

1932.VI.A. Mandates. 3-229H.

1933.VI.A. Mandates. 245-444H.

1932.VI.B. Slavery. 230-244H.

LEAGUE OF NATIONS

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VII.A. MANDATES

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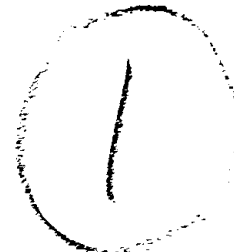
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Geneva, September 10th, 1932.

LEAGUE OF NATIONS

MANDATES



Report of the Commission entrusted by the Council with the Study

of the

FRONTIER BETWEEN SYRIA AND IRAQ

Series of League of Nations Publications

VI.A. MANDATES

1932. VI.A. 1.

LETTER FROM THE CHAIRMAN OF THE COMMISSION OF ENQUIRY
TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[*Translation.*]

Geneva, September 10th, 1932.

I have the honour to transmit to you herewith the report of the Commission entrusted, under the terms of the Council resolution of December 9th, 1931, with the duty of investigating on the spot the question of the frontier between Iraq and Syria.

As regards the Jebel Sinjar, the Commission did not succeed in putting forward a unanimous suggestion.

The minority opinion is stated in a note inserted in the report at the end of Chapter VI.

It should be emphasised that the Commission was unanimous with regard to the unity of the Jebel Sinjar. This opinion is founded, as will be seen from the enclosed report, on all the various factors of the case and it served as a basis for the suggestion made by the majority of the Commission.

The Commission's report is accompanied by a list of the documents submitted to the Commission during its proceedings, and these documents have been collected in a dossier which I also have the honour to attach.¹

For the Commission:

(*Signed*) FR. ISELIN,
Chairman.

¹ These documents are kept in the archives of the Secretariat of the League of Nations and are at the disposal of the Members of the League.

EXPLANATION OF PRINCIPAL ARABIC, TURKISH AND KURDISH TERMS USED
IN THE REPORT.

<i>Bir:</i>	Well.
<i>Dagh:</i>	Kurdish word meaning mountain.
<i>Jabal (jebel):</i>	Mountain or hill.
<i>Kaimakan:</i>	Sub-prefect.
<i>Keui:</i>	Turkish word meaning village.
<i>Liva:</i>	District governed by a "mutessarif".
<i>Mutessarif:</i>	Prefect governing a Liva.
<i>Qadha:</i>	Territory under a <i>cadi</i> (judge); consequently administrative district or commune; subdivision of a Liva.
<i>Sabkha:</i>	Salt deposit.
<i>Sandjak:</i>	Administrative district (generally subdivision of a vilayet).
<i>Tell:</i>	Isolated hill in the desert.
<i>Wadi:</i>	Valley, generally formed by the dry bed of a river.
<i>Vilayet:</i>	Province under a governor-general or "vali".

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- (b) The British Government.
- (c) The Commission of Enquiry.

Annex No. 2. — Map: 1:500,000, published by the Topographical Bureau of the Forces in the Levant, 1932, showing the Frontier Lines indicated by:

- (a) The Franco-Syrian Party.
- (b) The Anglo-Iraqi Party.
- (c) The Commission of Enquiry.

Annexes Nos. 3a and 3b. — Maps: 1:200,000, published by the Topographical Bureau of the Forces in the Levant, 1932, showing the Frontier suggested by the Commission of Enquiry.

LIST OF DOCUMENTS PLACED BEFORE THE COMMISSION.¹

1.

Mandate for Syria and Lebanon.

(League of Nations document C.528.M.315.1922.VI.)

Decisions of the Council of the League of Nations of September 27th, 1924, and March 11th, 1926, relating to the application of the principles of Article 22 of the Covenant to Iraq, together with certain treaties and agreements between the United Kingdom and Iraq, forming the mandate for Iraq.

(League of Nations document C.216.M.77.1926.VI.)

Franco-British Convention, dated December 23rd, 1920, on Certain Points concerning the Granting of the Mandates for Syria and Lebanon, Palestine and Mesopotamia.

Joint notes of the British and French Governments, dated November 11th and 10th, 1931, respectively, bringing the frontier limitation question before the Council of the League of Nations.

(League of Nations document C.843.1931.VI.)

Minutes of the nineteenth meeting of the sixty-fifth session of the Council of the League of Nations, held on December 9th, 1931, at which the question of the delimitation of the frontier between Syria and Iraq was considered (*Official Journal*, 1931: No. 2963, pages 2372 to 2374).

Note from the French Government, dated January 23rd, 1932, concerning the tracing of the frontier line.

(League of Nations document C.106.VI [with map].)

Supplement to above document.

(League of Nations document C.514.1932.VI.)

Note from the British Government, dated January 30th, 1932, concerning the tracing of the frontier line.

(League of Nations document C.182.1932.VI [with map].)

Supplement to above document, April 11th, 1932.

Note from the British Government, dated February 27th, 1932, forwarding an additional memorandum containing proposals for the revision of the frontier line.

(League of Nations document C.313.1932.VI [with six maps].)

Note from the French Government, dated February 29th, 1932, forwarding certain documents concerning the tracing of the frontier line.

(League of Nations document C.317.1932.VI [with annex and nine maps].)

Statement by the High Commissioner of the French Republic in Syria and the Lebanon, dated from Beirut, March 19th, 1932, and concerning the existing situation arising out of frontier relations between Syria and Iraq.

Statistics of the trade of Syria and the Lebanon with Iraq, prepared by the Economic Affairs Service of the High Commissioner of the French Republic in Syria and the Lebanon.

Statistics submitted by M. Ringrow, Deputy Collector of Customs, Mosul, relating to exports from Iraq and from the Liva of Mosul to Syria; imports from Syria into Iraq and the Liva of Mosul.

Extracts from the official *Ottoman Year-Book* of 1909 concerning the vilayets of Mosul and Diarbekir, with list of chief towns of the various communes.

2.

NOTES SUBMITTED BY THE FRENCH AND SYRIAN ASSESSORS IN THE COURSE OF THE COMMISSION'S WORK.

Descriptive memorandum on the frontier between Syria and Iraq, drawn up by the High Commissariat of the French Republic in Syria and the Lebanon, February 18th, 1932, forming part of the documents forwarded by the French Government with its note of February 29th, 1932, mentioned above.

(League of Nations document C.317.1932.VI.)

¹ These documents are kept in the archives of the Secretariat of the League of Nations and are at the disposal of the Members of the League.

- Joint reply by the assessors of the two parties to questions asked at the eighth meeting (April 4th) as to the southern starting-point of the frontier between Syria and Iraq.
- Suggestions by the French assessor as to the tracing of the frontier in the district south of the Jebel Tenf.
- Suggestions by the French and Syrian assessors as to the tracing of the frontier in and south-west of the Euphrates valley.
- Map showing the French and British proposals for the frontier line in the region of the Euphrates.
- Note on the Jebel Tenf frontier at the Leachman boundary stone.
- Replies of the assessors (April 12th, 1932) to questions asked on April 10th in regard to the Albu Kemal district.
- Assessors' suggestions for the tracing of the Jebel Baghuz at the Buara salt fields.
- Continuation of assessors' note dated April 12th, with additional information on Heri.
- Note forwarding two telegrams from the High Commissioner of the French Republic in Syria and the Lebanon concerning the appointment and arrival of the new President of the Commission.
- Information as to the salt fields.
- Assessors' suggestions for the frontier line between the Euphrates, the Buara salt fields and north of the latter to Wadi Ajij.
- Assessors' suggestions for the tracing of the frontier from the confluence of Wadi Ajij and Wadi Hauissa to the Tigris.
- Supplementary note to the suggestions in the preceding note concerning the frontier in the Sinjar region.
- Military observations (with map), in continuation of the previous note.
- Note concerning the inhabitants of Khatuniya and El Hol.
- Note on the tribes which can be regarded as belonging to the Yezidi population, and on their distribution in and outside of the Jebel Sinjar.
- Note regarding the religious hierarchy of the Yezidis and its influence on tribal political life, and the relations between the Yezidis and the representatives of other religions.
- Note on commercial relations between Hassechel traders and the population of the Jebel Sinjar.
- Joint proposals of the assessors of the two parties as to the programme of work in the Senuni camp.
- Reply to the questions asked at the meeting of May 3rd, 1932, as to the relations between the Yezidis and the Tays.
- Note on the Kabur basin.
- Note forwarding a map of the Ottoman Empire with administrative boundaries.
- Note forwarding a photograph of Rumelan Keui (the photograph was returned to the assessors at their request, as it was the only copy in existence).
- Note on the tracing of the frontier between the Sinjar and the Tigris.
- Note forwarding six 1:200,000 maps of Buara and Deir-ez-Zor.
- Note on Rumelan Keui.
- Note on the Lake Khatuniya basin as defined by the British and Iraqi assessors.
- Note on the watershed between the basin of the Kabur and the neighbouring basins.
- Note on the reconnaissance of May 16th south of Qara Chok Dag and south of Wadi Suaidyia.
- Note forwarding that of Captain Delienne on the geodesic point of Imtan.
- Note forwarding tables showing trade between Syria and Iraq.
- Note forwarding the administrative map of the States of the Levant under French mandate, together with a map showing gendarmerie posts along the eastern boundary.
- Note mentioning certain works concerning the Bedouins.

3.

NOTES SUBMITTED BY THE BRITISH AND IRAQI ASSESSORS DURING THE COMMISSION'S PROCEEDINGS.

The frontier between Iraq and Transjordan.

Letter from the Secretariat of the High Commissioner for Iraq, Baghdad, dated May 18th, 1932, submitting a modification to the formulæ defining the frontier between Iraq and Transjordan as per preceding note.

Extract from the Protocol relating to the fixing of the frontier between Syria, the Jebel Druse and Transjordan, Paris, October 31st, 1931.

Copy of annex to the above Protocol.

Map submitted by the representatives of the two parties indicating (1) the line Imtan-Albu Kemal; (2) the line point 3,200 m. north Tell Rohma-Albu Kemal.

Sketch submitted with the joint note of the representatives of the two parties, employed for drawing up the Transjordan-Iraq Arrangement.

First memorandum, transmitted April 4th, 1932, containing observations on the letter dated January 23rd, 1932, addressed by the French Government to the Secretary-General of the League of Nations.

Second memorandum, transmitted April 4th, 1932, containing observations on the "Mémoire descriptif de la frontière entre la Syrie et l'Irak", dated Beirut, February 18th, 1932.

Note verbale concerning the proceedings at the Jebel Tenf.

Memorandum (No. 3) on the *de facto* frontier and administrative arrangements.

Suggestions in connection with the desert sector of the frontier between the Jebel Tenf region and the Euphrates, with a skeleton tracing attached.

Suggestions for modifications of the frontier in the Euphrates sector.

Note on Heri and the Jughafa referred to in paragraph 8 of the preceding note.

Notes submitting further information on the economic relationships of the region where the frontier cuts the Euphrates.

Note on the Turkish Land Code.

Reply to request concerning proposals regarding the frontier line between the Euphrates and the salt area.

The Salman, Kerabila, Albu Hardan and the estates near the frontier.

Photo-maps of the Syrian Desert showing winter, spring, summer and autumn grazing grounds of the Bedouins.

Note drawing the Commission's attention to the historical *exposé* concerning the Buwara salt fields in paragraph 28 of Chapter III, page 8, of the second memorandum.

Reply to questions regarding the value and extent of exploitation of the Buwara salt fields.

Note transmitting copy of the report of the officer in charge of the Frontier Survey Party of the Iraqi Government on the trigonometrical point L.S.29.

Reply on the request for further suggestions regarding the frontier line north of the Euphrates.

Suggestions regarding the alinement of the frontier in the Sinjar region.

Proposals of the French, Syrian, British and Iraqi assessors for a programme of work for Monday, April 25th, 1932.

Note transmitting six copies of provisional sheet of the area between Raggassat on the south and Wadi Abu Hamda to Badi' on the north, issued by the Survey Directorate of Iraq.

Note on the frontier line between the Jebel Sinjar and Buwara, with a sketch.

Note on Heri.

Note, dated May 3rd, 1932, containing observations on memorandum of April 20th, and memorandum of April 22nd, 1932, of the French and Syrian assessors.

Note, dated May 16th, 1932, in continuation of preceding note of May 3rd, 1932, on the memorandum of the French and Syrian assessors.

Note of May 11th, 1932, in continuation of above note of May 3rd, 1932, and transmitting a sketch showing the drainage system of Lake Khatuniya.

Proposals of the French and Syrian, British and Iraqi assessors for a programme of work from Senuni camp.

Note transmitting six copies each of the following maps received from the Iraqi Survey Directorate, Baghdad: Qara Chok Dagh, 1: 100,000, April 1932; Albu Kemal No. 1, 1: 200,000, April 1932.

Suggestions for modification of the frontier in the northern sector.

Note regarding the basin of the Kabur.

Note transmitting the report of the officer in charge, Frontier Survey (Iraq), on the triangulation station of Tall Safra.

Note transmitting observations on the Western Kabur by Mr. W. Allard, Director of Irrigation, Baghdad.

Proposals of the French and Syrian, British and Iraqi assessors for a programme of work from Khanik camp.

Extract from a letter (No. 102), dated Beirut, April 20th, 1932, from the officer in charge, Brigade géographique des frontières, to the officer in charge, Iraq Frontier Surveys.

Copy of the Minutes of a conference held at Beirut on October 10th to 12th, 1931, between Mr. Booth, Acting-Director of Surveys in Iraq, Captain Delienne, Director of the Topographical Bureau of the French Troops in the Levant.

Note on the Miran.

Observations on note (No. 12) of April 22nd, 1932, of the French and Syrian assessors.

Note on Rumelan Keui.

Note on the boundary between the vilayets of Diarbekir and Mosul.

Note containing general considerations on the frontier line.

Letter, dated June 3rd, 1932, from Mr. Edmonds, Baghdad, concerning maps sent by the Survey Department.

Letter, dated June 4th, 1932, from Mr. Edmonds, Baghdad, concerning maps sent by the Survey Department.

Letter from the Ministry of Interior, Baghdad, dated June 14th, 1932, transmitting two lists of villages of Sinjar Qadha, south side and north side.

Letter, dated June 28th, 1932, from Mr. Edmonds, London, on his research in the archives of the Foreign Office, London, concerning the maps used for the negotiations of the convention of 1920.

REPORT OF THE COMMISSION.

[Translation.]

CHAPTER I. — ORIGINS OF THE QUESTION UNDER CONSIDERATION.

In the month of December 1920, the French and British Governments, desirous of finally settling the problems raised by the assignment to the United Kingdom of the mandates for Palestine and Mesopotamia, and by the assignment to France of the mandate for Syria and the Lebanon, sought by mutual consent a practical solution of these problems.

The negotiations undertaken for this purpose by the two Governments resulted in the signature of the Franco-British Convention of December 23rd, 1920.¹

Article 1 of this Convention fixed the boundaries between the territories under British mandate and the territories under French mandate.

According to the terms of Article 2, a mixed commission was to be established to trace on the spot the boundaries so fixed. The same article stipulated that any dispute that should arise in connection with the work of this commission would be referred to the Council of the League of Nations, whose decision would be final.

The Commission met in June 1921, and proceeded to carry out the delimitation of the frontier from the Mediterranean as far as El Hamme.

Beyond this point, it was confronted with the difficulty of establishing a line which should take local conditions into account, and was consequently obliged to suspend its operations, which were not afterwards resumed.

Only after an interval of several years — when, by the decision of the Council of the League dated December 16th, 1925, and by the signature of the Franco-Turkish Protocol of June 22nd, 1929, a definite allotment was made of all the territories to which the Convention applied — did the British and French Governments carry out a joint enquiry into the problem of the section of the frontier not yet delimited.

The difficulties which had stopped the work of the commission of 1921, however, soon arose anew. In the first place, divergencies of opinion existed as to the exact interpretation of the definition of the frontier given in Article 1 of the Convention. Secondly, it was found that, whatever that interpretation might be, a frontier drawn in strict conformity therewith would be likely to be unsatisfactory for various reasons.

It was in consequence of these findings, and in order to promote a final settlement of the problem, that the British and French Governments, by two identical notes dated November 11th and 10th, 1931, respectively, laid the question before the Council of the League of Nations.²

At a meeting held at Paris on November 9th, 1931, the Council undertook the examination of this question.³ The representative of Yugoslavia, Rapporteur for mandates questions, explained the origins of the question, and supported the suggestion of the Governments concerned that the Council should appoint a commission of enquiry.

He pointed out that the commission's task would be defined by the actual terms of the request made by the British and French Governments; it would consist in collecting on the spot full information and particulars as to the military, political, administrative, tribal, economic, geographical and other problems which the question involved, so as to permit of its thorough investigation.

The Council adopted the following resolution:

“The Council,

“In pursuance of the joint request by the British and French Governments:

“(1) Decides to accept, in principle, the British and French Governments' request that it should examine all aspects of the difficulties raised by the delimitation of the frontier between Syria and Iraq, should form its conclusions as to the intentions of Article 1 of the Franco-British Convention of December 23rd, 1920, and should then indicate a frontier between Syria and Iraq based on this Convention but modified as required by the aforementioned considerations;

“(2) Decides to set up a Commission consisting of three commissioners selected for their special competence, being nationals of countries not parties to the question, assisted by four assessors, to collect full information and particulars on the spot, and to make such suggestions as may assist the Council in framing its decision on this question; this decision will be final;

“(3) Requests the President in Office of the Council to appoint, with the assistance of the Rapporteur for mandates questions, the members of the above-mentioned Commission; the two parties are requested to submit jointly proposals in this connection;

“(4) Decides that the sums required by the Commission for the accomplishment of its work shall be borne by the British and French Governments, the mandatory Powers for Iraq and Syria.”

¹ See *Treaty Series* (League of Nations), Volume XXII, 1924, Nos. 1, 2, 3 and 4, pages 355 to 361.

² Document C.843.1931.VI.

³ See Minutes of the sixty-fifth session of the Council, No. 2963, pages 2372 to 2374.

On the proposal of the President of the Council, who happened to be the representative of one of the parties concerned, the appointment of the members of the commission of enquiry was entrusted to his predecessor in office, the representative of Spain, with the assistance of the Rapporteur for mandates questions.

At the beginning of March 1932, the Commission was constituted as follows:

Chairman:

Colonel James DE REYNIER (Swiss), former President of the Danzig Harbour and Waterways Board, former Commissioner of Plebiscite Archives in the Saar Territory, former Chairman of the Mixed Greco-Bulgarian Emigration Commission.

Members:

M. Pedro MARRADES (Spanish), First-class Commercial Attaché at the Spanish Embassy in Berlin, former Consul at Damascus, Jerusalem, Beirut and Sète;

M. Carl PETERSÉN (Swedish), Director of Section at the Secretariat of the International League of Red Cross Societies.

The Secretariat of the League of Nations appointed M. Horace DE POURTALÈS to be Secretary to the Commission.

Following the death by accident of the Chairman, Colonel de Reynier, on March 29th, the representative of Spain on the Council and the Rapporteur for mandates questions appointed as the new Chairman, on April 18th:

Colonel Frédéric ISELIN (Swiss), Commanding the Second Artillery Brigade, Engineer holding the diploma of the Ecole polytechnique fédérale.

CHAPTER II. — WORK OF THE COMMISSION.

The Commission met at Geneva on March 12th, 1932, and at once proceeded to examine the material collected for it by the Secretariat of the League of Nations.

The Commission embarked at Marseilles on March 15th, and reached Beirut on March 22nd. There it was joined by the assessors whom the two Governments concerned had respectively appointed, in accordance with the Council's decision, to assist the Commission in its work. These assessors were:

On the Franco-Syrian side: Squadron-Leader BONNOT; Nessib Bey AYOUBI, Mutessarif of Hasseche.

On the Anglo-Iraqi side: Major C. J. EDMONDS, Adviser to the Ministry of the Interior of Iraq; Colonel Sabih Bey NEJIB, Director-General of the Iraqi Police.

The Commission, to which the four assessors had now been added, met the day after its arrival to come to an agreement on the general plan of its work. To facilitate a thorough study of the various areas in question, the Commission decided to divide the frontier line into six sectors.

In each sector a centrally-situated and easily-accessible place was chosen as a base for the work of the Commission, which was to camp at these bases successively.

The sectors and camps were as follows:

- Jebel Tenf to Albu Kemal, Camp on the Jebel Tenf;
- Euphrates Area, Camp at Albu Kemal;
- Salt Deposits Area, Camp at Bir Sehil;
- Southern Sinjar Area, Camp at Sukenia;
- Northern Sinjar Area, Camp at Senuni;
- Tigris Area, Camp at Khanik.

As the season was already advanced, it was agreed that the work should start from the south — that is to say, at the Jabal Tenf — and that the Commission should move gradually northward so as to avoid the great heat, which is already formidable in May in the southern parts of the desert.

During its brief stay at Beirut, the Commission was cordially welcomed by the French authorities. It desires to tender its thanks to the High Commissioner of the French Republic in Syria and the Lebanon, M. Henri Ponsot, and all his assistants, who gave the Commission every facility to accomplish its task.

The Commission then proceeded by aeroplane to Baghdad in order to get into touch with the British and Iraqi authorities.

At the last moment, Colonel de Reynier was obliged to postpone his departure for a few days.

Arriving at Baghdad on the morning of March 26th, the Commissioners were very cordially received by the representatives of H.M. the King, by Sir Francis Humphrys, H.B.M. High Commissioner in Iraq, and by certain members of the Government, with whom they had several interviews during the succeeding days.

The Commission desires to thank them for their kind assistance in the organisation of its work.

Meanwhile, Colonel de Reynier, anxious to rejoin his colleagues at Baghdad as quickly as possible, left Damascus by aeroplane on March 29th.

Starting at dawn in fine weather, the aeroplane was caught between Rutba and Ramadi by a sudden storm, such as frequently arises in those parts. What happened then can only be conjectured. Probably the pilot, flying low in order to follow the caravan trail, was blinded by the sand-clouds, which are carried very high by hurricanes. The machine crashed at full speed and was destroyed. The three occupants, Colonel de Reynier, the pilot and his assistant, were killed instantaneously.

Meanwhile, the Commission, alarmed by the apparently inexplicable delay, asked the Iraqi and Syrian authorities to undertake a search forthwith. Orders were at once given accordingly, but the search was made very difficult by bad atmospheric conditions. Not until thirty-six hours later was it learned at Baghdad that Iraqi police patrols had found the remains of the aeroplane and the bodies of the passengers in the desert.

The Commission at once went to meet the party which was bringing back the bodies of Colonel de Reynier and the two airmen. The bodies rested one night in the Baghdad Military Hospital, whence they were taken to Beirut.

At the time of departure, a moving ceremony took place in the Residency Park, in the presence of the coffins of the three victims. The King's representative, the High Commissioner, and all the members of the Iraqi Government and the Diplomatic Corps associated themselves with this last tribute. Detachments of British and Iraqi troops rendered the funeral honours. The coffins were then placed in a military aeroplane, which conveyed them to Damascus, accompanied by another machine carrying the members of the Commission.

The High Commissioner, M. Henri Ponsot, attended by the civil and military authorities, was at the Damascus aerodrome awaiting the arrival of the aeroplane, which was met by three French flights.

As soon as the aeroplane landed, the last honours were paid by the troops of the garrison, and the body of the Chairman, Colonel de Reynier, was then conveyed to Beirut, and afterwards to Switzerland.

We desire to pay a heartfelt tribute to the memory of Colonel James de Reynier.

His energy, clear-sightedness, and uprightness made him eminently suitable for the delicate task with which he had been entrusted; in a few days, he had gained the high esteem and complete confidence of those who had to work under him, and his death was a very real grief to them.

At the request of the two mandatory Powers concerned, the Commission was authorised by the Secretary-General of the League of Nations to continue its work provisionally, pending the appointment and arrival of the new Chairman.

It was then decided what method was to be followed in the enquiry. The Commission was to proceed to the frontier zone and endeavour to collect on the spot all information that might be of use. It was to study the area, travelling all over it, visiting the villages and questioning the inhabitants.

This work was to be greatly aided by the new 1:200,000 maps which had been prepared jointly by the topographical departments of the two Governments for the Commission's special use.

Transport of various kinds had been placed at the Commission's disposal by the Governments concerned. Convoys of motor-cars, escorted by motor machine-gun detachments supplied by the two parties, had been organised. In addition, to facilitate long-distance reconnaissance, the Officer Commanding the British Air Force detailed a large transport aeroplane capable of carrying all the members of the Commission and the assessors. Later, a field wireless station was erected in the camps, also by the Royal Air Force.

Being thus enabled to move about with ease, the Commission succeeded in carrying out a very full enquiry in each sector of the frontier in a comparatively short space of time. Wherever additional information was felt to be necessary, the Commission applied to the assessors of the two parties, who replied by written notes to the questions put to them.

Further, availing themselves of the right granted to them to call evidence in support of their cases, the assessors summoned before the Commission numerous representatives of the local populations.

To exclude all possibility of intimidation, and to inspire the witnesses with confidence, they were questioned in the sole presence of the interpreter of the party by whom they were summoned. They were also given an assurance that their statements would remain confidential.

Having made all necessary arrangements, the Commission occupied its first camp, close to the Jebel Tenf, on April 3rd.

Its enquiry in this first sector, which is complete desert and uninhabited, could be only of a topographical nature. It was required so as to determine the points of intersection of the following three lines: the frontier according to the Convention of 1920, the new frontier-line between Syria and Transjordan as fixed by the Protocol of October 31st, 1931, approved by the

Council of the League on January 30th, 1932,¹ and the frontier between Iraq and Transjordan, the probable course of which had been communicated for information by H.B.M. High Commissioner in Iraq.

With the assistance of survey officers of both parties, the Commission had no difficulty in placing these three lines on the ground, and thus fixing the starting-point of the frontier it was required to define.

On April 9th, the Commission moved its camp to Albu Kemal, where it made a close study of the economic situation in that part of the Euphrates valley. Numerous notables of the town were invited to appear before the Commission and furnished valuable information.

The Commissioners also visited the villages on either side of the river and took evidence from the inhabitants regarding the distribution along the Euphrates of the semi-sedentary tribes which cultivate its banks.

The Commission then proceeded to Deir-ez-Zor, in order to get into touch with Colonel Goudounex, delegate of the High Commissioner of the French Republic for the Euphrates territories, whose authority extended over the whole of the area to be studied. Thence, it proceeded on April 17th to Bir Sehil, to the north of the salt deposits which extend from that point to the neighbourhood of Albu Kemal. It examined the relative values of these various deposits, their technical exploitation, and the communications by which they are served.

It was at Bir Sehil that the Commission learned from the Secretary-General of the League of the appointment of Colonel Iselin as Chairman in place of the late Colonel de Reynier.

It was decided, pending the new Chairman's arrival, to transfer the camp to Sukenia, in the neighbourhood south of Jebel Sinjar, and to suspend its work for a few days so as to allow Colonel Iselin to take charge of the enquiry in the Sinjar sector, which was so important as to require the presence of the entire Commission.

The Chairman proceeded, on April 29th, to Aleppo, where the Secretary of the Commission was awaiting him, and arrived at the Sukenia camp on April 30th. Next day, he held a meeting at which Colonel Goudounex and Major Wilson, Administrative Inspector of Mosul, were present.

The Chairman took advantage of the presence of a French military aeroplane in the camp to make a first flight over the Sinjar area.

Staying a week at Sukenia, the Commission, with the exception of M. Marrades, who was unwell, visited a number of villages on the southern slope of the mountain, and ascertained in detail the conditions in which the Yezidi population lived. In particular, it spent a whole day at Beled Sinjar, the centre of the district, and had interviews with delegations of the Administrative Council, the religious authorities, and the traders.

When the time came to move camp to Senuni, north of the Sinjar, the Commission stayed at Mosul while the transfer was being carried out. It was very cordially received by the authorities there, and took advantage of the opportunity to obtain information regarding the commercial relations between this important centre and the frontier districts.

From Senuni, where a landing-ground had been made, several air reconnaissances were carried out between May 6th and 12th, in particular as far as Albu Kemal, passing over the salt deposits, Colonel Iselin thus being given an opportunity to examine the details of this area, which the Commission had previously studied. Several flights over the Qara Chok Dagħ as far as the Tigris afforded a general view of the Kabur basin and the area known as the "Bec de Canard" (Duck's Bill). In the intervals, the Commissioners motored to the important villages of Bara, Mamissa, and Adika, on the northern flanks of the Jebel Sinjar. Several days were also spent in interviewing witnesses summoned by the assessors to inform the Commission as to the economic relations between the Jebel and the towns of Hasseche and Kameshlia, on the Syrian border. When these witnesses were being heard in camp, the whole Commission was always present; but when it visited the villages on the northern slope of the Sinjar, M. Marrades, who was still not fit for motoring, was unable to accompany his colleagues.

On May 12th, the Commission left Senuni by car on the way to its last camp at Khanik, on the Tigris, opposite Faish Kabur. On the way it stopped at the encampment of Sheik Ajil, the supreme chief of the Shammar tribe of Iraq, with whom the Commissioners discussed the general question of the tribes and their changes of pastureland.

From Khanik, reconnaissances were made by motor and on horseback along the Tigris and the Qara Chok Dagħ, and also in the Rumelan Keui area, and as far as the French post at Derik, in the "Bec de Canard".

Regarding its enquiry on the ground as completed, the Commission held a final meeting on May 16th, at which the Chairman thanked the four assessors for their valuable assistance.

While Colonel Iselin, accompanied by the Secretary, went by air to Baghdad to pay a visit of courtesy to H.M. the King and the Members of the Iraqi Government, M. Petersén and M. Marrades returned direct to Beirut.

The Commission reassembled at Beirut on May 19th, and spent nearly a week in classifying and working out the conclusions drawn from its work on the ground.

The Chairman and the Secretary left Beirut for Geneva by sea on May 25th. M. Petersén left for Geneva the same day, via Ankara and Istanbul, where he obtained some additional technical information.

The Chairman and M. Petersén met again at Geneva on June 2nd, and were rejoined on June 8th by M. Marrades, who had been detained at Beirut.

¹ See *Official Journal* of the League of Nations, March 1932, pages 503 to 506 and 798 to 801.

CHAPTER III. — FRANCO-BRITISH CONVENTION OF DECEMBER 23RD, 1920.¹

I. TEXT OF ARTICLE I.

Article I of the Franco-British Convention of December 23rd, 1920, defines the boundaries between the territories under the French mandate of Syria and the Lebanon, on the one hand, and the British mandates of Mesopotamia and Palestine, on the other, as follows:

“ . . . On the east, the Tigris from Jeziret-ibn-Omar to the boundaries of the former vilayets of Diarbekir and Mosul.

“ On the south-east and south, the aforesaid boundary of the former vilayets southwards as far as Rumelan Keui; thence, a line leaving in the territory under the French mandate the entire basin of the Western Kabur and passing in a straight line towards the Euphrates, which it crosses at Albu Kemal, thence a straight line to Imtar to the south of Jebel Druse. . . . ”

The rest of Article I does not concern the frontier between Syria and Iraq, but only that between Syria and the Lebanon and between Transjordan and Palestine. It therefore has no bearing on the present enquiry.

2. THE CARTOGRAPHICAL BASIS OF THE CONVENTION.

It is unfortunate that the text quoted above was not accompanied by any map. Obviously, however, the negotiators, none of whom appears to have been acquainted with the country itself, must have discussed the matter over a map. But what map? They nowhere refer to one, and, in spite of considerable research, we have not been able to settle this point definitely, though it is of high importance in endeavouring to grasp the negotiators' intentions.

We note, however, that the Governments of the two mandatory States agree to regard the “British International 1:1,000,000 map published in 1916 and revised in 1918”² as the one which was used for the negotiations and for the conclusion of the 1920 Convention. The French Government, in its letter dated January 23rd, 1932, to the Secretary-General of the League of Nations, after explaining its interpretation of Article I of the Convention, observes:

“The foregoing definition is based on the British 1:1,000,000 International Map, published in 1916 and revised in 1918, which the negotiators of the Franco-British Convention of December 23rd, 1920, had before them.”³

The British Government, in its letter of January 30th, 1932, to the Secretary-General of the League of Nations, states:

“All external and internal evidence points to the 1:1,000,000 Asia map of 1916. It is understood that this is not questioned.”⁴

Although no positive proof has been advanced in favour of this argument, it is highly probable that the map referred to above was indeed the one used by the negotiators. It contains all the names given in the Convention, indicates the administrative boundaries specified therein, and also shows quite distinctly — though incompletely — the basin of the Western Kabur, which the Convention expressly mentions. At a first glance, however, one peculiar point will be noted: the orthography of all the place-names quoted in the Convention differs from that employed in the map, whereas, throughout the rest of the text, greater accuracy is observed. True, the original text of the Convention was doubtless prepared by some French authority, since the points of the compass (East, South-East and South) are always quoted in their relation to Syria. It is therefore probable that, in this first draft, the English orthography employed in the map was more or less gallicised, whereas the map was no longer consulted when the French text came to be translated into English.

However that may be, we cannot, in the absence of other evidence, do otherwise than concur with the opinion of the two parties and regard the 1:1,000,000 map as that which must have been used for the negotiations and for the conclusion of the 1920 Convention.

This map is obviously not an ideal cartographical basis for the study of so important a question. It was prepared mainly on the basis of the 1:850,000 map “Syrien und Mesopotamien”, published by Dr. Richard Kiepert in 1893, and also on the basis of other data derived from various sources. In point of fact, when the map was prepared, no general survey of this sparsely-populated and desert region had been made. The only maps in existence were those prepared by scientific expeditions. It is therefore not surprising that a compilation of this kind should be very incomplete and even, in some places, inaccurate. At the present time, it would be regarded rather as a sketch than as a map. Naturally, it would have been far more satisfactory had the negotiators been able to base their work on some more accurate and adequate document. In the absence of anything better, however, they were reduced to using the map in question.

¹ See Annex No. I.

² Asia 1:1,000,000. Projection of the International Map compiled at the Royal Geographical Society under the direction of the Geographical Section, General Staff. Drawn and printed at the War Office, 1916. This map is reproduced as Annex No. I.

³ Document C.106.1932.VI.

⁴ Document C.182.1932.VI.

3. THE INTERPRETATION OF ARTICLE I BY THE GOVERNMENTS.

Owing to the wording of Article I of the Convention and the deficiencies of the map, it is difficult to divine the real intentions of the negotiators. It is therefore not surprising that each of the parties should have interpreted this article quite differently, and that, when the elasticity of the text was thus discovered, each should have wished to submit its official interpretation to the Council in the form of notes, which we deem it desirable to reproduce here *in extenso*:¹

- (a) *French interpretation*, contained in a letter from the French Government to the Secretary-General of the League of Nations:

[Translation.]

January 23rd, 1932.

To the Secretary-General.

By a resolution dated December 9th last, the Council of the League of Nations decided to accept in principle the British and French Governments' request that it should examine all aspects of the difficulties raised by the delimitation of the frontier between Syria and Iraq, should form its conclusions as to the intentions of Article I of the Franco-British Convention of December 23rd, 1920, and should then indicate a frontier between Syria and Iraq based on this Convention but modified as required by the aforementioned considerations.

In view of the decision which the Council of the League of Nations is called upon to take in these circumstances, I have the honour to inform you that the French Government feels entitled to claim for Syria, in strict application of the above-mentioned Convention of December 23rd, 1920, the frontier described and briefly commented upon below:

I. TIGRIS SECTOR.

To the east, the Tigris from Jeziret-ibn-Omar to the boundaries of the former vilayets of Diarbekir and Mosul.

The Turco-Iraqi frontier, as a result of the decision of the Council of the League dated October 9th, 1925, and the Treaty of Ankara of June 5th, 1926, concluded between the United Kingdom and Iraq, of the one part, and Turkey, of the other part, in conformity with this decision, having been displaced to the south as far as the confluence of the Tigris and of the Kabur, this confluence is the point of departure of the Syro-Iraqi frontier.

From this confluence, the frontier is marked by the thalweg of the river as far as the point where the river is intersected by the boundary between the former vilayets of Diarbekir and Mosul, as shown on the 1 : 1,000,000 map.²

II. TIGRIS-RUMELAN KEUI SECTOR.

To the south and south-east the aforesaid boundary of the former vilayets southwards as far as Rumelan Keui.

From the point of intersection between the thalweg of the Tigris and the boundary of the vilayets, the frontier follows this boundary, as shown on the 1 : 1,000,000 map;² the boundary bends towards the south in its western portion and passes slightly south of Rumelan Keui.

The expression "as far as Rumelan Keui" should therefore be taken to mean "as far as the point opposite Rumelan Keui" — *i.e.*, as far as the nearest point to Rumelan Keui on the boundary of the vilayets.

The position of Rumelan Keui is determined by the geographical co-ordinate assigned to it on the said map.

III. RUMELAN KEUI-EUPHRATES SECTOR.

Thence a line leaving in the territory under French mandate the entire basin of the Western Kabur and passing in a straight line towards the Euphrates, which it crosses at Abu Kemal.

Albu Kemal is not on the Euphrates, but 400 metres to the west of the right bank of the river. The frontier cannot cross the Euphrates at Albu Kemal itself; it crosses it at the nearest point on its course to Albu Kemal.

The beginning and end of this line being thus determined, the line should, according to the Convention,

- (1) Leave the whole of the Kabur Basin to the French mandate;
- (2) Proceed in a straight line to the Euphrates, which it crosses opposite Albu Kemal.

If reference is made to the 1 : 1,000,000 map, a straight line joining the two above-mentioned points seems to answer to these two conditions.

IV. EUPHRATES-IMTAN SECTOR.

Thence a straight line to Imtan, to the south of Jabal Druze.

This definition calls for no comment.

The foregoing definition is based on the British 1 : 1,000,000 international map, published in 1916 and revised in 1918,² which the negotiators of the Franco-British Convention of December 23rd, 1920, had before them.

The following maps should also be mentioned for reference: The map of 1 : 1,000,000 annexed to the Treaty of Sèvres; the map annexed to the report of the Commission of Enquiry appointed by the League of Nations to consider the question of the frontier between Turkey and Iraq; the map of 1 : 1,000,000 annexed to the British White Book containing the text of the Treaty concluded at Ankara on June 5th, 1926, between the United Kingdom, Iraq and Turkey (*Treaty Series*, No. 18 [1927]).³

I enclose for your information a copy of the British 1 : 1,000,000 international map on which the Syro-Iraqi frontier between the Tigris and the Euphrates has been traced in conformity with the definition given above.

I should be obliged if you would communicate the particulars of the present letter to the Members of the Council.

(Signed) BERTHELOT.

¹ Document C.106.1932.VI.

² See map, Annex No. 1.

³ This treaty is also published in the League of Nations *Treaty Series*, Vol. LXIV, No. 1511.

- (b) *British interpretation*, contained in a letter from the British Government to the Secretary-General:¹

January 30th, 1932.

To the Secretary-General.

I am directed by His Majesty's Principal Secretary of State for Foreign Affairs to invite a reference to the resolution adopted by the Council on December 9th last, following upon a joint request from His Majesty's Government and the French Government, regarding the delimitation of the frontier between Iraq and Syria.

2. In view of that resolution, I am to transmit to you, for the information of the Council, the accompanying memorandum (together with eight copies of the map mentioned therein²) on the interpretation of Article I of the Franco-British Convention of December 23rd, 1920.

The Council will no doubt wish to refer this memorandum, for examination, to the Commission contemplated in Section 2 of its resolution of December 9th, when that Commission is set up.

3. A further memorandum, containing certain proposals for the revision of the frontier as defined in the Convention of 1920, is being prepared and will be transmitted to you as soon as possible.

(Signed) G. W. RENDEL.

MEMORANDUM ON THE INTERPRETATION OF ARTICLE I OF THE FRANCO-BRITISH CONVENTION OF DECEMBER 23RD, 1920, RELATING TO THE BOUNDARY BETWEEN IRAQ AND SYRIA.

1. The boundary between Iraq and Syria is defined in Article I of the Franco-British Convention of December 23rd, 1920, the text of which is as follows:

"On the east, the Tigris from Jeziret-ibn-Omar to the boundaries of the former vilayets of Diarbekir and Mosul.

"On the south-east and south, the aforesaid boundary of the former vilayets southwards as far as Rumelan Keui; thence a line leaving in the territory under the French mandate the entire basin of the Western Kabur and passing in a straight line towards the Euphrates, which it crosses at Abu Kemal, thence a straight line to Imtar, to the south of Jebel Druse."

2. The Convention makes no mention of a map, and, it is understood, no map was found annexed to the original document. The framers of the Convention, who had no first-hand knowledge of the ground, must, however, have used a map. All external and internal evidence points to the 1 : 1,000,000 Asia map of 1916. It is understood that this is not questioned.

3. The Convention must therefore be read in the light of the 1 : 1,000,000 Asia map of 1916. This map is admittedly little more than a sketch-map, and is far from accurate. The application to the ground of any line drawn on this map is likely to present many difficult problems which must come up for solution at a later stage. They have, however, no connection with the interpretation of the Convention, which must take the form of drawing on the map used the line which the framers of the Convention intended to describe.

4. The first sector as far as Rumelan Keui offers no difficulty of interpretation. The boundary would follow the Tigris from the mouth of the Kabur, where the frontier between Iraq and Turkey begins, to a point opposite Faish Kabur, and thence the administrative boundary marked on the map to Rumelan Keui.

5. The succeeding passage, from the words "thence a line" to the words "crosses at Abu Kemal", is obscure. It is not contended that the wording of the Convention absolutely rules out a straight line from Rumelan Keui to Abu Kemal. There is, however, no reason to doubt that, for the reasons developed in paragraph 6 below, the line which is described in the Convention, and which the framers intended to describe, is that shown in red on the accompanying copy from the map of 1916.²

This line may be more fully described in words as follows:

From Rumelan Keui a curved line running south of the Wady-er-Radd in the general direction west-south-west and then south-south-west so as to leave in Syria all the drainage-lines running to the Kabur; after passing between the Lake of Khatuniya, which it leaves to Iraq, and the heads of the two drainage-lines, which it leaves in Syria, the line continues in the same direction to a point on parallel of latitude 36° N. immediately to the east of the head of Shaib Abu Hamda, the most southerly of the drainage-lines to the Kabur shown on the map; from this point a straight line towards the Euphrates to the 'e' in 'Werdi', whence it crosses the Euphrates at right angles to Abu Kemal.

6. The following considerations are adduced in support of the line described above as opposed to the straight line:

(a) It is highly improbable that the framers of the Convention would have drawn a line bisecting so prominent a feature as the Jabal Sinjar.

(b) If a straight line from Rumelan Keui to Abu Kemal had been intended, there would have been no need to mention the basin of the Kabur, since the map shows the whole of the basin well to the west of such a straight line.

(c) Furthermore, the use of the word "line" in the phrase referring to the basin of the Kabur and "straight line" in the phrase referring to the approach to the Euphrates supports the view that the framers were not describing a line straight throughout its length between Rumelan Keui and Abu Kemal, though the clumsy wording of the sentence, taken alone, does not exclude such a meaning.

(d) The line described in paragraph 5 corresponds closely with the actual situation obtaining at the time of the conclusion of the Convention.

7. The last sector, a straight line from Abu Kemal to Imtan, presents no difficulties of interpretation.

(c) *The French and British Interpretations compared.*

The two separate frontier-lines that emerge from these official interpretations are shown in Annex No. I on a reproduction of the map which the negotiators themselves in all probability employed.

¹ Document C. 182.1932.VI and erratum.

² This map, reproduced in the present document, constitutes Annex No I.

The very considerable divergence between these lines is in itself clear proof of the extreme elasticity of Article 1 of the Convention. We will not, however, comment on these interpretations at this stage, because we shall have occasion later to state our own views as to what would appear to have been the intentions of the negotiators of the 1920 Convention.

4. INTERPRETATION OF THE CONVENTION BY THE COMMISSION OF ENQUIRY.

The Commission was not definitely instructed to give its own interpretation of Article 1 of the 1920 Convention; but it was asked to "make such suggestions as may assist the Council in framing a decision", on the basis of that Convention, and we are therefore obliged to begin by interpreting that article. What, in the first place, were the intentions which the negotiators sought to express in Article 1 of the Convention of December 23rd, 1920? Obviously we shall have to consult the same map as the negotiators used — *i.e.*, the 1:1,000,000 map (Annex No. 1).

We shall proceed, like the negotiators, by sectors, from north to south.

(a) Tigris Sector.

"On the east, the Tigris from Jeziret-ibn-Omar to the boundaries of the former vilayets of Diarbekir and Mosul..."

No difficulty of interpretation arises as far as this portion of the frontier is concerned: the Tigris, and the Tigris alone, is specified as the boundary, which means, according to universal practice, that its thalweg (the line of the deepest depression of the river-bed) forms the boundary between the two States.

True, the thalweg of a river is not immutable any more than are its banks, the beds of rivers being almost constantly undergoing change by erosion. The stronger the current, the deeper the water, and the less resistant the soil, the greater are these changes and the more rapidly do they occur. The relatively regular course of the Tigris in this region, however, warrants the assumption that the variations in its thalweg are not very appreciable, and that, taken over a fairly long stretch of river, the gains balance the losses.

We may therefore assume that the present thalweg of the Tigris is practically the same as that to which in 1920 the Convention was undoubtedly meant to refer, though, if we are not mistaken, no survey had been made at the time. Accordingly, this thalweg should form the frontier down to the spot at which the boundary between the former vilayets of Diarbekir and Mosul crosses the Tigris.

The old Turkish maps, which were consulted, though they indicate the general boundaries of the vilayets as shown in the 1:1,000,000 map, are too inaccurate and defective to enable us to determine this spot. More recent maps, like that published in 1893 by Dr. Kiepert of Berlin, or the map of halting-places prepared in 1917 by the *Kartogr. Abteilung der kgl. Preuss. Landesaufnahme*, do not indicate the boundaries of the Turkish vilayets.

The official year-book of the Ottoman Empire for 1325 (1909) also fails to show these boundaries, but it does mention the various districts and sub-districts in each vilayet. By ascertaining on the map the situation of the chief villages of these administrative divisions, it is possible to deduce the rough outline of the boundaries of the two vilayets. Such enquiries do not in any way suggest that the boundaries differ from those shown in the 1:1,000,000 map.

The information obtained from numerous inhabitants of the district was too vague to allow of any definite pronouncement. The only conclusion we were able to draw from their answers was that the village of Faish Kabur, on the left bank of the Tigris, has always formed part of the Qaza of Jeziret-ibn-Omar, and consequently of the vilayet of Diarbekir. The boundary thus appears to have crossed the Tigris below Faish Kabur; but how far below?

The 1920 negotiators certainly did not possess any other data on the subject; they could only rely on the map, which places the point of intersection immediately below Faish Kabur. We have no reason to suppose that they placed this boundary on the ground elsewhere than on the map. Moreover, both parties, in their official interpretation of the 1920 Convention, agree in adhering to the indications given in the map; and, as no more detailed information is available, we can only do likewise.

(b) Sector from the Tigris to Rumelan Keui.

"... on the south-east and south; the aforesaid boundary of the former vilayets southwards as far as Rumelan Keui..."

From the Tigris, therefore, the frontier is to follow the boundary of the former vilayets of Diarbekir and Mosul as far as Rumelan Keui. Here the intention of the negotiators is clear: but what were their ideas as to how the boundary was placed on the ground, and what point did they mean by "Rumelan Keui"?

As regards this part of the boundary, there can be no doubt that the negotiators were entirely at the mercy of their map, according to which the boundary, after leaving the Tigris, proceeds south-west in a slightly S-shaped course for about thirty kilometres. It then gradually turns westwards. The map does not show between the Tigris and Rumelan Keui any landmark — village, river, or trigonometrical mark — by which this sector of the frontier could be defined. In this case also, the answers of witnesses did not throw any certain light on the question. We think, therefore, that the terms of the Convention can best be fulfilled by marking on the ground, with the greatest mathematical accuracy possible, the boundary indicated in the map.

We now come to the question of Rumelan Keui (“keui” means in Turkish a village). The map “Syrien und Mesopotamien” of Dr. R. Kiepert (1893) indicates, by means of the conventional sign (a small circle), at latitude $36^{\circ} 57'$ N. and longitude $41^{\circ} 58'$ E., a village, Rumelankoï, the terminal point of a track coming from Demir Kapu, a place about seven kilometres further west. This map does not, however, show the boundaries of the former vilayets.

The British international map, which, as we pointed out, is based on Kiepert's map, places the same village about six kilometres further east and slightly north of the former boundary of the vilayets. The name is spelt “Rumelan Keui”, and the track coming from Demir Kapu continues south-eastwards.

On the other hand, the copy of this map reproduced by the Survey Directorate at Baghdad, which is attached to this report,¹ shows Rumelan Keui, but without the conventional sign for a village. The name is written right across the former boundary of the vilayets, and is the terminal of a track coming from the south-east.

Finally, the most recent maps of French origin — namely, the 1:500,000 map² and the 1:200,000 map,³ published by the Geographical Bureau of the French Troops in the Levant — both show ruins at this spot bearing the name “Roumélane Keui”. The new British maps, however, give different information: one, on the scale of 1:126,720 (edition of February 1927), makes no mention of Rumelan Keui, whereas the other, on a scale of 1:200,000 (edition of April 1932), shows a village marked as “Rumailan Koi”.

In view of these differences in the maps and of the great importance of Rumelan Keui for the objective interpretation of the 1920 Convention, we conducted very full enquiries on the spot, the results of which are as follows:

There is now neither an inhabited village nor a ruined village in this region. The oldest nomads who frequent those parts do not remember ever having seen or heard tell of a village called Rumelan Keui. On the other hand, we discovered, about four kilometres north-west of the Tell Rumelan Kebir (*i.e.*, at the exact spot at which, according to the French 1:200,000 map,³ the ruins of “Roumélane Keui” are situated), indisputable traces of old permanent dwellings (worked stone, potsherds) and numerous recent traces of tent encampments. The tell in question, though not very high, covers a fairly large area, around which winds a wadi, flowing into the Wadi Rumelan. It is, in fact, just such a site as would be chosen in this country for establishing permanent or temporary dwellings. It would therefore seem legitimate to suppose that this is the actual site of the former village of Rumelan Keui. There is nothing extraordinary in the fact that the name should have outlived the village; moreover, in this part of the country the word “village” seems also to be used to denote places at which nomads are accustomed to pitch their tents at various seasons. We therefore believe that this is actually the Rumelan Keui referred to in the Convention.

It should further be noted that another Rumelan Keui, situated, according to the British 1:126,720 map, about five kilometres west of Mustapha Uieh, cannot possibly have been the village intended in the Convention of 1920. This latter place, which is not shown in any of the other maps, would be more than ten kilometres north of the boundary of the vilayets, and cannot therefore be considered.

(c) *Sector from Rumelan Keui to the Euphrates.*

“ . . . thence (from Rumelan Keui) a line leaving in the territory under the French mandate the entire basin of the Western Kabur and passing in a straight line towards the Euphrates, which it crosses at Abu Kemal.”

It is to be regretted that a section of the frontier about 300 kilometres in length has been accorded only so imprecise a description in the Convention. Admittedly, the vague and incomplete 1:1,000,000 map³ was not an instrument calculated to help the negotiators in expressing their thoughts; but it seems to us that that might have been regarded as a further reason for making the meaning as clear as possible.

The 1920 Convention refers on the one hand to the entire basin of the Kabur, and on the other to a straight line to the Euphrates at Abu Kemal. It does not, however, specify the point at which the frontier should leave the Kabur Basin to proceed in a straight line towards Abu Kemal.

¹ See Annex No. 1.

² See Annex No. 2.

³ See Annex No. 3.

The expression "basin", referring to a watercourse, is generally used to denote all those parts of territory which drain their waters naturally into the watercourse, the ground being supposed to be impermeable and evaporation non-existent. Every cross-section of a river therefore includes a basin of a certain size; the lower downstream the cross-section, the wider the basin.

As the negotiators had only the 1:1,000,000 map,¹ they could not form even an approximate idea of the extent of the Kabur Basin in this region. They noted, indeed, in this map that there were lines of drainage coming from the north and east like the ribs of a fan, all flowing into the Wadi-er-Radd, but they possessed no topographical information regarding the region lying between that wadi and the Jebel Sinjar. This area, about fifty kilometres wide, is a complete blank on the map. As far as the map goes, the boundary of the Kabur Basin might just as well run slightly south of the Radd as along the crest of the Jebel Sinjar itself. It was doubtless owing to this uncertainty that the negotiators refrained from fixing a frontier here by means of landmarks (to be indicated, for instance, by the co-ordinates). They preferred rather to adhere to what was certain and place the whole of the Kabur Basin, as nature made it, under French mandate, in contrast, doubtless, with the neighbouring basin of the Tigris, which was thus automatically placed under British mandate.

