentence of the paragraph is not borne out by the report which has been received from the local authorities. As regards paragraph 11, of the four District Commandants of the Arab Legion, three are men born and bred in the country. The following table shows the nationality of the various members of the force :

Trans-Jordanians	553
Palestinians	156
Syrians	99
Egyptians	9
Yemenites	7
Turks	12
British	5
Others	18
Total	859

5. The matters dealt with on pages 6 and 7 of the petition^a arise out of the appointment of a British Financial Adviser and a British Judicial Adviser. His Majesty's Government desire to observe that the British Financial Adviser was appointed owing to the unfavourable financial condition of the country and in view of the necessity of improving the whole financial system. The British Judicial Adviser was appointed to advise in regard to legislation and judicial matters generally. His Majesty's Government cannot agree that the introduction of a British Financial Adviser has resulted in the payment of exorbitant salaries or the employment of unnecessary staff. They desire to point out that the grant of financial assistance from British funds became necessary before the appointment, in 1926, of the British Financial Adviser, and to observe, in connection with the last sentence of paragraph 13, that the amount of the British grant-in-aid has fallen from £101,000 in 1925-26 to £40,000 in 1928-29. Comparative statements of revenue and expenditure for the years from 1924-25 to 1928-29 are annexed (Appendices I and II).

6. The petitioners suggest that the financial regulations which have been introduced and the legislation which has been enacted since the advent of the two British Advisers are incompatible with the customs of the country. His Majesty's Government have had no evidence

¹ See document C.P.M.841.

^a Note by the Secretariat: Page 264 of the present document.

to support either this assertion or the statement which is also made that the majority of the laws and regulations introduced are in contravention of the acknowledged rules of jurisprudence known in Trans-Jordan from ancient times. Article 4 of the Criminal Procedure Amendment Law, to which the petitioners presumably refer in paragraph 17, reads as follows :

“ (1) A person accused of a crime shall not be entitled to be released on bail pending trial save that the President of a Court of First Instance may with the approval of the Minister of Justice grant bail in exceptional circumstances if the course of justice will not be prejudiced thereby.

“ (2) A person accused of a misdemeanour triable by a Court of First Instance shall either be committed to prison pending trial or admitted to bail at the discretion of the Public Prosecutor. An appeal shall lie to the President of the Court in any case where bail is refused by the Public Prosecutor.

“ (3) The President of the Court may at any time revoke any bail granted and issue a warrant for the arrest of the accused person.”

It is scarcely necessary to refute the petitioners' allegations that the main object of the above amendment is to put the innocent and weak at the mercy of the strong.

7. As regards the petitioners' criticism in paragraph 18 in regard to changes in the Rules of Evidence, the changes in question are embodied in the Evidence Amendment Law, 1928, of which a copy is annexed (Appendix III). These changes were made upon the advice of the Judges, who found that the application of the Articles of the Mejelli relating to the enquiry concerning the credibility of witnesses (Tezkiat) occasioned unnecessary delay and was frequently the cause of injustice. The law as to Tawater evidence has not been changed.

8. The Administrative Officers' powers to levy fines, of which the petitioners complain in paragraphs 14 and 15, are those vested in Administrative Officers under Article 12 of the Animal Tax Law, 1929, which reads as follows :

“ Any Mukhtar or Elder of a village or Sheikh of a tribe who :

“ (a) Refuses to co-operate with the tax-collector in the enumeration of animals as hereinbefore provided ; or,

“ (b) Being aware of the concealment of any animals, fails to give information thereof to the tax-collector ; or

“ (c) Obstructs or in any way interferes with the execution of the provisions of this law shall be liable, upon conviction by a Mutassarif of a Liwa or Kaimakam of a Qadaa, to a fine not exceeding £P5 and shall in addition forfeit any gratuity which may be due to him under the provisions of this law. ”

On the other hand, the authority vested in Administrative Governments by a Law dated November 7th, 1921, of inflicting a fine up to £E5 in the case of certain contraventions mentioned in Chapter III of the Ottoman Penal Code has now been removed. The grant to Administrative Officers of the powers specified in Article 12 of the Animal Tax Law referred to above does not appear to His Majesty's Government to be open to serious objection.

9. In paragraph 16, the petitioners complain that the Ministry of Finance has, with a few exceptions, refused people of the country employment in its departments. It is understood that it is the case that some of the higher-paid posts are held by men who are not natives of Trans-Jordan. It should, however, be explained that it is necessary to employ foreigners in technical posts since there are no Trans-Jordanians who are sufficiently trained or qualified to fill such posts. As regards other Services, most of the senior posts of the Arab Legion are held by Trans-Jordanians, and whilst it is true that in the Administrative Service only one of the five Mutassarifs is a local man, on the other hand, all the Kaimakams are men of the country.

10. His Majesty's Government cannot agree with the view implied in paragraph 19 that the legislation there referred to was unnecessary, or that it unduly restricted the freedom of the individual. As regards the suggestion made in that paragraph that there has been no advancement or progress in commerce, agriculture or education, the attention of the Permanent Mandates Commission is invited to the Annual Report on the Administration of Palestine and Trans-Jordan for 1927 and also to the figures given in Appendices I and II to this memorandum, both of which indicate that progress in these and other directions has in fact been made.

11. The remainder of the petition is devoted to a statement of the requests and aims of the petitioners and of suggestions for amending the Agreement between the United Kingdom and Trans-Jordan signed on February 20th, 1928, which recognises the existence of an independent Government in Trans-Jordan and defines and limits its powers. These aims and requests appear to His Majesty's Government to be in the main inconsistent with the provisions of the mandate for Palestine, as noted in the memorandum communicated to the Members of the League of Nations under cover of a note to the Secretary-General dated September 23rd, 1922, which have been applied to Trans-Jordan, and to be incompatible with the due execution

of the responsibility accepted by the Mandatory in respect of Trans-Jordan. A copy of the Agreement of February 20th, 1928, referred to above, was communicated to the Permanent Mandates Commission with the Annual Report on the Administration of Palestine and Trans-Jordan for the year 1927.

Appendix I.

REVENUE.

<i>Heads of Revenue</i>	1924-25	1925-26	1926-27	1927-28	1928-29
	£E	£E	£P	£P	£P
1. Customs and Excise	51,101	47,740	54,123	61,237	66,486
2. Licences, Taxes, etc.	107,582	98,775	138,688	138,197	135,850
3. Fees, Receipts, etc.	12,746	16,933	19,556	22,355	23,620
4. Posts and Telegraphs	4,365	5,516	4,563	8,400	7,500
5. Revenue from Government Property	3,211	2,578	4,025	4,134	5,500
6. Interest	706	42	1,412	1,875	760
7. Miscellaneous	17,869	2,454	852	493	700
8. Sale of Government Lands	438	—	13,297	382	500
	198,018	174,038	236,516	237,073	240,916
9. Grant-in-aid	75,632	101,358	66,000	45,000	40,000
	273,650	275,396	302,516	282,073	280,916

The sum of £E107,582 shown under Head 2 in 1924-25 includes a sum of £E30,300 which was adjusted to Revenue from Deposits brought forward from 1923-24.

The figures for 1928-29 are in accordance with the Estimates.

Appendix II.

EXPENDITURE.

<i>Ordinary Head</i>	1924-25	1925-26	1926-27	1927-28	1928-29
	£E	£E	£P	£P	£P
Civil List	20,000	13,000	16,635	16,836	16,266
Debts	—	—	—	—	550
Legislature	—	—	—	—	1,631
Pensions and Gratuities	2,445	1,386	3,794	4,301	3,000
C. M. and Interior	4,702	5,703	6,900	5,593	5,423
District Administration	6,679	7,534	7,372	7,355	7,654
Legal Department	9,220	11,026	14,347	16,119	16,956
Sharia Courts	2,741	2,806	3,017	3,024	3,554
Finance Department	8,225	9,135	14,738	17,207	17,369
Customs and Excise	4,082	4,602	3,722	5,616	6,632
Public Health Department	4,991	6,935	8,957	10,309	10,922
Ma'an Quarantine	—	—	468	303	233
Education	11,820	14,304	18,232	19,738	22,274
Agriculture, Forests and Veterinary	1,362	1,461	3,609	6,338	6,705
Antiquities	305	4,369	5,863	5,328	2,132
Land Registry	1,006	1,180	2,017	2,560	3,545
Public Works Department			2,966	3,358	4,448
<i>do.</i> , recurrent	8,527	22,046	—	—	—
Printing Press	911	1,274	803	—	—
Posts and Telegraphs	4,732	6,816	7,490	8,344	10,721
Tribal Administration	579	—	—	—	—
Land Demarcation and Survey	—	—	580	1,375	6,539
Arab Legion	106,751	136,723	106,087	102,856	100,412
Miscellaneous	60,306	7,665	8,179	31,249	11,203
British Resident	8,603	9,735	9,520	7,425	7,073
Audit	—	—	—	276	2,194
<i>Extraordinary</i>					
Public Works Department	—	—	13,377	11,929	7,810
Posts and Telegraphs	—	—	1,052	3,393	800
British Resident	—	—	213	9,096	1,000
Finance (H. and L. Tax)	—	—	—	535	—
Antiquities	—	—	—	—	3,804
	267,987	267,700	274,910	318,160	301,430

The large increase in 1927-28 under head "Miscellaneous" is due to the transfer of £P20,000 from the Government's surplus to a deposit account for issue in Earthquake Relief Loans.

Appendix III.

EVIDENCE AMENDMENT LAW, 1928.

1. This Law may be cited as the Evidence Amendment Law, 1928.
2. Enquiry as to the credibility of a witness shall be made only if the Court is of opinion that the interests of justice require such enquiry to be made, or if the adversary refutes the evidence of the witness.
3. The Court shall use every endeavour to verify the truth of the evidence of witnesses and thereafter shall estimate the value of such evidence and shall either accept or refuse the same.
4. Proof of possession of immovable property shall not be required unless the Court shall deem the same to be necessary.

June 24th, 1928.

(Signed) H. KHALID,
Chief Minister.

(Signed) IBRAHIM,
Treasurer.

(Signed) ABDULLAH.

(Signed) HUSAM EDDIN,
Minister of Justice.

(Signed) AREF EL AREF,
Chief Secretary.

(Published as a Bill in *Official Gazette*, No. 196, of July 1st, 1928.)

(Ratified on November 11th, 1928, and published in *Official Gazette*, No. 211 (Extraordinary) of December 6th, 1928.)

C.P.M.904.

(ii) Letter dated July 9th, 1929.

To the Secretary-General.

With reference to Foreign Office letter No. E/2608/318/65 of May 27th¹, I am directed by Mr. Secretary Henderson to transmit to you the accompanying petition² addressed to you by certain inhabitants of the Ajlun district of Trans-Jordan, relating to the policy of His Majesty's Government in that territory.

2. I am to invite your attention to the fact that the wording of this petition is identical with that of the petition from certain persons in Kerak, forwarded in the Foreign Office letter under reference, and that the translation forwarded to you with that letter will serve in every respect as an exact translation of the present petition.

3. I am further to inform you that only a few of the signatories to the present petition are persons of standing, and that His Majesty's Government have no further observations to make on the petition other than those contained in paragraphs 2 and following of the memorandum which accompanied the petition submitted by certain persons in Kerak.

(Signed) MONTEAGLE.

C.P.M.895(1).

C. Report by M. Orts.³

The petition on which I have been asked to report is dated November 24th, 1928, and signed by nineteen inhabitants of Kerak, Trans-Jordan. It was forwarded to the Secretary-General of the League of Nations by the Government of the mandatory Power, together with a note containing that Government's comments thereon.

According to the petitioners, the object of the petition was "to protest against the conduct of the mandatory Power in Trans-Jordan and against the Agreement concluded recently between His Britannic Majesty and His Highness the Amir of Trans-Jordan".

In actual fact, this document deals with three separate subjects :

1. The events which led to the establishment of a British mandate over Trans-Jordan.
2. The working of the mandatory system.
3. The Agreement of February 20th, 1928.

* * *

¹ See Annex 11, B (i), above.

² Text in Arabic; kept in the archives of the Secretariat.

³ According to a statement made by M. Orts at the twenty-fourth meeting of the session, this report also covers the petition dealt with in the British Government's letter of July 9th, 1929. (See above, Annex 11, B (ii).)

The first part of the petition (paragraphs 1 to 7) does not call for detailed consideration by the Permanent Commission. It deals with historical events, certain statements and a Convention the scope of which is doubtful since no official record nor text exists. Both have, in any case, lost whatever practical importance they may have had, and the petitioners' reference to them is merely intended to show that the system introduced under the Palestine mandate did not — according to them — fulfil all the hopes which Trans-Jordan may have entertained.

Nor can the Commission enter into the criticisms which the petitioners in the last part of their petition level at the Agreement of February 20th, 1928, nor consider the amendments to this instrument which they suggest (paragraphs 21 and 22).

This Agreement, which the Commission has already had before it for consideration when its draft was communicated to it by the mandatory Power, formed the subject of a resolution dated September 1st, 1928, in which the Council declared it to be "in conformity with the principles of the mandate, which remains fully in force".

Neither an appreciation of the merits of the Agreement in question nor of those of the mandate itself is within the competence of the Permanent Commission.

* * *

In the body of the petition (paragraphs 8 to 20), the signatories object to certain measures taken by the mandatory Power and to the general trend of its policy.

In particular, they refer to the transfer by the British Government of the administration of the section of the Hejaz Railway which runs through Trans-Jordan territory from its representative in Trans-Jordan to the general manager of the Palestine Railways. The petitioners protest against this decision, since they consider that the administration of this section should have remained in the hands of their own Government. This question is dealt with in M. Kastl's report.¹

Further, the petitioners protest against the powers — excessive, in their opinion — conferred upon the British Advisers to the Trans-Jordan Government and the fact that the principal posts in the Administration and in the Army are entrusted to foreigners rather than to nationals.

They twice point out that the aim of the mandate was to promote the evolution of the peoples until they should be capable of governing themselves in complete independence. How, they ask, can they reach this stage if they are systematically debarred from responsible employment and posts?

This question would appear to be pertinent when it is considered that at the head of certain Departments, such as those of Finance and Justice, the Ministers are surrounded by British Advisers and themselves are foreigners. The national element is thus entirely excluded from the direction of these departments.

The mandatory Power, for its part, points out that this situation was due to the absence among the Trans-Jordanians of persons sufficiently trained or qualified to fill important posts. It must be recognised that this argument is convincing, though it must be borne in mind that the institutions now established in that country do not perhaps correspond to the present stage of development of the population.

It is for the mandatory Power to exert all its influence to further the cause of progress and to promote the education of the people entrusted to its care. The Permanent Mandates Commission can only take note of the accredited representative's statement that, as men come to the fore capable of filling important and responsible public posts, the population will be called upon to take an increasing part in the management of its own affairs.

The situation for which the mandatory Power is blamed is therefore not the result of a system, and the gradual righting of it in accordance with their desires depends upon the inhabitants of the country themselves.

* * *

After examining the various points touched upon in this petition and the explanations offered by the mandatory Power, it seems to me that there is no occasion for the Commission to enter into the various complaints submitted by the petitioners.

ANNEX 12.

C.P.M.909.

NEW GUINEA.

LETTER DATED JULY 13TH, 1929, FROM SIR GRANVILLE DE LAUNE RYRIE, REPRESENTATIVE OF THE GOVERNMENT OF AUSTRALIA, ACCREDITED TO THE PERMANENT MANDATES COMMISSION.

To the Chairman of the Permanent Mandates Commission.

Since appearing before the Commission on the 3rd and 4th inst., I have very closely examined the Minutes of the meetings in question, and, in so far as Nauru is concerned, there is nothing I desire to add to the information with which I furnished the Commission.

¹ See Annex 15.

With regard to New Guinea, however, a close scrutiny of the questions formulated by members of the Commission indicated that there appeared to exist some uneasiness as to, if not exactly the soundness of administration of this Territory, the general conditions prevailing there. It will be remembered that I was interrogated as to certain happenings which might have been regarded as unrest among the natives. I refer particularly to the Rabaul incident in January last and the illegal recruitment of natives in the Morobe district into which Mr. F. B. Phillips enquired. The impression left on my mind after the examination was that, notwithstanding the settlement of these two isolated incidents, the Commission still retained a lingering doubt as to whether native affairs were in a normal state in the Territory. I desire to take this opportunity of definitely and emphatically stating that these incidents were as I have described them — isolated. Their importance should not be magnified nor regarded as indications of unrest among the natives, who are perfectly satisfied with the administration and have not complained as to the system or form of government. On the contrary, impartial observers who have had long experience in the islands state that there is an intangible but definite air of happiness and confidence among them. The Government of the Commonwealth of Australia is fully seized of its obligations under the mandate, and a survey of the administration's work since 1921 leaves no doubt that this duty has been faithfully discharged. The natives have been protected and advanced without in any way hampering the progress of the country, and the utmost endeavours are being used to promote their material and moral well-being and advancement.

I have communicated with my Government on a number of questions raised during my examination, and, in the first instance, desire to refer to the absence from the Report of the League form of questionnaire. My Government has stated that very great care has been exercised in the preparation of the report submitted to the League of Nations, and it has been so framed to supply with as much detail as possible the information sought by the questionnaire referred to. As Professor Rappard assumed in 1928, the reports are prepared in Australia. The mandate requires the mandatory Power to submit a report containing full information regarding the Territory. In the case of New Guinea, the Government of the Commonwealth of Australia is the Mandatory, and the report is prepared under its authority from information supplied by the Administrator of the Territory.

It will be remembered that several queries as to taxation were raised, the most important of which was that the direct fiscal burdens borne by the natives appeared to be heavier in proportion than those borne by the Europeans. I beg to refer the Commission to Section 96, page 43, of the report on which the statement of revenue from taxation is enumerated. If an analysis of these figures is made, it will be seen that the direct taxation from natives in its relation to the total revenue from this source amounts to less than 10 per cent. The remainder of the taxation — that is to say, direct taxation including export tax — totals nearly £98,000, the bulk of which is borne by Europeans. As a matter of fact, the only direct impost on natives is the Head Tax, as the Education Tax under the Native Tax Ordinance has not been levied on the indigenous population since 1923. During my examination, reasons were given for the abolition of the business and income taxes, and in this connection I desire to submit certain supplementary information which has reached me from the Right Honourable the Prime Minister of Australia. Simultaneously with the abolition of the taxes referred to, import duties were increased under the Tariff Amendment of 1925 to make good any deficiency in revenue resulting from the raising of the taxes referred to. It will thus be apparent to the Commission that the burden of taxation falls most heavily upon the European population of the Territory. While on the subject of taxation, I am now in a position to confirm my verbal statement that the sum of £218 0s.8d. shown on page 43 of the report and credited to "Business Tax" represents arrears collected during the year under review.

I think it was Lord Lugard who raised the question as to the source from which land was purchased for native reserves. I am informed that this purchase was effected from European owners and that the land in question was alienated from natives prior to 1921.

As a considerable number of questions arose out of the report by the Minister for Home and Territories on his visit to New Guinea, there were certain matters which at the time of my examination I was unable to elucidate. I am now in a position to inform the Commission on several points referred to therein, which appeared to be in abeyance when the Report on New Guinea was compiled.

The policy of the Administration with regard to education is to provide such facilities as will afford all the natives of the Territory an opportunity of qualifying themselves to participate at a later date in the economic and social life of their own country. The details of this policy were set out at length in the report to the Council of the League for the period 1926-27, pages 35 to 40. In the report upon which I was examined, reference was made to the fact that the Administrator had been collecting details of the systems of education in force in other native countries, and I am informed that all the necessary comparative data has been received. Furthermore the Director of Education in Queensland is now in New Guinea and is acting as chairman of a committee to enquire into the whole question of native education and to make such recommendations as appear necessary for the carrying into effect of a policy that will adequately meet the needs of the Territory.

As to the education of persons other than natives, it will be remembered that representations were made to the Minister regarding the lack of educational facilities for white children at Rabaul. I am now informed that a school for this purpose was opened at this place during 1928.

The question also arose during the Minister's visit as to the desirability of a more intensive educational system, particularly with regard to the training of natives in agricultural pursuits and as artisans. On page 21 of the report 1927-28, section 56, it was stated that certain proposals were under consideration for the reorganisation and classification of the staff which deals with agriculture, and advice has reached me to the effect that this work has been finished; also that two instructors in carpentry, six carpenters and one instructor in plumbing have been employed by the Administration in connection with the technical training of natives.

On the question of acquisition of land by public servants, I think there is very little to be said other than that Ordinance No. 3 of 1928, prohibits these officials from acquiring land in the territory except for the purpose of erecting residences thereon. This leads me to refer to matters relating to accommodation at Rabaul. My Government has advised me that a progressive programme for annually increasing the number of administration bungalows is being carried out by European carpenters assisted by natives, and that eight of these dwellings have either been erected or are under construction on out-stations, and fourteen in Rabaul.

On page 75 of the report for 1928 there is mention of the question of natives returning to their homes on the expiration of their contracts. This matter has been discussed by the Administration with the Planters' Association, and proposals for amendments to the Ordinance are now under consideration. This matter was also referred to, I think, in the report of the Missions Conference, and the Administrator has advised my Prime Minister that instances of labourers re-engaging from nine to twelve years without returning to their villages are very rare occurrences, and then only when the natives for their own reasons do not desire to visit their homes.

In May 1929 an Ordinance described as the "Electric Lighting Ordinance" was passed, and notification was issued inviting applications, prior to August 31st, 1929, from persons willing to accept franchise for the supply of electricity to Rabaul township and the native quarters at Rapindik.

One of the members of the Commission questioned me as to the shipping services connected with the island, and there is also mention of this matter on page 76 of the report. Under a contract made with Messrs. Burns, Philp & Co., as from April 1st, 1929, provision is made for certain out-ports of New Guinea to be served direct by mail steamers and for auxiliary vessels to serve the western out-ports. In addition to the foregoing, there are, I am informed several other vessels engaged in the inter-island service.

I will now turn to the question of law and justice in the Territory. With regard to the Central Court Assessor referred to on page 74, it has been decided by the Government of the Commonwealth of Australia that no further action should be taken. As to Europeans convicted on criminal charges, none have ever been imprisoned with natives, the system being that short-sentence European prisoners are confined in a separate gaol, while those sentenced to over six months' imprisonment are transferred to gaols in Australia and returned to the territory for discharge. In some instances passages from the territory are provided after discharge for ex-prisoners willing to leave New Guinea.

During my examination some mention was made of the establishment of a native compound at Rapindik near Rabaul. In a cablegram to my Government, I raised this question and asked for further information. Unfortunately, however, the telegraphic reply which I received was mutilated, and in the circumstances I think the best thing I can do is to quote the passage from this message as received :

" Natives in Rabaul — establishment of native quarters *not* compound at Rapindik in progress "

From this it would appear that quarters are being built for the natives as distinct from a compound.

During the visit of the Minister of Home and Territories the question of grading copra was discussed with the planters, traders and the Administration, and it was decided that, as the classifying of copra was a most important matter, certain measures should be taken to prevent indiscriminate exportation of copra of inferior quality. In this connection an Ordinance was brought into operation in January last which provides for the inspection of copra before export.

One other point to which I wish to refer relates to a question raised by Mr. Grimshaw as to the rescinding of the order prohibiting recruitment of natives above an altitude of 3,000 feet. In the first instance this order was issued on the representation of the Lutheran Missions. It has been revoked at the special request of the same religious organisation, and after the Administration had satisfied itself that no harm to the natives would result.

If the members of the Commission desire any further information, I shall be only too happy to furnish it. My address for the next week or ten days will be the Hôtel de la Paix, Geneva, care of which any communications should be addressed to me.

(Signed) Granville RYRIE.

ANNEX 13.

C.P.M.886.

TREATMENT EXTENDED IN COUNTRIES MEMBERS OF THE LEAGUE TO PERSONS BELONGING TO MANDATED TERRITORIES AND TO PRODUCTS AND GOODS COMING THEREFROM.

REPORT BY M. RAPPARD.

In conformity with the Council's resolution of September 1st, 1928, the Mandates Commission at its fourteenth session initiated a general study of the question of the treatment extended in countries Members of the League to persons belonging to mandated territories and to products and goods coming therefrom.

The discussion was opened by a very complete legal and historical survey by M. Van Rees. The Commission then asked me to develop certain observations I had made, and I submitted a note, which was attached to M. Van Rees' report in the annexes to the Minutes of the fourteenth session.

Realising the serious nature of the problem, the Commission postponed the drafting of its final recommendation to the Council and asked me to submit a report to it at the present session.

The following facts appear to have been brought out by the discussions which have so far been devoted to this question :

The problem raised by the Council resolution presents two aspects : First, the position of persons belonging to the mandated territories established or wishing to establish themselves abroad, and, secondly, the conditions governing the importation of products and goods coming from these territories into the countries Members of the League.

As has been abundantly demonstrated, the solution we are seeking must tend to palliate the drawbacks resulting from the absence of any legal basis for claiming from the States Members of the League of Nations the reciprocity in virtue of the principle of economic equality enjoyed by these States in their relations with territories under A and B Mandates. The recommendations hitherto formulated are not such as to solve the problem in an entirely satisfactory manner. It should therefore be enquired whether more appropriate measures could not be recommended. The Assembly could no doubt make good the deficiency of Article 22 of the Covenant in this respect by submitting for signature to the States Members of the League a convention under which these States undertook to grant the nationals and products of territories under A and B Mandates the full and entire reciprocity of the rule of economic equality. It is possible, however, that the mandatory Powers who are responsible in the first instance for defending the interests of the territories under mandate, may think it in practice superfluous, or at any rate premature, to resort to this solution, and that they may feel able to achieve the same result by negotiating with the different States individually. We cannot, however, be certain on this point until we have consulted these Powers. The delay which such a consultation would involve would be fully justified by the wide scope of the problem and its importance to the future of the mandated territories themselves.

The Commission might therefore confine itself for the moment, without abandoning the question, to recommending the Council to ask the mandatory Powers whether they consider it necessary and advisable to contemplate the conclusion of an international convention, or whether in their opinion it would be preferable, and sufficient, for them to pursue the end in view by means of direct and bilateral negotiations. It would seem that agreements thus concluded between the mandatory Powers and the countries which have immigration or commercial relations with territories under A and B Mandates should be based on the principle of equality as regards establishment and customs. From the point of view of commercial relations, these agreements might assure to the products and goods derived from these territories the benefit of the lowest import duties by the adoption, for example, of the most-favoured-nation clause in its widest sense.

In this way it will be possible to remedy, on lines quite in conformity with the spirit of Article 22 of the Covenant, a legal deficiency in the present mandates system, as constituted by the terms of this Article.

ANNEX 14.

C.P.M.858.

STATUS OF THE NATIVE INHABITANTS OF THE TERRITORIES UNDER MANDATES
B AND C.

REPORT BY M. VAN REES.

On May 6th last, the Chairman requested me to examine this question in the light of the communications from the mandatory Powers to be found in document C.157.1929.VI. In response to this request, I venture to submit to my colleagues the following observations :

1. Before proceeding to examine the question, it seems to me desirable briefly to recall its earlier history.

In pursuance of the Council decision of May 12th, 1922, the Permanent Mandates Commission submitted the following proposals to the Council on August 19th, 1922 :

“ I. It is important, in order that the principles laid down in Article 22 of the Covenant may be respected, and subject to the provision in paragraph III below, that the native inhabitants of B and C mandated territories should be granted a national status wholly distinct from that of the nationals of the mandatory Power.

“ II. A special law of the mandatory Power should determine the status of these native inhabitants, who might be given a designation such as ‘ administered persons under mandate ’ or ‘ protected persons under mandate ’ of the mandatory Power.

“ III. It is open to mandatory Powers to which B and C mandated territories have been entrusted to make arrangements in conformity with their own laws for the individual and purely voluntary acquisition of their nationality by inhabitants of these territories.”

The following reasons were adduced in support of these proposals :

“ I.

“ With regard to the first resolution, the Commission, in agreement with the views, expressed by the representatives of the mandatory Powers at the preliminary enquiry the results of which were communicated to the Council by Marquis Theodoli on May 12th, 1922, considers it desirable first of all to point out the necessity of drawing a distinction between the national status of native inhabitants of territories under B and C Mandates on the one hand, and that of nationals of the mandatory Powers on the other. This distinction, which is generally recognised and is supported by considerations expressed at length in the above-mentioned report and Minutes, seems to call for no more detailed comment here.

“ The reasons justifying the reservation regarding individual and purely voluntary naturalisation are set forth below.

“ II.

“ In justification of the second proposal, the Commission wishes to submit to the Council the following considerations :

“ 1. The Commission considers that the national status of the inhabitants of territories under mandate can only be constituted by a legislative act of the mandatory Power. It would seem desirable that the Council of the League of Nations should ask each mandatory Power to frame a law designed to constitute such a status, at the same time drawing its attention to the principles laid down and justified in the present report.

“ 2. The Commission does not consider it necessary to put forward a precise definition of the status of such inhabitants ; it merely recommends the adoption of a title such as ‘ administered persons under mandate ’ or ‘ protected persons under mandate ’, which would have, in its opinion, the double advantage of meeting the convenience of the mandatory Powers and of clearly defining the special quality of the national status of the inhabitants under mandate.

“ III.

“ In justification of the third proposal, the Commission wishes to submit to the Council the following consideration.

“ It seems contrary to the spirit of the Covenant and to the essence of the institution of mandates to permit the compulsory naturalisation, by a single act, of all the inhabitants of territories under B and C Mandates. The legal relations which exist between a mandatory Power and the territory which it administers on behalf of the League of Nations do not appear to permit of a measure which a State annexing a territory cannot apply with regard to the inhabitants annexed except by virtue of provisions expressly inserted in the Treaty of Cession. The Treaty of Versailles, by the terms of which the former German Colonies were handed over to the Principal Allied and Associated Powers, to be administered on behalf of the League of Nations by Powers called mandatory, contains no clause imposing the nationality of the mandatory Power on the inhabitants of those colonies.”

M. Undén, the representative of Sweden and Rapporteur to the Council, proposed the adoption, as it stood, of the draft resolution reproduced above. The Council, however, concurring in certain amendments submitted by the British Government, passed a resolution at its meeting on April 23rd, 1923, embodying the following principles :

“ 1. The status of the native inhabitants of a mandated territory is distinct from that of the nationals of the mandatory Power and cannot be identified therewith by any process having general application.

“ 2. The native inhabitants of a mandated territory are not invested with the nationality of the mandatory Power by reason of the protection extended to them.

“ 3. It is not inconsistent with paragraphs 1 and 2 above that individual inhabitants of the mandated territory should voluntarily obtain naturalisation from the mandatory Power in accordance with arrangements which it is open to such Power to make, with this object, under its own law.

“ 4. It is desirable that native inhabitants who receive the protection of the mandatory Power should in each case be designated by some form of descriptive title which will specify their status under the mandate.”

The first two paragraphs of this resolution declare that the native inhabitants of a mandated territory are neither nationals nor subjects of the mandatory Power responsible for the administration of that territory, and that they cannot be identified with its nationals or subjects by any process having general application.

The third paragraph indirectly prohibits the collective naturalisation of natives or non-natives inhabiting a mandated territory and allows only individual naturalisation.

The fourth paragraph recommends that the native inhabitants of a mandated territory should be designated by some form of descriptive title which will specify their status.

It may be noted that the Council resolution, unlike the proposal of the Permanent Mandates Commission, does not speak of a “ national ” status. This distinction is explained, at all events for the territories under B and C Mandates¹, by the fact that the native populations of such territories do not constitute a “ nation ” of any recognised “ State ”, so that there can be no question of according them a “ national ” status in the legal acceptance of the term.

Further, the Council did not insist on the enactment by the mandatory Powers of special legislation laying down the status of the natives inhabiting these territories.

2. This last point is not explained by anything that occurred in the discussions in the Council before the adoption of its resolution.

Some uncertainty has accordingly arisen, which could not fail to engage the attention of the Mandates Commission.

At the eleventh session, Sir Joseph Cook, representative of Australia, appeared somewhat astonished on learning that the inhabitants of New Guinea could not be considered subjects of His Britannic Majesty. If the natives, he said, were not British subjects, whose subjects were they ?²

Similarly, Sir James Parr, the accredited representative of New Zealand, stated at the tenth session of the Commission that he presumed that the native of Samoa would be described on his passport as “ a Samoan belonging to the mandated territory ”.³

The New Zealand Government added, in its reply to the observations formulated by the Commission at this session :

“ The average Samoan is not persuaded that he is not already a British subject and under the sovereignty of His Majesty the King⁴ ”.

As these facts were not at all what might have been expected in view of the above resolution, the Committee decided to insert in its twelfth report to the Council the following suggestion⁵ :

“ The Commission would be glad to know what action the mandatory Powers have taken on the Council’s resolution of April 23rd, 1923, regarding the national status of the inhabitants of territories under B and C Mandates and particularly on the fourth paragraph of this resolution.”

The suggestion was communicated to the mandatory Powers concerned by a decision of the Council dated March 5th, 1928.

3. In reply, the Secretary-General of the League of Nations received the communications to be found in document C.157.1929.VI. These all refer to the fourth paragraph of the resolution in question ; some of them also mention the third paragraph.

¹ The Commission was only considering those territories.

² See Minutes XI, page 43.

³ See Minutes X, page 27.

⁴ See document C.494.1927.VI, page 4.

⁵ See Minutes XII, pages 100 and 101.

As regard this third paragraph relating to *naturalisation*, the replies received give the following information :

Territories Under B Mandate.

Togoland and Cameroons under British Mandate, and Tanganyika.

The question of legislation to enable the inhabitants of these territories to obtain imperial naturalisation was discussed at the Imperial Conferences of 1923 and 1926, and the terms of the Bill to give effect to the conclusions reached are still under consideration by the various Governments concerned.

Togoland and Cameroons under French Mandate.

The French Government's reply does not contain any commentaries on the subject of naturalisation.

The report on the administration of Togoland for the year 1928, however, contains the following information (see page 117) :

“ The law of March 25th, 1915, and the decrees of May 25th, 1912, and January 14th, 1918, concerning the admission of the native inhabitants of certain French colonies to the status of French citizen, having been made applicable to the Togoland territory placed under French mandate, it is possible for natives of Togoland to obtain French nationality.”

Information is not available in the case of the Cameroons (see report on the administration of this territory for 1928, page 62).

Ruanda-Urundi.

The Belgian Government's reply also does not mention naturalisation.

Its report on the administration of Ruanda-Urundi for the year 1927, however, contains the following passage, on page 132 :

“ In virtue of the Organic Law (of August 21st, 1925), the native inhabitants of the territory enjoy the same rights and guarantees as are accorded to Congo nationals by the Colonial Charter.” (Law of October 18th, 1908.)

It seems permissible to deduce from this that the native inhabitants of Ruanda-Urundi can acquire, by naturalisation, the status either of Belgian citizen or of Belgian subject.

Territories under C Mandate.

South West Africa.

“ There is . . . nothing to prevent the native inhabitants from applying for naturalisation under Act 18, of 1926, and in this respect they stand in precisely the same position as Europeans who are aliens.”¹

New Guinea.

“ The Government of the Commonwealth of Australia propose to take a suitable opportunity to amend the Nationality Act to give effect to the Council's resolution of April 23rd, 1923, relative to this point.” (*i.e.*, naturalisation.)

Western Samoa.

“ The steps taken with reference to the naturalisation of the native inhabitants of Western Samoa are clearly set out in the British Nationality and Status of Aliens (in New Zealand) Act, 1923, in its amendment of 1924, and in the British Nationality and Status of Aliens (in New Zealand) Act, 1928.”

It appears from this that the native inhabitants are allowed to receive naturalisation certificates.

Islands under Japanese Mandate.

The native inhabitants of these islands “ may . . . acquire Empire nationality by naturalisation or marriage ”.

As regards the fourth paragraph of the Council resolution, relating to the descriptive title specifying the status of native inhabitants under the mandates system, such natives, according to the replies received, are described as follows :

In B Territories under British Mandate : “ British protected person, native of the mandated territory of British Togoland, British Cameroons, or Tanganyika. ”

In Togoland and the French Cameroons : “ Natives of Togoland (or the Cameroons) protected under French Mandate. ”

In Ruanda-Urundi : “ Nationals (*ressortissants*) of Ruanda-Urundi. ”

¹ The Government of the Union of South Africa also makes a detailed statement on the naturalisation of European aliens. This question does not appear to come within the scope of the present report.

In South West Africa : “ Native inhabitant of South West Africa under the protection of the Union of South Africa in its capacity as mandatory of South West Africa. ”

In New Guinea and Nauru : “ British protected person, native of the mandated territory of New Guinea or Nauru. ”

In Western Samoa : “ British protected person — Native Samoan. ”

In the Islands under Japanese Mandate : “ Inhabitants of the islands. ”

4. What conclusion may be deduced from the replies briefly summarised above ?

Generally speaking, and apart from special exceptions, the laws of the different countries make the acquisition of nationality conditional on residence for a certain period in the territory of the State concerned. From the legal standpoint, the mandated territories do not constitute an integral part of the territory of any State, so that their inhabitants were deprived of the privilege of naturalisation and were thus placed at a disadvantage as compared with the inhabitants of the colonies properly so called.

The replies received from the mandatory Powers of the territories under B and C Mandates show that this disability is being removed. In certain of the territories it is already possible for the natives to acquire a specific nationality, while in others they will before long very probably be able to become naturalised.

In the circumstances, the Mandates Commission cannot insist on the adoption of what might appear to it the best formula.

I propose accordingly that the Commission should confine itself to informing the Council that it has duly noted the measures taken in the matter.

ANNEX 15.

C.P.M.902.(1).

SYRIA AND TRANS-JORDAN.

HEJAZ RAILWAY : DISARMAMENT OF JEBEL DRUSE : PETITION FROM THE EMIR CHEKIB ARSLAN, DATED NOVEMBER 5TH, 1928 (DOCUMENT C.P.M.825) AND PETITION FROM CERTAIN INHABITANTS OF KERAK, DATED NOVEMBER 24TH, 1928 (DOCUMENT C.P.M.855).¹ (SEE ALSO DOCUMENTS C.P.M.841 AND 879).

Report by M. Kastl.

1. Hejaz Railway.

In his petition of November 5th, 1928, the Emir Chekib Arslan puts forward the view that the Hejaz Railway is Moslem property. The petitioner demands the recognition of the Moslem claim to ownership on the grounds that the Ottoman Empire has also regarded the Hejaz Railway as a religious foundation, and the petition concludes with a reference to the grave economic consequences of the present state of affairs to the countries concerned.

The petition from certain persons in Trans-Jordan, dated November 24th, 1928, which also, *inter alia*, discusses the question of the Hejaz Railway, bases its argument upon negotiations said to have taken place between Major Somerset and representatives of Trans-Jordan, and takes the view that Great Britain should have transferred the administration of the Trans-Jordan section of the Hejaz Railway to the Trans-Jordan Government.

This petition also asserts that the Hejaz Railway is a religious foundation and, as such, Moslem property, referring to pre-war conditions in Turkey.

For the rest, both petitions alike report that negotiations on August 6th, 1928, at Haifa had to be broken off because the Hejaz delegates refused to discuss technical questions until the Conference had examined the status of the railway, and because the British and French representatives wished to discuss technical questions only.

The British and the French Governments, in their observations of April 5th, 1929, and June 26th, 1929, respectively, declare that the status of the Hejaz Railway is determined by the Franco-British joint declaration of January 27th, 1923.

This declaration was intended to meet the religious aspirations of the Moslems in so far as both Governments are prepared to co-operate with an Advisory Council made up of Moslem representatives of the countries concerned, and with power to submit proposals for the upkeep of the line and the improvement of the conditions of the pilgrim traffic. The profits from the

¹ For this petition see also Annex 11.

sections of the railway under British or French administration are accordingly to be devoted to the railway as a whole and any sums left over are to be used for the assistance of pilgrims.

Referring to the Conference of August 6th, 1928, the British Government reports that, since then, Ibn Saud has been informed by the British Government that the Governments of Palestine and Trans-Jordan are willing to send experts to a new technical conference, provided that the Hejaz representatives do not discuss the status of the railway.

Further, the French Government declared in its letter of June 26th, that it was prepared — subject to the same reservation as Great Britain — to assist in finding a solution for the technical questions.

Finally, the British Government, in its communication of May 27th, 1929, added that the Administration of the Trans-Jordan section of the railway was transferred to the General Manager of the Palestine Railways in order that both the Palestine and Trans-Jordan sections of that railway could be administered and operated as one concern. On the other hand, the Financial Administration (revenue and expenditure) of the section of the Hejaz Railway in Trans-Jordan was entirely separate. The British Government specially mentioned that this decision was taken in order to preserve the religious aspect of the railway.

It is very difficult to decide whether the Hejaz Railway is rightly to be regarded as a religious foundation and Moslem property. Under the present conditions, it does not seem necessary to take such a decision. It is certainly true that voluntary contributions were employed to cover the cost of construction, and one of the main functions of the railway was the transport of pilgrims. On the other hand, also, the Turkish Government has contributed large sums for the construction. The administration and operation of the railway during the Turkish regime was a separate unit under the control of the public administration, sometimes also under the control of the Wakf.

The provisions of Article 22 of the Treaty of Versailles with reference to Mandate A, and the mandates for Palestine and Syria contain no stipulations regarding the Moslem claim to ownership of the Hejaz Railway; nor does the British Trans-Jordan Agreement of February 20th, 1928, contain any provision which could be quoted by the Trans-Jordan petitioners in support of their claim.

Taking into consideration the foregoing and the fact that the Franco-British joint declaration of 1923 does not seem to conflict with the religious aspirations of the Moslem population in so far as both Governments are prepared to co-operate with an Advisory Council made up of Moslem representatives of the countries concerned;

And that this body shall have power to submit proposals for the upkeep of the line and the improvement of the conditions of the pilgrim traffic;

And that the profits from the sections of the railway under British or French administration are to be devoted to the railway as a whole, and any sums left over are to be used for the assistance of pilgrims;

Further, that the British and French Governments are willing to send experts to a new technical conference with Moslem representatives, provided that the Moslem representatives do not discuss the status of the railway, and, finally, that the British Government has made the appropriate arrangements in order that the Palestine and Trans-Jordan sections of the Hejaz Railway could be administered and operated as one concern with an entirely separate financial administration;

I propose that the Permanent Mandates Commission should come to the following conclusions:

“The provisions and proposals made by the mandatory Powers concerned with the administration and the operation of the Hejaz Railway are such as would seem not to conflict with the religious aspirations of the Moslem population. They tend to create a situation as similar to pre-war conditions as circumstances allow. The Permanent Mandates Commission is therefore unable to comply with the wishes of the petitioners. It adds that, in its opinion, the Moslem population of the mandated territories concerned would be well advised, in the interests of the resumption of traffic on the Hejaz Railway and of improved conditions in pilgrim transport, to associate themselves with the efforts made by the mandatory Powers to settle this matter in a manner most favourable to the interests of all concerned.”

2. *Disarmament of Jebel Druse.*

In his petition of November 5th, 1928, the Emir Chekib Arslan deals with some alleged abuses in connection with the disarmament of the population and with ill-treatment committed on the population of Malah, a village in the Jebel Druse, by the troops in charge of the requisitioning of arms. The petitioner claims that, although the inhabitants of the village had stated that they had no arms, or had only produced one rifle, they were cruelly flogged.

In its observations forwarded by a letter dated June 26th, 1928, the mandatory Power declares that the investigations made on the ill-treatment alleged in the petition failed to confirm the truth of the petitioner's statements.

The mandatory Power states further that the complaints made in connection with disarmament in Malah have already been investigated by a special Commission in November 1928, and the persons mentioned in the petition as wounded or flogged had denied that they had been so treated.

It explains that the disarmament was a necessary measure in the country owing to the large number of arms which were to be found there after the insurrection. Pressure has to be applied sometimes in order to collect the arms, but the activities of the Government's agents in this connection are carefully supervised by the responsible intelligence officer. The French Government further points out that evidence of the necessity for disarming the country is furnished by the fact that the numbers of rifles collected last year in the Jebel Druse amounted to the equipment of a regiment.

In view of the information given in the petition and of the statements forwarded by the mandatory Power, I would suggest that the Commission should decide that there is no ground for action to be taken.

ANNEX 16.

C.P.M.916(1).

SYRIA AND THE LEBANON.

PETITION OF CERTAIN INHABITANTS OF HAMA, DATED OCTOBER 20TH, 1928.
(DOCUMENT C.P.M.885.)

[*Translation.*]

Report by Count de Penha Garcia.

1. The petition, addressed on October 20th, 1928, to the Mutassarif of Hama and bearing fourteen signatures, refers to the alleged prohibition on the part of the authorities to allow a ceremony to be held in memory of the late Doctor Saleh Combaz, "member of the Arab Academy of Damascus and of the Honorary Asiatic Society of Paris, who fell like a martyr struck by a shot fired by a Senegalese soldier when he was going to the rescue of a wounded man during the disturbances at Hama".

The petition states that permission was asked beforehand, in the form required by the law. As this was refused, the promoters of the ceremony are said to have agreed to hold only a private meeting. This request is also stated by the petitioners to have been refused. They accordingly protest against these measures, which they consider unjustifiable in a peaceful country, where security reigns and the state of siege no longer exists.

2. In its observations transmitted by letter dated June 28th, 1929, the French Government denies that the mandatory authority prohibited the meeting in question. It explains that Doctor Combaz's own brother, who was a member of the committee organising the proposed ceremony and who is one of the signatories, on two occasions yielded voluntarily to the arguments advanced by the authorities. The latter considered that a public meeting might stir up unrest. As M. Abdul Hamid Combaz dissociated himself from the scheme, although permission had not been refused, the organisers gave up the idea of holding the ceremony.

Consequently, the mandatory Power formally denies the allegations of the petitioners, with whom M. Abdul Hamid Combaz appears to have associated himself through weakness. The French Government adds that the persuasive methods frequently employed by the High Commissioner's agents in order to prevent demonstrations which might disturb public order and tranquillity are fully justified by the results obtained in 1928.

During the recent examination of the annual report on Syria and the Lebanon for 1928, the accredited representative of the mandatory Power confirmed the foregoing statements in reply to the questions which I put to him on the matter.

3. The mandatory Power's reply is quite definite. Not even the public meeting proposed by the petitioners was prohibited by the authorities, whose action was confined to the use of persuasion — which is very laudable. In these circumstances, I do not think that the petition should be considered.

ANNEX 17.

C.P.M.917(1).

SYRIA AND THE LEBANON.

PETITION DATED AUGUST 14TH, 1928, FROM M. SOUHEIL EL ATTAR, OF DAMASCUS.
(DOCUMENT C.P.M.884.)

[*Translation.*]

Report by Count de Penha Garcia.

1. In his telegram of August 14th, 1928, transmitted by the French Government with a letter dated June 28th, 1929, the student, Souheil el Attar, of Damascus, protests against his detention for twenty-four hours, without any warrant or examination. He relates the

circumstances of his arrest and the tortures to which he alleges he was subjected, for having "defended the constitution, for the drafting of which the High Commissioner had convened the nation". He asks for justice and the punishment of the persons responsible for the orders given.

2. In its observations, dated June 28th, 1929, the French Government states that the petitioner was arrested owing to the violent part which he took in the demonstrations at Damascus on August 12th, 1928. He spent the night of August 12th-13th in prison. Unlike the other demonstrators who were arrested at the same time, he refused to allow the prison doctors to examine him. His companions were found to be suffering merely from slight bruises received during the disturbance.

The mandatory Power adds that, on September 28th, the author of the petition was again arrested for having, together with four comrades, attacked and struck a journalist in the street.

During the recent examination of the annual report on Syria and the Lebanon for 1928, the accredited representative of the mandatory Power confirmed the foregoing statements in reply to the questions which I put to him on the matter.

3. I therefore propose the following conclusion :

"The Permanent Mandates Commission, after examining the petitioner's allegations and the mandatory Power's observations, considers that no action can be taken on the petition."

ANNEX 18.

(Extract from document C.P.M.850.)

SYRIA AND THE LEBANON.

PETITIONS RELATING TO THE INCIDENTS WHICH OCCURRED AT HOMS IN THE SPRING OF 1929.

A. Text of the Petitions.

(a) *Communications from the Executive Committee of the Syro-Palestinian Congress.*

I. *Telegram dated April 19th, 1929.*

(Translation.)

League of Nations, Geneva.

On April 7th, Syrian newspapers published a communiqué issued by the Press Bureau of the French High Commissioner's Office at Beirut on the distressing incidents at Homs. The communiqué admits that, in order to arrest two persons wanted by the authorities, the latter took severe measures against the whole town, including the imposition, first, of a fine upon the quarter of Bab el Dreib, and, secondly, of a fine upon the whole town. Houses of important people were requisitioned to billet reinforcements of troops, houses were searched, and it was forbidden to leave the town. The communiqué also admits that two persons were killed during these searches, and justifies the fines on the grounds that the inhabitants had without any complaint paid ransom to the bandits to a total well in excess of the fines. In view of these facts, the Executive Committee of the Syro-Palestinian Congress¹ protests against these severe measures, for which everyone is made responsible and which are unjustly inflicted upon the whole town for the crimes of two persons. It considers that these measures are not really inspired by regard for public order, but by a desire to terrorise a town which supported the Syrian Constituent Assembly. It requests that the League of Nations should intervene to put an end to injustice and safeguard a peaceful population, innocent of wrong. — On behalf of the Committee: Tewfik YAZIGI, *Secretary*.

(Extract from document C.P.M.850.)

II. *Letter dated May 10th, 1929.*

(Translation.)

To the Secretary-General of the League of Nations.

I have the honour to forward to you herewith the following documents :

(1) Text of the telegram cabled to you by the Executive Committee of the Syro-Palestinian Congress on April 19th, 1929.²

(2) Text of a communiqué published in the Syrian newspapers by the Press Bureau of the French High Commissioner's Office at Beirut on the recent incidents at Homs.

(3) A description of these incidents written on the spot by an eye-witness.

(Signed) Tewfik YAZIGI,

Secretary.

¹ The Chairman of the Permanent Mandates Commission, in exercise of the powers conferred upon him by the rules governing procedure in regard to petitions, requested the Secretariat to omit a passage in the petitioners' telegram.

² See Annex 18 A (a) (1) above.

Document No. 2.

(Translation).

Communiqué by the French Press Bureau at Beirut, dated April 6th, 1929.

Certain publicists having been deceived by informers who have shown a regrettable bias, it seems essential to give a true account of the situation at Homs.

For the last three years, two professional bandits have dominated this town. Nazir Nachauati, the better known of the two, had already been sentenced to ten years' imprisonment for pillage by force of arms before the French arrived in Syria, and in 1922 he escaped from prison. Kheiro Nachauati, in 1926, assassinated the Mutassarif of Homs. A third bandit, Omar el Jarras, who had benefited by the recent amnesty, joined forces with them after assassinating Ragheb Nachauati, the cousin of the above, on Mareh 9th, 1929.

The regular police forces were insufficient. They received no support from the inhabitants, who, on the contrary, either from fear or from sympathy, have afforded the bandits one hiding-place after another. It was therefore thought necessary to take exceptional measures in consequence of the crimes of February 18th and March 9th.

These measures included, in particular, confinement to houses and the closing of public premises at 7 p. m. This measure had been deferred until the end of Ramadan, to allow worshippers to attend evening prayer; but, the last crime having been committed at 7.30 p. m. in the main square of the town, considerations of sentiment had to be overruled. As there was no doubt of the assistance given to the criminals by the inhabitants, two successive fines were inflicted, one on the quarter of Bab el Dreib, the scene of the crime of February 18th, and the other on the rest of the town, following the assassination of March 9th.

The authors of the protests in the Press fail to mention that the inhabitants have without any complaint paid ransom to the bandits amounting to a total well in excess of the fines. The police force being insufficient, the squadrons which rid the Ghula of the Kotta brothers were brought to Homs, and, in order to accommodate them suitably, premises had to be temporarily requisitioned.

In the absence of accurate information, it was necessary for some time to pursue enquiries by means of searches carried out in various parts of the town. Certain ill-disposed informers raised a great outcry about this, but it must be remembered that, whenever the bandits have taken up their abode in a house, with or without the occupant's consent, no one has said a word or thought of informing the authorities.

There was no ill-treatment of women. Moreover, after the searches had been carried out and while the troops were being reassembled, the Command was at the disposal of the inhabitants to receive their complaints. Of these, very few were submitted and, whenever they were substantiated, they received satisfaction.

Up to the present there have been two victims of the investigations, both of whom have long been known as receivers and informers for the bandits. During the operations which took place at dawn on March 30th against the Mezrah mill, where the bandits were supposed to be in hiding, one of these two persons tried to escape by throwing himself into the Oronte river and was apparently struck by a bullet, but, as his body was not found, his end is uncertain. Both must have been aware of the danger they ran in harbouring the perpetrators of crimes so well known that they could not have been ignorant of them.

In addition to the above measures, access was forbidden to gardens where the bandits had taken refuge. Here Omar el Jarras was killed on April 4th; he was found to be carrying four bombs, a revolver and a rifle, of which he made abundant use before he was overcome.

All the other incidents related are lies. However burdensome to the inhabitants of Homs these measures may appear, no relaxation can be thought of until the bandits have been arrested. It is for the population to put an end to a state of affairs for which it is responsible by reason of its passivity, which is so extreme as to amount to sympathetic support.

Document No. 3.

(Translation.)

The head of the Syrian Government published a decree prohibiting all movement in Homs after 7 p. m. and closing public premises, such as theatres, restaurants and cafés, at the same hour; the French authorities also imposed a fine of 900 gold pounds upon the quarter of Bab el Dreib (Homs). These measures were taken on account of crimes committed by two persons, Nazir el Nachauati and Khair Schahla, who were wanted by the authorities. The decrees were promulgated at Homs on March 10th, 1929.

On the day following their publication, Ragheb el Nachauati, an agent of the Intelligence Service, was killed. He had himself assassinated the Hag Abd el Fattah el Nachauati, Nazir's uncle.

On March 11th, while the Moslems were praying in the mosques, the police entered and ordered the worshippers either to leave the mosque or remain there until morning. Some stayed, others departed. Of the latter, several were arrested by the police on the grounds that they were drunk and might disturb public order.

On the next day, March 12th, the Day of Bairam, the authorities sent troops to reserve seats in the mosque for a number of officials, who, they said, desired to be present at the prayers. The worshippers protested against this intervention and the prayers were interrupted.

Following the imposition of the fine on the quarter of Bab el Dreib, troops were sent to the town. A number of houses and cafés were requisitioned for them and a force of from 500 to 800 soldiers was ordered to undertake a house-to-house search for the bandits, and to collect

the fine. These soldiers first expelled the men, threatening them with batons and revolvers, and took them out of the town ; they then returned to the houses, searched the women who had remained, and carried off whatever they could find in the way of money and jewellery.

The newspaper *Homs* reports that, on March 23rd, the troops drove out the inhabitants, including even members of religious orders, to the east side of the town, where arrangements were made, at two centres, to establish everyone's identity. A number of persons were arrested, including Nachauati's relatives.

The same paper reports under the same date that prayers were interrupted on Sunday, March 17th, in the churches of St. Elie and St. Antoine because the priests had been driven out with the others.

On Wednesday, March 20th, the troops arrested thirty from among the youths and old men of the town. They were taken outside the town and so knocked about and ill-treated that one old man of seventy, named Abdul Latif Abd el Samad, collapsed beneath the violence of the blows and nearly died. The troops, however, did not stop there, but left these innocent people outside the town, exposed to the cold, all night.

The troops further entered the house of Abd el Rasak Zahrur in the Khaldia quarter and seized three Turkish pounds they found there. Abd el Rasak Zahrur is a Government official.

The soldiers also entered the house of Rejub and, having driven out the men, threatened one of the women they found there with their revolvers, ordering her to tell them the whereabouts of Nazir el Nachauati and his accomplice. This woman was with child and was so frightened that she gave birth to a stillborn infant.

In the course of the search of another house, a child named Niam Nahman el Sabagh saw the soldiers and began to tremble with fright. He ran away, the soldiers ran after him, and the terrified child threw himself into a well.

Two young Lebanese employed in the Land Registry Office happened to be in Homs at the time of the disturbances ; they, too, were ill-treated and dismissed from their posts.

The authorities imposed a fresh fine upon all the inhabitants of Homs equivalent to half the taxes they had paid in the previous year ; the amount of this fine is estimated at £1,500. In order to collect it, the authorities adopted severe measures of ill-treatment and persecution.

In the course of collecting the fine, two innocent persons were killed, on Sunday, March 31st. The Syrian newspapers report the facts as follows :

“ The troops made their way into a mill on the bank of the Oronte. There they found an employee of the family of Mandur, whom they ordered to tell them the whereabouts of Nazir el Nachauati and his accomplice. When he said he did not know, they rained blows upon him until he succumbed. At that moment one of his comrades, named Sherif el Halaby, came out of the mill ; he, too, was belaboured by the soldiers. By way of escape he threw himself into the river, but the soldiers fired at him and killed him. ”

When Mandur's father learned of the tragic death of his son, he was so overcome that he himself died twelve hours after his son.

As for Sherif el Halaby, no one dared to take him out of the river for fear of the authorities, and his body was left in the water.

The authorities requisitioned the houses of Hachin Bey el Atassi, President of the Syrian Constituent Assembly, Chukry Bey el Guindi, and Mastar Pasha el Aslan, deputies of Homs. Rafik Bey el Atassi, Soliman Bey el Masharati, Yahia Bey Khankan and other notables of the town were required to vacate their houses within twenty-four hours to make room for the troops.

The authorities were not content to search the houses at Homs, but also requested the authorities at Hama to carry out a house-to-house search for the guilty persons.

The inhabitants of Homs protested against these iniquitous measures, and a protest was also signed by a large number of notables of Damascus, including merchants, lawyers, doctors and journalists. This protest was worded as follows :

“ The town of Homs has had to pay a fine of 100,000 francs and to submit to severe military measures on account of individual crimes such as are committed in every town and which are due to the negligence of the authorities. These acts foreshadow a return to terrorism. We request the League of Nations to intervene and put an end to these measures and to grant the country a constitutional and parliamentary regime, without which it will be impossible ever to re-establish order and tranquillity. ”

Delegations composed of notables of Homs, Hama and Aleppo have proceeded to Damascus to appeal to the head of the Syrian Government and to the delegate of the French High Commissioner to put an end to the terrorist measures enforced at Homs.

(Extract from document C.P.M.891.)

(b) *Telegram, dated April 3rd, 1929, and addressed by a Number of the Inhabitants of Damascus to the High Commissioner at Beirut.*¹

At Homs, the respect due to sacred things has been violated. Houses have been requisitioned, persons oppressed, veiled Moslem women attacked in their homes, innocent persons killed in the streets, fines imposed and property pillaged, owing to the existence of two bandits whom the authorities were unable to catch. Supposing such a thing happened to you, would you not think it horrible? Has the mandates system been created to take vengeance upon innocent persons, to confiscate property and to collect fines? Are these the fruits of civilisation and education? In the name of tyranny and not of justice — for there is no longer justice in our country — and in the name of falsehood and not of right — for our rights have been trampled upon — we protest against these abuses, which grieve our hearts and breed hatreds that the years will not efface. We request you to forward this protest to the League of Nations.

- Journalists : (Signed) ADIB SAFADI — MAHMUD CHARKASS — MUNIR RAYESS — NASSUH BABIL — RACHID MULUHI — MUNIR HUSSEINI.
- Doctors : (Signed) SEIFFEDDINE TABBAAH — MAZHAR MALEH — ABDEL RAHMAN-SAYADI — SOBHI HAMMUDE.
- Chemists : (Signed) KHALIL EL HABAB — CHERIF ENAYET — HUSSNI EL HABAL.
- Lawyers : (Signed) CHAFIK SULEIMAN — MAZHAR KUATLI — AHMED CHEHABI — MUNIR EL AZAME — WAHIDEDDINE EL HAKIM.
- Merchants : (Signed) ABDEL HAMID CHARBATI — ALI KABBANI — TEWFIK EL KEISSI — MUWAFK EL FAFFAR — IZZET ED DEKR — FAUZI ED DEKR — HUSNI ABDEIN MAHMUD LAHAM — SADEK EL FERANI — ABDEL HAMID SAFI — ABDEL MAJID EL SAID — MUHIDDINE KAUI — MAHMUD EL BEIRUTINI — CHAFIK EL BIZRE — YASSIN TABBA — TALEB JUNEE — HUSSNI BAZAR — BACHI — WASSEL EL HIJA — ABDALLAH SAMMAN — NADIM EL JERRAMI — MOHAMED OSMAN SAWAN — HAMED HENO — JAWDAT KANAWATI.
- Householders : (Signed) HISSAM EDDINE EL KASBARE — NAZEM EL KASBARE — CHEIKH DERWICH ALLANI — KHALED CHALAK — KHALIL SUKAR — MOHAMED EL JABI — MUSLEM EL AFHEZ — RACHID EL KAFARE — HAMED EL TIBI — JAMIL JONAA — ABDEL MACHID TABA — AMDI EL KATIB.

(Extract from document C.P.M.891.)

[Translation.]

B. Observations by the French Government, dated July 3rd, 1929.

To the Secretary-General of the League of Nations.

In accordance with the procedure adopted in regard to petitions from the mandated territories, I have the honour to forward to you herewith a copy of a telegram addressed on April 3rd last to the High Commissioner of the Republic in Syria and the Lebanon, for transmission to the League of Nations, by a number of inhabitants of Damascus and Cairo.

This petition, the purpose of which is to denounce the special police measures recently taken at Homs, calls for the following observations :

Two notorious bandits have for a long time been hiding in the town of Homs. One of them, who had successively fallen foul of the Turkish, Arab (Faisal) and French judicial authorities, has on his conscience the assassination of a dozen policemen and police informers.

The other, in July 1926, assassinated the Mutassarif of Homs. This official was the victim of family vengeance and of the resentment of the rebel party ; he was a Christian and a faithful supporter of the mandate.

These two persons, who are wanted by the police, have escaped, thanks to their knowledge of the old parts of Homs, which is built over a whole network of underground passages, and to the help they have received from the inhabitants of the town and outlying villages. This aid was partly the result of the intimidation they exercised. Few persons have dared to report their movements to the authorities, and even notable persons frequently yielded to their demands for money. Moreover, their attitude of bravado has inspired sympathy among many individuals

¹ The French text of this telegram, of which the original was in Arabic, was communicated by the French Government.

in all classes of the population. Hence it has been exceedingly difficult for the police to lay their hands upon these persons, who have found refuge and help almost everywhere.

For about eighteen months less had been heard of the two bandits. In order to obtain funds they had been content to arrest a number of persons and hold them for ransom. On February 18th, however, they kidnapped a police informer in broad daylight in the Bab el Dreib quarter and killed him at the gates of the town. Such an act could not have been committed without the complicity of the quarter, which was required by the President of the Council of Syria to pay a fine of 900 gold pounds. Further, in order to facilitate the police enquiries, the President of the Council issued a decree prohibiting all movement and ordering the closing of all public premises in Homs at 7 p. m.

On March 9th, a second police informer was ambushed by the friend of one of the bandits and killed.

This time, the whole town of Homs was fined 5,000 pounds, and four extra squadrons were sent to Homs to exercise supervision and to bring pressure to bear, by means of patrols and house-to-house searches. A certain number of houses were requisitioned to billet this force. A little later, the gardens which border the town on the west, and in which there was reason to suppose that the bandits were taking refuge, were closed to the population.

During May, and after the town had paid the fine, the proceeds of which will be devoted to municipal improvements after deduction of the expenditure incurred by the search for the bandits and compensation for the victims, these measures were rescinded. Their application, which certainly constituted a heavy burden on the town, was justified by the assistance given to the bandits by a large part of the population; information obtained on the spot gives no support to the charges of excesses made by the inhabitants of Damascus and Cairo.

Three persons were killed during the searches for the bandits, two of them during the search carried out on March 30th at the Mezrah Mill on the Oronte, a few kilometres from Homs. One of these met his death in resisting the search, the other in attempting to escape by the river, which caused one of the soldiers to mistake him for one of the bandits they were looking for. It may be added that these persons were informers and receivers for the bandits, with whom they had kept in touch and to whom they had supplied horses.

On April 4th, during a search of gardens in which the two bandits had been reported, the perpetrator of the crime of March 9th, armed with a rifle, which he used freely, and with bombs, was killed.

The observations in reply to the Damascus telegram, forwarded herewith to the League of Nations, also apply to the petition from the Executive Committee of the Syro-Palestinian Congress dated April 19th and May 20th, 1929 (document C.P.M.850), which was recently forwarded to me.

For the Minister for Foreign Affairs,

(Signed) André CORBIN,
Minister Plenipotentiary,

Director of Political and Commercial Affairs.

(C.P.M 918 (1).)

C. Report by Count de Penha Garcia.

Petition from the Executive Committee of the Syro-Palestinian Congress.

1. In its telegram of April 19th, 1929, the Executive Committee of the Syro-Palestinian Congress protests against the special measures taken at Homs at the beginning of April, with a view to the arrest of two individuals. Collective fines were inflicted on the Bab el Dreib quarter and then on the whole town. The petitioners also state that the houses of leading inhabitants were requisitioned as billets for police reinforcements, that searches were made, that the population was forbidden to leave the town, and that two persons were killed during the searches. They allege that these measures were not genuinely inspired by considerations of public order, but by the desire to terrorise the town of Homs, which supported the Syrian Constituent Assembly.

The letter from the Executive Committee of the Syro-Palestinian Congress, dated May 10th, 1929, confirms the telegram summarised above and forwards the text of a communiqué emanating from the French High Commissioner's office at Beirut on the incidents at Homs, together with a "description of these incidents written on the spot by an eye-witness".

The communiqué of the High Commissioner's office gives a detailed account of the facts which led to the intervention of the authorities, of the measures taken by the latter, and of the incidents to which the said measures gave rise.

The "eye-witness's" narrative, which the authors of the petition no doubt wish to contrast with the communiqué, enumerates a series of vexatious acts of brutality which the soldiery are alleged to have committed against certain inhabitants of Homs. It asserts, for example, that the collective fine imposed upon the town — the second fine — which is put at £1,500, was equivalent to half the taxes paid the previous year by the town of Homs, and that its collection was attended by "severe measures of ill-treatment and persecution". Furthermore, an alleged accomplice of the wanted individuals is stated to have been beaten to death.

Petition from a Group of Inhabitants of Damascus and Cairo.

2. The petition of a group of inhabitants of Damascus and Cairo forwarded with the French Government's letter of July 3rd, 1929, protests in general terms against the requisitioning of houses, the oppression of the inhabitants, the attacks made on Moslem women in their homes, the murder of innocent persons in the streets, the imposition of fines, and the pillage of property owing to the existence of two bandits whom the authorities were unable to catch. It condemns these acts, which it contrasts with the civilising and educational mission of the mandate.

3. In its letter of July 3rd, 1929, the mandatory Power submits its observations on the two petitions summarised above. It states, in the first place, that the special police measures taken at Homs were intended to secure the arrest of two notorious bandits — for a long time past known as such — whom it had been found impossible to arrest for various reasons and, in particular, owing to the assistance afforded them by the inhabitants of the town and of the neighbouring villages.

A first collective fine of 900 gold pounds was inflicted on the Bab el Dreib quarter, in which a police informer had been kidnapped and then killed by the two bandits on February 18th. In the opinion of the authorities, this could not have happened without the complicity of the inhabitants of the quarter. A decree by the President of the Council forbade all circulation and ordered the closing of public establishments in Homs after 7 p. m., so as to facilitate the police investigations.

Following upon the murder of another police informer on March 9th, a fine of 5,000 gold pounds was inflicted on the whole town and four squadrons of forces described as "extra", for whom houses were requisitioned, occupied Homs and carried out searches.

The special measures were discontinued in May after the payment of the fine. The mandatory Power adds that the latter will, after deducting certain expenses, be devoted to municipal improvements. The French Government states that "information obtained on the spot gives no support to the charges of excesses made by the inhabitants of Damascus and Cairo".

Further, in a kind of "summing-up" of the affair, the mandatory Power supplies the following particulars :

"Three persons were killed during the searches for the bandits, two of them during the search carried out on March 30th at the Mezrah Mill on the Oronte, a few kilometres from Homs. One of these met his death in resisting the search, the other in attempting to escape by the river, which caused one of the soldiers to mistake him for one of the bandits they were looking for. It may be added that these persons were informers and receivers for the bandits, with whom they had kept in touch and to whom they had supplied horses. On April 4th, during a search of gardens in which the two bandits had been reported, the perpetrator of the crime of March 9th, armed with a rifle, which he used freely, and with bombs, was killed."

During the recent examination of the annual report on Syria and the Lebanon for 1928, the accredited representative of the mandatory Power confirmed the foregoing particulars in reply to questions put to him by myself. In particular, he emphasised the fact that the measures taken recently at Homs had been forced on the authorities by the complicity of the population. He also laid stress on the fact that the collective punishment inflicted was authorised by the legislation in force in Syria.

I have the honour to propose the following conclusion :

4. The Commission, having recognised the legal justification of the exceptional and stringent measures taken at Homs, and having noted the explanations submitted by the Administration, and taking into account the fact that the petitioners have always the right to appeal against abuses before the courts according to Syrian legislation, considers that there is no call to take any action on the two petitions. It is, however, to be hoped that local circumstances will make it less and less necessary to have recourse to police measures so far in excess of the common law.

ANNEX 19.

C.P.M. 869.

PETITIONS REJECTED AS NOT DESERVING THE COMMISSION'S ATTENTION.

REPORT BY THE CHAIRMAN PRESENTED IN ACCORDANCE WITH ARTICLE 3 OF THE RULES OF PROCEDURE WITH RESPECT TO PETITIONS.

I am fulfilling the duty incumbent on me under Article 3 of the Rules of Procedure in regard to Petitions in giving you an account of the communications received since our last session which I have not considered worthy of your consideration. They are as follows :

I. *Syria and the Lebanon.*

1. (a) Letter from the Syrian Arab Association, dated Paris, April 19th, 1929, relating to the incidents which occurred at Homs in April 1929 ;

(b) Letter from Emir Chekib Arslan, dated April 25th, 1929, on the same subject.

I did not consider it necessary to take action on these two communications, which dealt with facts already related in the petition from the Executive Committee of the Syro-Palestinian Congress (document C.P.M.851) and gave no fresh information.

2. Telegram dated February 17th, 1929, from the local agency of the New Syrian Party, at Detroit, protesting against the postponement of the Syrian Constituent Assembly.

In view of the vague nature of this communication, it did not seem to me that it could be considered as receivable under the procedure in force.

II. *Palestine.*

3. Two telegrams, one from the Arab Committee at Santiago, Chile, dated November 1st, 1928, and the other from the Arab Colony in Paris, dated November 6th, 1928, protesting against the Balfour Declaration.

I did not think that they should be considered.

4. In addition, I examined twenty-one communications relating to the incident which occurred at the Wailing Wall on September 24th, 1928, from various Moslem and Israelite Communities, which were received by the Secretariat after the close of the fourteenth session of the Mandates Commission.

In conformity with a proposal by the representative of Finland, which was approved by the Council on March 4th, 1929, the Secretariat forwarded to the authors of these communications and to the signatories of forty-five communications on the same subject received during the fourteenth session of the Commission the text of the Commission's conclusions on the petition from the Zionist Organisation, dated October 12th, 1928.

ANNEX 20.

A.

REPORT TO THE COUNCIL OF THE LEAGUE OF NATIONS ON THE WORK OF THE FIFTEENTH SESSION OF THE PERMANENT MANDATES COMMISSION.

The Permanent Mandates Commission met at Geneva from July 1st to July 19th, 1929, for its fifteenth session, during which it held twenty-nine meetings, one of which was public. All its members and the representative of the International Labour Organisation were present.

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

Togoland under French Mandate, 1928.

Accredited Representative :

M. FRANCESCHI, Honorary Director in the French Ministry of the Colonies ;
Assisted by M. Albert DUCHÊNE, Honorary Director in the French Ministry of the Colonies.

Nauru, 1928.

Accredited Representative :

Major-General Sir Granville DE LAUNE RYRIE, K.C.M.G., C.B., V.D., High Commissioner for Australia in London.

New Guinea, 1927-28.

Accredited Representative :

Major-General Sir Granville DE LAUNE RYRIE.

South-West Africa, 1928.

Accredited Representatives :

Mr. E. H. LOUW, High Commissioner for the Union of South Africa in London ;
Mr. H. P. SMIT, Secretary of the Administration of South West Africa.

Palestine and Trans-Jordan, 1928.

Accredited Representative :

Sir John CHANCELLOR, G.C.M.G., G.C.V.O., D.S.O., High Commissioner for Palestine and Trans-Jordan ;
Assisted by Mr. G. L. M. CLAUSON, O.B.E., F.S.A., of the British Colonial Office.

Tanganyika, 1928.

Accredited Representatives :

Mr. W. LUNN, M.P., Parliamentary Under-Secretary of State for the Colonies ;
Mr. D. J. JARDINE, O.B.E., Chief Secretary to the Government of Tanganyika Territory ;
Mr. E. G. S. MACHTIG, O.B.E., of the Colonial Office ;
Assisted by Mr. G. L. M. CLAUSON.

Cameroons under French Mandate, 1928.

Accredited Representative :

M. FRANCESCHI ;
Assisted by M. MARCHAND, Governor of the Colonies, Commissioner of the French Republic in the Cameroons.

Syria and the Lebanon, 1928.

Accredited Representative :

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

GENERAL QUESTIONS.

1. TREATMENT EXTENDED IN COUNTRIES MEMBERS OF THE LEAGUE OF NATIONS TO PERSONS BELONGING TO TERRITORIES UNDER A AND B MANDATES AND TO PRODUCE AND GOODS COMING THEREFROM (pages 209, 211, 220).¹

On September 1st, 1928, the Council adopted the following resolution :

“ The Council requests the Permanent Mandates Commission to institute a general enquiry into the whole question of the treatment of persons belonging to mandated territories in countries Members of the League of Nations and of the produce and goods coming from these territories, and to communicate to it the result of this enquiry. ”

The Permanent Mandates Commission, after studying the question at its fourteenth and fifteenth sessions, has the honour to recommend to the Council to ask the mandatory Powers in charge of A and B mandates whether they consider it necessary and expedient to contemplate the conclusion of an international Convention intended to secure to the territories under A and B mandates the benefit of reciprocity in respect of economic equality which these territories are obliged to grant to States Members of the League of Nations, at least in respect of commercial exchanges, or whether, in their opinion, it would be preferable and sufficient for them to pursue the end in view by means of direct and bilateral negotiations.

2. STATUS OF THE INHABITANTS OF TERRITORIES UNDER B AND C MANDATES (page 212).

By a resolution adopted on March 5th, 1928, the Council approved a suggestion made by the Permanent Mandates Commission to invite the mandatory Powers to inform it of the measures taken in order to give effect to the Council's resolution of April 23rd, 1923, concerning the national status of the inhabitants of territories under B and C mandates, particularly in regard to the fourth paragraph of this resolution.

The Permanent Mandates Commission, having taken note of the replies of the mandatory Powers, considers that, at the present stage, it has no observations to make.

3. PUBLIC HEALTH (page 158).

At its fourteenth session, the Permanent Mandates Commission considered at some length the question of public health in mandated territories.

After giving the matter further attention at the present session, the Commission adopted the following conclusions :

“ Whereas the shortage of doctors and public health specialists is frequently referred to by the mandatory Powers as one of the factors which hamper their efforts towards reform in public health ;

“ And whereas this shortage appears to be due as much to the insufficient number of qualified candidates prepared to go abroad who can be found in the home territory of the mandatory Powers as to financial causes ;

“ The Commission ;

“ While highly appreciating the efforts made and the progress achieved by the mandatory Powers in this connection during the last few years, and while fully realising that the increase in the qualified medical staff only constitutes one factor in the problem, has the honour :

- “ 1. To draw the Council's attention to this important question, and

¹ The pages indicated after each observation are the relevant pages of the Minutes of the session (document C.305. M.105. 1929. VI).

“ 2. To propose that the Council should ask the mandatory Powers to state their views on the following points :

“ (a) What are the difficulties (if any) encountered in recruiting public health officials for mandated territories ?

“ (b) Do the mandatory Powers accept properly qualified doctors of foreign nationality as officials in their mandatory administrations ? If not, would they be prepared to consider altering their policy in this connection ?

“ (c) What qualifications do the mandatory Powers require of officials, whether nationals or foreigners, in the public health services of their mandatory administrations ?

“ (d) Should the difficulties encountered in recruiting an adequate number of doctors who are nationals of the mandatory Power prove insuperable, and should the principles of public policy absolutely preclude the engagement of foreign doctors as officials, would it be possible to encourage by more liberal subsidies the medical work of the missions operating in mandated territories ? ”

4. REPLIES OF MANDATORY POWERS TO COUNCIL RESOLUTIONS ON OBSERVATIONS CONCERNING GENERAL QUESTIONS AND OBSERVATIONS SUBMITTED BY THE COMMISSION WHEN EXAMINING THE ANNUAL REPORTS ON THE VARIOUS MANDATED TERRITORIES (pages 130, 204).

The replies of the mandatory Powers to Council resolutions regarding suggestions concerning general questions and observations by the Mandates Commission are communicated in very diverse forms, and it would be highly desirable that the rules governing the method of presentation should be more uniform.

For this purpose, the Commission begs the Council to request the mandatory Powers :

1. To be good enough in future to comply exactly with the Council's resolution of December 9th, 1925, and for that purpose to send as soon as possible, and in the form of separate communications, their replies to the Council's resolutions regarding suggestions concerning general questions ;

2. To communicate their replies to the Council's resolutions relating to observations made by the Commission when examining the annual reports, in the form of annexes to the reports for the following year.

The forms in which the various replies are communicated will not, of course, preclude the Secretary-General of the League of Nations from periodically publishing these replies, if thought necessary.

OBSERVATIONS CONCERNING CERTAIN TERRITORIES UNDER MANDATE.

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

TERRITORIES UNDER A MANDATE.

C.P.M.907(1).

Palestine and Trans-Jordan.

GENERAL OBSERVATIONS.

In view of the considerable interest which attaches to the political, economic and social development of Palestine, the Commission would suggest that the annual report, especially its introductory part, might be made somewhat fuller. It recognises that much information is to be found in certain departmental reports, but nevertheless considers that in the annual report to the Council a general and more detailed account should be presented, in particular concerning public health, education and labour. It is grateful for the steps taken by the mandatory Power to fulfil the wishes of the Commission as regards the chapter of the report concerning public finance (pages 81, 97, 98).

1. *Economic Equality.*

The Commission hopes to find in the next annual report a complete statement regarding the concession for the exploitation of the natural wealth of the Dead Sea, and also of the procedure adopted for the construction of the harbour works at Haifa, so as to enable it to form an opinion as to whether the procedure followed is in accordance with the terms of the mandate (pages 82, 89).

2. *Traffic in Drugs.*

The Commission hopes that the next annual report will contain details as regards the joint plan which the Government of Palestine is working out with the Governments of Egypt and Syria for the more expeditious detection and suppression of the illicit traffic in dangerous drugs (page 96).

3. *Trans-Jordan.*

(a) The Commission hopes that future annual reports will contain very full information on the development of this part of the mandated territory (page 98).

(b) The Commission hopes that the frontiers between Trans-Jordan, Syria, Iraq and Nejd will be demarcated on the spot as soon as possible to the satisfaction of all concerned (page 101).

(c) The Commission will follow with interest the results of the application of the new Constitution for Trans-Jordan (page 99).

(d) The Commission thanks the mandatory Power for forwarding to it a translation of the legislation enacted in Trans-Jordan during 1928. It hopes that the mandatory Power will find it possible to place at its disposal a complete collection of the laws and regulations in force in that part of the mandated territory, it being understood that, whenever any of the laws of Palestine are applied in Trans-Jordan, it would be sufficient that reference should be made to these laws, with an indication of any special provisions made as regards Trans-Jordan (page 98).

(e) The Commission desires to be assured that the measures applicable in Trans-Jordan, whereby foreigners appear to be obliged to accept Trans-Jordan nationality as a condition of residence in the territory, do not apply to nationals of the States Members of the League of Nations (page 100).

C.P.M.910(1).

Syria and Lebanon.

GENERAL OBSERVATION.

The Commission notes the accredited representative's statement concerning the conditions and circumstances in which the recent attempt to collaborate with the Syrian Constituent Assembly had failed. It hopes that when the present opposition, which would seem to be by no means universal, has died down, the mandatory Power will succeed, in agreement with the local authorities, in giving to Syria a political status which respects the provisions of the mandate (pages 171, 175).

SPECIAL OBSERVATIONS.

1. *Production of and Traffic in Drugs.*

The Commission considers it desirable to draw the special attention of the mandatory Power to the necessity of strengthening repression by the authorities of the traffic in drugs. The Commission urges that the mandatory Power should succeed as soon as possible in completely suppressing the cultivation of hemp (page 194).

2. *Emigration.*

The Commission hopes that the mandatory Power will be able to conclude arrangements with the immigration countries of South America, to prevent Syrian and Lebanese emigrants being refused admittance, when they comply with the requirements of local legislation (pages 180, 189).

3. *Labour.*

The Commission hopes that, thanks to the economic and industrial development of the country, it will be possible progressively to regulate labour conditions (page 194).

TERRITORIES UNDER B MANDATE.

C.P.M. 900(1).
C.P.M. 914(1).

Cameroons and Togoland under French Mandate.

OBSERVATIONS APPLICABLE TO BOTH TERRITORIES.

The Commission desires to repeat the recommendation which it made at its thirteenth session that the mandatory Power would see that subsidies granted by the mandated territories to institutions of the mother-country and to certain international organisations should be granted only in proportion to the benefits which the mandated territories would derive therefrom. Moreover, as regards the Cameroons under French mandate, the Commission would like to have details regarding the allocation of the total subsidies granted by that territory to various institutions (pages 31, 138).

The Commission notes the information provided by the accredited representative as to the methods according to which the budgets are prepared. It draws the attention of the mandatory Power to the excessive and persistent differences between the budget estimates and the actual receipts and expenditure (pages 28, 134).

Cameroons under French Mandate.

1. *Liquor Traffic.*

The Commission notes that the system of rationing would seem to have given good results, and would be glad to know whether the maximum authorised figure could not be reduced. The Commission would also like the next report to contain a table showing the penalties imposed for infringements of the alcohol laws (page 150).

2. *Public Health.*

The Commission notes with satisfaction the efforts made to combat the spread of sleeping-sickness, and the remarkable activities of the special mission which the mandatory Power has established (page 152).

3. *Population.*

The Commission would be glad to be put in a position to follow closely the demographic movement of the territory (page 155).

Togoland under French Mandate.

1. *Public Finance.*

The Commission hopes that the next report will contain full information as to the tax-paying capacity of the natives in the different parts of the territory.

The Commission was preoccupied about the fiscal effort demanded of the natives in order to build up reserves which are large in proportion to the whole budget, and about the financial policy of the Administration, which is inclined to charge to the ordinary budget the expenditure on major public works such as the construction of a railway. It would like to have in the next report an account, with reasons in support, of the general financial policy of the mandatory Power in this respect (page 28).

2. *Public Health.*

The Commission notes with satisfaction that the mandatory Power is endeavouring to combat leprosy and venereal disease. It would like to be kept informed in full detail of the steps taken and of the results obtained (page 38).

3. *Liquor Traffic.*

The Commission notes with interest the efforts made by the mandatory Power, by means of its new regulations, to check the consumption of alcohol. It notes the appreciable reduction in the imports of spirituous liquors (page 37).

4. *Population.*

The Commission would be glad to see in the next report more exact information concerning the nature of the movements of migration in certain parts of the territory, referred to in the report for 1928 (page 28).

Tanganyika.

GENERAL OBSERVATIONS.

C.P.M.913(1).

C.P.M.911(1).

The members of the Permanent Mandates Commission have each received from the British Government a copy of the Hilton Young Commission's Report, in which a closer union between the mandated territory of Tanganyika and the neighbouring territories of Kenya and Uganda, which are under the sovereignty of Great Britain, is proposed in administrative, Customs and fiscal matters.

The accredited representative informed the Commission that his Government had not yet reached any decision on the findings of that report.

In view of the importance of the proposals of this report from the point of view of their agreement with the provisions and principles of the mandate, this question was discussed by the members of the Commission and various opinions were expressed in the course of these discussions.

The Commission did not feel that it should at this stage express a definite opinion with regard to the findings of the Hilton Young Report, but it has the honour to draw the attention of the Council to its discussions on the subject (pages 17, 103, 109, 167, 200, 204).

SPECIAL OBSERVATIONS.

1. *Education.*

The Commission would be glad to be furnished in future with a comparative table showing the total number of pupils and the total number of schools in the territory in the current and previous years (page 126).

2. *Customs and Railway Policy.*

The Commission has taken note of the undertaking given by the accredited representative to point out to his Government the possible prejudice which in the opinion of the Commission may be caused to the interests of Tanganyika by the application to that territory of a common policy with Kenya regarding Customs tariffs and railway rates (pages 117, 118).

3. *Railways.*

The Commission would be glad to have full information as to the conditions of purchase, by the Tanganyika Administration, of the *Central Railway*, previously owned by a German private company (pages 117, 128).

4. *Labour.*

The Commission expresses its appreciation of the legislative measures taken to improve the conditions of native labour in the territory (pages 109, 121).

TERRITORIES UNDER C MANDATE.

C.P.M.897(1).

Nauru.

1. *Public Finance.*

The Commission calls attention to the questions inserted in the report of its thirteenth session as regards the settlement of the liabilities incurred by the mandated territory to the Australian Department of Defence before and after the inception of civil administration (page 40).

2. *Labour.*

The Commission noted with satisfaction the measures taken by the Administration of Nauru to give effect to the suggestion made at its thirteenth session with reference to the arrangements made for and the indemnities to be granted to Chinese workers repatriated as unfit for service (page 43).

C.P.M.908(2).

New Guinea.

At its thirteenth session, the Permanent Mandates Commission expressed the hope that the mandatory Power would be good enough to afford such information as would dispel the misgiving which it had felt regarding certain aspects of the Administration in New Guinea. The reason for this misgiving was explained to the accredited representative.

The Commission regretted to find that this matter was not dealt with in the Report for 1927-28, nor in the documents forwarded with it, nor yet in the mandatory Government's reply of April 6th, 1929, to the Council. ¹

From the latter it would seem that the scope of the general observations made by the Permanent Mandates Commission was not clearly understood by the Australian Government. The report of the Minister for Home and Territories on his visit to the territory (which is attached as an Annex to the Annual Report) affords little or no information as to the conclusions at which he arrived in regard to the general efficiency and conduct of the Administration, nor has the Commission been informed as to any action which the Australian Government may have in contemplation as a result of the confidential report which it is understood from the accredited representative had been submitted by the Minister. The matters which he regarded as important are tabulated in the published report.

The Commission, moreover, cannot ignore statements made in documents such as the Debates of the Australian House of Representatives, the Record of the Mission Conference at Rabaul in 1927, the comments of the Chief Judge in various cases recently tried by him, all of which have tended to confirm the impression that an unsatisfactory condition, which is not of very recent origin, exists in the territory.

The President of the Commission has now, towards the close of the session, received from the accredited representative a letter containing much information which he has been good enough to obtain by telegram from Australia in regard to questions to which no reply had been made by the accredited representative during the examination of the report, but the Commission feels bound to observe that it is unable to re-open the discussion, in consequence of the receipt of this letter, which amounts to a subsidiary report and would practically involve a discussion similar to that of the annual report. The Permanent Mandates Commission considers that any detailed comments made in these circumstances would be based on insufficient data, and that it would be advisable to defer such observations to a future session.

The Commission attaches particular importance to receiving full information regarding the action (if any) which the Australian Government proposes to take with reference to the matters brought to the notice of the Minister regarding the steps to be taken to put an end to irregularities

¹ Document C.211.1929.VI.

in recruiting, which the Chief Judge is reported to have described as having become a custom, and, finally, as to the measures taken to deal with the deplorable moral conditions prevailing among the natives, as described in the Report of the Mission Conference and elsewhere.

C.P.M.915(1).

South West Africa.

GENERAL OBSERVATION.

The Commission notes with satisfaction that the annual report for 1928 contains much fuller details on various points of special interest to the Commission than previous reports (page 61).

SPECIAL OBSERVATIONS.

1. *Legal Relations between the Mandatory Power and the Mandated Territory.*

The Permanent Mandates Commission notes with regret that, in spite of all its previous discussions on this subject and all the correspondence exchanged between the Council of the League of Nations and the Government of the Union of South Africa in 1927 and 1928,¹ it has never received an explicit answer to its repeated question on the meaning attached by that Government to the term "full sovereignty" used to define the legal relations existing between the mandatory Power and the territory under its mandate.

That question may be formulated as follows: In the official view of the Government of the Union of South Africa, does the term "possesses sovereignty" express only the right to exercise full powers of administration and legislation in the territory of South West Africa under the terms of the mandate and subject to its provisions and to those of Article 22 of the Covenant, or does it imply that the Government of the Union regards itself as being sovereign over the territory itself?

As long as no clear reply to this question is received, the Commission fears that a regrettable misunderstanding will subsist, which it therefore hopes the Council may succeed in finally clearing up (page 77).

2. *General Administration.*

The Commission would be glad to have clear explanations as regards the right of the inhabitants of Walvis Bay — administered as an integral part of the mandated territory — to participate in the elections to the Parliament of the Union and in those of the Legislative Council of South West Africa respectively (page 75).

3. *Status of the Inhabitants.*

The Commission has noted the communication forwarded by the Union Government² in reply to the questions raised in the report of its fourteenth session with regard to the status of the non-native inhabitants of the territory. It regards this question as of great importance and will devote further study to it at its next session (pages 65, 199, 204, 213).

4. *Railways.*

The Commission has not yet received any information as regards the steps taken by the mandatory Power to amend the South West Africa Railways and Harbours Act (No. 20) of 1922, in order to bring the legal regime of the railways and harbours into conformity with the principles of the mandate and the Treaty of Versailles and the decision adopted by the Council of the League of Nations on June 9th, 1926. The accredited representative, however, informed the Commission that a communication may be expected shortly (page 76).

The Commission has taken note of the financial statement concerning the working of the railways, included in the annual report, but would be glad if future reports could contain fuller details on this subject, together with comparative tables for previous years, especially concerning cases in which the Government of the mandated territory has promised or guaranteed subsidies for the working of railways or harbours (pages 67, 68).

5. *Customs Policy.*

The Commission would like to know whether any cases have arisen in which the general Customs policy followed by the Government of the Union of South Africa has in its application to South West Africa injuriously affected the economic and social development of the territory (page 68).

¹ See in particular Minutes of the eleventh session of the Commission (document C.348.M.122.1927.VI), the Council's resolution dated September 8th, 1927 (*Official Journal*, October 1927, pp. 1118-1121), and the letter from the Union Government, dated February 10th, 1928 (document C.73.1928.VI).

² Document C.309.1929.VI.

6. *Land Tenure.*

The Commission requests that the next annual report may contain information regarding the internal organisation of the native reserves. The Commission would also like to have similar information regarding the northern part of the territory outside the police zone (page 74).

7. *Labour.*

The Commission appreciates the continued efforts made by the Administration and by the mining companies to reduce the mortality in the mines amongst native workers from the north of the territory. It hopes that the causes of this high mortality, which appear to be at present unknown, will be discovered, and that it will thus be possible to carry on the work of the mines under more satisfactory conditions (page 71).

OBSERVATIONS ON PETITIONS.

At its fifteenth session, the Commission considered the petitions mentioned below, together with such observations or information with regard thereto as was furnished in writing by the mandatory Powers or orally by their accredited representatives.

Each of the petitions was reported on in writing or orally by a member of the Commission. After discussion, the following conclusions were adopted by the Commission. The reports are attached to the Minutes of the session.¹

1. *Palestine.*

(a) *Petitions relating to the Wailing Wall of Jerusalem :*

1. Telegram from and resolution of the "General Moslem Conference", dated December 1928 (documents C.P.M.830 and 831) ;

2. Telegram from the Supreme Moslem Council, dated December 1928 (document C.P.M. 830) ;

3. Petition from the Emir Chekib Arslan, M. Ihsan el Djabri and M. Riad el Souh, dated December 11th, 1928 (document C.P.M.837).

Observations from the British Government, dated December 8th and 22nd, 1928, and June 8th, 1929 (documents C.P.M. 830, 831 and 859).

Report (see Minutes, Annex 9C).

CONCLUSIONS.

1. The Commission refers to and repeats its previous recommendations as to the advantages of an agreement freely entered into under the auspices of the mandatory Power, in regard to the rights of the Jewish and Moslem communities over the precincts of the Wailing Wall. Failing such an agreement, it appreciates the scrupulous care with which the mandatory Power is ensuring the maintenance of the *status quo*.

2. The Commission, noting the statements submitted by the mandatory Power on the existing legal enactments regarding expropriation on grounds of public utility, considers that the petitioners may rest assured that their fears are groundless (pages 79, 92, 166, 199).

(b) *Petitions relating to Trans-Jordan :*

1. From certain inhabitants of Kerak, dated November 24th, 1928 (Annex 11A) ;

2. From certain inhabitants of Ajlun (document C.P.M.904).

Observations from the British Government, dated May 27th and July 9th, 1929 (Annex 11B). Report (see Minutes, Annex 11C).

CONCLUSIONS.

After examining the various points touched upon in these petitions — except the question of the Hejaz railway, which has been dealt with in connection with another petition — and the explanations offered by the mandatory Power, the Commission was of opinion that the complaints submitted by the petitioners were not of such a nature as to call for any action (pages 102, 205).

(c) *Letter dated May 3rd, 1929, and Memorandum on the Development of the Jewish National Home in 1928, from the Zionist Organisation :*

Observations from the British Government, dated June 20th, 1929 (document C.P.M.868). Report (see Minutes, Annex 5).

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

CONCLUSIONS.

The Commission is of opinion that neither the memorandum of the Zionist Organisation, nor the observations of the British Government thereon, would seem to give occasion for the insertion of any recommendation in the Commission's report to the Council (pages 19, 163).

2. Palestine and Syria.

Petition from the Emir Chekib Arslan, dated November 5th, 1928, relating to the Hejaz Railway and the Disarmament of the Population of the Jebel Druse (document C.P.M. 825).

Observations from the British Government, dated April 5th, 1929 (document C.P.M. 841), and observations from the French Government, dated June 26th, 1929 (document C.P.M. 879).

Report (see Minutes, Annex 15).

CONCLUSIONS.

The provisions and proposals made by the mandatory Powers concerned with the administration and the operation of the Hejaz Railway are such as would not seem to conflict with the religious aspirations of the Moslem population. They tend to create a situation as similar to pre-war conditions as circumstances allow. The Permanent Mandates Commission is therefore unable to comply with the wishes of the petitioners. It adds that, in its opinion, the Moslem population of the mandated territories concerned would be well advised, in the interests of the resumption of traffic on the Hejaz Railway and of improved conditions in pilgrim transport, to associate themselves with the efforts made by the mandatory Powers to settle this matter in a manner most favourable to the interests of all concerned.

As regards the disarmament of the Jebel Druse, the Commission decides that, in view of the information given in the petition and of the observations forwarded by the mandatory Power, there is no ground for action to be taken (pages 213, 214, 215).

3. Syria and the Lebanon.

(a) *Petitions relating to the Incidents which occurred at Homs in the Spring of 1929.*

1. From the Executive Committee of the Syro-Palestinian Congress, dated April 19th and May 20th, 1929 (Annex 18A);

2. From inhabitants of Damascus and Cairo, dated April 3rd, 1929 (Annex 18A).

Observations from the French Government, dated July 3rd, 1929 (Annex 18B).
Report (see Minutes, Annex 18C).

CONCLUSIONS.

The Permanent Mandates Commission, having examined the two petitions in the light of the mandatory Power's observations and the supplementary particulars supplied by the accredited representative in the course of the session, considers that these petitions call for no action on the part of the Council (pages 183, 197, 217).

(b) *Petition from M. Souheil el Attar, dated April 14th, 1928* (document C.P.M.884).

Observations from the French Government, dated June 28th, 1929 (document C.P.M.884).
Report (see Minutes, Annex 17).

CONCLUSIONS.

The Permanent Mandates Commission, after examining the petitioner's allegations and the mandatory Power's observations, considers that no action can be taken on the petition (page 216).

(c) *Petition from Certain Inhabitants of Hama, dated October 20th, 1928* (document C.P.M. 885).

Observations from the French Government, dated June 28th, 1929 (document C.P.M. 885).
Report (see Minutes, Annex 16).

CONCLUSIONS.

The Commission, having noted the mandatory Power's statements that the public meeting convened by the complainants was not prohibited, and that the intervention of the authorities only took the form of persuasion, considers that no action can be taken on the petition (page 215).

4. Cameroons and Togoland under French Mandate, Tanganyika and Ruanda-Urundi.

Petition from the "Bureau international pour la défense des indigènes", dated May 20th, 1928 (Annex 8 A).

Observations from the French Government, dated October 4th, 1928, as regards the Cameroons and Togoland under French mandate; from the British Government, dated November 29th, 1928, concerning Tanganyika and from the Belgian Government dated September 12th, 1928, as regards Ruanda-Urundi (Annex 8 B).

Report (see Minutes, Annex 8 C).

CONCLUSIONS.

The Commission has considered it advisable to confine its examination to such of the allegations contained in Mr. R. L. Buell's book entitled "The Native Problem in Africa" as have been submitted by the "Bureau international pour la défense des indigènes" in its petition, dated May 20th, 1928. It has examined the observations of the mandatory Powers concerned and has received further verbal information during its fifteenth session from the accredited representatives of these Powers regarding some of these allegations.

The Commission is of opinion that the observations of the author of the book in question cited in the petition are either without foundation or have been the subject of investigation by the Commission, and are not of a nature to justify any intervention by the Council (pages 17, 20, 123, 142, 143, 147, 165, 204).

5. Cameroons under French Mandate.

Petition from M. Gogo Briggs, dated July 5th, 1928 (document C.P.M.893).

Observations from the French Government, dated July 1st, 1929 (document C.P.M.893).
Oral report (see Minutes, page 130).

CONCLUSIONS.

Since this petition adduces no new facts which could induce the Commission to reconsider the decision, taken by its Chairman, and approved by the Commission during its thirteenth session, to reject a petition, dated November 23rd, 1927, coming from the same source and dealing with the same subject, the Commission considers that no action should be taken in the matter (page 130).

6. Togoland under British Mandate.

Petition from the Inhabitants of Wome (Togoland under French Mandate) dated July 3rd, 1928 (Annex 10 A).

Observations from the British Government, dated June 28th, 1929 (Annex 10 B).
Report (see Minutes, Annex 10 C).

CONCLUSIONS.

The Commission, while reserving the right to consider the complete and final delimitation of the frontier, when submitted to it:

1. Notes the mandatory Power's statement that "thus the inhabitants of Wome will continue to enjoy the possession of their farms, even though these lie on the British side of the frontier, and their fears lest they should be deprived of their property are groundless"; and

2. Expresses the hope that the agreement between the tribes will be promptly signed by the respective chiefs, and that the question will thus receive an amicable solution (page 205).

7. Togoland under French Mandate.

Petition from the "Bund der Deutsch Togoländer", dated July 11th, 1928 (document C.P.M. 772).

Observations from the French Government, dated February 22nd, 1929 (document C.P.M. 836).

Report (see Minutes, Annex 6).

CONCLUSIONS.

The Commission proposes to reply to the petitioners that their allegations have not been found to be correct. As regards the concluding paragraph of the petition, it is a request incompatible with the terms of the mandate and is therefore outside the competence of the Commission (page 163).

8. South West Africa.

- (a) *Petition from Mr. Dewdney Drew, dated August 9th, 1928* (document C.P.M.778).
Observations from the Government of the Union of South Africa, dated January 23rd, 1929 (document C.P.M.835).
Report (see Minutes, Annex 7).

CONCLUSIONS.

The Commission proposes that Mr. Drew should be informed that the Permanent Mandates Commission has already recorded its opinion, which has been accepted by the Council — that “the grievances of the Rehoboths have been fully investigated and have now lost their relevance” — and that, in these circumstances, it does not think it necessary to re-open the question or to take any action on Mr. Drew’s letter (page 163).

- (b) *Petition from M. A. Bergmann, dated July 15th, 1928* (document C.P.M.852).
Observations from the Government of the Union of South Africa, dated April 11th, 1929 (document C.P.M. 852).
Oral report (see Minutes, page 84).

CONCLUSIONS.

The Commission is of opinion that Mr. Bergmann’s petition calls for no action on its part, seeing that it contains no matter which would warrant its consideration (page 84).

B.

COMMENTS OF CERTAIN ACCREDITED REPRESENTATIVES SUBMITTED IN ACCORDANCE WITH SECTION (c) OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION. ¹

South West Africa.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED JULY 23RD, 1929.

I have the honour to acknowledge receipt of your letter dated July 23rd, 1929, enclosing an advance copy of the observations of the Permanent Mandates Commission on the Report of the Government of the Union of South Africa regarding its Administration of the South West Africa Mandated Territory, and inviting me to make such comments as I may deem necessary.

The only comment I desire to offer is in regard to the first observation of the Commission dealing with the question of “sovereignty”. The Commission states that it

“ . . . notes with regret that, *in spite of* all its previous discussions on this subject, and *all the correspondence exchanged between the Council of the League of Nations and the Government of the Union of South Africa*, it has never received an explicit answer to its repeated question on the meaning attached by that Government to the term ‘full sovereignty’ . . . ”

The Commission then proceeds to formulate a definite question to which it desires a reply from the mandatory Power.

These comments of the Commission clearly seem to suggest that the Government of the Union of South Africa has been remiss in not supplying certain information desired by the Commission and by the Council of the League. (See words underlined by me in above quotation.)

In fairness to my Government I would like to point out that this matter appears to have been finally disposed of by the Council of the League, which at the fourth meeting of its forty-sixth session, held on September 8th, 1927, adopted a resolution approving the report of its Rapporteur, who in dealing with this question, said :

“ This question was raised previously in the report of the Commission on its tenth session, and in March last the Council decided that it should not express any opinion on the difficult point as to where sovereignty over a mandated territory resides, but *that the Secretary-General should simply be instructed to forward the relevant passage of the Mandates Commission’s report for the information of the mandatory Power concerned* . . . ”

¹ The accredited representatives for Syria and Lebanon, Tanganyika Territory and Nauru (Australian mandate) have forwarded no comments on the observations contained in the report of the Permanent Mandates Commission to the Council.

The Rapporteur then proceeds to state that the Mandates Commission has once more taken up the matter with the Council, and he deals with this further request of the Commission, in the following terms :

“ I appreciate the scrupulous care with which the Mandates Commission has continued its efforts to remove any doubts on a point of this importance.

“ It seems to me that *from all practical points of view, the situation is quite clear . . .*”

It is not necessary for me to quote the rest of his report. The Rapporteur gives his reasons as to why he considers the matter to be “ quite clear ”, and recommends that the only action to be taken should be that “ this most recent observation of the Commission be communicated to the mandatory Power in the usual way, so that it might add any further comment that it *might* desire ”. He expressly states that these comments should be forwarded because of the fact that the then High Commissioner for South Africa had reserved the right, on behalf of his Government, to express its views should the need arise for doing so. (I have underlined the relevant passages in the above quotations.)

In view of the terms of the Council's report above quoted, it seems to be quite clear that there was no obligation upon the mandatory Power to express any views or opinions on this question — in fact, that the Council of the League for the second time decided that the matter was quite clear, and that no action need be taken, beyond forwarding the comments of the Commission for the information of the mandatory Power.

(Signed) Eric H. Louw,
High Commissioner for the Union
of South Africa.

Palestine and Trans-Jordan.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED JULY 26TH, 1929.

I have the honour to acknowledge the receipt of your letter 6A/12176/224 of July 23rd, transmitting, for my comments, an advance copy of the observations of the Permanent Mandates Commission on the administration of Palestine and Trans-Jordan.

2. I annex a copy of my comments upon the Mandates Commission's observation 4 (e) regarding the provisions of Trans-Jordan legislation.

(Signed) J. R. CHANCELLOR.

Comments.

The Commission's observation 4 (e) gives a mistaken impression of the provisions of Trans-Jordan legislation. There is no provision whereby foreigners of any nationality are obliged to accept Trans-Jordan nationality as a condition of residence in the territory. The reference appears to rest upon a misinterpretation of Section 4 of the Trans-Jordan Nationality Law. Sections 1 to 4 of that law adapt to Trans-Jordan the provisions of Articles 30 to 33 of the Treaty of Lausanne, the tenor of which is as follows :

Turkish subjects, habitually resident in territory detached from Turkey, become automatically nationals of the State to which the territory is transferred (Article 30).

But may, under certain conditions, opt for Turkish nationality (Article 31).

Or, under certain other conditions, for the nationality of another Succession State (Article 32).

Persons exercising this right must transfer their residence to their State of option (Article 33).

It will be observed, therefore, that the provision which the Commission have interpreted as requiring foreigners to accept Trans-Jordan nationality, in fact merely embodies the provision of the Treaty of Lausanne, that Trans-Jordanians who have exercised their right to opt for Turkish or other nationality shall transfer their residence to the State for whose nationality they have opted.

New Guinea.

LETTER FROM THE ACCREDITED REPRESENTATIVE DATED JULY 31ST, 1929.

1. I have the honour to acknowledge receipt of an advance copy of the Observations of the Permanent Mandates Commission (document C.P.M.908), drafted after examination of the Report (1927-28) on the Administration of the Mandated Territory of New Guinea and after my appearance before, and interrogation by, the Commission as the Accredited Representative of the mandatory Power.

2. I should be glad if the following comments on the observations referred to might be transmitted to the Council of the League of Nations in accordance with the provisions of Rule 8 of the Rules of Procedure of the Permanent Mandates Commission (document C.P.M.8(2)).

3. In the succeeding paragraphs of this note, I will endeavour, as far as possible, to reply categorically to the various points raised by the Commission in its observations, and in the first instance will refer to the unspecified and indefinite misgivings which the Commission entertains regarding certain aspects of the administration of New Guinea.

4. The Commission has stated that it "cannot ignore statements made in documents such as the debates of the Australian House of Representatives, the records of the Mission Conference at Rabaul in 1927, the comments of the Chief Judge in various cases recently tried by him, all of which," in the words of the Commission, "have tended to confirm the impression that an unsatisfactory condition . . . exists in the Territory". The generality of this comment is obvious — no specific mention is made of any incident, series of incidents or condition of affairs calculated to create such an impression. To dispel such doubts as exist, I propose to refer *seriatim* to the statements, records and comments which have been accepted by the collective mind of the Commission as confirmatory evidence of an "unsatisfactory condition".

5. During my examination, reference was made to a question directed to the Right Honourable the Prime Minister of Australia, reported in the Records of the Parliamentary Debates of the Commonwealth of Australia of September 29th, 1927. Since the meeting of the Permanent Mandates Commission, I have taken an opportunity of carefully examining this parliamentary question and the reply thereto, and apart from a specific reference to conditions disclosed in the report of the Missions Conference, the question contains no evidence of fact or allegation upon which action could be suggested or taken — the statement is simply the opinion of a member of Parliament expressed in his personal capacity as such.

6. This brings me to the report of the Missions Conference referred to in the Commission's observations and in the preceding paragraph of this note. It is within the knowledge of the Permanent Mandates Commission that this Conference adopted a series of far-reaching resolutions affecting the moral, social and material welfare of the New Guinea natives. If reference is made to pages 197 to 205 of the report in question, it will be seen that at a meeting of the New Guinea Advisory Council, at which the Administrator of the Territory was present, the recommendations of the Missions Conference were concurred in almost without exception or reservation. This answers adequately any question as to what action the mandatory Power contemplates with regard to certain moral conditions said to prevail among the New Guinea natives. With regard to the general moral welfare of the natives, I would point out that the Government of the Commonwealth of Australia, in administering the mandate for New Guinea, is dealing with a people with whom certain practices have been apparently common for centuries. So far back as 1922 the Australian Government informed the Permanent Mandates Commission that the tribal institutions, customs and usages of the natives generally speaking, remained in force so far as they were not repugnant to the general principles of humanity. It will be appreciated that the mandatory Power has to exercise extreme caution in the matter of interfering with native customs, but, where such customs or practices are found to be objectionable, measures to check them must be considered, having due regard to the native mentality.

7. With regard to the comments made by the Chief Judge on various cases recently tried by him, particularly with reference to irregularities in recruiting natives, I am advised that these cases were apparently heard by the learned Judge subsequent to the period covered by the Annual Report on the Administration of the Territory for 1927-28. As a matter of fact, the proceedings in all these cases were instituted by the Administration and, in one more recent prosecution, the Crown Law Officer emphasised the seriousness with which the Administration regarded such offences. That the Administration is impressed with the necessity for strict enforcement of the law in relation to recruiting and that it is taking all possible steps to that end, is borne out by the facts that it instigated the prosecutions referred to, and that no effort is being spared to prevent abuses arising out of infringement of the law.

8. The report of the Minister for Home and Territories on an official visit made by him to New Guinea is afforded considerable prominence in the Commission's observations, particularly as to the insufficiency of information contained therein on the general efficiency and conduct of the Administration of the Territory; also, the absence of advice as to what action the Government of the Commonwealth contemplates in regard to the many important matters mentioned in the Minister's report has been made the subject of comment. On these points, permit me to say that, had the Permanent Mandates Commission taken cognisance of and examined my letter of July 13th, 1929, it would have found full and explicit information on all the questions into which the Minister for Home and Territories enquired or had referred to him. This letter which was addressed to the President of the Commission was lodged at the Secretariat of the League of Nations on the date upon which it was written — six days before the fifteenth session closed, and, as I was remaining in Geneva until the last week of July, I informed the President of this fact and intimated that I would be at the Commission's

disposal should I be required at any time during the remainder of its session. I perhaps should add, I am now in a position to state definitely that the report of the Minister for Home and Territories which appeared as an Appendix to the Annual Report on the Administration of New Guinea (1927-28) was the only report furnished to the Government of the Commonwealth of Australia.

9. Finally, as to the general question of insufficiency of information contained in the annual reports on the Territory of New Guinea, I would remind the Permanent Mandates Commission that the Government of the Commonwealth of Australia has from time to time, and even so recently as April 16th, 1929, stated that it endeavours through the information furnished in its annual reports, in its replies to general and special observations on those reports, and in statements on questions raised by individual members of the Commission (as elicited from a perusal of the Minutes of the proceedings) to place the Commission in possession of full particulars regarding the Administration of the mandated Territory of New Guinea both from the legislative and executive standpoints. It is obviously impossible to report every minor step in the task of bringing under control and administering a territory covering a million or more square miles of land and sea, and it is equally impracticable for the mandatory Power to deal with statements and criticism of a general character. In the latter connection, experience in the past has proved that in many instances such criticism has, on examination, been without foundation in fact or substance.

10. In conclusion, I desire to state that the Government of the Commonwealth of Australia is fully seized of its obligations under the Mandate, and an impartial survey of the Administration's work since 1921 leaves no doubt that this duty has been faithfully and efficiently discharged. The natives have been protected and advanced without in any way hampering the progress of the country, and the utmost endeavours are being made to promote their material and moral well-being and advancement.

(Signed) Granville RYRIE,
High Commissioner of the Commonwealth
of Australia in London.

Togoland and Cameroons under French Mandate.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED AUGUST 3RD, 1929.

[Translation.]

By a letter dated July 23rd last (6A/11990/2705, 6A/11991/3989), you were good enough to forward me a typed copy of the observations of the Permanent Mandates Commission on the reports on the administration of Togoland and the Cameroons under French mandate.

I have the honour to send you enclosed a document containing the comments which I present to the Council of the League of Nations on these observations.

(Signed) A. FRANCESCHI.

Comments.

I. Observations Applicable to Both Territories.

- (a) Recommendation of the Permanent Mandates Commission regarding subsidies granted by the Territories to institutions of the home country and to certain international organisations.

This recommendation will be communicated both to the Commissioners of the Republic in Togoland and the Cameroons and to the commissions which examine requests for subsidies and the proposed allocation to the local budgets of the Territories of credits earmarked for that purpose.

The closest attention will undoubtedly be paid to the recommendation.

- (b) As regards the Cameroons, the Permanent Mandates Commission would like to have details regarding the appropriation of the total subsidies granted by this Territory to various institutions.

The Commissioner of the Republic in the Cameroons will be asked kindly to furnish these details.

- (c) The Permanent Mandates Commission draws the mandatory Power's attention to the excessive and persistent differences between the budget estimates and the actual receipts and expenditure.

The Commissioners of the French Republic in Togoland and the Cameroons will be asked to reduce these differences as far as possible.

In any case it will probably be easier to reduce these differences in course of time ; as a precautionary measure, revenue estimates, especially in new countries, are always fixed by

the French Administration so as to fall a little below actual receipts. Should surpluses be secured during the financial year, they are applied to the most urgent work.

As resources are stabilised, it will be possible to execute schemes of work with greater regularity, and actual receipts and expenditure will deviate less from budget estimates.

II. *Special Observations.*

(a) *Cameroons under French Mandate.*

1. *Liquor Traffic.* — The observations of the Permanent Mandates Commission regarding the good results of the rationing system will be communicated to the Commissioner of the Republic, with the request to endeavour to reduce the maximum authorised figure, and to include in his next report a statistical table of the penalties imposed.

2. *Public Health.* — The Administration of the Territory will certainly be very gratified to find that its efforts have been so highly appreciated by the Permanent Mandates Commission. This appreciation will be valuable encouragement for both the Administration and the Special Commission in their campaign against sleeping-sickness.

3. *Population.* — The Commissioner of the French Republic will be asked to do his best to meet the wish of the Permanent Mandates Commission to be enabled to follow closely the demographic movements of the Territory.

(b) *Togoland under French Mandate.*

1. *Public Finance.* — It will perhaps be difficult to include in the next report "full information" as to the taxable capacity of the natives in the different parts of the Territory.

The mandatory Power is most anxious, however, to comply with the Permanent Mandates Commission's wishes on this subject and will endeavour to furnish the fullest possible information.

Further, it should be noted that the African territories under French mandate are included in the Bill, recently placed on the table of the Chamber of Deputies, authorising an initial aggregate loan, on account of which the Ministry of Finance anticipates the remission of the tax on income from movable property.

Of the total amount of this loan, a quota of 65 millions is earmarked for Togoland, and will be applied entirely to the construction of 200 kilometres of railway. The quota of 10 millions allocated to the Cameroons is intended to enable the metre gauge to be introduced on a section of the railway in place of a gauge of 0.60 m., and for improvements to the harbour of Duala.

Finally, the Mandatory Power will bear in mind the Commission's desire to receive, in the next report, detailed explanations as to the general financial policy regarding major works. It is quite sure that the Permanent Mandates Commission will see, from the explanations given, that in administering the Territories which have been entrusted to it with the necessary "full powers", it is the sole aim of France to promote the interests of the native populations.

2. *Public Health.* — The Permanent Mandates Commission's request will be communicated to the Commissioner of the French Republic, who will give it the closest attention.

3. *Liquor Traffic.* — No comments.

4. *Population.* — Same comment as on paragraph 2 : "Public Health".

Note by the Secretariat. — The INDEX to the present volume, which it was not possible to complete in time for insertion, will be distributed separately.

August 15th, 1929.

LEAGUE OF NATIONS

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to the

Records of the fifteenth Session of the Permanent Mandates Commission.

Abbreviations

Cl. = Council
 Ctte = Committee
 Govt. = Government
 Int. = International

Memo. = Memorandum
 Perm. = Permanent
 Un. S. Afr. Union of South Africa

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GENEVA, July 19th, 1929.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

FIFTEENTH SESSION OF THE COMMISSION

(Geneva, July 1st to July 19th, 1929.)

A.

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

The Permanent Mandates Commission met at Geneva from July 1st to July 19th, 1929, for its fifteenth session, during which it held twenty-nine meetings, one of which was public. All its members and the representative of the International Labour Organisation were present.

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

Togoland under French Mandate, 1928.

Accredited Representative :

M. FRANCESCHI, Honorary Director in the French Ministry of the Colonies ;
Assisted by M. Albert DUCHÊNE, Honorary Director in the French Ministry of the Colonies.

Nauru, 1928.

Accredited Representative :

Major-General Sir Granville de Laune RYRIE, K.C.M.G., C.B., V.D., High Commissioner for Australia in London.

New Guinea, 1927-28.

Accredited Representative :

Major-General Sir Granville de Laune RYRIE.

South West Africa, 1928.

Accredited Representatives :

Mr. E. H. LOUW, High Commissioner for the Union of South Africa in London ;
Mr. H. P. SMIT, Secretary of the Administration of South West Africa.

Palestine and Trans-Jordan, 1928.

Accredited Representative :

Sir John CHANCELLOR, G.C.M.G., G.C.V.O., D.S.O., High Commissioner for Palestine and Trans-Jordan ;
Assisted by Mr. G. L. M. CLAUSON, O.B.E., F.S.A., of the British Colonial Office.

Tanganyika, 1928.

Accredited Representatives :

Mr. W. LUNN, M.P., Parliamentary Under-Secretary of State for the Colonies ;
Mr. D. J. JARDINE, O.B.E., Chief Secretary to the Government of Tanganyika Territory ;
Mr. E. G. S. MACHTIG, O.B.E., of the Colonial Office ;
Assisted by Mr. G. L. M. CLAUSON.

Cameroons under French Mandate, 1928.

Accredited Representative :

M. FRANCESCHI ;

Assisted by M. MARCHAND, Governor of the Colonies, Commissioner of the French Republic in the Cameroons.

Syria and the Lebanon, 1928.

Accredited Representative :

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

GENERAL QUESTIONS.

1. TREATMENT EXTENDED IN COUNTRIES MEMBERS OF THE LEAGUE OF NATIONS TO PERSONS BELONGING TO TERRITORIES UNDER A AND B MANDATES AND TO PRODUCE AND GOODS COMING THEREFROM (pages 209, 211, 220).¹

On September 1st, 1928, the Council adopted the following resolution :

“ The Council requests the Permanent Mandates Commission to institute a general enquiry into the whole question of the treatment of persons belonging to mandated territories in countries Members of the League of Nations and of the produce and goods coming from these territories, and to communicate to it the result of this enquiry. ”

The Permanent Mandates Commission, after studying the question at its fourteenth and fifteenth sessions, has the honour to recommend to the Council to ask the mandatory Powers in charge of A and B mandates whether they consider it necessary and expedient to contemplate the conclusion of an international Convention intended to secure to the territories under A and B mandates the benefit of reciprocity in respect of economic equality which these territories are obliged to grant to States Members of the League of Nations, at least in respect of commercial exchanges, or whether, in their opinion, it would be preferable and sufficient for them to pursue the end in view by means of direct and bilateral negotiations.

2. STATUS OF THE INHABITANTS OF TERRITORIES UNDER B AND C MANDATES (page 212).

By a resolution adopted on March 5th, 1928, the Council approved a suggestion made by the Permanent Mandates Commission to invite the mandatory Powers to inform it of the measures taken in order to give effect to the Council's resolution of April 23rd, 1923, concerning the national status of the inhabitants of territories under B and C mandates, particularly in regard to the fourth paragraph of this resolution.

The Permanent Mandates Commission, having taken note of the replies of the mandatory Powers, considers that, at the present stage, it has no observations to make.

3. PUBLIC HEALTH (page 158).

At its fourteenth session, the Permanent Mandates Commission considered at some length the question of public health in mandated territories.

After giving the matter further attention at the present session, the Commission adopted the following conclusions :

“ Whereas the shortage of doctors and public health specialists is frequently referred to by the mandatory Powers as one of the factors which hamper their efforts towards reform in public health ;

“ And whereas this shortage appears to be due as much to the insufficient number of qualified candidates prepared to go abroad who can be found in the home territory of the mandatory Powers as to financial causes ;

“ The Commission ;

“ While highly appreciating the efforts made and the progress achieved by the mandatory Powers in this connection during the last few years, and while fully realising that the increase in the qualified medical staff only constitutes one factor in the problem, has the honour :

“ 1. To draw the Council's attention to this important question, and

“ 2. To propose that the Council should ask the mandatory Powers to state their views on the following points :

“ (a) What are the difficulties (if any) encountered in recruiting public health officials for mandated territories ?