The fact that the negotiators first refer to the Kabur Basin, and then expressly mention a straight line, points to the presumption that they had in mind a frontier the first part of which would be curved, and which would then proceed in a straight line. If they had meant a single straight line from Rumelan Keui to Albu Kemal, they need not have mentioned the Kabur Basin at all, because such a line drawn on the 1:1,000,000 map would *ipso facto* leave the whole Kabur Basin under French mandate. On the other hand, they certainly did not intend to follow the contour of that basin to its end — *i.e.*, to the junction of the Kabur with the Euphrates — as no one has ever considered that that point should be a frontier point. All the evidence therefore tends to show that the negotiators meant to regard the Kabur Basin as a frontier solely in this unknown region north of the Sinjar and in the Sinjar itself, whereas, further south, they contemplated a single straight line as far as Albu Kemal.

The watershed between the Kabur and the Tigris — the boundary which, in our opinion, the 1920 Convention meant to indicate — is unfortunately very difficult to determine with any accuracy. The ground is extremely flat, and even the latest maps merely show the height of a few tells (the figures themselves often varying considerably as between the British and French maps!), while no heights at all are given for the plain. In these circumstances, the watershed cannot be determined with sufficiently approximate correctness on the maps at present at our disposal. It will therefore be necessary to make accurate measurements on the ground over a considerable area. It may, however, be assumed, on the basis of the equidistances shown in the latest French maps,² that this watershed will not be found to depart very far from the meridian of 42° E. or 46.666 grades. The boundary would thus correspond approximately with this meridian as far as the crest of the Jebel Sinjar, along which it would then proceed westwards.

We would further observe that, according to the new 1:200,000 maps² and our own observations, a wadi, which has no name on the map, and which acts as a collector for the various watercourses that come down from the highest *massif* of the Sinjar, continues as far as the Radd, into which it flows slightly west of the elbow which the Wadi Rumelan forms with the Radd. This fact makes all discussion concerning wadies coming from the Sinjar further to the west unnecessary. They all form part of the Kabur Basin.

One more error into which the negotiators were drawn by the 1:1,000,000 map needs correction. According to that map, they were justified in believing that Rumelan Keui was outside, or at any rate on the very edge of, the Kabur Basin. In point of fact, this is not so. According to the latest maps and our own observations on the ground, that point is actually situated a few kilometres inside the basin. It would therefore be impossible to draw through Rumelan Keui a line that would leave the whole of the Kabur Basin under French mandate. Nevertheless, the intention of the negotiators to maintain the unity of that basin is so clear that we need not dwell upon it; and it is therefore indispensable, if the intentions of the Convention are to be complied with, that the frontier should diverge from the former boundary between the vilayets of Mosul and Diarbekir before it reaches Rumelan Keui — *i.e.*, at the point where that boundary reaches the Kabur Basin — and that the frontier should then follow the contour of that basin southwards.

The effect of our interpretation of the expression "the entire basin of the Kabur" is that the straight line mentioned in the Convention should start immediately south of the crest of the Sinjar-Jeribeh chain, at a point at which the Kabur Basin abuts on the neighbouring basin of the salt-deposit region. Unfortunately, this point cannot be determined by the aid of the existing maps; for the same difficulties are met with here as north of the Sinjar — there are no adequate topographical indications. It may, however, be assumed, pending further details, that this point is situated about ten kilometres west of the summit of the Jebel Jeribeh (Point 903 on the French map). A straight line proceeding thence to the Euphrates at Albu Kemal passes near the Tell Sfug. According to the Convention, this straight line ought to cross the Euphrates at Albu Kemal. This text cannot, however, be applied literally, because Albu Kemal is not situated on the Euphrates itself but lies at a distance of one kilometre from the right bank. In these circumstances, we believe that the intentions of the negotiators would best be respected by providing that the frontier should cross the Euphrates at the spot nearest to Albu Kemal.

¹ See Annex No. 1.

² See Annex No. 3.

(d) *Sector to the South of the Euphrates.*

“ . . . thence a straight line to Imtar, to the south of Jabal Druse . . . ”

After crossing the Euphrates at Albu Kemal — at right angles to the axis of the river, according to general custom — and as far as the village of Imtan to the south of Jebel Druse, the frontier will thus run in a straight line. This is the simplest possible arrangement, the interpretation of which calls for no discussion.

The frontier-line which thus results from our interpretation of Article 1 of the 1920 Convention is shown in Annex No. 1.

CHAPTER IV. — “DE FACTO” SITUATION AND PROPOSALS OF THE PARTIES.

I. “DE FACTO” SITUATION.

As stated in Chapter I, the proceedings of the Delimitation Commission provided for in Article 2 of the Convention of 1920 had led to no definite result in regard to the Iraqi-Syrian frontier.

There were also several factors that contributed to prolong the uncertainty as to the definitive course of the frontier.

In the first place, the final assignment of the vilayet of Mosul was still in suspense, and indeed was not settled until December 1925. Secondly, it was not until June 22nd, 1929, that the course of the frontier between Syria and Turkey was fixed by the Franco-Turkish Protocol. The effect of this latter circumstance was that the occupation by Syria of the territories eventually allotted to it in the “Bec de Canard” area near the Tigris was delayed until June 1930.

In view of this uncertainty as to the exact delimitation of the territories of the two parties, they naturally endeavoured to arrive at a *modus vivendi* on the basis of provisional agreements which would enable them to arrange for general administration, the collection of taxes, and the establishment of military or police posts in the zone on either side of the presumed frontier.

It should be noted that these agreements were concluded only subject to an express reservation by both parties as to the maintenance of the rights they derived from the Convention. The agreements were in no way to prejudice the eventual decision as to the final delimitation of the frontier.

These provisional arrangements brought about, however, a *de facto* situation which, though in many ways complicated and in some cases vague, was deserving of the Commission's careful attention, inasmuch as it represented a solution that the two parties found provisionally acceptable, having regard to local needs.

Sector from the Tigris to Rumelan Keui.

With regard to this northernmost sector of the frontier, it should be observed that it no longer starts from Jeziret-ibn-Omar, as stated in the Convention of 1920. The treaties finally settling the frontiers between Turkey and Syria and between Turkey and Iraq have shifted the starting-point to the junction of those two frontiers — *i.e.*, the confluence of the Tigris and the Eastern Kabur.

We have explained in the previous chapter the differences of opinion that arose as to the exact site of Rumelan Keui. A like uncertainty prevailed as to the authentic limits of the former vilayets of Diarbekir and Mosul, and consequently the contentions that arose in this sector and made agreement difficult were only to be anticipated.

While the assignment of the “Bec de Canard” zone was still in suspense and the area was administered by Turkey, the boundaries in this sector were fixed by a tacit agreement between the Iraqi and Turkish authorities as follows: From the Tigris, a line following the course of the Sufan Dere westward for about one mile, and thence the ridge of the Qara Chok Dag as far as the Wadi Rumelan.¹

When the “Bec de Canard” area was finally occupied by the French and Syrian troops, a correspondence ensued between M. Ponsot and Sir Francis Humphrys, the latter wishing to maintain the situation described above in that area.²

The High Commissioner of the French Republic in Syria could not see his way to accept this view; on the contrary, he observed that any agreement between only two of the parties without the third being informed and giving its approval could not be binding on the third party. That being so, he could only take his stand on the actual terms of the Convention of 1920, whereby the territory extending to the boundary of the former vilayets belonged to Syria.³

¹ Letter No. 4094 of April 16th, 1930, from Sir Francis Humphrys, H.B.M. High Commissioner in Iraq, to M. Henri Ponsot, High Commissioner of the French Republic in Syria and the Lebanon.

² Statement of the *de facto* situation resulting from the frontier relations between Syria and Iraq — High Commission of the French Republic in Syria and the Lebanon, Beirut, March 19th, 1932, pages 11 and 12.

He added that the military requirements of the occupation would entail the establishment of temporary posts on the Little Qara Chok Dagh, and possibly even the despatch of patrols to the southern slope of the Great Qara Chok.

The *de facto* situation to-day is as it was left at the close of this correspondence.

The Commission ascertained that there were Iraqi police posts at Christian Khanik (opposite Faish Kabur) and at Tell Khanzir el Kebir. There is a French detachment on the Killi Djelli.

Sector from Rumelan Keui to the Euphrates.

We need not return here to the controversy regarding the exact position of Rumelan Keui; let us merely state that, as no satisfactory solution had ever been found for the question, the two parties agreed, following the occupation of Demir Kapu by the French and Syrian troops, to establish a conventional boundary in that area.

By a verbal agreement in 1927 between General Gamelin, Commandant supérieur of the troops in the Levant, and certain British officers, the Tell Rumelan Kebir was specified as the meeting-place of the police patrols coming from Iraq and Syria, and the Wadi Rumelan as marking the *de facto* frontier. The two parties agreed on concerted policing of the area between the Wadi Rumelan and the Wadi Demir Kapu.

As to the Jabal Sinjar, its administration had been undertaken by the Iraqi Government even before the signature of the Convention of 1920.

This situation appears to have been accepted by the successive French High Commissioners, but always subject to the final delimitation of the frontier on the basis of the Convention of 1920, and on condition that no permanent military establishment should be set up there.

This is made clear by all the correspondence exchanged in the last ten years or so between Beirut and Baghdad. For instance, in a telegram to the French Consul at Baghdad, dated April 17th, 1923, the High Commissioner of the French Republic expressed his attitude thus:¹

“It is understood that, pending the exact delimitation of the frontier in the Sinjar, the present *de facto* position there shall not be changed, but may not be appealed to against the rights we derive from our earlier Conventions.”

On October 1st, 1925, General Sarrail, replying to a memorandum from the British Consul at Beirut, defined the *de facto* situation as follows:²

“As is shown by the correspondence on the subject of the zone bounded on the east by the 1920 frontier and on the west by the line defined in Sir Henry Dobbs's letter No. 1643 of January 31st, 1923, the mandatory Power in Syria has always declared that it recognised the *de facto* situation existing in the Sinjar prior to the signature of the London Agreement of December 23rd, 1920. It accordingly accepts the British administration of that area, on condition that no permanent military establishment such as might modify its temporary character shall be set up there (letter No. 2189/KD of April 22nd, 1925). Orders were accordingly given a year ago to the Syrian administration to entrust to the Iraqi authorities in the Sinjar the search for any malefactors who might take refuge in that territory.”

The exact limits of the Sinjar proper gave rise, however, to differences of opinion. A dispute on this subject had already arisen in 1922, when the village of Khatuniya was occupied by a British post. This occupation led to a protest from General Gouraud to Sir Percy Cox, and the post was withdrawn.

Again, in the summer of 1925, Syrian patrols having pushed as far as the same village, a correspondence ensued between Sir Henry Dobbs and General Sarrail, as the outcome of which Khatuniya was evacuated.

When the Commission passed that way, it was able to ascertain that Khatuniya and the neighbouring village of El Hol were free from any military or police forces. The village of El Hol is under the Syrian administration, but no definite settlement seems to have been arrived at in regard to Khatuniya. It may be assumed, however, that the *de facto* frontier passes near the two villages.

To the north and south of the Sinjar are desert areas frequented by nomad tribes dependent some on Syria and some on Iraq.

By an agreement between the two parties, these tribes were to be supervised and parties using the tracks which serve this region were to be protected on either side of the presumed frontier of 1920 by the respective military authorities, who would also be entitled, after giving notice of their intention, to cross the boundary in order to get into touch with the tribes owing them allegiance.

A more recent temporary arrangement³ (March 24th, 1930) between Major Wilson, Administrative Inspector at Mosul, and Colonel Callais, Assistant Delegate of the High Commissioner of the French Republic at Deir-ez-Zor, fixed the boundary of the areas in which the two Governments were to provide for the administration of the Shammar tribes under their respective authorities and to collect the wedi tax.

¹ Statement of the *de facto* situation resulting from the frontier relations between Syria and Iraq — High Commission of the French Republic in Syria and the Lebanon, Beirut, March 19th, 1932, page 21.

² *Ibid.*, page 23.

³ “Descriptive Memorandum on the Frontier between Syria and Iraq.” Beirut, February 18th, 1932, page 67.

This line was fixed as follows (from north to south): Tell Rumelan, Wadi Rumelan, Tell Tash, Samukha Pass, Um el Dibban, Tell Markab, El Bidea, Mfallaga, confluence of the Wadi Ajij and the Wadi Tijarie, Tell Chebed, centre of the Buara salt deposits, Karakol of Buara, eastern edge of the cliff west of the Barguth salt deposits, western edge of the Chaabi salt deposits.

This Convention was also intended to decide which sections of the Shammar were to be regarded as belonging to Syria and which to Iraq.

We may therefore take it that this boundary was the *de facto* administrative frontier between the two countries, apart from the Sinjar, the whole of which, as we have already pointed out, was administered by Iraq.

According to the Convention of 1920, the frontier crosses the Euphrates at Abu Kemal itself. Even before the Convention was signed, however, an arrangement based on the provisions of the Sykes-Picot agreements of 1916 had been concluded between the British authorities in Mesopotamia and the Arab Government of Damascus. By this agreement, which was dated May 5th, 1920, and signed on the one side by Ali Jaudat Bey, Kaimakan of Abu Kemal, and Muzhar Aslan, Subordinate Military Governor of Deir-*ez-Zor*, and on the other by Colonel Leachman, of the British Army, it was stipulated that the frontier should pass between the villages of Heri and Hasseiba, on the right bank of the Euphrates, and between Baghuz and Rapt, on the left bank.¹

A boundary mark, which since that date has been called the Leachman Stone, beside the track that follows the Euphrates, eight kilometres below Abu Kemal, still marks the frontier according to the above-mentioned agreement.

In the course of the twelve years that have elapsed, the Governments of the two States have not thought it necessary to make any change in this situation. The frontier as then determined is still the *de facto* line.

Sector from the Euphrates to the Jebel Tenf.

This sector, which is absolute desert, is frequented only by nomad tribes at the times of their changes of pasture.

Large sections of Syrian tribes, including the Aniza Fid'an, the Sba, and the Ruwalla, regularly cross the frontier of the 1920 Convention on their way to the Gaara region, in Iraq, where the pastures and wells attract large concourses of nomads at certain periods.

Since 1920, the areas under the administration of the two States in these regions have been bounded by the *de jure* frontier, which is therefore also the *de facto* frontier.

2. PROPOSALS OF THE PARTIES.²

In a memorandum to the Council of the League of Nations, dated February 27th, 1932,³ the British Government made proposals for the revision of the frontier as defined in the Convention of 1920. The French Government, on the other hand, in its memorandum dated February 29th, 1932,⁴ made no specific proposals regarding the frontier-line.

Observations made on the ground during the enquiry, however, led the French and Syrian assessors to suggest a specific frontier-line. The British and Iraqi assessors also indicated on the ground, on account of local conditions, certain modifications of the line described in the above-mentioned memorandum from the British Government dated February 27th, 1932.

As we shall go exhaustively into the whole question in the chapters that follow, we need not comment at this point on the lines thus indicated by the parties. We need only refer the reader to the map (Annex No. 2), on which the frontier-lines proposed by the two parties and that suggested by the Commission are marked.

CHAPTER V. — INFORMATION AND MATERIAL COLLECTED.

I. GEOGRAPHICAL CONSIDERATIONS.

The frontier zone considered by the Commission extends from the junction of the Eastern Kabur and the Tigris in the north to the Jebel Tenf region in the south.

In an area about 600 kilometres wide it is natural to meet regions differing very considerably in geographical character. If, therefore, it is wished to form a complete idea of these regions, it is essential to begin by making a thorough study of their geographical aspects.

The northern sector, which includes the last spurs of the mountains of Kurdistan, is very uneven. The mountains become gradually lower until they merge into the plain near the Nisibin-Mosul road. A single massif, the Qara Chok Dagh (*dagh* is a Kurdish word meaning mountain), rising to 775 metres, stands considerably higher than the numerous hills and hillocks in the neighbourhood. It belongs to a chain of which the general direction is from west to east, and of which

¹ Statement of the *de facto* situation resulting from the frontier relations between Syria and Iraq — High Commission of the French Republic in Syria and the Lebanon, Beirut, March 19th, 1932, Annex No. 3.

² See Annex No. 2.

³ Document C.313.1932.VI.

⁴ Document C.317.1932.VI.

the continuation, the *Jebel Bikhair*, extends to the eastern bank of the *Tigris*. All this region — the northern part more than the southern — still shares the climatic conditions of *Kurdistan*. The rainfall is sufficient to grow crops and supply numerous wells.

North of the *Qara Chok*, in particular, stretches a relatively fertile region covered with cornfields and meadows. It is not surprising that men should have occupied this district for a great many years, and should still be cultivating the soil. Indeed, a considerable number of villages and hamlets, whose inhabitants are engaged in agriculture and stock-breeding, are scattered north of the *Qara Chok* range as far as the *Tigris*.

To the south of this massif, on the other hand, the soil becomes more and more arid and affords but few resources. Apart from a few villages on the *Tigris* and the military post of *Demir Kapu*, there are no permanent settlements. The meagre pasturages are used only by a few tribes on their way back to the north after the rainy season.

The most important line of communication is the road that leads from *Nisibin* to *Mosul*, skirting the southern edge of this region. This road is nowhere macadamised, but has been made practicable for motor vehicles, and is frequently used by traffic between *Iraq* and *Syria*. Parallel to it, a few kilometres to the south, runs the line of the old *Baghdad* railway. On this section, only the earthworks were completed, and the line is therefore impracticable for traffic in its present state.

A number of lateral tracks coming from the north of the *Qara Chok*, which they skirt at its western and eastern ends, join this great artery running from *Mosul* to *Nisibin* and *Aleppo*. Some of these tracks, such as that from *Jeziret-ibn-Omar* to *Hasseche*, are practicable for cars and lorries. As for the *Tigris*, it cannot be regarded as a means of communication in the sector with which we are concerned. Although it carries a very considerable volume of water at all seasons, its shifting channel makes it unnavigable for boats of deep draught. In its present state it can only be used by rafts carrying materials. The track along the right bank also does not seem to be much frequented. We may conclude that the traffic in this part of the *Tigris* valley is small.

The next sector consists of the wide plain that lies between the last hills of the mountainous region to the north and the chain of the *Jebel Sinjar* and its continuations. This region is characterised by a very great number of hillocks scattered about irregularly and rising abruptly out of the almost level plain to a height of twenty or thirty metres or even more. One is tempted at first sight to regard these as faults due to volcanic action, but recent excavations have revealed, inside these tells, traces of human occupation which suggest that these eminences, with their typical conical shape, are nothing but superimposed remains of ancient dwellings.

This desert region is situated on both sides of the watershed between the *Tigris* and the *Kabur* — which cannot be seen on the ground and is not marked on the map.

Two watercourses serve as collectors for the numerous drainage-lines which descend from the hills in the north and from the *Jebel Sinjar* in the south; these are the *Wadi el Murr*, which flows into the *Tigris*, and the *Wadi er Radd*, which flows into the *Kabur*. There is water in these wadis only intermittently, however, because the annual rainfall here is already much smaller than in the *Qara Chok* region, and is barely enough to provide a meagre pasturage on this plain in winter and spring. Consequently, there are no dwellings; only a few nomad tribes and their flocks and herds come there from the *Sinjar* in the spring. Lines of communication are almost totally lacking. Apart from the motor-track from *Demir Kapu* to *Hasseche*, there are only a few caravan-tracks crossing this deserted area. Except during the rainy season, however, this arid steppe can easily be used for motor traffic, provided always that one knows the difficult passages.

The *Jebel Sinjar*, whose steep slopes rise up out of the middle of this plain, is undoubtedly the most characteristic geographical feature of the whole frontier zone. It is probably a unique phenomenon in the world for a mountain chain of this size to rise so abruptly to a height of over 1,000 metres out of a flat plain. It can easily be understood that scientific expeditions have for a long time been attracted to this impressive mountain.

The *Jebel Sinjar* proper is about fifty kilometres long, and its greatest width is a little less than twenty kilometres. It is continued westward by the *Jebel Jeribe* and the *Jebel Chembe*, and eastward by the *Jebel Gaulat*. This chain, which, taken as a whole, runs almost exactly east and west, extends approximately from the banks of the *Kabur* to those of the *Tigris*. It is doubtless the result of the formation of an immense fold in the sedimentary strata of Upper *Mesopotamia*. Parallel to its southern base runs a line of small hills, the remains of a small secondary fold, which is divided into sections by a series of lateral clefts. These clefts drain the waters of the longitudinal valleys lying between the main chain and the secondary fold. On the northern slope, similar but much deeper depressions have been produced by erosion. It is doubtless the numerous springs in the valleys on either side of the main chain that have attracted men to this isolated range from the remotest times and caused them to settle there. Throughout the year, they have enough water for their families, their flocks and herds, their mills, and the irrigation of extensive lands which afford valuable resources.

This relative abundance of water, due to the fact that the rainfall is much greater in the *Sinjar* than in the surrounding plain, extends its beneficent effects to some distance from the mountains, so that grain can be cultivated. Beyond these agricultural regions begin the pasturelands, which gradually fade off into the desert. The villages are naturally close to the springs. Most of them are therefore situated in the valleys described above, or at the mouths of these gorges.

There are also some, however, in the middle of the agricultural area, but only where there are wells.

At the southern foot of the highest massif of the chain is Beled Sinjar, a town of 4,000 inhabitants and the largest place in the district.

The region of the Lake of Khatouniye, a little north-west of the Jebel Jeribe, deserves special mention. This lake, which covers several square kilometres and drains a fairly extensive area, has no outlet but loses its water by evaporation, which makes it slightly brackish. This basin nevertheless clearly belongs to the Kabur Basin, by which it is surrounded on every side. Its lower parts are suitable for cultivation, while the rest are used as pasture-land. The very small population of this isolated region is concentrated in two villages of extreme poverty.

The most important lines of communication in the Sinjar are the tracks that run along the northern and southern sides of the mountain. They are linked together on the west by the Samukha Pass, which separates the Sinjar from the Jeribe, and on the east by the Gaulat Pass. This system, which, as it were, encloses the Sinjar, is practicable for motor-cars, though certain parts of it are difficult. It connects with the main track from Mosul to Deir-*ez-Zor*, which passes only fifteen kilometres south of Beled Sinjar. There is also another track, not so good as the former, which, passing through Hasseche to Raz-el-Ain, links it with the main northern transverse road from Mosul to Nisibin and Aleppo. Between the Samukha and Gaulat Passes, the Sinjar chain is crossed by no road fit for wheeled traffic; only mule-tracks and footpaths afford precarious communication between the two slopes of the mountain.

The frontier zone that extends from the Sinjar to the Euphrates valley is chiefly characterised by a series of large depressions, rightly or wrongly known as salt deposits. This region may therefore be called the salt-deposit sector.

The country south of the Sinjar is absolute desert. Its monotony would be complete were it not for the important valley of the Wadi Ajij, with its numerous ramifications, and further south the "salt-deposit" depressions. The Wadi Ajij, which serves as a collector for all the waters that come down from the southern slope of the Sinjar between Beled Sinjar and the Samukha Pass, has cut its bed 100 metres deep in the plain. Doubtless it formerly flowed into the Euphrates above Abu Kemal, but in these days it loses itself in the Roda depression, where the highly permeable subsoil does not favour the formation of any deposits and there is therefore no trace of salt. As for the other "salt deposits", all of which are fed by very small basins, only one, that of Buara, is properly entitled to the name; its impermeable subsoil prevents the infiltration of the water, which, being exposed only to evaporation, leaves after every rainy period a deposit of pure salt several centimetres thick. The other depressions in this region, which have been wrongly called salt deposits, contain only a mixture of salt and sand, which is quite unfit for use.

The only resources of this desert area are the meagre pasturages which in winter and spring cover the bottom and the slopes of the Wadi Ajij; these barely provide subsistence for a few flocks and herds.

In this immense region, which even the roads avoid, one would seek in vain for a single dwelling. The only track that crosses it — but a very important one — is that from Mosul to Deir-*ez-Zor*, by which the produce of Northern Iraq is sent to the markets of Aleppo and Europe; the other paths are used only by the rare caravans that cross this deserted region.

The Euphrates valley, narrow as it is, forms an absolutely distinct section of the frontier zone; the existence of a great river creates conditions of life entirely different from those in the neighbouring desert areas.

The Euphrates drains the greater part of the very mountainous regions of Armenia and Kurdistan, and also receives, chiefly through the Kabur, a large proportion of the waters of Upper Mesopotamia. Since it is thus fed in summer by the melting of the snows and in winter by the rains of a tropical climate, its volume is relatively constant, and this reduces the risk of flood.

Between the plateau of Mesopotamia and the Syrian desert, the Euphrates has cut itself a valley averaging some ten kilometres in width, the sides of which rise sometimes in a gentle slope and sometimes in steep cliffs, according to the degree of resistance of the soil to erosion. The very sinuous course of this river, which averages several hundred metres in width, favours the formation of islands, some of which are quite large. Its low banks and the level bottom of the valley make irrigation easy, but the natives carry it out by antiquated and inefficient methods. The soil, composed of very fine alluvia, has a high degree of natural fertility, which is further increased by the effect of the mud carried by the irrigation water.

These easy conditions of life have from time immemorial induced men to settle in this valley. Numerous villages are scattered on both banks of the river, and contain a large agricultural population, whose centre and market is Abu Kemal.

Owing to its shifting channel and its strong current, the Euphrates is not easily navigable, and is therefore used only by large flat-bottomed boats and rafts which can only float downstream. There is an important track, made practicable for motor vehicles coming from Aleppo and Deir-*ez-Zor*, which follows the right bank and leads to Anah and Baghdad. It is joined at Abu Kemal by the main artery from Damascus and Palmyra.

The last section, from the Euphrates valley to the Jebel Tenf, is the most uniform of all. It crosses the Syrian desert, where no eminence and no valley of any importance breaks the monotony. Only occasionally one finds a tell or a shallow "oued".

The complete barrenness of this desert area prevents any settled life. It is traversed only by nomad tribes, which cross it by rapid stages during the seasonal changes of pasture.

The only lines of communication are the tracks from Damascus to Baghdad and from Baghdad to Palmyra, the former of which also serves as a guide to the air service.

In this arid country, where the rainfall is negligible, vegetation is practically non-existent. Only one region, the Gaara depression, which is shallow but very extensive, affords abundant pasturage in winter. Situated about 110 kilometres south-south-west of Albu Kemal, this plain, whose fertility is in striking contrast with the steppe that surrounds it on every side, is clearly under the beneficent influence of a subterranean sheet of water in the immediate neighbourhood.

2. ETHNOGRAPHICAL CONSIDERATIONS.

The regions through which the frontier indicated in the 1920 Convention passes, and which accordingly form the subject of the Commission's enquiry, are inhabited chiefly by the Arab elements of the population of the two countries. There are also a certain number of Kurds, the Yezidi group in the Jebel Sinjar, and a few small communities of Christian refugees.

According to numerical importance and mode of life, this population can be divided into three classes: nomads, semi-settled and settled.

(a) *Nomads.*

The nomads, most of whom are Bedouin, are the most important section of the population. Living always in tents, they are associated in tribes, and travel about the desert in search of pasture for their large flocks of sheep and herds of camels.

The routes of their seasonal migrations — their regular movements between their summer and winter stations — have varied very little for centuries. The political changes which took place during and after the war, however, have to some extent affected this traditional regularity, and exceptional weather conditions may also sometimes compel these tribes to abandon their normal itinerary and go elsewhere in search of water and pasture.

The Bedouin belongs to an intelligent race, and it would be a mistake to regard him as a primitive or savage being. Very virile and robust in appearance, he combines with a perfect ease of manner a highly dignified aspect and a majestic form of speech. Taken out of his natural surroundings, he is perfectly capable of speedily assimilating the customs and mode of life of the West; but in the desert, a slave to his atavisms and to the kind of existence that nature imposes upon him, he seems to have remained stationary for centuries.

The Bedouin speaks a very rich and flexible Arabic; he attaches much importance to elegance of expression, and has a taste for poetry. He is a Moslem by religion, but troubles little about theological subtleties. Having no mosques or imams, he is almost always illiterate; his very sincere and earnest religious faith is reduced to its simplest expression. His mode of life — the desert, isolation and the bitter struggle for existence — has made him fatalistic, wild and rapacious.

The political and social organisation of the Bedouin is still tribal. Each tribe has a chief, called the sheik — “the elder” — elected by the whole tribe. The order of succession is not strictly hereditary, though, as a general rule, the sheik must belong to a family of chiefs. He has certain rights, and his authority is absolute; but more particularly he has duties.

In these days the sheik of a tribe has to be approved and confirmed, and often even appointed, by the Government, to which he is responsible for the conduct of his tribe. He is the intermediary between the authorities and his tribesmen, and carries out in the desert the orders he receives. It is his duty to collect the taxes from his tribe and pay them to the Treasury. He keeps part of them by way of remuneration, but is responsible to the administration for the amount due.

When disputes arise between tribes, the Government summons the respective sheiks, who, together with the “kaïmakam” (sub-prefect) or “mutessarif” (prefect) of the district, form a court of law to try the case. This court administers a special law known as the “law of the desert”, which is adapted to the traditional customs of the nomads.

The tribes are divided into sections, which usually bear a special name added to that of the tribe.

The more powerful tribes are often followed by lesser tribes, which are subject to them, and over which they exercise a kind of suzerainty. They also have under their protection groups which they defend if attacked, and which pay a tax in return.

The most important of the nomad tribes in the whole territory with which we are concerned is that of the Shammar; it has more than 5,000 tents, each tent representing a family. The Shammar are divided into three main groups: those of Iraq, those of Syria (otherwise known as the “Zor” Shammar), and the “Korsa” Shammar. Coming originally from Nejd, the Shammar succeeded, by their numbers and their warlike qualities, in imposing themselves on the other nomads of the desert, and are now scattered all over Mesopotamia and a large part of Syria. The Iraqi group winters in the regions to the south of Baghdad and Kerbala, and in the summer goes up round the eastern end of the Sinjar to the foothills of the mountains of Kurdistan. This is the only group that does not have to cross the frontier, as its route of migration is entirely in Iraq.

The Zor Shammar, who spend the summer in the upper Kabur region, move in the autumn to the area south of the Jebel Abdul Aziz, and, passing to the west of the Sinjar, reach the salt deposits.

As for the Korsa Shammar, they go in winter to the region between the Sinjar and the Euphrates, especially round the Wadi Ajij and the salt deposits, and in summer they move up to the southern slopes of the Qara Chok Dagh.

According to the conditions of pasture, the Zor Shammar and the Korsa Shammar, both of whom are dependent on Syria, may have to go a long way into Iraqi territory in winter.

To the south-west of the Euphrates extends the vast desert of the Shamiya, the resources of which are not sufficient for the establishment of permanent settlements. It contains, however, very large areas of pasture-land which can be utilised at certain periods of the year. The Gaara depression, in Iraq, the largest of all, is in winter the meeting-place of numerous tribes, several of which are subject to the Syrian authorities. We shall only mention the most important, which are the Aniza Fid'an (3,000 to 4,000 tents), who in summer are to be found sometimes in the Aleppo district and sometimes in the northern part of the Euphrates valley; the Sba (3,000 tents), who winter to the east of the Jebel Aniza and advance as far as the Gaara region itself; and the Ruwalla (4,000 tents).

Among the tribes of Iraqi allegiance who utilise these same pastures, we may mention those of the Iraqi Aniza (Amarat), who in summer follow the Sba as far as Syria.

Although the limits of the present study do not allow us to deal at greater length with this problem of change of pasture, we hope that this short description will show the necessity in which the nomad tribes are placed of crossing the frontier and staying periodically in the territory of the neighbouring State.

The same applies to the north, where there is a predominance of Kurdish tribes, whose political and social organisation is similar to that of the Bedouin. The Kurds are an Indo-European race, closely related to the Persian people. They have their own language, which has so far been little studied. As a rule, they are of Moslem religion, but they also include small Christian tribes.

The Kurdish tribes which concern us are for the most part semi-settled. Mention should, however, be made of the Miran, an important nomad tribe of about 750 tents, whose migration extends from the areas south of Lake Van, where they spend the summer, to the district of the Wadi Sueidiyeh and Khanzir, where, of recent years, they have made some experiments in cultivation.

(b) *Semi-settled Population.*

The semi-settled population as a rule inhabits villages or permanent groups of tents, which they leave in autumn or winter to seek pasture for their flocks in the steppes. They do not return until the spring to engage in agricultural work.

Such are the Hassenan, of Kurdish race, who occupy villages on the Tigris from the Syro-Turkish frontier to the neighbourhood of Khanik and further west. The Alian, who are also Kurds, and whose villages are situated between the Lailak Dag and the Wadi Jerrahi, come down in winter with their flocks to the neighbourhood of Demir Kapu.

The Tai, an important Arab tribe, comprising about 2,000 families, are established on the banks of the Jaghjagh, a tributary of the Kabur, where they cultivate large areas of land. They are divided into numerous groups, one of which — that of the Duwalla — has remained predominantly nomad and, in autumn, traverses the region of the Wadi Rumelan, sometimes descending as far as the Sinjar, and even crossing it to reach the pastures of the Wadi Ajij.

The Juhaich, who are Arabs, possess about 450 houses in the neighbourhood of Tell Afar. They seek their pastures at very great distances, from the Wadi Sufan to the north as far as the salt deposits.

The Sherabiyin, Arabs, with their affiliated groups, have about 1,000 tents, and are regarded as being of inferior race by the other tribes, which they often accompany as shepherds, particularly between the Kabur and the Tigris.

Then we have the Jebburs, who are also Arabs, numbering about 3,000 tents, and whose villages are on the banks of the Kabur. They spend the winter in the steppes which extend to the north and south of the Jebel Sinjar, sometimes mixing with the Yezidis.

Further to the south, on the two banks of the Euphrates, we find the semi-settled tribe of the Ogueidat, owing allegiance to Syria. Their villages extend from a point situated forty kilometres north of Deir-ez-Zor to below Albu Kemal. Together they number about 10,000 families. Those whose villages are situated on the eastern bank of the Euphrates go in winter with their flocks to the region of the salt deposits, while the sections to the west of the Euphrates go to pasture in the Syrian desert as far as the Gaara. This tribe has for many years been living in a state of hostility with its neighbours, the Iraqi Dulem, who cultivate the banks of the river in the neighbourhood of the Leachman boundary stone (eight kilometres below Albu Kemal) as far as Falluja. At the place where the zones of habitation of the Ogueidat and the Dulem touch, their villages are mixed together. Thus, certain sections of the Ogueidat seem to have pushed on as far as the neighbourhood of El Kaim, while the Dulem and the small tribe of the Jeraifa, which is affiliated to them, possess cultivated land quite close to Albu Kemal.

We consider that the tendency towards permanent settlement which is gaining ground in these two tribes will probably help to reduce the causes of friction between them.

Certain of the Yezidi tribes of the Jebel Sinjar and neighbourhood, who leave their villages in winter in search of pasture, may also be regarded as semi-settled. We confine ourselves to mentioning them here, and will deal with their characteristics in greater detail in the next chapter.

(c) *Settled Population.*

The settled population consists of the Yezidi, Moslem and Christian inhabitants of Beled Sinjar (3,800) and those of the majority of the villages of the Jebel Sinjar.

The total population of this mountain consists of about 24,000 souls, and is divided into 91 villages, of which 51 are almost entirely Yezidi, the remainder being inhabited by a mixed

population of Kurds, Arabs, Turcomans, Christians and Yezidis. From the religious point of view, the population is divided approximately as follows:

Yezidis	14,300
Moslems	8,900
Christians	800
	24,000
Total	24,000

The origin and history of the Yezidis — a rough mountain people, united not only by race but still more by religion and the isolation in which they have always lived — are obscure. One theory is that the Yezidis are of Kurdish race. Apart from their common language, however, it is difficult to establish any certain relationship between the two races. According to another hypothesis, they come from the province of Yazd, in Persia, but no proof seems to have been adduced in support of this contention, apart from a certain resemblance of name. The theory that they are of Arab origin could only be founded on the fact that their theological literature is written in Arabic. Their liturgical language, however, is Kurdish. It seems more likely that, for lack of a means of expression in writing (Kurdish being then only a spoken language), the Yezidis were obliged to resort to Arabic for their theological works.

Whatever its origins, we find to-day that this race, thanks to the very strict rules of its religion, which dominate its social organisation and its very existence, has remained free from any admixture.

It is impossible to become a Yezidi; one can only be a Yezidi by birth. Union with other races is forbidden. They conform to special rules as regards food, certain vegetables being forbidden, and even their clothing is subject to very strict regulations, which, for example, forbid them to wear blue.

They have a special code of honour, which they faithfully observe. They are very hospitable, and have at all times offered an asylum to the oppressed who took refuge with them.

The Yezidis' religion seems to owe its origins to Oriental pagan beliefs, mixed with Jewish, Christian and Islamic influences.

Their theogony is based on two principles: that of Good — God —, whom they call "Yazdan", and that of Evil, whom they name "Melek Taus", and the symbol of which is a bronze peacock. "Melek Taus", who is the creator of the earth, is almighty, and they worship him. This is no doubt why the Yezidis have been commonly described as "devil-worshippers". They believe that man's soul transmigrates into other living beings — men or animals — but only as a punishment for an impious life. They venerate Jesus Christ under the name of "Issa", as also Mahomet.

Their religious worship is very simple. Their morning prayer at sunrise, far from the eyes of any infidel, is a relic of the Zoroastrian religion.

The dead must always be buried with a little earth in their mouths from the vicinity of the tomb of Sheik Adi, their prophet.

Sheik Adi, an historical personage, was born in the eleventh century in the neighbourhood of Aleppo. His tomb, which has remained a sacred shrine for all the Yezidis, is at Sheikhan, north of Mosul. Every year, in September, a great number of pilgrims go thither to pay their devotions and bring their offerings to the "Mir". All good Yezidis must go there at least once in their lives.

The Yezidis have a strong religious organisation, but their dispersion in districts at a great distance from one another makes the authority of the supreme chief more nominal than real. The Yezidi hierarchy comprises several degrees. A preponderating and unique position is enjoyed by the "Mir", "Emir", or "Beg", who is the supreme pontiff of all believers and a political and religious chief with almost unlimited powers. Although elected by all the faithful, he must always belong to the same family. His pecuniary resources are derived from voluntary gifts from the community, collected during the tours, made in all places inhabited by Yezidis, by the "Sanjaks" — a Turkish word meaning standard, applied to a sort of candelabrum surmounted by a bronze peacock. The "Sanjaks", of which the "Mir" is the guardian, are sent out once a year among the faithful, who prostrate themselves before them and bring them offerings.

Next to the "Mir", with a more specially religious character, is the "Sheik", a sort of patriarch and chief of a superior priestly caste constituted by the members of the only five families descended from the disciples of Sheik Adi. Then come the "Pir", priests of a lower category than the Sheik, but also belonging to families whose origin is considered divine. The "fakirs" may be compared to Christian monks, although they may marry and own property. They may be recognised by their costume, made entirely of black wool with the exception of trousers of white linen and cloaks of any colour except blue. The "fakirs" are under the authority of a chief who lives in the neighbourhood of Aleppo.

Of lower rank are the "kawal", a kind of chorister, the "chawich", who attend the tomb of Sheik Adi, and the "ferach", who acts as sacristan at the tomb.

Outside the Jebel Sinjar and the district of Sheikhan there are several groups of Yezidis, the chief of which are those at Aleppo and Amuda, in Syria, in the Jebel Tor, in Turkey, and at Tiflis, in the Caucasus.

There can be no doubt, however, that the Yezidis of the Sinjar, protected by the inaccessible approaches of their mountain, form at the present day the most homogeneous ethnical and religious group of this interesting race.

The Commission appointed in 1925 by the Council of the League of Nations to study the question of the frontier between Turkey and Iraq seems to have come to a similar conclusion.

In its report of July 16th, 1925,¹ it states that the Yezidis form "an entirely distinct element of the population, and are a united organism".

In conclusion, we may mention among the settled population the inhabitants of the small town of Albu Kemal (2,000), who are referred to elsewhere.

3. ECONOMIC CONSIDERATIONS.

(a) *General Survey.*

The arid nature of the steppes, the unfavourable climatic conditions, and the backward state of the population, make the areas under consideration of very small economic value. Economic activity is confined to pasturage and, in a few rare and privileged places, a rudimentary form of agriculture. When the winter rains have been sufficiently abundant, the steppes become covered in spring with a rich and varied flora. Numerous live-stock, consisting of large flocks of sheep of a race peculiar to the East, dromedaries, goats, cattle, buffaloes and horses, find sufficient nourishment on their passage or for a whole season.

The Bedouin, who is the principal inhabitant of the desert, shares the use of these pastures with the Kurdish shepherd. From time immemorial, he has left industry and commerce to the settled population or to other races.

The Governments concerned have endeavoured in the last few years to encourage the settlement of the nomads in districts lending themselves to cultivation. Modern means of communication have rendered more frequent the contact of these nomads with the cultivated centres, where conditions of life seem to them less difficult. Moreover, the growing depreciation in the value of the animals they breed, particularly camels and horses, is leading them to seek a more stable income. Nevertheless, this passage from the nomad to the sedentary state will take a long time, owing to the very slow evolution of these races, with their atavisms dating back thousands of years.

Hence it is clear, even if the possibilities of the future are taken into account, that the economic value of this district is, and will always remain, very small. Its meagre resources can only suffice in the most precarious conditions for a sparse population.

The present chapter only contains a few figures, statistics or details concerning the production and trade of the regions under consideration, for sources of reliable information are rare. The data we were able to obtain on the spot are not really reliable, even when they were supplied to us in good faith. The nomad and the other peoples of the desert, who are still in a primitive stage of civilisation, too often replace accuracy by exaggeration or mistrust, according to whether they wish to give themselves importance or to evade taxation. The extreme ignorance of these men, and the fact that they are scattered over the vast spaces of the desert, made it impossible for the Commission to check their statements to any serious extent.

In these circumstances, the figures contained in the official statistics are all the more interesting. We therefore think it useful to reproduce in the first place the data concerning the total trade between Syria and Iraq which were communicated to us at our request by the two parties.

¹ Document C.400.M.147.1925.VII, page 49.

TRADE OF SYRIA (INCLUDING THE LEBANON) WITH IRAQ.

A. According to the Statistics of the Syrian Authorities.

I. Imports from Iraq to Syria.

(a) IN VALUE.

	1929	1930	1931
	Lebano-Syrian piastres		
Imports for consumption	218,308,241	216,087,443	183,765,071
Imports in transit			34,869,798
Total	218,308,241	216,087,443	218,634,869

(b) IN WEIGHT.

	1929	1930	1931
	Kilogrammes		
Imports for consumption	2,089,826	1,212,571	1,905,048
Imports in transit			741,576
Total	2,089,826	1,212,571	2,646,624

(c) PRINCIPAL GOODS IMPORTED FROM IRAQ IN 1931.

I. For Consumption in Syria.

Nature of goods	Value in thousands of Lebano-Syrian piastres
Live animals	159,000
Milk, dairy produce, eggs	6,000
Edible fruits	7,000
Clothing and made-up articles	6,000
Hides and skins	3,000

2. In Transit.

Nature of goods	Value in thousands of Lebano-Syrian piastres
Eggs, butter, salted entrails	20,000
Hides, skins, and furs	10,000

II. Exports from Syria to Iraq.

(a) IN VALUE.

	1929	1930	1931
	Lebano-Syrian piastres		
Exports	44,077,536	33,170,906	35,761,980
Re-exports	82,437,852	59,008,626	31,783,580
Outgoing transit	86,691,170	70,785,360	77,480,707
Total	213,206,558	162,964,892	145,026,267

(b) IN WEIGHT.

	1929	1930	1931
	Kilogrammes		
Exports	1,532,012	1,374,794	1,222,004
Re-exports	564,455	420,208	345,718
Outgoing transit	716,715	510,788	792,936
Total	2,813,182	2,305,790	2,360,658

(c) PRINCIPAL GOODS EXPORTED AND RE-EXPORTED FROM SYRIA TO IRAQ IN 1931.

Nature of goods	Value in thousands of Lebano-Syrian piastres
Cotton fabrics	7,000
Silks	7,000
Soap	6,000
Clothing and underclothing	2,000
Dyestuffs	2,000
Raw materials for dyeing and tanning	1,500
Rope and string	1,500

(d) PRINCIPAL GOODS PASSING THROUGH SYRIA AND LEBANON IN TRANSIT FOR IRAQ IN 1931.

Nature of goods	Value in thousands of Lebano-Syrian piastres
Silks	15,000
Cotton goods	15,000
Motor-cars	25,000
Woollen goods, clothing, underclothing	10,000

III. Balance of Trade.

Year	Tonnage (in kilogrammes)	Value in Lebano-Syrian piastres
1929:		
Imports	2,089,826	218,308,241
Exports	2,813,182	213,206,558
Balance	+ 723,356	— 5,101,683
1930:		
Imports	1,212,571	216,087,443
Exports	2,305,790	162,964,892
Balance	+ 1,093,219	— 53,122,551
1931:		
Imports	2,646,624	218,634,869
Exports	2,360,658	145,026,267
Balance	— 285,966	— 73,608,602

B. According to the Statistics of the Iraqi Authorities.

(The financial year is from April 1st to March 31st.)

	Year 1928-29	Year 1929-30	Year 1930-31	Year 1931-32 (11 months)
	Iraqi rupees			
Imports to Iraq	4,608,077	3,316,842	2,650,921	2,622,495
Exports from Iraq	2,313,464	2,520,101	1,751,212	1,699,270
Balance	— 2,294,613	— 796,741	— 899,709	— 923,225

A comparison of these statistics at once reveals considerable inconsistencies. Not only are the figures of the Syrian statistics almost double those of the Iraq statistics, but the balance of trade of each of these two countries in relation to the other shows a large deficit.

There is one certain fact revealed by these statistics, however, and that is that Iraq supplies Syria principally with local products. These products are live animals, which constitute more than half Iraq's exports, and then dates, hides, butter, fat and wool. On the other hand, Syria chiefly exports to Iraq manufactured products such as clothing, dyes, soap and textiles. For the most part, however, the latter only pass through Syria in transit.

For the purpose of our enquiry we must, however, devote our special attention to the trade between Syria and the Liwa of Mosul. In this connection, we reproduce below extracts from the tables supplied to us by Mr. Ringrow, Deputy Collector of Customs at Mosul.

TRADE OF THE LIWA OF MOSUL WITH SYRIA (Extract).

I. Imports of the Liwa of Mosul from Syria.

Nature of goods	1929	1930	1931
	In rupees		
Live animals	1,530	—	—
Clothing (except footwear)	—	—	—
Footwear	46,473	32,226	29,930
Dyestuffs	38,593	57,696	78,966
Cereals, pulses, flour:			
(a) Pulses	—	—	1,173
(b) Rice	—	—	29
(c) Other kinds	—	2,645	—
Gums and resins	387	45	301
Goat-hair	87	7	556
Hides and skins	6,038	596	3,039
Perfumery and toilet accessories	1,434	147	98
Soap	129,795	119,914	154,928
Textiles:			
(a) Raw cotton	47	—	—
(b) Cords and threads	5,010	4,770	4,455
(c) Grey fabric, unbleached	2,493	1,236	2,297
(d) White fabric	2,251	2,072	1,308
(e) Dyed fabric in pieces	124,902	79,346	69,982
(f) Dyed thread fabric	84,561	141,753	242,292
(g) Printed fabric	35,914	27,558	11,745
(h) Other kinds	78,034	53,623	21,665
(i) Sewing thread	859	424	224
(j) Other kinds	—	—	1,508
(a) Raw silk	1,704	—	—
(b) Silk fabric	5,637	6,025	2,148
(c) Silk threads	—	103	—
(d) Other kinds	421	289	13,973
Artificial silk:			
(a) Cords and threads	5,455	2,959	564
(b) Fabrics	254,995	211,143	231,102
(c) Other kinds	121,376	87,406	37,493
(a) Raw wool	28,616	3,400	10
(b) Threads and knitted wares	3,402	1,318	5,251
(c) Fabrics	49,770	31,248	48,806
(d) Other kinds	11,275	8,815	40
Grand total of imports of the Liwa of Mosul from Syria	1,360,606	1,066,743	1,260,634

II. Exports from the Liwa of Mosul to Syria.

Nature of goods	1929	1930	1931
	In rupees		
Live animals	1,015,864	772,417	1,221,269
Clothing (except footwear)	8,150	2,833	6,808
Footwear	226	8	334
Fruits and vegetables:			
(a) Almonds and nuts	20	22	1,712
(b) Dates	10,603	3,854	11,651
Gums and resins	1,742	2,002	6,151
Cereals:			
(a) Barley	51,424	—	1,590
(b) Flour	—	—	66
(c) Wheat	127,329	198	8,669
(d) Rice	57	41	20
(e) Other cereals and flour	2,695	12	40
Goat-hair	1,992	489	5,377
Hides and skins	67,415	32,007	85,027
Groceries and preserves	2,482	4,499	129,074
Textiles:			
(a) Raw cotton	—	—	133
(b) Fabrics	1,938	1,615	3,172
Raw silk and other	1,908	3,358	469
(a) Raw wool	20	1,000	124,154
(b) Thread and knitted wares	—	—	—
(c) Fabrics	—	176	—
(d) Other kinds	787	264	3,199
Grand total of exports from the Liwa of Mosul to Syria	1,435,527	906,007	1,690,325

From these Iraqi statistics, it will be seen that the Liwa of Mosul alone provides about half the exports from the whole of Iraq to Syria. On the other hand, it absorbs less than half the imports of Syria to Iraq. The predominance of local products is here still more marked. Live animals alone account for approximately three-quarters of all exports. From year to year, the average of imports and exports seems approximately the same.

After these general remarks concerning Syro-Iraqi trade, we shall now study the economic conditions of the different sectors.

(b) *Examination of the Different Sectors.*

A. *Northern Sector.* — The mountainous region which extends from the Tigris to the last slopes of the Qara Chok Dagħ, enjoying more abundant rainfall, serves as pasturage to various tribes, generally Kurdish, such as the Miran. Other tribes, particularly the Sherabiyin, engage in the breeding of cattle and buffaloes, which are somewhat rare in these districts, where sheep and goats constitute the greater part of the flocks.

These tribes, having their habitat in a zone administered in practice by Iraq, sell part of the cattle and of their produce to the merchants of Mosul, through agents who travel in this region. The trade does not seem to amount to very much, however. The highest figure given to us was from 4,000 to 6,000 head per annum, part of which appears to be consumed in Mosul and the remainder exported.

The crops are very scanty, and seem to be insufficient even for a very small and frugal population, since the latter is often obliged to buy corn elsewhere.

B. *Jebel Sinjar Sector.* — This region, whose other characteristics have been examined elsewhere, is the most important economic centre of the territories we have studied.

Until quite recently, its inhabitants seem to have lived completely isolated on their mountain — a kind of island in the midst of the desert — and to have had no relations with the outside world. Towards the second half of the last century, however, the Yezidis, having been obliged by force to submit to the authority of the Sublime Porte, which they had hitherto disregarded, and taking advantage of the growing state of security, extended their cultivation to an increasing extent in the plain on either side of the mountain. At present, the zone of cultivation extends in places to a width of as much as sixteen kilometres.

The greater part of the population of the Sinjar is engaged in agriculture, which covers a considerable area. The farmer, however, works under extremely primitive conditions, and does not yet know how to avail himself of the spring water at his disposal. He has succeeded, however, in obtaining crops of some variety, and it may be anticipated that, in a comparatively short space of time, the Jebel will not only be able to provide for its own needs, but become a very important centre of production.

The present production of the Kaza of the Sinjar in cereals, according to the data supplied to us, amounts to only 20,000 or 25,000 tons. These cereals are chiefly barley and sorghum, wheat being cultivated only to a small extent. This figure seems, however, high in relation to the population (about one ton per head); but when it is compared to the area sown it does not appear excessive. It may therefore be concluded that, in normal years, the cereal crop not only amply satisfies the needs of the population, but provides a large surplus for sale outside the Sinjar. In years of food shortage, on the other hand, the Yezidis supplement their crops by buying from all quarters.

The Yezidis produce in their valleys an abundance of figs, of which they consume great quantities and export the surplus. On the mountain they also cultivate the vine and eat fresh or dried grapes. They extract therefrom a thick syrup which constitutes one of their articles of food. They also eat vegetables, lentils, chick-peas, and rice, of which they produce a small quantity in marshy places. They plant a little tobacco for their own use as well as cotton of inferior quality (a few dozen tons).

Among the Yezidis, as in all the surrounding country, sheep-raising is the principal means of livelihood. The flocks go to pasture on the mountain or at the foot of its slopes, and only leave it in winter and spring. They then go as far as the Radd, to the north, near the Lake of Khatouniya and Tell Sfug, and sometimes as far as El Bidea to the south.

Their live-stock consists, according to the data we have been able to obtain, of from 200,000 to 300,000 sheep and goats, the latter representing, however, only a proportion of 10 per cent. All their flocks do not seem to be their own property, and they apparently act sometimes as shepherds for others in return for payment in kind. They also possess a certain number of cows, dromedaries, horses and donkeys.

Mutton, wool, butter, cereals and fruit are probably the most important factors in the economic life of this area.

Industry, properly speaking, does not exist in the Sinjar, although one occasionally finds mills of an obsolete type and a few household looms. The inhabitants also produce charcoal and *cheriass* — glue obtained from the ground roots of a plant of the Jebel, used in the footwear industry. The production of this glue amounts to about 100 tons a year.

In addition to their surplus cereals, the Yezidis sell dried figs, charcoal, sheep and goats, wool, butter and the glue mentioned above. In exchange, they buy foodstuffs such as dates, *dibiss* (a very thick date syrup), rice, coffee, sugar and spirits, articles of clothing, cotton stuffs, European fabrics and cloth, footwear, silk scarves, soap, perfumery, cigarette-paper, tobacco and manufactured products.

Not being traders themselves, the Yezidis sell their products through Moslem or Christian middlemen. The latter visit the villages of the Jebel for this purpose or take up a permanent residence there, particularly in the small town of Beled-Sinjar. These merchants are usually agents or commissionaires of traders at Mosul, towards which town the greater part of the regular trade is at present directed. There are also commercial relations with the new Syrian towns of Hassecheh and Kamechlieh. This, however, is chiefly illicit contraband trade. The rapid development of these small towns would be difficult to explain but for the large profits which generally accrue from the irregular trade in certain goods subject to very high Customs duties.

According to the information we obtained, the annual trade of the Sinjar (purchases and sales) with the outside world amounts to about £100,000, corresponding to an average of about 400 to 500 French francs per inhabitant. In view of the simplicity and primitive mode of life of the Yezidis, this figure must be derived exclusively from the trade in products intended for consumption (food, clothing, etc.).

We also enquired as to the extent of the trade carried on by the Sinjar alone with Syria. Mr. Ringrow supplied us with the following figures in this connection:

Customs Duties derived from the External Trade of the Sinjar.

	1930	Rupees		1931	Rupees
Import duties		1,713	Import duties		1,354 11
Export duties		120 14	Export duties		956 14

These figures imply a movement of trade — under Iraq's control — of only a few tens of thousands of rupees.

On the other hand, the Customs duties levied at Hassecheh on goods from the Sinjar amounted, between January 1st and May 1st, 1932, to 181,580 Lebano-Syrian piastres, or 36,316 French francs. The average rate of the Syrian Customs tariff being 15 per cent *ad valorem* (11 per cent on animals and wool, 25 per cent on butter and figs), it may be concluded that imports into Syria from the Sinjar amount to about 100,000 rupees per annum. Here again we find a wide discrepancy between the Iraqi and Syrian statistics, in the same direction as in the statistics of the aggregate trade between the two countries.

We were told that smuggling was very active in this region. This is not only possible, but very probable, in view of the extremely high Customs duties levied by the two States. There can be no doubt, however, that the total trade between the Sinjar and Syria, including contraband, cannot represent more than a fraction of the total trade of the whole of the Sinjar. The condition of the tracks and the intensity of the traffic are significant in this connection. We did not meet with any caravans or lorries between the Sinjar and Hassecheh, and the track between these two points is in very bad repair. On the other hand, that which leads from Beled Sinjar to the main artery Mosul-Deir-ez-Zor is visibly used by a constant stream of traffic.¹

Moreover, what interest would Syria have in allowing considerable Customs revenue to escape when the surveillance of smuggling is so greatly facilitated by geographical conditions in these regions?²

Transport is usually effected by camels, and as a rule is undertaken by the Bedouin. Apparently it is also they who engage in smuggling operations. The cattle are sent by stages through the desert, and find their pasture on the way. Recently use has begun to be made of motor vehicles for the transport of goods and even of cattle. On the other hand, the railway line from Nisibin to Aleppo cannot be utilised, its terminus being too distant and its charges much too high.

The two principal tracks, Mosul-Tell Afar-Deir-ez-Zor-Aleppo and Mosul-Bir Uгла-Kamechlieh-Aleppo, are the only ones considered to be normal trade routes, and are both under the protection of police forces. Goods taking the direct track from the Sinjar to Hassecheh are cleared through the Customs near the latter place.

The Yezidi has the reputation of being particularly honest in business. He scrupulously observes his obligations, although these are always verbal, the Yezidis being all illiterate. Transactions are settled sometimes in cash, but more often in kind. They buy what they need on credit from the Moslem or Christian merchants, and even arrange for the latter to pay their taxes. Immediately after the sheep-shearing and the end of the harvests they pay their debts in kind.

¹ Note by M. Marrades. — The evidence of the witnesses seems to indicate, in my opinion, that the contraband traffic is much greater than is implied in the wording of these two paragraphs. I gained the impression that the Anglo-Iraqi and Franco-Syrian assessors shared this view, and I found it confirmed in a Turkish newspaper article produced by the Anglo-Iraqi assessors.

In my view, however, the trade of the Sinjar is now undoubtedly carried on for the most part with Iraq. This appears to me so natural in present circumstances that I consider it superfluous to seek confirmation in the state of the tracks and the volume of traffic over them. Moreover, in my view, the state of the tracks can hardly constitute proof, since even to-day it is exceptional for tracks to be kept in repair, and, according to the nature of the soil, the fact that a track was in bad condition might even prove that there was a heavy volume of traffic over it. As regards the traffic found to exist on a certain sector, it would be necessary, before drawing conclusions, to know the origin and destination of the goods transported, and these facts are not in our possession.

² Note by M. Marrades. — In my opinion, the smuggling is amply explained by the profits it yields. It is quite clear that neither Syria nor Iraq has any interest in it. Moreover, there seems to be much more smuggling from Syria into Iraq than from Iraq into Syria, and the articles which form the principal subject of that traffic — liquors, perfumery, manufactured goods, etc. — are more suitable for the purpose than the live-stock, cereals, butter and wool which are exported from Iraq into Syria.

In the Sinjar there are numerous lands belonging to citizens of Mosul, to the nomad tribes, or to Yezidis who have emigrated to Amuda. The owners do not cultivate them, but lease them to the Yezidis. As between cultivators, the fields are drawn by lot, by means of stones. The cultivators thus designated undertake cultivation for a whole year and hand over to the owner a percentage of the crop obtained.

To the north-west of the Jebel Jeriba, the western extension of the Jebel Sinjar, there are two small villages with a settled Arab population which, although not of very great importance, must be mentioned here. These are Khatouniya and El Hol.

The inhabitants of Khatouniya cultivate cereals round the lake of that name. Their production, however, is not always sufficient for their needs, and they then buy wheat in the Jebel Sinjar. On the other hand, they procure sugar, coffee, cloth and footwear from Hassecheh.

The small population of El Hol is in much the same position. When the crop is insufficient, they go and buy the cereals they need in the Jebel or at Hassecheh — wherever the price is best — and have it ground on the spot.

Both have sheep which they entrust to the care of the Yezidis of the Jebel in exchange for half the produce. They are peoples living in great poverty, who are condemned by their isolation and their small numbers to lead an extremely precarious existence. Their cultivations are, however, capable of greater development.

C. *Salt-deposit Sector.* — Apart from its value on account of its pastures, this region is also of considerable importance as a great reservoir of salt. As we have already seen, it is only the Buara depression that offers the advantages of a good salt deposit. While certain other depressions, such as those of Seba and Snesseleh, although having a much thinner and less pure layer of salt, seem to have been or to be still exploited to a certain extent, their importance is negligible compared with that of the Buara deposit. We therefore feel justified in confining ourselves to the examination of the latter.

The Buara salt deposit, like that of Seba indeed, was subject at a certain period of the Ottoman Empire to a State monopoly established for the benefit of the Ottoman Public Debt. The purpose of this enterprise was no doubt less to make profits than to prevent the free exploitation of these salt deposits by the nomads, and thus eliminate competition with another salt deposit situated in the neighbourhood of Aleppo, and belonging to the State, which was being run at a loss. Ruined buildings on the borders of the Buara still bear witness to this official exploitation, which, as might be expected, showed considerable losses.

When the Turkish regime came to an end, both Iraq and Syria claimed the right to use the Buara deposit. Syria, which at present exercises no control, permits the population to supply itself freely. Iraq, on the other hand, which has instituted a salt monopoly, has for several years leased to private persons its share of this salt deposit, while exempting the nomads from the legal tax. In the last two years, however, no lessee seems to have come forward. The use of the salt deposit has consequently been entirely left to the nomads on the Iraqi side.

The annual exploitation of this salt deposit begins at the end of spring — *i.e.*, when the waters which covered it have evaporated — and terminates with the first rains of winter. The methods used are very simple. They consist in breaking the layer of salt and drying the pieces in the sun for a few hours: they are then placed in sacks, which are loaded on camels. The quantities thus extracted seem to amount on the Syrian side to about 400 tons a year, which is sufficient for the needs of the Jezira and even part of Anatolia — *i.e.*, about 200,000 persons.

The annual production on the Iraqi side was estimated during the years of leasehold at 200 to 500 tons, a quantity sufficient for the needs of about a third of the population of the liwa of Mosul.

It may therefore be said without exaggeration that the Buara salt deposit plays a part of considerable importance in the economic life of the two countries.

D. *Euphrates Sector.* — In the fertile and populous valley of the Euphrates, a particularly active commercial life is in process of development. From Deir-ez-Zor to Anah and beyond, a zone of cultivation of variable width extends along the two banks of the river, especially on the right bank. Here several important fractions of Bedouin tribes have settled more or less permanently.

The most important centre of this region is the small town of Albu Kemal. Well constructed and of recent creation — it was founded in 1895 by Kaimakam Hussein Rafat — it attracted within its walls chiefly traders from Anah, an important locality situated further east and renowned for the industrious and commercial character of its population.

Albu Kemal, which to-day has 2,000 inhabitants, is showing an increasing tendency to grow. It is the market of all the producers and consumers of the valley. According to the information given to us by the President of the Municipality, the volume of business done by the town amounts to from £4,000 to £10,000 (gold) per annum, or from 450,000 to 1,100,000 French francs. Moreover, according to a statement made by the French and Syrian assessors of the Commission, Albu Kemal during the first six months of the year sold to the populations to the east of the *de facto* frontier £12,500 (gold) of goods, chiefly cereals, sugar, coffee, skins, spirits, perfumery, firewood and fruit. According to other particulars from the same source, the Syrian Customs Service collected, during the year 1931, a sum of about 1,850,000 Lebano-Syrian piastres, or 370,000 French francs.

These sums were derived chiefly from the import duties on the manufactured wool and silks of Anah, and on sheep from the whole valley of the Euphrates.

Albu Kemal also possesses a certain agricultural importance. Its inhabitants own considerable cultivations in the neighbourhood of the town. Among other crops, they produce for their own consumption wheat, barley, sorghum, and fruit of all kinds.

We consider that the importance of Albu Kemal cannot but increase, owing to its position on the main line of communication along the Euphrates from Baghdad to Aleppo through Deir-*ez-Zor* or Palmyra.

The other territories traversed by the frontier on its way from the Euphrates to the *Jebel Tenf* are desert, and hence of no economic importance. Mention should, however, be made of the pastures of the *Gaara*, and of the main artery which connects Baghdad with Damascus, and which has already been dealt with elsewhere.

4. MILITARY CONSIDERATIONS.

(a) *General Observations.*

If we examine the military problems that may arise in the frontier zone, a first glance at the map will show that we must consider two distinct sectors. The northern sector, up to and including the *Jebel Sinjar*, presents numerous and complex military problems, while south of the *Sinjar*, as far as the frontier of Transjordan, military considerations recede into the background. In this second sector, the very uniform character of the country, the almost total lack of resources, the precariousness of the lines of communication, the absence of any important objective situated at an accessible distance, and, last but not least, the racial affinities of the neighbouring peoples, make it unlikely, if not impossible, that military operations on any considerable scale should be undertaken in this vast desert zone. From this point of view, it is more or less a matter of indifference whether the frontier in this region passes a few kilometres to this side or that. Accordingly, the two parties quite rightly refrained from putting forward military reasons in favour of any particular line. Even in the valley of the Euphrates — the only transversal passage in the zone in question and an important line of communication — no marked preference from the military point of view can be given to one frontier rather than to another, conditions varying very little throughout the country for long distances above and below Albu Kemal.

We therefore feel justified in passing over the military aspects of the vast region between the *Jebel Sinjar* and the *Jebel Tenf*, and concentrating our attention on the northern sector of the frontier zone.

(b) *Military Value of the Ground.*

A general geographical description of this region has been given already. It will be recalled that the region in question is composed, from north to south, first of a relatively hilly sector, then of a plain about fifty kilometres in breadth, studied with tells, and then of the very long rocky chain of the *Jebel Sinjar*, rising to a height of 1,000 metres above this plain.

The northern sector is dominated at approximately its central point by the *Qara Chok Dagh*. This chain is the prolongation of that of the *Jebel Bikhair*, situated on the eastern bank of the Tigris. One is therefore tempted to attach to these two groups, separated by the broad valley of the Tigris, an equal military importance on either bank of the river, as an obstacle to an attack coming from the north or south. A closer examination reveals, however, material differences. To the east of the Tigris, the precipitous and rocky chain of the *Jebel Bikhair* forms a very serious and uninterrupted natural obstacle, which would permit of easy defence. This is not the case as regards the *Qara Chok* chain, to the west of the Tigris. Although several of its summits bear the name *Dagh* (mountain), it has a much less mountainous character than the *Jebel Bikhair*, to the east of the Tigris; only the massif of the *Qara Chok Dagh*, which falls perpendicularly on the south-east side, is practically unassailable, while the rest of the range is only a series of hills and plateaux which can be crossed almost anywhere. The massif of the *Qara Chok Dagh*, which is only about five kilometres long, can therefore be turned on the west and east. It thus constitutes less an obstacle than a good observation-point. On the other hand, it must be recognised that the chain of the *Qara Chok Dagh* possesses the natural advantages of a defensive zone offered by any region where the relief of the watershed is sufficiently pronounced. It is probable that anyone having to defend this region towards the north or south, apart from any political consideration, would preferably base his defence on the chain of the *Qara Chok*.

In the plain situated between this northern sector and the *Jebel Sinjar*, there is no zone or line offering special interest from the military point of view.

The chain of the *Jebel Sinjar*, on the other hand, with its extensions, forms an extremely powerful natural defence system. Its complete isolation and its numerous valleys and ravines make it possible to conceal any movement of troops from the view of the enemy. Its excellent observation-points and the lack of any cover in the neighbouring region would greatly facilitate its defence. And even if an assailant gained a footing there, he would find it difficult to make any progress, for the ground lends itself admirably to guerrilla warfare.

(c) *Strategical Considerations.*

The frontiers fixed by the Syro-Turkish agreements or laid down by the 1920 Convention are not natural frontiers, except along a small part of the course of the Tigris. They take no account of geographical and still less of military considerations. Chance has given this corner

of Syrian territory a very singular shape, which has led to the name of the "Bec de Canard". It is a trapezoidal wedge, about forty kilometres long, and twenty kilometres wide at its base and thirty wide at its summit. The Qara Chok range, situated close to the southern frontier of this salient, and thus deprived of any outlet to the south, cannot constitute an effective position of defence towards the north.

If, simply from the standpoint of the present enquiry and leaving aside the eventuality of a conflict between Iraq and Syria, we suppose an attack against Syria from the north, it would certainly not be directed against such an outlying region as the "Bec de Canard", but against more vital parts of Syria. A movement carried out in the region of the Tigris, therefore, would be aimed not at Syria but at Iraq. For such an enterprise, the zone of concentration would no doubt be Mardin-Diarbekir-Bitlis, and its first main objective would certainly be Mosul. In view of the serious obstacle provided on the left bank of the Tigris by the Jebel Bikhair range, it may be anticipated that the attack would take place chiefly on the right bank of the Tigris and along the road and railway track from Nisibin to Mosul. Would Syria attempt, and would she be able, to resist such an attempt to cross the "Bec de Canard"? This is doubtful, in view of the complete lack of outlets and the distance of this region from the military centres of the country. Syria could, however, exert an effective action against the rear of such an attack from the Hassecheh region.

In case of an evacuation of the "Bec de Canard" by Syria, Iraq would therefore find herself alone in face of the aggressor. Her defence would no doubt be facilitated by the powerful flank position constituted by the Jebel Sinjar.

5. POLITICAL AND ADMINISTRATIVE CONSIDERATIONS.

The Ottoman Empire was divided, from the administrative point of view, into vilayets, sandjaks, etc. In the sparsely-populated and arid zone with which we are dealing, the desert constitutes a natural division. For this reason, the central administration, which was generally ignorant of the details of local conditions, had drawn a few rough lines on the map to mark the administrative boundaries across the desert. The nomad, however, who was the only inhabitant of these vast regions, was ignorant of the existence both of the administration and of the boundaries fixed by it. For centuries, since before the Hegira, he had but one law, that of the desert, and he never acknowledged any other. He had his social organisation, his policy of mutual assistance and alliances, and his mode of living, which nothing could change. The imperial authority had implicitly recognised itself to be incapable of exercising more than nominal dominion over this immense area.

The Kurds, Turcomans and Circassians on the one hand and the Arabs on the other were, in practice, masters of their own existence. They were free to take their herds where they could find pasture, to attack ill-defended caravans, or to plunder a weaker tribe that refused to pay tribute.

When, last century, the Sultans wished to enforce the collection of taxes in the desert and in Northern Mesopotamia, they established a network of police posts capable at least of protecting the lines of communication between the important centres. This system having given poor results, it was endeavoured to make the chiefs of the tribes themselves responsible for the supervision. But experience showed that, as long as the nature of the inhabitants was not changed by a new mode of living, any attempt to establish security and order in the desert was foredoomed to failure. Hence the nomads were encouraged to settle in the region of the Tigris, along the Kabur, and on the banks of the Euphrates. A school was even founded at Constantinople to endeavour — though without much success — to exercise a softening influence on the wild customs of the children of the Bedouin chiefs.

Nevertheless, as a result of this policy of settlement, a certain number of villages were founded. But for lack of effective protection they were obliged to have recourse to the support of the only true masters of the desert. Victims in turn of the enemies of their protectors and of their protectors themselves, these villages were soon destroyed, and the numerous ruins which we encountered on our journey still bear witness to those melancholy times.

It was not until the application of the system of mandates which were entrusted to the European Powers by the League of Nations that the aim vainly pursued by the Ottoman Empire began to be gradually realised, although at the cost of great sacrifices. Thanks to the strictest armed supervision, some measure of security was gradually established in these regions, and even in the midst of the desert, thus facilitating the Governments' far-seeing policy of settling the nomads. The success of this policy depends, however, on the guarantee that it will be possible to give to the populations attracted to agriculture that they will not be deprived of the fruits of their labours. The nomad must find great advantages in settling on the soil before he decides to abandon the life of absolute freedom, inherited from his ancestors, to which he is so much attached.

But the present uncertainty regarding the position of the frontier has hitherto prevented any lasting action by the two States to ensure the security and prosperity of the territories under consideration. This remark particularly applies to the northern sector, the present configuration of which is so unfavourable.

If it is further considered that Syria has been in possession of this sector for only two years, it is natural that she should first of all have endeavoured to safeguard her military positions. But the final settlement of the frontier will no doubt permit her to devote herself to the economic development of this part of the country. The establishment of lines of communication and of a

water-supply, as well as the introduction of irrigation, will be likely speedily to induce the population to settle on the soil and ensure the prosperity of the region. But, we repeat, this economic development is directly dependent on the problem of security.

The political and administrative system of the Sinjar seems to be already in process of stabilisation. Once the frontier has been fixed and the work of economic improvement carried out, a new era of tranquillity and progress may be expected to open.

In the valley of the Euphrates, political conditions are dominated by the feud which has for generations divided the tribes of the Ogueidat and the Dulem. By the agreement of May 5th, 1920, a first attempt was made by the Governments concerned to separate these two hostile elements. The solution adopted on that occasion has proved effective, and the hostility between these tribes seems to be on the wane.

The delimitation of the frontier and the regrouping of the population which will follow are likely, in our opinion, to stabilise this state of affairs finally.

CHAPTER VI. — CONCLUSIONS AND SUGGESTIONS.

I. CONCERNING THE FRONTIER ZONE AS A WHOLE.

In the chapter on the population, we have pointed out that numerous nomad or semi-settled tribes, in the course of their annual changes of pasture, stay in the frontier zone or cross it. This movement generally takes the direction N.W.-S.E. and, on the return, the direction S.E.-N.W. Nevertheless, the paths taken by these different tribes frequently cross each other, particularly at the two ends of the Jebel Sinjar, round which the flocks are obliged to pass. Furthermore, owing to their effect on pastures and sources of water-supply, climatic variations affect the regularity of these changes of pasture.

Climatic conditions in these regions vary to an extent which is unknown in temperate climates — the rainfall in certain parts of Mesopotamia was only one-sixth of normal last winter — and may oblige the nomads, as was the case this year, to prolong, shorten or change completely their usual itinerary. In these circumstances, we have acquired the conviction that it is practically impossible to draw a frontier which does not cut the route of migration of at least some of these tribes. The *de facto* frontier possesses the same drawbacks, which are an inevitable consequence of nomadism. The present system of migrations, however, will have to be safeguarded, and as few obstacles as possible placed in its way.

Both parties, to justify their claims to a particular locality, have repeatedly pleaded the absolute necessity of being able to use certain wells.

There can be no doubt that full use of a pasture cannot be made without a good water-supply. We would point out, however, that the drilling and maintenance of the wells are at present left to the nomads. Each tribe, possessing only very rudimentary equipment, at present does no more than what is strictly necessary, and that in the most primitive way, to provide for its water-supply for a short period ahead.

We consider that the question of wells calls for the closest attention on the part of the authorities, for we are convinced that, at small expense, the present system of wells could be improved and supplemented, and that, by thus enhancing the value of certain pastures, the resources of several tribes could be increased.

We therefore consider that the present distribution of wells and springs should not be allowed to influence the position of the frontier. This distribution, which is capable of considerable improvement in the future, can then be adapted to any frontier.

We suggest that the question of changes of pasture should be settled by special agreements between the States themselves. In this connection, it may be worth while to recall the instance of an Intergovernmental Commission which worked for years in the north of Scandinavia.¹ The proceedings of that Commission might provide a useful example in seeking a satisfactory permanent regulation of changes of pasture involving the crossing of a frontier. Its experience might furnish useful suggestions in spite of the difference between the conditions of life of the Laps and their reindeer and the Arabs and their flocks.

This Commission solved the problem of nomadism in the countries of the north by means of conventions originating in a text named "First Codicil of the Frontier Convention of October 6th to 18th, 1751", which is still in force to-day, and appears to have been founded on an agreement dating from 1658. The "Codicil" and the Conventions of 1905 and 1919, which are based thereon, determine the rights and obligations of the nomads in time of peace and war; they stipulate, *inter alia*, that, according to custom, the nomads may cross the frontiers and make free use of the land and water-supply for themselves and their herds.

2. CONCERNING THE DIFFERENT SECTORS.

(a) *Tigris-Jebel Sinjar Sector.* — The uniformity of this sector from the geographical point of view is evident. There is here no natural line which could usefully serve as frontier. The Qara Chok chain itself is not suitable for this purpose, even irrespective of its oblique position in relation to the frontier.

¹ On this subject, the Commission received a communication kindly sent by His Excellency M. Marks von Würtemberg, former Swedish Minister of Foreign Affairs, and M. Lennart Berglöf, Secretary of the Norwegian-Swedish Frontier Commission.

It desires to express to them its sincere thanks.

The "Bec de Canard" is inhabited by a settled and semi-settled population of different races and religions. As a result of gradual immigration, chiefly from the north, this population is continually increasing, and a settled mode of life is extending gradually to the east and south.

The economic importance of this sector is at present negligible. In the absence of any industry, the population lives exclusively on the products of the soil, selling the surplus to provide for its other needs. This trade at present takes place preferably with Mosul. There is no transit trade except that along the Mosul-Nisibin road, which, however, does not affect the inhabitants of this area.

The strategic situation of this region, as constituted by the 1920 Convention, is most precarious. Anyone wishing to enter Iraq from the north would always choose the west bank of the Tigris for the purpose, this route being shorter and less difficult than the east bank. It seems unlikely that Syria would endeavour to offer strong resistance to a movement of this kind, which would necessarily take place across the "Bec de Canard", for the very reason of its present shape, particularly as she would obviously be defending Iraq's interests much more than her own. In view of the manifest risk of failure, it is probable that Syria would be more inclined to evacuate the "Bec" than to defend it.

It will readily be understood that these unpromising military prospects dominate all political and administrative considerations. How could a Government be expected to take a whole-hearted interest in a district at such a distance from the centre of the country when it was sure to have to abandon it at the first approach of an enemy? How could it in such circumstances justify expenditure on its economic development and administrative equipment? We consider that this unfavourable situation inherent in the unfortunate configuration of the "Bec de Canard" must discourage any Government from undertaking a programme of development.

To sum up, the district of the "Bec de Canard", which, owing to the richness of its soil, is capable of genuine development, cannot command the interest which it deserves in the eyes of a Government as long as its configuration does not enable that Government to provide for its security in all circumstances. We have no hesitation in stating that, in our opinion, only two solutions are possible: either to abolish the "Bec de Canard" by assigning it to Iraq, or to enlarge it to the extent necessary for its continued existence.

To abolish the "Bec de Canard", however, would be to cut off Syria from the Tigris, which was certainly not the intention of the negotiators of 1920. On the contrary, they expressly designated the Tigris as the frontier over a long distance, thus making plain their desire to give Syria free access to that river. It is not for us to enquire into the reasons which led the negotiators to take this decision. But there is nothing to prevent their intentions from being respected, by the exclusion of any idea of abolishing the "Bec de Canard".

We are thus led to suggest a considerable enlargement of the "Bec de Canard", in order "to eliminate its character of an almost undesirable "appendix". It could then become a district of a certain importance, capable of developing more easily, and more readily defensible. We believe that, if it saw the importance of this distant region increased, the Syrian Government would certainly be inclined to take more interest in it and to give it a stimulus in every way.

Thus corrected, the "Bec de Canard" could play an important part as an instrument of peace: it would bar the natural route of access from the north of Iraq and thus make any military movement in that direction much less likely. If such a movement were directed solely against Iraq, it would be confined to the eastern bank of the Tigris, which is very unfavourable for such a purpose, or it would cross the "Bec de Canard", thus violating Syrian territory and antagonising both the Iraqi and the Syrians; an enterprise of that kind would become the more hazardous the more the resisting capacity of the "Bec de Canard" were increased.

It is therefore in Iraq's interest too that there should be a strong "Bec de Canard", since in this district its destinies are to some extent linked with those of Syria.

(b) *Jebel Sinjar Sector.* — The geographical unity of the Jebel Sinjar is manifest, both on the map and on the ground. To cut across in any direction a mountain chain of such importance and such uniformity, rising steeply from an almost unbroken plain, would be, as it were, a violation of nature. Orographically it forms an indivisible whole, with its geographical affinities definitely on the eastern side. A wide cultivated zone — the region of Tell Afar — joins the Sinjar to the Mosul basin, while, on the west, the Sinjar is separated from the valley of the Kabur by a desert area. From the hydrographic point of view, the Sinjar forms part of the basins of the Tigris, Kabur, and Wadi Ajij.

The population of the Jebel Sinjar gives the same impression of unity. Although decimated in the course of the last centuries, the Yezidis still constitute approximately two-thirds of the population, so that the whole region bears the preponderating imprint of their habits and customs. They are a primitive and sober people, proud of their age-long liberties, chivalrous towards the oppressed, and their strongest tie is undoubtedly their religion. The Yezidis are well aware that unity alone can secure their existence and their religious independence. Hence, they urgently begged of us that they should not be divided by a frontier. They are a people worthy of all sympathetic treatment, and deserving to be supported in their efforts to rise again, or at least to maintain themselves.

The district of the Sinjar, without any export industry and without revenue derived from the transit of goods, lives solely on the produce of its soil and its flocks. What is not consumed locally is used to pay for outside purchases. The greater part of this trade is undoubtedly directed towards Mosul, a great consuming and trading centre, while a small part goes to Syria, chiefly, it is true, in the form of contraband. In addition, nomad tribes come to the Sinjar to obtain their supplies.

The producing possibilities of the Sinjar are still capable of considerable development.

We have already mentioned the part which the Sinjar might be called upon to play from the military point of view; we repeat that it represents a very strong flank position against any movement west of the Tigris proceeding from the north or north-west.

The present political and administrative system of the Jebel Sinjar seems to give full satisfaction to the population. The Yezidis, after many years of troubled and precarious existence, now enjoy complete security, which they much appreciate. They are able to practise their own religion without apprehension, and have recourse to an impartial justice. Accordingly, this little people unanimously desires the maintenance of order and the uninterrupted development of a policy of consolidation.

To sum up, we may say that the Jebel Sinjar, a fertile and very populous island in the midst of a desert crossed only by nomads, forms from every point of view a block of remarkable unity. It cannot be divided by a frontier without harming its present prosperity and depriving the Yezidis of the great moral support which union constitutes for this long-suffering and attractive people. The Jebel Sinjar therefore cannot, and, in our unanimous opinion, should not, be divided, but must be assigned as a whole to one or other of the parties.

The majority of the Commission — the President and M. Petersén — do not hesitate to suggest the incorporation of the whole of the Jebel Sinjar in Iraq. This suggestion is based on the geographical, economic and religious ties which, in the opinion of the majority, undoubtedly unite the Sinjar to Iraq, and to a certain extent also on military considerations.

As regards the assignment of the Jebel Sinjar, M. Marrades did not agree with the majority's suggestion, and drew up a minority proposal which he sets forth in a note reproduced at the end of the present chapter.

(c) *Salt-deposit Sector.* — The characteristic of this district from the geographical point of view is the aspect of an elongated trough presented by the valley of the Wadi Ajj and the salt deposits. The depressions are more difficult to cross than the plateaux on either side to east and west, especially in winter, when they are flooded; and they therefore to some extent form a natural frontier.

This region is totally devoid of permanent dwellings, and is only temporarily and partially occupied by nomads.

It derives its economic value exclusively from the pastures and the salt deposits of Buara, utilised chiefly by the nomad tribes.

To sum up, this district is one of minor importance from every point of view. In order to take into due account the present conditions of exploitation of this area, we propose that the frontier should divide both the valley of the Wadi Ajj and the Buara salt deposit. To the south of the latter the general line of the depressions seems to us to be the natural boundary between the two countries.

(d) *Euphrates Valley Sector.* — Here no line offers obvious geographical advantages as a frontier; but we think it necessary to take into account, on the one hand, the ethnographical conditions and, on the other hand, necessities of an economic nature.

As stated in the chapter on population, this is the region of contact between the important tribes of the Dulem and the Ogueidat. Their villages seem to be intermingled, and inhabited also by other sections affiliated to one or other of the principal tribes. In this particular case, therefore, they seem to be rather a zone of contact than a line of contact.

Furthermore, we consider that, in practice, there can be no question of drawing the frontier through Albu Kemal or in its immediate neighbourhood, as the 1920 Convention does, and that for economic reasons the frontier should be at some distance. Moreover, a frontier situated in the immediate approaches to the town would present serious drawbacks for both parties from the administrative and particularly from the Customs point of view.

Albu Kemal, which is the chief town of a "kaza", and which is more and more asserting itself as the centre of this region, must be given the possibility of extending, and must be surrounded by a wide zone of arable land belonging to it.

Taking these considerations into account, we suggest that the frontier should be fixed on the borders of the villages of Heri and Qseba, and should pass through the Leachman boundary-stone. This line coincides with the present *de facto* frontier, which seems to have proved equitable and practical.

(e) *Euphrates-Jebel Tenf Sector.* — This region, owing to its arid nature and the fact that it is not permanently inhabited, is certainly the least important part of the frontier zone from the point of view of the present enquiry. The question of changes of pasture is the only one which comes into consideration. As we have already explained, it can be settled in practice only by means of special agreements.

In these circumstances, we consider that the simplest boundary — *i.e.*, a straight line — would be the best. This indeed is the solution which had already been provided for in the 1920 Convention. We consider, however, that account should be taken of the new situation created by the agreement of October 31st, 1931, which replaced the straight line starting from Albu Kemal in the direction of Imtan by a line, also straight, starting from Albu Kemal and proceeding to a point situated 3.2 kilometres to the north of Tell Romah.

We therefore suggest that the frontier should proceed from the Leachman boundary-stone in a straight line to a point situated 30 kilometres from the minaret of Albu Kemal, on the line

Albu Kemal—point 3.2 kilometres north of Tell Romah. From here, the frontier would follow the line in the direction of the point 3.2 kilometres north of Tell Romah as far as the intersection of this line with the frontier between Transjordan and Iraq. This solution would present the advantage of avoiding two changes of direction in a region equally devoid of importance for both parties.

3. NOTE SUBMITTED BY M. MARRADES, MEMBER OF THE COMMISSION OF ENQUIRY,
STATING HIS PROPOSAL REGARDING THE FRONTIER IN THE JEBEL SINJAR SECTOR.

The undersigned member of the Commission regrets that he is obliged to differ from his colleagues as regards the appreciation of, and the inferences to be drawn from, the economic information obtained in connection with the Jebel Sinjar.

The 1920 Convention, which, as a rule, is so unambiguous, is nevertheless categorical on one point — the allocation of the whole of the Kabur basin to Syria. To justify a departure from a provision so definitely claimed by one side and accepted by the other in the course of the negotiations, there should, in my opinion, be a reason so convincing that legal considerations must be waived in face of an incontestable reality. It did not appear to me, however, that so grave a conclusion could be drawn from the economic facts of the case.

The question of the Jebel Sinjar appears to the dissenting member in the following light from the economic point of view:

We do not know what were the commercial relations of the Jebel under the Ottoman administration. The latter kept no trade statistics of the different provinces of the empire among themselves.¹ It seems impossible to find authentic data of any real value dating from the period previous to the British occupation. In his two works,² Baron Oppenheim gives us no more than indications; he says that the Yezidis maintained particularly friendly relations with the Christians of Mosul, Mardin, and other towns of the north, and mentions the case of a caravan of Yezidis coming from Mardin, where they had obtained supplies for the winter.

As regards the present economic relations of the Sinjar, I consider that our knowledge of them is only fragmentary and incomplete. As a rule, the witnesses I had occasion to hear proved very little by trying to prove too much. Our only serious source of information was the official figures, which we reproduce elsewhere.

These figures establish in an imperfect manner the fact, which seems likely enough, that the Sinjar's commercial relations with Mosul are more important than those with Syria. We have no information as to the trade carried on by the Sinjar with Deir-*ez-Zor*, Kamechliá, Raz-el-Ain and the nomad tribes; we do not know — although there is reason to regard it as very considerable — the volume of transactions which take place without going through the Customs. One fact, however, remains established after the study of these statistics, taken in conjunction with the economic considerations outlined in the report: the produce of the Jebel Sinjar forms a very important part of Mosul's exports to Syria, and the goods imported by Mosul from Syria include some of the most important purchased by the Sinjar.

The Sinjar's commercial movement towards the east is easily explained. The Yezidis do not engage in trade. It is on the spot that they buy from and sell to the commissioners or agents of outside traders and the traders established in their own country. These traders are protected by a *de facto* frontier, a Customs line, and a strict passport system. The Mosul business man clearly enjoys all the facilities he can desire for visiting the Jebel or settling there. It is none the less true, however, that close to this frontier, in spite of all the obstacles created by the *de facto* situation, there have arisen two or three towns without agricultural resources, connected with the Sinjar by bad and unprotected tracks, and nevertheless subsisting on trade alone. These towns, the oldest of which dates back only five or six years, are peopled mostly by Christians from the other side of the Turko-Syrian frontier, the very region which Baron Oppenheim spoke of thirty years ago.

The Jebel Sinjar seems to me to be attached economically to Mosul only by accidental circumstances that should not be given too much weight in seeking the most favourable conditions for drawing a permanent frontier which is to play a decisive part in the development of a people. In my opinion, Mosul only plays, in relation to the Sinjar, the part of an expensive and unnecessary intermediary. It buys and sends on to Syria practically all the sheep and goats exported from that region, as well as camels, large quantities of butter, wool and cereals, and other goods in which the country is rich and which Syria does not produce in sufficient quantities. These goods count among those which the Sinjar produces in the greatest quantities, but this production, sold in the Jebel itself, by people entirely ignorant of trade and isolated from the outside world, is purchased by the merchants of a country which is a large producer of the same commodities. The prices which the Yezidis receive are thus necessarily small. They are further reduced by the commissions of the agents, the profits of the middlemen — both in the Sinjar and in Mosul — and the double cost of transport, first to the east and then to the west, which involves an additional 300 kilometres and an increase in the risks of loss and damage. If, on the other hand, the goods were sent direct to the consuming country, the Sinjar producer would receive their normal value.

The part played by Mosul in relation to the Sinjar's trade could still be justified, so long as the new Sinjar towns did not yet exist and the insecurity of the desert demanded the formation of large protected caravans. What was a drawback from the strictly economic point of view could

¹ *Question of the Frontier between Turkey and Iraq*, League of Nations document C.400.M.147.1925.VII; reply to the second question, pages 64 *et seq.*

² *Vom Mittelmeer zum Persischen Golf*, Berlin, 1900, Vol. II, page 152, and *Der Tell Halaf*, Leipzig, 1931, page 21.

then really be counterbalanced by the security — even if only relative — of transport from the Jebel to Aleppo, though the time taken was one or two months. But present-day circumstances are different. Rapid transport, tracks kept under supervision, and the establishment of authority in the desert make the Jebel entirely independent of Mosul from the economic point of view, and open the door to direct communication with its natural markets.

The considerations briefly outlined above on the one hand, and, on the other, the fact that the Commission's investigations did not reveal any other conclusive reasons, seem to me to provide arguments insufficient to justify overruling the intentions of the 1920 Convention.

In my opinion, the intentions of the 1920 negotiators still remain the most important factor.

The textual application of the Convention, however, runs counter to the unanimous recommendation of the Commission that the Yezidi population of the Jebel Sinjar should not be divided by a frontier. In my opinion, the only possible solution is one which, while respecting as far as possible the intentions of the negotiators, would safeguard the unity of this ethnical and religious group.

The northern slope of the Sinjar, according to the interpretation placed upon the Convention by the Commission in Chapter III of the present report, belongs to the Kabur basin, and consequently must be allotted to Syria. On the other hand, although the Convention does not expressly mention it, the southern slope, which does not form part of that basin, should be allotted to Iraq. The majority of the Yezidi population, whose unity we aim at maintaining, lives on this southern slope. In these circumstances, it seems to me that the party assuming the administration and watching over the development of the majority of this population should have a preferential right to the administration of the whole.

This would mean, on the part of Syria, the renunciation of a right which that country holds under the Convention, but such a renunciation of a right must, like all such, be interpreted in a wholly restrictive sense. In other words, it must not extend beyond what is indispensable for the maintenance of the unity of the Yezidi population, while at the same time taking due account of the requirements of a good frontier. In my opinion, the line that would best satisfy these conditions would be a line starting from Tell Sfug, proceeding in a straight line to Tell Yussuf Beg, thence entering the defile giving access to the pass named Bab-ech-Chilu on the map, thence through that pass to point 562, and thence in a straight line to Tell Rhuli, where it would rejoin the line proposed by the majority.

This line would have the advantage of separating from the Yezidi group no more than the few houses of Jafar, a village which, according to the particulars given by the British and Iraqi assessors, has only seventy-five inhabitants. Arrangements would then have to be made for the transfer of these to the other side of the frontier, and agreements would have to be concluded between the parties establishing the system of pasturages, as the Commission has suggested elsewhere.

(Signed) Pedro MARRADES.

CHAPTER VII. — DESCRIPTION OF THE SUGGESTED FRONTIER.

(See Annexes Nos. 2, 3a and 3b.)

The Commission of Enquiry has been asked by the Council of the League of Nations to make suggestions such as may assist it in arriving at a decision. These suggestions in their main outlines are stated in Chapter VI. Nevertheless, the very careful examination of local conditions which we undertook has induced us to give definite form to our conclusions by indicating a specific line which, in our opinion, might form both an equitable and a practical frontier.

This line, the course of which we describe below, is reproduced in detail in Annexes Nos. 2 (map 1: 500,000) and 3a and 3b (maps 1: 200,000). It is composed — except where the frontier follows the course of a river — of a series of straight lines connecting points which are clearly defined both on the map and on the ground.

These points should constitute the fixed points of the frontier. The actual line between these fixed points should, however, be determined on the spot by a delimitation commission in accordance with local necessities. This latter remark applies more particularly to the long straight line from the Tigris to the north of the Sinjar. The absence, in this sector, of any indication of trigonometrical points on the maps — even the most recent ones — seems to show that some inaccuracies may exist in the latter. Accordingly we have thought it preferable not to define more closely our proposals in this region.

The line suggested is the following:

1. *Tigris-Sinjar Sector.*

From the confluence of the Eastern Kabur and the Tigris, the thalweg of the Tigris to about one kilometre below Pesh Kabur; thence a straight line to Tell Dahraya (point 384); thence a straight line as far as Tell Khoda-ed-Deir (point 391).

2. *Sinjar Sector.*

(a) *Majority Proposal.* — From Tell Khoda-ed-Deir (point 391), a straight line to Tell Rhuli (trigonometrical point 402); thence to trig. pt. 645; thence to trig. pt. 573; thence to trig. pt. 395, and terminating at Tell Sfug (trig. pt. 332).

(b) *Proposal by M. Marrades.* — From Tell Khoda ed Deir (point 391) a straight line to Tell Rhuli (trig. pt. 402); thence a straight line to point 562; thence through the pass called on the map Bab-ech-Chilu in the defile issuing in the plain on the south; thence to Tell Yusuf Beg, thence in a straight line to Tell Sfug, where it rejoins the line proposed by the majority.

3. *Salt-deposit Sector.*

From Tell Sfug (trig. pt. 332) in a straight line to trigonometrical point 331; thence to trig. pt. 280; thence to trig. pt. 259; thence to trig. pt. 276; thence to trig. pt. 230; thence to trig. pt. 236; thence to trig. pt. 231; thence to the ruins of the small military post on the border of the Buara salt deposit (point 164, 3.6 kilometres W.N.W. of trig. pt. 172); thence to trig. pt. 167; thence to El Gara (trig. pt. 193); thence to trig. pt. 174; thence to the Jebel Baghuz (trig. pt. L.S.29, not indicated on the map).

4. *Euphrates Sector.*

From the Jebel Baghuz (trig. pt. L.S.29, not indicated on the map), a straight line towards the thalweg of the Euphrates, which it reaches near the north-eastern extremity of the island of Baghuz; thence the thalweg of the Euphrates up-stream as far as the boundary of the territories of the villages of Heri and Qseba; thence in a straight line to the Leachman boundary-stone (point 169).

5. *Euphrates-Jebel Tenf Sector.*

From the Leachman boundary-stone in a straight line to the point situated 30 kilometres from the minaret of Albu Kemal on the straight line joining that minaret to the point situated 3.2 kilometres north of Tell Romah; thence this latter line as far as its intersection with the frontier between Iraq and Transjordan.

(Signed) Pedro MARRADES. (Signed) FR. ISELIN. (Signed) Carl PETERSÉN.

[Communicated to the Council
and the Members of the League.]

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Geneva, December 6th, 1932.

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Page 363, in the parenthesis following the first special observation on Palestine (Legislative Council) read: (pages 82-86,...) instead of 82, 103, ...

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PERMANENT MANDATES COMMISSION.

MINUTES OF THE TWENTY-SECOND SESSION

Held at Geneva from November 3rd to December 6th, 1932.

All the members of the Commission took part in the work of the twenty-second session — namely :

Marquis THEODOLI (*Chairman*),
M. VAN REES (*Vice-Chairman*),
Mlle. DANNEVIG,
Lord LUGARD,
M. MERLIN,
M. ORTS,
M. PALACIOS,
Count DE PENHA GARCIA,
M. RAPPARD,
M. RUPPEL,
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 unable to attend certain meetings : Mlle. Dannevig, the first two and the last two meetings ; Lord Lugard, the last two meetings ; M. Merlin, the eighteenth and the last meetings ; M. Orts, the eighth to fourteenth meetings ; Count de Penha Garcia, the first meeting and the last two meetings ; M. Rappard, the last two meetings ; M. Van Rees, the twenty-ninth meeting ; M. Ruppel, the twenty-third and twenty-fourth meetings ; M. Sakenobe, the twenty-second meeting.

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

Mr. J. E. W. FLOOD, of the Colonial Office ;
Lieut.-General Sir Arthur WAUCHOPE, K.C.B., C.M.G., C.I.E., D.S.O., High Commissioner in Palestine ;
Mr. H. F. DOWNIE, of the Colonial Office ;
Mr. S. MOODY, O.B.E., Deputy Secretary of the Secretariat of the Palestine Administration ;
M. ROBERT DE CAIX, former Secretary-General of the High Commissariat of the French Republic in Syria and the Lebanon ;
M. HENRI PONSOT, High Commissioner of the French Republic in Syria and the Lebanon ;
M. M. BESSON, Chief of the First Bureau of the Political Department at the French Ministry of the Colonies.
M. MARCHAND, Commissioner of the French Republic in the Cameroons ;
Sir DONALD C. CAMERON, G.C.M.G., K.B.E., Governor of Nigeria ;
Mr. A. W. CARDINALL ;
The Right Hon. the Earl of PLYMOUTH, P.C., Parliamentary Under-Secretary of State for the Colonies ;
Mr. G. F. SEEL, of the Colonial Office ;
Mr. G. J. PARTRIDGE, Deputy Secretary-General of the Government of Tanganyika Territory ;
M. HALEWYCK DE HEUSCH, Director-General in the Belgian Ministry of the Colonies ;
M. N. ITO, Deputy Director of the Imperial Japanese Bureau to the League of Nations ;
M. MITSUDA HORIGUCHI, former Governor of the Islands under Japanese Mandate ;
Lieut.-Colonel Sir DONALD CAMERON, K.C.M.G., D.S.O., V.D. ;
Sir THOMAS MASON WILFORD, K.C.M.G., K.C., High Commissioner of New Zealand in London ;
Mr. CHARLES T. TE WATER, High Commissioner of the Union of South Africa in London ;
Major F. F. PIENAAR, D.T.D., O.B.E., accredited representative of the Union of South Africa to the League of Nations.

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

FIRST MEETING

Held on Thursday, November 3rd, 1932, at 11 a.m.

Opening Speech by the Chairman.

The CHAIRMAN spoke as follows :

I have the honour to declare the twenty-second session of the Permanent Mandates Commission open.

As on previous occasions, I propose to refer briefly to the deliberations and decisions of the Council and Assembly since the close of our last session, so far as they concern mandates questions. I shall not go into details, because all the documents have been communicated to you by the Secretariat in due course.

At its meeting on January 25th, 1932, the Council considered, in my presence, the Commission's report on its twenty-first session. It instructed the Secretary-General to communicate to the Governments of the mandatory Powers concerned the observations of the Commission on the annual reports, and to request them to take such action as the Commission desired. The conclusions formulated by the Commission regarding the petitions it had examined received the Council's approval.

The Council also endorsed the Commission's recommendations on the subject of the liquor traffic and of the statistical tables relating to mandated territories.

Lastly, the Council decided to bring to the notice of the Assembly and the Supervisory Commission the Mandates Commission's observations on the decision of the twelfth Assembly that the number of sessions of the Mandates Commission should be reduced from two to one in 1932. Several members of the Council expressed the hope that, notwithstanding the financial difficulties, the Mandates Commission would be enabled to discharge its duties in full.

On January 28th, 1932, the Council examined the special report of the Commission on the proposal of the Government of the United Kingdom for the emancipation of Iraq. The Council's conclusions diverged from the recommendations of the Commission on one point only : the right to refer to the Permanent Court of International Justice differences of opinion in regard to the interpretation and execution of the undertakings to which Iraq is to subscribe, which in the Commission's view should be accorded to all the Members of the League, was limited to the Members of the League represented on the Council.

The Council appointed a Committee consisting of the Rapporteurs for minorities questions, questions of international law and mandates, and the representative of the United Kingdom to prepare a draft Declaration covering the various guarantees recommended in our special report of last year.

In accordance with an explicit recommendation made by the Council, the Committee secured the opinions of the Prime Minister of Iraq and of M. Orts, who, at my request, kindly undertook to act as the representative of the Mandates Commission. It submitted to the Council a report accompanied by a draft Declaration dealing with the following points : protection of racial, linguistic and religious minorities, the most-favoured-nation clause, judicial organisation, acquired rights and financial obligations, freedom of conscience, and the procedure in regard to disputes.

By a resolution of May 19th, 1932, the Council approved the draft Declaration and report submitted by its Committee. At the same time, it recommended that the Powers whose nationals enjoyed capitulation rights in the former Ottoman Empire should renounce, before the admission of Iraq to the League of Nations, the maintenance of these former jurisdictional privileges in favour of their nationals in future.

On September 24th, 1932, the Council took note of the signature by Iraq of the Declaration, the text of which it had approved on May 19th. It placed it upon record that the first of the conditions laid down for the termination of the mandatory regime in Iraq had thus been fulfilled, and that accordingly the mandate would *ipso facto* come to an end on the admission of Iraq to the League of Nations.

Further, on the proposal of the representative of the United Kingdom, the Council desired the Mandates Commission to state as soon as possible its conclusions on certain petitions from the Assyrian community in Iraq, which had been referred to it, but which, on account of the circumstances, it had been unable to examine before the termination of the Iraq mandate. We shall therefore have to examine these petitions as early as possible.

As you are aware, the Iraq mandate came *ipso facto* to an end on October 3rd, 1932, when the Assembly, on the recommendation of its Sixth Committee, unanimously admitted Iraq to the League of Nations. On this occasion several speakers paid tributes to the mandatory Power and the Mandates Commission.

On January 30th, 1932, the Council received a joint request from the Governments of the United Kingdom and France to approve the provisions of an agreement reached on October 31st, 1931, with regard to the Syrian-Jebel-Druze-Transjordan frontier. Following a discussion, the Minutes of which were communicated to us by the Secretariat at the time, the Council concluded that in the agreement — which it approved — the two mandatory Powers had drawn a frontier-line which the Council had every reason to believe to be in the interests of the populations under mandate. In those circumstances, and in view of the importance of an immediate settlement of the question, it did not seem to the Council essential to refer the matter to the Permanent Mandates Commission, whose opinion, it added, would certainly have been asked in other circumstances.

In this connection, the representative of the United Kingdom observed that the formal approval of the Council had never been sought for the western section of the frontier, dividing Syria and the Lebanon from Palestine, which was delimited in 1923. He added that the United Kingdom Government would take the appropriate action, in agreement with the French Government, to remedy the omission at a future session of the Council.

At its twenty-first session, the Mandates Commission had taken note of the intention of the Governments of the United Kingdom and France to request the Council to determine the frontier between Iraq and Syria. The Council, acceding in principle to this request, decided at its meeting on December 9th, 1931, to send a Commission of Enquiry to the spot. The report of this Commission was examined by the Council on October 3rd, 1932. The Council declared itself disposed to adopt, as a final settlement of the question of the frontier between Iraq and Syria, the line unanimously suggested by the Commission of Enquiry, and in the Jebel Sinjar area the line indicated by the majority of the Commission. The Council decided, however, that the Mandates Commission should be asked to state as soon as possible its opinion on the line so indicated from the point of view of the interests of the territories affected. I should be glad if you would let me have to-day any suggestions you may care to make as to the procedure to be followed in examining this question.