¹ The pages indicated after each observation are the relevant pages of the Minutes of the session (document C.305, M.105, 1929, VI).

“ (b) Do the mandatory Powers accept properly qualified doctors of foreign nationality as officials in their mandatory administrations ? If not, would they be prepared to consider altering their policy in this connection ?

“ (c) What qualifications do the mandatory Powers require of officials, whether nationals or foreigners, in the public health services of their mandatory administrations ?

“ (d) Should the difficulties encountered in recruiting an adequate number of doctors who are nationals of the mandatory Power prove insuperable, and should the principles of public policy absolutely preclude the engagement of foreign doctors as officials, would it be possible to encourage by more liberal subsidies the medical work of the missions operating in mandated territories ? ”

4. REPLIES OF MANDATORY POWERS TO COUNCIL RESOLUTIONS ON OBSERVATIONS CONCERNING GENERAL QUESTIONS AND OBSERVATIONS SUBMITTED BY THE COMMISSION WHEN EXAMINING THE ANNUAL REPORTS ON THE VARIOUS MANDATED TERRITORIES (pages 130, 204).

The replies of the mandatory Powers to Council resolutions regarding suggestions concerning general questions and observations by the Mandates Commission are communicated in very diverse forms, and it would be highly desirable that the rules governing the method of presentation should be more uniform.

For this purpose, the Commission begs the Council to request the mandatory Powers :

1. To be good enough in future to comply exactly with the Council's resolution of December 9th, 1925, and for that purpose to send as soon as possible, and in the form of separate communications, their replies to the Council's resolutions regarding suggestions concerning general questions ;

2. To communicate their replies to the Council's resolutions relating to observations made by the Commission when examining the annual reports, in the form of annexes to the reports for the following year.

The forms in which the various replies are communicated will not, of course, preclude the Secretary-General of the League of Nations from periodically publishing these replies, if thought necessary.

OBSERVATIONS CONCERNING CERTAIN TERRITORIES UNDER MANDATE.

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

TERRITORIES UNDER A MANDATE.

C.P.M.907(1).

Palestine and Trans-Jordan.

GENERAL OBSERVATIONS.

In view of the considerable interest which attaches to the political, economic and social development of Palestine, the Commission would suggest that the annual report, especially its introductory part, might be made somewhat fuller. It recognises that much information is to be found in certain departmental reports, but nevertheless considers that in the annual report to the Council a general and more detailed account should be presented, in particular concerning public health, education and labour. It is grateful for the steps taken by the mandatory Power to fulfil the wishes of the Commission as regards the chapter of the report concerning public finance (pages 81, 97, 98).

1. *Economic Equality.*

The Commission hopes to find in the next annual report a complete statement regarding the concession for the exploitation of the natural wealth of the Dead Sea, and also of the procedure adopted for the construction of the harbour works at Haifa, so as to enable it to form an opinion as to whether the procedure followed is in accordance with the terms of the mandate (pages 82, 89).

2. *Traffic in Drugs.*

The Commission hopes that the next annual report will contain details as regards the joint plan which the Government of Palestine is working out with the Governments of Egypt and Syria for the more expeditious detection and suppression of the illicit traffic in dangerous drugs (page 96).

3. *Trans-Jordan.*

(a) The Commission hopes that future annual reports will contain very full information on the development of this part of the mandated territory (page 98).

(b) The Commission hopes that the frontiers between Trans-Jordan, Syria, Iraq and Nejd will be demarcated on the spot as soon as possible to the satisfaction of all concerned (page 101).

(c) The Commission will follow with interest the results of the application of the new Constitution for Trans-Jordan (page 99).

(d) The Commission thanks the mandatory Power for forwarding to it a translation of the legislation enacted in Trans-Jordan during 1928. It hopes that the mandatory Power will find it possible to place at its disposal a complete collection of the laws and regulations in force in that part of the mandated territory, it being understood that, whenever any of the laws of Palestine are applied in Trans-Jordan, it would be sufficient that reference should be made to these laws, with an indication of any special provisions made as regards Trans-Jordan (page 98).

(e) The Commission desires to be assured that the measures applicable in Trans-Jordan, whereby foreigners appear to be obliged to accept Trans-Jordan nationality as a condition of residence in the territory, do not apply to nationals of the States Members of the League of Nations (page 100).

C.P.M.910(1).

Syria and Lebanon.

GENERAL OBSERVATION.

The Commission notes the accredited representative's statement concerning the conditions and circumstances in which the recent attempt to collaborate with the Syrian Constituent Assembly had failed. It hopes that when the present opposition, which would seem to be by no means universal, has died down, the mandatory Power will succeed, in agreement with the local authorities, in giving to Syria a political status which respects the provisions of the mandate (pages 171, 175).

SPECIAL OBSERVATIONS.

1. *Production of and Traffic in Drugs.*

The Commission considers it desirable to draw the special attention of the mandatory Power to the necessity of strengthening repression by the authorities of the traffic in drugs. The Commission urges that the mandatory Power should succeed as soon as possible in completely suppressing the cultivation of hemp (page 194).

2. *Emigration.*

The Commission hopes that the mandatory Power will be able to conclude arrangements with the immigration countries of South America, to prevent Syrian and Lebanese emigrants being refused admittance, when they comply with the requirements of local legislation (pages 180, 189).

3. *Labour.*

The Commission hopes that, thanks to the economic and industrial development of the country, it will be possible progressively to regulate labour conditions (page 194).

TERRITORIES UNDER B MANDATE.

C.P.M. 900(1).

C.P.M. 914(1).

Cameroons and Togoland under French Mandate.

OBSERVATIONS APPLICABLE TO BOTH TERRITORIES.

The Commission desires to repeat the recommendation which it made at its thirteenth session that the mandatory Power would see that subsidies granted by the mandated territories to institutions of the mother-country and to certain international organisations should be granted only in proportion to the benefits which the mandated territories would derive therefrom. Moreover, as regards the Cameroons under French mandate, the Commission would like to have details regarding the allocation of the total subsidies granted by that territory to various institutions (pages 31, 138).

The Commission notes the information provided by the accredited representative as to the methods according to which the budgets are prepared. It draws the attention of the mandatory Power to the excessive and persistent differences between the budget estimates and the actual receipts and expenditure (pages 28, 134).

Cameroons under French Mandate.

1. *Liquor Traffic.*

The Commission notes that the system of rationing would seem to have given good results, and would be glad to know whether the maximum authorised figure could not be reduced. The Commission would also like the next report to contain a table showing the penalties imposed for infringements of the alcohol laws (page 150).

2. *Public Health.*

The Commission notes with satisfaction the efforts made to combat the spread of sleeping-sickness, and the remarkable activities of the special mission which the mandatory Power has established (page 152).

3. *Population.*

The Commission would be glad to be put in a position to follow closely the demographic movement of the territory (page 155).

Togoland under French Mandate.

1. *Public Finance.*

The Commission hopes that the next report will contain full information as to the tax-paying capacity of the natives in the different parts of the territory.

The Commission was preoccupied about the fiscal effort demanded of the natives in order to build up reserves which are large in proportion to the whole budget, and about the financial policy of the Administration, which is inclined to charge to the ordinary budget the expenditure on major public works such as the construction of a railway. It would like to have in the next report an account, with reasons in support, of the general financial policy of the mandatory Power in this respect (page 28).

2. *Public Health.*

The Commission notes with satisfaction that the mandatory Power is endeavouring to combat leprosy and venereal disease. It would like to be kept informed in full detail of the steps taken and of the results obtained (page 38).

3. *Liquor Traffic.*

The Commission notes with interest the efforts made by the mandatory Power, by means of its new regulations, to check the consumption of alcohol. It notes the appreciable reduction in the imports of spirituous liquors (page 37).

4. *Population.*

The Commission would be glad to see in the next report more exact information concerning the nature of the movements of migration in certain parts of the territory, referred to in the report for 1928 (page 28).

Tanganyika.

GENERAL OBSERVATIONS.

C.P.M.913(1).
C.P.M.911(1).

The members of the Permanent Mandates Commission have each received from the British Government a copy of the Hilton Young Commission's Report, in which a closer union between the mandated territory of Tanganyika and the neighbouring territories of Kenya and Uganda, which are under the sovereignty of Great Britain, is proposed in administrative, Customs and fiscal matters.

The accredited representative informed the Commission that his Government had not yet reached any decision on the findings of that report.

In view of the importance of the proposals of this report from the point of view of their agreement with the provisions and principles of the mandate, this question was discussed by the members of the Commission and various opinions were expressed in the course of these discussions.

The Commission did not feel that it should at this stage express a definite opinion with regard to the findings of the Hilton Young Report, but it has the honour to draw the attention of the Council to its discussions on the subject (pages 17, 103, 109, 167, 200, 204).

SPECIAL OBSERVATIONS.

1. *Education.*

The Commission would be glad to be furnished in future with a comparative table showing the total number of pupils and the total number of schools in the territory in the current and previous years (page 126).

2. *Customs and Railway Policy.*

The Commission has taken note of the undertaking given by the accredited representative to point out to his Government the possible prejudice which in the opinion of the Commission may be caused to the interests of Tanganyika by the application to that territory of a common policy with Kenya regarding Customs tariffs and railway rates (pages 117, 118).

3. *Railways.*

The Commission would be glad to have full information as to the conditions of purchase, by the Tanganyika Administration, of the *Central Railway*, previously owned by a German private company (pages 117, 128).

4. *Labour.*

The Commission expresses its appreciation of the legislative measures taken to improve the conditions of native labour in the territory (pages 109, 121).

TERRITORIES UNDER C MANDATE.

C.P.M.897(1).

Nauru.

1. *Public Finance.*

The Commission calls attention to the questions inserted in the report of its thirteenth session as regards the settlement of the liabilities incurred by the mandated territory to the Australian Department of Defence before and after the inception of civil administration (page 40).

2. *Labour.*

The Commission noted with satisfaction the measures taken by the Administration of Nauru to give effect to the suggestion made at its thirteenth session with reference to the arrangements made for and the indemnities to be granted to Chinese workers repatriated as unfit for service (page 43).

C.P.M.908(2).

New Guinea.

At its thirteenth session, the Permanent Mandates Commission expressed the hope that the mandatory Power would be good enough to afford such information as would dispel the misgiving which it had felt regarding certain aspects of the Administration in New Guinea. The reason for this misgiving was explained to the accredited representative.

The Commission regretted to find that this matter was not dealt with in the Report for 1927-28, nor in the documents forwarded with it, nor yet in the mandatory Government's reply of April 6th, 1929, to the Council. ¹

From the latter it would seem that the scope of the general observations made by the Permanent Mandates Commission was not clearly understood by the Australian Government. The report of the Minister for Home and Territories on his visit to the territory (which is attached as an Annex to the Annual Report) affords little or no information as to the conclusions at which he arrived in regard to the general efficiency and conduct of the Administration, nor has the Commission been informed as to any action which the Australian Government may have in contemplation as a result of the confidential report which it is understood from the accredited representative had been submitted by the Minister. The matters which he regarded as important are tabulated in the published report.

The Commission, moreover, cannot ignore statements made in documents such as the Debates of the Australian House of Representatives, the Record of the Mission Conference at Rabaul in 1927, the comments of the Chief Judge in various cases recently tried by him, all of which have tended to confirm the impression that an unsatisfactory condition, which is not of very recent origin, exists in the territory.

The President of the Commission has now, towards the close of the session, received from the accredited representative a letter containing much information which he has been good enough to obtain by telegram from Australia in regard to questions to which no reply had been made by the accredited representative during the examination of the report, but the Commission feels bound to observe that it is unable to re-open the discussion, in consequence of the receipt of this letter, which amounts to a subsidiary report and would practically involve a discussion similar to that of the annual report. The Permanent Mandates Commission considers that any detailed comments made in these circumstances would be based on insufficient data, and that it would be advisable to defer such observations to a future session.

The Commission attaches particular importance to receiving full information regarding the action (if any) which the Australian Government proposes to take with reference to the matters brought to the notice of the Minister regarding the steps to be taken to put an end to irregularities

¹ Document C.211.1929.VI.

in recruiting, which the Chief Judge is reported to have described as having become a custom, and, finally, as to the measures taken to deal with the deplorable moral conditions prevailing among the natives, as described in the Report of the Mission Conference and elsewhere.

C.P.M.915(1).

South West Africa.

GENERAL OBSERVATION.

The Commission notes with satisfaction that the annual report for 1928 contains much fuller details on various points of special interest to the Commission than previous reports (page 61).

SPECIAL OBSERVATIONS.

1. *Legal Relations between the Mandatory Power and the Mandated Territory.*

The Permanent Mandates Commission notes with regret that, in spite of all its previous discussions on this subject and all the correspondence exchanged between the Council of the League of Nations and the Government of the Union of South Africa in 1927 and 1928,¹ it has never received an explicit answer to its repeated question on the meaning attached by that Government to the term "full sovereignty" used to define the legal relations existing between the mandatory Power and the territory under its mandate.

That question may be formulated as follows: In the official view of the Government of the Union of South Africa, does the term "possesses sovereignty" express only the right to exercise full powers of administration and legislation in the territory of South West Africa under the terms of the mandate and subject to its provisions and to those of Article 22 of the Covenant, or does it imply that the Government of the Union regards itself as being sovereign over the territory itself?

As long as no clear reply to this question is received, the Commission fears that a regrettable misunderstanding will subsist, which it therefore hopes the Council may succeed in finally clearing up (page 77).

2. *General Administration.*

The Commission would be glad to have clear explanations as regards the right of the inhabitants of Walvis Bay — administered as an integral part of the mandated territory — to participate in the elections to the Parliament of the Union and in those of the Legislative Council of South West Africa respectively (page 75).

3. *Status of the Inhabitants.*

The Commission has noted the communication forwarded by the Union Government² in reply to the questions raised in the report of its fourteenth session with regard to the status of the non-native inhabitants of the territory. It regards this question as of great importance and will devote further study to it at its next session (pages 65, 199, 204, 213).

4. *Railways.*

The Commission has not yet received any information as regards the steps taken by the mandatory Power to amend the South West Africa Railways and Harbours Act (No. 20) of 1922, in order to bring the legal regime of the railways and harbours into conformity with the principles of the mandate and the Treaty of Versailles and the decision adopted by the Council of the League of Nations on June 9th, 1926. The accredited representative, however, informed the Commission that a communication may be expected shortly (page 76).

The Commission has taken note of the financial statement concerning the working of the railways, included in the annual report, but would be glad if future reports could contain fuller details on this subject, together with comparative tables for previous years, especially concerning cases in which the Government of the mandated territory has promised or guaranteed subsidies for the working of railways or harbours (pages 67, 68).

5. *Customs Policy.*

The Commission would like to know whether any cases have arisen in which the general Customs policy followed by the Government of the Union of South Africa has in its application to South West Africa injuriously affected the economic and social development of the territory (page 68).

¹ See in particular Minutes of the eleventh session of the Commission (document C.348.M.122.1927.VI), the Council's resolution dated September 8th, 1927 (*Official Journal*, October 1927, pp. 1118-1121), and the letter from the Union Government, dated February 10th, 1928 (document C.73.1928.VI).

² Document C.309.1929.VI.

6. *Land Tenure.*

The Commission requests that the next annual report may contain information regarding the internal organisation of the native reserves. The Commission would also like to have similar information regarding the northern part of the territory outside the police zone (page 74).

7. *Labour.*

The Commission appreciates the continued efforts made by the Administration and by the mining companies to reduce the mortality in the mines amongst native workers from the north of the territory. It hopes that the causes of this high mortality, which appear to be at present unknown, will be discovered, and that it will thus be possible to carry on the work of the mines under more satisfactory conditions (page 71).

OBSERVATIONS ON PETITIONS.

At its fifteenth session, the Commission considered the petitions mentioned below, together with such observations or information with regard thereto as was furnished in writing by the mandatory Powers or orally by their accredited representatives.

Each of the petitions was reported on in writing or orally by a member of the Commission. After discussion, the following conclusions were adopted by the Commission. The reports are attached to the Minutes of the session.¹

1. *Palestine.*

(a) *Petitions relating to the Wailing Wall of Jerusalem :*

1. Telegram from and resolution of the "General Moslem Conference", dated December 1928 (documents C.P.M.830 and 831) ;
2. Telegram from the Supreme Moslem Council, dated December 1928 (document C.P.M. 830) ;
3. Petition from the Emir Chekib Arslan, M. Ihsan el Djabri and M. Riad el Soulh, dated December 11th, 1928 (document C.P.M.837).

Observations from the British Government, dated December 8th and 22nd, 1928, and June 8th, 1929 (documents C.P.M. 830, 831 and 859).
Report (see Minutes, Annex 9C).

CONCLUSIONS.

1. The Commission refers to and repeats its previous recommendations as to the advantages of an agreement freely entered into under the auspices of the mandatory Power, in regard to the rights of the Jewish and Moslem communities over the precincts of the Wailing Wall. Failing such an agreement, it appreciates the scrupulous care with which the mandatory Power is ensuring the maintenance of the *status quo*.

2. The Commission, noting the statements submitted by the mandatory Power on the existing legal enactments regarding expropriation on grounds of public utility, considers that the petitioners may rest assured that their fears are groundless (pages 79, 92, 166, 199).

(b) *Petitions relating to Trans-Jordan :*

1. From certain inhabitants of Kerak, dated November 24th, 1928 (Annex 11A) ;
2. From certain inhabitants of Ajlun (document C.P.M.904).

Observations from the British Government, dated May 27th and July 9th, 1929 (Annex 11B).
Report (see Minutes, Annex 11C).

CONCLUSIONS.

After examining the various points touched upon in these petitions — except the question of the Hejaz railway, which has been dealt with in connection with another petition — and the explanations offered by the mandatory Power, the Commission was of opinion that the complaints submitted by the petitioners were not of such a nature as to call for any action (pages 102, 205).

(c) *Letter dated May 3rd, 1929, and Memorandum on the Development of the Jewish National Home in 1928, from the Zionist Organisation :*

Observations from the British Government, dated June 20th, 1929 (document C.P.M.868).
Report (see Minutes, Annex 5).

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

CONCLUSIONS.

The Commission is of opinion that neither the memorandum of the Zionist Organisation, nor the observations of the British Government thereon, would seem to give occasion for the insertion of any recommendation in the Commission's report to the Council (pages 19, 163).

2. Palestine and Syria.

Petition from the Emir Chekib Arslan, dated November 5th, 1928, relating to the Hejaz Railway and the Disarmament of the Population of the Jebel Druse (document C.P.M. 825).

Observations from the British Government, dated April 5th, 1929 (document C.P.M. 841), and observations from the French Government, dated June 26th, 1929 (document C.P.M. 879).

Report (see Minutes, Annex 15).

CONCLUSIONS.

The provisions and proposals made by the mandatory Powers concerned with the administration and the operation of the Hejaz Railway are such as would not seem to conflict with the religious aspirations of the Moslem population. They tend to create a situation as similar to pre-war conditions as circumstances allow. The Permanent Mandates Commission is therefore unable to comply with the wishes of the petitioners. It adds that, in its opinion, the Moslem population of the mandated territories concerned would be well advised, in the interests of the resumption of traffic on the Hejaz Railway and of improved conditions in pilgrim transport, to associate themselves with the efforts made by the mandatory Powers to settle this matter in a manner most favourable to the interests of all concerned.

As regards the disarmament of the Jebel Druse, the Commission decides that, in view of the information given in the petition and of the observations forwarded by the mandatory Power, there is no ground for action to be taken (pages 213, 214, 215).

3. Syria and the Lebanon.

(a) *Petitions relating to the Incidents which occurred at Homs in the Spring of 1929.*

1. From the Executive Committee of the Syro-Palestinian Congress, dated April 19th and May 20th, 1929 (Annex 18A);

2. From inhabitants of Damascus and Cairo, dated April 3rd, 1929 (Annex 18A).

Observations from the French Government, dated July 3rd, 1929 (Annex 18B)
Report (see Minutes, Annex 18C).

CONCLUSIONS.

The Permanent Mandates Commission, having examined the two petitions in the light of the mandatory Power's observations and the supplementary particulars supplied by the accredited representative in the course of the session, considers that these petitions call for no action on the part of the Council (pages 183, 197, 217).

(b) *Petition from M. Souheil el Attar, dated April 14th, 1928* (document C.P.M.884).

Observations from the French Government, dated June 28th, 1929 (document C.P.M.884).
Report (see Minutes, Annex 17).

CONCLUSIONS.

The Permanent Mandates Commission, after examining the petitioner's allegations and the mandatory Power's observations, considers that no action can be taken on the petition (page 216).

(c) *Petition from Certain Inhabitants of Hama, dated October 20th, 1928* (document C.P.M. 885).

Observations from the French Government, dated June 28th, 1929 (document C.P.M. 885).
Report (see Minutes, Annex 16).

CONCLUSIONS.

The Commission, having noted the mandatory Power's statements that the public meeting convened by the complainants was not prohibited, and that the intervention of the authorities only took the form of persuasion, considers that no action can be taken on the petition (page 215).

4. Cameroons and Togoland under French Mandate, Tanganyika and Ruanda-Urundi.

Petition from the "Bureau international pour la défense des indigènes", dated May 20th, 1928 (Annex 8 A).

Observations from the French Government, dated October 4th, 1928, as regards the Cameroons and Togoland under French mandate; from the British Government, dated November 29th, 1928, concerning Tanganyika and from the Belgian Government dated September 12th, 1928, as regards Ruanda-Urundi (Annex 8 B).

Report (see Minutes, Annex 8 C).

CONCLUSIONS.

The Commission has considered it advisable to confine its examination to such of the allegations contained in Mr. R. L. Buell's book entitled "The Native Problem in Africa" as have been submitted by the "Bureau international pour la défense des indigènes" in its petition, dated May 20th, 1928. It has examined the observations of the mandatory Powers concerned and has received further verbal information during its fifteenth session from the accredited representatives of these Powers regarding some of these allegations.

The Commission is of opinion that the observations of the author of the book in question cited in the petition are either without foundation or have been the subject of investigation by the Commission, and are not of a nature to justify any intervention by the Council (pages 17, 20, 123, 142, 143, 147, 165, 204).

5. Cameroons under French Mandate.

Petition from M. Gogo Briggs, dated July 5th, 1928 (document C.P.M.893).

Observations from the French Government, dated July 1st, 1929 (document C.P.M.893).
Oral report (see Minutes, page 130).

CONCLUSIONS.

Since this petition adduces no new facts which could induce the Commission to reconsider the decision, taken by its Chairman, and approved by the Commission during its thirteenth session, to reject a petition, dated November 23rd, 1927, coming from the same source and dealing with the same subject, the Commission considers that no action should be taken in the matter (page 130).

6. Togoland under British Mandate.

Petition from the Inhabitants of Wome (Togoland under French Mandate) dated July 3rd, 1928 (Annex 10 A).

Observations from the British Government, dated June 28th, 1929 (Annex 10 B).
Report (see Minutes, Annex 10 C).

CONCLUSIONS.

The Commission, while reserving the right to consider the complete and final delimitation of the frontier, when submitted to it:

1. Notes the mandatory Power's statement that "thus the inhabitants of Wome will continue to enjoy the possession of their farms, even though these lie on the British side of the frontier, and their fears lest they should be deprived of their property are groundless"; and

2. Expresses the hope that the agreement between the tribes will be promptly signed by the respective chiefs, and that the question will thus receive an amicable solution (page 205).

7. Togoland under French Mandate.

Petition from the "Bund der Deutsch Togoländer", dated July 11th, 1928 (document C.P.M. 772).

Observations from the French Government, dated February 22nd, 1929 (document C.P.M. 836).

Report (see Minutes, Annex 6).

CONCLUSIONS.

The Commission proposes to reply to the petitioners that their allegations have not been found to be correct. As regards the concluding paragraph of the petition, it is a request incompatible with the terms of the mandate and is therefore outside the competence of the Commission (page 163).

8. South West Africa.

(a) *Petition from Mr. Dewdney Drew, dated August 9th, 1928* (document C.P.M.778).

Observations from the Government of the Union of South Africa, dated January 23rd, 1929 (document C.P.M.835).

Report (see Minutes, Annex 7).

CONCLUSIONS.

The Commission proposes that Mr. Drew should be informed that the Permanent Mandates Commission has already recorded its opinion, which has been accepted by the Council — that “the grievances of the Rehoboths have been fully investigated and have now lost their relevance” — and that, in these circumstances, it does not think it necessary to re-open the question or to take any action on Mr. Drew's letter (page 163).

(b) *Petition from M. A. Bergmann, dated July 15th, 1928* (document C.P.M.852).

Observations from the Government of the Union of South Africa, dated April 11th, 1929 (document C.P.M. 852).

Oral report (see Minutes, page 84).

CONCLUSIONS.

The Commission is of opinion that Mr. Bergmann's petition calls for no action on its part, seeing that it contains no matter which would warrant its consideration (page 84).

B.

COMMENTS OF CERTAIN ACCREDITED REPRESENTATIVES SUBMITTED IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION.¹

South West Africa.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED JULY 23RD, 1929.

I have the honour to acknowledge receipt of your letter dated July 23rd, 1929, enclosing an advance copy of the observations of the Permanent Mandates Commission on the Report of the Government of the Union of South Africa regarding its Administration of the South West Africa Mandated Territory, and inviting me to make such comments as I may deem necessary.

The only comment I desire to offer is in regard to the first observation of the Commission dealing with the question of “sovereignty”. The Commission states that it

“ . . . notes with regret that, *in spite of* all its previous discussions on this subject, and *all the correspondence exchanged between the Council of the League of Nations and the Government of the Union of South Africa*, it has never received an explicit answer to its repeated question on the meaning attached by that Government to the term ‘full sovereignty’ . . . ”

The Commission then proceeds to formulate a definite question to which it desires a reply from the mandatory Power.

These comments of the Commission clearly seem to suggest that the Government of the Union of South Africa has been remiss in not supplying certain information desired by the Commission and by the Council of the League. (See words underlined by me in above quotation.)

In fairness to my Government I would like to point out that this matter appears to have been finally disposed of by the Council of the League, which at the fourth meeting of its forty-sixth session, held on September 8th, 1927, adopted a resolution approving the report of its Rapporteur, who in dealing with this question, said :

“ This question was raised previously in the report of the Commission on its tenth session, and in March last the Council decided that it should not express any opinion on the difficult point as to where sovereignty over a mandated territory resides, but *that the Secretary-General should simply be instructed to forward the relevant passage of the Mandates Commission's report for the information of the mandatory Power concerned* . . . ”

¹ The accredited representatives for Syria and Lebanon, Tanganyika Territory and Nauru (Australian mandate) have forwarded no comments on the observations contained in the report of the Permanent Mandates Commission to the Council.

The Rapporteur then proceeds to state that the Mandates Commission has once more taken up the matter with the Council, and he deals with this further request of the Commission, in the following terms :

“ I appreciate the scrupulous care with which the Mandates Commission has continued its efforts to remove any doubts on a point of this importance.

“ It seems to me that *from all practical points of view, the situation is quite clear . . .*”

It is not necessary for me to quote the rest of his report. The Rapporteur gives his reasons as to why he considers the matter to be “ quite clear ”, and recommends that the only action to be taken should be that “ this most recent observation of the Commission be communicated to the mandatory Power in the usual way, so that it might add any further comment that it *might* desire ”. He expressly states that these comments should be forwarded because of the fact that the then High Commissioner for South Africa had reserved the right, on behalf of his Government, to express its views should the need arise for doing so. (I have underlined the relevant passages in the above quotations.)

In view of the terms of the Council's report above quoted, it seems to be quite clear that there was no obligation upon the mandatory Power to express any views or opinions on this question — in fact, that the Council of the League for the second time decided that the matter was quite clear, and that no action need be taken, beyond forwarding the comments of the Commission for the information of the mandatory Power.

(Signed) Eric H. Louw,
High Commissioner for the Union
of South Africa.

Palestine and Trans-Jordan.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED JULY 26TH, 1929.

I have the honour to acknowledge the receipt of your letter 6A/12176/224 of July 23rd, transmitting, for my comments, an advance copy of the observations of the Permanent Mandates Commission on the administration of Palestine and Trans-Jordan.

2. I annex a copy of my comments upon the Mandates Commission's observation 4 (e) regarding the provisions of Trans-Jordan legislation.

(Signed) J. R. CHANCELLOR.

Comments.

The Commission's observation 4 (e) gives a mistaken impression of the provisions of Trans-Jordan legislation. There is no provision whereby foreigners of any nationality are obliged to accept Trans-Jordan nationality as a condition of residence in the territory. The reference appears to rest upon a misinterpretation of Section 4 of the Trans-Jordan Nationality Law. Sections 1 to 4 of that law adapt to Trans-Jordan the provisions of Articles 30 to 33 of the Treaty of Lausanne, the tenor of which is as follows :

Turkish subjects, habitually resident in territory detached from Turkey, become automatically nationals of the State to which the territory is transferred (Article 30).

But may, under certain conditions, opt for Turkish nationality (Article 31).

Or, under certain other conditions, for the nationality of another Succession State (Article 32).

Persons exercising this right must transfer their residence to their State of option (Article 33).

It will be observed, therefore, that the provision which the Commission have interpreted as requiring foreigners to accept Trans-Jordan nationality, in fact merely embodies the provision of the Treaty of Lausanne, that Trans-Jordanians who have exercised their right to opt for Turkish or other nationality shall transfer their residence to the State for whose nationality they have opted.

New Guinea.

LETTER FROM THE ACCREDITED REPRESENTATIVE DATED JULY 31ST, 1929.

1. I have the honour to acknowledge receipt of an advance copy of the Observations of the Permanent Mandates Commission (document C.P.M.908), drafted after examination of the Report (1927-28) on the Administration of the Mandated Territory of New Guinea and after my appearance before, and interrogation by, the Commission as the Accredited Representative of the mandatory Power.

2. I should be glad if the following comments on the observations referred to might be transmitted to the Council of the League of Nations in accordance with the provisions of Rule 8 of the Rules of Procedure of the Permanent Mandates Commission (document C.P.M.8(2)).

3. In the succeeding paragraphs of this note, I will endeavour, as far as possible, to reply categorically to the various points raised by the Commission in its observations, and in the first instance will refer to the unspecified and indefinite misgivings which the Commission entertains regarding certain aspects of the administration of New Guinea.

4. The Commission has stated that it "cannot ignore statements made in documents such as the debates of the Australian House of Representatives, the records of the Mission Conference at Rabaul in 1927, the comments of the Chief Judge in various cases recently tried by him, all of which," in the words of the Commission, "have tended to confirm the impression that an unsatisfactory condition . . . exists in the Territory". The generality of this comment is obvious — no specific mention is made of any incident, series of incidents or condition of affairs calculated to create such an impression. To dispel such doubts as exist, I propose to refer *seriatim* to the statements, records and comments which have been accepted by the collective mind of the Commission as confirmatory evidence of an "unsatisfactory condition".

5. During my examination, reference was made to a question directed to the Right Honourable the Prime Minister of Australia, reported in the Records of the Parliamentary Debates of the Commonwealth of Australia of September 29th, 1927. Since the meeting of the Permanent Mandates Commission, I have taken an opportunity of carefully examining this parliamentary question and the reply thereto, and apart from a specific reference to conditions disclosed in the report of the Missions Conference, the question contains no evidence of fact or allegation upon which action could be suggested or taken — the statement is simply the opinion of a member of Parliament expressed in his personal capacity as such.

6. This brings me to the report of the Missions Conference referred to in the Commission's observations and in the preceding paragraph of this note. It is within the knowledge of the Permanent Mandates Commission that this Conference adopted a series of far-reaching resolutions affecting the moral, social and material welfare of the New Guinea natives. If reference is made to pages 197 to 205 of the report in question, it will be seen that at a meeting of the New Guinea Advisory Council, at which the Administrator of the Territory was present, the recommendations of the Missions Conference were concurred in almost without exception or reservation. This answers adequately any question as to what action the mandatory Power contemplates with regard to certain moral conditions said to prevail among the New Guinea natives. With regard to the general moral welfare of the natives, I would point out that the Government of the Commonwealth of Australia, in administering the mandate for New Guinea, is dealing with a people with whom certain practices have been apparently common for centuries: So far back as 1922 the Australian Government informed the Permanent Mandates Commission that the tribal institutions, customs and usages of the natives generally speaking, remained in force so far as they were not repugnant to the general principles of humanity. It will be appreciated that the mandatory Power has to exercise extreme caution in the matter of interfering with native customs, but, where such customs or practices are found to be objectionable, measures to check them must be considered, having due regard to the native mentality.

7. With regard to the comments made by the Chief Judge on various cases recently tried by him, particularly with reference to irregularities in recruiting natives, I am advised that these cases were apparently heard by the learned Judge subsequent to the period covered by the Annual Report on the Administration of the Territory for 1927-28. As a matter of fact, the proceedings in all these cases were instituted by the Administration and, in one more recent prosecution, the Crown Law Officer emphasised the seriousness with which the Administration regarded such offences. That the Administration is impressed with the necessity for strict enforcement of the law in relation to recruiting and that it is taking all possible steps to that end, is borne out by the facts that it instigated the prosecutions referred to, and that no effort is being spared to prevent abuses arising out of infringement of the law.

8. The report of the Minister for Home and Territories on an official visit made by him to New Guinea is afforded considerable prominence in the Commission's observations, particularly as to the insufficiency of information contained therein on the general efficiency and conduct of the Administration of the Territory; also, the absence of advice as to what action the Government of the Commonwealth contemplates in regard to the many important matters mentioned in the Minister's report has been made the subject of comment. On these points, permit me to say that, had the Permanent Mandates Commission taken cognisance of and examined my letter of July 13th, 1929, it would have found full and explicit information on all the questions into which the Minister for Home and Territories enquired or had referred to him. This letter which was addressed to the President of the Commission was lodged at the Secretariat of the League of Nations on the date upon which it was written — six days before the fifteenth session closed, and, as I was remaining in Geneva until the last week of July, I informed the President of this fact and intimated that I would be at the Commission's

disposal should I be required at any time during the remainder of its session. I perhaps should add, I am now in a position to state definitely that the report of the Minister for Home and Territories which appeared as an Appendix to the Annual Report on the Administration of New Guinea (1927-28) was the only report furnished to the Government of the Commonwealth of Australia.

9. Finally, as to the general question of insufficiency of information contained in the annual reports on the Territory of New Guinea, I would remind the Permanent Mandates Commission that the Government of the Commonwealth of Australia has from time to time, and even so recently as April 16th, 1929, stated that it endeavours through the information furnished in its annual reports, in its replies to general and special observations on those reports, and in statements on questions raised by individual members of the Commission (as elicited from a perusal of the Minutes of the proceedings) to place the Commission in possession of full particulars regarding the Administration of the mandated Territory of New Guinea both from the legislative and executive standpoints. It is obviously impossible to report every minor step in the task of bringing under control and administering a territory covering a million or more square miles of land and sea, and it is equally impracticable for the mandatory Power to deal with statements and criticism of a general character. In the latter connection, experience in the past has proved that in many instances such criticism has, on examination, been without foundation in fact or substance.

10. In conclusion, I desire to state that the Government of the Commonwealth of Australia is fully seized of its obligations under the Mandate, and an impartial survey of the Administration's work since 1921 leaves no doubt that this duty has been faithfully and efficiently discharged. The natives have been protected and advanced without in any way hampering the progress of the country, and the utmost endeavours are being made to promote their material and moral well-being and advancement.

(Signed) Granville RYRIE,
High Commissioner of the Commonwealth
of Australia in London.

Togoland and Cameroons under French Mandate.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED AUGUST 3RD, 1929.

[Translation.]

By a letter dated July 23rd last (6A/11990/2705, 6A/11991/3989), you were good enough to forward me a typed copy of the observations of the Permanent Mandates Commission on the reports on the administration of Togoland and the Cameroons under French mandate.

I have the honour to send you enclosed a document containing the comments which I present to the Council of the League of Nations on these observations.

(Signed) A. FRANCESCHI.

Comments.

I. Observations Applicable to Both Territories.

(a) Recommendation of the Permanent Mandates Commission regarding subsidies granted by the Territories to institutions of the home country and to certain international organisations.

This recommendation will be communicated both to the Commissioners of the Republic in Togoland and the Cameroons and to the commissions which examine requests for subsidies and the proposed allocation to the local budgets of the Territories of credits earmarked for that purpose.

The closest attention will undoubtedly be paid to the recommendation.

(b) As regards the Cameroons, the Permanent Mandates Commission would like to have details regarding the appropriation of the total subsidies granted by this Territory to various institutions.

The Commissioner of the Republic in the Cameroons will be asked kindly to furnish these details.

(c) The Permanent Mandates Commission draws the mandatory Power's attention to the excessive and persistent differences between the budget estimates and the actual receipts and expenditure.

The Commissioners of the French Republic in Togoland and the Cameroons will be asked to reduce these differences as far as possible.

In any case it will probably be easier to reduce these differences in course of time; as a precautionary measure, revenue estimates, especially in new countries, are always fixed by

the French Administration so as to fall a little below actual receipts. Should surpluses be secured during the financial year, they are applied to the most urgent work.

As resources are stabilised, it will be possible to execute schemes of work with greater regularity, and actual receipts and expenditure will deviate less from budget estimates.

II. *Special Observations.*

(a) *Cameroons under French Mandate.*

1. *Liquor Traffic.* — The observations of the Permanent Mandates Commission regarding the good results of the rationing system will be communicated to the Commissioner of the Republic, with the request to endeavour to reduce the maximum authorised figure, and to include in his next report a statistical table of the penalties imposed.

2. *Public Health.* — The Administration of the Territory will certainly be very gratified to find that its efforts have been so highly appreciated by the Permanent Mandates Commission. This appreciation will be valuable encouragement for both the Administration and the Special Commission in their campaign against sleeping-sickness.

3. *Population.* — The Commissioner of the French Republic will be asked to do his best to meet the wish of the Permanent Mandates Commission to be enabled to follow closely the demographic movements of the Territory.

(b) *Togoland under French Mandate.*

1. *Public Finance.* — It will perhaps be difficult to include in the next report "full information" as to the taxable capacity of the natives in the different parts of the Territory.

The mandatory Power is most anxious, however, to comply with the Permanent Mandates Commission's wishes on this subject and will endeavour to furnish the fullest possible information.

Further, it should be noted that the African territories under French mandate are included in the Bill, recently placed on the table of the Chamber of Deputies, authorising an initial aggregate loan, on account of which the Ministry of Finance anticipates the remission of the tax on income from movable property.

Of the total amount of this loan, a quota of 65 millions is earmarked for Togoland, and will be applied entirely to the construction of 200 kilometres of railway. The quota of 10 millions allocated to the Cameroons is intended to enable the metre gauge to be introduced on a section of the railway in place of a gauge of 0.60 m., and for improvements to the harbour of Duala.

Finally, the Mandatory Power will bear in mind the Commission's desire to receive, in the next report, detailed explanations as to the general financial policy regarding major works. It is quite sure that the Permanent Mandates Commission will see, from the explanations given, that in administering the Territories which have been entrusted to it with the necessary "full powers", it is the sole aim of France to promote the interests of the native populations.

2. *Public Health.* — The Permanent Mandates Commission's request will be communicated to the Commissioner of the French Republic, who will give it the closest attention.

3. *Liquor Traffic.* — No comments.

4. *Population.* — Same comment as on paragraph 2: "Public Health".

Geneva, September 18th, 1929.

LEAGUE OF NATIONS

MANDATES.

REPORT OF THE SIXTH COMMITTEE TO THE ASSEMBLY.

Rapporteur : Dr. NANSEN (Norway).

The Sixth Committee has considered the reports and Minutes concerning the execution of the provisions of Article 22 of the Covenant in the mandated territories during the period that has elapsed since the Ninth Assembly.

It deeply regrets the death of General Freire d'Andrade, who, ever since the formation of the Permanent Mandates Commission, had been one of its most active members. It has also learnt with sorrow of the recent loss of Mr. H. A. Grimshaw, who had represented the International Labour Organisation on the Mandates Commission from its first sessions onwards, and who, like General Freire d'Andrade, had rendered most distinguished services in promoting the welfare of the native peoples of the world.

The Committee has devoted three meetings to the study of several technical questions, as well as to problems of a general nature connected with the institution of mandates and its operation.

The Committee recognises that, thanks to the efforts of the mandatory Powers and the impartial and authoritative assistance of the Permanent Mandates Commission, the Mandates System has already yielded excellent results. There is every reason to hope that the principles underlying this new institution will continue to be applied, and will thus effectively contribute to the welfare of the territories for the government of which it was set up. The Permanent Mandates Commission must always be the central organ in this system, and its members may rest assured that the Assembly will continue in the future to give them their full confidence and support as it has in the past.

Several members of the Committee dwelt upon the gravity of recent events in Palestine, and the painful impression those events have created in their respective countries. The Chairman, in the name of all the delegations, associated himself with the expressions of regret that had already been uttered for the loss of life in the different sections of the population. The Committee noted with satisfaction the declarations on this subject made in the Assembly by the Prime Minister of Great Britain, in the Council by the British Secretary of State for Foreign Affairs, and in the Sixth Committee by the British delegate. The representatives of the mandatory Power gave assurances that no acts of terrorism or disorder would be allowed to modify their policy for the full application of the terms of the Mandate for which they had international responsibility to the League as a whole.

They further informed the Assembly, the Council and the Committee that effective measures had already been taken to restore order, that a Commission of Enquiry had been set up, and that the mandatory Power had no intention of proposing changes in the system which the Mandate lays down. The Committee has no doubt that the British Government's enquiry will enlighten the League as to both the immediate and the more remote causes of these sad events, and that the mandatory Power will at the same time state what arrangements it has in contemplation to remove these causes, to prevent the recurrence of similar incidents in the future and to build up a solid foundation for the future self-government in Palestine.

In the course of the general discussion, which touched upon a number of aspects of the institution of mandates, a highly interesting exchange of views took place with regard to the conception of sovereignty as far as mandated territories are concerned. It will be remembered that the matter has been repeatedly dealt with by the Council of the League and by the Permanent Mandates Commission. The Committee is confident that, when the matter comes up again, the Council will find it possible to solve any practical problems which may arise.

Draft Resolution.

“ The Assembly :

“ Having noted the work of the mandatory Powers, the Permanent Mandates Commission and the Council in execution of Article 22 of the Covenant ;

“ (a) Renews the expression of confidence in them voted by previous Assemblies ;

“ (b) (i) Expresses its profound regret at the recent incidents in Palestine involving the loss of human lives ; and

“ (ii) Its complete confidence in the enquiry which the mandatory Power is instituting ;

“ (iii) Trusts that the latter will speedily succeed in completely restoring order and in taking measures to prevent the recurrence of similar incidents ;

“ (c) Trusts that, thanks to the united efforts of the mandatory Powers, the Permanent Mandates Commission and the Council, the institution of mandates will continue to pursue the ideal of civilisation which is set before it. ”

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

Official No.: **C. 538. M. 192.** 1929. VI.

Geneva, December 24th, 1929.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

6

MINUTES

of the

SIXTEENTH SESSION

Held at Geneva from November 6th to 26th, 1929

Including the

REPORT OF THE COMMISSION TO THE COUNCIL

and

Comments by Certain Accredited Representatives
of the Mandatory Powers.

Series of League of Nations Publications

VI. A. MANDATES

1929. VI. A. 4.

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LEAGUE OF NATIONS.

PERMANENT MANDATES COMMISSION.

MINUTES OF THE SIXTEENTH SESSION

Held at Geneva from November 6th to 26th, 1929.

All the members of the Commission were present at the sixteenth session, namely:

Marquis THEODOLI (*Chairman*);
M. VAN REES (*Vice-Chairman*);
Mlle. DANNEVIG;
M. KASTL;
Lord LUGARD;
M. MERLIN;
M. ORTS;
M. PALACIOS;
Count DE PENHA GARCIA;
M. RAPPARD;
M. SAKENOBE.

Also present: Mr. C. W. H. WEAVER, Representative of the International Labour Organisation.

Secretary: M. V. CATASTINI, Director of the Mandates Section.

The following members were absent from certain of the meetings: the CHAIRMAN from the twenty-fifth, twenty-sixth, thirtieth and thirty-first meetings; M. KASTL from the eighth to the twelfth meetings; Mlle. DANNEVIG, Lord LUGARD and M. MERLIN from the thirtieth and thirty-first meetings; M. ORTS from the first and second meetings; the Count DE PENHA GARCIA from the first, second, thirtieth and thirty-first meetings.

In the absence of the Marquis THEODOLI, M. VAN REES (*Vice-Chairman*) took the chair at the twenty-fifth, twenty-sixth, thirtieth and thirty-first meetings.

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

Mr. B. H. BOURDILLON, C.M.G., Counsellor to the High Commissioner for Iraq;
Mr. G. L. M. CLAUSON, O.B.E., F.S.A., of the British Colonial Office;
Mr. J. E. W. FLOOD, of the British Colonial Office;
M. HALEWYCK DE HEUSCH, Director-General at the Belgian Ministry for the Colonies;
Mr. W. E. HUNT, C.B.E., of the Nigerian Administrative Service;
M. N. ITO, Deputy-Director of the Imperial Japanese Bureau accredited to the League of Nations;
M. MARZORATI, Governor of Ruanda-Urundi;
Sir James PARR, K.C.M.G., High Commissioner for New Zealand in London.

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

FIRST MEETING.

Held on Wednesday, November 6th, 1929, at 11 a.m.

1076. Opening Speech by the Chairman.

The CHAIRMAN spoke as follows:

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

Since our last session, which ended scarcely four months ago, death has deprived us of two of our colleagues, General Freire d'Andrade and Mr. Grimshaw. The Council and the Assembly have already expressed the League's deep sorrow at the loss of these two men and have paid a tribute to their long and distinguished services. On behalf of the Commission, I wish to identify myself with these sentiments. The death of an eminent colleague and of so able and popular a representative of the International Labour Organisation, who had both come to be reckoned among our personal friends, has grieved us very deeply.

On behalf of all my colleagues, I extend a welcome to Mr. Weaver, Head of Section in the International Labour Office, who succeeds Mr. Grimshaw as the International Labour Organisation's representative to the Commission.

WORK OF THE COUNCIL AND THE ASSEMBLY.

The examination by the Council and the Assembly of the documents concerning the recent work of our Commission gave rise to some specially interesting discussions. I wish to thank M. Orts, who kindly undertook to represent the Commission at the Council meeting—M. Van Rees and I being unable to attend.

Council.

At its meeting of September 6th last, the Council took note of the documents concerning the work of our fifteenth session. The report submitted by M. Procopé, representative of Finland, drew attention to the Commission's recommendations with regard to (1) the treatment in countries Members of the League of persons belonging to territories under A and B Mandates and of products and goods coming therefrom; (2) public health; and (3) the form of the replies of the mandatory Powers to the Council's resolutions on the suggestions concerning general questions and the observations submitted by the Commission when examining the annual reports of the various territories under mandate.

The Rapporteur also emphasised the Commission's observations concerning certain territories, particularly with regard to the Dead Sea concession and the procedure followed for the construction of the Port of Haifa works, and the Organic Law for Syria and the Lebanon. He also commented on the procedure followed by the Commission with regard to the Hilton Young report, the attitude it adopted with regard to the situation in New Guinea and, finally, the problem of sovereignty raised in connection with South West Africa.

M. Procopé also referred to the serious events which occurred in Palestine subsequent to the last session of the Commission. Mr. Henderson, the representative of the British Empire, furnished certain details regarding the nature of the events, the steps taken and the policy contemplated by the Government of the mandatory Power. Several members of the Council (the representatives of Poland, Germany, Roumania, France, Persia and Canada) bore witness to the interest their countries took in the situation in Palestine, and the sympathy they felt for the victims of the recent troubles.

After thanking the representative of Great Britain for his statement, M. Procopé expressed his conviction that the mandatory Power would in due course communicate to the League the information it had collected, in the form of a report on the immediate and more remote causes of the incidents in Palestine, the steps taken to restore peace in the country, and the measures proposed for the avoidance of any further occurrences of the kind. He proposed that the Council should decide that, in accordance with the procedure which was suggested in the Covenant itself, and which had been followed in similar circumstances, all the documents should be transmitted to the Permanent Mandates Commission in order that it might study them thoroughly at its sixteenth session or at an extraordinary session, and communicate to the Council its opinion on the subject.

Dr. Stresemann, representative of Germany, and M. Scialoja, representative of Italy, referred to the comments of the Commission and its Rapporteur with regard to the scheme for the administrative, Customs and fiscal union of Tanganyika with Kenya and Uganda. They raised

a number of very important points in this connection. In reply to a question by M. Scialoja, Mr. Henderson stated that the decision which the British Government might take with regard to the problem set out in the Hilton Young report would be communicated without delay to the Permanent Mandates Commission. The Commission would thus be able to consider the decision and put forward such observations as it deemed necessary, before the decision took effect.

On behalf of the Council, M. Procopé expressed his satisfaction at the attitude adopted by the mandatory Power in regard to this question. On his proposal, the Council noted the statement by the representative of the British Empire.

At the end of this discussion, the Council voted a resolution approving the Commission's recommendations and instructing the Secretary-General to take the usual action to give effect to the Commission's work and the Council's decisions.

At the request of the South African representative, who wished to await instructions from his Government, the Council decided to postpone until its following session the examination of that part of the Rapporteur's report which concerns the Commission's observations in regard to South West Africa, including the important question of the nature of the relationship between the mandatory Power and the mandated territory which was dealt with when the administration of South West Africa was discussed by us.

Assembly.

In conformity with the procedure which has now been followed for several years, all the documents concerning mandates transmitted to the Members of the League of Nations since the last session of the Assembly were referred for study to the Sixth Committee. The latter devoted three meetings to a discussion which touched on many aspects of the mandates question.

Several members of the Sixth Committee emphasised the seriousness of the recent events in Palestine and expressed the painful impression which these events had caused in their respective countries. The Chairman, speaking on behalf of all the delegations, expressed regret at the loss of human life among the various elements of the population. The Committee noted with satisfaction the statements made in this connection by the British Prime Minister to the Assembly, by the Secretary of State for Foreign Affairs to the Council, and by the British delegate to the Sixth Committee.

Furthermore, a very interesting exchange of views took place with regard to the conception of sovereignty in the matter of territories under mandate. Several members of the Committee expressed their views as to whether mandates were of a temporary character or not.

After expressing his satisfaction at the work of the Permanent Mandates Commission, the German representative stated that his Government fully endorsed the Commission's efforts to obtain reciprocal treatment in the matter of economic equality for persons belonging to and goods coming from territories under A and B Mandates.

In the resolution it adopted on the proposal of the Sixth Committee, the Assembly again expressed its confidence that the mandatory Powers, the Permanent Mandates Commission and the Council would ensure the application of Article 22 of the Covenant. It expressed its profound regret at the recent incidents in Palestine, its confidence in the enquiry now being undertaken by the mandatory Power, and its hope that the latter would speedily succeed in restoring order and in taking measures to prevent the recurrence of similar incidents.

* * *

The discussions in the Council and Assembly emphasised that events have latterly occurred which are very important from the point of view of the mandates system.

The painful occurrences in Palestine, which have deeply moved public opinion throughout the world, have certainly also made an impression on all the members of the Commission, who have for years been following with particular interest the development of this country. On behalf of the Commission, I desire to express our consternation at the sad news from Palestine and our deep sympathy with the victims and their families.

The first step following on these disturbances—the re-establishment of order by the mandatory Power—has already been taken. The second step was for the mandatory Power to appoint a commission of enquiry. The deliberations of the mandatory Power on the results of the enquiry and the decisions taken by it in consequence constitute the third phase. Finally, the whole documentation on this subject will be communicated to the League of Nations. The Permanent Mandates Commission, whose duty it is, under the Covenant, to advise the Council on all questions connected with the observance of the mandates, will receive this information in due course.

At our last session, following on the communication of the Hilton Young report to the members of the Commission, an exchange of views took place concerning the scheme for the administrative union of Tanganyika, Kenya and Uganda. The Council's discussions show that, although this exchange of views led to no definite expressions of opinion on the part of the Permanent Mandates Commission, the Council took due note of it. A few weeks ago, the British Government published the report of Sir Samuel Wilson, who had proceeded to East Africa in order to discuss with the local Governors whether the application of the proposals contained in the Hilton Young report regarding a closer union would be acceptable and administratively workable. The British Government has not yet announced its intentions in this matter, but we have learned with great satisfaction that any decisions which may be taken will, according to Mr. Henderson's statement to the Council, be submitted for consideration to the Permanent Mandates Commission before they are applied.

The Press has just announced officially that a very important decision has been taken by the British Government with regard to its future policy in Iraq. Although no statement has yet been made on this subject to the Council, I think that we shall possibly be able to obtain some further information when we come, during the present session, to consider the annual report on Iraq. Further, the Commission, which previously displayed some anxiety regarding the rather unsatisfactory relations between Iraq and one of her most important neighbours, Persia, may note with particular satisfaction that these relations have, for some time past, been appreciably better.

Another event, which has just been announced by the South African Government, is the change in the administration of that part of South West Africa known as the Caprivi-Zipfel. This part of South West Africa, situated at the extreme north-east of the mandated territory, had hitherto been administered by the Government of Bechuanaland. This rather anomalous situation has on several occasions been commented upon by the Permanent Mandates Commission. The Caprivi-Zipfel has now reverted to the ordinary administration of South West Africa.

The Commission has always appreciated the effective help afforded by the Press in keeping the public informed of its discussions and their results. I think, however, that the Commission has particular reason to congratulate itself on the efforts made by several of our colleagues to promote a better acquaintance with the mandates system in university circles. M. Rappard, for instance, gave a lecture this spring at Zurich, Lord Lugard and M. Palacios have addressed the students attending various summer courses at Geneva, and M. Van Rees, for his part, has recently given a series of lectures at the University of Leyden.

In concluding this statement, in which I have only dealt with matters of special importance, I would welcome all the accredited representatives of the mandatory Powers who will assist the Commission at the present session.

1077. Statement by the Director of the Mandates Section.

M. CATASTINI spoke as follows:

During the relatively short time which has elapsed since the close of the Commission's fifteenth session, the work of the Mandates Section has proceeded normally. The Section has continued to send regularly to the members of the Commission such information as it has been able to collect relating to the political, administrative and economic situation in the mandated territories.

The instructions given to the Section at the Commission's last session have been carried out. The Minutes and report relating to that session, which ended on July 19th, were distributed on August 15th, that is to say, in less than four weeks. This result was largely due to the speed with which the members of the Commission corrected the provisional Minutes.

As requested by the Commission, the Section has improved the system of references, inserted at the end of each paragraph of the report, to the relevant passages of the Minutes of the session; unfortunately, there was no time to add references to the discussions at previous sessions and to the deliberations of the Council.

As usual, a list of the official documents forwarded by the mandatory Powers has been prepared for each of the territories with which the Commission will deal at the present session (Annex 1).

The annual reports reached the Secretariat in the following order:

Territory	Administrative period	Date on which received
Western Samoa	1928/29	August 20th.
Ruanda-Urundi	1928	September 1st.
Iraq	1928	» 2nd.
Togoland under British mandate	1928	» 2nd.
Cameroons under British mandate	1928	» 2nd.
Islands under Japanese mandate	1928	» 2nd.

In the statement which I had the honour to make at the opening of the last session, I mentioned the fact that special provision was made in the draft budget for the financial year 1930 for the publication of a complete bibliographical list of books, reviews, etc., relating to mandates for the period 1920-1929. This credit was approved by the Assembly and it will be possible to print this document during 1930.

As recommended by the Assembly at its ninth session, all the mandatory Powers have sent in to the Secretariat a larger number of copies of annual reports for official distribution.

GENERAL QUESTIONS: PRESENT POSITION.

Liquor Traffic.

- (a) *Revision of the Summary of Information drawn up by the Secretariat* (document C.P.M.723) (Thirteenth Session of the Commission: Resolution of the Council of September 1st, 1928).

There is every reason to hope that it will soon be possible to complete the bringing up to date of the memorandum on the liquor traffic in the territories under mandate. The Secretariat has received additional information for all the mandated territories except Nauru.

(b) *Delimitation of the Zone of Prohibition to the Importation of Spirituous Liquors into Africa.*

The Commission has now received replies from all the mandatory Powers interested in this question which was raised in the report on its thirteenth session.

*Extension of Special International Conventions to the Territories under Mandate.
Recommendations made by the Council on September 15th, 1925, and September 1st, 1928.*

Since the Commission's last session, the Polish and Portuguese Governments have sent in to the Secretariat communications concerning the Council's recommendation of September 1st, 1928.

The Portuguese Government, which has already decided to grant goods coming from Palestine the same treatment as that accorded to British goods, that is to say, to grant them the minimum tariff, states that it is quite prepared to consider the application of this principle to other cases, whenever circumstances permit.

The Polish Government points out that the effects of the Commercial Treaty with Great Britain have been extended to Palestine, Tanganyika and to Togoland and the Cameroons under British mandate, which will thus enjoy the benefit of the most-favoured-nation clause. The same applies to all the territories under French mandate.

The text of these two communications has been forwarded to the Council and to the Commission.

*Economic Equality: Purchase of Material by the Administrations of Mandated Territories,
either for Their Use, or for Public Works.*

All the replies received from the mandatory Powers in answer to the request made in the Council resolution of September 1st, 1928, have now been communicated to the members of the Commission. This question appears on the agenda of the present session.

List of General and Special International Conventions.

Several communications concerning the Commission's recommendation, forwarded by the Council resolution of March 5th, 1928, have been received. The replies for Syria, the Islands under Japanese mandate, New Guinea and Nauru have not, however, yet come to hand.

The CHAIRMAN was pleased to note the efforts made by the mandatory Powers to send their reports within the time-limit.

1078. Comments on the Communications made by the Chairman of the Commission and the Director of the Mandates Section.

M. VAN REES wished to congratulate M. Rappard on his interesting and important observations in the Sixth Committee of the last Assembly.

He then proposed that the Commission should meet on some early occasion in order to place a wreath on the tomb of Mr. Grimshaw, as witness of the great friendship and profound admiration of all the members of the Mandates Commission for a man who had always manifested at its sessions the highest qualities of heart and intelligence.

M. RAPPARD thanked M. Van Rees. The ideas on which his observations at the Assembly had been based were the same as those that he had often expressed at the Mandates Commission itself and which he had therefore learnt from M. Van Rees. It was M. Catastini and his collaborators in the Secretariat who deserved the congratulations and thanks of the whole Commission for their diligence with regard to the publication of the Minutes of the last session. In less than four weeks, a task, which had hitherto been declared impracticable in less than three months, had been done to the general satisfaction. The merit was due to M. Catastini and to the Secretariat.

M. Rappard expressed the wish that this exceptional success should become the rule. Each member of the Commission should arrange to revise the text of his speeches before leaving Geneva. This appeared to be all the more desirable since, as he understood it, the reports and Minutes would be distributed to the States Members of the League of Nations at the same time as to the States Members of the Council and would thus be brought to the knowledge of the public much sooner. The importance which the Mandates Commission had always attached to the support of public opinion would be much increased by this innovation.

He pointed out a passage in M. Catastini's report, where it was noticed that the Polish Government had extended to various territories under British mandate the effect of the treaties of commerce with Great Britain, making them benefit thus by the most-favoured-nation clause. The report added: "The same applies to all the territories under French mandate". What was the meaning of this passage?

M. CATASTINI thanked M. Rappard for his congratulations, which he would pass on to his collaborators in his Section and in the other services of the Secretariat. In future, he would

endeavour always to accelerate the printing of the Minutes. It was absolutely necessary that the Minutes of the summer session should be printed quickly in view of the short period of time between the end of the session and the beginning of the work of the Council and of the Assembly to which the Minutes of the Commission must also be distributed. The alteration which had been made in the dates of the session of the Council had resulted in a similar state of affairs as regards the autumn session of the Commission. M. Catastini had therefore taken all the necessary measures. He had asked for and obtained the credits necessary for carrying out this programme.

It was true that the Council had decided to accept the decision of the Assembly and that in consequence the Minutes and reports of each session would be distributed to the members of the Assembly at the same time as they were distributed to the Members of the Council. That amounted to saying that they would be made public at that moment.

With regard to the passage in his report to which M. Rappard had referred, that passage meant that the countries under French mandate would also receive from Poland the benefit of the most-favoured-nation clause.

Mr. WEAVER, in the name of the International Labour Organisation, associated himself with the regrets of the Commission in losing General Freire d'Andrade. In spite of his failing health and his numerous occupations, M. Freire d'Andrade had accepted the invitation of the International Labour Office to serve on the Committee of Experts on Native Labour, where his vast experience, informed by his liberal and generous spirit, was of enormous value.

Mr. Weaver had been much touched by the tribute which had been paid to his late colleague and friend, Mr. Grimshaw. Mr. Grimshaw's death was an irreparable loss to the International Labour Office at a time when the Office's work on native labour was being actively developed. He had been the guiding spirit in this work, and the loss of his guidance was a great blow. He had been extremely devoted to the work of the Mandates Commission, and there was a certain fitness in the fact that his collaboration at the last session of the Mandates Commission had constituted the last manifestation of his public activity.

Mr. Weaver warmly thanked M. Van Rees for his proposal, which he hoped the Mandates Commission would accept.

M. VAN REES recalled that the Chairman had announced that the Caprivi-Zipfel had just been included in the ordinary administration of South West Africa. What was the meaning of that communication ?

M. CATASTINI replied that this administrative amalgamation had been made known in a speech by the Administrator before the Legislative Council, and that the Administrator had recently made a voyage in order to take over that part of the territory.

The CHAIRMAN was certain, in the absence of M. Kastl, M. Orts, and Count de Penha Garcia, that the Commission would certainly accept the wish of M. Van Rees, and would also pass on his praises and his sympathy to the family of M. Freire d'Andrade.

He thanked M. Rappard for bringing to the notice of the public the work of the Mandates Commission. Public opinion played a most important part, vis-à-vis the Commission, for it might constitute its sole support. If it had not always been possible to give more rapid satisfaction to public opinion, it was because the Commission was pursuing a course which had been fixed for it by the Council and in which the Commission should give proof of its wisdom and prudence. If public opinion must henceforth be more rapidly informed than in the past of the work accomplished by the Commission, the Commission could only rejoice. It had never feared to do its work publicly, and if it had not been able to hold public meetings, it was only in the interests of the people under administration and of the mandatory Powers, neither of which had ever had to regret the prudence and tact with which their interests had been considered by the Commission.

1079. Adoption of the Agenda and Programme of Work of the Session.

The CHAIRMAN read the draft agenda, *which was adopted* (Annex 2).

M. RAPPARD did not know whether it would be impossible during the present session to examine the question of the troubles in Palestine. He thought, however, that precedent would require that the Commission should at least hear a preliminary declaration from the mandatory Power on this subject while awaiting the report of the commission of enquiry which would, no doubt, be sent to it later. Was it possible to hope that the British Government would communicate with the Mandates Commission during the present session ?

M. CATASTINI answered that the British Government had already made a declaration to the Council which replied to M. Rappard's question.

M. VAN REES thought that it would be necessary to wait, but that, in any case in the course of the present session, it would be a good thing to have an exchange of views on the procedure which should be followed. It would be equally necessary to fix certain points of view which could be taken up at a later session.

The Commission agreed.

SECOND MEETING.

Held on Wednesday, November 6th, 1929, at 4 p.m.

1080. Iraq: Communication from the British Government dated November 4th, 1929.

The CHAIRMAN recalled that all the members of the Commission had learnt from the Press some weeks previously that the British Government had promised the Government of Iraq to support its request for admission to the League in 1932. The *communiqué* which the Colonial Office had issued in this connection explained that the British Government would apprise the Council of the League at its next session of its decision to discontinue the negotiations with regard to the Treaty of 1927, on which the Commission had had an opportunity of making certain observations in the preceding year. It was also stated in this *communiqué* that the British Government would immediately enter into negotiations with the Government of Iraq with a view to the conclusion of a new treaty to regulate the future relations between the two Powers.

This information was officially confirmed by a note from the British Government received that day in the Secretariat and dated November 4th, 1929 (Annex 3).

He thought it would be useful to invite the Commission at once to determine the procedure which it intended to follow regarding this question, for his colleagues would probably agree with him that the Commission could not ignore it during the examination of the annual report for 1928 regarding Iraq.

The accredited representative would very probably make some reference to it in the course of his general statement on the situation in Iraq, and, if such were the case, the Commission could examine the declarations of the accredited representative at the beginning of the meeting to be held on the following morning, and would settle then the questions which it intended to ask Mr. Bourdillon in order to obtain further explanations.

If the accredited representative made no reference to the termination of the mandate in his preliminary statement, the Chairman would propose that the Commission should authorise him to ask the accredited representative whether he had received instructions from the British Government to comment on the decision to which the Chairman had referred. If Mr. Bourdillon replied in the affirmative, he would ask him, in the name of the Commission, to indicate the main outlines of the arrangements which it was proposed to conclude with the Government of Iraq. He would ask him also to inform the Commission of the measures contemplated with a view to maintaining in Iraq the guarantees which were at present safeguarded by the agreements actually in force and which, it was clear, would interest the Council and the Assembly particularly at the time of the request for admission of Iraq to the League.

The Chairman pointed out that the proposal of the British Government raised several difficult questions. In the first place, it would be necessary to consider whether the people of Iraq had reached a degree of maturity that would justify their independence.

The Commission would also have to consider the possible effects of the termination of the Iraq mandate on the peoples of other territories under A Mandate. It might be admitted that the Mandates Commission was not a political body, but the limits of politics were not easy to define.

The Commission must also consider whether and to what extent, after the changes had been effected, the interests of the States Members of the League, which at present were assured under the mandate, would be guaranteed.

M. RAPPARD quite agreed with the Chairman that the Commission should decide upon a definite line of policy in this matter. From the legal point of view, Great Britain was, of course, fully entitled to propose the termination of the Iraq mandate. But it was clear that the final decision rested with the Council, and it would be surprising if the latter did not make a point of asking the Commission for its opinion.

M. VAN REES thought that the British Government had not taken any definite decision, but had merely stated its intention of submitting a recommendation to the Council. Both the Council and the Assembly would thus have an opportunity of expressing an opinion.

He did not think, therefore, that it was indicated that, without having been invited by the Council to do so, the Commission should take the initiative in expressing an opinion either on the degree of maturity of the population of Iraq or on the other questions to which the Chairman had referred.

The question which had been asked — namely, what organism would be able to take a decision in this matter — raised, in the first place, a legal question of the most delicate kind which, up to the present, had never been settled by any competent body. On the one hand, there was general agreement that the mandate was an international convention, but the point on which agreement had not been possible in the scientific world was the following: By whom had the mandate been conferred on the mandatory Power? Was it the League of Nations, represented by the Council, in whose name the mandate was executed, or was it the Supreme Council which had appointed

the mandatory Powers, or was it these two authorities which together formed one of the Contracting Parties? On this point of principle the Commission above all should, in the opinion of M. Van Rees, refrain from making any attempt to take a decision.

Moreover, as regards the attitude to be adopted by the Commission, it seemed to him that it could only wait and see how the discussions with Mr. Bourdillon developed. It was clear, he thought, that the line of conduct to be followed by the Commission would depend upon the statement to be made by the accredited representative. For the moment, the Commission could adopt no definite line of action.

The CHAIRMAN observed that the new system would not enter into force until after a three years' interval. The only body which could safeguard the interests of the population of Iraq during this interval was the Council, assisted by the Mandates Commission.

M. PALACIOS thought that the Chairman had clearly brought out the main points in the question, namely: (a) whether the population of the territory had yet reached such a stage of civilisation as to be able to stand by itself (in the words of the Covenant) under the strenuous conditions of the modern world; (b) whose business it was to decide that question; (c) the possible effects of the termination of the mandate on other Eastern communities in a more or less similar position; (d) the assurances to be given to the other States Members of the League that Iraq's obligations to them would continue to be discharged in future.

He could, not, however, agree with M. Van Rees that the Commission should seek to be relieved of its supervisory duties in respect of the territory on account of the British declaration, since up to the present time, as far as principles were concerned, nothing unusual or unforeseen had happened. The emancipation of the territories under mandate was, or ought to be, the normal goal of their development. The Permanent Mandates Commission would do well, he thought, not to seem too afraid of the realisation of such a possibility, either in Iraq or anywhere else. The Treaties concluded between the mandatory Power and Iraq and approved by the Council of the League as taking the place of the mandate seemed also to sanction Great Britain's acts and intentions as recently announced. In ordinary life, a guardian continued to look after the affairs of his ward until the ward came of age; indeed, it might be said that at that very period, when putting an end to a temporary situation and making provision for the future, the guardian must pay increased attention to those affairs and have all kinds of details settled. In the same way, the Council, with the assistance of the Mandates Commission, must continue to superintend the administration of Iraq until such time as the territory was admitted to the League.

The report which the Commission had to consider already made it clear that that question arose in connection with a large number of problems. The mandatory Power itself, when reporting on politics in Iraq, always referred to the most enlightened section of the population; but there was certainly a large section of the population that was less enlightened. It was not clear, however, whether the decision announced had been reached in consideration of the genuine maturity of a country which had, so to speak, come of age, or on account of its obstinate resistance to the mandate system, or as a result of the change in the home Government of Great Britain. He might perhaps add that, when, in the previous year, he had asked the accredited representative about the possibility of Iraq's admission to the League, the answer had been accompanied by important and formal reservations.

M. RAPPARD thought that the task of the Mandates Commission in respect of Iraq had now become more important than in the past. The Commission's opinion would be awaited with interest by the Iraq Government itself, which would look, in the observations of the Commission, for arguments in support of the candidature of Iraq for entry into the League of Nations; by Great Britain, which would expect the Commission to justify its recommendation; and by all the other States Members of the League, who would wish to know the views of the Commission on the question whether the population of the territory had attained the necessary degree of maturity. It was possible, of course, that the future might prove that the optimism of the British Government had been well founded. On the other hand, it was possible that the reverse might be the case, and that there might be disturbances in Iraq. It might be that a national movement might stir up the whole of Arabia and thus change the aspect of the problem of Iraq. It was essential, therefore, that the Commission should not incur the responsibility of having recommended any premature step, and that its observations should be such that they could serve to throw useful light on the question of the candidature of Iraq as a Member State of the League.

M. KASTL said that the normal method of development of the territories under mandate would be for them to attain, at a certain time, self-government and complete independence. He thought, further, that it was the duty of a mandatory Power, if the people of a mandated territory were considered to have reached a degree of maturity that would justify their full independence, to propose the termination of the mandate. On the other hand, M. Kastl thought that, since the final decision with regard to the Iraq mandate would rest with the Council, it was the duty of the Mandates Commission, as the advisory body to the Council in this sphere of its work, to give it all the assistance within its power. The Commission would have to continue its supervision, as there was at present no reason why it should ask to be relieved of its work.

He did not think that it would be necessary for the Commission to contemplate any reference of the question to the Supreme Council of the Allies, which was not included within the League institutions. He would point out, however, that it was important that the Commission should consider not only the question of the maturity of the people of Iraq, but also the circumstances

under which self-government would be introduced. The interests of the other Members of the League in respect of most-favoured-nation treatment and economic equality, for instance, would have to be safeguarded.

M. MERLIN called the Commission's attention to the importance of the question laid before it by the Chairman.

The Commission could not, he said, ignore the British Government's communication, which had been sent officially to the Secretariat of the League. It had been forwarded by the Secretariat in the usual way to the Secretariat of the Permanent Mandates Commission for the latter's information. That was the only channel through which the Commission had had the matter laid before it, as the Council had not yet referred it to the Commission for investigation.

It was natural enough, therefore, that, while taking note of the communication received, the Commission should postpone consideration of it until such time as the Council should make a request to that effect in the usual way.

The question was one of such intrinsic importance that it should only be attacked with extreme caution. Its importance was due to considerations both of fact and of law.

This was the first time that any of the territories affected by Article 22 of the Covenant had been offered emancipation and the honour of membership of the League. It was therefore to be anticipated that the circumstances and conditions in which these two acts took place would be quoted as precedents, both in fact and in law, when similar positions arose regarding other territories which might subsequently reach the same stage of development.

In the case in point, the circumstances, conditions and reservations that might attend upon the declaration of Iraq's independence and her admission to the League called for very careful consideration, more especially because the legal position as between Iraq and the League had always been particularly complicated, not to say confused. While from the point of view of the League there was a mandate which had been accepted by Great Britain in the terms of the Council's decision of September 22nd, 1924, from Iraq's point of view there were merely two treaties concluded on October 10th, 1922, and January 13th, 1926, between the British Government and the King of Iraq. Those treaties did indeed embody, in various articles, the international obligations laid down in the Covenant, and had accordingly been sanctioned by the Council of the League.

The British Government had a legal right to make to the League such a recommendation as it was now making on behalf of Iraq; but it was equally beyond question that the proposal could not be regarded as affecting only the mutual interests of Great Britain and Iraq.

The arrangement advocated touched the essential point of the mandates provided for in Article 22 of the Covenant, and was consequently of concern to all the mandatory Powers. It was bound to have a far-reaching influence throughout the Near East and even beyond, and therefore the neighbouring mandatory Powers could not dismiss it as a matter of small importance.

The question went far beyond the scope of a purely domestic administrative measure. It was a general political measure, and possibly even, as such, it could only be dealt with by the Assembly of the League. The Permanent Mandates Commission must therefore exercise the greatest caution, and express no opinion on the merits of the question until the Council asked it to do so.

On the other hand, there was no reason why, when considering the 1928 report, as it was about to do, the Commission should not ask the accredited representative questions about present conditions in Iraq and the progress of its political, administrative, economic and social organisation, from which the Commission might hope to derive further light and ground for an opinion on the question whether the measure which the British Government intended to propose to the League in 1932 was justified or not.

M. PALACIOS thought that the Commission should present a definite request to the accredited representative for additional information with regard to this proposal of his Government. If Mr. Bourdillon were to state that he was not in a position to give such information, the Commission would take note of this statement. If, however, he were to accede to the request, the Commission might examine his replies and the proofs of maturity which were furnished as well as the guarantees which might be given to protect the interests of the people of Iraq and those of the various States Members of the League. In any case, the Commission could not wait until it was faced by an accomplished fact. It was its duty to express an opinion on all questions touching the mandates, and this was perhaps the most important question that had yet been raised.

Lord LUGARD said that, although he happened to be the British member of the Commission, he could only express his personal opinion with regard to the discussion. He pointed out that it was not merely the right, but the duty of the mandatory Power to recommend the termination of its mandate when it considered that the people for which it was exercised had attained a sufficient degree of maturity. In his view, the only question to be dealt with now was whether the Mandates Commission should give any opinion it might decide to offer immediately or should wait until the Council asked for its views. He agreed with M. Merlin and M. Palacios that the Commission should, in any case, continue to examine the reports of the mandatory Power.

The duty of considering the effect upon other States of the termination of the mandate devolved rather on the Council than on the Commission. It was to be presumed that Great Britain had already considered and was prepared to accept any possible effect on Palestine and Trans-Jordan.

Lord Lugard added that it was always open to the Council and the Assembly to provide for conditional admission of a State to membership of the League, as had been done in the case of Abyssinia.

M. RAPPARD observed that two decisions would be required—a unanimous decision by the Council to relieve Great Britain of its responsibility, and a decision of the Assembly by a two-thirds majority to admit Iraq to the League. It would always be possible for a Government on the Council, or in the Assembly, to oppose the action that the British Government proposed to take, or to make its agreement subject to certain conditions.

Since the opinion of the Commission with regard to the degree of maturity of the people of Iraq would be based on the reports of the mandatory Power, the members of the Commission should bear this in mind when questioning the accredited representative.

M. MERLIN thought that the Commission should not express any definite opinion immediately. It should be remembered that conditions changed rapidly in Eastern countries, and that it was possible that the British Government might modify its proposal. The Commission might ask the accredited representative for further information with regard to the proposal of the British Government, and reserve its consideration of the matter.

M. PALACIOS thought that there could be no doubt that the British Government had desired that the Mandates Commission should be seized with the question immediately, since it had communicated its proposal to the Council on the eve of the session of the Commission. In point of fact, the Commission was informed of the matter at the same time as the Council. The reports were sent both to the Council and the Commission automatically.

The CHAIRMAN proposed that the consideration of this matter should be adjourned to the following meeting, at which M. Orts and Count de Penha Garcia would be present.

The Commission approved this proposal.

1081. Iraq: Examination of the Annual Report for 1928.

Mr. Bourdillon, Counsellor to the High Commissioner in Iraq, and Mr. Clauson, of the Colonial Office, accredited representatives of the mandatory Power, came to the table of the Commission.

Death of Sir Gilbert Clayton.

The CHAIRMAN was certain that he was speaking on behalf of all the members of the Commission in expressing his sincere regret at the death of Sir Gilbert Clayton. Sir Gilbert had not been able to exercise the functions of High Commissioner in Iraq for more than six months; but, as each member of the Commission had been able to judge by reading the Iraq Press, he had already acquired the complete esteem of the authorities and of the people.

Mr. BOURDILLON thanked the Chairman and said that, although he had served but a short time under Sir Gilbert Clayton, that time had been long enough for him to appreciate what a great loss to his country Sir Gilbert's death was.

Statement by the Accredited Representative: Economic Situation: Political Developments: Relations with Nejd.

Mr. BOURDILLON made the following statement:

“ In the opening statement which the Commission was good enough to permit me to make last year, I endeavoured to remove an impression which I believed to exist, in the minds of some members of the Commission at any rate, that Iraq was in a condition of economic stagnation. In order to press my point, I quoted figures later than those for the year then under review, and the report now being considered therefore goes no further, in this respect, than my opening statement of last year. Having left Iraq for good four months ago, I am not now so up to date as I was last year, when I came here straight from Baghdad; but I have obtained a few figures to supplement those appearing in the report, and, as these fully support my contention that Iraq is progressing satisfactorily from the economic point of view, I should like, if the Commission will permit me, to produce them.

“ Last year I pointed out that Iraq revenues had increased by 12 per cent in five years and expenditure by 25 per cent in the same period, and I ventured to express the opinion that these figures indicated clearly that the country was not, as certain members of the Commission had suggested, in a state of ‘ torpor ’ or ‘ economic stagnation ’. Receipts for 1928-29, exclusive of the British subsidy in aid of the Iraq army, amounted to 583 lakhs of rupees, or 10 lakhs more than the previous year, a further increase of 2 per cent on the 1923-24 figures, and a total increase of 14 per cent in six years. Expenditure, excluding expenditure (from accumulated surpluses) on the capital works programme and that portion of the expenditure on the Army which was covered by the British grant-in-aid, amounted to 571 lakhs, giving an increase in expenditure of no less than 35 per cent in six years. The Commission will no doubt be particularly interested to note increases, as between 1927-28 and 1928-29, of 6 per cent on health services, and 15 per cent on education, while the total sum spent on the public services of health, education, agriculture, irrigation, and public works rose from approximately 105 lakhs, in 1923-24, to 151 lakhs, in

1928-29. The figures speak for themselves, and I think a rise of about 46 per cent in six years in the expenditure on public services must be considered as a very good indication of advance.

“ As regards foreign trade, I fear that I have no figures later than those contained in the report itself. Cotton prospects were, when I left Iraq, most promising, and last year's record output of over 5,000 bales should be very greatly exceeded.

“ I do not propose to deal further with the economic situation, but I should like to say a little about two important features of the report under review. The first of these is the progress of the negotiations in respect of the 1927 treaty. As the Commission is possibly aware, these negotiations came to nothing. It was not found possible to reach agreement in the matter of the new financial and military agreements, and the final result, reached after the close of the year under review, was a mutual agreement to abandon the treaty and to continue to allow relations to be governed by existing instruments, ignoring such provisions of the latter (as, for example, the agreement that Iraq should pay for certain capital assets) as have been specifically abandoned by mutual consent or have become obsolete through progress of time.

“ I venture to remind the Commission that last year I foreshadowed the possibility (though not, indeed, the probability) that the 1927 treaty might prove to be still-born, and I venture to suggest that its pre-natal decease fully indicates the propriety of the method adopted by my Government in dealing with it, namely, to defer seeking the approval of the Council of the League to the new treaty and agreements until the approval of the Iraq Parliament to their ratification had been obtained. It would have wasted the time of the Council, and possibly have been somewhat embarrassing to it, if my Government had presented to it for approval, and secured its approval to, a treaty destined never to come into force.

“ The other important feature of the report upon which I should like to touch is the question of the troubles between Iraq and Nejd. The report deals with these fully, but I think it would make the position clearer to the members of the Commission if I were to take them back a few years.

“ The Treaty of Mohammerah, signed in May 1922, was the first concrete step towards a definition of the desert frontier. Prior to the negotiations for that treaty, each side had indicated the frontier it desired. That demanded by Ibn Sa'ud extended nearly up to the Baghdad-Basra Railway, and was obviously unacceptable. I was the High Commissioner's representative at Mohammerah, and I soon discovered that the Nejd delegate could not be induced to agree to any definite frontier other than that demanded by his master. I therefore abandoned the attempt to fix a frontier, and endeavoured to secure agreement upon a principle which should guide the fixation of a frontier. Such a principle was readily discovered. That certain tribes owed allegiance to Iraq was undisputed, and the allegiance of others to Nejd was similarly accepted. The frontier was to be fixed according to the ancient habitat of these tribes. The principle was obviously reasonable, and it occasioned considerable surprise when the Nejd delegate, on his return to Riyadh, was reprimanded with the utmost severity for having exceeded his instructions. The diplomatic skill of Sir Percy Cox was, later in the year, taxed to the utmost in securing the ratification of the treaty by Ibn Sa'ud, and he could only succeed by agreeing to a Protocol of which the following two articles are important:

“ ‘ Article 2.

“ ‘ Whereas many of the wells fall within the Iraq boundaries and the Nejd side is deprived of them, the Iraq Government pledges itself not to interfere with those Nejd tribes living in the vicinity of the border should it be necessary for them to resort to the neighbouring Iraq wells for water, provided that these wells are nearer to them than those within the Nejd boundaries.’

“ ‘ Article 3.

“ ‘ The two Governments mutually agree not to use the watering-places and wells situated in the vicinity of the border for any military purpose, such as building forts on them, and not to concentrate troops in their vicinity.’

“ It is upon this latter article that Ibn Sa'ud has based all his objections to the desert post of Busaiyah, which he alleges to have been the sole cause of the recent troubles. On the question whether the erection of a small police post at Busaiyah did or did not infringe that article there can only be one reasonable opinion, and I am prepared fully to demonstrate this to the Commission should it so desire. The root of the trouble lies in Ibn Sa'ud's profound (and perfectly intelligible) desire to avoid any extension of ordered administration into the desert. His bedouin tribes, never the most orderly of subjects, were accustomed to roam freely within limits defined only by the respective strength of themselves and their neighbours. He knew that they would bitterly resent any apparent attempt to restrict their movements, and, though he was perfectly willing to agree that certain tribes belonged to Iraq, he was anxious to avoid altogether—and, if he could not do that, to delay as long as possible—any action that should make it appear to his tribes that their ancient liberties were being restricted. We may take it as certain that these tribes were kept in ignorance of the provisions of the Treaty of Mohammerah. The 'Uqair protocol was a desperate effort to limit, as far as possible, the practical evidence of Iraq sovereignty in the neighbourhood of the Akhwan tribes.

" For Ibn Sa'ud's difficulties one can only have (and my Government have always had) the profoundest sympathy. There were, however, other points of view to be considered. The British and Iraq Governments saw, the former even more clearly perhaps than the latter, the great importance, not only to Iraq but to the whole of the Middle East, of tranquillity in the desert lying between the Mediterranean and the Euphrates. There lay a rapidly developing highway for passengers and commerce. There lay the route by which the oil wealth of Iraq must find its way to the markets of the world. It was obvious that the susceptibilities of savage tribesmen must, even at the expense of increasing the difficulties of their able and enlightened ruler, be subordinated to higher considerations. The desert must be pacified; and pacified it has been to an extent little short of amazing. The road from Damascus to Baghdad is now a great (if somewhat uneven) highway with a constant stream of lorries, touring cars and passenger pullman cars moving across it. Midway, one hundred and ninety-five miles from the nearest human habitation, is a well-appointed hotel with electric light and fans, a wireless telegraph station and an aerodrome. It is true that there have been one or two cases of banditry on the route; but I would particularly call the attention of the Commission to the fact that none of these has been traced to the bedouin tribes of the desert.

" It is obvious that the security of this highway could not possibly have been achieved without a great extension of Government influence to the south of it, and I could wish that more publicity had been given to the wonderful results that have been achieved in this direction. Intertribal raiding between the Iraq desert tribes has literally ceased, as also have raids by them upon their neighbours. Tribes that dared not go within a day's march of each other are now peacefully camped together within sight of the post of Salman, where there is excellent water, the enjoyment of which is now secured to all instead of being, as heretofore, the privilege of the strong alone. In other words, that which, to the Akhwan tribesmen, appeared to be the bondage of the desert, is in reality its freedom, and the first step has been taken towards making the bedouin tribesman a useful citizen of the State to which he belongs, a process of vital importance to Iraq, whose settled population is undoubtedly insufficient for its proper development.

" I do not wish to labour the point, but I hope I have made it clear to the Commission that the difficulties between the Iraq and Nejd Governments have not arisen out of any minor question of territorial rights. The question at issue is one between progress and stagnation. Progress must win in the end, and there is no reason why the present advocates of stagnation should not ultimately benefit by that victory. "

Frontier between Iraq and Nejd.

The CHAIRMAN asked whether Mr. Bourdillon could, as he had suggested he might, explain further why the post of Busaiyah did not constitute an infringement of the 'Uqair Protocol, and give any other information in his possession concerning the trouble on the Nejd frontier.

Mr. BOURDILLON, referring to the map at the end of the report, drew attention to the neutral section at the bottom of the boundary line where Iraq and outside tribes had equal rights. Busaiyah was over fifty miles from this neutral zone and seventy-five from the Nejd frontier. It could not, therefore, be one of the wells indicated in the passage of the 'Uqair Protocol which was quoted on page 30 of the report. Reading the third article of the Protocol with the second, which he had quoted in his opening statement, it was fairly clear that the intention of the third article was to forbid the fortification of wells likely to be resorted to by Nejd tribes under Article 2. Not only its distance from the frontier, but the fact that there were two good wells between it and the frontier, clearly placed Busaiyah outside this category. The police hut at Busaiyah had originally been constructed with a view to enabling the Iraq Government to carry out its obligations to the Sa'ud. Certain tribes which had fled from Ibn Sa'ud had started raiding into Nejd from Iraq. When this was stopped, they fled to Syria and continued raiding from there. This was difficult to stop, and, on the complaint of Ibn Sa'ud, it had been decided to construct a chain of police posts, of which Busaiyah was the first.

In reply to a question by M. Palacios, Mr. Bourdillon said that the present position was obscure. Ibn Sa'ud's own tribesmen were in open revolt against him, but it was difficult to get news of the situation. During the last few months, however, there had been, so far as he knew, only one small raid into Iraq, and this raid had been successfully dealt with by two armed cars under the command of Iraq non-commissioned police-officers.

Lord LUGARD asked if any substantial alterations had been made in the frontier since the institution of the mandate.

Mr. BOURDILLON replied in the negative. The frontier had not been marked out on the ground and, he believed, never could be. It passed many wells which were universally known to the tribes, who were in consequence fully acquainted with its position.

M. RAPPARD asked if the tribes living on both sides of the frontier were agreed as to its delimitation. He had been struck by the fact that the establishment of a small fort seventy-five miles from the frontier had caused the Government of Nejd some anxiety.

Mr. BOURDILLON said that the position of this particular well in regard to the frontier was known to all because it was due north of the neutral zone, which itself contained excellent wells which all the tribes knew were common to both Nejd and Iraq.

The CHAIRMAN thought it very difficult to delimit the Iraq frontier taking into account the fact that the populations were divided into different sects, with different habits and traditions. The majority of the tribes were migratory, owning only camels and horses. In these circumstances he wondered on what principle the Government could have based its delimitation of the frontier. On what principle was the nationality of these tribes determined which migrated every year, it being thus impossible to give them a fixed habitat? Had these people any idea of nationality and in what manner did they recognise the Government of Iraq?

Mr. BOURDILLON replied that these desert spaces were already divided in Turkish times, although their boundaries were certainly indefinite. The nationality of tribes determined itself by their market places. For example, certain tribes clearly belonged to Iraq because they went to Iraq to buy and sell. The markets of others were on the Persian Gulf. This was the principle which decided their nationality and that nationality was understood and undisputed by the tribes themselves.

As regards the frontier, it must be noted that however much the nomadic tribes moved about they always had a certain fixed habitat to which they returned at times. Such habitats were seldom changed by the tribes, and Ibn Sa'ud had even encouraged some of them to erect buildings. Movements of tribes into the "diva" or habitat of another tribe were fairly common, and were recognised by the Treaty of Mohammerah, which gave both Ibn Sa'ud and the Government of Iraq the right to collect the grazing tax from such tribes. Ibn Sa'ud collected the tax at the wells, and the Government collected it from its own tribes at headquarters, and had so far not collected it from Nejd tribes, which, owing to the poor grazing of recent years, had not been coming much to Iraq for grazing purposes.

The CHAIRMAN asked what happened to the land on which nomad tribes had camped for several years. Were these tribes thus able to establish property rights over them?

Mr. BOURDILLON replied that this question did not arise with nomads but only with the settled tribes who practised cultivation. There were such tribes who had recognised occupancy rights, although without legal sanctions. Sir Ernest Dowson, who was going out to Iraq to study the whole question of land settlement, would make a special study of the question of tribal rights.

The CHAIRMAN asked what was the approximate proportion between the nomadic tribes, those semi-nomadic and the sedentary population. He had personal recollections of the difficulties which were experienced in levying tithes and the grazing tax.

Mr. BOURDILLON regretted that he was unable to give accurate information on this point.

THIRD MEETING.

Held on Thursday, November 7th, 1929, at 10.30 a.m.

1082. Iraq: Examination of the Annual Report for 1928 (continuation).

Dissolution of Parliament: Conscription: Relations between the Iraq Authorities and the British Advisers.

M. PALACIOS said that the time had come to ask the accredited representative a few questions about the statement he had made to the Commission and about the early chapters of the report dealing with political matters.

While Mr. Bourdillon had urged that Great Britain had been wise in not submitting the draft treaty of 1927 with Iraq to the Council of the League, M. Palacios thought that the questions the Mandates Commission had asked on that subject at the previous session were equally judicious.

The treaty had not survived. It seemed from the report that the political situation in Iraq was very much disturbed; it had been difficult to form the Cabinets, and sometimes the Opposition had resorted to violence; and, although the majority apparently supported the Government Progressive Party, everything that had happened seemed to show that nationalist views predominated.

He would like to know whether this was the case. He would also like to ask Mr. Bourdillon a question in connection with the ideas suggested on page 7 of the report, where it was stated that those who had criticised the dissolution of the Chamber as unconstitutional, on the ground that the Government had not waited until it was defeated in Parliament, had perhaps some grounds for holding that view. He would also like explanations, in greater detail, regarding the problem of conscription, which seemed to have been the touchstone of the whole policy, and regarding the chapter in the report (page 26) entitled in Arabic "Al Wadha' Al Shadh"; the chapter was, of course, most interesting, but it reflected a situation which could in principle, *mutatis mutandis*, apply to all territories under mandate, especially those under A Mandate, and indeed, generally speaking, to any nation whose sovereignty was partitioned, mediatised, or attenuated by outside intervention.

He then explained what he meant. On page 7 of the report there was the following passage:

"In 'Iraqi political circles it was much debated whether the 'Iraq Government had acted constitutionally in advising the King to dissolve the Chamber merely on the general grounds that they were not satisfied with its composition and that they could not count on its firm support. It was argued, with some reason, that they should have waited until they had sustained a defeat in the Chamber."

That was a detail which might have no intrinsic importance; but did it not raise the question of the relations between the Iraq authorities and His Britannic Majesty's authorities? It seemed incredible that, in a matter of such importance, the former had not had the benefit of the latter's advice. That being so, to whom could the mild criticism, which was possibly implied in the paragraph he had read, be addressed?

Mr. BOURDILLON said that the last sentence was not very clearly worded. No criticism of the Government was intended. It was merely intended to point out that the Government had been criticised by its opponents and that there was *prima facie* justification for this criticism. The formal advice of the British Government had not been asked or offered, but the High Commissioner had been fully in touch with the trend of events and aware of the intentions of the King and of his Ministers, and had considered that he could leave the matter to their own judgment.

Mr. Bourdillon wished, however, to give explanations on one point which would show that the action of the Government had not been so unconstitutional as had been asserted. The Prime Minister in office on this occasion had resigned on a previous occasion as a result of defeat in the Chamber. The defeat had occurred in connection with the election of the President of the Assembly, which the Prime Minister, Abdul Muhsin Beg, had made a party matter. Abdul Muhsin Beg had wished to dissolve Parliament and to go to the country. The King had been unwilling to adopt this course, and had preferred that Abdul Muhsin Beg should resign and that another Prime Minister should form a coalition Government. This Government had lasted for one year, but, being composed of discordant elements, had not been altogether successful in its conduct of administration. The Prime Minister had accordingly resigned and Abdul Muhsin Beg had then been asked to form a new Government. It was natural that he should have demanded the dissolution of Parliament since he had gone out of power as a result of an adverse vote by that Parliament.

*Intervention of the British Authorities in the Question of Military Conscription
and other Matters.*

M. PALACIOS said that, to anyone seeking to obtain an idea of the domestic political situation and the relations between Great Britain and Iraq, the question of conscription was one of the most important. The report contained information of great interest. A comparison of that situation (see page 15 of the report) with the position in Egypt, showed that conditions in the two countries were entirely different. For a very long time the whole population of Egypt had been settled and agricultural. In Iraq the tribal and mountainous areas were said to be hostile to conscription. It was also stated that the proposal for its institution had not been very popular. On the other hand, it seemed clear that the enlightened section of the population, comprising those who, in Parliament and in the Press, called for the independence of the country, was ardently in favour of conscription. Moreover, how had the views of its opponents been manifested? On page 27 of the report the most ardent patriots were represented as saying:

"Iraq cannot create an army large enough to defend her frontiers without conscription and cannot apply conscription without having a strong army to enforce it."

Mr. BOURDILLON thought that M. Palacios was labouring under a misunderstanding with regard to the attitude of the British Government towards conscription. The British Government was of opinion that there would be a great deal of opposition throughout the country to conscription, and the attitude it had taken up was perfectly consistent. For its part, it would welcome conscription if it could be introduced with the general agreement of the people. The British Government had not, however, exerted any pressure on the Government of Iraq either for or against this measure, and it had always made it clear that it would not allow British troops to force conscription upon the people of Iraq if they were unwilling to submit to it. The popularity, or the unpopularity, of the British Government did not enter into the question.

M. PALACIOS had derived the impression from the report that the majority of the people of Iraq—those at least who could express their opinion by civilised means—were in favour of conscription. It seemed that this was true of the Progressive and of the Nationalist parties and that conscription would have triumphed if there had been no British opposition.

Mr. BOURDILLON explained that no Government had yet felt itself in a sufficiently strong position to place a Conscription Bill before the Parliament. There was no question that, among the general populace, the idea of conscription was unpopular and, although many members of Parliament considered that it would be a good thing for the country, it was necessary to take account of this fact.

M. PALACIOS finally drew attention to the chapter on pages 26 and 27 called, "The Perplexing Predicament". It was obviously a very important chapter—far more so than anything that the mandatory Power had yet communicated with reference to the state of mind of the advocates of independence. He rather thought, therefore, that, apart from the interest of becoming acquainted with a situation which had been very well explained, those two pages gave proof of a certain simplicity of mind; for similar general ideas could quite well be expressed in relation not only to A mandated territories, but also to some of the territories under C Mandate, such as Samoa, where there was a body of opinion known as the Mau, whose motto was "Samoa for the Samoans". It would seem at least desirable to supplement the report by stating whether the opinion it reflected applied to the country as a whole, and whether it emanated from persons sufficiently experienced, educated, and disciplined to govern themselves under the strenuous conditions of the modern world.

Mr. BOURDILLON recognised that this was the case. The "perplexing predicament" was due to the fact that there was bound to be friendly friction—and the British advisers endeavoured to make that friction as friendly as possible—between the desire of one party to relax the control, and the desire of the other party to keep a stricter measure of control than those controlled thought necessary.

M. RAPPARD said that he had found the report on the administration of Iraq very enlightening on all points except, perhaps, the most important. This administration was the result of co-operation between the British advisers and the Iraq Government. It would therefore be particularly interesting to know how this co-operation was progressing and what was the measure of responsibility as between the advisers and the advised. There was not more than one clear reference to this point in the report.

That one reference concerned conscription which had just been discussed. As regards this matter, the Government of Iraq was in favour of compulsory military service and had asked the British advisers if it could count upon their support in the event of the proposed measures being actively opposed. The advisers having replied that they would remain neutral—that was to say, that the British troops would not be at the disposal of the Government to apply the measures—they had been immediately postponed. If this case were typical, it would seem that the High Commissioner and the British advisers constituted the backbone of the administration. The action of the Commissioner, and of the advisers in this particular case, appeared to him, moreover, to be quite natural. In order that the members of the Mandates Commission might be in a position to judge the ability of the Government of Iraq to administer the country unaided, it would be necessary for them to be able to appreciate the full importance of the co-operation which that Government enjoyed at the present time.

M. Rappard wished to know whether the reticence of the report regarding the relations between the advisers and the advised was intentional.

Mr. BOURDILLON recalled that M. Rappard had complained of reticence in the reports on a previous occasion, and that he had himself endeavoured on that occasion, in the course of a lengthy statement, to add a little to the dry bones of the facts as stated in the report, and also to give the members of the Commission a more vivid picture of the actual state of the relations between the British advisers and the Iraq Government.

He pointed out that there were two British elements in the country, namely, the High Commissioner—who was the representative of the British Government, and who was responsible for conveying the advice of that Government to the Government of Iraq—and the British advisers—who were servants of the Government of Iraq, and were paid by it, but on whom the British Government nevertheless relied to some extent for the execution of a part of its duties. Mr. Bourdillon believed that the Commission had already been informed of the attitude of the British Government to these officials, since it had, he understood, been presented with a copy of the letter from the Secretary of State, approved by the Government of Iraq, which was given to every British official on his appointment.

The accredited representative thought that the answers to M. Rappard's questions were contained in the statement that he had made two years previously, when he had described at some length the relations between the British officials and the Iraqi. In so far as the technique of the relations was concerned, he had little to add to that statement. The question was one of development. As a result of accumulated experience, the Iraqi Ministers were gradually showing greater independence of thought and action—an independence which was encouraged by both the High Commissioner and the British advisers.

M. Rappard had made a great deal of the fact that the only occasion specifically referred to in the report on which the High Commissioner's advice had been asked, was an occasion on which the High Commissioner had refused the support of British forces, thus preventing the Government from carrying out a measure which it wished to enforce but to which public opinion was opposed.

Mr. Bourdillon wished to explain the position of the British Government in this matter. That Government held that it was for the Iraq Government, and for the Iraqi themselves, to decide whether this measure should be accepted. The British Government had not refused its support because it thought the measure would make it unpopular, but because it thought that it would be unjust if conscription were to be enforced on the people of Iraq by means of alien troops.

M. RAPPARD understood that the present Government had been elected on the platform of conscription. What would happen if, when the British forces had been withdrawn, a Government were to find that the passive resistance of the people rendered the execution of its programme impossible?

The CHAIRMAN pointed out that M. Rappard had raised a very important question. The British Government had proposed that its ward should be declared of age, and that its trusteeship should terminate. The Commission was anxious to ascertain, therefore, whether the country was capable of managing its own affairs and, in particular, it wished to know exactly how much help was given to the Government of Iraq by the British authorities. Further, up to what point did the Government desire that support? Would the authority of the Government continue if it had not the assurance of British support on each particular question?

Mr. BOURDILLON said that he quite understood the object of M. Rappard's question. He did not think, however, that the conscription problem was of importance in this connection. Although it was true, on the one hand, that conscription could not be imposed without the use of British troops, the Government of Iraq, on the other hand, had not yet gone so far as to lay a Conscription Bill before Parliament.

With regard to the general question, it would be necessary to enter into a mass of detail if any satisfactory answer were to be given. There was no doubt, however, that in recent years there had been a marked growth in the ability of the Iraqi Ministers, both in respect of their capacity to conduct their own ordinary business without consulting the advisers upon every small point, and of their success in carrying out the more unpleasant functions of government without British support. This progress was continuing—indeed, in geometrical, rather than in arithmetical ratio—and it was in the conviction that it would be maintained that the British Government had brought forward its proposal.

Mlle. DANNEVIG recalled the following statement in the report for 1927 (page 152):

“ Although primary and elementary teachers are reasonably paid as compared with other professions in the country, their position cannot be regarded as satisfactory until they have some security of tenure. At present they are liable to dismissal without any recognised or regular form of procedure; an order by the Minister of Education is enough . . . A measure protecting all Government officials, including schoolmasters, from arbitrary dismissal was drafted in 1926 but has not yet become law. ”

Had the position of the officials yet been regulated, and, if so, was this due to pressure by the British advisers?

Mr. BOURDILLON said that the law had actually been approved by the Council of Ministers, but had not received the Royal Assent, the King having been of opinion that a certain amount of purging was required in the Civil Service by more drastic measures than those contained in the law itself. The Council of Ministers had redrafted the law to some extent, and it would, he believed, be submitted to Parliament at its next session.

Petition from the Bahai Spiritual Assembly: Measures taken after the Council's Decision.

M. PALACIOS said that one matter which might throw light on the question of the degree of maturity of the Iraq people and on that of the relations between the British Government and the Government of Iraq was the problem of the Bahais sect, a matter which had already been before the Commission.

In its report on the work of its fourteenth session the Commission had recommended that the Council should invite the British Government to request the Government of Iraq to redress the injustice of which the Bahais had been the victims. This recommendation had been made by the Commission as a result of its examination of a petition from the “ Bahai Spiritual Assembly ” and of the observations of the British Government on the petition. M. Orts had been the Rapporteur.

The annual report of the mandatory Power did not refer to the matter, and it would be interesting to obtain from the accredited representative as exact information as possible regarding the measures taken by the British Government and by the Iraq authorities as a result of the Council decision.

Mr. BOURDILLON said that the British authorities had informed the Government of Iraq of the request of the Council, and had strongly pressed it to find a solution. The Government had suggested compensation on a monetary basis. The British authorities, although not considering this solution satisfactory, had, nevertheless, felt called upon to submit to the Bahais any proposal that the Iraq Government had made. As it had expected, this proposal had not been accepted. The Bahais themselves had contemplated presenting a further petition, but, after discussing the question with the High Commissioner and the British advisers, they had agreed that it would not be in their best interests to do so.

Settlement of the question had been further delayed by the death of Sir Gilbert Clayton, and it would take some time for the new High Commissioner to make himself acquainted with all the details. In the meanwhile, however, the Acting High Commissioner and the Bahais' representative were following up the matter actively.

Mr. Bourdillon added that in the course of the last few days he had further discussed the question at Geneva with the Bahais' representative, and that, during this discussion, a solution had been suggested which he hoped would be ventilated shortly.

M. PALAÇOS did not think this reply wholly satisfactory. He recognised that for reasons of domestic policy it might be advisable to employ this roundabout method. On the other hand, both the mandatory Power and the Mandates Commission had admitted that injustice had been done. It was desirable therefore that that injustice should be removed without delay; such action would serve as an example.

The CHAIRMAN recalled that the Council had endorsed the Commission's opinion and that, as a result, the mandatory Power had to follow it. The present state of affairs was, therefore, all the more serious.

M. RAPPARD said that he might employ the Bahai case as an argument for the contention which he had already advanced. There could be no clearer example of the necessity for action by the mandatory Power in order to prevent injustice.

Mr. BOURDILLON said that it was his firm conviction that a similar injustice would not be committed at the present time. Every effort was being made to remedy this particular injustice, but he would recall that it was very difficult to provide an immediate remedy for such cases.

The CHAIRMAN asked what steps were being taken to carry out the decision of the Council. What means existed for the administration of justice when the League of Nations demanded it? A solution of this question would be very difficult to find. Mr. Bourdillon should examine the question not, of course, from the historical point of view, but in order to settle it.

Development of the Town and Port of Basra.

The CHAIRMAN said he had read in the *Daily Mail* of October 10th, 1928, that certain notables had requested that Basra should be set up as a separate territory, directly under British control. He would like to know whether this information was correct and, if there was any truth in it, how much.

Mr. BOURDILLON replied that there was no foundation for such a request on the part of Basra, nor was there any movement towards such separation.

With regard to the port, he pointed out that it had a separate budget. It was now making regular payments, and legislation as regards the Port Trust was being prepared. The port was well administered, its business was going on very satisfactorily, and its debt was being repaid to the British Government.

Landing of Foreign Aircraft.

M. VAN REES asked whether the landing grounds for civil aircraft had been closed to foreign aviation.

Mr. BOURDILLON replied that the grounds in existence were purely military. He hoped, however, that the situation would shortly be dealt with. The Iraq Government had been invited to accede to the Air Convention, and was busy considering this matter, and making arrangements for a civil aerodrome.

In reply to a question by M. Van Rees as to whether the grounds were closed at the moment, Mr. BOURDILLON replied in the negative. Permission was required to use them, but this permission was always given.

M. MERLIN asked whether the authorisation to which Mr. Bourdillon had referred must be obtained in the case of each landing. Was it not possible in the case of, for instance, a regular service to have a regular permit?

Mr. BOURDILLON replied that every possible permission was given, and also that a series of permissions could be obtained. The grounds were intended, however, primarily for military service, and therefore military considerations had to come first.

M. MERLIN understood that delay in acceding to the Air Convention was due to difficulties of translation. Surely, however, there must be a sufficient number of translators.

Mr. BOURDILLON replied that the translation had, he believed, been completed two or three months ago.

Elective System and Parliamentary Activity.

COUNT DE PENHA GARCIA wished to ask a question regarding the working of the Parliamentary regime in Iraq. Were the elections there similar to those held in European countries? Were the voters familiar with the rights which they exercised?

Mr. BOURDILLON replied that he had seen two elections in Iraq. Election was indirect; by means of primary and secondary electors. At the first election which he had seen, neither class

of electors had fully realised its position; in the second, the primary electors still had not fully realised it, but the secondary had done so. The primary electors were still inclined to ask themselves for whom the Government would like them to vote. The theory of democratic institution had not yet become familiar to all the people.

Count DE PENHA GARCIA remarked that indirect elections had some advantages in a country where most of the voters were incapable of carrying out their duties properly. On the other hand, this system might give rise, to a certain extent, to the faults of the system of *clientèle*. He would like to know whether the votes were dependent, to a certain extent, on the chiefs or religious bodies. In the secondary elections, were there certain ideas which determined the choice of representatives or did personal considerations dominate the choice of the members of Parliament ?

Mr. BOURDILLON replied that, in the first elections the primary electors were inclined to vote for individuals and ask for a policy, that was to say, the primary electors did not understand policies. In the secondary elections, however, the electors might consider questions of policy.

Lord LUGARD said that the *Daily Mail* had published a statement by a former editor of an Iraq paper, to the effect that in Iraq Parliamentary government was very unpopular. Was this the case ?

Mr. BOURDILLON said that this statement was even more inaccurate than other statements which the *Daily Mail* and other papers had received from the same source.

Count DE PENHA GARCIA asked how far the Government influenced the elections and the Parliament ?

Mr. BOURDILLON replied that the influence of the Government was very considerable in the elections. No organised canvassing took place, but a strong allegiance to the Government was recognised.

Count DE PENHA GARCIA asked whether the members of Parliament formed parliamentary groups. If so, how many groups were there and what was their influence ?

Mr. BOURDILLON replied that a party system was developing, and that this system was not regulated—which was particularly fortunate—simply by a question of religion. There was in fact a tendency to form political parties across the lines of racial and sectarian cleavage. There was the Government Party, which might be called the “ Progressive Party ”, and an Opposition. The Government, notwithstanding its considerable influence over the electors, did not oppose the election of able opponents.

Count DE PENHA GARCIA asked on what principle the parties were formed ? What was their attitude, *vis-à-vis* the mandatory Power ?

Mr. BOURDILLON replied that parties tended to become less extreme when they got into power.

M. RAPPARD asked what was to be understood by the word “ extreme ”. Were those in favour of complete independence the “ extremists ” ?

Mr. BOURDILLON replied in the affirmative.

Mr. RAPPARD asked whether there was a great difference between urban, village and nomad opinion.

Mr. BOURDILLON replied that there was no prominent difference, but that in general there was more impatience with mandatory control in the towns than in the villages.

Count DE PENHA GARCIA asked whether the result of the institution of Parliament had been to create one party in favour of the mandatory Power and another against it.

Mr. BOURDILLON replied that there was a party which realised, to a greater extent than other parties, the necessity of outside advice and assistance.

Count DE PENHA GARCIA asked whether the discussions in Parliament were violent. Of what nature were the debates ?

Mr. BOURDILLON replied that the debates were often very heated, but that he had been struck by the amount of good done by the House.

Count DE PENHA GARCIA asked whether the Chamber took much part in political questions or the passing of Bills. Was there much general political discussion ?

Mr. BOURDILLON replied that there could be no discussion except of matters brought before it, such as legislation, treaties needing ratification and so on. The Chamber took a very active part in the remodelling of Bills, perhaps even too active a part.

Count DE PENHA GARCIA asked what exactly was the authority of the Chamber ?

Mr. BOURDILLON replied that its authority was considerable.

COUNT DE PENHA GARCIA pointed out that, although the Parliament was yet young, it had already adjourned and been dissolved. Had not this compromised somewhat the authority of the young Parliament ?

Mr. BOURDILLON replied that the Chamber possessed more authority than might have been expected.

Settlement of Nomadic Tribes and of Assyrian Refugees.

Lord LUGARD referred to the difficulties described in the last report in finding land on which to locate the Assyrian refugees. How far had this work progressed ? Did many of the Assyrians still refuse to accept Iraqi nationality ?

Mr. BOURDILLON replied that he could not give definite figures but that the number of these people who were unsettled was now much smaller. They were becoming rapidly self-supporting and were settling well. Further, although the nationality question had arisen with regard to the census, there was now, so far as he was aware, no opposition to the acceptance of Iraqi nationality.

Lord LUGARD asked whether the land on which they had been settled was vacant land, or whether it had been necessary to remove people from it.

Mr. BOURDILLON replied that all the land had been vacant.

In reply to a question by Mlle. Dannevig, Mr. BOURDILLON said that there had never been a question of settling Assyrians—except in the mountainous districts—and that steps were being taken with regard to their education. Those that had been settled were permanently established.

Mlle. DANNEVIG asked whether, in the event of Britain leaving Iraq, it would make a great difference to these refugees ?

Mr. BOURDILLON replied that this was a difficult question to answer. He thought, however, that the feeling between the peoples was good.

Lord LUGARD asked whether the tendency of nomad tribes to settle down was still evident.

Mr. BOURDILLON said that he thought that land had been found for a few nomad tribesmen, but that the movement had not progressed very far.

Lord LUGARD asked whether it was hoped that all these tribes would eventually be settled.

Mr. BOURDILLON replied in the affirmative.

Relations between the Kurds and the Arabs.

The CHAIRMAN said that the annual report referred on page 18 to an incident which had occurred in the Kurd zone—an incident which was dealt with by the intervention of the High Commissioner.

What was the nature of the relations between the Kurd section and the Arab population ? Could they be considered as improving as time went on, or was it to be feared, as certain Press news would imply, that the race antagonism had a tendency to become greater and that certain Kurd chiefs would begin to organise a movement towards separation ?

What was the attitude of the Kurd representatives in Parliament ? Did they constitute a distinct group or did they rally to one or other of the Arab parliamentary groups ? Did the Kurd deputies take an effective part in the work of the Parliament ?

Further, the report contained, on pages 21 and 22, an account of certain disorders which had occurred during the visit of Lord Melchett to Baghdad in February 1928. Had the measures taken on this occasion given the results which had been hoped for ? Had the recent disorders in Palestine had any echo in Iraq ?

Mr. BOURDILLON replied that there had been no serious anti-Zionist manifestations in Baghdad. There was, indeed, no Zionist movement, and it had been made clear, in a small demonstration of sympathy with the Palestine Arabs which had been organised, that there was no ill-feeling against the local Jews.

The Kurds did not form a separate party in Parliament. With regard to the relations between the Kurds and Arabs, certain extremist Kurds were working for separation, but in general the feeling was good. The Kurds formed a block in Parliament which worked together in matters affecting Kurdish interests.

FOURTH MEETING.

Held on Thursday, November 7th, 1929, at 4 p.m.

1083. Premature Divulgence concerning the Proceedings of the Commission.

The CHAIRMAN said that he had been informed by the Secretariat of complaints which had been made in connection with the leakage of information concerning the work of the Commission. It seemed that some indiscretions had been committed. According to the present procedure laid down by the Council, it was understood that, before the publication of the reports and the Minutes of the Commission, only the communications prepared by the Information Section were to be issued to the Press.

The Chairman believed that, in the cases to which he had referred, certain journalists had unfortunately been too well informed during the last session of the Commission. He thought that it would be useful to emphasise once more the necessity for the utmost discretion on the part of all those who were present at the private sittings of the Commission.

1084. Iraq: Communication from the British Government dated November 4th, 1929 (continuation).

The CHAIRMAN wished to draw attention to the following passage in the statement made by the accredited representative:

“ I do not propose to deal further with the economic situation, but I should like to say a little about two important features of the report under review. The first of these is the progress of the negotiations in respect of the 1927 treaty. As the Commission is possibly aware, these negotiations came to nothing. ”

It followed from this declaration, therefore, that the Treaty of 1927 had ceased to exist.

As regards the admission of Iraq to the League of Nations, the Commission should not, he thought, be unduly apprehensive regarding the possibility of the country being granted independence, which was the normal result of the natural course of development in the territories under mandate. The Commission should rather consider it its duty to advise the Council on the question whether Iraq was or was not ready for self-government. In this connection, however, arose the question put by M. Palacios, namely, whether the Commission should hasten to give this advice now or wait until requested to do so. In order that the Commission might settle its attitude regarding these two questions, he would remind his colleagues, as M. Rappard had said, that two stages of the procedure must be distinguished. In the first place, the Council would have to take a decision regarding the end of the mandate. In the second place, the Assembly would decide the question of the admission of Iraq to the League.

The question for the Commission to decide was what policy it should adopt *vis-à-vis* the accredited representative. Should it examine the question of the relations between Great Britain and Iraq or ask Lord Lugard to emphasise the question asked at the morning meeting ?

M. ORTS, on the invitation of the Chairman, explained his point of view as follows:

The Permanent Mandates Commission, which was the advisory organ of the Council as regards the mandates, should wait until the Council asked for its opinion on this particularly important matter ; in the meanwhile, it seemed advisable that the Commission should take advantage of the presence of the accredited representative of the mandatory Power concerned to obtain all the information which would enable it to form an opinion and express it when requested to do so.

The mandatory Power was well able to ascertain whether the progress made in Iraq was such that the time had come to grant its wish to enter the League. By recommending the admission of Iraq to the League the mandatory Power would be certifying to the progress towards civilisation made by its ward. It would also be undertaking a responsibility *vis-à-vis* the League of Nations.

It might be anticipated that the Commission would be asked for an opinion on another matter, namely, What guarantees would be necessary to safeguard, under the new regime, the moral and material interests which had developed in Iraq under the shelter of the present regime ? It would be advisable, therefore, to question the accredited representative regarding the measures which the British Government proposed to take to ensure that, in the future, the ethnical and religious minorities, as well as the other States Members of the League, would continue to enjoy in Iraq the security and advantages which they had formerly received.

The CHAIRMAN pointed out that Great Britain's decision might have been prompted by political considerations of which the Commission was not aware. These reasons might be imperative and the Council might decide to act without consulting the Commission.

It might also be supposed, however, that the Council would ask the Commission for an opinion, and, in view of that possibility, it should immediately make ready to give a reply. He would suggest, therefore, that the Commission should ask the accredited representative for all the information it desired, but particularly in connection with the all-important question. The replies would be included in the Minutes, and would not only be of value now but would be of use to the Commission when it examined the question later.

M. PALACIOS maintained the opinion that he had expressed at a previous meeting. The Commission should frankly and openly question the accredited representative and submit to the Council the observations to which his replies might give rise, after a detailed discussion in the Commission. The Commission knew of the communication from the British Government on this matter. It had already been commented upon in the Press. If the Commission ignored the matter it ran the risk of being publicly accused of negligence. M. Palacios thought that even the political questions were within the competence of the Commission. The report before the Commission contained nearly fifty pages devoted to politics both domestic and international.

To sum up: The Commission should (a) question Mr. Bourdillon—there was no reason to suppose that he had received instructions from his Government not to reply; (b) take the action indicated as a result, namely, prepare a precise statement, if necessary, and submit it to the Council.

M. SAKENOBE believed that the action of Great Britain was likely to produce far-reaching effects on the other mandates. The admission of Iraq to the League of Nations was a question that concerned solely the Council or the mandatory Power, and not the Mandates Commission. It was the duty of the Commission to watch over the execution of the mandates, and not to decide whether any particular mandate should terminate. Consequently, it would be more prudent to express no opinion upon the decision of the British Government until actually asked to do so.

The CHAIRMAN did not think there was any reason to fear that the results which had been mentioned would occur in Iraq. They might, however, be considerable in the other territories under A Mandate.

M. MERLIN thought that prudence ought not to be carried to the extent of ignoring and failing to remark upon the communication from the British Government, which to-day was a notorious fact. The Commission was therefore justified in asking the accredited representative if he had a declaration to make on the subject. If he answered in the affirmative, the Commission would take note of his declarations; if he answered in the negative, the Commission could take note of his reply and, during the examination of the report, so frame the questions it wished to ask on the different points that its ideas would be clarified as regards the substance of the matter; that was to say, on the capacity of Iraq to become self-governing. Moreover, it must not be forgotten that the admission of Iraq to the League was a matter for the future and that between the present time and 1932 events might happen either in Iraq or in Great Britain that would result in changes in the present schemes. It seemed, indeed, that, while the Commission should be ready to accept any invitation from the Council to examine the question, it could only wait for that invitation.

M. PALACIOS said that he still held to his opinion, and asked that it should be recorded in the Minutes.

1085. Iraq : Examination of the Annual Report for 1928 (continuation).

Mr. Bourdillon and Mr. Clauson came to the table of the Commission.

Abandonment of the Treaty of December 14th, 1927, and Question of the Admission of Iraq to the League.

The CHAIRMAN said that Mr. Bourdillon was doubtless aware of the letter, dated November 4th, 1929, which the Secretariat had received from the British Government with regard to the proposal of Great Britain that Iraq should be admitted to membership of the League in 1932. It was also stated in this letter that the British Government did not intend to proceed with the negotiations relating to the Treaty of December 14th, 1927, which had not yet been ratified. Could Mr. Bourdillon give the Commission any information with regard to the new state of affairs thus created?

Mr. BOURDILLON said that he wished to read a statement in this connection which, although it was not a formal declaration of policy on the part of his Government, and had been prepared for use on another occasion, explained, nevertheless, the intentions of his Government with regard to the abandonment of the Treaty of 1927 and its recent decision. This statement read as follows:

“The basic principle underlying the relations between His Majesty’s Government and the Government of Iraq has always been co-operation towards a common end, namely, the early establishment of Iraq as an independent and self-reliant State within the comity of nations. This aim is in full accordance with the spirit and intention of Article 22 of the Covenant of the League.

“The progress of Iraq towards the goal of full independence has been marked by a number of stages. Of the more recent of these, one was the Anglo-Iraq Treaty of January 1926, in which, *inter alia*, His Majesty’s Government promised to take into active consideration at successive intervals of four years the question whether it was possible for it to press for

the admission of Iraq into the League of Nations. The unratified Anglo-Iraq Treaty of December 1927 marked another stage. By Article 8 of that Treaty His Majesty's Government undertook to support the candidature of Iraq for admission to the League of Nations in 1932 (one of the quadrennial dates contemplated in the Treaty of 1926) ' provided the present rate of progress in Iraq is maintained and all goes well in the interval '.