As usual, the thirteenth ordinary session of the Assembly referred to its Sixth Committee the annual reports of the mandatory Powers, the reports of the Permanent Mandates Commission, and the other documents relating to the question of mandates which had been circulated to the Members of the League since the close of the previous ordinary session.

In the report adopted by the Assembly on the proposal of the Sixth Committee, it is observed that, thanks to the efforts of the mandatory Powers and the able and impartial co-operation of our Commission, the mandates system has continued to produce excellent results. This is strikingly illustrated, in the Assembly's view, by the case of the Kingdom of Iraq, to which it has been possible to grant independence and admission to the League after only twelve years of mandatory administration.

The fact that the Mandates Commission had found itself unable to form a definite opinion on the position in Western Samoa having been remarked upon in the course of the debates, the Assembly noted that the mandatory Power intended to furnish reassuring information. It also gave expression to the uneasiness prevailing on account of the fact that the native population in the islands under Japanese mandate is stationary, and in some cases declining; the efforts made by the mandatory Power to discover the causes of this tendency and to arrest its progress received the Assembly's attention.

Lastly, several delegations expressed their apprehension of the possible consequences of the renewal of the decision reached in 1931 with regard to the number of sessions of the Mandates Commission. Observing that, as this is one of the essential activities of the League, it is necessary to prevent any action being taken that might interfere with its performance, the Assembly expressed the definite opinion that it was highly desirable that the number of sessions of the Mandates Commission should not again be reduced, even as an exceptional measure.

This desire was fulfilled when, at a later stage, the Assembly voted the necessary funds for the holding of two sessions of the Commission in 1933.

Question of the Examination by the Mandates Commission of the Annual Report for 1931 on the Administration of Iraq.

M. ORTS recalled that the mandatory regime in Iraq had terminated on October 3rd, 1932. On the other hand, the report of the mandatory Power on the administration of the territory during 1931 had been distributed to the Mandates Commission. He supposed — and would like to have his opinion confirmed — that the Commission would have full liberty to examine the report, notwithstanding the fact that, at the moment when it would undertake that examination, Iraq would have ceased to be a country under mandate.

M. Orts hoped that this would be the case. In fact, complaints continued to arrive from the racial and linguistic minorities in Iraq, regarding their situation in the country. Certain of those complaints, in particular, gave reason to believe that a recommendation of the Council for remedying an injustice to which one of the minorities had been subjected had not been put into effect. The Commission would no doubt desire to form an opinion on the accuracy of that allegation.

The CHAIRMAN explained that the Mandates Commission had, in accordance with its constitution and rules of procedure, received a report from the United Kingdom Government on the administration of Iraq during 1931. In the present year, the Commission had not met in June, so that it had been unable to examine this report of the ex-mandatory Power previous to the termination of that Power's mandate. As, subsequently, Iraq had acquired full independence, the Commission would have to decide whether it would be proper to examine the report in the usual way or whether it should merely note this document in the report to the Council on the work of the present session. He was glad that M. Orts had raised this very interesting and delicate point, regarding which he would be glad to hear his colleagues' opinion.

M. RAPPARD said that the matter was not merely delicate ; it was also rather embarrassing. He clearly saw the grounds on which a jurist could plead that in this case the Mandates Commission had no jurisdiction. Iraq was no longer a territory under mandatory regime, so that, if the Commission decided to make recommendations, the question would arise to whom those recommendations could be addressed, because the former mandatory Power was no longer responsible. These arguments were not, however, quite unanswerable. For several years past it had been the duty of the Mandates Commission to examine how the country had been governed, and it had experienced very justified misgivings on account of some facts which were to the undoubted disadvantage of certain portions of the population of Iraq. It had not obtained entire satisfaction on all the points to which it had drawn attention, and had serious reasons to believe that the injustices to which it had referred still existed before the termination of the mandate. There was therefore a sort of conflict between the letter of the law and equity. Personally he felt that, in international affairs, considerations of form were of lesser, and questions of equity of greater, importance than in civil proceedings, for instance.

He wondered whether it was not advisable to examine the complaints in question at a public meeting. The executory instrument of the Mandates Commission and of the Council was, so to speak, the mandatory Power, but the latter, as a result of the recognition of Iraq's independence, was no longer mandatory. The Commission, therefore, could now only have recourse to public opinion, which could not become operative unless it was informed of the facts. He was, however, only making suggestions and would be prepared to bow to a decision of the majority of the Commission.

M. PALACIOS also thought that this was a delicate question. Under most of the questions of procedure studied by the Mandates Commission there lay questions of substance, as in the present case. He proposed, without wishing to prejudice the question whether the discussions should take place in public or not, that this matter should be examined at a later meeting. He was, nevertheless, of the opinion that the report and the petitions should be examined and had no objection to the discussion taking place in public.

M. VAN REES was very inclined to agree with M. Rappard's observations. He thought, however, that an objection might be raised, based not merely on the fact that the territory was no longer under a mandatory regime, but that under the very constitution of the Mandates Commission the latter was precluded from discussing an annual report concerning a territory under mandate unless the accredited representative of the mandatory Power concerned was present. If the Mandates Commission discussed the report on Iraq in the absence of any such representative, it would lay itself open to the criticism that it had failed to observe a definite rule laid down by the Council of the League. As to whether it was preferable to examine this report in public or in private, he would abide by the decision of the majority of his colleagues.

The CHAIRMAN explained that the Secretariat had already considered the question of the representation of the mandatory Power in case the report on Iraq were discussed. It would therefore be able to get into touch with the mandatory Power and ask it what its intentions were.

M. ORTS said that the point he wished to elucidate was precisely whether the United Kingdom Government was prepared to send an accredited representative, because the report on Iraq for 1931 could not, he believed, be discussed unless such a representative were present.

Lord LUGARD agreed with M. Orts that the Mandates Commission ought to discuss the complaints to which the latter had alluded. He thought, however, that the Commission, without examining the report in detail, might discuss them when dealing with the petitions which had been submitted to it by the Council.

M. ORTS was prepared to agree with Lord Lugard's suggestion, while maintaining his opinion as to the necessity for the presence of an accredited representative. This was as indispensable for the examination of petitions as for the discussion of an annual report.

The CHAIRMAN said he proposed to request his colleagues to authorise him to ask the mandatory Power to send a representative. If the Commission agreed to this course, he would transmit its request to the mandatory Power. When the discussion took place, the members of the Commission could then raise such questions as they wished.

With regard to the publicity of the discussions, he felt it desirable to take advantage of the public meeting to give certain explanations. He desired the public to know above all that the Commission did not fear but welcomed publicity. It must not, however, be forgotten that the

Mandates Commission was an advisory organ of the Council and that, in consequence, the Council should be the first to have knowledge of its conclusions.

Immediately after, or even during, its examination by the Council, the work of the Mandates Commission would be made public. Publicity as regards the work of the Commission therefore existed, but was merely delayed for constitutional reasons.

M. RAPPARD entirely agreed with the Chairman's statement. M. Van Rees had pointed out that it would be impossible to examine the report on Iraq in the absence of any accredited representative of the mandatory Power. It was not very likely, however, that the United Kingdom Government would be able to remove the Commission's difficulties in this matter. As a matter of fact, there was no longer a mandatory Power, so how could there be a representative of that Power? Even if the London Government sent an accredited representative, the latter could not be regarded as a representative of a mandatory Power. The conclusion was that the Mandates Commission could not examine the report on Iraq for 1931. The same considerations, however, did not apply with equal force to the petitions.

M. VAN REES felt sure he could state that nothing in the constitution of the Mandates Commission nor in the procedure laid down in respect of petitions prevented it from examining petitions in the presence of a representative who was not, strictly speaking, the accredited representative of a mandatory Power, but was merely a person fully acquainted with the facts.

Lord LUGARD agreed with the proposals submitted by the Chairman and slightly amended by M. Van Rees. It would be sufficient to ask that some qualified person should be sent.

M. ORTS agreed that the Commission must examine the petitions submitted to it and must in this connection also consider the cases which had been submitted to it previously and which had not been settled.

On one point, his opinion differed somewhat from that of certain of his colleagues. The Mandates Commission had received a report on the administration of Iraq in 1931, and it was its duty to examine the working of that administration during the period when the mandatory regime was in force. That examination, in accordance with the established rule, must take place in the presence of a representative of the mandatory Power which, at the period in question, was responsible to the League for what took place in Iraq. The ex-mandatory Power would undoubtedly not refuse to send a representative, since, by the very fact that it had despatched the report, it had implicitly recognised that it had to report to the League of Nations on the administration of Iraq during 1931.

Having said that, M. Orts was quite ready to limit the discussion, in practice, to questions brought before the Commission by petition.

M. MERLIN noted that the mandatory Power had communicated in good time a report, the fate of which had been settled both in principle and at law. That report must be examined in the presence of the accredited representative of the mandatory Power. Certain observations would have to be made by the Mandates Commission, and these observations would, he feared, greatly embarrass the Council, in view of the circumstances. The whole procedure was, he thought, rather an empty one, because from now onwards there was no mandatory Power.

It would doubtless be very interesting to consider what had been done in 1931 by the mandatory Power, but such examination could not lead to any definite results. On the other hand, if any really important facts had occurred in 1931, they would have come, in 1932, to the knowledge of the Council, which would certainly have reserved its decision. Consequently, the only facts which would be laid before the Mandates Commission in considering the report would be matters of everyday concern. Under the circumstances, was it really worth while to discuss a report on events which had occurred twelve or more months previously, and to make observations which would be followed by no practical result? For his part, he could see no use in such action.

Moreover, he did not think it would be possible, when examining the petitions, to discuss certain points of the mandatory Power's report. That report ought to be regarded as a whole, which could only be examined in the presence of the accredited representative of the Mandatory. He agreed that the situation was an exceptional one, but observed that it would occur again when other mandates came to an end. It was, moreover, partly due to the fact that the Mandates Commission was only holding one session this year. If it had been able to meet in June, it would have discussed these questions in a more useful capacity. At the present time it might well be asked whether there was any possible utility in commencing this discussion.

The CHAIRMAN said that, as a result of the observations just made, he proposed to write a letter to the United Kingdom Government requesting it to send someone to the Mandates Commission who was acquainted with the facts and able to reply to the questions raised by the members of the Commission.

The Chairman's proposal was approved.

Statement by the Director of the Mandates Section.

M. CATASTINI made the following statement :

During the year which has elapsed since the close of the Commission's last session, the Mandates Section has devoted its chief attention to the work necessitated by the procedure for the termination of the mandate over Iraq and by the sessions of the Committee of Experts on Slavery, for which it provided the Secretariat.

As in the past, it arranged for the printing of the various documents relating to the mandates and kept the members of the Commission regularly informed of matters of importance concerning the political, economic and social life of the mandated territories.

The third volume of the General Index of the Minutes of the Permanent Mandates Commission, covering sessions eleven to twenty, was published in November 1931 (document C.918.M.483.1931.VI).

A list (Annex 1) has been drawn up, and will shortly be circulated to members of the Commission, of the official documents forwarded by the mandatory Powers for each of the mandated territories.

The annual reports of the mandatory Powers reached the Secretariat in the following order :

Territories	Administrative periods	Date of receipt
New Guinea	1930-31	May 17th, 1932
Nauru	1931	May 27th, 1932
South West Africa	1931	June 7th, 1932
Cameroons under French mandate	1931	July 9th, 1932
Togoland under French mandate	1931	July 9th, 1932
Tanganyika	1931	July 15th, 1932
Samoa	1931-32	August 29th, 1932
Ruanda-Urundi	1931	September 5th, 1932
Iraq	1931	September 24th, 1932
Islands under Japanese mandate	1931	September 29th, 1932
Syria	1931	October 1st, 1932
Palestine	1931	October 6th, 1932
Cameroons under British mandate	1931	October 10th, 1932
Togoland under British mandate	1931	October 25th, 1932

GENERAL QUESTIONS — PRESENT POSITION.

Liquor Traffic.

The annual reports forwarded by the mandatory Powers holding B and C mandates, which appear on the agenda of the present session, contain supplementary particulars on the liquor traffic. The Secretariat has also received fresh data on the traffic in New Guinea and Nauru.

The Mandates Section will duly comply with any instructions the Commission may think fit to give it regarding the utilisation of these particulars, with a view to bringing up to date the collection of information published in 1930 (document C.608.M.235.1930.VI[C.P.M.1079]).

Statistical Information regarding the Mandated Territories.

The Council, on the Commission's recommendation, had forwarded to the mandatory Powers the tables, prepared by the Secretariat and revised by the mandatory Powers, regarding the trade, public finances and population of the mandated territories, requesting the mandatory Powers, if necessary, to revise and supplement them (document C.P.M.1226). Since the last session, several mandatory Powers have complied with the Council's request. When all the replies have reached it, the Secretariat will duly submit to the Commission the document brought up to date, so that the latter may be printed in its final form.

Economic Equality : Purchase of Material and Supplies by the Administrations of Territories under A and B Mandates, either for their own Use or for Public Works.

The Commission, at its nineteenth session, finished collecting the information which had appeared to it necessary in order that it might complete its conclusions on this question. The examination of the question, which had been adjourned from the twentieth and twenty-first sessions, has been placed on the agenda of the present session.

SPECIAL QUESTIONS.

Question of a Closer Administrative, Customs and Fiscal Union of the Mandated Territory of Tanganyika with the Neighbouring British Possessions of Kenya and Uganda.

The Commission had successively adjourned the examination of this question at its last four sessions, in order to revert to it only when the Government of the United Kingdom should have informed the Commission of its decision, in conformity with the assurance which the Council had noted on September 6th, 1929. The report of the Joint Select Committee appointed by the British Parliament to study this question was communicated to the members of the Mandates Commission in November 1931. In September last the Commission received an official document (Cmd. 4141) communicated by the United Kingdom Government, containing the

correspondence exchanged between that Government and the officers administering Kenya, Uganda and Tanganyika, on the subject of the recommendations of the Joint Select Committee (document C.P.M.1294).

This question appears on the agenda of the present session.

Relations between Tribes on the Frontier between Iraq and Persia.

This question, to which the Commission's attention had been directed at its twentieth session, formed the subject of a communication from the Persian Government which was circulated to the members of the Commission at its last session (document C.P.M.1253) and communicated to the Government of the United Kingdom. The latter submitted its observations in a letter which was communicated to the members of the Commission (document C.P.M.1276).

Frontier between Iraq and Syria.

The position as regards this question, which appears on the agenda of the present session, has just been referred to by the Chairman.

Question of a Closer Administrative, Customs and Fiscal Union of the Mandated Territory of Tanganyika with the Neighbouring Colonies of Kenya and Uganda.

M. RAPPARD recalled the fact that the Commission had decided to return to the study of the closer administrative and fiscal union of the mandated territory of Tanganyika with the neighbouring colonies of Kenya and Uganda, only when the United Kingdom Government had informed it of its decision on this point. Apparently, the document communicated to the Commission contained no decision. In these circumstances, why had the Secretariat included this question in the draft agenda? Had something new occurred, or did the Secretariat consider that it would be advisable to go back on the original attitude adopted?

M. CATASTINI said that it was possible to conclude, from the correspondence between the administrations of Tanganyika, Kenya and Uganda and the United Kingdom Government, that the latter had assumed a definite attitude towards the question. In any case, it was for the members of the Commission to decide.

Lord LUGARD thought that it was quite clear, from reading the document submitted by the United Kingdom Government, that this Government had come to a decision.

Election of the Chairman and Vice-Chairman.

Marquis THEODOLI and M. VAN REES were re-elected Chairman and Vice-Chairman of the Commission, respectively.

Adoption of the Agenda (Annex 2) and Programme of Work.

The CHAIRMAN opened the discussion on the provisional agenda (document C.P.M.1302). He said that, subsequent to the drafting of the provisional agenda before the Commission, the three following communications had been received:

(1) Letter from the French Government, dated October 19th, transmitting various protests, accompanied by its observations thereon, concerning the way in which the elections had been carried out in Syria in 1931-32 (document C.P.M.1310).

(2) Letter from the French Government, dated October 20th, 1932, communicating two telegrams of protest from inhabitants of Aleppq and Damascus on the occasion of measures of public order enacted in Syria at the beginning of 1932, together with the observations of the mandatory Power on the said protests (document C.P.M.1314).

(3) Communication from the Government of the Union of South Africa, dated October 6th, transmitting a petition, dated June 17th, 1932, from the burghers of Rehoboth (document C.P.M.1316).

These three communications should be added to the agenda under the heading "Petitions". The Chairman would consult his colleagues later as to which members of the Commission should be appointed as Rapporteurs for these petitions.

M. CATASTINI submitted the programme of work (document C.P.M.1309).

The provisional agenda was adopted, with the addition under the head "Petitions" of the three communications mentioned above by the Chairman.

The order of work set out in document C.P.M.1309 was adopted.

Examination of the Annual Reports of the Mandatory Powers: Assignment of the Various Questions to Members of the Commission as Rapporteurs.

The CHAIRMAN recalled that, on November 4th, 1926, the Commission had adopted a note he had submitted regarding the assignment of the various questions to members of the Commission as rapporteurs.

In paragraph 3 of this note it was proposed that the rapporteurs of the Commission "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".

On November 18th, 1929 — three years previously — the Commission had decided that there was no need to alter the allocation of its work.

If the members had no observations to make, he would propose that the Commission should decide that the present allotment remain operative.

The Commission decided to keep to the present distribution of questions between the various rapporteurs.

Frontier between Syria and Iraq.

M. CATASTINI, referring to the programme of work just adopted, emphasised the importance of the examination of the question of the frontier between Syria and Iraq, on which the Council wished to receive the Commission's opinion as soon as possible.

The CHAIRMAN explained that the Council had invited the Mandates Commission to give its opinion as soon as possible, "from the point of view of the interests of the territories affected", on the decision of principle it had taken on October 3rd last concerning the frontier-line between Iraq and Syria. The Chairman had already touched on this point in his opening speech. Since the Council looked on this affair as urgent, he proposed that a sub-committee should be appointed to examine this question and prepare a report to be submitted to the Council. If this committee, which might be composed of M. Palacios, M. Rappard and M. Ruppel, could prepare a report for examination by a plenary meeting on the following Saturday, the report of the Commission itself could be transmitted to the Council at the beginning of the following week.

M. ORTS asked if the Chairman or the Secretariat possessed documents other than those already communicated to the members of the Commission.

M. CATASTINI explained that the Council had sent a Committee to study on the spot the question of the frontier between Iraq and Syria. This Committee had gone to the spot; it had remained there three months and had presented a report to the Council to which explanatory maps were annexed. This report appeared to M. Catastini to contain the necessary elements to enable the Mandates Commission to give its opinion on the question of the frontier "from the point of view of the interests of the territories affected".

M. ORTS observed that, from the moment when it had been agreed to consult the Mandates Commission on the question of that frontier, it would have been useful to add to the Committee of Enquiry a member of the Mandates Commission, who would have been able to enlighten his colleagues on the matter.

The CHAIRMAN the more readily agreed in that he had not ceased to state, for twelve years, that the Commission worked at Geneva in very unfavourable conditions for the accomplishment of its task. This question brought up once again the whole matter of the examination on the spot of the mandatory administration. He, nevertheless, did not propose to raise it again at the moment.

M. ORTS wished to point out that he personally had always considered that the Mandates Commission could not undertake enquiries on the spot without upsetting the administration and decreasing its authority. He was therefore opposed to such enquiries regarding the administration and internal situation of a territory under mandate. In this case the situation was different; there would be no such risk, since there would be no question of supervising the application of a mandate, and it was evidently very difficult to take a decision on the question raised by the Council without having formed an opinion on the spot.

The CHAIRMAN fully agreed. Nevertheless, the Council had asked the Mandates Commission for its opinion in order to discover whether the frontier line proposed "respected the interests of the territories affected". That, moreover, was a factor which the Commission had always to take into consideration, whatever the problem put before it.

M. PALACIOS fully agreed with M. Orts as to the actual case before the Mandates Commission, and with the Chairman as to the general question of local investigation.

M. MERLIN said that he was of a different opinion. He thought it would be exceedingly dangerous to send members of the Mandates Commission to the territories in any capacity whatever, for such missions would be soon besieged by malcontents and transformed, against

their will, into a source of agitation. In M. Merlin's view, the Mandates Commission had, in any event, to base its findings on documentary evidence and not on local investigations.

M. RAPPARD thought that the state of affairs which the Commission faced called for criticism. To ask the Commission to give its opinion on the frontier-line proposed, without its having an opportunity of consulting the inhabitants or being able to visit the place in question or even hearing an accredited representative, was to compel it to do so without its being in a position to form any opinion at all. The only element of appreciation at its disposal was the document of the Committee of Enquiry, and that was precisely the document on the conclusions of which the Commission was asked to give its opinion on one point.

M. CATASTINI pointed out once again that the report before the Mandates Commission was the result of three months' work of a strictly impartial Committee of Enquiry, which had visited the place in question, had enjoyed the help of four assessors — two Syrians and two Iraqis — so that in this affair the Mandates Commission had at its disposal as objective an opinion as possible, which had been established after consulting the representatives of the interests affected. Naturally, it was none the less true that, if supplementary information were offered the Commission, it would be very pleased to receive it.

M. RAPPARD declared that he had never doubted the impartiality of the information communicated to the Commission on this point; but he wondered what the Mandates Commission could add thereto. To consider the matter seriously, the Commission was incapable of giving its opinion on this frontier question. He found it very annoying that the Mandates Commission should be entrusted with such duties which were really matters of administration, and that it was given a rôle which it could not accept without a certain lack of seriousness, thereby weakening the authority of its recommendations in other matters. However, M. Rappard thought that the sub-committee might meet and discuss what could be done.

M. RUPPEL experienced the same doubts as M. Rappard. He thought it would be useful for the sub-committee to be able to get into touch with a member of the Committee of Enquiry.

M. CATASTINI was uncertain whether the standing rules of the Mandates Commission allowed it to get into touch on its own account with the members of the Committee of Enquiry. On the other hand, the latter had finished its work, and he did not think it would be possible to revive it even for a consultation of the kind suggested by M. Ruppel.

He wished to emphasise that the documentation at the Commission's disposal was in certain respects superior to that customarily at the disposal of the Commission, since the opinions expressed, for example, in the annual report were those of the authorities of the mandatory Power, and, in consequence, inevitably one-sided. The opinions of the members of the Committee of Enquiry were those of quite neutral persons.

M. PALACIOS felt the same scruples as M. Rappard and M. Ruppel, but he thought the sub-committee proposed by the Chairman ought to meet as soon as possible to study the question and submit proposals on the subject, even, if necessary, proposals as to the impossibility for the Commission to consider the substance of the question if the means at its disposal were not such as to enable it to carry out its task with the requisite knowledge.

The Chairman's proposal to set up a sub-committee was adopted.

SECOND MEETING

Held on Friday, November 4th, 1932, at 10.30 a.m.

South West Africa : Examination of the Annual Report for 1931.

Mr. de Water (High Commissioner of the Union of South Africa in London) and Major Pienaar (accredited representative of the Union of South Africa to the League of Nations), accredited representatives of the Government of the Union of South Africa, together with Mr. H. T. Andrews (Department of External Affairs), came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVES.

The CHAIRMAN welcomed Mr. te Water and Major Pienaar, accredited representatives for the examination of the annual report on South West Africa.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Mr. TE WATER spoke as follows :

Mr. President, — I have to thank you and your fellow-Commissioners for the kind welcome extended to Major Pienaar, my fellow-delegate, and to me. I would like, at the same time, to express my appreciation to the Commission for acceding to my request that the South West African report might be examined early this year in view of my imminent departure for South Africa, and for the courteous manner in which that request was received.

You will remember the reasons why my Government had to depart last year from its custom of accrediting an official of the South West African Administration for the purpose of assisting in the examination of the report. My Government has asked me to express its regret, which it feels sure the Commission will understand, that economic stringency and the consequent desire of the Administration to economise to the greatest possible extent have again supervened to prevent the resumption of this practice. I feel assured, however, that, in appreciation of that handicap, the Commission will bear with me again in my effort to give it as full and ample information as possible on matters arising out of the report.

I am aware that the Commission's already arduous work this year has been heavily accentuated by reason of the fact that it has to be concentrated into a single session, and that therefore you will wish for the utmost economy of time. I shall therefore confine myself to the briefest general remarks on the report before us.

You will have observed with deep relief that the great drought which had overwhelmed the territory broke at last and that copious rains fell practically throughout the territory.

But, unhappily, and, as it were, to test the fibre and character of the inhabitants of South West Africa, this act of God was followed closely by the economic storm from which no country has escaped, leaving the economy of the territory in a most critical condition and necessitating most drastic administrative retrenchment and curtailment of social and governmental activities.

It became necessary, for the first time, for the Administration to borrow in order to balance the budget ; the mining industry suffered seriously during 1931, and, with the closing-down of diamond mines and the diminution of mining in base minerals, large bodies of unemployed — European, coloured and native — have been thrown on the Administration's hands.

It has also been necessary to continue relief measures and to find funds to assist the farmer, both in the direction of staying the hand of his creditor, and also in the granting of subsidies with which to assist his exports.

While the native population is undoubtedly suffering with the European community, yet this applies to all intents only to the natives within the police zone, where, fortunately, a strong communal instinct is helping them to assist one another through these lean times.

In Ovamboland and the Kaokoveld, bumper crops have been reaped and there the natives have returned to their normal lives.

In the field of native administration, I am happy to say that the Administration's relationship with the chiefs and tribes continues, with the one exception of the Chief Ipumbu, to be most satisfactory, and no doubt the succour which was so readily placed at their disposal during the famine of 1930 has more than ever assured the native population of the goodwill of the Administration. The tributes paid by the various missionary societies and churches testify to the action of the Administration in this regard.

A full report is also before the Commission on the exception to which I have just referred in connection with the deposition of Ipumbu from the chieftainship of the Ukumbi tribe. ¹ The Commission will, I think, agree with me as to the ability and tact with which this curious and typically African affair was handled and settled.

The Commission will have before it also the Administration's report on land tenure in the Rehoboth Gebiet, which will assist in clarifying the position in that area, although financial stringency has necessitated deferred action upon its recommendations.

In regard to the affairs in general of the Rehoboth burghers, the Commission will no doubt have read with great interest the documentation which has lately been forwarded

¹ See documents C.P.M.1293 and C.P.M.1303.

by my Government to the Secretary-General, dealing with negotiations which have, during the course of this year, been taking place between the burghers and the Administration.¹

It is one of those compensating reactions to hard times, which goes to prove that it is an ill wind which blows no one any good, that common suffering appears not only to have brought an end to the internal dissension of these people, but to have created a new spirit of understanding and co-operation with the Administration.

In the domain of constitutional affairs, it is no doubt known to members of the Mandates Commission that a request has been made to my Government by the Legislative Assembly of South West Africa for the extension of certain powers to that body, at present reserved under the South West Africa Constitution Act. This request, together with certain cognate administrative measures relative to language equality and naturalisation, are at present receiving the Union Government's consideration.

In conclusion, it would not be out of place to strike a note, perhaps with much caution, of greater hopefulness for the future.

Developments have taken place which appear to show a greater activity in the two industries on which South West Africa so much depends for its prosperity. An improvement in the diamond market has been observed, while a new situation, of hopeful augury, has been created in the cattle industry by arrangements arrived at at Ottawa.

The Administration will continue on its way in the government of this territory, with determination and courage, and with the knowledge always that its actions will be scrutinised by this Commission with sympathy and understanding and be assisted by the great experience of its members.

RESPONSIBILITY OF THE MANDATORY POWER FOR THE BUDGET OF THE MANDATED TERRITORY VOTED BY THE LOCAL LEGISLATURE.

Observations of the Government of the Union of South Africa.

M. RAPPARD expressed his very great appreciation of the letter from the Government of the Union of South Africa to the Secretary-General of the League of Nations, dated February 8th, 1932, and signed by General Hertzog, which contained welcome and necessary information concerning the method of financial control.² The Union Government's statement was most satisfactory: first, because it was so clear and concise, and, secondly, because it entirely removed the anxiety felt by the Commission as a result of the declarations made by the Finance Minister, which seemed to indicate that the finances of the territory were not in any way effectively controlled by the mandatory Power.

M. Rappard drew special attention to the following passage:

“After having passed the Council, the estimates are, in actual practice, submitted to the Union Government with an explanatory memo on the financial position of the mandated territory. In the absence of any adverse comments, the estimates are then submitted to the Assembly by the Administrator.”

This statement was the more satisfactory in that it completely contradicted that made last year by the Minister of Finance in the Union Parliament to the effect that he did not approve the budgetary estimates of the South West African territory.³ General Hertzog's statement would no doubt not escape the attention of the Minister of Finance.

Mr. TE WATER said that M. Rappard's observations would give his Government great satisfaction. He reminded the Commission that the Minister of Finance's remark had been made during a debate in Parliament, and, if it were not correct in every respect, Mr. te Water would ask the Commission to draw upon its own experience in the case of Parliamentary statements made in the course of hot debate.

It would interest the Commission to know that, at the beginning of each year, the Administrator went in person to Cape Town for five or six weeks to discuss with the Prime Minister not only public affairs pertaining to the mandated territory, but also policy and finance.

FORM OF THE ANNUAL REPORT.

M. VAN REES asked whether it would not be possible to include in future reports — as was the case in most of the reports from the mandatory Powers — a table showing what paragraphs dealt with questions already discussed by the Commission during its examination of previous reports.

Mr. TE WATER thought this a most valuable suggestion, and promised to place the matter before the Administration, with a view to a change in the next report.

¹ See document C.P.M.1316.

² See document C.336.1932.VI and *Official Journal*, April 1932, pages 978 and 979.

³ See Minutes of the Permanent Mandates Commission, twentieth session, page 57.

RECOGNITION OF GERMAN AS AN OFFICIAL LANGUAGE, EXTENSION OF EQUAL RIGHTS TO ALL CITIZENS, NATURALISATION AND EXTENSION OF CERTAIN POWERS TO THE LEGISLATIVE ASSEMBLY OF SOUTH WEST AFRICA.

M. RUPPEL referred to the very important motion mentioned by the accredited representative relating to the acknowledgment of German as an official language, the extension of equal rights to all citizens of the territory, and the extension of certain powers to the legislative Assembly adopted by the latter on April 14th, 1932, as a result of an understanding reached between the German, English and South-African communities in South West Africa in March last. These matters had afterwards been discussed by a delegation, which went to Cape Town for the purpose, with the Prime Minister of the Union, General Hertzog, who accepted the delegation's proposals with regard to language and the extension of the powers of the Legislative Assembly. Only with regard to equal rights was the Prime Minister unable to accede to the Committee's proposals that equal franchise should in future be established in South West Africa, regardless of the nationality of the residents. A compromise was reached to the effect that a new automatic naturalisation should take place for all European persons domiciled within the territory on December 31st, 1931, and that the Naturalisation of Aliens Act, 1910, should be applied to Europeans who might in future become domiciled in South West Africa.

M. Ruppel expressed great satisfaction at the attitude adopted by the Union Government in these matters of exceptional importance.

He pointed out that the German community had made a reservation in the Legislative Assembly as to the problem of equal franchise.

He would be glad to hear from the accredited representative when the laws and proclamations required to bring the memorandum of April 8th into effect would be promulgated. He further asked whether the joint committee to investigate certain outstanding differences in connection with the administration of the territory — Customs duty, railway administration, tariffs and certain other matters — which was mentioned in the memorandum, had been appointed and, if not, when it would be set up.

Mr. TE WATER stated that, in the conversations which had taken place at Cape Town between the deputation from South West Africa representing all parties and the Prime Minister of the Union, it was arranged that the matters to which M. Ruppel had referred should be brought before the Legislative Assembly of South West Africa. After debate, the Assembly had passed certain resolutions. First of all, it recommended the delegation by the Government of the Union of South Africa to the Legislative Assembly of South West Africa of the power to enact an ordinance in respect of the subject-matters reserved in Section 27, and certain matters reserved under Section 26 of the South West African Constitution Act, 1925. Secondly, it recommended that German be acknowledged as an official language of the territory. It further recommended the automatic naturalisation of all Europeans domiciled in the territory and the application of the Naturalisation of Aliens Act of 1910 to persons who might in future become domiciled therein. Lastly, it recommended the extension of the life of the present Legislative Assembly in the territory for a period of one year.

These recommendations were being sympathetically considered by the Union Government at the present time, especially the constitutional aspects of the Legislative Assembly's resolutions. Mr. te Water was for the moment unable to say when the proposed changes would take place, but had been informed officially that his Government was actively considering the whole matter.

Mr. te Water, in reply to a further question by M. Ruppel, explained that, though Parliament was not in session, the Government was at Pretoria, where it had an opportunity of considering these constitutional matters during the recess.

For the moment, he had no information with regard to the joint committee, but it was receiving his Government's consideration.

REPRESENTATION OF NATIVE INTERESTS IN LEGISLATIVE COUNCIL.

Lord LUGARD asked what was the composition of the unofficial vote in the Legislative Council, and, in particular, how the interests of the natives in the police zone were represented. He understood that the natives of Ovamboland had no representation.

Mr. TE WATER said that, though there was no native representation of native interests in the Legislative Assembly, Section 7 of the South West African Constitution Act, 1925, provided that :

“ The Council shall consist of eight members — viz., the Administrator (who shall be Chairman), the other members of the Executive Committee and three members appointed by the Administrator, subject to the approval of the Governor-General.

“ One member so appointed by the Administrator shall be an official who shall be selected mainly on the ground of his thorough acquaintance, by reason of his official experience or otherwise, with the reasonable wants and wishes of the non-European races in the territory.”

MOVEMENT FOR CLOSER ASSOCIATION OF THE MANDATED TERRITORY WITH THE UNION OF SOUTH AFRICA.

M. PALACIOS wished to ask the accredited representative several general questions regarding the policy of the mandatory Power in respect of the territory under mandate. The Press was dealing with questions of this kind, which were of the utmost interest to the Mandates Commission. Thus, the *Cape Argus* of September 28th, 1932, writing of the future of South West Africa, raised the question of the incorporation of the territory in, and even of its annexation by, the Union under cover of what was called in those countries "closer association". He referred to this matter because of certain declarations made by M. Niehaus and of the attitude adopted in regard to it by the United Nationalist South West African Party. M. Palacios desired to know exactly the significance of that movement, what was meant by the term "closer association" and what support this policy was receiving from the political parties, from the Government and from public opinion. He asked, above all, what part the natives played in this matter. He would like to know especially whether the movement tended to afford them at the moment greater facilities for development, a greater share in the government as well as a more effective protection of their rights and their property.

Mr. TE WATER said that this was a most delicate political question which would not be easy to discuss in the atmosphere of the Commission, whose examination was more directly concerned with administrative detail. He was willing to discuss it privately in greater detail, but would for the moment confine himself to general observations.

Generally speaking, the relationship between the German population of South West Africa and the South-African population had greatly improved. The different elements of the population had been able to get together and to reach agreement in a way which would have been impossible a few years ago, on such matters, for instance, as language and on financial questions which affected all parties equally. That this was so could be measured by the manner in which the delegation to Cape Town had united in presenting the points to which M. Ruppel had called attention.

Naturally, the white population of South West Africa had been considering closer association with the Union : that question was undoubtedly present in the minds of all thinking people in the territory. There were some who thought it advisable to be more closely associated in every way with the Union, while others adopted a different view.

The Union Prime Minister had himself touched upon the question on one or two occasions, and had taken the very wise course of saying publicly that the future of South West Africa rested with its population. The Union Government would not in any way attempt to influence the population. South West Africa might claim to stand entirely on its own as an independent territory ; that view was held by some in South West Africa, and utterance had been given to it. On the other hand, there were others who thought that, if South West Africa ever attained the status of complete independence with the assistance of the League of Nations, it might then be within its power to decide for itself what should be the next step in constitutional evolution. Association by means of some federal bond with the Union was proposed by some as a last step.

It was most natural that all these points of view should be held and should be examined in the Union of South Africa, but so far nothing more than general discussion was taking place.

The way in which closer association affected the native population was a question which could not be answered specifically, because to Mr. te Water's knowledge the place of the native in the Constitution of South West Africa had never been publicly discussed. At the present moment, the native had no representation under the Constitution, except in so far as was provided in the passage Mr. te Water had quoted from the 1925 Constitution Act. The discussions taking place were so vague and spatulate that particular points of this character would not have been raised at the present stage.

M. RUPPEL pointed out that last year the United Nationalist South West African Party, the strongest party in the territory, had tried to obtain the consent of the German and English communities to asking the Union Government under what conditions it would be prepared to admit South West Africa as a fifth province of the Union. The German community was apparently not in agreement ; the question had been dropped, and an understanding had afterwards been reached on the constitutional points the Commission had just discussed.

In recent months, however, the movement had been revived, and it appeared from the South West African Press that the leader of the United Nationalist South West African Party had stated that the aim was to bring South West Africa into the Union as soon as possible. He appeared to think that this could be effected by a single majority vote of the Legislative Assembly. In M. Ruppel's opinion, there was only one way of terminating a mandate : for the country to reach such a stage of development that it could stand alone as an independent State. The League Covenant offered the mandatory Power no possibility of annexing a mandated territory, and, certainly, a vote by the Legislative Assembly in favour of union with the mandatory Power would not have decisive importance. The decision would rest with the League of Nations.

Mr. TE WATER said he was aware of the point of view mentioned by M. Ruppel. It was, after all, a point of internal politics, and others doubtless held contrary views to those expressed by M. Ruppel. The Prime Minister — and this, perhaps, was more important — had made it quite clear that, in his opinion, the question of closer association was in the first instance one for the determination of the people of South West Africa.

M. RAPPARD pointed out that the ultimate decision rested neither with the mandatory Power nor with the inhabitants, or part of the inhabitants, of the mandated territory, but with the League of Nations.

It was quite obvious, however, that in this territory, which was increasingly inhabited by whites, there was a desire for change, which, if the reasons for that desire were known, would afford interesting indications as regards the administration of the territory. M. Rappard had avoided forming an opinion from the ideas which were widespread in the Union of South Africa, but would like to know why the population of the territory desired a change. What were the reasons for their discontent?

Mr. TE WATER assured M. Rappard that, taking into account its history, no country had greater reason than South Africa to proceed cautiously with regard to any policy of aggrandisement. The Government at present in power had certainly no desires which could be expressed by the word M. Rappard had so cautiously used.

M. RAPPARD observed that, in any event, that was not a question which might properly be discussed by the Commission.

Mr. TE WATER, continuing, said that he could only suggest that the reason which was causing the population of South West Africa to think along possible lines of evolution was that, as the territory was somewhat remote, closer association with some other part of the world might be desirable in the interests of self-preservation. There were also racial, geographical and economic reasons which might lead some to contemplate closer association. On the other hand, there were also racial reasons in South West Africa why others should desire to return to the *status quo ante bellum*. The ultimate destiny of the territory was a question on which everybody in South West Africa would continue to hold private opinions, though no purpose could perhaps be served at present by discussing the matter more deeply.

M. RAPPARD said he had ventured to put his question because the reply might throw light upon the actual conditions with which the Commission was called upon to deal. With racial reasons, which were connected with sympathy and national tendencies, it was not concerned. As to economic reasons, except in so far as Customs matters were concerned, the mandated territory seemed to enjoy complete economic freedom within the Union and, from the financial standpoint, received more than it gave. It would therefore stand to lose if it became a province or an independent State. As regards geographical reasons, the territory was fully protected and did not seem to be threatened from outside. There did not seem, therefore, to be any economic, financial or military reason to explain the discontent in question, and the desire for change which was evinced. Were there any such reasons, the Commission might have been led to wonder whether it was not possible to improve the situation under the existing system.

Mr. TE WATER pointed out that, though the validity of M. Rappard's criticisms of the reasons the former had advanced might be well established, that hardly disposed of the fact that these reasons were held and were constantly referred to in public discussions in South West Africa.

The minds of responsible people in the territory were also probably exercised by the difficulty of obtaining capital for investment. It was frequently alleged that capital fought shy of a country the political future of which was uncertain.

M. RAPPARD thanked the accredited representative for this interesting information and observed that the difficulty had arisen with regard to other territories.

The CHAIRMAN, recalling Mr. te Water's reference to the statement of the Union Prime Minister that the future was in the hands of the population of the mandated territory, asked whether this meant the whole population or only the white population — namely, the 32,000 whites or the 260,000 natives.

Mr. TE WATER said that the Prime Minister had not interpreted his own words, and he himself was hardly in a position to do so. Personally, he would say that when a South African spoke of self-determination, he generally regarded the native as being in tutelage, and would not consider the native point of view as closely as the white point of view. Were Mr. te Water not to speak perfectly candidly on such a point, he would be abusing what he knew to be the Commission's experience of native affairs.

As the Commission was aware, the constitution of the Union itself was based on a white suffrage, though there was an exception in the Cape Colony. No doubt, when the Prime Minister spoke of the future of South West Africa as being in the hands of its own population, he had had in mind the thinking part of the population — the white population.

M. VAN REES pointed out that the same question had arisen some years previously. The Commission had then received the impression that the population of the mandated territory was considered to consist of Europeans, the whites, and that the natives did not come into the picture. The Commission had expressed the opinion that, in the event either

of the political incorporation of the territory with the Union or of its emancipation on the termination of the mandate, the opinion of the white population, though it would obviously carry great weight, was not the only consideration to be borne in mind.

The natives might be in a primitive state, but that did not prevent "population" from signifying the whole population.

Mr. TE WATER emphasised that, in saying that the native was not taken into account in estimating the political future of the country, a South African did not mean that native interests were neglected. Naturally, they would always be of the greatest importance, under Article 22 of the Covenant.

M. VAN REES thought that, expressed in that way, the matter was not clear. The point was whether, in the event of incorporation or emancipation, the whole population — European and native — would be sufficiently developed to stand alone. It was obvious that the situation would not arise for a long time.

Mr. TE WATER said that might possibly be his Prime Minister's interpretation of his words. At the present stage, however, the question was hypothetical.

COUNT DE PENHA GARCIA asked whether the natives were sufficiently developing to give reason to hope that, in the more or less distant future, they would be able more actively to co-operate with the Administration. Were they progressing in the direction of a change in their habits and customs? Were they gaining some idea of the work of administration, and of the help they might give in that work?

Mr. TE WATER replied that, if Count de Penha Garcia meant co-operation in an administrative sense, he could assure him that the South West African Administration was receiving greater co-operation every year from the native populations of South West Africa. The close attention given to native affairs by the Administration was increasingly recognised by the different tribes.

The question whether they were developing politically with sufficient rapidity to take part in the political institutions of South West Africa was much more difficult to answer. Speaking personally and — he believed — for a very large school of thought in South Africa, Mr. te Water did not think it desirable to press the native beyond his capacity for absorbing European political institutions, but felt he should be allowed to develop quietly and according to such capacity as he had. It was of no practical importance for the moment to consider how far the South West African native was politically fitted to take part with the white man on a footing of equality in European political institutions. That the time might come when he had evolved sufficiently was another question which it was perhaps not advisable to attempt to answer at the present time.

M. RUPPEL asked whether the public statement of the Union Prime Minister regarding South West African policy to which the accredited representative had alluded could be communicated to the Commission. In a speech on April 18th, 1932, the Prime Minister had, according to the newspapers, stated that there was no doubt in his own mind what would be the ultimate destiny of South West Africa; that it would eventually be more closely associated with South Africa. In the same speech, the Prime Minister had stated that his Government's policy had always been that South West Africa should not be more closely associated with the Union or become a part thereof until it had become completely independent and was in a position to decide for itself.

M. Ruppel understood this to mean that, in the Prime Minister's view, the first step would be for South West Africa to become an independent State through the termination of the mandate in the manner provided in the Covenant, and that afterwards this independent State would be free to decide whether it desired to unite with the Union or not.

Mr. TE WATER undertook to communicate the Hansard report of the Prime Minister's speech to the Commission. Though it would be unwise for him to attempt to interpret it, he felt that underlying that speech was the desire of the Prime Minister not to interfere with the determination of this question but to leave it to the inhabitants.

Lord LUGARD pointed out that both Mr. te Water's reply to the Chairman and Count de Penha Garcia and the documents before the Commission appeared to regard the police zone as though it were the whole country. A very large part of the native population, however, resided in the north, in Ovamboland and Kaokoveld for instance, outside the police zone.

REHOBOTH COMMUNITY.

Lord LUGARD understood that a better atmosphere prevailed with regard to the Rehoboth community.

In a memorandum purporting to be signed by T. Beukes and eleven other burghers of the community, transmitted by the Government of the Union of South Africa on October 6th, 1931, the following passage occurred:

"When Lord Lugard, in his report dated May 25th, 1925, suggested that the petitioners should regularise their constitutional position by holding a proper election, he

obviously could not have been aware of the terms of Proclamation No. 31 of 1924. Moreover, the trouble which occurred at Rehoboth in April 1925 too had completely altered the position. . . .¹”

Lord Lugard could not now recall whether the Proclamation of 1924 was in the hands of the Mandates Commission when he had made his report in May 1925, but it could not in any case have known of the trouble in April 1925, which was said to have completely altered the position. According, however, to a memorandum of June 20th, 1932, from the Administrator's Office (attached to the papers), the Administrator appeared to have made precisely the same suggestion :

“ His Honour accordingly suggested to the deputation that an election of new members of the Advisory Board, constituted under Proclamation No. 9 of 1928, should be held at an early date. . . .¹”

Mr. TE WATER explained that Lord Lugard's recommendation seemed to be understood by the Rehoboth community to involve an election under the old laws which, at the time of the recommendation, had been suspended by Proclamation No. 31 of 1924. As such a constitutional election could not therefore be held, the Administrator had proposed an election under Proclamation No. 9 of 1928.

The atmosphere appeared to be better than ever before. The latest letter from the Rehoboths to the Union Administration, dated August last, stated that they desired to give effect to the letter from the League and to the Administrator's proposal. But they asked the Administration to be patient, as they were anxious to obtain complete unanimity before approaching the Union again. That was a very hopeful sign.

APPLICATION OF THE PRINCIPLE OF EQUALITY OF CIVIC RIGHTS OF THE WHITE POPULATION.

M. VAN REES, referring to the statement that the duration of the Legislative Assembly was extended from three to five years (page 5, item (b) of the annual report), asked whether there was any substance in the following passage from the *Deutsche Allgemeine Zeitung*, of July 10th, 1931 :

“ The London Agreement between Germany and England provided that foreigners might become electors in South West Africa after two years. This period was later increased to five years. It does not apply, however, to nationals of the Union of South Africa who emigrate to South West Africa, who enjoy all civic rights after a period of twelve months. If the new elections to the National Council take place in future only every five years, the period before new German immigrants can exercise civic rights will, in practice, be considerably prolonged. In practice, a German immigrant who, after five years, asks for naturalisation at the very moment when the lists for the elections to the National Council are prepared might be obliged to await the expiry of a further period of five years before exercising his civic rights.

“ This regulation creates discriminatory treatment extremely unfavourable to new German immigrants and extends unfair advantages to the nationals of the Union of South Africa. The Germans in South West Africa have good reason, therefore, to consider this change in the Constitution — regarded in the light of the provisions relating to the acquisition of civic rights — as a violation of the principle of the absolute equality of rights of all whites in a mandated territory.

“ If the League of Nations, as an institution for ensuring the scrupulous application of the principles of the mandate, is really of any use whatever, it must protest against the proposed amendment to the South West African Constitution.”

M. Van Rees observed, in this connection, that he did not know to what principle reference had been made and for which he had searched in vain in the mandate for South West Africa. Moreover, he would like to know whether it was correct that the change in the Constitution was contrary to the London Agreement.

Mr. TE WATER said that, if the regulations were working harshly, they would no doubt be considered at the same time as the automatic naturalisation of Europeans domiciled in the territory. He was unable to reply directly to a criticism he had just heard for the first time, but thought M. Van Rees could be satisfied that the developments taking place at the present time were in the right direction. The Government was considering the question most comprehensively and in a proper spirit.

M. RUPPEL felt that the difficulties mentioned in the article would probably to a great extent disappear when the new measures had taken effect.

Mr. TE WATER concurred.

AMENDMENTS TO THE CONSTITUTION OF THE TERRITORY.

M. PALACIOS said that, on page 5 of the annual report, reference was made to a new law (Act No. 38 of 1931) adopted by the Union Parliament, whereby certain amendments were made in the Constitution of the territory under mandate. According to those amendments,

¹ See document C.P.M.1316, pages 7 and 15.

the Government of the Union could, with the authorisation of the Union Parliament, abolish or modify any provision of the law relating to the qualifications and registration of electors, as well as to the procedure to be followed in connection with the elections.

Could the accredited representative give explanations regarding the scope of that provision and the reasons for which it had been enacted ?

Mr. TE WATER gave the following explanations : the amendment embodied in paragraph (a) was necessary because the 1925 Act had omitted to deal with the matter.

Paragraph (b) was adopted for political and economic reasons. The Union practice of holding elections every five years had been extended to the territory chiefly because a Legislative Assembly of only three years' duration involved too frequent elections.

Paragraph (c) extended to the Administrator of the territory a similar power possessed by the Governor-General of the Union to authorise expenditure up to £25,000, as an administrative necessity.

M. RUPPEL asked whether the budget would contain a special item for such expenditure.

Mr. TE WATER replied in the negative, adding that, if during the financial year it became necessary to make expenditure for which there was no provision, this would be effected on authority outside the provisions of the budget, and the expenditure would subsequently be approved by the Assembly.

Continuing, Mr. te Water explained that the amendment embodied in paragraph (d) provided for the re-division of the territory into electoral divisions as a matter of convenience when the population shifted and particularly when it increased.

Paragraph (e), which provided for the repeal or amendment of the schedule of the 1925 Act, was an administrative convenience.

DELIMITATION OF THE CAPRIVI ZIPFEL FRONTIER : WATER SUPPLY.

M. ORTS asked whether the Caprivi Zipfel frontier, which had now been fixed, except at one point, in agreement with the Governments of Northern Rhodesia and Portugal, was situated along the theoretical line originally adopted, or whether the frontier had been altered in conformity with natural configuration of the land.

He pointed out, with regard to the Kunene-Kubango sector, that, though this was not mentioned in the report, the Secretariat of the League of Nations had received for registration from the Government of the Union copies of notes exchanged with the Portuguese Government on April 29th, 1931, which amounted to a convention. Under the terms of this convention, was the original line in this latter sector maintained or had it been modified ?

Lastly, M. Orts asked whether any solution of the difficulty with regard to the watering of cattle, dealt with at length on page 4 of the report, had been reached since the report was prepared.

Mr. TE WATER said he had no instructions with regard to M. Orts' first question, which he would communicate to his Government. As far as he was aware, matters had been arranged satisfactorily.

The exchange of notes with regard to the Kunene-Kubango frontier had no doubt been omitted from the report by an oversight.

Great difficulty had been experienced in arriving at a satisfactory solution of the water question on the northern border. The Union Government had made a series of suggestions to the Portuguese Government which, however, the latter had been unable to accept. The Portuguese Government's suggestion that the Union Government should put up a pumping plant was not felt to be satisfactory, owing to the many practical difficulties involved. On the other hand, the Union Government's suggestions seemed fully to protect the Portuguese Government against abuse. The right to take water from the river would apply only to a very small area of about 400 or 500 square metres, and the levying of a small annual rent would prevent the acquisition of any prescriptive right. The Portuguese Government had been informed that, if the arrangement did not work satisfactorily, it could immediately be cancelled. Agreement had nevertheless not been reached, and negotiations were still taking place.

COUNT DE PENHA GARCIA asked whether this was really a frontier question. Was it not a request by the mandated territory to the Portuguese Government that water facilities be granted to certain natives ?

Mr. TE WATER replied that that was clearly an accurate statement of the situation. He felt sure the Portuguese Government was desirous of reaching a solution, but, such matters were not easy to settle because a solution which seemed simple might have important implications. Mr. te Water was hopeful, however, that the difficulties would eventually be overcome.

M. SAKENOBE asked whether, pending the conclusion of the negotiations, the natives of Ovamboland had access to the water.

Mr. TE WATER understood there was no arrangement permitting access, but thought the native probably took matters into his own hands when occasion required. This might be somewhat difficult, as there was a Portuguese military post across the waterfall.

M. SAKENOBE had wondered whether trouble had arisen between the frontier tribes owing to difficulties in obtaining water.

COUNT DE PENHA GARCIA said that, although at first sight there would seem to be no reason why, in view of the good relations between the Portuguese Government and its neighbours, water facilities should not be granted, it was necessary in dealing with native tribes to take care that such facilities were not held to create property rights and precedents.

BILATERAL CONVENTIONS APPLICABLE TO MANDATED TERRITORIES.

M. ORTS read a note on this subject (Annex 3).

Mr. TE WATER said he would be happy to do as requested.

(M. te Water and Major Pienaar withdrew.)

Iraq : Appointment by the United Kingdom Government of a Representative, with a view to the Examination of Questions relating to Iraq.

The CHAIRMAN informed the Commission that, as a result of the request arising out of the previous day's discussion, the United Kingdom Government had asked Mr. J. E. Flood to place himself at the Commission's disposal for the examination of questions relating to Iraq

THIRD MEETING

Held on Friday, November 4th, 1932, at 4 p.m.

South West Africa : Examination of the Annual Report for 1931 (continuation).

(Mr. te Water and Major Pienaar came to the table of the Commission.)

STATISTICAL INFORMATION RELATING TO THE TERRITORIES UNDER MANDATE.

The CHAIRMAN read a note on this subject (Annex 4).

Mr. TE WATER said that the Government of the Union of South Africa had received the tables in question and was no doubt giving the subject its attention. He would take the first opportunity to bring this matter to the notice of his Government.

SECURITY OF NAVIGATION ALONG THE COAST OF SOUTH WEST AFRICA.

M. ORTS had heard of complaints with regard to the dangers of the coast of South West Africa and the inadequate measures taken to ensure the safety of navigation. It was alleged that numerous vessels were lost every year and, in most cases, it appeared from the enquiries that the cause of the disaster was the fact that the captains found it impossible to ascertain their exact position in these regions, where fogs and currents were a source of danger. There was only one wireless station of low power on this coast (at Walvis Bay), which was only just adequate for the immediate neighbourhood of the port. In other places there was nothing and, even at Lüderitz, the captains were obliged to feel their way at the risk of boats and cargoes.

Mr. TE WATER said that this was an important matter. He would bring it to the immediate attention of the Union Government, and he hoped that the next report would contain a reply.

SITUATION OF THE NATIVES IN OVAMBOLAND : CULTIVATION OF COTTON AND OTHER CROPS : TAXATION.

Lord LUGARD was much concerned with the position of the natives in Ovamboland. It appeared that for the most part they were too poor to pay taxes, because they were unable to sell low-priced produce owing to the heavy cost of transport. In a brochure which he had received, it was stated that, at the beginning of the century, the Finnish Mission had experimented

with the cultivation of cotton, but had been forced to abandon the attempt owing to lack of capital. Cotton would perhaps be able to stand the transport charges, and he asked whether it would not be possible to grant the natives a small subsidy for growing cotton, tobacco or any other valuable crop.

He also asked what was the amount of the taxes which the Ovambos had to pay.

Mr. TE WATER said that Major Pienaar, who was well acquainted with Ovamboland, agreed that the conditions of the country appeared to be suitable for cotton-growing. But once cotton had been grown, it had to be marketed, and the question of transport was one of great difficulty. Railway transport was out of the question. The Union of South Africa had learned by bitter experience that the construction of side-lines was economically unsound. Personally, he considered that the solution of the problem lay in motor transport, but he doubted whether there were any immediate prospects of carrying out such a scheme. Mr. Hahn, the Native Commissioner, did everything in his power to assist the natives to market their produce. In any case, Mr. te Water would communicate Lord Lugard's suggestion to the Administrator.

Referring to the question of taxation, he said that last year £3,700 had been raised in taxation from the natives and appropriated to the Ovamboland Tribal Trust Fund, of which nearly £2,500 was spent on drought relief measures. The tax had been suspended in the previous year owing to the abnormal conditions in the territory (*cf.* page 61 of the report for 1930). Altogether £16,603 had been spent in relieving distress in Ovamboland, as would be seen from paragraphs 430 and 431 of the report for 1931.

Lord LUGARD realised that much had been spent on relief in exceptional circumstances ; but until 1929 no subsidy of any kind had been granted to the Ovambos. Since that year, they had received £200 for educational purposes ; but if taxation had raised £3,700 for the Tribal Trust Fund, could not the Government assist their economic development by a small subsidy for the growing of cotton or other exportable produce, and give them free transport for their tools ?

Mr. TE WATER said that the figures for the actual direct expenditure on natives would be found in paragraph 101 of the report. There had been little variation in the amounts during the last five years. Large sums had been allocated to assist in the building of storage dams, and this measure had borne excellent results.

He agreed that a small subsidy might be set aside for teaching the Ovambos more up-to-date methods of farming, and he was certain that the Union Government would hasten to spend money in this way if the requisite funds were available.

OVAMBOLAND : DISTURBANCES CONNECTED WITH CHIEF IPUMBU.

Lord LUGARD asked the accredited representative if he could furnish any further information concerning the disturbances connected with the Chief Ipumbu.

Mr. TE WATER said that the fullest information had already been supplied by the Union Government¹. He thought that the Union Government and the Administration might well be congratulated on settling so troublesome an incident without bloodshed or great expense. It was clear that Ipumbu himself had been the cause of the trouble ; he was a poor, immoral character, unloved by the people of his tribe. The fact that the rising had not spread was due, in a considerable degree, to the wise administration of the Native Commissioner, Mr. Hahn. After the disturbance had been quelled, Ipumbu had been transferred to another district and placed under the immediate supervision of the Native Commissioner there.

PLAGUE IN OVAMBOLAND.

Lord LUGARD asked the accredited representative if he had any further information concerning a reported outbreak of plague in Ovamboland in 1932.

Mr. TE WATER said he had received no instructions from his Government on this point, as it did not concern the year under review.

According to Major Pienaar, a medical officer of health had been sent from the Union of South Africa to examine this outbreak of plague, had traced it to its source and had reported that it was not serious in character.

CUSTOMS UNION BETWEEN THE UNION AND SOUTH WEST AFRICA : APPOINTMENT OF A JOINT COMMISSION.

M. VAN REES, referring to the Customs Union between the Union and South West Africa, quoted the following passage from *Le Temps* of May 22nd, 1931 :

“ South West Africa has just sent a delegation to General Hertzog, President of the Union of South Africa, to ask him to supply a credit of £50,000 sterling to help the farmers

¹ Documents C.P.M.1293 and 1303.

and unemployed. The deputation pointed out that South West Africa was placed under considerable disadvantage owing to the protective tariffs established by the Union of South Africa. Each year the mandated territory spends £90,000 sterling for its sugar and £46,000 of this sum goes to the sugar-planters in Natal. The position is the same for flour, leather, clothing, tobacco and other articles which also enjoy the tariffs established to protect the industries of the Union of South Africa. Consequently South West Africa asks the mandatory Power to bear the interest and redemption of the above loan, since it benefits from the resources of the mandated territory."

Could the accredited representative give him further information on this point ?

Mr. TE WATER said that this question had been raised between the Union Government and the deputation sent from South West Africa. The Prime Minister had agreed to appoint a Joint Commission on tariff matters, whose terms of reference were to be mutually agreed on at a later date. This Joint Commission would doubtless report in the future on the points raised by M. Van Rees.

M. VAN REES did not doubt the right of the mandatory Power to establish a Customs Union, although the mandate itself did not mention the matter. In the case of such a union between two countries, only one of which required protective tariffs, it was clear that one party would benefit at the expense of the other. Should such a Customs Union be established, care must be taken to see that the fundamental interests of the mandated territory came first.

Mr. TE WATER was convinced that the Prime Minister appreciated this point. He had warned the members of the deputation not to forget that, if they assumed greater powers, they would have to undertake serious obligations following from such responsibility. Not for a moment had the Union of South Africa desired to force a tariff policy on the mandated territory which might lead to inequitable results.

M. RUPPEL wished to associate himself with the general views expressed by M. Van Rees concerning the Customs Union : but he would not discuss the matter in detail because it had been agreed that a Joint Commission should examine it.

IMMIGRATION QUOTA.

Lord LUGARD had noticed a reference to an immigration quota in the report. He asked if any immigration quota existed.

Mr. TE WATER said that this question had been answered in paragraph 24 of the report for 1930. The Immigration Quota Act introduced last year in the Union Parliament had been extended to South West Africa.

COSTS TO SOUTH WEST AFRICA OF THE EXPROPRIATION OF THE RAILWAY SYSTEM.

M. VAN REES quoted the following passage from the *Windhoek Advertiser* of December 26th, 1931 :

" Mr. Werth (the Administrator) said that, as a result of a request from the South West House of Assembly and the Union Department of Public Accounts for a balance-sheet of the running of the railways in the territory, this had been issued and had resulted in the Minister of Railways informing the Administrator that South West Africa was in future to be debited with all costs of expropriation in connection with the system in the territory. This debit would probably amount to £200,000 a year."

M. Van Rees recalled that, in accordance with the terms of a law enacted by the Union Parliament in 1922, the railways and ports of the territory under mandate were declared to be the property of the Union. Since that law had given rise to numerous discussions in the Mandates Commission, it was surprising to learn that, in future, all the costs of expropriation relating to the railways system in South West Africa would have to be borne by that territory.

Mr. TE WATER took note of this point and promised to communicate it to his Government. He believed it was one of the questions being dealt with by the Joint Commission.

PROJECTED RAILWAY FROM GOBABIS TO SOUTHERN RHODESIA.

M. RUPPEL, referring to paragraph 672 of the report, said that apparently " the survey of the line from Gobabis to Southern Rhodesia and an economic survey of the surrounding country " had been completed, and asked the accredited representative whether he had any information concerning the views of the mandatory Power on the construction of this projected railway.

Mr. TE WATER said that the project had received much public attention, but, at the moment, it would appear not to be actively discussed, possibly for economic reasons.

PUBLIC FINANCE.

M. RAPPARD said that the financial situation of the territory was somewhat alarming. On page 18 of the report were two interesting tables which gave the revenue and expenditure for the nine months ended December 31st, 1930, and December 31st, 1931. From these tables, it appeared that the total of ordinary and extraordinary revenue was less than half that of the expenditure from revenue funds and loan funds.

In paragraph 98 (2), it was said that "by Ordinance No. 5 of 1931, the land tax on 'unworked' land was raised 'from double' to 'four times' the tax payable in respect of 'worked properties'". He would like to know if this increased tax on unworked lands had yielded much in this time of economic depression.

In paragraph 89, it was said that the mandated territory had been exceedingly hard hit "in consequence of the world-wide depression and of the difficult position created by the sudden abandonment of the gold standard". He understood that the gold standard had not been abolished in the Union of South Africa. If this paragraph referred to the abandonment of the gold standard in the United Kingdom, he was surprised that it should have had such a catastrophic effect on the finances of the mandated territory, since the United Kingdom had only come off the gold standard in September 1931 and it was unlikely that the effects of this step would have already been felt during the last three months of that year. This was all the more surprising in view of the fact that, from the table given in paragraph 712 of the report, it appeared that the exports of the mandated territory to the United Kingdom had by 1931 dropped to a third of their total in 1926.

Referring to the loans advanced by the Union Government, he drew attention to the following passage in the Executive Council Minutes (paragraph 81) :

"This sum will be advanced to the territory to create a fund to be entitled the 'Land Settlement Fund'. The capital of the fund will include the £200,000 of the surplus of the Custodian of Enemy Property referred to in Section 2 (1) (d) of Act No. 63 of 1925."

He wished to know if the Union Government could dispose of this fund without charging interest, and how it had become available.

Mr. TE WATER, replying to M. Rappard's last question, said that the moneys derived by the Custodian of Enemy Property from profits on investments had not to be accounted for to ex-enemy nationals. These funds were set aside for various purposes, such as the settlement of Angola farmers, and advances were made from them without interest. Act 39 of 1916 would explain the origin of Custodian Funds.

Referring to the abandonment of the gold standard by the United Kingdom, he said that the Administration had no wish to overstress the effects of this measure, especially as its full consequences could not have been felt before 1932.

The answer to M. Rappard's question concerning the land tax on unworked lands would be found in paragraph 99, which ran as follows :

"A glance at the revenue statement . . . will show that, except for the diamond export duty, revenue had not been very materially affected by the additional taxation set out above."

The drop in the exports to the United Kingdom was explained by the figures given in paragraph 713. The largest decrease had been in the exports of diamonds and gold.

Lord LUGARD said that considerable emphasis had been laid on the great financial stringency which had involved the cutting down of salaries, etc. He noticed, however, that no deductions whatever had been made in the allowances for the Chairman and members of the Legislative Assembly, and Executive and Advisory Committees, which amounted to £5,210, apart from public officials (£1,180). There had in fact been an increase in 1931-32.

He further asked what were the Native Reserve Funds mentioned in paragraph 102 of the report. He also wished to know whether the Land Bank, which was always a considerable drain on revenue, was intended to help the native population as well as the whites.

Mr. TE WATER said that the figures for the allowances of the members of the Legislative Assembly referred to the financial year 1930-31. Since then, if the South West African members of Parliament had received the same treatment as the Union members of Parliament, which he presumed they had, these allowances would have been considerably reduced.

The collections and expenditure for the Native Reserve Funds referred to in paragraph 102 were specified in paragraph 428.

The funds of the Land Bank were used only to assist the white population, because the security necessary for such advances (property, etc.) could only be given by Europeans.

M. RUPPEL was very alarmed at the mandated territory's financial position. In the financial year 1930-31 there had been a deficit on the revenue account of £120,000, which sum had been met by borrowing from the Union Government. Last year the deficit had risen to £220,000, which was covered by a new loan, and in the current year a further loan of £118,000 for ordinary expenditure was envisaged. This would bring the territory's total indebtedness to the Union Government up to more than £2,000,000. Nearly a quarter of these loans had been

borrowed to cover deficits in the ordinary budget, and in the current year a third of the territory's revenue was needed to pay interest and redemption charges. This financial situation could not continue, but, as the Joint Commission, to which reference had already been made, would consider this question also, M. Ruppel would postpone further observations until the following year, when he hoped a satisfactory solution would have been found.

In connection with the creation of the Land Settlement Fund in favour of the Angola farmers, the legal situation of the territory in regard to the £500,000 given by the Union Government did not seem to him to be completely clarified by the information contained in paragraph 81 of the report. Last year¹, he had asked for an explanation as to the Union Act No. 34, 1930, in which it was provided that the advances should be repayable at such time and in such conditions as the Governor-General might impose. This Act was promulgated by Parliament later than the resolution of the Executive Council quoted in the report. The resolution was, moreover, not in any way more definite than the Act. What he would like to hear was a clear statement that the territory of South West Africa would in no case be asked to reimburse the capital of the advances out of its own budgetary revenue.

Mr. TE WATER said that the Administration was fully alive to the seriousness of the financial position, but this should not be considered from too pessimistic a point of view. In the year under review, for the first time it had proved necessary to borrow to meet the budgetary deficit, and it was always possible that this would have to be done again. M. Ruppel had drawn attention to what might be called the mandated territory's national debt. The Administration had clearly stated in the report that it had lent more than it had borrowed, and in normal times it would have been easily able to meet its obligations to the Union Government. It should be noted that the sale of diamonds had improved in the last few months, and the authorities had already collected more revenue than they had budgeted for. There was also good hope that the cattle industry would improve.

Referring to the repayment of the Angola Farmers' Fund, Mr. te Water said that it was not yet settled whether there would be any repayment of these advances at all. His personal impression was that the matter would be favourably reviewed by the Union Government, which, although not definitely relying on any returns, was unwilling altogether to waive its rights.

COUNT DE PENHA GARCIA referred to paragraph 15 (c), which mentioned that a "saving in salary votes of over £92,000 in consequence of the abolition of local allowances" would be effected during the coming financial year. He asked for information about these local allowances.

Mr. TE WATER said that local allowances were compensatory allowances granted to South-African officials serving in the remote mandated territory.

ECONOMIC SITUATION : IMPORTS AND EXPORTS.

M. MERLIN noted that the economic depression was clearly reflected in the commercial statistics. The mine turnover had fallen, unemployment had increased, and prices had sunk by 43 per cent. The Administration had taken the necessary measures to remedy this situation by making grants to farmers, providing relief for the unemployed and bounties for exports. M. Merlin wished to know what had been the results obtained and, in particular, whether the system of export bounties had given rise to reprisals on the part of foreign Powers.

Mr. TE WATER said that he had already touched on this point in his reply to M. Rappard. The abandonment of the gold standard by the United Kingdom was not by any means the sole cause of the present disastrous economic situation. But, once more, he wished to emphasise the fact that during the last few months there had been signs of improvement in trade and in the diamond market.

The export bounty system, as enforced in South West Africa, had been taken over from the Union Government, which had instituted bounties to help farmers and obtained the money for this purpose from a duty on imports. So far as he knew, there had been no reprisals where this system was concerned.

He mentioned that the railway rate subsidies had resulted in an increase of exports to the value of £30,000 in seven months.

M. MERLIN noticed that the 1931 harvests had shown a marked improvement on those of the previous year. Live-stock had also increased, but it appeared from the table given in paragraph 323 that there had been an all-round decrease in native-owned stock.

Mr. TE WATER admitted that the 1931 harvests had been an improvement, but warned the Commission that this did not necessarily imply prosperity for the farmers. A partial explanation of the decrease in the numbers of native-owned stock would be found in the footnote to the table in question, which stated "that the reduced figures were due to a closer estimate having been made and were not attributable to losses".

¹ See Minutes of the twentieth session of the Commission, page 63.

M. MERLIN noted that, in 1931, the export of cattle rose by 50 per cent as compared with the previous year. This was presumably due to the fact that 1930 had been a year of drought and that a certain quantity of live-stock had been exported instead of being absorbed by the local preserving factories.

Mr. TE WATER agreed that exports had increased quantitatively, but the past year had been a bad one from the point of view of the prices ruling on the market. It should not be forgotten that, during 1931, the diamond market, which represented South West Africa's most important source of revenue, had completely collapsed.

M. RUPPEL, referring to the table of imports given in paragraph 690, asked that in future, for the “(d) Produce re-exported from the Union of South Africa”, the countries of origin should be specified in the same way as was done for imports by sea.

M. SAKENOBE asked the accredited representative if he could give the Commission a general idea of the part taken by natives in exporting agricultural products.

Mr. TE WATER said he had no detailed information on this point. Natives were seldom direct exporters; they usually sold their products to merchants and middlemen.

M. SAKENOBE said that it appeared to him that the natives and whites were in a position to compete with each other, because they were in the same occupation. Live-stock, for example, could be sold more cheaply by the natives than by Europeans. How did the Administration deal with this question?

Mr. TE WATER said there was no justification for the idea that the native received an unfair price for his cattle. Generally speaking, native cattle were poor in type. The native himself was often unwilling to sell his live-stock or his agricultural produce, since these represented wealth and food to him. The Administration had made no attempt to interfere in trading operations.

M. SAKENOBE said that, during the last few years, a considerable amount of whale-oil had been exported from South West Africa, whereas there was no mention of any such export during the year under review.

Mr. TE WATER explained that so considerable an over-production of whale-oil had taken place two years ago that the operations of Norwegian whalers had come to a standstill. The repercussions of this situation had been strongly felt in South West Africa.

JUDICIAL ORGANISATION.

M. RUPPEL said that last year he had asked¹ that statistics of the crimes committed by natives against Europeans and by Europeans against natives should be given. He could not find these statistics in the present report, so he would ask that they should appear the following year.

Mr. TE WATER said that six months of the year under review had already passed when M. Ruppel made his request. The Administration was arranging for these statistics to be included in its next report.

M. RUPPEL, referring to the imprisonment of civil debtors (paragraph 54), asked if these prisoners included Europeans.

Mr. TE WATER replied that civil imprisonment was, in his opinion, an anachronism still to be found in the Roman-Dutch judicial system. The principle of imprisonment in respect of debt applied in practice only to Europeans and never to natives. From paragraph 40, it would be seen that 526 civil imprisonment orders had been issued during the year and a total sum of £14 18s. 0d. recovered in respect of civil debtors.

Replying to a question by Lord Lugard regarding the form of legislation, the accredited representative explained that, under the Constitution, “proclamations” were issued by the Governor-General or Administrator on matters falling within their respective jurisdictions, whereas the Legislative Assembly passed “ordinances”, within its competence.

Lord LUGARD asked what was the object of Proclamation No. 30, which extended the non-reviewable powers of magistrates.

Mr. TE WATER replied that the law had been amended in order to bring it into line with the practice in the Union.

EXPENDITURE FOR THE BENEFIT OF THE NATIVES.

Lord LUGARD, referring to the table given in paragraph 101 of the “direct expenditure on natives”, noted that, though it included the salaries of the Administrator and medical officers, a provision of only £44,600 had been made in the estimates for the financial year

¹ See Minutes of the twentieth session of the Commission, page 64.

COUNT DE PENHA GARCIA noticed that Ordinance No. 7 had increased the duties on intoxicating liquors with the exception of manufactured wines. He asked for further information concerning these manufactured wines, and also wished to know the extent of the vineyards, the amount of wine made and its alcoholic content.

Mr. TE WATER promised to give this information in the next report.

In reply to a question of Lord Lugard, he explained that "dagga" was a narcotic grown in the territory, somewhat similar to hashish.

PUBLIC HEALTH.

M. RUPPEL expressed his gratitude to the Administration for considering extending the time limit prescribed for registration for foreign nurses. He further pointed out that the state of health of the natives in the south seemed to be very bad. From the figures given in paragraph 545, it appeared that the death rate was nearly double the birth rate. The infant mortality rate was also excessively high, and, in consequence, the population was decreasing. He hoped that the Administration would give special attention to this matter.

Mr. TE WATER, referring to the question raised by M. Ruppel — viz., "whether the Administration would consider the extension of the time limit prescribed for registration in the case of nurses" (paragraph 538) — said that he had received information from his Government that the Medical Council proposed that the time limit should be extended until the end of 1938.

He himself had been deeply perturbed by the high infant mortality rate. He understood that a number of public bodies were spending time and money in an attempt to improve the situation, with (as would be shown by later statistics) a certain amount of success.

M. RUPPEL said that the health conditions in Ovamboland also were far from satisfactory. The report showed that malaria was extremely prevalent, that tuberculosis, which was formerly unknown in the district, had occurred since the natives had been working in the mines, and that a certain amount of leprosy was also to be met with. The report stated, however, that "the formation of a leper colony would be no easy task and would involve the Administration in considerable expense, which at the moment was quite beyond its resources" (paragraph 630).

Mr. TE WATER thought the Commission would agree that the full details given in the report showed the wide activity of the medical authorities, and further steps, such as the formation of a leper colony, were only a question of funds.

Mlle. DANNEVIG referred to the passage in paragraph 606 on Female Disorders, which ran as follows :

"The native treats pregnancy in absolute privacy irrespective of consequences, which is really the most psychological way of viewing pregnancy, as it is not a disease but a physiological state."

She asked whether the Administration also held this point of view.

Mr. TE WATER said that this was an interesting but controversial statement, into the merits of which he would not enter.

DEMOGRAPHIC STATISTICS.

M. RAPPARD noted that the demographic statistics at the end of the report were divided into "1. European", but that one looked in vain for "2. Native". As a matter of fact, some figures concerning natives were given elsewhere. He thought it was somewhat characteristic of the report to concentrate on information about the Europeans rather than the natives. Referring to the table given in paragraph 727, he said that it was not clear whether the rate of infantile deaths was 39.80 per thousand of the population or per thousand births.

Mr. TE WATER replied that the rate was per thousand births. This point would be made clear in the next report.

He was convinced that, on second thoughts, M. Rappard would agree with him that the report showed that much thought and care had been given to native affairs. If statistics concerning Europeans took up more space in the report, it was because the European social system was more complicated than that of the native.

Lord LUGARD, referring to the demographic statistics for the native population given in paragraph 287, noted that there had been a steady decrease of population in the police zone.

Mr. TE WATER explained that this decrease was accounted for by the lack of employment in the zone.

M. RUPPEL, referring to the note to the migration statistics in paragraph 728, asked if it would not be possible for the report to give details concerning the object of the persons entering the territory by land — that was to say, whether assuming domicile or visiting.

Mr. TE WATER said that, as there was no barrier between the mandatory Power and the mandated territory, a special regime would have to be established, which would certainly come in for much criticism. He would, however, bring M. Ruppel's request to the attention of his Government.

CLOSE OF THE HEARING.

M. VAN REES said that it was his agreeable duty, in the temporary absence of the Chairman, to thank Mr. te Water for the courteous, complete and competent way in which he had replied to the Commission's sometimes embarrassing questions.

Mr. TE WATER thanked the Chairman and the members of the Commission for their patience and courtesy.

(Mr. te Water and Major Pienaar withdrew.)

FOURTH MEETING

Held on Saturday, November 5th, 1932, at 10.15 a.m.

Iraq : Question whether the Commission should examine the Report of the Mandatory Power on the Administration of Iraq during 1931.

The CHAIRMAN asked his colleagues to decide whether the Mandates Commission had the right and the duty to discuss the report of the mandatory Power on the administration of Iraq during 1931, seeing that Iraq had been emancipated on October 3rd, 1932. When this point was settled, and assuming that it was decided in the affirmative, the Commission would have to decide whether it intended to ask the accredited representative of the mandatory Power questions, and if so what questions.

M. ORTS was of the opinion that the Commission had undoubtedly a right and also a duty to examine the report on Iraq for 1931. If it neglected to make this examination, it would thereby indicate that the League's control over the territory had ceased on December 31st, 1930, whereas it was known that it had not ended until October 3rd, 1932. To renounce this examination would, moreover, be contrary to paragraph 9 of Article 22 of the League Covenant, whereby the Mandates Commission was required to examine the annual reports of the mandatory Powers. It seemed to M. Orts that this consideration alone should finally settle the question.

Was it now of practical importance to discuss the report? Having read the report, M. Orts did not feel that it was necessary to examine it point by point, but considered that, if any of his colleagues held a different opinion, he should be quite free to raise any question he thought necessary. With regard to petitions, M. Orts reserved his right to make his point of view known at a later stage.

M. VAN REES concurred in M. Orts' opinion that the Mandates Commission was entitled to examine the report on Iraq for 1931. He pointed out, however, that there were three difficulties, to one of which he had already called attention — namely, that the report could only be discussed in the presence of the accredited representative of the mandatory Power. The second was constitutional: under the terms of its constitution, if the Mandates Commission submitted observations to the Council, the accredited representative of the mandatory Power must have an opportunity to add his own comments if he desired to do so. How would this be possible, however, since there was no longer any mandatory Power? Thirdly, if, after examining the report, the Mandates Commission addressed certain observations to the Council and asked that certain measures be taken, what action could the Council take on its recommendations? Would it communicate them to the United Kingdom? But the latter could no longer intervene in the affairs of Iraq. To Iraq itself? It might, of course, be maintained that that was the Council's affair. M. Van Rees could only stand by the constitution of the Mandates Commission.

In this connection, everything depended upon the United Kingdom Government's attitude. Did it, in spite of the expiration of its mandate over Iraq, consider itself bound to send an accredited representative to reply to any questions the Mandates Commission might have to ask with regard to the administration of the territory during 1931? If so, the first two difficulties to which M. Van Rees had drawn attention would disappear. It was important, therefore, to ascertain first whether the person sent by the United Kingdom Government to the Mandates Commission was actually the accredited representative of the mandatory Power or simply an expert qualified to express his opinion on the questions dealt with in the report. In the second hypothesis, he could obviously not comment on the proposals submitted by the Mandates Commission to the Council, and the report could not be examined in his presence.

Mr. FLOOD said he did not propose to make a statement, as such a course might be misleading. He would prefer to reply to questions. Iraq was now an independent Member of the League, so that he could not speak on its behalf. He might, however, be able to furnish certain explanations with regard to the report.

The CHAIRMAN said that the two main points to which the Commission desired to draw his attention were the minorities problem and the question of the administration of justice.

OUTBREAK OF A STRIKE IN CONNECTION WITH THE MUNICIPAL TAXES.

Count DE PENHA GARCIA asked whether the strike which had followed on the law creating municipal taxes was due to economic or political causes.

Mr. FLOOD replied that the strike had been neither serious nor of long duration. It was probably due, in the first place, to a misunderstanding of the effects of the law — a misunderstanding which had been fostered by certain disaffected persons. Unfortunately, Nuri Pasha had been absent at the time. Immediately on his return, he had taken steps to reassure the inhabitants of the municipalities. There was now every reason to believe that the municipal tax was working satisfactorily, nor was there any fear of a recrudescence of trouble on that account.

EXPLOITATION OF PETROLEUM.

Count DE PENHA GARCIA noted that there had been some differences of opinion between the mandatory Power and the Iraqi Government concerning certain petroleum companies and that these differences appeared now to be settled. He would be glad to know whether the companies now working were the same companies or whether there were also new ones.

Mr. FLOOD replied that the Mandates Commission was aware of the agreement which had been reached with the Iraq Petroleum Company concerning its concessions, which were all situated to the east of the Tigris. The matter had been fully explained in the special ten-year report. The Iraq Petroleum Company was now busily engaged in developing its concession and had placed contracts for the pipe-line from Kirkuk to Tripoli and Haifa. The pipes were being delivered and rapid progress was being made with the laying of the line. There had been no difference between the mandatory Power and the Iraqi Government, though there had been a discussion, now settled, between the Iraqi Government and the company as to the method of making the agreed payments.

Negotiations had been conducted with the British Oil Development Company, and an agreement had been reached with that company concerning the prospecting for oil west of the Tigris and north of the parallel of latitude 34. The terms of the agreement were, in the main, similar to those concluded with the Iraq Petroleum Company. Some modifications were due to the fact that it was not absolutely certain that oil existed in commercial quantities in the area conceded to the second company. Consequently, the agreed rental was smaller. There were no stipulations concerning the routes to be followed by pipe-lines. The British Oil Development Company was now engaged in careful prospecting work. There were no other companies in the country.

Count DE PENHA GARCIA asked whether concessions might be granted to other companies in the future.

Mr. FLOOD replied in the affirmative. The new companies, however, would only be granted the right to conduct operations outside the existing concessions.

KURDISH QUESTIONS : INSURRECTION OF THE SHEIKH OF BARZAN.

Count DE PENHA GARCIA, with regard to the Kurdish nationalist movement, noted the passages in the report (page 18) which said that "one of the basic difficulties of the Kurdish question arose from the wording of some of the resolutions of the League which had given recognition to the special rights of the Kurds" and that "the United Kingdom Government had always advised the Iraqi Government to give a liberal interpretation to these phrases". He also noted that the United Kingdom Government had advised the Iraqi Government to take special measures to conciliate the Kurds. Had those measures given good results?

He observed, moreover, that "a circular had been sent to all Ministers (excepting the Ministers for Defence and Foreign Affairs) instructing them to replace their officials in the Kurdish areas who did not know Kurdish or, where that was not possible, to arrange for them to learn Kurdish". He could understand the exception with regard to the Ministry for Foreign Affairs, but not that with regard to the Ministry for Defence.

Mr. FLOOD replied that there was no reason to doubt the loyalty of the Kurds, many of whom were serving in the Iraqi army. The Ministry for Foreign Affairs, however, as well as the Ministry for Defence, were central Ministries and, in fact, the Ministry for Defence would not have any officials permanently stationed in the Kurdish areas, and even the units of the army stationed there on garrison duty were naturally changed from time to time.

He thought he ought perhaps to say a word concerning the recent insurrection of the Sheikh of Barzan. This movement had been inaugurated as a purely personal action on the part of the sheikh and had led to considerable trouble attended by brigandage and murder in remote and difficult country. The Iraqi Government was, therefore, compelled to interfere to re-establish order and protect the other inhabitants. The movement had now been successfully put down and the Sheikh Ahmad had taken refuge in Turkey. The country was now being rapidly pacified and roads and police posts were being constructed. The situation in Kurdistan had become satisfactory and continued to be so.

THE BAHAI CASE.

The CHAIRMAN, with regard to the Bahai case, observed that the Mandates Commission had on several occasions been obliged to take up this matter. He thought it desirable to recall them.

Fourteenth Session, October 26th to November 13th, 1928 :

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

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

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

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

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

Approved by the Council on *March 4th, 1929*.

Sixteenth Session, November 6th to 26th, 1929 :

“ 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 Bahai 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 and 27).”

Approved by the Council on *January 13th, 1930*.

Nineteenth Session, November 4th to 19th, 1930 :

“ 3. *Administration of Justice.*

“ The Commission notes a statement by the accredited representative that the Iraqi Government has appointed a Commission to propose some method of providing redress for the wrong done to the Bahai sect by the denial of justice to that sect. It regrets that such redress has not yet been given, in spite of the Council’s endorsement on March 4th, 1929, of the Commission’s conclusions (pages 77, 82).”

Approved by the Council on *January 22nd, 1931*.

Twenty-first Session, October 26th to November 13th, 1931 :

“ 2. *Administration of Justice.*

“ The Commission learned with regret that the mandatory Power had not yet succeeded in obtaining redress for the Bahai community in respect of the miscarriage of justice of which it was the victim and to which allusion was made in the Commission’s two previous reports to the Council on Iraq (pages 97 and 98).”

Approved by the Council on *January 25th, 1932*.¹

¹ *References : Minutes of the Mandates Commission.*

Fourteenth Session : pages 189 and 190, 194 and 195, 221, 222, 261 to 264, 276.

Sixteenth Session : pages 26 and 27, 204.

Nineteenth Session : pages 77, 208, 214.

Twentieth Session : pages 115, 127, 128 and 129, 138, 139, 191.

Twenty-first Session : pages 97 and 98, 116.

Mr. FLOOD replied that the American Expert Commission had been called in on the initiative of the Iraqi Government itself. He thought that the Iraqi Government could be trusted to carry out Dr. Munroe's suggestions as soon as time and financial resources permitted.

CLOSE OF THE HEARING.

The CHAIRMAN thanked Mr. Flood for the very interesting information he had kindly supplied on so many points.

FIFTH MEETING

Held on Monday, November 7th, 1932, at 10.30 a.m.

Frontier between Syria and Iraq : Consideration of the Report of the Sub-Committee appointed to study this Question (document C.P.M.1318).

The report of the Sub-Committee was adopted, subject to certain drafting amendments.

Iraq : Examination of M. Orts' Draft Report on the Petitions received from the Assyrian Population in Iraq (document C.P.M.1320(1)).

After an exchange of views, in which all the members took part, the Commission invited Lord Lugard and M. Rappard to assist the Rapporteur, M. Orts, in preparing a new text of the conclusions of his draft report on the petitions received from the Assyrian population in Iraq.

SIXTH MEETING

Held on Tuesday, November 8th, 1932, at 10.30 a.m.

Nauru : Examination of the Annual Report for 1931.

(Lieutenant-Colonel Sir Donald C. Cameron, accredited representative of the mandatory Power, and Major O. C. W. Fuhrman, adviser to the accredited representative, came to the table of the Commission.)

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed the accredited representative of the mandatory Power and asked whether he desired to make a general statement on the position in Nauru.

Sir Donald CAMERON said he was very gratified by the Commission's welcome and would do everything in his power to collaborate with it. He had no desire to make a general statement on the policy being followed in Nauru.

FORM OF ANNUAL REPORT.

The CHAIRMAN pointed out that the report contained a number of replies to the observations of the Mandates Commission during the examination of the annual report for 1930, and suggested that it would be desirable to indicate in future reports the pages in the previous Minutes on which the questions asked by the various members of the Commission were to be found.

Sir Donald CAMERON said he would convey the wishes of the Commission to the Australian Government.

STATISTICAL INFORMATION RELATING TO THE TERRITORIES UNDER MANDATE.

The CHAIRMAN read a note on this subject (Annex 4).

In reply to an enquiry by Sir Donald Cameron, M. CATASTINI stated that the Secretary-General had forwarded the table to the mandatory Power on February 19th, 1932.

Sir Donald CAMERON undertook to look into the matter.

STATUS OF THE TERRITORY.

M. ORTS said it would appear from a Parliamentary paper that an agreement had been concluded between the Governments of the United Kingdom, Australia and New Zealand with regard to the status of Nauru. What was the effect of that agreement? Did it extend or in any way alter the previous agreement between the three Governments under which the Nauru mandate was effectively exercised by the Commonwealth of Australia?

Sir Donald CAMERON understood that this was the Nauru Agreement and Supplementary Agreement which was periodically ratified as a matter of form. As far as he knew, the terms of the Agreement and Supplementary Agreement remained unaltered.

EXPORTS OF COPRA AND PHOSPHATES.

M. RAPPARD noted that, during 1931, the exports of copra and phosphate went exclusively to Australia and New Zealand (page 16). Was this due to any particular policy? Did none of the phosphate go to the United Kingdom?

Sir Donald CAMERON said that, although Australia and New Zealand were apparently the only countries which purchased phosphates during the year under review, there was no restriction as to who might purchase this commodity.

M. RAPPARD asked whether prices were fixed according to commercial practice or whether they were monopoly prices negotiated between Australia and New Zealand on the one hand and the Administrator in charge of the island on the other.

Sir Donald CAMERON understood that it would be contrary to the spirit of the mandate to fix special prices for the United Kingdom, Australia or New Zealand. Prices were fixed in accordance with the usual commercial practices, having regard to the market price of phosphate and other artificial manures.

M. RAPPARD explained that the reason for his question was that there had apparently been no noticeable reduction in production and consumption, although manures were passing through a very severe crisis on the world market. He presumed, therefore, that prices were fixed so that the quantity produced could always be sold, there being no difficulty in underselling phosphates from other sources.

Sir Donald CAMERON replied that there was no question of underselling other phosphates. The price was based on (a) the cost of production, (b) world demand for same, and (c) the ruling prices for artificial manures.

BILATERAL CONVENTIONS APPLIED TO THE MANDATED TERRITORIES.

M. ORTS read a note on this subject (Annex 3).

Sir Donald CAMERON undertook to look into the matter, and asked whether there must be unanimous agreement among the mandatory Powers to ensure publication of the table.

M. ORTS expressed his opinion that there must be unanimity, as otherwise the table would be incomplete.

MAINTENANCE OF THE NATIVE MOVEMENT ORDINANCE OF 1923.

M. SAKENOBE asked whether conditions necessitated the maintenance in force of the Native Movement Ordinance of 1923.

Sir Donald CAMERON explained that its maintenance was considered necessary for the present, in view of the mixed population on the island and of the existence of leprosy.

SITUATION AS REGARDS THE ADVISORY COUNCIL.

M. ORTS understood that there was an advisory council in the territory. He asked whether it was by an oversight that no reference had been made to this council in the report or if it had not met.

The vote for school requisites, books, etc., had been exceeded by a small amount — namely, £24 — but higher expenditure under this heading had been incurred in providing certain school prizes. The individual prizes were of a better grade, and a greater number had been distributed than formerly. In addition to this, a special preparation had been purchased for renovating the school blackboards, which were subject to climatic disabilities. The preparation was somewhat expensive, and a supply had been obtained sufficient to meet requirements for a fairly lengthy period.

The school buildings, repairs and maintenance vote had been exceeded by £25 ; this was due primarily to the weather conditions experienced during the year, when some of the larger schools became due for rethatching earlier than usual, and the amount paid for thatch supplies was higher than usual. At some of the schools, assembly bells had been installed, and the cost of purchasing and installing these had contributed to the higher expenditure under this heading.

An interesting item of expenditure under the heading of “ Native education ” related to Nauruans training in Australia, the actual expenditure for which in 1931 had been £418, against an appropriation of £300. The explanation was that, at the beginning of 1931, a Nauruan boy, Bernicke, had embarked on a medical course with Melbourne University, and the excess expenditure under this heading was due to the payment of fees and expenses incidental to establishing him and maintaining him at the University.

Item 5, column 3, £ 61 15s. 7d. was an incidental item of expenditure relating to repairs to district pumps, catchment sheds, etc. ; it had been found that the general depreciation that had taken place necessitated an immediate overhaul of these services. It would be noticed that an amount of £314 12s. 9d. had been expended for the erection of houses for Nauruan staff, and the expenditure incurred under this heading represented the cost of erecting a European type of dwelling for Phillip, a Nauruan boy who had returned from a course of training in Australia earlier in the year, and had been taken on the staff of the Administration. Certain additional expenditure had been incurred in connection with a house that had been built in the previous year. On the subject of these houses for Nauruans who had more or less completed their training in Australia, the practice was to provide a suitable type of house, inexpensive, constructed of wood and fibrous sheeting, with an iron roof and concrete floor. One bedroom, a living verandah, kitchen and bathroom were provided, and it was felt that expenditure under this heading was justified. It had been noticed that these boys set a good standard as to conduct and devotion to duty.

M. RAPPARD thought it extremely wise that a reserve was being built up against the day when the supply of phosphate, on which the life of Nauru depended, might be exhausted. He presumed that the funds were invested in pounds sterling and had therefore depreciated by one-third during the past year. He was convinced that the responsible authorities were bearing in mind the best and safest method of investing these very large funds and that, should there be subsequent fluctuations in the pound sterling, they would not conceive it as absolutely out of the question to select another form of investment offering greater stability. This was not intended as a recommendation, but the security of the funds, which were much more than a year's revenue, was a very important question for the territory.

Sir Donald CAMERON said that he would draw the attention of the Government to this suggestion, at the same time reserving the right of the Administration to invest its funds where and how it considered best.

Lord LUGARD asked whether the investment of the funds was left solely to Australia, or whether the concurrence of the United Kingdom and New Zealand was obtained.

Sir Donald CAMERON was unable to give a definite reply, but said that, under the agreement, certain administrative rights were vested in the Government administering the territory at the moment, and that it might be found that these rights included the investment of funds.

JUDICIAL ORGANISATION.

M. RUPPEL asked whether any decision had been reached with regard to the amendment of the Judiciary Ordinance to provide for an appeal from the Central Court.

Sir Donald CAMERON said that the matter was still under consideration and no definite decision had been reached yet.

M. RUPPEL asked whether the natives took part in the jurisdiction as judges or assessors, or in any other capacity, or whether jurisdiction was exercised only by European officials.

Sir Donald CAMERON said that the chiefs had certain magisterial responsibility, but he believed it was not very great.

M. RUPPEL noted the astonishing increase from 78 to 230 in convictions of Nauruans during the year (page 17 of the annual report for 1931). Taking the whole population of 1,440 and deducting women and children, it would seem that every second Nauruan had been convicted.

Mlle. DANNEVIG found this increase most surprising, seeing that education in Nauru was the best in any mandated territory.

Sir Donald CAMERON pointed out that there had been an increase in the number of cases dealt with by the district court during the year — 427 Chinese and 230 Nauruans having been convicted. In several cases the same individual had been convicted for more than one offence. The increase might have been due in some measure to the spirit of waywardness referred to on page 18 of the report. As would be seen from page 17, stealing, receiving stolen property, or unlawful possession accounted for a large number of cases. A great many of the convictions were for minor offences.

Lord LUGARD drew attention to the conviction of 31 Chinese and 2 Nauruans for breaches of the Native Movement Ordinance (page 17), and asked what this type of offence represented.

Sir Donald CAMERON explained that, under the Native Movement Ordinance, natives and Chinese were prohibited from leaving their quarters between 11 o'clock at night and sunrise.

LABOUR.

Mr. WEAVER asked that future reports should revert to the original practice of giving the number of arrivals and departures of Chinese.

Sir Donald CAMERON said that this would be done.

Mr. WEAVER asked whether the accredited representative could explain the considerable increase in the number of Chinese convicted, in spite of the fact that the number of Chinese employed had fallen owing to the crisis.

Sir Donald CAMERON said that, at first glance, the number of convictions of Chinese by the district court — namely, 427 — might indicate that the Chinese frequently disobeyed the law, but this figure represented, in the main, cases of a very trivial nature. He understood that the Chinese preferred the Government to deal with all cases, however trivial. Petty thieving had, as usual, predominated, but to allow the Chinese to settle their differences themselves would obviously lead to serious trouble. There had been 42 and 84 convictions respectively of breaches of the Labour and Public Health Ordinances; the offences comprised mainly the careless use of fire or naked lights, the use of threatening language, disorderly conduct in hospital, neglect of duty, allowing the mosquito larvæ to exist, insanitary premises, etc., and hoarding filth. The 33 convictions for breaches of the Native Movement Ordinance related mostly to cases where persons were outside their districts or locations during prohibited hours.

EDUCATION.

Sir Donald CAMERON said, with regard to education, that the policy of the Administration of Nauru had been stated in the following terms :

“ It is realised that it would be unwise to lay down for the youth of Nauru a course of study for scholastic or clerical careers when insufficient openings in these capacities are available. Rather than concentrate on the teaching of subjects of a more or less academic nature, greater regard is paid to the adoption of a simple programme of instruction.”

As regards the carrying into effect of this policy, the practice had been to select a few boys for higher education in Australia; on their return to Nauru, they were appointed to positions on the administrative staff, where their education was continued. Sir Donald Cameron was informed that this method had been in operation for some years with encouraging results, and it was not without considerable interest to learn that a Nauruan boy was at present a resident student of Queen's College, University of Melbourne, where he was qualifying for a medical degree.

There were, however, very few positions available for Nauruans where higher educational qualifications were needed; consequently, the simplest standard had been adopted, which included reading and writing in English and Nauruan, simple calculations in arithmetic and a good all-round general knowledge, including hygiene.

In connection with the general character-building of the boys and girls of the island, Sir Donald Cameron understood that the Boy Scout and Girl Guide movements were well established and formed an important part of the educational system — that was to say, unofficially of course.

The Administration also took great pains to instruct the Nauruans regularly in regard to the aims of the League of Nations, and it was surprising to observe the extent of knowledge of the Nauruans in this respect.

Mlle. DANNEVIG asked whether all the teachers, including the Director of Education, were natives.

Sir Donald CAMERON replied that the Director and some of the other teachers were Europeans. Among the remainder there were Nauruans.

ALCOHOLIC LIQUORS AND DRUGS.

COUNT DE PENHA GARCIA noted that offences against the liquor laws had increased. This presumably was on a par with the general increase in offences noted in the report. The cause for this general increase was not clear. It was possible that the ordinances were being more strictly applied. He desired, however, to draw the mandatory Power's attention to the increase in convictions for drunkenness.

The liquor in question was used by the natives as food ; if drunk fresh, it was healthy, but when allowed to ferment it became almost as harmful as spirits. He hoped the next report would contain more detailed information on the use of alcoholic beverages in the form recommended in the Commission's report to the Council on the work of its twenty-first session. He asked whether there was any intention of increasing the duty on alcohol entering the territory.

Count de Penha Garcia noted that the number of offences against the opium regulations by Chinese had apparently doubled. He drew the attention of the representative of the mandatory Power to the necessity of avoiding such a state of affairs.

Sir Donald CAMERON said there had been no proposal to increase the duty on imports of alcohol.

With regard to opium, Sir Donald Cameron said there had not been any new legislation, regulations or orders during the year in regard to the traffic in opium or other dangerous drugs. The Nauru Ordinance No. 19 of 1922, relating to the importation of opium, morphine, cocaine and heroin, and the existing methods of close police supervision, appeared to be an efficient check in respect of illegal traffic in dangerous drugs within this small island.

There was no international trade in opium or other dangerous drugs by or with the territory. Imports were restricted absolutely to the quantities of drugs actually required for medicinal purposes at the Government Hospital and at the British Phosphate Commissioners' Hospital ; all such importations were purchased under properly regulated conditions from reputable establishments in Australia.

The importation to Nauru of raw opium and prepared opium was prohibited absolutely by the Nauru Ordinance No. 19 of 1922. The importation to Nauru of opium, morphine, cocaine and heroin ; the salts of morphine, the salts of cocaine, the salts and preparations of heroin containing more than 0.1 per cent of heroin, all preparations (officinal and non-officinal, including remedies which were advertised as anti-opium remedies) containing more than 0.2 per cent of morphine or more than 0.1 per cent of cocaine ; all new derivatives of morphine or of cocaine or their respective salts, and every other alkaloid of opium which might be liable to similar abuse and productive of similar ill-effects, was prohibited unless the substance was imported by a person licensed by the Administrator in accordance with the Nauru Ordinance No. 19 of 1922.

The granting of a licence to a person to import drugs or narcotic substances was subject to the following conditions and restrictions :

- (a) The drugs shall be imported for medicinal purposes only ;
- (b) The licence to import the drugs shall be issued only to a legally qualified medical practitioner, or a person lawfully carrying on business as a wholesale or manufacturing chemist or druggist or pharmaceutical chemist ;
- (c) The substances shall not be imported by post.

The licence was for a period of one year, and might be renewed from time to time for a similar period. Before the licence was granted, the applicant must give security to the satisfaction of the Administrator that :

- (a) All importations made by him pursuant to the licence, or any renewal thereof, will be disposed of for medicinal purposes only ; and
- (b) He will record in a book kept by him for the purpose particulars of how and to whom they have been disposed and will, on demand at all reasonable time, produce to the Administrator the book so kept and the balance of the importations on hand at the time when the book is produced.

Only one licence had been issued for the importation of drugs or narcotic substances to this territory. The licensee was the Medical Officer of the British Phosphate Commission, and the substances so imported were purchased in Australia for the exclusive use of the British Phosphate Commission's Hospital. The small quantities of narcotic substances required for the purposes of the Government Hospital — which was the only other medical establishment on the island — were imported direct by the Administration from Australia.

A constant campaign against the illegal introduction to this territory of opium and other harmful drugs was maintained. The Chinese members of crews of ships calling at Nauru were generally regarded as the means whereby opium for smoking purposes was introduced, or was attempted to be introduced, to this island. A vigilant watch was exercised when vessels were located at the mooring-buoys, and Chinese members of ships' crews were not allowed to land or to communicate with the shore ; extreme care was also observed in respect of persons of all other races arriving at the port. Nauru was an open roadstead and, owing to the absence of jetties or wharves to which ships might be tied, the maintenance of a vigilant watch in regard to prohibited drugs was, to that extent, simplified.

Practically the whole of the labour required in connection with the phosphate industry on this island was provided by Chinese coolies, engaged under a contract for three years by the British Phosphate Commission. The census of 1931 disclosed that there were 1,105 Chinese so employed. The utmost care was observed, by systematic search of personnel and luggage, in order to prevent the introduction by the Chinese on their arrival of opium or other harmful drugs ; but, despite extreme watchfulness, small quantities of opium prepared for smoking were sometimes secreted by the Chinese. There were forty-six convictions of Chinese during the year for smoking opium or being in the illegal possession of opium or opium pipes. An attempt had been made by a Chinese in December 1931 to land from the S.S. *Triona* a quantity of opium prepared for smoking. The attempt had failed owing to the alertness of the Customs police. The opium, approximating half a kilogramme, was seized and destroyed, and the offender was awarded a term of imprisonment to be followed by deportation. The opium seized bore no mark of origin.

There was no reason to believe that there was any organised system of introducing prohibited drugs to this island and there was no evidence of the prevalence of any other drug habit on the island.

No matters had arisen during the year which required the co-operation of other Governments to prevent the use within this territory of narcotic drugs for other than *bona-fide* medicinal purposes. The existing legislation would appear to be sufficiently comprehensive and its provisions were observed with extreme care.

Nauru was not a producing country of the opium poppy or coca plant. The soil was totally unsuited for cultivation.

Opium-smoking was not indulged in by (a) the native population, (b) European residents or (c) other Pacific islanders resident within the territory.

The following table showed the total population of Nauru at the census conducted on April 1st, 1931 :

Nationality	Males	Females	Total
European	99	48	147
Chinese	1,105	—	1,105
Nauruan	734	692	1,426
Other Pacific islanders	14	—	14
Total	1,952	740	2,692

As stated in section (3) of the report, certain Chinese contract labourers had been detected during the year in opium-smoking or in being illegally in possession of opium. All cases where a person was found in the illicit possession of narcotics were prosecuted in the court. If the accused was found guilty he was punished severely, and the drugs found were confiscated and destroyed, together with appurtenances, such as opium-smoking pipes, etc. The following table shows the number of prosecutions, convictions and penalties imposed :

Charge	Number of prosecutions	Number of convictions	Penalties Imposed
Smoking opium, or being in illegal possession of opium prepared for smoking	46	35	First offence : Fined £5 or imprisoned for three months with hard labour 4 Second offence : Fined £7 10s. or imprisoned for four months with hard labour 5 Third offence : Fined £10 or imprisoned for six months with hard labour and deportation
Attempting illegally to import opium prepared for smoking .	1	1	One year's hard labour and deportation
Unlawful possession of an opium pipe	1	1	Fined £1
	<u>48</u>	<u>46</u>	

There had been no complaint or prosecution during the year in respect of any drug other than opium.