" From the first, Iraqi criticism fastened upon these qualifying words, attributing to them an intention which they were never meant to convey. Iraqi politicians professed to fear that they would provide His Majesty's Government with a loophole of escape, of which advantage could be taken if for any reason the admission of Iraq to the League in 1932 proved inconvenient when the time came. They were regarded with profound suspicion. They gave renewed force to the belief, never wholly absent from Iraqi minds, that His Majesty's Government had no real intention of ever establishing Iraq in full independence, and gave some colour to the mischievous canard that His Majesty's Government meant to ' colonise ' Iraq.

" In fact, of course, His Majesty's Government had no such sinister motives, and intended the qualifying words to have their face meaning and no more. But, however groundless, the suspicion was general in Iraqi political circles and its existence seriously disturbed the even harmony of British relations with Iraq and contributed to more than one serious political crisis. As explanations and assurances proved of no avail, His Majesty's Government, on the advice of the late Sir Gilbert Clayton, which coincided with that of his predecessor, Sir Henry Dobbs, decided to look into the possibility of dispensing altogether with the provisos attaching to their promise to support Iraq's candidature in 1932.. On examination, these were found to serve no essential purpose. From the immense strides made by Iraq during the last few years, it seemed evident that, in the absence of some really serious and wholly unlooked-for setback, by 1932, Iraq, judged by the criteria of internal security, sound public finance and enlightened administration, would be in every way fit for admission to the League of Nations. It was felt, therefore, that His Majesty's Government could safely, and with a full sense of its responsibility towards the League, put forward Iraq for membership of that body in 1932. The High Commissioner was accordingly authorised to inform the Iraq Government, without proviso or qualification, that His Majesty's Government would be prepared to support the candidature of Iraq for admission to the League of Nations in 1932.

" The effect of this communication upon the internal political situation in Iraq was immediate. Distrust and suspicion at once gave place to mutual confidence and goodwill, and whereas previously no Ministry could be found to take office, now a strong and responsible Government has been formed—embracing the leaders of the two principal political parties in Iraq—eager to co-operate with His Majesty's Government in the solution of outstanding questions before 1932.

" Clearly, a new treaty will be required to regulate the relations of this country with Iraq after that State has become a Member of the League of Nations, and the necessary steps are now being taken to prepare a draft Treaty for that purpose. "

Mr. Bourdillon wished to add, in connection with the mistrust in regard to the condition attached to the promise to support Iraq's candidature for membership of the League, that there was a genuine suspicion, however unfounded, in the mind of certain Iraqi politicians that the British Government would use this condition as an excuse to force its own wishes in other respects upon the country. It was this genuine suspicion that had led to the request on the part of the Government of Iraq for the removal of that condition.

The CHAIRMAN thanked Mr. Bourdillon for this statement, of which the Commission would take note.

M. ORTS asked if the accredited representative could give some indication of the character of the future relations between Great Britain and Iraq, after the latter country had become a Member of the League.

Mr. BOURDILLON wished to make it clear that he had no instructions with regard to those relations.

M. ORTS explained that he merely wished for a general indication. Would the Treaty of January 13th, 1926, lapse as a result of the admission of Iraq to the League ?

Mr. BOURDILLON replied that this was one of the provisions of the treaty itself.

M. ORTS understood that, in these circumstances, the Treaty of October 10th, 1922, would also lapse, since this treaty was one with the Treaty of 1926 and since the latter was only a complement of the 1922 Treaty.

Mr. BOURDILLON explained that the Treaty of 1922 had been prolonged rather than replaced by the Treaty of 1926. The two treaties together regulated relations.

M. ORTS presumed that, from the moment when these treaties lapsed, the relations between Great Britain and Iraq would not be governed by any treaty or convention until the conclusion of the new treaty to which Mr. Bourdillon had referred.

Mr. BOURDILLON said that he had no reason to suppose that there would be any interim. He thought that he might say with certainty that his Government intended that a new treaty should come into force either before the admission of Iraq to the League of Nations or at the moment of such admission.

M. ORTS pointed out that, by recommending Iraq for admission to the League, the British Government would be guaranteeing the progress made by that country. He asked whether, in consequence, the British Government would not still have a certain responsibility for Iraq, *vis-à-vis* the League of Nations, seeing that the country would have been admitted to the League on its recommendation. If that were so, would the new treaty which was to be concluded between Great Britain and Iraq include provisions which would enable the former to meet its responsibilities? M. Orts recalled the fact that there were degrees of independence.

Mr. BOURDILLON said that it was almost impossible at the moment to give a direct and authoritative reply to this question. It was clear that the presence or absence of provisions such as those implied by M. Orts might have a considerable influence upon the decision of the Member States of the League when considering whether they would agree to the admission of Iraq to their number. The British Government and the Government of Iraq would, no doubt, realise this.

M. ORTS, referring to the statement made by the accredited representative regarding the satisfactory domestic situation existing in Iraq at the present time, asked whether the British Government recognised that it was its duty to obtain guarantees that that situation—with the security which it involved for the ethnical and religious minorities and for all the States Members of the League—would be maintained in the future.

Mr. BOURDILLON recalled that it had been asserted in the passage of his statement to which M. Orts had referred that, judging by past progress, and “in the absence of some really serious and wholly unlooked-for setback”, Iraq would be in every way fit for admission to the League in 1932. His Government intended to retain its present responsibilities for Iraq up to that date and would thus be able to assist towards the maintenance of that rate of progress.

M. ORTS asked whether it might be concluded that, in the absence of a setback to which the accredited representative had referred in his statement, the British Government considered that Iraq would be ripe for complete independence in 1932, and that the recognition of such independence would result automatically in the admission of Iraq to the League.

Mr. BOURDILLON recalled that M. Orts had stated that there were various degrees of independence. He thought that it might be admitted, paradoxical as it might seem, that there were even various degrees of complete independence, and it was certainly the case that there were degrees of independence among the present Member States of the League. His Government believed, indeed, that Iraq was already on an equal footing in this regard with several States which were already Members of the League.

M. ORTS asked whether, if events should prove that the favourable opinion formed by the British Government regarding the degree of development attained by Iraq was incorrect, that Government would regard itself as having been released from all responsibility with regard to Iraq *vis-à-vis* the League of Nations.

Mr. BOURDILLON felt sure that the British Government would never consider itself relieved of its responsibility with regard to Iraq until it had been relieved of it by the Council of the League. The statement which he had read did not imply a termination of Great Britain's responsibilities in any other way than by the admission of Iraq to the League.

M. ORTS said that he had formed no personal opinion regarding the degree of political maturity of the people of Iraq nor upon the capacity of that country to govern itself without the help of a guardian, nor upon the desirability of the entry of Iraq into the League of Nations, all problems which were more or less closely connected. Even if he had a personal opinion on the matter, he would not, as a member of the Mandates Commission, express it at the present time. It was for the mandatory Power to take the initiative and to assume all responsibility *vis-à-vis* the League of Nations.

This said, M. Orts thought he might recall that, in connection with a petition which the Mandates Commission had had to examine during its fourteenth session, the British Government had submitted a memorandum which constituted a most severe criticism of the highest civil authorities in the country and in which it denounced as full of partiality and sectarianism a judgment passed and confirmed by the highest judicial body in the country. These statements of the British Government had led the Rapporteur on the petition to make the following remarks in his report, which he would quote in full:

“The revelations made in connection with this petition show the present position in Iraq in an unfavourable light. In a country where the conduct of the highest authorities has led the mandatory Power to pass such severe criticisms, where the supreme Court of Justice is under legitimate suspicion, and where religious fanaticism pursues minorities and controls power, a state of affairs prevails which is not calculated to ensure the development and well-being of the inhabitants.” (See Minutes of the Fourteenth Session, Annex 13, page 264.)

Mr. BOURDILLON said that he could only repeat the statement he had made at the preceding meeting. In view of the progress made by the Iraq Government and the Courts, it was his personal conviction that, should a similar state of circumstances arise at the present time, the same mistakes would not be repeated.

Lord LUGARD said that, at the March session of the Council, M. Procopé had drawn the attention of the Council to the fact that "it was asked to approve in principle the abolition of the Anglo-Iraqi Judicial Agreement of March 25th, 1924". M. Procopé had added that "a change on the lines proposed of the system now applied presupposes that the States which enjoy privileges under the agreement in force will signify to the mandatory Power their willingness to renounce them". Could the accredited representative inform the Commission whether any of the Powers concerned had agreed to this proposal?

It was, of course, possible for a State subject to the system known as the "capitulations" or "extra-territorial jurisdiction" to become a Member of the League. In view, however, of the statement of the accredited representative that the British Government intended to recommend that Iraq should be admitted to the League "without any proviso or qualification", Lord Lugard wished to know whether that Government considered that full reliance could be placed on the Iraq Government's sense of justice. He had especially in mind in this connection the case of the Bahaïs.

Mr. BOURDILLON said that the proposal to abolish the Judicial Agreement depended upon another proposal according to which certain judicial arrangements were to be introduced at the same time, which, it was hoped, would satisfy the parties that would be asked to abandon their rights under the original Judicial Agreement. One of the suggestions under consideration in connection with these agreements was an increase in the number of British judges. The arrangements were now under consideration, and it was intended that, after the British and Iraq Governments had reached agreement upon their line of action, the former should approach the parties concerned and enquire whether they would agree to the abolition of the Judicial Agreement, provided that these arrangements were put into force.

M. ORTS asked whether, now that the Treaty of December 14th, 1927, was considered as non-existent, the relations between Great Britain and Iraq were still governed by the Treaty of 1922, as completed by the Treaty of 1926.

Mr. BOURDILLON replied in the affirmative. Certain provisions of the subsidiary agreements had, however, become obsolete.

M. KASTL noted the statement, on page 10 of the report, that only an insignificant number of persons in the electorate were literate. Were any illiterate persons elected to Parliament?

Mr. BOURDILLON said that there was no doubt that a certain number of members of Parliament were, judged by European standards, incompletely literate. This by no means implied, however, that they were incompetent.

Relations between Iraq and Nejd (continuation): Recognition of the Iraq Government by the Persian Government.

M. ORTS observed that the report of 1928 dealt at length with the question of the foreign relations of Iraq, which made it unnecessary to ask for further details. He noted, however, that relations with Nejd appeared rather strained. It had appeared to be necessary to resort to certain measures which were evidently abnormal, such as the despatch of air patrols over neighbouring territory. M. Orts trusted that no untoward incident would arise, and that the British Government would do all in its power to put an end to these strained relations.

Mr. BOURDILLON explained that the measure to which M. Orts had referred had been of a purely temporary character, and had been necessitated by continued transgression of the Iraq frontier by Nejd tribes. Under normal conditions, British airmen were not allowed to cross the frontier, even in pursuit of raiders.

He added that he wished to make a communication to the Commission. The Persian Government had accorded its formal recognition of the Iraq Government, and a provisional agreement of a general nature had been signed between them. Many matters of detail outstanding were now being discussed.

Frontier between Syria and Iraq.

The CHAIRMAN noted that on page 38 of the report it was stated that the frontier between Iraq and Syria had not yet been delimited and that the line laid down in the Convention of 1920 had not, so far, been followed. It was added in the report that there were certain material obstacles to the maintenance of this line. Further, the negotiations that had been opened with the French Government in 1927, with a view to delimitation of the frontier, had not yet terminated at the close of the year 1928.

On the previous occasion that this question had been raised—at the fifteenth session of the Commission—the accredited representative of the French Government for Syria had stated that the frontier was delimited by very clearly marked geographical lines, the starting-points of which were beyond dispute, since a map had been annexed to the Convention for the interpretation of its text.

He would like to know whether the negotiations which had still been in progress at the end of the year 1928 had yet led to an understanding and, if so, what alterations in the frontier had been agreed upon by the British and the French Governments.

Mr. BOURDILLON said that the British Government's use of the word "delimitation" was different from that of the French Government. The British Government understood the word as implying the actual setting up of boundary pillars, whereas the French regarded it as referring merely to the determination of the boundary line on paper. The frontier had been fixed in 1920, but although certain definite localities had been mentioned, certain expressions in the agreement were more or less obscure. At the present time, a zone existed on the Syrian side of the frontier (as generally interpreted) which, as a result of agreement between the two High Commissioners, was not under Syrian administration. Mr. Bourdillon understood that the negotiations that had been opened were still in progress.

Congratulations from the Iraq Parliament to the Syrian Constituent Assembly.

The CHAIRMAN noted on page 38 of the report a reference to a resolution adopted unanimously on July 18th, 1929, and congratulating the Syrian Constituent Assembly on the inauguration of its first session. Had there been manifestations of this kind on other occasions?

Mr. BOURDILLON said that the message of congratulation which had been despatched to the President of the Syrian Assembly was a practically isolated instance of such procedure.

Treatment extended by the States Members of the League of Nations to Merchandise imported from Iraq.

M. RAPPARD noted the following statement on page 27 of the report in connection with the "perplexing predicament" of Iraq:

"Foreign Governments (which are Members of the League) can discriminate in tariff and other matters against Iraqi subjects, but the Iraq Government has no power to retaliate."

Did certain Governments actually refuse Iraq the benefit of most-favoured-nation treatment?

Mr. BOURDILLON replied that, while he believed that Governments did not apply their minimum tariffs to Iraq, only non-essential imports were affected.

Agreement with the United States of America.

In reply to a question from Lord Lugard, Mr. BOURDILLON explained that the object of the agreement between the United States, Great Britain and Iraq, which had been mentioned in the *Times*, had been to place the United States on the same footing as Members of the League of Nations in respect of Iraq.

FIFTH MEETING.

Held on Friday, November 8th, 1929, at 10.30 a.m.

1086. Iraq: Examination of the Annual Report for 1928 (continuation).

Economic Equality.

Lord LUGARD asked whether it was true, as stated in a German paper, that, unless a foreign firm had been established in Iraq for over twenty-five years and had a capital of over £25,000, it was not allowed to exercise its commerce.

Mr. BOURDILLON did not think that this was so. In any case the Iraq law with regard to commerce applied equally to all nationalities.

Public Health.

M. KASTL noted that on page 54 of the report it was stated that accommodation in twenty-four hospitals and seventy-eight dispensaries was only sufficient for the immediate requirements of the different provinces, and that the present accommodation still remained unsatisfactory. It was further stated in the report that insufficient means were available for improving the sanitary conditions in the territory. On another page it was stated that, for about 200,000 people, only one doctor was available and that there had been 85,000 cases of malaria in the territory.

If the expenditure for sanitary work in Iraq were compared with that for military purposes and public security, it would be seen that about 40.5 per cent of the whole of the expenditure had been devoted to public security and military purposes. Would it be possible to press the Government of Iraq to increase the expenditure for sanitation and public health? It seemed to M. Kastl that it would be a good thing if the Government of Iraq would pay more attention to the question of public health.

Mr. BOURDILLON recognised that there was reason to regard the proportion of the revenue devoted to the sanitary service as inadequate. The expenditure on security could not, however, be reduced beyond a certain point. He drew attention to the fact that the expenditure on the sanitary service had increased from 21 lacs of rupees in 1923-24 to 25.5 lacs in 1928-29. The Iraq Government attached the same importance to this service as the British authorities. In the discussions on the budget in Parliament, an endeavour had always been made to reduce military expenditure to the lowest possible figure, and to increase the expenditure on public health and education.

M. KASTL noted that it seemed necessary to raise again the question of the International Sanitary Convention of 1926 which had been mentioned the previous year.

The report for 1928 repeated on page 63 the statement included in the 1927 report regarding the lack of interpretation on a specific point which prevented Iraq from adhering formally to the 1926 International Sanitary Convention.

Who was competent to give the interpretation required? What steps had been taken in order to secure that interpretation?

Mr. BOURDILLON answered that it had now been decided that Iraq could adhere to the Convention.

M. KASTL, referring to page 148 of the report, noted that the plan devised at the Veterinary Conference held at Adana in November 1927 would eventually protect the Turkish and Syrian frontiers of Iraq against animal diseases, but there remained the question of the Persian frontier through which infection was frequently brought into Iraq in 1928 by the flocks of nomadic tribes.

Had negotiations with Persia taken place in 1929 in order to organise the campaign against the epizootic diseases of livestock prevalent in the frontier zones of both countries?

Mr. BOURDILLON replied that the point was being taken up by the Iraq Government and co-operation with Persia would be pressed for.

M. KASTL thanked the accredited representative for his answer, and added that he wished to draw the attention of the Commission to the third paragraph on page 148 of the report where it was stated that animals to the value of Rs. 16,00,000 had died of infectious disease during the year under consideration.

Lord LUGARD, referring to page 63 of the report, asked how many students there were at the Iraq College of Medicine. Would it not be possible to obtain some medical assistance from India until the College was in a position to turn out qualified men?

Mr. BOURDILLON replied that the annual entry was about twenty-five students at this College, and that the course lasted five years; the total number, was, therefore, in the region of 125. There were still a few Indians left in the Health Service, but Indians were not very popular in the country, and there was a tendency to replace them by Iraqis as far as possible.

The problem that had to be solved was one of lack of money rather than of lack of medical staff.

Mlle. DANNEVIG, referring to the Child Welfare Centres mentioned on page 57 of the report, asked whether the work of these centres was carried on by means of funds from missions, supplemented by funds from the Government.

Mr. BOURDILLON replied that, in the northern part of the territory, including Mosul, the centres were dependent upon funds from the Near East Relief Mission. There were child welfare centres in Baghdad conducted by the Government.

Mlle. DANNEVIG asked whether Government help could not be obtained for centres which were liable to be closed owing to lack of money.

Mr. BOURDILLON replied that that was too much to expect. The Assyrians, who depended most upon these centres, were fortunate in having them at all; there were none in the rural districts elsewhere.

Public Finance.

M. RAPPARD noted that the financial situation seemed good. The main sources of revenue seemed to be import duties and taxes on tobacco, agricultural produce and cattle. Did not these taxes form a disproportionately heavy burden on the poorer people in the country districts?

Referring to page 90 of the report, M. Rappard asked what the situation was with regard to oil. Apparently there had been a decrease in the revenue from this product.

Mr. BOURDILLON explained that an important part of the revenue from oil was not shown on page 90, but on page 70 (Chapter 3, Paragraph 13 B). It would be seen that it showed an increase.

M. RAPPARD, again referring to page 90 of the report, asked why property values were dropping.

Mr. BOURDILLON replied that, during the British occupation of Baghdad, the property values had been excessively high. They were now merely dropping to the normal. Even a further decrease was therefore probable. Housing was not yet sufficient, and building was still going on; the value of individual properties would, therefore, tend to decrease, though the total value would probably not.

M. RAPPARD pointed out that the revenue derived from income tax appeared to be small.

Mr. BOURDILLON said that the revenue from this source was not very considerable, although it covered the expenses of collection. It might, perhaps, eventually disappear altogether.

M. RAPPARD recognised that the difficulties of levying income tax were no doubt great. It was to be hoped, however, that this source of revenue would not be abandoned. He pointed out that the present system of taxation seemed to be somewhat anti-social, since the burden rested more upon the agricultural classes and the poor than on town-dwellers and industrialists.

Mr. BOURDILLON thought that, should the income tax cease, an endeavour would be made to introduce a more equitable system.

M. RAPPARD, referring to page 73 of the report, noted that there had been considerable expenditure under the head of " Council of Ministers ". What was the reason for this expenditure ?

Mr. BOURDILLON replied that the expenses in connection with foreign missions and the mission in Angora were included in this item. They would be shown under a different head in future.

Lord LUGARD said that Mr. Amery, replying to a question in Parliament, had made a statement showing the cost of the defence force under two heads: " Cost to the British Government " and " Cost to Iraq ". The latter totalled to some £5,000,000. Was this an outstanding debt, or had it been met from annual revenue ?

Mr. BOURDILLON explained that it represented the total cost of the Iraqi army, as paid by the Government of Iraq itself from the date when the Army was first formed up to the date of the speech.

Lord LUGARD asked what was the total of the Iraq share of the Ottoman debt which still remained outstanding.

Mr. BOURDILLON replied that he thought that this amount was rather more than a quarter of a million pounds.

Lord LUGARD asked whether the finances of the Port of Basra were separate from the general budget. He pointed out that there appeared to be an average annual surplus of from three to four lacs.

Mr. BOURDILLON replied that it was a separate organisation. These surpluses might eventually be used either in capital works on the port or in paying off the capital debt of the port in advance of the obligatory dates.

Lord LUGARD asked whether it was true that Iraq was endeavouring to raise a loan of £2,000,000.

Mr. BOURDILLON replied that proposals were under consideration for raising such a loan, which was essential, both for the expansion of the railways and for the purpose of river conservancy on the Euphrates. A permanent railway bridge over the Tigris at Baghdad was one of the works contemplated, and another was an escape from the Euphrates to the Habbaniyah Depression so that water could be stored there when the river was at its height and released again when it was lower. This would prevent damage from floods and assist agriculture.

M. VAN REES asked whether the cost of Iraq to Great Britain could be obtained by adding the totals of Head 3 on page 97 and Head 2 on page 99 of the report.

Mr. BOURDILLON replied that the former figure was included in the latter. The annual sum, although a large one, was decreasing.

M. VAN REES asked whether the statement which he had seen that Iraq cost Great Britain £600,000 per annum was correct.

Mr. BOURDILLON said that this figure was obtained by adding to actual expenditure on services—other than the British forces in Iraq—the extra cost due to maintaining those forces in Iraq instead of in the United Kingdom. The gross cost, as shown on page 99 was a little over £2,000,000.

M. KASTL referred to the royalties paid by the Anglo-Persian Oil Company Ltd. and mentioned on page 70 of the report. He pointed out that the actual receipts seemed very small in comparison to the importance of the oil company.

Mr. BOURDILLON pointed out that at present the company was not able to export oil from its undertaking in Iraq, which, incidentally, was only a small part of its whole business and had

now been transferred to a subsidiary company, the Khanaqin Oil Company. The royalty paid to the Iraq Government in 1928 was paid in respect of oil produced for sale within Iraq itself. The estimate of two lacs was an over-estimate of what the country itself could consume.

M. KASTL asked if there were at present no exports and, if so, whether all the oil produced was used in the country.

Mr. BOURDILLON replied that this was the case.

M. RAPPARD noted that it was stated on page 99 of the report that the surplus of each year was appropriated for the redemption of the National Debt. What exactly did this mean?

Mr. BOURDILLON explained that the "National Debt" was simply another way of saying "Iraq's share of the Ottoman Debt".

Administration of Justice.

M. KASTL drew attention to page 53 of the report where it was said that cases of homicide had increased from 680 in 1927 to 715 in 1928, whereas, during the year, only eight executions were carried out, and only eight people remained under sentence of death. He did not wish to urge the necessity for capital punishment, but he thought that there was a certain disproportion between these figures.

Mr. BOURDILLON explained that a large number of these cases of homicide were tribal and were settled under tribal law (see page 103 of the report). Death sentences were not pronounced by tribal courts.

M. KASTL drew attention to the paragraph relating to British judges on page 105 of the report, and asked whether the two vacancies there mentioned had since been filled.

Mr. BOURDILLON replied that one had been filled. The four judges at present in office were hard pressed.

M. MERLIN asked why it was difficult to find judges. Was it because it was difficult to find people with the necessary qualifications, or was it because those who possessed those qualifications shirked duties of this kind?

Mr. BOURDILLON replied that both reasons held good. If Iraq were a colony of the British Empire there would be no difficulty in obtaining suitable persons who would join the service as a permanent career and learn the local language and law. But Iraq was loath to spend any time on educating its judges in the language and customs of its people. It required judges already fully qualified, but it was difficult to find people possessing these qualifications. On the other hand, qualified barristers were reluctant to interrupt their career at the Bar in order to accept a position that might prove only temporary.

M. MERLIN remarked that the administration of justice seemed, as a result, to be somewhat precarious in Iraq. Numbers of crimes seemed to be dealt with locally by the tribes themselves. He asked how this kind of justice worked. Had tribes autonomous jurisdiction? What exactly was the meaning of tribal jurisdiction?

Mr. BOURDILLON replied that this question had been dealt with fully in previous reports. Sir Henry Dobbs, in particular, had given the Commission a full account of the matter. It seemed to him that the system of tribal law, introduced upon the advice of Sir Henry Dobbs, administered by a tribal committee under the supervision and approval of the Government, was one of the greatest successes of the present regime.

The CHAIRMAN mentioned certain Oriental customs which were contrary to Western ideas of morality and asked whether they were practised by the tribes in Iraq and how far the Government could prevent such barbaric practices. Was it possible for justice to be carried out when the delinquent happened to be the friend of the ruling sheik or of the judge? Had the judicial administration power enough to make its judgments respected? He pointed out that certain customs which were forbidden by Western law were, on the contrary, authorised by Moslem law, such as the making of eunuchs and slavery.

Mr. BOURDILLON replied that the making of eunuchs and slavery were contrary to the law of Iraq. With regard to primitive forms of punishment, they were neither recognised nor were they ever inflicted. In normal circumstances, a tribal court would fix a sum to be paid in compensation, but the provincial governor had always power to alter or add to the punishment imposed by the tribal courts, and frequently added a sentence of imprisonment in suitable cases. This was served in the State prison. The tribal authorities had no facilities for confining prisoners.

The CHAIRMAN asked what control the central authorities had over life in the tribes themselves.

Mr. BOURDILLON explained that this varied with the distance of the tribes from the central authorities. He pointed out, however, that control over the more distant tribes was being extended.

The CHAIRMAN asked what steps would be taken if a girl were carried off or a man murdered.

Mr. BOURDILLON said that an endeavour would be made by the Civil Police to catch the culprit.

The CHAIRMAN asked if the culprit would be brought before his sheiks or tribal court.

Mr. BOURDILLON replied that this was not necessarily so. It was the governor of the province who decided whether or not a case was to be tried by the tribal courts.

Slavery.

M. ORTS asked if Iraq had adhered to the 1926 Slavery Convention.

Mr. BOURDILLON replied in the affirmative.

M. ORTS asked therefore if slavery existed and, if so, what measures had been necessary, in accordance with the terms of the Convention.

Mr. BOURDILLON replied that slavery did not in fact exist, and that no measures had been found necessary. The necessary legal provisions for dealing with the matter, if it arose, were contained in the Baghdad Penal Code.

The CHAIRMAN recalled that, in the Greco-Turkish war, several thousands of Christian women were carried captive into Asia Minor; if by any chance some of these had come to harems in Iraq, how would they be able to regain their liberty?

Mr. BOURDILLON replied that it was impossible for such a case not to be known to the authorities. He had one such affair in mind, when it was reported that an Armenian woman was "captive" in a tribe. She was sent for and interviewed privately by a British official, who discovered that she had no wish to return to her relatives as she was very satisfied with her present situation.

M. ORTS asked whether, in the revised penal code, penalties were provided for violation of public liberty.

Mr. BOURDILLON said he would obtain information on this point.

Polygamy.

Mlle DANNEVIG asked whether there were not any large harems in Iraq.

Mr. BOURDILLON thought not.

Mlle. DANNEVIG asked if, in this matter, there was a difference between nomads and city dwellers.

Mr. BOURDILLON replied that polygamy, which was permitted by Moslem law, was to be found in the nomad tribes, but that monogamy was the general rule in the towns. Polygamy was regarded as old-fashioned and looked down upon.

Military Affairs.

M. SAKENOBÉ pointed out that in spite of the increased expenditure in the budget, there was no appreciable increase in the combatant units of the Iraq Army. It seemed that in the year under review, one battalion of the Iraq levies had been disbanded, but had not been included in the Iraq Army as had been the case up to the preceding year. He noted, however, that there had been an increase in the number of machine guns and the mechanical transport. It was stated on page 109 of the report: that "with increased fire power and mobility the Army is now capable, with the assistance of Royal Air Force units, of defending Iraq's frontiers against raiding tribesmen and dealing with internal disorder at very short notice". Was it to be inferred that, in the opinion of the mandatory Power, the army of Iraq, in so far as its ground force was concerned, had reached a sufficient standard to secure law and order in the country?

Mr. BOURDILLON said that there was no increase in the fighting units in spite of the increased expenditure in the budget, but that efforts had been concentrated on raising the standard of efficiency of the fighting units. The question of the number and composition of the Iraq forces was still under discussion between Iraq and Great Britain.

Mr. SAKENOBÉ asked, in view of the difficulty in introducing the system of conscription, if there was any project on foot to finance the standing army on a more economical basis.

Mr. BOURDILLON replied in the negative.

Labour.

Lord LUGARD, referring to the passage on page 187 of the Minutes of the fourteenth session in which Mr. Grimshaw referred to the dangers of the possible industrialisation of Iraq, asked what steps had been taken in the matter.

Mr. BOURDILLON replied that it had been suggested that all questions regarding labour should be dealt with by one single department of the Iraq Government instead of, as at present, by several Departments.

Lord LUGARD remarked that Mr. Bourdillon had said last year that the Iraq Government had no one to give it specialist advice on such questions and it would welcome any suggestions from the Permanent Mandates Commission. Lord Lugard suggested that application might be made to the International Labour Office, which would no doubt supply useful literature.

Mr. BOURDILLON said that this had already been done.

Mr. WEAVER referred to the observations in the report of the Commission on the work of the fourteenth session and asked whether the question of seeking the services of an expert from the mandatory Power had been considered.

Mr. BOURDILLON did not think that this would serve any useful purpose.

Mr. WEAVER noted the following statement on page 42 of the report: "Encouraged by legislation, industrial schemes such as the establishment of spinning and weaving factories, tanneries, and cigarette factories, are being considered by the Iraqis." Since so many industrial developments were contemplated, would not the services of an expert in labour legislation be desirable?

Mr. BOURDILLON said that this possibility had not been ignored, and that Mr. Grimshaw's warning of last year was being borne in mind.

Mr. WEAVER pointed out that such "cottage variety" manufactures were liable to many abuses. Modern regulations of conditions of labour had not, as a rule, been introduced, and young children were often employed under bad conditions. Could an enquiry be made into these forms of employment, with a view to measures for the prevention of such abuses?

Mr. BOURDILLON did not think that the new industries mentioned were of the "cottage variety".

Mr. WEAVER said that that was an additional reason for introducing labour legislation and asked if there were any inspecting authorities.

Mr. BOURDILLON replied in the affirmative. He instanced the municipal authorities of Baghdad.

Mr. WEAVER asked what regulations the inspectors applied?

Mr. BOURDILLON replied that the regulations were those formulated by the municipalities themselves, and were not laid down in the law of the land.

Mr. WEAVER asked if those regulations fixed hours of labour and contained rules about night work and the age of admission of children, etc.

Mr. BOURDILLON believed not.

Mr. WEAVER referred to the increase of cotton production mentioned in the report. Was it not necessary to introduce labour regulations in the large plantations?

Mr. BOURDILLON said that the labour employed would be that of local tribesmen and that there was no question of importation of labour.

Mr. WEAVER asked if such labour would be that of tenant farmers or labour directly employed.

Mr. BOURDILLON said that he could not give any information on this point, but that he thought that the former was probably the case.

In reply to a question by Lord Lugard, as to whether labour would be drawn from the neighbourhood, or from a distance, Mr. Bourdillon said that it would be drawn from the neighbourhood.

Mr. WEAVER hoped that some information on this point could be given in next year's report.

Mr. BOURDILLON took note of this request.

Mr. WEAVER drew attention to the account on page 144 of the improvements in date packing, and the measures that had been taken to secure more hygienic conditions. He asked whether anything had been done for the protection of the 20,000 labourers employed on date packing during the season.

Mr. BOURDILLON said that he would obtain information on this point.

M. PALACIOS noted that neither the report nor the declarations of the accredited representative were proportionate to the interest of such an important matter as "Labour". It could be said, without fear of contradiction, that very little, even nothing, had been done to regulate this matter. Reference has been made to industrial and even to agricultural undertakings in which thousands of labourers were employed. How could the authorities neglect to protect these workers from

the abuses to which working people were subject—abuses which were usually involuntary and due to the force of circumstances and economic conditions ?

M. Palacios would also like the question of " cottage labour " to be taken into consideration. This was probably the principal form of labour in the country and was also liable to be seriously exploited. He would like to see some information on this matter included in the next report.

Finally, he asked whether the labourers had not protested, whether there had not been disturbances and even spontaneous movements against the employers.

Mr. BOURDILLON said that there had been an attempt to organise trade unions but the purpose of these was not to improve trade, but only to stir up political agitation.

SIXTH MEETING.

Held on Friday, November 8th, 1929, at 4 p.m.

1087. Iraq: Examination of the Annual Report for 1928 (continuation).

Economic Situation.

M. MERLIN noted (see pages 87 and 147) that the trade of Iraq was stationary: 2,900 lacs in 1925-26, 2,500 lacs in 1926-27, and 2,800 lacs in 1927-28. It appeared from page 144 that there had been a very satisfactory increase in wheat cultivation, since production had risen from 1,600 tons in 1926-27 to 16,000 tons in 1927-28. Similarly the production of dates had increased by 50 per cent. As against this, the production of wool had fallen from 10,000 to 6,000 tons. What was the reason for so large a fall in a stock-raising country ?

Mr. BOURDILLON said that this was probably due to bad grazing in the desert. The amount of grazing was an important factor and varied enormously from year to year. Similarly, a hard winter produced heavy mortality among the livestock.

Oil Development.

M. MERLIN noted, on page 112, that very little progress (only 3,809 feet) had been made in the drilling operations of the Khanaqin Oil Company. Indeed, since June 1928 the drilling operations had been entirely suspended.

It was stated in the same chapter that 68,145 tons of crude oil had been extracted from Well No. 6, and transported by a pipe-line. There was, however, no reference to the Iraq Petroleum Company (Turkish Petroleum Company). It was mentioned in the report that a total footage of 3,809 had been drilled, but no figures for production were given. It was essential to have information upon the present state of affairs, particularly in view of the fact that the concession had expired, and that the Company had presented a request for a third prolongation. It had been expected that the negotiations in this connection would be concluded in 1929. Had they yet been concluded ?

M. Merlin recalled that the Commission had received a petition from the British Oil Development Company.

Finally, there was no exportation of oil. It seemed therefore, in view of all these facts, that the exportation of Mesopotamia's oil wealth was not being carried on sufficiently actively. What was the policy of the Government of Iraq with regard to oil ? M. Merlin knew that the interests involved were important and conflicting. Nevertheless, it was necessary to ascertain whether the Government's policy would lead to increased production, and would allow of exportation, which would be of benefit to the country itself.

Mr. BOURDILLON said he would have to repeat himself on that subject because his answers were mostly contained either in his previous evidence to the Commission or in the printed reports. He had tried to make it quite clear that the export of oil had not yet commenced because the pipe-line had not yet been constructed. The Iraq Petroleum Company was not producing any oil itself because the Khanaqin Oil Company was producing enough for the country's internal needs and there was no object in trying to compete for the internal market with that Company. The Government's policy was to encourage a maximum export, but it did not propose to produce and export itself.

The Iraq Petroleum Company's concession had not expired. All that had happened was that certain periods had been extended. There was a provision in the concession that the Company should select certain plots of land within a certain period and that, within a further period, certain other plots of land should be put up to auction, the proceeds of the sale going to the Company.

When this concession was drafted, the Company had thought that its geological survey would be enough to enable it to select its plots. But this had proved not to be the case, since the survey did not give sufficient data to ensure that the plots selected would cover the whole of a field, that was to say, a single area of petroliferous production which would not be open to competitive drilling from adjacent areas. The Company had therefore been compelled to do a lot of boring. This, however, would not delay production because a number of wells which could be brought into immediate production had already been drilled and capped directly they reached the productive stage.

Meanwhile, the Company was discussing a number of other matters with the Government. The Iraq Government was quite alive to its interest in the matter, and its policy was directed towards producing a maximum amount of oil as soon as possible.

M. KASTL said that, in the preceding year, he had made a report concerning the Anglo-Persian Oil Company, and that therefore the oil situation interested him more particularly. The Khanaqin Oil Company was the local working company of the Anglo-Persian Oil Company. He had noted that drilling operations had not been very extensive in 1928, and that no great progress had been made. Why was it that only 3,000 feet had been drilled, although the Company had undertaken to do all in its power to facilitate rapid and ample exportation?

Mr. BOURDILLON said that the point was that the pipe-line was a very expensive item, and that it was possible that the two companies might combine to construct it. Until the construction of the pipe-line was started, it was unnecessary and uneconomical to drill any more, because when it had been started other wells could be drilled to produce sufficient oil to occupy the full capacity of the pipe-line.

M. KASTL wished to refer next to the Iraq Petroleum Company. He pointed out that this Company had drilled 18,000 feet during the same period, and that the Company had now requested a further extension of the time-limit in order to enable it to choose its field. The British Oil Development Company had asserted in its petition that the conditions of the concession had not been fulfilled, and had asked that the concession should be declared null and void. Was there any special reason for the delay?

Mr. BOURDILLON replied that he had already explained that the cause of the delay was the necessity for obtaining data to ensure (a) that the oil field contained enough oil to make its exploitation worth while, and (b) that the plots covered the whole of a single field which would not be subject to competitive drilling. The Company had already satisfied itself on the first point, but was not yet sure that it could put down its plots in such a way as to guard against competitive drilling.

M. KASTL asked whether it would be in the interests of Iraq to give the concession to another company which might make more rapid progress.

Mr. BOURDILLON replied that it would be entirely contrary to those interests. The British Government would send its reply to the British Oil Development Company's petition in due course within the period of six months which was laid down, but he felt at liberty to say that to turn out the Iraq Petroleum Company now and to start another company working *de novo* would delay matters for another four years at least.

M. MERLIN noted that matters had reached a deadlock which it would be very difficult to solve. On the one hand, production was restricted because there was no pipe-line, and, on the other, no pipe-line was laid down because production was not sufficient.

Mr. BOURDILLON replied that that was not quite an accurate description of the position. He believed it was beyond doubt that enough oil had been found to justify the construction of a pipe-line and a pipe-line would therefore be built, but that there were still a lot of questions regarding the route of the pipe-line and so on to be cleared up. It was no use increasing production till a pipe-line had been built.

M. KASTL observed that, when the Iraq Petroleum Company had asked for the concession and had opened negotiations with regard to its conditions, one of these conditions had been that certain periods should be laid down in which the plots should be chosen. The Company had certainly been aware that the concession might be given to another company in its place if it were not to make its choice within the prescribed period. The Iraq Petroleum Company should have known how long it would need to choose the plots. If, therefore, it requested an extension of the time-limit, it was only just that, in return for such extension, all the conditions of the concession should be modified in favour of Iraq.

Mr. BOURDILLON said that it was a fact that the Company had underestimated the time required because it had thought that a geological survey of the area would be sufficient. The Iraq Government was well aware of its position in the matter.

Lord LUGARD said that he presumed that the Iraq Government was fully entitled to charge royalties on the various national concessionaire groups. If this were the case, would the Government gain anything by granting a new concession to the British Oil Development Company, or to any other company, rather than to the Iraq Petroleum Company?

Mr. BOURDILLON said that, before answering the last question, he would like to call attention to the fact that Article 39 of the concession, which had been quoted, in dealing with extensions,

referred only to the total period of seventy-five years for the duration of the concession. It did not refer to the intermediate periods. It referred also to an extension in the event of *force majeure*.

The CHAIRMAN presumed that this provision relating to *force majeure* did not apply to the present case.

Mr. BOURDILLON answered that it did not now, but that it had in the past, because of the disturbances which had occurred in the frontier districts.

M. MERLIN said that it was possible that a case of this nature had occurred at some time as a result of frontier trouble. In this case, it had been legitimate to provide for a proportionate extension of the time-limit prescribed for the Company's choice. Mr. Bourdillon had given another reason, however, namely, that the Company had made a mistake in its plans of geological survey. As everyone knew, even without any special knowledge of this science, geological surveys were inadequate, and had to be followed up at once by drilling operations. The Company had, therefore, been very careless if it had judged the periods that it would require on the basis of such a geological survey.

Lord LUGARD wished to put his question more definitely. Did the question of the particular company which produced the oil affect the matter from the Government's point of view ?

Mr. BOURDILLON said that it did not. The royalty was the same whatever the company. In reply to M. Merlin, he could only say that the Company would no doubt read his remarks with interest and take them to heart.

M. KASTL drew attention to the fact that under Article 5 of the concession the Company was obliged to choose twenty-four plots of ground within the first thirty-two months, and to begin production at the end of three years; otherwise the concession was to be null and void. It would also be null and void if the Company were not to drill 36,000 feet in the three following years.

Mr. BOURDILLON said that, except for selecting the plots, the Company had carried out all its obligations and was a long way ahead of the drilling programme laid down in the concession.

M. RAPPARD, in view of the declarations of Mr. Bourdillon, was tempted to come to the conclusion that the Government of Iraq had followed a policy of monopolisation. How could it hope to exploit the country's oil resources to the utmost if it suppressed all competition ?

Mr. BOURDILLON said that his references to competition applied only to competitive drilling within the same field, not within the whole country. Competition within the same field was generally admitted to be uneconomic. There was nothing in the concession to prevent other companies from competitively developing other fields within the country.

M. RAPPARD thought that the policy of suppressing all competition came to the same thing as the conferment of an absolute monopoly to the Company over a given territory, since it prevented all other companies from taking drillings. The prolongation of the delay allowed to the Company had only served to accentuate this privilege.

Mr. BOURDILLON admitted that that was so, but added that he would like to say that all these somewhat obvious objections had been very fully thrashed out by the two Governments and that Iraq had come to the conclusion that the present course was to its advantage, and was now negotiating accordingly with the Iraq Petroleum Company. He could not say what was the present state of those negotiations.

The CHAIRMAN stated that, according to the declarations of the accredited representative, the Government had no intention to create a monopoly and was ready to accept all requests for concessions. He would like to know the extreme dimensions of the petrol-yielding zone ?

Mr. BOURDILLON replied that the Iraq Petroleum Company was entitled to twenty-four plots of eight square miles each, and these it could put down wherever it liked within the area covered by the Company's concession, *i.e.* the Vilayets of Mosul and Bagdad. He would like to take this opportunity of emphasising that nothing which he had said must be taken to refer to the British Oil Development Company's petition, on which the British Government had not yet submitted its observations. Those observations would be submitted in due course.

The CHAIRMAN asked how far this zone was from the frontier.

Mr. BOURDILLON replied that he could not say, but that the reference to the frontier in his earlier remarks had merely been intended to indicate that the disturbances had prevented the Iraq Petroleum Company's representatives from visiting the frontier districts to discover whether they did contain any oil. Until they had done this, the Company could not decide which would be the most advantageous area for it to choose.

The CHAIRMAN would like to know, if possible, whether an agreement had been reached concerning the direction of the pipe-line.

Mr. BOURDILLON replied that he did not know whether the Company had yet taken a decision.

The CHAIRMAN emphasised the reason for the interest shown by the Commission in this matter; its interest extended to everything relating to the economic development of the country,

and therefore to these rich petroleum resources which were the most important yet known in Iraq. The accredited representative had stated that no profits could be obtained if there was no export of oil and that, on the other hand, the oil was not developed because no pipe-lines had been constructed. Such a contradiction in terms was not calculated to allay the anxiety of the Commission which was to see the prosperity of Iraq assured by the full development of its riches.

Mr. BOURDILLON replied that that was precisely the attitude of the Iraq Government itself.

Railways.

M. MERLIN recalled that the Press in Iraq and foreign countries had spoken of negotiations concerning the transfer of the property of the railway system. What was the present situation? (1) Who was the legal owner of the railway system? (2) How far had the British Government pledged itself to provide funds for the execution of the programme of works? (3) Was there any question, in this case, of redeemable loans or of subsidies?

Mr. BOURDILLON replied: (1) That the railways were the property of the British Government but were worked and financed by the Iraq Government which had built certain extensions to the original line. (2) That he could not say immediately, but that the information could no doubt be discovered by consulting the earlier records. (3) That the British Government hoped to get some return either in cash or shares when the railways were handed over to Iraq, that negotiations were still proceeding and that the British Government had made very generous offers to the Iraq Government and hoped that the matter might be settled within a few months.

Cotton.

Lord LUGARD drew attention to the passage concerning cotton seed on page 142 of the report. He asked why no legal precautions had been taken against the mixture of different kinds of seed:

Mr. BOURDILLON replied that, so far, the production and distribution of seed had been supervised by the British Cotton Growing Association which owned the only cotton ginnery in the country. He understood that the promoters of the new cotton ginnery were going to leave all matters relating to seed to the British Cotton Growing Association.

Land Tenure.

M. VAN REES drew attention to the paragraph of the report on page 65, concerning the formation of an Agricultural Bank, where it was indicated that, owing to the present system of land tenure, the cultivators had no guarantees to offer for the security of the loans that might be granted them. He pointed out, however, that on page 152 of the report, it was stated that about 75 per cent of the territory of Iraq was registered in the Land Registry Office as State Domains. It seemed to M. Van Rees that an attempt had been made to generalise a system according to which the cultivators were the tenants of the State. The report added that, at the present moment, the possibility of granting title-deeds to those who had been in long occupation of State lands was being discussed.

Were the proposed reforms favourable to the granting of title-deeds, or was the maintenance of the existing state of affairs recommended? What were the measures in view for the development of agricultural credit in the event of the system of State Domains being maintained?

Mr. BOURDILLON replied that the Iraq Government was anxious to adopt a policy of alienating State lands, but this required much preliminary study. Sir Ernest Dowson, who had had great experience and who had studied a similar problem in Palestine, was proceeding to Iraq during the winter to advise the Government on the question of land settlement.

Lord LUGARD asked whether the individual owner could mortgage his land.

Mr. BOURDILLON replied that there was no restriction on this.

Lord LUGARD asked whether it was proposed to impose any restrictions, in order to save the peasant-owner from being dispossessed by the money-lender.

Mr. BOURDILLON replied that the Iraq Government was alive to the danger of large blocks of land getting into the hands of capitalists and was keeping an eye on the situation.

In reply to a question by the Chairman, he said that the Turkish tapu system of land registration still remained.

M. SAKENOBE was glad to note that the serious trouble in the Province of Kut, to which reference has been made in the 1927 report, seemed to have been satisfactorily settled and there had been an improvement in the relations between landlord and tenant. He wished to know whether leases were contracted privately between these two parties or whether the Government intervened.

Mr. BOURDILLON replied that private leases were very rare. In those cases where they existed the landlord normally had a free hand to fix his own terms. The Kut problem, however,

was identical in nature with the well-known agrarian problem of what was known as the Muntafiq or Saadun lands. A Land Commission had been appointed to settle this question.

M. RAPPARD noted that it was stated on page 65 of the report that the Iraq Government appreciated the fact that the provision of funds for the purpose of the Agricultural Bank was of primary importance. He asked if there was capital in Iraq or if it must come from outside the country.

Mr. BOURDILLON replied that if the money were provided locally it could only be provided by the Government or by the banks, in which latter case the money would be partly foreign and partly Iraqi.

M. RAPPARD asked if there was a class in Iraq that was willing to invest its savings in bank shares?

Mr. BOURDILLON replied in the affirmative.

Education.

Mlle. DANNEVIG remarked that, although there had been an increase in expenditure on education, yet it was not much in comparison with the increase in other items of expenditure in the budget. She had three questions to ask: (1) Were there schools only in the towns, or in the country as well? (2) Was there any education for the nomadic tribes? (3) Were schools open both to girls and to boys, since only one school for girls (containing 300 pupils) was mentioned in the report?

Mr. BOURDILLON replied: (1) There were schools in the smaller towns and villages as well as in the big ones. (2) None. The tribal sheik, however, sometimes had a kind of private tutor who taught his children and others in the tribe. (3) Girls' schools existed but he could not say how many there were, though there was quite a number. He would make a note of these points for next year's report.

Mlle. DANNEVIG asked whether the Government kept a record of the number of pupils at private schools? Were the schools subsidised by the Government, and was there a system of inspection? A fuller statement might perhaps be made in the next year's report so that it would be possible to ascertain the total number of children in Iraq who received some education in the schools.

Mr. BOURDILLON replied that some private schools were subsidised and those, but no others, were inspected. He would endeavour to arrange that next year's report should give further particulars and, if possible, an estimate of the total school population of the country.

Mlle. DANNEVIG asked whether the private schools were principally for racial minorities.

Mr. BOURDILLON replied that most of them were.

Mlle. DANNEVIG noted that the Government had refused to open schools in Jewish quarters. Was this because it was of opinion that the Jews ought to pay for their own education, or that they ought to attend the Arab schools?

Mr. BOURDILLON said that he thought that both factors were present.

Mlle. DANNEVIG pointed out that the Kurds and Assyrians had complained that there were few educational facilities for them (see page 132 of the report). Could facilities be given to the Kurds in the higher Arab schools by instituting bilingual teaching in them?

Mr. BOURDILLON replied that it was generally agreed that Kurdish higher education ought to be in Arabic because the language was useful to the Kurds and all the text-books were in Arabic.

Mlle. DANNEVIG drew attention to page 131 of the report, where it was said that the Agricultural College, the Royal College of Medicine, the Military College and the Al al Bait no longer came under the control of the Ministry of Education. Who controlled these technical colleges?

Mr. BOURDILLON replied that the technical departments concerned did so.

Mlle. DANNEVIG said that she had noted in the previous year that the post of school health officer had been suppressed. Was there any possibility of recreating this post?

Mr. BOURDILLON could not say. It was simply a matter of funds.

Mlle. DANNEVIG drew attention to a criticism by an Egyptian official of the schools in Egypt in 1882 (quoted on page 134 of the report): "The teaching was ill done . . . No faith could be placed in the examinations. In point of fact people who took the education of their children seriously never sent them to Government schools, but either to Europe or to schools maintained by the religious missions". She was astonished to find that this criticism was applied to the present conditions of education in Iraq. Were things really so bad as this suggested?

Mr. BOURDILLON emphasised that the criticism was stated to be applicable only "in some points". In his opinion it was much too strong. If he had to make a criticism of education in Iraq, he would say that the Iraqi tended to look upon education as being a process of taking an empty vessel and pouring something into it, not as a process of moulding the shape of the vessel itself and training character. This was a just criticism, and the Iraqi would probably recognise its justice, but the criticism to which Mlle. Dannevig had referred went too far.

Mlle. DANNEVIG drew attention to the mention of riots and strikes among schoolboys. Discipline was obviously not good. Would it not be profitable to subsidise private schools more since their education was superior to the education given in the Government schools?

Mr. BOURDILLON said that only a very few private schools were better than the Government schools and those neither needed nor received assistance from the Government.

M. ORTS asked why authority to open a Jewish school had been refused.

Mr. BOURDILLON said that that was not what had happened. All that had happened was that the Government had refused to open a Jewish school of its own. He could not say why this was, but there was already a very good private Jewish school in the *Alliance israélite*, and many Jews attended the Government schools, which were undenominational.

Lord LUGARD asked, with reference to the second paragraph on page 134 of the report, whether any effort was being made to provide schools with Arabic literature.

Mr. BOURDILLON said that he could not say, but would make a note of the point for next year's report.

Lord LUGARD asked whether there were any cinemas in the country and whether they were under any system of selection and control.

Mr. BOURDILLON replied that they were controlled by the municipalities, and that the control was effective.

M. RAPPARD said that he had been struck by the fact that two of the criticisms of education in Iraq had been quotations from the reports of Egyptian officials. Was this an indication that Iraq looked to Egypt for guidance?

Mr. BOURDILLON replied that this was not in any sense the case.

Liberty of Conscience and Auqaf Property.

M. PALACIOS said that the 1928 report was not clear on this subject.

He would like to know the real situation of the religious minorities. Could they develop normally and were they free to carry out their religious observances?

The information given on page 25 of the report as regards the Christian refugees who had come from Turkey, did not mention religious matters. The relations between the Shiah and the Sunnis (page 25) seemed to be improving in spite of the fact that the Shiah were in political disgrace.

The Commission had already noted that the report said nothing about the Bahais, in spite of the decision of the Council of the League of Nations. The importance of this question was due to the fact that it concerned an organised religious minority.

The report included a whole chapter on the Auqaf property. Although unexpected help had been received by the payment of a sum of money as a result of the favourable judgment given in a case against the Treasury, the total revenues were much less than had been estimated and the budget should show a deficit. The Ministry of Auqaf had not benefited up to the present from the administrative progress effected in the country. It was already independent and it would be difficult for the mandatory Power to influence it.

Mr. BOURDILLON said that the Auqaf Department was one in which the interference of the mandatory Government was reduced to a minimum, but he hoped that the recent transfer of Auqaf to a separate department directly responsible to the Prime Minister might produce a change for the better and induce the Department to take a broader view of its responsibilities.

Lord LUGARD asked whether it was as easy for a Moslem to become a Christian as *vice versa*; in particular, would a Moslem girl be prevented by force from becoming a Christian or detained by her relations?

Mr. BOURDILLON replied that theoretically the same freedom existed, but that public opinion would be against it, and he knew of no case in which it had actually occurred.

M. PALACIOS asked whether it was true that the American Evangelical Missions had opened schools in the neighbourhood of Mosul, as had been asserted in the weekly edition of July 13th, 1928 of the Cairo newspaper *Al Siassa*. If so, had this action aroused opposition on the part of the Moslem population?

Mr. BOURDILLON replied that he did not know.

Drugs.

COUNT DE PENHA GARCIA said that he had no observations to make regarding liquor traffic, since the territory was under an A Mandate, but, as regards drugs, the report contained very little. He had therefore consulted the annual report of Iraq to the Opium Commission, from which he observed that in 1928 the visible consumption of drugs was small, but that the courts had had to deal with a considerable number of cases of infraction. There had been one case of cultivation and several cases of illicit consumption or importation. It therefore looked as if there was a fairly substantial illicit consumption, although it was stated that the position was improving. Was this really the case?

Two facts which were mentioned seemed to him to be somewhat disquieting. It was stated that the substitution of State monopoly for the licensing system was unsatisfactory from the fiscal point of view. The report stated that eleven persons who had previously held licences were no longer interested in financing the illicit traffic, and secondly, it was stated that the Customs Department was not provided with adequate funds to carry out sufficiently severe measures against smuggling.

MR. BOURDILLON replied that the introduction of the new system was, he thought, due to a direct recommendation of the Opium Commission. His impression was that illicit cultivation and consumption were slight, though as was the case everywhere, a certain amount of it was bound to go on. The position, however, was not in any way serious.

In reply to a request by Count de Penha Garcia, Mr. Bourdillon promised that the next year's report should contain more information, particularly on the working of the new system, since the Opium Commission would be interested to learn why it had proved unsatisfactory, although in other countries the reverse was the case.

In reply to a further question, he added that, as far as he knew, no conventions relating to dangerous drugs had been concluded with neighbouring countries.

Demographic Statistics.

M. RAPPARD pointed out that there was no full information in the report about the death-rate or the birth-rate.

MR. BOURDILLON said that vital statistics and statistics of epidemic diseases would be found on page 56; he was afraid, however, that these figures were of little value owing to the unwillingness of the population to register these facts.

M. RAPPARD said that he had been struck by the fact that the death-rate was higher than the birth-rate.

MR. BOURDILLON explained that deaths were more accurately registered than births.

M. RAPPARD said that more complete statistics would be very useful, if they could be obtained.

MR. BOURDILLON said that the question of setting up a Statistics Department was being considered.

Close of the Hearing.

The CHAIRMAN thanked Mr. Bourdillon for the explanations he had given and expressed the regret of the Commission that so useful a collaborator would no longer be giving the Commission his assistance.

He congratulated Mr. Bourdillon on his appointment to the important post of Colonial Secretary to the Government of Ceylon.

MR. BOURDILLON thanked the Chairman for his congratulations and said that he would always retain happy memories of the profitable and interesting discussions which he had had with the Mandates Commission.

SEVENTH MEETING.

Held on Saturday, November 9th, 1929, at 10 a.m.

1088. **Islands under Japanese Mandate: Examination of the Annual Report for 1928.**

M. Ito, Deputy Director of the Imperial Japanese Bureau for the League of Nations, accredited representative of the mandatory Power, came to the table of the Commission.

Form of the Report.

The CHAIRMAN said that the Commission wished to thank the mandatory Power for its very detailed and interesting report. It had been pleased to note that the mandatory Power had borne in mind the Commission's observations at its fourteenth session, and that it had endeavoured fully to meet the wishes of the Commission by replying to those observations in detail in a special chapter.

M. ITO said that he would be glad to give any explanations that the Commission desired. His Government had taken into account the observations and suggestions that had been transmitted to it after the preceding session. It would also consider the advice that would be given to it at this session.

Representation of the Mandatory Power at the Present Session.

M. ITO recalled that he was acting as a substitute for the accredited representative. Since he had not had sufficient time to examine every question completely, he might have to defer certain of his replies.

Powers of the Director of the South Seas Bureau.

Lord LUGARD noted, on page 12 of the report, that apparently no action, however unimportant, could be taken unless it had been referred to the Director of the South Seas Bureau. In the administration of such scattered islands, was not this procedure too centralised and cumbersome ?

M. ITO recognised that this procedure was faulty. In actual practice, however, its drawbacks were seldom experienced.

System of Taxation in the Marshall Islands.

Lord LUGARD noted, from page 42, that the system of taxation in the Marshall Islands was of an altogether special character. Did the Government intend to maintain this special system, or did it intend to apply the general system after a certain time ?

M. ITO said that the original system had been continued, and that it would not be possible to change it for the time being.

Form of Presentation of Statistical Tables relating to Administrative Expenses.

M. ORTS noted that certain administrative expenses were not shown in the tables given in the report. For instance, in the case of the table on page 78 it was explained in a note that " ' Expenditure ' includes all expenses necessary for working the mines, but does not include the expenses of refunding capital . . . expenses necessary for the sale of phosphate, etc. ". Similarly, the table on page 101 of the expenses incurred in connection with improvement of Saipan harbour did not include salaries and certain other expenses. As a result, it was difficult to ascertain the exact amount of expenditure actually incurred by the various services.

M. ITO recognised that this was the case. The same point had been brought to the attention of the accredited representative in the preceding year, and his Government had given a written reply in the report (page 128, paragraph (e)).

It should be borne in mind that it was not possible, under the special budgetary system of Japan, which was explained on page 128, to distinguish between different categories of expenditure. The total figure was, however, shown in the tables.

Public Health : Population : Infant Mortality.

M. KASTL noted on page 88 that the state of health of the miners at the station of Angaur was far from satisfactory. In the table of the report concerning health of the miners the expression " not due to work " was used. He would like to know the exact meaning of this expression. Was the work too arduous for the natives ?

M. ITO said that the illnesses in question were not due to arduous work. The labourers were recruited from a great many islands, and at the beginning of their stay they went through a rather difficult period of acclimatisation during which slight but frequent illness occurred.

M. KASTL asked whether it would not be preferable, under these circumstances, to employ coolie labour, as was done at Nauru. It seemed perhaps inadvisable to employ too many natives, particularly in view of the fact that they were not very strong. In any case, would it not be well to reduce the number of working hours ?

M. ITO said that he would bear this excellent suggestion in mind. He could assert from his own knowledge, however, that the conditions of work were not very arduous. The exploitation was carried on in the open air, and the ground was very easy to mine. Moreover, an attempt to modify the system of recruitment and to organise the transport of coolies on a large scale would meet with legal and material difficulties.

M. KASTL noted that the native population had further decreased by 253 persons since 1925 (page 117). What measures could be taken in order to check this decrease ? As against this, the Japanese population had increased to 12,000, with the result that it represented at present over

one-fifth of the whole population. What proportion of the expenditure on public health was specially devoted to the natives ?

M. ITO said that it was true that the Japanese population was increasing. One of the main reasons for this was the fact that only Japanese labourers were employed in the sugar cultivation at Saipan, the natives refusing to engage in agriculture.

The decrease in the native population was distressing and general. The reasons for this decrease had not been detected with any certainty. The Japanese Government, which had already given serious attention to this grave situation, had recently decided to send to the Islands a medical man who was a specialist in demographic questions. The results of the enquiry would be communicated to the Commission at its next session. In his tour of inspection in the island of Yap, in 1926, M. Ito had himself noted this rapid decrease with great surprise, and had reflected upon it seriously.

With regard to the sums devoted to the improvement of sanitary conditions among the natives, these sums were shown in Chapter XI (page 115), Paragraph III of which related to expenditure for the direct benefit of the natives.

M. KASTL noted, in table (b) on page 33, that the settled accounts for 1927 amounted to 3,091 yen. On page 115, the expenditure for the year 1928 was estimated at 232,832 yen. Thirdly, the settled accounts for sanitary expenses in 1927 (page 133) were given as 246,410 yen. What was the actual figure of expenditure on the natives alone ?

It was stated in a "remark" on page 115 that part of the sum of 232,832 yen had been for Japanese and foreigners, but that this part could not be distinguished. He thought that the table given on page 115 of the report concerning "Expenditure for the Direct Benefit of the Native" could not be considered as quite correct, and called for criticism.

M. ITO said that only an approximate figure could be given, in the absence of any exact criterion making it possible to divide the expenditure into two categories—expenditure for the natives and expenditure for the Japanese. He would once more draw the attention of his Government to this fact. In any case, it would be advisable to make the title of Paragraph III (page 115) and the classification which followed agree, by changing perhaps the title.

M. KASTL recalled that he had expressed apprehension in the preceding year with regard to infant mortality. It would be noted that such mortality had increased. What measures could be taken in order to check infant mortality, which was one of the main causes of the decrease in the population? Would it not be possible to introduce improvements in the assistance given to women in pregnancy and in childbirth, and also in the care of early childhood ?

M. ITO said that this was an extremely difficult question which had been studied for several years in the Health Committee and also in the Child Welfare Committee of the League of Nations. An official League enquiry had been made in seven European and three South-American countries. The report of this enquiry would shortly be submitted, and a scientific study would then be available of the situation in Europe and in South America. The subject being obscure in these countries, it was all the more obscure in the Pacific Islands. As soon, however, as the report was published, the Japanese Government would examine it in order that it might introduce efficient measures immediately.

M. KASTL asked if the next report could give detailed documentation on the sanitary conditions in the island of Yap, based on the findings of the enquiry mentioned on page 118 of the report.

M. ITO said he would convey this request. He recalled the fact that the administration of Yap included a large number of islands. The exact information that it might be possible to give would concern exclusively the island of Yap itself.

M. KASTL said that, according to page 19, there was no system of licensed prostitution, but an article in the *Japan Chronicle* of April 16th, 1929, mentioned that in the centres of Saipan and of Palau there was a considerable number of Japanese prostitutes, and went so far as to say that one of the brothels was under the control of the Japanese owner of an inn which received a subsidy from the Government.

M. ITO himself had made enquiries during his visit and had been able to observe a somewhat curious situation in the island of Ponape, but as this situation existed already before the administration of the island had passed under Japanese mandate, he would not dwell upon it.

As regards the precise question of M. Kastl, he thought it necessary to make a clear distinction. Free prostitution existed in every country, and the islands under Japanese mandate would prove no exception to this rule. It was impossible to control free prostitution, but with licensed prostitution the question was different. This did not exist in the islands under Japanese mandate, and the article quoted by M. Kastl had perhaps confused those two ideas. Such a confusion had often arisen, especially in the complaints of missionaries.

Mlle. DANNEVIG noted that on page 58 it was stated that the sanitary condition of children who attended public (native) schools was better than that of children in the private (Japanese) schools, but that, nevertheless, children in public schools were generally so poorly nourished that many cases of disease and abnormalities were to be noticed among them. There seemed to be a certain contradiction in this statement.

M. ITO replied that the report had wished to show that the physical aspect (height, weight, chest-measurement) was improved, for it was dealing with native children who lived in a state of nature. On the other hand, sanitary conditions were far from being so favourable. That was

caused by the native system of diet, which was quite peculiar to them and could not fit in with regular habits of life. The native children, who fed themselves whenever they were hungry by picking the fruit that they found in abundance everywhere, were brought under discipline, as soon as they attended school, which forced them to adopt a different system of feeding. That was why so many cases of digestive troubles had been noted, especially at the beginning.

Mlle. DANNEVIG remarked that, in these circumstances, school attendance seemed to be dangerous. Could not regulations be drawn up that were better adapted to the customs of the natives ?

M. ITO replied that this question touched upon a vital principle of the mandate. Two opposite ideas were in conflict. Which was the one that ought to prevail ? It was not for him to solve this problem. In any case adaptation was difficult enough, but at the same time, speedy; this was all the more so, because as much allowance as possible was made, in the organisation of the educational system, for the customs of the natives. It was necessary in such a case to submit to certain sacrifices at the beginning in order to arrive at a happier state of affairs.

Mlle. DANNEVIG felt that it might be easy to remedy this state of things.

M. ITO said that he would inform his Government of the suggestion.

Mlle. DANNEVIG noticed that 90 per cent of the children suffered from ringworm and that 40 per cent were affected by hook worm. Measures had been taken to remedy this. Had they been successful ?

M. ITO replied that the report set forth the measures on page 135. He would complete his reply in a written statement.

Lord LUGARD asked if there were any mosquitoes in the islands, especially anopheles, which were carriers of malaria germs.

M. ITO replied that the report mentioned the absence of malaria.

Lord LUGARD called attention to the remark on page 118 that " certain age-long evil habits " of the Kanakas caused them to die off very rapidly. What were the customs in question ?

M. ITO replied that the whole matter would be dealt with in the report that his Government would present in the near future at the close of the medical enquiry that was now actually taking place. Until then he could mention that these particular customs were derived partly from superstition and partly from the sexual relations of the natives.

Lord LUGARD was happy to be able to congratulate the mandatory Power on the success of its efforts in the fight against leprosy and on the results obtained by the creation and organisation of asylums for lepers. In reference to this subject he communicated to M. Ito an extract from the report of the British Society for the Extinction of Leprosy ("Leprosy Notes").

M. ITO replied that his Government would deeply appreciate this expression of satisfaction.

Mlle. DANNEVIG asked (on behalf of M. Kastl, who had left the meeting) if the mandatory Power met with difficulties in recruiting its doctors.

M. ITO replied that that was a point already raised at the last session of the Council where it had been decided to send a questionnaire to the different mandatory Governments. His Government would reply with precision to that questionnaire. Until then, his personal opinion was that there was no difficulty, but that, on the contrary, there was a plethora of doctors available.

Public Finance.

M. RAPPARD noted that the excess of income over expenditure was so considerable each year that it might be concluded that the Japanese Government had completely abandoned the idea of balancing its budget. What was the policy of the Government in this matter ?

M. ITO replied that in this connection certain customs peculiar to the public finance of Japan must be borne in mind. The amount of taxes could certainly be diminished, and this possibility had often been considered in high quarters; but the Government had not been able to welcome this suggestion, for if the budget were exactly balanced the amount of the annual grants would be diminished. It was the aim of the Japanese Government to preserve a considerable margin which could be immediately utilised in case of calamity. The administrative and Parliamentary customs which were peculiar to Japan caused the Government to be extremely prudent. Moreover, the larger part of the revenue was supplied by Japanese companies and the share of the natives was the smallest possible.

M. VAN REES had always had the idea that the budget surpluses of these islands were exclusively due to the subsidies of the Japanese Government—that was to say, that if the subsidies were eliminated, the budget would show a continual deficit. The present amount of the subsidies was 1,800,000 yen.

M. RAPPARD recalled that the Customs revenue was almost non-existent, for it was collected when foreign merchandise entered Japan. Consequently, the islands did not receive the part of

the Customs revenue that was due to them. Under these circumstances, the subsidy in question should, he thought, be considered as compensation to the islands under mandate.

He noted that, in the accounts for 1927, the surplus of the preceding financial year carried forward to 1927 amounted to 2,673,430 yen. On the following page (page 33), the same surplus was written down as 3,059,754. Did the last sum represent the exact amount of the surplus, and the sum of 2,673,430 yen the increase between the estimate and what it had actually been possible to carry forward?

M. ITO replied in the affirmative and added that the actual surplus had been larger than had been expected.

M. RAPPARD noted that it was stated on page 70 that a subsidy of 235,930 yen had been granted in 1927 to the sugar industry. This appeared to be an economic subsidy for the exploitation of the country's resources, and not a social subsidy intended to further the welfare of the native population, since the latter received scarcely any benefit from it.

M. ITO agreed that the natives themselves benefited very little by this subsidy, since only a few native labourers were employed in the sugar industry.

M. RAPPARD asked M. Ito, as a member of the Economic Committee, why the Government was encouraging the cultivation of cane sugar at a time when there was a world crisis in this branch of sugar production?

M. ITO recalled that this cultivation was the sole source of revenue of Saipan. It was essential for the development of the island, and indirectly, was a source of profit to the natives. Moreover, the yield of this industry was too small to influence the world production.

M. RAPPARD recognised that this was the case. Nevertheless, it appeared to be very difficult to justify the subsidies, since the over-production crisis was at its height, and the natives did not derive any social benefit from them. He would not, however, press the point.

Could the accredited representative state on what basis the system of taxation on copra rested (page 42 of the report)?

M. ITO said that this system had been in force at the time that the mandate for these islands had been assumed. The tax was a traditional one, which had been established in an altogether arbitrary manner.

M. RAPPARD thought that, in time, the surpluses would gradually be absorbed and that, if the imports were not diminished, it would be necessary to make an effort to increase the expenditure, particularly as regards hygiene. In fact, the mortality figures were still very high.

M. ITO declared that he would inform his Government of these observations.

Lord LUGARD had always understood that the mines of Angaur belonged to the Japanese Government; was it to be inferred from note 2 on page 39 that the Japanese Government had bought these mines and presented them to the islands?

M. ITO replied that the mines certainly belonged to the Japanese Government, but that the profits of Government undertakings were included in the budget of the islands. These were, in some sort, subsidies granted by the State Treasury, as was explained in the note.

Lord LUGARD noticed that, on the same page, the total of 18,220,163 yen was to be considered as a reserve fund for the islands. Was the Commission then to infer that there was no National Debt?

M. ITO replied in the affirmative.

Lord LUGARD drew attention to the fact that on page 40 it was stated that a poll tax was imposed on people, other than native inhabitants, commencing with the age of ten years, but, for natives, it was imposed at the age of 16 years. Why was there this difference between the two classes?

M. ITO believed it was a printing error.

Lord LUGARD asked which of the two ages should be considered as the right one.

M. ITO replied that it was 16 years.

Economic Development: Mines of Angaur.

M. MERLIN noted that the mines of Angaur constituted the principal industry of the islands—it might, indeed, be said the only one. Nevertheless, he had noted with satisfaction that the Japanese Government granted large subsidies for the cultivation of cane sugar, palm trees and the raising of cattle. He thought that the most profitable cultivation was that of palm trees, which the Japanese Government encouraged in a very satisfactory manner. As regards the mines of Angaur, M. Merlin had noted that their produce in tonnage and in money was regular; but there was no increase. He noted that in 1924 the figures were 60,659 tons and 1,097,891 yen; in 1925, 65,864 tons and 1,320,573 yen; in 1926, 62,912 tons and 1,299,132 yen; in 1927, 63,128 tons and 1,335,157 yen. There had therefore been no noticeable variation in the figures.

According to the table on page 77 of the report, the mines of Angaur were realising an annual gross profit which amounted, in the period 1925 to 1928, to from 400,000 to 500,000 yen a year. As the mines had been bought for 1,730,000 yen in 1922, it could be said that the purchase money

had been redeemed by gross profits and that now the undertaking was earning net profits. The situation was, therefore, very satisfactory, and it would seem that the Japanese Government would be able to ensure that the country and the natives should benefit materially from the prosperity of the mines of Angaur.

Agriculture: Experimental Station.

M. SAKENOBE, referring to a passage on pages 66 and 67 of the report, noticed that considerable efforts had been made at the Experimental Station to acclimatise certain products to the islands. More than fifty species of agricultural crops had been tried (rice, medical plants, sweet potatoes, millet, beans, tobacco, cotton, cocoa, coffee, etc.). Teak, Ceylon cinnamon, ironwood, mahogany and acacia had also been proved to be promising for afforestation purposes. At the new Ponape station the experimental cultivation of rice and medicinal plants had been started. It had been found that certain kinds of pigs and poultry were suited to the land.

M. Sakenobe asked what was the object of these experiments and if they were successful, was it intended to introduce these new industries? His impression was that the arable ground was of a very limited area, more than half of which was already cultivated. He believed that little land could remain for the use of new enterprises.

M. ITO, while appreciating the utility of these experiments, did not think they could have very considerable results, seeing that the amount of arable land was small.

Labour Conditions in Tinian Island.

M. SAKENOBE wished to have more details of the work accomplished in Tinian Island.

M. ITO took note of this remark for the next report, but pointed out that additional information had been given on page 92 of the present report.

Trade Statistics.

Lord LUGARD, observed that the islands appeared to be very prosperous. In the table at the foot of page 105 it was stated that exports for the first six months of 1928 had risen to 5,652,846 yen and imports to 2,345,897 yen. With such a favourable trade balance, why was it necessary that the islands should be subsidised?

M. RAPPARD observed that the great problem of these islands appeared to be how to dispose of the surplus revenues, which were enormous.

M. ITO agreed that this question of the disposal of the revenue was very important.

Arms and Ammunition.

M. SAKENOBE remarked that, according to the statistics on page 15, there had been a steady increase in the number of firearms imported. At the same time, the number of cases of infringement of the regulation for the control of firearms had increased considerably during the year under review. He wished to draw the attention of M. Ito to the situation. He thought that it would be necessary to exercise a stricter control.

M. ITO said he would notify his Government of these remarks. He would suggest that a stricter control should be exercised.

Justice.

Lord LUGARD, referring to a passage in the report (page 26) said that there had been a steady annual increase in the number of offences committed by the natives. Could M. Ito give some explanation.

M. ITO pointed out to the Commission that the explanation was to be found a little above on the same page of the report.

Labour.

Lord LUGARD asked if Articles 1 and 2 of the "Regulations concerning Aid to Employees", which had been distributed with the report for 1928, applied equally to natives and Japanese.

M. ITO replied in the affirmative.

Lord LUGARD asked what was meant by the term "closing benefits" in Article 2.

M. ITO said that this was a rather unhappy translation. This term referred to the final allowances which were granted to sick or injured persons who had not been cured after they had undergone medical treatment for three years.

Mr. WEAVER said that it appeared from the first paragraph on labour question, that the only two important industries in the islands were the phosphate and cane-sugar industries. Were there, however, any other industries in which native labour was employed?

M. ITO said that there were only some small workshops, and a few minor industries in the harbours.

Mr. WEAVER, referring to page 87 of the report, noted that labourers' contracts were concluded for a period of one year, and were renewable. If a native labourer were to desert from the undertaking in which he was employed during this period of one year, might he be brought back by force and condemned to imprisonment or the payment of a fine ?

M. ITO said that such cases seldom occurred. The island of Angaur was so small that it was difficult to escape from it. The position was the same in the Saipan cane-sugar plantations. It had been thought that a regulation might be drawn up in this connection, but since no case of desertion had occurred in practice, the idea had been dropped.

Mr. WEAVER asked whether advances of wages were made to the natives which might act as a form of indirect compulsion to the renewal of contracts.

M. ITO said that this depended upon the districts in which the labourers were recruited. Those from the island of Yap did not enter into contracts of more than six months, while those from the island of Ponape agreed to remain for two years and sometimes longer. In order to facilitate recruitment, the chiefs of the tribes were offered, at the time of the visit, an advance of 80 Japanese sen (approximately one Swiss franc) per head. It was a kind of commission.

Mr. WEAVER asked for fuller details on this question in the next report.

M. ITO observed that he had given this explanation on his own account. He did not know whether his Government would furnish fuller information.

Lord LUGARD asked whether this commission did not really amount to pressure upon the chief.

M. ITO replied in the negative. During the absence of the natives, the chief of the tribe could not receive any help. The commission amounted, therefore, to compensation.

Mr. WEAVER, referring to page 88 of the report, observed that, in the preceding year, figures had been given under the heading "Relief". Why had not these figures been given this year ?

M. ITO said that he had these figures, but that they had not been inserted in the report. He could communicate them to the members of the Commission if they desired.

Mr. WEAVER asked how illnesses due to work and illnesses due to other causes were distinguished. Was there any criterion for this distinction ?

M. ITO replied in the negative. This question was left to the judgment of the doctors.

Subsidies to Missions.

M. PALACIOS supposed that the subsidies to the missions, to which reference was made on page 65 of the report, were drawn from the resources of the territory. If that were so, he would like to know on what basis they were allocated to the various missions. The total amount of the subsidies for the year 1928 amounted to 32,200 yen, of which the "South Mission of Japan" received 23,000 yen, the Buddhist Mission of the East Hongwanji 2,200, making a total of 25,200 yen. Only 7,000 yen were allotted to the Catholic Mission and the American Mission received nothing. The Japanese Mission was composed of three missionaries, whilst the Catholic Mission had 35 of whom 34 were Spanish. The Buddhist Mission had two Japanese missionaries. The other details given in the statistical tables did not appear to justify the division made. It must not be forgotten that liberty of conscience in this case was equivalent to religious equality.

M. ITO said that there were no criteria, for this measure was a purely administrative one. The Catholic missionaries had not felt it necessary to ask for subsidies, and endeavoured to do without them. Moreover, they received very considerable assistance from their parishioners. This was also true of the American church.

Lord LUGARD observed that the tables on pages 64 and 65 showed only two Buddhist churches. Did these include Shinto ?

M. ITO replied in the negative.

Education.

Mlle. DANNEVIG noted that, in accordance with the regulations for 1928, the school period had been increased from two to three years. The Japanese Government was to be congratulated upon this measure. On the other hand, it was stated in the report that children had to go to school between the ages of 8 to 14 years. How could the statement that children had to remain in school for three years, and the statement that they had to attend school between the ages of 8 and 14 years, be conciliated ?

M. ITO replied that it was not possible to ascertain the age of the children.

Mlle. DANNEVIG concluded that children went to school for three years at some time between the ages of 8 and 14.

Did the figures which were given in the table with regard to attendance at school relate to the percentage of pupils entered in the school register or to the percentage of pupils who actually attended ?

M. ITO replied that these figures related to the percentage of children who actually attended school.

Mlle. DANNEVIG observed that attendance at school varied greatly in the different islands. In the island of Yap, there was a 38 per cent attendance, whereas in the island of Saipan, there was a 98 per cent attendance. What was the reason for this variation ?

M. ITO replied that, in spite of the continued efforts of the South Seas Bureau it had not yet been possible to obtain regular attendance at the schools, owing to the fact that the islands were distributed over a wide area and that the degree of civilisation of the inhabitants was low. He did not think, moreover, that it would be possible to arrive at a fair appreciation of the position on the basis of criteria existing in civilised countries.

Mlle. DANNEVIG asked whether the expenditure upon education included the expenses necessary for the construction of native schools ?

M. ITO said that these expenses were inserted in the extraordinary budget. He pointed out that the expenses were higher in the native schools, where the children were often given meals, school requisites, clothes, etc.

Mlle. DANNEVIG drew attention to the fact that, on page 59, there were two headings, of which the latter was entitled " Educational Expenses ". What was the meaning of this distinction ?

M. ITO replied that the first heading included only the expenses of teaching. For the moment he could not explain what was meant by miscellaneous expenses. He would endeavour to inform the Commission on this subject next year.

Mlle. DANNEVIG asked if the number of hours set aside for the study of Japanese allowed the native children to learn this language well enough to be able to use it to express themselves, and if it were to be expected that the vernacular would disappear in the course of time.

M. ITO replied that these children spoke Japanese fluently when they left school, but that that did not prevent them from still employing their native language.

Lord LUGARD drew attention to the fact that no training school for assistant teachers existed in the islands. Was not such an institution indispensable ?

M. ITO declared that the reason for this was the fact that there were no candidates. In fact it was extremely difficult to find natives who were willing to become schoolmasters.

Replying to a further question of Lord Lugard, he said that schoolmasters had to be obtained from Japan.

Mlle. DANNEVIG asked if the Commission was to conclude from that that there were no native teachers.

M. ITO replied that a few had been trained after extraordinary efforts. The natives had no wish at all to become schoolmasters, for they found that the work was too hard for them. At the actual moment there were only 21 native schoolmasters.

Lord LUGARD drew attention to the fact that the girls had longer hours of work than the boys.

Mlle. DANNEVIG thought that, in the islands under Japanese mandate as in most other countries, girls were obliged to devote some extra school hours to needlework and house-work.

Lord LUGARD invited M. Ito's attention to the remarks at the bottom of page 61 to the effect that the mission schools are far from satisfactory as organs of primary education. Did these schools receive subsidies ?

M. ITO answered that these schools were concerned almost solely with religious instruction. They had nothing to do with general education. Consequently, the question of subsidies did not arise.

Liquors and Drugs.

Count DE PENHA GARCIA noted, in the first place, that the population had diminished by six per thousand since 1925, but that, nevertheless, in 1927 and 1928 there had been a considerable increase in the imports of spirits. There was a diminution in the liquors derived from cane sugar, manufactured in the islands, but their alcohol content was quite small. It must, however, be remembered that there were other beverages prepared in the islands in which the proportion of alcohol was very high. Of these, a larger quantity had been produced in the past two years. Who drank this alcohol ?

The statistics gave no distinction between the consumption of the Japanese and that of the natives. Moreover, in examining the legal cases concerning the liquor traffic in which convictions had been secured, it would be seen that these cases represented 40 per cent of the crimes committed in the islands. If a part of this alcohol were consumed by the natives, it was necessary to take energetic measures to avoid the ravages that would be caused by alcohol on a population which was already reduced.

M. ITO thanked Count de Penha Garcia for his observations. The question was a very delicate one. Almost all the Japanese at Saipan were emigrants coming from the Loochow Islands, where there was an enormous daily consumption of a certain beverage having an alcoholic content of 45 degrees. Nor should it be forgotten that the people who found themselves on these isolated islands had no other distractions except drink. The Government was making every effort to

introduce healthy amusements into the country, for example, sports. M. Ito assured the Commission that the Japanese Government was doing everything in its power to check the evil of drink.

Count DE PENHA GARCIA asked if the alcohol produced in the islands was exported or if it were consumed entirely on the spot.

M. ITO replied that almost all of it was exported to Japan.

M. VAN REES observed that M. Ito was no doubt aware that the mandate forbade any supply of alcoholic beverages to the natives. Had the Japanese Government sufficient means to carry out this rule?

M. ITO replied that there were special regulations on this subject.

Lord LUGARD, referring to page 17 of the report, wished to ask two questions: first, natives who wished to manufacture alcoholic drinks had to ask for a permit. Had any such permits been issued? Secondly, did the percentages given at the foot of page 17 refer to alcohol by weight or by volume?

M. ITO replied (1) that no permits were given to the natives and (2) that the percentages on page 17 referred to weight.

Count DE PENHA GARCIA asked if there was any consumption of drugs in the islands?

M. ITO replied that that was impossible, since there were very severe rules forbidding their consumption.

Land Tenure.

M. VAN REES remarked that the present report explained no better than the previous ones how a particular person could acquire lands which he needed and which were public property. Under what conditions were grants of these lands made? Did the laws in force make any distinction with regard to nationality?

M. ITO replied that all such matters were regulated by the law on public property actually in force in Japan.

M. VAN REES asked that further information on this point might be given in the next report.

Influence of the Japanese Immigration.

M. RAPPARD drew attention to the fact that these islands were very prosperous from the economic point of view, that considerable immigration was taking place from Japan, but that the native population was decreasing. The mandatory principle that the territory should be administered for the benefit of the natives was therefore in danger of being violated. He hoped that the Japanese Government would take all the necessary measures possible to ensure that its administration could not be reproached with having made the material and moral welfare of the natives subordinate to the economic development of the territory.

Close of the Hearing.

The CHAIRMAN, in the name of his colleagues, thanked M. Ito for his explanations.

M. ITO thanked the Chairman for his kind words, and declared that he hoped that the next report would give satisfaction on all the points that had been raised at the present session.

EIGHTH MEETING.

Held on Monday, November 11th, 1929, at 10.30 a.m.

1089. Commemoration of Armistice Day.

Lord LUGARD said that being, he believed, the oldest member of the Commission in point of age, he would venture to propose that, as it was Armistice Day, the Commission should rise as the clock struck eleven and keep silence for two minutes as a mark of homage to those of whatever nation who had given their lives for their countries in the great war.

The Chairman and members of the Commission cordially agreed.

1090. Ruanda-Urundi: Examination of the Annual Report for 1928.

M. Halewyck de Heusch, Director-General at the Belgian Ministry for the Colonies accredited representative of the mandatory Power, and M. Marzorati, Governor of Ruanda-Urundi, came to the table of the Commission.

The CHAIRMAN, in the name of the Commission, thanked the Belgian Government for having accredited not only M. Halewyck de Heusch but also M. Marzorati, the Governor of Ruanda-Urundi.

He declared that the Commission had appreciated the report presented by the mandatory Power on the fight against sleeping-sickness and congratulated it upon the results obtained by the Administration. The Commission hoped that the mandatory Power would continue to do all it could to eliminate this scourge. The Commission noted, in any event, that, in the Rumonge district, there had been 1,025 new cases in 1928.

The Commission had been much disturbed to learn that famine had once more stricken the territory in 1928-29, and, according to information which had appeared in various reviews and newspapers and had been received from other reliable sources, had caused the death of many natives. It renewed the regrets it had already expressed regarding the scourge which had ravaged Ruanda-Urundi in 1926 and thanked the mandatory Power for the information given in the report on the measures taken to reduce to the minimum the effects of this scourge and to prevent its return. The Commission would be glad if the accredited representative would give it more complete information regarding the loss of human life caused by the famine.

*Statement by the Governor of Ruanda-Urundi on the General Lines
of the Policy of the Mandatory Power.*

M. MARZORATI said that the development of Ruanda-Urundi, as set out in the various reports submitted to the Commission, gave no idea of the really energetic measures the Belgian Government intended to take later on. That was due to the circumstances under which it had been necessary to undertake the organisation of the territory. Owing to its out-of-the-way position, Ruanda-Urundi had not received any methodical administrative care until the arrival of the Belgians.

The Belgian Government had therefore been obliged to work on virgin soil; before the country could be developed it was necessary to decide upon the programme of its development. Apart, therefore, from the creation of certain indispensable institutions and the completion of certain public works of local interest, the Government had mainly been concerned with supervision and protection. In other spheres, apart from a few experiments, the Government had mainly endeavoured to prepare for the future.

It would have been all the more unwise to have undertaken anything on a large scale, as all the problems involved in developing a new land were closely interdependent. In a territory as mountainous as Switzerland first-class roads could not be established without first surveying the country and deciding upon the economic possibilities of the regions which those roads would cross. It was equally necessary to maintain a prudent attitude in the matter of education. It would have been very unwise to have scattered the main educational institutions throughout the country. Such a policy would have reduced their radius of influence and have complicated their working. Nor could these institutions have been concentrated in the present provisional capital of the territory. Usumbura was separated from the natives of the interior by a climatic belt and was not, therefore, capable of becoming a centre of civilisation.

Now the period of enquiry and preparatory work was over. Native customs and institutions and the social problems connected with their reform or maintenance had been carefully studied. A programme of political and social organisation had been drawn up in conjunction with an educational programme. The economic survey of the country had been conducted with energy. Steps had been taken to ensure the utilisation of the possibilities thus ascertained, either by the natives or by companies, or by the co-operation of these two factors. The topographical survey of the country was nearly completed and the programme for a network of roads had been established. The studies for the route to be followed by the main road which would form the backbone of the system, had almost been terminated.

Finally, the decision had been taken to abandon Usumbura, the provisional capital of the territory, and all preparatory work had been completed with a view to establishing a definitive capital in the heart of the country, in which the scientific institutions and principal voluntary and educational institutions would be concentrated.

According to this programme, the Government had established the principles of a liberal and generous budgetary policy. A first extraordinary credit of fifty millions had been placed at the disposal of the territory at the beginning of 1929, for the purpose of constructing a network of roads. Moreover, the extraordinary budget for 1930 provided a credit of thirty millions, most of which would be used in constructing establishments of social utility and in reafforestation. At the present time there were twenty-one technical experts on the spot engaged in constructing roads. Moreover, a teaching and missionary group had established itself at Astrida to undertake the creation of a complete educational system. Five teachers were attached to the mission.

Provision had been made in the 1930 budget for the creation of a similar institution for the organisation of female education. The credits for education granted as subsidies in the budget for 1930 amounted to 1,910,000 francs.

For agriculture, a staff of twenty European officials and agents had been provided; for the veterinary service, nine officials and agents; for the health service, twenty-five medical officers and assistants. A medical missionary also received a subsidy from the Government.

These various items showed that Ruanda-Urundi was beginning to develop, and that the future might be faced with confidence.

The CHAIRMAN thanked the accredited representative for his statement.

Origin of Loans made to the Territory.

M. VAN REES observed that M. Marzorati had spoken of an advance of fifty millions for the development of roads; M. Van Rees, however, had heard it mentioned that this sum would not be furnished by the Belgian Government but actually by the colony of the Belgian Congo, although, up to the present the funds necessary to meet the annual deficits on the ordinary budget of the territory or for the execution of important public works, had been supplied by the metropolis. He would like to know if there were particular reasons that had led the Belgian Government to depart from this method.

M. HALEWYCK DE HEUSCH replied that no new policy had been inaugurated. The 1929 loan, like the others before it, had been granted by the Belgian State of which the Congo was only a sub-division. The Belgian Government, which had received the mandate, was alone responsible for decisions affecting the territory under its guardianship and it alone was responsible to the League of Nations. It was of no interest to the League to know where the State obtained the resources with which it assisted Ruanda-Urundi. This was a matter which concerned the internal organisation of Belgium and had nothing to do with the administration of the territory under mandate.

The Belgian Government could obtain the resources in question where it liked. It could take them from the Treasury of the mother country, or ask the colonial Treasury for them or borrow them from private savings concentrated in the banks. In the present case, the second method had been preferred because the Belgian Government considered that as the Congo and Ruanda-Urundi formed an association, it was in the interest of the former to ensure that the latter was not retarded in its development and progress and that for this reason, the Congo Treasury was specially suited to advance the loan.

Financial Statistics.

M. VAN REES thanked M. Halewyck de Heusch and wished to make another observation on the report as a whole. Special thanks were due to the Belgian Government for having been so good as to show, for the second time, that the list of questions established by the Commission in 1926 was not so inquisitorial and so unpractical as, at one time, it had been made out to be. Nevertheless, although the report was very complete, he was sorry not to find in it a table of financial statistics giving, among other things, the total monetary advances made by the Belgian Government and the actual debt of the territory. Tables of this kind were included in most of the other reports of the mandatory Powers in accordance with a request made by the Council on March 5th, 1928.

M. HALEWYCK DE HEUSCH had thought that the request for the table had only been made for the previous year and that the Secretariat of the League had proposed to complete it in following years from information received periodically. There had therefore been a misunderstanding. For the future the completed table would be included in the annual reports.

Famine: Question of Food Supply: Concessions.

Lord LUGARD remarked that the Commission had just been told of a project to develop the territory under mandate on a great scale. For his part, he wondered whether the country was in a condition to support such a development. According to an article that had appeared in *L'Essor colonial*, in May 1926, it seemed that Ruanda-Urundi was already suffering from famine; and, late in 1929, that famine was still raging. He would like to know what was the real cause of a famine which had already lasted for over three years.

Was the famine due to excessive demands for labour on road-making or for portage? Why was so much portage needed? The result was that an equal number of workers had been taken away from the cultivation of foodstuffs. Or was the famine due to excessive taxation which compelled men to work for wages instead of in their own fields? The report showed that the taxation of the natives had been quintupled. Or was it due to concessions granted to companies to grow cotton and other products for export and to the demand for manual labour coming from these companies? He drew attention also to the fact that, on page 86 of the report, it was stated that there had been large exports of cattle, beans and palm-oil to the Congo. Why did the Government allow the export of foodstuffs from a country whose inhabitants were dying of hunger?

M. MARZORATI wished, in the first place, to give an explanation on a point of detail.

Lord Lugard's statement that there had been a continuous famine from 1926 to 1929 was not correct. There had been a famine in 1926, which had begun in 1925. By the beginning of 1927 a normal situation had been restored. Indeed, the harvest in that year had been abundant.

It was only at the beginning of 1928 that the situation had once more become critical. There had, therefore, been two famines, separated by an interval of normal prosperity.

In reply to the questions asked by Lord Lugard, M. Marzorati said that the demand for labour was still very small. The mining organisations had, as yet, hardly passed beyond the survey stage. This was also true of the agricultural organisations. With regard to portage, the labourers thus employed were absent, in the aggregate, for 4,000,000 days per annum. About 10,000 porters were therefore employed permanently. Since there were 700,000 adult men in Ruanda-Urundi, this number of porters could only influence very slightly the development of the cultivation of foodstuffs, all the more so since no single man was employed as a porter throughout the entire year; consequently, except for very short periods during which they were employed, the porters could engage in cultivation.

Further, the Government's policy of land tenure could not have influenced the development of the cultivation of foodstuffs in any way. Although some concessions of land had been granted to large companies the land was situated entirely in tropical districts to which the natives of the interior were unwilling to go.

With regard to the cultivation of cotton and other similar plants, this cultivation took place as yet only on a small scale, and only in the tropical regions to which he had referred. The cultivation of coffee by the natives was altogether experimental. These plantations might cover 500 hectares of ground in all, which was a very small figure in comparison with the total area of the territory. It should not be forgotten, moreover, that it was possible to have seasonal cultivation on coffee plantations.

It might certainly seem strange that foodstuffs should be exported from a country in which periodical famines occurred, but if the matter were thoroughly examined, it would be seen that this situation was quite normal. The main concern of the Belgian Government even, before Ruanda-Urundi had been placed under mandate had been to intensify the cultivation of foodstuffs throughout the country, and to prevent abuses by the shepherds in the fertile valleys, who monopolised all the ground for their flocks. As a result of this intensification of the cultivation of foodstuffs, the quantity available had, in years in which the crops were good, considerably exceeded the requirements of the population. It was essential that such excessive stock should find an outlet in exports. Were not such an outlet provided, the merchants would have to refuse to buy the foodstuffs which were brought to them by the natives, who would, consequently, reduce their plantations in the following year.

The control of the export of foodstuffs was one of the matters to which the Belgian authorities had given special attention. An ordinance had been issued as early as 1918, under which foodstuffs could not be exported without a preliminary authorisation granted by the Resident Officers. The local government, moreover, watched over such exports especially closely, and as soon as there was a possibility that a crisis, however slight, might arise in some particular district, a suspension of export was ordered immediately.

At the beginning of 1928, the existence of a critical situation in Ruanda had been notified. The situation in Urundi had, however, been altogether normal in that year. There was no doubt that if the Resident Officer of Urundi had authorised the export of foodstuffs, between 6,000 and 7,000 tons would have been exported. The Resident Officer, however, had been ordered to prevent any such export. A special situation had, therefore, arisen. The merchants of Urundi had been warned that it would be useless for them to purchase foodstuffs since their export would not be authorised. Under these circumstances, the natives of Ruanda had been able to obtain considerable quantities of foodstuffs, estimated at over 10,000 tons, in Northern Urundi and the Government had also been able to obtain from the same district, subject to possibilities of transportation, the foodstuffs required for replenishing the stock of the hunger-stricken population.

M. Marzorati added that the Government's declaration that it would not authorise the export of foodstuffs did not result in the merchants being unable to buy them. Certain merchants of Usumbura, indeed, hoping that the following harvest would be better and that export would then be authorised, had laid in fairly large stocks of foodstuffs. Various people at Usumbura, including the President of the Chamber of Commerce and the Manager of the Belgian Congo Bank, had approached the local government at the beginning of 1928, and had asked that the export prohibition should be removed. In support of their proposal, they had asserted in particular that certain merchants of Usumbura would become bankrupt if they were not allowed to dispose of their stocks. The general measure had, nevertheless, been ruthlessly maintained, since the Government had considered that the interests of the merchants were unimportant where human lives were at stake. After a certain time, however, there were stocks at Usumbura which the Government could not buy as it could not utilise them and which it would have been very difficult to transport to Ruanda. Further, there was a danger that certain perishable products, such as beans, would depreciate if their export were refused. In these circumstances, the export of half of the stocks had been authorised, it being arranged that the other half should be kept in reserve in case of need.

M. Marzorati added that this restricted export had been authorised in the first part of 1928, and that it was only in the second part of that year that the situation in Ruanda had become worse. Any beans that had remained in stock at the beginning of 1928 would have been useless as food at the end of that year, since they would have been completely destroyed by weevils.

Lord LUGARD thanked M. Marzorati for his very full and satisfactory explanations which he was glad to have elicited.

The CHAIRMAN, on behalf of M. Kastl, who was absent, asked the following questions: During the period in which famine had ravaged the territory, had not the poll-tax been too heavy?

Could not the rate of wages have been raised? It had also been stated that a large part of the land which could have been cultivated had been granted to European companies. Finally, it had been said that the native kings had been too much neglected, in so far as the administration of the territory was concerned, and that their hostile attitude could be explained by this fact.

M. MARZORATI declared that the figures for expenditure incurred by the Belgian Government in the distribution of food in the hunger-stricken regions, only affected the receipts and expenditure of 1928. It was not until the beginning of 1929 that the situation had become really critical. Until the end of 1928 the Resident Officers had been able to fix precisely the amount of food necessary for the population affected by the famine. These foodstuffs had been procured by the Government in Urundi. Even if the Government had allotted more money for these purchases, where would it have been possible to find the necessary provisions? As a matter of fact, during the famine that had ravaged Ruanda, the maize-producing country of Kenya was over-run by locusts, and all export from this country had been forbidden.

M. Marzorati added that the amount of provisions directly bought by the Government to be distributed to the population only represented a small part of the help that had been forthcoming. It so happened that, compelled by the measures prohibiting the export of food, a large part of the population of Ruanda had crossed into Urundi, where it had been possible to obtain provisions in exchange for labour or money.

As regards the poll-tax levied in Ruanda-Urundi, M. Marzorati thought that there was no colony in Africa where the poll-tax was so small. It did not amount to so much as 1.50 gold franc. The amount of this tax was less than that levied under the old German regime. At that time the poll-tax was one rupee, that was to say, 1.70 gold franc (111 Belgian francs). Every time a region was visited by famine the tax was suspended. As regards salaries, their level during the last two years had risen very rapidly in Ruanda-Urundi, and it could be said that the amount of these salaries was nearly the same as those paid at the present time in the neighbouring territories.

As regards the concessions of arable land in the regions ravaged by famine, he thought that the information on that point must have been inexact, for in that region only mining concessions had been made up to the present time, and only in the extreme east of Ruanda, a very sparsely populated district.

M. Marzorati referred next to the remark that the cause of the famine could be traced to the present administration, since the method of indirect absolute administration such as had been used before the war would have permitted the native kings to collaborate more effectively with the Government. This criticism, he felt, was quite unexpected. Under the administration by the native kings which had only been subject to a distant and almost nominal control, the agricultural interests had been completely sacrificed to the pastoral interests. Thus, during the dry season the natives had not had the right to cultivate the valleys; and even when they did cultivate them herds of cattle over-ran them and fed on the plantations established there. Actually this government of native kings had been a class government; and it was to assure administration in the interest of the majority of the inhabitants that the Belgian Government had set up a policy of co-operation by which the European administration fulfilled more thoroughly its educational duties in respect of the population.

M. Marzorati then dealt with the remarks that had just been made on the possible dangers of the agricultural policy to which he had referred. He had just said that it was necessary to react against the class policy of the native kings, but an economic reaction was also necessary to bring to an end the predominance of the pastoral over the agricultural interests in Ruanda-Urundi. It was exactly with this end in view that the agricultural policy just explained had been adopted.

The principal object of this policy was that the country should pass from a pastoral to an agricultural state with a system of intensive culture. While maintaining the present quantity of cattle in the country and trying to improve the supply of milk and meat and the increase of the herds, this policy would make it possible to reduce the pasturage. The ground thus made available could be reserved for the cultivation of foodstuffs, as well as industrial crops the produce of which would provide the natives with a better diet.

In order to bring about this progress rapidly, it would not be sufficient for the Government to take upon itself alone the task of looking after the agricultural education of the natives. The help of certain capitalist enterprises which wished to obtain land concessions for a fixed length of time might be very useful in this matter. Indeed, as the report of the Hilton Young Commission quite rightly pointed out, the best agricultural instruction which the natives could receive was the practical experience they obtained when working for an undertaking which possessed perfect equipment.

Independently of this programme of intensive cultivations the Government had extended its programme for re-forestation of the country. It was not enough to recommend the natives to plant certain species of timber. It was also necessary that the Government should deal directly with the re-forestation of the State forests. For this purpose important sums had been set aside in the budget for 1930.

M. VAN REES observed that M. Marzorati, in replying to one of the questions that had been put to him, had said that criticisms regarding the land concessions were without foundation. He would like, however, to give M. Marzorati an opportunity to reply again and more completely to this question in order that the matter might be settled once and for all. On page 141 of the report it was said that the lands ceded or conceded to non-natives constituted 0.1 % of the total area of the territory; this figure was certainly not very alarming. It was possible, however, that the criticisms which had appeared in the Press had concerned the large agricultural concessions enumerated in page 117 of the report and extending over an area of more than 22,000 hectares.

The granting of these concessions might have given the impression that, in this over-populated country, part of the population had been prevented from extending their plantations of foodstuffs in regions which were still available.

M. MARZORATI replied that the explanation of this apparent contradiction was as follows: Page 141 of the report dealt with alienated lands, that was to say, those that had been the object of some action by the land service, whether of sale or of lease. On the other hand, page 117 dealt with agreements that implied a right of choice for those who were the beneficiaries. But that did not imply that those lands would necessarily be conceded. They could only be conceded on condition that it was not considered that they should be reserved for the extension of the native cultivation.

M. VAN REES thought that, in that case, the report was not quite clear. On page 117 it was said, for example, that the Ruzizi Company had received in 1927 the right to choose 12,000 hectares of vacant land, which seemed to indicate that if the Company could find 12,000 hectares of unoccupied land, they would be conceded to it.

M. MARZORATI replied that those lands could have no great influence so far as the famine was concerned. The concessions mentioned on page 117 were only concessions from a potential point of view, and it was the figures on page 141 that should be consulted in order to ascertain the extent of the land really taken away from the natives.

M. HALEWYCK DE HEUSCH added that large concessions were confined to land of a tropical character, on which the natives were, as a rule, unwilling to settle.

M. ORTS wished to have further information on two points of detail. It was to be noted from what M. Marzorati had said that the export of agricultural produce had been at first authorised, then forbidden, and then authorised again. This might give the impression that there had been a certain lack of foresight or of constancy on the part of the Administration. Did this prohibition apply solely to perishable goods?

M. MARZORATI replied in the affirmative regarding the latter point.

M. ORTS pointed out that, under those circumstances, if, at a time when the stocks for disposal exceeded production, prohibition had been maintained the produce would have been completely lost for the natives, since they would not have been able either to consume or to sell it.

M. MARZORATI declared that that was exactly the case.

M. ORTS concluded from this that the Administration, in authorising export, had acted in accordance with the necessities of the situation since it had thus been possible for the natives to make money which had been available at the time when, their own harvests failing, they had been obliged to try and obtain food supplies elsewhere. If the prohibition to export had been maintained all the time the natives would not have had any more foodstuffs and would have received no money.

The second point M. Orts wished to mention was the poll-tax. M. Marzorati had said that this tax was less heavy in Ruanda-Urundi than in the other African colonies. Such a comparison did not make it possible to come to any conclusion. In order to appreciate whether the tax was heavy it was necessary to take into consideration the rate of salaries, the prices of goods, etc. In Ruanda-Urundi it was not possible to get an idea of the yield per hectare of native cultivation.

On the other hand, the wage-earning class was very little developed. There were, however, two classes of wage earners which were fairly numerous, namely, the carriers and labourers employed on the roads. According to the report, the wage of the latter was one franc, or one-seventh of a gold franc. Could M. Marzorati say what the salary of a carrier was?

M. MARZORATI replied that towards the end of 1928 the salary of the carriers was about 1.15 franc a day.

M. ORTS said that that furnished a basis of valuation which could be accepted until fuller information was available. It resulted from this that the head-tax represented nine days wages of a labourer on the road and ten days of portage. According to this criterion, it could be said that the poll-tax was not excessive.

Lord LUGARD asked M. Marzorati if he had rightly understood him to say that one reason why the Government had authorised the export of foodstuffs was because it could not afford to buy so large a quantity? If that were so, could not the Government have bought them on credit?

M. MARZORATI wished to remove a misunderstanding. He had not said that the Government had not the credits necessary to purchase these foodstuffs, but that it would not have been able to dispose of the latter. At that period the Government was buying provisions in the north of Urundi in sufficient quantities. The provisions in store at Usumbura were consequently unnecessary. Moreover, the transport from Usumbura would have entailed a considerable amount of portage. He added that in order to prevent the traders from continuing to buy provisions in spite of the prohibition on exports, he had invited the Resident Officer of Urundi to take the measures provided by the ordinance of 1927. This ordinance stated that, in certain cases, the Resident Officer could prevent the export of provisions from one region in his district to another. Accordingly, in August, 1928, this ban had been applied to the natives living in the neighbourhood of Usumbura. Police cordons were established, and the natives were pitilessly sent back to their homes so that provisions brought by them could arrive, after successive sales, in the regions where they were necessary, or be again purchased by the Government.

M. RAPPARD declared that, in reading the report for 1928, he had immediately thought that the first question that would be asked would concern the year 1929. The Commission had just

learnt that the year 1929 had been worse than 1928, so far as the famine was concerned. That was a very painful situation. He made this observation in no critical spirit, for he was convinced that the Belgian Government was anxious about the famine-stricken people and had made every effort in its power to improve their position. Moreover, all the criticisms that had already been made appeared to have been successfully refuted by M. Marzorati.

He added that the ban on export formed a double-edged weapon. The result was often that the traders no longer interested themselves in their markets. This would prove detrimental to the distant future of the territory. For his part, he believed that the greatest misfortune was the absence of roads. In his opinion, therefore, a good policy for road construction was the best means to remedy the existing situation. Moreover, he understood very well that the poll-tax might be a good way of stimulating the activities of the natives. He had certain doubts concerning the policy of concessions. The concession of 12,000 hectares might appear deplorable in a country which suffered from famine, even when they were subordinated to conditions which appeared to be unrealisable.

In conclusion, he declared that the country was in a very unsatisfactory condition. The present state of affairs could be remedied by the development of native resources and by the building of roads. Consequently, the Government of Ruanda-Urundi could be encouraged in the policy in which it was actually engaged.

Count DE PENHA GARCIA wished to ask the accredited representative a few more questions. The problem which confronted the mandatory Power was certainly very difficult; but, at the same time, there were certain facts which themselves were the original cause of this problem. There certainly existed in these regions a sufficient quantity of land for cultivation. The fault therefore, was not there; but more manual labour was necessary to exploit the value of these lands. It seemed, moreover, that the native population did not work hard enough and was not sufficiently interested in agriculture. He had noted, for instance, from the 1928 report that the natives abandoned without a fight the ground they were cultivating when that ground had been ravaged by animals. This, moreover, explained why the Administration had had to introduce in Ruanda-Urundi what was known as "forced labour" for the cultivation of the food supplies necessary to reduce the periodical famines.

M. MARZORATI said that it was quite true that the great mass of the native population was careless and lived from hand to mouth. Government compulsion had to be brought into play in order to extend the cultivation of foodstuffs. Provision for such compulsion had been made in a legislative act, the application of which had been completed by special regulations.

M. HALEWYCK DE HEUSCH, to give an example of the thriftlessness and apathy of the natives, added that a letter received barely four days before by the Belgian Colonial Department gave sad details regarding Mirenge, that part of the territory which was most stricken by famine and where numerous deaths had occurred: "The last sorgo crop was good in this district, but, clandestinely and unknown to the Administration, the natives have begun to sell, so that the European authorities have once more been obliged to come to their help."

Count DE PENHA GARCIA thought that this was an obvious example of the fact that it was very difficult to make the natives understand the ideas of foresight. Public opinion in Europe very often did not realise the conditions that had to be faced in the colonies. Colonisation was a very difficult and delicate matter. It could only be thoroughly understood and judged after careful study. To change the mentality and habits of native populations was a long task calling for much tact and experience.

He wished to ask a further question. Were foodstuffs which were necessary for the nourishment of the natives produced on land which had been granted as concessions?

M. MARZORATI replied that the concessionaires were obliged to cultivate foodstuffs on part of the land in their concession.

Count DE PENHA GARCIA asked whether the climatic influences that were felt from time to time affected the whole territory of Ruanda-Urundi, or only certain districts.

M. MARZORATI replied that these influences were felt in certain districts only. In 1928, for instance, the situation in Urundi had been normal, the rainfall in this part of the territory being regular. In Ruanda, on the other hand, all the districts except the territories of Shangugu, Kisenyi and Lubengera, had suffered from drought.

Count DE PENHA GARCIA observed that, since this was so, one of the main causes of the famines, which were more or less regional, was certainly difficulty of transport. It was in this sphere that still greater efforts for improvement should be made. Road planning, for instance, should take into account the lessons of experience; that was to say, the roads should be particularly developed between those districts where food shortage was most frequent and those which were more fortunate and where the harvests were usually more abundant.

M. MARZORATI said that the road system had been planned with this very aim in view. All those districts which were rich in foodstuffs and in which climatic conditions were consequently normal, would be connected with those districts in which conditions were irregular.

M. MERLIN thanked the accredited representative for his clear replies to the various questions that had been put to him. He had thrown light on many obscure points and had refuted every criticism. He thought, however, that it would be useful to point out the general trend of all these observations.

The problems that had to be solved in the territory of Ruanda-Urundi occurred in almost every colony. The administration was confronted in almost all the African colonies by the difficulty

of transforming a pastoral into an agricultural population. The indolence and lack of providence of the population had to be taken into account. This state of affairs could only be changed gradually in the course of time. In the case, however, of the famine which was at present ravaging Ruanda-Urundi, a remedy was certainly at hand, namely, the development of the road system. Means of communication should be established at once which would make it possible to transport surpluses to the districts which were suffering from a deficit. When the Government of Ruanda-Urundi had introduced such a road system, hardly any further cases of famine would occur in the territory.

M. Merlin added that it was well known that the rainfall was very unevenly distributed in this country. At the same time that there had been a very abundant crop in one district there had been a poor crop in another district only a few kilometers away. The only means of remedying this state of affairs was to increase the means of communication.

He wished to point out that, according to the figures in the report, the total area of Ruanda-Urundi was 5,320,000 hectares, of which 3,916,000 was ground fit for cultivation. It would be seen on page 33 of the report that, of these 3,916,000 hectares of land, only 3,259 had been alienated. Such alienation could not have had any influence on the cultivable ground which belonged to the natives. For his part, he believed that the system of restricted European concessions was an excellent one, since it afforded a practical example for the native cultivators. It taught them to work better and more.

M. Merlin was therefore far from being opposed to the European concessions, provided that they were neither too numerous nor too extensive. As regards mining, he thought it would be more correct to use the term "permit to prospect" than "mining concessions", which led to confusion. As a result of these permits the soil was not subjected to any restrictions nor were the natives prevented from cultivating it. Moreover, the mines, like industry, were a source of wealth for the population of the territory under mandate which could not be neglected without prejudice to the country.

M. Merlin, therefore, had no objection to a rational policy of agricultural concessions and of mining permits which served to complete the policy of purely native agricultural production.

NINTH MEETING

Held on Monday, November 11th, 1929, at 4 p.m.

1091. Ruanda-Urundi: Examination of the Annual Report for 1928 (continuation).

M. Halewyck de Heusch and M. Marzorati came to the table of the Commission.

Famine: Maintenance of Food Supplies (continuation).

Mlle. DANNEVIG said that she had listened with great interest to the discussion at the preceding meeting and to the explanations of the accredited representative.

Her colleagues—colonial experts—had referred at length to the economic development of the territory. As a woman she wished to consider the matter from the humanitarian point of view. Ruanda-Urundi was approximately the same size as Belgium, and was very densely populated. It was, in her view, the most interesting of the territories under mandate, because its inhabitants had developed very elaborate social and political institutions. The country was a rich one which had recently attracted traders and industrialists, but it seemed to her that there was some danger that the development of the country might make too rapid progress, compared with the development of the people.

The carelessness and lack of providence of the natives had been suggested as one of the causes of the famine but were not these qualities general characteristics of primitive people? Was not the impatience of Europeans to get an early remuneration for their efforts also to be taken into consideration? Had not Europeans in Africa sometimes been too careful of their own interests and not careful enough of safeguarding the just interests of the natives? Was not that one of the causes of the establishment of the mandate system?

She wished to submit some figures selected from the annual report. The 3,700,000 natives of the territory paid nine and a-half million francs in taxes; seven and a-half millions were spent for their direct benefit, of which two millions were spent on famine relief and one million on education. On veterinary service 850,000 francs were spent, and on defence, police and prisons two and a-half million francs. She thought these figures stated her case.

As to the causes of the famine, she had read an account of how the forests were disappearing, and had decreased by over 50 per cent. This was regrettable, since they had a salutary influence upon the climate. Would it not be possible to expedite the work of re-afforestation? In the meantime, could not the natives be induced to cultivate foodstuffs which could be stored for some time and which were not so dependent on rain as peas and beans?

M. MARZORATI replied that it was not the intention of the Government to industrialise Ruanda-Urundi and thus to turn the natives into paid employees working for capitalist undertakings. According to the policy of the Government, the natives should work on their own account. There were certain activities, however, for instance, the exploitation of the mines, which had to be left to the capitalists. Economic considerations were not the only ones that had to be borne in mind. Questions of hygiene also had to be taken into account. For instance, the districts in which sleeping-sickness was prevalent had to be cleared of forests. This clearing was done by the natives, and the work was a regular Danaïdes vessel. By the cultivation of industrial crops by mechanical means, the permanent clearing of forests in the unhealthy districts would be assured. Such clearing would therefore be useful both from the economic and social points of view.

With regard to the expenditure on behalf of the natives, it was true that this expenditure was not proportionate to the revenues obtained from the native tax, but expenditure in the direct interests of the natives was not, however, the only consideration. The Government also had to maintain order, settle disputes in which the natives were concerned, and safeguard the natives from abuses. A large number of officials were required for this work, and it was right that a part of the expenditure entailed for this purpose should be borne by the natives.

With regard to education, the Government had been compelled by the special circumstances to proceed with caution and, in particular, to consider carefully what localities were most suitable for schools. There should be a certain interchange between the schools. For instance, the courses at the school for medical assistants should not be given only by doctors but also by tutors, who, by improving the general culture of the pupils, would develop in them the faculty of observation. The recruitment of pupils in special schools was difficult when schools were scattered, and consequently these schools were at present inactive. This state of affairs would change, however, when the schools had been concentrated, and when education had become more general in character. The Government wished to make Astrida a large centre of civilising influences, but hitherto only experiments had been made.

The re-forestation would require considerable time. It would be ten years before it could have any influence on the rainfall. Meanwhile, the Administration might apply a policy of increased production of foodstuffs, and might, in particular, develop the cultivation of manioc, potatoes and sweet potatoes. Finally, since improved roads would make it possible to have resort to foreign territory, recurrence of food shortages might be prevented.

M. RAPPARD laid stress on the two special characteristics of Ruanda-Urundi: the great density of the population and the frequent famines. These famines were certainly not due to negligence on the part of the Administration. But what then was their real cause? To attribute them to over-population was merely to transfer the difficulty. To what was the over-population due, which persisted in spite of famines and which had recurred through the ages?

M. MARZORATI said that the over-population was due to the fact that Ruanda-Urundi formed a kind of reservoir in which the population, sheltered by mountains which were difficult of access, had been protected from events which had a disintegrating influence on the population of other regions in eastern Africa.

One of these events had been the Arab occupation, which had extended to the Belgian Congo, but had not reached Ruanda-Urundi. Similarly, the high plateaux of this territory had been protected against the spread of diseases such as syphilis and sleeping-sickness. This rapid growth in the population coupled with the clearing of the forests had led to famines. One of these had occurred in 1897. The famine of 1900, which had been due to drought, had been a serious one. There had been a third famine in the district of Astrida from June 1902 to February 1903. This famine had also been due to drought, which had destroyed the bean crop. In 1905 famine had ravaged the territory of Ruhengeri and, in particular, Mulera. The territory of Astrida had been ravaged by famine once more in 1906. Lastly, in 1916, a famine had also broken out at Bugoïe and had persisted until January 1918. These famines were natural phenomena which recurred periodically.

M. RAPPARD asked whether it was possible to ascertain the number of deaths due to these famines. Did people die in hundreds, in thousands, or in tens of thousands?

M. MARZORATI said that it had been asserted that 20,000 people had died of famine. When famine broke out, however, emigration set in towards districts in which conditions were better, and it was only when the emigrants had returned that it was possible to determine the number of deaths. There was also another factor that had to be taken into account. In the intervals between the different crops, there was a higher death-rate among the women and weakly children and the weaker and older natives. The theoretical figure of 20,000 deaths included a large number of these people who would in any case have died a few months later.

M. VAN REES asked whether it had been possible to estimate the number of emigrants.

M. MARZORATI said that their number had been estimated at 100,000. The number of those who had returned was, however, unknown.

M. RAPPARD asked if the Administration recognised a connection between the density of the population and the famines. Would the territory suffice to afford nourishment to the inhabitants if they did a normal amount of work to develop the natural resources of the soil? Or was the density of the population really the direct cause, not only of the gravity, but of the very existence of the famines?

M. MARZORATI explained that, if the natives had more ground, they would produce more and would, in case of drought, have enough food to live on. The fact that the natives cultivated only a little ground was due, in the first place, to their heedlessness, in the next place, to lack of sufficient ground, and, lastly, to excessive development of the pasturage.

Mlle. DANNEVIG observed that the principal cultivation of the people was the cultivation of beans and peas, which required a great deal of rain.

M. MARZORATI recognised that the fact that the natives only engaged in seasonal forms of cultivation, such as the cultivation of beans, was a danger. The Government had, therefore, even before the mandate had been conferred upon it, cultivated the alluvial ground and encouraged the cultivation of manioc. Had not these wise measures been taken, the disasters occasioned by the famines would have been more serious.

Settlement of Natives from Ruanda-Urundi in the Congo: Transport of Labourers to Katanga for the Union minière.

Lord LUGARD said that, M. Mathieu in the Belgian Chamber of Representatives, had stated that emigration must be encouraged. He asked for information on this matter. On the other hand, it would seem from the figures on page 14 that 11,000 immigrants had been allowed to enter the country.

There were two separate forms of emigration: (a) The scheme of forming a colony near Lake Kivu and (b) the transport of labourers to Katanga for the mines. He desired to know whether, in both cases, the climate, food, etc., were similar to those in Ruanda. He would also like to have statistics of sickness and deaths in regard to these schemes. In the second place, did not the labourers at Katanga on long-term contracts become *déracinés* and detribalised?

M. HALEWYCK DE HEUSCH replied that the Belgian Government was still dealing with the problem of emigration. The examination of a scheme for transferring native families to Kivu was not yet completed. The study of the scheme for migration to Katanga, on the other hand, was finished and a preliminary experiment was about to be made. Near Bandoninville, in the country of Mwangu to the south-west of Lake Tanganyika, a district had been explored, the conditions of which were similar to those in the over-populated altitudes of Ruanda-Urundi, but with the very favourable addition that the rainy season was much more regular. The Belgian administration would transfer one hundred Bahutu families there as an experiment and provide them with cattle, seed and farming implements. The same guarantees and precautions as regards transport would be taken as in the case of the natives recruited by the Union minière of upper Katanga which, during the past year, had been congratulated by the late Mr. Grimshaw for the care with which it surrounded its labourers.

Lord LUGARD asked whether there were any statistics of the death-rate of natives transported to the Katanga.

M. HALEWYCK DE HEUSCH said that this question had nothing to do with the problem of transferring the natives but with the recruiting of workers for the Union minière. If he understood the question aright, he had been asked how many salaried labourers had been recruited in Ruanda-Urundi. The numbers were: about 1,500 in 1926, 900 in 1927, 2,500 in 1928, and 1,300 in the first half of 1929.

The CHAIRMAN asked by whom these statistics had been compiled.