Indian hemp was not indigenous or cultivated. Indian hemp or the preparations of which the resin formed the base (such as hashish, *esrar chiras djamba*) have not, at any time within the knowledge of the Administration, been introduced to Nauru.

There were no local factories for producing medicinal opium, morphine, heroin, cocaine or other narcotic substances. As Sir Donald Cameron had already stated, the introduction to this territory of narcotic substances for medicinal purposes was safeguarded by the rigid enforcement of the existing legislation.

Other than the instances already mentioned, there had been no illicit traffic in narcotic substances within the territory during the year.

PUBLIC HEALTH.

Sir Donald CAMERON said that, in connection with public health, Count de Penha Garcia would, he was sure, be glad to note that the report contained detailed information concerning the medical measures taken in regard to child welfare. He would remember raising this question during the examination of the report for 1930.¹

In addition to drawing attention to this important question, Sir Donald was asked to suggest that the Commission should note the benefits accruing from the monthly examination of all the people ; to the marked decrease in infantile mortality, and the results achieved by the use of Bray emulsion ; to the absence of maternal mortality and cases of venereal disease ; to the encouraging results in respect of the curative treatment of leprosy, and to the measures adopted in connection with the mosquito campaign.

Unfortunately, the march of civilisation was bringing in its train a real difficulty in regard to the incidence of tuberculosis, and, whereas in the earlier days, when oiled bodies and native dress predominated, tubercular diseases were unknown, the Administration had recently been faced with this distressing problem ; but steps had been taken to combat it, and it was hoped that, in the report for 1932, results would be apparent in regard to the steps which were now being taken.

While on the subject of health, Sir Donald Cameron mentioned that, before coming to Geneva, he had gone through the vital statistics of the territory and prepared a table of deaths during each year for the past eight years. He had found that, whereas in 1930 twenty-nine Nauruans had died, the total number of deaths in 1931 was twenty-four. He understood, however, that, during the year 1930, an unusually large number of elderly natives had died, due, it was said, to the severity of the westerly storms, which had involved rapid changes in the temperature on the island.

Sir Donald Cameron had already mentioned the results being achieved by the use of a certain emulsion known as Bray's. It might be of interest to the Commission to learn that this emulsion was proving efficacious in the care of children. Actually, it was known as Bray's emulsion of ekarawe yeast and cod-liver oil. The Commission was aware that ekarawe is the sweet sap of the coconut spathe, and information had been given as to the preparation and use of this substance in the report for 1927 (page 11). For use in the baby clinic this ekarawe was collected each morning and evening and allowed to undergo fermentation for five or six days in large glass containers. On the completion of the process of fermentation, the supernatant fluid was syphoned off, leaving the yeast. An emulsion was then formed by gradually adding an equal quantity of cod-liver oil, and a small quantity of chloroform as a preservative. The Administration then issued the requisite amount to the baby clinic in small, wide-necked jars with a screw lid, and the dosage adopted was, for the first month, half a dram twice a day, second month one dram, and from the third to the sixth month one dram three times a day. Over six months, children were given three or four ounces a week.

While on this subject, Sir Donald Cameron said that the use of this emulsion and the efficient system of public health centres on the island of Nauru had played an extraordinarily important part in combating the problem of tropical infantile mortality, and so proud was the Administration of its efforts in this direction that it was of opinion that Nauru was the only place in the world where attendance at baby clinics weekly of all infants under 2 years was compulsory. As a matter of fact, actual compulsion was not necessary now, as the parents were beginning to realise the beneficial results and effects of the treatment. The Administration was guided in this matter very largely by the principles of humanity, and was supplying to the Administrations of neighbouring tropical islands, when requested to do so, full particulars regarding the preparation and dosage of the emulsion of ekarawe yeast and cod-liver oil.

M. RUPPEL noted that the health services appeared, on the whole, to be working very satisfactorily. It was interesting that valuable and easily absorbed information was being imparted to the people in an indirect but very effective manner. He asked whether the health circulars and lectures and the sub-titles of health films (page 11 of the report) were in the native language.

Sir Donald CAMERON said that they would certainly be in a language the natives could understand, or, at all events, they would be explained.

M. RUPPEL noted that tubercular diseases had increased. These diseases were highly dangerous to primitive peoples, and the report did not show whether the health service had adopted any special methods to deal with them.

Sir Donald CAMERON stated that tubercular diseases were causing the Administration much concern. Certain measures had been taken to combat the disease, and it was hoped that the next report would show what results had been achieved.

M. RUPPEL noted that there seemed to be an improvement in the position with regard to leprosy, but asked that the next report should contain more detailed statistics and explanations.

M. SAKENOBE was glad to note that great pains were taken to improve the hygienic and sanitary condition of the natives. There were still many facts, however, which tended to

¹ See Minutes of the twentieth session, page 30.

show that their resistance to disease was very weak. He would be glad to know what measures were taken to improve the native diet, which had a considerable influence on health.

Sir Donald CAMERON said that the Nauruans were people of means, many of them being quite well off. They were taught to avail themselves of the best food and supplies they could obtain. Although, in earlier reports, particulars of diet had been given, further particulars would be given in the next report.

LAND TENURE.

M. VAN REES asked what was the area of the phosphate-bearing land still available (page 10 of the report). This would give some idea as to the period during which the company might be able to continue its operations.

Sir Donald CAMERON referred M. Van Rees to the map given on page 28 of the report for 1928. He would obtain information as to the exact area as soon as possible; but, in the meantime, he would inform the Commission that the Land Agreement under Ordinance No. 7 of 1927 had been in operation since July 1st of that year, and, he understood, had given satisfaction both to the Nauruan landowners and to the British Phosphate Commissioners, in whom were vested the rights to work the phosphate deposits.

As the Commission was doubtless aware, one of the most important provisions of the Land Agreement was the establishment of a trust fund for the benefit in the future of the Nauruans. There was a system of individual ownership of the land, and almost every Nauruan had an interest in one or more blocks of land from which monetary return in the nature of royalty on phosphate was, or in the future might be, available.

It would be noted from the report that a trigonometrical survey of the land was in progress; the object of this was to determine the boundaries and ownership of the various plots. This work was proceeding in a methodical manner, and it was hoped that, in due course, each landowner would be issued with documentary evidence of title. In connection with this survey, the Administration had appointed a Lands Committee composed of the chiefs — representing all the landowners — and these native officials had been entrusted with the duty of determining the ownership of each block of land. Sir Donald Cameron mentioned that the right of appeal had been provided, and, so far as he knew, the procedure outlined was working satisfactorily.

Sir Donald Cameron also handed in as an exhibit a copy of the general instructions issued by the Administrator to the Lands Committee.

CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representative for his information.

(Sir Donald Cameron and Major Fuhrman withdrew.)

Iraq : Examination of M. Orts' Draft Report on the Petitions received from the Assyrian Population in Iraq (continuation).

M. ORTS, in submitting his report (document C.P.M.1320(2)), stated that, in his view, the only part of this document which the Mandates Commission had to approve was that containing the draft opinion to be submitted to the Council. The remainder was only a statement of the Rapporteur's personal opinions.

The CHAIRMAN himself considered that the Commission should examine M. Orts' report from the beginning of the Rapporteur's conclusions. It related to so serious a matter that it was most important for the Commission to show clearly in the text presented to the Council how anxious it was conscientiously to perform its task, and what disappointment it had been caused by the fact that it had been called upon to deal with Iraqi minorities after the assurances which the mandatory Power had given on that matter. He did not believe, however, that M. Orts' report, though striking, would lead the Council to attach the necessary importance to the opinion expressed by the Mandates Commission.

M. RAPPARD concurred in the Chairman's remarks. In the opinion which M. Orts proposed the Commission should give, reference was made on more than one occasion to the Rapporteur's conclusions. The Commission must consequently examine his conclusions in order to see whether it endorsed them. In any event, M. Rappard doubted whether, in its present form, the report would make upon the Council the strong impression which the Commission desired.

Mlle. DANNEVIG considered that the chief business of the Commission was to defend the weak against the strong. A graver injustice seemed, however, to have been done to the Assyrians than to the Bahais. It was consequently the Commission's duty, in the present case, to act as energetically as possible.

The Commission decided to examine, not only the draft opinion contained in the report, but also the conclusions preceding it.

M. RAPPARD proposed that the following be added to paragraph 2 of the conclusions :

“ Such an agreement might appear opportune, but for constitutional reasons it is not for the Mandates Commission to recommend its conclusion.”

Lord LUGARD proposed, in order to meet M. Rappard's point, to insert in the paragraph 9 (after “ no longer exists in Iraq ” of the conclusions) :

“ . . . where the population is very sparse, on the understanding that the Assyrians are prepared to give every assurance that they will be loyal subjects of Iraq. Failing such a solution, it is to be hoped that the Council of the League of Nations will use its influence to obtain for them access to a neighbouring country where they may settle as a homogeneous community.”

Insert after paragraph 2 of the conclusions :

“ . . . but would, if possible of attainment, be an ideal solution if by these means an area suitable for settlement by the Assyrians as a united group were provided.”

M. RAPPARD desired to draw his colleagues' attention to the fact that the problem relating to the Assyrian population in Iraq might be settled in three ways : (1) by the settlement of this population in a homogeneous group in Iraq itself ; (2) by an alteration in the frontier so that the Assyrians would remain in Iraq ; and (3) by their transfer to Turkey.

The CHAIRMAN approved Lord Lugard's text, the merit of which was that it indicated a definite solution. Indeed, if anything were said in the report as to the three possibilities to which M. Rappard had referred, it would be only in order to reject them or to state that the Commission was not competent to deal with them.

M. CATASTINI noted that the petitions referred, in particular, to the post-mandatory status. In view of the fact that this status had been defined by the Council and accepted by Iraq, he wondered whether the Commission was juridically competent to make the proposed recommendations.

M. RAPPARD did not feel that the considerations to which M. Catastini had just alluded and Lord Lugard's suggestion were irreconcilable. It seemed to him that the Commission might put forward the three solutions, indicating that, for legal reasons, it was not for it to make specific recommendations in this connection.

Lord LUGARD thought that the Commission should confine itself to inviting the Council's attention to the Rapporteur's conclusions, with which every member had expressed concurrence. It would be preferable to submit these as the Commission's own conclusions than to divert attention from them by adding a fresh set of conclusions based upon them. No doubt the Rapporteur would agree to some slight alteration if desired.

Mlle. DANNEVIG saw no reason why the Mandates Commission could not adopt a resolution after examining petitions which had been referred to it by the Council.

The CHAIRMAN, having noted a text proposed by M. Merlin, observed that several hundred thousands of Christians had looked with hope to the mandatory Power and to the Mandates Commission in turn, and that the latter must do everything in its power to improve their situation. What was not brought out in the texts proposed by M. Orts and M. Merlin was the Mandates Commission's disappointment at the turn events had taken.

After a further exchange of views, *it was decided that the Sub-Committee, consisting of M. Orts, M. Rappard and Lord Lugard, should redraft the text of the conclusions and opinion contained in document C.P.M.1320(2).*

SEVENTH MEETING

Held on Tuesday, November 8th, 1932, at 4 p.m.

Iraq : Examination of M. Orts' Draft Report on the Petitions received from the Assyrian Population in Iraq (C.P.M.1320(3)) (continuation).

M. ORTS submitted the amended text of his report.

The CHAIRMAN asked whether the report contained a passage unequivocally justifying the Mandates Commission's intervention as regards the substance of the question raised in the petitions under examination. In other words, the Council must be made to understand

that the petitions referred by it to the Commission for examination tended to confirm the impression that the latter had not been enabled exactly to judge of the situation of certain minorities in Iraq.

M. ORTS said that the Commission had not at any time admitted that the position of the Assyrians and of the minorities was reassuring; on the contrary, it had always stressed the need for guarantees in favour of those minorities. M. Orts had for this very reason inserted in his conclusions an incident the object of which was to emphasise that the minorities problem had always caused the Commission anxiety. The present report reflected those same preoccupations.

M. RAPPARD recognised that, strictly speaking, the Commission should now inform the Council that it could no longer express an opinion on Iraq, seeing that that country was no longer under mandate. Nevertheless, M. Rappard did not consider that that was what the Council expected of the Commission.

M. CATASTINI desired to renew the doubts he had already expressed at the previous meeting. It would for this reason be advisable to replace in the draft opinion the sentence, "Adopting the conclusions . . .", which he considered too categorical, by some such sentence as: "The Permanent Mandates Commission . . . draws the Council's attention to the Rapporteur's conclusions, with which it is in complete agreement, and more particularly to the great importance . . .". There was a considerable shade of difference between these two ways of expressing the same idea, which to some extent covered the Mandates Commission.

M. RAPPARD pointed out that it had been decided not to dissociate the Commission from its Rapporteur. He therefore preferred the existing text.

M. MERLIN was of opinion that, from the practical point of view, the two expressions amounted to the same.

The CHAIRMAN did not see what risk the Commission ran in either case, or to what it would be exposed whether it adopted or changed M. Orts' text.

M. CATASTINI replied that this was a legal question of the greatest importance. It must not be forgotten that the Council had asked the opinion of the Commission when Iraq was still under mandate. The situation was now entirely changed. The Commission could not interfere in the post-mandatory administration of the territory.

M. MERLIN pointed out that, in these circumstances, it must be stated plainly that the Commission had no longer any opinion to give.

M. RAPPARD observed that, if this question were on the Council's agenda — as was actually the case — it was implicitly recognised that the Council, and therefore the Commission, had still to deal with the matter.

M. VAN REES was also of opinion that the Council could very well ask the Commission to perform a special task, even if its performance were not directly covered by Article 22 of the Covenant. Had not the case already arisen with regard to the admission of a German member?

The CHAIRMAN observed that, if Iraq raised objections at the Council table, the Mandates Commission would in any event be "declared out".

Lord LUGARD said that the Commission would be represented at the Council by its Chairman, and he had every confidence in his ability to explain the attitude of the Commission in this delicate question and to explain its motives.

M. Orts' report (Annex 28 I) was adopted with the various amendments he had proposed and a certain number of formal amendments suggested by the members of the Commission.

New Guinea : Examination of the Annual Report for 1930-31.

(Lieutenant-Colonel Sir Donald C. Cameron, accredited representative of the mandatory Power, and Major O. C. W. Fuhrman, adviser to the accredited representative, came to the table of the Commission.)

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed Sir Donald Cameron as the accredited representative of the mandatory Power and invited him to make his general statement.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Sir Donald CAMERON said: I desire, at the outset of these proceedings, to say how greatly I appreciate this opportunity of collaborating with the Permanent Mandates Commission in

the work of examining the annual reports on the administration of New Guinea and Nauru. I approach this examination with the knowledge that my predecessors have all expressed the highest appreciation of the scrupulously impartial manner in which the annual review of Australia's stewardship has been carried out. For my part, I can but tender you an assurance that, during the next few days, all my most earnest endeavours will be directed towards assisting the Commission to the greatest extent possible.

I understand that the practice in the past has been for accredited representatives to make some general statement on the policy being followed by the mandatory Power in its administration of the territory under mandate. Subject to the approval of the Commission, I intend to follow the precedent thus established and shall confine my remarks to a broad outline of the problems with which the Administration of New Guinea is confronted and to the manner in which Australia is discharging its duty under the mandate.

In the first instance, may I express my personal regret that it was not possible for the Commission to hold its two regular sessions during 1932. The effect of this, so far as Australia is concerned, is that the report, upon which I am to be examined, has now become so much ancient history. As the Commission is aware, the report covers the years 1930-31 — that is to say, to June 1931 — but my Government has appreciated the difficulty in which the Commission might find itself in examining facts relating to a period so long past, and has forwarded me certain supplementary data which it will be my privilege to place at the disposal of the Commission during the course of my examination.

The report we are to examine was prepared by the late Administrator, Brigadier-General E. A. Wisdom, and I regard it as my first duty to inform the Commission that General Wisdom has been granted twelve months' leave of absence and that he left the territory of New Guinea on June 13th, 1932. I feel sure it will be a source of gratification to the Commission to learn that Brigadier-General T. Griffiths has been appointed Acting Administrator. The conspicuous service General Griffiths rendered while acting as Administrator of Nauru will be fresh in the minds of the Commission, and the significant fact will not be overlooked that, in appointing a successor to General Wisdom, due regard was paid by my Government to the desirability of the appointee being experienced in tropical administration and familiar with the requirements of the mandates system.

With regard generally to the administration of New Guinea, let me emphasise that, if the policy pursued by the Australian Government has produced few spectacular effects, the prestige of the Administration stands high and the results achieved to date are a complete vindication of the principles of the mandate.

Our problem in New Guinea is a peculiarly difficult one. In the ordinary sense, colonisation is usually undertaken as an outlet for the surplus energy, money and men of nations that have developed their territory to the limit. But the extension of Australian influence to New Guinea was due to an entirely different set of circumstances. The mandates system was undoubtedly a bold essay in altruism, making the well-being and development of peoples not yet able to stand by themselves under the strenuous conditions of the modern world a sacred trust of civilisation. Australia was chosen to discharge that trust in respect of New Guinea, and my country approached the task with a fixed determination to discharge its duty to the letter.

The administration of New Guinea at the outset, as now, involved problems that would have taxed the resources of a country old in experience of tropical government. When my Government accepted the mandate, Australia had had no experience in the government of subject races. Unlike the United Kingdom, France and other great mandatory and colonising Powers, we had no reserve of trained men upon which to draw and, to meet its obligation to the League of Nations, the Administration had to formulate and put into operation a policy for the advancement of the most primitive type of native — a primitive people whose racial characteristics are well known to the members of this Commission. It can well be appreciated that the evolution of natives of this type presents difficulties of an intricate nature. The Administration had to cope with a mentality almost infantile in development, and endeavour to raise it to the standard of the mechanical age. But it can be understood that the gulf between this primitive state and the strenuous conditions of to-day cannot be bridged in a few years.

The evolution of civilised races has been a slow and painful process, and, even with the unstinted help of a benevolent Government, the evolution of the New Guinea native cannot be hastened much. In the immediate post-war period, when the financial resources of all countries were strained to their utmost, the Australian Government found itself the legal custodian of a vast tract of country which would normally require unlimited financial resources for development. In addition, the stringent conditions of the mandate created almost insuperable difficulties in the early developmental work, as¹ the absolute prohibition of forced labour rendered the carrying out of essential public works and services a problem of considerable magnitude. Thus, the civil administration of New Guinea began with little in its favour, without a trained service, with little money, without forced labour, but with heavy obligations to the League of Nations. The story of what Australia has done in the twelve or thirteen years of its administration is absorbing — absorbing alike in its success and in the difficulties encountered and overcome.

¹ The word "furthermore" has been replaced by "as" — see discussion below, page 57.

To understand fully the enormity of the task with which my Government is confronted, one must appreciate the extraordinary problems of the New Guinea native. In New Guinea, the ethnologist is confronted by tribes, living only a few miles apart, which speak different languages and which have always been at war; by pigmentation which varies from a brown so light that the natives' skin burns in the sun to the sooty-black colour of the Bukas; by pigmies in the mountains, and by the more advanced tribes whose Egyptian characteristics go to the extent of mummifying the dead. Moreover, all of these varying species are of the lowest mentality conceivable. These tribes have been at war for ages, and one of the first considerations of the Administration has been, within the limits of the mandate, to replace savage warfare with work.

In the history of colonisation, it has been found that, often necessarily, and not infrequently with the best intentions, white men have broken the integral life of native populations. In extending the influence of white rule in New Guinea, the greatest care has been taken to avoid this. Whereas every man used to be a warrior, now he is forbidden to fight. Native law and practices repugnant to civilised thought have been abolished — sorcery, certain dances, head-hunting, cannibalism, the sacrifice of widows, the murder of twins, to mention only a few. In view of this beneficent iconoclasm, an entirely new social system and new interests have had to be substituted, and, in providing that substitution, the Administration has been guided by the practices and interests of modern civilisation, the basis of which is work. We appreciate that little else can build a virile race, and so the Administration's policy has been to interfere as little as possible with native law and customs, suppressing only the bad, strengthening the good; to reclaim the natives' health, to increase the birth rate, to reduce infant mortality and to consolidate village life.

Each annual report with which this Commission has been furnished has pointed to steady progress. These documents have offered abundant proof that the welfare of the natives, rather than the economic exploitation of the territory, is the paramount consideration. The report for 1930-31 is no exception. It will be seen that the most voluminous sections of the report are those dealing with native affairs and health. Elementary and technical schools are maintained by the Government, and the attendance during the year 1930-31 has been satisfactory. The health service, which absorbs nearly one-fifth of the revenue of the territory — £62,814, to be exact — is being developed. The practice of training medical *tulluls* — natives who are equipped with a rudimentary knowledge of how to apply simple remedies — has been extended. The system of medical patrols has been expanded and there is ample evidence that, whereas the natives used to regard the white man's medicine as black magic — a thing to be avoided — they are becoming cognisant of its virtues, and are more inclined to forsake the so-called native practitioners. The record does not stop there. It is one of steady progress in every branch of the Administration.

In bringing to a conclusion what I fear has been rather a lengthy statement, I should like to express my firm conviction that, in respect of the mandated territory of New Guinea, Australia has discharged its obligations to the League in a creditable manner. The task has been an uphill one, but the process of turning New Guinea natives into contented cultivators and artisans is making gratifying progress. With the experience brought by the passing of each day in New Guinea, a system of tropical government is being gradually evolved and perfected which, in years to come, will stand as a monument to the untiring efforts of my countrymen. The Mandates Commission may rest assured that my Government is fully seized of its responsibilities and that it will spare no effort to administer the territory of New Guinea in the spirit and letter of the mandate.

The CHAIRMAN thanked Sir Donald Cameron for his interesting statement.

M. RAPPARD, referring to the passage where the accredited representative had said that "the stringent conditions of the mandate created almost insuperable difficulties in the early developmental work", remarked that, at first, he had thought this passage referred to forced labour; but as the following sentence ran, "Furthermore, the absolute prohibition of forced labour rendered the carrying out of essential public works and services a problem of considerable magnitude", presumably it referred to some other factor. What were these insuperable difficulties?

Sir Donald CAMERON explained that the two sentences were meant to be synonymous. There were no other features of the mandate which made early developmental work difficult. The word "furthermore" should be replaced by the word "as".

PENETRATION INTO AND CONTROL OF THE TERRITORY.

M. PALACIOS referred to the coloured map at the end of the report, showing the areas under Government control, Government influence, partial Government influence, and those penetrated by patrols. He thought it would be useful if the Commission could receive details of the progress made in opening up the territory year by year. It would be sufficient to

compare the table on page 94 of the report with the data relating to other years of the mandatory regime and to express the results in a striking form.

Sir Donald CAMERON replied that this information would be given in the next report.

M. VAN REES had been struck by the large uncoloured tracts on the "mainland" (New Guinea), in New Britain and in Bougainville. Were these parts of the territory still completely unknown and unexplored?

Sir Donald CAMERON replied that as yet they had not been brought under Government influence.

M. VAN REES thought that it was rather surprising that nearly two-thirds of the mandated territory had not even yet been penetrated after twelve years' administration.

Sir Donald CAMERON reminded the Commission of the illustrated lecture given by Mr. Chinnery, the New Guinea Government anthropologist, a few years ago, which had indicated the many topographical difficulties encountered in penetrating this particularly dangerous country.

DEPARTURE OF GENERAL WISDOM, AND POSSIBLE CHANGES IN THE GOVERNMENT POLICY.

M. RUPPEL had noted the reference in the accredited representative's statement to the resignation of Brigadier-General Wisdom. He referred the accredited representative to a cutting from the *Sydney Morning Herald* of September 13th, 1932, severely criticising Brigadier-General Wisdom's policy during the last ten years. Apparently he had been much disliked by the planters, traders and miners, the criticism levelled at him being that "he measured everything according to a narrow conception of what was good for the natives; that he was far too sensitive regarding the probable attitude of the League of Nations, and reluctant in encouraging the development of the country by private enterprise; and that he left too many important matters in the hands of a little coterie of officials in Rabaul". He asked the accredited representative if the appointment of Brigadier-General Griffiths implied a change of Government policy.

Sir Donald CAMERON said that, while official cognisance could not be taken of newspaper articles, he considered the one referred to was in the nature of a compliment to the Administration. He assured M. Ruppel that the Government policy would in no way be changed by the appointment of the new Administrator, and that the same high standard of efficiency would be maintained.

M. RAPPARD said it was interesting that Brigadier-General Wisdom had been unpopular because of his strict adherence to the Covenant of the League. It was to be hoped that General Griffiths was the same type of man as General Wisdom. Presumably General Wisdom's retirement was not connected with the strictures mentioned in that newspaper article quoted by M. Ruppel.

Sir Donald CAMERON said that General Wisdom was, as far as he knew, on leave only. He would not agree that General Wisdom had been unpopular, but doubtless a full account of General Wisdom's position would be given in next year's report.

FORM OF ANNUAL REPORT.

The CHAIRMAN pointed out that, on page 125, the report gave a number of replies to the observations made by members of the Permanent Mandates Commission during the examination of the report on the Administration of the territory of New Guinea for the year ended June 30th, 1930, and suggested that it would be desirable if in future reports the pages in the Minutes on which the questions asked by the various members of the Commission were to be found were indicated.

Sir Donald CAMERON said he would draw the attention of the Government to the Chairman's request.

Lord LUGARD asked if it would be possible for the chapters of the report to be arranged in the same sequence as the questions on the Commission's list.

Sir Donald CAMERON said he would also communicate with the Government on this point.

QUESTION OF THE CO-ORDINATION OF THE ADMINISTRATIONS OF PAPUA AND NEW GUINEA.

Lord LUGARD said he had a transcript of a debate in the House of Representatives in which the question had been asked whether the Government intended "to co-ordinate the administrations of Papua and New Guinea", and the reply given was that this step was being considered. He asked what was meant by the term "co-ordinate".

Sir Donald CAMERON said he felt sure this referred to the co-ordination of the services within the Commonwealth and that it had nothing to do with the merging of the administrations of the territories in question.

QUESTION OF THE APPLICATION OF THE OTTAWA AGREEMENTS TO THE CUSTOMS SYSTEM OF THE TERRITORY.

M. RAPPARD understood that the mandated territory had its own Customs system. Consequently, was he right in thinking that it would not be affected by the agreements concluded at Ottawa ?

Sir Donald CAMERON said that the Ottawa agreements concerned only the British Empire and did not apply to the mandated territory of New Guinea.

SITUATION OF PUBLIC SERVICE OFFICIALS : REORGANISATION OF THE SERVICE.

Lord LUGARD, referring to the " specified period " officers mentioned in paragraph 12 of the report, noted that although this total of forty-five officers had been sent over from Australia and were senior men, yet none of them held permanent appointments. He thought that if the officials were frequently changed there would be a lack of administrative continuity.

Sir Donald CAMERON promised to draw his Government's attention to this point and to furnish further information in the next report. He explained that the three cadets mentioned in paragraph 9 of the report had completed their courses at Sydney University in November 1931 and their appointments to the Public Service of the mandated territory had been confirmed.

No decision had as yet been reached in regard to the proposed amendment of the Superannuation Ordinance, but the period in respect of service prior to the date on which the Ordinance came into force, for which officers might elect to contribute, had been further extended by Ordinances No. 1 of 1932 and No. 12 of 1932.

In reply to a further question from Lord Lugard, Sir Donald Cameron said that, with reference to the reclassification of the Public Service of the territory mentioned in paragraph 17 of the report, he understood that approval had been given to the taking of action in respect of the classification in accordance with the Public Service Ordinance, and this was to take effect as from July 1st, 1931. He was informed that the classification would be published in the *Commonwealth of Australia Gazette* at an early date, and that the Mandates Commission would be advised of the changes made.

M. SAKENOBE was glad to see that eleven cadets had been absorbed into the Public Service, since he regarded this as an important step for the amelioration of the Public Service in the territory. He asked if the Administration was satisfied with the service of these new officials. He noticed that, during the year, in view of the financial depression and the reclassification of the Public Service, the appointment of additional cadets had been deferred (paragraph 9). What was the position at the present moment ?

Sir Donald CAMERON replied that the service of the cadets absorbed into the Administration had been satisfactory, but the Commission would note that, out of the last six, only three had proceeded to Sydney University. He had no further information than that contained in paragraph 9; but he assured M. Sakenobe that, as far as practicable and within the limits of its finances, the mandatory Power had no intention of changing its policy with regard to cadets.

DEVELOPMENT OF SELF-GOVERNMENT IN THE TERRITORY : BILL TO AMEND THE NEW GUINEA ACT, 1920-1926.

Lord LUGARD called attention to the statement on page 142 of the annual report for 1929-30 that a Bill to amend the New Guinea Act, 1920-1926, had been introduced into the Commonwealth Parliament early in 1928-29, but had lapsed with the dissolution. Its object was to give " a measure of self-government to the territory ", in accordance with the proposal of the Mission Conference of 1927.¹ Lord Lugard asked whether anything further had been done and, in particular, what representation it was proposed to give to native interests.

Sir Donald CAMERON replied that a Bill to amend the New Guinea Act had been introduced into the Parliament of the Commonwealth of Australia by Major the Hon. C. W. C. Marr on September 8th, 1932. This Bill provided for the establishment of Executive and Legislative Councils, and he understood that it was under discussion at the present moment in the Commonwealth Parliament. He would hand in as an exhibit a copy of the Bill for examination by the members of the Commission.

He was not in a position to say what progress the Bill was making in its passage through Parliament, but he felt certain that the Mandates Commission would be advised in due course.

¹ " Findings Committee of the Mission Conference of 1927. " Communication from the Prime Minister to the Secretary-General, April 5th, 1932 (document C.P.M.1289).

POWERS OF JURISDICTION OF NATIVE CHIEFS.

The CHAIRMAN said that paragraph 290 of the report contained information communicated in reply to a question raised by the Mandates Commission at its twentieth session concerning the authority of chiefs over the natives. The reply merely mentioned that the chiefs had no powers of jurisdiction in criminal matters, but that some of them decided civil cases between the natives. Could the accredited representative give the Commission fuller details as to these powers and their nature ?

Sir Donald CAMERON gave certain explanations as to the authority of chiefs over natives and promised to supply further details in the next report.

REPORTS OF THE DISTRICT OFFICERS.

The CHAIRMAN said that two reports from district officers were quoted in the same paragraph. Presumably these officials sent in reports on all the districts in the territory. He would like to know if their reports were made public and, in this case, whether the mandatory Power could communicate them to the Mandates Commission.

Sir Donald CAMERON replied that the reports were made direct to the Administration, but were not public documents.

HOSTILE ACTS ON THE PART OF THE NATIVES AGAINST EUROPEANS.

M. SAKENOBE noted that, during the year under review, there had been several displays of hostility directed by the natives against Europeans, during which an airman had been killed, a German prospector murdered and two other prospectors seriously injured.

Sir Donald CAMERON supplemented the information contained in paragraphs 271 and 299 of the report concerning the murdered German prospector, M. Baum.

Sir Donald Cameron said that M. Baum and seven of his native servants and carriers were killed by natives while M. Baum's party was prospecting on an unknown river south of Surprise Creek in the goldfields area of New Guinea near the border of New Guinea and Papua. Immediately the murder was reported, the District Officer at Salamaua journeyed to the scene of the tragedy and learned that M. Baum had met natives while prospecting, and that they appeared to be friendly and had sold him native food for two days. On the morning of the third day, a large number of natives visited M. Baum's camp and one of them made his way round to the back of the tent, where the prospector was lying in bed awake after having had a cup of coffee, and struck M. Baum on the head with a disc stone club, killing him instantly. Another native took a tomahawk from under the bed and severed the head from the body. The remainder of the native carriers were attacked by another band of hostile natives.

To reach the scene of the murder, it was necessary for the District Officer to traverse a large tract of mountainous country and to cross a range 8,000 feet high. On reaching Baum's camp, it was found that everything of value had been taken, only the tent-poles, a piece of bone — possibly from Baum's skull — and a few buttons and an old prospecting dish remained. The area where the murder took place — Biaru, Upper Watut, Papuan border — was dangerous and had since been closed under the Uncontrolled Areas Ordinance.

Sir Donald Cameron said that the report prepared by the Government Secretary at Rabaul contained the following passage :

“ There is not the slightest suspicion that M. Baum's treatment of the natives was the cause of this attack for the purpose of revenge. As far as M. Baum was concerned, it was common knowledge that no person was ever more kind to natives or more restrained in his dealings with them.”

Subsequently, a number of patrols visited the area, and one in charge of an Assistant District Officer spent three months in pursuing enquiries, and arrested eight natives. It was decided, however, not to lay a charge against the natives so arrested, as the evidence obtained was considered insufficient to justify that course.

As for the two prospectors mentioned in paragraph 271 as having been attacked by natives in the north-west locality in which M. Baum was killed, these were two brothers — Messrs. M. J. and P. J. Leahy. They had camped on the Isimb River, and the circumstances of the attack were as follows :

Just before dusk, a native aimed an arrow at one of the native servants of the party, but the intruder fled on the alarm being raised. Before daylight next day, hostile natives attacked the camp and wounded both the Leahy brothers. One was clubbed on the head and the other was wounded by arrows.

It was reported that two natives of the attacking party were killed by shots fired by the Leahy party and probably others were wounded. The Leahy brothers and their party reached Watut River, and police under the leadership of a patrol officer were sent out to apprehend the offenders.

The accredited representative had been informed by the Government that the Leahy brothers both bore good reputations and were said to be very fair in their dealings with the natives ; furthermore, both were men of considerable experience.

PARAMOUNT CHIEFS AND LULUAIS.

M. SAKENOBE, referring to paragraph 290 of the report, asked what was the difference between paramount chiefs and paramount luluais, the appointment of whom was related in the account of the Administrator on his tour of inspection.

Sir Donald CAMERON replied that there was no difference — paramount chiefs were superior to luluais, who acted as liaison officers between the District Officer and the chiefs. He referred M. Sakenobe to the following passage in the Description by the Administrator of New Guinea on his Tours of Inspection (Appendix A of the report) :

“ The position of paramount luluai is filled as a result of the choice in the first instance by a group of villages, through their luluais, of a man who is unanimously acceptable to them for the position. He must, in the first instance, be a luluai.”

M. SAKENOBE remarked that that did not explain the difference.

Sir Donald CAMERON promised to supply further information on the duties performed by, and status of, paramount chiefs in the next report.

BILATERAL CONVENTIONS APPLIED TO MANDATED TERRITORIES.

The CHAIRMAN read a note on this subject (Annex 3).

Sir Donald CAMERON said that, during the adjournment after the examination of the report on Nauru, he had had an opportunity of examining the document in question, and while he was unable to speak with the authority of his Government, or to verify the accuracy of the data contained therein, he would merely express an unofficial and entirely personal opinion that he could see no reason why the document should not be published. He asked whether the Commission desired him to cable to the Government.

The CHAIRMAN replied that this was unnecessary.

PUBLIC FINANCE.

M. RAPPARD said that the financial statement dealt with the period when New Guinea had as yet not been hit by the economic crisis. He understood that, even since 1931, New Guinea was in a quite comfortable position, since its chief export commodity, gold, had not fallen but risen in price — that was to say, in general purchasing power — whilst its currency had depreciated. He asked if the Administration intended to secure extra revenue from gold due to increased production in the territory and the fall in the pound.

Sir Donald CAMERON replied that the Government considered the royalty on gold reasonable, and he had no information whether the Administration intended to increase it.

M. RAPPARD, referring to the table in paragraph 233 of the report, noted that the sale of copra from Government plantations, which had yielded more than £4,000 in 1929-30, had dropped to £1,812 in 1930-31. A footnote explained that this decrease was due to the fall in the price of copra and to the disposal of more plantations by leasing. But later in the table it was said that the revenue from lands and surveys had dropped from £43,000 to £12,000. When more Government plantations had been leased, how was it that the revenue had fallen to nearly a quarter of its original figure ?

Sir Donald CAMERON replied that, in view of the continued low market price of copra, and after consideration of the representations made to it by planters who had purchased properties in New Guinea from the Custodian of Expropriated Property, the Commonwealth Government, in September 1930, agreed to a general suspension until June 30th, 1931, of the payment of instalments in respect of the purchase of plantations. Before that period of suspension had expired, it was extended to June 30th, 1932. It had since been further extended to December 31st, 1932.

While on the subject of copra, he thought it was not without interest to note, on page 56 of the report, that the natives of New Britain had responded to the advice and encouragement given them in regard to the cultivation of their own land, which was practically confined to coconut-planting. He was informed it was estimated that 2,000 tons of copra were produced by natives in the New Britain district during the year. This figure was a rough estimate, but gave a fair idea of what was being done. Furthermore, the export duty on copra had been

reduced from 15s. per ton to 7s. 6d. as from September 22nd, 1931, and subsequently, as from August 9th, 1932, from 7s. 6d. per ton to 2s. 6d. on an assessed value not exceeding £11, with provision for an increase on a sliding scale.

M. RAPPARD quite understood that, in a time of falling prices, it would be good policy to reduce the duty on copra. That, however, would make a gap in the budget, which presumably would have to be filled by loans from Australia. He pointed out that the fall in the pound implied a loss to countries which had accumulated reserve funds, whereas in the case of a country like New Guinea, which had a heavy debt, the fall in the pound was actually an advantage.

Sir Donald CAMERON said that, as the financial data in the report referred to a period long since passed, he would like to inform the Commission of the present situation. He said that, with regard to the general financial situation in the territory, the surplus of £569 16s. 1d. which had existed at the end of the year 1930-31 was brought forward and the revenue during 1931-32 amounted to £306,072. The expenditure during the same period amounted to £282,405, and there was, at June 30th, 1932, a surplus of £24,237.

It might be of interest to the Commission to compare the revenue collected under the various heads during 1930-31 with the figures for 1931-32. They were as follows :

	1930-31			1931-32		
	£	s.	d.	£	s.	d.
Customs	175,846	1	8	157,696	4	1
Licences	9,557	4	4	9,739	17	2
Head-tax	22,764	9	3	23,270	16	8
Stamp and Succession Duty	3,630	14	9	6,137	14	8
Postal	12,318	4	11	27,745	1	5
Lands	26,599	13	10	48,498	6	5
Fees and fines	20,129	0	8	18,060	1	2
Sale of stores	5,158	2	5	3,960	5	9
Miscellaneous	14,229	18	3	10,963	16	6
	<u>£290,233</u>	<u>10</u>	<u>1</u>	<u>£306,072</u>	<u>3</u>	<u>10</u>

Sir Donald Cameron said that the increase of revenue was mainly under the following heads :

(i) Postal — sale of stamps — increase of £15,444.

Large sales of stamps of air-mail type and Commemoration stamps were made to philatelists during the year.

(ii) Mining and Mineral Leases (including survey fees) — increase of £6,706.

The revenue during the year 1930-31 was below normal.

(iii) Royalty on gold — increase of £16,150.

Due mainly to the commencement during 1931-32 of dredging operations on the Morobe goldfield and to the increased value of gold consequent upon exchange premium benefit.

With regard to trade during 1931-32, Sir Donald Cameron said that the following figures might help the Commission to form an appreciation of the commercial activities of the territory :

(1) Trade :

	£
Imports totalled	783,695
Exports totalled	1,108,619

The principal items of export were :

	£
(i) Copra (59,452 tons), value	618,298
(ii) Gold (108,647 oz.), value	398,939
(iii) Trochus shell (363 tons), value	14,520
(iv) Desiccated coconut (1,282 tons), value	64,100

These figures, he said, had been compiled on August 13th, 1932, and were subject to any slight alterations which might be found necessary when the final returns for the year were checked.

Sir Donald Cameron stated that he had been informed by his Government that, in view of the financial position of the Commonwealth of Australia, the Administrator of New Guinea had reported that the Administration would be able to meet, from its own resources during the year 1931-32, the cost of the services for which the Commonwealth Government's special grant had been utilised in the past. Under Ordinance No. 4 of 1932, provision was accordingly made for an expenditure of £9,700 under division 14 of the budget — namely, "Native Welfare" — and no grant was made by the Commonwealth Government. As it might be of interest to the Commission to peruse the Ordinance in question, he would hand in a copy as an exhibit.

M. RAPPARD thanked the accredited representative for his supplementary information, and was happy to note that the financial situation in 1931-32 had improved for the reasons

of which he had already ventured to foresee the action. On the other hand, the Australian financial position had become worse and had resulted in the suspension of the annual grant for the welfare of natives.

Lord LUGARD noted that the amounts collected in respect of the 10s. head-tax and paid into the Treasury during the year totalled £22,764 (paragraph 29) ; but, in view of the fact that the part of the territory under Government control had a total population of over 365,000, the head-tax might have been expected to bring in at least £50,000.

Sir Donald CAMERON promised that some explanation would be contained in the next report, together with further information on the point.

M. RUPPEL noted that the public debt at the close of the financial year 1930-31 had amounted to £101,741 (paragraph 244). He asked what rate of interest was paid on this debt and requested the accredited representative to see that the next report contained a table specifying the way the money had been spent.

COPRA AND DESICCATED COCONUT.

Lord LUGARD asked what was the difference between copra and desiccated coconut.

Sir Donald CAMERON replied that desiccated coconut was the white interior of the coconut, dried and shredded, whereas copra was the fibrous exterior.

MOROBE GOLDFIELD.

Sir Donald CAMERON wished to inform the Commission that it would be seen from paragraph 252 of the report that gold-mining operations were in progress only in the Morobe district, in which the Edie Creek area was located. It might be of interest to the Commission to know that this goldfield, as defined by a Proclamation of May 15th, 1930, covered an area of approximately 4,400 square miles, and that the headquarters of the Mining Warden for the fields were at Wau, where the warden's office and court were located. In addition, the following staff of the Administration was stationed in that centre :

1 mining registrar,
1 inspector of mines,
A sub-district office,
A police post in charge of a patrol officer.

There was no warden's office at Edie Creek, but a warrant officer of police and a few native constables were located there.

In reply to a question by M. Merlin, Sir Donald Cameron replied that the gold-mines in New Guinea were alluvial.

JUDICIAL ORGANISATION.

M. RUPPEL noted that, during the year under review, the Companies Ordinance No. 14, 1930, had been promulgated to bring companies proposing to engage in aerial navigation within the provision requiring that, for registration purposes, at least two-thirds of the shares issued should be held by, or on behalf of, British subjects. He asked if this provision applied to local and foreign companies.

Sir Donald CAMERON replied in the affirmative and added that this provision was in conformity with the Company Law.

M. RUPPEL asked if it was a wise policy to exclude foreign capital in this way, since the mandated territory required unlimited financial resources if it were to be developed, as the accredited representative himself had recognised in his opening speech.

Sir Donald CAMERON pointed out that foreign capital was not entirely excluded, since one-third of the company shares could be held by foreigners.

M. RUPPEL asked for more information concerning the court of appeal mentioned on page 125 of the report.

Sir Donald CAMERON said that the question of the establishment of a court of appeal for the territory, below the high court of Australia, was still receiving consideration, but no decision had yet been reached.

M. RUPPEL, referring to paragraph 23, asked for further information concerning the courts for native affairs. What kind of courts were they, and were they presided over by natives ?

Sir Donald CAMERON said they were not presided over by natives. They were for the settlement of native disputes and, as the name implied, "native affairs", but he promised to provide more information on this point in the next report.

Lord LUGARD said that, in the document to which he had previously referred during the meeting¹ (document C.P.M.1289) it was said (page 33) that central court cases at Rabaul frequently involved an absence of six months or even longer from their homes of natives who were parties or witnesses, and that nothing could be done to remedy this state of affairs unless another judge was appointed. He asked the accredited representative if the Administration had any intention of appointing another judge.

Sir Donald CAMERON said that he had no authority to make an official statement on this question.

EIGHTH MEETING

Held on Wednesday, November 9th, 1932, at 10.30 a.m.

New Guinea : Examination of the Annual Report for 1930-31 (continuation).

(Sir Donald Cameron, accredited representative of the mandatory Power, and Major Fuhrman, adviser, came to the table of the Commission.)

ARMS AND AMMUNITION.

M. SAKENOBE noted with satisfaction that there was practically no illicit traffic in arms. He asked in which areas — areas under Government control, under Government influence, partial Government influence — the Arms Ordinance was effectively applied. It could not be applied in the area not yet penetrated, where the natives were always armed.

Sir Donald CAMERON said that the figures given on page 26 of the report concerning imports of arms and ammunition applied to the whole territory. Arms and ammunition, except sporting guns, were imported almost exclusively for the use of the police. The Administration was taking all possible precautions to prevent natives from obtaining arms. It would be noted that there had been two prosecutions for the unlawful possession of arms and ammunition, and that in each case a conviction had been recorded. It was the policy of the Administration to persuade the natives gradually to relinquish all forms of arms — even the most primitive forms — throughout the territory. That aim would be achieved eventually by creating a feeling of security among the natives and with the spread of civilisation.

M. SAKENOBE asked for further information in the next report.

INVESTIGATION OF CLAIMS BY NATIVES TO LANDS CLAIMED BY NON-NATIVES.

Lord LUGARD referred to "the investigation of claims of natives to lands claimed by non-natives" (paragraph 239) and to the footnote and asked whether the judge in charge of the enquiry had submitted a report, and, if so, whether it would be possible for him to see it. The cost (£2,394) seemed to be very heavy. The report of Mr. Aylward on lands and forests (paragraph 245), would also be of great interest to the Commission.

Sir Donald CAMERON replied that he did not think the sum expended very large, bearing in mind the extent of the territory and the many difficulties, but he had no further information on the point. He would endeavour to secure the insertion of additional information in the next report.

SALARIES OF AGRICULTURAL OFFICERS.

Lord LUGARD suggested that the salaries of agricultural officers, which were charged to the special native welfare grants, should more properly be a charge against general revenue.

¹ See page 58.

Sir Donald CAMERON pointed out that only half the amount of these salaries was charged to the native administration welfare fund, but he would bring the matter to the notice of the Administration. The salaries of agricultural officers was expenditure in the interests of the indigenous population, and it might conceivably be thought that they should all be included in the accounts of the native administration ; however, the Administration only so charged half of this account.

PARAMOUNT CHIEFS AND LULUAI (continuation).

Sir Donald CAMERON, in reply to Lord Lugard, said that paramount chiefs and luluais were appointed by the Administration after a choice had been expressed by the villagers. The chiefs and luluais possessed at present only the rudiments of legal authority.

PENETRATION OF THE TERRITORY BY PATROLS.

In reply to a further observation from Lord Lugard, who paid a tribute to the excellent work done by the patrols in opening up the country, Sir Donald CAMERON said that these patrols made field sketches of the country for eventual incorporation in the Administration's maps. They received a certain amount of training in map reading and field sketching.

LABOUR.

Mr. WEAVER expressed satisfaction at the way in which the mandatory Power had replied to the questions he had asked in previous years.

Was the new Native Labour Ordinance likely to be promulgated in the near future ? Would it take into account certain recent important developments in the country, particularly in connection with gold production ?

Sir Donald CAMERON replied that the preparation of the revised Native Labour Ordinance was proceeding rapidly. It was anticipated that it would be completed in a few months. In the meantime, the principal Ordinance (the 1922-1931 Ordinance) had been amended in certain respects, while further amendments were now being made.

The accredited representative handed a copy of Ordinance No. 6/1932 to the Commission for its use.

Continuing, he said that the amendments now being made would follow the lines of the present Ordinance as so amended — that was to say, the 1922-1931 Ordinance as amended by the Ordinance he had just handed in. He gathered that the amendments now being made would be of a minor character.

Mr. WEAVER noted that the number of European professional recruiters of labour was now only four. Did that mean that the Administration was pursuing a policy which would tend to the eventual abolition of such recruiters ?

Sir Donald CAMERON said that the number of licences held for this purpose fluctuated with the demand for labour. He did not believe that the present reduction was due to any change of policy, nor did he think it was indicative of the intention of the Administration eventually to do away with professional recruiters. Some further details might be given in the next report.

In reply to a further question by Mr. Weaver, he said that the approximate number of women accompanying their husbands to places of employment and not under indenture was 120.

Mr. WEAVER noted that there seemed to be an increase in the number of deserters, in spite of the decrease in the total number of indentured labourers.

Sir Donald CAMERON replied that the number of deserters mentioned in paragraph 42 included labourers who had deserted in previous years. The Government intended in future reports to give fuller particulars regarding unapprehended deserters and the question of desertion generally.

Mr. WEAVER asked the accredited representative whether he had any comments to make on certain accusations contained in the *Mid-Pacific Magazine* and the *Pan-Pacific Worker*, which stated that whipping of natives was a commonplace occurrence and that luluais were often bribed to deliver up boys for labour.

Sir Donald CAMERON was glad that Mr. Weaver had raised this question. As it happened, the attention of his Government had been drawn to these articles. He was authorised to give a categorical denial of the allegations contained therein. Those allegations implied that the whipping of natives was an ordinary occurrence and that there was considerable abuse of the regulations with regard to recruiting. The Commission would, of course, be cognisant of

paragraph 32 of the Native Labour Ordinance and paragraph 3 of Ordinance No. 19 of 1923, which absolutely prohibited the whipping of natives except by order of the court. Moreover, the summary of convictions recorded against persons other than New Guinea natives for assault clearly showed that that sort of thing was not tolerated. It was, of course, very difficult to prevent isolated cases. No doubt isolated cases occurred and he would be the last to ask the Commission to believe that this was not so. He could give a definite assurance, however, that whipping as a general practice was absolutely non-existent.

With regard to the abuse of recruiting regulations, the methods of recruiting had been explained in paragraphs 60 to 78 of the 1926-27 report. The Administration adhered to those regulations most rigidly. In every case, recruiting must be voluntary; the regulations controlling it were rigorously enforced and all possible measures were taken to prevent illegal practices. The former paragraph 44 of the Native Labour Ordinance, which permitted payments to chiefs or other natives of a recruiting bonus, had not been abused, but the most recent Ordinance (No. 6 of 1932) had restricted the amount of bonus to be paid in respect of recruits secured. He thought Mr. Weaver would agree that that afforded one of the best protections against any abuse of the provisions of the Ordinance.

Mr. WEAVER said he had noted the provisions of the new Ordinance with great satisfaction.

Sir Donald CAMERON thought that Mr. Weaver would probably be interested to know that, in the estimates of expenditure for 1932-33, a sum of £6,500 had been provided for completing the construction of the quarters at Rapindik compound. The quarters would be adequate to house all the natives employed by the Administration and would be situated about one mile and a-half from Rabaul.¹ In paragraph 42, approximate figures were furnished with regard to the natives employed under contract as servants. Complete returns of native labour as employed on June 30th, 1932, were not yet available, but the number on that date was estimated at 26,000.

Lord LUGARD noted that, on page 137 of the report of the Conference of 1927, to which he had referred at the previous meeting, a whole section was devoted to native labour problems and the action to be taken. Had any action been, in fact, taken along the lines indicated?

Sir Donald CAMERON regretted that he was unable to reply. He had no information on this specific point, but drew attention to his replies to Mr. Weaver's question, from which could be gathered the fact that the Administration was fully alive to the labour problem. He would ask the Government to include a statement in the next report.

Lord LUGARD noted, in paragraph 27 of the annual report, that the enumerated native population of the territory on June 30th, 1931, excluded indentured labourers, and asked how many of these were in Government employment and how many were employed by private enterprises. Did they include any Chinese?

Sir Donald CAMERON replied that the answer to the first part of the question would be found in paragraph 42 of the report. All those employed were local natives.

Mlle. DANNEVIG observed that, whereas the missions strongly urged that boys under the age of 16 should not be employed, it would seem that a number of boys of 14 were nevertheless employed as labourers. Were natives very developed at that age from a physical point of view?

Sir Donald CAMERON replied that, undoubtedly in the tropics, the young people did mature at a very early age. He had, however, no precise information on the subject. He felt sure that the recommendation of the missions regarding the age of employment would be borne in mind when the new Native Labour Ordinance was being drafted.

MISSIONS.

M. PALACIOS recalled that from year to year the Commission asked for additional information concerning the work of the missions, especially as regards their collaboration with the Administration. This year, the Commission had received a full report (document C.P.M.1289) on these matters, a report which was so well arranged that it was possible to follow throughout its pages the various branches of the work and the hierarchical action of the Administrator and the Advisory Committee in connection with the proposals of the Mission Conference of 1927. In any event, it was clear that a general plan had been evolved and that serious efforts were being made to put it into effect. Certain chapters, in particular those dealing with native customs, made it possible to get an idea of the practical aspect of the work done by the Government anthropologist, Mr. Chinnery. The Commission should therefore thank the mandatory Power.