M. HALEWYCK DE HEUSCH replied that they had been compiled by the Union minière under the supervision of the Government.

M. RAPPARD noted that the emigration movement was on the increase. Mr. Grimshaw had paid a tribute to the precautions that had been taken. The Mandates Commission had taken note of these precautions with satisfaction but had never, so far as he knew, approved the movement itself. Speaking personally, M. Rappard had not been able to suppress a feeling of anxiety when reading the description of this considerable transportation. Was there not always some ground for apprehension in such circumstances even in spite of the precautions taken?

M. HALEWYCK DE HEUSCH, replying to a further question by Lord Lugard, said that the number of deaths among the labourers recruited in Ruanda-Urundi for the Union minière had been 30 per thousand in 1928 at the principal centre and 20 per thousand in the first half of 1929. In the preparatory camps at Katanga the rates during the same period had been 27 and 28 per thousand.

M. RAPPARD asked whether the natives for this emigration were specially selected.

M. HALEWYCK DE HEUSCH replied that a choice was made, from among those who came to the recruiting offices, of those who were in the best physical condition and they, with their wives and children, were assembled and kept under observation in the preparatory camps. In view of the fact that many natives, owing to bad nourishment in the past, suffered from intestinal troubles which were often serious the mortality rate was not at all abnormal.

In reply to a question regarding the time which the natives spent in the preparatory camps, the accredited representative replied that it was from two to three months.

Lord LUGARD asked whether the ties which had connected these emigrants with their own tribe were broken, and whether on their return they were still amenable to tribal law.

M. MARZORATI said that no difficulty had yet been experienced in this matter, and that the natives had re-adapted themselves. He recognised, however, that these natives, who had been separated from their own homes, might become a source of difficulty in the future, since

they tended to form separate groups and were to some extent independent. He hoped, however, that, when the chiefdoms were placed under a more liberal system, re-adaptation would be easier.

M. VAN REES asked what the maximum length of the contract was.

M. MARZORATI said that it was three years. The natives outside the *chefferies*, to whom Lord Lugard had referred, were not immigrants. They belonged to conventional communities which had existed before the Belgian mandate and consisted largely of natives who had become *deracinés*.

M. ORTS, referring to the proposal to instal some of the people of Ruanda on the high plateaux of Katanga, asked who would direct the experiment. Would it be the Government; if so, which? Would it be the Government of the territory under mandate or the Government of the Congo?

M. HALEWYCK DE HEUSCH said that the authorities of the two territories concerned would deal with the matter, and would remain in touch with each other.

M. ORTS asked how far from the edge of Lake Tanganyika the region was on which it was proposed to settle these people?

M. HALEWYCK DE HEUSCH said that the emigrants would disembark on Congo territory at Moba on Lake Tanganyika; the distance from that point to their destination was about 20 kilometers.

M. RAPPARD asked in whose interest this transfer would be effected. Had the emigration been arranged because the mines needed labour, or because the territory was over-populated?

M. HALEWYCK DE HEUSCH replied that the scheme was intended to give assistance and better living conditions to a certain number of families emigrating from an over-populated territory. It was clear that this emigration would not solve the social problem in Ruanda-Urundi. But, even if no other result were obtained than the improvement of the miserable conditions of several thousands of individuals, the experiment would be fully justified. The accredited representative added that there was no idea of obtaining, by this transfer of natives, labour for the Katanga mines. It was desired to establish on land in the Congo communities of natives from Ruanda-Urundi with all the characteristics of their agricultural and pastoral life. The Belgian Administration had categorically refused for a long time to permit the recruiting of labour from these communities.

Replying to a further question, the accredited representative said that the process of transplanting was intended to serve the interests of the territory under mandate and those of the Belgian Congo. To the natives of the former country it ensured the advantages he had already indicated; to the latter it brought the benefit of increased population, a result which all new countries desired and which various nations in America had sought for a long time to obtain.

M. ORTS said he had heard with satisfaction the declaration just made by the accredited representative. The decision of the Government of the mandatory Power to prohibit, for a considerable time, all recruiting, in the agricultural immigrant communities, of workers for the European undertakings in Katanga would remove entirely any anxiety which had been felt here and there concerning the possibility that this experiment of transferring to an uninhabited region the people of an over-populated country, might be diverted from its object.

M. RAPPARD asked who would bear the expenditure of this transfer.

M. HALEWYCK DE HEUSCH replied that it would be defrayed by the Belgian Congo in view of the fact that it was to its interest to increase its population.

Mlle. DANNEVIG asked what considerations were taken into account in the choice of emigrants to the Congo. Did they go of their own free will?

M. HALEWYCK DE HEUSCH said that the choice would be made by the authorities with the aid of the missions, who had promised their help. Their intervention would serve as an important guarantee for the natives.

In reply to a further question from Mlle. Dannevig, the accredited representative said that only those natives who freely consented would be transported to Katanga.

Replying to a question by M. Palacios, who asked if the labourers recruited by the Union minière preserved their status as citizens of Ruanda-Urundi, M. Halewyck de Heusch replied in the affirmative and declared that, in addition, they returned periodically to their native land.

Preparation of the Annual Report.

M. RAPPARD wished to make a general observation with regard to the drawing up of the excellent report. In no other report was so strong an impression given of a conversation between the mandatory Power and the Mandates Commission. He would like, nevertheless, to have explanations on one point. One fault, he thought, had been made in the composition. All the material was in the report, but a final arrangement seemed to be lacking. There was no general commentary. Was this due perhaps to some accident as, for example, M. Marzorati's illness?

M. HALEWYCK DE HEUSCH said that M. Rappard's conjecture was correct. The report had been drafted under the supervision of an official who had recently arrived in the country to take charge of the administration temporarily and who was not so accustomed to the work as M. Marzorati.

M. RAPPARD wished to explain that his observation did not apply to the documentary value of the copious and exact information which was to be found almost throughout the report.

Insurrection at Dungutse.

M. PALACIOS, referring to page 42 of the report, where reference was made to the insurrection at Dungutse, asked whether the revolt had altogether terminated, and whether political movements among the black population in other parts of the world such as the "Declaration of the Rights of Negroes" of Garvey or the tendency to set up separate native sects had any influence upon the territory.

M. MARZORATI said that the insurrection referred to on page 42 had terminated a long time previously. A military occupation had followed, but had probably been raised by now.

In reply to a question by M. Palacios, he explained that the movement had been altogether an isolated one, which had only affected the northern part of the territory, close to the frontier. The movement had, moreover, been directed by a native from Uganda, who had no influence on the people of Ruanda as a whole but only on the race of the Baïma.

The great political currents among the black peoples of the world did not affect Ruanda-Urundi. The only part of the population which might be influenced by them were those whose family ties had been severed. Hitherto, however, no incident had occurred.

Attitude of the Two Mwami of the Territory.

M. PALACIOS said that it appeared that the two Mwami had proved very disappointing. It was stated on page 43 that

[*Translation*]

"The exasperation with Mwambutsa was such that the Resident Officer was of opinion that, had not the European authorities been present, the Mwami's actions would probably already have led to a radical measure which would have put an end to a situation that the guardians of tradition regarded as intolerable and as incompatible with the prestige which should surround the position of Mwami."

It was also stated in the report:

"His associates are, moreover, so undesirable and his general attitude so lacking in frankness that the chief notables of the country, in particular, Karabona, Nduhumwe and Baranyanka, complained bitterly of the conduct of the young Mwami."

What was to be concluded from this statement?

M. MARZORATI said that a distinction must be drawn. The hostility in the case of the Mwami Musinga was of a special kind. At the time of the occupation, he had been a man of mature age who had been long subject to native influence. It had therefore been difficult to change his mental outlook. The limitation of power which the Administration had imposed upon him had contributed to his hostile attitude and his latent surliness. This hostility was instigated by those who surrounded him.

The Mwami Mwambutsa, on the contrary, was not opposed to European influence. At the time when he had still been very young his conduct had temporarily left something to be desired but he had now grown much wiser, and it had even been proposed to the Council of Regents that the administration should be entrusted to him and that he should be declared of age. It had therefore been arranged that he should study the affairs of the various *chefferies* that would come under his authority.

M. Marzorati thought that he should add that, in order to guard against disadvantages such as those on which M. Palacios had laid stress, the Administration had taken steps to organise the outward prestige of the two Mwami. Although their attitude might be reprehensible from the moral point of view, they represented authority, and it was through them that the chiefs became legitimate. It was hoped that, by means of establishing a court and a guard of honour, the Administration would secure greater reserve on their part and would consequently increase their authority. The same course had been followed in Uganda, where it appeared that the private life of certain chiefs sometimes gave rise to criticism, but much dignity had been conferred upon them by organising their prestige.

M. PALACIOS said that the retinue should also be improved. It was not very flattering for the Administration to read such words as the following:

"What a retinue! Incapable or reactionary Batutsi from whom the Government has had to withdraw or withhold posts of command on account of their injustice, and whose intrigues and lies have been brought to light by the Administration. These are undesirable persons who flatter Musinga's pride and live at his expense to the detriment of his own children."

M. RAPPARD said that this state of affairs seemed very serious. It was difficult to organise prestige around the man who was described in the report; that was to say, a chief who made himself so little respected, who was so selfish, and whose conduct was so deplorable.

M. HALEWYCK DE HEUSCH wished to inform the Commission that, according to the latest news, Musinga's attitude seemed to be changing for the better. He had had long conversations with the acting Governor, which had had an effect on his outlook and his general attitude. At the

present time he had become less egotistical and, emerging from his isolation, had begun to visit the *chefferies*, to enquire into their needs, and carry out his duties of Mwami. In short, he had made serious efforts to improve.

Status of the Goanese.

Count DE PENHA GARCIA noted a heading relating to the Goanese in the report. He was doubtful about the national status of these people.

M. MARZORATI replied that they were Portuguese subjects who had a right to consular protection and who had the same status as Europeans. It would have been better to have put them under the statistics for Europeans.

Education and Appointment of Chiefs.

Lord LUGARD, referring to pages 38 to 41 of the report, noted that a large number of chiefs had been deposed and replaced by pupils from the schools. Were they all from the schools for sons of chiefs? Did they belong to the tribes to which they had been nominated, or were they simply nominees of the Government without reference to their tribal affinities? Had the people an opportunity to exercise their choice?

M. MARZORATI replied that they all came from the schools, that they were generally natives belonging to the district where they had been called upon to carry out their duties and that, moreover, it was not essential in Ruanda-Urundi that the direction of the *chefferie* should be undertaken by the chief of the tribe. The political regime resembled a feudal organisation in which the king had the right to give the control of a *chefferie* to a native from another district.

Lord LUGARD asked if he was right in understanding that neither the king nor the people were consulted when these pupils were appointed as chiefs.

M. MARZORATI declared that the chief was nominated after agreement between the European and native authorities. Naturally, account was taken of the feelings of the people, but there were no consultations in the proper sense of the word in the absence of an organisation which would enable the natives to express an opinion.

Application of International Conventions.

Lord LUGARD had noticed that the following clause was always to be found in the ratification of different Conventions: "The Government takes no obligation or responsibility for the ratification of the Conventions in the Belgian Congo and Ruanda-Urundi." Why this exception?

M. HALEWYCK DE HEUSCH declared that the general treaties to which Lord Lugard had referred, which were drawn up in view of problems that required to be solved in countries where civilisation was well advanced, could not, very often, be adapted to the tropical colonies where conditions were quite different. Many of the conventions had no meaning for such countries. Belgium had found an example in the Convention on the Traffic in Women, which did not apply to the Belgian Congo or Ruanda-Urundi. It was necessary, therefore, to be very prudent and to reserve until later the question of the adhesion of certain tropical countries to a number of general international conventions.

In reply to a further observation of Lord Lugard, who was surprised that the Conventions on Hides and Skins and on Bones had not been applied in the territory, M. Halewyck de Heusch said that he did not know exactly the reasons for the decision taken, but that it had been in accordance with the conclusions of the technical services which had had to examine the question whether it would be possible to adhere to those conventions.

Concessions.

Lord LUGARD noticed that concessions for prospecting, amounting to as much as 2,000,000 hectares, had been granted. This figure represented 40 per cent of the territory. M. Marzorati had, however, said that the mandatory Power did not intend to follow a policy of industrialisation. Did there not seem to be some contradiction?

M. MARZORATI emphasised the fact that there was no question in this case of land concessions but that the lands mentioned by Lord Lugard were for mine prospecting. The lands that would be really conceded, moreover, would represent a much less important area. The number of workers which would be required to work on these concessions would not be very large and the representative of one of the principal mining undertakings had told him that the maximum amount of hand labour that he could utilise in the future would be 4,000 natives, including even the temporary workers.

Compulsory Cultivation.

The CHAIRMAN, speaking for M. Kastl, who was absent, asked if it were correct that the natives were punished if they did not cultivate 30 saplings of manioc. This decree might prove inconvenient because of the compulsion exercised on the natives and the reduction in pasturage which might have given much produce for export.

M. MARZORATI replied that this rule certainly existed. The natives were compelled to cultivate manioc and the Resident Officers had imposed this measure of public utility in execution of an

ordinance. This compulsion, however, was justified. If the resultant advantages were compared with the disadvantages that might occur on the reduction of the pasture lands, the latter were not very considerable. Cattle represented a very small element of native consumption and he had calculated that the consumption of meat was only three kilos per head per year. He recalled that he had made clear, in the preceding meeting, the measures taken by the Government to improve the cattle.

Activities of the White Population.

The CHAIRMAN, speaking for M. Kastl, referred to the statistics on population on page 13 of the report and asked if the occupations of the white population could not be made known. What was the particular rôle of the whites in the development of the country?

M. MARZORATI promised to give the information required.

Justice.

M. SAKENOBE remarked that, on page 44, reference was made to the necessity of a vigilant control over the native tribunals. In what manner was this control exercised?

M. MARZORATI replied that the infliction of fixed punishments was a new thing in the territory, and that it was consequently necessary to control the work of the tribunals which sat at the chief administrative centre. There was no control over the hearing but it was easy for the Administration to intervene. If the tribunals had been more distant there would have been some risk of abuses. It was only gradually that it would be possible to allow the tribunals to sit in the native centres. When that came to pass control would be exercised by an examination of the documents transmitted by the native authorities.

M. SAKENOBE remarked that it appeared, from pages 44 and 45, that the number of trials dealt with in the native courts had diminished. Was that because the confidence of the natives in the judges was not yet established?

M. MARZORATI thought that that was not the explanation. It might be that the famine had had a certain effect. Starving natives did not worry themselves about lawsuits. He would not guarantee, however, that his interpretation was right. He had not been struck by that fact before.

Replying to M. Sakenobe, who asked if civil and penal cases were included in the judicial statistics, M. Marzorati replied that only the civil cases were to be found there.

Programme for the Development of the Country (continuation).

M. ORTS said that, before the close of the general discussion, he would like to go back to the statement made by the representative of the Government of Ruanda-Urundi at the beginning of the eighth meeting, in order to emphasise its importance. It appeared from this statement that the first phase of the mandate had come to an end and that the country was entering upon a fresh stage.

Up to the present, the mandatory Power had set itself to accomplish two things at the same time. First, it had done what was most pressing—it had occupied the country, established essential public services, opened up the most urgently necessary lines of communication, and secured public order, which had never been disturbed. At the same time it had "prospected" the country: that was to say, it had studied the native institutions, the social conditions, the requirements of the population and the resources of the territory. It had also drafted a map of the country.

This preliminary work had been accomplished and it seemed that the period of realisation had now commenced.

He was in entire agreement with that mode of procedure, which was the method by which the best results could be obtained. Too often in the history of colonies those responsible for their administration had passed laws before acquainting themselves with the people to be governed; they had created centres of occupation before gaining sufficient experience to enable them to make a judicious choice of those centres; without knowing the general lie of the country they had constructed lines of communication and had perceived too late that they might have saved themselves the trouble or laid the roads out better. Such initial errors as these had often weighed heavily on the finances of colonies and retarded their development, since those responsible always hesitated to destroy the results of large personal and financial efforts and to begin all over again.

In this case, the Administration had drawn up its programme in full knowledge of the requirements and with a minimum risk of error. It now remained to secure the means for continuing the programme. It had been said that the necessary resources had been obtained; the first contingent of the auxiliary administrative staff was already on the spot and the financial resources had been secured; provision had been made for fifty million francs in the extraordinary budget of 1929 and a further credit of thirty millions would be granted in 1930.

The first fifty millions would be devoted exclusively to the construction of a system of roads. Famine was the only curse to which the population was exposed, and that was—as had already been said in the course of the Commission's discussions—a question of communications. The construction of a vast system of roads would not only facilitate the administration of the country and further its economic development, but would also allow of the distribution of food and put an end to the disastrous famines which had periodically afflicted the country. Thus the construction of a road system constituted an important means of protecting the population.

The announcement that the credit of fifty millions had been granted would also be welcomed from another point of view—namely, as an assurance that the execution of constructional work on a large scale would not give rise to the abuses which had so often accompanied such work.

The funds made available for the Administration would enable it to pay fair rates of wages to the labourers employed on building the roads, and to have recourse to the use of machinery and thus economise in labour.

The credit of thirty millions to be made available for the territory as from 1930 would be devoted for the most part to the execution of a programme of social policy.

The mandatory Power was to be congratulated on having concentrated its attention in the first instance on the preservation and social development of the native population and on having devoted considerable financial resources to this object.

M. Orts entirely associated himself with M. Merlin's remarks with regard to concessions. Even in a densely populated country like Ruanda-Urundi, the establishment of European agricultural undertakings ought not to be considered as in itself an evil, and the Commission should endeavour not to take a prejudiced view. With the primitive methods in use in Ruanda-Urundi, the yield from cultivated land and pasture-land was insignificant. The native shepherds and agriculturalists would have to be educated, and official precept would not suffice. An example of European methods and of the profits which such could secure was needed.

As regards concessions, that was a matter for prudence. The acquisition of large tracts of territory by Europeans in a country where there was great need of land for cultivation would give rise to grave objections. On the other hand, the creation of many small European agricultural centres would be likely to have a good effect on native agriculture. It remained to be seen if the interests of the native and those of the European could be reconciled and those of the former safeguarded while at the same time retaining for the European concerns prospects which were sufficiently attractive to draw capital to the country.

The Commission would, with the greatest interest, follow the development of the programme which had been drawn up by the mandatory Power.

M. Orts pointed out that the Belgian mandate had been set up in an entirely new country. Ruanda-Urundi occupied an out-of-the-way position in the former German colony and was difficult to get at as the railway from Dar-es-Salaam to Kigoma had only been completed in 1914. Owing to this circumstance, and probably also to the survival of a fairly solid native political organisation, the Europeans had only been able to establish very light control. The Belgian mandate had been set up in a country which had, for practical purposes, never really come under European supervision—where there was but the embryo of an administrative occupation and no European business interests at all. It was the only mandated territory whose history had commenced to all intents and purposes with the inauguration of the mandate and where the mandate experiment was not influenced by any colonial past.

TENTH MEETING

Held on Tuesday, November 12th, 1929, at 10.30 a.m.

1092. Ruanda-Urundi: Examination of the Annual Report for 1928 (continuation).

M. Halewyck de Heusch and M. Marzorati came to the table of the Commission.

Organisation of a Military Motor Transport Section.

M. SAKENOBE said he had heard that a rather serious revolt had broken out in the north-eastern part of Ruanda at the time when the famine was raging in that region. That outbreak might have led to a very serious situation. He congratulated the mandatory Power on having been able, by vigorous action, to suppress the movement with all due speed.

He noted that a motor transport section was created for the troops of occupation during the year under review. He asked what its size might be.

M. MARZORATI replied that in the early stages it would be a small force. It would only possess two lorries and two cars. It would also be required to maintain various forms of Government transport. The transport corps would, indeed, be a sort of training school for motor drivers and mechanics. If it were M. Sakenobe's wish to ascertain what the usefulness of this transport service would be in the case of revolt, he might add, for his information, that the public authorities were, in such an eventuality, entitled to requisition vehicles for the transport of troops.

Arms and Ammunition.

M. SAKENOBE asked the accredited representatives to state, in the next annual report, the number of firearms registered in the territory and the number of offences connected with the traffic in arms and ammunition.

M. HALEWYCK DE HEUSCH said that it was difficult to give an indication of the number of firearms in the territory. Some of them went astray or were worn out. The Administration had no definite figures available. It could only give the number of arms which entered the territory. This figure had been included in previous reports, but the local administration had omitted to insert it in the report under examination. This fact had been drawn to their attention, and they had just sent the information required. According to that information, there had been introduced into the territory of Ruanda-Urundi in 1928: 17 sporting rifles, 28 carbines, 21 revolvers, and 12,700 cartridges.

M. SAKENOBE asked whether it would be possible to exercise very strict control with a view to preventing the smuggling of firearms.

M. MARZORATI said that it was very easy to exercise such control since the routes of communication by which natives of neighbouring countries could enter the territory of Ruanda-Urundi were very few and could be easily supervised by the authorities.

Public Finance: Budgetary Policy: Loans and Advances.

M. RAPPARD pointed out that the report contained the extraordinary budget for 1926 with the closed accounts; then the closed accounts were given for the ordinary budget of 1928. How was it that the report gave the figures for 1926 and 1928 but did not mention those for 1927?

M. HALEWYCK DE HEUSCH wished first to point out that the budgetary estimates for the year 1927 had been published in the report dealing with the year 1926. Until the year when the latter had been published, it had been the custom to insert in the reports the draft budgets containing estimates of the figures of revenue and expenditure for the following year. This procedure had proved unsatisfactory, for it might happen that, before the promulgation of the budgetary law, or as a result of voting supplementary credits, modifications would be made which would render inaccurate the estimates given in the provisional draft. This explained why the reports for the years 1927 and 1928 contained respectively only the budgets for 1928 and 1929.

It might be asked, however, why the report for the year 1928 did not contain a statement of the extraordinary expenditure incurred in 1927 and the budget and accounts of extraordinary expenditure incurred in 1928. The reason for this lay in the fact that the extraordinary budgets of 1927 and 1928 had only been voted and promulgated in 1929. The programme of the Belgian Legislative Chambers had been overburdened in 1927 and 1928. They had desired, nevertheless, to examine and discuss in detail the extraordinary budgets for Africa. Owing to lack of time, this discussion had been successively postponed, and it had only been at the beginning of 1929 that the debate had taken place, and that the budgetary laws in question could be confirmed.

M. RAPPARD inferred that the Government had therefore put into effect a budget prepared by itself, being confident that this budget would be subsequently ratified by the Belgian Parliament.

M. HALEWYCK DE HEUSCH pointed out that, in practice, the delay had not been of any great importance, since provision was made in the Belgian legislation for a delay of five years in the execution of the budgets of extraordinary expenditure, and since expenditure was still outstanding on the extraordinary budget of 1926, which contained credits that still remained to be utilised. The other urgent and extraordinary expenditure for which provision had been made in the budgets for 1927 and 1928 had been met, in accordance with Belgian custom, by advances from the Treasury.

M. RAPPARD observed that the said extraordinary budget was fed by advances from the home country which were placed at the disposal of the local authorities in blocks only. Would the accredited representative state whether the territory could count definitely on future advances?

Moreover, since reference was being made to advances granted by the Belgian Government to Ruanda-Urundi, he noted that the territory was receiving free grants from the mandatory Power. It had received twenty millions from the Government and fifty millions from the Congo, while a sum of thirty millions for social work was already being proposed for the 1930 budget. He would like to know whether the latter loan was to be granted by the Congo or by the Belgian Government itself. Were these advances to the Ruanda-Urundi territory repayable? Finally, why was resort had to one source rather than to another?

M. HALEWYCK DE HEUSCH replied that, as he had already explained at the eighth meeting, the various loans were approved by the Belgian State which had been charged with the mandate for Ruanda-Urundi; that that State which could call upon various resources (Treasury of the mother-country, Colonial Treasury, capital concentrated in the banks) had drawn from the Colonial Treasury funds for the loan of fifty millions and would probably draw funds from it for a new loan of thirty millions; that it had considered it preferable to obtain the money from this source because it was to the interest of the Belgian colony, in view of the association which had been established between the Congo and Ruanda-Urundi, to ensure that the territory under mandate progressed side by side with it along the road of moral and material development.

M. RAPPARD stated that the Commission naturally understood that the interests of the Congo and Ruanda-Urundi were closely bound together. Nevertheless, might not this policy of close co-operation give rise to certain difficulties in the future. In a few years' time Ruanda-Urundi funds might be used for making advances to the Congo—an operation which he particularly desired to point out might at the time call forth certain objections on the part of the Commission.

M. HALEWYCK DE HEUSCH thought that the hypothesis suggested by M. Rappard would not arise, since, for reasons which did not exist when it was a matter of drawing funds from the Treasury of the Belgian Congo, the mandatory Power would not dream of making loans to the Belgian Congo from the Treasury of Ruanda-Urundi.

In reply to the previous questions of M. Rappard, the accredited representative said that the loan of fifty millions was repayable. The Belgian Government, however, had taken measures to ensure that the charges on this loan would be very light for the mandated territory. For ten years the territory would pay interest amounting to only two per cent. At the expiration of that period of time, when the money paid from the loan had become productive, the Government would consider what the rate of interest should be for the future. The question of amortisation would not arise until that time.

M. ORTS asked from what quarter the thirty millions provided for in the 1930 budget would be forthcoming.

M. HALEWYCK DE HEUSCH replied that a decision had not yet been taken, but that the Congo would probably advance the funds.

M. RAPPARD asked whether the Commission might, in a subsequent report, be supplied with a table showing the complete financial situation of the territory.

M. MARZORATI noted this request.

M. ORTS enquired from which budget repayments would be made.

M. HALEWYCK DE HEUSCH replied that repayments would be made from the budget of ordinary expenditure.

Lord LUGARD noted (page 29 of the report) that the yield of the capitation tax had increased from 4.237.153 francs in 1926 to 9.518.444 francs in 1928. M. Marzorati had told the Commission that he believed that the amount of the tax in Ruanda-Urundi was lower than that in all other African colonies. Lord Lugard, however, pointed out that every native was also subject to a prestation (viz. to furnish certain services or commodities) to the Government, and also to the paramount chiefs and, it would seem, even to certain minor chiefs. Were not these total charges high?

M. MARZORATI replied that the capitation tax had only been increased in view of the depreciation of the franc. The very high figure of nine and a-half millions was to be explained by the fact that the tax on live stock had been increased from one to two francs. The amount of labour which had to be supplied to the chiefs totalled thirteen days per annum which, estimating a day's work at so high a figure as one franc, only amounted to thirteen francs. The value of the work of a native working within his native district was certainly not equivalent to one franc per diem. He thought that it would be a reasonable calculation to say that the value amounted to ten francs, which would be equivalent—including the tax and labour prestation—to twenty francs, or three gold francs.

Count DE PENHA GARCIA asked the accredited representative whether the tax had a beneficial effect on the amount of work done by the natives? Did the payment of a tax encourage the natives to work with better will?

M. MARZORATI replied that there could be no doubt that such was the case. If no taxes were imposed, except in the form of labour, the natives would merely do their habitual amount of work. On the other hand, in order to pay a tax they worked more. They consequently earned more and could thus save money.

M. RAPPARD said he was struck by a fact which had been mentioned at the eighth meeting by M. Halewyck de Heusch concerning the sale of a sorgho crop by natives inhabiting a region in which famine was then rife. Was it to be concluded that these natives had more urgent needs than that of satisfying their hunger? Could not the Government perhaps levy the head tax in the form of foodstuffs so that it might constitute reserves in case famine occurred?

M. MARZORATI replied that a levy of foodstuffs would involve numerous difficulties, particularly with regard to the preservation of the foodstuffs thus collected. On the contrary, the Ruanda-Urundi Government had always been of opinion that, whenever foodstuffs were required for the troops and the permanent administrative staff, these should be obtained through the traders; otherwise he was afraid semi-official requisitions might be carried out. There was always a danger that these requisitions might diminish supplies required for feeding the population.

According to a decree of 1927 the natives were obliged to set aside each year sixty kilograms of foodstuffs in order to tide over the critical period between the seasons. It was not easy to supervise the application of this ordinance except by "soundings". This measure, moreover, might serve as a basis for the organisation of reserves in the *chefferies* and the report stated that this had been the case, in particular, in certain *chefferies* in Kisaka.

M. RAPPARD observed that, according to the figure given on page 22 of the report, the revenue derived from the tax on live stock was four times greater than the estimates.

M. HALEWYCK DE HEUSCH pointed out that account must be taken of the delays that had occurred in the payment of the tax. The accounts of the ordinary budget had been closed on March 31st. The sums paid in the form of taxes by the natives after that date had been included in the accounts for the following financial year.

Mlle. DANNEVIG asked what the natives bought when they had money to spend. Did they buy useful things or luxuries?

M. MARZORATI replied that the natives mainly bought cloth; this was a good thing, since this cloth provided them with more hygienic clothes than those they usually wore.

Lord LUGARD pointed out that the actual expenditure on education was only 458,000 francs as against an estimate of 837,000 francs, and on agriculture the actual expenditure was 520,000 francs as against an estimate of 900,000 francs; these were the two most essential services for the welfare of the natives.

M. MARZORATI said that the reason, in the case of agriculture, was that some of the European staff had not been on the spot for part of the year. The sums provided for the purchase of live stock had not been fully expended, as the contemplated purchase of prize stock in Kenya had not taken place during that financial year.

In the matter of education, Lord Lugard's observation applied mainly to the figures for the salaries and allowances of European staff. Whereas 207,000 francs had been budgeted for to pay the salaries of three teachers, the salary of only one teacher (the one at Kitega) was included in the budget. The salaries of the two other teachers (those at Nyanza and Shangugu respectively) were included in the item relating to territorial personnel. Moreover, the School of Medical Assistants had not spent the sums allocated to it in the budget. As a matter of fact the school found it difficult to obtain recruits. It would only operate normally when it had been transferred to the centre of civilisation which the Government intended to establish at Astrida.

Mlle. DANNEVIG asked how much time the two teachers, whose salaries were shown in the territorial budget, had devoted to teaching.

M. MARZORATI replied that they had spent most of their time teaching. In addition to their duties as teachers, these two territorial agents, being permanently on the spot, were able—and that was a great advantage—to deal with current business when the other officials of the district were travelling.

M. VAN REES wished to ask one more question concerning the budget. Whereas two years previously the budget had shown a deficit, it had balanced since 1927. He had endeavoured to discover an explanation for this very favourable state of affairs. He thought he had found it in the fact that since 1927 all public works had been included in the extraordinary budget. He supposed that the Government had adopted the following reasoning. Provisionally, all public works would be paid for by means of loans, that was to say, they would be included in the extraordinary budget, which was met by loans, since it did not appear that provision was made in the ordinary budget for expenditure incurred in connection with public works. If the economic development of the country were effected in this way, the Government having anticipated a progressive increase in revenue, a return to the former method would be made whereby expenditure on public works would be included in the ordinary budget. M. Van Rees asked if the budget was indeed drawn up in this way.

M. MARZORATI replied that all public works which augmented the wealth of the country were included in the extraordinary budget. That was why, for instance, the re-forestation of the State forests was included in that budget. Special accounts were kept for public works. The ordinary budget provided the funds necessary for paying the permanent European staff and the native staff employed in maintenance or supervisory work.

M. VAN REES observed that, nevertheless, it could not be said that the construction of all public works, even those which were of little importance and would be necessary each year, augmented the wealth of the territory in the real sense of the term.

M. MARZORATI replied that in this sphere the Treasury authorities decided the point according as to whether the work was of a permanent or non-permanent nature. Thus, bridges in perishable material (wooden bridges, for instance) were not included in the extraordinary budget but bridges in pointed brickwork and cement were included therein.

*Administrative Staff: Medical Officers: Part played by the Natives
in the Administration.*

Lord LUGARD said that the total territorial staff was given on page 11 as only 56, and only twelve doctors for 3,800,000 natives, exclusive of Europeans. Attention had been called to this fact in the debate in the Belgian Chamber last March, when it was pointed out that the Congo with only double the population had 127 doctors. Was not this number really too small for a population of four millions?

M. MARZORATI replied that the staff would increase as the administrative organisation of the country was extended. The increase was gradual and, although in 1928 the territorial staff had been augmented by as many as fifty, a further increase was contemplated for 1929 and again for 1930, when the territorial staff would consist of seventy-five officials or agents. It should not be forgotten that, in the present organisation of the territory, native chiefs had a share in the administration which would continue to develop.

He added that the Administration of Ruanda-Urundi had always paid close attention to the measures adopted in the neighbouring colony of Uganda. It hoped finally to possess in

Ruanda-Urundi as many officials as there were in Uganda, taking into account, naturally, the proportion between that colony's population and the population of the mandated territory.

Lord LUGARD thought that it would be difficult to compare the administrative system—and especially the part played by the king and chiefs—in Uganda, where the population was in a more advanced stage of civilisation, and the administration had been carried on for thirty-five years with that of a country like Ruanda where conditions were more primitive. He hoped that it would be possible for Belgium to give non-repayable grants-in-aid till the country was self-supporting as had been done in other mandated territories, as, for instance, in the islands under Japanese mandate.

M. MARZORATI stated that the Belgian Government had reason to believe that the natives would very shortly be able to assist the administration to an appreciable extent. A certain tendency towards enlightenment had been observed among the young nobles. These were striving to obtain civilisation and the situation had been described as follows by the Vicar Apostolic of Ruanda:

“ Now, looking at the matter from a practical point of view, we have in the younger generation of the Mutusi an incomparable element of progress. These young people are desirous of acquiring knowledge and civilisation without sacrificing the old political organisation and characteristics of their race. This young generation may become a very effective force if it is utilised and not annihilated.”

M. HALEWYCK DE HEUSCH, replying to the remarks of Lord Lugard concerning the unduly small number of doctors in Ruanda-Urundi, wished to lay stress on the great efforts made by the Government of the territory under mandate in connection with the development of the health service. Three years ago there had only been six doctors and four health assistants in the territory. At the present time there were twelve doctors and thirteen assistants. It should, moreover, be noted that the white population contributed a good deal to the medical assistance given to the natives. The officials and missionaries who went to Ruanda-Urundi took courses which enabled them to give this assistance. Certain of them even went to the School of Tropical Medicine at Brussels.

Lord Lugard had said that, in his view, the number of doctors in the Belgian Congo, of which the population was scarcely double that of Ruanda-Urundi, was proportionately much higher, and that this astonished him.

In the first place, the accredited representative wished to correct an error. The native population of the Congo was not double but treble that of Ruanda-Urundi. According to the latest estimates, the number of inhabitants in the territory under mandate was only 3,700,000 instead of 5,000,000 as had originally been estimated. In the Congo the number of inhabitants was 10 to 12 millions. The proportion between the populations of the two countries was therefore one to three and not one to two.

This point having been rectified, he would give three reasons which justified the existence of a larger number of doctors in the Belgian Congo. In the first place, the native population in the Congo was distributed throughout an enormous territory. In Ruanda-Urundi, on the other hand, the natives were concentrated in a restricted space and confined to the high plateaux. Secondly, in the Congo sleeping sickness was distributed through a number of widely separated districts, while in Ruanda-Urundi it was restricted to a narrow band along Lake Tanganyika and the River Ruzizi. Finally, in the Congo, the numerous centres of white population were distributed throughout this vast country; in Ruanda-Urundi there was only one centre at present which was of any importance. These circumstances must not be forgotten in making a comparison between the number of doctors in the Congo and that in Ruanda-Urundi.

M. ORTS agreed with Lord Lugard that the number of doctors was still insufficient for a population of 3,700,000 people. He admitted, however, that it had been decided not to increase the number so long as communications with the interior were unsatisfactory. Doctors in the colonies were called upon to lead an itinerant life and the amount of work done by a doctor who travelled at the rate of four kilometers an hour along the portage roads was extremely small, and certainly out of proportion to the budgetary expenses involved. He hoped that the number of doctors would be increased as means of communication developed which would make it possible to have a really efficient medical service.

Language.

Lord LUGARD asked whether administrative and other officials were encouraged to learn the language, and to study the customs and traditions of the people.

M. MARZORATI replied that that was so. Every official, before leaving for the territory, attended a course of lectures on the native language. In deciding promotion, knowledge of the language was taken into account. During the whole of his stay the official was encouraged to study native customs.

M. MERLIN asked whether there was only one language in Ruanda-Urundi or a number of languages and what was the language learnt by the officials.

M. MARZORATI replied that there were two languages spoken by the natives. There was, however, a third spoken by the upper classes and understood by all the partly civilised population; he referred to Kisiwahili, which was the language the officials learnt. Once on the spot they were encouraged to study this language further and begin to learn the two native languages.

Travelling Permits.

Lord LUGARD enquired as to the *permis de circulation* (page 16). Had natives to obtain "passes" to travel, and, if so, for what treason? Was there any system of identification by fingerprints or otherwise?

M. MARZORATI replied that to understand exactly what a travelling permit was it was necessary to remember that Ruanda-Urundi was a sort of large native reserve; the object of the travelling permit was really to protect the natives who lived there.

When a native who did not belong to a native district in Ruanda-Urundi wanted to travel in that country, he had to obtain a travelling permit. The same applied to white men. On the other hand, it was not necessary for natives travelling inside one native district to obtain a permit. A native of Ruanda could therefore move freely about the interior of that Kingdom. As regards the aborigines the travelling permit was intended to enable the Administration to follow their movements outside their usual surroundings, to ascertain whether they suffered ill-treatment and to see that they were protected by the European authorities, if necessary.

Relations between the Bahutu and the Batutsi.

Lord LUGARD said he had read a statement by Bishop Willis in *The Times* that the Batutsi regarded the Bahutu as their slaves. He asked whether this was a fact and also whether the Batutsi cattle were allowed to trample over and spoil the crops of the Bahutu.

M. MARZORATI replied that, in the article in *The Times*, there was a tendency to dramatise the facts. Personally, he thought that, so far as concerned the relations between the two tribes mentioned by Lord Lugard, the word "serfdom" might just possibly be used, but certainly not "slavery". It was ancient history that the Batutsi's herds were pastured on the Bahutu's fields; the practice had existed before the Belgian Government took possession of Ruanda-Urundi. It was no longer allowed, and the cattle could only pasture on the Bahutu's fields after the harvest had been reaped.

Labour: Levies (Prestations): Recruiting for the Katanga Mines (continuation).

Lord LUGARD asked whether pack oxen could not be used in Ruanda as was done in other parts of Africa in order to save portorage.

M. MARZORATI said he wished to make it quite clear at the outset that portorage was not forced labour; porters were engaged by free contract between them and the trader who wished to have his goods carried. Pack oxen had been used in low areas, but in the interior of the country nearly all the roads were cut in the sides of hills and were not wide enough, which meant that traffic had to cross at certain specified points. Ox-carts, he thought, would cause a great deal of congestion, especially as a consignment weighing one or two tons would require a very large team. The use of light carts was possible.

Lord LUGARD asked whether the Government could not adopt the policy of giving a portion of the tax, or paying a salary to the chiefs so that they could pay for the labour they employed in cash, and so do away with the system of prestation and compulsory labour.

M. MARZORATI replied that the chiefs were already paid a salary, and the policy was to increase that salary by abolishing the small native districts, which were mere administrative areas of no importance. When native provinces could be completely organised and when district funds were available, then the chiefs could be paid a salary out of those funds. They would thus be enabled to pay for any labour they required for their own purposes.

Lord LUGARD said he was very glad to learn that that was the Belgian Government's policy. He asked whether contractors were employed to carry out Government works, and, if so, what supervision was exercised over them in regard to the labourers (food, medical service, payment, etc.).

M. MARZORATI replied that the Government employed contractors only for important works, and in such cases the contractors did not apply any kind of compulsion to the natives.

The labour for these important works was freely engaged and was paid. Labour levies (prestations) were only resorted to for public utility works of minor importance, such as works in the native districts.

Extremely detailed regulations had been issued with regard to the treatment of labour, especially on the questions of food and housing. The Belgian Administration had a special service to supervise this labour—the industrial and commercial department—which included inspectors responsible for investigating periodically the conditions among the workers employed in private

enterprises. The salary of a special official of that department was shown in the Ruanda-Urundi budget for 1930.

Mr. WEAVER had gathered from the report, with reference to customary prestation labour, that every native had to furnish forty-eight days' work per annum, fifteen days being devoted in Urundi to personal service to the chiefs and thirty-three days to public utility works. In Ruanda the figure had been reduced to thirteen days for personal service to the chief; he would like to know how many days were devoted in Ruanda to works of public utility.

M. MARZORATI replied that the number of days devoted to public utility works in Ruanda was the same as in Urundi.

Mr. WEAVER observed that it was stated on page 39 of the report that chiefs might not employ prestation labour for the cultivation of crops for sale but that the labour for that purpose had to be paid. He would like to know whether they could compel natives to perform this work.

M. MARZORATI said they could not. They obtained labour for that purpose solely by free contracts between the parties.

Mr. WEAVER reverted to the question of the mortality among miners employed in Katanga, which had been discussed at length at the previous meeting. He pointed out that the figures for that mortality in different years then given by the accredited representative were not comparable with the figures given in the 1927 report. That report gave the figures for men only, whereas the totals given on the previous day included women and children. He would like to know the exact number of male labourers in the concentration camps and at the Katanga mines in 1928, and particulars as to the death rate among them.

M. HALEWYCK DE HEUSCH said that, in 1928, 2,437 men and 702 women had resided in the preparatory camps of Katanga and that sixty-seven men and eighteen women had died.

Mr. WEAVER, referring to the wages paid for work on the roads, observed that it was stated that they had never amounted to more than one franc a day, and sometimes only to seventy-five or fifty centimes. On the other hand, the general wage of unskilled labourers was given in another part of the report as three francs a day, which included the cost of food and clothing. He would like to know whether the labourers who were paid one franc a day were supplied with food and clothing in addition. In any case, the wage seemed very low. It was said that the cost of living was low, but a kilogram of butter, for example, cost about six francs.

M. MARZORATI replied that the reference in the report to unskilled labourers meant regular labourers generally engaged by the traders by the month. The labourers employed on the roads, on the other hand, were of a very rough standard and went on living in their homes. It was probable, however, that their wages would be increased; it must not be forgotten, also, that it was to those labourers themselves that the construction of new roads would be of the greatest value.

M. HALEWYCK DE HEUSCH observed, in connection with Mr. Weaver's figures, that butter was not an article of food for the natives in Ruanda-Urundi. It was a luxury used to cover the body.

M. PALACIOS, referring to the recruiting of labour for the Congo, pointed out that, on page 63, it was stated that there was every guarantee that the recruiting of labour for the Upper Katanga mines, which was organised by the Union minière and strictly superintended by the Administration, was carried on under satisfactory conditions. He would like to know what the guarantees in question were.

M. MARZORATI took it that M. Palacios was referring to simple Government control, because the Government did not take any direct part in the recruiting of labour. The guarantees consisted primarily in a course of medical treatment which the recruits were required to undergo before they left for the Katanga region. First, they were fed more generously than usual for a month; then they underwent prophylactic treatment against smallpox, typhoid and other diseases. They also had to go through a course of anti-malaria treatment. They were not allowed to leave for Katanga until they had completed this course of treatment.

M. PALACIOS asked who was responsible for the maintenance of the miners during that month.

M. MARZORATI answered that the Union minière was responsible for them.

To a final question from M. Palacios, he replied that this course of treatment operated as a process of selection, and those individuals who had benefited most by the special treatment were chosen.

ELEVENTH MEETING.

Held on Tuesday, November 12th, 1929, at 4 p.m.

1093. **Ruanda-Urundi: Examination of the Annual Report for 1928** (continuation).

Missions: Education.

M. PALACIOS said he had seen a reference in the report to a Danish mission, and asked for information about it.

M. HALEWYCK DE HEUSCH replied that this mission had established itself in the territory in accordance with one of the provisions of the Treaty of Versailles. In accordance with that Treaty, the establishments in the territory under mandate which had been abandoned by the German missions had to be handed over to missions of the same religion as that of the former occupants. Catholics had been replaced by Catholics, Evangelists by Protestants. The Belgian Society of Protestant Missions, having taken over the German protestant establishments in Ruanda, and having concentrated its activities there, had asked the Belgian Government to grant to the Danish Protestants the corresponding establishments in Urundi.

M. PALACIOS asked on what basis subsidies were granted to the missions.

M. HALEWYCK DE HEUSCH explained that they were granted not on the basis of the position of the missions as religious institutions, but on their position as educational institutions and in view of the services of this kind which they rendered to the country. The grants varied according to the standard of education, that was to say, according to whether it was elementary or more advanced. The number of children was also taken into account. The minimum in the lower elementary schools was twenty-five and in the more advanced sixty.

M. PALACIOS asked whether the Government also gave subsidies for the welfare work of the Missions, namely, hospitals, dispensaries, etc.

M. HALEWYCK DE HEUSCH replied that the missions did not receive for their health work subsidies in the real sense of the term.

M. MARZORATI added that the Government gave medicaments to the missions. Provision was made in the 1930 budget for the Government to pay for a doctor engaged by the missions.

Count DE PENHA GARCIA asked whether Belgium exercised any control over the education given by the missions in the mandated territories or whether they were left free.

M. MARZORATI stated that there was some degree of control, certain conditions having to be fulfilled before a grant could be obtained. In the 1929 and 1930 budgets, provision was made for a school inspector. Further, the missions had to follow a curriculum established by the Government.

Count DE PENHA GARCIA asked for information as to the languages taught. Did the mission pupils learn French? Did they learn the vehicular language?

M. MARZORATI gave the following details: In the lower elementary schools only the native language was taught. In the higher elementary schools the pupils were also taught the vehicular language, which was compulsory. Teaching of a moderately advanced standard had not yet been organised in 1928 and was only now beginning to operate. It included the teaching of French. French was also taught in the special schools.

Mlle. DANNEVIG said she had heard the Governor say that the educational system of the territory was to be reorganised and that all the educational institutions were to be concentrated at Astrida, and, as this plan appealed very much to her, she asked when it was to be carried out.

M. MARZORATI answered that it had been partly carried out already. A teaching community had recently been established at Astrida; it would deal with candidates for clerkships, provide advanced teaching for sons of chiefs, and prepare certain young men for the School for Medical and Veterinary Assistants. The medical laboratory would be transferred to the new capital in 1930 and the veterinary laboratory later.

M. RAPPARD called attention to the importance of this question for the territory. It was evidently advantageous, from the administrative point of view, to have a capital in the middle of the country, rather than at one of its extremities. It was advantageous to concentrate all the services and institutions in the same place for the reasons so clearly explained by the accredited representative. Finally, it was a good thing for the position of the capital to be determined rather by the needs of the mission of civilisation with which the mandatory Power was entrusted than by considerations of convenience for the small population of white traders. The Commission should therefore congratulate the mandatory Power, without reserve, on its decision to transfer the capital from Usumbura to Astrida.

Mlle. DANNEVIG asked whether one teacher and six monitors were considered sufficient to give a satisfactory education both as to knowledge and character training to 322 young natives, who were afterwards to do responsible work as sub-chiefs and headmen.

M. MARZORATI answered that an improvement would be desirable and that the existing situation would be changed. At the moment each class had about sixty pupils, but as soon as there were more monitors the classes would be split up. The schools for chiefs' sons might be regarded as higher elementary schools. Chiefs' sons had to be given a fuller education, and there would be moderately advanced teaching for them at Astrida. The European teacher acted as headmaster and gave his attention more particularly to the advanced pupils.

Mlle. DANNEVIG urged that, with so many pupils, it was perhaps possible to teach but not to educate. On page 44 it was stated that, as judges, these young natives were apt to abuse their power and favour their own interest.

M. MARZORATI explained that after leaving school, these young men had to serve a term in the administrative services where they received a political and administrative education. Their education was completed during that term, which lasted two years.

Mlle. DANNEVIG noted that the missions had more teachers in proportion. At the small seminary there were eight for twenty-three pupils and at the large seminary four for forty-three pupils.

M. MARZORATI pointed out that the teaching given by the missions was quite different. The small seminary was a lycée or gymnase—a secondary school; the large seminary gave teaching of a university standard, comprising philosophy and theology, and the teachers there were consequently specialists.

Mlle. DANNEVIG congratulated the mandatory Power, the Governor, and especially the missions, on their achievements in the sphere of education, which evidently were very great in comparison with the sums expended.

Alcoholic Beverages.

Count DE PENHA GARCIA asked who drank the alcohol imported into the country. Were they white men? Did women and Asiatics also drink?

M. MARZORATI said the amount of alcohol imported was 11,000 litres, since the quantities re-exported to the Congo must be taken into account. According to the legal basis adopted recently in the Belgian Congo, the quantity of alcohol which could be consumed by each adult European was three litres a month. For a population of 370 men, each drinking on an average 36 litres a year, 11,000 litres was not an abnormal quantity. Moreover, the women occasionally drank liqueurs, and tourists coming by boat frequented the hotels and consumed alcohol there. He added that, in order to forestall any possible undesirable consequences, he had adopted special methods of control. The Government strictly supervised the destination of imported alcohol.

Count DE PENHA GARCIA noted that women and tourists consumed a certain quantity of alcoholic beverages; he observed that an abuse of this practice would be a bad example on the part of the white men. If every adult was entitled to 3 litres, he thought that in certain families the quantity of alcohol allowed must be rather considerable. He asked that steps should be taken to avoid too heavy a consumption of distilled beverages. Seeing that the yield from licences had greatly increased since 1928, he enquired as to the causes of this increase.

M. MARZORATI replied that the difference was due to the fact that in that year there had been an alteration in the law. Up to that time the system in force had been that which existed before the mandate. At that time the licence was paid by each firm, whereas in the Belgian Congo the firm paid for each establishment it possessed. As that system had been adopted in the territory the number of licences had naturally increased.

Count DE PENHA GARCIA enquired whether, as native beverages existed in all colonies, the effects of such beverages had been studied. In Ruanda-Urundi this beverage was made with bananas. It would be well for the Government to study its alcoholic content, its possible harmful effect, etc. Would it not be possible to improve the manufacture?

M. MARZORATI said that supervision was difficult within the *Chefferies*, but that everything possible had been done in administrative centres; for instance, the hours during which beverages might be sold had been limited.

Lord LUGARD asked whether there were any distilleries and whether the natives knew how to distil.

M. MARZORATI replied that the answer to both questions was in the negative.

Alien Agricultural Enterprises: Concessions.

M. VAN REES, referring to the agricultural enterprises mentioned in the second column on page 117 of the report, noted that there were sixteen in all in Urundi and twelve in Ruanda. He asked if these totals included enterprises of a certain size enumerated in the following paragraph. Moreover, of these twenty-eight farms, thirteen belonged to Asiatics and fourteen to Europeans. In the second column on page 13 of the report, however, the Indian population was estimated at 129, so that ten per cent of the Indians possessed agricultural enterprises. He would like to have an

explanation of this fact, which at first sight seemed rather surprising. What, moreover, was the social position of these Indians and where had they found the capital necessary to develop their enterprises ?

M. MARZORATI said that these Asiatics were traders, chauffeurs and artisans. They were not therefore exclusively agriculturists, but sometimes possessed small agricultural holdings of not more than ten hectares. They had to fulfil certain conditions before they could obtain these holdings. They were bound to possess a commercial establishment in the country, to have been resident for a certain time, and to be of good repute. They could not make a livelihood out of these holdings alone. They usually planted a few coffee shrubs and grew vegetables. As these small colonists must not be allowed to harm the native interests, the zone in which they might establish their gardens had been limited.

M. VAN REES asked whether legally the natives could obtain large agricultural concessions.

M. MARZORATI said they could and explained that Asiatics were treated in exactly the same way as Europeans, but had to fulfil the same conditions as the latter: for instance, they had to possess sufficient capital.

M. ORTS recalled that the Governor had referred to a system of co-operation between European capital and the natives in order to encourage agricultural production. He would like to have information regarding the way in which such co-operation would be organised.

M. MARZORATI asserted that the Government's task, in order to improve the situation of the natives in the more elevated regions, was to transform the population from a pastoral into an agricultural one. For that purpose, administrative action alone was not sufficient. Private enterprises had to be encouraged to co-operate with the Government. There would thus be a certain number of agricultural educational centres in these higher regions.

There was no vacant land in these regions. There were, however, unoccupied lands which were reserved for the future needs of native communities. The Government wished to authorise some communities to place at the disposal of capitalists for a limited period some of these areas up to 500 hectares in extent. Around each concession there would be a fifteen kilometer protected zone; similar enterprises could not be established within that zone. In addition, contracts would be concluded with the natives for the industrial crops which they would grow on their own land. The European organisation would undertake the supervision of this work, buy the crops, etc. Certain conditions had to be fulfilled before any company could obtain such a concession, for instance, the company had to import a certain quantity of high grade live stock and carry out the entire programme which the Government itself undertook in its agricultural stations.

M. ORTS asked for how long these concessions would be granted.

M. MARZORATI said they would be granted for thirty years.

M. MERLIN said that he had listened with great interest to the explanations, but wished to offer certain observations. The proposed transaction was very ingenious, but it was very complicated and difficult to put into practice. Would it be possible to find any companies which would accept the slight advantages granted and undertake such heavy commitments for so short a period? Innumerable difficulties were bound to arise. Transactions of that kind would have very little chance of success in connection with enterprises developed in western countries. They might perhaps fall within the category of a kind of colonist settlement, which, moreover, he would leave out of account as he had no intention of giving such advice to the mandatory Power. He was content to express certain doubts as to the success of this scheme and to leave the mandatory Power to reflect upon the considerations he had just brought forward.

M. MARZORATI said that the system of settling colonists would not meet with Government approval. In such a case Europeans would instal themselves permanently and it was the accepted principle that the land should be reserved for the natives. The present case was an experiment. Nevertheless, numerous undertakings had already proposed to work under those conditions.

M. RAPPARD asked whether a company could take several concessions of 500 hectares each. Would there be any drawbacks to that ?

M. MARZORATI said there could be very little objection provided that the company had already made improvements in connection with a first concession. The Government, however, did not propose to encourage such a policy.

Mines.

M. RAPPARD noted with regard to the policy adopted in respect of the mines that, on page 15 of the report, five lines were incomprehensible. Reference was made to the Ordinances of February 18th and August 17th. The decree signed on July 6th, 1928, however, had endorsed the former and cancelled the latter. He could not see how a decree of July 6th could make inspirative a later law which, moreover, merely renewed a previous law which the decree of July 6th had confirmed.

M. HALEWYCK DE HEUSCH explained that according to the laws of the government of Ruanda-Urundi, legislation enacted by the Governor was only valid for six months. If before the expiration of that time, the Act had not been approved by legislative decree in Brussels, it lapsed. The Ordinance of February 18th, 1928, had been in force for six months; at the expiration of that time

the Governor of Ruanda-Urundi had not known that it had been approved by a Decree of July 6th, 1928. As he had considered the Ordinance indispensable, he had therefore renewed it by a new Ordinance, dated August 17th, 1928. In the meantime, however, as the Decree approving the first Ordinance had been promulgated, the report correctly stated that the Ordinance of August 17th, 1928, had become inoperative.

M. RAPPARD asked whether the first Ordinance was still in force.

M. HALEWYCK DE HEUSCH replied that it was. It had been approved by decree.

M. RAPPARD, referring to the texts, noted that the Decrees of February 18th and July 6th, 1928, prohibiting prospecting, did not refer to the same regions.

M. HALEWYCK DE HEUSCH said that there were two different decrees applying to different regions.

M. MERLIN asked what was the present situation.

M. HALEWYCK DE HEUSCH repeated that of the Ordinances mentioned on page 15 of the report, that of February 18th, 1928, which had been approved and made definitive by the decree of July 6th, 1928, was the only one in force.

M. MERLIN asked what was the purpose of these two acts.

M. MARZORATI explained that, at that time, certain discoveries of minerals had been made by officials. The deposits therefore belonged to the territory and it became necessary to protect them. That was why prospecting for minerals had been forbidden. One ordinance had not been confirmed because it contained the same provisions as the other.

M. MERLIN supposed that, in Ruanda-Urundi, the State possessed, as in France, royalty rights in respect of the subsoil.

M. HALEWYCK DE HEUSCH replied in the affirmative. In Ruanda-Urundi, the subsoil was state domain. In order to protect the discoveries made by the Government officials, ordinances prohibiting researches in the zone where these deposits had been found were necessary, because the Belgian Administration, when it granted the right to prospect in Africa, granted with it the eventual right to exploit the discovered mine.

M. MERLIN remarked that the Governor's Act was merely a conservatory measure. It was not of such a character as to stop the mining activities in the country.

M. HALEWYCK DE HEUSCH agreed.

M. VAN REES noticed that, on page 117 of the report (first column), reference was made to fees paid for the export of certain minerals; he would be glad to have some further information on the subject.

M. MARZORATI informed him that the mining companies paid a fee of ten per cent on the value of the minerals extracted. The Decree concerning these fees was a Congolese one.

Ex-Enemy Property.

Lord LUGARD asked whether the single German estate for sale had actually been sold.

M. MARZORATI explained that this estate was at Kigali and had been sold at the beginning of 1929.

In reply to a further question by Lord Lugard as to whether all ex-enemy property had been entirely liquidated, he said that that was the case.

Lord LUGARD asked what had been done with the money.

M. HALEWYCK DE HEUSCH explained that the money had been taken over in trust by the Treasury of Ruanda-Urundi and would be transmitted in due course to the Belgian Office of Verification and compensation so that it could be disposed of in accordance with the terms of the Treaty of Versailles.

Population.

M. RAPPARD said he appreciated the information supplied with regard to the population but would be glad to see it completed and made more precise in the future.

Close of the Hearing.

On behalf of the Mandates Commission, the CHAIRMAN warmly thanked and congratulated M. Halewyck de Heusch and M. Marzorati.

M. HALEWYCK DE HEUSCH, speaking in his own name and in that of the Governor of Ruanda-Urundi, thanked the Chairman and the Mandates Commission for their kindness. The Commission would have noted that the Belgian Administration was very ready to explain clearly and openly all its acts in the mandated territory. Moreover, this would always be so.

1094. **Petitions rejected as not claiming the Attention of the Commission.**

The CHAIRMAN read the following report submitted in conformity with Article 3 of the rules of procedure in the matter of petitions:

"In conformity with Article 3 of the Rules of Procedure, I have the honour to submit the following report on the petitions which have been received since our last session, and which in my opinion do not merit the consideration of the Commission:

"I. *Syria and the Lebanon.*

"Letter from ' *l'Association syrienne de Paris* ', dated September 24th, 1929, concerning a speech made at Delle by the French Minister of the Interior.

"As the request was absolutely vague, I did not think it necessary to take any action in this connection.

"II. *Palestine.*

"Letters from *M. Solem Ber*, dated July 29th, August 30th and October 16th, 1929.

"This petitioner lives in Poland but says he is of Palestinian origin; he asks for a Palestinian passport. His case is to a certain extent similar to those which the Commission has already examined at its twelfth session, and, when I received *M. Ber's* first letter, I requested the Secretariat to send him the report which *Mme. Wicksell* had submitted in the above connection. As *M. Ber's* other letters did not contain any new fact of importance, and as *Mme. Wicksell's* report containing definite information had been transmitted to him, I did not think it necessary to take any further action.

"The Permanent Mandates Commission moreover cannot consider *M. Ber's* request to be granted a Palestinian passport, as it is not for the Commission to settle individual cases of nationality.

"III. *Togoland under French Mandate.*

"Letter from the ' *Bund der Deutsch Togoländer* ' dated August 31st, 1929.

"As this new petition from the ' *Bund der Deutsch Togoländer* ' contains complaints which are incompatible with the provisions of the Covenant and of the Mandate, and as it only levels vague and indefinite accusations against the administration of the mandatory Power, I am of opinion that the Commission need not take it into consideration."

1095. **Cameroons under French Mandate: Mr. Joseph Bell's Claim.**

M. RAPPARD submitted his report concerning Mr. Joseph Bell's complaint (Annex 4). He concluded by proposing that his colleagues should

- (a) Thank the mandatory Power for its recent communication;
- (b) Decide not to go into the matter any further.

In view of the fact that France had assured the Mandates Commission that the German Government had done its duty and that Mr. Joseph Bell had in fact received compensation, it was impossible for the Commission to take any action with regard to his petition.

M. MERLIN explained that there was some objection to be raised with regard to conclusion (b). He considered that the petition should be definitely rejected as not being within the competence of the Commission.

The CHAIRMAN pointed out that the usual practice was to allow the Rapporteur to propose the conclusions which would be inserted in the report of the Commission to the Council. Perhaps *M. Rappard* could draft a sentence which would more nearly meet *M. Merlin's* wishes.

M. VAN REES understood therefore that the Commission proposed to "reject" the petition, that was to say, not submit it to the Council in conformity with the right accorded to the Mandates Commission under Article 5 of the rules of procedure.

M. RAPPARD did not think that the Commission had the right to carry out a duty which belonged to the Chairman alone, namely, the rejection of a petition as non-receivable. Further, this matter was at best worthy of examination in view of the fact that the mandatory Power had considered it of sufficient importance to institute an enquiry regarding it.

M. VAN REES then asked what was the meaning of the word "reject" and whether it was desirable to employ this word as *M. Merlin* had proposed.

M. RAPPARD thought it would perhaps be better to insert the expression "not take any action in respect of this complaint".

The Commission adjourned the adoption of its conclusions.

1096. **Cameroons under French Mandate: Petition from Notables of the Yevol Tribe.**

M. VAN REES submitted his report (Annex 5).

M. RAPPARD asked *M. Van Rees* whether the chief of Ebolowa district was a native or a European?

M. VAN REES replied that there was one head of the district who was European and another head of the sub-division who was native; there was therefore a French head and a native sub-head.

M. MERLIN asked the Commission to avoid all ambiguity. It should adhere to definite terms. The exact title of the European head was "Administrateur de circonscription ou de cercle".

M. VAN REES was quite prepared to meet M. Merlin. He had employed the term "Head of the Ebolowa district" because it was the term appearing in the title and in the body of the report of the Administrator, dated February 16th, 1929, which dealt with the petition in question.

M. RAPPARD saw the question as follows: The petition was directed against a native chief and a French administrator. According to M. Van Rees' conclusions, the case of the former would come within the jurisdiction of the courts. There was therefore no need to consider the case. The report, however, made no mention of the administrator.

M. VAN REES stated that he had intentionally omitted all reference in his report to the accusations made against the administrator in view of the origin of those accusations which, moreover, were rather vague. Further, as the French Government had clearly confirmed the report of the administrator, the following statement made by the latter must not be treated lightly:

"I do not propose to refute the ridiculous accusations levelled against the head of the Ebolowa district, accusations against his probity as an official and honour as a private individual. I feel that I cannot descend to the level of such calumnies or demean myself by paying the least attention to them".

M. RAPPARD said he still thought the situation was strange. Were the Commission to conclude that if any administrator chose to express himself in the above terms it would be sufficient to justify the Mandates Commission in refusing to examine the case?

M. MERLIN said it should not be forgotten that this complaint originated from swindlers; it would be too much of a good thing if every administrator were to be brought to trial before the Mandates Commission immediately the League of Nations received a complaint from any source whatsoever.

M. RAPPARD declared that he was certainly not siding with the swindlers but thought that the least that could be done was to explain clearly its silence regarding the administrator. It could say: "As the complaint emanated from native swindlers the Mandates Commission has not accepted the accusations made".

M. MERLIN said it was true that the Mandates Commission was not a Court, but a committee which examined, in the way it thought best, the facts submitted to it. Its activities were based on the highest principles of justice but it was not bound to follow rules and observe formalities which were purely juridical in character.

Mlle. DANNEVIG said she could not claim any legal knowledge and, therefore, wanted to ask a few questions. In the case of the Bahai petition the Mandates Commission had taken up a question solved by a court of justice because it considered that the Iraq Courts had not rendered justice. In the present case some natives of the Yevol tribe had been sentenced as swindlers; the amount involved was not large—6,000 francs according to the report of the mandatory Power. They had nevertheless been punished with great severity: the leader with six years' imprisonment, plus ten years' banishment from the locality. Was such severity compatible with European justice?

M. VAN REES said that he also had been struck by the severity of the sentence. It was not for the Mandates Commission however to raise any question regarding the severity of a sentence passed by a court which was administering justice in accordance with the laws of a country. Since the native tribunal of Ebolowa had been informed of the swindles in accordance with the regular procedure, since it had given its judgment after a detailed examination, and since that judgment had merely been confirmed by the Chamber of Homologation, the judgment could not be commented upon by the Commission which, being unaware of all the reasons for the judgment, should not take upon itself to criticise the sentence.

M. MERLIN said that as the matter had been laid before the courts the Mandates Commission was positively precluded from taking any action. Otherwise, it would be creating anarchy in the territories under mandate.

Lord LUGARD was definitely of opinion that the Mandates Commission should state that the petition was outside its jurisdiction since it had been adjudicated upon by the highest courts, and that nothing else whatever should be said, either as to the crimes of the petitioners or the sentences.

Mlle. DANNEVIG said she had read the report very carefully. The sentence and penalties were certainly very severe, though, in the observations of the French Government, the incident was qualified by the French chief of the Ebolowa district as being "*de minime importance*", and "*n'ayant aucune influence politique*". The courts in question ought to be examples of justice for the native courts. She thought that this could hardly be said to be the case in the present instance.

M. MERLIN replied that, if in the administration of justice, the rules of justice had been in any way disregarded, the Mandates Commission might then have pointed out this *vitium* to the mandatory Power. But as the case had been tried in the normal manner, as the whole procedure had been quite regular, and as the judgment was unimpeachable from a juridical point of view,

the Mandates Commission would, if it discussed the sentence imposed, be improperly setting itself up in opposition to two tribunals.

Mlle. DANNEVIG thereupon asked why the Minutes of the Court had been published and sent to the Commission, whether it was the rule in the Cameroons to mete out such severe punishment, and what was the use of communicating such documents if the Commission had not the right to discuss them?

M. MERLIN observed that if all judgments of which persons complained were brought before the Commission, and if the latter arrogated to itself the duties of a court of cassation, it would be turning the League of Nations into a super-State—a standpoint which no one had ever been willing to admit.

The French Government had, he supposed, sent the Minutes as an annex to the dossier and as an act of courtesy to the Mandates Commission. That by no means meant that the mandatory Power was suggesting that the Commission might intervene in the matter of the judgment.

M. RAPPARD said that no one could oppose M. Merlin's argument. Would it not be possible, however, in the report to find some means of giving satisfaction to the views expressed by several members by stating that the Commission, although struck by the severity of the sentence, had refrained from criticising the decision which had been taken by the regular courts?

M. MERLIN observed that, if the Commission took the line suggested, it would be exceeding its competence, and that if this report were transmitted to the Council it might call forth certain remarks on the part of the Council and the mandatory Power.

M. VAN REES agreed that it was not possible to judge whether the penalty was too severe. The Commission knew nothing about it. Everything depended on the personality of the offenders, on their influence in the circle in which they moved, on the consequences which the acts discovered might have if they were not effectively suppressed—briefly, on a whole group of factors the value of which could only be appreciated by the judge on the spot.

Lord LUGARD said he entirely agreed with M. Van Rees. The Mandates Commission had established a line of procedure which had been approved by the Council. When a case had been heard by the Courts the Mandates Commission had no further right of action. If the Commission went back on that rule it would have to establish a new procedure and submit that procedure to the Council for approval. He would strongly oppose such a course. To review such cases it would be necessary to hear evidence.

The CHAIRMAN said he felt obliged to point out that the Council had never approved that rule. As a matter of fact it only amounted to a practice followed by the Commission.

M. ORTS supported the opinion expressed by M. Van Rees and Lord Lugard. There had only been one exception to the rule—in the case of the Bahai petition, regarding which M. Orts had reported at the fourteenth session of the Commission. While the petitioners had objected to the judgments of the regular courts the Rapporteur had recommended that the petition should be considered as receivable. He had, however, been careful to explain the reason why he had departed from the rule. In his report he had said:

“The rule of the Permanent Mandates Commission has been to regard any petition the author of which appeals to the Commission from a decision given by a court of law as not being in order. This rule is based on the assumption that any duly constituted court functioning in a mandated territory is free from suspicion of partiality, servility and sectarianism.

“As this assumption is shown to be erroneous by the evidence of the mandatory Power itself, the general rule referred to above does not apply in the particular case before us. The petition is therefore receivable”—(Minutes of the fourteenth session, page 263).

M. RAPPARD thought that the Commission had sufficiently probed the first point, but there were two matters for discussion in the petition. He proposed to go back to the beginning, and added that the second point had not been discussed. Complaints against an official had been made in the petition. Could the Commission pass over that point in complete silence?

M. VAN REES said that he had already given one of the reasons for such silence, but that there was yet another reason why he had not mentioned the accusations made against the head of the district. He referred to M. Marchand's praise of this official on page 157 of the Minutes of the fifteenth session:

“M. Marchand had endorsed the administrator's explanations, all the more so because in the case in question the official was a distinguished person, the former Chief Secretary of M. Marchand, who had been sent to administer one of the most difficult districts, a task which accorded well with his merits.”

M. RAPPARD said he quite understood M. Van Rees' reasons. Would not the matter be explained if the report contained some reference to that point? He would venture to make a suggestion. The second paragraph of M. Van Rees' report was the only place in which mention was made of the head of the district; the rest of the report was entirely devoted to the natives. Could not a sentence be added to this paragraph which would explain the reasons why the Commission had not enquired into the allegations levelled against the administrator?

M. PALACIOS said he shared M. Rappard's views on this question, but he thought the Commission ought not to say that it could not deal with the matter, for if it did so it would be tying its hands for the future. The Commission had merely to reject the petition as unjustified.

M. MERLIN said that, in view of the way in which the question had been raised and discussed, he was particularly desirous that the report should state that the Commission considered itself incompetent.

M. PALACIOS thought, on the contrary, that it was important that the Commission should not declare itself incompetent. He recalled what he had said during the discussion on the question of the competence of the Commission in the matter of petitions (Minutes of the sixth session, page 97).

M. RAPPARD returned to his previous observation. There were two separate points. With regard to the judgment, the Commission should declare that it could take no action, but regarding the fact that the administrator had been accused and had not been subjected to any enquiry he thought that the Commission owed it to itself to give at least a word of explanation.

M. MERLIN replied that it was sufficient to insert the following sentence in the report:

“There is no substance in the allegations made against the Administrator, whose work and qualities, moreover, were particularly praised by M. Marchand at the seventeenth meeting of the fifteenth session.”

M. RAPPARD, replying to a suggestion by M. Van Rees, who asked whether it would not be better for the Commission to include this sentence as the third point of its decision, said that M. Merlin's phrase might be inserted in the report, and that then it would be sufficient to say in the conclusion: “The Commission decides to reject the petition and not take any action thereon.”

M. MERLIN suggested “not to take any action with regard to any point of the petition”.

M. CATASTINI ventured to remind the Commission that, in his view, the report was the work of the Rapporteur. The discussions and agreement of the Commission concerned rather the conclusions which would have to be inserted in the report to the Council. It would perhaps be better for the Commission to draw up those conclusions.

M. MERLIN, replying to M. Palacios and Mlle. Dannevig, who had asked whether it was proposed to add to the report or the conclusion, said that, as M. Catastini has pointed out, the Commission had only to consider the conclusion.

M. RAPPARD said that this was only a matter of drafting. He proposed that M. Van Rees should submit a text to the Commission later.

M. MERLIN stated that the complaint against the administrator was quite a minor point. The important point was the conclusions.

M. VAN REES proposed the following text:

“With regard to the remaining points, I suggest that the Commission should take no action on the petition.”

M. MERLIN could not accept that text. He wished the Commission's conclusion to contain the statement that it considered itself incompetent to deal with the matter.

M. VAN REES noted that the Commission left the report as it stood, but desired a sentence to be added concerning the administrator. The conclusion to be submitted to the Council could be discussed later.

The Commission adjourned the adoption of the final text of the conclusions.

TWELFTH MEETING.

Held on Wednesday, November 13th, 1929, at 10.30 a.m.

1097. Accuracy of the Minutes of the Session.

The CHAIRMAN drew the attention of the Secretariat to the fact that complaints had been made by certain members of the Commission—M. Merlin and M. Orts—regarding the Minutes of the present session, which had not been so well prepared as on previous occasions. While M. Catastini had, he knew, done everything in his power to ensure that the Minutes would be satisfactorily compiled, he felt it necessary to recall that the Commission had a very special and difficult task to perform and that its Minutes formed an integral part of its report to the Council. For reasons that were well known, the Minutes must be prepared quickly and well. The members of the Commission, who were already much occupied with their work, could not be expected entirely to re-write the Minutes. This, he had been informed, they had had to do during the present session.

1098. Cameroons under British Mandate: Examination of the Annual Report for 1928.

Mr. W. E. Hunt, of the Nigerian Administrative Service, and Mr. G. L. M. Clauson, of the British Colonial Office, accredited representatives of the mandatory Power, came to the table of the Commission.

Title and Form of the Annual Report.

The CHAIRMAN welcomed Mr. Hunt, who had already collaborated with the Commission. Before asking him to make his statement the Chairman wished to draw his attention to the title of the present report which read as follows: " Report . . . on the Administration of the British Cameroons ". He would ask if this could not be changed to: " Report . . . on the Administration of the Cameroons under British mandate " in order to preserve uniformity with the report on Togoland under British mandate. Secondly, he would like to express the Commission's thanks for the way in which the report had been drawn up. He pointed out, amongst other things, that it contained the necessary tables of reference to the information that had been especially asked for in the previous year.

Mr. CLAUSON said he would like to answer the point raised in connection with the title of the report. He drew attention to the fact that paragraph 1 of the report gave the title in its correct form, and he explained that the title page and cover had appeared in an incorrect form through an error on the part of the printers.

Statement by the Accredited Representative.

Mr. HUNT thanked the Chairman for his kind welcome and said that he was delighted to have another opportunity of meeting the Commission.

He added that before the Commission proceeded to the examination of the report there were a few points in connection therewith to which he desired to refer, and certain supplementary and explanatory matter which he wished to add by way of a preliminary statement.

Native Administration.

Generally speaking, the system of native administration, or local government by the people themselves, has made fair progress during the past year, more particularly in the matter of the administration of justice in which the native courts have been able to assume greater responsibilities and, in consequence, have effected an appreciable reduction in the number of cases heard in the provincial courts by the administrative officers.

The thorough enquiry into the social organisation of the tribes and clans in the mandated territory, without which the policy of indirect rule, based on the indigenous institutions, cannot be applied with sympathy and success, has, for the most part, been completed and homogeneous units have been formed. The next step is to co-ordinate the development of the native administrations with due regard for their individual characteristics, and this will be provided for by the gradual formation of Advisory Councils of native authorities.

Where the traditional native policy is, as at Dikwa, that of an emirate, the Emir or Sheikh in Council already constitutes a natural organ of central administration, but in the Cameroons Province such bodies are conspicuously lacking. Nevertheless, meetings of native authorities, at present somewhat informal, take place and fulfil, in some degree, the need, which will become increasingly manifest in each native administration as development proceeds, for central co-ordinating organisations with executive powers.

It may be mentioned that the collaboration of the native authorities in the Cameroons Province in the important work of preparing the native administrative estimates is becoming more and more real and, by a recent ruling of the Lieutenant-Governor, it has been laid down that no new items and no increases in old items may be included in the budget unless they have first been submitted to and discussed with the native authorities and their opinion obtained and recorded.

Public Finance.

In the matter of finance it will be noted that the method of the presentation of the financial statistics remains the same as in the past four years. This method of calculating the expenditure that should be debited to the mandated territory on the basis of the ratio of its population to that of Nigeria as a whole was accepted by the Commission as the best possible way of presenting the figures though it was admittedly not entirely satisfactory. The fraction thus obtained is the same as that of last year, namely, one twenty-eighth. Revenue, on the other hand, can be precisely ascertained, except in the case of Currency Board profits, the Widows' and Orphans' Pension Scheme, and to some extent Customs duties. In the case of Customs duties, a sum roughly estimated to cover the duties on goods imported through Nigerian ports and reaching the mandated territory overland, is added to the actual revenue realised.

The net result for the year 1928 of these calculations is a deficit of £28,404 and the total deficit of the mandated territory since the assumption by the British Government of its administration is £386,601. This deficit, as was pointed out by M. Kastl at the examination of the 1927 report has increased each year. At the same session also comparison was drawn between the budgets of the British and French spheres to the detriment of the former and it was asked how it was that the British mandated territory had a large non-recoverable debt, whereas, in the French territory, there was a large surplus balance. The reason is not far to seek and has already been stated, but has perhaps not been sufficiently emphasised.

The truth of the matter is that the British sphere of the mandated territory is not a country in the ordinary sense of the term, but a geographical expression, the result of international agreement. Its size, situation, and bipartite shape at present preclude it from being financially autonomous if the standard of administration and of development is to be maintained at a level which the Commission would consider compatible with the due performance of the obligations of trusteeship. It is hardly equitable therefore to compare the vast undivided and self-contained country of the French mandated sphere with the narrow broken strip of territory constituting the British sphere, which, owing to its geographical configuration, with its small sea-board in the south and land boundaries to the east and west—each over 600 miles long, seems destined to be dependent for the full realisation of its potentialities on the closest relationship, unhampered by fiscal barriers, though retaining its territorial integrity, with its greater neighbour, Nigeria. This is especially so in the case of the northern districts which were originally one with the Bornu and Yola Emirates in Nigeria and have been able to renew the substantial ethnical and political unity which formerly obtained. Were the French mandated territory to be split up into strips of similar size and shape to that of the British sphere, only one or two of those strips that were specially favoured by harbours and railways would be able to enjoy financial independence.

The position is therefore that, owing to its geographical configuration and situation, the Cameroons under British mandate is not able to stand alone financially nor does it appear probable that its budget will balance in the near future if normal progress is to be achieved and taxation is not made too burdensome. The paper deficit (for it is not possible, whether it is framed on present principles or on any other reasonable basis, to present a true balance sheet) will therefore in all likelihood continue to increase for some years. It should not, however, be regarded as a millstone round the necks of future generations of the people of the mandated territory, but as a free gift and sacrifice which the mandatory Power considers it a privilege to make in the cause of civilisation and of the mandates system.

In the discussion on this subject there appears a statement in the Minutes, page 144, of the fourteenth session, which may give rise to a false impression unfavourable to the mandatory Power if allowed to pass unchallenged. M. Kastl is reported to have said that, according to estimates, taxation in Nigeria amounted to £4 10s. per head, whereas in the mandated territory it was only 13s., and on this account it was unreasonable to charge expenditure against the native of the mandated territory at the same rate in proportion to their numbers as the native of Nigeria. It would appear that there has been some mistake in calculation, as on that basis the revenue of Nigeria would be some ten times the sum that it actually is. The population of Nigeria, exclusive of the mandated territory, is given as 18,182,461, and the revenue from taxation, direct and indirect, for 1928, was £4,139,101, to which must be added the amount of direct taxes collected by the native administrations which was estimated to be £1,182,872 for the year 1928-29. This gives a total taxation per head of about 5s. 11d. In the mandated territory the population is 718,864 and the revenue from taxes, direct and indirect, and from taxes collected by the native administrations is £121,693, or about 3s. 4d. per head. It may be added that the total trade per head in Nigeria amounts only to about 35s., while that of the mandated territory is about 24s. 6d.¹

Conditions and Regulation of Labour.

The Commission will have noted that the Labour Code and Regulations were enacted in February, 1929, and applied to the mandated territory, and that the Special Regulations for Labour Health Areas have been published as an Appendix to the report. By a *Gazette* notice published in September last, the Governor, under Section 2 of the Labour Code, declared the twenty-one plantations in the Victoria division and the nine in the Kumba division of the Cameroons Province to be labour health areas. It may be remarked that already fifteen of the twenty plantations scheduled in paragraph 203 comply with the regulations in the matter of the provision of hospital beds.

It is regretted that, in the section on labour, the table that has formerly been given showing the number of persons prosecuted in the native courts for refusing to carry loads or to perform customary labours at the order of the native authorities has been inadvertently omitted. It will be included in the next report.

Education.

Under the head of education, the most important matter at the moment is the training of teachers. There was an increase in 1928 of seven certificated and four uncertificated teachers in the Government schools of the Cameroons Province, but the process of producing trained teachers is a slow one. Not only does the course extend over a period of four years but the supply of suitable candidates from the mandated territory for the six Government schools is limited, while for the Mission schools the problem is still more acute. The whole question is, however, receiving the closest consideration of the new Director of Education. The scarcity of women teachers also

¹ Note by the Secretariat: See below Minutes of the twenty-sixth Meeting; correction by M. Kastl.

continues, but there is promise of more wives of teachers in the native administration schools taking courses in kindergarten and domestic science and joining the staffs of their husband's schools.

With reference to paragraph 242 of the report in which it is stated that the technical side of the Buea school had been closed down, this may possibly give rise to the impression that the mandatory Power has ceased to concern itself with technical instruction. This is, of course, far from being the case. The withdrawal of the carpentry instructor was the result of an enquiry and report by the handicraft instructor, who, after a tour of inspection throughout the southern provinces of Nigeria and the mandated territory, recommended that all the carpentry shops attached to Government schools should be closed down on the ground that, as constituted, they served no useful purpose. The workshops were on a very small scale with no regular syllabus. The instruction given was negligible — and sometimes even harmful — and it was decided that it would be contrary to the policy of the Education Department for these inefficient classes to continue. The problem, however, of technical education is being carefully examined, but, before any general scheme for vocational training can be formulated, the development of the new training colleges in Nigeria, which provide definite handicraft and agricultural courses, must be awaited.

Spirits and Drugs.

With reference to paragraph 286 (c) of the report, the Commission will be interested to learn that the Liquor Ordinance was amended by an Ordinance passed at the September session of the Nigeria Legislative Council and applied to the mandated territory by which the smuggling of liquor into a prohibited area has been rendered increasingly difficult by extending the provisions of Sections 13 and 14 to cover not only vessels and railway trains but also lorries and carriers.

I wish to draw the attention of the Commission to page 151 of the Minutes of the fifteenth session wherein M. Marchand is reported to have stated that the Customs duties on spirits imported into the Cameroons under French mandate were approximately the same as the corresponding duties imposed in the Cameroons under British mandate. The duty on spirits in the French sphere is stated to be at the rate of 2,000 francs per hectolitre of pure alcohol, which, taking the value of the franc, for the sake of convenience, at twopence, is the equivalent of £16 13s. 4d. per hectolitre, or 15s. 2d. per gallon. But, as this is the duty on pure alcohol, the duty on spirits at 50 per cent would be at the rate of 7s. 7d. per gallon. The duty levied in the British sphere, on the other hand, is at the rate of £1 7s. 6d. per gallon at 50 per cent, in other words, at the rate of 7,260 francs per hectolitre of pure alcohol.

Public Health.

In the sphere of public health, attention may be drawn to the completion of the permanent African hospitals in the Cameroons Province at Bamenda and Mamfe, the approaching completion of a similar hospital at Kumba and the construction of a temporary hospital at Bansa. The erection of these hospitals brings the number for the Cameroons Province up to five, which compares very favourably with the position in any Nigerian Province (of a similar stage of development). There are still no hospitals in the northern areas, though the native administration of Bornu will shortly complete a hospital at a cost of £20,000 at Maiduguri which will be available for patients from Dikwa. It may also be mentioned that the Church of the Brethren Mission has recently opened a medical station at Dille, on the borders of the northern Adamawa districts close to Uba and which is marked on the map, and stationed there two medical missionaries. The mandatory Power, however, recognised that the medical facilities in the northern districts are not all that could be desired and plans are being made for a scattered system of dispensaries staffed with men trained as rapidly as circumstances permit and placed under the supervision of travelling medical officers. This system will come into force as soon as it is possible to train the staff and will be progressively extended.

The prevalence of sleeping-sickness in the Tiko area is engaging the anxious attention of the Government and the report of the special tsetse fly investigation officer is awaited.

The CHAIRMAN thanked the accredited representative for his interesting statement, which included much valuable information; but he asked if a certain amount of it could not have been included in the printed report.

Mr. HUNT replied that most of the information related to events subsequent to the period covered by the report, but that he thought it would be of interest to the Commission, in view of the time which had elapsed since that period.

Advisory Councils.

Lord LUGARD said that the accredited representative had spoken of the formation of central advisory native councils. He understood that there were none actually in existence as yet. He asked how it was proposed that their members should be selected.

Mr. HUNT replied that, in the Cameroons Province, an advisory council had been in existence for some years at Mamfe, meeting periodically at Divisional Headquarters. It was formed from principal clan heads. The Dikwa Council was the only central organisation in the northern parts of the territory. It was an indigenous institution, originating prior to the advent of Europeans.

Lord LUGARD asked over how many units the jurisdiction of this advisory council extended ?

Mr. HUNT replied that advisory councils in the south would be formed from several units; the Dikwa Council exercised jurisdiction over a single unit.

*Administration of the Gashaka District: Relations between Nigeria and the Cameroons
under British Mandate.*

M. SAKENOBE noticed that the Gashaka division had been changed to a district, and, as it was incorporated in the Emirate of Adamawa, was no longer administered as a separate unit. He asked if that meant the removal of the administrative officer and the amalgamation of the divisional native treasury with the native treasury of Adamawa.

Mr. HUNT replied that the former divisional native treasury had been merged in the central native treasury, and the administration of the Gashaka district was now conducted from Yola.

M. SAKENOBE pointed out that, if that were the case, the same degree of supervision could not be exercised by the Lamido of Adamawa as he could exercise in the nearer district. In point of fact, Gashaka had not been administered well during the past year by its headman; and the natives would suffer from the removal of the district officer who was in direct charge of the district.

Mr. HUNT thought it could not be argued that the administration would be less close than before. He could assure the Commission that supervision by administrative officers would be as thorough as when Gashaka had been a separate unit.

M. SAKENOBE asked how many administrative officers there were in the northern districts.

Mr. HUNT drew attention to paragraphs 58 and 63 of the report, where it was stated that one administrative officer had been stationed in the Gashaka district and one in the northern districts throughout the year; and that for three months there had also been two administrative officers in the northern districts.

The CHAIRMAN said that he understood that M. Sakenobe's point was really this: Was it the tendency of the local administration to consider the mandated territory as an integral part of the neighbouring colony of Nigeria, and to lose sight of the vital differences between Nigeria, under the sovereignty of Great Britain, and the Cameroons, a territory under mandate?

Mr. HUNT said that he felt sure that there was no such confusion in the mind of the administration. The new system had been approved as being in the best interests of the people since it implied the restoration of a former state of political unity.

The CHAIRMAN wished to insist upon the particular importance of the question.

M. RAPPARD wished to draw attention to the relations existing between the Cameroons under British mandate and Nigeria. Obviously, the administration was ready to leave on one side everything which did not concern the well-being of the natives; but he must recall that, outside the territory, the British policy might be judged from quite a different standpoint. He drew attention to an article in *La Presse Coloniale* entitled: "Nigeria has annexed Cameroons; and here is an Irrefutable Proof". The article contained a reproduction of a postmark bearing the name "Buea-Nigeria". The author saw in this an "irrefutable proof" of the tendency to annexation in the British policy, since Buea was the capital of the territory under mandate.

He did not wish to exaggerate the importance of this point, but he was sure that facts of this kind might have regrettable international repercussions, by giving rise to infortunate suspicions.

Mr. HUNT explained that the article seemed to have been provoked by the fact that letters posted in the Cameroons bore a Nigerian postmark. It did not appear to be in the interests of the mandated territory to have a separate postal system of its own.

M. CLAUSON added that it was necessary under the terms of the Postal Union for postmarks to bear the name of the postal administration responsible.

The CHAIRMAN asked why it was impossible for the Cameroons to have a post of their own. He pointed out that stamps were issued for many small British colonies, such as Hong-Kong or the Bermudas.

He was, however, interested in the tendency shown by the mandatory Power, rather than in the question of stamps and postmarks.

M. PALACIOS, referring to the status of the territory, said that he had been going to raise the same questions as those already asked by the Chairman. At times there certainly seemed to be a tendency to regard the mandated territory as being a British colony. He was therefore in agreement with the observations of the Chairman, M. Sakenobe and M. Rappard.

Mr. HUNT was sure that the idea of annexation was entirely absent from the mind of the British Government. He did not think that the Commission would wish that the administrative interests of the natives should be sacrificed owing to irresponsible articles of this nature.

Status of the Inhabitants.

M. PALACIOS noted that it was stated in paragraph 19 (page 8) that the current term used to describe the status of the native inhabitants of the territory was "British-Protected person, native of the mandated territory of the British Cameroons". Had this definition been established by any official Act?

Mr. HUNT explained that no legal enactment had been considered necessary. The definition was an administrative expression employed in passports, etc.

Lord LUGARD recalled that Mr. Lloyd had said last year that a Bill relating to naturalisation would be introduced in the British Parliament. He asked if anything had been done, since nothing appeared in the report.

Mr. CLAUSON stated that the matter was still under discussion with the Dominions. It was hoped that legislation would be uniform in the United Kingdom and the Dominions.

Application of International Conventions.

M. ORTS recalled that the Council, on September 15th, 1925, had taken a decision according to which the mandatory Powers were requested to "indicate in their annual reports, if possible and expedient, the reasons and circumstances which have prevented the application to mandated territories of the special treaties or conventions which they may have concluded with other Powers during the period under review." He noted that the report for the present year stated clearly the reasons why certain international conventions had not been applied to the mandated territory. He wished, however, to draw attention to the passage in the report in which the decision not to apply in the territory under consideration the International Convention for the abolition of Import and Export Prohibitions and Restrictions was justified by the statement that "such an agreement might conceivably, at some future date, prove to have an injurious effect on the industries of the territory and the welfare of its inhabitants". M. Orts would be glad to have an explanation on this subject.

Mr. CLAUSON explained that certain import prohibitions might be necessary in the interests of the territory under mandate. For instance, if it were desired to initiate a shoemaking industry in the territory, this industry would have to be safeguarded against competition from imports of cheap machine-made shoes.

M. RAPPARD pointed out that this argument held good for primitive and highly-developed countries alike. It was true that the application of the convention, like any other convention, might, in certain cases, inconvenience one of the signatories. Great Britain and many other States, however, had thought that it was desirable to conclude the Convention in the interests of the general principles of freedom of export and import. The Convention did not exclude protective tariffs, but the absolute prohibition of imports and exports.

Frontier between the Cameroons under French and British mandate.

M. ORTS, referring to the delimitation of the frontier between the territories under French and British mandate, had noted the further particulars contained in the present report, and hoped that the Commission would receive the map containing the new frontier line.

Mr. HUNT pointed out that it would be some time before the demarcation could be completed, even after agreement with regard to the boundary had been reached.

Native Administration: Tribal Affinities: Native Reserves: Native Authority Areas.

Count DE PENHA GARCIA drew attention to paragraph 27 (page 12) of the report:

"During the course of 1928, the Anthropological Officer of the Northern Provinces of Nigeria made a prolonged stay in the Adamawa Province and the districts of mandated territory adjacent thereto. As a result, a flood of light has been thrown on the tribal affinities of the people, which will be used in the future to reunite tribes which varying circumstances have divided. Some reorganisation is now called for, and the results of the work of the Anthropological Officer will be taken as a basis on which to build."

Would this reorganisation be regarded solely from the scientific point of view? It was possible that an anthropologist who restricted himself to this narrow view-point might perhaps propose the reunion of certain tribes which had been divided for a long time and which, having formed economic and social links independently of each other, would not wish to be reunited. Further, complications might arise, which would be of concern to the mandatory Power, as a result of the reunion of tribes within the mandated territory with tribes outside that territory.

Mr. HUNT said that it was the normal procedure for an Administrative or Anthropological Officer to make full enquiries into the origins and affinities of each tribe. The results of this enquiry

would be considered before any change was made. He did not think that there was any danger of tribes being reunited against their will.

Count DE PENHA GARCIA asked that full information should be given in the next report with regard to the methods adopted in connection with the proposed re-grouping.

Mr. HUNT said a note would be made of this request. He added that no reorganisation had, to his knowledge, as yet taken place.

In reply to a question by Lord Lugard, Mr. Hunt said that officials of the native administration were not entitled to pensions.

Lord LUGARD noted the term "native reserve" used with reference to some arrangement in the Cameroons province. There were no "native reserves" in the ordinary sense in which that phrase was used. He would be glad to know what the arrangement was?

Mr. HUNT explained that "native reserve" was the term habitually given to the native village areas in the Victoria division. This term had been current prior to the institution of the mandate. Under the German regime they had always been officially described as "reservats". It referred to the native villages which were hemmed in by the plantations stretching over the larger part of the Victoria division. The use of the term would be discontinued.

Lord LUGARD asked whether there had been any new departure in this respect. Had certain plots of land been set aside for native labourers employed on the estates?

Mr. HUNT replied that there had been no change of policy. No plots had been set aside for labourers, but proposals were under discussion for enlarging the areas of certain native villages when pressure of population was acute.

M. SAKENOBE asked whether the term "native authority area" was a geographical one. He observed that the term was only employed in connection with the southern part of the territory. Was the expression "district", which was employed in connection with the northern part of the territory, synonymous?

Mr. HUNT replied that a "native authority area" included one or more clans. It was not a geographical expression. In the northern districts of the territory there were only two native authorities, the Emir of Yola and the Sheikh of Dikwa, who deputed their powers to the district heads. No such wide suzerainty on the part of a single chief existed, however, in the southern part of the territory, where native authority areas corresponded with the jurisdiction of the native courts.

Public Finance.

M. RAPPARD expressed his thanks to the authorities for the clear statement of the financial position of the territory. The Commission realised why the particular system that had been adopted had been necessary, in spite of the fact that it was not altogether satisfactory.

Since the territory was not paying its way, and was living, so far as finances were concerned, as a parasite upon Nigeria, the Commission would be extremely grateful to the mandatory Power if it could give the definite assurance that the grants made by Nigeria to the territory would be regarded as non-recoverable.

He noted that it was stated in paragraph 84 (page 24) that "Europeans were still not subject to direct taxation in any part of the mandated territory". He recalled that Lord Lugard had raised this question in the preceding year. Was the subsequent sentence—"the question is occupying the attention of the Government"—merely a polite expression, or might it be interpreted literally?

Mr. HUNT said that certain difficulties had been encountered in this matter. An experiment in the levying of income tax had, however, been made in Lagos Colony, and, as a result of two years' experience, the same principle would be extended to the Protectorate of Nigeria and to the mandated territory. A Bill with this end in view would be submitted to the Nigerian Legislative Council at its February session.

M. RAPPARD asked whether this system of income-tax was based upon the British or upon the continental model—that was to say, was the tax assessed upon the total income, or was it levied at the source?

Mr. HUNT said that the tax was assessed upon the total ascertainable income, and there was no deduction at the source.

M. RAPPARD said that he had been impressed by the high expenditure under the head of "Marine" (page 114). The sum of £9,938, had been expended under this head in 1927-28. Was this expenditure proportionate to the small coast-line of the territory?

Mr. HUNT recalled that the seaboard of the territory included the important harbour of Victoria. The expenditure was necessary for the maintenance of the lighterage and for the annual clearing of the important waterways, the Mungo and Mame rivers.

M. RAPPARD, referring to the same page of the report, asked whether the expenditure for "Extraordinary Public Works" was met from the ordinary budget.

Mr. HUNT replied in the affirmative. This expenditure was capital expenditure, but was met from current revenue.

In reply to a question by Lord Lugard, Mr. Hunt said that export duties were imposed on cocoa, palm oil and palm kernels.

Export and Import Trade.

M. MERLIN drew attention to the very marked fluctuations in duties, as indicated in the last two columns on page 28 of the report. What was the reason for these fluctuations ?

Mr. HUNT explained that the plantation companies had imported very large quantities of provisions, especially rice and salt fish, after the sale and reopening of the plantations in 1925. This explained the enormous jump in imports in that year. Other fluctuations were due to various causes such as those explained at the end of paragraph 100.

M. MERLIN asked for fuller explanations of the general movement of trade in the report of the following year. In particular, figures relating to tonnage might be given.

Mr. HUNT took note of this request, but observed that comparatively full statistics were contained in paragraphs 101-105.

M. MERLIN said that he had been surprised by the very large figures for the importation of fish (page 30). Since the territory had a seaboard and also a number of rivers, why was such extensive importation necessary ? He presumed that the imports in question were imports of salt fish. What were the countries of origin of these imports ?

Mr. HUNT said that the plantation companies found it necessary to import salt fish in order to feed the labourers in their employ. He could not state the countries of origin with certainty.

M. MERLIN noted that large quantities of bananas were exported through the new port of Tiko. Did this fruit come from the neighbourhood of the port, or from the hinterland ?

Mr. HUNT said that the greater part of the fruit came from the African Fruit Company estate in the neighbourhood of Tiko.

Maintenance of Adequate Food Supplies in the Territory.

M. MERLIN drew attention to the following statement in paragraph 167 (page 52): " In Mamfe Division it is recorded that for the first time for many years there was no food shortage at any time during the year . . ." Did famines occur periodically in Mamfe ?

Mr. HUNT explained that there was no question of famine. In previous years, however, there had often been a food shortage in the period just before the new harvest was gathered. This period was known as the " hungry season ", and was due to the thriftlessness of the natives, who sold more foodstuffs than they should and kept inadequate stocks in reserve. The situation, however, had greatly improved.

M. MERLIN asked whether it would not be advisable to introduce the system of grain stores which could be drawn upon in the hungry season ?

Mr. HUNT said that the natives had their own grain stores but, attracted by the offer of high prices, made too great depredations on these stores.

Land and Native Rights Ordinance.

M. MERLIN noted that it was stated in paragraph 313 (page 97) that: " In the early part of the year, attempts had been made by certain plantation companies to evade the Land and Native Rights Ordinance ". Were the plantation companies in question native or European ? What was the character of these attempts ?

Mr. HUNT said that he understood that certain European companies gave goods to natives on credit, on the understanding that, should the advances not be repaid, the company would appropriate the house and land of their debtors and install their own employees in their place.

Concessions.

M. MERLIN asked how many concessions had been given in the territory ? What was their average area ?

Mr. HUNT said that only one or two small concessions had been granted since the British Government had assumed responsibility for the administration. It was difficult to state the average area of the plantations as a whole, since they varied very greatly in size. In this connection he would draw attention to the tables on page 99 of the report.

Afforestation.

M. MERLIN said that the information with regard to afforestation was very satisfactory. He noted with satisfaction the various measures which had been taken in this connection (paragraph 321, page 100).

Cocoa.

M. MERLIN noted that it was stated in paragraphs 333 and 334 (page 103) that an improved system of drying native cocoa had been introduced. It seemed that this system had at first been received with distrust by the local cocoa growers, but he was pleased to note that this distrust had been rapidly dispelled. Was this system one of the systems in current practice, or was it one of a special character? By whom was the cocoa sold?

Mr. HUNT said that the system was one that had been in operation in Nigeria for many years. The cocoa was sold under the supervision of the Administration, and profits were distributed between the farmers who had brought their cocoa to the central drying house.

THIRTEENTH MEETING.

Held on Wednesday, November 13th, 1929, at 4 p.m.

1099. **Cameroons under British Mandate: Examination of the Annual Report for 1928**
(continuation).

Mr. Hunt and Mr. Clauson came to the table of the Commission.

Judicial Organisation.

Lord LUGARD asked of how many chiefs the native courts consisted.

Mr. HUNT answered that the number varied according to whether the native courts had jurisdiction over one clan or more. The number was usually between ten and thirty. The guiding principle was to give each unit adequate representation.

Lord LUGARD asked if an effort was being made to reduce the number of chiefs.

Mr. HUNT replied that no such step was contemplated.

Lord LUGARD wanted to know if prisoners sentenced by native courts were imprisoned in Government prisons, or in prisons under the control of the native administration.

Mr. HUNT replied that, in the Cameroons Province, all prisoners sentenced by native courts were imprisoned in Government prisons. In the Northern Province there were no native administration prisoners in Government prisons.

Arms and Ammunition.

M. SAKENOBE said that he was pleased to note that illicit traffic in arms and ammunition was practically non-existent. He asked if the next report could give details of the numbers of different kinds of firearms registered.

Mr. HUNT said that the information would be supplied in the next report.

Police.

Lord LUGARD asked how many British officers and non-commissioned officers there were in the police force.

Mr. HUNT replied that there was one British Commissioner of Police at Buea and one Assistant Commissioner of Police in charge of the Preventive Service, but no British non-commissioned officers.

Lord LUGARD asked if the native administration police force was armed.

Mr. HUNT replied that it was not armed at the present moment but that the subject of arming some members was being discussed.

M. SAKENOBE drew attention to the fact that sixty-two members of the police force came from tribes in the Cameroons under French mandate. He asked if this did not prove inconvenient.

Mr. HUNT explained that the tribes from which they were drawn were closely allied to the tribes in the British sphere.

M. SAKENOBE asked if this meant that there was difficulty in recruiting men for the police force from the British mandated territory.

Mr. HUNT thought that this was not the case. He was not certain when those police coming from the Cameroons under French mandate had been enlisted, but he thought that they had been for several years in the police force. No more were being recruited from the French sphere.

Social Conditions of Women.

Mlle. DANNEVIG, referring to the status of women as mentioned in paragraph 165, on page 51, asked if it was an ordinary thing for the native women to be expected to continue poorly clad and to do tasks more suited to men? Or was it a characteristic of one small locality?

Mr. HUNT was afraid that the attitude was generally characteristic in the Cameroons Province. Women were in a subordinate position. In the more backward parts of the territory the men did not want their women to wear clothes; but, on the other hand, themselves wore as many as they could afford.

He added that the Missions tried to induce the natives to clothe their womenfolk, but they were very conservative and it was difficult to persuade them to alter their ways. However, it was noticeable that where the influence of the Missions was most powerful the women wore more clothing.

Mlle. DANNEVIG asked if the influence of the Missions was spreading.

Mr. HUNT replied that it was spreading rapidly, especially in the Victoria division.

Mlle. DANNEVIG asked if the Victoria division was not considered to be the most advanced part of the territory.

Mr. HUNT replied in the affirmative, but there were many natives who were still not subject to the influence of the Missions.

Slavery.¹

The CHAIRMAN said that the Commission was happy to note that there had been close collaboration between the French and British Authorities in order to put down the slave trade (page 56 of the report). Cases had occurred where slaves had been freed, and where attempted slavery had been put down.

Application of International Labour Conventions.

Mr. WEAVER was pleased to notice that in the list of international conventions there were three Labour Conventions that were applied in the Cameroons. It was true that there were clauses qualifying their application, but from their inclusion in the list of conventions he presumed that sooner or later they would automatically come into force.

He noted that among the plantation labourers there were 4,000 natives of the Cameroons under French mandate and asked if, in case of accident, they could claim compensation under the workmen's compensation provisions of the Ordinance.

Mr. HUNT replied in the affirmative.

Mr. WEAVER drew attention to the draft Convention concerning equality of treatment for national and foreign workers in regard to workmen's compensation mentioned on page 10 of the report, and said that as this Convention was being applied in a modified form in the Cameroons under British mandate, the statement concerning it might suitably be modified.

Mr. CLAUSON replied that it frequently happened in this and other mandated territories that the terms of a Convention might be put into force before the Convention itself was applied as a whole.

Mr. WEAVER mentioned that Article 421 of the Treaty of Versailles allowed for the modification of International Conventions to suit local conditions. The International Labour Office welcomed information regarding such modified application, and the desirability of the communication of such information had been emphasised by the Committee of Experts which examined the annual reports made by the Member States under Article 408 on the application of International Labour Conventions.

Labour on Plantations and for the Native Administrations.

Mr. WEAVER drew attention to the increase in the number of stores under direct plantation control mentioned in paragraph 110 of the report. He asked if the natives were compelled to deal with these stores.

Mr. HUNT replied that the natives were perfectly free to deal at whatever store they pleased.

Mr. WEAVER, referring to the inspections mentioned on page 63, noted that in the Victoria division only four plantations had been inspected. There were twenty-one estates altogether in that division and he wondered if fuller inspection would have revealed on more estates such bad conditions as those found on one of the four estates inspected.

¹ Note by the Secretariat: See Annex 6.

Mr. HUNT admitted that the proportion of plantations inspected was low, but added that they were always subject to informal inspection. As Administrative Officers could not travel without passing through one or more plantations, they were constantly in contact with the labourers and the conditions of life. He admitted that there was ground for criticism in this respect and assured the Commission that, under the new labour code, there would be more systematic inspection.

Mr. WEAVER asked if the figures for wages on page 67 applied also to non-plantation labour.

Mr. HUNT answered in the affirmative.

Mr. WEAVER drew attention to the fact that the report for 1928 had two contradictory lists of the plantations and asked if the next report might contain one complete and accurate list.

Mr. HUNT said that a full list would be supplied.

Lord LUGARD, drawing attention to page 59, line 4, asked for what purpose native administration porters were required.

Mr. HUNT explained that they were employed to transport material for road building, stationery, and other requisites of the native administration. In reply to a further question of Lord Lugard's, he added that supervision was close and that the porters were paid regularly at market rates.

Lord LUGARD, referring to the labour statistics given on page 62 of the report, said that, if the total in the Victoria division was added to that of the Kumba division and the 5,000 labourers from French territory deducted, a total of about 11,900 labourers from British territory was reached. This figure was about 10 per cent of the total adult male population (115,000). Were these figures correct?

Mr. HUNT replied in the affirmative. This question had been discussed in the 1925 report, when the proportion of labourers working in the plantations was much the same. He referred the Commission to the report of the Belgian Commission of 1924 on Labour in the Congo, which was the classic authority on the subject. That Commission laid down certain limits for the withdrawal of labour for work for wages beyond which it did not consider it wise to go if the structure of tribal life was not to be upset. These limits were 5 per cent where the labourers worked at a great distance from their homes, 10 per cent when the scene of employment was not more than two days distant and 25 per cent when the work was in the immediate neighbourhood. The Victoria and Kumba divisions fell into the last two categories and the Mamfe and Bamenda divisions into the first category. The respective percentages were 4.8 per cent, 25 per cent, 7.4 per cent, and 6 per cent. These showed excesses over the Belgian Commission's figures, but were created by the labourers themselves who came voluntarily to work and were subject to no form of recruiting. They only went to work on the plantations for a few months at a time, and were constantly being replaced. Under these free conditions the equilibrium of tribal life would not be destroyed or even seriously disturbed.

Lord LUGARD asked if the figures for labour included portage.

Mr. HUNT replied in the negative. He added that portage had decreased very considerably in the Victoria and Kumba divisions. It had remained about the same in the Bamenda division, but had increased in the Mamfe division owing to the large programme of road construction.

Lord LUGARD asked if the accredited representative could give any statistics.

Mr. HUNT referred him to paragraph 205 on page 67, where it was stated that the total for the whole province was about 11,000.

Labour Ordinance of 1929. Breach of Contracts.

Mr. WEAVER, reverting to the new labour ordinance, asked if breaches of contract were punishable as criminal offences.

Mr. HUNT replied in the negative.

Lord LUGARD referred to the Labour Ordinance No. 1, of 1929. The regulations under that Ordinance stated (clause 3) that it "shall not apply to contracts of service entered into in accordance with native law and custom if all the parties thereto are natives of Nigeria".

He asked what law, therefore, governed contracts between native employers and labourers.

Mr. HUNT said that the code was enacted more particularly to protect the native from exploitation by the non-native. It was not intended to interfere with contracts between native and native. He added that the new code would be applicable if one native employed another on a cash wages' system in the European manner.

Lord LUGARD asked why protection was given only to those paid in cash. He did not find any such restriction in the regulation.

Mr. HUNT replied that there was no formal agreement between native and native when payment was in kind.

M. ORTS wished to know if damages could be obtained for breach of contract.

Mr. HUNT said that such a claim would be the subject of a civil suit.

M. VAN REES pointed out that there were no penalties in the penal code.

In reply to a further question of M. Orts, Mr. HUNT said that, in practice, it was possible to bring a civil action against a labourer who broke his contract. Whether he would be in a position to pay the damages awarded was another matter.

M. RAPPARD asked if any action of this sort had occurred.

Mr. HUNT said that he had never heard of any such action in his experience.

Mr. WEAVER observed that the labourer could be imprisoned for debt.

Lord LUGARD asked if a system of deferred pay was allowed (*viz.*, the retention by the employer of a portion of the wages till the expiry of the contract). In that way there would be a cash balance in reserve from which a fine could be deducted.

Mr. HUNT said that wages could not be held up by the employers longer than the seventh day of the following month.

Mr. WEAVER asked whether a man who left before the end of the month would lose his pay for that month?

Mr. HUNT replied that it depended whether the contract was one for a daily or monthly wage.

Education.

Mlle. DANNEVIG thanked the representative of the mandatory Power for the explanation regarding expenditure on education given on page 71. She understood that the schools in the Cameroons were benefiting by the fact that they were under the same administration as those of Nigeria. As regards the new educational code she noticed that though a few schools had been closed the code would certainly be of ultimate benefit to the natives. It seemed, however, to have caused temporary difficulties to the missionaries. Was that so?

Mr. HUNT said that the whole problem had been very carefully reviewed by the Government before the code was enacted. No school was closed unless there were the strongest reasons for doing so.

Mlle. DANNEVIG noted that, on page 75 of the report, it was stated that certain concessions had been made to enable the Missions to tide over bad years. She asked if there was any hope that the Missions would receive more subsidies by the Government?

Mr. HUNT said that it could be expected that more Mission schools would qualify for Government subsidies, but he pointed out that the Government could not be expected to afford assistance to schools that did not fulfil the conditions laid down in the code.

Mlle. DANNEVIG said that Missions seemed very necessary in the Cameroons and asked if they could not be helped to raise the level of their schools? Missions moreover did much social and sanitary work. Could they not be helped to get more qualified teachers?

Mr. HUNT said that Mlle. Dannevig's observations would be borne in mind.

Mlle. DANNEVIG added that it was a question of time and that such schools would be subsidised automatically when they had reached a certain standard.

She also asked the reason why, on page 74, it was stated that a probationary teacher was not allowed to spend more than 16 to 21 hours a week in a school.

Mr. HUNT replied that this was to give the probationary teacher time to pursue his own studies.

Mlle. DANNEVIG drew attention to the fact that there had been no expenditure on education in the Gashaka district. The district was not mentioned in the educational report.

Mr. HUNT wondered if the Commission realised how backward those districts were and what little desire for education they could be expected to show yet. He was not certain of the actual position in the Gashaka district, but further information would be supplied in the next report.

Lord LUGARD referring to the section on Dikwa, on page 83 of the report, noted that it was hoped to open simple Koranic schools on the models of those which existed in the Sudan. He asked if these schools (known as Kuttabs) had a new function, beyond teaching their pupils to learn passages from the Koran by heart. The ordinary Kuttab could hardly be the model for the schools in the Cameroons.

Mr. HUNT said that he had no knowledge of the type of Sudan school mentioned, but note would be taken of the question.

Lord LUGARD pointed out that on page 79, paragraph 249, it was stated that the native administrations had awarded "certain grants in aid to mission schools but that they had been paid by the Government during the year". He asked for more information on the subject. He would also like to know the total number of children of school age in the Cameroons and the total number actually at school.

Mr. HUNT replied that, according to the figure contained in the report, the total number of children being educated was 8,650. He added that the total number of children in the mandated territory was estimated at 233,664, of which perhaps 150,000 were of school age. It would not be possible to give a very close estimate.

Spirits.

COUNT DE PENHA GARCIA apologized for asking a question on Nigeria, but he wished to know if the prohibition enforced in that British colony applied equally to the Nigerian zone of the Cameroons.

Mr. HUNT replied that prohibition was enforced in all the northern provinces.

COUNT DE PENHA GARCIA asked if that meant that there were two organisations for seeing that prohibition was carried out, one in Nigeria and one in Cameroons. Did these organisations act together in the application of the law?

Mr. HUNT replied in the affirmative. It was in reality a single organisation.

COUNT DE PENHA GARCIA noted that during the last year import duties on liquor and the cost of licences had been raised. This showed that the mandatory Power was trying to put down the consumption of liquor. On the other hand, imports had continued to increase; and he supposed that it was possible that part of the liquor was sold to, and consumed by, the natives. He asked, also, if there had not been an increase in smuggling over the border from the French mandated territory.

Mr. HUNT replied that the preventive service on the frontier was increasing in efficiency every year and the danger of smuggling liquor was small.

COUNT DE PENHA GARCIA asked what was the favourite native drink.

Mr. HUNT replied that it was palm wine.

COUNT DE PENHA GARCIA asked what was the alcoholic content of palm wine.

Mr. HUNT replied that it was about three to four per cent when the wine was fresh.

COUNT DE PENHA GARCIA asked if a study had been made of its effects.

Mr. HUNT replied in the affirmative. A full enquiry had been held in Nigeria some years ago and the conclusion arrived at was that its effects on the native were not deleterious. In strength it resembled mild beer.

Lord LUGARD, referring to regulation 16 of 1928 (under the Liquor Ordinance), said he noticed that licence fees for wine and beer had been increased from £1 to £2 10s. *od.* (see paragraphs 15 and 273 of report). He asked if it would not have been better to increase the licences on spirits, and to encourage wine and beer.

Mr. HUNT admitted that it was preferable to encourage the consumption of wine and beer rather than spirits, but said that an increase of 30s. a year in the fee paid by the licensed retailer could not be passed on to the consumer or make any difference in the relative degree of consumption of spirits and of wine and beer. The object in raising the cost of licences was primarily one of revenue. The question of increasing duties on spirits had been fully considered at the time, but they were held to be high enough, more particularly when compared with the duties in neighbouring territories. The increase in the licence for wine and beer brought it more into line with the fee paid for a licence to sell native liquor.

Lord LUGARD asked under what conditions licences for palm wine were granted to the natives.

Mr. HUNT explained that they were off-licences and held good for a month only. The premises had to be conducted in an orderly manner.

Population.

M. RAPPARD drew attention to paragraph 46 on page 16 where reference was made to immigrants coming from "parts beyond the seas". He asked what foreign countries were indicated.

Mr. HUNT explained that the reference was to Yombas from Lagos, or natives of Calabar and other Nigerian towns.

M. RAPPARD drew attention to the demographic statistics on page 104. He thought the zeal of the compiler had gone a little too far, for, apart from giving many hypothetical figures, he included sheep, asses, and other livestock under the heading of population. Unfortunately, the comments made on these figures showed that their author had no real confidence in their value. However, he was pleased to find such an interest in statistics and to hear that it was proposed to take a census shortly.

Mr. HUNT hoped that the statement in the report as to an accurate census would not raise expectations unduly. He had already seen some of the figures and doubted if they would be reliable as an index of the increase or decrease in the Bauweri tribe. Even Lagos, where a far more elaborate organisation existed, did not produce absolutely reliable statistics. There was a constant influx of strangers in the Cameroons which added to the difficulties. One of the first attempts to induce the chiefs to keep records had produced a returns of 57 births in the year against 219 deaths.

Public Health.

The CHAIRMAN said that the *West Africa*, of October 13th, 1928, gave a summary of the reports on prisons in Nigeria in 1927, presented by the competent officials (Mr. F. W. Garvey, Director of Prisons in the southern provinces, and Captain A. G. Uniacke, for the northern provinces). These reports seemed to show that health conditions in the prisons had not been very satisfactory in recent years.

It would be interesting to know the state of affairs in the Cameroons. He hoped that it would be possible to give, in the report for 1929, some information on this subject, in particular, regarding morbidity and mortality rates.

Lord LUGARD, referring to pages 64 and 65, asked if there was adequate medical attention for the 14,400 labourers employed on the European estates. Did Government doctors attend these labourers, and, if so, were they paid by the owners?

Mr. HUNT replied that the question of medical attendance was dealt with on page 137 of the report; he called attention to sub-sections (a) and (b) of paragraph 37 of the Special Regulations for Labour Health Areas, and said that all plantations would now have to conform to those rules.

Lord LUGARD, referring to page 67, said that the single qualified Medical Officer maintained by the Planter's Union seemed inadequate for a number of rich plantations, and even he was apparently absent (paragraph 204).

He was especially glad to learn from paragraph 289 that native assistants were being trained. He asked, however, whether the doctors had time to conduct this training, especially if they had private practice among the Europeans.

Mr. HUNT explained that no medical assistants were being trained in the mandated territory. They were trained at Lagos by medical officers who devoted their whole time to their official duties and were not engaged in private practice.

Lord LUGARD asked whether it was intended to build a native hospital at Dikwa at an early date.

Mr. HUNT replied that there was none as yet, Dikwa having no medical officer permanently stationed there.

Mlle. DANNEVIG asked if the Missions interested themselves in health work.

Mr. HUNT said that the Missions interested themselves in all that improved the living conditions of the natives, but that there were as yet no medical missionaries in the territory.

Mlle. DANNEVIG asked if there were any sisters working on child welfare or general hygiene or any European midwives.

Mr. HUNT said that there were sisters at the Bonjonge school, but that they took no part in midwifery or health work.

Land Tenure: Ex-Enemy Property.

M. VAN REES wished to thank the British Government for granting his request, which was mentioned on page 100 of the report. He had no special observations to make on the question of land tenure.

Lord LUGARD drew attention to Section 22 of the Land Ordinance and to the footnote on page 134 and asked what were the "titles" referred to.

Mr. HUNT explained that certain natives claimed to have received the freehold title to certain lands in the Victoria division from the German Government.

Lord LUGARD said that, by notice in the *Government Gazette* of August 22nd, 1929, two more ex-enemy properties were to be added to the original schedule. What were these properties?

Mr. HUNT replied that they were actually two properties, once thought to be one, on the border of the French Cameroons. These properties were known as the Eisenbahn Tobacco Estate and the Bakossi-Land Syndicate. It was only recently that the title to these lands had been satisfactorily established, when they had become automatically vested in the Public Custodian.

Preservation of Gorillas.

Lord LUGARD said he had been asked to repeat his question of last year about the preservation of gorillas, as he understood there was an inaccuracy in the reply given.

Mr. HUNT said that, at the fourteenth session, the accredited representative had made an unintentional slip in giving the impression that the gorilla was protected under the Wild Animal Preservation Ordinance. Gorillas were not protected because, prior to the investigation of Dr. Dyce Sharp, gorillas were not known to exist in the mandated territory and Nigeria. Steps, however, had already been taken to include the gorilla in the first schedule to the Ordinance.

Close of the Hearing.

The CHAIRMAN thanked Mr. Hunt for his collaboration and hoped that the discussions would prove profitable both to the Commission and to the mandated territory.

(Mr. Hunt and Mr. Clauson then withdrew.)

1100. Western Samoa: Questions of Procedure.

The CHAIRMAN recalled the prolonged discussions which the Commission had held with regard to Samoa, at its thirteenth and fourteenth sessions, when General Richardson had been present.

The report prepared by the Permanent Mandates Commission, following the report of the Royal Commission of Enquiry, contained the following paragraph (see Minutes of the thirteenth session, page 230).

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

At its fourteenth session (see Minutes, page 273) the Commission had recalled these observations and added the following remarks:

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

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

As regards the general situation in Samoa, the particulars given in the annual report for 1928-29 (pages 2 and 3) were somewhat general and vague. It was indeed very difficult to form an idea of the present situation and to decide whether any progress had really been made in the direction which the Commission had desired in the previous year. It appeared, however, from various chapters in the report that a great many of the Administration’s activities were still paralysed by the political conditions.

The Commission had learned from the parliamentary reports and comments in the Press that certain statements on future policy had been made by the Prime Minister of New Zealand. The annual report, however, contained no precise information on this point. Under these circumstances it would perhaps be desirable to ask the accredited representative to give more explicit information on the present position and the policy which the mandatory Power intended to pursue in carrying out the mandate entrusted to it by the League of Nations.

Before any general questions were submitted to the accredited representative, members of the Commission might wish to express their views on this matter.

A Commission of Enquiry into the administrative and financial conditions in Samoa had been appointed by the New Zealand Government in 1928 and reported in February 1929. The publication of part of this report had been thought to be inadvisable on account of the references it contained to various persons, but most of the report had been duly communicated to the Press and subsequently issued as a New Zealand parliamentary paper. Copies had recently been forwarded

to the Permanent Mandates Commission by Sir James Parr, High Commissioner of New Zealand in London.

The annual report for 1928-29 contained a reference on page 2 to the work of the Commission of Enquiry, the material portion being as follows:

“ II. *Official Visits.*

“ . . . This report, which was generally endorsed by the Administrator, was approved by the Government, and steps are being taken to put into effect the majority of the recommendations as opportunity offers. The report was confined to the machinery of the administration and did not touch upon the political situation. ”

The annual report contained no further reference to the work of the Commission of Enquiry.

The Chairman thought his colleagues would agree with him in recognising the great importance of the document in question and in noting that steps had already been taken by the New Zealand Government to give effect to the recommendations contained therein. As the report of the Commission of Enquiry touched on a great variety of aspects of the administration of the mandated territory, and as the Commission could scarcely disregard it when considering the annual report, it would perhaps be advisable, before beginning the discussion of the latter, to lay down the procedure to be followed in examining the report of the Commission of Enquiry.

The Commission discussed this question and decided that M. Orts and M. Rappard who, in accordance with the present division of work between the members of the Commission, were entrusted with the special examination of questions of administration and financial organisation, should compare the report of the Commission of Enquiry with the Annual report, and lead the discussion with the accredited representative.

M. PALACIOS wished to recall that he had not voted at the time when the Commission had taken a decision during its thirteenth session and that he had also abstained when, at its fourteenth session, the Commission had made a declaration in the same sense as its first decision.

FOURTEENTH MEETING.

Held on Thursday, November 14th, 1929, at 10.30 a.m.

1101. Togoland under British Mandate: Examination of the Annual Report for 1928.

Mr. Flood, of the British Colonial Office, and Mr. Clauson, accredited representatives of the mandatory Power, came to the table of the Commission.

Representation of the Mandatory Power.

Mr. FLOOD wished to explain that his Government had not been able to appoint any member of the actual Administration of the territory as its accredited representative at the present session of the Commission. It had been hoped that Mr. Newlands, who had been one of the accredited representatives at its twelfth session, and who had drawn up the greater part of the report, would have been able to act in this capacity. Mr. Newlands had, however, been obliged to return to the Gold Coast, and, there being no official of sufficient importance at present on leave, Mr. Flood, as a member of the Colonial Office, had been appointed to act in his place.

Application of International Conventions.

M. ORTS drew attention to the following passage in paragraph 4 (page 4) of the report: “ A list of the Treaties and Conventions which are *believed* to have been applied is given in Appendix I ”. What was to be understood by the words “ which are believed to have been applied ” ?

Mr. FLOOD agreed that this sentence was obscure. The explanation, however, was simple. It was doubtful, from the legal point of view, whether the mandated territory was bound by the provisions of certain international conventions to which the Gold Coast had adhered prior to the institution of the mandate.

Frontier between Togoland under French Mandate and Togoland under British Mandate.

M. ORTS noted the statement in paragraph 36 (page 11), with regard to the Anglo-French boundary, that “ it was anticipated that the work of the Mixed Boundary Commission would be completed and its final report submitted during 1929 ”. Had this expectation been realised ?

Mr. FLOOD said that, according to his latest information, the work of the Commission had been completed, and the Protocol was to have been signed on October 21st of the present year. Full information would, therefore, be given in the report of the following year.

Representation of Togoland on the Legislative Council of the Gold Coast.

Lord LUGARD asked whether, in view of the fact that the laws of the Gold Coast applied to the mandated territory, there was any representative of the Territory on the Legislative Council of the Gold Coast.

Mr. FLOOD said that it was doubtful whether it would be possible, from the legal point of view, to include a native of the mandated territory in the Legislative Council of the Colony. The interests of the territory were, however, represented on that body by the Provincial Commissioner of the Eastern Province of the Colony.

Native Administration.

Lord LUGARD asked whether progress had been made in the unification of the various petty chieftaincies in the southern section into two or three chieftaincies, with a view to the inauguration of stool treasuries (paragraph 41, page 12).

Mr. FLOOD pointed out that it was stated in the report that the policy of unification would take time to carry out. The unification was intended to serve administrative purposes only, and would not constitute actual union.

M. SAKENOBE thought that the success of the administration through native chiefs would largely depend upon their zeal, ability and personality. Many of these were, of course, of advanced age. The younger generation should, however, be prepared for the task that would be entrusted to them. Was the Administration taking any steps in this connection?

Mr. FLOOD said that it was not possible to distinguish with certainty those among the younger generation who would become chiefs. The customs of the native peoples had to be respected and those customs varied greatly. Further, the chiefs might be deposed. The necessity to which M. Sakenobe had referred was, however, kept continually in view by the Administration, and the sons of chiefs and of the better families were encouraged to attend the schools.

M. VAN REES recognised that the customs of the natives should be respected. Did the Administration reserve the right, however, to depose a chief who had been found thoroughly unsatisfactory, and to replace him by someone else?

Mr. FLOOD replied in the affirmative. Moreover, chiefs had to obtain the formal recognition of the Administration after their election. Such recognition had, however, seldom been refused.

Public Finance: Apportionment of Revenue and Expenditure between the Gold Coast and Togoland.

M. RAPPARD said that the part of the report relating to financial questions seemed at first sight entirely incomprehensible. Presumably, however, the great changes in expenditure and revenue which were shown in this part were due, not to changes in actual conditions in the territory, but to changes in the methods of book-keeping employed.

He drew attention to the following statement in paragraph 39 (page 12): "The revenue for the year was £136,676 10s. 4d. which, however, includes the sum of £71,736 6s. 3d. in adjustment of Public Debt charges debited in the previous years". It was difficult to understand how a debt charge could be regarded as part of the revenue.

Mr. FLOOD explained that it was largely a matter of book-keeping. In previous years the Togoland "imaginary" budget had been charged with a share of the Gold Coast Public Debt. The Mandates Commission had, however, pointed out that this action was unjustified. The amounts which had been charged to Togoland had therefore been added together and paid back. The entry of £71,736 represented the total of these amounts.

In accordance with the accountancy system followed by all Colonial Governments, the accounts of each year were regarded as closed, and it would therefore be impossible to readjust them in order to delete the charges in question. These charges had therefore been entered to the credit of the territory, as a repayment.

M. RAPPARD agreed with the accredited representative's description of the budget as an "imaginary" one.

It was extremely difficult, however, with such a budget as a basis, to arrive at any conclusion as to the real development of the finances of the territory. There were three categories of figures: actual revenue and expenditure, approximate actual totals, and proportionate revenue based on trade. Hitherto, the revenue and expenditure appertaining to the territory under mandate had been determined on the basis of a population coefficient. In the present report a trade coefficient also had been introduced. It was a comparatively simple matter to arrive at a proportion based on population, but it appeared that it would be difficult to arrive at a proportion based on trade, the amount of which it was impossible actually to determine.

Mr. FLOOD thought that M. Rappard had been led astray to some extent by paragraph 40 of the report. The trade coefficient only referred to the share of the income received from the investments of the West African Currency Board. In all other respects, the population basis was still adopted. The only possible method of establishing a trade basis was to add the values of imports and exports, as far as they could be ascertained. These values were then compared with the values of the imports and exports of the Gold Coast, allowance being made for goods exported from Gold Coast ports which came from the mandated territory itself.

M. RAPPARD noted that the population basis was not regarded as equitable for the purposes of apportioning the revenue from the West African Currency Board, chiefly because the *per capita* wealth was not the same in the two territories. Why should this basis be regarded as equitable for apportioning general revenue and expenditure ?

Mr. FLOOD pointed out that the Currency Board, when considering the proportions in which it should allot surplus income between the various African Administrations, had come to the conclusion that the most equitable basis was that of trade, the chief reason being the great wealth of the Gold Coast as compared with Nigeria. At one time the Board had considered allocation according to other methods but had concluded that distribution based on population or on the amount of currency in circulation would be inequitable owing to the disproportion between Nigeria and the three other British Administrations in West Africa. The decision of the Currency Board to adopt the trade basis had been due to the consideration that trade figures provided a fair indication of the distribution of currency.

M. RAPPARD said that he had not wished to question the wisdom of the decision of the West African Currency Board. He thought, however, that if the system based on trade really provided a sufficient indication of the relative wealth of the two parts of the administrative unit it could be made general. He would not press this point, however, for he assumed that the result of such a generalisation would be unfavourable to the mandated territory. Under the present system the expenditure upon the territory was disproportionate to the small yield of its taxation. Therefore, although this system was not logically satisfactory, it was perhaps satisfactory in practice.

Mr. FLOOD agreed that this was the case. He pointed out, however, that circumstances might change. The population of the Gold Coast might diminish or increase enormously or the revenue of Togoland might increase—for instance, as the result of the discovery of some hitherto unsuspected source of wealth. In such contingencies the question of altering the distribution would be considered.

M. KASTL thought that the present system of crediting the territory with receipts on the basis of trade was to its disadvantage, since the trade figures of the territory were less than the trade figures of the Gold Coast.

Mr. FLOOD pointed out that the only receipts credited on a trade basis were those from the Currency Board.

In reply to a question by M. Rappard, Mr. Flood recognised that there was a misprint on page 51 of the report. The footnote reference (c) to sub-head. 1 (import duties) should be replaced by the reference (a).

M. KASTL thought that the same system of apportionment should be adopted for both revenue and expenditure. The present system, under which the proportion of the revenue of the territory was based on trade figures and the proportion of its expenditure on population figures, was disadvantageous to the territory.

Mr. FLOOD explained that, in dealing with revenue, actual receipts were given where possible, and also estimated actual totals. It would be unfair to base the Customs receipts on proportionate trade. Since the Currency Board adopted the trade basis in distributing receipts between the four Administrations, it seemed logical that the Gold Coast administration should adopt the same basis in distributing receipts derived from the Board between itself and the mandated territory.

M. KASTL appreciated the difficulty of the situation. Subject to the reservation he had to make regarding the entire system of proportionate figures in the revenues and expenditure of the mandated territory, he had no objection to the trade basis system if comparable figures were available for the two territories. As was well known, there was no control of exports and imports across the frontier between the mandated territory and the Gold Coast. In consequence, he thought it was very difficult, if not impossible, to obtain proper statistics of the exports and imports of the territory. If the receipts on import duties were taken, however, it would be found that these amounted to £42,000, whereas the whole amount for imports was only £63,000. This implied that two-thirds of the value of the imports was derived from import duties.

M. Kastl drew attention to that fact that, until the previous year, the receipts of the Currency Board had been distributed on a population basis, under which system the territory had received £10,000. Now, however, that the trade basis system had been adopted, the territory only received £8,900.

He did not think that it was altogether reasonable to adopt the population basis system, in view of the great difference between the wealth of the mandated territory and of the Gold Coast. At the request of the Permanent Mandates Commission, he had prepared a report on the subject which the Commission might perhaps discuss later.

Mr. FLOOD explained that the figure of £63,000 referred only to trade passing over the Anglo-French frontier, which could be accurately measured. Estimates of the trade between Togoland and the Gold Coast could be based upon the amount of goods which crossed the river Volta at one

or two points—such as Senchi and Kete Krachi—or which passed over the Tamale-Yendi route in the North. No accurate figures could be obtained, but the amount of the goods in question might be checked from time to time. The figures thus obtained were described in the report as “ approximate actual totals ”.

M. KASTL observed that as a result of the present system the mandated territory was indebted to the Gold Coast to a sum of approximately of £153,000.

Mr. FLOOD wished to make it clear that the mandated territory as such had no debt whatever of any kind. Adverse balances were recorded year by year and were met by the administration of the Gold Coast without any claim for reimbursement. Even if the finances of the territory were to improve, no such claim would be made.

It seemed to him that in apportioning expenditure it was more logical to adopt the population basis, since the cost *per capita* was identical in all cases. It was true that the average native of the mandated territory was not so rich as the average native of the Gold Coast, but the Administration thought it just to spend the same proportionate amount upon each.

M. VAN REES recalled that the Commission had informed the Council in its report on its fifth session that in the case of the Cameroons and Togoland under British mandate it “ would be satisfied if it were provided, in respect of these two mandated territories, with budgets and accounts based either wholly or partially on estimates, provided that the methods employed in drawing them up were clearly explained. It would be desirable, in cases in which it is impossible to determine exactly the amount of the taxes and expenditure in mandated territories, to indicate the approximate proportion of such common taxes and expenditure which is attributable to mandated territories ”.

In the following paragraph of the report it was stated that the Commission in putting forward the suggestion “ is fully aware that its fulfilment would increase the Labour of book-keeping for the Administration concerned and that the statistics obtained would necessarily be of an approximate character. ”

The British Government had adopted this suggestion and had since applied, as regards the common revenue and expenditure, a system of equal distribution to which the Commission had never objected.

M. Van Rees wondered whether the Commission could complain and ask for the application of another method of estimation which would still further increase the labour of book-keeping, which would not, in all probability, be less open to criticism than that already in force and from which, moreover, the two territories under mandate would derive no real advantage, since their budgetary deficits were made good, in the form of unrecoverable grants, by the colonies with which the territories under mandate were incorporated.

M. RAPPARD said that he had not wished to complain of the action of the Administration, which had been in conformity with the desires expressed by the Commission. The principle hitherto followed seemed to be the only possible one. It was, however, the application of this principle that had given rise to the present discussion. Two criteria instead of one had been employed in the apportionment of expenditure and revenue.

For his part, he had reached the conclusion that the figures given in the report were to such a large extent imaginary that they could not be regarded as faithfully reflecting the actual finances of the territory. Any discussion with regard to these figures was bound therefore to be theoretical and artificial. The important point was the assurance given by the mandatory Power that a demand could never be made for the repayment of the advances which, in the accounts, were debited to the territory under mandate.

Mr. FLOOD said that, as the mandated territory was administered from the Gold Coast, and in close connection with it, it was impossible to make an exact distinction between the revenue and expenditure of the two territories. It was on this account that the Commission had agreed to accept “ imaginary ” figures. He did not wish it to be thought, however, that the figures thus described were arrived at lightly or recklessly. These figures were obtained as the result of as careful estimates as the authorities of the Gold Coast could contrive.

M. KASTL thought that the declaration of the accredited representative was very satisfactory. He agreed that it would be useless to attempt to draw any definite conclusion from the figures contained in the report, as they were only theoretical, if not imaginary, in character.

Export and Import Trade.

M. MERLIN noted that the trade balance of the territory had been satisfactory. There had been an excess of exports over imports, and an increase in the general movement of trade, which had been largely due to the lowering of rates on the Lome-Palime Railway. The export of cocoa was also on the increase, partly on account of this reduction in railway rates, and partly on account of the introduction of a system of rationing. It was also satisfactory to note that the authorities of the two mandated territories were co-operating closely.

M. Merlin noted, however, that exports of rubber had ceased. He presumed that this was due to the fall in the prices on the world markets.

Mr. FLOOD said that, as there had been a steady fall in recent years in the world prices of rubber, the natives had found that it did not pay to collect wild rubber—and there were no rubber plantations in the territory.

M. MERLIN asked what was the reason of the marked decrease in cotton exports.

Mr. FLOOD said that there had been a drop in cotton prices in the year 1927-28, and added that in other parts of West Africa, when prices were insufficient, the natives preferred to keep the cotton they produced and weave it for their own use, and that this was no doubt the case in Togoland. There were no cotton plantations, in the strict sense of the term, in the territory, for the natives only cultivated cotton intermittently.

M. MERLIN asked whether there had been a consequential decrease in the importation of cotton goods.

Mr. FLOOD said that there had been no appreciable decrease. The demand for imported cotton goods came mainly from the coastal regions, where the natives did not cultivate cotton.

M. MERLIN noticed that paragraph 29 of the report mentioned that there had been considerable food exports from Togoland to the Gold Coast. This was a satisfactory state of affairs, and he asked if it was due to the union between the two countries.

Mr. FLOOD replied in the affirmative.

M. MERLIN, referring to Appendix 3 of the report, said that he would be glad to know how the new Customs tariff differed from the old. Personally, he had not had time to analyse the statistical tables, but he understood that it did away with duties on foodstuffs.

Co-operative Societies.

Lord LUGARD said that a draft Bill had been published in the Gold Coast *Gazette* relating to co-operative societies. He asked whether the intention was that such societies should be in any way encouraged or controlled by the Government. Personally, he thought that it was desirable that such a movement should be free from official control, but he was well aware of the special difficulties in West Africa. Was it intended to apply this Ordinance, if enacted, to Togoland?

Mr. FLOOD said that before preparing the Ordinance an officer had been sent to Ceylon and India. Experts thought that, in its present form, the Ordinance required alteration. Although a certain amount of Government control was necessary for the Gold Coast, this control should not be too strict. He understood that the Gold Coast was revising the Ordinance, and that when enacted it would be applied to Togoland as well.

Slavery.

M. PALACIOS, referring to paragraph 81, on page 22, asked why it should be necessary to take measures against slavery, if there was no slavery in the territory.

Mr. FLOOD replied that it was certain that no slavery existed, and, therefore, there was no question of taking measures against it. If it were thought necessary to pass a special enactment it would be simply in order to remove any doubts which might exist.

Lord LUGARD pointed out that in the list on page 50 of international treaties, which applied to Togoland, the International Slavery Convention was not included.

Mr. FLOOD agreed that this ought to be in the report, as the Convention did, in fact, apply and said that it would be included as soon as the complete list had been drawn up.

Age of Marriage.

M. PALACIOS drew attention to paragraph 80 concerning the prevalence of early marriages. He said that the Mandates Commission had been approached by societies in England who were anxious to abolish such early marriages, and would like to know if they were encouraged in the mandated territory.

Mr. FLOOD drew a distinction between early marriages and child marriages. He said that there was no danger of child marriages when either of the contracting parties might not have reached puberty, but that he understood the term early marriage to mean those of young people of mature growth as, for instance, when the men were about eighteen years old and the girls sixteen.

M. PALACIOS thought that, in such latitudes, the ages mentioned were fairly advanced.

Labour.

Mr. WEAVER drew attention to paragraph 22 on page 9, and asked if voluntary labour for the construction of roads was distinct from labour for road maintenance.

Mr. FLOOD replied in the affirmative.

Mr. WEAVER, referring to the total number of carriers (page 22, paragraph 85), asked if such portage was compulsory.

Mr. FLOOD explained that where portage was necessary it was usually easily found. A district officer on entering a village might ask for carriers, and these would always be voluntarily forthcoming.

Mr. WEAVER, referring to the number of labourers employed by the District Commissioner, Medical Officer and Agricultural Officer (paragraph 85, section (b)) asked for what purposes this labour had been employed and whether it was compulsory or voluntary.

Mr. FLOOD explained that, for the most part, they would be carriers used by the District Commissioner as well as men employed in cleaning up the villages, by the Medical Officer for work in the hospital, and by the Agricultural Officer for work in gardens. It should be noticed that, under these Officers, the men worked for only thirty days each. He added that such labour was, in all probability, voluntary.

Mr. WEAVER then referred to the next three lines of the report, where it was stated that 250 men had been employed in the construction of banks for the Kulkpini Bridge. He asked whether the mention that they were unpaid meant that they were unpaid by the Government or by the Na of Yendi.

Mr. FLOOD explained that the Government supplied their food. It had been necessary to construct the banks hurriedly in the dry season before the rain should make the work impracticable. The Na of Yendi had been invited to help and had given 250 men towards the work.

Lord LUGARD asked Mr. Flood what precise meaning he attached to the term "Communal Labour".

Mr. FLOOD explained that it consisted of work done voluntarily by the village or tribe.

Lord LUGARD asked who supervised the employment of such labour.

Mr. FLOOD said that it would be the duty of the district officer.

Mr. WEAVER asked if the system used was similar to that described by Mr. Newlands at the fifth session of the Mandates Commission: "The District Officer went to the native chief and pointed out the advantages that the construction of a road would confer upon the natives. The chief submitted the question to the inhabitants, who decided by a majority whether the road should be constructed".

Mr. FLOOD replied in the affirmative.

Mr. WEAVER doubted whether the action of the Na of Yendi fell under Article 4, paragraph 3, of the mandate.

Mr. FLOOD pointed out that, if the people wished to make the roads, it was difficult to forbid them.

Mr. WEAVER asked if it could be assumed that the labour was entirely voluntary.

Mr. FLOOD said that the labour was quite voluntary according to the native customs.

Mr. WEAVER drew attention to the paragraph on immigration on page 49 and asked where the immigrants came from.

Mr. FLOOD explained that they probably came from the French territory of Upper Volta. There was close kinship between the tribes of this region and the tribes of the Gold Coast, and considerable movement between them.

Mr. WEAVER asked if there was much emigration or any recruiting from Togoland to the Gold Coast.

Mr. FLOOD had not heard of any, and was certain that recruitment of labour was not likely to happen in Togoland.

Mr. WEAVER asked if any labour in the territory was employed by Europeans.

Mr. FLOOD explained that there could be none, because there were no plantations and no European estates.

Mr. WEAVER recalled that last year Mr. Grimshaw had asked Sir Ransford Slater if the system of direct payment to the workers had been introduced in Togoland. He would like to raise this question again.

Mr. FLOOD said that the system had been considered, but not introduced so far as he was aware, as the people would certainly not understand it.

Mr. VAN REES drew attention to paragraph 87 on page 23 where it was said that, in the report, only the term "compulsory labour" had been used, seeing that, in the new questionnaire drawn up by the Commission in 1926, only this term was used and not the term "forced labour". He would point out that both terms were used in the mandates, under the terms of which the same reservations were to be applied to forced labour and compulsory labour. In other words, the

expressions were synonymous in the mandates. The fact, therefore, that the new questionnaire, which, moreover, had not been approved by the British Government, only contained the term "compulsory labour" was no reason why no further reference should be made to forced labour in the report, although the Commission knew that the only work done in Togoland under British mandate which could be considered as work done under compulsion was that required by the native chiefs for works of public utility.

Mr. FLOOD emphasised the fact that there was no forced labour whatever in the territory.

M. VAN REES recalled that, according to the explanations given in the previous year (Minutes of the fourteenth session, page 26), the Administration of Togoland understood as "compulsory labour" the work demanded by the native chiefs which was confined to the construction and maintenance of roads. "Forced labour", on the other hand, was considered to include work under compulsion for the benefit of private enterprises (a type of work which did not exist in the territory) or work done for the Government which, however, exercised no form of constraint.

M. Van Rees wished to point out that there was no basis in the terms of the mandate for such a distinction. Such a distinction, moreover, seemed to him to be dangerous since there was some risk that the native chiefs might be led to believe that they were authorised to require unpaid work to be done for public purposes, a conception which scarcely fell within the terms of the mandate.

Turning next to paragraph 22 on page 9 of the report; M. Van Rees asked how the Government, which left the native chiefs full liberty to construct roads, could be sure that they did not construct some which, too late, were found to be quite useless.

Mr. FLOOD explained that road construction often meant no more than the construction of tracks from field to field, when it would be largely a question of cutting down trees and levelling ground. It was impossible for the chiefs to make roads at random, for the plans had first to be submitted to the District Commissioners and the Office of Public Works. He knew of one example in the Gold Coast where the people did not build the road themselves, but had subscribed a large sum of money and had it built by contractors. It was a road that joined the main highway and was of great economic value.

Lord LUGARD observed that he had raised this question some years ago since he had known cases in which chiefs had represented that their people were eager to build roads when, as a matter of fact, they greatly resented being called upon to do so. The chief might be actuated by the desire to attract trade, or perhaps he had a motor-car and wished to have a road on which to use it. Some writers on Africa had been known to advocate the sale of cars to chiefs with this object.

Count DE PENHA GARCIA wished to know if the inhabitants were lazy, and the average number of days they worked a year.

Mr. FLOOD replied that they were not lazier than the inhabitants of England or France. They worked because they wanted food, clothes, houses, etc. They were willing to work for wages when there was anyone to employ them; but for the most part they had their own cultivation to look after, and at a time like the rainy season there was almost no work they could do.

Count DE PENHA GARCIA thought it would be interesting if the Commission could be told a labourer's average number of days of work.

Mr. FLOOD said that it was impossible to estimate; even if figures were given, they would not be accurate.

Count DE PENHA GARCIA thought that statistics could easily be obtained by a method of "soundings"; all that was necessary was to make observations on a certain number of labourers in a certain number of villages and to use the figures obtained as an average for the whole working population. He thought it ought to be easy to obtain figures which would be sufficiently reliable.

M. PALACIOS said that the real concern of the Commission was whether labour was exploited or not. As regards compulsory or forced labour, he did not agree with his Portuguese colleague. The point in question was not whether the native, like all men elsewhere, was under an obligation to work but whether he was exploited either by some special enterprise or by the Government, by officials in the service of private companies or by the chiefs in their personal service or in the pursuance of their interests. In the first case, the labourers should be protected by the missionaries, teachers and doctors, in general by the traders in the country, by all those who were the guardians of civilisation there. In the second case, the danger, which might require international intervention in the interests of humanity, arose from abuses attendant upon a desire to benefit to the utmost from the capital invested or to develop the power and riches of the chiefs.

Mr. FLOOD said that the labourers worked for themselves, and so there was no question of their exploitation.

Mlle. DANNEVIG said that a report of the kind contemplated would be of little practical value because, even if it did disclose that the natives were lazy, neither the Government nor the Commission could make them more industrious.

Arms and Ammunition.

M. SAKENOBÉ noticed that there had been smuggling of firearms and that the numbers seized during the last two years were 99 and 52. He hoped that there would be stricter vigilance and control in the future and asked for information to be supplied in the next year's report of the actual number of firearms registered.

Mr. FLOOD said that the preventive service was being improved all round to prevent the smuggling of tobacco, spirits and guns. He would like to point out, however, that the guns in question were only flintlocks and not weapons of precision. It would be exceedingly difficult to give statistics of these; but quite easy where rifles, shot-guns and all weapons of precision were concerned.

M. SAKENOBÉ, referring to page 22, noticed that the issue of permits for the purchase of lead had been abolished in the course of the year.

M. FLOOD explained that permits had been found to be unnecessary since both guns and powder were already controlled.

M. SAKENOBÉ drew attention to the fact that an African surveyor and his wife had been killed by poisoned arrows. He asked whether the natives were in the habit of carrying bows and arrows.

Mr. FLOOD replied that in the northern part of the territory the people were not civilised and were in the habit of carrying these arms.

Mr. SAKENOBÉ asked if they could be prohibited.

Mr. FLOOD said that that was impossible under present conditions as such natives were not allowed to possess guns and it was necessary for them to have some weapon of defence to protect them from wild animals, and to provide themselves with food.

FIFTEENTH MEETING.

Held on Thursday, November 14th, 1929, at 4 p.m.

1102. Togoland under British Mandate: Examination of the Annual Report for 1928(continuation).

Mr. Flood and M. Clauson came to the table of the Commission.

Education.

Mlle. DANNEVIG mentioned that this year's report on education was very full as to the southern section of the territory and wished to draw the attention of the Commission to certain facts mentioned in the report. Last year it had been noticed that educational expenditure had been reduced; this year the decrease had been made up and expenditure had risen by £800 as compared with 1927. The Missions had received subsidies to be able to raise the standard of their schools. The number of pupils was again increasing and forty-one native teachers were being trained in the Gold Coast. Paragraph 100 of the report stated that none of the German missionaries of the Ewe Presbyterian Church were trained teachers. She would like to ask if the Government had tried to make the Missions secure trained European teachers.

Mr. FLOOD remarked that there were difficulties in the way. Before the war, the Missions had done good work as teachers, but since then conditions had changed. He hoped that the present situation would improve.

Mlle. DANNEVIG, referring to Paragraph 107, asked if girls might not be made to seem more valuable in the eyes of future husbands if they were taught housekeeping, hygiene and child welfare.

Mr. FLOOD was afraid that there were not enough women teachers. Girl children were valued because of the price they would fetch on marriage. They were, therefore, considered as assets, but their value would probably not be increased by teaching them household arts, though the report referred to instruction in this matter.

Mlle. DANNEVIG remarked that from the educational point of view the situation in the northern section was very difficult, and she quite understood that, as European conditions did not yet obtain there, European education was as yet neither possible nor suitable. Referring to paragraphs 142 and 148 of the health report, she wondered if sanitary conditions would not be much improved when education was more widely spread? Had not the time come to make an effort in the direction of native education in these districts?

Mr. FLOOD himself thought that education ought to be regarded as a necessary foundation for the spread of knowledge in health matters, but progress could only be made slowly. If the schools were not well established and controlled, the children would learn useless things, and, as was the case in other parts of Africa, might learn principles of hygiene by heart without understanding their meaning.

Mlle. DANNEVIG understood, from paragraph 13, that the Na of Yendi was a man of progress and had advanced ideas. Could he not be brought to interest himself in the matter of education?

Mr. FLOOD agreed that the Na of Yendi was an enlightened man and said that he was certain that if good teachers could be found the Na would encourage children to attend schools. There had been a "trade school" at Yendi but it had been moved to Tamale as being more central.

Mlle. DANNEVIG wished to make clear that when she spoke of schools she naturally did not mean a purely scholastic instruction, but a method of education suitable for the natives of the country.

Count DE PENHA GARCIA was astonished that, whereas in European countries parents and children asked for free education, the natives of Togoland, on the contrary, preferred to pay for it. He asked if there was any explanation of this fact? Was it due to a psychological state of mind of the natives?

Mr. FLOOD said that it was so. The natives thought that what was gratuitous must be worth nothing. Such a way of thinking was peculiar neither to Togo nor to education. For example, he had often been told that it occurred where medical assistance was concerned. The natives would come more willingly to be treated if it were necessary to pay for the treatment.

Count DE PENHA GARCIA enquired in what language primary, secondary and advanced education was given? Was English taught and what was the state of education in the country?

Mr. FLOOD said there were usually seven standards laid down in educational instruction. At the beginning, the children were taught in their own language; after the third standard, instruction was given in English. It should be noticed that certain chiefs were opposed to this and desired English to be taught to the children from the beginning; but the Government did not wish to accept this proposal.

Count DE PENHA GARCIA asked what principles governed the grants of subsidies to the missions (paragraph 93 of the report).

Mr. FLOOD said that they were given in consideration of the number of children and teachers, the programme of work, the buildings, and the report made by the inspector.

Count DE PENHA GARCIA noted the fact that the number of pupils was only one of the elements that determined the amount of the subsidy. He drew attention to the fact that last year the sums granted had been reduced for the Roman Catholic schools.

Mr. FLOOD replied that there were fewer Catholics and less schools of that persuasion.

Count DE PENHA GARCIA observed that the subsidy would have been higher in the Catholic schools if it had been based on the number of pupils.

Mlle. DANNEVIG remarked that she had read a document issued by the Gold Coast Government, and stated that if the schools could reach the standard therein contemplated they would be excellent. There was one paragraph in that document which seemed to imply great trust in women teachers; whereas a man might have forty to forty-five children under his charge, a woman was allowed to have a larger number. Was that because the women were more efficient or because the girls did not require as efficient teaching as the boys?

Mr. FLOOD was afraid that neither supposition was correct. The explanation was that there were an insufficient number of women teachers, and until the supply of teachers was equal to the demand it would be difficult to enforce the rule laying down the maximum number of pupils.

Lord LUGARD asked if children from Togoland were admitted to the College of Achimota.

Mr. FLOOD replied that he did not know whether any had actually gone there yet, but pointed out that the report referred to the people being made aware of that institution.

Liquor Traffic.

Count DE PENHA GARCIA had found in the report certain interesting information concerning alcohol and expressed himself as satisfied with the efforts made by the Administration. There was one serious problem. The duties for the import and sale of alcohol had been raised; but the fact that these figures had increased showed that the rise in duty was insufficient. On the other hand, the Commission was told that the natives were consuming more wine and beer than spirits. The consumption of wine and beer must therefore have increased, and this appeared to be the case as the number of licences had risen from twenty-six to ninety-seven in 1928. Such figures were disquieting. In one year the number of licences had quadrupled. What conclusions ought to be arrived at from the report? One other point: figures were given for the imports coming from Togoland under French mandate, but none for the Gold Coast.

Mr. FLOOD stated that the figures given related to all the liquor brought into the mandated territory from whatever source, whether or not it came from the Gold Coast or the border between

the French and British regions. It would be noticed, from the first paragraph on page 31 of the report, that reference was made to the Liquor Trade Ascertainment Ordinance, which required records to be furnished of the amount of liquor in stock, purchased and sold each year. Those figures represented the total consumption of spirits and all alcoholic liquors from wherever imported. The increased number of licences did not relate to spirits but to wine and beer, and with increasing consumption more licences would be required. When a new general store was opened in the parts of the territory where hitherto there had been no store the owner would apply for a licence to sell wine and beer. The number of licences to sell spirits was not increasing.

Count DE PENHA GARCIA asked Mr. Flood if he thought a higher duty was an inducement to smuggling. He noticed that, during the year, 111 gallons of spirits had been seized (paragraph 116).

Mr. FLOOD replied that an increase in duty would inevitably lead to smuggling. The duties in the French mandated territory were very much lower than in the British sphere, therefore the Government had to maintain a preventive service along the Anglo-French boundary. He was told that last year 1,800 people had been arrested for smuggling. Fortunately, owing to the nature of the country, smuggling on a large scale would be a matter of great difficulty owing to the insufficient means of transport and the fact that such smugglers would have to travel along roads where they could be stopped. It was difficult, however, to stop a man walking through the bush with a bottle. The whole question was, however, exercising the careful attention of the Gold Coast Government.

Lord LUGARD wished to know whether any agreement had been reached with the French authorities with regard to equalisation of the duties.

Mr. FLOOD replied that efforts had been made to conclude such an agreement with the administration of Togoland under French mandate. This, however, was an international matter and would involve the French and British Governments.

Lord LUGARD asked whether these two Governments had taken any steps in this connection.

Mr. FLOOD said that he did not know.

Count DE PENHA GARCIA asked if in next year's report it would be possible to give the total revenue derived from licences and duties on spirits.

Mr. FLOOD replied that it should be possible, though, as the revenue from the Customs was collected at the ports of the Gold Coast, the figures might not be absolutely accurate, as the amount of duty depended on the alcoholic strength of the spirits imported.

Count DE PENHA GARCIA asked for information with regard to native beverages.

Mr. FLOOD replied that, in the south, the people, as elsewhere in West Africa, were used to palm wine and, in the north, beer made from grain.

Count de PENHA GARCIA had read in the report that a new Ordinance had been enacted at the end of 1928. He asked what the new principles of that ordinance were.

Mr. FLOOD replied that the Government of the Gold Coast had begun to be anxious concerning the increased consumption of spirits, and had been requested by some of the native rulers to take steps to reduce the consumption. The cost of all licences had been raised and there had also been a reduction of the hours allowed for the sale of spirits. One result of that, and of trade depression, was that the amount of spirits imported into the Gold Coast between January and August 1929 had been less than half that imported between January and August 1928.

M. RAPPARD said that it was surprising that a European administration should receive advice from native chiefs, who were asking that the consumption of alcohol should be decreased.

Lord LUGARD asked whether the chiefs had themselves endeavoured to restrict the quantity of spirits consumed by these people, both generally and on special occasions, such as funerals and tribal festivals.

Mr. FLOOD said that this had been done in certain districts. The statements that appeared in certain newspapers in this connection were not, however, reliable.

M. RAPPARD stressed the surprising fact to which he had referred.

Mr. FLOOD pointed out that his remarks referred to the Gold Coast and not to the mandated territory of Togoland. No surprise could be expressed at the procedure adopted by the Administration, because the Government had been approached by various people and asked to consider the question. In his opinion, there was not any serious danger from liquor traffic in the Gold Coast, but the Government was taking into account the state of public opinion. The request

of the native chiefs was one of the reasons which influenced the Gold Coast Government to consider whether to increase the duties and the fees for licences, which they had done.

Population.

M. RAPPARD observed that on page 48 of the report, paragraph 175, statistics were given of a census taken in 1921, and he presumed another census would be taken in 1931. On page 49, paragraph 176, there was a reference to an increasing amount of immigration into the northern section, mainly the Kusasi district, from the neighbouring territories, and it was stated that the immigrants assigned no particular reason for this, which was probably due to economic causes.

He asked the accredited representative whether the Administration had any views on the subject.

Mr. FLOOD did not think there was any strange motive behind these statements in the report, pointing out that there was always a certain floating population on the borders. The same sort of thing took place on the northern frontier of Nigeria and the boundary between Sierra Leone and Liberia. These people were closely allied to the local tribes and, there being no geographical boundary, they drifted into the country and, finding themselves well-treated and received by the inhabitants, stayed there.

Land Tenure.

Lord LUGARD asked what was the position with regard to the ownership of land in the northern part of Togoland. He understood that the "Land and Native Rights Ordinance" of Nigeria had been adopted in that part of Togoland. That Ordinance was radically amended by the Ordinance of 1926 which relieved native occupiers of the necessity of proving their title to their ancestral lands. Had this amending ordinance been applied in northern Togoland?

Mr. FLOOD replied in the affirmative, remarking that the Gold Coast Ordinance was still being put into shape. The amendments to which Lord Lugard had referred had been incorporated in the ordinance. There was no question of compelling natives to produce a certificate of occupancy.

Close of the Hearing.

The Chairman closed the debate. He said that the Commission had followed with interest the affairs of Togoland. He had noticed that the official title given to the country by the Colonial Office had changed almost every year; moreover, he had noted that, in the report itself, four different terms were used to designate the territory. The map, for example, was headed "British Togoland". Such changes of title on the part of the Administration did not seem to him to be correct.

He thanked Mr. Flood and said that his competence had been of real use to the Permanent Mandates Commission.

Mr. FLOOD thanked the Chairman and the members of the Commission for their kind words.

SIXTEENTH MEETING.

Held on Friday, November 15th, 1929, at 10.15 a.m.

1103. Palestine: Question of holding an Extraordinary Session of the Commission.

The CHAIRMAN said that, in its session of September 1929, the Council of the League of Nations had expressed its sympathy with the victims of the events in Palestine, its regret for the disorders in the country and its hope for the return of order. It had adopted the following proposal made by M. Procopé:

"That the Council should decide that, in accordance with the procedure which was indicated in the Covenant itself, and which had been followed under similar circumstances, documents which were of interest in connection with these incidents should be forwarded to the Permanent Mandates Commission, in order that the Commission might thoroughly examine them at its next session, or at an extraordinary session, and inform the Council of its views thereon."

In view of the fact that the Mandates Commission had received nothing at this session and that Mr. Clauson, when asked if he had any communication to make from his Government, had replied that he could not say when the mandatory Power would present its report on the events in Palestine, the Chairman took the opportunity to recall the procedure that had been followed in the similar case of Syria.

On October 19th, 1925, the Commission, in view of the crisis in Syria, adopted after discussion a resolution¹ which may be summarised as follows:

(a) A decision to adjourn its examination of the report on the administration of Syria in 1924;

(b) A decision to examine a written report, supported by all the necessary documents, on the political events in 1925 as a whole, together with the petitions relating to Syria and the 1924 report, at an extraordinary session which would be held at a sufficiently early date to enable it to submit its recommendations to the Council at its session of March 1926;

(c) A recommendation to the Council to request the mandatory Power to transmit this special report in such time that it should be received before January 15th, 1926.

On October 23rd, the Chairman read the resolution referred to above to Count Clauzel, representative of the French Government for Syria. Count Clauzel read a declaration² in which his Government:

(a) Stated that it fully appreciated the reasons on account of which the Commission had decided to adjourn the discussion upon Syria to a session to be held in February 1926;

(b) Undertook to present a supplementary report on current events in January 1926.

On October 28th, the Chairman despatched a letter³, approved by the Commission, to the President of the Council in order:

(a) To transmit to him an extract, with regard to Syria, from the report of the Commission;

(b) To draw his attention to the Commission's decision to examine a special report upon the situation in Syria at an extraordinary session which would be held in Rome at a sufficiently early date to enable the Commission to submit its recommendations to the Council at its session of March 1926;

(c) To request him to approve the extraordinary session in question;

(d) To transmit to him a copy of all the petitions relating to the incidents in Syria, including the protest from M. Chekib Arslan against the adjournment of the examination of the situation in Syria.

On October 29th, M. Briand, President of the Council, approved the extraordinary session.⁴

On October 30th, the Commission agreed upon certain details of procedure with regard to its extraordinary session and decided upon the preparatory work which it would ask of the Secretariat.⁵

On January 27th, 1926, the French Government was informed of the opening date of the extraordinary session.

Since the Commission would be unable to undertake any examination of the events in Palestine during the present ordinary session, and since the Council had stated that this examination might take place at an extraordinary session, his present concern was to find out at what period the Commission would be able to sit, so that it could present its report before the next session of the Council. It seemed, however, impossible for the Commission to meet before that session which would be held in January. The next session of the Council would open on May 12th. Taking into consideration the time necessary for the mandatory Power to prepare its report and the time necessary for the members of the Commission to examine it, it seemed to him that an extraordinary session was only possible in the month of March.

Were the members of the Commission in agreement with him that a letter should be written to the President of the Council, according to which the Commission should hold an extraordinary session as soon as the report of the mandatory Power should arrive, but adding that this report ought not to arrive later than the month of February, so that the Commission should be able to present its report to the Council before the Council's session in May? If the members of the Commission did not approve of this suggestion, the examination of the situation in Palestine would be postponed until the session of the Commission in June—July and its report would be presented to the Council at its session of September, which seemed to him to be very late.

In the case of Syria, the mandatory Power had been able to present a report, after a delay of three months, of the most serious events: in the present case, the mandatory Power will have had seven months from the troubles of August last.

M. PALACIOS asked what would happen if the mandatory Power declared that it was unable to present its report within the given time?

The CHAIRMAN replied that it was not for the Commission to enquire into the intentions of the Power concerned. It was bound by the decision of the Council which had asked that a report should be presented on the events in Palestine either during an ordinary session of the Commission or an extraordinary one.

M. PALACIOS added, for the benefit of those of his colleagues who were absent when the situation in Syria was examined, that it seemed that the procedure that had been followed then was not exactly similar. It had been decided to postpone the examination of the annual report of the mandatory Power for 1924, on condition that the Commission received promptly and within a given period a report on the events which had occurred during the rebellion of 1925.

¹ See Minutes of the seventh session, page 16.

² See Minutes of the seventh session, page 80.

³ See Minutes of the seventh session, pages 132 and 133.

⁴ See Minutes of the seventh session, page 194.

⁵ See Minutes of the seventh session, page 141.

COUNT DE PENHA GARCIA declared that he had not been a member of the Commission when the events in Syria had been discussed. It did not seem to him that the procedure that had been followed then was altogether the same as that proposed by the Chairman. In the present case, the situation was clear. There was a decision of the Council, to which it was the duty of the Commission to conform. He wondered whether the events in Palestine had been as serious as those in Syria, but in any case, the position was extremely grave. He had the impression that the country was far from calm, that at the basis of everything there was a very delicate question of incompatibility, and he did not see that measures had been taken to lessen the gravity of the situation.

Faced by such circumstances, and in view of the fact that the Commission had already received several petitions on the matter, it could not remain inactive, and should avoid delays which public opinion would be unable to understand. In these conditions, the Permanent Mandates Commission, acting on the instructions of the Council, could help the mandatory Power to remedy the present state of affairs and to guarantee justice to the nationals of the territory under mandate.

Count de Penha Garcia thought, therefore, that the Commission should adopt a procedure similar to that which had been followed in the case of Syria. Action must be taken on the decision of the Council and it was the duty of the Commission to deal with the matter as soon as possible.

The CHAIRMAN noted that the proposal was approved. He indicated the terms of the letter which he proposed to send to the President of the Council on behalf of the Commission:

“ The Commission,

“ Having taken note of the discussions in the Council but not having received, at its ordinary session, any information upon the affairs in Palestine which would enable it to hold a useful discussion on these incidents;

“ Decides to hold an extraordinary session in such time as shall enable it to communicate the results of its examination to the Council at its May session. ”

In reply to an observation by M. Merlin, who would have preferred the words “ The Commission *has arranged* ” instead of the words “ The Commission *decides* ”, the Chairman said that the Council had authorised the Commission to take a decision.

COUNT DE PENHA GARCIA asked whether it would not be well to add that the Commission had already received a certain number of petitions.

The CHAIRMAN said that the meeting of the Commission should not be made contingent upon the arrival of the report of the Commission of Enquiry set up by the mandatory Power. The Council had asked the latter for a report on a much wider basis. It must deal with the immediate and more remote causes of the incidents in Palestine, with the measures taken to restore peace in the country and with the arrangements made to avoid a repetition of such events.

The Chairman asked whether the Commission would decide to communicate to Mr. Clauson the decision that it had just taken, or whether this decision should be transmitted by the Secretariat to the Government of the mandatory Power through the ordinary channels.

M. PALACIOS thought that it would be better to ask the representative of the Colonial Office to appear before the Commission. The Commission might thus at the same time explain its attitude to public opinion, which might be surprised if it were to keep silent on this matter.

M. CATASTINI wished to remind the Commission of Rule 1 of its rules of procedure: The second and third paragraphs read:

“ It [the Commission] will meet for extraordinary sessions at the request of one of its members on condition that this request, which should be addressed to the Secretary-General and submitted by him to the other members of the Commission, be approved by the majority of these members and by the President of the Council of the League.

“ The Mandatory Powers and the President of the Council shall be informed, at least one month in advance, of the dates of sessions. ”

COUNT DE PENHA GARCIA thought that it was certain that no difficulties would be raised by the mandatory Power. He recalled that the Government at present in office in Great Britain had recently given several proofs of its interest in the League and its work.

The CHAIRMAN noted that the Commission approved the holding of an extraordinary session. At its next meeting a communication would be made to the accredited representative of the mandatory Power as an act of courtesy and in order that he might be warned as quickly as possible. The mandatory Power, in accordance with the usual procedure, would in due course be informed of the decision of the President of the Council. After an exchange of views, *the Commission authorised the Chairman to fix the date of the extraordinary session.*

A discussion followed on the place of meeting for the session. The great majority of the members of the Commission were in favour of meeting outside Geneva for considerations of personal convenience and in view of the hard climate there.

The Commission decided unanimously to authorise the Chairman to choose in due course the place of meeting for the session.

1104. Western Samoa: Examination of the Annual Report for 1928-29.

Sir James PARR, High Commissioner for New Zealand in London, accredited representative of the mandatory Power, came to the table of the Commission.

Maintenance of Order: Political Situation.

The CHAIRMAN recalled that the report which the Permanent Mandates Commission had drawn up after its examination of the report of the Royal Commission of Enquiry contained the following paragraph (see Minutes of the thirteenth session, page 230):

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

At its fourteenth session (November 1928) the Commission had recalled this observation and had expressed the hope that, “ when examining the next annual report, it would find that the Administration had regained complete control of the situation and that a normal condition of affairs had been re-established ” (see Minutes of the fourteenth session, page 274).

The annual report for the year 1928-29 contained somewhat vague information with regard to the general situation in Samoa, while it appeared from various chapters of that report that a great number of the activities of the Administration were still paralysed by political conditions. The accredited representative would greatly assist the Commission by supplementing the information contained in the annual report by a statement on the general political situation at the present time, in order that the Commission might ascertain whether real progress had been made on the lines which it had indicated as desirable at its thirteenth and fourteenth sessions. It would also be of value for the Commission to have more definite particulars with regard to the policy that the mandatory Power intended to follow in the exercise of the mandate conferred upon it by the League.

Sir James PARR spoke as follows:

I think it might very safely be said that law and order have been restored. You will remember that, owing to the lack of any kind of efficient force, General Richardson, a year or more ago, was impotent to enforce order. The King's writ, as we say in England, did not run. Law breakers went unpunished, and taxes were not collected. It can now be said that, owing to the arrival of an adequate police force, order is maintained. Only in the case of two arrests during the last year or so was resistance attempted and two small conflicts with the authorities occurred, but in each case there were no ill results. I think I can say, quite safely, that order is maintained throughout the territory. The Government governs to that extent.

When, however, you ask me about the political situation I am bound to admit that, while there has been some improvement, it is still, in the opinion of the Mandatory, unsatisfactory.

The new Governor, Colonel Allen, succeeded General Richardson about May 1928. He has been in Samoa for about eighteen months. He went with quite an open mind, anxious to meet the “ Mau ”, hear its representatives and ascertain its grievances, which were rather obscure. He was conciliatory and, while firm, he was tactful. What was the result? The result was that the “ Mau ” rejected his advances. The “ Mau ” is not vicious; it believes that it has a just cause, though if one is able to get close enough to question it one is unable to discover exactly what it wants.

Colonel Allen made advances with dignity and purpose and with a kindly spirit, and, I repeat, the “ Mau ” ignored him. On one occasion he did succeed in coming into close contact with two very important chiefs—two principal men of the “ Mau ” movement—Tamasese and Tuimaleaaliifano, and in having conversations with them which were, as he puts it, entirely inconclusive. He said he was prepared to talk over their troubles with them and see whether he could not find a way out. He asked what it was they wanted. He was a new Administrator and was anxious to know. All he was able to get out of the two chiefs was that they were aggrieved because the Mandates Commission's report was not signed by every nation, under its own seal, of the League of Nations, and because Mr. Nelson—who was their representative—had so far failed to report progress, and they felt they could do nothing without hearing from Mr. Nelson. That was all that Colonel Allen could get out of them. I think it is necessary to give that as an instance of the difficulty New Zealand is up against in dealing with this movement of non-co-operation.

As I have said, there is no active or direct hostility towards the Administrator, but there is no disposition to meet him to discuss the difficulties. Acting under advice, I think the “ Mau ” has come to the conclusion that if it persists long enough in its non-co-operative attitude it must ultimately attain its ends.

M. RAPPARD asked to whose advice Sir James Parr had referred.

Sir James PARR replied as follows:

I suggest that the old influence is still at work. Mr. Nelson is now living in Auckland, the largest city of New Zealand and nearest to Samoa, and is still active. Recently, a Samoan Defence League was formed in Auckland, the principal figure in it being a rather well-known lawyer who is the lawyer for the "Mau" and for Mr. Nelson, as well as for the Samoan Defence League. This Defence League is numerically small and I am advised that its influence in New Zealand is somewhat negligible, but there can be no doubt that it is in close touch with the "Mau" chiefs, and there can be little question that Mr. Nelson is still active.

The Samoan Defence League, while announcing as its principal object its desire to assist the New Government (in New Zealand) in bringing to a close the dissension in the territory, took up the attitude that the only way to effect this was to remove the orders of deportation and that the "accredited representative" of Samoa—Mr. Nelson—and Tamasese should be summoned to Wellington for consultation with the Prime Minister. This course the new Government felt itself unable to consider or adopt. The policy of the previous Government, which was replaced a year ago by a Liberal Government, was one of patience, hoping in this way to win these people round. It believed that the removal of Nelson's influence would do a great deal towards inducing the "Mau" to give up its policy of non-co-operation. I should mention that Mr. Coates was defeated and the Liberal Party returned to power under Sir Joseph Ward.

M. RAPPARD asked whether the Samoan issue had played any great part in the campaign.

Sir James PARR replied:

None or very little. It did not seriously affect the issue. It is true that the Labour leader has said that it did play a part, but neither of the other Parties would, I think, agree with that for a moment.

Such was the position on the assumption of office by the present Government, which was obliged to consider very seriously the course it should take. On the one hand, it was not without sympathy for the Samoans who had attached themselves to the "Mau". The new Government believed that the "Mau" was convinced of the justice of its cause, though, except for the deportation of three Europeans—Nelson, Gurr and Smyth—the new Government had found it impossible to discover any grievances that might require redress: indeed, the very triviality of those grievances was one of the main difficulties in dealing with them.

On the other hand, the new Government recognised the necessity of maintaining the proper authority of the Administration, and for this reason felt itself unable, at that late stage of events, to give way, while the "Mau" still persisted in flouting the law openly and concertedly. After lengthy consideration and consultation with the Administrator, the policy of the new Government took the form of a short announcement made by the Prime Minister, as follows:

"The Government has considered very carefully the situation in Western Samoa and it has thought it advisable at this juncture to make a public statement of its views.

"In the first place, the Government wishes to make it plain that it cannot tolerate or negotiate with any movement that is openly subversive of good Government in the territory. The Samoans must understand that any failure to obey the law will be punished and that the Government must act rigorously in this direction should future events unhappily render it necessary.

"His Excellency the Administrator and the New Zealand Government are, however, anxious to bring to an end the dissension in the territory, and immediately those Samoans, who are members of the 'Mau', have the good sense to cease their attitude of passive resistance and to abandon their refusal to pay taxes, His Excellency and the Government will be prepared to consider any representations in a generous spirit.

"The Government earnestly trusts that wise counsels will prevail and that all who have the true interest of Western Samoa at heart will assist in pointing out to the 'Mau' the path of wisdom and of honour and the disastrous consequences to Samoa of a continuation of its present attitude."

This statement was published throughout Samoa both in English and in Samoan, but, as was anticipated, had no marked effect. At this moment the Defence League was created, which did not help matters.

You may ask what is the economic position and how trade is progressing. It is a fact that there has been a most remarkable increase in trade during the past twelve months. The Mau has not affected production. The output of copra and cocoa has largely increased, and the total trade amounted to £748,000 as against £640,000 for the previous year, an increase of £108,000 in the year. From the economic point of view it has been an excellent year.

M. MERLIN said that the accredited representative's statement had confirmed his impression that there had been no further open disorder in the territory, and that the "Mau" had replaced active by passive resistance. He understood, however, that on every occasion that the mandatory Power had had to exercise its authority the "Mau" had returned to its former procedure, and scuffles had occurred between the police and the natives. It seemed that public tranquillity was only due to the policy of abstention followed by the local authorities. A typical example was to be found in events that had occurred in connection with the poll-tax. This tax was levied in Samoa, as in all territories, on the native population. The revenue from native taxes for the

financial year 1928 had only produced the sum of £6,343 out of an estimated return of £19,400 (page 2 of the report). Faced by such a financial failure the local authorities had merely cancelled the poll-tax and had substituted other methods of collecting.

Similarly, owing to the continued absence of children from the schools, the number of schools had been reduced. The meetings of the Faipules had been suspended.

M. Merlin pointed out that it was the duty of the mandatory Power to ensure not only order in the country but the regular working of the Administration. It was to be feared that if the negative policy were continued the Administration would soon be reduced to what might be described as a state of anæmia which would rapidly have unfortunate results on the economic development of the country as well as on its political condition.

M. RAPPARD said that the accredited representative had described the present situation as one of non-co-operation. He had, however, noted the points to which M. Merlin had referred, and he also wished to draw attention to the following passage on page 13 of the report, under the heading "Telephones":

"The revenue from this item amounted to £1,240 10s. 9d. for the year, and when compared with the previous year discloses a slight decrease: this, of course, is only to be expected, owing to the number of line circuits that have been put out of action from time to time by the natives".

It seemed therefore that disorders actually occurred and that there was not merely a lack of good will on the part of the "Mau". This sentence also seemed to imply that the Administration had resigned its elf to the present state of affairs, and that it regarded such incidents as the cutting of telephone circuits as matters of course.

Sir James PARR said that he was quite ready to admit that the mandatory Power had been unable to collect the poll-tax. It should be remembered, however, that the Administration had to deal with some 40,000 natives. Even if it were to obtain in the Courts a judgment for arrears of tax against the natives, it would still remain impotent in the matter. Distraint on the property of the natives was impossible, since all their property was communal. Also, imprisonment was no deterrent for Samoans. Imprisonment was no disgrace to them, and they regarded the prisons as places where they would be fed and sheltered. The Administration had therefore come to the conclusion that its prestige might best be preserved by repealing the tax, rather than by maintaining it without any power to collect it. Moreover, the required revenue was being collected by an export duty on copra.

M. PALACIOS understood that certain references had been made to the objects of the "Mau" in the New Zealand House of Representatives, and that the question of the policy known as "Samoa for the Samoans" had been discussed. He had read the records of the meetings and, in particular, one from which it appeared that a member of Parliament had even compared the case of Samoa with the case of Ireland. It appeared from a newspaper he had just received, the *N. Z. Samoa Guardian*, that the movement which steadily became more general was due to historical and even nationalist causes. It said:

"The world moves. But it is difficult to realise that we now find all political parties in the New Zealand Parliament united in agreeing that what Mr. Coates calls "New Zealand's incontrovertible policy" in Samoa must be "Samoa for the Samoans."

"General Richardson was one of the first to revive this old-time slogan of the Samoan nation, in defence of which they sacrificed their lives and liberty against the foreign aggression of Britain, Germany and the United States. Mr. Nosworthy, as Minister for the territory, enumerated it last session, and Sir Maui Pomare, another member of the Reform Cabinet, supported him. Now we have Sir Apirana Ngata, Mr. Coates, Sir Joseph Ward, and Mr. H. E. Holland, leader of the Labour Party, all singing "Samoa for the Samoans" in unison, and the echo of a united 'Mau' chorus can be heard from far Samoa."

Sir James PARR said that the Government declined to assume responsibility for opinions expressed by individual members of the New Zealand Parliament. He wished to point out that the term "Samoa for the Samoans" had no fixed meaning. Some of the partisans of this policy regarded it as implying gradual education of the natives for self-government, whereas others regarded it as entailing an immediate grant of independence. Undue importance should not be attached to this term.

Count DE PENHA GARCIA observed that the Commission was faced with a delicate situation. The mandatory Power had itself admitted that native affairs were not satisfactory and that errors of policy had been committed. It was difficult to understand how a small people like the Samoans had been able to defeat the efforts of the mandatory Power. He had been especially struck by the speech of the Minister of Native Affairs in the New Zealand Parliament who said that the administrators had not been sufficiently enlightened and had not pursued a right policy towards the natives. The Minister had suggested that a policy similar to that usually adopted by Great Britain in native affairs should have been adopted, namely, that of acting as advisers.

Results proved that this criticism was true. The native policy had not been understood and had been badly executed. It seemed obvious that the legislation had not taken into account

the conditions and state of mind of the natives. He quoted an extract from *The Press*, dated September 7th, 1929, where, in a debate in the House of Representatives, Sir Apirana Ngata, recognising the mistakes that had been made, was reported as having said:

“ To my humble way of thinking, what is needed is a diplomatist, one of those gentlemen educated at Geneva, to arrive at some formula to save the face of New Zealand. ”

Sir James PARR, continuing the quotation, remarked that Sir Apirana Ngata had said “ to save the face of the Government of New Zealand and of the very high-born and difficult chiefs in Samoa. ” Sir James knew that the Mandates Commission could not supply any such formula. It was not the business or function of the Mandates Commission.

The CHAIRMAN emphasized that the role of the Mandates Commission was not to administer the territories under mandate.

Sir James PARR protested that he understood it only too well.

In answer to the remarks of Count de Penha Garcia, he said that the position was most difficult and delicate. He had read the speech of Sir Apirana Ngata, who was a member of the Government and a most cultivated man. He largely agreed with his point of view that the traditions, history and psychology of these races should be carefully studied.

The Samoans were in a difficult position because during the last few years they had had a succession of four different Governments: namely, a Government with native kings; then for some years a Government administered by the United States, Great Britain and Germany; then Germany alone and now New Zealand. The Samoans were always anxious for a change and perhaps now thought that it was time that the New Zealand Government should go.

Under present conditions it was no use to talk of using force. The Government could only rely on time and patience, with an insistence on law and order and the punishment of crime. Such was the policy of the present Government.

M. PALACIOS asked if the suppression of the Faipules meant that the Administration could not get on with them, although, in certain petitions which the Commission had studied at previous sessions, it was claimed that they had been chosen by the Administration itself.

Sir James PARR replied that that was not the case. The Faipules were not functioning in such a way as to benefit the natives. The present conditions of non-co-operation made any native Parliament useless. In place of the Faipules, the Government proposed to introduce two native chiefs into the Legislative Council.

M. PALACIOS remarked that in that case the Administration would be dealing directly with individuals only, but not with collective bodies which it dispersed (page 3 of the annual report).

Sir James PARR pointed out that the Faipules had not met for over a year. The charge against the Administration was that it nominated the members of the Faipules itself, and this had made the Faipules unpopular.

In answer to a question of Lord Lugard's, Sir James Parr explained that the functions of the Faipules were now being performed by European district officers. For the moment, the Government had abandoned the idea of gathering Samoan representatives together.

M. ORTS wondered whether the accredited representative had fully realised the import of the observations made by M. Rappard and M. Merlin. Sir James Parr had acknowledged that the situation was not satisfactory, and the annual report had admitted as much with equal frankness, yet he had stated that order reigned in the territory. An expression like that needed definition. Doubtless, public order had not been disturbed in that there had been neither riots nor violent demonstrations; nevertheless, the annual report bore witness to a very disturbed state of affairs. M. Merlin had pointed out that only one-third of the taxable population had paid its taxes, and Sir James Parr had said that, in face of this taxpayers' strike, the authorities could do nothing. M. Rappard had drawn attention to the fact that the Administration had had to abandon a telephone line because the wires were being constantly cut. The annual report contained numerous examples of this state of latent rebellion and the powerlessness of the authorities to cope with the situation.

M. Orts read various passages from pages 4, 8 and 15 of the annual report. In the chapter “ Departmental Reports ” it was stated:

“ As a result (of native unrest) the activities of the native department have been greatly hampered and developmental work has been suspended. Institutions set up in out-districts such as District Councils and various committees have been undermined and unable to function and it is now proposed to make considerable reductions in the number of native officials. ”

The attendance at certain schools had been less than previously, “ owing to the boys from certain districts being forbidden to return to school ”. In the chapter “ Lands and Survey Department ” it was said:

“ Owing to . . . the unsettled condition of the country, the survey of native village land has been postponed and only urgent routine work carried on ”.

Further on, in connection with the Public Works Department, the report said:

“ For the year under review, the amount of work undertaken has been below the average owing to the unsettled conditions in the territory. This reduction in activity has been reflected in a reduction in staff . . . ”

These circumstances did not lead to the conclusion that order reigned in the territory.

Sir James PARR, in reply, said he had no intention of suggesting that conditions were normal; he would point out, however, that active hostility and directly aggressive action had ceased. The present policy was one of non-co-operation. Crime did not go unpunished, although sometimes the offender escaped and fled into the bush, but that was liable to happen even under normal conditions. He thought it was unfair to say that the situation was excessively abnormal. People went about their business as usual. The only difference to be noted was the sulkiness of the natives, which expressed itself in various ways, such as the stoning of motor-cars and the cutting of telephone wires. He would like to point out that the latter affair had occurred in a particularly unfavourable quarter; it was the action of young bloods who had not been countenanced by the elders of their tribes.

In further reply to M. Orts he would like to say that at the present moment school attendance was higher than ever. Twelve months ago, the natives had refused to send their children to the schools and these had had to be closed; now children came willingly and in increasing numbers.

The point raised concerning the Lands and Survey Department referred to Sir George Richardson's attempt to individualise lands which at the moment were owned communally. The natives had strongly resisted this attempt to give them titles to their lands, and the whole proposal had been dropped as impracticable, at least for the present.

M. ORTS said he understood the difficulties experienced by the mandatory Power. Nevertheless, though it recognised these difficulties, the Mandates Commission was merely doing its duty in noting the persistence in this territory of a state of unrest characterised by the passive resistance of the population, the paralysis of the public services and the powerlessness of the administration to deal with the situation.

Sir James PARR said that, while he fully appreciated the functions of the Mandates Commission, the Commission must at the same time appreciate the position of the mandatory Power. He himself was present to place the difficulty before M. Orts and the other members of the Commission. Did M. Orts suggest that force should be used to coerce these people, or was it the intention of the Commission to suggest a formula for the mandatory Power ?

He was very much impressed by the opinion of the Mandates Commission that there was lack of order in Western Samoa, and he wondered how the mandatory Power thought this could be cured. He thought he could not do better than to advise the Commission of the opinion of his Government, which was as follows:

“ There never has been any doubt as to the Government's power to coerce the disaffected Samoans by force of arms should this be unavoidable and the opinion has indeed been held amongst a section of the Samoans as well as in New Zealand that the matter should be handled by force as the quickest way of concluding the present difficulties. It is plain, however, that once recourse is had to force bloodshed among the Samoans must almost inevitably follow, and the Government has never considered, and does not now consider, that the circumstances of the case or the attitude of the disaffected natives would either necessitate or justify this extreme step. It refused, at any rate until it is certain that the larger interests of the Samoans demanded it, to take a course that will involve the probable necessity of bloodshed among these misguided people whose opinions, though mistaken and mischievous, would nevertheless appear to be sincere and honest. It cannot lose sight of the fact that throughout this unfortunate agitation the attitude of the Samoans in all its larger aspects has never been threatening and that the movement, unfortunate and mischievous as it undoubtedly is, has been conducted by the ' Mau ' with some dignity and restraint. The disaffected Samoans have, generally speaking, been careful to abstain from any wrongful acts either against person or property, their deliberations have always (ostensibly, at any rate) been conducted after appeals for Divine guidance, and the Government does not feel that even the paramount necessity of upholding the prestige of the Administration would justify the adoption of forcible measures in the existing circumstances. Should the Permanent Mandates Commission or individual members take up on this occasion, as in a somewhat guarded manner they did in the past, the attitude that New Zealand should assert its complete authority in the territory by force, the New Zealand representative is instructed:

“ (1) To place the above facts before the Commission;

“ (2) To advise the Commission that after the fullest consideration of the circumstances, including the history of the present position, the possibilities of the future, and the most careful calculation of the interests of the Samoans and of the necessity of preserving the authority of the Administration, the Government have definitely refused to adopt force as the solution at the present juncture;

“ (3) To add that this decision was taken primarily in the interests of the Samoan people, having regard to the future as well as to the present;

“ (4) To exercise the fact that no consideration of New Zealand politics entered into the Government's decision (as was suggested by members of the Commission on a previous occasion) and,

"(5) To state that, if the Permanent Mandates Commission find themselves unable to agree with the wisdom of the course adopted and consider the application of force essential, the New Zealand Government, while, of course, maintaining their view of the position, would be grateful if the Commission would, in intimating this fact in their report, specify the manner in which, and the degree to which they consider, force should be applied."

That was the view of the Government with regard to the use of force to coerce the Samoans to pay taxes, the non-payment of which was the main complaint of the Mandates Commission.

SEVENTEENTH MEETING.

Held on Friday, November 15th, 1929, at 4 p.m.

1105. Palestine: Question of holding an Extraordinary Session of the Commission (continuation).

The CHAIRMAN read a draft resolution and a letter to the President of the Council which were adopted in the following form:

Letter to the President of the Council.

[*Translation.*]

"At its meeting of September 6th, 1929, the Council decided that the Permanent Mandates Commission should, either at its next session or at an extraordinary session, proceed to a thorough study of the situation in Palestine, in order that it might communicate to the Council its views in this connection.

"In accordance with this decision, the Permanent Mandates Commission proposes to hold an extraordinary session next March, in order that it may inform the Council of the conclusions of its enquiry before the session which the Council is to hold in May.

"It is confident that it will, by then, have received the report from the mandatory Power, for which the Council expressed a desire at its meeting of September 6th, 1929.

"I have the honour to forward to you herewith a copy of the resolution which the Permanent Mandates Commission adopted in this connection at its meeting of the 15th inst., and to request your approval for the holding of this extraordinary session.

Resolution.

"In accordance with the desire expressed by the Council of the League of Nations at its meeting of September 6th, 1929, the Permanent Mandates Commission proposes to hold an extraordinary session in the month of March next. The Commission has no doubt that, by that time, it will have received from the mandatory Power all the information which will enable it to form an opinion as to the incidents in Palestine, their immediate and more remote causes, the steps that have been taken to tranquillise the country and the measures for the prevention of any recurrence of such events."

Mr. Clauson, British Colonial Office, came to the table of the Commission.

The CHAIRMAN informed Mr. Clauson of the above letter and of the Commission's decision, and asked him to transmit the letter as soon as possible to the mandatory Power.

(Mr. Clauson withdrew.)

1106. Western Samoa: Examination of the Annual Report for 1928-29 (continuation).

Maintenance of Order: Political Situation (continuation).

The CHAIRMAN recalled that Sir James Parr had referred to suggestions which certain members of the Mandates Commission and the Commission as a whole had offered to the mandatory Power, inviting it to put down the disturbances which had occurred in Samoa by energetic means. No member of the Commission had ever suggested that strong measures should be employed against the natives. He asked M. Orts to speak on behalf of the Commission in order to remove any uncertainty on the matter.

M. ORTS recalled the observations made by M. Kastl and himself on this subject at the fourteenth session and also the report of the Commission to the Council. He agreed to the request that he should act as spokesman of the Commission in order to refute this allegation.

M. PALACIOS said he wished to make it quite clear, before the accredited representative was called in, that, when they were discussing Samoa the previous year, he had expressed opinions which differed very considerably from the opinions of his colleagues on which the conclusions of the Commission were based. He would therefore take no part in the discussion to which the objections of the accredited representative had given rise.

Sir James Parr came to the table of the Commission.

M. ORTS said he was glad to find that the mandatory Power's report admitted straightforwardly that everything was not perfect in Western Samoa. The discussion could consequently be conducted in an atmosphere of sincerity and confidence.

He also wished to explain that the fact that he was speaking on the Commission's behalf about the general position in the territory was due not to any peculiar interest on his part in those questions but to the way the Commission had divided up its work, in consequence of which it had devolved upon him to open the debate on the general administration.

There was one first point on which the Commission was unanimous that a very clear explanation was required.

That morning the accredited representative had read instructions from his Government in which it was stated that the Permanent Mandates Commission, or one of its individual members, had expressed the view that the New Zealand Government should assert its authority over the territory of Samoa *by force*.

He was sorry to have to point out that the statements made during the discussion on the report for 1927-28, to which the New Zealand Government referred, in no way justified such an assertion.

At the meeting on October 29th, 1928, M. Kastl had said that there was no proper administration. "Even a mandated territory should be properly administered," he had said, and had continued that he was "in favour of toleration as far as possible, but that if continued too long it might not be in the interest of a territory and might lead to disadvantages for the population as a whole". From what had been said, he had observed, "it might be supposed that the New Zealand Government was paying too much attention to party movements" (Minutes of the fourteenth session, page 42). This criticism of administrative methods as lacking in firmness had been taken up by him (M. Orts); he had associated himself with what M. Kastl had said, and pointed out "that the Mandates Commission was not recommending the use of violence to re-establish a normal state of affairs", but that "what the Commission was demanding was that the territory should be effectively administered" (Minutes of the fourteenth session, page 43).

The same idea had already been put forward in the observations submitted to the Council by the Permanent Mandates Commission at its thirteenth session, in which the hope was expressed "that the mandatory Power will soon be able to re-establish peace and prosperity in Western Samoa by a policy both firm and liberal."

Thus the assertion that the Commission had recommended, even "with a certain reserve", the use of force—an assertion which had already found its way into the Press—was likewise contradicted by the observations to the Council, which alone were binding on the Commission as a whole. Machine-guns, which had been referred to in that connection, were not the instruments of a "firm and liberal policy," and in any case they could hardly be brought into action to overcome an opposition which was practically confined to passive resistance.

It might be said that the Commission's recommendation was so vague as to be of little help to the mandatory Power. A firm and liberal policy would be a policy which laid down the principle that nobody could break the law without paying the penalties the law provided, and it would be a policy which would not allow the operation of the public services to be suspended and the administration to be reduced to helplessness at the will of individuals.

The taxpayers' objection to paying taxes was not peculiar to Samoa. There were other territories where the natives, having no private property, had no goods on which a distress could be levied, yet in those territories the natives paid their taxes without being compelled to do so by force of arms.

Some administrations were defied, others were respected. The latter were generally those which made themselves acceptable by their capabilities and the continuity of their policy, thus acquiring the indefinable properties of moral authority and prestige.

Sir James Parr would, he hoped, allow the Commission to refrain from prescribing definite remedies for the position in the territory. That would be highly presumptuous on the part of a body which was not sitting on the spot and it would also involve shifting responsibilities. Under the mandate system, the mandatory Power administered and the Council of the League supervised. Its supervision was exercised through the Permanent Mandates Commission, which formed an opinion of the administration from the Mandatory's reports and its representative's explanations. If it suggested methods and insisted upon them, the Commission would be putting itself in the position of the mandatory Power.

It might be said that it was easy enough to criticise an administration when one had no responsibility; but anybody who said that would be failing to realise that the Mandates Commission had its own responsibilities and had never hesitated to take them up when it was its duty to do so, even at the risk of coming into conflict with a trend of opinion or causing dissatisfaction to an influential mandatory Government.

Sir James PARR said that the New Zealand Government intended to pursue a policy of patience and toleration—combined with firmness in upholding the law—believing that, ultimately, that policy would prevail. M. Orts had said that it was not the duty of the Commission to suggest any remedy, but Sir James was entitled to ask the Commission to express an opinion, at any rate,

on the question whether this policy of toleration was wise. He regretted that the Commission declined to express an opinion on that point.

Sir James Parr said that "a firm and liberal policy" was exactly the policy which the New Zealand Government was endeavouring to pursue. He would not quibble about words; but New Zealand's policy was "to be firm and liberal", exercising at the same time due patience with a misguided people. Sir James adhered to his opinion that the only alternative was military force which New Zealand would never adopt.

M. Kastl had obviously been of opinion in the preceding year that the time might come when the Commission should state that it believed that the New Zealand Government was erring too much on the side of patience and toleration. M. Kastl had said at the fourteenth session that "the Mandates Commission had a serious responsibility because the time might come when it would have to say to the New Zealand Government that it was urgent that it should take stronger measures with regard to the position in Samoa, irrespective of the movements of party politics in New Zealand". Did the Commission now consider that the time had come when the New Zealand Government should adopt another policy? He pressed for its advice.

M. RAPPARD wished to explain the exact implications of M. Orts' remarks.

There were certain school classes in which order and authority always reigned, and there were others in which the children were unruly. The classes in which most punishment was inflicted always came under the latter category. Sir James Parr wished to confront the Commission with a dilemma—should the mandatory Power abandon its policy of patience and tolerance in order to overcome the resistance of the natives, or should it continue to pursue that policy? It might be replied to this question that the policy which the Commission would recommend was one of patience that would overcome the resistance of the native inhabitants without resort to force.

Sir James PARR said he quite accepted that. The New Zealand Government would be pleased to hear this opinion.

M. RAPPARD, turning to the question of the administrative staff, thought that, since it was possible for the administering officials in New Zealand to judge very harshly their own compatriots in the administration of Western Samoa, it was not at all surprising that the natives should be unruly and not have for the Administration that feeling of natural respect which real authority alone inspired.

Sir James PARR repeated that his Government would entirely agree that the right policy to pursue was one of patience which would ultimately bring about a settlement. He would add that such a policy did not imply any lack of firmness and decision in dealing with any kind of disorder in the territory. Disorder would be put down with a strong hand.

M. Rappard had also referred to the report of the three New Zealand civil servants upon certain details of administration in Western Samoa. Administration and policy were, however, different matters, and Sir James Parr did not think that they could always be connected.

M. RAPPARD thought that there was a vital link between administration and policy.

Sir James PARR replied that, according to his instructions, there was no such link. In his instructions from the Prime Minister, he had been asked to make it clear to the Commission that the report of the New Zealand civil servants upon the administration of Western Samoa was not in any way concerned with the political situation in the territory but was confined entirely to finances and to details of the Administration.

M. RAPPARD thought that there was a close connection between the person exercising authority and the policy which that person carried out.

Sir James PARR said that the details of administration must be of very little concern to the Samoan who would not pay taxes. There was absolutely no evidence to show that the political situation had been in any way influenced by the fact that certain executive officials had been considered by the New Zealand civil servants in question as inefficient. His instructions were that the political situation was a thing apart from the details of the administration. The "Mau" did not persist because two or three officials were alleged to be inefficient. It existed for other reasons entirely.

M. RAPPARD thought that it was less surprising that the natives should refuse to pay taxes, when they knew that the officials levying the taxes had large overdue accounts with the Administration. It seemed quite natural that an official against whom such serious administrative charges could be made was not one who could impose his authority without resorting to violence.

Sir James PARR said that, while he admitted that the officials in question should not be allowed to retain their posts, there was no evidence that the charges against these officials were known to the natives, or in the slightest degree influenced the natives.

M. ORTS thought that it was not possible to make any absolute separation between policy and administration, since the administration was only the agent of a policy. The accredited representative had said that a "firm and liberal policy" and "a policy of patience and toleration" were identical, M. Orts had already explained what should be understood by a firm policy. While he did not wish to insist on this point more than necessary it seemed to him that the policy adopted

in Samoa could be judged by its results. According to the reports of the Mandatory, these results were that, after three years, the situation was still unsettled, that the Laws were only observed by a friendly minority, and that the Administration could only carry out its duties to the extent tolerated by the natives

Sir James PARR said that he would be glad to explore with M. Orts the possibilities of a firm and liberal policy, which would be an alternative to military force, on the one hand, and to a policy of excessive patience and toleration, on the other. He confessed, however, that he still found it difficult to understand what M. Orts intended to imply by the term "a firm and liberal policy".

M. Orts had referred, as an example of a case in which a firm policy should have been adopted, to the cutting of telephone wires in a district where the Administration had always had trouble, and where such acts could be committed at night by hooligans. Sir James recognised that, under normal circumstances, the proper course would have been to arrest the offenders, and to prosecute and imprison them. Since, however, the Government had had to deal with a population offering passive resistance, it would have found it almost impossible to obtain any information which would assist it in tracing the offenders or arresting them. It had therefore preferred to abandon the telephone lines.

M. Orts had also cited, as a further example, the abandonment of the survey operations. While admitting that the Government had retreated from the position it had taken up in attempting to individualise titles, Sir James Parr thought that there had been no alternative to this course. In his opinion, General Richardson had begun the survey operations too soon. The communal instincts of the people had been aroused, and it was difficult to conduct survey operations without the acquiescence of the population.

Sir James Parr regretted that he had no information with regard to the abandonment of a part of its work by the Public Works Department.

He thought that it would be helpful to the Commission if he were to quote the following passage of his official instructions:

"The New Zealand representative should also call the attention of the Commission to the ease with which the ill-effects of the movement may be over-estimated. It has become the custom to refer to the position in the territory in quite exaggerated terms and 'news' from Western Samoa is frequently, and sometimes mischievously, coloured to an unwarrantable extent. The plain fact is that, apart from the difficulty of collecting native taxes and finding (but not arresting when found) various 'wanted' natives who are concealed by their friends, the position in the territory is now, and has been for a considerable period, practically normal. Business proceeds as usual, the trading figures for the last calendar year were excellent, the health and education of the community are well maintained, and a stranger landing in the territory would, apart from the activities of the type of excited news monger that seems inseparable from South Sea territories, notice no indication that anything unusual was afoot.

"The New Zealand Government do not anticipate any complete solution of the problem in the immediate future. The only method of obtaining a quick solution is the method of force, which they have definitely refused, but they feel that the movement will disappear in time, without material loss or damage to the Samoans or their prosperity, provided the policy now adopted is adhered to with firmness where necessary and with discretion always.

"The New Zealand representative should make it plain to the Mandates Commission that the Government's policy is the result neither of ignorance nor timidity, and should also make this point that while we entirely recognise our responsibility to the League and are happy to meet in any respect the point of view of the League or of the Permanent Mandates Commission, there are occasions, and this is one, where unnecessary public controversy merely exacerbates the difficulties on the spot. If the Commission feel it necessary to criticise the action or inaction of the New Zealand Government, we clearly recognise their right to do so, but we wish the Commission to know that their Minutes and reports are, of course, made the subject of general and not invariably accurate representations to the 'Mau'. Any passage in the report or in the Minutes that will serve the cause of the 'Mau' or their supporters will be made use of to the fullest extent and the result is not always helpful."

General Administration: Report of Enquiry into Financial and Staff Matters (1928-29).

M. ORTS referred to the annual report for 1928-29. At the beginning of the report under the heading "Official Visits" it was said that three high officials from New Zealand had visited the territory under mandate, that they had subsequently presented a report to the Minister for Foreign Affairs on the finances and administration of the territory and had made numerous recommendations on these subjects. This report, it was said, "which the Administrator had generally endorsed has been approved by the Government and steps are being taken to put into effect the majority of the recommendations, as opportunity offers".

The Mandates Commission had before it the report of the three officials which had been sent to it by the mandatory Power. The statements made in that report did not accord very well with the generally optimistic tone of the annual report. Above all, its conclusions differed very much

from those of the "Royal Commission" on the basis of which the Mandates Commission had drawn up its observations to the Council of the League of Nations on the work of its thirteenth session.

He would be glad if the accredited representative would explain the disparities and contradictions which appeared in the three documents in question: the report of the Royal Commission, the report of the three investigating officials and the annual report of the mandatory Power for 1928-29.

M. RAPPARD associated himself with M. Orts' observations. He pointed out, moreover, that the document which the Commission had before it was not the whole of the report on finances and staff, but that it was entitled "Extracts" from that report.

He drew attention to the fact that the report on finances and staff was dated January 15th, 1929, and that the annual report of the New Zealand Government was dated July 8th, 1929. The Administrator himself had paid a special compliment in the annual report to two high officials whom the three compilers of the report on the finances and staff had wished to have dismissed. M. Rappard could not understand how the New Zealand Government could present an official report containing statements which were at variance with those contained in a report submitted to it by certain of its own officials the conclusions of which it had definitely approved.

The annual report was inspired by a spirit of thorough optimism, whereas the report of the three officials contained the most scathing criticisms. Under these circumstances, the Mandates Commission was placed in a most embarrassing situation, and the Commission would be glad, therefore, if Sir James Parr would explain the relative importance which should be attached to the two documents in question.

The CHAIRMAN suggested that Sir James Parr should present his reply at the following meeting.

EIGHTEENTH MEETING.

Held on Saturday, November 16th, 1929, at 10 a.m.

1107. Western Samoa: Examination of the Annual Report for 1928-29 (continuation).

Sir James Parr came to the table of the Commission.

Political Situation (continuation): General Administration: Report of Enquiry into Financial and Staff Matters (continuation).

Sir James PARR, in answer to the questions raised by M. Orts at the previous meeting, said that he understood that the Mandates Commission was dealing with the administrative side of Samoan affairs, and the conflict between the report of the three Civil Service officials and the report of the Royal Commission. He would preface his short explanation by saying that the three Civil Service officials who had gone to Samoa a year previously, had been sent by the former Government, because that Government was becoming disturbed by the increase in expenditure. The Mandates Commission had before it the report of those officials, but not the full report, because passages had been cut out where certain officials had been referred to by name. Those were the only omissions.

Sir James Parr agreed that the report was a sweeping condemnation of the Administration and of its principal officials, especially after General Richardson's declaration in the previous year that he was thoroughly satisfied with their efficiency. It was a little surprising to find that none of these officials had escaped the lash; but all Sir James Parr could say was that it was his duty to present the policy of the present Government. Apparently the Administrator also considered that the report of the three officials of the Civil Service was well founded.

M. RAPPARD pointed out that, in spite of what Sir James Parr had said, certain of the staff were congratulated in the annual report of the Administrator.

Sir James PARR said he was not sure of that. It was only usual to make some use of the "language of compliment", especially in an annual report.

He then turned to the point raised by M. Orts and M. Rappard as regards the conflict between the report of the three officials and the report of the Royal Commission. He pointed out that it was not the duty of the three officials to review the political situation. They had been sent to enquire into the machinery of administration. The Royal Commission did not deal with these matters. He would draw the attention of the Commission to the last paragraph of page X, and to the first paragraph of page XI of the report of the Royal Commission.

"It was charged that the expense of carrying on the work of the Administration was too high. The complainants did not attempt to criticise the organisation and staffs of the

different departments, or the salaries paid to the officers. It was probably impracticable to do so. Certainly we should not have had the time or felt ourselves competent to embark on a critical examination of the working of the Administration to ascertain whether it was overstaffed or its officers overpaid. However, we were not invited to make such an examination, nor was it a duty required of us under the Orders in Council. The evidence before us was avowedly confined to making a comparison between the Samoan expenditure and the expenditure in the Fiji and Tonga groups—particularly of the expenditure of the Fiji group. It was sought to show by such comparison that the expenditure in the working of the Administration was demonstrably excessive.”

In that same paragraph it was also stated that:

“So gross were their mistakes, and so numerous, that it is difficult to understand how they came to be made.”

He thought that that completely acquitted the Royal Commission of being concerned with details of organisation and the personnel of the staff of the administration.

As for the report of the three officials, the present Government had received it, considered it, and now proposed to adopt it.

Recalling M. Rappard's remark that the Administrator had *congratulated* certain members of his staff, he pointed out that the sentence quoted read as follows:

“The Administrator desires to record his appreciation of the loyal support received by him from the Secretary to the Administration, the Secretary for Native Affairs and the staff of all departments.”

Clearly there was no reference to the efficiency of the staff.

M. RAPPARD said that although it was not definitely illogical it was, nevertheless, very curious, that, on the one hand, the Administrator had approved of the scathing criticisms made regarding some of his assistants and had agreed to their dismissal while, in the annual report, he had definitely expressed his appreciation of the loyal support he had always received from those very assistants.

M. ORTS understood that Sir James Parr could see no contradiction between the report of the three officials and that of the Royal Commission because these two Commissions had investigated different things. He would, however, point out that it would be seen from the Minutes of the thirteenth session of the Permanent Mandates Commission—at which he had not been present—that there were two points on which the Royal Commission and the Commission of three officials had expressed opposite views, namely, the quality of the administration and the financial administration. This had enabled Sir James Parr to say, at the meeting held on June 20th, 1928, that the accusations of inefficiency and extravagance made before the Royal Commission were without foundation and to repeat at the following meeting that “there was absolutely nothing in the charges”

Sir James PARR was afraid that M. Orts had not yet understood him. The Royal Commission had not investigated charges of expenditure, except in one case, namely, suggested extravagance in Samoa, as compared with Fiji and Tonga. Only one narrow issue was involved, and Sir James said that his remarks of last year referred plainly to that issue, and not to the whole field of administration. He admitted that, acting on last year's reports and on General Richardson's statements also, the Mandates Commission had come to the conclusion that the Administration was neither inefficient nor extravagant. Now, unfortunately, if the Commission believed the three officials it was necessary for it to change its mind. There was no getting away from that fact.

M. KASTL said that he had been quoted several times on the previous day and that he felt obliged to state that he fully endorsed M. Ort's statement. He wished to make it quite clear that last year he had never intended to propose that New Zealand should use force in Western Samoa.

Referring to Sir James Parr's question whether he thought that the time had now come to tell the Government of New Zealand to use stronger measures, he answered that it was the Mandates Commission itself that had decided last year that the time had come clearly to tell the Government of New Zealand that it was urgent that it should do so. The Commission made the following observations in this connection:

“The Commission is assured that adequate means for that essential purpose (*i.e.*, maintaining law and order in accordance with the Mandate) are now at the disposal of General Richardson's successor, and it trusts that the Samoans, when they realise that they have been misled, will resume their former attitude of confidence in the administration, and that the mandatory Power will soon be able to re-establish peace and prosperity in Western Samoa by a policy both firm and liberal.” (Minutes of the Permanent Mandates Commission, fourteenth session, page 273).

Last year the Commission had also made the criticism that it did not lead to increased authority if the local administration obtained permission to issue ordinances but was instructed not to execute them. It was also said that a man-of-war had been sent to Samoa and had arrested a certain number of members of the “Mau” who had subsequently to be discharged because there

was no room for them in gaol. It must have been known to the authorities that there was no room available, and, therefore, it would have been advisable not to arrest them at all.

Sir James PARR pointed out that there had been no gaol in Samoa at that time.

M. KASTL in continuation said that there had been some other incidents which had not tended to increase the authority of the local administration. He need not mention them.

During the fourteenth session of the Permanent Mandates Commission it had often been said that it was difficult to ascertain the causes of the unrest in Samoa. It was argued that the Royal Commission had given perhaps too narrow an interpretation to its instructions, as could be seen from the quotation from its report referring to complaints made against the administration:

“ The consideration of this matter is not within the scope of the enquiry which we were directed to hold and we are not entitled to express an opinion on it. ”

The Commission was now faced by an entirely new report with different information, which took a special objection to the expenses of the New Zealand administration and the debt of the mandated territory to New Zealand. This report criticised the local administration very severely.

Sir James PARR admitted that he had quoted and made use of the following remark of M. Kastl's in the minutes of the fourteenth session of the Permanent Mandates Commission (fourth meeting, page 42):

“ The Mandates Commission had a serious responsibility because the time might come when it would have to say to the New Zealand Government that it was urgent that it should take stronger measures with regard to the position in Samoa irrespective of the movement of party politics in New Zealand. ”

M. KASTL replied that Sir James Parr was entitled to quote him, and to place any interpretation he liked on his remarks, but he wished to emphasise the fact that he had never implied that force should be used. Between force and infinite patience there lay many possible courses of administration.

Sir James PARR wished to offer a few remarks on the criticism that the Royal Commission had interpreted its functions too narrowly. He regretted that M. Kastl had made this criticism now. A year ago was the time for the point to be raised, but then M. Kastl had been silent. He thought M. Kastl's criticism was belated, and added that it was difficult to understand to what his intermediate policy amounted.

M. KASTL explained that he did not intend to suggest that the Royal Commission had neglected its duties in giving too narrow an interpretation to its instructions. It was a matter of conscience for anybody who received instructions to give such an interpretation as he felt obliged to do. He would like to point out that he had said last year that the report of the Royal Commission did not help very much the members of the Mandates Commission to find out the real causes of unrest. That seemed now to cause the Permanent Mandates Commission great difficulty.

Mlle. DANNEVIG said that she had first become a member of the Mandates Commission in June 1928, and had listened then with an open mind to the statements made by Sir James Parr and General Richardson. She had received the impression that the administration of Western Samoa might be weak, but that it was honest and in good hands, that the complaints made by the petitioners were unfounded, and that the “ Mau ” was misled by persons who were not disinterested. She had been very much astonished when she was told officially some months afterwards that these complaints as regards extravagance and lack of efficiency of the administration were well founded, and she wondered how it had been possible for General Richardson, the actual Administrator of the territory, to ignore these facts. She also wished to know, concerning the severe sentence which had been passed on Mr. Nelson, whether the opinion of the Mandates Commission on that point also would have to be revised.

Sir James PARR thought that Mlle. Dannevig's statement was too sweeping. The only point on which the opinion of the Mandates Commission must be revised concerned details of finance and administration. The main issue had not been changed at all by the report of the three Civil Servants. He pointed out that General Richardson had come to the table of the Mandates Commission to explain the whole position. At that time, when questioned concerning his staff, he had given them all the highest character. The Mandates Commission had had the opportunity to judge the worth and sincerity of what General Richardson had said and to form its opinion accordingly.

Mlle. DANNEVIG said that she had full confidence in the character and good-will of General Richardson, but she wished to associate herself with what had been said by M. Rappard when he was drawing an analogy from school life. It was a fact that some teachers, however, severe might be unable to govern an unruly class while others could maintain discipline in the same class with complete ease. It was neither the severe nor the lenient person who succeeded in controlling and helping the young or unstable minds, but the efficient, capable person who knew his ways and means and thereby inspired confidence, respect and willing obedience.

Count DE PENHA GARCIA felt obliged to repeat what the role of the Commission should be in this matter. It had to study the reports, note the facts, clear up doubts, question the representatives of the mandatory Power and report subsequently to the Council. This year, in the case of Western Samoa, rather contradictory information had been given to the Commission. Nevertheless, from the examination of the various reports submitted it was evident that the prestige of the Administration was not yet re-established. Several indications of the state of affairs had been given; these proved that the relations between the authorities of the mandatory Power and the natives were bad. One native organisation, the "Mau", held the public administration at bay. It was inspired by an individual who had been expelled from the territory by the mandatory Power. A large number of the natives refused to pay the taxes. The persistent cutting of the telephone wires, hostile acts and other facts served to increase the feeling of unrest.

Another very important fact indicated how disturbed the situation was. The demographic statistics were inaccurate because no regular record was kept of the births and deaths among the natives. It was said on page 6 of the report that a comparison of the figures of 1928 with previous figures was impossible because the reduction in the birth- and death- rates was due entirely to defective registration. This state of affairs was certainly due to a defective native administration.

As regards roads, no statistics had been given, but from the map at the end of the report he noted that there were not many roads and that those that existed kept mostly to the coast-line. He asked if the principal villages were linked by roads; good means of communication were most important in the administration of any native country for they made it easy to keep in touch with the natives. Count de Penha Garcia drew the attention of the mandatory Power to the necessity of making new roads, of having experienced staff and of laying down the principles of an enlightened native policy which would gain for the administration the confidence of the natives.

Sir James PARR said that a note would be taken of these suggestions.

Lord LUGARD said that the Mandates Commission had before it the annual report and the reports of two Commissions. It found that these reports were mutually contradictory. That aspect had been dealt with fully by his colleagues. He wished to ask a question of a somewhat different kind. The three officials who had signed the last report held the offices of Public Service Commissioner, Secretary for External Affairs, and Assistant Secretary to the Treasury. He was not aware what duties attached to these offices, and he asked whether these officials were not themselves responsible for the audit of the Samoan budget and for the general supervision of Samoan affairs in New Zealand? If that were the case, how was it that they had not called the attention of the New Zealand Government to the gross irregularities which they now described in their report?

Sir James PARR explained that none of the three men were in the Audit Department. The Public Service Commissioner was in control of the Civil Service appointments and independent of the Government.

M. RAPPARD asked if, in that case, they had had nothing to do with appointments in Samoa.

Sir James PARR replied that he was not certain whether the Public Service Commission had been consulted about any previous Samoan appointments.

Lord LUGARD repeated his question: By whom were the men whose conduct was now condemned appointed, How was it that the budget had been examined without discovering the state of things which was now described? One of the three Commissioners was Assistant Secretary to the Treasury. Did not he see the Samoan budget?

Sir James PARR replied that, concerning the audit, the report disclosed that an officer had been sent for one month in each year; this, however, had been found inadequate, and it had been recommended that there should be a permanent official for an internal audit. He was not quite sure about the question of appointments. He pointed out that probably the Department of External Affairs in New Zealand would deal with such matters.

M. PALACIOS said that, although he was not influenced by the criticisms made before the Mandates Commission, seeing that in July 1928 he had already adopted a much more liberal policy which was very different from that of the other members, he was in complete agreement with M. Orts and M. Rappard. He asked whether the Mandates Commission's retrospective enquiry into the past was now finished, because he would like to know what was going on in Western Samoa at the present time.

The CHAIRMAN thought that, as the debate on the general situation had been rather full, it might be advisable if members would reduce to a minimum their questions on the details of the administration which in the present circumstances would seem to be of minor importance.

M. RAPPARD thought that the position was most unfortunate. It was very regrettable that the Mandates Commission should have to make remarks that contradicted those contained in its report of last year. This regrettable experience seemed to teach a double lesson. In the first place, a lesson of patience on the part of the Commission. He pointed out that the best cure for an invalid began early and that the diagnosis preceded the cure. He was afraid that Sir James

Parr might have found the Mandates Commission's questions both numerous and searching; but he would ask him to remember that it was the Commission's task to form a complete idea of the administration of a mandated territory in a day or two. He thought that if still more time had been spent last year on the examination of the annual report more light might perhaps have been thrown on the actual conditions in Western Samoa. He quite agreed that unnecessary questions should be avoided, but thought it would be useful to make a thorough and meticulous investigation of the present report.

The second lesson which seemed to be taught by the present experience concerned the character of the annual reports. He wished to emphasise that those reports should be prepared with complete frankness, no matter how disagreeable it might be, and that no fact of any importance should be omitted.

Sir James PARR emphasised the fact that the Government of New Zealand had always been completely frank in its dealings. It had brought the report of the three Civil Officials immediately to the notice of the Mandates Commission, although there were certain things in that report that almost criticised the Government itself. He protested strongly against the suggested lack of good faith on the part of his Government.

M. RAPPARD said that the last thing he would wish to do was to accuse the New Zealand Government of bad faith. He apologised if he had not expressed himself clearly.

He wished to point out that M. Orts had at the previous meeting expressed great satisfaction at the frankness with which the mandatory Power had transmitted the report of the three experts; but Sir James Parr must surely agree that the picture of the administration given in that report was very different from that which an impartial reader would have formed who knew nothing except what was given in the annual report. Such a report as that of the three experts was an exceptional source of information for the Mandates Commission. If the latter had only been in possession of the annual report it would certainly not have been able to get a true picture of the situation. He had no doubt that the Government in Wellington wished its reports to be as revealing as possible, and it was very probable that it had been as much struck by the discrepancy revealed in the two reports as the Mandates Commission. M. Rappard wished the annual reports always to be very complete, so that such unpleasant surprises as the Mandates Commission had experienced this year might be avoided in the future.

The CHAIRMAN laid stress on the fact that M. Rappard had well expressed the feeling of all the members of the Commission. Not one of them had ever intended to accuse anyone—certainly not the Government of the mandatory Power—of lack of good faith. He pointed out that the Commission wished, as always, to obtain the fullest information on the situation and that there was always the feeling that some important detail might escape it.

M. PALACIOS said that he had already asked Sir James Parr for information concerning the movement symbolised by the term "Samoa for the Samoans". He would merely like to ask two questions concerning the two elements of the population of the Islands, namely, the natives and the Europeans.

As regards the first, it appeared that two thirds of the natives were hostile to the administration of the mandatory Power.

This, at any rate, was said on page 2 of the report of the movement known as the "Mau". In the New Zealand Parliament it was said that the proportion was 95 per cent.

M. Palacios was particularly interested in the fact that the Faipules, which were more or less elected by the administration, were about to be suppressed. Had this actually been done? If so, had the decision been taken in the form of an administrative decree or in some other way?

Sir James PARR said that the new Governor had arrived in Samoa in May 1928, since when the Faipules had ceased to function. He concluded that the new Governor had thought it not worth while to summon them.

Lord LUGARD pointed out that it was stated in the report that it was hoped that this change of system would lead to a stronger control and to a closer touch between the Administration and the individual native. How did the Fono of Faipules lessen control and close touch?

Sir James PARR recalled that General Richardson had said that the "Mau" did not recognise the Faipules. He understood that since two-thirds of the native population were hostile to them the new Governor might have concluded that there was no use in keeping them on, at least for the present. A better system would be devised.

M. PALACIOS pointed out that the Faamasinos had also been suppressed. He drew attention to the importance of the following declaration which occurred on page 3 of the report:

"European District Officers are now being appointed to perform the duties of District Councils and the Faipules in the various districts; and it is hoped that this change in system will lead, on the one hand, to a stronger control of the native population and, on the other, to a closer touch between the Administrator and the individual native."

It seemed therefore that the mandatory Power wished to renounce the very bases of its former policy and adopt another based exclusively on individual and personal contact between the officials of the Administration and the natives.

As regards the other element, M. Palacios wished to know what was the attitude of the Europeans towards the Administration. Had the hostility towards it which had been shown by a great part of the European population in previous years ceased? Did the Citizens' League or Committee still exist?

Sir James PARR replied that the European element was not actively hostile.

M. PALACIOS recalled that last year the Mandates Commission had been told that the Citizens' League was particularly hostile to the Government. He pointed out that if it was now less hostile the situation must have improved.

Sir James PARR said that he had no exact information from New Zealand to give.

M. SAKENOBE said that last year the Mandates Commission had been told that the Fono of Faipules was extremely loyal to the Administration. The Commission was now told that it had been suspended. Was that because its attitude to the Government had changed?

Sir James PARR replied in the negative. On the contrary, they were loyal to the Government and the system had broken down since two-thirds of the native population were hostile.

M. RAPPARD supposed that the Faipules, being in favour of the Administration, had, by that very fact, lost the confidence of the mass of the people.

Lord LUGARD asked if Sir James Parr had seen the *Samoan Times* of April 5th, which reported that the Administrator had announced important changes by which the Faipules were apparently to be replaced by District Officers and District Councils. He asked if Sir James Parr had any information as to these changes.

Sir James PARR replied that he had none. The new system must have been introduced after the period considered in the annual report.

Lord LUGARD understood Sir James Parr to say that the Government intended to adopt some of the recommendations in the new report. Amongst other things it was recommended: (1) That officials should be appointed for two years only; (2) that the Chinese Commissioner should be abolished.

He hoped that the first recommendation would not be adopted, since it would be very difficult for officials to learn the language and the native customs in so short a time; he pointed out that several people had protested against the second recommendation, as the Chinese Commissioner was the only person through whom the Administration could keep in touch with the Chinese.

Sir James PARR thanked Lord Lugard for his valuable observations, and would communicate them to his Government.

Mr. WEAVER hoped that the contemplated retrenchments would not prejudice the application of the excellent measures taken for the protection of labourers and particularly the Chinese coolies in Samoa.

Military Police.

Lord LUGARD referring to the proposed reduction in the number of military police (Annual Report, page 3), asked if the accredited representative thought that the present moment was opportune for such a reduction.

Sir James PARR hoped that motives of economy had not been responsible for an unwise step. He would draw his Government's attention to the question.

Roads: Ex-Enemy Property.

Count DE PENHA GARCIA asked if next year's report could contain statistics of the mileage of roads in existence, and of those constructed during the last five years. He would also like fuller information about ex-enemy property.

Copra.

M. MERLIN observed that the report stated (page 3) that the "Mau" had had no seriously detrimental effect on material prosperity. This seemed to be true. Trade was good, exports and imports had increased. Even copra exports had increased by a third in spite of the general reduction in prices. The previous administration has instituted special measures in Samoa to ensure that the copra would be sold under better conditions on the European markets. These measures had aroused opposition on the part of a certain number of traders associated with Mr. Nelson. They might indeed be said to have been the origin of the difficulties which the administration had since experienced. Were the measures being continued or had they been abandoned?

Sir James PARR replied that he had no explicit information on the subject. He gathered, from the fact that he—as agent of the Government in London—had received no copra to sell, that the old system had been re-adopted.

Public Finance.

M. RAPPARD said that he was awaiting the next financial report which he hoped would be presented under a new system of accounting. He also hoped that the confusion concerning the financial administration of the ex-enemy estates would be finally cleared up. This confusion had always been a source of embarrassment to the Commission and had been strongly criticised by the three experts.

Referring to page 19 of the annual report, he pointed out that the figures of expenditure on "Loan Account" seemed to have been prepared for presentation, since the total given was a round sum. It was also stated that £25,000 had been given as a gift out of the New Zealand Reparations Estates Fund. Why was a gift mentioned under the heading of "Loan Account"?

He then referred to certain recommendations made by the three experts which had obviously been inspired by the sole aim of realising economies and balancing the budget. He pointed out that the first duty of a mandatory Power was not to enable a territory to live without financial aid. It had been emphasised that improvements in the water supply, roads, etc., were very costly. Waste should certainly be combated, but he hoped that the New Zealand Government would continue its policy not to make the material and moral welfare of the natives subordinate to its desire to effect economies at any cost, as the report of the three experts seemed to wish.

Sir James PARR said that he had been instructed by his Government that the "process of retrenchment and reorganisation would be conducted as far as possible without any diminution of the services rendered to the Samoans".

M. RAPPARD was very glad to hear this statement. He would point out that if Western Samoa could do without grants, it would be one of the few mandated territories in that position.

Lord LUGARD said he regretted that the discussion should now be concluded as he had studied the report closely and had a number of questions, but in deference to the Chairman's wishes he would only ask for an explanation of the phrase at the bottom of page 18 of the annual report: "They have now been repaid or specifically invested and no longer appear as a loan".

Sir James PARR said that he would make a note of the point.

New Zealand Opinion regarding Mr. Nelson.

Mlle. DANNEVIG referred to the heavy sentence passed on Mr. Nelson two years ago and asked if the general opinion of him in New Zealand had changed as a result of the special report which had been published.

Sir James PARR thought that public opinion had not changed in his favour. The new Government had the same attitude towards Mr. Nelson as the old and attributed its inability to get into touch with the natives to Mr. Nelson's interference.

Close of the Hearing.

The CHAIRMAN said that the Commission had been working for several years in collaboration with Sir James Parr and much appreciated the assistance he had given it. He was now returning to New Zealand and it was to be hoped that he would carry with him the impression that the chief thought of the whole Commission was for the welfare of the population of the mandated territories and that it fully appreciated the difficulties of the mandatory Power.

Sir James Parr had reminded the Commission how difficult it was for the mandatory Power to administer a country 2,000 miles away. How much more difficult was it for the members of the Mandates Commission to understand the true situation. He hoped that Sir James Parr would retain as pleasant a memory of his collaboration with the Mandates Commission as the Commission would retain of him.

Sir James PARR said that he, too, regretted that his collaboration was coming to an end. From the beginning of his association with the Mandates Commission he had held the highest opinion of its thoroughness, patience and tact. He fully appreciated the difficulties of its position, but wished to compliment the Chairman and his colleagues on the success with which they had carried out a most complicated and important task. He thanked the Commission for the help it had always given him and took leave of all the members with genuine regret.

NINETEENTH MEETING.

Held on Monday, November 18th, 1929, at 10.30 a.m.

1108. **Publication of the Reports and Minutes of the Permanent Mandates Commission.**

The CHAIRMAN read the following note:

“ On September 25th, 1929, the Assembly adopted the following resolution:

“ ‘ The Assembly requests the Council to authorise the Secretary-General to communicate the reports of Advisory Committees to all the Members of the League at the same time as they are communicated to the Members of the Council, except in cases where the Committee concerned is opposed to such a course. ’

“ On the same date the Council decided, as requested by the Assembly, at once to give this authorisation to the Secretary-General.

“ In accordance with present procedure, when a document is communicated to States Members of the League it is usually communicated at the same time to representatives of the Press and is also published.

“ Under the system followed by the Permanent Mandates Commission in recent years, the publication of the Commission's report always involves, save in very exceptional circumstances, the publication of the relevant Minutes.

“ By the Assembly resolution, it is for the Commission to decide whether there are any special considerations precluding the immediate publication—*i.e.*, before they have been examined by the Council—of the Minutes and reports of any particular session.

“ This new procedure will not involve any great change, for in the past, in virtue of a resolution adopted each year by the Council, the documents of the summer session are already distributed to the Members of the League at the same time as to the Council and were therefore immediately available to the public. Owing to the alteration in the dates of the Council sessions, only a very short time will now elapse between the distribution of the documents of the autumn session to the Council and the Members of the League and their examination by the Council.

“ I think, therefore, that the Commission will wish to examine at the close of each session whether there is any reason to decide that the publication of its report and Minutes should be adjourned. ”

The Commission agreed with the views expressed by the Chairman.

1109. **South West Africa: Petitions from the « Kaoko Land- und Minengesellschaft ».**

The CHAIRMAN drew the attention of the Commission to a petition he had received.

In a letter from a Berlin address, dated November 4th, 1929, Mr. R. C. Wolff, a lawyer, acting on behalf of the Kaoko Land- und Minengesellschaft, had transmitted a memorandum in German (with an English translation) to the Director of the Mandates Section. It seemed that this communication should be regarded as a petition from the Company in question, and as supplementary to the petition of March 5th, 1926, which had been transmitted by the Government of South Africa on July 4th, 1928, and which had been examined at the fourteenth and fifteenth sessions of the Commission.¹

Since the communication of November 4th had not been received from the inhabitants of the mandated territory, but from another source, it was for the Chairman, in accordance with the rules of procedure, to decide whether this document merited to be taken into consideration by the Commission and to be transmitted to the mandatory Power for comment. Since the matters dealt with in these petitions were rather complicated, and since the Commission was now in session, and also in view of the discussions which had taken place with regard to the Company's first petition, he would prefer to put before the Commission the question whether the new petition should or should not be considered as receivable.

The Chairman added that it was not necessary to go into the substance of the matter but only to decide whether or not the document should be considered as being receivable. In the first hypothesis, it should be sent to the mandatory Power for observations.

Lord LUGARD said that Mr. Louw, High Commissioner for the Union of South Africa, had addressed a letter to the Chairman dated July 17th, 1929,² subsequent to the discussion on this petition. This letter was of much more importance than the new petition to which the Chairman had referred, and Lord Lugard (who, with M. Palacios, was Rapporteur in the matter) would ask his colleagues to adjourn the discussion until he had had further time to study the matter.

M. PALACIOS agreed.

The Commission adjourned its examination of this question.

¹ Minutes of the fifteenth session, pages 18 and 19, 75 and 76, 213 and 214, 219 and 220, and 222 to 226.

² Minutes of the fifteenth session, page 219 and 220.

1110. Status of the Non-native Inhabitants of South West Africa.¹

M. VAN REES said that there was only one point on which M. Kastl's opinion differed from his own. This was the final point of his two notes (Annexes 8 A and 8 C), and of that drafted by M. Kastl (Annex 8 B), relating to the Act of 1927. The only question that had to be settled, therefore, was whether the Commission considered that the Act of 1927 was in contradiction with the mandate. M. Van Rees thought that it was not, but M. Kastl held the contrary view.

Lord LUGARD asked whether this question should not be referred to the Legal Section for its opinion, since it turned on the interpretation of a law.

M. KASTL said that, in his view, the question that arose was whether the new Act of 1927 was in contradiction with the decisions which the Commission had taken in 1923 and which the Council had endorsed, and whether it was compatible with the principles of the mandate.

For his part, he did not think it necessary to refer the question to the Legal Section.

Under the Act of 1927, all inhabitants of South West Africa who were British subjects by birth or by naturalisation became subjects of the Union of South Africa. Even if they did not wish to become nationals of the Union of South Africa, they could not decline to do so. At the time that some inhabitants of South West Africa had been naturalised as British subjects, they had been given the choice of becoming British subjects or not. It was now by force of law that they all, without exception, became nationals of the Union of South Africa. The Commission and the Council had, however, decided in 1923 that the inhabitants should have an option whether they would accept the nationality of the mandatory Power.

Moreover, the Act of 1927 contained a provision according to which it was not possible to renounce Union nationality, if the inhabitant wanted to remain a British subject or to remain in the territory. Union nationality could be lost by leaving the territory or by becoming an alien, but it could not be renounced. For instance, a British subject who had come of age and who inherited from his father a farm situated within the territory of South West Africa, had become a subject of the Union of South Africa by force of law. Such a man was not, therefore, entitled to declare that he wished to remain a British subject only. If he were not to accept his new South African nationality, he would have to leave the country and abandon his property, or become an alien, that was to say, renounce his British nationality. This was a provision which directly infringed the terms of the mandate.

Lastly, M. Van Rees had said that the Mandates Commission was not competent to deal with this question. M. Van Rees held that, since British subjects were concerned, it was for the British Government to take up this question and to approach the Government of South Africa with regard to it. M. Kastl held the opposite view.

M. VAN REES thought that the point which concerned the Mandates Commission was whether the Act of 1927 could be regarded as legitimate. The basis of its enquiry would be the Council resolutions of 1923, and the purport of these resolutions should be clearly understood. In 1923 the representative of the mandatory Power had declared that the former German subjects would be entitled to decline acceptance of British nationality which the Government of South West Africa wished to confer on them. Even if such nationals declined it, they could continue to live in the territory without being subject to anxiety or molestation. That declaration had been confirmed by Act No. 30, of 1924. Consequently, German subjects who had not declined British nationality were at the present moment British subjects of their own free will.

The question to be decided was whether the application of the Act of 1927, which applied only to British subjects by birth or by naturalisation, was legitimate or not from the point of view of the mandate. With this end in view, M. Van Rees had examined the Act of 1927 and had come to the conclusion given at the end of his two notes dated November 1st and 11th, 1929 (Annexes 8 A and 8 C).

With certain exceptions, this Act conferred on British subjects living in the territory of the Union of South Africa, and in the territory under mandate of South Africa, Union nationality. Was this measure permissible under international law? This question did not concern the Mandates Commission. Great Britain must decide whether it considered that the Act under discussion had prejudiced the public rights of the British subjects covered by the Act.

The Mandates Commission had only one point to consider, namely, whether the Act of 1927 was contrary to the terms of the mandate; in other words, whether that Act, which did not apply to foreigners, affected in any way the principles on which the mandate was based. M. Van Rees considered that the reply was in the negative.

M. RAPPARD asked if the former German inhabitants had been naturalised as subjects of South Africa or as British subjects.

M. VAN REES said that they had become British subjects.

M. RAPPARD asked whether, in that case, those who resided in the mandated territory ought to be considered as foreigners.

M. VAN REES replied in the negative. As he had pointed out in his first note, the Act itself stated that it did not apply to foreigners. It expressly stated that it applied only to persons who were not foreigners as was stated in Article 9. "*Alien* means a person who is not a British subject."

¹ See Annex 8.

M. RAPPARD asked whether, from the moment a distinction was established between British citizens and the citizens of South Africa, those who, being British citizens without being citizens of the Union and who resided in the mandated territory, ought not to be considered as foreigners.

M. VAN REES observed that the object of the Act of 1927 was not to absorb the nationality of so-called British subjects in the nationality of the Union. It deprived them of nothing, but granted them, on the contrary, the advantage of being able to take part in the public life of the territory. These persons, therefore, had not lost their status as British subjects. If they finally left the territory of the Union or South West Africa they lost their Union nationality and retained their British nationality.

M. RAPPARD still experienced considerable difficulty in following the legal conclusions of his colleague, M. Van Rees.

M. KASTL remarked that, in 1923, the Mandates Commission and the Council took their decision acting solely on questions of principle. The conditions which had been imposed in 1923 had been fulfilled. The question was whether they should be maintained.

It was necessary to take into account the Act of 1927, which had created a South African nationality, the results of which were that certain inhabitants of the territory possessed three nationalities and, what was more incredible, none of them had the right to declare that they wished not to become nationals of the Union of South Africa but to remain British subjects living in the territory. In order to avoid changing their nationality, it was necessary for them to leave the Territory or to become aliens, and there was no doubt that, in that respect at least, this situation was not within the principles of the mandate.

Lord LUGARD desired to point out that the mandate had been conferred "upon His Britannic Majesty to be exercised on his behalf by the Government of the Union of South Africa". There was no question of two mandatory Powers. With regard to the legal relations between the Dominions and Great Britain, the question was, he believed, now being examined by a Committee under the chairmanship of Lord Passfield, and its report would, no doubt, make the matter clear.

With regard to the present question of the status of certain inhabitants of South West Africa, the promise that Germans naturalised as British subjects by Act 30 of 1924, should have the option of refusing British nationality had been kept. The new question whether those who had accepted British nationality or were British subjects by birth should be compelled to become South African nationals was quite a separate one, and it appeared to him that if it were correct that every British subject was by law compelled to become a South African national or to leave the country without option, they had a great grievance in regard to this law, as M. Kastl had maintained.

M. RAPPARD asked whether the son of a German who had become a naturalised British subject of his own free will could decline this naturalisation?

M. KASTL replied that he was entitled to decline British nationality, but that he could not decline South African nationality.

Count DE PENHA GARCIA observed that, in the definition of the status of the inhabitants of the Cameroons under British mandate, for example, the term "protected British subjects" was used in referring to the natives. He pointed out that in South West Africa they were considered as being "without nationality" under the protection of the mandatory Power. They had the same rights as regarded person and property as the natives of the territory of the mandatory Power.

M. VAN REES observed that the term in question was a purely administrative expression.

Count DE PENHA GARCIA observed that the term "without nationality" was peculiar to the Union. As regarded the substance of the question he agreed with M. Kastl concerning the special effects of the Act of 1927. Nevertheless, he agreed with M. Van Rees that the question was of interest, in particular, to Great Britain, since only British subjects were involved.

M. VAN REES said that, as Lord Lugard had quite truly observed, the question whether the Government of South West Africa had been entitled to issue the Act of 1927, relating to British subjects by birth or by naturalisation, was a very difficult one. For his part, he had been careful not to try to solve it. He had merely considered the question whether this Act was in contradiction with the terms of the mandate and of the Council resolutions of 1923. Seeing that there could be no violation of the mandate unless the Act of 1927 were extended to foreigners, which was not the case, M. Van Rees maintained his point of view.

The CHAIRMAN observed that if a British subject did not desire to have the advantages attendant upon South African nationality, he was obliged to leave the country and be separated from his property and his interests there. It had been explained that this state of affairs was the result of the fact that there was no clear distinction between British nationality and South African nationality, which took precedence over the former.

The Chairman observed that, on many other occasions, these two nationalities had appeared to be entirely distinct. The two countries to which they belonged were both members of the League of Nations. Further, the Union of South Africa had the right to international representation quite separate from that of Great Britain. A Minister of the Union of South Africa was stationed in Canada and *vice-versa*.

The work of the Committee which was meeting in London to study the question could not give satisfaction to the organs of the League which were not represented and which considered the question from quite a different angle from that of Great Britain and the Union of South Africa. He wondered whether it would be advisable for the Mandates Commission to await the decision of the London Committee.

Lord LUGARD said he understood that the Committee was composed of representatives of Great Britain and of each of the Dominions. It was a domestic Conference between the constituent members of the British Commonwealth to examine certain questions which had arisen in consequence of the definition of "Dominion Status" at the last Imperial Conference.

M. KASTL thought that the decisions of this Committee did not in any way concern the question which the Mandates Commission was now considering. The question was a very simple one. The Council of the League had decided that it was impossible to naturalise the inhabitants of any mandated territory *en masse*. In the present case, however, it was desired to impose, *en masse*, South African nationality on British subjects, and to withhold from them the rights both of option and of renunciation. It was this proposal that was in contradiction with the terms of the mandate. In addition, it should be remembered that there was no such provision in any other country. For instance, a Swiss who had settled in a South American country, the nationality of which he had adopted, might return to Switzerland and continue to enjoy the benefits of his new nationality without molestation.

M. VAN REES, wishing to explain more clearly his point of view, reminded his colleagues of the circumstances which had led the Commission in 1922 to inform the Council of its views regarding the intention of the Union Government to transform *en masse* the German inhabitants of the territory of South West Africa into British subjects. The Commission had rightly considered that such a measure would amount to a first step towards annexation and that this must be considered as incompatible with the very principle of the mandate. The Council of the League had agreed with these views.

The question now before the Commission, however, was quite different. It did not in any way affect foreigners but only others, namely, those who, before the entry into force of the Act of 1927, had possessed the nationality of the country entrusted with the administration of the territory under mandate and on whom the law conferred, moreover, the new nationality created by the Union without depriving them of their British nationality.

M. Van Rees really could not see that this measure could be objectionable from the point of view of the mandate and how it could be maintained that it violated the principles of the mandate system. He did not forget that the Act applied to Germans who had become British subjects in virtue of the law of 1924. That law, however, left them quite free to decline British nationality. If they had not availed themselves of that liberty, they could not now complain by invoking the mandate which had nothing to do with the matter in question.

M. RAPPARD thought that the Commission was confronted by a very difficult problem, since a question of international law was involved. The Commission had not the same competence in this respect as a court of international law. It seemed to him, therefore, that it would be impossible, after such a short discussion, to propose to the Council a legal solution of this delicate question particularly since the members of the Commission appeared to hold divergent views. Could not the Commission confine itself to presenting the Council with a resolution suggesting that the question might be submitted to the Permanent Court of International Justice?

M. KASTL drew the attention of his colleagues to the fact that the Government of the Union of South Africa had stated that an inhabitant of the territory could not give up his nationality, but might lose it. If, for instance, a British farmer did not wish to become a national of the Union of South Africa what course was open to him? He could only give up his British nationality, and become a foreigner, or leave the country although he had always inhabited the mandated territory and his family had been British also for generations. It was only by this means that he could avoid the obligation to assume South African nationality. It seemed to M. Kastl that this farmer would thus be molested, since he would be compelled either to take this course or to leave the territory.

COUNT DE PENHA GARCIA observed that each non-native inhabitant of a territory under mandate was subject, as regards nationality, to *jus sanguinis*. Consequently, he could not see how the mandatory Power could establish for the territory under mandate special rules which were on application of *jus soli*. In his opinion *jus sanguinis* ought to be applied in its entirety, and the Commission ought to take care that no nationality should be favoured by a special rule the application of which was limited.

M. RAPPARD believed that the principle stated by Count de Penha Garcia would be a very fine one, but that it was not respected in South West Africa. In that territory, moreover, which was under a C mandate, the Administration was not obliged to ensure the application of the principle of economic equality. As a matter of fact, only British citizens took part in the local administration in that territory. There was no doubt that subjects of British nationality thus had favoured treatment.

M. KASTL did not believe that it was necessary to complicate the question. It was not the business of the Commission to discuss the eventual participation of the inhabitants in the local administration of South West Africa. The Commission should simply declare that, in its view, the naturalisation *en masse* of the inhabitants of South West Africa as provided for in the Act of 1927, was in contradiction with the Council resolutions of 1923 and that it was not possible in a mandated

territory to molest anyone if he did not want to accept the nationality of the mandatory Power. M. Van Rees had said that the Commission had objected in 1923 to nationalisation *en masse* because this would be considered as the first step towards annexation. If this were so, then the Act of 1927 could be considered as the second step towards annexation.