¹ See page 122 of the report on New Guinea for 1928-29.

As regards the collaboration of the missions with the Administration, M. Palacios noted that the latter did not grant subsidies to the missions; it even seemed that the latter did not desire to receive them. On page 7 of the report of the Conference of Missions, at any rate, it was said that the Conference had not received favourably a proposal for the granting of subsidies to the village schools. Nevertheless, the missions received indirectly special assistance in the form of exemption from taxation or supplies in kind for the medical service, etc. Unless M. Palacios were mistaken, the missions, which were engaged in certain fairly well developed commercial and industrial activities, thereby obtained sufficient resources to enable them to carry out their work satisfactorily.

Sir Donald CAMERON replied in the affirmative.

Lord LUGARD observed that, according to the report of the Conference (page 22), "the missions have not consented to the supervision of their schools by the Administration". Was there no supervision of any sort?

Sir Donald CAMERON said he could not inform the Commission as to the actual form such supervision assumed. He could assure the Commission, however, that very cordial collaboration existed between the missions and the Administration.

M. PALACIOS was glad to note that the missions had to submit annual reports. He hoped that the Mandates Commission would be able to see them. Now that the latter had been informed of the intentions of the missions, and also of the Administration, it would be able to follow the whole course of the work.

M. SAKENOBE, in explanation of the apparently long period which had elapsed between the drawing up of the Conference report and its submission to the Commission, stated that the report of the Conference of Missionaries had been sent to the Commission three years ago. Last year, however, M. Palacios had asked for the results of the resolutions of the Conference, which had now been sent.

EDUCATION.

Mlle. DANNEVIG regretted that, owing to the crisis, the grant from Australia for native welfare would be discontinued. At the same time the tax on education from employers of native labour was cancelled. How, in these circumstances, would the expenditure for education be met by the Administration, which, up to the present, had only contributed £2,800 for the purpose, the main cost of schooling having been borne by the education tax?

Sir Donald CAMERON replied that he had made a statement on this subject on the previous day in connection with the finances of the mandated territory. The Administration had itself undertaken to find the money, and Mlle. Dannevig could be sure that the welfare and educational work would continue uninterrupted.

Mlle. DANNEVIG wished to remove any misunderstanding which might subsist after the discussion in the Commission the previous year¹ concerning the teaching of English to the smaller children. It must not be understood that the Commission in any way recommended such teaching. On the contrary, the policy advocated by the Mandates Commission in all mandated territories was that the smaller children should receive instruction solely in the native tongue. That, she noted, was also the view of the missions. There seemed to be a difference of opinion among the missions on this point.

Sir Donald CAMERON replied that, on page 126 of the report, it was stated that the several missions in the territory had been invited to express their views upon the question of the use of English as a language of instruction, and that no replies had been received. Since the report had been compiled, certain replies had been received from a number of missions, and as these were of a lengthy nature he proposed to hand a copy of the document to the Commission for incorporation in the Minutes (see Annex 6). It would be seen that the Acting Administrator of the territory had submitted certain comments on the remarks of the mission authorities, and had expressed the opinion that there was a definite advancement towards the teaching of English in mission schools and there was every reason to anticipate that, in time, English would take an even greater place in the systems of education adopted by the various missions.

Sir Donald Cameron, replying to Mlle. Dannevig, said that a number of girls were, of course, receiving education.

Sir Donald Cameron, in reply to Lord Lugard, who noted that the cost of the European school at Rabaul was charged to the Department on Native Affairs, referred to his reply concerning agricultural officers' salaries and said that doubtless the same considerations applied in this case. He would bring Lord Lugard's remarks to the notice of the Government.

Mlle. DANNEVIG observed that this same point had been raised two years previously².

¹ See Minutes of the twentieth session, pages 24-27.

² See Minutes of the eighteenth session, pages 73 and 74.

ALCOHOLIC LIQUOR.

COUNT DE PENHA-GARCIA asked whether the new Ordinance was already in force, and what were its main lines.

Sir Donald CAMERON replied that the Ordinance was now in force, and the text had been printed in Volume 11 of the *Laws*.

COUNT DE PENHA-GARCIA said he would be glad if, in the next annual report, an answer could be given to the question he had already asked ¹ concerning the degree of alcoholic content of the liquor imported into the territory.

Sir Donald CAMERON said that considerable difficulty was being experienced in determining this content, and the Administration was making every effort to comply with this request. He would ask for further particulars, but doubted the practicability of the proposal.

PUBLIC HEALTH.

M. RUPPEL noted that the fifteen medical practitioners in the country on June 30th, 1931, included only one mission doctor. Were there no other medical officers in the territory? He had, for instance, observed that, in the previous year, there had been a medical practitioner attached to the Methodist mission at Vunairema.

Sir Donald CAMERON replied that the medical practitioners registered in the territory on June 30th, 1930, had numbered fifteen and had, indeed, included a medical practitioner attached to the Methodist Missionary Society station at Vunairema. That doctor had left the territory during the year 1930-31 on account of ill-health, and his place had not been filled up to June 30th, 1931.

In connection with health matters generally, an Ordinance relating to public health had been brought into operation in the territory of New Guinea. This Ordinance, which repealed the Sanitation Ordinance of 1917-1925, had special reference to the prevention of disease and the maintenance of health. Sir Donald Cameron felt certain that, when the Commission had examined the many provisions of this Ordinance, it would realise that a great step forward had been taken in the work of consolidating and improving the health services of the territory.

Sir Donald Cameron, continuing, said that, during the examination of the report for 1928-29,² M. Ruppel had referred to the fact that a post of medical officer at Aitape had remained vacant for a long period. This post had been created some years previously, mainly for the purpose of quarantine work, and for a short period an appointee had been stationed at Vanimo, which was made a port of entry. Vanimo was close to the boundary, between the territory of New Guinea and Dutch New Guinea. After a few months' experience, it was considered that the requirements of quarantine did not warrant the continuance of the services of a medical officer in the district, and the services of the officer were utilised on the relieving staff in other parts of the territory. Representations had, however, been made to the Administration that a medical officer should be stationed in the district for general purposes, and consideration would be given to the matter when the estimates for 1930-32 came to be framed. The medical staff at present allotted to the Aitape district was shown in paragraph 140 of the report for 1929-30.

In November 1931, the Government Secretary reported that arrangements had been made for the medical officer provided for the Manus district to visit Aitape two, or perhaps three, times a year. The Government Secretary added that it was not considered that either Aitape or Manus required the full-time services of a medical officer and that, under the arrangements that had been made, the medical officer should not be absent from Manus or Aitape for a longer period than if he undertook a long patrol in either district.

Replying to M. Ruppel, Sir Donald Cameron said that no restrictions were placed on the registering and practising of medicine by private doctors of foreign nationality, provided (a) they complied with the requirements of the Immigration Act and (b) that their qualifications were recognised by the Australian medical authorities.

M. RUPPEL said that he hoped that the next report would contain full information concerning infant welfare. It was a very important point, because the infantile mortality rate was high.

Sir Donald CAMERON assured M. Ruppel that he would ask for further particulars.

M. RUPPEL hoped that the mandatory Power would continue to pay great attention to the question of leprosy.

Sir Donald CAMERON said that the Administration was devoting considerable attention to this matter. The apparent increase in the number of cases was probably due to the fact that,

¹ See Minutes of the twentieth session, page 27.

² See Minutes of the eighteenth session, page 75.

with the spread of effective administration, more cases were brought to the notice of the authorities than formerly.

M. RUPPEL hoped that the next report would contain information concerning the medical work of the missions.

REPORTS OF THE OFFICIAL ANTHROPOLOGIST.

The CHAIRMAN pointed out that, when the Commission had examined the annual report for 1929-30, he had expressed a desire that the mandatory Power should continue to supply the Commission in the future with the reports of the official anthropologist. He was sure that the Commission was grateful to the mandatory Power for having forwarded the sixth report of Mr. Chinnery, the official anthropologist, on the native population of the eastern coast of New Ireland.

Sir Donald CAMERON noted this request, which, he could assure the Commission, would be complied with.

DEMOGRAPHIC STATISTICS.

M. RAPPARD, referring to Table II on page 121 of the report, noted that, while there were more male children, there was a preponderance of females among adults. Did that imply that the mortality among male children was very great, or was an explanation to be found in the fact that many males passed into indentured labour between their childhood and their majority, indentured labourers being excluded from this table of the native population ?

Sir Donald CAMERON noted this point for future enquiry.

He also assured M. Sakenobe that he would ask for information concerning what measures, if any, were being taken to combat the decrease in population in New Ireland.

CLOSE OF THE HEARING.

The CHAIRMAN expressed the Commission's thanks to the accredited representative.

(Sir Donald Cameron and Major Fuhrman withdrew.)

Western Samoa : Examination of the Annual Report for 1931-32.

Sir Thomas Wilford, High Commissioner for New Zealand in London, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed the accredited representative of the mandatory Power.

STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Sir Thomas WILFORD made the following statement :

I first of all desire to thank you for your kind welcome to myself as the accredited representative of New Zealand.

I have some notes on points which I desire to bring to the notice of the Commission, and I hope that it may save the Commission's time if I answer beforehand some of the questions which seem to me must necessarily be asked in connection with this year's report.

The first point I desire to bring to your notice is the form of that report. In regard to certain particulars, to which I shall direct attention, part of it is largely based upon the questions asked last year. You will notice in the report three important variations in the form of the report now adopted by my Government. The report is shorter than the report of the previous year, and we have grouped certain statistics, as suggested by your Commission, and have provided other statistics for which you asked.

The three differences between this report and former reports are the following :

(1) Statistics relating to the administration of justice. — These statistics were formerly distributed throughout the report, but, in accordance with the Commission's suggestion, ¹ they now appear in one table. I think you will admit that this is an improvement, and my Government was glad to adopt the idea which originated in this Commission.

(2) The second innovation is a table of statistics showing how schools are divided among the various missions. These statistics had not been furnished previously, but my Government was pleased to accede to the Commission's desire ¹ that they should be given.

¹ See Minutes of the twenty-first session, page 211.

(3) The third innovation is that, in the statistics provided in the report, a distinction is now made between the offence of supplying liquor to natives and other liquor offences. This had not been done previously, and, as you asked for it, I should like to emphasise that your request ¹ has been to the advantage of New Zealand, for you will see that during the whole period there has not been one offence of supplying liquor to natives. Formerly, I could not answer your question on this point, there being no statistics available.

Before making further remarks with reference to the report, I would draw the Commission's attention to a book entitled "Samoan Material Culture", by Te Rangi Hiroa (P. H. Buck), copies of which I understand have been forwarded by the New Zealand Government to the Secretariat for distribution to the members of this Commission. Te Rangi Hiroa is a Maori and a very highly educated and able man, who has been studying the ethnology of the Polynesians for years under the auspices of the Bernice P. Bishop Museum and in other ways, and he has lived among the people about whom he has written. I would draw special attention to page 5 of this wonderfully comprehensive book, because it bears out a statement which I made to the members of the Commission in 1930 ² with regard to the psychology and mentality of the Samoan people.

In a passage on page 5, Dr. Te Rangi Hiroa says :

" Their viewpoint is bounded by their own immediate horizon. This attitude of the mass of the people is expressed in the reply of a talking chief to myself after I had sketched the migrations of the Polynesians from the mainland of Asia to the remote isles of the Pacific. 'We thank you for your address', he said. 'The rest of the Polynesians may have come from Asia, but the Samoans — no. The Samoans originated in Samoa.' "

The report before you is the first report of the new Administrator, Brigadier-General Harth I think you will agree with me — and I have found this out in my travels throughout the British Empire — that the success of the colonisation and administration of any part of the British Empire depends very largely upon the personality of the man sent to administer the territory ; and, if a mistake is made, it is very seldom rectified until trouble has occurred, and the country is at a great disadvantage if a bad choice is made. I want, therefore, to tell the Commission that I have known Brigadier-General Hart for as long as I can remember. Since he took charge of Samoa last year, there has been no trouble there, which I think is largely due to the fact that he is first a civilian and only secondly a soldier. At the outbreak of the Great War, he relinquished his practice as a solicitor and volunteered. By his ability, he rose to the rank of brigadier-general. At the end of the war, he returned to his profession of solicitor at Masterton, where he had lived previously, and acted in the native land courts as advocate, adviser and friend to the Maoris. He knows their customs, prejudices, likes and dislikes, and was particularly fitted for the post of Administrator on account of his work in the land courts and his knowledge of the native land laws and the troubles that occur in connection with the investigation and individualisation of titles and with native inheritance.

The Maoris in New Zealand and the Samoans are branches of the same stock. They love to assemble in *koreros* for talks, and so serious had this matter become owing to the Maoris' custom of assembling for *tangis* (tears) after, say, the death of a noted chief, that the Government had to take steps to prevent *tangis*, because the relatives of the deceased, in some cases, wasted the whole of their estate in hospitality to Maoris who came from any distance to pay the last respects to the dead. It is exceedingly difficult to stop this practice, which I think will continue, more or less, for all time.

The banishment of Nelson and Gurr ends in December, and the Prime Minister has already publicly announced that they are free to return. Since Nelson left the territory, and despite all the propaganda and expenditure of money, the agitation in New Zealand has never extended beyond the city of Auckland, where these men had lived, though news of their doings may have travelled round the world. There is no trouble to-day in Samoa. Some of the members of the Mau are joining the Administration, and the Samoans are no longer evading medical inspection. This has resulted in the treatment of a greater number of cases of yaws than before, by the combined efforts of members of the Rockefeller Foundation and the Government.

I should like the members of the Commission to realise that not a question is asked me that does not get into print, and, if any question can be turned to advantage by the agitators and used as a headline in their Press in order to create discontent, the opportunity is seized with avidity. Sometimes it is assumed that the person who asked the question is, by the wording of the question, favourable to the cause, although actually the purpose of the question is simply to elucidate some point.

I now turn to page 2 of the report. Under "Trade" you will notice the following statement :

" As a result of the world-wide depression, and especially the drop in the price of copra, the main product of this territory, there has been a considerable decrease in the

¹ See Minutes of the twenty-first session, page 211.

² See Minutes of the nineteenth session, page 58.

trade turnover. The reduction in trade for the year 1931 was £359,397, as against the total of £559,870 for the year 1930, a drop of 35 per cent."

With due deference to my Government, I think the construction of this paragraph may be misleading. If you will turn to page 11, you will see that the figures there show a difference of £200,473, which is 35 per cent less than £559,870, and is the actual amount of the drop, though the value of trade is correctly stated at £359,397.

I would next refer to paragraph IV, "Native Affairs". One point which my Government desires to make is that some of the twelve new Faipules were members of the Mau — that is to say, some members of the Mau joined the Faipules.

Turning to health, not for the purpose of discussing the health statistics, but in order to answer questions rightly directed to the New Zealand Government in the past, I wish to emphasise that a complete roll of each village is being compiled. This in itself is important and it should act as a check on statistics, on which during the past few years definite reliance could not be placed. Treatment for yaws is available to every Samoan throughout the territory free of charge.

With regard to "Native Affairs" (page 3), you will be gratified to read that native matters of all kinds are brought freely before the Native Affairs Department for settlement or advice. Sittings of the Land and Titles Commission were held in April and in November, extending over a period of thirty-nine days in all. Nineteen cases were heard, involving a considerable number of individuals. This is eloquent testimony to the co-operation which is now evident.

With regard to "Agriculture" (page 3), the value of copra has declined to a lower point than at any other period in the present century, realising at times little more than one-third of prices five years ago, but the quantity exported has fallen less than might have been expected. If you will turn to the curve on page 28, you will see the production for 1931. While it is not where it was in 1901 to 1903, it is not as low as one might have expected, though prices are appallingly low. The fall in the price of bananas from 5s. to 3s. 6d. a case has made a great difference to the producers of that fruit.

I wish to draw the Commission's attention to the table showing that the number of District Officers on March 31st was 189, and further to draw attention to the useful work in Upolu and Savai'i of the nurses mentioned on page 4.

I should also like you to note the table dealing with vital statistics in Western Samoa for 1931, and more particularly the decrease in Chinese labourers from 917 to 712, a drop of 205 (page 14).

You will also notice the infant mortality rate. We think this may be largely due to the fact that the natives have not until recently come forward for treatment.

Under "Mission Schools" (page 8) you will see that the vast majority of teachers in these schools are Samoans. You will see, under Grade II schools, that school houses and sites are arranged for by the respective missions, whilst the Administration is responsible for the supervision, training and payment of teachers.

Under "Justice Department" (page 9) you will see with satisfaction that there has been a substantial decrease, from 1,478 to 987, in the number of offences reported.

I desire specially to emphasise that the Samoans have, undoubtedly through the expense of foreign products, reverted to the consumption of their own products ("Imports", page 12).

The subsidy of £21,000 from the New Zealand Government in 1930-31 ("Revenue", page 17) was not renewed in 1931-32.

The explanation of the decrease in the police and constabulary is that a number of officers have been returned to New Zealand and have not been replaced.

I next desire to refer to the propaganda carried on by the Press, especially in the Chicago newspapers, which has no doubt come to the notice of the members of this Commission. Excerpts from the Chicago Press have even appeared in other papers, as though they were authoritative. I therefore communicated with my Government and, on October 31st, received the following reply from the Prime Minister, the Right Honourable George Forbes :

"The position is that recrudescence of yaws has occurred since inception of Mau movement, one of the main features of which was the refusal of Mau natives to avail themselves of Government facilities, including medical attention. Result has been that sufferers have not only not come forward, but have actually been concealed, and the present position is the direct result of Mau movement. Administration had felt for some time that the position in respect of yaws was not so satisfactory as it appeared to be and result was campaign now in operation. Some opposition was also directed to present campaign from Mau quarter in Auckland with absurd allegations that bad drugs and incompetence had led to serious results, but, despite this propaganda, yaws campaign is complete success, 100 per cent of natives, both Mau and Malo, presenting themselves for treatment. Situation in territory quite satisfactory."

I would hand to the Commission a list of bilateral agreements¹ extended to Samoa which my Government has prepared in response to a request by one of the members of the Commission last year.

I should next like to correct a wrong impression I may have given last year in answering a question by Lord Lugard.² I said that Chinese entering Samoa were given an indenture for a certain period, but were free to choose their own employers. I did not intend to use the word "indenture" in a specialised sense, but only to convey that the Chinese came to Samoa and remained there as free agents, being subject to repatriation on the expiration of the term for which they had agreed to serve.

Dr. Ruppel asked me a question about the native assessors and magistrates,³ and I may have given the impression that there were native magistrates, whereas actually there are simply assessors sitting with the land court judges.

Lastly, may I draw attention to that part of the report dealing with the educational work of the missions (page 8)? That information was specially asked for by Mlle. Dannevig.⁴

The CHAIRMAN thanked Sir Thomas Wilford for his interesting statement.

(Sir Thomas Wilford withdrew.)

Petitions : Appointment of Additional Rapporteurs:

On the proposal of the Chairman, *the following were appointed Rapporteurs on the three additional communications received after the drafting of the provisional agenda* (see Minutes of first meeting).

M. ORTS : Letter from the French Government dated October 19th, 1932, transmitting various protests, accompanied by its observations thereon, concerning the way in which the elections had been carried out in Syria in 1931-32 (document C.P.M.1310), and letter from the French Government dated October 20th, 1932, transmitting protests of the inhabitants of Aleppo and Damascus (document C.P.M.1314).

Mlle. DANNEVIG : Petition from the Rehoboths transmitted by the Government of the Union of South Africa on October 6th, 1932 (document C.P.M.1316).

COUNT DE PENHA GARCIA was asked to submit a report on the memorandum from the Jewish Agency on the development of the Jewish National Home in Palestine in 1931 (document C.P.M.1301) and on the observations of the United Kingdom Government thereon (document C.P.M.1308).

NINTH MEETING

Held on Wednesday, November 9th, 1932, at 3.30 p.m.

Western Samoa : Examination of the Annual Report for 1931-32 (continuation).

Sir Thomas Wilford came to the table of the Commission.

ELECTION AND ACTIVITIES OF THE FONO OF FAIPULES.

M. PALACIOS said that, in the chapter on Native Affairs (page 2 of the report), it was stated that, in the elections for the Fono of Faipules, all the persons elected were appointed Faipules. In this connection, could the accredited representative give the Commission particulars

¹ List of bilateral agreements that have been extended to Western Samoa :

Legal Proceedings in Civil and Commercial Matters.

London, February 2nd, 1922, between United Kingdom and France.

London, March 20th, 1928, between United Kingdom and Germany.

Extradition Treaties.

Between United Kingdom and the following States : Albania, Austria, Belgium, Bolivia, Chile, Colombia, Cuba, Czechoslovakia, Denmark, Ecuador, Estonia, Finland, Germany, Greece, Guatemala, Haiti, Hungary, Latvia, Liberia, Lithuania, Luxemburg, Monaco, Netherlands, Nicaragua, Norway, Panama, Paraguay, Peru, Roumania, San Salvador, Siam, Spain, Switzerland, Yugoslavia.

Agreements for the Abolition of Visas.

Between United Kingdom and the following States : Austria, Belgium, Czechoslovakia, Denmark, Germany, Italy, Lichtenstein, Luxemburg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland.

² See Minutes of the twenty-first session, page 151.

³ See Minutes of the twenty-first session, page 150.

⁴ See Minutes of the twenty-first session, page 152.

concerning the rules for the Fono elections? The Fono of Faipule had met twice during the year under review and had discussed the financial situation of the territory. Had the Administration given the Fono any special responsibility where finance was concerned?

Sir Thomas WILFORD explained that the native districts were called upon to elect their representatives. The names of the persons chosen were then forwarded to the Administration for its approval.

The Fono of Faipule was purely an advisory body.

RELATIONS BETWEEN THE NATIVES AND THE ADMINISTRATION : ACTIVITIES OF THE MAU
AND RETURN OF MR. NELSON.

M. PALACIOS said that the election of the new Faipules mentioned in the report (page 3) had been made the occasion for emphasising the improvement in the feelings of the natives towards the Administration. He asked the accredited representative whether the Administration in its turn had profited from that improvement to reduce the forcible measures instituted or to put an end to martial law, which seemed to have been in force for three years, or to remove the prohibition on certain newspapers, etc.

Sir Thomas WILFORD said that the supplementary information at his disposal communicated by the Prime Minister of New Zealand dealt only with the period reviewed by the report. He had no information whether the state of martial law had been withdrawn or not.

M. PALACIOS observed that the report and the accredited representative of the mandatory Power seemed to refer to the improvement effected in 1931 in the conditions which, in previous years, had been seriously disturbed by the Mau. Nevertheless, the Commission had received the petition addressed to the three Powers, dated August 1931, which had been signed by the principal personalities representing, it was said, 95 per cent of the population, and which seemed to indicate that the agitation caused by the Mau had reached its culminating point at that time. Did not this seem to be in contradiction with the silence maintained in the report and the explanation given by Sir Thomas Wilford?

Sir Thomas WILFORD said that, in connection with the petition to the three Powers, he had authority to say that the New Zealand Government did not intend to discuss its theoretical position in the territory, which it looked upon as derived from the peace treaty and the mandate.

M. PALACIOS said that he had no intention of discussing the substances of or the principles involved in the petition: he merely mentioned it as a rather eloquent indication of the serious gravity of the situation of the population *vis-à-vis* the Administration during the period to which the report before the Commission referred.

Lord LUGARD said that he had received a communication from a gentleman who, he understood, had resided a long time in Samoa and had revisited the country in the hope of assisting to put an end to the trouble. He said that the Mau had built its own gaol, which already contained twenty prisoners. Apparently they also held some kind of court, for a case is mentioned of a native sentenced to six weeks' imprisonment for stealing bananas. This information had been received by the last mail from Samoa prior to the date of the communication, which was April 1932. Lord Lugard asked whether this state of affairs was known to the Administration, and was a true picture of conditions in Samoa.

From information derived from various sources, it seemed to Lord Lugard that the three main causes which had brought about the unrest in Samoa were:

(1) The large number of half-castes (more than one in twenty of the total population), who had been somewhat neglected by the Administration, and who found themselves in an exceedingly difficult position because, if they were classed with the natives, he understood that they were not equally entitled to a share in the land and titles of rank and honour open to natives, while, if they were classed with the whites, they were not given offices of responsibility by the Government;

(2) The Administrators' short term of office (three years), which was fatal to continuity of policy and a thorough knowledge of the people — so necessary in Samoa — together with inefficient interpreters and an inadequately trained staff;

(3) The harm done by Mr. Nelson's paper, the *Guardian*, which, although prohibited in Samoa, was allowed to enter the country by post from New Zealand.

He asked whether Sir Thomas Wilford concurred in this view.

Sir Thomas WILFORD, speaking from his personal knowledge of the behaviour of the Maoris in New Zealand, thought it very probable that some of the Samoans might be secretly holding courts of their own. He considered, however, six weeks' imprisonment a very heavy punishment for stealing bananas, and was not satisfied that the information was either reliable or known to the authorities.

Lord Lugard's first question was tantamount to a request as to whether the report of the Government of New Zealand was accurate or not. To this question, the accredited representative could only answer : Yes, the report was accurate.

Lord Lugard's suggestion that the half-castes were neglected was unjustifiable. The fact that they were half-castes meant that they were entitled to all the privileges held by Europeans and could be employed in the Administration. Surely, if they were given the right of a European they could not be deemed neglected. Lord Lugard would remember that female half-castes were employed as nurses and teachers.

He agreed with Lord Lugard that the three-year period for an Administrator might be too short ; but he would point out that he believed that the last Administrator had asked leave to retire. The Commission should not forget that the climate in Samoa was tropical, and it was difficult for most whites to stand it for more than a few years.

He agreed with Lord Lugard that it was a pity that Mr. Nelson's *Guardian* was allowed to circulate in Samoa — it did little harm in New Zealand — but apparently the New Zealand Government objected to prohibiting a newspaper, which was allowed to be circulated by post in New Zealand, from being sent by post to Samoa.

M. RAPPARD said that the Commission had not the slightest wish to aggravate the difficulties between New Zealand and the Mau. It should not be forgotten, however, that some years ago, in consequence of an assurance that there had been a real improvement in native affairs, the Commission had congratulated the New Zealand Government on its successful administration. Hardly had the Mandates Commission's report appeared than a rising occurred in the territory, which put the members in a somewhat awkward position.

At the last session of the Assembly,¹ the Commission had been assured that it would receive reassuring information from Samoa concerning the Mau. It was true that the report contained a brief reference in the chapter on native affairs, and the accredited representative had alluded in his statement to the satisfactory position ; but, in spite of that, there were certain signs that made the Commission feel uneasy.

Again, it appeared that the Administration had not protested against the institution of the native gaols mentioned by Lord Lugard and the severe punishments meted out.

Another significant point was that the income from the poll-tax, which had fallen off some years ago, owing to the unwillingness or inability of the Administration to collect it, had shown a further decrease during the year under review. In these circumstances, he hardly thought it would be advisable for the Mandates Commission to say that it felt fully reassured where the problem of the Mau was concerned.

Sir Thomas WILFORD said that M. Rappard seemed to imply that the Mau was functioning because the report barely mentioned it. He would reply that there was no mention of the operations of the Mau in the report for the very reason that it was not in evidence. Although it had fallen out of sight for the moment, there was always the possibility that it might revive. He thought the Commission would agree that the New Zealand Government had shown by its treatment of the Maoris that its sympathies were in the right place. He was convinced that the mandatory Power would be similarly successful with the Samoans.

As for the gaol mentioned by Lord Lugard, it sounded to him as if some of the natives had been playing at law. It was quite possible that in some remote part of the island, visited only once in the year, the natives had formed little tribal gatherings and pretended to create a legal tribunal of their own, but he did not think a gaol had been erected. If it had been set up he was sure he would have heard of it.

Referring to the decreased income from the poll-tax, he pointed out to M. Rappard that the collections given in the report were arrears.

M. RUPPEL said that, at the moment when the Mau agitation was at its height and the situation in the island very dangerous, a white police force had been sent out from New Zealand. During the first year the costs of this force had been borne by the New Zealand Government, but during the last years they had been charged to the Administration itself, and, as would be seen from the table on page 18 of the report, had amounted in the year under review to over £ 10,000. It was true that the police force had been reduced in numbers, but it had not yet been withdrawn. It was hard to reconcile this fact or M. Palacios' assertion that martial law was still in existence with the accredited representative's statement that present conditions in Samoa were normal.

Sir Thomas WILFORD understood the Commission's difficulty, at a distance of 13,000 miles, of believing that conditions in Samoa were normal ; but he assured it that, at the present time, the Mau was an organ of passive resistance which was gradually weakening and dissolving with the passage of time. On the other hand, no one could say what might happen in the future, and it was advisable for the Administration to be prepared to meet every emergency. The example of India should not be forgotten, where passive resistance had often led to active rebellion.

Mlle. DANNEVIG said that she was one of the few members of the Mandates Commission who had visited New Zealand and she could consequently appreciate the way the accredited

¹ See Minutes of the Sixth Commission of the thirteenth Assembly, meeting of October 1st, 1932.

representative had spoken about relations between New Zealand and the Maoris. But she wondered if there was not an essential difference between the way of treating the Maoris, who were inhabitants of a white man's country, and the administration of the Samoans, who inhabited a mandated territory, and were to be taught to be able to administer their own country in a more or less remote future.

In Mr. Nelson's newspaper, the *Guardian*, she had read a letter addressed to the Administrator-General in which the natives had asked permission to celebrate the return of Mr. Nelson. She had been somewhat astonished at the curt and abrupt way the Administrator had answered this politely-worded request. Could the accredited representative give her any particulars on these matters?

Sir Thomas WILFORD said that the Administrator had doubtless proceeded on the assumption that no one could get into trouble from what he did not say, and, after all, the answer was definite and quite clear.

In reply to Mlle. Dannevig's first question, he said that the New Zealand Government used the same kindly methods with the Samoans as with the Maoris. These methods could be summarised by the two words: affection and understanding.

Lord LUGARD observed that Mr. Nelson had apparently kept up the agitation during the whole of the time of his deportation, and asked why, in these circumstances, he was allowed to return.

Sir Thomas WILFORD explained that Mr. Nelson had been deported for a fixed period and that that period would expire at the end of the year.

BILATERAL CONVENTIONS APPLIED TO TERRITORIES UNDER MANDATE.

The CHAIRMAN read a note on this subject (Annex 3).

Sir Thomas WILFORD was convinced his Government would have no objection to the publication of the table after it had had the opportunity of checking it.

PUBLIC FINANCE.

M. RAPPARD said that the financial situation of the territory was not brilliant. The revenue had considerably decreased; expenditure had been almost correspondingly reduced, but there was still a deficit.

In former years, when the situation of the territory was more prosperous, Samoa had received a subsidy from New Zealand. During the year under review, that subsidy had been withdrawn. What was the policy of the New Zealand Government in this respect? Would the subsidy be renewed later or not?

Sir Thomas WILFORD said that he was instructed by the Prime Minister of New Zealand to say that the £21,000 subsidy had not been granted during the year under review because the New Zealand Government had been unable to afford it. Whether it would be granted again would depend on the financial situation of the mandatory Power and the needs of the territory. It was New Zealand's policy to help Samoa to become self-supporting as soon as possible.

M. RAPPARD said that, in reading the report, he had been struck by the banana export duty. In the section on agriculture it was said that, "through a combination of depreciation and over-supply in the New Zealand market, the price paid to growers of bananas fell during the year from 5s. to 3s. 6d. per case". From the revenue table, it would be seen that the receipts from the export duties on bananas totalled over £10,000 for the year under review. Paragraph (d) following on the expenditure table on page 18, however, said that "the apparent increase under Customs, etc., is due mainly to a new item, 'Refund of Banana Duty'. This was previously shown as a deduction from the revenue item". M. Rappard was afraid that he did not quite understand the policy of the Administration. He asked the accredited representative if a fresh duty had been imposed, and why there was an increased export duty on this commodity when the price of bananas in New Zealand was exceptionally low.

Sir Thomas WILFORD had noticed this point himself when reading the report. He had no information on the subject, but he would see that the matter was fully explained in next year's report.

M. RAPPARD had noticed a heading, "Taxes", on page 13, independent of "Finance". Why was the section on taxes out of its proper place, and was it true that these taxes were really arrears? He pointed out that the report contained separate headings for "Finance", "Revenue" and "Taxes". One revenue table was given on page 12 and another on page 17. This seemed to indicate a lack of rationalisation in the arrangement of the report.

Sir Thomas WILFORD assured M. Rappard that, in future, the sections "Finance", "Revenue" and "Taxes" would be grouped together.

M. RAPPARD understood that the Samoan pound had depreciated.

Sir Thomas WILFORD said that, at the present moment, if £100 was sent from England to New Zealand, about £10 was gained on the exchange, and it cost the same amount to New Zealand to send £100 to England. New Zealand was hopeful, however, of a recovery in the future. It had exported about 95 million pounds of gold in the past and hoped to resume operations now. During the last few years, the production of gold had not paid because it had cost at least £4 to produce an ounce of gold. To-day, an ounce of gold was worth about £6.

Lord LUGARD noted from the expenditure table on page 18 that the Permanent Charges on Public Debt had amounted to £11,071 during the year under review. On page 25, the total amount of the Public Debt was given as £171,200. He asked what was the rate of interest charged.

Sir Thomas WILFORD said that the rate of interest varied, and it must be remembered that Sinking Funds were generally provided. It was possible to get 7 per cent on a good mortgage in New Zealand to-day.

CUSTOMS DUTIES.

M. MERLIN had wished to raise the same point about the banana export duty as M. Rappard. He pointed out that the table given on page 11 showed that the banana exports for the first quarter of 1932 were much lower than those for the corresponding quarter of 1931. He would be much obliged if the accredited representative could provide further information on this point in the next report.

He noted that, on January 1st, 1932, import duties had been increased by the addition of a 2½ per cent *ad valorem* tax on all goods subject to that class of duty. He asked the accredited representative whether such a tax, in a time of general economic depression, would not prove a considerable restriction on trade.

Sir Thomas WILFORD said he could not answer that question without communicating with his Government.

Lord LUGARD, referring to the footnote on page 12, asked the accredited representative where details of "the Administration export scheme" could be found.

Sir Thomas WILFORD said that this would also be included in the information he had promised M. Rappard for the next report.

CONTROL OF THE COPRA MARKET.

Lord LUGARD, referring to page 26 of the report, asked why the Government had abandoned the control of the copra market since 1929, even though the prices paid to natives had somewhat improved, since the Government had formerly so strongly insisted on this control.

QUESTION OF THE REINSTATEMENT OF NATIVE JUDGES (FA'AMASINO).

M. RUPPEL said that there was no mention of the native judges (Fa'amasino) in the table of the native district officials who had reassumed their functions (page 4). On page 26 it was said that "the native judges (Fa'amasino) became ineffective through non-co-operation in 1927 and 1928. They had not yet been reinstated." It was well known that the Samoans liked to have their quarrels settled by judges of their own. This was again demonstrated by the fact previously mentioned by Lord Lugard. The question of reinstating the Fa'amasino was, therefore, of no small importance. He asked the accredited representative for more explanations on this point.

Sir Thomas WILFORD said that he had been instructed by the Prime Minister of New Zealand to assure M. Ruppel that the matter had not been overlooked. Small reference had been made to it in the report, but, when all the Samoans were again co-operating with the Administration, the time would be ripe for further consideration of the scheme.

PRISONS.

M. RUPPEL, referring to the prison statistics given on page 11, noted that there were seventy-nine prisoners at the end of March 1932 and seven mental patients. He asked if mental patients were imprisoned.

Sir Thomas WILFORD explained that, as there were no mental hospitals in Samoa, the fact that there were only seven mental patients showed plainly that expenditure on the erection of a mental hospital would not be warranted.

TRAFFIC IN ARMS.

M. SAKENOBE wished to express his satisfaction at the decrease in the illicit traffic in firearms.

LABOUR.

Mr. WEAVER asked whether information could be given in the next report on the conditions of employment of the Samoans employed on the reparations estates.

Would it also be possible to indicate in the next report the average length of time for which Chinese remained in the island? He was aware that their contracts were for three years, but he supposed that, in many cases, these contracts were renewed.

Sir Thomas WILFORD noted these points for inclusion in the next report.

Mr. WEAVER, referring to paragraph (h) on page 18 of the report: "The cost of administration of the Chinese Department for 1931-32 was charged to the Chinese Fund", asked whether it was not a fact that the Chinese Fund had been set up under the Labour Ordinance and that each labourer contributed 6d. a week to this fund. What authority had been obtained for paying the cost of the administration of the Chinese Department out of that fund? Had the Chinese Consul agreed? Otherwise, was it not a little peculiar that this fund should be used for the purpose indicated?

Sir Thomas WILFORD said that the Chinese Fund was primarily intended to supply free medical hospital attendance, attendance in the case of chronic ailments, to meet the cost of upkeep of the Chinese cemetery, etc., and to serve other philanthropic purposes. He could not say whether the Chinese Consul had been consulted. He would note this point and would obtain the information desired.

Lord LUGARD asked whether the system of voluntary Chinese labour was not resented by the Samoans.

Sir Thomas WILFORD replied that he had not heard of any resentment.

Lord LUGARD asked whether the Chinese free-labour system was not responsible for increased miscegenation, and what happened to a Samoan woman and any child she might have when the Chinaman returned to China on the expiry of his contract.

Sir Thomas WILFORD replied to the first question in the affirmative. Chinese had more money to spend than Samoans, and the women were attracted by gifts of coloured cloths, etc.

Lord LUGARD said that under the Samoan Vagrancy Order, 1931, any person other than a Samoan could be imprisoned for six months if he was without means of support. He asked what was done with him on release from prison, since he would still be destitute.

Sir Thomas WILFORD did not know.

EDUCATION.

Mlle. DANNEVIG noted that the report showed the number of boys and girls attending schools, but said nothing about the teachers, except that the services of three New Zealand teachers had been dispensed with. Did that mean that there were now only native teachers in the island?

Sir Thomas WILFORD replied that very largely the educational staff consisted of Samoans now. That was proof that the mandatory Power was acting in conformity with the wishes of the Commission by giving to Samoans all the posts which they could at present usefully occupy. The New Zealand Government fully meant to extend this policy whenever circumstances allowed.

Mlle. DANNEVIG asked whether there was not some danger in allowing the teaching staff to consist entirely of Samoans. She referred to quotations to the effect that the Samoans apparently believed that Samoa was the centre of the world. Would it not be possible for teachers to inculcate more correct ideas into the minds of their pupils?

Sir Thomas WILFORD replied that this tendency had been counteracted by taking Samoan chiefs on free trips to New Zealand, during which they were shown schools, churches and other public works and institutions in the Dominion. This made them realise that even New Zealand was bigger and more important than Samoa. These chiefs went back and told their own stories of what they had seen. The general effect of this policy was, he trusted, satisfactory.

Mlle. DANNEVIG noted that a Norwegian botanist, Dr. Erling Christophersen, and a physical anthropologist, Mr. G. McGregor, had carried out researches in Western Samoa during 1931 and 1932. Would it be useful for the Commission to be supplied with their reports?

Sir Thomas WILFORD assured Mlle. Dannevig that he would look through the reports and send copies to the Commission if it appeared that there was any likelihood of their being of use to that body.

ALCOHOLIC LIQUOR AND DRUGS.

COUNT DE PENHA GARCIA congratulated the mandatory Power on the very full and complete tables (page 22) concerning spirituous liquors and drugs, which were exactly what the Commission desired. He noted that there had been a certain increase in the consumption of spirituous liquors. As under the special regime of mandated territories the use of such liquor was controlled by the Government authorities and could only be supplied for medical purposes, he wondered what medical requirements had led to this increase in the consumption of whisky, brandy and gin. Were these medicaments prescribed for influenza, which the report stated existed ?

Sir Thomas WILFORD replied that he himself had been struck by the increase. However, there was no doubt that spirits were used medicinally all over the world.

COUNT DE PENHA GARCIA noted that it was stated in the report (page 23) that " there is no native beverage containing alcohol ". There was, however, a very common native drink, " kava ", which was used a great deal also for ritual purposes and which could be allowed to ferment. Although not alcoholic, its continued use produced dangerous results, such as an inability to walk straight, skin eruptions and conjunctivitis. The first two of these symptoms were very similar to the effects produced by alcohol.

Sir Thomas WILFORD said he could only repeat the truism that anything in excess was harmful. It was correct that the drink " kava " could be allowed to ferment. But then alcohol could be produced from any fruit, even from copra. If natives wished to make brews from fruit it would be very difficult to prevent them. The Administration, however, had no reason to believe that there was any illicit brewing in the island.

PUBLIC HEALTH.

M. RUPPEL congratulated the mandatory Power on the agreement with the Rockefeller Foundation for the purpose of conducting a campaign against yaws. He noted that the campaign had begun last April. According to the *Samoa Herald*, on July 22nd, a representative of the Fund had stated that 85 per cent of the native population examined were affected by yaws. That was a very serious matter. He hoped that the Samoan Health Service would take most active steps to combat this evil, and was looking forward to full information on the results of the campaign. He asked if the territory participated in the cost.

Sir Thomas WILFORD fully agreed with M. Ruppel's remarks. The cable he had received showed that the yaws trouble in Samoa had been very bad indeed. At first, the Mau people would not come in for treatment. Happily, however, the cablegram stated that the yaws campaign had been a complete success : 100 per cent of the natives, both Mau and Malo, had come in for examination and treatment. The whole cost of the campaign was being borne without any charge of any kind being made to the natives.

Sir Thomas Wilford, in reply to M. Ruppel, who reminded him that in the previous year ¹ it had been suggested that one doctor should be sent to Savai'i, stated that, while the European medical officers were at present concentrated in Apia, that arrangement was not intended to be a final one. In any case, native medical practitioners, competent to deal with all medical eventualities, were distributed throughout the territory.

In reply to a further observation by M. Ruppel, Sir Thomas Wilford agreed that the increasing infantile mortality was a matter of very grave concern. The Administration was fully alive to the seriousness of the situation.

In reply to a further question by M. Ruppel, Sir Thomas Wilford said that he was not aware how many, if any, missions were interested in medical work. He would, however, obtain the necessary information.

In reply to a question by Lord Lugard, he said that he assumed that the native medical practitioners mentioned on page 4 of the report were fully qualified medical men.

In reply to a question by M. Sakenobe, Sir Thomas Wilford explained that lepers were sent to Makogai because that was the only island in which special arrangements existed to receive lepers.

FORM OF ANNUAL REPORTS.

Lord LUGARD asked whether, in future annual reports, it would be possible to set out the subjects in the order indicated in the questionnaire.

Sir Thomas WILFORD said he had never had an opportunity of seeing this proposal. If he were supplied with a copy he would recommend that appropriate steps should be taken.

¹ See Minutes of the twenty-first meeting, page 152.

CLOSE OF THE HEARING.

The CHAIRMAN thanked Sir Thomas Wilford for his assistance.

Sir Thomas WILFORD thanked the Chairman and the Commission on behalf of New Zealand. There was no doubt that the members of the Commission had a wonderfully intimate knowledge of affairs in the various mandated territories. He hoped, however, that it would be possible one day for a representative of the Commission to come in person to Samoa and report after conducting a free investigation throughout the territory. He had reason to believe that, if the Commission reached such a decision, the New Zealand Government would be sufficiently interested to take quite an important share in the investigation.

(Sir Thomas Wilford withdrew.)

**Petitions rejected in accordance with Article 3 of the Rules of Procedure in respect of Petitions :
Report by the Chairman.**

The Commission approved the Chairman's report (Annex 9).

TENTH MEETING

Held on Thursday, November 10th, 1932, at 10.30 a.m.

Palestine and Trans-Jordan : Examination of the Annual Report for 1931.

Lieutenant-General Sir Arthur Wauchope, High Commissioner for Palestine and Trans-Jordan, Mr. H. F. Downie, Colonial Office, and Mr. S. Moody, Acting Chief Secretary of the Palestine Government, accredited representatives of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVES.

The CHAIRMAN welcomed Sir Arthur Wauchope and his collaborators.

The Commission would undoubtedly note with satisfaction that the report was very full and well arranged and that the various matters dealt with were grouped, in accordance with the Commission's suggestions, in the same order as the questionnaire employed by the Commission.

Before proceeding with the examination of this report, the Chairman would be glad to know whether the accredited representative desired to make a general statement on the position in the mandated territory.

The Commission would remember that, in the observations¹ presented to the Council on the annual report for Palestine for 1930, it had pointed out that the year was marked by a series of enquiries, studies and *pourparlers* from which it was hoped it would be possible to draw useful lessons that would no doubt be translated into concrete measures. It would be interesting to judge of the effect of the measures taken in 1930.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Lieutenant-General Sir Arthur WAUCHOPE made the following statement :

I am grateful for the kind words of the Chairman, and gladly accept his invitation to make an opening statement as the accredited representative of His Majesty's Government.

I welcome the opportunity of attending the Permanent Mandates Commission in person for two reasons. First, I felt my presence here, after my first year of office as High Commissioner for Palestine and Trans-Jordan, was a fit and proper mark of respect to you, Sir, the Chairman, and to the members of the Permanent Mandates Commission. Secondly, I have made it my business during the past year to tour through every district of the country, to meet members

¹ See Minutes of the twentieth session, page 230.

of every class in the towns and villages, in the Jewish colonies and in the country districts. Consequently, I thought it might be of some interest to you if I were to give you a few impressions which I have formed during my first year of office of the general conditions and major problems of Palestine and Trans-Jordan.

The report which the Commission is now considering covers a period which expired nearly a year ago, only a few months after I assumed the office of High Commissioner. In the circumstances, I propose to confine this statement to a brief survey of more recent developments, in the course of which I will endeavour to convey the general impressions to which I have referred. I suggest that Mr. Moody, my acting Chief Secretary, should reply to any questions raised afterwards on points arising out of the annual report. I trust that this procedure will commend itself to the Commission.

On my arrival in Palestine, I said in any opening address that I had much to learn of the problems of the people and the country. I have still much to learn. I said then, and, to my mind, it remains true, that the High Commissioner has three main tasks : (1) to maintain public security ; (2) to encourage feelings of goodwill between all sections of the inhabitants and to help their economic development ; (3) to increase the feeling of trust and confidence between the people and the Government.

As regards security, the Commission knows that the activities of the Government in its work of development are gravely handicapped, in that almost one-third of the revenue is spent on defence and police forces.

I consider maintenance of peace and confidence in the general security both of person and property to be of paramount importance in Palestine. The unhappy memories of 1929 are not yet effaced. A feeling of general goodwill between all sections of the community does not yet exist. Without a general feeling of security there would be little happiness and little progress or development.

I have no fear of external aggression, but the country has long frontiers, and even such a small affair as the incursion of Ibn Rifada into the Hejaz this summer shows that the Government must have forces available to enable us to take immediate action to curb any such movements or check any signs of unrest among the Beduin tribes.

Our first line of defence in maintaining peace and security is our Intelligence Service. This service is being re-organised ; it is more efficient than a year ago, and I am confident it will be still more efficient a year hence.

I am fully satisfied with the organisation of our Defence Forces under the command of the Air Officer Commanding.

Broadly speaking, it may be said that public security has not been endangered. The year 1931 was, however, marred by a regrettable number of murders and highway robberies, and by too many cases of undetected agrarian crime. In 1931 there were 119 murders, and in the current year the incidence of murders has remained almost stationary. The number of cases of highway robbery shows a satisfactory decrease. Agrarian crime, on the other hand, increased during the first nine months of this year. Special measures have recently been adopted to check this crime, and there are signs that these measures are proving effective.

The Palestine Police Force has this year been unified and, by certain changes now being made by the present Inspector-General in the organisation and dispositions of the Force, I am confident there will be a marked increase in the efficiency of the Force and in its ability to prevent and detect crime. But the situation does not allow of any reduction in numbers.

It is therefore with deep regret that I have come to the conclusion that I shall neither now nor in the near future be able to recommend a reduction of expenditure in our Defence or Police Forces.

Turning from questions of security, I should like to say a few words on the economic situation. Since the twentieth session of the Permanent Mandates Commission, the world-wide economic depression has dictated a cautious financial policy and has imposed a check on development involving capital expenditure. In Palestine, the Administration has cut down its expenditure by retrenching a number of officers and by restricting services. I am, however, glad to be able to say that the economic condition of Palestine remains sound. Many local industries continue to enjoy a marked degree of prosperity. In particular, there is considerable activity in the building trade.

In spite of large remissions of taxation, revenue has been maintained at the previous level, owing chiefly to a considerable increase in the receipts from import duties. One of our most urgent requirements is the provision of an adequate water-supply for Jerusalem, and I hope that it will soon be possible to provide the necessary funds for this purpose. The hardships endured by the population of Jerusalem, especially the poorer classes, owing to the shortage of water, caused me the greatest anxiety in the spring of this year. Successful measures have been taken to increase the water-supply this year, and a comprehensive scheme is now being worked out for a radical solution of the problem.

We base the numbers in the labour immigration schedules on the absorptive capacity of the country. In view of the satisfactory economic situation in Palestine, I felt justified

in October in approving a half-yearly schedule of 3,000 men and 1,500 women. For the previous half-year I had been able to approve a schedule of 1,200 men and 500 women.

In my visits to the Jewish colonies, I have been greatly impressed by the good spirit of the colonists, whether organised on a communal or individual basis; also by their determination to overcome difficulties which beset agricultural settlements during the earlier years of their formation.

Agriculture has suffered, however, with the exception of the citrus industry, from a third year of drought, and in my tours through the country I have been deeply impressed by the impoverished condition of the fellah, due mainly to his burden of debt, to a succession of bad seasons, and to his inability at present to adopt improved methods of farming, a subject which I shall refer to later.

At the twentieth session of the Permanent Mandates Commission, ¹ Dr. Drummond Shiels mentioned the intention of His Majesty's Government to inaugurate a development scheme. A Director of Development was appointed last autumn for the purpose of advising regarding the settlement of landless Arabs and the possibilities of development generally.

The reports of this officer are now being considered by the Arab Executive and the Jewish Agency. Until their comments have been received and considered by His Majesty's Government, it would be entirely improper for me to make any statement on the subject. Meanwhile, the registration of landless Arabs is proceeding, and up to October 1st, 1932, 365 claims have been accepted, nearly 1,800 have been rejected and 1,026 remain to be considered.

I should like to show that Government has not been inactive in assisting the condition of the agricultural population. The first and immediate step taken was to remit taxation of both the Arab and Jewish cultivator. The yield of the crops this year was over 50 per cent below normal.

We have, therefore, remitted £P173,000, out of a total assessment of £P216,000, this year. Seed loans to an amount of £P35,000 are being advanced for the winter sowing. Also a proposal is under consideration for writing off arrears of taxation amounting to £P125,000, from which we are hopeful of good results.

Various measures are being taken with the object of improving stock, seed and fruit-trees throughout the country, and encouraging better methods of farming, especially among the fellaheen of the hill districts.

The net income of the poorer class of fellaheen is very small; it has been estimated at about £25, or possibly £20, a year. Our aim, therefore, is not only to increase the amount produced by the fellah from his land, but also to lessen the quantity of foodstuffs which at present he is obliged to purchase, and so make the fellah more nearly self-supporting.

With this object in view, we have this year increased the scope of the three existing Government Stud and Agricultural Stations, and have established two new stations, one at Gaza to serve the plains of the south, the other at Farradi to serve the Safad District in the hill country of the north, where fellaheen are in considerable difficulty.

As the agricultural population, both Arab and Jew, is of so great importance to Palestine, it may be of interest if, in a few words, I explain the work of these stations.

One simple cause of the farmer's poverty is the poor quality of seed he uses. In 1931, we distributed 20 tons of selected wheat and barley seed from the Government farm at Acre. In 1932, we hope to distribute 50 tons, 23 tons of which have already been applied for by the Jewish colonists of the Emek. It has been estimated that, for each kilogramme of ordinary wheat sown, 6 kilogrammes are reaped; experiments show that with good seed this yield may be increased to at least 10 kilogrammes. Work of this kind obviously produces good results.

In 1931, we distributed from the same farm 15,000 hatching eggs to Jewish colonists, and 10,000 to fellaheen. In 1932, this number will at least be doubled.

The demand for selected young fruit-trees is rapidly growing both from Jewish colonists and from Arab farmers. In 1933, we shall only be able to distribute two or three thousand, but we are now taking measures which will enable us to issue some 50,000 by 1934. Even then, I am confident the demand will exceed the supply, and, before 1938, the productivity of a large number of small farms will be considerably enhanced.