M. RAPPARD suggested that each member of the Commission could be asked his opinion on the question individually. It could then be suggested to the Council that the question should be submitted to the Permanent Court of International Justice; at the same time, however, it would be necessary to take the Minutes as the basis for informing the Council of the opinion of each of the members of the Commission.

M. VAN REES declared that it was not the duty of the Commission to judge the merits of the Act of 1927 from the standpoint of international law. It was necessary only to ascertain whether that Act infringed the mandate. It was important, therefore, that the proposal which the Commission would make to the Council should, without expressing any opinion on the matter, bring out clearly the only point which could be of interest to the Commission.

M. MERLIN admitted that the question had rather too legal an aspect, but he pointed out that if it were transmitted for examination to the Permanent Court of International Justice, that Court would judge it from the point of view of international law and not from the point of view of the principles of the mandate. In that case the question would return to the Commission in its entirety.

M. RAPPARD thought that the Court could be asked its opinion on the question whether the Act was contrary to the mandate or not.

The CHAIRMAN, with reference to the remarks made by M. Van Rees, read a passage from the report of M. Hymans concerning the extent of the right of control of the League of Nations in the matter of Mandates¹:

“ Is the Council to content itself with ascertaining that the mandatory Power has remained within the limits of the powers which were conferred on it, or is it to ascertain also whether the mandatory Power has made a good use of those powers and whether its administration has conformed to the interests of the native population ?

“ It appears to me that the wider interpretation should be adopted. ”

The question for the Commission to decide was whether the point at issue should be referred to the Permanent Court of International Justice for examination.

M. RAPPARD thought that it would be imprudent to vote on the substance of the question if the problem were to be submitted afterwards to the Permanent Court of International Justice. That Court would make a long and special study of it. It would be imprudent to settle in a few hours a question which would take a Court of very competent men months to study.

M. PALACIOS was in general agreement, and since the matter would be referred to the Court he would not state his opinion now on a very complex problem which he had not closely studied.

The CHAIRMAN proposed that the discussion should be adjourned in order that a draft resolution, might be prepared.

The Commission accepted the Chairman's proposal.

III. Postal Rates in Territories under A and B Mandates and the Principle of Economic Equality.

M. KASTL said that his report (Annex 9 A) referred to a question which had been raised at the ninth session of the Commission and had been reconsidered at the twelfth session.²

The Commission had received the replies of the mandatory Powers. On the whole, these replies had not revealed any divergencies of view. Letters sent from the mandated territories to the territory of the mandatory Power were almost always granted the benefit of the lower rate. This was also the case as regarded letters despatched to territories which were in some way connected with, or were under the protection of, the mandatory Power. On the other hand, letters despatched to the territories of the other States Members of the League had to pay the higher postal rate.

His report summarised certain reasons which had been given for adopting the differential rates, and the effect of these rates on revenue. It would be seen at a glance that this effect was extremely slight, and he should make clear that it was not a matter of much importance from the financial point of view. This question should only be dealt with from the point of view of principle.

M. Kastl pointed out that it was incompatible with the principle of economic equality that the rates applicable in territories under A and B mandates to postal matter destined for the territory of the mandatory Power, or its colonies, should be fixed at a lower level than the rates applicable to similar matter destined for other countries. M. Van Rees, in a note dated

¹ Minutes of the Eighth Session of the Council of the League of Nations, page 187.

² Minutes of the ninth session, page 219 and Minutes of the twelfth session, page 68.

November 7th, 1929 (Annex 9 B), had refused to support this conclusion, and had stated that he could not associate himself with the view which M. Kastl had upheld that "the provisions regarding economic equality must be interpreted on comprehensive lines if they are to have any meaning at all. This results from the text of the provisions".

M. VAN REES said that, unlike M. Kastl, who argued that these provisions must be interpreted on comprehensive lines, he considered that since the provisions were clearly limitative in character, they could only be given a strict interpretation in which no considerations of expediency must be allowed to appear. This, moreover, he had explained in his note of November 7th, 1929.

M. RAPPARD did not agree with M. Van Rees that the provisions of the Covenant must be given an entirely restrictive interpretation. He believed that the diametrically opposite view should be adopted. It would be remembered that there had been two points of view in 1919 with regard to the fate that should be allotted to the former German colonies. Certain people had proposed that they should be annexed, while others, on the contrary, had been strongly opposed to such a course, and had held that war should not result in the territorial enrichment of the victors. In their view the territories under A and B mandates could not be exploited solely for the profit of those called upon to administer them. Other States should also be able to derive the same advantages. Based on this contention, which had finally been accepted, the Covenant should therefore be interpreted in the most comprehensive way.

Without exaggerating the importance of that question, it was certain that respect of a principle was involved and that the differentiation of postal rates according to the destination of correspondence was not in accordance with the spirit of Article 22 of the Covenant and of the mandate.

Lord LUGARD agreed with the Rapporteur that a question of principle was involved, and preferential rates might be held to be contrary to the strictest interpretation of the commercial equality clause. He thought, however, that M. Van Rees' conclusion should be accepted (though he did not entirely agree with the reasons he had given) because preferential rates in some ways facilitated the execution of the mandate. The result was negligible from the financial point of view, and the lower postal rates were granted to all alike who corresponded with the country of the Mandatory. Thus, anyone of whatever nationality in the Cameroons under French mandate enjoyed the same postal rates to France.

COUNT DE PENHA GARCIA thought that a question of principle was certainly involved, but that M. Kastl had gone too far in his conclusions. There might be an advantage in establishing differential rates, but on the other hand he was certain that the terms of the mandate did not take such a case into account. He was, therefore, in agreement with M. Van Rees, but thought nevertheless that the question was important and merited a definite solution.

M. MERLIN thought that the question was of very minor importance. The amount of money involved was absurdly small, and consequently if economic equality were affected it was only slightly so.

He also wished to draw the attention of the members of the Commission to the fact that unwarranted implications had perhaps been attached to certain expressions used by M. Rappard and M. Van Rees. Those members had employed judicial terms and meant, by the widest or the strictest interpretation, interpretation *lato sensu* and interpretation *stricto sensu*—that was to say, interpretation not in a restrictive sense but according to the actual terms of the law. However, even from a legal point of view, as well as from an economic point of view, the question was unimportant, especially since the differential rates would not apply to parcel post but only to letters. The Mandates Commission ought not to delay too long in deciding questions of such very small importance.

The CHAIRMAN declared that, nevertheless, the question under discussion had a certain importance. However, since all the members were of different opinions it would be convenient to discuss the matter more at leisure.

M. KASTL, replying to M. Merlin, said that he did not wish to have the reputation of bringing up unimportant questions before the Mandates Commission; this particular matter, however, had been in suspense for a long time, and he had been asked by the Commission to submit a report.

He was unable to agree with M. Merlin that the Commission's time was being wasted on this question. In his opinion, a point of principle was involved which it was necessary to settle.

TWENTIETH MEETING.

Held on Monday, November 18th, 1929, at 5.30 p.m.

III2. Examination of the Annual Reports of the Mandatory Powers: Assignment of the Various Subjects to the Members of the Commission as Rapporteurs.

The CHAIRMAN presented the following note:

"At the tenth session of the Permanent Mandates Commission I submitted a note to my colleagues (Minutes, page 173) proposing certain improvements in the system of appointing

rapporteurs for the examination of the annual reports. Most of the suggestions made by myself were adopted (pages 17 and 18) and, on the proposal of a Sub-Committee composed of Lord (then Sir F.) Lugard, M. Orts and M. Merlin, a new division of the work between the members of the Commission was approved (page 43).

"In accordance with the above note, the rapporteurs of the Commission should 'be appointed for a period of three years with the understanding that the assignments will be reconsidered at the end of this period, with a view to a re-allocation of the different subjects'.

"This period of three years is now at an end, and it would seem that the new assignments should be made. Moreover, since the tenth session, three members of the Commission have died or resigned: Madame Bugge-Wicksell, M. Freire d'Andrade and M. Yamanaka, and the subjects in which their successors are particularly interested may not be the same as those allocated to their predecessors in 1926.

"In these circumstances it might perhaps be useful if a sub-committee were appointed to receive suggestions from the various members as regards the re-allocation of the different subjects and to make definite proposals at a later meeting during the session."

M. PALACIOS recalled that questions concerning the status of the territories under mandate and their inhabitants were more or less of the same nature as questions concerning international relations, with which M. Orts dealt. M. Palacios was quite prepared to accept other duties, but nevertheless he was ready to keep the same questions which had been entrusted to him up to the present.

The Commission decided that the present allocation of subjects should remain in force.

1113. Dates of the Sessions of the Commission.

M. MERLIN pointed out that, at the end of each session, there was always a certain amount of discussion not only as to the date but also as to the actual period when the next session of the Commission was to be held.

He asked whether it would not be possible to fix permanently, if not the actual dates of meetings of the Commission—that might perhaps be asking too much—but at all events the period, in the spring and autumn, when they might take place?

This procedure would be advantageous to all. The members of the Commission would be able to make their arrangements well in advance. The Secretariat would be able regularly to foresee and arrange all the work to be done by the Commission during its sessions.

With these considerations in mind, M. Merlin would suggest that the regular dates for the opening of the sessions should be May 20th to 25th and October 15th to 20th. In this way the members of the Commission would be free during the second half of June—a particularly busy period in business, educational and social circles. The second date would enable the members to leave Geneva by November 10th to 15th, when St. Martin's Summer normally came to an end, and so to escape the rigours of the second half of November, when the winter really set in. The Secretariat would, he thought, have no objection to the dates suggested. The mandatory Powers had now organised their arrangements on more regular lines than when they had first exercised their mandates, and would, he presumed, be able to submit their annual reports to the Commission in time for the spring session. M. Merlin said that this would be possible for the territories under French mandate.

M. PALACIOS agreed that it would be of advantage to establish fixed dates for the sessions. Unfortunately, the date proposed for the summer session happened to be at the time of university examinations. June 15th would be more convenient to him.

Mlle. DANNEVIG declared that, in her country also, examinations began in June. The beginning of that month would consequently be most inconvenient for her.

M. ORTS said that as regards the summer session any date would be convenient to him. As regards the autumn session, he would be unable to be present if the month of September or October were chosen. He proposed that the date should be the same as this year, namely, the beginning of November.

M. CATASTINI reminded the Commission that, from the point of view of the Secretariat, it was preferable to have the summer session as early as possible, so that there might be more time to prepare the documents to be presented to the Council at its session at the beginning of September. In any case, the date on which the Commission should receive the annual reports was settled by Rule 5 of the Rules of Procedure of the Commission. If the summer session were fixed at too early a date, it would be necessary for the Council to alter the dates fixed for the receipt of these reports.

The CHAIRMAN saw no possibility of conciliating such divergent and opposing interests. He asked that, as a matter of principle, he might be authorised to choose between June 10th and 15th for the summer session, and between November 1st and 7th for the autumn session.

The Commission agreed.

1114. Postal Rates in Territories under A and B Mandates and the Principle of Economic Equality (continuation).

The CHAIRMAN drew the attention of his colleagues to this question merely because of the principle involved.

M. RAPPARD believed that all the members of the Commission were in agreement in thinking that a question of principle was involved, but that, on the other hand, its economic importance was small. Could that not be indicated in a resolution drafted in the following terms:

“ The Commission has examined the problem. Several of its members feel that an infringement of the principles of economic equality existed. Others hold the contrary view. All agree in thinking that the matter is not extremely important from the material standpoint. Consequently the Commission refrains from presenting observations on it; but its unanimous recommendation would be that preferential treatment might be established for all States Members of the League of Nations. ”

M. KASTL reminded the members of the Commission that the importance of the question differed according to whether the discussion related to postal rates from the mandatory Power to the territory under mandate, or to the rates from the territory under mandate to the mandatory Power. When the territory under mandate had special postal rates favouring the mandatory Power, the question assumed an importance which almost entailed discrimination. It was not correct to say that the mandates were silent on this question. There was certainly a contradiction with Article 22 of the Covenant.

M. VAN REES willingly agreed that this was a matter of principle. What exactly was the question of principle? It was a question of knowing whether the differential postal rates in force in territories under A and B mandates fell under the application of the principle of economic equality. Contrary to the opinion of M. Kastl, M. Van Rees thought that the question had nothing to do with the principle of economic equality. It was on this question of principle that the Mandates Commission had to give its opinion.

M. RAPPARD thought that it was difficult to agree with M. Van Rees that, in this matter, one of the principles of the Covenant had not been attacked. In carrying the situation to the extreme, it might be supposed that the mandatory Power forbade all postal communication with other countries except with the mandatory Power itself. That, however, would be an undoubted infraction of the principle of the mandate. If it were admitted that the principle of economic equality obliged the mandatory Power to authorise communications with all the other States Members of the League, it could be argued also that this principle required that these communications should be made under the same conditions everywhere.

Similarly, discrimination where taxation was concerned would undoubtedly be contrary to the principles of the mandate. A postal rate, however, amounted almost to an indirect tax. If it were considered as payment for service rendered, it was the same service that was rendered in every case. Nevertheless, a different rate was being demanded for the same service, and even a higher rate for what might be a smaller service. The question, therefore, was related to the principle of economic equality, if the mother country were further away from the territory under mandate than another State Member of the League.

M. VAN REES replied that, doubtless, if discrimination were made in taxation in the sense that the rate was not the same for all the taxpayers, the tax in question would be at variance with the principle of economic equality. Nothing of the kind had occurred in the present case. The postal rates in question were applied to everyone without any discrimination founded on nationality.

M. RAPPARD replied that, if the tax were not founded on nationality, but for example, on the mother tongue, there would nevertheless, be discrimination, which was inadmissible.

M. VAN REES thought that it was useless to prolong the discussion. In his note (Annex 9 B), he had examined the question from the legal standpoint and from two different angles. None of his arguments had been so seriously criticised as to render it necessary for him to modify his point of view. He had, therefore, nothing more to say.

Nevertheless, the Commission must take a decision on the question of principle. If the majority of the members agreed with M. Kastl, the Commission should present to the Council its opinion that the three mandatory Powers, Belgium, France and Great Britain were wrong and should, in consequence, be required to cancel their differential postal rates. That was one solution, but it was not the best one and the least that could be said about it was that it would expose the Commission to certain defeat.

The CHAIRMAN asked M. Van Rees if a cotton merchant of Manchester had no advantage over a cotton merchant of Tournai or of Milan when corresponding with a trader living in a territory under British mandate.

M. VAN REES replied that this question led him to think that the last part of his note was not clear. He then read that part and stated that it seemed to him to provide the answer to the Chairman's question.

The CHAIRMAN did not think that M. Van Rees had quite understood the meaning of his example which he repeated.

M. RAPPARD thought that the Commission might adopt the following text:

“ The Commission has examined afresh the question of differential postal rates.

“ Several of its members held that this practice was incompatible with a strict interpretation of the principle of economic equality, as applicable to the territories under A and B mandate. Several of its members held the contrary view.

“ Under these circumstances, and in view of the fact that the question was not of great material importance, the Commission has abstained from making any recommendation in this

connection. It merely expresses the desire that the mandatory Powers should consider the possibility of extending the benefit of the same postal rate to correspondence between the territories under their A or B mandate and all the States Members of the League."

M. PALACIOS agreed.

M. MERLIN observed that this text not only raised the problem, but actually suggested a solution for it.

M. RAPPARD said that none of the members of the Commission, not even M. Van Rees, had maintained that equality of rates would not be desirable in order to ensure the satisfactory working of the mandates system. Even if it were granted that the principle of economic equality entailed no obligation in this respect, it would be impossible not to associate oneself with a desire which did not involve any sacrifice of principle on the part of those expressing it.

M. ORTS thought that the question had nothing to do with the principle of economic equality and that the Commission was not called upon to deal with it.

M. KASTL said that, like M. Van Rees, he had not been convinced by the discussion which had taken place. At all events, even if it were admitted that the mandatory Power might grant favoured treatment to the countries under its mandate, it would be impossible to agree that a territory under mandate might establish a special rate in favour of the mandatory Power. Each of the States Members of the League was entitled to claim the same treatment as that granted to the mandatory Power from the point of view of economic equality.

Lord LUGARD accepted M. Rappard's proposed text.

M. MERLIN said that he should state, for his part, that none of the arguments that had been adduced in the exchange of views that had taken place had definitely convinced him that the principle of economic equality had been infringed. This principle related to goods, and letters could not be regarded as such. Postal dues were paid in return for services rendered. The principle of economic equality had, indeed, been so little violated that all the inhabitants of the mandated territory paid exactly the same postal dues, irrespective of their nationality. This was an important legal point to which M. Van Rees had referred. The only discrimination that was made concerned the country of destination, and if the dues were collected on the arrival of the letter, instead of at the time of its despatch, no objection could be raised. This very fact proved that the principle of economic equality had not been infringed. M. Rappard's text, however, contained a solution of the problem, even though it was only expressed in the form of a desire.

COUNT DE PENHA GARCIA recalled that, under the terms of the International Convention which had established the Universal Postal Union, postal rates were submitted or communicated to this organisation which transmitted them to the members of the Union. He did not know whether objections had been raised when the postal rates in the territories under mandate had been communicated to the members. It must be remembered that only the rates for letters and printed matter were involved and that these were not merchandise in the strict sense of the term. In his view, therefore, M. Van Rees' observations should be taken into consideration in preparing the decision of the Commission.

M. SAKENOBE regretted that while agreeing with most of M. Kastl's arguments he was unable to agree with his conclusions.

He did not wish to dwell upon the question whether from the legal point of view the provisions relating to economic equality should be interpreted on comprehensive lines or in a limitative manner. This question was of theoretical rather than of practical interest.

It was true that all persons in the territory under mandate, irrespective of their nationality, enjoyed the same postal rates. It had to be recognised, however, that differential treatment existed as between correspondence from the mandated territory to the territory of the mandatory Power and its colonies, and correspondence from the mandated territory to other States.

Certain kinds of correspondence were purely commercial, and in Article 33 of the Stockholm Postal Convention it was laid down that:

"The term correspondence means and includes letters, postcards, both single and reply-paid, commercial papers, samples of merchandise, and printed papers of every kind, including articles printed in relief for the use of the blind."

Differential rates when applied to commercial correspondence might therefore benefit one party at the cost of another. In the case, for instance, of two firms in the mandated territory engaged in export trade, one with the territory of the mandatory Power, and the other with the territory of some other Member State of the League on the same conditions, except that the latter firm had to pay postal rates which were twice as high as those of the former, this firm would to this extent obviously be placed in a disadvantageous business position, as compared with the other firm. It might even be argued that the application of differential rates to commercial correspondence ran counter to the principle of economic equality.

On the other hand, it should be remembered that the bulk of the postal correspondence was of a personal character. Commercial correspondence only represented a small fraction of the whole, and M. Sakenobe thought that it would be extremely difficult to draw a sharp distinction between the two kinds of correspondence. Under these circumstances, should the entire system be condemned on account of a partial defect?

There was also another aspect of the question to be considered. M. Sakenobe had read the Stockholm Postal Convention with care. That Convention had been framed in a liberal spirit.

The various States, leaving out of account the differences that separated them, had united into a single postal territory in order to facilitate the mutual intercourse which was so keenly desired by all human beings. The special reduced rate had been applied to all postal matter which was closely related to the daily life and progress of the different peoples, such as newspapers, periodicals, and literary and scientific works. The lowest rate applied was that relating to Braille type for the use of the blind and correspondence despatched from or to prisoners of war was free.

Further, in determining the expense incurred in transit operations by the various States, an extremely arbitrary method of compiling statistics was adopted. The statistics thus obtained by no means reflected the actual volume of work undertaken by each State.

Lastly, Article 5 of the Convention read as follows:

“ Countries of the Union have the right to maintain and to conclude treaties, as well as to maintain and to establish restricted Unions, with a view to the reduction of postage rates or to any other improvement of postal relations.”

The reduction of postal rates was therefore regarded as one of the conditions of the improvement of postal regulations. With this aim in view, together with their special economic and geographic relations, many States had concluded special conventions—for instance, Japan and China, and certain South-American States. Reduction of rates was one of the main aims of the Postal Union and M. Sakenobe thought that there was a general tendency towards its realisation.

M. Sakenobe thought that he could state with certainty that the action of the mandatory Power in establishing a special reduced rate for correspondence between the mandated territory and its own territory or that of its colonies or dependencies had been prompted by the mandatory Power's recognition of its special relation to the mandated territory and by its desire to follow the general principle adopted by the Postal Union.

Bearing all these facts in mind, M. Sakenobe doubted that the application of differential rates to postal matter—including commercial correspondence—could be regarded as inconsistent with the principle of economic equality. He would suggest, therefore, that the Commission should not take any decision on this matter, but should merely take note of the replies of the mandatory Powers.

M. ORTS supported the conclusions of M. Sakenobe. The principle of economic equality was not involved in the present case. Several European countries had concluded special conventions of which M. Sakenobe had spoken, for example, Belgium and the Netherlands and Belgium and Luxemburg, before the latter had been economically united with Belgium. Never, so far as he knew, had these conventions, which provided for a reduced tariff for correspondence exchanged between the parties, given rise to protests on the part of countries with whom the signatories had concluded commercial treaties containing the most favoured nation clause. The reduction of postal rates was not therefore considered as affecting the commercial regime.

M. KASTL said that no comparison could be made between economic equality, according to the terms of article 22 of the Covenant, and international conventions stipulating the maximum postal rates applicable to the various States and leaving open the possibility of the signature of special conventions between individual States. If this comparison were made, the reduced rates agreed upon by the mandatory Power in its special conventions with the mandated territories might be regarded as reductions which the mandatory Power accorded to itself. It should be held that economic equality involved a wider principle than treaties containing the most favoured nation clause, and that it should not be placed upon the same level as these treaties.

Lord LUGARD did not think that it was necessary, under these circumstances, for the Commission to make any recommendation. He suggested that a text to the following effect should be adopted: “ In view of the divergencies of opinion between its members, the Commission does not make any recommendation ”.

The CHAIRMAN noted that certain members held that it was unnecessary to deal with the question, and others that the question of principle should be pursued to its logical conclusion. He thought the Commission might vote upon Lord Lugard's proposal. Perhaps, however, M. Kastl would prefer that a vote should be taken on the conclusions of his report.

M. PALACIOS said that he would prefer to vote upon M. Rappard's proposal rather than upon Lord Lugard's suggestion. Moreover, seeing that neither of them would be adopted unanimously, the conclusion of M. Kastl, Rapporteur, should, from the point of view of procedure, first be accepted or rejected.

With the agreement of all the members of the Commission the CHAIRMAN put to the vote *the conclusions of M. Kastl's report, which were rejected by 5 votes to 4, with 2 abstentions.*

The details of the voting were as follows:

In favour: The Chairman, M. Kastl, M. Palacios, M. Rappard.

Against: M. Merlin, M. Orts, Count de Penha Garcia, M. Sakenobe, M. Van Rees.

Abstentions: Mlle. Dannevig, Lord Lugard.

TWENTY-FIRST MEETING.

Held on Tuesday, November 19th, 1929, at 10.30 a.m.

1115. **Iraq: Observations of the Commission.**

After discussion, *the Commission adopted* its observations on foreign relations, public health administration of justice, economic development, labour, land tenures and education.

The CHAIRMAN then presented the following draft observations prepared by a Sub-Committee composed of Lord Lugard, M. Merlin, M. Rappard and himself on the basis of the notes and proposals made by various members:

“ General Observations.

“ As it was about to examine the Report on the Administration of Iraq for 1928, the Commission received a despatch dated November 4th, 1929, in which the British Government informed the Council of the League of its decision not to give effect to the Treaty between Great Britain and Iraq of December 14th, 1927, and, in accordance with Article 3 of the Treaty of January 13th, 1926, to recommend the admission of Iraq to the League in 1932.

“ This decision involves an important change of policy, since the Commission has been informed that the recommendation is to be unconditional.

“ The Commission did not consider it was called upon to give an opinion on the contents of this despatch, since the recommendation was one which only the mandatory Power responsible for ensuring order and progress in the country could propose. The Commission could not, however, ignore this information, and, when examining the 1928 report, it took this opportunity—and will do so when considering subsequent reports—to ask the accredited representative for detailed information on the position of foreign nationals as regards judicial matters, religious liberty and economic equality, the protection of which is essential in the interests of States Members of the League, and is one of the fundamental principles of the Covenant, and also as regards the guarantees of the rights of minorities.

“ The questions thus raised by the Commission and the replies of the accredited representative are to be found in the Minutes. The Commission considers it premature to offer any observations at the present stage.

“ The following considerations are therefore confined to the examination of the Report on the Administration of Iraq for 1928.

“ Political Situation.

“ The very full and clear statement given in the mandatory Power's report and the care with which the accredited representative replied to the questions put to him have enabled the Commission to form an idea of the legislation passed and the reforms effected in every branch of the administration.

“ It is quite clear that, in the last few years, the successive High Commissioners at Bagdad and the British officials in the service of Iraq have managed, by their energy and patience, systematic methods and tact, to ensure tranquillity and progress in the country, in accordance with the Council resolution of September 27th, 1924—an achievement worthy of the highest praise. They have obtained those results despite the unwarranted distrust on the part of a certain section of local opinion, and it is obvious that the Iraq Government could not have done as much on its own initiative and with its own resources.

“ It would therefore be desirable for the mandatory Power to endeavour, in future reports, to make clear how much of the result is due to British officials in the Iraq Government service and how much to the efforts of the Iraq Government itself. It would be well that the extent to which the Iraqi authorities are dependent upon British support, the efforts made, the opposition encountered and the results achieved in each sphere, the difficulties which have been settled and those which have still to be overcome, should all be carefully described.

“ The Commission would thus be able to base its opinion on as complete a picture as possible of the present economic, political, material and moral conditions in the country”.

M. PALACIOS said that he could not support the draft observations as a whole. In his view, this draft did not accord either with the importance of the existing problem in regard to Iraq or with the substance of the question which, very rightly, the mandatory Power had submitted to the

Mandates Commission. It was the first time that the Commission had been faced with the problems raised by a declaration of maturity with a view to the emancipation of one of the countries which were, so to speak, its wards. As regarded this matter, the Mandates Section of the Secretariat was the technical organ, while the Commission was the advisory organ, of the Council of the League of Nations. In the present circumstances, these organs should study in detail the innumerable questions raised in connection with the relinquishment of the role of guardian and with the guarantees which should accompany the emancipation of the country. If this were not so, who would do this work and when would it be done with the requisite authority?

The draft observations did not meet this point; they even gave the impression that the Commission wished to avoid dealing with the question. The Commission, however, had not only been informed of this matter through the Press and by the declarations made in the British Parliament, but it had received the text of the British communication dated November 4th, 1929, and it had noted the formal declarations made by the accredited representative of the mandatory Power. No more was required to give the Commission the right to examine the question in all its details. If it had not sufficient time and if it did not wish to prolong its session, it could say so and appoint a Sub-Committee or divide the study of the different aspects of the problem between its members in accordance with the existing plan for the distribution of work. The Commission would thereby be in a position to draw up a considered opinion at its next session, or in any case when it should be necessary.

M. Palacios added that he would not insist on his point if his colleagues did not agree with him, but he wished his statement to appear in the Minutes.

Lord LUGARD asked what was the special point that M. Palacios wished to appear in the observations. The Commission did not know yet if the Council would approve the recommendation of the British Government.

M. PALACIOS replied that the Council had the last word in this matter, but it was the duty of the Commission to supply it with all useful information.

The problem raised questions of every kind, political, administrative, economic and international. It was necessary, in the first place, to ascertain why, in spite of the vicissitudes through which it had passed, the Iraq regime had the quality of an international mandate. It was necessary to recall the history of its birth and of its evolution. Further, there were the treaties concluded between the mandatory Power and Iraq and the part played by the promise of the former to support Iraq's requests to be admitted as a Member of the League in connection with these treaties from the time of the Treaty of 1922 up till the date of the draft Treaty of 1927, including that of 1926 relating to Mosul.

The question of the maturity of Iraq and its capability to govern itself by its own means must be closely examined, and to do this it would be necessary to study the evolution of the domestic policy of this State and the evolution of the domestic and foreign policy of Great Britain in regard to this matter. Moreover, a decision must be taken as regards the meaning of the term emancipation of a country under mandate, such as Iraq and the degrees of that emancipation must be defined. The possibility of the establishment of a protectorate and the eventual substitution for international control of the exclusive control of the former Power must also be contemplated. Finally, the method of liquidating international guardianship and the question of the guarantees which the League of Nations would offer to its Members under the new regime must be examined, and also perhaps the possibility of the cancellation, if necessary, of the independence granted to Iraq.

M. Palacios thought that, since the problem was such a serious one, the passage in the draft observations in which the Commission stated that it refrained from expressing an opinion was equivalent to suicide on its part.

M. KASTL said that the question was more difficult than appeared from the conclusions contained in the draft observations. In the first place, it was indispensable that a precise declaration should be made, namely, that in principle the Commission could not raise any objection to the desire of a mandatory Power to give independence to a territory under its mandate and to propose its entry into the League of Nations when it should have come of age. If this were not done, the impression would arise that the Mandates Commission wished to exercise indefinitely its supervision over the mandatory Powers.

In the second place, it was absolutely necessary to declare that the organ with which the decision in this matter would rest was the Council, but that the Commission was an advisory body which was quite ready to give its opinion to the Council. This opinion could not be found in the report—where it ought to be—and it seemed to him that the Commission did not go far enough in its declarations, which were too timid.

Lord LUGARD said that, in his opinion, it was premature to express any opinion on the question at the present time. The important point of which everyone was in agreement was that when, in three years' time, the British Government should recommend that Iraq should be admitted as a Member of the League of Nations, that Government would be asked all the necessary questions on the matters which would affect the new relations of Iraq with the States Members of the League. Until then the accredited representative could be questioned each year by the Permanent Mandates Commission when examining the annual reports in order to ascertain if Iraq continued its progress; in 1932 the Commission would be better able to form an opinion as to whether Iraq had reached a sufficient maturity for entrance to the League of Nations.

M. KASTL thought that Lord Lugard had not quite understood his meaning. He had not declared that Iraq was ripe for independence and admission to the League of Nations, but only that the Commission ought to inform the Council and give it its opinion. It was for the Council to judge, but the Commission should immediately inform it of its opinion to a certain extent.

Lord LUGARD said that his reply had been directed solely to what M. Palacios had said.

The CHAIRMAN asked M. Kastl and M. Palacios if they did not think that agreement could be reached on a text which would make clear the anxiety of the Commission in this matter. M. Palacios had rightly emphasised the importance of the question, which affected the basis of the whole mandates system. That system had, in this particular case, worked so well that in ten years a mandatory Power had been able to declare that its ward was of age. The Chairman thought, therefore, that the Commission, convinced that this result had been obtained, should congratulate itself. Whatever might be the opinion of the Commission, it should in any case set it out clearly in the draft observations, without showing too great prudence, which, in his view, it did too often.

M. KASTL was of the same opinion as the Chairman. It seemed to him that it was not logical to say that the question was important if afterwards no opinion was expressed on it. It was evident that it was the right of the mandatory Power to judge if the territory under its mandate was ripe for independence; at the same time, the Commission was also obliged to give its opinion, because the Council had to decide and the Permanent Mandates Commission was obliged to advise the Council.

M. RAPPARD thought that there was general agreement on two points: (1) That it was the duty of the Mandates Commission to express an opinion on the proposal of the British Government to terminate the mandate with which it had been entrusted; and (2) That it was not the duty of the Commission to express its opinion immediately.

Taking into account this twofold opinion, he proposed the following slight modification to paragraph 3, page 1 of the draft observations:

“ The Commission, while fully conscious of the importance and delicacy of this question, did not consider it was, for the present, called upon to give an opinion on the contents of this dispatch. ”

He would then ask that the two following lines should be deleted, since they had no point.

M. PALACIOS wished to make and to emphasise the following statements: (1) Nothing that he had said should be interpreted as being opposed to the emancipation of a country under mandate; he had already stated on another occasion that this emancipation was the normal result of the mandates system; (2) Nothing that he had said should be interpreted as a criticism of the Council, the mandatory Power, or Iraq itself. He thought, on the contrary, that, if the Mandates Commission examined the situation in detail and expressed the opinion which its prestige required, it would be rendering a service to the mandatory Power and to the Council, which would have the support of a considered opinion. Further, it would be rendering a service to Iraq, where doubts and differences existed even amongst the members of enlightened public opinion. The Assembly of the League of Nations, finally, would be fully informed at the moment when it would be called upon to take a vote on the question of the admission of this new Member.

The proposal made by Lord Lugard might delay matters, and might prove inoperative. If the Commission really had years in front of it, let it profit from them by undertaking immediately the researches which were necessary.

M. ORTS wished the Commission to refrain for the present from expressing any opinion. It was possible that the Council would not consult it, in view of the political character of the question and also because it might wish the mandatory Power to assume full and complete responsibility for its statement that Iraq was qualified to become a Member of the League of Nations. This was a fact which only the mandatory Power was in a position to appreciate with full knowledge of the degree of maturity of Iraq, so that, if the Commission were invited by the Council to give its opinion, it would be obliged to base that opinion, in the case of Iraq and in default of any other elements of appreciation, on the opinion of the mandatory Power.

There was yet another reason why the Commission should postpone the expression of any opinion on this matter. It was impossible to say in 1929 whether the country would be qualified or not, in 1932, to become a Member of the League. Moreover, between the present date and 1932, events might occur which would modify the position.

The CHAIRMAN wished to remind his colleagues that since it was proposed that Iraq should be admitted as a Member of the League in 1932, the request for admission would probably be made to the Assembly in 1931. Only two years remained before this contingency, and consequently the Commission would only be able to examine one more annual report on Iraq.

M. RAPPARD did not see why the request for admission should be made in 1931. The procedure which had always been adopted up to the present would be followed in the present case. Iraq would become a member of the Assembly by which it would have been admitted.

M. CATASTINI observed that, in that case, the Commission would only examine two more annual reports, assuming that the Assembly sat in September and that the last session at which the Commission would deal with the Iraq reports took place in November 1931.

M. PALACIOS said that he could not agree with M. Orts. If he had understood his declaration, it meant that the Commission should wait until the Council asked it to examine the matter. For his part, the provisions of the Covenant, the communication from the British Government and the reply of M. Bourdillon were sufficient for the Mandates Commission to be involved *ipso facto*—and to necessitate the expression on its part of a well-considered opinion.

M. Orts believed that it was necessary to wait and that the Commission should postpone its examination of the whole question since it did not know what might happen during the next two or three years. M. Palacios proposed to discuss what the Commission knew at the present moment. It could base its reply at once on the information it already possessed.

M. RAPPARD thought that that was only a point of detail. What was new, was not the intention of the British Government to present Iraq for admission to the League of Nations—that intention was already known—but the suppression of the conditional clause, “if progress continues”. The Commission already knew that the British Government would make this proposal in 1932. It should not therefore say that this news was quite unexpected.

The CHAIRMAN reminded his colleagues that this manner of presenting important documents, without any formal declarations, to explain the character of the communication seemed to have become part of the system of certain mandatory Powers. This system had, at all events, been followed in the case of the 1927 treaty between Great Britain and Iraq, the Hilton-Young report on Tanganyika, and the last report on investigations made in Samoa. He did not think, therefore, that emphasis should be laid upon the form of such communications. He believed that this matter had been submitted to the Commission for consideration, since the British Government had communicated its recommendation to the Secretariat and since the accredited representative had received instructions to reply to the questions asked by the Commission. In his view, therefore, it was necessary to ensure that the silence of the Commission would not be regarded as acquiescence.

M. MERLIN agreed with M. Kastl. It was clear that the Commission would always tend to adopt the view of any mandatory Power which, on its own responsibility, might declare that the country under its mandate was ripe for independence, after having, however, carefully examined the situation of the country. The mandatory Power could not be suspected of wishing to retain the country under its guardianship longer than was strictly necessary, merely in order to prolong its control.

M. Merlin had listened to the various speakers who had just expressed their opinions. Although they did not appear to agree on all points, it seemed to him that the draft observations submitted to the Commission were well based on all the various considerations which had been expressed. The Commission said in these observations all that it wished to say, all that it should say, and all that it could say at the present time.

The Commission did not put on one side the examination of the problem. It had undertaken it by the very nature of the questions which it had asked the accredited representative. It merely reserved its conclusions for the time when it would be necessary to state them, that was to say, when the question of the admission of Iraq to the League arose, namely, in 1932.

The mandatory Power had already made known its intention of asking that Iraq should be admitted to the League in 1932. Certain conditions, however, had been attached to that request. The new fact which the Commission had just learned was that the mandatory Power had decided to attach no conditions to its request. This was also confirmed in the speech made by the Minister for Foreign Affairs, Mr. Henderson, at the Congress of the Labour Party, in which he said: “From the immense strides made by Iraq during the last few years, it seems evident that in the absence of some really serious and wholly unlooked-for setback by 1932 Iraq, judged by the criteria of internal security, sound finance and enlightened administration, will in every way be fit for admission to the League of Nations.” There seemed in this statement to be at least an oratorical reservation, slight as it might be. Finally, it must not be forgotten that this measure would only take effect in three years’ time, and that it was only in 1932 that a decision could usefully be taken on the question whether Iraq was or was not ready for independence.

M. Merlin therefore thought that the reservations made in the note were wise and that until 1932 the Commission should follow still more carefully than in the past the development of Iraq, in order to be in a position exactly to appreciate the situation in 1932. Up till that time there were no conclusions to be drawn and no recommendations to be made to the Council. To act otherwise would be to act prematurely which, he would add, was imprudent from every point of view.

M. PALACIOS replied briefly to M. Merlin, by emphasising and developing the arguments he had already brought forward.

M. KASTL thought that there was general agreement on the matter, and that it was only a question of drafting. In the opinion of certain of its members, the Commission should express its views at once, and in the opinion of others, it should only do so when requested by the Council.

He reminded the Commission of certain observations of Lord Cushendun and of M. Paul-Boncour at the Council session in September 1928, which had seemed to imply that they believed that the Commission wished to prolong its functions indefinitely, which would make it appear almost ridiculous. He thought, therefore, that a definite declaration of principle might be made on this point, such as had never been made hitherto.

M. ORTS considered that, up to the present, the Commission had only received a mere warning from the mandatory Power—the warning bell, so to speak. It had announced its intention of proposing the admission of Iraq to the League, and nothing more, and this event, moreover, was not unexpected. The Commission did not yet know the essential point, namely, what guarantees would be supplied by Iraq, or in the name of Iraq, in support of the request for admission to the League.

A distinction must be made between the request for admission and what, in M. Orts’ view, was its essential accompaniment, namely, the guarantees regarding the respect by Iraq in the future of the rights of minorities and the rights of the States Members of the League of Nations, rights which, under the existing regime, were consecrated and safeguarded.

Only when the mandatory Power had made known the nature of the guarantees with which it would support its recommendation, would it be possible to express an opinion on the main question. Until that time, the Mandates Commission should profit from the opportunities offered during the examination of the annual reports on Iraq to form its opinion in order that it might be ready to express that opinion when required.

He wished to add one word regarding a remark made by M. Kastl, who had said that the League of Nations could never raise any objection to a request made by a mandatory Power for the admittance into the League of a territory under its mandate. He did not agree with this point of view. Everything would depend upon circumstances. It was possible to imagine the case of a mandatory Power which might wrongfully deny to a territory under mandate the right to govern itself because it wished to maintain that country under its authority. It was possible also that a mandatory Power, overburdened by the charges involved in the exercise of the mandate, or forced by considerations of a political nature, either domestic or external, might declare that a territory was ready to be emancipated when this was not so. In either case, the League of Nations would have something to say and might, if necessary, refuse the request.

It would be wrong to suppose that, *a priori*, the emancipation of a country would result in its happiness. It was a great thing for the countries under "A" mandate, which had not been prepared by their past history to govern themselves to be guided in the exercise of liberty by States of a high civilisation. The League of Nations should, in the interests of those countries, object to their emancipation if it was not justified by their standard of evolution and was only in the interests of the mandatory Power. Premature emancipation before the country under mandate had become capable of governing itself "under the strenuous conditions of the modern world" would be a marked failure of the mandate which would not have attained its object.

COUNT DE PENHA GARCIA said that the Mandates Commission should congratulate itself upon the fact that one of the territories under its supervision had become fit for independence, in spite of the considerable anxiety which he believed some of the members of the Commission felt with regard to the consequences of such independence. In this respect, the draft observations, subject to certain formal amendments, would satisfy him, for the draft accurately described the two trends of opinion which appeared to exist in the Commission, the main lines of which had been indicated by M. Palacios and by M. Orts. In either case, the conclusion was reached that the Commission had been seized of the question and was studying it.

The Commission was, therefore, placing on its agenda the examination of the question whether Iraq might be granted independence. In point of fact, it held that, even before this happened, it should endeavour to ascertain whether Iraq was ready to be released from the mandate. For this purpose, it should hear the accredited representatives of the mandatory Power, obtain information regarding the capacity of Iraq for self-Government and study in detail the reports from this point of view. He would suggest, however, that the Commission should deal immediately with the question of its competence and of the part it should play, with the question of the procedure to be followed and the legal points to be raised. The Commission would have to deal for the first time with legal, economic and political problems resulting from the cancellation of a mandate. In his view a Sub-Committee should be appointed for this purpose, or the question of procedure should be placed on the agenda of the Commission, which would study these legal questions without dealing specifically with Iraq except within the limits of the application of general principles which would thus have been fixed.

LORD LUGARD agreed with M. Orts. He pointed out that, under Article 2 of its Constitution, Iraq was already a "sovereign, free and independent State". It was bound by treaty obligations to Great Britain. The question now was whether it should at a certain date be recommended by Great Britain for admission to the League, when a new treaty would replace the present one. Obviously, acceptance of the recommendation would largely be dependent on the terms of the new treaty (of which the Commission knew nothing), and the guarantees which would be demanded by the Assembly as the conditions of admission to membership.

Lord Lugard proposed that paragraph 3 of page 1 should be amended to read as follows:

"The Commission realises the extreme importance of this communication from the British Government and would welcome the entry of Iraq into the League of Nations if and when it is fully able to stand alone, but it considers that it would be premature to express any opinion at the present time on the proposal of the mandatory Power, which will not take effect until 1932, by which time the existing conditions might have changed considerably. In the meantime, it has taken the opportunity, in examining the report of 1928, and will do so when examining subsequent reports, to ask, the accredited representative for detailed information on"

M. RAPPARD thought that the discussion was going beyond the text before the Commission. The Commission was preparing to assume the responsibility for deciding whether the territory under guardianship had come of age.

There was a further question that had to be considered. M. Rappard had listened to M. Orts with interest. It was clear that, until 1931, the Commission would ask the accredited representatives questions in order to ascertain whether the country was capable of directing its own affairs unaided. In 1931, however, it would perhaps be replied that every guarantee would be given for the future under the terms of the new Treaty. Would the Mandates Commission, then, have nothing to say on this point? In M. Rappard's opinion, there were two quite separate questions to be borne in mind; the degree of maturity of the country, which the Commission must evaluate from the technical standpoint, and responsibility for the future which it must appreciate from the legal standpoint. When Great Britain had been relieved by the Council of its responsibility as Mandatory, was it certain that Great Britain or Iraq would assume another responsibility in respect of the other Members of the League? The Commission should, therefore, he thought, form an opinion not only on the maturity of the candidate for entry into the League, but also upon the actual value of the guarantees proposed in place of the cancelled mandate.

M. PALACIOS said that he could agree with the first part of Lord Lugard's proposal, but he could not accept the second. He approved in a general way the considerations just put forward by M. Rappard.

Turning to one remark made by Lord Lugard, M. Palacios added that, if it were really true that, according to its constitution, Iraq was a sovereign, free and independent State, it was still none the less true that it was a country under mandate. All the official texts bore witness to this, as well as the fact that its emancipation would take place at the moment of its entry into the League.

As regards the first point, even if the declaration made by Lord Parmoor on November 20th, 1924, appeared to be obscure, it did not cancel that made by Mr. Fisher on November 17th, 1921, which was not in the least ambiguous. The same could be said of the previous attitude of the mandatory Power, the Council and the Mandates Commission. In the official texts the suppression of the mandate had, from the beginning, been bound up with the emancipation of Iraq, and its admission to the League. As early as June 17th, 1920, Sir Percy Cox had declared in a proclamation which he made at Bagdad:

“ The mandate would contain provisions of such a nature as to facilitate the development of Mesopotamia as an autonomous State until the time when it would be capable of governing itself, at which time the mandate would come to an end. ”

On the other hand, the proclamation published by the Colonial Office on October 12th, 1922, at the time of the signature of the first Treaty of Alliance, referred in the following terms to the entry of Iraq into the League of Nations:

“ This request will be made as soon as the question of frontiers has been settled and a stable Government has been set up in conformity with the Organic Law In its view it was the only means by which its duties as mandatory Power could legally be concluded. ”

The Treaty dated January 13th, 1926, dealing with Mosul, which was now in force, was intended to ensure the continuance, for twenty-five years, of the *mandatory regime* as defined by the Treaty of Alliance between Great Britain and Iraq, subject to the admission, at an earlier date, of the latter country as a Member of the League of Nations.

Mlle. DANNEVIG asked whether Iraq, although an independent State, could conclude a treaty such as the one mentioned by M. Orts (protection of minorities). She was aware that the question of minorities fell within the competence of the Council and of the Assembly, but she wished to have information on this point.

The CHAIRMAN replied that Iraq would be entitled to conclude such treaties, as were other States with a minority among their population such as, Czechoslovakia, Yugoslavia and Roumania, which had already done so.

He added that it was the duty of the Commission to follow the development of the country step by step, and to make clear its point of view whenever circumstances required. During the discussions, reference had always been made to the degree of maturity of the country, but it should not be forgotten that the Commission must deal also with the question of safeguarding the rights of other States Members of the League and the rights of minorities. The Mandates Commission should consider the means of ensuring that these interests and rights would be covered by arrangements concluded between Iraq and the League and not between Iraq and Great Britain. As regards the question of maturity, there were in any case, certain considerations which the Commission could not ignore, for instance, the letter from the late Prime Minister of Iraq to his son:

“ . . . The nation expects service, but the British do not agree to our demands. I have never had sufficient support. The Iraqi people, who are demanding independence, are in fact weak. They are too weak, and very far from deserving independence, yet they have been unable to appreciate advice given by men of honour like myself . . . ” (*The Times*, November 15th, 1929).

He thought therefore that the Commission might present observations setting forth the different views of its members.

Lord LUGARD said that he had endeavoured, in the document which he had read, to bring out the views of each member as clearly as possible.

The CHAIRMAN said that he had intended to place Lord Lugard's text under discussion. The question being such a serious one, however, he thought it preferable that the discussion should be adjourned in order to have a new text prepared by M. Orts, M. Rappard and Lord Lugard.

The Commission agreed.

TWENTY-SECOND MEETING.

Held on Tuesday, November 19th, 1929, at 5.30 p.m.

III6. **Palestine : Article 14 of the Mandate : Communication from the British Government dated November 18th, 1929.**

The CHAIRMAN read the following telegram which he had just received from the Secretary-General in London:

“Memorandum re Palestine mandate left London evening eighteenth. Perhaps wise warn members Mandates Commission its despatch as may necessitate postponement their departure from Geneva for some days—DRUMMOND.”

III7. **Islands under Japanese Mandate: Observations of the Commission.**

Lord LUGARD proposed the following text for the observations on public finance:

“The Permanent Mandates Commission has taken notice of the generous contribution made by the Imperial Government of Japan to the mandated territory. It is understood that a part of this subsidy may be regarded as compensation for Customs duties levied in Japan and goods destined for the islands under mandate. If this is so, the Permanent Mandates Commission would like to see the amount of this compensation figure under a separate heading.”

M. KASTL asked if goods were imported to the islands without the payment of duties.

M. VAN REES replied in the negative. Goods passed through Japan, where they paid duty, but there was none to pay when they arrived at the islands.

M. KASTL then declared that if goods were imported to Japan to be re-exported, Japan could not say that it would place the duties levied on goods destined for the islands to the credit of the islands.

M. MERLIN said that he did not quite understand the policy which the mandatory Power wished to adopt. It seemed to him that either goods entered Japan in transit and there was no necessity for them to pay Customs duties, or they went through the Customs in Japan, and in that case they would be destined for Japan. In the second case it was impossible to discriminate, or to recognise precisely, what merchandise was specially destined for the islands.

M. CATASTINI remarked that, as regards South West Africa, the Commission had asked the mandatory Power to be good enough to give details to enable it to understand the method followed in determining what proportion of the total Customs revenue of the South African Customs Union was reserved for the territory under mandate.

M. KASTL thought that, in that case, it was not a question of public finance.

M. RAPPARD thought that, on the contrary, it was certainly a question of public finance. The Commission ought to try to understand the real financial situation of the mandated territory. Consequently, it ought to ask the mandatory Power to indicate what duties it collected from goods destined for the Islands, which duties ought under a system of complete financial autonomy, to be returned to the budget of the mandated territory.

M. CATASTINI observed that a similar request had been made by the Commission in the case of Ruanda-Urundi.

M. MERLIN continued to think that this conception was contrary to sound Customs policy and, consequently, to sound finance. He declared that it was impossible to establish a connection between Customs duties and Government subsidies.

The Commission adopted its observations regarding the islands under Japanese mandate, with certain minor amendments (for the final text, see Annex 12).

III8. **Budgetary System of the Cameroons and Togoland under British Mandate.**

The CHAIRMAN reminded his colleagues that, during the examination of the reports on the Cameroons and Togoland under British Mandate at the fourteenth session, M. Kastl had expressed certain ideas that were now set forth in a note which had been communicated to the members of the Commission.

M. KASTL declared that, so far as Togoland was concerned, the accredited representative had made a clear statement. He had said that Togoland could have no debt arising out of the budgetary

deficit. There was only a question of non-recoverable subsidies as grants-in-aid. It was a purely theoretical financial question that the deficit should be covered in that manner by a non-recoverable grants-in-aid. He did not see any reason why it was necessary to create a deficit in the budget by using a theoretical system of so-called proportionate expenditure outside the territory. If, however, the treasuries of the Gold Coast and Nigeria considered that it was necessary to proceed in this manner, they might do so. After having ascertained that the mandated territory would not thereby be indebted in any way, the Permanent Mandates Commission could not raise any objection. In his opinion, then, it was not necessary for the Commission to proceed to examine the note which he had drawn up so far as Togoland was concerned.

M. Kastl said that he was not sure whether the same system was in force for the Cameroons. He thought that the Commission could take note of the declaration of the accredited representative for Togoland, and ask the British Government if the same declaration was applicable to the Cameroons.

M. VAN REES did not think that that was necessary, seeing that the Cameroons territory was in exactly the same situation as Togoland; this was clear from the report on the former territory. In this territory also budgetary deficits were met by non-recoverable grants coming from the colony of Nigeria. However, if the Commission decided to ask for fuller information concerning the Cameroons he would make no objection.

M. Van Rees drew the attention of the Commission to the fact that, according to the financial statistics given on page 127 of the report for 1928 on the Cameroons, this territory had no public debt, the subsidies granted from Nigeria being shown as non-recoverable. The matter, therefore, seemed perfectly clear.

M. KASTL believed that there was a part of the Cameroons debt, actually non-recoverable, which could become recoverable if the economic situation of the country improved.

Lord LUGARD felt sure that that was not so. The English expression "non-recoverable" signified "never to be recovered". He said that if any members were in doubt about the similar system in the Cameroons the mandatory Power could be asked whether advances to the Cameroons were a free gift or a loan.

M. KASTL drew attention to the fact that, two years ago, the accredited representative had, on the contrary, very clearly pointed out that those debts might be recovered if the economic situation of the country should improve. Those were the very reasons that had led M. Kastl to draw up his note.

It was necessary to get it absolutely clear that the method of drawing up the budgets for Togoland and the Cameroons did not entail any disadvantages for the mandated territories.

M. RAPPARD asked his colleagues if they did not think it would be useful to include M. Kastl's interesting note in the annexes to the Minutes of the present session.

M. KASTL replied that, after his declaration and that of the accredited representative, it was not necessary to include the note drawn up by him in the annexes to the Minutes.

After an exchange of views, *the Commission decided* to ask the mandatory Power for information concerning the non-recoverable character of the subsidies granted to the Cameroons.

1119. Transmission of Petitions by the Mandatory Powers.

The CHAIRMAN said that experience seemed to show that greater uniformity in the forwarding to the League of petitions concerning the mandated territories would be desirable.

In the case of petitions received from sources outside the mandated territories and sent to the mandatory Powers for their observations, a time-limit of six months had already been fixed for the sending in of observations. It might perhaps be as well to fix a similar time-limit for the transmission of petitions from within the territories, on the understanding that there would be nothing to prevent the mandatory Power from transmitting the petition forthwith and making its observations later, after enquiry.

The Commission agreed with the Chairman's proposal and *decided* to make a recommendation on the subject to the Council.

TWENTY-THIRD MEETING.

Held on Wednesday, November 20th, 1929, at 10.30 a.m.

1120. Iraq: Observations of the Commission (continuation).

The CHAIRMAN laid before the Commission the following new text of the draft observations on Iraq (General Observations, Political Situation) prepared by Lord Lugard, M. Orts, M. Rappard and himself:

“ As it was about to examine the report on the administration of Iraq for 1928, the Commission received a despatch, dated November 4th, 1929, in which the British Government informed the Council of the League of its decision not to give effect to the Treaty between Great Britain and Iraq of December 14th, 1927, and its intention, in accordance with Article 3 of the Treaty of January 13th, 1926, to recommend the admission of Iraq to the League in 1932.

“ This decision involves an important change of policy, since the Commission has been informed by the accredited representative that it is the present intention of His Majesty's Government that its recommendation shall be unconditional.

“ The Commission realises the extreme importance of this communication. It would welcome the entry of Iraq into the League of Nations if and when certain conditions are fulfilled. These conditions are: (1) That it become apparent that Iraq is able to stand alone, and (2) that effective guarantees be secured for the observance of all treaty obligations in Iraq for the benefit of racial and religious minorities and of the States Members of the League. The Commission considers, however, that it would be premature to express any opinion at the present time on the proposal of the Mandatory Power which will not take effect until 1932. In the meantime it has taken the opportunity, while examining the report of 1928—and will do so in examining subsequent reports—to ask the accredited representative such questions as relate to the two foregoing conditions. Its questions therefore deal particularly with Iraq's ability effectively to govern itself, with its relations with States Members of the League of Nations, as for instance, the position of foreign nationals as regards judicial matters, religious liberty and economic equality, and also with the guarantees of the rights of racial and religious minorities.

“ The questions thus raised by the Commission and the replies of the accredited representative are to be found in the Minutes.

“ The following observations are confined to the examination of the report on the administration of Iraq for 1928.

“ *Political Situation.*

“ The very full and clear statement given in the Mandatory Power's Report and the care with which the accredited representative replied to the questions put to him have enabled the Commission to form an idea of the legislation passed and the reforms effected in every branch of the Administration.

“ It is quite clear that, in the last few years, the successive High Commissioners at Bagdad, and the British officials in the service of Iraq, have managed by their energy and patience, systematic methods and tact, to ensure tranquillity and progress in the country, in accordance with the Council resolution of September 27th, 1924—an achievement worthy of the highest praise. They have obtained those results despite the unwarranted distrust on the part of a certain section of local opinion, and it is obvious that the Iraq Government could not have done as much on its own initiative and with its own resources.

“ It would therefore be desirable for the Mandatory Power to endeavour, in future reports, to make clear how much of the result is due to British officials in the Iraq Government service and how much to the efforts of the Iraq Government itself. It would be well that the extent to which the Iraqi authorities are dependent upon British support, the efforts made, the opposition encountered and the results achieved in each sphere, the difficulties which have been settled and those which have still to be overcome, should all be carefully described.

“ The Commission would thus be able to base its opinion on as complete a picture as possible of the present economic, political, material and moral conditions of the country.”

M. VAN REES said that he had carefully studied this document, with which he entirely agreed in so far as its main lines were concerned. He would like, however, to make one observation. In the third paragraph, the following sentence occurred:

“ The Commission . . . would welcome the entry of Iraq into the League of Nations if and when certain conditions are fulfilled. These conditions are: (1) That it become apparent that Iraq is able to stand alone, and (2) that effective guarantees be secured for the observance of all Treaty obligations in Iraq for the benefit of . . . States Members of the League.”

In view of the fact that the text referred, a little later, to economic equality, it might be inferred that, in the view of the Commission, Iraq could only enter the League by undertaking to observe the principle of economic equality, that was to say, that it would have to undertake to grant preferential treatment to all the other States Members of the League whereas those States would not be obliged to grant Iraq reciprocal treatment. He did not believe that the League could impose such obligations.

The principle of economic equality, which had been sanctioned by the mandate, or, more exactly, by the Anglo-Iraqi Treaty of Alliance of 1922, would no longer have any *raison d'être* after Iraq had been admitted to the League. If the other States Members of the League desired to obtain this preferential treatment they could therefore only do so by concluding special treaties with Iraq. It seemed to him, in consequence, that perhaps the proposed text went a little too far and that the Mandates Commission would be requiring something for which the League would not be entitled to ask.

M. RAPPARD was glad that M. Van Rees had made this statement. He thought, nevertheless, that the text proposed should be retained. It would be different if the theoretical independence of Iraq were the same as actual complete independence. In view of the fact, however, that Great Britain had declared its intention of concluding a Treaty with Iraq which would naturally define the rights and obligations of the parties, he believed that the Mandates Commission would be carrying out its proper functions in requiring international guarantees, in the interests not only of the minorities but also of all the States Members of the League.

M. PALACIOS said that, while the draft observations did not satisfy him entirely, he would accept them in general, subject to the declarations he had made at the twenty-first meeting.

With regard to M. Van Rees' observation, he agreed with M. Rappard's reply.

Count DE PENHA GARCIA said that he also entirely supported the draft observations. He felt, however, that it would be better not to fix so definitely the necessary conditions for the expiration of a mandate. It was dangerous thus to determine in advance, under the influence of a particular case, principles which should be general in character. He would prefer a text which left the Commission more freedom to state precisely the requisite conditions for the termination of a mandate.

M. MERLIN thought that the question M. Van Rees had raised was an important one. The Commission was already in a position to realise the difficulties that were encountered in endeavouring to specify, even to a slight extent, conditions which could not yet be determined, and which could only be based upon existing facts. The Commission was aware that a Treaty would be concluded between Iraq and Great Britain in 1932. This Treaty might contain certain important clauses, but their nature was as yet unknown.

On the other hand, M. Merlin thought that if Iraq were admitted to the League, it would not be possible to impose upon it for ever a clause providing for economic equality without reciprocity. This would be an injustice which could hardly be accepted. Since the nature of the Treaty that was to be concluded between Great Britain and Iraq was unknown, M. Rappard's argument did not hold good and M. Van Rees' observation remained as important as before.

M. PALACIOS, in reply to Count de Penha Garcia, said that for the words "these conditions are", there might be substituted the words ". . . for instance" or ". . . in particular", the remainder of the sentence being retained.

M. KASTL quite agreed with M. Palacios. It would be preferable to add the words ". . . for instance" or ". . . *inter alia*", rather than to delete the conditions. He thought, however, that it would be better to mention the conditions in one sentence and not to divide them into paragraphs 1 and 2. On the other hand, he thought that it would be going too far to request that Iraq should grant preferential treatment for an unlimited time to all the other States Members of the League. He thought that Iraq might be entitled to ask for reciprocity. In order to take account of M. Van Rees's observation, a sentence might be inserted in the observations referring to the preoccupation which he had expressed.

The CHAIRMAN observed that the States Members of the League had acquired certain rights in the territory of Iraq under the treaties which together formed the mandate. If this territory were made independent, guarantees would certainly be required for the maintenance of these rights.

M. KASTL said that his observations had related to the principle of economic equality, and not to the other guarantees, such as capitulations, religious minorities, etc. In his opinion, Iraq would be bound to offer to all States Members of the League preferential treatment under the condition of reciprocity. Those States could then decide whether they accepted it or not. M. Kastl recalled that he had long been a supporter of the principle of reciprocity.

M. ORTS wished to lay stress on the considerations which had led the Sub-Committee to insert this sentence. The Commission recognised that, except in the event of new circumstances, Iraq might be admitted to the League in 1932, but it pointed out that this admission must be accompanied by guarantees. This opinion constituted advice for the use of the Council as well as Great Britain. The mandatory Power could begin to arrange for the guarantees which were awaited in support of its recommendation. He thought that these guarantees would be provided for in the new Treaty which was to be concluded between Great Britain and Iraq.

M. Orts held, indeed, that the mandatory Power had assumed a certain responsibility in proposing the admission to the League of a territory which up to the present had been administered under its mandate—or, as it might be said in the case of Iraq, with its collaboration and under its supervision. It alone was in a position to judge whether the country was fit for self-government, and it guaranteed this fitness.

The League would, therefore, be justified in making the granting of the advantages that it would accord to the mandatory Power by relieving it of its mandate, and to the territory by securing its admission to the League, contingent upon certain conditions which the two parties concerned namely, the mandatory Power and the mandated territory, would undertake to fulfil.

In spite of any provisions in previous instruments which might appear contrary to this idea, the mandatory Power would retain moral responsibility towards the League for the conduct of its emancipated ward, at any rate, for a limited transition period. This moral responsibility would, in M. Orts' view, oblige the mandatory Power to guarantee the maintenance of the acquired rights of minorities and of all the States members of the League—in other words, respect for the maintenance of the moral and material interests as a whole which had developed in the territory as the result of the mandatory regime and of the security afforded by the presence of the mandatory Power. It seemed hardly admissible that the mandatory Power, once its mandate had expired, should only attend to the safeguarding of its own interests. The mandatory Power should, on the contrary, also safeguard the interests of the third parties which had placed their trust in it, exerting

for their protection the influence which it would retain over its former ward. It was for this reason that M. Orts held that, in the case at present under consideration, these guarantees for third parties should be provided for in the treaty between Great Britain and Iraq.

Obviously, the obligations that Iraq would assume could not be made binding on that State for an indefinite period. The term of validity fixed for these guarantees might be the same as that which had been fixed for the guarantees which the States Members of the League received from the treaties at present in force.

M. VAN REES said that he had by no means made up his mind in advance to maintain his point of view. He admitted, however, that his doubts had not been dispelled. M. Orts considered that the League would be entitled to require from Great Britain, in virtue of the moral responsibility which that country assumed in proposing the admission of Iraq to the League, a guarantee for the observance by Iraq, during a transition period of a certain length, of, *inter alia*, the principle of economic equality by which all the States Members of the League at present benefited. While recognising that it would be very advantageous if Great Britain could and would furnish this guarantee, M. Van Rees was not convinced that Great Britain was obliged to do so, as M. Orts believed.

In the first place, admission of Iraq to the League did not depend upon Great Britain alone but upon the League as a whole, which might reject the request of Great Britain or, while deferring to it, might lay down certain conditions for its acceptance. In the latter case, these conditions would naturally apply to Iraq and not to Great Britain. Matters would, of course, have been different if it had been Great Britain that had conferred upon all the States Members of the League a right to preferential treatment in the economic sphere in respect of Iraq. This, however, was not the case. The preferential treatment in question did not result from any clause of a convention concluded between Great Britain and the other States Members of the League, but from Article II of the Anglo-Iraqi Treaty of Alliance of October 10th, 1922.

In the terms of the communication from the British Government to the Council of the League, dated September 27th, 1924, that Government had assumed, " for so long as the Treaty of Alliance was in force . . . towards all Members of the League of Nations which accept the provisions of this arrangement and the benefits of the said Treaty, responsibility for the fulfilment by Iraq of the provisions of the said Treaty of Alliance " (Article 1 of the British communication). Further it was explained in Article 6 of the same communication that " in the event of Iraq being admitted to the League of Nations, the obligations hereby assumed by His Britannic Majesty's Government would terminate ".

Since this instrument had been approved by the Council, and since no objection had been raised to it by any Member of the League, it seemed to M. Van Rees that it could hardly be maintained that Great Britain was nevertheless obliged to continue to ensure the observance by Iraq of the economic equality in question after the entry of that State into the League.

M. ORTS reminded his colleagues of the replies made by Mr. Bourdillon to certain of his questions, which showed that Great Britain did not disregard the responsibilities it would still have in Iraq.

M. VAN REES doubted whether these replies could be interpreted in the way M. Orts seemed inclined to do. However that might be, it seemed rather that the consequences to be met and the interests to be safeguarded should be the subject of negotiation between the League and Iraq if the latter were recognised as worthy of membership of the League. This had been done when Abyssinia had been admitted. It seemed possible and even probable that Great Britain would give its support, but it did not seem that Iraq could be refused admission unless the British Government accepted a responsibility which really belonged to Iraq.

M. MERLIN said that the observations of M. Orts had elucidated his understanding of the matter, and that, since there would be no economic dependence *ad aeternum*, he associated himself with M. Orts' views. Evidently, as M. Van Rees had pointed out, the Treaty of 1922 would disappear, but it was known that there would be another Treaty. In 1932, therefore, the situation would be the following: The League of Nations would be able to ask Great Britain to give it all the humanitarian guarantees which already existed in the Treaty of 1922, and every State would be able to ask that the economic advantages which they had enjoyed should be continued. Finally, he was in entire agreement with M. Orts and did not consider that the observations of M. Van Rees were decisive.

M. RAPPARD wished to submit the following considerations to M. Van Rees. The Commission was an organ of the League of Nations, whose duty it was to defend the interests of all its Members as well as those of the mandated territories. In the first place these Members, in order not to lose the rights which they enjoyed, could refuse to vote for the admission of Iraq to the League of Nations. They might therefore attach conditions to their acceptance. There was no question, moreover, of exploiting Iraq, nor of preventing it from adopting a protectionist policy. The question was only one of making certain that Iraq granted the same treatment to all States Members of the League. Consequently, Iraq would not be asked to make any painful concessions, but only that the door should be left open to everything that might be of advantage to the country.

Finally, he was certain that this question would arise at the entry of Iraq to the League of Nations; it seemed natural therefore that the Commission should foresee it.

M. ORTS thought that M. Van Rees had not really formulated an objection but only a preoccupation; Could the Commission wait for Great Britain to pledge herself in some manner? He wished to remove this preoccupation. The obligations of Great Britain regarding Iraq arose from the Treaty of 1922, to which Iraq and Great Britain had been the parties. It was natural that, when Great Britain signed the Treaty with Iraq, that country would consent to the guarantees

that already existed in the Treaty of 1922, which it had signed as an independent State, in view of the fact that it would enter into no new engagements.

M. VAN REES admitted that M. Orts had just defined exactly what had led him to speak on the subject. He had listened with interest to the different speakers and he felt inclined to agree with the opinion of M. Rappard, who had said that the League of Nations would, after all, only ask Iraq for one thing, which would not be a sacrifice, but a matter of profit to the country itself. This observation seemed to him to be well-founded, and it had suggested to him another, which might perhaps serve to support the first. The real reason which, in 1919, had led the Paris Conference to introduce into the mandates system the principle of economic equality was that the observance of this principle might contribute to the maintenance of peace or at least might contribute to the exclusion, if only in the territories under mandate, of rivalries between the different States which had often led to war. Taking this idea into consideration, it could be held that the claim in question would, in reality, be nothing more than a precaution working in favour of the very aim of the League of Nations. Considered from this point of view, the request that economic equality should be guaranteed would be justified, not because the States Members of the League would have acquired a right under that guarantee, but because other reasons required it. Nevertheless, from this point of view also it would be Iraq which would have to give this guarantee by signing a formal declaration before it was admitted to the League.

The draft observations on Iraq were adopted, with some amendments (see Annex 12).

1121. South West Africa: Petitions of the "Kaoko Land- und Minengesellschaft" (continuation).

The Commission decided after an exchange of views between Lord Lugard, M. Palacios, M. Kasl and other members to send the petition dated November 4th, 1929, to the mandatory Power for observations.

TWENTY-FOURTH MEETING.

Held on Wednesday, November 20th, 1929, at 4 p.m.

1122. Economic Equality: Purchase of Material and Supplies by the Public Authorities of the Territories under A and B Mandates.

M. ORTS submitted his report (Annex 10).

Lord LUGARD asked what steps were proposed in order that the representatives of every country should hear of invitations for tenders.

M. ORTS said that he could only refer to the reply of the Belgian Government, which stated that invitations for tenders were announced by advertisement a month before the opening date for presentation.

The CHAIRMAN said that this question, of which M. Orts had had special experience, had often been discussed at length. Having taken part in 1919, however, in the preparatory work for the establishment of the mandates system, he thought that, even if M. Orts' view could be defended in so far as the letter of the mandate was concerned, it could not be justified from the point of view of the spirit in which this system was established. That spirit required that the resources of the territories to which the new principles of the mandates system were applied, to place too restrictive for all the Members of the League. Care must be taken, therefore, not should be available an interpretation upon the rules relating to economic equality.

He recognised that the mandatory Power should be fully responsible for every action involving the exercise of sovereignty or a division of sovereignty. This principle applied, for instance, to transport services, water-supply services, etc. In the case of such services, the political judgment and responsibility of the Government should take precedence. This responsibility having been guaranteed, however, all the supplies necessary for the functioning of the undertakings in question could be purchased as a result of award by public tender, open to all who could offer terms satisfying the conditions of the contract. This interpretation was in accordance with the principles of good administration and also—which was important—with the principle of economic equality.

M. ORTS did not think that he could alter his conclusions. The Commission was confronted by a text which formally reserved full freedom for the Government in the organisation of public works and services, and this freedom was the counterpart — the condition — of its administrative responsibility. Since the Administration was responsible for the organisation of public services and works, it was clear that it should be entitled to use its own judgment in selecting the supplies necessary for their execution and functioning, just as it used its own judgment in selecting the staff. It should be able to choose those particular types of engines or motor lorries the quality of which it

had tested, and in the use of which its staff had been trained, and the particular pharmaceutical products which were employed by its doctors. Further, in cases of emergency it should be able to waive the system of public tender, with the formalities and delays which it involved. Many more examples might be given.

Generally speaking, however, the furnishing of supplies by private contract was an unsound administrative practice; it was on this account that the Mandates Commission would reserve its right to request the mandatory Power to state the reasons for which it had not in certain cases made use of the system of public tender. If it were not satisfied with the explanations given, or if it appeared that the mandatory Power had employed the funds of the territory to favour its home industries, the Commission might have observations to make. M. Orts could understand that, since the A mandates did not contain the reservation relating to public works and services, this omission might be used to dispute the right of Administrations of territories under A mandates to organise the works and services as they thought fit. To adopt this view, however, would be to disregard the principle that there could be no responsibility without freedom of action.

M. KASTL said that he could not support the conclusions of M. Orts' report. He thought it was essential to draw a distinction between the organisation of public works and services, on the one hand, and the purchase of supplies for such works and services, on the other. It might be true to say that the responsibility incurred by the mandatory Power conferred upon it full freedom to organise public works as it thought fit, but it could not be admitted, in virtue of the same principle, that the mandatory Power was free to organise the purchase of supplies, which, according to the principle of economic equality, should be effected by public tender open to all. This obligation in no way limited the mandatory Power's responsibility for good administration, for if the mandatory Power, after careful examination, considered that it was preferable, from the point of view of good administration, to entrust the carrying out of the order to a company of its own country, it was free to take this decision after having invited tenders for the order.

M. RAPPARD was pleased to note that there was very little divergence of opinion with regard to M. Orts' report. While recognising that the mandatory Power was entitled, in certain cases, not to resort to award by public tender, M. Orts did not consider that it was free to give preference to its own industries and to escape all control. M. Kastl for his part, while desiring that award by public tender should be made the rule, recognised that it was necessary for the mandatory Power, if it were to retain administrative responsibility, to remain free in certain cases to choose whatever supplies it wished. Obviously, if the goods of a foreign firm, although offered at a low price and of excellent quality, were such as to necessitate special training of the staff, there was no reason why the Mandatory should not purchase supplies from its own country, although the cost might be greater, if its staff were accustomed to them. It was difficult not to reach the same conclusion as M. Orts, for the texts were definite.

M. MERLIN said that when an invitation for tenders had been issued, it would be impossible to reject the offer of an undertaking which was prepared to furnish supplies of high quality upon good terms.

M. RAPPARD said that it would only be necessary clearly to state all the conditions that would be required and, in particular, to stipulate that the supplies should be such that the staff available could employ them without having to undergo special training.

M. MERLIN wished to lay stress upon the fact that the rules of award by public tender were very strict and that the contract should be granted to the firm which had offered the best terms.

M. ORTS felt obliged to insist on his point of view, of which the essential point was that the Administration, in organising its public works and services, was not acting as a trader. These were Government matters and in this field the principle of commercial or economic equality did not apply.

M. KASTL agreed with M. Orts that in cases of emergency the mandatory Power might dispense with resort to award by public tender. He had only referred to the normal procedure, in which this system should be the absolute rule. It was necessary to draw the distinction to which he had referred between the organisation of public service and the purchase of supplies. These might be cases in which a mandatory Power could not be blamed for not having resorted to awards by public tender. In normal cases, however, the clause relating to economic equality required that, as regards purchases of material of any kind, no preference should be given to nationals or industries of the mandatory Power. All nationals of States Members of the League of Nations must be able to compete; this in practice could only be achieved by public tender.

M. PALACIOS thought that it was merely a matter of interpretation. M. Orts' interpretation was extremely wide, whereas it should be restrictive, for M. Orts held that all public services were essential works and extended to A mandates the regime of B mandates. M. Palacios thought that, in this way, there would be a danger that the principle of economic equality might be entirely destroyed.

M. KASTL recalled that the object of inviting public tenders was to examine every possibility of securing the required supplies and to obtain these supplies on the best possible terms. Even if the Administration, before inviting the tenders, had already the intention to entrust the order to some particular company, in spite of the fact that its prices might not be the lowest, the prices asked by this company would, nevertheless, as a result of the invitation for tenders, be lower than if the contract had been a private one. He could not see that the mandatory Power could have any difficulty in observing this principle.

M. RAPPARD noted that the system of award by public tender had so far been contrasted with the principle of economic equality. He doubted whether this contrast existed in actual fact.

He conceived the possibility of an award by public tender with a monopoly for the nationals of the Mandatory. He conceived the possibility of economic equality without an award by public tender. Economic equality might be safeguarded or, on the contrary, disregarded under either system.

M. Rappard noted with some apprehension that M. Orts was extending the rules of B mandates to A mandates. There was no legal justification for such an extension. It would be necessary for the mandatory Power to prove that the interests of its public services would suffer from the use of foreign supplies.

M. Rappard recalled that France employed the system of award by tenders in her colonies, without extending the invitation for tenders to the nationals of every country. This, therefore, was a system which did not observe economic equality—to which France, as regards her colonies, was, of course, in no way bound. This proved that it would be incorrect to think that the system of award by public tender involved economic equality and that economic equality necessitated the system of award by tenders. The system of award by public tender might be practised with or without observance of economic equality, and economic equality might exist either with or without this system.

M. KASTL thought that this distinction was accurate. In the case of the provision of supplies, however, economic equality could only be observed by means of the system of award by public tender.

M. VAN REES entirely associated himself with M. Orts' conclusions. The only question upon which doubts might still be felt was the question whether one of the formal provisions of the B mandates should also apply to the territories under A mandate. M. Orts had arrived at the conclusion that whenever public works and services were concerned those works were not within the economic sphere, but within the strictly governmental sphere, and that this principle should apply to the territories in question, notwithstanding the fact that there was no special provision to this effect in the text of the mandate for Syria or of the Anglo-Iraqi treaty of 1922, and that in the Palestine mandate the question was dealt with in less explicit terms than in the B mandates.

M. Albert Millot's work upon the International Mandates,¹ to which M. Orts had referred, supported his point of view. On page 156 of this work there would be found the following statement:

[*Translation.*]

“ A public service may be defined as a division of the administration. The State, which guarantees the functioning of the administration, is, of necessity, entrusted with the functioning of this division. Consequently, if it considers it preferable for some particular reason, instead of ensuring this functioning directly, to entrust the duty to a substitute, it is obvious that it should have full freedom in the choice of this substitute.

“ This is an absolute rule of public law, which does not admit of exceptions.

“ If the principle of complete equality were observed, such a choice would be impossible. It is conceivable that, under ordinary circumstances, the concession might be granted to the person offering the most or demanding the least, the quality of the competitors not being taken into account. It would, however, be inadmissible to put up to auction the functioning of a public service or even the execution of certain public works. This is a governmental matter, and not an economic one.

“ Consequently, it will be for the mandatory Power to determine the rules under which it will be possible for it to make a judicious choice between the persons offering themselves as concessionaires, without endeavouring to maintain an equality which it cannot be compelled to observe and which would only present dangers. ”

This reasoning seemed perfectly sound. It could not be asserted that the mandatory Power should retain full and complete responsibility for everything that happened in the territory under its mandate if its hands were bound in the execution of works and in the organisation of services, the functioning of which it had to undertake.

A further point had been raised by M. Palacios, who had said that the mandate excluded only essential public works and services from the principle of equality, whereas M. Orts had come to the conclusion that all public works and services were excluded. In this connection, M. Van Rees wished to ask to what exactly was meant by the adjective “ essential ”. Was it to be inferred that the framers of the mandates had wished to exclude only *important* public works and services from the application of the principle of equality? If so, how would it be possible, in order to ensure the observance of this principle, to decide which works were important and which were not? Moreover, how could it be held that the framers of the mandates had contemplated establishing a paradoxical rule according to which the principle of equality would not apply to important works and would apply to others, whereas the opposite would, at any rate, be logical?

If it were admitted that, according to the formal text of the mandates, important works were excluded from the application of the principle of equality, the only remaining public works to which this principle would apply would be works of minor importance. It was hard to believe that the framers of the mandate had wished to allow the mandatory Power full freedom of action where the execution of important works was concerned, and to withhold that freedom in the case of works of minor importance. It must be recognised that to attribute such an intention to them would be to imply that they had acted altogether illogically in this matter.

M. PALACIOS thought that the word “ essential ” had been inserted for some definite purpose. He could not see that any paradox existed. “ Essential ” did not only mean “ important ”. It

¹ ALBERT MILLOT: “ Les mandats internationaux ”, Paris, 1924.

was true that there were many defects in the text of the mandates, but it was better to correct actual facts according to the mandate than the mandate according to actual facts. Otherwise, the normative character of every law would no longer exist.

M. KASTL agreed with M. Palacios but regretted that he could not agree with M. Van Rees. The point at issue did not relate to the carrying out of public works, but only to the provision of the necessary supplies for these works. In the quotations made by M. Van Rees this point had not been specially dealt with.

(The Chairman and M. Rappard withdrew.)

(M. Van Rees, Vice-Chairman, took the Chair.)

M. MERLIN wished, in the first place, entirely to support M. Orts' conclusions, together with the arguments on which they were based. In point of fact, it was stated in the replies of the mandatory Powers that, in the normal course of their administration, the system of award by public tender, which was the most usual guarantee for the principle of economic equality, was adopted, but that in the case of essential services the Government retained the option to make exceptions to this system, since political considerations were involved. M. Orts had, however, drawn attention in his report to an important point. This option had been granted to the mandatory Power for the clearly-defined purpose of ensuring the essential public services, and abuse of the option amounted to an abuse of powers. If the mandatory Power were to use this option exclusively to further the interests of its nationals to the detriment of the population of the mandated territory, the Mandates Commission, which supervised the entire administration of the mandatory Power, was entitled to intervene and to present criticism. This was the real question.

Were there serious drawbacks to allowing the mandatory Power to retain this right, subject to the supervision of the Mandates Commission, or was a proposal to be presented to the Council to the effect that this provision of the mandate in favour of the mandatory Power should be abolished? This was the logical conclusion that would be reached if the views of certain members of the Commission were pursued, and the Council would not follow the Commission along this path.

M. Merlin thought that M. Orts had fulfilled a task which was of both legal and practical value. He entirely agreed with his conclusions. It had been said that the supervision of the Mandates Commission would be exercised too late. This was the fate of all measures of supervision, but the observations of the Commission would serve as a warning which would prevent any future recurrence of the abuses that had been noted.

Lord LUGARD said that, while he might not be prepared to endorse in every detail the arguments in M. Orts' report, he accepted its general conclusions.

The VICE-CHAIRMAN said that the mandates provided that the mandatory Power would ensure the widest possible measure of economic equality, except in the case of essential public works and services, which it remained free to organise under the terms and conditions which it considered reasonable. These provisions were definite. They authorised the mandatory Power to carry out public works and services as it thought fit. M. Orts believed that supplies constituted an element in the carrying out of public works and services which could not be left out of account.

M. KASTL said that, if this interpretation of the B mandates were correct, it might be said that the whole clause of economic equality was no more than an abstract and idealistic recommendation, devoid of any practical value, since at present there were no undertakings in the territories under B mandate other than public works and services.

The VICE-CHAIRMAN said that the provision under discussion related to commercial, industrial and economic equality. M. Kastl's observations were correct, therefore, in so far as public works were concerned, but were not correct in respect of monopolies, concessions and commercial activities, etc., to which economic equality effectively applied. The principle of economic equality was, indeed, chiefly valuable in that it applied to other fields, and its value was not in any way diminished by the special provision relating to public works.

M. KASTL recognised the value of the provision in the other fields in question. From the practical point of view, however, this article had no such value at the present time. Moreover, its value might be abolished merely by establishing a monopoly.

The VICE-CHAIRMAN replied that, in general, the granting of monopolies was prohibited except those which were purely fiscal in character and which were in the interests of the territory and intended to procure for the territory financial resources that seemed to be best adapted to local needs or, in certain cases, to develop natural resources either directly by the State or by an organ under its control. A monopoly of this kind was permitted provided that it did not constitute, directly or indirectly, a monopoly of the natural resources of the territory for the benefit of the Mandatory or of its nationals, nor give any preferential advantage which would be incompatible with economic, commercial and industrial equality. Such were the terms of the B mandates and of that for Syria and the Lebanon. Further, the monopolies mentioned by M. Kastl had nothing to do with public works, the only point under discussion.

M. KASTL said that, if a mandated territory were to promulgate a Mining Act to the effect that the mines were to be worked only by the Government, this work would fall at once within the category of public works, and within that of important public works.

M. MERLIN said that it was precisely in cases of this kind that there was a danger of abuse of powers and of other abuses which it would be for the Commission to detect.

The VICE-CHAIRMAN added that mining operations, even if undertaken by the Government, would not constitute a public work in the ordinary sense of the term.

M. KASTL quoted the case of the railways. Were these public works or works of an economic character ?

The VICE-CHAIRMAN replied that it seemed difficult to him not to regard the construction of railways as falling within the category of public works.

TWENTY-FIFTH MEETING.

Held on Thursday, November 21st, 1922, at 10.30 a.m.

1123. Economic Equality: Enforcement of the Principle through the Permanent Court of International Justice and through the Permanent Mandates Commission: Application of Commercial Equality in Territories under British Mandate.

The VICE-CHAIRMAN wished to draw the attention of the members of the Commission to an article which had appeared in the newspaper *Deutsche Bergwerkszeitung* of August 18th, 1929, wherein German merchants complained of certain practices in Tanganyika, Palestine and Iraq. Doubtless, his colleagues were already acquainted with the article, which had been sent to them by the Secretariat in one of the monthly collections of documents. While he could not confirm or question the complaints which had been made, they had led him to put in writing certain considerations which he would like to submit to his colleagues.

“ From time to time documents distributed by the Secretariat come to the members of the Commission containing complaints or recriminations concerning certain methods of application of the principle of commercial equality in the territories under A and B mandates.

“ A striking example is furnished by the extract distributed recently from an article which appeared in the *Deutsche Bergwerkszeitung* of August 18th, 1929, under the title ‘ The Policy followed by England with regard to Mandated Territories and German Export Trade ’.

“ This article drew attention to certain practices in Tanganyika, Palestine and Iraq which, if the communications received are exact, clearly constitute definite infringements of the principle in question.

“ It is, without doubt, the duty of the Commission to examine and verify allegations of this nature by bringing them to the notice of the accredited representatives concerned at the time of the examination of the annual reports.

“ Moreover, nothing prevents the Commission, if necessary, from bringing these matters before the Council, and suggesting that the Council should ask for supplementary and precise explanations if the representatives of the Powers concerned prove unable to give explanations sufficient to satisfy the Commission.

“ The Commission is not competent, however, to take any further action, and the Council itself has no other power than to put the question to the mandatory Power concerned.

“ But, and this is a point which appears to escape the authors of such communications as those under discussion, the mandates themselves, without exception, offer the Governments of the States of which they are nationals a much more effective means of remedying this state of affairs than any appeal for intervention, whether by the Mandates Commission or public opinion.

“ This means is furnished by the stipulation, which is included in all the Mandates, whereby the mandatory Power agrees that any dispute whatever which may arise between it and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, and which cannot be settled by negotiation can be submitted to the Permanent Court of International Justice.

“ Strictly speaking, it is not the Mandates Commission which is called upon to ensure for every individual the benefit of commercial and economic equality.

“ As regards the interests of the citizens of third Powers, the task of the Commission consists in verifying that the texts of the regulations drawn up to give effect to the principle of equality correspond to the precepts of the mandates, and in the contrary case, to ask for their revision through the Council as intermediary. For the rest, the Mandates Commission can give assistance to nationals of other Powers, by calling attention in its reports to the Council, if necessary, to any abuses in application which it believes to have taken place. The Governments themselves, however, can strengthen this assistance to a large extent in matters of this kind, for they are already armed by the provisions of the mandates in question. Why do they make no use of this ? Why do traders who think that they have suffered wrongs from practices that are deemed abuses confine themselves to an appeal to public opinion through the Press, or to informing the League of Nations of their complaints ?

“ It is very right that the Mandates Commission should control the execution of the mandates, but it would be better still if it could be seconded in a practical manner by the Governments of the States concerned, at least in so far as observance of the principle of equality is concerned. ”

The Vice-Chairman wondered whether the Commission could not perhaps do something in this connection. He did not think that it could make any recommendation on this subject to the

Council, but he had wished, as he had already stated, to draw up this note in order to bring to the notice of the various Governments and of the public the method of adjustment indicated. So far as he knew, this method had only been applied up to the present in the case of the Mavromatis affair. He did not assert that the complaints of these German merchants were justified, but he wished to point out that the complainants made no reference to the help that their Government might give them by availing itself of the special provision of the mandates to which he had referred. At the end of the German article it was said:

“ The German exporters should therefore take general steps to ensure that the German commercial attachés and consuls should press strongly for the removal as early as possible of the illegal obstacles which have just been denounced and which are set up in order to hamper German competition in the mandated territories. There is nothing in the provisions established by the League which can be adduced by the British administrators in order to justify their attitude. The best course to take would be to present an appeal at the next session of the Council of the League. Since German commercial experts always accompany the Minister for Foreign Affairs in his journeys to Geneva, why should not these experts bring up the question at a plenary meeting of the Council of the League ? ”

The Vice-Chairman thought that the insertion of his note in the Minutes was the only way in which the Commission could draw the attention of public opinion to the means of control with which the States Members of the League were supplied.

M. RAPPARD thanked the Vice-Chairman for the trouble that he had taken. He thought that this note was of value, but it was quite clear to him why the merchants in question had applied to the Mandates Commission rather than to their own Governments. In the first place, this course cost them nothing, and secondly, they were certain of obtaining access to the Commission. On the other hand, if they applied to their Governments, there was very little chance that their request would be granted. Very strong arguments would be necessary to induce a Government to submit to the Permanent Court of International Justice a matter which would put it in conflict with a foreign Government.

M. Rappard quite agreed with the Vice-Chairman that his note should be inserted in the Minutes. Public opinion would thus be enlightened on this matter.

M. KASTL said that he entirely agreed with M. Rappard's observations. He had noted the article in question, and had himself asked for details from the editor of the newspaper. He had been told that it was necessary in the first place to write to the territories in question, and he had not yet been able, therefore, to obtain any statement which he could communicate to his colleagues.

It was very difficult to make complaints to the Government to the effect that matters of this kind should be referred to the Court at the Hague, for the Government itself only referred more important matters to that Court.

In this connection, M. Kastl regretted that he had been absent when the report on the Cameroons under British mandate had been under discussion. He had learnt that an Act, of which he did not know the exact title, had been promulgated in this territory, extending to it the possibility, which had been accorded to Nigeria and to the Gold Coast, of obtaining special credits for economic development. The first article of this Act read as follows:

“ This Act . . . has been promulgated . . . in order to extend the relations between British industry and the above mentioned territories. ”

He quite understood why this facility had been given to Nigeria and the Gold Coast, but he wished to make certain observations with regard to the application of Article 1 to the territories under mandate. If this article were applied to the mandated territories, it was undoubtedly in opposition to the mandate, which did not permit any preferential treatment in respect of the industries of the mandatory Power.

The VICE-CHAIRMAN wished to reply very briefly to M. Rappard and M. Kastl. He had not forgotten that Governments could not refer to the Court at The Hague complaints of secondary importance, nor had he ever contemplated substituting the control of the Governments for that of the Mandates Commission. The two forms of control were not, however, conflicting, and in certain cases representations to a Government might be an efficacious method. There was, indeed, a further consideration. If use were made of this provision, which he would like, so to speak, to bring out of oblivion, it would acquire a preventive value which it did not possess at present, since it seemed to be unknown to public opinion.

Lord LUGARD wished to remind his colleague, in the first place, that he had called the attention of the accredited representative for Iraq to the statements made by the paper referred to by the Vice-Chairman regarding the alleged disabilities imposed upon German merchants in Iraq, and had received the reply that Mr. Bourdillon had never heard of any such thing.

In reply to the second part of M. Kastl's statement, he said that the Act to which M. Kastl had alluded was the “ Colonial Development Act ”, the object of which was to make possible the grant of loans by the British Government without immediate payment of interest upon British credit in the British colonies and protectorates, for public works which the territory would otherwise be unable to undertake. It was hoped, at the same time, that the supply of materials for such works would assist British industry.

He believed that the mandated territories, while, of course, guaranteeing observance of economic equality, might derive considerable advantages from this Act, since they would be able to obtain loans without interest over a term of years for any approved undertaking.

The Commission decided that the note of the Vice-Chairman should be inserted in the Minutes.

1124. **Ruanda-Urundi: Observations of the Commission.**

After an exchange of views, *the Commission adopted its observations regarding Ruanda-Urundi Annex 12.*)

TWENTY-SIXTH MEETING.

Held on Thursday, November 21st, 1929, at 4 p.m.

1125. **Economic Equality: Purchase of Material and Supplies by the Public Authorities of the Territories under A and B Mandates** (continuation).

The VICE-CHAIRMAN proposed that the Commission should first discuss the proposal of M. Orts, that the Council should be asked to obtain supplementary information from certain mandatory Powers.

M. MERLIN declared that the proposal of the Vice-Chairman seemed to him the wisest step for the moment, that was to say, that the Commission should confine itself to asking for supplementary information from the mandatory Power (Great Britain) so that later it could study the question thoroughly. The reply of the mandatory Power would make comparison possible between its methods and those of other nations. He believed it would be imprudent to judge the matter thoroughly before having the report from the mandatory Power.

M. KASTL asked if the Vice-Chairman's proposal implied that paragraph 7 of the report by M. Orts would be suppressed.

The VICE-CHAIRMAN replied in the negative. There was no need to alter the report since it expressed the personal opinion of M. Orts.

M. CATASTINI remarked that the Vice-Chairman had stated that the Mandates Commission reserved its opinion on the main point. It was simply asking for information from the mandatory Power.

Lord LUGARD remarked that if he had understood the report, two suggestions had been made by M. Orts: one concerning the French Government and the other the British Government. He accepted both of them.

M. RAPPARD also thought that the report by M. Orts contained two suggestions which embodied the opinion of the Commission, but which should be presented to the Council under a different form. On the other points, the report explained the personal opinion of M. Orts and the Commission would therefore have to prepare a new text embodying its conclusions.

M. MERLIN pointed out that, so far as France, as mandatory Power, was concerned, the most simple procedure would be to ask it to define its formula of reservation, it being understood that the Mandates Commission would not allow that such a reservation should be prejudicial to the mandated territory. In that way, a reply would be received which would at the same time be an explanation.

The VICE-CHAIRMAN declared that it now remained to draw up the formula to be inserted in the report to the Council.

M. ORTS wished to make his opinion quite clear. He considered, and this he had tried to make clear in his report, that, when there was work to be paid for out of the resources of the territory itself, the mandatory Power should see that it was done as cheaply as possible. It must not give preference to its own nationals and industries at the expense of the territory. If the work was paid for from funds supplied by the mandatory Power, this rule did not apply. His colleagues would remember that the question had recently been raised in connection with Tanganyika regarding an advance made by the mandatory Power.

M. MERLIN said that the discussion was straying from the point. M. Orts had touched the essential of the question by the example he had quoted. For the moment, all that was needed was that the British Government should be asked for supplementary information and the French Government for an explanation of the reservation in its reply of July 6th, 1929.

The Commission would examine the question of substance when it had received the replies of the two mandatory Powers.

M. RAPPARD thought M. Merlin's opinion very wise, that, before leaving the subject, a text should be agreed upon that should be submitted to the Council. He proposed the following wording:

"Basing itself on the conclusions contained in the report of M. Orts, the Permanent Mandates Commission begs the Council to approach the mandatory Powers concerned, to obtain supplementary information from them on this question."

It must now be decided whether that was all the information for which the Commission wished to ask.

The VICE-CHAIRMAN declared that he did not agree with M. Rappard. In his opinion the note could be drawn up in the following manner:

“ Having examined the replies of the mandatory Powers, the Commission suggests that the Council should ask France and Great Britain for precise information on the following points ”

No mention need be made of the report by M. Orts.

M. RAPPARD accepted the text proposed by the Vice-Chairman.

M. ORTS, in reply to the question of M. Rappard, whether there was no other information for which to ask the mandatory Powers, drew attention to the fact that Great Britain had only replied concerning the supplies whereas France and Belgium had replied both as regards public works and supplies intended for public works. Great Britain might be asked for information concerning public works.

M. MERLIN drew attention to the fact that the Commission did not oppose the report of M. Orts, since it was willing to adopt its conclusions. He would propose the following text:

“ Having considered the report of M. Orts and the conclusions it contains, the Commission is of opinion that the following information should be asked for from the two mandatory Powers, before it goes any further in its study of the matter and before expressing its opinion on the question of principle. ”

M. RAPPARD asked M. Orts to draw up the text for submission to the Council, and to draft a formula upon which all the members of the Commission could agree.

M. MERLIN added that the French Government might be asked how it intended to apply the restriction which it had mentioned in its reply of July 6th, 1929.

The Commission agreed that information should be requested from the two mandatory Powers and that a special question should be put to the British Government with regard to public works.

1126. Cameroons and Togoland under British Mandate: Observations of the Commission.

After an exchange of views, *the Commission adopted its observations regarding Cameroons and Togoland under British mandate (Annex 12).*

M. KASTL, who was not present at the twelfth meeting, had noted that the accredited representative for the Cameroons under British mandate had corrected certain figures which had been reported as having been given by M. Kastl at the fourteenth session (Minutes, page 144). M. Kastl wished to point out that there was an error in the Minutes in question. As a matter of fact, he had stated that the taxation per head amounted to 4s. 10d. in Nigeria and 1s. 3d. in the Cameroons.

1127. Cameroons under French Mandate: Petition of Notables of the Yevol Tribe (continuation).

The VICE-CHAIRMAN (Rapporteur) read the text of his conclusions with regard to this petition:

“ In view of the Rapporteur's statement, the Commission considered that no action need be taken on this petition. ”

The Commission adopted this text.

1128. South West Africa: Status of the Non-native Inhabitants (continuation).

The Commission adopted its conclusions (Annex 12).

1129. Cameroons under French Mandate: Claim by Mr. Joseph Bell (continuation).

M. RAPPARD (Rapporteur) read the text of the conclusions which he had drafted with regard to the petition of Mr. Joseph Bell.

“ The Commission, having considered the documents laid before it by the mandatory Power, is of opinion that no action need be taken upon Mr. Joseph Bell's complaint. ”

The Commission adopted this text.

1130. Western Samoa: Observations of the Commission.

The Commission began its examination of the draft observations on Western Samoa.

TWENTY-SEVENTH MEETING.

Held on Friday, November 22nd, 1929, at 10 a.m.

1131. Palestine: Article 14 of the Mandate; Communication from the British Government, dated November 18th, 1929 (continuation).

Mr. Clauson, of the Colonial Office, came to the table of the Commission.

The CHAIRMAN recalled that the Secretariat had already distributed to the members of the Commission the communication from the British Government, dated November 18th, 1929, relating to the question of the Wailing Wall (Annex 11).

He asked Mr. Clauson to be so good as to give any explanations or comments which he might wish to offer on the memorandum.

Mr. CLAUSON had nothing particular to add; but he would, if the Commission so desired, make a brief commentary on the memorandum, explaining what, in his opinion, were the reasons for the appearance of this document.

The High Commissioner for Palestine had said that the situation in respect of the Wailing Wall, which was the immediate cause of the troubles, was getting worse. The parties concerned were drifting away from each other. The Jews were becoming more and more confirmed in their opinion that the present situation was not what they had the right to expect; and the longer the present situation lasted, the more difficult it would be to come to a definite settlement on the question of the Wailing Wall. The Arabs, on the other hand, were becoming more insistent on what they considered to be their rights.

In a colony the situation could be dealt with by special legislation. After all other steps had been taken, probably one of the parties interested, or the two parties, would make a petition to the King. If the King were to declare that he was not prepared to give any directions in the matter, then the matter would be closed. Palestine, however, was not a colony, and the mandates system was especially adapted for appeals against the decision of a mandatory Power, for parties aggrieved by any decision of the Government could, and did, appeal against it to the Mandates Commission and to the Council.

In addition, in the present case, there arose the question of the Holy Places Commission. Article 14 of the mandate declared that all questions concerning the holy places should be dealt with by a special Commission, called the Holy Places Commission, and no decision regarding the holy places could be regarded as final until it had been approved by that Commission. As the Mandates Commission knew, the Holy Places Commission had never been set up. Consequently, the British Government proposed the establishment of a Commission which would be, so to speak, an instalment of the Holy Places Commission. Its decision would be final and not subject to revision or appeal of any sort. To set up this *ad hoc* Commission, the British Government had to obtain the consent of the Council; but he felt sure that the Council would wish to have the opinion of the Mandates Commission in such a matter.

Time was the actual factor to be taken into account. It was necessary to come to a rapid decision; and it was because of this necessity that the British Government had followed the rather unusual procedure of asking the Mandates Commission to deal with this question, as if it had already been referred to it by the Council. On the other hand, Mr. Clauson thought that, if the Commission felt diffident in tendering unsought advice to the Council, his Government would be satisfied if the Mandates Commission told the Council that it had studied the matter and formed certain opinions on it, which would be at the disposal of the Council if that body desired them. That would facilitate the task of the British Government; but the question of procedure was one for the Mandates Commission to settle. The wish of the British Government was to clear up the problem of the Wailing Wall as quickly as possible.

Mr. Clauson added that his Government had given him instructions to ask whether the Mandates Commission proposed to publish any decision that might be taken. If it proposed to publish its decision, the British Government would like to be informed of it as soon as possible, so that the High Commissioner for Palestine might be warned in time to publish it there with the smallest delay possible.

The CHAIRMAN replied that the Mandates Commission would discuss the question of the communication from the British Government with the greatest care. On its side, the Mandates Commission would like to know if the British Government would publish its communication of November 18th.

Mr. CLAUSON replied that he was quite certain that the memorandum had not been published.

Lord LUGARD said that Mr. Clauson, in saying that the British Government did not wish to act without the advice of the Commission, seemed to have gone somewhat further than the text of the letter, which only asked the Permanent Mandates Commission to "command the proposal" to the Council.

Mr. CLAUSON admitted that he had spoken a little loosely. He had meant to say that the Government could not proceed without the approval of the Council and he presumed that the Council would wish to have the opinion of the Mandates Commission.

Mr. ORTS wished to ask two questions: Since the Mandates Commission was an advisory body to the Council, the normal way of asking it for an opinion was to approach the Council. In this case, the mandatory Power had applied direct to the Mandates Commission and asked it to give the Council its opinion. He would like to know why this procedure had been adopted.

Mr. CLAUSON explained that if the ordinary procedure were followed, the Council would not be able to deal with the matter before January. It would then come before the Mandates Commission in March or in July. At the best there would be a loss of time of two or three months and, at the worst, the loss of six or seven.

The CHAIRMAN asked Mr. Clauson if he had received instructions to act as the accredited representative for the purpose of the present discussion.

Mr. CLAUSON thought he could say that he was an accredited representative with certain instructions. If it were necessary for him to go beyond his instructions, he would inform the Commission that anything he might say was his personal opinion.

Mr. ORTS, in continuation, pointed out that under the terms of Article 14 of the Palestine mandate, the Holy Places Commission was to be appointed by the mandatory Power, after which the nominations would be submitted to the Council for approval. In the present instance, it was stated in the memorandum that:

"His Majesty's Government in the United Kingdom would propose that the composition of the Western or Wailing Wall Commission should be decided by the President of the Council of the League of Nations."

He asked what the reason was for this departure from the procedure outlined in Article 14 of the mandate.

Mr. CLAUSON replied that he was unable to say why the mandatory Power should have put the proposal in that form. He thought, however, that the meaning was not necessarily that the President of the Council should select the actual members of the Commission but that he should at least lay down a general basis for its composition. Concerning the point whether Jews and Moslems would take part in this Commission, the mandatory Power would ask advice of the Council on this point, but he thought that its own view was that the Commission should be quite impartial.

M. RAPPARD referred to paragraph 2 of the memorandum:

"Pending the report of the Commission of Enquiry into the recent disturbances in Palestine, it is not possible for His Majesty's Government in the United Kingdom to express an opinion on the causes of those disturbances."

He expressed the hope that by March 1930 the Mandates Commission would be in possession of the report of the Commission of Enquiry or of some other report from the mandatory Power.

The CHAIRMAN remarked that that was the wish of all the members of the Commission.

Mr. CLAUSON stated that this wish had already been brought to the notice of the British Government.

The CHAIRMAN thanked Mr. Clauson and said that the members of the Commission were glad to know that, should they wish to ask further questions, he would be available.

(Mr. Clauson withdrew.)

The CHAIRMAN said that he need hardly emphasise the importance of the document that had just arrived from the British Government. He thought, however, that it would be useful to remind the Commission that it was Article 14 of the Palestine mandate which made the nomination of the members of the Holy Places Commission, its composition and functions subject to the approval of the Council. It was therefore Article 14 which settled that the Council was fully competent in this matter.

In 1922, the Council had attempted to set up the Holy Places Commission on the basis of a proposal by Lord Balfour, which suggested that the Commission should consist of nineteen members with an American Chairman, and should be divided into three Sub-Commissions: one Christian containing ten members, one Moslem with four members and one Jewish with four members.

The Mandates Commission was aware of the reasons which had prevented the Council from agreeing to that proposal as well as to all the other proposals that had been submitted at the time.

The Chairman thought, in any case, that the first question to be discussed was whether the opinion of the Mandates Commission could be asked for by a mandatory Power, unless the request was seconded by the Council. If this preliminary question were answered in the affirmative, the Commission must decide whether it was competent to give an opinion on the British proposal, that was to say, whether and from what point of view it should examine it.

M. PALACIOS said that, in his view, in spite of the anomalies which existed in the procedure followed, the Commission should examine, discuss and take a decision on the proposal made by Great Britain in its communication to the Secretary-General of the League of Nations, dated London, November 18th, 1929. The anomaly existing as a result of the despatch of this urgent communication did not infringe any of the essential principles on which the duties of the Commission, as the advisory organ of the Council, were based.

As regards the competence of the Mandates Commission in the question of the holy places, M. Palacios stated that it was clearly based on Article 13 of the Palestine mandate in which it was said that the mandatory Power assumed all responsibility in connection with the holy places. The list of questions which had been drawn up in order to facilitate the examination of the annual reports, as well as the questions which the accredited representative had been asked on different occasions regarding this matter were abundant proof of the competence of the Commission. So long as the structure and existing texts of the mandate were preserved by giving effect to Article 14 of the mandate, which up to the present had not been operative, so long would the competence of the Commission to act as an advisory body in these matters exist. It would exist as long as the responsibility of the mandatory Power itself.

Count DE PENHA GARCIA said that the first point was for the Mandates Commission to decide whether it was competent to deal with the matter without waiting for the opinion of the Council. If it were decided in the negative, there would be no need for further discussion.

M. VAN REES pointed out that Mr. Clauson had admitted that the procedure followed by Great Britain was unusual. In this special case, however, he thought the Mandates Commission would be taking too narrow a view of its duties if it refused to deal with the matter, because the Council had not officially referred the matter to it. It was obvious that Great Britain wished to waste no time, and the Commission ought not to be responsible for delaying the matter.

The CHAIRMAN pointed out, in the first place, that it must be remembered that the mandatory Power was solely responsible for the administration of the territory and that no part of that responsibility should be allowed to fall on the Mandates Commission. On the other hand, the Commission, by offering the Council advice for which it had not asked, must not appear to be forcing its hand, above all, if the Commission felt it could express an opinion on the substance of the question of the holy places, which, in his view, it was not competent to do. Seeing that the situation was serious, this would not prevent the Commission, in accordance with M. Van Rees' opinion, from considering the question which the mandatory Power had submitted to it.

M. RAPPARD said that, in his view, there were two possible methods of procedure: (1) Either the Commission could form an opinion and communicate it to the Council, prefaced by some polite formula, or (2) the Commission could advise the Council that it had discussed the question and formed an opinion which it would not communicate to the Council until asked to do so. On the whole, he thought that the latter method showed excessive prudence and that the first course was the better. If the question had arisen at a time when an annual report on Palestine was under examination, the Commission would never have hesitated to express an opinion on it.

M. CATASTINI pointed out that if the question had come up in an annual report, the Commission would have been in a similar situation and it would have had to settle the same previous question.

Count DE PENHA GARCIA thought the Commission should bear in mind its threefold responsibility: To safeguard the interests of the mandated territory and its inhabitants, to assist the mandatory Power, and to advise the Council. He asked if the despatch of the British Government had been communicated to the Council.

M. CATASTINI explained that it had been addressed to the Secretary-General with the request that it should be communicated to the Chairman of the Mandates Commission. The Secretary-General had naturally carried out the request of the mandatory Power.

M. RAPPARD pointed out that, no doubt, the Secretary-General was not obliged to communicate to the Council every document that came to him, but that on the other hand every communication addressed to the Secretary-General of the League, who was at the same time Secretary-General of the Council, was always liable to be submitted to the latter.

He emphasised his point that, as the Secretary-General was Secretary-General of the Council also, it could not be claimed that the mandatory Power in this case had wished or had appeared to ignore the Council.

M. PALACIOS said that by its communication to the Secretary-General the British Government had *ipso facto* informed the Council and the Commission.

The CHAIRMAN remarked that the previous question he had put had been answered in the affirmative.

The Commission had now to examine the question put by M. Palacios whether the Mandates Commission was competent to deal with the Holy Places Commission as set forth in Article 14 of the mandate.

M. PALACIOS said that, to prove the competence of the Commission, it would be sufficient for him to repeat his previous declarations. In order, however, to be still more clear, he would read the beginning of Article 13 of the mandate:

“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 ”

There was no doubt that, in view of the responsibility assumed by Great Britain in its capacity as mandatory Power, the Mandates Commission was competent to examine its governmental and administrative policy in this matter and to present to the Council the necessary observations. The list of questions relating to the mandate for Palestine, which had been approved by the Council and had been in force since then, confirmed this point of view.

As regards the exercise of this competence in the matter of Article 14, M. Palacios recalled that he had been the member of the Commission who had reminded the mandatory Power that the provisions of the said article had not been observed. Thus, in the Minutes of the session held in June 1928 (page 56) his remarks were recorded as follows:

“ M. Palacios pointed out in regard to the holy places that the Commission provided for in Article 14 of the mandate had not yet been appointed ”.

It was true that Lieut.-Colonel Stewart Symes had replied to this observation “ No news is good news ”, a very short time before the unfortunate incident of the Wailing Wall.

During the session of the Commission which had taken place in July 1929, M. Palacios had returned to this question and had said (page 200 of the Minutes of the fifteenth session) that he did not wish

“ . . . that the satisfaction expressed by the Commission . . . should in any way prejudice the question of the appointment of the Holy Places Commission—which was still non-existent—required under Article 14 of the mandate ”.

Finally, last September, at the Sixth Committee of the Assembly of the League of Nations, *apropos* of the serious events which had occurred in Palestine between the Jews and the Arabs, M. Palacios had said:

“ Article 14 of the mandate for Palestine provided for the appointment of a special Commission for the Holy Places. It had not been possible to appoint this Commission ” (see *Journal of the Assembly*).

M. Palacios had recognised on that occasion that the non-existence of this Commission was not to be imputed only to the mandatory Power, but also to the other interested States which in 1922, at the time when Lord Balfour's proposal had been made, had not been able to agree upon the action to be taken regarding it.

M. VAN REES remarked, concerning the question of the competence of the Mandates Commission, that the British Government wished to set up a special *ad hoc* Commission on the basis of Article 14 of the mandate. This special Commission would assume part of the task of the Holy Places Commission and its decisions regarding the Wailing Wall were to be final and not subject to revision by the Holy Places Commission, should that Commission ever be formed.

In accordance with the terms of Article 14 of the mandate, the mandatory Power was called upon to appoint this Commission and it was also stated that the method of nomination of its members, its composition and its functions would be submitted to the Council for its approval. This Article therefore provided for the establishment of a new organism, the composition and duties of which would be settled by two authorities only, namely, the mandatory Power and the Council. The Mandates Commission, therefore, had nothing to do with the execution of Article 14 in whole or in part.

M. PALACIOS said that, in his view, the opinion put forward by M. Van Rees as regards the British proposal was correct. It only served, however, to confirm the statement already made by M. Palacios regarding the competence of the Mandates Commission. While he recognised that the Commission was competent to examine the question of the establishment of what might be called the fragmentary Holy Places Commission and to recommend or not to recommend that this Commission should be set up, M. Van Rees was of the opinion that the Commission should not make this recommendation.

M. Palacios was, in principle, in agreement with his colleague. For what reason? Because the mandatory Power had not formulated a proposal based on Article 13, nor on any other article of the mandate except Article 14. This latter Article, however, was an international compromise based on historical interests and age-long traditions and was of such importance that even in November, 1922, it had already given rise to all kinds of difficulties of principle which Lord Balfour himself had recognised at that time in his speech to the Council of the League of Nations. This Article therefore must be interpreted in a restrictive manner.

The Holy Places Commission, for which provision was made under Article 14 of the mandate, was a single unit with precise instructions to study, define and settle all the rights and claims arising in connection with the holy places. It was an “ organ ” and not a “ group ” of parts. The Commission, which was now proposed by the mandatory Power was not a “ germ ” in which the plenary Commission (as it was called in the British communication) would be represented in a more or less developed form, but it claimed to be a “ part ” of that Commission. It was not even a part, for a “ part ” of an organ was only part of a “ whole ” and that “ whole ” did not exist.

Further, what was the general plan of the mandatory Power, apart from the reference made in its communication to what it called “ the Plenary Commission ”? Nothing was said of this plan. It might be supposed, and not without reason, that it was the plan to which reference had already been made, a plan prepared by the Colonial Office and presented to the Council by Lord Balfour; a plan of which its illustrious defender had said that although it had not been successful,

it contained elements which would one day certainly serve as a basis for the final solution. No other solution was known than this.

The new British proposal, however, was diametrically opposed to this plan. It was sufficient to compare the proposal of 1929 with that of 1922. According to the terms of the Balfour proposal, the Sub-Commissions would work separately; they could, however, meet to deal with general affairs subject to the approval of the supreme body constituted by the Commission sitting in plenary session. Nothing of this kind was possible under the present fragmentary plan. The proposed commission would not even be one of the local Committees for which provision was made in paragraph II of the first draft.

To accept the proposal that the decisions of this fragmentary Commission should be definitive and not subject to revision by the hypothetical plenary Commission, was equivalent to restricting the competence of the latter, to reducing its attributes, and to "mediatise" it to a considerable extent.

Other details of the new proposal as, for example, the appointment of the *ad hoc* Commission by the President of the Council—which were contrary to the terms of Article 14—were not, in M. Palacios' view, of such great importance. If the mandatory Power had the right to appoint the Holy Places Commission and if it proposed or agreed that this Commission should be appointed by the President of the Council, any inconvenience which might result should the Council accept this suggestion would not legally be of any great importance, provided the mandatory Power continued to assume, in every case, the responsibility for its obligations.

To sum up, M. Palacios considered that the Commission could not, on the basis of Article 14 of the mandate, recommend to the Council that the proposal of the British Government should be adopted; in the first place, because the proposed Commission was not the Holy Places Commission, nor even the germ of that organisation, which by a process of evolution and differentiation would produce the organs necessary to carry out its different functions. Neither was this proposed Commission one part of the Holy Places Commission, since the latter did not exist, even in a draft. In the second place, the British proposal could not be supported because, as at present contemplated, the organism could be nothing more than an *ad hoc* Commission, necessarily essentially different from the single Commission for which provision was made in the mandate, and this *ad hoc* Commission would therefore be contrary to the terms of that mandate.

"Let us not take any decision" said Lord Balfour to the Council, "before the Powers have expressed their opinions". These words prove the existence of the compromise to which M. Palacios had referred. The Mandates Commission could not do otherwise, in dealing with such a delicate point, than follow the interpretation of Article 14 given by such an eminent authority. The Council which had other obligations and other responsibilities, another mission, other means of forming an opinion, could always and in every case, take the decision which seemed to it the best.

M. RAPPARD drew from the speech of M. Van Rees the conclusion that, since the Council was the only competent body to settle this question, and since the duty of the Mandates Commission was to give advice to the Council on all matters relating to the observance of the mandates, the Commission was fully competent to examine this question. The Mandates Commission could certainly express its opinion, but, naturally, the Council alone would take the final decisions.

M. ORTS said that the Mandates Commission would be competent to deal with this question from the moment when the Council asked it to do so. He thought that the Mandates Commission should, in view of the circumstances and urgency of the case, immediately set down in writing the result of its discussions and inform the Council that it was prepared to express its opinion if required to do so.

M. PALACIOS said that, as regards the question of Iraq, he had on previous occasions held an opinion which differed from that of M. Orts. He regretted that he was not in agreement with his Belgian colleague, but the constitutional basis on which the Mandates Commission was able to intervene in this affair was provided in the last part of Article 22 of the Covenant. It said:

"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 mandatory Power itself had stated that its proposal was intended to give effect to Article 14 of the mandate. The Commission, therefore, should give its advice to the Council on this subject just as if the mandatory Power had included its proposal in its annual report. What more was required, since the accredited representative himself had appeared before the Commission?

Lord LUGARD said that the mandatory Power was faced with a serious situation largely arising from the fact that it had not been possible to appoint the Holy Places Commission. It had, therefore, been compelled to adopt an emergency measure. He thought the Mandates Commission would incur heavy responsibility if, by its action, it caused delay and if it refused to deal with the memorandum.

There was no need for the Commission to express an opinion on matters of detail. It could agree to the *ad hoc* Commission while leaving the Council to define its powers and scope and to decide as to the finality of its decisions.

M. PALACIOS did not see any objection to the proposal of the mandatory Power to set up this *ad hoc* Commission in accordance with the terms of the Article which might authorise it, but the Mandates Commission should make it quite clear that this Commission was not to be confused with the Holy Places Commission, referred to in Article 14.

Lord LUGARD pointed out that the mandatory Power did not propose to set up the *ad hoc* Commission until it had obtained the agreement of the Council.

M. PALACIOS said that the Mandates Commission, in any case, was only responsible for the advisory opinion it gave to the Council.

M. VAN REES was astonished that M. Rappard had been able to draw from the statement of his point of view inferences leading to conclusions that were completely opposed to his own. M. Van Rees had said that the constitution of a Holy Places Commission was a matter solely for Great Britain and the Council. Had the Council in 1922 thought of consulting the Mandates Commission before putting Article 14 into execution? Clearly not. There was no reason therefore to suppose that the Council would first have consulted the Mandates Commission if the British Government's proposal had been addressed to the Council. This did not mean that it was prohibited from consulting the Commission. There was no doubt that it could do so, and in any case the Mandates Commission would be required to give its opinion even though, constitutionally speaking, the execution of Article 14 was none of its concern.

Lord LUGARD pointed out that the opinion of the Mandates Commission could not have been asked in August 1922 because at that date the mandate had not yet come into force.

M. VAN REES replied that the Mandates Commission had existed since 1921.

M. KASTL considered that, as the communication received from the British Government dealt with the execution of the mandate, the Mandates Commission was entitled and obliged to give an answer and to form an opinion. The mandatory Power had a perfect right to create any *ad hoc* Commission it might judge useful, but it should be pointed out that the *ad hoc* Commission suggested in the memorandum from the British Government had no connection with the Commission referred to in Article 14 of the mandate. Such a Commission could study the question involved and make some proposals, but could not take a final decision. He thought that the opinion of the Mandates Commission on this point should be given to the Secretary-General and through him transmitted to the Council. He drew the attention to the fact that the situation required an immediate decision.

Mlle. DANNEVIG wished to express the same opinion as M. Kastl. She wondered whether the Jews and Moslems would consider the decisions of such an *ad hoc* Commission as final, and whether they would not feel themselves justified in not doing so, as the scheme was not in conformity with the provision in the mandate concerning the Holy Places Commission.

Count DE PENHA GARCIA drew attention to the necessity of an immediate decision, since the British Government wished to form the *ad hoc* Commission before the next session of the Council and, consequently, the decision would have to be taken by the President of the Council. It was certain that Great Britain had always the right to form such an *ad hoc* Commission, but he feared that there might be an appeal from this Commission to the Holy Places Commission, which had never been nominated. He thought that the Mandates Commission was faced by the following question: Was it possible to change the stipulations of the mandate? As it was impossible for the Mandates Commission to do this, its only action could be to reply in the negative to the memorandum from the British Government.

M. RAPPARD recalled that the discussion had been divided into three parts—preliminary discussion, examination of the competence of the Commission, and the reply to be made to the mandatory Power. M. Van Rees had stopped at the question of the competence of the Mandates Commission. This did not imply that the Mandates Commission would be prohibited from drawing the attention of the Council to the incompatibility of the British proposal with Article 14 of the mandate for Palestine.

The CHAIRMAN pointed out that M. Van Rees and himself were in agreement that the Mandates Commission should express its opinion.

M. MERLIN pointed out that the proposed procedure, that the Mandates Commission should advise the Council before being asked for its opinion, was completely without precedent. Until the present moment a mandatory Power had never approached the Mandates Commission directly and before approaching the Council.

The present situation presented several anomalies. Seven years ago the mandatory Power had failed to set up the Holy Places Commission. He did not see how the British Government could now proceed to the formation of an *ad hoc* Commission which would be set up as part of the Holy Places Commission, since the latter Commission itself did not exist.

The proposal of the British Government presented a second anomaly, since the *ad hoc* Commission would be granted final powers which would not be subject to review by the full Commission contemplated by Article 14 of the mandate; consequently, should ever the Holy Places Commission be brought into being it would be unable in any way to modify the decisions of the *ad hoc* Commission.

The proposal of the British Government, if accepted, would constitute a breach of Article 14 of the mandate, and the fact that the decisions of the *ad hoc* Commission would be final presented serious inconveniences.

Moreover, the demand for the President of the Council of the League of Nations to decide upon the composition of this *ad hoc* Commission was also a breach of Article 14 of the mandate, since it would transfer responsibility for the step from the mandatory Power to the League of Nations itself.

Lord Lugard had said that the matter was urgent, but M. Merlin would like to point out that the events in question had happened in the previous August. In those circumstances, why had

the proposal not been made to the Council in September and not at the very end of the present session of the Mandates Commission? There seemed to be no reason why the communication could not have been made earlier, and in that case it could have been examined more at leisure and by the proper authorities. M. Merlin thought that the Mandates Commission ought to give its opinion quite freely, since the question that confronted it was an extremely delicate one. He would agree, if necessary, though somewhat reluctantly, with M. Orts' suggestion that the Mandates Commission should express its opinion, but reserve it and only communicate it to the Council of the League when the Council asked for it.

The CHAIRMAN wished to remind the Mandates Commission that it had frequently questioned the accredited representative about the situation in Palestine and urged the mandatory Power to establish the Holy Places Commission. Moreover, a definite question regarding the Holy Places Commission had appeared in one of those questionnaires, which had received special criticism from one of the mandatory Powers. Consequently, it was by no means the Mandates Commission which was responsible for the present situation.

Lord LUGARD said that, whether the decision reached by the Commission was kept in reserve until the Council asked for it or not was a matter which could be discussed later. The Commission appeared to be unanimous that it should arrive at a decision in either case. He suggested, therefore, that it would be advisable to discuss a definite text, and he submitted that it might be on the following lines:

"The Commission desires to point out that the request of the mandatory Power that the Commission should commend its proposal to the Council is contrary to the rôle imposed upon it by its constitution, since it is an advisory body to the Council and only gives its advice when asked to do so by the Council. It recognises, however, that the present situation is very exceptional and that the reason of the request is in order to arrive at a solution which may prevent further bloodshed. In these circumstances, it believes it to be its duty to express an opinion, and that it would not be exceeding its proper rôle in doing so.

"It considers that the course proposed is the best in the circumstances, but it desires to emphasise the fact that the *ad hoc* Commission proposed will not be the Holy Places Commission mentioned in Article 14 of the mandate, and its composition and powers must necessarily be subject to the decisions of the Council."

M. RAPPARD had also been struck by the anomalies in the demand of the mandatory Power. On the other hand, the Commission ought to take into account, not only its own responsibility, but that which would fall on the League of Nations. Had Palestine been entrusted, in full sovereignty, to Great Britain, the present difficulties would not exist; the matter would have been settled by Government action or entrusted to a Commission with sovereign powers. All the present difficulties were caused by the mandate and could not be called the fault of the mandatory Power, since Great Britain had wished to set up the Holy Places Commission and had proposed several forms of procedure on which the Council of the League of Nations had been unable to agree. The responsibility, therefore, rested with the Council or with the mandate itself, since Article 14 of the Mandate contemplated an agreement between the Council and the mandatory Power which the Council had not been able to realise. It would be very serious if it were stated that the massacres in Palestine continued because the mandatory Power, charged to put them down, found itself hampered by the mandate. Under these circumstances, the Mandates Commission although, naturally, it could not recommend any solution contrary to the Covenant, should, nevertheless, do all in its power to help the Mandatory to overcome the difficulties caused by the mandate. The Commission might agree to a formula recommending a solution which was in conformity with the mandate and capable of restoring order according to the principles of justice.

The CHAIRMAN wished to refer to one point raised by M. Rappard, namely, the responsibility of the League of Nations for the gap occurring as a result of the non-existence of the special Commission for the holy places provided for under Article 14 of the mandate for Palestine. The criticism made by M. Rappard affected at the same time, the Council and the Mandates Commission. As regards the Council, this criticism was not well founded for, since 1922, the mandatory Power had presented no further proposal for the composition of the Commission, as was required under Article 14 of the mandate. The Mandates Commission, on the other hand, had dealt with the question of this gap and had raised it several times with the accredited representative of the mandatory Power. The question of the holy places was included amongst others appearing in the list of questions prepared by the Mandates Commission and approved by the Council.

Further, it was not correct, in his view, to regard the question of the Wailing Wall as the pivot of the situation in Palestine. This question was one of numerous causes of trouble in Palestine and it would be more exact to state that it was only one manifestation of the real causes of the difficult situation there, causes which were much more profound.

Once the Mandates Commission had been freed from responsibility, the Chairman noted that the large majority of the Commission were in favour of its competence. The first point to be decided was whether the proposal of Great Britain was in accordance with or contrary to Article 14 of the mandate, which was the code of the Commission.

M. RAPPARD had already spoken on this point. In his opinion, the proposal of the British Government in its actual form did not conform to Article 14 of the mandate. It would be

extremely disagreeable for the Mandates Commission merely to make that statement. He realised that the affair of the Wailing Wall was only one of the many troubles in Palestine. But these incidents were not unconnected with the fact that Palestine was placed under a mandate. That meant that responsibility rested either on the persons who drew up the mandate or on the Council, that was to say, upon the League of Nations.

The CHAIRMAN pointed out that it was not for the Commission to pronounce a judgment on the mandates system.

M. RAPPARD was only concerned with the unfortunate results for the League to which this matter might give rise as regards public opinion.

The CHAIRMAN thought that it was the duty of the Mandates Commission to safeguard this point in its conclusions.

M. ORTS persisted in the view he had already expressed, that the Mandates Commission ought only to give its opinion when it was asked to do so by the Council. M. Palacios had quoted certain precedents, for example the "Hilton-Young" report and the communication of the draft Treaty between Great Britain and Iraq. Under such circumstances, M. Orts had always maintained that, when a mandatory Power communicated such a document to the Mandates Commission, it was evidently in order that the Commission should take note of it and express an opinion. In making such communications, the aim of the mandatory Power was to ascertain what objections the Commission might have.

It was no use to quote these precedents on the present occasion, for the situation was not one where the mandatory Power wished to discover the opinion of the Mandates Commission. The Commission was asked to take the initiative as regards the Council. Under these circumstances, and with regard to the procedure that had been employed, the Mandates Commission would be making a mistake if it gave an opinion for which the Council had not asked.

The solution would be that already indicated, namely, that the Commission should study the request of the British Government and inform the Council that, if it wished to receive an opinion on the matter, the Commission was at its disposal. If the Council did not ask for one, the discussion which had taken place in the Commission would be considered as non-existent.

The CHAIRMAN sympathised with the difficulties of M. Orts, but he thought there was a contradiction between these difficulties and his solution. If the reply of the Commission to the Council was in the negative the mandatory Power, when it had received this reply, would be able more rapidly to consider other means of finding a solution, whereas according to the system proposed by M. Orts it would have to wait for results until the Council session in January.

M. PALACIOS stated that he always much appreciated the arguments put forward by M. Orts, but he had already explained why this time, those arguments had not convinced him. He had not referred to other cases in which he had also found himself in disagreement, during the present session, with his Belgian colleague. As regards Iraq, M. Orts also thought that it was necessary to wait until the Commission had been seized of the matter by the Council. The force of the reasons brought forward by M. Palacios lay in the provision of the last paragraph of Article 22 of the Covenant.

Neither did he think that the mandatory Power was asking the Commission to exercise moral pressure on the Council. This Power, as a matter of fact, had greater influence in the Council than the Mandates Commission. In its communication it had based its demand—and the justice of its reasoning seemed evident—on the gravity and urgency of the situation.

Moreover, the moral pressure of an advisory organ on an executive organ was always very limited. This was proved by precedent. On several occasions, when dealing with questions which had been brought directly before the Council by the Commission, the former had taken a decision which was contrary to the unanimous recommendation of the Commission. He would quote as examples the affair of the visit on the spot to the territories under mandate raised indirectly by an Arab petition, the question of the extension of the questionnaire, the question of the official hearing of petitioners, the question of the Treaty with Trans-Jordan. Why had not the members of the Commission felt incensed by these decisions? Because the possibility of such divergencies of view was to be expected. In the presence of an opinion expressed by an advisory organ, the executive organ could take a contrary decision for reasons which were not within the province of the author of the opinion. The essence of the system was the obligation to obtain the opinion. It was not obligatory to accept it. On the contrary, if the Commission, on which Article 22 of the Covenant imposed the obligation to express an opinion, waited for the Council to take the initiative and to ask it for that opinion, and if the Council for any reason did not seek its advice on an affair of such great importance, the Commission would be in such a humiliating position that it might perhaps result in the resignation of its members.

M. KASTL was of the same opinion as M. Palacios. It was not necessary for the Commission to wait for the Council to ask for its opinion before actually making it known, and there was no reason why the Commission should not give it immediately, especially since the situation was extremely serious and the British Government ought to be put in a position to modify its proposal as quickly as possible, if it thought it necessary.

The CHAIRMAN made a rapid summary of the present situation. The Commission was competent to deal with the matter; it could leave out of account the anomalies that had been raised by the procedure followed by the mandatory Power and could reply to the Council. He asked if M. Orts insisted that a new course should be followed, or if he agreed that the ordinary

procedure was sufficient in drawing up a reply to the Council which would be communicated to it immediately. The Commission would discuss, at the next meeting, whether the demand of the British Government was contrary to Article 14 of the mandate or not.

TWENTY-EIGHTH MEETING.

Held on Friday, November 22nd, 1929, at 3.30 p.m.

1132. **Palestine: Article 14 of the Mandate: Communication from the British Government, dated November 18th, 1929 (continuation).**

The CHAIRMAN asked if the members of the Commission agreed with the summary of the discussion which he had submitted at the end of the previous meeting: (1) To ignore the anomalies arising from the procedure followed by the British Government; (2) to recognise the competence of the Commission (he would recall that, on this point, M. Orts had made a reservation); (3) to consider whether the proposal of the mandatory Power was in conformity with the mandate or contrary thereto; (4) to define the grounds on which the Commission based its opinion or to refer to the Minutes.

M. ORTS thought that there was no objection to the Commission examining the substance of the question, subject to the opinion he had expressed regarding the desirability of an immediate communication to the Council.

M. VAN REES, passing over the first two points, said that the British Government's proposal was undoubtedly contrary to Article 14 of the mandate. It should be remembered, however, that the article was not immutable and that the Council would be entitled, if necessary, to modify it in order to allow of the adoption of the British proposal. The Commission could not say therefore that the proposal could not be carried out because Article 14 would not permit it, since it might be argued in reply that Article 14 could be modified if the Council, at the suggestion of the British Government, decided to do this. He wondered whether the Commission ought, in its recommendation, to refer to that point.

M. PALACIOS agreed with M. Van Rees; the British Government's proposal to appoint an *ad hoc* commission was contrary to the terms of Article 14 of the mandate. He would not, however, go so far as to support M. Van Rees' conclusion. He thought the Commission was competent to deal with the matter but that it would be exceeding its powers in making such a suggestion.

M. VAN REES observed that he had not been making a suggestion but was merely giving his opinion for the benefit of the Mandates Commission.

M. PALACIOS said, without hesitation, that if he had to reply, point by point, to the brief questionnaire which had been outlined by the Chairman, his reply would be somewhat as follows:

The Permanent Mandates Commission had examined, with all the attention and urgency required by the gravity of the situation, the proposal which the mandatory Power had made in its letter of November 18th, 1929, to the Secretary-General of the League, in which it was suggested that a recommendation should be made to the Council for the appointment, under Article 14 of the Palestine mandate, of a special *ad hoc* Commission, whose task it would be to define and settle the rights and claims of the Jews and Moslems with regard to the Wailing Wall at Jerusalem.

He thought that the Commission, while noting that there were certain anomalies in the procedure suggested in the British proposal, should consider that these anomalies were merely incidental and did not affect its functions or its competence at any essential point.

After having thoroughly examined the substance of the problem, the Permanent Mandates Commission should, he thought, decide not to make any recommendation to the Council for the creation of a Commission such as that proposed by the mandatory Power. Although its terms of reference would be narrow and limited to the question of the Wailing Wall, the decisions of this Commission, which would have been appointed by the President of the Council of the League, would nevertheless be final and would, consequently, be binding upon the plenary Commission which was to be set up, whose work in this connection would thus have been anticipated. An *ad hoc* Commission of this kind, far from being in conformity with the terms of Article 14 of the mandate, would be in direct opposition to the terms of that article, and would be essentially opposed to those terms as regards an extremely delicate matter.

As regards the proposal that the mandatory Power should, on its own responsibility and outside the terms of Article 14, appoint an *ad hoc* Commission for this purpose (which, however, it had not proposed to do), M. Palacios would have certain reservations to make, since he held that the spirit and the letter of the article in question should be strictly observed.

Nevertheless, the Permanent Mandates Commission, fully recognising that, as the mandatory Power had pointed out, the situation was a grave one and action was urgently necessary, and bearing in mind the fact that, even before the occurrence of the incident at the Wailing Wall,

it had reminded the accredited representative that the Commission for which provision had been made had not yet been appointed, might perhaps recommend the Council to make every effort to induce the mandatory Power to set up at once the Holy Places Commission provided for by Article 14 of the Palestine mandate, and to ask the Council for its final approval.

It was indeed conceivable that the preliminary agreement between the nations concerned, to which Lord Balfour had referred in the scheme and in the speech which had been recalled by the mandatory Power, might now be realised, in view of the gravity of the situation and the urgent need for action. During the two months before the next session of the Council, the mandatory Power might perhaps take some step in this direction, and the Council might base its decision upon the results of this fresh effort.

M. ORTS said his only objection to M. Palacios' suggestion was that, as everyone was aware, the mandatory Power had hitherto not succeeded in carrying out the provisions of Article 14.

The CHAIRMAN asked how M. Orts could state that, since the establishment of the mandate, the mandatory Power had endeavoured to put Article 14 into effect.

M. RAPPARD reminded the Commission of the lengthy discussions which had taken place in 1922 in the Council, the outcome of which had been Lord Balfour's statement. At that time there had been a great deal of negotiation and several successive proposals had been put forward none of which had been approved by the Council. That was why the mandatory Power had not put them into effect. He wondered therefore whether the Mandates Commission would be well advised to insist on the immediate application of Article 14. The League of Nations must not be exposed to the reproach that some people might be tempted to make, by saying: "If it has been found impossible to establish the Holy Places Commission, it is because the proposal has encountered difficulties caused neither by Jew nor Moslem, but by the representatives of the various Christian nations".

M. ORTS, in reply to the Chairman, said that he had only referred to a fact of which everyone was aware: because of international opposition it had not been possible to set up the Holy Places Commission.

The CHAIRMAN, reverting to the third point of his summary, asked the Commission whether it thought that the proposal before it was in conformity with the mandate and more particularly with Article 14 thereof.

Lord LUGARD agreed that it was contrary to the letter of the article but in his judgment it was not contrary to its spirit, because, in order to carry out the mandate the mandatory Power must take the measures it thought necessary to avoid disturbances and possible further bloodshed. It considered that the appointment of this *ad hoc* Commission was necessary for this purpose.

In reply to M. Palacios, who said that, on the contrary, the proposal was not in keeping with the spirit of Article 14, Lord Lugard maintained his point of view and his reservation.

The CHAIRMAN, after consulting his colleagues, noted that the Commission recognised the British proposal to be contrary to Article 14 of the mandate, except Lord Lugard, who held that it was contrary to the letter and not to the spirit of that article.

M. RAPPARD thought it would be better, for the sake of clear discussion, to say that the Commission unanimously agreed that the proposal was contrary to the terms of Article 14.

In reply to several members who thought that the proposal was contrary to Article 14, both in the letter and in the spirit, and with a view to reconciling the various points of view, he proposed to say: "Contrary to the terms of the article".

Lord LUGARD admitted that the British proposal was contrary to the terms of Article 14, but as the aim of the proposal was to prevent the shedding of blood and every form of disturbance, he thought that it was not contrary to the mandate and therefore maintained his reservation.

The Commission, with the exception of Lord Lugard, decided that the British Government's recommendation was contrary to the terms of Article 14 of the mandate for Palestine.

The CHAIRMAN then read the first part of a text which he had prepared:

"The Permanent Mandates Commission thanks the mandatory Power for its communication, dated November 18th, 1929. It appreciates the efforts of the mandatory Power to settle equitably the difficulties with which it is confronted at Jerusalem, to reconcile all the conflicting interests, to calm perturbed minds and ensure public tranquillity, order and peace in Palestine. The Commission, however, which, in accordance with the terms of Article 22 of the Covenant and of the mandate is merely a supervisory body, cannot act in the place of the mandatory Power and advise it as to the methods it should follow and the steps it should take to attain the twofold aim it has in view. It must reserve to the mandatory Power, with the exclusive exercise of its mandate, full freedom of action."

It would then be sufficient to say that the Commission had declared that the proposal was not in keeping with the terms of Article 14 of the mandate.

M. RAPPARD thanked the Chairman for transferring the discussion from generalities to a definite text, but he was not at all sure that the first part of the text would meet the situation. The Commission's recommendation should, to a certain extent, reflect the doubts which it had felt.

The CHAIRMAN replied that the Minutes would do that.

M. RAPPARD went on to point out that the text proposed by the Chairman said that it was not the Commission's duty to advise the mandatory Power. The mandatory Power was not asking for advice; it was simply asking the Mandates Commission to support its proposal before the Council.

The CHAIRMAN warned the Commission of the consequences of supporting such a proposal; if it did so, it would be sharing the responsibility for the proposal.

M. RAPPARD thought that in opposing the British proposal the Mandates Commission would also be assuming a certain responsibility.

The CHAIRMAN, reverting to the substance of the problem, said that one point had been settled: the proposal was contrary to the terms of the mandate. The Commission now had merely to agree as to the statement to be made to the Council; this was a matter of drafting.

M. ORTS said he thought that this statement made all further action unnecessary and brought the discussion to an end. He therefore proposed the following text:

"The Permanent Mandates Commission has carefully considered the memorandum received from the mandatory Power. As a result of this examination, it has come to the conclusion that a Commission, whose duty it is to review the manner in which the mandates are applied, could not recommend to the Council a solution which would be contrary to the terms of Article 14 of the mandate for Palestine."

COUNT DE PENHA GARCIA agreed with M. Orts. The Commission should confine itself to the juridical point, on which it was unanimous.

The mandatory Power had sent a document to the Mandates Commission, dated November 18th, asking the Commission to give an urgent opinion concerning the creation of an *ad hoc* Commission to settle the Wailing Wall incident. That procedure was abnormal since it ought first to have been submitted to the Council which could take a decision without consulting the Mandates Commission.

Moreover, he did not quite see why it was only now that the question of appointing a Commission to deal with the Wailing Wall problem arose with such urgency. The problem had existed for years. The latest regrettable conflicts in Palestine had occurred as far back as August.

However that might be, the mandatory Power was asking the Commission to give its opinion to the Council on the proposal it intended to put forward in January.

The Commission was not competent to take a decision in this matter. It could, however, regard the document as throwing light on the administration of the mandatory Power. From that point of view, the Commission was competent to inform the Council of its opinion in view of the argument of urgency and of the fact that the case was an exceptional one.

The mandatory Power proposed to set up a Commission on the basis of Article 14 of the mandate to settle the Wailing Wall problem. Unfortunately, Article 14 did not allow of the creation of a Commission for the Wailing Wall but only of a Holy Places Commission. The latter would always have the final decision in all that concerned the study, definition, codification and settlement of rights and claims concerning the holy places.

The mandatory Power could, however, appoint, under Articles 1, 2, 13 and 15, the Wailing Wall Commission as a Commission *ad hoc* to meet on the spot. That Commission would be able to settle all disputes but there would always be the possibility of an appeal to the Holy Places Commission. As the latter Commission was not yet in existence, the possibility of appeal would be temporarily non-existent.

The mandatory Power might also put Article 14 into effect, that was to say, create the Holy Places Commission. It would then possess a body which could take decisions, without appeal, on the question of the Wailing Wall.

As the mandatory Power alone was able to judge the respective difficulties and disadvantages of either policy, the Commission could not express an opinion. Of one thing alone he felt certain, and that was that the proposal of the mandatory Power was contrary to Article 14 of the mandate. The Commission therefore could only regard the proposal as an infringement of that article. Article 14 provided for a Commission to deal with all questions connected with the holy places and to settle these problems finally. Any other Commission which took final decisions on those points would be contrary to Article 14 of the mandate. The Mandates Commission could not advise an alteration in the definite terms of an article of the mandate. That was not its task. He thought that other methods might be tried in an endeavour to solve the problem which might help to restore tranquillity in Palestine.

Nevertheless, the causes of the strife and disagreement, in which the conflict had their origin, seemed to be deeper than that. They seemed to be more complex and were of a racial, religious, moral, social and psychological character. He would be glad to read a report submitted by the mandatory Power on those questions as a whole. That Power had, in no less serious situations, always been able to discover some means of conciliation and thoroughly common-sense solutions.

M. PALACIOS said that the Mandates Commission was faced with the fact that Article 14 had not been put into effect. It was, therefore, an inoperative instrument. After declaring the *ad hoc* Commission to be contrary to Article 14, the Mandates Commission might then ask the mandatory Power if it still found it impossible to put Article 14 into effect. It might be the duty of the Mandates Commission to recommend its execution, with a view to helping to obtain the very agreement in question.

The CHAIRMAN observed that, in other mandates, also, there were articles which had not yet been applied—for instance, in Syria, the provision concerning the Organic Law. Similarly, the Holy Places Commission had not been established, but it must not be concluded from that that the mandate was not working. In any case, the Council would take cognisance of the Mandates Commission's discussions, as set out in the Minutes, and could refer to them in taking its own decisions.

M. RAPPARD saw two main advantages in M. Orts' proposal: the first, the registration of the Commission's unanimity on one point, and the second, the complete absolution, from a formal standpoint, of the Mandates Commission from all responsibility.

The proposal, however, might not prove to be entirely satisfactory. The mandatory Power had to contend with great difficulties and was asking the Commission to approve a given procedure to enable it to solve those difficulties. If the Commission replied: "Your proposal is contrary to Article 14; consequently we cannot recommend it to the Council", without adding anything further, would it have fulfilled its duties as an advisory body?

M. PALACIOS thought that the negative decision of the Commission should be accompanied by a positive one. It might be possible to recommend a solution which was not contrary to the terms of the mandate.

M. ORTS said he would certainly have completed the text he had proposed, if he had not feared that certain of his colleagues would be opposed to this addition.

The CHAIRMAN said that, judging from his own experience in the East, he was afraid that the precedent of setting up an *ad hoc* Commission might complicate and prejudice the future. The British proposal suggested the appointment of a Commission to consider a dispute between Jews and Moslems, but with no Jewish or Moslem members. There were a dozen questions concerning the holy places that were in dispute between the various religions, so that in order to settle all the disputes between the various denominations, almost thirty such Commissions would be required.

M. ORTS read again the first part of his proposal:

"The Permanent Mandates Commission has carefully considered the memorandum of the mandatory Power. As a result of this examination it has come to the conclusion that a Commission, whose duty it is to review the manner in which the Mandates are applied, could not recommend to the Council a solution which would be contrary to the terms of Article 14 of the Palestine Mandate."

M. Orts then—at the request of certain members—read the second part of his proposal, which he had not previously read, fearing that it might evoke opposition:

"The Permanent Mandates Commission is of opinion, on the other hand, that the solution proposed by the mandatory Power merits consideration by the Council if the latter feels that Article 14 of the Palestine mandate might, in agreement with the mandatory Power, be revised."

Lord LUGARD accepted M. Orts' proposal.

A vote was taken and *the first part of M. Orts' proposal was adopted by the Commission; the second part was rejected by 7 votes to 4.*

M. MERLIN suggested that, in order to meet the considerations put forward by M. Rappard, a phrase on the following lines might be inserted:

"It nevertheless suggests that the Council should consider any proposal which, without being contrary to the terms of the mandate, would be likely to solve the outstanding disputes between Jews and Moslems, calm the population and consolidate tranquillity and order in Palestine. It will follow with sympathetic interest all efforts made by the mandatory Power to attain this object."

M. PALACIOS thought that it was the Commission's duty to encourage the mandatory Power to put Article 14 into effect and warn it against any decision which would be incompatible with that article. He would agree with M. Merlin's proposal if the Commission did not approve his own, but he insisted on his point of view.

M. RAPPARD thought it would be unwise to adopt the course indicated by M. Palacios. If the mandatory Power had not proposed a solution in keeping with Article 14, it was because it had reasons for not doing so. The difficulty might perhaps be solved if the Commission accepted the following addition to M. Merlin's text, to which M. Palacios might agree: "... If the mandatory Power and the Council considered it impracticable to put Article 14 into force immediately . . ."

M. PALACIOS said he could not accept that text. As a member of the Mandates Commission he felt bound to advise that Article 14 should be put into operation. If the Council wished to modify that article it could do so; but the suggestion ought not to come from the Commission.

M. RAPPARD pointed out that if it were shown that Article 14 could not be applied the Commission could not insist upon its application.

M. MERLIN said that in spite of his desire to meet M. Palacios' wishes he thought it would be unwise to adopt his suggestion. Many diverse interests which were what might be styled "hypersensitive", were involved.

Care for the mission with which it was entrusted obliged the Commission to state that it could not accept the proposal of the mandatory Power since that proposal was contrary to the terms of the mandate, it being the Commission's duty to see that the mandate was applied. Nevertheless, as M. Rappard had said, the Commission could not confine itself to a mere refusal. It must show its concern for the difficulties encountered by the mandatory Power and endeavour to assist that Power by stating that it was ready to recommend to the Council any proposal which would not be contrary to the terms of the mandate. He did not think the Commission ought to go further than that. When the Commission held its extraordinary session M. Palacios, who was Rapporteur on this question, would be able to point out to the mandatory Power the consequences of its not having established the Holy Places Commission. At present it would be unwise to go too far.

M. ORTS noted that the Commission was still in agreement regarding the first sentence which he had proposed. It was also of opinion that the matter should not be left there, but it did not seem to be satisfied with M. Merlin's proposal.

Why therefore should the Commission not merely note that two solutions were possible, stating for instance that:

"The Permanent Mandates Commission considers that a solution of the present difficulties should be sought either in applying Article 14 or revising the article in such a way as to allow of the procedure proposed by the mandatory Power."

M. RAPPARD said he would agree with M. Orts' proposal if the Commission decided to accept it.

COUNT DE PENHA GARCIA said he thought that M. Orts' proposal went further than any decision the Commission was called upon to take. The mandatory Power asked the Commission to support a certain proposal before the Council. The Commission had declared that it could not do so. The mandatory Power had not asked the Commission to make fresh suggestions. For his part he would prefer merely to adopt the first section of M. Orts' proposal.

M. ORTS apologised for his insistence, but he wished to make clear that his suggestion need not conflict with the convictions of anyone. Those members of the Commission who thought that the solution should be sought in Article 14 would not have anything further to say if the Council, as it had the power to do without consulting the Commission, revised that article. His text merely noted two facts to which the Commission must surely agree: the only two possible solutions were either to apply Article 14 or to revise the article in such a way as to admit of the procedure proposed by the mandatory Power. In acting thus the Mandates Commission would avoid a purely negative attitude. Its proposal would, of course, not be a constructive one—because it was not called upon to make a constructive proposal—but, in the second part of its resolution, it did give what might be a useful indication.

LORD LUGARD and M. VAN REES supported M. Orts' proposal.

M. PALACIOS was opposed to any proposal tending towards the revision of an article of the mandate, particularly the Palestine mandate which was itself a compromise. As soon as the mandate was touched in any way it would be necessary to revise it from beginning to end. The Commission was therefore incurring enormous responsibility. If it accepted the proposed text, public opinion would think it had itself suggested revision. For his part, he did not relish the thought of incurring such responsibility, and preferred M. Merlin's proposal.

M. MERLIN noted that what he had foreseen had actually occurred as soon as these subjects came to be discussed. The Commission had seemed to be near to an agreement but its opinion had immediately become divided as soon as it came to touch on definite points. That was why he had submitted a proposal which, though rather vague, could be accepted by all the members of the Commission and which at the same time showed that the Commission was favourably disposed towards the mandatory Power.

COUNT DE PENHA GARCIA insisted that M. Orts' suggestion was a very dangerous one. It was not for the Commission to make proposals. That was the prerogative of the mandatory Power or the Council. For his part, he could not assume the responsibility of advising the mandatory Power to raise in the Council the whole question of the Holy Places Commission. The mandatory Power thought that the only solution lay in the appointment of a Commission which would settle disputes definitively, but it had only recently formed that opinion. Conditions might change and, moreover, experience had shown that the British Government was very skilled in discovering conciliatory formulæ.

M. KASTL said he entirely agreed with M. Merlin. The Commission could not give a merely negative reply. In his opinion, M. Orts' proposal was still negative because what it actually said was: "You will either put Article 14 into effect or propose to modify it". Everyone, however, was aware that the mandatory Power was not in a position to apply Article 14. If it had wished to modify that article it would have asked that such modification should be effected. Everyone knew, however, that a discussion on the question of modifying Article 14 would take a long time and would not perhaps result in a decision at one session of the Council. On the other hand,

M. Kastl thought that the Permanent Mandates Commission should be very careful in making proposals for amending the terms of Article 14 of the mandate without having had sufficient experience to be quite sure that the article concerned was not at all workable. Article 14 had not yet been put into effect and no experience existed with regard to it. M. Orts' proposal therefore must be considered as a very restricted method of getting out of the difficulties. It was not possible therefore for the Commission to suggest that course.

He accepted M. Merlin's proposal with M. Rappard's amendment thereto.

M. RAPPARD would have preferred M. Orts' formula but noted that it had aroused considerable opposition. He ventured to suggest that M. Palacios had no good grounds for opposing M. Orts' proposal. M. Palacios had proposed that the Commission should merely inform the mandatory Power that it ought to put Article 14 into effect. M. Rappard thought there were very good reasons for not doing this, but in any case could not M. Palacios agree to a formula which stated that, if the mandatory Power and the Council concluded that it was impossible to put Article 14 into effect immediately, the Commission hoped another solution would be found. In that way the Commission would not be departing from its proper role.

The CHAIRMAN noted that, having had the greatest difficulty in agreeing to reply to the British Government, the Commission wished now to go further and to make concrete proposals for which it had not been asked. He would warn the Commission, moreover, that the mandatory Power, if obliged to set up the Commission contemplated in Article 14, might justify, by the application of that measure, the delay that such a measure might entail in the presentation of a report regarding the events in Palestine. The Commission had just decided that this report ought to be submitted to it within a certain time.

M. ORTS said he did not think the Chairman's argument was quite convincing. At the extraordinary session, when the Commission asked the mandatory Power what steps it had taken to prevent a renewal of disturbances, the latter might reply that amongst other things it had set up the Commission to which the present draft referred. It would not be necessary for the Mandates Commission to await the setting up of the *ad hoc* Commission before considering the recent events and present situation in Palestine.

The CHAIRMAN repeated that the situation to which he had referred might cause some complications—but his principal object was to reconcile the various tendencies. The question was so important that every possible endeavour should be made to reach a solution which would be satisfactory both to the Commission and to the mandatory Power. He therefore called on M. Merlin, M. Palacios, M. Rappard and M. Orts to meet and try to reach an agreement which would secure unanimous approval.

(The meeting was adjourned.)

M. MERLIN read the following text drawn up by him in consultation with M. Palacios, M. Rappard and M. Orts.

“ Should the Council recognise that it is impracticable to put the provisions of Article 14 of the mandate into operation immediately or in the near future, the Commission is quite prepared to consider, with a view to a possible recommendation to the Council, any proposals which may be laid before it and which, without being incompatible with the terms of the mandate, might be calculated to settle the disputes outstanding between Jews and Moslems with reference to the Wailing Wall, to soothe ruffled feelings and to restore tranquillity and order permanently in Palestine.

“ The Commission will watch with interest and sympathy all the mandatory Power's efforts to attain this goal, since it fully realises the difficulties with which the mandatory Power has to contend in this extremely delicate matter, where feeling still runs high ”.

(A discussion took place on this text.)

The CHAIRMAN said that he agreed with M. Kastl, M. Palacios, Count de Penha Garcia and M. Van Rees in asking that the first three lines of M. Merlin's text should be omitted. He further proposed that the words: “ and the necessity of finding in the near future an unquestionably impartial solution ” should be added at the end of the text.

M. PALACIOS agreed with the Chairman.

M. RAPPARD pointed out that this amendment needed to be adjusted to the original text.

M. ORTS read again the first part of his proposal, which was as follows:

“ The Permanent Mandates Commission has carefully considered the memorandum appended to the British Government's communication of the 18th of this month. The Commission has reached the conclusion that since its duty is to supervise the operation of the Mandates it cannot recommend to the Council a solution incompatible with the terms of Article 14 of the Mandate for Palestine. ”

M. RAPPARD said that the addition proposed by the Chairman did not make it sufficiently clear by whom the impartiality of the eventual solution could not be questioned.

M. MERLIN agreed with M. Rappard. He thought the following wording might be adopted: “ . . . a solution of which the impartiality will be clear to all ”.

He further proposed that the addition proposed by the Chairman should be placed in the middle of the text. He then read his proposal with the various amendments proposed:

“ The Commission is fully prepared to consider, with a view to a future recommendation to the Council, any proposal which may be submitted to it and which, without being contrary to the terms of the mandate, might settle the differences at present existing between Jews and Moslems with regard to the Wailing Wall, calm strong feelings, and permanently ensure peace and order in Palestine.

“ The Commission will follow with interest and sympathy all efforts made by the mandatory Power to reach, in the near future, a solution, the impartiality of which will be unquestioned, for it realises the difficulties with which the mandatory Power has had to contend, in dealing with extremely difficult questions on which feeling runs high. ”

The text submitted by M. Merlin was adopted.

1133. Palestine: Article 14 of the Mandate: Question of the Publication of the Communication from the British Government, dated November 18th, 1929, and of the Conclusions adopted by the Commission.

The CHAIRMAN read the following telegram from the British Government, dated November 21st.:

“ Understand Mandates Commission will consider our communication regarding Palestine to-morrow morning. We have no objection in principle to publication of our memorandum, but Commission might consider whether it would be desirable or possible to defer publication until it can publish its own conclusions with it. We should be glad to have early as possible intimation when publication will be made. ”

He added that if the Commission was in agreement with the Secretariat, the British memorandum and the resolution that had just been passed would be communicated to the Press.

M. CATASTINI said that the British Government wished these texts to be communicated to the Press simultaneously at Geneva and in London.

M. RAPPARD observed that this was essential. Moreover, before the Commission could think of communicating anything it must have before it the text both in English and in French. He would raise a third point. He personally was much surprised at the idea that a recommendation to the Council should be communicated to the Press before it was made known to the Council.

M. CATASTINI said there were precedents for this, and recalled as an example the Commission's decision as to the increase in its membership.

M. RAPPARD pointed out that in that case the Council had asked for an opinion.

M. CATASTINI wished to inform the Commission of something which he had heard. Certain journalists at Geneva were already familiar with this question. It seemed that some leakage of information had occurred, and that the newspapers knew that a document had been received from London and they knew, roughly, its contents.

M. RAPPARD said that it seemed inadmissible to him to ask for the publication of a document merely because there had been leakages.

M. CATASTINI pointed out that if leakages had occurred, the question was of such a nature that it would be better to state the truth in order to avoid the spread of false and therefore dangerous information.

COUNT DE PENHA GARCIA thought the Commission might leave it to the British Government to decide whether it was desirable or not to publish its own communication or the Mandates Commission's reply.

M. RAPPARD observed that hitherto the Commission had refrained from communicating even to States Members of the League any information, however neutral in character, on its reports and opinions. Now that it was dealing with a particularly delicate matter it was proposed that important documents should be published immediately, even before the Council had been put in a position to take note of them.

M. ORTS agreed with M. Rappard. He wished to put forward another argument—that as soon as a recommendation was addressed to the Council it was out of the hands both of the Commission and of the mandatory Power, and thenceforward it was for the Council to decide whether it was to be published.

COUNT DE PENHA GARCIA thought that the mandatory Power was entitled to publish the document it had sent to the Commission. As for the Commission, its decision must be communicated to the Council. On the other hand, since it was the Commission's duty to further the settlement of serious incidents, there was no reason why the decisions reached should not be made known to the mandatory Power.

M. RAPPARD replied that the mandatory Power was represented on the Council.

Count DE PENHA GARCIA pointed out that the Council was not meeting at the moment.

Lord LUGARD said that the British Government's letter had been addressed to the Secretary-General, and it was the Secretary-General who would receive the Commission's reply. It was for him, therefore, to decide whether he would publish those documents or not.

M. CATASTINI disagreed. The Mandates Commission's reply would be sent to the Council through the intermediary of the Secretary-General, who was merely the transmitting agent.

M. RAPPARD said it would be the first time that the Commission had given to the Press an opinion addressed to the Council, and this very serious change in the usual procedure was to be made in connection with a particularly delicate matter. He was inclined to wonder what the Commission meant by it.

Count DE PENHA GARCIA said he understood that the mandatory Power did not ask for publication, but simply asked the Commission to consider whether the British memorandum could be published simultaneously with the Commission's conclusions. The Commission could simply reply that it had no intention of publishing its conclusions at present.

M. MERLIN thought that the text of the telegram from the British Government suggested a certain feeling of apprehension on its part, but, on the other hand, he thought the telegram left the Commission entirely free to judge. He was sure it would be extremely unwise to agree to publication. If, in due course, the mandatory Power wished to publish its memorandum, it would do so; the Mandates Commission's conclusions, however, had to be addressed to the Council. In his view, the only wise thing to do was to maintain an attitude of complete reserve. Consequently, the only reply to make to the telegram would be simply to say that, out of deference to the Council, publication could not take place until the Council itself had received the Commission's decision.

The CHAIRMAN concluded from the discussion that the resolution would be sent to the Council through the usual channels, and that it was not for the Commission to decide whether publication was desirable or not.

M. RAPPARD asked that it should be definitely placed on record that, if publication did take place, it was not the Mandates Commission that had decided upon this procedure.

Count DE PENHA GARCIA asked whether the President of the Council could communicate such a decision to his colleagues at once, or whether he could only do it when the Council was in session.

M. CATASTINI answered that the report of the Mandates Commission containing the conclusions on this particular matter would be communicated to all the members of the Council as soon as the Minutes were printed, which would not be before Christmas. The decision of the Commission would be sent to the mandatory Power as soon as the Commission had finished its work.

M. RAPPARD urged that the usual procedure should be followed in this matter—that the Commission's observations should be communicated to the Council and to the Power concerned as soon as possible. The only consideration that could lead the Commission to order immediate publication would be anxiety to make the opinion of the Mandates Commission known in Palestine. On the other hand, the mandatory Power would receive the Commission's reply within a week; it would rest with that Power to decide as to publication, but the Commission should do nothing to encourage it.

M. ORTS reminded the Commission of the position he had taken up at the morning meeting with regard to the undesirability of giving an opinion to the Council when it had not asked for one. Nevertheless, the majority of the Commission had decided to give a reply.

The CHAIRMAN said it was quite understood that the Commission was not in any way authorising the publication of the documents which were at present in its possession. The usual procedure would be followed. If the mandatory Power, or the Secretariat, thought it should publish the documents, they would do so without reference to the Commission.

TWENTY-NINTH MEETING.

Held on Saturday, November 23rd, 1929, at 10 a.m.

1134. Date of Publication of the Minutes of the Present Session.

The CHAIRMAN, with reference to the communication which he had submitted at the nineteenth meeting (see page 127), asked whether the Commission wished to make use of the right conferred upon it by the Assembly's resolution of September 25th, 1929, and raise objections to the publication of the report on, and the Minutes of, the present session before these documents had been examined by the Council.

After discussion *the Commission decided* that, in view of the delicate nature of several of the questions dealt with at the present session, it would not be advisable that the Minutes and the report should be published before they had been examined by the Council.

1135. Palestine: List of Various Communications received by the Chairman in connection with Recent Events.

The CHAIRMAN submitted to the Commission a list of communications received in connection with the recent events in Palestine (document C.P.M.978).

Of more than one hundred communications submitted to him by the Secretariat, in accordance with the Rules of Procedure fixed by the Council, only one seemed to him to contain statements to which the Commission might be asked to give its attention, and he had, therefore, requested the Secretariat to forward it to the mandatory Power for its observations.

This petition and also two petitions received through the mandatory Power would, in due course, be placed on the agenda of the Commission.

The Commission noted the communication made by the Chairman.

The Chairman informed his colleagues that he intended to communicate the list, for information, to the British Government, mandatory Power for Palestine.

1136. Petitions rejected as not meriting the Attention of the Commission (continuation).

The CHAIRMAN read the following supplementary report:

" Since I submitted my report on the rejected petitions, which you were good enough to approve at our eleventh meeting held on November 12th, 1929, I have examined a number of other communications which do not, in my view, call for consideration by the Commission. These are as follows:

" A. Palestine.

- " 1. Telegram from the Arab National League, dated Chicago, November 1st, 1929.
- " 2. Telegram from the Arab National League, dated Milwaukee, November 1st, 1929.
- " 3. Telegram from the Palestinian Students and Azharites, dated Cairo, November 2nd, 1929.
- " 4. Telegram from the Arab Students in Paris, dated November 2nd, 1929.
- " 5. Telegram from the Arab Students in Beirut, dated November 3rd, 1929.
- " 6. Telegram from the Comité arabe pro derechos nacionales palestinos, dated Goch (Chile), November 2nd, 1929.
- " 7. Telegram from the Iraq Chamber of Deputies, dated November 5th, 1929.
- " 8. Telegram from the Iraq Senate, dated November 9th, 1929.

" The principal object of these communications is to protest against the Balfour declaration.

" I do not think that they call for consideration by the Commission, seeing that they are directed towards an object which is incompatible with the provisions of the mandate for Palestine.

" B. Western Samoa.

" Letter from Mr. O. F. Nelson, dated Auckland, August 29th, 1929, complaining that the New Zealand Government had not communicated to the Permanent Mandates Commission the official document entitled 'Mandated Territory of Western Samoa—Extracts from Report on Finances and Staff' (I.-A. 4B).

" As this report was recently sent by the New Zealand Government's High Commissioner in London to members of the Permanent Mandates Commission, I am of opinion that the petition has no object and I have not therefore thought it necessary to refer it to the Commission and to the mandatory Power."

He observed that it was interesting to note that two communications relating to the Balfour declaration had been received from the Chamber of Deputies and from the Senate of Iraq, respectively.

The Commission approved the Chairman's report as well as the report submitted by him at the eleventh meeting (see page 80).

1137. Western Samoa: Observations of the Commission ¹ (continuation).

M. VAN REES stated, as he had, moreover, previously done, that he was unable to approve the draft observations in the form submitted to the Commission.

¹ *Text of the Draft Observations:*

I. The Permanent Mandates Commission had before it at its present session (1) the annual report of the mandatory Power for the year 1928-29 and (2) a report on various financial and staff matters, drawn up by three high officials who visited Samoa at the end of the year 1928, and generally endorsed by the New Zealand Government.

The Commission encountered a real difficulty in forming a judgment of the actual situation in the territory, since the two reports before it contained important discrepancies, if not of fact, at least of spirit.

II. The report for 1928-29, as previous annual reports, is written in a general spirit of optimism. The special report of enquiry, on the other hand, is extremely critical of the whole administration of the territory and of its finances.

In the first place, the unusual length of these observations, was not justified by the gravity of either the political or economic situation of the territory nor by other considerations. Secondly, the present text would give the impression that the Commission wished to apologise for certain conclusions in its report on the work of its thirteenth session, by belittling the value of several of the activities of the mandatory Power, even those the value of which had previously been much appreciated by the Commission. Thirdly, this text might unwittingly undermine the authority of the mandatory Power to such an extent that it would be much more difficult for it to establish a satisfactory state of affairs in the country; this, in its turn, would cause a good part of the responsibility for the failure of the mandatory administration in Samoa to fall on the Mandates Commission.

In order to obviate such consequences, M. Van Rees would propose that the following passages in Section III of the draft observations be deleted; paragraph 1, except the first sentence; paragraphs 2, 3 and 4, as well as certain sentences occurring in the following paragraphs. In this way the Commission would be hiding nothing which it desired to say and should say, but it would say it differently.

The CHAIRMAN thought that there was nothing in the draft observations which was not a photographic reproduction of what had been said and done in the Commission.

M. PALACIOS wished to recall that he had not voted with the members of the Commission when adopting the general resolutions on Samoa. He added that, if the observations made this year did not meet the opinions and wishes he had expressed during the examination of the previous reports, he would maintain his attitude of opposition.

M. MERLIN agreed with M. Van Rees that the draft observations were too long. The photographic reproduction which the Chairman had mentioned should appear in the Minutes, and not in the report of the Commission, which should be synthetic.

He also thought that certain questions dealt with in the present text were given too serious a character. The situation in Samoa had changed for the better since the preceding year, the aggressive resistance of the opposition party having been replaced by passive resistance. There had also been satisfactory progress in the economic activities of the territory. Nevertheless, the situation remained critical and, on this account, the Commission should adopt an attitude of prudence and reserve.

M. Merlin pointed out that the contradictions between the report of the Royal Commission and the report of the three Commissioners of Enquiry should not be exaggerated.

Mlle. DANNEVIG associated herself with M. Van Rees' view that the observations were too lengthy. While she agreed that criticism was unavoidable, she thought that the report should contain references to that part of the Administration's activities which the Commission had appreciated and a reference to the duties of the Samoans. They should be of such a nature as to assist the mandatory Power in winning back the confidence of the Samoans, now that the Administration was to be reorganised.

Lord LUGARD cordially agreed with M. Van Rees that the Commission should not say anything which might hamper the mandatory Power in its work. There were two passages which might be omitted. He thought that no mandatory Power had made greater efforts than New Zealand to carry out its mandate faithfully and he agreed with Mlle. Dannevig that greater stress might be laid upon these efforts.

M. KASTL said that he could not agree with M. Van Rees that anything in the present text was calculated to undermine the authority of the mandatory Power. There was no question of

III. Although greatly appreciating the frankness which led to the publication of this special report of enquiry, the Permanent Mandates Commission deeply regrets the state of affairs which it reveals. In fact the Commissioners definitely express the opinion that the Samoan Service, as it exists at present "is by no means creditable to New Zealand, and that urgent and drastic action is necessary to improve the position".

At its thirteenth session, the Permanent Mandates Commission, after examining the report of the Royal Commission concerning the administration of Western Samoa in the presence of Sir James Parr and Sir George Richardson, former Administrator of Western Samoa, found that "it is the considered opinion of the Commission that none of the charges of any importance against the Administration which have been made in the various petitions has been substantiated, and that none contains any evidence of policy or action contrary to the mandate".

The new report is made about two years after the enquiry by the Royal Commission and shows that the latter must have taken a somewhat narrow view of its terms of reference. The Royal Commission made it clear, in its report, that it was impossible for them to enter into a detailed enquiry as to the organisation or staffing of the Administration, and apparently, as regards this point, limited themselves to examining the express charges brought forward by certain inhabitants of Samoa. The information previously at the disposal of the mandatory Power and that submitted to the Permanent Mandates Commission at its thirteenth session, when it formed certain conclusions after a general examination of the situation in Samoa, was thus incomplete in this important matter.

The Permanent Mandates Commission is of opinion that there is no reason to modify the view expressed by it during its thirteenth session, according to which there was no evidence of policy or action contrary to the mandate on the part of the Samoan Administration. On the other hand, if the new report of enquiry be adopted as presenting a faithful picture of the state of affairs prevailing in Samoa, it cannot be denied that the charge of inefficiency referred to in various petitions which were before the Commission in 1928, is justified to a considerable extent. The good intentions and the efforts of the Administration in favour of public health, education, and the economic development of the territory are not questioned, but the Permanent Mandates Commission regrets to find that the means by which these intentions have been carried out have been inadequate. The general frame of the Administration has not been firmly established from the beginning, and the methods of recruiting officials have not been satisfactory. Moreover the financial control exercised in the first instance by the Administrator himself and, in the second instance, by the New Zealand Government, has been manifestly deficient.

The Permanent Mandates Commission is glad to note that the mandatory Power has immediately taken measures to remedy the defects which have thus been disclosed. The Commission trusts, however, that the policy of economy and retrenchment now inaugurated will not be exercised to such an extent as to affect the carrying out by the mandatory Power of its principal obligation under the mandate—the promotion of the well-being of the inhabitants of the mandated territory. It has appreciated the financial support which the mandatory Power has, up to the present, been giving to Western Samoa, and hopes that it will be continued in the future, so that it will not be necessary to increase further the public debt charge of the territory, which already seems to be extremely heavy, in comparison to its resources.

As for the general political situation in Samoa, there has been, according to the information given in the annual report for 1928-29, and the explanations furnished by the accredited representative, no serious breach of public order during the last year, but the situation is nevertheless declared to be unsatisfactory. The passive resistance of the "Mau" Organisation, to which some two-thirds of the native population are affiliated, is continuing, and important branches of the Administration are either paralysed or considerably hampered in their activities. The revenue from native taxes for the year ended March 31st, 1929, has produced only one-third of the estimated amount. On the other hand, it would seem that the economic situation in the territory is not unfavourable, the trade figures for the calendar year 1928 showing, on the contrary, a considerable increase.

In view of the present political difficulties, and as, on the other hand, an administrative reorganisation involving important changes in the higher staff is taking place at present, the Commission thought that no useful purpose would be served by making, during the present session, enquiries into details of the various branches of the Administration.

The Commission expresses the earnest hope that the annual reports of the mandatory Power will in future be such as to allow it to form a true opinion of the whole administration, and so to avoid the painful surprise which it experienced this year in considering the report of the Commission of administrative experts.

the mandatory Power having neglected its duties, for the unsatisfactory state of affairs that had arisen was due to defects of the administration on the spot. It was essential that the Commission should explain the reasons which had caused it to alter the opinion it had expressed in the preceding year.

M. ORTS would have no objection to M. Van Rees' proposal, provided that express references were made to the Minutes of the Commission.

M. RAPPARD thought it was essential that the Commission should inform the Council of the deplorable situation in which it had been placed as a result of the divergencies between the evidence contained in the official report of the New Zealand Government and that contained in the report of the Special Commission. It was on account of these divergences that the Commission had abstained from examining the annual report in detail.

Lord LUGARD thought that the quotation in the second sentence of Section III, paragraph 1, should be omitted.

M. RAPPARD thought that the second sentence of the first paragraph in Section III was particularly apposite. It contained a statement, endorsed by the New Zealand Government, which was a much harsher criticism than the Mandates Commission had ever advanced.

M. VAN REES thought that, even though the mandatory Power had generally approved the report of the special Commission, this did not mean that it had accepted all the views and observations contained in that report. He added that as he considered it essential to recast the draft in the way he had suggested he would not take part in the discussion of the text word by word.

M. KASTL observed that if the Commission were not to make it clear that the mandatory Power had recognised the present deficiencies in the administration, the general public would receive the impression that the mandatory Power was negligent. It was important that the report should accurately describe the real situation.

M. ORTS proposed that the first sentence of the paragraph in question should be completed to read as follows the second paragraph being deleted:

“...the Permanent Mandates Commission deeply regrets the state of affairs which it reveals, and which is described by the Special Commissioners in very severe terms.”

This proposal was adopted.

The CHAIRMAN having put the question to the vote, *it was decided* that paragraphs 2 and 3 of this Section should also be deleted, a text submitted by Lord Lugard being substituted for these paragraphs.

After an exchange of views, *it was agreed* that a text submitted by Lord Lugard should be substituted for the fourth paragraph of Section III.

Count DE PENHA GARCIA thought that this passage was in contradiction with the passage towards the end of the draft observations in which the Commission stated that, in view of the political difficulties and of the reorganisation at present in progress, it would abstain from making enquiries into details regarding the various branches of the Administration. In the passage under consideration, and in the following paragraph, such enquiries were implied. He proposed, therefore, that these two paragraphs should be deleted.

Lord LUGARD did not think that this criticism was justified. The passage under discussion did not refer to last year's report, but reviewed the administration as a whole and the way in which the mandate had been carried out during the last ten years. The statement in a later passage, to the effect that the report had not been examined in detail, referred only to the report for the last year.

Count DE PENHA GARCIA said that the passage which he had asked to have deleted, if it was intended to refer to the situation as a whole during the last ten years, was inadequate.

The CHAIRMAN recalled that M. Van Rees had also proposed that this passage should be deleted. He put this proposal to the vote.

It was decided by six votes to five that this passage should be retained, subject to certain amendments.

Mlle. DANNEVIG proposed that the following passage should be added to the observations.

“The Permanent Mandates Commission trusts that, by the contemplated changes, the mandatory Power will regain the full confidence and the loyal collaboration of the Samoan partials for the benefit of all concerned.”

M. ORTS objected that this recommendation would be contrary to the spirit of those that had been made at the previous session.

Mlle. DANNEVIG replied that this amendment would have conformed to the opinion of M. Rappard as regards the necessity of encouraging the confidence and goodwill of the natives. However, she would not insist on the point and she withdrew the amendment.

M. PALACIOS maintained the reservations he had already expressed regarding the observations of the Commission.

After further discussion *the Commission adopted* its observations on Western Samoa (Annex 12).

1138. Departure of the Chairman and Certain Other Members of the Commission.

The CHAIRMAN said that three of his colleagues and he himself had previous engagements which obliged them to leave immediately. The work had been well prepared by the Secretariat, and he would like to thank the staff for this preparatory work. If the memorandum on Palestine had not been received, it would have been possible to keep each day to the programme which had been arranged at the beginning of the session.

The Chairman thanked M. Van Rees for having presided over the proceedings in his absence. Should he be unable to attend the Council session in January, he was sure that M. Van Rees would agree to act as a substitute, unless his state of health prevented him, in which case he suggested that it should be understood that this mission should be entrusted to M. Orts, who had already represented the Commission at the September session of the Council.

The Chairman wished to thank all the members of the Secretariat, who, as usual, had given very efficient help to the Commission. He must express his regret, however, that the Minutes of this session had not been so satisfactory as those to which the Commission had been accustomed.

He recalled that, should the Council authorise the holding of an extraordinary session, the Mandates Commission had agreed that it should meet between March 15th and March 30th, after having chosen the place which would be most convenient for that session.

Count DE PENHA GARCIA wished to say a few words of thanks in his own name and also, he was sure, on behalf of his colleagues. In the first place, he wished to thank the Chairman for the skill and geniality with which he had presided over the proceedings at this session. To attend the meetings of the Commission was a real pleasure for Count de Penha Garcia. The Commission had, at Geneva, a very devoted and experienced Secretariat, which facilitated the work and rendered it more agreeable, and which deserved the warm praise of all the members. The relations between the members of the Commission were marked by a cordiality which had passed rapidly into friendship. Finally, the tact of the Chairman and the manner in which he presided over the proceedings made the meetings especially pleasant.

In thanking the Chairman and in anticipating the next session, Count de Penha Garcia was only giving expression to the affection and friendship of all his colleagues on the Commission.

The CHAIRMAN thanked Count de Penha Garcia.

M. MERLIN recalled that it had been thought that the extraordinary session would very probably be held in the South of France. For his part, he would, of course, be very pleased to place himself entirely at the disposal of the Chairman and of his colleagues, in order that their stay in the South of France might be convenient and pleasant. As soon as a decision had been taken, he would approach his Government personally in order to obtain every desirable facility.

The CHAIRMAN replied that all the members of the Commission would be very grateful to M. Merlin for his kindness in helping to arrange for their stay and for the work of the Commission.

1139. Tanganyika: Report of Sir Samuel Wilson.

M. KASTL said that the British Government, as the mandatory Power for Tanganyika, had transmitted, for information, the report of Sir Samuel Wilson to all the members of the Permanent Mandates Commission. He had examined the report very carefully, and had come to the conclusion that the execution of the recommendations contained in it would not be to the advantage of the mandated territory and would not be compatible with the principles of the mandate. M. Kastl did not wish to go into the details of the report at present, but he thought that the Mandates Commission could not ignore the fact that the mandatory Power had sent this report for information to the Commission. He therefore thought that the Mandates Commission should formally take note of the receipt of Sir Samuel Wilson's report, and state the reasons why it had not been examined during the present session.

Mr. Henderson, British Minister for Foreign Affairs, had made the following Statement during the last session of the Council:

“ When his Government had come to a decision as to what, if any, action should be taken on the lines of the Hilton-Young Report, this decision would be at once communicated to the Permanent Mandates Commission, which would then, before the decision was put into effect, have the opportunity of considering it and making any observations it wished to make upon the decision. ”

M. Kastl had no doubt that the Mandates Commission would, according to this declaration, have the possibility of examining, in due course, any measures which the British Government proposed to take as far as the mandated territory of Tanganyika was concerned.

The CHAIRMAN replied that this matter had not been placed on the agenda of the present session because the Mandates Commission had taken note of the declaration of the British

Government. Consequently, it only had to wait for the communication, since that Government would not take any action before consulting the Mandates Commission.

(The Chairman and M. Merlin left the session.)

(M. Van Rees, Vice-Chairman, took the Chair.)

1140. Liquor Traffic in the Mandated Territories: Revision and Publication of the Memorandum prepared by the Secretariat.

Lord LUGARD recalled that the Permanent Mandates Commission had decided at its thirteenth session to recommend the Council to ask the mandatory Powers to revise and complete a memorandum that had been drawn up by the Secretariat containing certain information (statistics, Summary of legislative measures, etc.), on the liquor traffic in the mandated territories.

Since the necessary information had now been received from all the territories with the exception of Nauru, it was probable that a complete and revised edition of this memorandum could be brought out in the near future. Taking into consideration the importance of this document, he proposed that it should be printed and published before the next session.

The Commission would then, on the basis of this memorandum, be able to decide, at its summer or autumn session in 1930, if it would be necessary to recommend any new measures.

M. CATASTINI assured Lord Lugard that he would not fail to carry out his wish if the funds available would make it possible to do so.

THIRTIETH MEETING.

Held on Monday, November 25th, 1929, at 10.30 a.m.

1141. Examination of the Draft Report to the Council.

After discussion, *the Commission adopted* the final text of the introduction and various paragraphs of its report to the Council.

M. RAPPARD drew attention to the fact that the text of the resolution adopted on November 22nd concerning the proposal of the British Government in respect of Article 14 of the Mandate for Palestine did not set forth sufficiently clearly the reasons which had led to the Commission's decision.

The VICE-CHAIRMAN proposed to insert before the conclusions already adopted an additional text showing on the basis of the discussion which took place in the Commission the considerations on which these conclusions were mainly based.

The Commission adopted the final text of its observations on this matter with the addition proposed by the Vice-Chairman.

1142. Tanganyika: Report of Sir Samuel Wilson (continuation).

M. KASTL thought that it would be necessary to mention in the report to the Council the fact that the report of Sir Samuel Wilson had been sent to the Permanent Mandates Commission for information, and that note had been taken of it. The Commission should state that, in view of the statement made by Mr. Henderson before the Council on September 6th, 1929, it had not studied the recommendations contained in the report, but that it reserved its right to do so at a later date.

M. RAPPARD said that he would like to see a paragraph on this point inserted in the report. While the Hilton-Young report had called for certain reservations, the Wilson report would require many more.

M. Rappard submitted the following text:

"The Permanent Mandates Commission thanks the British Government for having communicated to it Sir Samuel Wilson's report. Bearing in mind the statements of Mr. Henderson, British Foreign Minister, at the Council Meeting of September 6th, 1929, the Commission reserves examination of the scheme set forth in this report, should such examination be necessary."

After an exchange of views, *the discussion of this text was adjourned to the following meeting.*

THIRTY-FIRST MEETING.

Held on Tuesday, November 26th, 1929, at 10.15 a.m.

1143. **South West Africa: Petitions from the Kaoko Land- und Minengesellschaft** (continuation).

The VICE-CHAIRMAN read a draft letter which he would ask the Secretary-General to write to the Government of the Union of South Africa transmitting the new petition from the Kaoko Land und Minengesellschaft.

M. KASTL declared that a speedy reply would be desirable since the matter was urgent.

M. CATASTINI observed that the mandatory Power had six months in which to reply. Consequently, it was necessary to wait until the expiration of the six months.

After an exchange of views the text of the draft letter *was approved*.

1144. **Tanganyika: Report of Sir Samuel Wilson** (continuation).

The Commission adopted the text to be inserted in the report to the Council (see Annex 12).

1145. **List of Annexes to the Minutes of the Sixteenth Session.**

The Commission approved the list of the annexes to be added to the minutes of the present session.

1146. **Palestine: Procedure to be followed for the Extraordinary Session.**

M. CATASTINI asked if it would not be desirable to consider at once the procedure to be followed in dealing with the special report on the situation in Palestine. He reminded the Commission that, on the occasion of the extraordinary session for Syria, it had preferred to prepare a list of questions to ask the accredited representative before beginning the examination of the situation in his presence.

The VICE-CHAIRMAN thought that it would be difficult to settle the procedure at present; each member of the Commission could prepare for himself a list of questions which he proposed to ask at the extraordinary session.

1147. **Close of the Session.**

The VICE-CHAIRMAN declared the session closed.

He wished to say how much he had appreciated the kind and sympathetic words spoken by the Chairman at the twenty-ninth meeting before his departure. He would add nothing to his most charming and amiable speech; but he also wished on his part to express his sincere thanks, not only to those of his colleagues present, but also to all who had taken so active and intelligent a part in the often difficult work that had been accomplished during the past session. After having participated for eight years in the work of the Mandates Commission, the belief was more deeply implanted in his mind than ever that, within the limits assigned to them, the members of this Commission and all those who helped them in the accomplishment of their delicate task were a single family, animated by the same ideas, united by the same interests and pursuing the same aim: namely, the perfecting and the prosperity of an institution universally recognised as one of the most happy innovations resulting from the great war.

M. RAPPARD thanked M. Van Rees for taking the chair *in extremis* and for his wealth of living information which was as wide as it was accurate, and which was of such great value that M. Rappard could not imagine what would have happened if M. Van Rees, who was the corner-stone of the Mandates Commission, had not been present at its meeting.

In the name of the Commission therefore he not only thanked M. Van Rees for his help in the past but assured him of his best wishes for the future, a future which the Commission could not picture without him.

ANNEX 1.

LIST OF DOCUMENTS¹ FORWARDED TO THE SECRETARIAT BY THE MANDATORY POWERS SINCE THE LAST EXAMINATION OF THE REPORTS RELATING TO THE FOLLOWING TERRITORIES:

- | | |
|--|---|
| A. <i>Iraq.</i> | D. <i>Togoland under British Mandate.</i> |
| B. <i>Cameroons under British Mandate.</i> | E. <i>Islands under Japanese Mandate.</i> |
| C. <i>Ruanda-Urundi.</i> | F. <i>Western Samoa.</i> |

A. IRAQ.

I. *Annual Report and Legislation.*

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Iraq for the year 1928.
2. Laws and Regulations of Iraq, 1927, Part II, "Regulations".
3. Compilation of Laws and Regulations issued between January 1st, 1928, and December 31st, 1928. Government of Iraq, Ministry of Justice.

II. *Various Official Publications.*

1. Letter from the British Government, dated November 8th, 1928, forwarding the Agreement between the Post Office of Iraq and the Post Office of Egypt for the Exchange of Ordinary Money Orders, signed at Alexandria on July 17th, 1928, and at Bagdad on August 9th, 1928.²
2. Letter from the British Government, dated February 16th, 1929, containing a proposal for abolishing the Judicial Agreement concluded between Great Britain and Iraq on March 25th, 1924, and introducing a uniform system of Justice in Iraq (document C.55.1929.VI).
3. Letter from the British Government, dated May 11th, 1929, forwarding the Agreement between the Iraqi and Syrian, Great Lebanon and the Alaouites States Postal Authorities for the Exchange of Parcels, signed at Beyrout, November 20th, 1926, and at Bagdad February 9th, 1927.²
4. Iraq Government *Gazette*.²

III. *Communications forwarded in Reply to Previous Observations of the Commission.*

1. Letter from the British Government, dated December 11th, 1928, with regard to Iraq's *Accession* to International Conventions (document C.156.1929.VI).
2. Observations of the British Government, dated April 9th, 1929, in Pursuance of the Council's Resolution of March 5th, 1928, concerning Postal Rates (Permanent Mandates Commission, Twelfth Session) (document C.158.1929.VI).
3. Letter from the British Government, dated June 6th, 1929, in Pursuance of the Council's Resolution of September 1st, 1928, concerning the Purchase of Supplies by or for the Use of Administrations of Territories under A and B Mandates, or for Public Works (Permanent Mandates Commission, Thirteenth Session) (document C.351.1929.VI).
4. Letter from the British Government, dated September 9th, 1929, transmitting a revised list of International and Bilateral Conventions applicable to the Territory.³

B. CAMEROONS UNDER BRITISH MANDATE.

I. *Annual Report and Legislation.*

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of the British Cameroons for the Year 1928.

¹ Documents received by the Secretariat primarily for any of the technical organisations (*cf.*, Advisory Committee on Traffic in Opium and Other Dangerous Drugs) or other Sections of the Secretariat (*cf.*, Treaty Registration) are not included in this list. Unless otherwise indicated, the members of the Permanent Mandates Commission should have received copies of all the documents mentioned in this list.

The annual reports and copies of laws, etc., are available only in the language in which they have been published by the mandatory Powers.

The communications forwarded in reply to the observations of the Permanent Mandates Commission, and certain other documents, have been translated by the Secretariat and are available in both official languages. The titles of these documents are followed by the official number under which they have been published.

² Kept in the Secretariat.

³ To be circulated later.

2. Enactments referred to in Paragraphs 14, 15, 192 and 226 of the Annual Report for 1928. ¹
3. Supplement to the Laws of Nigeria, 1928.
4. Supplement to the Laws of Nigeria, 1929.
5. (a) Amendments which should be made in the Laws of Nigeria, 1923, and in the 1928 Supplement as a Consequence of Legislation published from August 1928 (inclusive) to March 1929 (inclusive).
- (b) Amendments which should be made in the Laws of Nigeria 1923, as a Consequence of Legislation published during April, May and June 1929, and in the 1929 Supplement as a Consequence of Legislation published from January 1st to June 30th, 1929.
- (c) Amendments which should be made in the Laws of Nigeria 1923 and in the 1929 Supplement as a Consequence of Legislation published during July and August 1929.
6. (a) Orders and Orders in Council, Nos. 29 to 38, of 1928, and 1 to 17, of 1929.
- (b) Regulations: Nos. 24 to 41, of 1928, and 1 to 16, of 1929.
- (c) Bye-laws: Nos. 4 and 5, of 1928, and 2 and 3, of 1929.
- (d) Ordinances: Nos. 23 to 45, of 1928, and 1 to 5, of 1929.
- (e) Rules: Nos. 4, of 1928, and 1 to 3, of 1929.
- (f) Supreme Court Ordinance—Rule of Court (1928).

II. *Various Official Publications.*

1. Letter dated September 12th, 1929, from the British Government, forwarding a Memorandum of the Governor of Nigeria on Slave Dealing in the Northern Cameroons in 1928 (see Annex 6, page 185).
2. Debates of the Legislative Council of Nigeria. (Fifth session, August 23rd and 24th, 1927; sixth session, February 18th, 20th and 23rd, 1928 and November 24th, 26th, 27th and 28th, 1928; seventh session, January 31st, and February 1st, 2nd and 7th, 1929.) ¹
3. *Nigeria Gazette*. ¹
4. Map showing the Plantation Areas in the Victoria District of the Cameroons Province. ¹

III. *Communications forwarded in Reply to Previous Observations of the Commission.*

1. Letter from the British Government, dated December 11th, 1928, forwarding their Observations on the Council's Decision concerning the Report of the Permanent Mandates Commission on the Work of its Thirteenth Session (document C.620.1928.VI). ²
2. Observations of the British Government, dated April 9th, 1929, in Pursuance of the Council's Resolution of March 5th, 1928, concerning Postal Rates (Permanent Mandates Commission Twelfth Session) (document C.158.1929.VI).
3. Letter from the British Government, dated June 20th, 1929, forwarding Revised Statistics on the Liquor Traffic in the Cameroons under British Mandate. ³
4. Observations from the British Government, dated August 27th, 1929, on the Council's Decision of March 4th, 1929, concerning Liquor Traffic. ³
5. Letter, dated November 20th, 1929, from the British Government forwarding a Revised List of International and Bilateral Conventions applicable to the Territory. ³

C. RUANDA-URUNDI.

I. *Annual Report and Legislation.*

1. Report by the Belgian Government to the Council of the League of Nations on the Administration of Ruanda-Urundi for the Year 1928. ⁴

II. *Various Official Publications.*

1. *Official Gazette* of Ruanda-Urundi (from No. 2bis, 1928, to No. 3, 1929). ¹

III. *Communications forwarded in Reply to Previous Observations of the Commission.*

1. Letter dated November 21st, 1928, from the Belgian Government regarding the Extension of Special International Conventions (document C.156.1929.VI).
2. Letter from the Belgian Government, dated February 26th, 1929, on Certain Terms relating to the Liquor Traffic (document C.82.1929.VI).

¹ Kept in the Secretariat.

² This letter includes information:

(a) Concerning the extent of the prohibited zones provided for, as far as Tanganyika, Togoland and Cameroons under British mandate are concerned, in the St. Germain Convention;

(b) Concerning the rules followed in regard to the purchase of supplies by or for the use of Administrations of territories under A and B Mandates or for public works in various territories under British mandate. (Also reproduced in document C.351.1929.VI.)

³ To be circulated later.

⁴ The laws and regulations promulgated during the year are reproduced on pages 119-137 of the report.

3. Letter from the Belgian Government, dated February 26th, 1929, forwarding Revised Statistics on the Liquor Traffic in Ruanda-Urundi.¹
4. Letter from the Belgian Government dated June 8th, 1929, in Pursuance of the Council's Resolution of September 1st, 1928, concerning the Purchase of Supplies by or for the Use of Administrations of Territories under A and B Mandates or for Public Works (Permanent Mandates Commission, Thirteenth Session) (document C.351.1929.VI).

D. TOGOLAND UNDER BRITISH MANDATE.

I. *Annual Report and Legislation.*

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Togoland under British Mandate for the Year 1928.
2. Ordinances of the Gold Coast, Ashanti, and Northern Territories and the British Sphere of Togoland, 1927-28 (two volumes).
3. Orders in Council Nos. 18 and 19, of 1928.²
4. Rule No. 4, of 1929, made by the Board of Education with the Approval of the Legislative Council under Section Seventeen of the Education Ordinance, 1925.²

II. *Various Official Publications.*

1. Report and Recommendations of the Committee appointed by His Excellency the Governor in March 1928, to consider the Problem created by the Closure of Inefficient Schools. Gold Coast XXI, 1928-29.²
2. *The Teacher's Journal*, Gold Coast, February 1929, No. 4.²
3. *Gold Coast Gazette*.¹

III. *Communications forwarded in Reply to Previous Observations of the Commission.*

1. Letter from the British Government, dated December 11th, 1928, forwarding their Observations on the Council's Decision concerning the Report of the Permanent Mandates Commission on the Work of its Thirteenth Session (document C.620.1928.VI).³
2. Observations of the British Government, dated April 9th, 1929, in Pursuance of the Council's Resolution of March 5th, 1928, concerning Postal Rates (Permanent Mandates Commission, Twelfth Session) (document C.158.1928.VI).
3. Letter from the British Government, dated June 20th, 1929, forwarding Revised Statistics of the Liquor Traffic in Togoland under British Mandate.¹
4. Observations from the British Government, dated August 27th, 1929, on the Council's Decision of March 4th, 1929, concerning Liquor Traffic.¹
5. Letter, dated November 20th, 1929, from the British Government, forwarding a Revised List of International and Bilateral Conventions applicable to the Territory.¹

IV. *Observations on Petitions.*

1. Observations of the British Government, dated June 28th, 1929, on the Petition, dated July 3rd, 1928, from the Chief and Inhabitants of Womé (Togoland under French Mandate) (see Minutes of the fifteenth session of the Permanent Mandates Commission, document C.305.M.105.1929.VI, pages 258-261).

E. ISLANDS UNDER JAPANESE MANDATE.

I. *Annual Report and Legislation.*

1. Annual Report to the League of Nations on the Administration of the South Sea Islands under Japanese Mandate for the Year 1928, with Errata and two Appendices;

Appendix I: Annual Report on Public Health in the South Sea Islands for the Year 1928.

Appendix II: Laws and Regulations promulgated during the Year 1928.

¹ To be circulated later.

² Kept in the Secretariat.

³ This letter includes information:

(a) Concerning the extent of the prohibited zones provided for, as far as Tanganyika, Togoland and Cameroons under British mandate are concerned, in the St. Germain Convention;

(b) Concerning the rules followed in regard to the purchase of supplies by or for the use of Administrations of territories under A and B Mandates or for public works in various territories under British mandate. (Also reproduced in document C.351.1929.VI.)

II. *Communications forwarded in Reply to Previous Observations of the Commission.*

Letter, dated June 1st, 1929, from the Japanese Government, forwarding Revised Statistics of the Liquor Traffic in the Islands under Japanese Mandate. ¹

F. WESTERN SAMOA.

I. *Annual Report and Legislation.*

1. Mandated Territory of Western Samoa (Ninth Report of the Government of New Zealand on the Administration of) for the Year ended March 31st, 1929. ²
2. Annual Report of the Department of Health for the Year ended March 31st, 1929.
3.
 - (a) The Petroleum Ordinance, No. 5, 1928.
 - (b) The Ordinance Revision Ordinance, No. 6, 1928.
 - (c) The Native Personal Tax Amendment Ordinance, No. 7, 1928.
 - (d) The Samoa Native Titles Protection Order, 1928.
 - (e) Order in Council dated September 17th, 1928, amending the Samoa Immigration Consolidation Order, 1924.
 - (f) The Samoa Prisons and Constabulary Order, 1929.
 - (g) The Native Regulations (Samoa) Amendment Order, 1929.
 - (h) Samoa Health Amendment Order, 1929.
 - (i) Samoa Customs Consolidation Amendment Order, 1929.
 - (j) The Land for Hydro-electric and Water Supply Purposes Ordinance, No. 3, 1929.
 - (k) The Land for Radio Station Purposes Ordinance, No. 4, 1929.
 - (l) The New Zealand Reparations Estates Amendment Order, 1929.
 - (m) The Samoa Prisons and Constabulary Amendment Order, 1929.

II. *Various Official Publications.*

1. Legislative Council Debates:
 - (a) Session of 1928; Minutes of the Meeting of November 12th, 1928.
 - (b) Session of 1929; Minutes of the Meeting of September 26th, 1929.
2. Return of Trade, Commerce and Shipping of the Territory of Western Samoa for the Calendar Year 1928.
3. Mandated Territory of Western Samoa (Extracts from Report on Finances and Staff; Parliamentary Document A.4 B.1929).
4. Estimates, 1929-30.
5. The Western Samoa *Gazette*.

III. *Communications forwarded in Reply to Previous Observations of the Commission.*

1. Letter from the New Zealand Government, dated October 4th, 1928, forwarding their Observations on the Council's Decision concerning the Report of the Permanent Mandates Commission on the Work of its Twelfth Session (Status of the Inhabitants of the Territories under B and C Mandates) (document C.157.1929.VI), and forwarding an Amended List of the International Conventions in Force in Western Samoa. ¹
2. Letter, dated April 5th, 1929, forwarding Revised Statistics on Imports of Intoxicating Liquor in Western Samoa. ¹
3. Observations, dated May 15th, 1929, of the New Zealand Government on the Council's Decisions concerning the Report of the Permanent Mandates Commission on the Work of its Fourteenth Session ³ (document C.291.1929.VI).

¹ To be circulated later.

² The Laws and Regulations promulgated during the year are reproduced on pages 24-35 of the Report.

³ This communication includes reference to the Council's decision on the question of definitions of certain terms concerning the liquor traffic.

ANNEX 2.

AGENDA OF THE SIXTEENTH SESSION OF THE PERMANENT MANDATES
COMMISSION.

I. Opening of the Session.

II. Examination of the Annual Reports of the Mandatory Powers:

Iraq 1928.
Cameroons under British Mandate, 1928.
Togoland under British Mandate, 1928.
Ruanda-Urundi, 1928.
Western Samoa, 1928-29.
Islands under Japanese Mandate, 1928.

III. Petitions.

(a) Cameroons under French Mandate.

- (1) Various Communications from Notables of the Yevol Tribe and from their Counsel, and Observations by the French Government, dated October 8th, 1929 (document C.P.M.931).
(Rapporteur: M. Van Rees.)
- (2) Communication from the French Government, dated October 10th, 1929, relating to a Complaint from Mr. Joseph Bell (document C.P.M.932) (see Minutes of the twelfth session, page 63, and Minutes of the fifteenth session, pages 139 and 140).
(Rapporteur: M. Rappard.)

(b) Petitions rejected as not deserving the Commission's Attention: Chairman's Report.

IV. General Questions.

(a) Economic Equality.

- (1) Purchase of Material by the Administrations of the A and B Mandated Territories either for their Own Use or for Public Works.
(Rapporteur: M. Orts.)
- (2) Postal Rates in Territories under A and B Mandates.
(Rapporteur: M. Kastl.)

(b) Budgetary System of the Cameroons and Togoland under British Mandate. Note by M. Kastl.

(c) Lists of General and Special International Conventions applied in the Territories under Mandate.
(Rapporteur: M. Orts.)

V. Miscellaneous Questions.

South West Africa:

(1) Ex-enemy Property and the "Kaoko-Land- und Minengesellschaft".

Communication of May 22nd, 1929, from the Government of the Union of South Africa despatched in Pursuance of the Council's Resolution of March 4th, 1929, relating to the Commission's Fourteenth Session (document C.P.M.872). (See also Minutes of the fourteenth session, pages 111 and 112, 113 and 114, 216-218, 219, 255-258, 261, 277, and of the fifteenth session, pages 18 and 19, 75 and 76, 213 and 214, 219 and 220, 222-226.)
(Rapporteurs: M. Palacios and Lord Lugard).

(2) Status of Non-native Inhabitants of South West Africa.

(See Minutes of the fourteenth session, page 274, and Minutes of the fifteenth session, pages 199, 204, 213, 294.)
(Rapporteurs: M. Van Rees and M. Kastl.)

C.P.M.948.

ANNEX 3.

IRAQ.

COMMUNICATION FROM THE BRITISH GOVERNMENT TO THE SECRETARY-GENERAL NOTIFYING THEIR INTENTION NOT TO PROCEED WITH THE ANGLO-IRAQI TREATY OF DECEMBER 14TH, 1927, AND TO RECOMMEND THE ADMISSION OF IRAQ AS A MEMBER OF THE LEAGUE OF NATIONS IN 1932.

London, November 4th, 1929.

I am directed by Mr. Secretary Henderson to request that you will be so good as to make the following communication to the Members of the Council:

His Majesty's Government in the United Kingdom have decided, after full consideration of all the circumstances, not to proceed with the Treaty between His Britannic Majesty and His Majesty the King of Iraq, signed at London on December 14th, 1927 (copies of which were forwarded to you, together with the Annual Report on Iraq for 1927, in Foreign Office letter No. E. 4210/22/65 of August 28th, 1928), which has not been ratified or brought into force. They propose, however, in accordance with Article 3 (1) of the Anglo-Iraqi Treaty of January 13th, 1926, copy of which was enclosed in Foreign Office letter of March 2nd, 1926, to recommend Iraq for admission to membership of the League of Nations in 1932.

(Signed) G. W. RENDEL.

C.P.M.947(1).

ANNEX 4.

CAMEROONS UNDER FRENCH MANDATE.

COMMUNICATION FROM THE FRENCH GOVERNMENT, DATED OCTOBER 10TH, 1929, CONCERNING MR. JOSEPH BELL'S COMPLAINT.

Report. by M. Rappard.

1. The Mandates Commission received from the French Ministry of Foreign Affairs a communication¹, dated October 10th, 1929, concerning Mr. Joseph Bell, of Duala (Cameroons under French mandate). We have not here, strictly speaking, a petition calling for examination as such. On May 7th, 1929 (Mr. Bell's letter is dated May 7th, 1928, doubtless by mistake), Mr. Bell wrote direct to Geneva in order to lay his complaint before the Commission. He complained that no action had been taken in respect of a former petition, which he had, at the Secretariat's suggestion, communicated to the authorities of the mandatory Power in order that it might be forwarded to the Mandates Commission. The Commission has already considered this matter on several occasions.

So far back as September 6th, 1926, Mr. Bell wrote to the Secretariat asking the League to intervene. Having been informed by the Secretariat in a letter, dated October 11th, 1926, that this petition should be transmitted through the mandatory Power, Mr. Bell wrote again to Geneva on June 25th, 1927, enclosing copy of a petition which, he said, he had requested the Cameroons authorities to transmit to the Commission on December 15th, 1926. The original of this petition has never been received by the Secretariat. Having been informed of these facts, of which mention is made on page 63 of the Minutes of the twelfth session of the Commission, the French Government instructed its Commissioner in the Cameroons to ascertain whether the petition had really been forwarded in due course, as it normally would have been, through the local Governor at Duala. Now, on October 10th, 1929, the French Government informs us that it has not been able to trace any such document in the official archives.

In the meantime, at the fifteenth session of the Mandates Commission, the Chairman asked M. Marchand a few questions in connection with Mr. Joseph Bell's petition (Minutes of the fifteenth session, page 140). M. Marchand replied that he had summoned Mr. Bell in person in order to explain to him "that his case did not concern the Mandates Commission, adding that if Mr. Bell wished to put forward a new request, he must do so through the Administration. "The petitioner", concluded M. Marchand, "took no further action".

To summarise the whole previous history of the case, it may be said that we have been informed both by the petitioner and by the mandatory Power of the existence and even of the subject of a complaint, but that we have never received any petition in the ordinary way.

¹ Document C.P.M.932.

2. The first question, therefore, which the Commission will have to decide is whether it should or should not go into this case. As an argument for not doing so, it might be said that the Commission would be establishing an undesirable precedent if it were apparently to disregard a formal rule of its own procedure and were to examine the subject-matter of a petition without having been informed of the petitioner's complaint through the proper channel.

In spite of these objections, I feel bound to advise my colleagues to give this matter a little closer consideration. The action of the French Government, which has been good enough to conduct an enquiry and communicate the results to us, authorises us to take cognisance of that document and even obliges us to do so, if only out of courtesy to that Government. Moreover, the rights of the petitioner would appear to be sufficiently safeguarded, since we do, as a matter of fact, possess the text of his petition in the form of the copy which he addressed to us direct.

3. If, therefore, as I have the honour to propose, we decide to consider this case, we must also decide what action should be taken.

Through his own presentation of the facts, and the extract from the report by the Registrar and Collector for Public Lands at Duala on April 12th, 1928, recently transmitted to us by the French Government, we know that the native Joseph Bell had, before the war, been negotiating with the German authorities for the cession of a plot of land, which was finally expropriated for reasons of public utility on May 31st, 1910. Mr. Bell complains that the German Government owed him £2,000 compensation. According to the enquiry conducted by the French authorities, "it would seem that the expropriation by the German authorities of which Mr. Bell complains took place under normal conditions and that he received his compensation".

4. In these circumstances we have, I think, two questions to decide: First, is it for the Mandates Commission, whose duty it is to supervise the observance of the Covenant and the Mandate, to consider the obligations of a mandatory Power towards one of the persons for whom it is responsible, when that individual complains of an alleged injustice committed by the German authorities before the war? If we decide that it is our business to do so, we should obviously have to ask the mandatory Power to transmit its observations whenever it received a petition of this sort intended for us.

On reflection, I think it will be seen that we could not carry our vigilance so far either in theory or in practice.

Theoretically, though the proper observance of the mandates involves the loyal fulfilment of all the obligations assumed by the mandatory Power since it took over the administration, this cannot be understood to include reparation for damage alleged to have been caused to natives (who were then German subjects) as a result of injustice on the part of the German authorities. That is what the proposition amounts to in this case.

My colleagues will remember perhaps that, at our thirteenth session (pages 216 and 217 of the Minutes), I was called upon to submit to them a report on a somewhat similar case. I refer to the petition of Mr. R. E. B. Thawer, of Dar-es-Salaam, who drew the attention of the Commission to considerable losses which, he said, had been incurred by the inhabitants of the Tanganyika Territory "owing to the fact that claims in respect of German notes issued in the territory" had not been settled. At that time my colleagues agreed with me that the Commission had no power to consider the results of a measure adopted in a territory, at present under a mandate, before the establishment of the mandates system, by a former Government, even when that measure had proved very prejudicial to the inhabitants of the territory.

Although in the present case we have to consider not a general measure but rather a particular act of the German administration, I do not think we can examine the merits of Mr. Bell's claim. In order to form an opinion on this subject, we should have to express our views on the justice of a decision taken by a Government quite unconnected with the mandatory Power, four years before the outbreak of the world war.

Even were we to hold that our responsibility was indirectly involved in the face of the League of Nations by such a measure, it would obviously be impossible for us in practice to undertake such a task.

5. I therefore conclude by proposing to my colleagues that they should:

- (a) Thank the mandatory Power for its recent communication;
- (b) Take no action on the petition.

ANNEX 5.

C.P.M.951(I).

CAMEROONS UNDER FRENCH MANDATE.

PETITION FROM NOTABLES OF THE YEVOL TRIBE, DATED SEPTEMBER 21ST, 1928.

Report by M. Van Rees.

This is a petition regarding which the Commissioner of the French Republic in the Cameroons, M. Marchand, gave certain details orally at the fifteenth session of the Mandates Commission (see page 157 of the Minutes). The petition and additional documents were sent to the

Secretary-General of the League in a letter from the French Government dated October 8th, 1929¹. The application was addressed by the petitioners to Maître A. Béton, advocate at the Paris Court of Appeal, who referred the question to the French Government and asked it to submit the complaint to the League according to the established procedure for petitions relating to mandated territories.

The petition is a protest against the conduct of the Administrator of the Ebolowa district and of Edjoa Mvondo, high chief of the Ebolowa sub-district.

The petitioners state that the Boulou nations annually hold a festival to "improve the morals of the tribe and ensure its community of interests". In 1927, it is alleged that the local chief Edjoa Mvondo demanded a certain sum from the Yevol tribe, in the name of the Administrator of the district, as a fee for permission to hold the annual festival, and this sum was paid. In 1928, the tribe is stated to have again received a demand for money from the same Administrator, but on this occasion the money was refused. The chief Edjoa Mvondo thereupon brought false charges against the notables of the Yevol tribe and induced the Administrator of the district to imprison twenty-seven of them, extremely severe penalties being imposed. The petitioners ask leave to remove Edjoa Mvondo and to substitute another chief chosen from the tribe. They ask that Edjoa Mvondo be sentenced to restore the money taken from them, as well as certain tribal lands which he is alleged to have misappropriated; and they complain of ill-usage and improper treatment on his part. They also ask that the imprisoned notables, who are said to be suffering ill-treatment, be released.

The mandatory Power has likewise transmitted the report of the Administrator of the Ebolowa district, which contains full particulars of the case and, according to the letter above mentioned, represents the French Government's observations.

This report states that the petitioners' complaint is only the final echo of the discontent of certain swindlers, who, being convicted of an offence against ordinary law, attempted to win over the entire Yevol tribe and to convert a purely judicial matter into a political affair.

The preliminary hearing of this case was concluded on May 12th, 1928, and the native court of Ebolowa convicted the offenders of swindling and extortion. This judgment was referred to the Chamber of Homologation, and was confirmed unconditionally on August 25th, 1928.²

As it has stated on several occasions, the Permanent Mandates Commission is not called upon to supersede the Courts or to constitute itself into a Court of Appeal to review judgments delivered in due form by the Courts of the mandatory Powers, in accordance with the laws in force in the mandated territories.

* * *

With regard to the allegations against the Administrator of the Ebolowa sub-district, it appears that he has long been the object of attention on the part of the local authorities. Although, however, the reports on him are by no means favourable, an enquiry which has been instituted has not yet yielded any definite results confirming the charges against him.

On this point also it is not for the Commission to take any step to interfere with the enquiry now in progress.

* * *

There is no evidence to support the allegations against the Administrator of the Ebolowa district, who received special praise from the Commissioner of the French Republic at the meeting on July 10th, 1929, of the fifteenth session of the Commission (see Minutes of the fifteenth session, page 157).

I therefore suggest that the Commission dismiss the petition as outside its jurisdiction.

ANNEX 6.

CAMEROONS UNDER BRITISH MANDATE.

LETTER FROM THE BRITISH GOVERNMENT TO THE SECRETARY-GENERAL TRANSMITTING A MEMORANDUM ON SLAVE DEALING IN THE NORTHERN CAMEROONS IN 1928.

London, September 12th, 1929.

With reference to the letter from this department of the 29th ultimo,³ I am directed by Mr. Secretary Henderson to transmit to you herewith twelve copies of a memorandum which has been received from the Governor of Nigeria on Slave Dealing in the Northern Cameroons in 1928.

¹ Document C.P.M.931.

² The depositions of the accused and witnesses and the judgments delivered are reproduced *in extenso* in the report of the Administrator of the Ebolowa district (see document C.P.M.931, pages 15 to 24).

³ Letter transmitting the annual report on the administration, for 1928, of the Cameroons under British mandate.

A copy of this memorandum has been sent direct to each member of the Permanent Mandates Commission.

I am to express regret that the memorandum was received too late for incorporation in the report on the British Cameroons, copies of which were transmitted to you with the letter under reference.

(Signed) A. W. A. LEEPER.

MEMORANDUM.

1. As a result of enquiries made during the year ending December 31st, 1928, concerning the existence of traffic in slaves from and in the Cameroons, the following information has been received:

2. The Resident, Bornu Province, reports:

"(a) *Dikwa*. — Preventive measures have been continued with success and native police posts and patrols have been unremitting in their search for slave-dealers passing from French Cameroons, south of Lake Chad, to the northern international boundary, and the difficulties and possibilities of detection of would-be-dealers are now considerable.

"(b) One arrest was effected in *Dikwa* and a ten-year old *Wula* boy was sent to the French authorities for restoration to his relatives near *Mokolo*. His purchaser was sentenced to seven years' imprisonment by the native court of *Dikwa*. He was making for French territory, north-west of Lake Chad. The French authorities in the district were duly informed.

"(c) *Bornu Emirate*. — Three cases were dealt with by the Bornu native court. In April 1928, two natives of *Mobber* district were detected travelling through *Konduga* district with a small *Mandara* girl concealed in a basket. They were arrested and sentenced to long terms of imprisonment.

"(d) Another native of *Mobber* district was found in possession of a *Mandara* girl who had been sold to him by a trader. The purchaser was arrested by the district head and received a long sentence, but the trader unfortunately escaped.

"(e) In July, a native of *Mobber* was arrested when passing through *Kukawa* district with a young *Mandara* girl. He was arrested by the village head and sentenced to a long term of imprisonment.

"(f) District and village headmen are frequently reminded of their duty of exercising vigilance over possible slave routes, particularly in the eastern districts. It is interesting to note in the cases mentioned that the arrests were effected in three different districts and in two instances by village headmen."

3. The Resident of the *Adamawa* province reports that, though no cases of kidnapping or selling of children seized either in that portion of the *Adamawa* province which is in the mandated territory, or in that portion which is in *Nigeria*, have been reported for a very long time, he is inclined to think that these practices cannot yet be said to have altogether ceased. He is confident however that the traffic has dwindled to very small proportions, and adds that the present *Lamido* of *Adamawa* is strongly opposed to such traffic and is keeping a most vigilant watch against it.

4. The Residents of the remaining nine provinces all report that no information has been received during the year 1928 indicating that any traffic in slaves from the Cameroons has been taking place.

5. I am to express regret that this report is not submitted at the same time as the reports for the League of Nations. The post-dating of the date of submission appears to have given rise to a misunderstanding of the revised date of submission of this special report. Instructions have now been issued for the supply of the information in conjunction with the League of Nations reports.

ANNEX 7.

PALESTINE.

EXCHANGE OF LETTERS RELATING TO AN EXTRAORDINARY SESSION OF THE COMMISSION.

A. Letter from the Chairman of the Commission to the President of the Council.

Geneva, November 16th, 1929.

[*Translation.*]

At its meeting of September 6th, 1929, the Council decided that the Permanent Mandates Commission should, either at its next session or at an extraordinary session, proceed to a thorough study of the situation in Palestine, in order that it might communicate to the Council its views in this connection.

In accordance with this decision, the Permanent Mandates Commission proposes to hold an extraordinary session next March, in order that it may inform the Council of the conclusions of its inquiry before the session which the Council is to hold in May.

It is confident that it will, by then, have received the report from the mandatory Power, for which the Council expressed a desire at its meeting of September 6th, 1929.

I have the honour to forward to you herewith a copy of the resolutions which the Permanent Mandates Commission adopted in this connection at its meeting of the 15th inst., and to request your approval for the holding of this extraordinary session.

(Signed) A. THEODOLI,
*Chairman of the Permanent
Mandates Commission.*

Resolution.

“ In accordance with the desire expressed by the Council of the League of Nations at its meeting of September 6th, 1929, the Permanent Mandates Commission intends to hold an extraordinary session in the month of March next. The Commission has no doubt that, by that time, it will have received from the mandatory Power a full report, which will give the Commission all the information to enable it to form an opinion as to the incidents in Palestine, their immediate and more remote causes, the steps that have been taken to tranquillise the country and the measures for the prevention of any recurrence of such events. ”

B. Letter from the Acting President of the Council to the Chairman of the Commission.

Angora, November 27th, 1929.

[*Translation.*]

I have the honour to acknowledge receipt of your letter, dated November 16th, 1929, communicating to me a resolution adopted by the Permanent Mandates Commission on that date.

I beg to inform you that I approve the Commission's decision to hold an extraordinary session in March next in order to be able to submit its recommendations regarding Palestine to the Council before the latter's session in May.

(Signed) M. A. FOROUGHI,
President of the Council.

ANNEX 8.

SOUTH WEST AFRICA.

STATUS OF THE NON-NATIVE INHABITANTS.¹

C.P.M.941.

A. Note by M. Van Rees.

This matter is regulated by the four following South African laws:

(a) Act 30 of 1924 (The South West Africa Naturalisation of Aliens Act, 1924), published in the *South West Africa Legal Gazette* for 1924, page 82.

¹ M. Kastl and M. Van Rees were asked to investigate this question during the fifteenth session (see Minutes of fifteenth session, page 213). Failing to agree, they thought that the best procedure would be for them to put forward their views in memoranda, which the Commission would examine and compare at its sixteenth session.

(b) Act 18 of 1926 (The British Nationality in the Union and Naturalisation and Status of Aliens Act, 1926), published in the *Gazette* for 1926, page 6. This act supersedes Act 4, of 1910 (The Naturalisation of Aliens Act 1910).

(c) Act 40 of 1927 (The Union Nationality and Flags Act, 1927), published in the *Gazette* for 1928, page 2.

(d) Act 27 of 1928 (The Naturalisation of Aliens (South West Africa) Act, 1928), publishes in the *Gazette* for 1928, page 8.

Do these Acts contain any provisions incompatible with the Council resolution of April 23rd, 1923, concerning the mandated territory of South West Africa or with the principles of the mandate system ?

Act 30, of 1924, lays down that nationals of ex-enemy countries resident in the territory on January 1st, 1924, and any such who may take up their residence therein before September 15th, 1924, shall be deemed to be British subjects. It leaves them, however, the option of renouncing British nationality, and it therefore seems entirely consonant with the aforesaid Council resolution.

The same applies to Act 27, of 1928, which amplifies the Act of 1924 by recognising the British nationality of certain classes of ex-enemy subjects (minors, etc.) while leaving them the option of renouncing that nationality.

Act 18, of 1926, in no way affects the status of persons born or domiciled in South West Africa who do not possess British nationality and are consequently *aliens* within the meaning of Article 30, paragraph 1.

This Act affects only persons born *within* His Majesty's dominions or in any territory owing him allegiance¹ ("any person born within His Majesty's dominions and allegiance"), as well as certain *British subjects* born outside the dominions (Article 1, paragraph 1, (a), (b) and (c)).

All these persons are, in virtue of the introductory clause of Article 1, held *within the Union* to be natural-born British subjects.

This clause would undoubtedly have been incompatible with the Council resolution of 1923 if paragraph (a) of Article 1 had been extended to the mandated territory. This, however, is not the case.

The effect of the final passage of Article 30 is to extend to South West Africa, not paragraph (a), but the introductory clause of Article 1.

Article 30 lays down that "the Union includes also, in addition to the limits of the Union of South Africa, the mandated territory of South West Africa".

It follows that the persons contemplated in paragraphs (a), (b) and (c) of Article 1 are deemed to be natural-born British subjects *within the limits of the Union and of South West Africa*. It does *not* follow that any person born or domiciled in the latter territory is deemed to be a natural-born British subject.

This interpretation is confirmed by the South-African Government's memorandum of June 19th, 1929 (document C.P.M.898), in which it is stated that "as the mandated territory is not part of His Majesty's Dominions it follows that a person is not deemed to be a natural-born British subject merely by reason of his birth in that territory".

I may say, in short, that, from the point of view of the mandate, the Act of 1926 does not seem to call for any criticism.

Lastly, Act 40, of 1927, confers on all British subjects (with certain exceptions) born or domiciled in the Union the nationality of that Dominion.

Article 9 extends this assimilation to British subjects domiciled in South West Africa.

The decisive point seems to be that the Act applies only to *British subjects* resident within the limits of the Union and the mandated territory, whether they acquired that status by right of birth, or whether it was conferred upon them by naturalisation. The Act does not affect the other sections of the non-native population of the Union and of South West Africa, who continue to be regarded as *aliens* (*cf.*, Article 9: "'Alien' means a person who is not a British subject").

Germans and other ex-enemies accepting naturalisation under Act 30 of 1924 and Act 27 of 1928 are indeed covered by the Act of 1927, and they also, therefore, have acquired by process of law the status of nationals of the Union. They may lose this status in certain cases, but cannot renounce it, as is made clear in the South-African Government's memorandum. These persons, however, no longer fall into the category of *aliens* whose status, as has already been pointed out, was not affected by the Act of 1927, nor indeed by any other Act.

Accordingly, the Act of 1927, like the other Acts quoted, does not seem, in any way, to infringe the principles of the mandate system.

* * *

For these reasons I think the Commission would be well advised simply to take note of the memorandum referred to above.

¹ Crown Colonies and Protectorates.

B. Note by M. Kastl.

1. M. Van Rees and I have been asked by the Permanent Mandates Commission to investigate the question of the status of the non-native inhabitants of South West Africa. Failing to agree, we have not been able to submit a joint report, but have thought it advisable that each of us should put forward his views in a memorandum.

2. The status of the non-native inhabitants of South West Africa is regulated by:

(a) Act 30, of 1924 (The South West Africa Naturalisation of Aliens Act, 1924), *cf.*, Statutes of the Union of South Africa 1924, page 124, amplified by Act 27, of 1928 (The Naturalisation of Aliens (South West Africa) Act 1928), *cf.*, Statutes of the Union of South Africa 1927-28, page 42.

(b) Act 18, of 1926 (The British Nationality in the Union and Naturalisation and Status of Aliens Act, 1926), *cf.*, Statutes of the Union of South Africa 1926, page 136. This act supersedes Act 4, of 1910 (The Naturalisation of Aliens Act 1910).

(c) Act 40, of 1927 (The Union Nationality and Flags Act, 1927), *cf.*, The Statutes of the Union of South Africa 1927-28, page 2.

3. Act 30, of 1924, confers, under certain conditions, British nationality upon every adult European being a subject of any of the late enemy Powers and domiciled in the mandated territory on the first day of January 1924, or at any time thereafter before September 15th, 1924, "unless within six months he signs a declaration that he is not desirous of becoming so naturalised".

Act 27, of 1928, amplifies the Act of 1924 by conferring British nationality on certain classes of nationals of the late enemy Powers to which Act 30 did not apply, "provided that, if such first-mentioned person was, on the fifteenth day of September, 1924, not resident in the said territory or the Union, he may, within one year as from the date upon which he shall have attained the age of twenty-one years, or within one year as from the date upon which he shall have taken up his residence in the said territory or in the Union, or within one year as from the commencement of this Act, whichever is the later, *make a declaration of alienage* in manner provided by the British Nationality in the Union and Naturalisation and Status of Aliens Act, 1926 (Act No. 18, of 1926), and shall thereupon cease to be a British subject".

Both acts allow the option of renouncing British nationality without disadvantages and therefore seem consonant with the resolution of the Council of April 23rd, 1923, concerning the mandated territory of South West Africa and with the principles of the mandates system.

4. In the observations of the Government of the Union of South Africa, dated June 19th, 1929, it is stated that "as the mandated territory is not part of His Majesty's Dominions, it follows that a person is not deemed to be a natural-born British subject merely by reason of his birth in that territory".

The mandated territory of South West Africa certainly cannot be considered to be part of a dominion or placed under British allegiance, but, according to Article 30, paragraph 1, of the Act No. 18, 1926, "To make Provision as to British Nationality in the Union, and to make further Provision as to the Naturalisation of Aliens and their Status within the Union", it is laid down that "the Union includes also, in addition to the limits of the Union of South Africa, the mandated territory of South West Africa".

What does this clause mean ?

Does it mean that, for the purpose of this law, South West Africa is treated as part of the Union of South Africa, and therefore as part of a British dominion and that, therefore, any person born in the mandated territory is deemed to be a natural-born British subject, or does it mean only that the persons contemplated in the said law are to be regarded *within the limits of the Union and of South West Africa* as British subjects.

In the first case, the clause would undoubtedly be incompatible with the Council resolution of 1923; in the second case, it would not.

If the second hypothesis is the true one, I can see no particular reason why there should be any special mention of the mandated territory of South West Africa, in Article 30 of the said Act, as it is perfectly clear that, in all territories, persons falling under Article 1, (a), (b) and (c), of the said law are to be regarded as British subjects.

5. Act 40, of 1927, confers on all British subjects (with certain exceptions) born or domiciled in the Union, the nationality of that Dominion.

Article 9 of the said Act extends this assimilation to British subjects domiciled in South West Africa.

The Act makes no difference between British nationality acquired by birth, or by naturalisation.

This means that the Act confers, by a *measure of "general application"*, and by operation of law, Union nationality on all persons domiciled in South West Africa who are British subjects.

In my opinion, this is undoubtedly not compatible with the principles of the Council resolution of April 23rd, 1923.

The Act 40, of 1927, has no provision in regard to the renunciation of Union nationality by a *naturalised British subject* who has become a Union national.

There is no option in the matter of acquiring and retaining Union nationality.

The Memorandum of the Government of the Union of South Africa, dated June 19th, 1929, document C.P.M.898, confirms this by saying: "There is no provision in the Union Nationality and Flags Act in regard to the renunciation of Union nationality by a *naturalised British subject* who has also become a Union National. He will, however, lose such nationality *ipso jure*, if he relinquishes his Union and/or South West African domicile; or if he ceases to be a British subject". Therefore every naturalised British subject is bound to acquire and retain the Union nationality if it is his desire to remain domiciled in South West Africa.

In the Memorandum of the Government of the Union of South Africa it is further stated that the Section of the Act 40 which deals with renunciation does not affect persons "*who have become*" Union nationals; it applies only to Union nationals by birth. As it is stated, such a person retaining British citizenship can renounce Union nationality only if:

- (a) At his birth or during his minority he became, in terms of any law which provides for citizenship of any particular portion of the British Empire, a national of that portion; and
- (b) He is a normal adult; and
- (c) If he is not domiciled in the Union.

According to this explanation, Act No. 40, 1928, prescribes that a *natural-born* British subject, having thereby acquired Union nationality during his minority in South West Africa, and being a natural-born Union national, can, if of full age, *only renounce* his Union nationality by leaving the territory or by becoming an alien.

I think that these provisions are not compatible with the principles of the mandate and not in conformity with the spirit of paragraph 6 of the Declaration of the Representative of South Africa accepted by the Council on April 23rd, 1923.

C.P.M.954.

C. Note by M. Van Rees in reply to M. Kastl's Note.

1. The Acts of 1924 and 1928 have given rise to no difference of opinion in the two notes.
2. As regards the Act of 1926, M. Kastl's note is less definite than mine. He expresses some doubt, which should, however, be dispelled as soon as we substitute—in accordance with the closing passage of Article 30—for the word "Union", at the beginning of the article, the words "Union, including South West Africa". The scope of the Act then becomes perfectly clear.
3. Actually, the only question on which the two notes are directly in opposition is that of the Act of 1927. This Act lays down that all *British subjects* (with certain exceptions) born or domiciled in the Union, including South West Africa, shall be regarded as *Union nationals*, and, generally speaking, such persons cannot renounce their new nationality.

M. Kastl considers that this legislation is incompatible with the principles of the mandate and with the Council resolution of April 23d, 1923, concerning South West Africa, while I hold the contrary view.

I would point out that the Mandates Commission, in formulating its proposals with regard to the status of the habitants of B and C mandated territories, and the Council, in passing its resolutions on the subject, were only considering, and could only consider, natives on the one hand and *non-native* foreigners on the other. There is nothing in the documentary material on the basis of which the Council reached its final decision to justify the inference that its resolutions likewise affect those inhabitants of a mandated territory who possess the nationality of the nation responsible for the administration of that territory.

Only the mass assimilation to the nationality of the mandatory Power of *foreigners, i.e.*, inhabitants of the territory other than those who possess that nationality, could reasonably be looked upon as a first step towards the political annexation of the territory, and therefore as contrary to the basic principle of the mandates system. That is the reason for the Council's intervention in the matter.

Although its resolution employs the term "inhabitants" without distinction, I think it should be interpreted in the light of what I have already said. The Union representative's statement to which M. Kastl alludes is still narrower in its scope, referring only to persons of German nationality.

The Act of 1927, on the other hand, applies only to *British subjects*, and is not therefore open to criticism from the point of view of the mandate.

It converts these British subjects into Union nationals, but this transformation does not concern the Mandates Commission. It concerns only Great Britain, who alone is entitled to make representations to the Union Government if she thinks this useful and expedient.

In conclusion, I can only maintain the suggestion put forward in my first note.

C.P.M.892.

ANNEX 9.

POSTAL RATES IN TERRITORIES UNDER A AND B MANDATES
AND THE PRINCIPLE OF ECONOMIC EQUALITY.

A. REPORT BY M. KASTL.

I. *Introduction.*

The report submitted to the Council on the ninth session of the Mandates Commission contains the following remark in connection with a question put by the Chairman to the representative of Tanganyika with regard to the differentiation in postal rates:

“ 4. *Economic Equality:*

“ The Commission would appreciate an explanation concerning the difference in the rates applicable to letters and certain other postal matter destined for ‘ British possessions ’ and ‘ foreign countries ’ ” (Report on the ninth session, page 219).

In reply to this request, which was endorsed by the Council, the British Government made the following statement dated July 5th, 1927:

“ According to the usual British practice, the rates of postage for matter destined for British possessions are assimilated to the inland rates in force in the territory. In the same way, rates on postal matter from the United Kingdom to Tanganyika are assimilated to the inland rates of the United Kingdom. This arrangement is not regarded as conflicting with the provisions of the mandate. ”

Unfortunately, this statement by the British Government did not explain the discrimination in question in the form desired by the Commission, as the point at issue was not the British postal rates on correspondence destined for the mandated territory, but the postal rates of the mandated territory itself.

The subject was again raised at the twelfth session of the Mandates Commission. The Chairman read a comprehensive memorandum on the history of the question up to date and expressed his own view, which ended with the following conclusion.

“ It is true that, in accordance with Article 10 of the mandates for Tanganyika and Ruanda-Urundi and Article 9 of the mandates for the Cameroons and French and British Togoland, the mandatory Power ‘ has 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 Power is also 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 ’, but always ‘ *provided that the measures adopted to that end do not infringe the provisions of this mandate.* ’ ” (Report on the twelfth session, page 68.)

The debate following upon these remarks revealed the fact that, for the moment, the opinion of the members of the Commission upon this question was divided.

Some of the members took the view that the measures taken by the mandatory Powers, whereby the inland postal rates, etc., were applicable to correspondence sent from the mandated territory to the mandatory Power but foreign postal rates were applicable to correspondence sent to the territories of the other members of the League, were not in contradiction with the principle of economic equality. An exchange of correspondence could not be placed on the same footing as an exchange of goods.

Other members of the Commission on the contrary agreed with the Chairman or thought that this was a border-line case which was difficult to decide (Report on the twelfth session, pages 67-69).

In the course of the very detailed discussion which ensued—a written memorandum having meanwhile been submitted by M. Rappard and M. Van Rees—M. Rappard pointed out that not only the question of principle had to be considered but also its practical effects (Report on the twelfth session, pages 160 to 162).

Lastly, so as to make it possible to submit a joint note on behalf of the whole Commission—M. Van Rees having suggested that it might be necessary also to submit a minority opinion—it was decided to draw attention, in the report to the Council reproduced below, to the different opinions which had hitherto been expressed in the Commission (Report on the twelfth session, page 170).

The following report was accordingly submitted to the Council (Report on the twelfth session, page 198).

“ The Commission’s attention has again been directed to the question of postal rates in the territories under A and B mandates. These territories are subject to a system of economic equality—that is to say, the mandatory Powers are bound under the terms of the mandates to ensure in these territories, as between all States Members of the League and their nationals, complete economic, commercial and industrial equality. In most of these territories, however, if not in all, the Mandatory Administrations have established, for communication with countries outside, postal rates which vary according to the destination. As a rule, correspondence despatched to the territory of the mandatory Power enjoys a lower rate than correspondence to the other States Member of the League. This system, it seems, is bound to favour to some extent the postal relations between the mandated territories and their Mandatories. It appears necessarily to involve in international competition a certain advantage for the commercial relations between the mandatory Powers and the mandated territories entrusted to them.

“ Accordingly, the Commission, whose members expressed the most divergent views, has been considering whether this practice is quite consistent with the strict application of the principle which it must do everything in its power to uphold.

“ On the other hand, the practical importance of the existing differentiation is not perhaps such as to call for intervention by the League.

“ With a view to forming a definite opinion on the matter, the Commission proposes therefore, that the Council should request the mandatory Powers entrusted with the administration of territories under A and B mandates to furnish particulars concerning:

- “ 1. Their system of postal rates;
- “ 2. The reasons which have led them to adopt different rates;
- “ 3. The practical importance of the question from the financial point of view.”

The Council endorsed the Mandates Commission’s observations and asked the mandatory Powers concerned to supply the information requested.

II. *Statements of the Countries concerned.*

The replies since furnished by the mandatory Power to the three questions put to them—some of these replies being of a detailed character—all adopted materially the same point of view.

(a) *System of Postal Rates.*

Correspondence from the mandated territories to the territory of the mandatory Power is nearly always carried at reduced rates (inland rates), while correspondence to the territories of the other Members of the League is subject to higher rates.

On the other hand, the rates for the carriage of postal parcels to the territories of the mandatory Powers and to those of other Members of the League of Nations are usually the same.

Important light on the British legal view is shed by the following remark textually contained in the British report on the conditions in Palestine, where the postal rates on correspondence to England have for financial reasons been raised, since March 1st, 1928, to the same level as the rates for correspondence to other countries.

“ This increase was made on financial grounds alone and His Majesty’s Government regard the Palestine Government as free to restore the previous rates if and when the financial position of Palestine improves.” (Letter of April 9th, 1929, document C.158.1929.VI.)

The French Government, at the end of its letter of October 27th, 1928, states that it did not feel called upon to unify its postal rates as a result of the debate which took place at the twelfth session of the Mandates Commission. If, however, the Mandates Commission and the Council considered this to be necessary, the French Government was prepared to concur in this view.

(b) *Reasons for adopting the Differential Rates.*

The British Government, for practical reasons, established the same rates in the Cameroons and Togoland under British Mandate as for Nigeria and the Gold Coast.

According to the Government's statements, the Tanganyika and Palestine rates are based on Article 5 of the Stockholm Postal Convention.

A further reason given for reducing the letter rate to Great Britain is that it would facilitate communication between the home country and British officials in the mandated territory.

France has, for the same reasons as England, assimilated the rates for Togoland and the Cameroons under French mandate to those in the neighbouring French colonies. This has also been done in Syria.

Belgium likewise states that the object of the reduced postal rate to Belgium was to facilitate relations between the officials in the mandated territory and the home country, more particularly as the regulations are the same in the Congo Colony.

(c) *Effect of the Differential Rates on Revenue.*

1. Palestine: A loss of less than £2,000 yearly.
2. Iraq: No particulars available.
3. Tanganyika: A loss of less than £2,000 yearly.
4. Cameroons under British mandate: A loss of £180 yearly.
5. Togoland under British mandate: No definite figures.
6. Cameroons under French mandate: No particulars available.
7. Togoland under French mandate: No particulars available.
8. Syria: No particulars available.
9. Ruanda-Urundi: Estimated annual loss of 1,430 gold francs.

III. *General statement on the Position.*

The answer to the question of principle whether the postal rates satisfy the conditions of economic equality depends on the provisions in this connection set out in the mandates and the Anglo-Iraq Treaty. These are as follows:

" Syria and the Lebanon: Article II.

" 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. "

" Palestine: 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. "

" Iraq: Treaty between His Britannic Majesty and His Majesty the King of Iraq: Article II.

" There shall be no discrimination in Iraq against the nationals of any State Member of the League of Nations or of any State to which His Britannic Majesty has agreed by treaty that the same rights should be ensured as it would enjoy if it were a Member of the said League (including companies incorporated under the laws of such State), as compared with British nationals or those 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. Nor shall there be any discrimination in Iraq against goods originating in or destined for any of the said States. There shall be freedom of transit under equitable conditions across Iraq territory. "

" B Mandates: Article 6 of the Mandates for Togoland and the French and British Cameroons and Article 7 of the Mandates for Tanganyika and Ruanda-Urundi.

" 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 . . . ”

Moreover, account must be taken of the provisions of the mandates for the territories concerned, which state that the Mandatory shall have full power of administration and legislation over the territory subject to the mandate, but always provided that the measures adopted do not infringe the provisions of the mandate.

The legal interpretation of this question hitherto given by the members of the Mandates Commission has been uncertain, and very divergent views have been expressed. In my opinion the provisions regarding economic equality must be interpreted on comprehensive lines if they are to have any meaning at all. This results from the text of the provisions.

Considered from the economic point of view, there would seem to be no doubt that reduced rates for correspondence to the territory of the mandatory Power has the effect of unconsciously directing the attention of traders to that country, seeing that they often require to engage in extensive correspondence, for example, by sending out advertisements, etc. In this way, however, the mandatory country is given a certain—though perhaps not very important—economic preference.

At the same time—as a result of this differentiation—the reduction of the letter rate means a loss of revenue to the mandated territory. This loss is no doubt inconsiderable, but it arises from the preference given to the mandatory Power. The administration of mandated territories should, however, be exercised, not in the interest of the mandatory Power and its nationals, but in that of the mandated territory itself and the inhabitants of the territory.

Conclusion.

In view of the foregoing, I conclude the establishment, in A and B mandated territories, of lower rates for postal traffic to the territories of the mandatory Power and its colonies than for traffic with other countries is not consistent with the principle of economic equality.

C.P.M.950.

B. NOTE BY M. VAN REES.

I regret that I am unable to agree with the conclusion of M. Kastl's report, which is as follows: “ the establishment, in A and B mandated territories, of lower rates for postal traffic to the territories of the mandatory Power and its colonies than for traffic with other countries is not consistent with the principle of economic equality ”.

This conclusion raises first of all the question whether, juridically, the provisions concerning economic equality, which, though very detailed, do not expressly mention postal rates, should nevertheless be regarded as applicable to these rates.

M. Kastl affirms this to be the case when he argues that these provisions “ must be interpreted on comprehensive lines if they are to have any meaning at all ”.

I think this argument particularly open to discussion.

The provisions in question are of a distinctly restrictive nature. They limit the administrative powers of the Mandatories in A and B mandated territories, since they impose certain restrictions on the Mandatories' freedom of action, and even prohibit the mandatory Power from doing certain specific things. These provisions therefore do not at all lend themselves to an interpretation which would extend their scope according to circumstances. On the contrary they can only be interpreted in a strictly limitative sense as shown by their very wording and the obvious intention of their authors.

Since the text makes no reference to postal rates, the question is simply one of determining whether the formulæ regarding the principle of equality can reasonably be said to apply to letters and post-cards—the only postal consignments at present in question.

I can find no confirmation for this supposition. The Covenant—paragraph 5, of Article 22—concerning B territories only stipulates equal treatment for “ trade and commerce ”, while A and B mandates contain nothing to warrant the extension of this obligation to postal rates.

The provisions of these mandates concerning economic, commercial and industrial equality were obviously inspired by the provisions of Articles 1 to 4 of the Convention of St. Germain in revision of the General Acts of Berlin and Brussels. These provisions deal with exactly the same subjects as the provisions which regulate the application of the principle of equality in A and B mandated territories. In their general tendency, moreover, they are strikingly similar to the mandates. Seeing that the mandates were, so to speak, prepared at the same time as the above Convention, I think it is admissible to compare these different texts in order to ascertain the meaning and scope of the provisions now under consideration.

In my opinion, this comparison clearly shows that the authors of the Mandates meant by commercial, economic and industrial questions:

In the sphere of trade: The exchange of goods, the fiscal duties to be levied on imports and exports and everything directly connected with trade in the strict sense of the term;

In the economic sphere: Utilisation of the natural resources of the territory and all essential factors in the economic development of the territory;

In the industrial sphere: The acquisition of property, engaging in occupations and industry, and everything connected with local industrial life.

What these authors desired, in conformity with the Convention of St. Germain, was equality of treatment for all the nationals of States Members of the League of Nations as regards activities *within the territory* for the development of the territory.

Could anyone possibly maintain that the principle of equality, as defined in Articles 1 to 4 of the Convention of St. Germain, should be made to apply to postal rates in the colonies and protectorates of the countries which signed this Convention? If not, why should they be made to apply to mandated territories?

There seems to be no adequate ground for extending the general conception which guided the authors of these instruments and which applies only to the vital interests of the territory so as to comprise postal correspondence, and to deduce therefrom the incompatibility of the rates that may be fixed for such correspondence with the principle of economic equality; indeed to do so would merely reveal a tendency towards an undesirable and hardly defensible rigorism.

* * *

Looking at the question from another standpoint, I have been unable to come to any but the same conclusion.

If the principle of equality does apply to the exchange of letters, are the postal rates in force in A and B mandated territories to be condemned for that reason?

In order to reply to this question we must carefully define what the principle implies.

Its obvious intention is to establish *legal* equality.

What it claims is the application of uniform rules for all nationals of States Members of the League.

What it cannot possibly provide is a guarantee that the application of these rules should produce the same effect for all, since equality at law does not mean absolute equality in *fact*.

The postal rates in question meet the above requirement. There is no discrimination on the ground of nationality. All persons in the mandated territory who despatch their correspondence to the home country pay the same rates whatever their nationality may be.

It is true that those who correspond with the home country enjoy more favourable rates than those accorded to persons corresponding with other countries. But this situation is in no way a violation of the principle of equality, since the advantages enjoyed by the former are merely the result of circumstances quite independent of the will of the mandatory Power.

It is, of course, equally true that there may result some advantage for trade between the mandatory Powers and the mandated territories, but this consequence is also due to the existence of certain facts. It cannot be ascribed to any inobservance of the principle of equality.

Thus all the mandatory Powers concerned (Great Britain, France and Belgium) in their replies to the Council, dated April 9th, 1929, October 27th, 1928, and May 30th, 1928, respectively, more or less explicitly stated that they should not admit that the principle of equality had been infringed in any way by the postal rates established in their mandated territories.

* * *

Even if there may still be certain doubts on this subject, I would venture to remind you of the wise and very practical adage: "When in doubt do nothing".

I therefore suggest that the Commission should merely take note of the above-mentioned replies.

ANNEX 10.

C.P.M.970(2).

PURCHASE OF MATERIAL AND SUPPLIES BY THE PUBLIC AUTHORITIES OF TERRITORIES UNDER A AND B MANDATES.

REPORT BY M. ORTS.

1. The question on which I have been asked to report may be summarised as follows:

Does respect for the principle of "economic equality" make it necessary for the mandatory Powers, whether they have been entrusted with an A or a B mandate, to contract only on the strength of public tender open to the nationals of all States Members of the League, when obtaining supplies for the public services and awarding contracts for public works?

2. This question was included in the agenda of the Permanent Mandates Commission in the circumstances set out in an oral report I made at the twelfth session¹ and in a note by the Chairman which was read during the thirteenth session.² On these two occasions there was an exchange of views in which several members of the Commission took part.

Outside the Commission, the same question has been dealt with by various authors of memoranda on the international Mandates.³

3. What is meant in the mandates system by this expression "economic equality", which is becoming consecrated by use?

The expression does not occur in the enunciation of the principles of the mandates system in the Covenant; Article 22 mentions conditions of equality for all Members of the League of Nations "in the matter of trade and commerce". The various mandates lay down that "the Mandatory shall ensure to all nationals of States Members of the League of Nations, on the same footing as his own nationals . . . complete economic, commercial and industrial equality".⁴ This stipulation is included with others in one article, all the provisions of which are intended to ensure to the nationals of all Members of the League, in mandated territories, equal conditions (to the exclusion of all privileges in favour of the Mandatory's own nationals), as regards the conduct of their private affairs and the protection of their persons and property.

4. But at the same time, the mandates make it quite clear that their provisions—which involve equal treatment for persons of all nationalities—cannot be urged against the mandatory Power as the depository of the public authority, when their application might emasculate the "full powers of administration" which the State possesses under the mandate⁵ and consequently diminish its responsibility, as administrator of the territory, towards the League.

Thus the right to enter the territory and settle therein, accorded to the nationals of all Members of the League, the acquisition of property, the exercise of trades and professions, are only guaranteed "subject to the requirements of public order, and on condition of compliance with the local law". Concessions will be granted without distinction on grounds of nationality, "but on such conditions as will maintain intact the authority of the local Government". Although a general monopoly is prohibited, "this provision does not affect the right of the Mandatory to create monopolies of a purely fiscal character in the interest of the territory . . ."

Thus the mandate expressly lays down that the mandatory Power shall ensure "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".

The reservations by which the clauses of the mandates establishing economic equality are attended clearly mark the distinction to be drawn between the activities of private persons and those of the mandatory Power. The former are seeking material profit, operating in the economic sphere, and are ruled by the principle of economic equality. As the administrative activities of the mandatory Power are carried on in the public interest, they are not conducted in the economic sphere, and consequently the principle of free competition does not apply.

5. It is well known that the last of these reservations is embodied in the B mandates only; it is not mentioned in the A mandates, except in the mandate for Palestine, where it is expressed in a somewhat veiled form.⁶

If we assume that the responsibility undertaken by the mandatory Power for good government necessarily implies that the mandatory Power is entirely free to organise essential public works and services as it thinks just—if, in other words, we take the view that the reservation to that effect introduced into the B mandate is a superfluity—it is only logical "to recognise that the Governments in Syria and the Lebanon and in Iraq have the same liberty of action; although the mandate for the first-named territories, and the Anglo-Iraqi Treaty for the last-named, make no reference to public works and services in connection with the principle of economic equality".⁷

6. The B mandates reserve to the mandatory Powers freedom of action only in regard to "essential" public works and services.

What is to be understood by "essential works"?

Some have rightly held that this adjective does not connote the importance of the works, but the fact that they are of public utility. According to this view, all public works undertaken by the Administration in the public interest, and all public services, are of an essential character.⁸

7. I am thus led to conclude that in A as well as in B mandated territories the mandatory Power responsible for the administration is entitled to organise all public works and services as it thinks fit and is not bound to call for public tenders for the execution of such work or the provision of the supplies required for the operation of such services.

¹ Minutes of the twelfth session, page 164.

² Minutes of the thirteenth session, page 94.

³ Albert MILLOT. "Les Mandats Internationaux", page 156. D. F. W. VAN REES. "Les Mandats Internationaux", vol. II, page 146.

⁴ Article 6 or 7 (according to the case) of the B mandates.

⁵ Articles 9 and 10 of B mandates (French over Cameroons, Belgian over Ruanda-Urundi, etc.).

⁶ Article 11 of the Mandate for Palestine.

⁷ VAN REES: *op. cit.*, page 147.

⁸ Minutes of the thirteenth session, page 95.

Does that mean that administrative practice followed in this respect is not open to discussion by the Permanent Mandates Commission ?

The Commission is entitled to examine the whole administration of the territory and must be able to decide in each case whether the mandatory Power, in allocating the contracts for public works or the supply of material by private contract, has deliberately and for good reasons of its own resorted to a practice which is not as a rule to be recommended from the standpoint of sound administration.

A mandatory administration may therefore be requested to make known the reasons which have led it to avail itself of the freedom allowed it under the mandate. Should it appear that the interests of the territory have not been taken into consideration or have been allowed to suffer, or should it be found that the mandatory Power has merely yielded to the temptation to encourage its own nationals or national industry *at the expense or to the detriment of the territory*, the Mandates Commission would be entitled to make observations, not on the basis of the principle of economic equality, but having regard to the nature of the relations between guardian and ward which exist between the mandatory Power and the territory under its mandate.

8. By a resolution dated September 1st, 1928, the Council, on the suggestion of this Commission, requested the mandatory Powers entrusted with A and B mandates to supply information with regard to: " the regulations adopted or generally followed by them as regards the purchase of material and supplies by the public authorities of the mandated territories ".

The Belgian, British and French Governments complied with this request. As these replies have been communicated to the members of the Commission,¹ it is unnecessary to analyse them in any detail.

The Belgian Government replied that all local purchases and all work to be carried out on behalf of the Administration of Ruanda-Urundi estimated to more than 3,000 francs apart from purchases and work which, by their nature, could not give rise to competition, are adjudicated on the strength of tenders. Purchases made in Belgium are governed by similar rules. Contractors of every nationality may submit tenders.

In this case, therefore, adjudication on public tenders is the rule and the direct bestowal of contracts the exception. This practice calls for no criticism if the considerations set out in the present report are adhered to.

The French Government reply shows that the same principle is applied—with varying methods—in Syria and the Lebanon and in the Cameroons and Togoland under French mandate. Contracts for supplies and work are given to firms of all nationalities.

Nevertheless, the French Government in its reply dated July 6th, 1929, while stating that foreigners are not excluded from submitting tenders or obtaining contracts on behalf of the African territories under its mandate, adds that " it reserves the right in cases of essential public works and services, to apply *to its own nationals for preference* as authorised under Article 6 of its African mandates ".

According to the view adopted in this report, Article 6 of the African mandates does not allow any preference to be given to nationals of the mandatory Power if this is to the detriment of the territory or if the works and supplies are paid for out of the territory's own funds. I propose that this observation should be submitted to the Council, to be communicated by it to the French Government if it thinks necessary.

The British Government, by way of reply, sent a copy of the " Regulations for His Majesty's Colonial Services ", on pages 102 *et seq.* of which the rules which concern us are set out.

According to these regulations, purchases made locally or in adjacent countries are decided after submission of public tenders. Articles which the country does not produce or which cannot be obtained locally on advantageous terms are purchased through the " Crown Agents ".

The British reply indicates that these regulations are applied in Palestine, Trans-Jordan, Tanganyika Territory, the Cameroons, and Togoland under British mandate.

According to a more recent letter from the British Government, these rules are not applicable in the case of the Government of Iraq, " who, while as a matter of convenience placing the majority of their orders through the Crown Agents for the Colonies, not infrequently purchase stores through other channels ".

This reply does not give all the details the Mandates Commission expected and the Commission hopes that these details will be forthcoming.

I propose that the Council should be requested to ask the British Government to be good enough to state: (1) Whether, for the purchase of material and supplies for the Administration of A and B mandated territories, the Crown Agents are authorised to place contracts with firms of any nationality, or whether, in conformity with what seems to be the rule for orders given in colonies and protectorates, these orders cannot be placed outside the British Empire without special reference to the Secretary of State²; (2) Whether, in practice, nationals of States Members of the

¹ Document C.351.1929.VI (documents C.P.M.862, 899, 881).

² See Minutes of the eleventh session, page 78.

League are allowed to tender for contracts to supply the Administrations of British A and B mandated territories? (3) Whether, in practice, the Government of Iraq, when it deals direct with purveyors without the assistance of the Crown Agents, calls for contracts by public tender open to the nationals of all Members of the League of Nations?

C.P.M.977.

ANNEX 11.

PALESTINE.

ARTICLE 14 OF THE MANDATE. — MEMORANDUM FROM THE BRITISH GOVERNMENT.

Letter to the Secretary-General.

London, November 18th, 1929.

I am directed by Mr. Secretary Henderson to transmit the accompanying memorandum containing a proposal of His Majesty's Government that, for reasons set out therein, a special *ad hoc* Commission should be appointed forthwith, under the terms of Article 14 of the Palestine mandate, to study, define and determine finally the rights and claims of Jews and Moslems at the Western or Wailing Wall at Jerusalem. The memorandum concludes with the earnest hope that the Permanent Mandates Commission will be able at the present session to commend this proposal to the Council, whose approval is necessary under Article 14 of the Mandate.

Mr. Henderson will be glad if you will be so good as to communicate the memorandum to the Chairman of the Permanent Mandates Commission in the course of their present session.

(Signed) MONTEAGLE.

MEMORANDUM ON THE JEWISH AND MOSLEM RIGHTS AND CLAIMS AT THE WESTERN OR WAILING WALL. JERUSALEM.

1. When Sir John Chancellor, the High Commissioner for Palestine, appeared before the Permanent Mandates Commission at the fifteenth Session of that body in July last he described the recent developments and the existing situation in regard to the question of Jewish and Moslem rights and claims at the Western or Wailing Wall. Sir John Chancellor explained, on that occasion, that his efforts to facilitate an agreement between the Jews and Moslems which would minimise the risk of disputes and incidents at the Wall in the future had not met with success, and that it had consequently become necessary to define and determine the rights and claims of the parties concerned in this connection.

2. Subsequent events in Palestine have accentuated the need for a final and early settlement of this question. Pending the report of the Commission of Enquiry into the recent disturbances in Palestine, it is not possible for His Majesty's Government in the United Kingdom to express an opinion on the causes of those disturbances. Whatever part questions relating to the Wall may have played in the disturbances themselves, recent reports received from the High Commissioner indicate that the absence of a final ruling on Jewish and Moslems rights and claims at the Wall constitutes a definite danger to future peace and good order in Palestine. In this connection it should be stated that in September last it was deemed necessary, in the interests of good order and decorum, to issue temporary instructions setting out the facilities which would be accorded to Jewish worshippers at the Wailing Wall, pending the final determination of Jewish and Moslem rights and claims there. Since these instructions were issued, there have been no disturbing incidents of importance at the Wall, and this temporary measure thus appears to have fulfilled, so far, the special purpose for which it was designed. The instructions themselves, however, were met with vigorous protests on the part of both the Jewish and Moslem authorities, in spite of an explicit assurance to the effect that they were provisional and that they would not prejudice the existing rights and claims of Jews and Moslems at the Wall. It is evident that the present position is viewed with great dissatisfaction by both parties, and the temporary instructions, which were undoubtedly necessary, have rendered the need for an early and final settlement of the question still more urgent.

3. Article 14 of the Palestine mandate provides for the appointment of a Commission 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 text of that Article reads as follows:

“ 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 the 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."

4. The Holy Places Commission contemplated in the Article has never in fact been set up. Proposals for its constitution were drawn up by the British Government in 1922, but they were found to be unacceptable to certain of the powers represented on the Council of the League of Nations, and were subsequently withdrawn by His Majesty's Government. Lord Balfour, at a meeting of the Council held on the 4th of October, 1922, referred to the difficulties which had arisen on account of disagreement between those powers themselves, and expressed the view that he was not capable of suggesting a remedy for those difficulties. He then appealed to his colleagues in the following terms:

" We ask for the co-operation of our colleagues around this table to help us to solve their own difficulties, and to arrive at a solution of the whole question which shall be regarded as equitable over all the world, whether it be Catholic, whether it be Orthodox, whether it be Protestant, or whether it be indifferent to all these religions, but only desirous that justice shall be done, that peace, order and decorum be preserved within the limits of Palestine."

Unfortunately, Lord Balfour's appeal has not so far borne any fruit, and the position still remains as described by him in 1922.

5. His Majesty's Government in the United Kingdom hold the view that, as the mandatory Power responsible for the maintenance of peace, order and good government in Palestine, they would not be justified in taking the risk of deferring the settlement of the question pending the solution of the difficulties referred to by Lord Balfour, and the appointment of the Holy Places Commission as contemplated by Article 14 of the mandate. On the other hand, His Majesty's Government are assured that the situation calls for the appointment of an authoritative body to deal with the question. It is, moreover, highly desirable that the findings of the body to be appointed shall have the finality attaching to a decision by the Holy Places Commission contemplated by Article 14 of the mandate, and that there shall be no question of these findings being subject to review.

6. On a full consideration of the question in all its aspects, having regard especially to the considerations set forth in the foregoing paragraph, His Majesty's Government in the United Kingdom propose that a Commission should be appointed under the terms of Article 14 of the mandate to study, define and determine the rights and claims of Jews and Moslems at the Western or Wailing Wall. The activities of the Commission would be limited, by its terms of reference, to the specific question of the Wall. By reason of this limitation of its activities, the Commission would, in effect, be an *ad hoc* Commission. Its findings, however, would be final in regard to the Wall and they would not be subject to review by the full Commission contemplated by Article 14 of the mandate to determine questions relating to the holy places and religious communities of Palestine in general. His Majesty's Government in the United Kingdom would propose that the composition of the Western or Wailing Wall Commission should be decided by the President of the Council of the League of Nations. At the same time, they venture to express the opinion that it is highly desirable that the members of the Commission should be chosen as impartial persons, and not in any way as representing the different racial or religious interests.

7. In conclusion, His Majesty's Government in the United Kingdom desire again to emphasise that an early and final settlement of the question is important, not only in the interests of the parties concerned themselves, but also from the point of view of future peace, good order and decorum in Palestine. His Majesty's Government in the United Kingdom earnestly trust that their proposals outlined in the foregoing paragraph, which are formulated after the fullest consideration, will be commended by the permanent Mandates Commission for the early approval of the Council of the League of Nations.

ANNEX 12.

A.

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

The Permanent Mandates Commission met at Geneva from November 6th to 26th, 1929, for its sixteenth session, during which it held thirty-one meetings, one of which was public. All its members and the representative of the International Labour Organisation took part in the work of the session.

The Commission examined the annual reports on the administration of six mandated territories and two petitions. It also dealt with various general questions and with certain problems regarding Palestine, Tanganyika and South West Africa. The annual reports were considered in the following order, with the assistance of the accredited representatives of the mandatory Powers:

Iraq, 1928.

Accredited Representatives:

Mr. B. H. BOURDILLON, C.M.G., Counsellor to the High Commissioner for Iraq;
Mr. G. L. M. CLAUSON, O.B.E., F.S.A., of the British Colonial Office.

Islands under Japanese Mandate, 1928.

Accredited Representative:

M. N. ITO, Deputy-Director of the Imperial Japanese League of Nations Office.

Cameroons under British Mandate, 1928.

Accredited Representatives:

Mr. W. E. HUNT, C.B.E., of the Nigerian Administrative Service;
Mr. G. L. M. CLAUSON.

Togoland under British Mandate, 1928.

Accredited Representatives:

Mr. J. E. W. FLOOD, of the Colonial Office;
Mr. G. L. M. CLAUSON.

Ruanda-Urundi, 1928.

Accredited Representative:

M. HALEWYCK DE HEUSCH, Director-General at the Belgian Ministry for the Colonies;
Assisted by M. MARZORATI, Governor of Ruanda-Urundi.

Western Samoa, 1928-29.

Accredited Representative:

Sir James PARR, K.C.M.G., High Commissioner for New Zealand in London.

A. GENERAL QUESTIONS.

I. PURCHASE OF MATERIAL AND SUPPLIES BY THE PUBLIC AUTHORITIES OF THE TERRITORIES UNDER A AND B MANDATES (pages 148-152, 154-155 and 195-198).¹

On the recommendation of the Permanent Mandates Commission contained in the report on its thirteenth session, the Council, in a resolution dated September 1st, 1928, requested the mandatory Powers entrusted with A and B mandates to furnish it with information on the

“ Regulations adopted or generally followed by them as regards the purchase of material and supplies by the public authorities of the mandated territories. ”

The Permanent Mandates Commission has carefully examined the replies received from the mandatory Powers in question, and the results of its investigation will be found in the Minutes of the sixteenth session and in M. Orts' report annexed thereto. The Commission has not recorded any final conclusions, and has limited its action for the time being to requesting the Council to obtain further information from the British and French Governments.

(a) The Commission recommends that the Council should ask the British Government to state:

(1) Whether, as regards the purchase of material and supplies for the Administration of territories under A and B mandates, the Crown Agents are authorised to place orders indifferently with firms of every nationality, or if, in conformity with what would appear to be the rule in the case of orders placed by the colonies and protectorates, orders may not be placed outside the British Empire without special reference to the Secretary of State²;

¹ The pages indicated after each observation are the relevant pages of the Minutes of the session.

² See Minutes, eleventh session (document C.348.M.122.1927.VI), page 78.

(2) Whether, in practice, nationals of States Members of the League of Nations are allowed to submit tenders for supplies required by the administration of territories under A and B mandates;

(3) Whether in practice the Government of Iraq, when dealing direct with supplying firms and not through the Crown Agents, advertises its intending purchases, and whether nationals of all States Members of the League are allowed to submit tenders;

(4) What rules are followed as regards public works in territories under British mandate. The Permanent Mandates Commission has found information concerning the territories under French and Belgian mandates in the replies already received.

(b) The French Government, while stating that aliens are not excluded from contracts made on behalf of African territories under its mandate, "reserves the right in the case of essential public works and services to apply preferably to its own nationals, as it is authorised to do under Article 6 of its African mandates". The Commission therefore recommends that the Council should request that Government to state whether the reservation applies even when this would cause a loss to the territory and when the works and supplies are paid for out of the territory's own funds.

2. POSTAL RATES IN THE TERRITORIES UNDER A AND B MANDATES AND THE PRINCIPLE OF ECONOMIC EQUALITY (PAGES 131-136 and 191-195).

During its twelfth session, the Permanent Mandates Commission examined in the light of the principle of economic equality the differential postal rates established in favour of correspondence with the territory of the Mandatory Power, and recommended that the Council should ask the mandatory Powers for A and B mandated territories to furnish it with information on the following points:

- (1) Their system of postal rates;
- (2) The reasons which have led them to adopt different rates;
- (3) The importance of the question from the financial point of view.

After having, at its sixteenth session, studied the replies of the mandatory Powers (document C.351.1929.VI), the Permanent Mandates Commission decided by a majority vote to limit itself to taking note of these replies, and not to submit any recommendation on this matter to the Council.

3. PROCEDURE IN RESPECT OF PETITIONS: PERIOD WITHIN WHICH COMMENTS BY MANDATORY POWERS SHOULD BE FORWARDED (page 144).

As regards petitions received by the League of Nations from any source other than that of the inhabitants of mandated territories themselves, the rules of procedure adopted by the Council on January 31st, 1923, provide that the Governments of the mandatory Powers, when requested to furnish comments on such petitions, should do so *within the maximum period of six months*.

As regards petitions which are transmitted through the intermediary of the mandatory Government, no limit has been laid down within which the petitions may be transmitted and observations communicated. As experience has shown that it would be useful that a more uniform procedure should be followed in this respect, the Permanent Mandates Commission recommends to the Council that the mandatory Powers should be asked to forward to the Secretariat their observations on petitions from communities or individuals in the territories under mandate, not later than six months after the receipt of these petitions by the authorities of the mandatory Power.

B. PALESTINE.

I. EXTRAORDINARY SESSION OF THE COMMISSION (pages 108-110, 116, 177 and 187).

At a meeting held on November 15th, 1929—the proceedings of which appear in the Minutes—the Commission adopted the following resolution:

"In accordance with the desire expressed by the Council of the League of Nations at its meeting of September 6th, 1929, the Permanent Mandates Commission intends to hold an extraordinary session in the month of March next. The Commission has no doubt that, by that time, it will have received from the mandatory Power all the information which will enable it to form an opinion as to the incidents in Palestine, their immediate and more remote causes, the steps that have been taken to tranquillise the country and the measures for the prevention of any recurrence of such events."

The Chairman of the Commission has communicated this resolution to the President of the Council and asked him, under Article 1 of the Rules of Procedure of the Commission, for authority to convene an extraordinary session in March 1930.

The Commission also verbally communicated the resolution to the accredited representative of the British Government at its meeting on November 15th, 1929.

2. COMMUNICATION FROM THE BRITISH GOVERNMENT, DATED NOVEMBER 18TH, 1929
(pages 143, 156-171 and 198-199).

The Permanent Mandates Commission has carefully considered the memorandum from the mandatory Power, dated November 18th, 1929, containing a proposal that, for reasons set out therein, a special *ad hoc* Commission should be appointed forthwith, under the terms of Article 14 of the Palestine mandate, to study, define and determine finally the rights and claims of Jews and Moslems at the Western or Wailing Wall at Jerusalem. This memorandum concludes with the hope that the Permanent Mandates Commission would be able, at its present session, to commend this proposal to the Council.

According to the British Government's proposal, the rights and claims in connection with the Wailing Wall would be finally settled without appeal by an *ad hoc* Commission. The Wailing Wall, however, is one of the "holy places" referred to in Article 14 of the mandate for Palestine, which lays down that all questions connected with the holy places in Palestine shall be settled by a special Commission to be set up under that Article. The British Government wishes to confer upon an *ad hoc* Commission, for matters relating to the Wailing Wall, powers which are exclusively vested in the special Commission contemplated by Article 14 of the mandate; this would constitute a derogation from the terms of that article.

The British memorandum further proposes that the *ad hoc* Commission, for matters relating to the Wailing Wall, should be appointed by the President of the Council of the League of Nations, whereas Article 14 of the mandate lays down that the special Commission for the holy places shall be appointed by the British Government with the approval of the Council of the League. On this point also the Commission considers that the solution proposed by the British Government is not in conformity with Article 14 of the mandate for Palestine.

For these reasons the Commission, since its duty is to supervise the observance of the mandates, cannot comply with the British Government's request by recommending the Council to adopt this proposal.

The Commission is fully prepared to consider, with a view to a future recommendation to the Council, any proposal which may be submitted to it and which, without being contrary to the terms of the mandate, might settle the differences at present existing between Jews and Moslems with regard to the Wailing Wall, calm strong feelings, and permanently ensure peace and order in Palestine.

The Commission will follow with interest and sympathy all efforts made by the mandatory Power to reach, in the near future, a solution, the impartiality of which will be unquestioned, for it realises the difficulties with which the mandatory Power has had to contend, in dealing with extremely difficult questions on which feeling runs high.

C. TANGANYIKA.

PROPOSAL FOR A CLOSER UNION IN ADMINISTRATIVE, CUSTOMS AND FISCAL MATTERS, BETWEEN
THE MANDATED TERRITORY OF TANGANYIKA AND THE NEIGHBOURING TERRITORIES OF
KENYA AND UGANDA (pages 175-177).

The Permanent Mandates Commission thanks the British Government for communicating to it the report of Sir Samuel Wilson, presented to the British Parliament in September 1929. In view of the Statement made at the meeting of the Council on September 6th, 1929, by Mr. Henderson, British Secretary of State for Foreign Affairs, the Commission reserves to a later date its study of the proposal dealt with in that report.

D. SOUTH WEST AFRICA.

STATUS OF THE NON-NATIVE INHABITANTS (pages 128-131, 155 and 187-191).

Following a discussion at its meetings on November 18th and 21st, the Commission decided to submit the following observation to the Council:

"On the basis of the documentation furnished by the Mandatory Power,¹ several discussions with the accredited representative of the Union of South Africa,² and memoranda submitted by certain of its members,³ the Commission investigated the question whether the Union Nationality and Flag Act, No. 40, of 1927, so far as it applies to the mandated territory of South West Africa, is, in every respect, consistent with the general principles of the mandate and of the Council's resolutions of April 23rd, 1923.⁴

"Having regard to the complexity of the problem in its legal aspect and its political importance, and to the arguments adduced by the members of the Commission at its meetings on November 18th and 21st, 1929, the Commission decided that it was desirable to call the Council's attention to the fact that this question appeared to be one which might merit reference to the Permanent Court of International Justice".

E. OBSERVATIONS CONCERNING THE ADMINISTRATION OF CERTAIN TERRITORIES UNDER MANDATE.

The following observations, which the Permanent Mandates Commission has the honour to submit to the Council, were adopted after consideration of the situation in each territory in the presence of the accredited representative of the mandatory Power concerned. In order to appreciate the full significance of these observations, reference should, as usual, be made to the Minutes of the meetings at which the questions concerning the different territories were discussed.

TERRITORY UNDER A MANDATE.

Iraq.

GENERAL OBSERVATIONS (pages 17-20, 21, 26, 27, 29, 30-34, 137-142, 144-148).

As it was about to examine the report on the administration of Iraq for 1928, the Commission received a despatch, dated November 4th, 1929, in which the British Government informed the Council of the League of its decision not to give effect to the Treaty between Great Britain and Iraq of December 14th, 1927, and its intention, in accordance with Article 3 of the Treaty of January 13th, 1926, to recommend the admission of Iraq to the League in 1932.

This decision involves an important change of policy, since the Commission has been informed by the accredited representative that it is the present intention of His Majesty's Government that its recommendation shall be unconditional.

The Commission realises the extreme importance of this communication. It would welcome the entry of Iraq into the League of Nations if and when certain conditions were fulfilled, in particular that it becomes apparent that Iraq is able to stand alone, and that effective guarantees be secured for the observance of all treaty obligations in Iraq for the benefit of racial and religious minorities and of the States Members of the League of Nations. The Commission considers, however, that it would be premature to express any opinion at the present time on the proposal of the mandatory Power which will not take effect until 1932. In the meantime it has taken the opportunity, while examining the report for 1928—and will do so in examining subsequent reports—to ask the accredited representative such questions as relate to the two foregoing conditions. Its questions therefore deal particularly with Iraq's ability effectively to govern itself, with its relations with States Members of the League of Nations, as for instance, the position of foreign nationals as regards judicial matters, religious liberty and economic equality, and also with the guarantees of the rights of racial and religious minorities.

The questions thus raised by the Commission and the replies of the accredited representative are to be found in the Minutes.

The following observations are confined to the examination of the report on the administration of Iraq for 1928.

¹ (a) Memorandum from the Government of the Union of South Africa, sent by letter dated December 19th, 1928 (document C.157.1929.VI, *Official Journal*, Vol. X, No. 5, page 826);

(b) Report of the Permanent Mandates Commission on its fourteenth session (document C.579.1928.VI, page 7, *Official Journal*, Vol. X, No. 4, page 571);

(c) Observations of the Government of the Union of South Africa on the Council's decision concerning certain remarks relating to the status of the inhabitants of South West Africa, contained in the Report of the Permanent Mandates Commission on the work of its fourteenth session (document C.309.1929.VI, *Official Journal*, Vol. X, No. 8, page 1287).

² Minutes of the fourteenth and fifteenth sessions of the Permanent Mandates Commission (document C.568.M.179.1928. VI, pages 80-83, 208-211, 225, 274-275, and document C.305.M.105.1929.VI, pages 65, 199, 204, 213, 294).

³ Annex 8 to the Minutes of the sixteenth session of the Permanent Mandates Commission (pages 187-191).

⁴ *Official Journal*, Vol. IV, No. 6, page 604.

SPECIAL OBSERVATIONS.

1. *Political Situation* (pages 23-26, 27-29, 137-142, 144-148).

The very full and clear statement given in the mandatory Power's report, and the care with which the accredited representative replied to the questions put to him, have enabled the Commission to form an idea of the legislation passed and the reforms effected in every branch of the Administration.

It is quite clear that, in the last few years, the successive High Commissioners at Baghdad, and the British officials in the service of Iraq, have managed, by their energy and patience, systematic methods and fact, to promote tranquillity and progress in the country, in accordance with the Council resolution of September 27th, 1924—an achievement worthy of the highest praise. They have obtained those results despite the distrust on the part of a certain section of local opinion, and it is obvious that the Iraq Government could not have done as much on its own initiative and with its own resources.

It would therefore be desirable for the mandatory Power to endeavour, in future reports, to make clear how much of the result is due to British officials in the Iraq Government service and how much to the efforts of the Iraq Government itself. It would be well that the extent to which the Iraqi authorities are dependent upon British support, the efforts made, the opposition encountered and the results achieved in each sphere, the difficulties which have been settled and those which have still to be overcome, should be described as far as possible.

The Commission would thus be able to base its opinion on as complete a picture as possible of the present economic, political, material and moral conditions of the country.

2. *Foreign Relations.*

The Commission learns, with great satisfaction, that the Imperial Persian Government has officially recognised Iraq, and that the hope expressed by the Commission at its previous sessions that normal relations should be established between the two countries has thus been fulfilled (page 34).

On the other hand, the Commission regrets the unsatisfactory state of the relations between Iraq and the Nejd. It trusts that the negotiations entered into with the latter State may lead, in the near future, to agreements which will satisfy all the interests concerned and secure permanent tranquillity on the southern frontier of Iraq (pages 21-23, 34).

Further, the Commission also desires to repeat the recommendation made in its previous reports that the frontier between Syria and Iraq, which was determined in outline by the Franco-British Convention of December 23rd, 1920, should be finally settled (pages 34-35).

3. *Public Health.*

The Commission notes that, according to the annual report, the health service is inadequate. It hopes that this state of affairs will be remedied by an increased appropriation to the department concerned (pages 35-36).

4. *Administration of Justice.*

The Commission took note of a statement by the accredited representative that the Government of the mandatory Power and the Iraqi authorities are endeavouring to give effect to the Council's resolution of March 4th, 1929, and to redress the wrong done to the Bahāi sect by the denial of justice it has suffered. The Commission welcomed the assurance by the accredited representative that it is no longer possible for such arbitrary action to be taken in Iraq (pages 26-27).

5. *Economic Development.*

The Commission appreciates the very full information supplied by the accredited representative as to the operations of the companies exploiting the Iraq oil-fields. It hopes that the extraction of oil, which has hitherto been limited to the amount required for the needs of the territory, will be extended for export. The Commission also hopes that the responsible authorities, realising the importance of the exploitation of this natural wealth as a factor in the territory's prosperity of the country, will see their way, should any fresh concessions be granted, to impose on the companies to which they are granted conditions which will ensure the due development of the Iraq oil industry (pages 41-44).

6. *Labour.*

The Commission was informed by the accredited representative of a proposal to entrust labour questions to a special department. The Commission, recalling the observation made on the report for 1927 at its fourteenth session and noting in the report for 1928 various indications of the

development of plantation cultivation and of factory industries in Iraq, expresses the hope that this suggestion will be carried out and that a beginning will be made as soon as possible with the enactment of legislation for the regulation of conditions of labour (pages 39-41).

7. *Land Tenure, Agricultural Credit.*

The Commission would be glad to find, in the next annual report, detailed information on the results of the investigation which, the accredited representative states, is to be made into the system of land tenure, of land taxation, and of agricultural credit (pages 44-45).

8. *Education.*

The Commission hopes that the funds allotted for education may be increased and that the change contemplated in the recruitment and training of teachers (which is being studied) will be successfully inaugurated. It would be glad if the next report could contain a statement, even if only approximate, of the number of children of school age and the average number in actual attendance at school, specifying the figures for boys and girls separately and for urban and rural districts respectively (pages 45-46).

TERRITORIES UNDER B MANDATE.

Cameroons and Togoland under British Mandate.

OBSERVATIONS COMMON TO BOTH TERRITORIES.

1. *General Observation.*

The accredited representative has stated that these territories will henceforth be designated in official documents by a uniform name (Cameroons under British mandate, Togoland under British mandate) clearly indicating their status as mandated territories (pages 84, 87-88).

2. *Public Finance.*

The Commission took note of the statement by the accredited representative that grants-in-aid from the revenue of the Gold Coast to cover the calculated deficit of the Administration of Togoland are entirely free gifts and will never be charged against the mandated territory. It would be glad to receive a similar declaration as regards the grants-in-aid made by Nigeria to the Cameroons, in view of the declaration made by the accredited representative in the twelfth session¹ (pages 84-85, 89, 100-101, 155).

Cameroons under British Mandate.

1. *General Administration.*

The Commission hopes to find, in the next annual report, a clear indication of the results of the new administrative arrangements which have been introduced for the Gashaka district (page 87).

2. *International Relations: Conventions.*

The Commission noted in the annual report that the International Convention for the Abolition of Import and Export Prohibitions and Restrictions, concluded under the auspices of the League of Nations, had not been applied to the territory, as the mandatory Power was of opinion that it would not be "advisable to bind the Government to such an agreement, which is intended primarily for highly-developed communities. Such an agreement might conceivably, at some future date, prove to have an injurious effect on the industries of the territory and the welfare of its inhabitants".

The Commission would be glad of further explanations as regards the reasons for the non-application of this Convention to the mandated territory (page 88).

3. *Public Finance.*

The Commission will await with interest the result of the study, which the mandatory authorities are making, of the possibility of introducing direct taxation of Europeans. In view of the increasing extent of the European's interest in the mandated territory, an early decision on this matter would seem to be important (page 89).

4. *Arms and Ammunition.*

The Commission would be glad to have as full details as possible as to the number of fire-arms of various kinds licensed in the territory (page 91).

5. *Social Condition of the Natives.*

The Commission noted, in the annual report (paragraph 313), references to attempts by certain plantation companies to evade the Land and Native Rights Ordinance. The Commission

¹ Minutes of the twelfth session, page 90 (document C.545.M.194.1927.VI).

would be glad to receive further information as to the character of these attempts and the measures taken to avoid recurrence (page 90).

6. *Slavery.*

The Commission is happy to note the close collaboration existing between the authorities in the French and the British mandated territories for the punishment of any cases of slave trading that may still occur (page 92).

7. *Education.*

The Commission hopes that the Administration will find it possible to subsidise to a larger extent the educational work of the missions in the mandated territory (pages 94-95).

8. *Spirits.*

The Commission noted with satisfaction the various new measures taken by the mandatory Power against the increase of the liquor traffic. It will follow with interest the result of these measures and would be glad to know whether the native intoxicating beverages are responsible for any harmful results (page 95).

9. *Public Health.*

The Commission would like to know whether, in the opinion of the mandatory Power, the medical facilities at present provided for native labourers on the plantations can be considered as being adequate. It hopes that the next report will contain the details of mortality and morbidity on the plantations (page 96).

Togoland under British Mandate.

No special observations.

Ruanda-Urundi.

GENERAL OBSERVATIONS.

The Commission was seriously concerned regarding the famine which occurred in the territory in 1928-29, and which caused many victims. It thanks the mandatory Power for the full information given in the report with regard to the urgent steps taken to minimise its effects. The Commission has learnt with satisfaction that, in order to prevent the recurrence of this scourge, the mandatory Power is taking steps to regularise the rainfall by means of reforestation, to encourage agricultural production, and to facilitate the transport of foodstuffs by pushing forward the construction of a road system (pages 56, 57-64).

SPECIAL OBSERVATIONS.

1. *Public Finance.*

The Commission would be glad to find in the next report a complete table showing the public debt of the territory (pages 70-71).

2. *Labour.*

The Commission was glad to learn from the accredited representative that the measures taken by the mandatory Power for the protection of the health and welfare of the workers recruited for the Katanga mines have resulted in a decrease of deaths. It would, however, be glad to find, in the report for 1929, full details regarding the morbidity and mortality rates of the workers recruited in Ruanda-Urundi for the Katanga mines, distinguishing between the men themselves and the women and children who accompany them, and between cases arising in the concentration camps and at the mines (pages 64-65, 75).

3. *Education.*

The Commission notes with interest that the mandatory Power proposes actively to promote general and vocational education, and that, in order to overcome the difficulties due to the fact that the different scientific and educational institutions are scattered in different places, it has decided to concentrate them at Astrida, which is to become a centre of civilising influence. It hopes that this scheme will soon be carried into effect (pages 56, 63, 76-77).

4. *Spirits.*

Observing that the number of licences for the sale of alcoholic liquor has greatly increased during 1928, the Commission feels confident that the mandatory Power will take steps to ensure that this increase does not become excessive (page 77).

5. *Public Health.*

The Commission is following with interest the efforts of the Administration in connection with the medical service. It hopes that the mandatory Power will endeavour to provide a larger medical staff for the territory, as the number of doctors available still seems inadequate for so large a population in a territory where communications are difficult (pages 57, 72-73).

6. *Land Tenure.*

The Commission will note with particular interest any measures adopted as regards land tenure (pages 59, 60-62, 77-78).

7. *Population.*

The Commission would be glad to receive fuller information on the scheme for transferring a certain number of families from Ruanda to a district south-west of Lake Tanganyika with conditions similar to those of their homeland. It was glad to learn that no recruiting of labour for European undertakings in Katanga would, for a considerable period, be allowed from the agricultural communities formed in this way from immigrants from the mandated territory (pages 64-65).

TERRITORIES UNDER C MANDATE.

Islands under Japanese Mandate.

1. *Public Finance.*

The Permanent Mandates Commission notes the generous contribution made by the Imperial Government to the mandatory budget. Since, however, Customs duties on goods imported into Japan for eventual consumption in the islands are levied in Japan, it would seem that a portion of the annual subsidy is in compensation for such duties. The Commission would be glad if this compensation were shown separately. It notes the policy of the Mandatory to build up a large reserve from annual surpluses to meet any sudden crisis (pages 50-51, 143).

The table *re* expenditure for the direct benefit of the natives (page 115 of the annual report) contains items which cannot be considered as incurred solely on behalf of the natives. The Commission hopes that this table may be revised in the next report (pages 49).

2. *Labour.*

The Commission welcomed the information given in the report on the conditions of employment in the Angaur phosphate mines and in the sugar-cane industry of the island of Saipan. It would be glad to receive, in the next report, detailed information concerning the methods and conditions of recruitment of native labourers for these undertakings (pages 53).

3. *Education.*

The Commission notes the measures taken by the Administration with a view to promoting school attendance and its efforts to improve health conditions among native school children. The Commission hopes that the efforts to develop a system of education suited to the mentality and conditions of the natives will meet with success (pages 53-54).

Western Samoa.¹

The Permanent Mandates Commission had before it at its present session (1) the annual report of the mandatory Power for the year 1928-29, and (2) a report forwarded by the New Zealand Government on various financial and staff matters,² drawn up by three high officials who, under instructions from the mandatory Power, visited Samoa at the end of the year 1928. This latter report was generally approved by the New Zealand Government.

The Permanent Mandates Commission encountered a real difficulty in forming a judgment upon the actual situation in the territory, since the two reports before it expressed very different estimates of the local administration.

* * *

The report for 1928-29, like previous annual reports, though admitting the unsettled conditions of the country, is written in a general spirit of optimism. The special report of enquiry, on the other hand, is extremely critical of the whole administration of the territory and of its finances.

* * *

While greatly appreciating the frankness shown by the publication of this special report of enquiry, the Permanent Mandates Commission deeply regrets the state of affairs which it reveals—a state of affairs which is described by the three commissioners in very severe terms.

¹ See pages 97-98, 111-126, 156, 172-175.

² A-4B 1929. Mandated Territory of Western Samoa; Extracts from report on Finances and Staff.

The Permanent Mandates Commission also noted, on various points, a discrepancy between the report of the Royal Commission appointed in 1927 and that of the three special commissioners. The conclusions at which the Permanent Mandates Commission arrived last year were thus based upon incomplete information.

The Permanent Mandates Commission is of opinion that there is no reason to modify the view expressed by it during its thirteenth session, viz., that there was no evidence of policy or action contrary to the mandate on the part of the mandatory Power. On the other hand, the New Zealand Government appears to accept the new report of enquiry as presenting an accurate picture of the state of affairs prevailing in Samoa, and therefore to admit that some of the charges of inefficiency which have been made are at least partially justified. The good intentions of the Administration and its efforts in matters of public health, education, and the economic development of the territory are not questioned, but it is now clear that the methods of recruiting officials have not been satisfactory from the beginning. Moreover, the financial control exercised in the first instance by the Administrator himself and, in the second instance, by the New Zealand Government, has been deficient.

The Permanent Mandates Commission is glad to note that the mandatory Power has immediately taken measures to remedy the defects which have thus been disclosed. The Commission trusts that the policy of economy and retrenchment now proposed will not be exercised to such an extent as to affect the carrying out by the mandatory Power of its principal obligation under the mandate, viz., the promotion of the well-being of the inhabitants of the territory. It has appreciated the financial support which the New Zealand Government has, up to the present, been giving to Western Samoa, and hopes that it will be continued in the future, so that it will not be necessary to increase the taxation or the public debt charge of the territory, for the latter already seems to be heavy, in comparison to the resources of the country.

As for the general political situation in Samoa, there has been, according to the information given in the annual report for 1928-1929, and the explanations furnished by the accredited representative, no serious breach of public order during the last year. However, the passive resistance of the "Mau" organisation, in which two-thirds of the native population are enrolled, is continuing, and important branches of the Administration are considerably hampered in their activities. The revenue from native taxes for the year ending March 31st, 1929, has produced only one-third of the estimated amount. On the other hand, it would seem that the economic situation in the territory is good and the trade figures for the calendar year 1928 show a considerable increase.

In view of the present unsettled conditions and of the administrative reorganisation which is now taking place, involving important changes in the higher staff, the Commission thought that no useful purpose would be served by making, during the present session, observations on the details of the administration.

* * *

The Commission expresses the earnest hope that the annual reports of the mandatory Power will, in future, be such as to allow it to form a true opinion of the whole administration, and so to avoid the painful surprise which it experienced this year in considering the report of the administrative experts.

F. OBSERVATIONS ON PETITIONS.

At its sixteenth session, the Commission considered the petitions mentioned below, together with the observations with regard thereto furnished by the mandatory Power. Each of the petitions was reported on in writing by a member of the Commission. After discussion, the following conclusions were adopted by the Commission. The text of the reports submitted to the Commission are attached to the Minutes.¹

Cameroons under French Mandate.

- (a) *Petition from Notables of the Yevol Tribe* (document C.P.M.931) (pages 80-83, 155):
Observations of the French Government (document C.P.M.931) transmitted on October 8th, 1929.

Report (see Minutes, Annex 5).

CONCLUSION.

In view of the Rapporteur's statement, the Commission considers that no action need be taken on this petition.

* * *

- (b) *Communication dated October 10th, 1929, from the French Government with reference to a complaint by Mr. Joseph Bell* (document C.P.M.932) (pages 80, 155).
Report (See Minutes, Annex 4).

¹ The Commission recommends that copies of these petitions and the observations of the mandatory Powers relating thereto which the Commission has not considered it necessary to annex to its Minutes and thereby circulate to the Council and the States Members of the League should be kept in the League Library at the disposal of persons who may wish to consult them.

CONCLUSION.

The Commission, having considered the documents laid before it by the mandatory Power, is of opinion that no action need be taken upon Mr. Joseph Bell's complaint.

B.

COMMENTS OF CERTAIN ACCREDITED REPRESENTATIVES
SUBMITTED IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION
OF THE PERMANENT MANDATES COMMISSION.¹

CAMEROONS UNDER BRITISH MANDATE.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED DECEMBER 4TH, 1929.

1. I have the honour to refer to your letter of November 29th, No. 6A/14171/2024, and to state that Mr. W. E. Hunt is travelling in the Near East, and communication with him is practically impossible.

2. In regard to the Permanent Mandates Commission's observations on the Report on the Cameroons under British Mandate, I wish to state that no comments appear to be called for.

3. In regard to the second "common observation", the position as regards the sums credited to the Cameroons as grants-in-aid from the revenues of Nigeria is as stated, and if necessary a statement to that effect will be inserted in the next Report.

4. Regard will be had to the various requests in the special observations when the next Report is being prepared.

(Signed) J. E. W. FLOOD.

WESTERN SAMOA.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED DECEMBER 2ND, 1929.

I have the honour to acknowledge the receipt of your letter of the 29th ultimo, 6A/13861/709, enclosing an advance copy of the Observations of the Permanent Mandates Commission, drawn up as a result of the examination, at its recent session, of the Administration of Western Samoa. I desire to offer the following comments:

I submit that the allusion in the Observations to a "discrepancy on various points between the Report of the Royal Commission appointed in 1927 and that of the three special Commissioners" is not warranted by the facts. The only discrepancy suggested at the recent session of the Permanent Mandates Commission had reference to officials and to details of administration and alleged extravagance—matters into which, however, the Royal Commission stated it was not its function to enter (see last paragraph, page X of Royal Commission's Report). As regards the political position and the general charges made by Mr. Nelson and others, the Royal Commission's Report appears to stand unchallenged.

The New Zealand Government believes that the changes it is making will result in more efficient administration in the Departments than heretofore.

¹ Note by the Secretariat: The accredited representatives for the islands under Japanese mandate, Iraq, Ruanda-Urundi and Togoland under British mandate have forwarded no comments on the observations contained in the report of the Permanent Mandates Commission to the Council.

As to the general political situation in which other factors play their part, the Government is unable to promise any speedy cure; but it believes that, by a policy of patience combined with firmness in keeping order, co-operation will be ultimately established between the Administration and the present dissatisfied elements.

I am glad that the Permanent Mandates Commission, during its recent session, repudiated any suggestion that the New Zealand Government had been guilty of lack of good faith in the presentation of the annual reports. Each Government has adopted as its annual report the report prepared by the Administrator, and at no time had the Government any reason to doubt the correctness of the report submitted by it.

(Signed) C. J. PARR,
High Commissioner for New Zealand.

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Geneva, November 26th, 1929.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

SIXTEENTH SESSION OF THE COMMISSION.

(Geneva, November 6th-26th, 1929)

A.

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

The Permanent Mandates Commission met at Geneva from November 6th to 26th, 1929, for its sixteenth session, during which it held thirty-one meetings, one of which was public. All its members and the representative of the International Labour Organisation took part in the work of the session.

The Commission examined the annual reports on the administration of six mandated territories and two petitions. It also dealt with various general questions and with certain problems regarding Palestine, Tanganyika and South West Africa. The annual reports were considered in the following order, with the assistance of the accredited representatives of the mandatory Powers:

Iraq, 1928.

Accredited Representatives:

Mr. B. H. BOURDILLON, C.M.G., Counsellor to the High Commissioner for Iraq;
Mr. G. L. M. CLAUSON, O.B.E., F.S.A., of the British Colonial Office.

Islands under Japanese Mandate, 1928.

Accredited Representative:

M. N. ITO, Deputy-Director of the Imperial Japanese League of Nations Office.

Cameroons under British Mandate, 1928.

Accredited Representatives:

Mr. W. E. HUNT, C.B.E., of the Nigerian Administrative Service;
Mr. G. L. M. CLAUSON.

Togoland under British Mandate, 1928.

Accredited Representatives:

Mr. J. E. W. FLOOD, of the Colonial Office;
Mr. G. L. M. CLAUSON.

Ruanda-Urundi, 1928.

Accredited Representative:

M. HALEWYCK DE HEUSCH, Director-General at the Belgian Ministry for the Colonies;
Assisted by M. MARZORATI, Governor of Ruanda-Urundi.

Western Samoa, 1928-29.

Accredited Representative:

Sir James PARR, K.C.M.G., High Commissioner for New Zealand in London.

A. GENERAL QUESTIONS.

I. PURCHASE OF MATERIAL AND SUPPLIES BY THE PUBLIC AUTHORITIES OF THE TERRITORIES UNDER A AND B MANDATES (pages 148-152, 154-155 and 195-198).¹

On the recommendation of the Permanent Mandates Commission contained in the report on its thirteenth session, the Council, in a resolution dated September 1st, 1928, requested the mandatory Powers entrusted with A and B mandates to furnish it with information on the

“ Regulations adopted or generally followed by them as regards the purchase of material and supplies by the public authorities of the mandated territories. ”

The Permanent Mandates Commission has carefully examined the replies received from the mandatory Powers in question, and the results of its investigation will be found in the Minutes of the sixteenth session and in M. Orts' report annexed thereto. The Commission has not recorded any final conclusions, and has limited its action for the time being to requesting the Council to obtain further information from the British and French Governments.

(a) The Commission recommends that the Council should ask the British Government to state:

(1) Whether, as regards the purchase of material and supplies for the Administration of territories under A and B mandates, the Crown Agents are authorised to place orders indifferently with firms of every nationality, or if, in conformity with what would appear to be the rule in the case of orders placed by the colonies and protectorates, orders may not be placed outside the British Empire without special reference to the Secretary of State;²

(2) Whether, in practice, nationals of States Members of the League of Nations are allowed to submit tenders for supplies required by the administration of territories under A and B mandates;

(3) Whether in practice the Government of Iraq, when dealing direct with supplying firms and not through the Crown Agents, advertises its intending purchases, and whether nationals of all States Members of the League are allowed to submit tenders;

(4) What rules are followed as regards public works in territories under British mandate. The Permanent Mandates Commission has found information concerning the territories under French and Belgian mandates in the replies already received.

(b) The French Government, while stating that aliens are not excluded from contracts made on behalf of African territories under its mandate, “ reserves the right in the case of essential public works and services to apply preferably to its own nationals, as it is authorised to do under Article 6 of its African mandates ”. The Commission therefore recommends that the Council should request that Government to state whether the reservation applies even when this would cause a loss to the territory and when the works and supplies are paid for out of the territory's own funds.

2. POSTAL RATES IN THE TERRITORIES UNDER A AND B MANDATES AND THE PRINCIPLE OF ECONOMIC EQUALITY (pages 131-136 and 191-195).

During its twelfth session, the Permanent Mandates Commission examined in the light of the principle of economic equality the differential postal rates established in favour of correspondence with the territory of the mandatory Power, and recommended that the Council should ask the mandatory Powers for A and B mandated territories to furnish it with information on the following points:

(1) Their system of postal rates;

(2) The reasons which have led them to adopt different rates;

(3) The importance of the question from the financial point of view.

After having, at its sixteenth session, studied the replies of the mandatory Powers (document C.351.1929.VI), the Permanent Mandates Commission decided by a majority vote to limit itself to taking note of these replies, and not to submit any recommendation on this matter to the Council.

3. PROCEDURE IN RESPECT OF PETITIONS: PERIOD WITHIN WHICH COMMENTS BY MANDATORY POWERS SHOULD BE FORWARDED (page 144).

As regards petitions received by the League of Nations from any source other than that of the inhabitants of mandated territories themselves, the rules of procedure adopted by the Council on January 31st, 1923, provide that the Governments of the mandatory Powers, when requested to furnish comments on such petitions, should do so *within the maximum period of six months*.

¹ The pages indicated after each observation are the relevant pages of the Minutes of the session.

² See Minutes, eleventh session (document C.348.M.122.1927.VI), page 78.

As regards petitions which are transmitted through the intermediary of the mandatory Government, no limit has been laid down within which the petitions may be transmitted and observations communicated. As experience has shown that it would be useful that a more uniform procedure should be followed in this respect, the Permanent Mandates Commission recommends to the Council that the mandatory Powers should be asked to forward to the Secretariat their observations on petitions from communities or individuals in the territories under mandate, not later than six months after the receipt of these petitions by the authorities of the mandatory Power.

B. PALESTINE.

I. EXTRAORDINARY SESSION OF THE COMMISSION (pages 108-110, 116, 177 and 187).

At a meeting held on November 15th, 1929—the proceedings of which appear in the Minutes—the Commission adopted the following resolution:

“In accordance with the desire expressed by the Council of the League of Nations at its meeting of September 6th, 1929, the Permanent Mandates Commission intends to hold an extraordinary session in the month of March next. The Commission has no doubt that, by that time, it will have received from the mandatory Power all the information which will enable it to form an opinion as to the incidents in Palestine, their immediate and more remote causes, the steps that have been taken to tranquillise the country and the measures for the prevention of any recurrence of such events.”

The Chairman of the Commission has communicated this resolution to the President of the Council and asked him, under Article 1 of the Rules of Procedure of the Commission, for authority to convene an extraordinary session in March 1930.

The Commission also verbally communicated the resolution to the accredited representative of the British Government at its meeting on November 15th, 1929.

2. COMMUNICATION FROM THE BRITISH GOVERNMENT, DATED NOVEMBER 18TH, 1929 (pages 143, 156-171 and 198-199).

The Permanent Mandates Commission has carefully considered the memorandum from the mandatory Power, dated November 18th, 1929, containing a proposal that, for reasons set out therein, a special *ad hoc* Commission should be appointed forthwith, under the terms of Article 14 of the Palestine mandate, to study, define and determine finally the rights and claims of Jews and Moslems at the Western or Wailing Wall at Jerusalem. This memorandum concludes with the hope that the Permanent Mandates Commission would be able, at its present session, to commend this proposal to the Council.

According to the British Government's proposal, the rights and claims in connection with the Wailing Wall would be finally settled, without appeal, by an *ad hoc* Commission. The Wailing Wall, however, is one of the “holy places” referred to in Article 14 of the mandate for Palestine, which lays down that all questions connected with the holy places in Palestine shall be settled by a special Commission to be set up under that Article. The British Government wishes to confer upon an *ad hoc* Commission, for matters relating to the Wailing Wall, powers which are exclusively vested in the special Commission contemplated by Article 14 of the mandate; this would constitute a derogation from the terms of that article.

The British memorandum further proposes that the *ad hoc* Commission, for matters relating to the Wailing Wall, should be appointed by the President of the Council of the League of Nations, whereas Article 14 of the mandate lays down that the special Commission for the holy places shall be appointed by the British Government with the approval of the Council of the League. On this point also the Commission considers that the solution proposed by the British Government is not in conformity with Article 14 of the mandate for Palestine.

For these reasons the Commission, since its duty is to supervise the observance of the mandates, cannot comply with the British Government's request by recommending the Council to adopt this proposal.

The Commission is fully prepared to consider, with a view to a future recommendation to the Council, any proposal which may be submitted to it and which, without being contrary to the terms of the mandate, might settle the differences at present existing between Jews and Moslems with regard to the Wailing Wall, calm strong feelings, and permanently ensure peace and order in Palestine.

The Commission will follow with interest and sympathy all efforts made by the mandatory Power to reach, in the near future, a solution, the impartiality of which will be unquestioned, for it realises the difficulties with which the mandatory Power has had to contend, in dealing with extremely difficult questions on which feeling runs high.

C. TANGANYIKA.

PROPOSAL FOR A CLOSER UNION IN ADMINISTRATIVE, CUSTOMS AND FISCAL MATTERS, BETWEEN THE MANDATED TERRITORY OF TANGANYIKA AND THE NEIGHBOURING TERRITORIES OF KENYA AND UGANDA (pages 175-177).

The Permanent Mandates Commission thanks the British Government for communicating to it the report of Sir Samuel Wilson, presented to the British Parliament in September 1929. In view of the statement made at the meeting of the Council on September 6th, 1929, by Mr. Henderson, British Secretary of State for Foreign Affairs, the Commission reserves to a later date its study of the proposal dealt with in that report.

D. SOUTH WEST AFRICA.

STATUS OF THE NON-NATIVE INHABITANTS (pages 128-131, 155 and 187-191).

Following a discussion at its meetings on November 18th and 21st, the Commission decided to submit the following observation to the Council:

"On the basis of the documentation furnished by the mandatory Power,¹ several discussions with the accredited representative of the Union of South Africa,² and memoranda submitted by certain of its members,³ the Commission investigated the question whether the Union Nationality and Flag Act, No. 40, of 1927, so far as it applies to the mandated territory of South West Africa, is, in every respect, consistent with the general principles of the mandate and of the Council's resolutions of April 23rd, 1923.⁴

"Having regard to the complexity of the problem in its legal aspect and its political importance, and to the arguments adduced by the members of the Commission at its meetings on November 18th and 21st, 1929, the Commission decided that it was desirable to call the Council's attention to the fact that this question appeared to be one which might merit reference to the Permanent Court of International Justice."

E. OBSERVATIONS CONCERNING THE ADMINISTRATION OF CERTAIN TERRITORIES UNDER MANDATE.

The following observations, which the Permanent Mandates Commission has the honour to submit to the Council, were adopted after consideration of the situation in each territory in the presence of the accredited representative of the mandatory Power concerned. In order to appreciate the full significance of these observations, reference should, as usual, be made to the Minutes of the meetings at which the questions concerning the different territories were discussed.

TERRITORY UNDER A MANDATE.

Iraq.

GENERAL OBSERVATIONS (pages 17-20, 21, 26, 27, 29, 30-34, 137-142, 144-148).

As it was about to examine the report on the administration of Iraq for 1928, the Commission received a despatch, dated November 4th, 1929, in which the British Government informed the

¹ (a) Memorandum from the Government of the Union of South Africa, sent by letter dated December 19th, 1928 (document C.157.1929.VI, *Official Journal*, Vol. X, No. 5, page 826);

(b) Report of the Permanent Mandates Commission on its fourteenth session (document C.579.1928.VI, page 7, *Official Journal*, Vol. X, No. 4, page 571);

(c) Observations of the Government of the Union of South Africa on the Council's decision concerning certain remarks relating to the status of the inhabitants of South West Africa, contained in the Report of the Permanent Mandates Commission on the work of its fourteenth session (document C.309.1929.VI, *Official Journal*, Vol. X, No. 8, page 1287).

² Minutes of the fourteenth and fifteenth sessions of the Permanent Mandates Commission (document C.568.M.179.1928. VI, pages 80-83, 208-211, 225, 274-275, and document C.305.M.105.1929.VI, pages 65, 199, 204, 213, 294).

³ Annex 8 to the Minutes of the sixteenth session of the Permanent Mandates Commission (pages 187-191).

⁴ *Official Journal*, Vol. IV, No. 6, page 604.

Council of the League of its decision not to give effect to the Treaty between Great Britain and Iraq of December 14th, 1927, and its intention, in accordance with Article 3 of the Treaty of January 13th, 1926, to recommend the admission of Iraq to the League in 1932.

This decision involves an important change of policy, since the Commission has been informed by the accredited representative that it is the present intention of His Majesty's Government that its recommendation shall be unconditional.

The Commission realises the extreme importance of this communication. It would welcome the entry of Iraq into the League of Nations if and when certain conditions were fulfilled, in particular that it becomes apparent that Iraq is able to stand alone, and that effective guarantees be secured for the observance of all treaty obligations in Iraq for the benefit of racial and religious minorities and of the States Members of the League of Nations. The Commission considers, however, that it would be premature to express any opinion at the present time on the proposal of the mandatory Power which will not take effect until 1932. In the meantime it has taken the opportunity, while examining the report for 1928—and will do so in examining subsequent reports—to ask the accredited representative such questions as relate to the two foregoing conditions. Its questions therefore deal particularly with Iraq's ability effectively to govern itself, with its relations with States Members of the League of Nations, as for instance, the position of foreign nationals as regards judicial matters, religious liberty and economic equality, and also with the guarantees of the rights of racial and religious minorities.

The questions thus raised by the Commission and the replies of the accredited representative are to be found in the Minutes.

The following observations are confined to the examination of the report on the administration of Iraq for 1928.

SPECIAL OBSERVATIONS.

1. *Political Situation* (pages 23-26, 27-29, 137-142, 144-148).

The very full and clear statement given in the mandatory Power's report, and the care with which the accredited representative replied to the questions put to him, have enabled the Commission to form an idea of the legislation passed and the reforms effected in every branch of the Administration.

It is quite clear that, in the last few years, the successive High Commissioners at Baghdad, and the British officials in the service of Iraq, have managed, by their energy and patience, systematic methods and tact, to promote tranquillity and progress in the country, in accordance with the Council resolution of September 27th, 1924—an achievement worthy of the highest praise. They have obtained those results despite the distrust on the part of a certain section of local opinion, and it is obvious that the Iraq Government could not have done as much on its own initiative and with its own resources.

It would therefore be desirable for the mandatory Power to endeavour, in future reports, to make clear how much of the result is due to British officials in the Iraq Government service and how much to the efforts of the Iraq Government itself. It would be well that the extent to which the Iraqi authorities are dependent upon British support, the efforts made, the opposition encountered and the results achieved in each sphere, the difficulties which have been settled and those which have still to be overcome, should be described as far as possible.

The Commission would thus be able to base its opinion on as complete a picture as possible of the present economic, political, material and moral conditions of the country.

2. *Foreign Relations.*

The Commission learns, with great satisfaction, that the Imperial Persian Government has officially recognised Iraq, and that the hope expressed by the Commission at its previous sessions that normal relations should be established between the two countries has thus been fulfilled (page 34).

On the other hand, the Commission regrets the unsatisfactory state of the relations between Iraq and the Nejd. It trusts that the negotiations entered into with the latter State may lead, in the near future, to agreements which will satisfy all the interests concerned and secure permanent tranquillity on the southern frontier of Iraq (pages 21-23, 34).

Further, the Commission also desires to repeat the recommendation made in its previous reports that the frontier between Syria and Iraq, which was determined in outline by the Franco-British Convention of December 23rd, 1920, should be finally settled (pages 34-35).

3. *Public Health.*

The Commission notes that, according to the annual report, the health service is inadequate. It hopes that this state of affairs will be remedied by an increased appropriation to the department concerned (pages 35-36).

4. *Administration of Justice.*

The Commission took note of a statement by the accredited representative that the Government of the mandatory Power and the Iraqi authorities are endeavouring to give effect to the Council's resolution of March 4th, 1929, and to redress the wrong done to the Bahāi sect by the denial of justice it has suffered. The Commission welcomed the assurance by the accredited representative that it is no longer possible for such arbitrary action to be taken in Iraq (pages 26-27).

5. *Economic Development.*

The Commission appreciates the very full information supplied by the accredited representative as to the operations of the companies exploiting the Iraq oil-fields. It hopes that the extraction of oil, which has hitherto been limited to the amount required for the needs of the territory, will be extended for export. The Commission also hopes that the responsible authorities, realising the importance of the exploitation of this natural wealth as a factor in the territory's prosperity of the country, will see their way, should any fresh concessions be granted, to impose on the companies to which they are granted conditions which will ensure the due development of the Iraq oil industry (pages 41-44).

6. *Labour.*

The Commission was informed by the accredited representative of a proposal to entrust labour questions to a special department. The Commission, recalling the observation made on the report for 1927 at its fourteenth session and noting in the report for 1928 various indications of the development of plantation cultivation and of factory industries in Iraq, expresses the hope that this suggestion will be carried out and that a beginning will be made as soon as possible with the enactment of legislation for the regulation of conditions of labour (pages 39-41).

7. *Land Tenure, Agricultural Credit.*

The Commission would be glad to find, in the next annual report, detailed information on the results of the investigation which, the accredited representative states, is to be made into the system of land tenure, of land taxation, and of agricultural credit (pages 44-45).

8. *Education.*

The Commission hopes that the funds allotted for education may be increased and that the change contemplated in the recruitment and training of teachers (which is being studied) will be successfully inaugurated. It would be glad if the next report could contain a statement, even if only approximate, of the number of children of school-age and the average number in actual attendance at school, specifying the figures for boys and girls separately and for urban and rural districts, respectively (pages 45-46).

TERRITORIES UNDER B MANDATE.

Cameroons and Togoland under British Mandate.

OBSERVATIONS COMMON TO BOTH TERRITORIES.

I. *General Observation.*

The accredited representative has stated that these territories will henceforth be designated in official documents by a uniform name (Cameroons under British mandate, Togoland under British mandate) clearly indicating their status as mandated territories (pages 84, 87-88).

2. *Public Finance.*

The Commission took note of the statement by the accredited representative that grants-in-aid from the revenue of the Gold Coast to cover the calculated deficit of the Administration of Togoland are entirely free gifts and will never be charged against the mandated territory. It would be glad to receive a similar declaration as regards the grants-in-aid made by Nigeria to the Cameroons, in view of the declaration made by the accredited representative in the twelfth session¹ (pages 84-85, 89, 100-101, 155).

Cameroons under British Mandate.

I. *General Administration.*

The Commission hopes to find, in the next annual report, a clear indication of the results of the new administrative arrangements which have been introduced for the Gashaka district (page 87).

¹ Minutes of the twelfth session, page 90 (document C.545.M.194.1927.VI).

2. *International Relations: Conventions.*

The Commission noted in the annual report that the International Convention for the Abolition of Import and Export Prohibitions and Restrictions, concluded under the auspices of the League of Nations, had not been applied to the territory, as the mandatory Power was of opinion that it would not be "advisable to bind the Government to such an agreement, which is intended primarily for highly-developed communities. Such an agreement might conceivably, at some future date, prove to have an injurious effect on the industries of the territory and the welfare of its inhabitants".

The Commission would be glad of further explanations as regards the reasons for the non-application of this Convention to the mandated territory (page 88).

3. *Public Finance.*

The Commission will await with interest the result of the study, which the mandatory authorities are making, of the possibility of introducing direct taxation of Europeans. In view of the increasing extent of the European interest in the mandated territory, an early decision on this matter would seem to be important (page 89).

4. *Arms and Ammunition.*

The Commission would be glad to have as full details as possible as to the number of fire-arms of various kinds licensed in the territory (page 91).

5. *Social Condition of the Natives.*

The Commission noted, in the annual report (paragraph 313), references to attempts by certain plantation companies to evade the Land and Native Rights Ordinance. The Commission would be glad to receive further information as to the character of these attempts and the measures taken to avoid recurrence (page 90).

6. *Slavery.*

The Commission is happy to note the close collaboration existing between the authorities in the French and the British mandated territories for the punishment of any cases of slave-trading that may still occur (page 92).

7. *Education.*

The Commission hopes that the Administration will find it possible to subsidise to a larger extent the educational work of the missions in the mandated territory (pages 94-95).

8. *Spirits.*

The Commission noted with satisfaction the various new measures taken by the mandatory Power against the increase of the liquor traffic. It will follow with interest the result of these measures and would be glad to know whether the native intoxicating beverages are responsible for any harmful results (page 95).

9. *Public Health.*

The Commission would like to know whether, in the opinion of the mandatory Power, the medical facilities at present provided for native labourers on the plantations can be considered as being adequate. It hopes that the next report will contain the details of mortality and morbidity on the plantations (page 96).

Togoland under British Mandate.

No special observations.

Ruanda-Urundi.

GENERAL OBSERVATIONS.

The Commission was seriously concerned regarding the famine which occurred in the territory in 1928-29, and which caused many victims. It thanks the mandatory Power for the full information given in the report with regard to the urgent steps taken to minimise its effects. The Commission has learnt with satisfaction that, in order to prevent the recurrence of this scourge, the mandatory Power is taking steps to regularise the rainfall by means of reafforestation, to encourage agricultural production, and to facilitate the transport of foodstuffs by pushing forward the construction of a road system (pages 56, 57-64).

SPECIAL OBSERVATIONS.

I. *Public Finance.*

The Commission would be glad to find in the next report a complete table showing the public debt of the territory (pages 70-71).

2. *Labour.*

The Commission was glad to learn from the accredited representative that the measures taken by the mandatory Power for the protection of the health and welfare of the workers recruited for the Katanga mines have resulted in a decrease of deaths. It would, however, be glad to find, in the report for 1929, full details regarding the morbidity and mortality rates of the workers recruited in Ruanda-Urundi for the Katanga mines, distinguishing between the men themselves and the women and children who accompany them, and between cases arising in the concentration camps and at the mines (pages 64-65, 75).

3. *Education.*

The Commission notes with interest that the mandatory Power proposes actively to promote general and vocational education, and that, in order to overcome the difficulties due to the fact that the different scientific and educational institutions are scattered in different places, it has decided to concentrate them at Astrida, which is to become a centre of civilising influence. It hopes that this scheme will soon be carried into effect (pages 56, 63, 76-77).

4. *Spirits.*

Observing that the number of licences for the sale of alcoholic liquor has greatly increased during 1928, the Commission feels confident that the mandatory Power will take steps to ensure that this increase does not become excessive (page 77).

5. *Public Health.*

The Commission is following with interest the efforts of the Administration in connection with the medical service. It hopes that the mandatory Power will endeavour to provide a larger medical staff for the territory, as the number of doctors available still seems inadequate for so large a population in a territory where communications are difficult (pages 57, 72-73).

6. *Land Tenure.*

The Commission will note with particular interest any measures adopted as regards land tenure (pages 59, 60-62, 77-78).

7. *Population.*

The Commission would be glad to receive fuller information on the scheme for transferring a certain number of families from Ruanda to a district south-west of Lake Tanganyika with conditions similar to those of their homeland. It was glad to learn that no recruiting of labour for European undertakings in Katanga would, for a considerable period, be allowed from the agricultural communities formed in this way from immigrants from the mandated territory (pages 64-65).

TERRITORIES UNDER C MANDATE.

Islands under Japanese Mandate.

1. *Public Finance.*

The Permanent Mandates Commission notes the generous contribution made by the Imperial Government to the mandatory budget. Since, however, Customs duties on goods imported into Japan for eventual consumption in the islands are levied in Japan, it would seem that a portion of the annual subsidy is in compensation for such duties. The Commission would be glad if this compensation were shown separately. It notes the policy of the Mandatory to build up a large reserve from annual surpluses to meet any sudden crisis (pages 50-51, 143).

The table *re* expenditure for the direct benefit of the natives (page 115 of the annual report) contains items which cannot be considered as incurred solely on behalf of the natives. The Commission hopes that this table may be revised in the next report (pages 49).

2. *Labour.*

The Commission welcomed the information given in the report on the conditions of employment in the Angaur phosphate mines and in the sugar-cane industry of the island of Saipan. It would be glad to receive, in the next report, detailed information concerning the methods and conditions of recruitment of native labourers for these undertakings (pages 53).

3. *Education.*

The Commission notes the measures taken by the Administration with a view to promoting school attendance and its efforts to improve health conditions among native school-children. The Commission hopes that the efforts to develop a system of education suited to the mentality and conditions of the natives will meet with success (pages 53-54).

Western Samoa.¹

The Permanent Mandates Commission had before it at its present session (1) the annual report of the mandatory Power for the year 1928-29, and (2) a report forwarded by the New Zealand Government on various financial and staff matters,² drawn up by three high officials who, under instructions from the mandatory Power, visited Samoa at the end of the year 1928. This latter report was generally approved by the New Zealand Government.

The Permanent Mandates Commission encountered a real difficulty in forming a judgment upon the actual situation in the territory, since the two reports before it expressed very different estimates of the local administration.

* * *

The report for 1928-29, like previous annual reports, though admitting the unsettled conditions of the country, is written in a general spirit of optimism. The special report of enquiry, on the other hand, is extremely critical of the whole administration of the territory and of its finances.

* * *

While greatly appreciating the frankness shown by the publication of this special report of enquiry, the Permanent Mandates Commission deeply regrets the state of affairs which it reveals—a state of affairs which is described by the three commissioners in very severe terms.

The Permanent Mandates Commission also noted, on various points, a discrepancy between the report of the Royal Commission appointed in 1927 and that of the three special commissioners. The conclusions at which the Permanent Mandates Commission arrived last year were thus based upon incomplete information.

The Permanent Mandates Commission is of opinion that there is no reason to modify the view expressed by it during its thirteenth session, viz., that there was no evidence of policy or action contrary to the mandate on the part of the mandatory Power. On the other hand, the New Zealand Government appears to accept the new report of enquiry as presenting an accurate picture of the state of affairs prevailing in Samoa, and therefore to admit that some of the charges of inefficiency which have been made are at least partially justified. The good intentions of the Administration and its efforts in matters of public health, education, and the economic development of the territory are not questioned, but it is now clear that the methods of recruiting officials have not been satisfactory from the beginning. Moreover, the financial control exercised in the first instance by the Administrator himself and, in the second instance, by the New Zealand Government, has been deficient.

The Permanent Mandates Commission is glad to note that the mandatory Power has immediately taken measures to remedy the defects which have thus been disclosed. The Commission trusts that the policy of economy and retrenchment now proposed will not be exercised to such an extent as to affect the carrying out by the mandatory Power of its principal obligation under the mandate, viz., the promotion of the well-being of the inhabitants of the territory. It has appreciated the financial support which the New Zealand Government has, up to the present, been giving to Western Samoa, and hopes that it will be continued in the future, so that it will not be necessary to increase the taxation or the public debt charge of the territory, for the latter already seems to be heavy, in comparison to the resources of the country.

As for the general political situation in Samoa, there has been, according to the information given in the annual report for 1928-1929, and the explanations furnished by the accredited representative, no serious breach of public order during the last year. However, the passive resistance of the "Mau" organisation, in which two-thirds of the native population are enrolled, is continuing, and important branches of the Administration are considerably hampered in their activities. The revenue from native taxes for the year ending March 31st, 1929, has produced only one-third of the estimated amount. On the other hand, it would seem that the economic situation in the territory is good and the trade figures for the calendar year 1928 show a considerable increase.

In view of the present unsettled conditions and of the administrative reorganisation which is now taking place, involving important changes in the higher staff, the Commission thought that no useful purpose would be served by making, during the present session, observations on the details of the administration.

* * *

The Commission expresses the earnest hope that the annual reports of the mandatory Power will, in future, be such as to allow it to form a true opinion of the whole administration, and so to avoid the painful surprise which it experienced this year in considering the report of the administrative experts.

¹ See pages 97-98, 111-126, 156, 172-175.

² A-4B 1929. Mandated Territory of Western Samoa; Extracts from report on Finances and Staff.

F. OBSERVATIONS ON PETITIONS.

At its sixteenth session, the Commission considered the petitions mentioned below, together with the observations with regard thereto furnished by the mandatory Power. Each of the petitions was reported on in writing by a member of the Commission. After discussion, the following conclusions were adopted by the Commission. The text of the reports submitted to the Commission are attached to the Minutes.¹

Cameroons under French Mandate.

- (a) *Petition from Notables of the Yevol Tribe* (document C.P.M.931) (pages 80-83, 155):
Observations of the French Government (document C.P.M.931) transmitted on October 8th, 1929.
Report (see Minutes, Annex 5).

CONCLUSION.

In view of the Rapporteur's statement, the Commission considers that no action need be taken on this petition.

* * *

- (b) *Communication dated October 10th, 1929, from the French Government with reference to a complaint by Mr. Joseph Bell* (document C.P.M.932) (pages 80, 155).
Report (See Minutes, Annex 4).

CONCLUSION.

The Commission, having considered the documents laid before it by the mandatory Power, is of opinion that no action need be taken upon Mr. Joseph Bell's complaint.

B.

COMMENTS OF CERTAIN ACCREDITED REPRESENTATIVES SUBMITTED IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION OF THE PERMANENT MANDATES CONSTITUTION.²

CAMEROONS UNDER BRITISH MANDATE.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED DECEMBER 4TH, 1929.

1. I have the honour to refer to your letter of November 29th, No. 6A/14171/2024, and to state that Mr. W. E. Hunt is travelling in the Near East, and communication with him is practically impossible.
2. In regard to the Permanent Mandates Commission's observations on the Report on the Cameroons under British Mandate, I wish to state that no comments appear to be called for.
3. In regard to the second "common observation", the position as regards the sums credited to the Cameroons as grants-in-aid from the revenues of Nigeria is as stated, and if necessary a statement to that effect will be inserted in the next Report.
4. Regard will be had to the various requests in the special observations when the next Report is being prepared.

(Signed) J. E. W. FLOOD.

¹ The Commission recommends that copies of these petitions and the observations of the mandatory Powers relating thereto which the Commission has not considered it necessary to annex to its Minutes and thereby circulate to the Council and the States Members of the League should be kept in the League Library at the disposal of persons who may wish to consult them.

² *Note by the Secretariat:* The accredited representatives for the islands under Japanese mandate, Iraq, Ruanda-Urundi and Togoland under British mandate have forwarded no comments on the observations contained in the report of the Permanent Mandates Commission to the Council.

WESTERN SAMOA.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED DECEMBER 2ND, 1929.

I have the honour to acknowledge the receipt of your letter of the 29th ultimo, 6A/13861/709, enclosing an advance copy of the Observations of the Permanent Mandates Commission, drawn up as a result of the examination, at its recent session, of the Administration of Western Samoa. I desire to offer the following comments:

I submit that the allusion in the Observations to a "discrepancy on various points between the Report of the Royal Commission appointed in 1927 and that of the three special Commissioners" is not warranted by the facts. The only discrepancy suggested at the recent session of the Permanent Mandates Commission had reference to officials and to details of administration and alleged extravagance—matters into which, however, the Royal Commission stated it was not its function to enter (see last paragraph, page X of Royal Commission's Report). As regards the political position and the general charges made by Mr. Nelson and others, the Royal Commission's Report appears to stand unchallenged.

The New Zealand Government believes that the changes it is making will result in more efficient administration in the Departments than heretofore.

As to the general political situation in which other factors play their part, the Government is unable to promise any speedy cure; but it believes that, by a policy of patience combined with firmness in keeping order, co-operation will be ultimately established between the Administration and the present dissatisfied elements.

I am glad that the Permanent Mandates Commission, during its recent session, repudiated any suggestion that the New Zealand Government had been guilty of lack of good faith in the presentation of the annual reports. Each Government has adopted as its annual report the report prepared by the Administrator, and at no time had the Government any reason to doubt the correctness of the report submitted by it.

(Signed) C. J. PARR,
High Commissioner for New Zealand.

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VI.B. SLAVERY

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Geneva, July 15th, 1929.

LEAGUE OF NATIONS

SLAVERY CONVENTION

ANNUAL REPORT BY THE COUNCIL.

Note by the Secretary-General:

The Secretary-General has the honour to forward to the Assembly a report by the British representative and a resolution adopted by the Council on June 10th, 1929 (document C.209(1). 1929.VI), together with the information concerning the progressive abolition of slavery and conditions analogous thereto which has been communicated since last year to the League of Nations by different Governments in consequence of the resolution adopted by the Assembly on September 25th, 1926 :

Letters from the British Government, dated October 13th, 1928, and May 29th, 1929 ;
Letter from the Spanish Government, dated February 15th, 1929 ;
Letter from the Government of the Sudan, dated April 15th, 1929 ;
Letter from the Portuguese Government, dated May 7th, 1929.

1.

**REPORT BY THE BRITISH REPRESENTATIVE AND RESOLUTION ADOPTED
BY THE COUNCIL ON JUNE 10th, 1929.**

C. 209 (1), 1929, VI.

On September 25th, 1926, the Assembly adopted a resolution requesting the Council to prepare and communicate to the Assembly every year a document mentioning the laws and regulations forwarded to the Secretary-General in accordance with Article 7 of the Slavery Convention. The Council was also asked to include in this document such supplementary information as States Members of the League might furnish respecting the measures taken by them to bring about the progressive abolition of slavery and conditions analogous thereto.

The Secretary-General has informed us that since the last session of the Assembly communications on this point have been received from the following States : Great Britain, dated October 13th, 1928, and May 29th, 1929 ; Spain, dated February 15th, 1929 ; the Sudan, dated April 15th, 1929 ; and Portugal, dated May 7th, 1929.

According to the experience of the last two years, it is possible that further information may arrive between now and the opening of the next session of the Assembly, and I consider that the Secretary-General should, in this event, be authorised to transmit such information to the Members of the League and the Assembly.

My colleagues will no doubt have noted with satisfaction from the list of ratifications, etc. (document C.45.1925.V), that, since the last session of the Assembly, several States have ratified or acceded to the Slavery Convention, which is now in force for twenty-eight States. In this connection, I would particularly draw attention to the fact that the Government of the United States of America has acceded to the Convention, with the following reservation :

“ That the Government of the United States, adhering to its policy of opposition to forced or compulsory labour except as a punishment for crime of which the person concerned has been duly convicted, adheres to the Convention except as to the first subdivision of the second paragraph of Article 5, which reads as follows :

“ (1) Subject to the transitional provisions laid down in paragraph 2 below, compulsory or forced labour may only be exacted for public purposes. ”

In accordance with the existing procedure, the reservation has been transmitted to the High Contracting Parties.

Series of League of Nations Publications

✓ VI.B. SLAVERY ✓
1929. VI.B. 1.

It is of interest that this reservation is of a special character, in that it does not constitute a limitation of the obligations assumed under the Convention.

I would propose that the Council should adopt the following resolution :

“ In view of the resolution adopted by the Assembly on September 25th, 1926, the Council decides to forward to the Assembly the communications regarding slavery received from the Governments of Great Britain, Spain, the Sudan and Portugal.

“ It further authorises the Secretary-General to communicate to the Assembly, three weeks before the opening of its tenth session, a list of such laws and regulations as may be forwarded to him in accordance with Article 7 of the Slavery Convention, as well as any supplementary information furnished by the different Governments in regard to the measures taken to secure the progressive abolition of slavery and conditions analogous thereto.”

2.

LETTERS FROM THE BRITISH GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE.

A.

[Extract from the *Official Journal*, December 1928.]

6B/6087/4880.

London, October 13th, 1928.

With reference to the letter from this department No.A/5155/231/52 of July 30th last¹ and to previous correspondence regarding measures taken in British Colonies, Protectorates and Mandated Territories to give effect to the provisions of the Convention on Slavery, I am directed by Lord Cushendun to transmit to you herewith, for the information of the States Members of the League of Nations and parties to the Convention on Slavery, copy of a memorandum supplementary to that enclosed in the letter from this department under reference, and illustrative of the measures taken to suppress slavery and the slave trade in Palestine, Transjordan, the Straits Settlements, Sarawak, the Falkland Islands, Sierra Leone and Fiji.

(Signed) G. THOMPSON.

MEMORANDUM.

Further information supplementary to that contained in the Memorandum enclosed in the Colonial Office letter of July 1st, 1927, on the subject of measures taken to suppress slavery, the slave trade and conditions analogous thereto, in various British Dependencies.

Palestine and Transjordan.

The High Commissioner reported in a recent despatch that he is satisfied that no steps remain to be taken either by way of legislative enactment or by administrative measures, to give effect in Palestine and Transjordan to the provisions of the International Slavery Convention.

He added that in Transjordan the situation as regards slavery is as described in the League of Nations documents A.25(a)1924.VI, and A.37.1927.VI, but drew attention to the following important prescription of the recently published Organic Law.

“ The personal freedom of all dwellers in Transjordan shall be safeguarded from aggression and interference and no person shall be arrested or detained or punished or forced to change his residence or submitted to bonds or compelled to serve in the army except in accordance with law. All dwelling-houses shall be safe from aggression and no entry therein shall be permitted except in the circumstances and in the manner prescribed by law.”

Straits Settlements.

The Governor has forwarded recently copies of the Straits Settlements Ordinance No. 172 (Female Domestic Servants), adding that mention of the Ordinance did not appear in the list of legislation passed in Colonies, Protectorates, Protected States and Mandated Territories given on pages 8 and 9 of League of Nations document A.37.1927.VI. Three copies of the ordinance are appended hereto.²

Sarawak.

An Order, No. S-2, was published in the *Sarawak Government Gazette* of July 16th, 1928, and came into operation on that date, providing for the freedom of all persons in the State of Sarawak. Three copies of this order are appended hereto.²

¹ See *Official Journal*, September 1928, page 1365.

² These documents are retained in the archives of the Secretariat.

Falkland Islands.

The Governor reported in a recent despatch that, in the entire absence of slavery in any form in the Colony of the Falkland Islands and its Dependencies, no legislative or administrative measures of any description are necessary to be taken by his Government as a consequence of its adherence to the Convention.

Sierra Leone.

The Governor has forwarded, for transmission to the League of Nations, copies of Ordinance No. 24 of 1927 (The Legal Status of Slavery (Abolition) Ordinance, 1927). Three copies of this ordinance are appended hereto. ¹

The Governor adds that in all essential particulars the provisions of the Convention are being complied with. A recent decision to remunerate labour employed in the construction and repair of Government buildings in the Protectorate is testimony of the gradual steps which are being taken to cause wages to be paid to all labour called out on public service. Furthermore, it is hoped and expected that, by reason of the measures now being adopted to improve communication, financial conditions will, within a reasonable time, permit of wages in cash being paid for communal labour utilised in the construction of roads, which are essential for the welfare of the people themselves.

Fiji.

The Governor reports that no action is necessary on the part of the Fiji Government either to institute fresh legislation or to repeal existing legislation, or to take administrative action to give effect to the provisions of the Convention.

There is no compulsory or forced labour in Fiji either for public or for other purposes, with the exception of communal labour performed by Fijians for their common benefit in food planting, the erection and repair of native dwellings, and for certain other purposes, under Regulation No. 7 of 1927, as amended by Regulation No. 2 of 1928. Copies of these Regulations are appended hereto. ¹

B.

[Extract from the *Official Journal*, June 1929.]

6B/6087/4880.

London, May 29th, 1929.

With reference to the letter from this department (No. A/6852/231/52) of October 13th last, ² and to previous correspondence regarding the measures taken in British colonies, protectorates and mandated territories to give effect to the provisions of the Convention on Slavery, I am directed by Secretary Sir Austen Chamberlain to transmit to you herewith, for the information of the States Members of the League of Nations and parties to the Convention on Slavery, a copy of the memorandum supplementary to that enclosed in the letter from this department under reference dealing with the social and economic effects of the Legal Status of Slavery (Abolition) Ordinance (1927), in the Sierra Leone Protectorate.

(Signed) R. L. CRAIGIE.

FURTHER INFORMATION SUPPLEMENTARY TO THAT CONTAINED IN THE MEMORANDUM ENCLOSED IN FOREIGN OFFICE LETTER OF JULY 29TH, 1927, ³ ON THE SUBJECT OF MEASURES TAKEN TO SUPPRESS SLAVERY, THE SLAVE TRADE AND CONDITIONS ANALOGOUS THERETO IN VARIOUS BRITISH DEPENDENCIES.

Sierra Leone.

At the ninth session of the Assembly of the League of Nations the hope was expressed that the next Assembly might be acquainted with the social and economic effects of the abolition of domestic slavery in the Sierra Leone Protectorate, and the British delegate undertook to recommend that information in the sense desired should be submitted to the next Assembly.

In pursuance of this undertaking the Secretary of State for the Colonies addressed a despatch to the Governor of Sierra Leone on November 30th, 1928. The Governor, in his reply dated February 14th, 1929, stated that the introduction on January 1st, 1928, of the Legal Status of Slavery (Abolition) Ordinance, 1927, had caused no social or economic unrest in Sierra Leone. Reports received from the three Provincial Commissioners of the Sierra Leone Protectorate contain the following information :

¹ These documents are retained in the archives of the Secretariat.

² See *Official Journal*, December 1928, page 1958.

³ See *Official Journal*, September 1927, page 1069.

A. *The Northern Province.*

The social and economic effects of Ordinance No. 24 of 1927 are practically nil. Some former slaves, a very small proportion of the whole, from the Biriwa chiefdom, where the events which ultimately resulted in the passing of this Ordinance occurred, left their chiefdom and settled in unpopulated areas in the Tambakka chiefdoms in the north of Karene district, and a few settled in the Northern Lokko country, but some of them are beginning to drift back to their own chiefdom—though not necessarily to their former masters.

The great majority of former slaves remained with their former owners and worked for them as they used to do in what might be termed a state of voluntary servitude, and their condition differs only in that there is no compulsion about it. It is well understood now by all classes that slavery does not now exist and the ex-slaves work for a return in the shape of a lodging, a plot of land, food or some such consideration—as indeed in most cases they did before. The slaves who left their masters form a very small proportion of the whole, so small that the effect has been all but negligible.

B. *The Central Province.*

In this province the social and economic effects of the abolition of slavery are not noticeable. This is the natural or logical consequence of the fact that the abolition of slavery was received with the greatest calm, which in itself was caused by the fact that the barrier between slaves and free had already ceased to exist in the Mendi country and what was abolished was the legal concept of slavery. The effects of the abolition of the legal status of slavery in Sierra Leone have not been great, for the *de facto* abolition of slavery had long taken place. This province has for long been enjoying the social benefits of this *de facto* abolition together with a few, but much slighter, economic benefits. The abolition of the *de jure* status will add nothing to the social benefits, whilst the economic advantage will be slow in showing itself but lasting when it does come.

C. *The Southern Province.*

A number of ex-slaves sought “bush” elsewhere in the chiefdoms in which they found themselves at “liberation”; a few went to influential relatives in other chiefdoms; a few more left their chiefdoms but returned again to seek “bush” in these chiefdoms, being unable to do better for themselves elsewhere. A few, probably under 5 per cent, left their chiefdoms and trace of them has been lost. Over 80 per cent of ex-slaves were at once and easily absorbed into the ranks of the freeborn. The freeborn made no difficulty about absorbing the slaves, a process which had been going on under earlier conditions, but a few male ex-slaves thought themselves also freed from obligations to the community, and a few female ex-slaves left husbands with whom they no longer desired to live.

It was feared that ex-slaves generally would leave their former masters and would be unsettled during the first year after the passing of the Ordinance, but, as has been estimated above, over 80 per cent remained where they were and cultivated the same land as before. That opinion is borne out by the fact that in spite of unusually heavy floods the rice harvest is now seen to have been pretty satisfactory.

3.

[Extract from the *Official Journal*, May 1929.]

LETTER FROM THE SPANISH GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE.

6 B./10286/4880.

Paris, February 15th, 1929.

[*Translation.*]

I am instructed by His Majesty's Government to inform you, for the purposes of the Slavery Convention of 1926, to the execution of which it is giving every attention, that the authorities of Spanish Guinea have recently established colonial guard stations along the frontiers of continental Guinea. One of the reasons which led to the establishment of these stations was the firm resolve to prevent any raiding party or expedition of slave dealers coming from the other side of the frontier from taking refuge in the forests of Spanish Guinea. The stations in question have been placed in contact with each other, and the Spanish authorities have every hope that this action will make the slave traffic in the territory of the Spanish colony impossible.

(Signed) QUINONES DE LEON.

4.

[Extract from the *Official Journal*, May 1929.]

LETTER FROM THE GOVERNMENT OF THE SUDAN TO THE SECRETARY-GENERAL
OF THE LEAGUE.

6B/4880/4880.

Khartoum, April 15th, 1929.

In accordance with Resolution III adopted in connection with Article 7 of the Slavery Convention of September 25th, 1926, I have the honour to furnish the following information supplementary to that contained in my despatch No. M.50 of May 29th, 1928. ¹

2. In the final paragraph of that despatch, I drew special attention to the slave traffic which had been disclosed as existing between the debased Arabs, or "Watawit", who exercise mediæval feudatory rights over the servile negroid population ("Berta") on the Abyssinian border, roughly speaking, between latitudes 9° and 11°, and certain Arab tribes of the Sudan. At the time of writing, investigations, closely followed by drastic action, had already been instituted, but it was realised that much more remained to be done.

3. The enquiries subsequently made throughout the central area of the Sudan have enabled us, not only to discover the ways and means commonly employed in this traffic, but to punish those mainly responsible on this side of the border and to free the majority, if not all, of the victims. The precise degree of finality attained cannot be computed with the degree of assurance which would be possible if all the vendors were under our control, but the Sudanese offenders have indubitably received a lesson which has put a stop to their purchase of slaves from Abyssinia for the present and induced a full realisation of the results likely to attend any revival of such activity.

4. The organisers and chief beneficiaries of the trade were found to have been the Khogali family of the Beni Shangul district of Western Abyssinia. This district, which was ceded to Abyssinia by the Khalifa Abdullahi in 1897, is divided among three "sultanates" founded during the 19th century by Arabs of Northern Sudan origin who reduced the unwarlike Berta to a state of serfdom. Khogali al Hassan, originally the ruler of one of these petty States, lives at Addis Ababa and, represented in Beni Shangul by his son Mahdi, has acquired a predominant position vis-à-vis the other two "Watawit" sultans. Khogali's wife, Sitt Amna, has for many years resided, with the status of a "Sheikh", at Montesoro on the Sudan (Fung Province) side of the frontier and acted as intermediary. In consequence of the evidence obtained in the course of trials held in the White Nile Province, her village was raided without warning towards the end of November last. She and a number of her henchmen were arrested, and they have since been tried, convicted and sentenced. Her Sheikhship has been abolished and those of her followers who were not arrested have, for the most part, decamped over the border to Beni Shangul. So far as can be ascertained, the various other "Watawit" chieftains on the Abyssinian side of the border, such as Sheikhs Tori Gore and Hamdan Abu Shok, who were expected to be implicated, were in fact not so.

It is at the same time noteworthy that the Berta sold through the instrumentality of the Khogali entourage were all Abyssinian subjects.

5. The two districts of the Sudan particularly infected with the trade were the Fung Province, with which Khogali's domain marches and where the initial purchases therefore took place, and the White Nile Province, to which most of the slaves appear eventually to have found their way. An intensive campaign of investigation has been conducted in both districts, and full enquiries have also been made in other neighbouring provinces, since there was a natural presumption that some proportion of the Abyssinian slaves had also found purchasers there. So far, however, as can be ascertained, the traffic seems to have been entirely, or almost entirely, confined to the two provinces named. A few of the slaves may have been handed on to the Arabs of Eastern Kordofan, and possibly to Kassala, but so far it has not been possible to trace any definite cases.

6. The researches begun in the Fung Province before, and continued after, the arrest of Sitt Amna, have disclosed 142 slaves acquired within the last ten years by the Arabs. Of these, 80, children for the most part, have been removed. The remainder, at their own strongly expressed desire, have been allowed to remain with their "masters" and given freedom papers on request.

A listing of "slaves" of longer standing has also been begun, but has not yet been fully completed. To date 385 of these have been registered. Nearly all are Berta by race and their general attitude is one of strongly marked unwillingness to accept any change in status or

¹ See *Official Journal*, August 1928, page 1223.

habitat. The last thing in the world that they desire is to return to Abyssinian conditions and they evince no dissatisfaction with their present state. The fact of registration will, of course, provide a valuable check against transfers or fresh acquisitions, and anyone who wants a "freedom paper" can obtain it for the asking.

Among the semi-servile population of the province, who cannot properly be classed as "slaves" at all, there has also been some demand for formal "freedom papers" and 270 such have been issued.

7. In the White Nile Province, the process of enquiry and prosecution had already begun when I wrote my last report. It is now practically complete. Several hundreds of convictions were obtained and about 500 slaves and their children, many of them imported within the post-war period, have been recovered. A full registration of persons of servile origin is being made, irrespective of precise gradations of status, in order to prevent any recrudescence of the abuses which had been rife, and freedom papers are issued on demand. Out of a total number of negroids estimated at between 20,000 and 30,000, some 6,000 have already been listed, but it appears that only 5 or 10 per cent of these could the term "slave" have in fact been properly applied. The status of these latter is now reasonably secured.

8. The "slavery" problem in Kordofan (including the Nuba Mountains) has been the subject of reference in previous reports and perhaps deserves further mention. Here, so far as can be ascertained, there has been very little, if any, importation from Abyssinia, but quite a large proportion of the population has always been of servile origin. Unquestionably, individual "slaves" are from time to time bought and sold and cases of kidnapping have occurred, but there is no evidence of wholesale trafficking or general hardship. During the course of 1928 eight convictions for slavery offences were obtained in Kordofan and 1,582 "freedom papers" were issued on demand. The majority of those who receive these papers elect to make no radical change in their mode of life. For the most part, they return to the tribe or village in which they previously lived with an added sense of confidence in respect of their rights and a distinct consciousness of improved social standing. That this should be the effect, rather than a drift into the towns, is obviously desirable from every point of view.

9. In the more distant southern regions of Darfur, inhabited by nomadic Baggara Arabs, much the same conditions appear to obtain as in the similar Baggara area of Kordofan. There is no evidence of discontent, nor has there been any demand for "freedom papers". Further north, in the sedentary areas, more frequent contact with the Government has recently led to a certain demand for "freedom papers".

10. In the other provinces, investigations have shown that the situation calls for no comment in this report. The abuses of "slavery" are practically non-existent; such cases as occur from time to time are not symptomatic of any general tendency; and, though the relationship between the Arab and the negroid may be accepted in common parlance as that of "master and man", in practice it is only so by mutual consent. Not only is the "man" free to go elsewhere if he pleases, but he is fully aware of the fact.

(Signed) J. L. MAFFEY,
Governor-General of the Sudan.

5.

[Extract from the *Official Journal*, June 1929.]

LETTER FROM THE PORTUGUESE GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

6B/9162/4880.

Geneva, May 7th, 1929.

[*Translation.*]

I am directed by my Government, in pursuance of Article 7 of the Slavery Convention of September 25th, 1926, to send you herewith a pamphlet published by the Portuguese Ministry for the Colonies, containing the following legislative decrees¹, lately put into force, relating to Portuguese colonial legislation in Africa:

Native Labour Code for the Portuguese Colonies in Africa—Decree No. 16199, of December 6th, 1928;

Political, Civil and Criminal Statute—Decree No. 16473, of February 6th, 1929;

Relations at Private Law between Natives and non-Natives—Decree No. 16474, of February 6th, 1929;

Labour Reserve in Mozambique—Decree No. 16475, of February 6th, 1929.

¹ These decrees are retained in the archives of the Secretariat.

At the same time I would draw your attention to the introduction ¹ to Legislative Decree No. 16199 (Native Labour Code for the Portuguese Colonies in Africa), which contains certain additional information that may possibly be of use for the purpose contemplated by the second resolution of the 1926 Assembly concerning the Slavery Convention.

(Signed) F. DE CALHEIRAS E MENEZES,
*Head of the Portuguese Office accredited to the League
of Nations.*

Annex

INTRODUCTION TO THE LEGISLATIVE DECREE No. 16199.

[*Translation.*]

The Decree published to-day for the regulation of native labour in the Portuguese colonies in Africa is in accordance with the leading principles of human rights proclaimed at international conferences and congresses, from that of Vienna in 1815 down to those of the League of Nations to-day. Moreover, it maintains the civilising policy that has been followed by the Portuguese Government from the fifteenth century onwards.

Ignorance of history alone can explain the imputation that Portugal, in the part she has played in world affairs from then until now, has at times favoured slavery and the slave traffic. These two vices of economic exploitation, though constantly practised by the Iberian nations, and indeed by Northern Europeans as well, in the continents and seas discovered by the former, have always been fortuitous and incidental, and limited in extent.

From the very beginning of Portuguese colonial expansion the Government's policy has been guided, not by these exceptional and purely utilitarian practices, but by legal principles as lofty as those prevailing to-day amongst all civilised people. That policy recognised that, in nature, origin and purpose, all human beings are one. Above all else it sought to bring about a Christian brotherhood of native peoples, their moral improvement and their general betterment. Portugal has systematically placed this aim before the expansion of her own empire.

Nor was that all. When, in the sixteenth century, the Portuguese came into contact with the peoples of India, China, Malay, Japan and Brazil and when adventurers sought to enslave them, Portuguese decrees and charters were issued proclaiming that all members of those races were free, and absolutely prohibited any attempts upon their liberty. The guiding spirit of these decrees shows the loftiness of the principles and aims which governed Portuguese rule at a time when the European countries beyond the Pyrenees took no heed of the conditions or the lot of foreign races.

Europe to-day is anxious to protect the peoples of colonial dominions; but Europe still fails to appreciate the spiritual and humanitarian principles to which the Government and the laws of Portugal, from the outset, subordinated the development of her overseas power. Europe should know the truth and should do justice where it is due, not only on this fundamental issue but also in regard to the very evils that vitiated the former economic exploitation of African natives by the Portuguese and by the Spaniards and the nations of Northern Europe.

In former days Portugal, like other colonising States, admittedly tolerated the traffic in human beings from Africa, where it had long existed and was carried on by European nations until the nineteenth century, mainly with a view to providing servants and workers for the New World. Nevertheless, Portugal's humane and civilising policy was vanquishing this evil practice, countenanced as it was by the times, and would in itself have abolished it eventually, even without the help of European congresses.

Portugal considered the native races to be the equals of the others, both in their nature and in their destiny, and ordered her commanders and governors overseas to defend them against violent and abusive treatment at the hands of colonists and adventurers; she sent out to them, as to the other less barbarous and savage races of Brazil and of the East, missions and schools to raise their moral standard. She was thus doing for them what she had done for the natives of Brazil and of the East, for she was still actuated by the same motives.

When, after the Napoleonic wars, the Powers openly entered upon a policy of abolitionism, Portugal took her stand with them, in virtue of the principles which, despite all abuses and compromises, governed her State regulations. She successfully attacked first the social evil of the slave traffic and then the condition of slavery itself; she overcame all difficulties and obstacles and sacrificed all the vested interests which suffered heavily through these humanitarian measures. The personal liberty of her African subjects was finally assured.

Like all the other colonising nations Portugal still had to devise appropriate regulations to ensure active and increasing progress among the liberated natives; otherwise there could be

¹ Reproduced in Annex.

no moral or material progress, no proper family life or civilisation. It was essential to save them from idleness, from exploiting their women and children, from an empty existence as alien to their own personal and human ends as to the rights and the obligations of the colonising States.

Accordingly, and in order to ensure for them a system of free contractual labour and the assistance which it has been and still is necessary to provide if they are to carry out and fulfil their contracts of service, Portugal has promulgated at home and in the colonies a series of decrees regulating labour, which from December 20th, 1875, until to-day have guided her constant efforts to safeguard the liberty and equality of the peoples she governs. These decrees are evidence of her long and unceasing efforts to promote the progress and steady development of her civilisation.

The regulations of 1878, 1899, 1909, 1911 and 1914 are outstanding features in her record as guardian and protector. All of them embody and develop the principle of freedom of labour, but the intrinsic idea has continually been perfected; various forms have been abandoned step by step with progressive evolution of customs and the adoption of rules more in accordance with the ideas of the successive ages. If we compare them with similar regulations promulgated by other colonising Powers in the past fifty years, we cannot question either the sincerity of Portugal's desire to fulfil her duty as a great colonising nation or the determination with which she has led the way in thus conceding rights to the workers and guaranteeing their protection.

In the Decree that the Government is now publishing, our highest aims and traditions are maintained. The Decree faithfully adopts those principles which are to-day being adopted by other nations, but which were already enshrined in Portuguese law. Thus no appreciable modification or restriction has had to be introduced into the system and methods of employment of native labour, and in our care for the African peoples of our colonies we may once more boast our pride of place.

The general regulations of October 14th, 1914, have for various reasons been considerably altered to-day. Some of their provisions are difficult to interpret, others are prolix, and are thus difficult to adapt to all the African colonies. They sometimes pass too cursorily over points which cannot be summarised in formulæ applicable to all colonies; hence the urgent need for their revision.

We must, in the first place, consider the desirability of systematising, perfecting and bringing up to date the provisions regulating manual labour in all the Portuguese colonies in Africa. It will thus be possible to define and guarantee the rights and duties of native labourers, of the employers and of the authorities responsible for applying the laws on so important and complex a matter. In the second place, we must realise the undoubted advantage of collecting the various provisions of a number of different laws in a single decree constituting a code of native labour, though in such a way as to be applicable to all the colonies concerned. Local governments may still regulate at their discretion all matters which in their detailed application must fall under the control of the individual colonies, to be dealt with according to their economic conditions, the capabilities of the population and all the different circumstances which must be taken into account, subject, of course, to due observance of the main rules laid down.

Such are the conclusions reached by the Government of the Republic after due consideration of all aspects of the problem and in pursuance of Article VIII of the Regulations governing colonial administration. If, at first sight, too much attention appears occasionally to have been given to matters of detail, it must be remembered that, in so important a subject, we ought not to trust too much to general principles where details are necessary in order to avoid differences in application between colony and colony and unjustifiable variations in standards.

That the guiding policy defined above and embodied in the code of native labour is firmly established, may be seen from the provisions which are once more laid down in that code, or presented in a legal form better adapted to present-day conditions.

The introduction of a native booklet for all males over eighteen years of age is made obligatory in all colonies where it is not already so under the local regulations. This booklet will be an identity document substantiating all their rights and obligations and a register for their labour contracts. This system has already been adopted in other colonies and indeed in some of our own too. It will serve also as a register of all facts which the Government should know; it will provide a basis for compiling statistics for the colony and will serve to protect the natives themselves.

Medical and social assistance have been developed and improved, and extended to cover industrial accidents. The principle followed is that this benefit should be provided for the workers but should not burden the masters with unduly heavy charges liable to prevent the development of small-scale agriculture, which is an important feature of European colonisation. Charges are made only in proportion to the size and conditions of the undertaking. With this object the State itself pays the employer's share if he has less than ten labourers.

It helps those who have less than one hundred and facilitates payments for those employing between one hundred and one thousand. The full amount is required—though even then on reasonable terms—only from those employing more than one thousand. Thus the workman is never deprived of assistance. Where the cost cannot reasonably be borne by the employer, the State itself assumes the burden, so that the labourer does not lose the benefit.

New provisions are included in the decree making obligatory the payment of compensation to natives involved in industrial accidents, and also to ensure that such accidents are not concealed and that the proper compensation is paid. Employers are empowered to set up joint provident institutions for compulsory insurance against industrial accidents, and for the upkeep of social services for the assistance of sick workers. In certain cases the State itself may establish such institutions and bear part of their cost.

It is absolutely forbidden to use forced or compulsory labour in the service of private individuals or for private purposes, even on the terms under which certain natives supplied this labour up to 1926. In that year forced labour, even on those terms, was finally abolished. Heavy penalties are prescribed for those who use compulsion.

Up to 1926, indeed, forced labour was sometimes employed, but on terms other than those usually implied by forced or compulsory labour, since compulsion consisted solely in the fact that the authorities took charge of recruiting. No forcible means were employed; the sole aim was to overcome the native's tendency to idleness, and to make him self-supporting by working either for his own account or in the service of others. This recruiting was thus limited to overcoming the native's dislike for work, especially for agricultural labour, which, according to his traditional belief, was degrading for a man and fit only for women. As a result of this policy, the native was gradually losing that instinctive dislike, and a love for agricultural work on his own land was growing up, so that the intervention of the authorities in recruiting was becoming almost unnecessary. In accordance with this policy also, the employment of natives as porters is prohibited; this work is much more strenuous than agriculture, and is already prohibited in many regions served by motor transport. In Angola, for example, the number of natives employed in such work to-day is less than one-tenth of the number so employed fifteen years ago.

In this connection it may be observed that, in Angola, Mozambique and Guinea, much of the foreign trade is the direct outcome of the work of native groups engaged in agriculture on their own account. Such methods have already become quite common, and the standard of cultivation is reasonably high. Although the work thereby involved is more arduous, the natives are largely abandoning their traditional form of agriculture, which was limited to vegetable and animal products of spontaneous or almost spontaneous growth.

Compulsory labour is allowed for public purposes in accordance with the 1926 Convention, but only in exceptional circumstances, that is to say, when no workers can be obtained by voluntary recruitment. Such labour is always guaranteed better terms than would be obtainable by voluntary recruitment. Compulsory labour is also allowed for work which is in the exclusive interest of the natives amongst whom it is distributed, such as work connected with public health, road-cleaning, epidemics and public disasters, and work on the land of the native reserve for the benefit of the community cultivating such land. This work is always paid for or assisted by the distribution of seeds and implements.

For a long time past compulsory labour had been neither entirely unpaid nor imposed by forcible means. In the case of the construction and cleaning of public roads the workers merely receive food, and the work is distributed, and is limited to a few days only; but for all other public work the wages are those ordinarily paid for work of such a kind.

International or inter-colonial agreements regarding labour contracts for work done outside the colony by native labour are safeguarded; such contracts must conform to the terms of the particular treaty, convention or *modus vivendi* in question, and the provisions of the new code will apply only in so far as they are not contrary to those terms.

The Home Government reserves to itself the granting of authority to recruit natives and send them outside their native colony; this procedure involves regulations affecting more than one colony, and it is therefore better in every respect to leave the matter to the central organ of government.

* * *

Such are the essential characteristics of the Labour Code for Natives of Portuguese Africa. Portugal was discovering foreign lands and races at a time when Europe as yet gave no thought to distant peoples. Her lofty civilising aims were placed before her own political and commercial development.

Continuing to pursue this great mission abroad, which she undertook while consolidating her own independence within the Iberian peninsula, she is still fulfilling the international duties and obligations which she has assumed, now that the relations of all Colonial Powers with the native inhabitants of their African or Far-Eastern possessions are the common concern of all civilised States.

Her high traditions of government, her generous impulses and her good name have made Portugal firmly resolved to safeguard the personality and freedom of the natives of her colonies, and to ensure, by good laws and zealous administration, that those natives shall fulfil their true destinies by dint of education and free and voluntary work, the only form which the law allows.

She feels that, although much of her colonial territory is admirably fitted for European colonial development, she is bound always to strive for the preservation and development, racial, moral and social, of her native subjects, since they constitute the greatest source of wealth in her colonies.

Accordingly :

In execution of Article VIII of the Regulations for Colonial Administration ;

In pursuance of the powers conferred upon me by Article 2, paragraph 2, of Decree No. 12740 of November 26th, 1926, and in virtue of the provisions of Article 1 of Decree No. 15331 of April 9th, 1928, on the proposal of the Ministers of all Departments ;

I have decreed the following, which shall have the force of law :

Article 1. — The Native Labour Code in the Portuguese Colonies in Africa is hereby approved. It shall be published and signed by the Minister for the Colonies.

Article 2. — Decree No. 951 of October 14th, 1914, and all laws contrary to the new Code, are hereby repealed. Within a period of six months after publication of the present Code in the *Official Bulletin*, Governors of Colonies must issue orders stating which regulations in force in the said Colonies, not being contrary to the present article, are to remain valid.

All authorities required to know and execute the present Decree, which has the force of law, shall therefore observe it and cause it to be observed in all respects.

The Ministers of all Departments shall cause it to be printed, published and observed.

Signed at the Offices of the Government of the Republic, on December 6th, 1928.

(Signed) Antonio Oscar DE FRAGOSO CARMONA. — José Vicente DE FREITAS. — Mário DE FIGUEIREDO. — António DE OLIVEIRA SALAZAR. — Júlio Ernesto DE MORAIS SARMENTO. — Aníbal DE MESQUITA GUIMARÃES. — Eduardo Aguiar BRAGANÇA. — José Bacelar BEBIANO. — Gustavo Cordeiro RAMOS. — Pedro DE CASTRO PINTO BRAVO.

Geneva, August 12th, 1929.

LEAGUE OF NATIONS

SLAVERY CONVENTION

ANNUAL REPORT OF THE COUNCIL

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Note by the Secretary-General:

The Secretary-General has the honour to circulate to the Assembly, in conformity with paragraph 2 of the Council resolution of June 10th, 1929, reproduced in document A.17.1929.VI, the following letter from the India Office, dated July 31st, 1929.

LETTER FROM THE INDIA OFFICE TO THE SECRETARY-GENERAL

London, July 31st, 1929.

With reference to the letter from this Office dated August 10th, 1928¹, I am directed by the Secretary of State for India to transmit copies of a further memorandum regarding measures for the abolition of slavery in Burma.

(Signed) E. J. TURNER.

MEMORANDUM ON MEASURES FOR THE ABOLITION OF SLAVERY IN BURMA.

A memorandum dated August 7th, 1928, communicated to the League of Nations, described the measures adopted for the release of slaves in Burma in the year 1927-28. It was stated therein that slaves to the number of 8,852 had been released at a cost of Rs. 5,16,568.8 in the areas known as the Hukawng Valley and the Triangle. That year saw the end of slavery in Burma; but the work still remained of seeing that the released slaves were properly established and placed in a way to enjoy the freedom conferred on them, that they were not molested by their late owners, and that economic conditions were disturbed as little as possible in the areas covered by these operations. This work was done partly by the expeditions of 1927-28 in respect of slaves released during the years 1925-26 and 1926-27. It was reported that the released slaves were gradually settling down to the new conditions and were building houses of their own and establishing new villages with headmen selected from among themselves. The owners themselves, with a few exceptions, were found to have taken kindly to the new situation.

In pursuance of the same policy, His Majesty's Secretary of State for India sanctioned the proposals made by the Government of Burma for the despatch of similar expeditions to the Hukawng Valley and the Triangle in the open season of 1928-29. The arrangements for the expeditions were the same as in previous years. Mr. A. W. Porter, of the Burma Frontier Service, was in charge of the expedition to the Hukawng Valley, and was accompanied by a British officer of the Burma Military Police, commanding an escort of over a hundred men, and the necessary civil and medical establishment. The expedition to the Triangle was divided into two columns, north and south, each in charge of a civil officer. Captain V. G. Robert, M.B.E., M.C., of the Burma Frontier Service, was in charge of the northern and Mr. P. M. R. Leonard, O.B.E., of the Burma Frontier Service, of the southern column. Each column was accompanied by a British officer of the Burma Military Police, commanding an escort of a hundred men, and the necessary civil and medical establishment. Transport was by means of mules, of which nearly 1,100 were engaged for both the expeditions.

¹ Document A.24(a).1928.VI.

The expedition to the Hukawng Valley was occupied on this duty from December 12th, 1928, to May 5th, 1929. During this period, the lists of released slaves were checked, complaints were enquired into, and financial assistance was given where necessary. No cases of oppression of the ex-slaves by their former owners were reported. The civil officer found, on the other hand, that the owners were anxious to do all that they could to encourage ex-slaves to remain in their old villages. A small percentage of the released slaves had left the valley to live in areas adjoining, which were under settled administration. Several new villages were found to have been established by the released slaves and the community as a whole was gradually settling down and cultivating its own fields.

In the Hukawng Valley itself, no further slaves were found for release, but an officer touring to the west of it found twenty-five slaves in a few Kachin villages and released them.

The results of the checking of slaves in the Hukawng Valley are tabulated below :

Number of slaves released	3,490
Number who had moved to administered territory	409
Number who have established new villages	800
Number who have died	191

Conditions in the Triangle were also found to be satisfactory on the whole. The expedition to the Triangle was away on this tour from December 10-11th, 1928, to April 25-29th, 1929. Here, as in the Hukawng Valley, the ex-slaves were found to be happy and contented and on good terms with their former owners, and to be settling down independently ; about twelve per cent had moved out into administered territory, mainly to join parents or other relatives there. No instances of oppression of the ex-slaves by their former masters were found and there was only one instance of an ex-owner attempting to restrict the movements of an ex-slave. Nearly one-fourth of the released slaves were found to be still living with their former owners, though as freemen, and the civil officers remark that this is due in most cases to their having no other place to go to on account of age, infirmity, or inability to shift for themselves. Financial assistance was granted to ex-slaves where necessary. Fifteen slaves were newly discovered during the tour and released. In addition, ninety-three slaves were released during the same period in administered territory adjoining the Triangle.

The results of the checking of slaves are tabulated below :

Number released	5,495
Number still living with former owners (including 108 released in 1928-29)	1,314
Shifted to another house in village of release	2,236
Shifted to other villages in area of release	768
Shifted to administered territory	754
Shifted to the Hukawng Valley	61
Whereabouts unknown and number unchecked	152
Dead	210

The expeditions had a friendly reception everywhere, and roads, bridges and camps were willingly made ready by the people in advance of the arrival of the officers and men so that their passage through a very difficult country was made easy. In the Hukawng Valley, the officers no longer feel that they are touring among tribes different from those in regularly administered territory. It is the same in the Triangle, but it should be remembered that the release of slaves in this area was undertaken two years later and that the country is still in a most unsettled state owing to the violent blood feuds that rend the country from end to end. The results achieved so far under such conditions are therefore satisfactory. On the part of the one-time slaves, with the acquisition of freedom has come also the ambition that their past should be wholly forgotten ; indeed, a great disinclination on their part to bring out their release certificates to show them to the civil officers is already much in evidence, and it will be the aim of the Burma Government to foster this spirit so that, in course of time, the differences between them and their more fortunate free-born brethren in these areas may be entirely obliterated.

Geneva, September 20th, 1929.

LEAGUE OF NATIONS

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Slavery Convention. — Annual Report of the Council.

REPORT BY THE SIXTH COMMITTEE TO THE ASSEMBLY

Rapporteur : M. Leopoldo PALACIOS (Spain).

The Sixth Committee has noted the information communicated to the League by a number of Governments in connection with the gradual abolition of slavery and similar conditions. This information has been sent in in pursuance of a resolution passed by the Seventh Assembly on September 25th, 1926. It is furnished by the Governments of Great Britain, India, Portugal, Spain and the Sudan. The delegate of the Republic of Liberia has also announced that his Government will shortly send a memorandum containing the information required by Article 7 of the Convention of September 25th, 1926.

The Committee highly appreciates the readiness of these States to send information, the value of which needs no emphasising. It is particularly grateful to the British Government for furnishing detailed information as to the social and economic results of the abolition of domestic slavery in the Sierra Leone Protectorate. The Committee, which had this problem under consideration last year, is happy to learn that the introduction in Sierra Leone of the " Legal Status of Slavery (Abolition) Ordinance, 1927 " has given rise to no social or economic disturbances in the Protectorate.

Since the Sixth Committee of the Ninth Assembly considered the question of slavery in 1928, the number of ratifications or final accessions to the Slavery Convention of 1926 has increased from twenty-four to twenty-eight. The countries which have ratified the Convention or acceded to it during the past year are Germany, the United States of America, Estonia and Iraq. The Liberian delegation has also informed the Committee that its Government's ratification will not be long delayed.

The Committee greatly appreciated the Swiss delegation's declaration that, if it appeared that its country's accession might be of assistance with a view to the execution of the Convention, the Swiss Government would have little hesitation in contemplating accession. The Committee expressed the opinion that the accession of a country like Switzerland, although it was not directly concerned in the question, would constitute a genuine moral asset towards ensuring the general application of the Convention. It therefore considered under these circumstances that any decision of this kind taken by Switzerland or any other country in a similar situation should be welcomed.

The Committee had before it a proposal by the British delegate to revive the Temporary Commission on Slavery. This proposal took the form of a draft resolution in the following terms :

- i
- " Considering the importance of the general ratification of the Slavery Convention;
 - " And the desirability of the fullest information on the subject of Slavery and Forced Labour being placed at the disposal of the League ;
 - " Anxious to complete the abolition of the slave trade and slavery in all its forms ;
 - " The Committee,
 - " Recommends to the Council the re-appointment of the Commission on Slavery to report on all the above matters. "

This proposal, which had been supported by the delegates of India, Norway and Spain, was referred to a Sub-Committee consisting of the delegates of Abyssinia, Belgium, British Empire, France, Italy, Liberia, Netherlands, Norway, Portugal, Siam and Spain, which met under the chairmanship of Count de Penha-Garcia (Portugal), Vice-Chairman of the Sixth Committee.

The British representative emphatically stated in the Sub-Committee that the work of the Commission, as he understood it, ought not in any way to assume the form of control or of a direct investigation in the various territories, except by the express consent of the Governments concerned.

Further, the Sub-Committee noted that any conclusions at which it might arrive could only relate to the slave trade and slavery in all its forms, and must exclude forced labour, the investigation of which is being pursued by the International Labour Organisation, as indicated in the Assembly resolution of September 25th, 1926.

Certain objections were expressed in the Sub-Committee, more particularly in regard to the following two points :

1. The present legal situation as regards slavery is, from the point of view of the League of Nations, and therefore of the Assembly, very different from what it was in 1925. Since that date, a Convention has been framed. Following on negotiations in which the plenipotentiary delegates of the States Members of the League took part, the Convention was approved by the Seventh Assembly. This approval was accompanied by a recommendation that the communication of the laws and regulations enacted to put an end to slavery should be supplemented by information furnished spontaneously by the Members of the League with regard to the measures undertaken by them.

2. The report submitted in 1925 by the Temporary Commission on Slavery was said to have exhausted the investigations of the problem of slavery, but the Sub-Committee considered that, having regard to the information which the League had received since the Convention on Slavery was approved, there might be some reason to believe that the Convention is not producing the results that were anticipated when the resolution of the Seventh Assembly was adopted in 1926. But, in view of the comparatively short period which has elapsed since the signature of the Convention, it would, in the opinion of the Sub-Committee, be premature to give any definite opinion on this matter.

The Sub-Committee was unanimous in thinking that the first step should be to try to obtain further ratifications and accessions to the Convention by renewing the efforts which had previously been made in this direction. It also believed that a general outline should be given of the results as regards slavery so far obtained in consequence of the application of the Convention, and that the present state of the problem, with all possible details, should be ascertained so as to allow of a comparison of the means now available and the present needs of the situation. The Sub-Committee was therefore of opinion that an investigation in this direction should precede consideration of the other means which might be contemplated to deal with the situation, and therefore should also precede any decision on the British delegation's proposal to revive the Commission on Slavery.

The Sub-Committee thinks that, in the meantime, the Secretary-General should be requested to obtain from States Members of the League, and from non-Member States which are parties to the Convention, all information on the existing position of slavery in all its forms and to report to the next Assembly.

The Committee accepted the Sub-Committee's arguments and conclusions, and decided to propose that the Assembly adopt the following resolution :

“ The Assembly,

“ Being extremely anxious to achieve the complete and final abolition of slavery and of the slave trade ;

“ Considering the importance, in order to attain these results, of the general ratification of the Convention on Slavery ;

“ Having considered the British Government's proposal for the creation of a new Temporary Commission on Slavery ;

“ Being of opinion that an urgent appeal should first be addressed to the States which have not already done so to ratify or accede to the Convention on Slavery, and that it is necessary above all to collect information on the present position of the question ;

“ Postpones, therefore, further consideration of the British Government's proposal;

“ Urgently requests the States which have not already done so to ratify or accede to the Convention of September 25th, 1926, relative to slavery, and instructs the Secretary-General to collect from the States Members of the League, and from those non-Member States which are parties to the Convention, all possible information on the present position of slavery, and to report to the next Assembly.”