The third object the Government has in view is to establish agricultural co-operative societies. A Registrar of Co-operative Societies has been appointed for the purpose of encouraging the formation of co-operative societies amongst the cultivators of Palestine on the lines recommended in the report of Mr. Strickland.

The last step which I shall mention is the establishment and improvement of school gardens for giving practical instruction in agriculture and the growing of fruit-trees and vegetables to the schoolchildren. Nearly 100 of these gardens already exist, but I fear in many cases full advantage has not hitherto been taken of them. It has been most gratifying that another 100 villages have this year promised to give freely over an acre of land close to the village for this form of technical training. With the assistance of schoolmasters now being trained at Tulkarm Agricultural College, we hope to give elementary but very practical teaching in the planting of fruit-trees and vegetables, poultry-breeding, etc.

¹ See Minutes of the twentieth session, page 74.

If the revenue returns continue satisfactory, we hope to increase the amount devoted to both the education and health grants. As regards education, it is fully recognised that the accommodation provided in elementary schools is very insufficient, and I have now appointed a Committee to enquire into the need for additional accommodation, and to make recommendations as to the building programme.

During the past year, I have done my utmost to bring the two peoples of Palestine and the Administration into closer touch with each other.

At the twentieth session of the Mandates Commission,¹ questions were asked dealing with the establishment of an Agricultural Council in Palestine. This Council now consists of an official Chairman, the Director of Agriculture and twelve non-official members. The advice given by this Council and by its various sub-committees, such as the Citrus Committee and the Agricultural Economics Committee, has proved of great value to the Government. So much so, that we are now extending the principle and have added unofficial members to the Road Board, Railway Board, Labour Legislation Committee and Standing Committee for Commerce and Industry. The unofficial members are appointed by the High Commissioner with due regard to the qualifications of the members on the particular subject with which they have to deal, and their knowledge and experience of the country and industry will prove of great advantage to the community.

The experience of the last six months proves to me that, with goodwill, these Boards are of the greatest value to the country. The advice given by the non-official members is most helpful to the Government and to the interests which they represent. Further, the insight which the non-official members gain of the difficulties, financial and other, that have to be overcome in the administration of any country is of general advantage. Unfortunately, several Arab members have recently resigned from certain of these Administrative Boards, and I fear that the number of Arabs who refuse to co-operate is increasing, and will continue to increase until the time arrives for the further association of the people in the Government of the country.

Lord LUGARD. — Do you mean by that the establishment of a Legislative Council ?

Sir Arthur WAUCHOPE. — As regards the Legislative Council, the Government's intention remains unchanged, and I will answer this question before the end of my address.

The members of the Supreme Moslem Council have, since 1926, been nominated by the High Commissioner, the electoral machinery having been found to be unworkable on account of legal difficulties. I shall take steps that this important institution shall, as originally intended, be made thoroughly representative of Moslem opinion. In the meantime, the Council has found itself in financial difficulties due partly to losses of revenue involved in recent remissions and reductions of tithes, and arrangements have now been made to re-establish the finances of the Council. In return for this assistance, the Council has undertaken to introduce certain financial reforms with Government guidance. I am hopeful that the goodwill that has been shown by the Government and the Council during these negotiations will promote relations of mutual confidence between the Government and the Moslem community in Palestine as a whole.

As regards the establishment of a Legislative Council, the intention of the Government remains unchanged, and we shall take steps towards the formation of a Legislative Council when the new Local Government Ordinance which is now in preparation has been brought into working order. The draft of the Local Government Ordinance has been communicated to representatives of various municipalities and we are awaiting their observations. I hope that it will be possible early in 1933 to enact this legislation, the object of which is to extend and facilitate the participation of local representatives in municipal government. I am hopeful that moderate opinion will prevail, and that, when proposals for a Legislative Council are put forward, they will be accepted by the leaders of both parties. These proposals will necessarily contain definite safeguards, so that under no circumstances could the peace and security of the country be endangered or the carrying out of the mandate hampered.

We would gladly govern Palestine in accordance with the wishes of the two races; and, when these wishes conflict, I use every means to reconcile them. If these efforts prove of no avail, then Government must, regardless of criticism, carry out whatever policy it considers best in the interests of the people as a whole and in accordance with the mandate.

The CHAIRMAN thanked the accredited representative for his very interesting statement. He invited the Commission to study the 1931 report in the light of the information Sir Arthur Wauchope had just given, information which completed the report.

Sir Arthur WAUCHOPE had no objection to this procedure, but pointed out that the report contained considered answers to the Commission's questions, whereas his statement had been prepared only during the past few days and would naturally not have the same exactitude and detail.

The CHAIRMAN noted that the discussion would proceed in the following order: (1) general questions, (2) points of detail, and (3) points connected with petitions.

¹ See Minutes of the twentieth session, page 101.

EXTENSION OF CONTROL TO CERTAIN AREAS SOUTH OF BEERSHEBA. DELIMITATION OF THE FRONTIER BETWEEN SYRIA ON THE ONE HAND AND PALESTINE AND TRANS-JORDAN ON THE OTHER.

The CHAIRMAN drew attention to the statement (page 7 of the annual report, 1931) that the "Commutation of Tithes Ordinance, 1927", was not applied in two portions of the north and south of Palestine ceded by Syria and Trans-Jordan respectively in 1930. Could the accredited representative state in what circumstances these areas had been ceded to Palestine? The Commission should always be informed when changes were made in the frontier.

Mr. MOODY stated that the two Bedu areas in the extreme south of Beersheba had not been taken over until about 1927, when the Government put a post at Aujah al Hafir, some distance south of Beersheba in the desert, and took the opportunity of controlling the Bedu living in the neighbourhood who had previously been subject to no control.

With regard to the two villages in the north of Palestine, Mr. Moody explained that the frontier between Syria, on the one hand, and Palestine and Trans-Jordan, on the other, was defined in the Franco-British Convention of 1920, but had not been delimited until 1931.

The Commission took note of Mr. Moody's statement.

Sir Arthur WAUCHOPE said he would be glad to give further information in the next report.

CO-OPERATION OF JEWS AND ARABS IN THE ADMINISTRATION OF THE TERRITORY :
PREPARATION OF A NEW LOCAL GOVERNMENT ORDINANCE.

M. PALACIOS asked how the remarks made by Sir Arthur Wauchope in his general statement regarding the resignation of the Arabs and Jews from the various Councils and Committees should be interpreted. In recent years, the Commission had rather heard the hope expressed that collaboration between the various elements in the Administration was improving, if not in the political sphere, at least in that of general interests. That was his first observation of a general character.

Again, it seemed from the High Commissioner's declarations that the situation would become normal, especially from the point of view of the Arabs, as soon as the Legislative Council was constituted, its constitution necessarily being preceded by the reform of local representation, a matter which was already under consideration. M. Palacios asked how the silence of the Moslem Congress on this subject should be interpreted. In all the desires expressed by the Arab population and made known to the Mandates Commission, the former had always demanded self-governing institutions, in accordance with various articles of the mandate, in particular Article 2. In the reference to the Congress on page 11 of the report, however, nothing was said regarding this desire. There was, nevertheless, a point which called for an explanation. It was said that among the questions with which the Congress dealt was that of "the preparation of an Organic Law for the Moslem Congress as a permanent body". The silence to which he had referred, on the one hand, and the preparation of a law relating to this permanent body, on the other, appeared to indicate that the Arabs were more than ever determined to refuse a collaboration which did not include the benefits to which they felt they were legally entitled, and that they desired to set up an organisation of their own, which would make the Moslem Congress a more or less seditious body.

Lord LUGARD said, *à propos* of M. Palacios' question, that there was a great variety of organisations, such as the Nablus Congress, and the Iktiklal (Arab independence), all apparently belonging either to the Pan-Islam or the Pan-Arab movements. What was the significance of these organisations? There had already been a conference of twenty mayors of towns, half of whom were Arabs and half Jews, which appeared to indicate some *rapprochement* between the two bodies. That did not altogether tally with the hostile attitude shown at Arab and Moslem Congresses. Lord Lugard added that, according to a statement in *The Times*, a further Moslem Congress had been fixed for December 7th next.

COUNT DE PENHA GARCIA drew attention to the statement that the Moslem Congress contemplated the establishment of a Moslem university in Jerusalem, to attract Moslem students from abroad, and so assure the place of Jerusalem as a principal centre of Moslem religious and intellectual development (page 11). Did the mandatory Power consider that project dangerous in relation to its obligations concerning the Jewish National Home, etc.?

M. SAKENOBE asked how the Jews and Arabs were co-operating in the municipal councils established in the large cities.

Sir Arthur WAUCHOPE thought the Commission would agree with him that it was always very difficult to analyse the motives of others. He did not desire his observations on the lack of co-operation to be exaggerated. It was true, however, that, in his efforts to encourage co-operation — in which one of the most important steps was the formation of boards having unofficial members — he had received five resignations. In one resignation, that of an Arab unofficial member, a definite reason was given: that the member could not associate himself in any way with the Government of the country. Sir Arthur Wauchope believed that, when

the Arabs were convinced that His Majesty's Government would fulfil its promise, at a reasonably early date, to set up a Legislative Council, they would be far more willing to co-operate with it.

Sir Arthur Wauchope had also received resignations from members of the Supreme Moslem Council. This was a nominated body, and he had stated quite frankly that, in his view, it would be far better for such a body, dealing with religious matters, to be an elected body and that he was prepared to make it so. It might be found impossible to set up a body without a special election, but, in any event, the Council's willingness to work with the Government had greatly increased during the past six months. Both sides had met one another in various ways, and Sir Arthur Wauchope had been thoroughly satisfied, when he left Palestine a month previously, with the relations between the Government and the Supreme Moslem Council.

The conference of twenty mayors had been convened by Sir Arthur Wauchope himself. He had invited the mayors of the principal towns and greater villages to discuss freely and openly with him any question on which they felt there were difficulties and possibly injustices. All had accepted his invitation, and, after conversations lasting some hours, a better understanding had prevailed than at the beginning of the assembly. There was no lack of co-operation. The grievance of the municipalities was that the Government could not supply them with more funds. The Government would like to do so, but this was impossible in the present circumstances.

As to co-operation between Jews and Arabs in the big towns, there was, in Jerusalem, a town council consisting of both Jewish and Arab members. For reasons into which Sir Arthur Wauchope would not enter, and on which he would express no opinion, the Jewish members had resigned, and since then the municipality had been governed by the mayor and the Arab members. He most sincerely hoped that under the new Ordinance, to which he had referred in his statement, these divergencies would be wiped out and a municipal council consisting — and rightly consisting — of both Arab and Jewish members would be set up. The question did not arise in most towns. In Tel Aviv, a Jewish city, there was a Jewish council, and in Jaffa, an Arab city, an Arab council. In Tiberias, there were very satisfactory relations between Jews and Arabs, and purely Jewish and purely Arab councils.

Sir Arthur Wauchope was unable to give any information as to the date of the Moslem Congress to which Lord Lugard had referred. Many dates and places had been suggested.

He did not look upon the Moslem university to which Count de Penha Garcia had referred as being of the slightest danger to the mandate, and he had spoken with those interested in the establishment of this university. At first considerable fear — even antagonism — had been exhibited by certain Egyptian Moslems connected with Al Azhar University in Cairo. Sir Arthur Wauchope did not think, however, that the Moslem university would show any hostility towards the Palestine Government or the carrying out of the mandate.

As to the difference between the Pan-Islamic and Pan-Arab movements, while it would take too long to go into details, Sir Arthur Wauchope desired to emphasise the fact that the two movements were quite different. The Pan-Islamic movement was discussed at the Moslem Congress held in Jerusalem last winter, and one or two speakers were a little more violent than might have been desired, as often happened in an assembly of persons belonging to different parties. No very serious statements were made, however, except in the speech of one member, on which the Government took immediate action.

M. PALACIOS wished to insist both on the question of the Supreme Moslem Council as well as on that of the Moslem Congress. As regards the former, Sir Arthur Wauchope had just said that he had received the resignations of some of its members, and, in his statement, he had declared that the present members of the Council were still appointed by the High Commissioner because the electoral system could not function owing to legal difficulties. Were there no political difficulties? What, then, were these legal difficulties? As regards the Moslem Congress, M. Palacios would repeat the question he had just asked in connection with paragraph 39 of the report — namely, whether the preparation of an Organic Law to make the Moslem Congress a permanent body did not imply that the Arabs had given up all idea of representation in collaboration with the Administration.

Sir Arthur WAUCHOPE replied that the constitution of the Supreme Moslem Council was governed by an Order of 1921. Elections had been held in 1925, but these had been upset by a ruling of the courts. When Sir Arthur Wauchope had first gone to Palestine to take up his office, the situation with regard to the Council had been somewhat indefinite, and he had therefore proposed that elections should be held. As he had said in his statement, the Administration was extremely anxious to govern in accordance with the wishes of the people, and it was generally felt that the Supreme Moslem Council should be made thoroughly representative of Moslem opinion. The Administration was quite prepared to agree to elections if the Moslems so wished, or to adopt some other procedure if the Moslems considered that elections were unnecessary. He wished to add that, so far, there were no signs in Palestine that the Jews were unfavourable to the reconstitution of the Supreme Moslem Council.

He would remind the Commission that the Moslem Congress was not confined to Palestine, but was a world-wide organisation. It had met in Jerusalem last spring, but there was no reason why it should meet there again. Its Organic Law had nothing to do with the Administration of Palestine.

M. PALACIOS expressed his appreciation of the explanation regarding the Congress and took note of the intentions of the mandatory Power as regards the constitution of the Supreme Moslem Council.

M. RAPPARD said that the High Commissioner had had experience of co-operation between Jews and Arabs on the technical boards. When the two races were relieved of their major political preoccupations, did they co-operate easily, or did racial differences and conditions of upbringing make them consider the same matters from hostile points of view? In fact, did the Arabs and Jews on the various councils and municipalities succeed in agreeing on technical issues?

Sir Arthur WAUCHOPE was glad M. Rappard had raised this question. His personal opinion was that there were no real obstacles to prevent the Jews and Arabs from co-operating on boards such as those dealing with agriculture, commerce and industry; but there was disagreement as soon as political questions arose. On the Road Board, for instance, the Arabs had thought that too much money was being spent on building roads for Jewish communities. In spite of this, however, he was convinced that there were no fundamental psychological difficulties to prevent the successful co-operation of the Jews and Arabs.

Lord LUGARD said that the Arabs had their Supreme Moslem Council, and the Jews had a similar body dealing with religious questions. Was there any liaison between these two councils or were they hostile to each other?

Sir Arthur WAUCHOPE replied that there was no connection or collaboration between the two councils.

M. MERLIN had listened with much interest to the High Commissioner's reply to M. Rappard. The High Commissioner had said that, when the Jews and Arabs met on non-political grounds, they were prepared to co-operate with the Administration; but the exception he had given of the differences of opinion on the Road Board showed that economic questions tended to become political.

The Commission had been informed that there had been certain resignations of Arabs from the technical boards and Jews from the Jerusalem Municipality. One of the Arabs gave as his reason the fact that he did not wish to collaborate with the Administration; the Jews had apparently felt that they were obliged to resign. He did not altogether understand this reasoning, and would be glad if the High Commissioner could furnish further information.

Sir Arthur WAUCHOPE said that the Jews in question had resigned from the Jerusalem Municipality in 1929 before his arrival in Palestine, the apparent reasons being that they were in a minority and that their wishes were not being carried out.

M. RAPPARD asked why, if the Jewish members of the Municipality had resigned in 1929, they had not yet come back. He thought that, in Jerusalem, the majority of the population was Jewish. Why, therefore, should the Jews be in the minority in the Municipality?

Sir Arthur WAUCHOPE said that he had already conversed with the Jews and Arabs on this question, and that both sides were content to leave matters as they stood until the new Local Government Ordinance had been passed. As it was hoped that the Ordinance in question would become law next spring, he felt it would have been unwise for the Administration to intervene before then.

M. PALACIOS said that the High Commissioner had expressed a hope that co-operation between the two most important communities would improve when the Legislative Council was set up. Apparently, the constitution of the Legislative Council depended upon a certain measure of local autonomy. He asked if negotiations had been entered into in this respect.

Sir Arthur WAUCHOPE said that conversations would be held with the leaders of the parties concerned after the Local Government Ordinance had been passed.

The CHAIRMAN said that, although he had assisted in the supervision of the mandatory administration of Palestine for eleven years, he had always found it extremely difficult to ascertain whether, as was required by Article 2 of the mandate, the development of self-governing institutions was assured for all the inhabitants, seeing that, under the terms of the same article, the mandatory Power had long since set up the Jewish National Home. He had the feeling that there was something in the present situation in Palestine which escaped him, and wondered whether the Arabs were disposed to collaborate in the form of self-government as at present proposed.

Sir Arthur WAUCHOPE said that the Arabs and Jews had been associated on the newly-formed Boards; the Administration had given them a definite promise, in consequence of which the Local Government Ordinance had been framed, and the establishment of a Legislative Council had been definitely pledged. He pointed out that, in 1922, the Administration had put forward a scheme for a form of Legislative Council which had then been rejected by the Arabs.

The CHAIRMAN wished to know what were the reactions of the Arabs to the proposed reforms. Did the High Commissioner consider that the passing of the Local Government Ordinance and the institution of a Legislative Council would satisfy the aspirations of the Arabs for self-government?

Sir Arthur WAUCHOPE said that, although the extremists might not be influenced, he hoped that the moderate Arabs would be satisfied.

Count DE PENHA GARCIA said that the presence of the two races in Palestine had always added to the difficulty of interpreting the terms of the mandate where self-government was concerned. The mandatory Power was also trying to solve the problem of local autonomy. Until now its attempts had not been very successful, but the Commission had been informed that the local administration would be re-organised in the future. Could the High Commissioner give the main lines of this re-organisation? Until the present moment, representation had been proportional to the population of the two races, but, if this state of affairs continued indefinitely, the Legislature would always be confronted by difficulties caused by the opposition of the two races. Did the High Commissioner think it possible that, in the future, the legislative body would be divided, not by racial, but by party considerations?

Sir Arthur WAUCHOPE said that he was confident that the new Local Government Ordinance would prove successful; but he could not discuss the details of the Bill since the comments of the municipalities had not yet been received, and some amendments might be necessary.

Personally, he thought that the situation was very hopeful, and that the collaboration of the Arabs and Jews on economic questions would tend to smooth away their differences.

M. VAN REES said that, in spite of the High Commissioner's optimism, the Commission had been informed that the relations between the Arabs and the Jews continued to be unfavourable. What might perhaps be said was that a certain measure of reconciliation had been achieved in economic affairs, but M. Van Rees wondered whether even this improvement would last. It would be interesting to know the opinion of the High Commissioner on the question whether the hostile relations between Arabs and Jews were confined to the leading class or were common to all classes of the population.

Sir Arthur WAUCHOPE said that he was sure that the factors he had mentioned would play a larger part in the future. It was to be hoped that the successful collaboration evident in some of the older Jewish settlements would spread to the younger settlements, and he was convinced that, with the passage of time, the Arabs and Jews would see that it was to their mutual advantage to work together.

M. VAN REES said that the process of reconciliation between the two races could only be a slow one. He wondered whether the institution of the Legislative Council immediately after the application of the new Local Government Bill might not be a little premature. Would it not be wiser to wait and see how the new law worked before appointing the Legislative Council? On this point, he could not but recall what had been said in the previous year, during the examination of the report for 1930, and the reply to his observations given by Dr. Drummond Shiels, who had said that, in any event, the establishment of a Legislative Council would necessitate a new Order-in-Council to complete that of 1922.¹ M. Van Rees added that, if a Legislative Council were set up at an inopportune moment, it was certain that, in spite of the efforts of the High Commissioner to create a more favourable atmosphere for the collaboration of the two races concerned, this measure would undoubtedly arouse all the political passions and all the ambitions which at present divided the population of the country.

Sir Arthur WAUCHOPE said that detailed proposals would not be made until the Local Government Bill was in working order. Proposals for the constitution of a Legislative Council would then be discussed with the leaders of the parties concerned.

Mlle. DANNEVIG had read in the newspapers that there was co-operation between the Arab and Jewish members of the Labour Party. She asked if this was so.

Sir Arthur WAUCHOPE said that there was a certain tendency, especially among railway workers, to co-operate, and he hoped that this movement would continue.

¹ See Minutes of the twentieth session, pages 81 and 82.

ELEVENTH MEETING

Held on Thursday, November 10th, 1932, at 3.30 p.m.

Palestine and Trans-Jordan : Examination of the Annual Report for 1931 (continuation).

Sir Arthur Wauchope, Mr. H. F. Downie and Mr. S. Moody, accredited representatives of the mandatory Power, come to the table of the Commission.

PUBLIC SECURITY.

Sir Arthur WAUCHOPE, in reply to M. Van Rees, explained that the two commonest forms of "agrarian crimes" — which were committed by Arab on Arab — were the digging up of trees and the wounding of cattle.

M. VAN REES asked the High Commissioner whether he could explain the very large number of murders.

Sir Arthur WAUCHOPE said this was mainly due to the Arab feeling that if the family honour were injured, in the person of their women, the injury must be expiated in blood.

M. RUPPEL, noting what was said in the report (page 1) on the establishment of sealed armouries in isolated Jewish colonies, asked whether the Jews in these colonies now felt secure.

Sir Arthur WAUCHOPE replied that it would at present be premature, he thought, to do away with these armouries, which gave a sense of security. The weapons in question were short-range weapons which could only be used for defence.

M. RUPPEL asked whether these arms were sufficient in themselves to protect isolated Jewish colonies.

Sir Arthur WAUCHOPE replied in the negative. The main protection on which the Administration relied throughout the territory was the police force; the arms in question were merely intended to supplement the action of that force.

APPLICATION OF THE CENTRAL AGUDATH ISRAEL FOR RECOGNITION UNDER THE RELIGIOUS COMMUNITIES ORGANISATION ORDINANCE, 1926.

Mlle. DANNEVIG, with regard to the application of the Central Agudath Israel (paragraph 37 of the report) which the Government had not been able to grant, asked whether one difficulty was that the Agudath believed they ought not to pay school taxes for the maintenance of Zionist schools in which certain things were taught with which the Agudath did not agree.

Sir Arthur WAUCHOPE agreed that this was so.

M. RUPPEL pointed out that there was a petition¹ on the subject for which he was Rapporteur. He had a number of questions to ask, but would do so later.

ELECTION OF THE NEW ORTHODOX PATRIARCH OF JERUSALEM.

M. PALACIOS said that, in the report (pages 12 and 13), reference was made to certain difficulties which had occurred on the occasion of the election of the new Orthodox Patriarch of Jerusalem. It stated in particular that the dispute, which was caused by the controversial attitude of the Executive of the Arab Orthodox Congress, had not been settled at the end of the year. Had the case been settled since, and if so in what sense?

Mr. MOODY replied that the dispute had not yet been settled. His Britannic Majesty's Government was considering in what respects it would be necessary to amend the fundamental law for the election of the Patriarch. The existing law was an Ottoman law which was largely out of date. The Government of Palestine had attempted to conduct an election under that law, but the result had been upset by the courts. In the light of that experience, the Government was considering how best the law could be amended.

¹ See petition dated July 30th, 1931 (document C.P.M.1284).

REORGANISATION OF THE JEWISH AGENCY AND ITS RELATIONS WITH THE ADMINISTRATION.

M. PALACIOS understood that the Jewish Agency, which had originally been purely Zionist had now become representative of all Jewry. Had this improved the situation as between the Zionists and the other communities in Palestine ?

Mr. MOODY thought the answer was definitely "yes". The reorganisation of the Jewish Agency, however, was of even greater interest to Jewry outside Palestine than to the Jews in that country. Any action which tended to bring the various sections of Jews outside Palestine closer together was bound to affect advantageously the relations between Jews within the mandated territory.

Lord LUGARD referred to Press reports that there had been a revival of the activity of the revisionist section, which proposed to establish a council in Geneva and a political bureau in Palestine.

Sir Arthur WAUCHOPE had no information on the subject, either as regarded Geneva or Palestine.

Lord LUGARD asked whether the reorganisation of the Jewish Agency had had any effect on the relations of that Agency with the Government.

Sir Arthur WAUCHOPE replied in the affirmative. Although the Government did not see eye to eye with the Agency on certain particular points of policy, as a whole its relations with the Agency were excellent.

M. RUPPEL, referring to the renewed representations (page 18 of annual report, 1931) made by the Agency to the Government for a larger participation by the Government of the expenditure on Jewish health services, said that the accredited representative's attention had been drawn to this point in the previous year.¹ The accredited representative had said that he would consider the possibility of an increase. The Jewish Agency had spent last year some £170,000 on these purposes, whereas the whole expenditure of the Palestine Government on health services in 1931 amounted only to £110,000. He thought on the whole the claim seemed to be not unfounded, particularly in respect of certain special institutions — such as the Tubercular Hospital at Safad, the Emak Hospital of the Kupat Holim — and of the services for school hygiene and infant welfare. He would be very glad to receive an assurance that the Administration's policy in this respect would be reconsidered.

Sir Arthur WAUCHOPE said that he was personally in favour of an increase, but it should be remembered that the benefits received by the Jews from expenditure on public health were not confined to any subvention which was given to a Jewish hospital. They shared with the rest of the population in the principal benefits conferred on the country by the Department of Health — that was to say, in sanitary measures, anti-malarial work, prevention of disease and the accommodation of infectious diseases' cases.

He would discuss the matter with the Jewish representative and with his own Treasury, and if in the future revenue allowed, certain subsidies might be increased. Even if such an increase were not possible, the Health Department might be able to take over some of the work hitherto carried out by the special institutions.

SUPPRESSION OF THE LOCAL COUNCIL AT TIREH.

M. RAPPARD asked whether the accredited representative could give further details concerning the abolition, on grounds of inefficiency, of the local council at Tireh (paragraph 5, page 17 of the report).

Sir Arthur WAUCHOPE explained that Tireh was a very small and backward village. It had been the scene of a number of those agrarian crimes to which M. Van Rees had referred at the beginning of the meeting. There were two rival Arab parties in this village. The disputes occurred entirely between the Arabs themselves and no racial differences were involved.

ADJOURNMENT OF THE ELECTIONS OF THE MUNICIPAL COUNCILS.

M. SAKENOBE noted that, in 1927, the municipal councils were appointed for three years. When their terms of office had expired in 1930, having regard to the state of the country, it was thought inadvisable to provide a possible occasion for public excitement, so the new election had been postponed until the present time. He assumed that the state of the country had improved and would allow of elections taking place, but that the latter were held up because the new Local Government Bill would shortly come into force.

Sir Arthur WAUCHOPE replied that M. Sakenobe's diagnosis of the situation was correct.

¹ See Minutes of the twentieth session, page 110.

IMMIGRATION AND EMIGRATION.

COUNT DE PENHA GARCIA noted that the mandate laid down that the two main duties of the mandatory Power were the development of self-governing institutions and the establishment of a Jewish national home. That part of the report relating to the Jewish Agency gave a general impression of satisfaction with the present situation, subject to an attitude of expectancy as regarded the future. It was difficult to say what the future had in store, because the mandate had not foreseen the world economic crisis. Was he right in understanding that the Government's immigration policy was governed entirely by the country's economic power of absorption ?

Sir Arthur WAUCHOPE replied that Count de Penha Garcia was correct in his assumption.

M. RAPPARD pointed out that the figures given in paragraph 5 on page 22 of the report, if he understood them, would seem to imply an increase in the population of 33,000, due to migration in 1931.

Sir Arthur WAUCHOPE said that he could not explain these figures offhand. He was sure, however, that the bulk of the "returning residents" were persons who had left Palestine for a short period only. He would make investigations and supply clearer figures on this subject.

M. RAPPARD observed that, in the previous year, a certain matter had been discussed and had not been cleared up. The Commission had been rather bewildered by the statement that, over and above the normal quota calculated on the country's power of absorption, persons were allowed to enter Palestine for purposes of settlement if they possessed £1,000 — which £1,000 might be borrowed.¹ Under these circumstances, what was there to prevent people from borrowing £1,000 in order to enter Palestine and paying back the loan to the lender as soon as the formalities of entry had been completed ? Surely it must be very easy for the unscrupulous to circumvent regulations in this manner.

Sir Arthur WAUCHOPE said he could recollect no case in which persons who had entered under the £1,000 rule had failed to make good. Far more anxiety was caused by persons who entered the country in the guise of visitors and then failed to leave it.

The CHAIRMAN regretted that he was not altogether satisfied with the High Commissioner's reply. The point was, how could the Administration, in view of the £1,000 rule which tolerated the borrowing of this sum, be sure that a number of people, possessing only fictitious fortunes, would not enter and settle in the country to an extent beyond the country's power of absorption ?

Sir Arthur WAUCHOPE replied that, in actual practice, the regulations had scarcely ever been thus evaded. The total number of persons admitted under the rule in question was 233, very few of whom had benefited by loans. In practically every case, the loan was made by a highly reliable association.

M. RAPPARD asked whether the mandatory Power found that it was able to cope with unauthorised immigration by persons who entered the country as tourists.

Sir Arthur WAUCHOPE replied that all countries found this problem a difficult one to deal with. It was his belief that there was less clandestine immigration now than formerly.

M. RAPPARD observed that the Commission, of course, heartily welcomed all immigration within the terms of the mandate. He realised, however, how very difficult it must be for the Administration to estimate the country's power of absorption. Immigration naturally led to a certain temporary stimulation of industry (building in particular), which could not continue beyond a certain period. That was a point which was doubtless borne in mind in making the estimates.

He noted that the great majority of immigrants still came from Poland and Russia. What impression did the accredited representative have of these people, particularly of the Russians, from the point of view of their adaptability to the task of permanent colonisation ? He noted, furthermore, that out of 2,000 such immigrants, only 289 were agriculturists.

Sir Arthur WAUCHOPE said that the immigration to which M. Rappard had referred in the first part of his comment was indeed considerable. In regard to his second question, he had, on arriving in Palestine, felt certain misgivings concerning this class of immigrant, though his fears were not shared by officials who had already been for some time in the country. Subsequently, he had personally inspected a number of small townships and talked with these Poles and Russians. He had been agreeably surprised by their industry and adaptability. He had seen with his own eyes that they were of respectable class and were making good.

¹ See Minutes of the twentieth session, page 87.

It should be added that the large number of applications received from Polish and Russian Jews made it possible for the Administration to select only the very best types for admission to the country. This power of selection was a very great safeguard.

M. RAPPARD hoped that the policy outlined would be crowned with success. He trusted, however, that the authorities would bear in mind the danger of an artificial and temporary increase in work due to the rapid filling up of the country. It was reassuring to note that emigration was very slight, though here again it was difficult to say how far this was due to improved conditions in Palestine or to deteriorated conditions in the rest of the world.

M. SAKENOBE, referring to the steps taken to regularise the position of persons who entered Palestine as travellers or without permission, asked how many of those who were finally deported were Jews, and how the selection was made between those who were to be deported and those who were allowed to remain.

Sir Arthur WAUCHOPE said that the selection was based on considerations of good character and the possibility of making good as colonists without becoming a charge on the country. The 450 individuals who had been expelled were those who could not fulfil these conditions (page 55 of the report). Some of the deported persons were Jews; some were persons of other nationalities.

M. RAPPARD, referring to paragraph 14 on page 16, asked whether there was not some sort of contradiction in admitting new immigrants when steps had to be taken to relieve unemployment.

Sir Arthur WAUCHOPE said that the matter referred to in paragraph 14 was purely local. After careful calculation, it was estimated that Palestine's capacity of absorption this year would be 6,000 instead of the 2,600 in the previous year.

LAND REGIME.

M. VAN REES noted that "the total area of agricultural land sold to Jews in 1931 was 41,226 dunums; of this area 26,641 dunums were purchased from Jewish vendors" (paragraph 1 on page 30 of the report). He asked from what element of the Arab population the remaining 18,000 odd dunums had been bought.

Sir Arthur WAUCHOPE said that it would be impossible to say who were the other vendors without investigating all the transactions. He would note this question and endeavour to supply an answer in the next report.

M. VAN REES had noted a statement in *The Times* to the effect that the Arab Executive had submitted a request to the Government that any further purchase of land by Jews should be forbidden. Had the Arab Executive in fact submitted such a request to the High Commissioner?

Sir Arthur WAUCHOPE said that no such request had reached him officially. He was aware, however, that the Arabs would like to see such sales stopped.

M. RAPPARD was delighted to see the real progress which was at last being made in the disposal of State lands. Previously, the Commission had always been told that the matter was a delicate one and was still under consideration.

In a petition — for which he was Rapporteur — from the Palestine Arab Women's Congress dated January 28th, 1932 (document C.P.M. 1290), it was submitted "that unless a definite land policy were adopted which would aim at safeguarding the rights of the Arab population to their lands . . . and unless some legislative measures were passed with a view to restricting the transfer of Arab land to non-Arabs, the Arab cultivators . . . would be doomed to misery, eviction and hardships . . .". This statement was curious, because the Commission was informed that the petition emanated from wealthy Arabs and from the very circles which had themselves gained considerable financial advantage from the sale of and in the past. They now seemed to be desirous of prohibiting such sales.

Lord LUGARD said he understood that a considerable area of the land acquired by Jews was not yet cultivated.

Sir Arthur WAUCHOPE replied that it was not yet cultivated by the Jews themselves, but was not lying idle. The purchase by the Jews only involved a change of ownership, the Jews becoming the owners and the Arabs remaining on as farmers.

M. RAPPARD supposed that these lands constituted a future reserve for the Jews.

Lord LUGARD asked what was the position with regard to the lands around Lake Huleh and Beisan.

Sir Arthur WAUCHOPE replied that the lands around Lake Huleh were fertile, but their occupation was rendered difficult owing to certain privileges granted to a concessionaire before the war. It had been estimated that, before the Huleh district could be developed properly, about one million pounds would have to be spent on drainage.

Lord LUGARD said that, on March 14th, a question in the following terms had been asked in Parliament : " Whether any steps have now been taken to give effect to the statement in the Prime Minister's letter to Dr. Weizmann on February 13th, 1931, that it is the intention of His Majesty's Government to institute an enquiry as soon as possible to ascertain what State or other lands in Palestine are, or can properly be made, available for close settlement by Jews." The then Under-Secretary had replied that he hoped such an enquiry would be instituted at an early date. Had an enquiry in fact been instituted ?

Sir Arthur WAUCHOPE replied that there were no State lands available which were suitable for land settlement on a large scale.

Lord LUGARD said that in a debate in the British Parliament in April last a member had said that, on land purchased by the Jewish National Fund, colonists had been driven out by Bedouin. Could the accredited representative explain this assertion ?

Sir Arthur WAUCHOPE said he could hardly venture an explanation in respect of so vague a statement. It should be remembered, however, that some lands were subject to pasturage rights. These rights had to be taken into account.

M. RAPPARD asked what was the present situation in the Wady Hawareth.

Mr. MOODY replied that the dispossessed Arabs were now on land leased by the Government from the Jewish National Fund. That lease would come to an end in September 1933. The Government was trying to find other land on which to settle the Arabs permanently. A Committee on this subject was sitting, but had not yet made its recommendations.

JUDICIAL SYSTEM.

M. RUPPEL drew attention to the amendment of the Ottoman law on the Imprisonment for Debt Ordinance (page 43). Would it not have been preferable to abolish the institution of Imprisonment for Private Debt, which was the remnant of a very old legal system ?

Sir Arthur WAUCHOPE said that it was felt better to proceed step by step. The amendment had already reduced the prison population considerably.

M. RUPPEL drew attention to the large number of advocates licensed to practise in 1931, bringing the total to 230 (page 44), and to the number of advocates reported to the Chief Justice for disgraceful, fraudulent or unprofessional conduct (page 43). There appeared to be too many advocates in Palestine, and their moral standing was not always as high as might be expected.

Sir Arthur WAUCHOPE was sure there was too much litigation and was inclined to agree that there were too many lawyers.

In reply to a further question by M. Ruppel, Sir Arthur Wauchope said that a good many of these advocates did not make a living out of advocacy.

M. RUPPEL asked what was the competence of the Special Tribunal mentioned on page 47, paragraph 18.

Sir Arthur WAUCHOPE said that this information would be supplied in the next report.

M. RUPPEL noted from the " Statement of Total Revenue and Expenditure of All Courts in Palestine other than Religious Courts, and Number of Cases decided in each Year " (page 51) that each year revenue exceeded by far expenditure. The courts seemed to be a profitable source of revenue. Were the fees too high ?

Sir Arthur WAUCHOPE had no comments to make on this matter.

Lord LUGARD asked whether the new Press Law had come into force.

Sir Arthur WAUCHOPE said that he hoped it would be in force in a month or two.

Lord LUGARD asked what was the difference between the functions of the Supreme Court and the High Court. Was one a court of appeal ?

Sir Arthur WAUCHOPE said that as far as he was aware the Supreme Court was exclusively a court of appeal. Information would be furnished in the next report.

PRISONS AND PRISON LABOUR.

M. RAPPARD, drawing attention to the figures for what had been called the " jail population " (page 53), said this very term seemed to imply that there were always a very large number of people in jails and so-called " lock-ups ". What was the exact meaning of these terms and the real significance of these figures ? Were they not exceptionally high.

Sir Arthur WAUCHOPE explained that the "lock-ups" were reserved for persons undergoing short sentences. The actual prisons were used for longer sentences. The number of persons imprisoned pending a trial was high, but was being gradually reduced.

M. SAKENOBE drew attention to the following passage :

"There were 6,987 prisoners released under the Penal Labour Ordinances and employed on various services of public utility. No wages are paid to the prisoners for this work" (page 53, paragraph 6).

What was the object of these Penal Labour Ordinances ?

Sir Arthur WAUCHOPE replied that they worked very well and had already reduced the prison population considerably. Not a single case of abuse had occurred, as far as he was aware. The prisoners seemed to be doing good work and relieving the administration of the cost of their upkeep.

M. SAKENOBE had been struck by the great number of these so-called prisoners, who were apparently released prisoners.

Sir Arthur WAUCHOPE said that they could be divided into two classes : first, those who slept in the prisons, working outside during the day ; and second, those who slept in their own homes and reported to the prison officers from time to time.

IMPROVEMENT IN THE SITUATION OF THE AGRICULTURAL POPULATION.

M. MERLIN congratulated the mandatory Power on the measures taken to improve the position of the agricultural population. These measures had no doubt done much to calm the population. Agriculturists had apparently welcomed the benefits offered and were applying to an increasing extent for seed, and so on. The situation seemed to be improving.

The provisions of the new Imprisonment for Debt Ordinance were most valuable.

EXPORTS AND IMPORTS.

M. MERLIN was gratified to note that the territory had been very little affected by the world crisis, no doubt on account of the special character of Palestinian exports.

The difficulty of obtaining capital from outside had very considerably decreased the purchasing power of the population. There was some inconsistency — more apparent than real — between the two following passages :

"The Palestine currency, based on sterling, has been subject on foreign exchanges to the fluctuations of the pound ; but there has been no untoward sign of inflation of prices locally" (page 8, paragraph 23).

"With the departure of the pound sterling, to which the Palestine currency is tied, from the gold standard, prices of all commodities, including cereals, increased towards the end of the year ; local industries were given an impetus, and trade between Palestine and countries on the gold standard is developing" (page 146, paragraph 12).

The fall in the value of the pound sterling had undoubtedly reduced the purchasing power of the Palestinian population. This was to some extent counterbalanced by exports to countries which had not gone off the gold standard.

In spite of high tariffs, there was still some export trade with Egypt. Could not an agreement be concluded with that country with a view to the reduction of the tariffs ? They were prohibitive for a number of Palestinian products : the soap industry, for example, had been obliged to cease exporting to Egypt.

Sir Arthur WAUCHOPE said that the soap trade and the export trade in melons and oranges had been very hard hit by the high Egyptian protective tariff. Tentative efforts had been made to conclude an agreement, but, up to the present, they had not been successful.

M. SAKENOBE noted that sugar for the manufacture of fruit juices and syrup was exempt from import duty. How was sugar for general consumption distinguished from the sugar used for the above purposes ?

Sir Arthur WAUCHOPE had not been informed of any difficulty in distinguishing between the sugar used for these two purposes. The amount of juice made at present was very small, but he hoped that it would increase.

APPLICATION TO PALESTINE OF THE IMPERIAL PREFERENCE ORDINANCE, 1922.

M. VAN REES observed that, up to the present, the United Kingdom Government had not thought fit to extend to Palestine the operation of the Imperial Preference Ordinance of 1922, which was applicable to the mandated territories in Africa — Togoland and the Cameroons under British mandate. He asked whether, in this time of crisis, it would not be worth while to reconsider the matter.

Sir Arthur WAUCHOPE said that an official announcement by the Secretary of State was expected shortly.

LOANS.

M. MERLIN suggested that the evil of usury might be combated by means of credit societies or Government "pawnshops". Experience had shown him that the latter often brought great relief to the population.

Sir Arthur WAUCHOPE said he could certainly give due consideration to this suggestion.

M. MERLIN said it had been suggested that the interest charged by Syria on credits to traders in Palestine and Trans-Jordan — 9 per cent — was excessive, though the remarks of an accredited representative for another mandated territory would appear to indicate that this was not the case. If, however, the rate was felt to be excessive, could not a friendly arrangement be made with Syria ?

Sir Arthur WAUCHOPE would be extremely glad to see the rate of interest charged by both Syria and other lenders reduced. Nine per cent, was, however, a normal rate of interest on loans in Palestine.

CO-OPERATIVE SOCIETIES.

Lord LUGARD understood the co-operative societies were opposed by the local lawyers, because the latter were excluded, and by the Jews because they gave powers to the Registrar. Should there be different ordinances for Jews and Arabs with regard to co-operative societies ?

Sir Arthur WAUCHOPE pointed out that Arab co-operative societies were not as yet actually in existence. There had simply been a proposal to set them up. A Registrar had been appointed, and so far no opposition whatever had been raised. Naturally, they would have to begin on a very small scale, and Mr. Strickland was going to Palestine as adviser.

Lord LUGARD understood that, in Mr. Strickland's view, the Registrar should be very highly trained. Was this being provided for ?

Sir Arthur WAUCHOPE said the Registrar had already spent some four months in different European countries for training purposes, and, in a few months' time, would probably continue his studies in other countries. Sir Arthur Wauchope was very hopeful of the eventual success of the co-operative societies. He must raise one note of warning : progress would be very slow at the beginning.

CONSTRUCTION OF THE PIPE-LINE AND THE PROPOSED RAILWAY FROM HAIFA TO BAGHDAD.

M. RUPPEL asked for information as to the construction of the pipe-line and the proposed railway from Haifa to Baghdad.

Sir Arthur WAUCHOPE said that the construction of the pipe-line was proceeding satisfactorily, and he understood it was hoped to complete it before the anticipated date, 1934. He had no information as to the proposed railway.

M. RAPPARD supposed that the railway would in no case be a charge on the Palestine budget.

Sir Arthur WAUCHOPE confirmed this statement.

HOLY PLACES.

M. PALACIOS drew attention to the statement on page 13 that the findings of the Commission entrusted with the study of the rights and claims of the Arabs and Jews at the Wailing Wall, presented in December 1930, had been promulgated and put into force in June 1931 by the mandatory Power. The text of the Order in Council promulgating these conclusions was set out in an appendix to the annual report.

The report stated that the findings of the Commission had been received without enthusiasm by Moslems and Jews alike, but that there had been no significant public comment. It added that no serious difficulty had been experienced in administering the regulations prescribed in the Order in Council (page 13).

Was the Administration convinced that the feelings of anxiety were now calmed and that protests such as those of the 1931 Moslem Congress were rather inspired by considerations of principle than by actual popular discontent ?

Sir Arthur WAUCHOPE explained that the Government had decided to adhere to the report of the Wailing Wall Commission, and had had no difficulty in maintaining its decision.

M. PALACIOS said the Commission had received certain petitions on this matter, one from the Central Agudath Israel, dated June 28th, 1931 (C.P.M.1223), in respect of repairs to the Wailing Wall, and one from the Permanent Committee of the Liberal Arab Party, dated June 15th, 1931 (C.P.M.1224), contesting the right of the Wailing Wall Commission to take decisions in the matter. M. Palacios understood the mandatory Power had replied in the sense just indicated by the High Commissioner, basing its reply on the competence granted to the Commission by the Council of the League of Nations. Could he add anything to that reply, particularly with regard to the petition from the Arab party ?

Sir Arthur WAUCHOPE had nothing to add.

The CHAIRMAN observed that there had been a number of incidents in 1931 in connection with repairs to certain holy sites (page 51). The impression had arisen in different circles that the mandatory Power showed a preference for the Orthodox. The Commission hoped the High Commissioner would continue to adopt an absolutely impartial line of conduct in order to remove that impression. It had confidence in the tact and *savoir-faire* of the High Commissioner to ensure that the *status quo* would be maintained, as required by the mandate.

Sir Arthur WAUCHOPE was hopeful that the Commission would see more signs in the future than in the past that the chief religious communities were co-operating with the Government.

CHILD MARRIAGE.

Mlle. DANNEVIG pointed out that when, at the seventeenth session of the Mandate Commission, she had raised the question of child marriage, one of the accredited representatives Mr. Luke, had replied that there was no problem in Palestine of the sort that existed in India.¹ This problem seemed still to be of great concern to several associations dealing with the welfare of women and children, which appeared to consider that the situation was not satisfactory in Palestine. Mlle. Dannevig had been informed that the Ottoman family law prohibited the marriage of boys under 17 and girls under 9 years of age. In Egypt, in 1926, the age of marriage for girls had been raised to 16 and in India, in 1929, to 14 years of age. She understood that the High Commissioner had agreed to have an enquiry made into this matter in Palestine. Could he give the Commission any information as to the actual position ?

Sir Arthur WAUCHOPE said this question had interested him greatly shortly after his arrival in Palestine, when he had learned that a question had been asked in the Mandates Commission.

After some consideration as to the most hopeful avenue of improvement, he had decided to write a personal letter to the heads of the greater religious communities in Palestine. He had received sympathetic letters in reply from all these heads, and was now studying the problem anew. He was hopeful that some action would be taken on the lines suggested by the Commission.

The CHAIRMAN thought the High Commissioner would have no difficulty with the Christian religious communities, their age-limit being 14 years. Difficulties might arise with the Moslem communities, because the Moslem law fixed the age-limit for a girl at 9 years of age. The Commission did not desire to interfere in any way or to offer any advice, but thought it might assist the High Commissioner to know that in other countries it had been found possible to reconcile the religious laws of the Moslems with the laws of the Government administering the territory.

POLICE AND MILITARY ORGANISATION.

M. RUPPEL understood the Jews complained that they were not allowed to join the police force in a sufficiently high proportion. Had this question been considered ?

Sir Arthur WAUCHOPE replied that it had not only been considered but to some extent adjusted.

M. RUPPEL understood that the Government had taken measures to merge the municipal constabulary units in the general Palestinian police force, and that the town of Tel Aviv had objected to this measure.

¹ Minutes of the seventeenth session, page 115.

Sir Arthur WAUCHOPE said that very soon after his arrival in Palestine he had come to the conclusion that unification would greatly add to the strength and usefulness of the police force in time of trouble. He therefore decided that it must take place.

At first, this caused considerable perturbation among the inhabitants of Tel Aviv. It was found, however, that unification could be brought about. Certain concessions had been granted — in the matter of uniform, for example — which satisfied the people of Tel Aviv and did not affect the principle of unification.

M. SAKENOBE said that when the accredited representative had referred in his statement that morning to security and had said that the present force should be maintained, he had understood him to mean the Royal Air Force, the Trans-Jordan Frontier Force, the Police Force and the special British troops garrisoned in Palestine since the 1929 trouble.

Sir Arthur WAUCHOPE confirmed this observation.

M. RAPPARD asked the High Commissioner how the different races were co-operating in the police and in the Trans-Jordan Frontier Force. He understood that, after the riots, the presence of Moslems and Jews in the same ranks had raised some difficulty. Had there been any new developments ?

Sir Arthur WAUCHOPE said he had made many enquiries from the Inspector-General and had been assured that the relations between Jews and Arabs in the Palestine Police Force were excellent : there was no trouble and no friction.

There was only a small number of Jews in the Trans-Jordan Frontier Force, mostly experts such as tractor drivers, and, according to conversations he had had with them, they were perfectly happy.

M. RAPPARD thought this question of great importance from the point of view of security.

Lord LUGARD asked whether there was not considerable disappointment among the Jews that so few were enlisted in the Frontier Force.

Sir Arthur WAUCHOPE said that there was. Similar terms were offered to all Palestinian citizens, but very few Jews volunteered for the Trans-Jordan Frontier Force. One condition was that they must know Arabic : it was felt that all the members of such a Force should understand the same language.

M. SAKENOBE asked whether the word of command was given in English or Arabic.

Sir Arthur WAUCHOPE said that words of command to the troops were given in English, as was generally the case, he believed, in India, but executive orders were given in Arabic.

M. SAKENOBE noted that the standard of literacy of the Force was steadily rising, that the troops were taught arithmetic, writing and reading in Arabic and that classes were held in English (page 57, paragraph 21). Was Hebrew also taught ?

Sir Arthur WAUCHOPE replied in the negative.

M. VAN REES noted that colloquial examinations in Arabic and Hebrew had been introduced for British personnel in the Police Force qualifying for promotion, and that nine members of the British Section had passed in Arabic (page 53, paragraph 4). Had any candidates presented themselves for examination in Hebrew ?

Sir Arthur WAUCHOPE replied that candidates had offered Hebrew, although not in large numbers.

INTELLIGENCE SERVICE.

The CHAIRMAN observed that it must be somewhat difficult to organise the Intelligence Service with members of both races. He understood, however, that it was working well.

Sir Arthur WAUCHOPE repeated that security was increasing. The conditions governing security must remain the first consideration of the Administration.

COMMUNIST ACTIVITIES.

M. RUPPEL noted that 101 persons were prosecuted under the Criminal Law (Seditious Offences) Ordinance 1929, in connection with subversive communist activity, and all except 15 were convicted (page 55, paragraph 14). Could the accredited representative give further information as to communist activities in Palestine ? Was there any serious infiltration of communist ideas from outside the country ?

Sir Arthur WAUCHOPE said that the persons mentioned had been deported in 1931. Since then there had been a certain number of agitators in the country.

BILATERAL CONVENTIONS APPLIED TO TERRITORIES UNDER MANDATE.

The CHAIRMAN read a note on this subject (Annex 3).

Sir Arthur WAUCHOPE undertook to comply with the request formulated by the Commission.

STATISTICAL INFORMATION RELATING TO THE TERRITORIES UNDER MANDATE.

The CHAIRMAN read a note on this subject (Annex 4).

Sir Arthur WAUCHOPE undertook to comply with this request also.

ANTIQUITIES.

COUNT DE PENHA GARCIA noted that there was a 10 per cent *ad valorem* tax on the export of antiquities (page 141, annual report 1931). Was this tax imposed for fiscal purposes or indirectly to prevent antiquities from leaving the country, and how was the value of antiquities estimated ?

Sir Arthur WAUCHOPE explained that the Director of the Antiquities Department decided what discoveries made during excavations should be taken over by the Antiquities Department in Palestine. The excavators decided among themselves what should be done with the remainder. He assumed that with regard to excavations, the only branch of which he had knowledge, the Director of Excavations would himself make a valuation of any article the export of which was sanctioned.

Mr. MOODY added that the tax was not imposed for fiscal reasons, but to prevent the export of antiquities.

COUNT DE PENHA GARCIA presumed that the valuation was made through administrative channels.

Sir Arthur WAUCHOPE replied in the affirmative.

M. RAPPARD wondered whether such export duty, if it had no fixed *raison d'être*, would not only put a premium on clandestine trade, and therefore defeat its very purpose of control.

Mr. MOODY pointed out that there was no other export duty in Palestine, and the Director of Customs would have no object in examining the baggage of persons leaving the country but for the antiquities tax.

OFFICIAL LANGUAGES.

M. VAN REES stated that Mr. Mills had asked the United Kingdom Government in Parliament on March 30th, 1931, whether written communications from the Government authorities to the Arabs were in Arabic and communications to the Jews in English. Dr. Drummond Shiels had replied that an enquiry would be opened into the matter. Could the accredited representative communicate the results of this enquiry ?

Mr. MOODY explained that the Jews were invariably written to in Hebrew and English and the Arabs in Arabic and English.

M. VAN REES understood from a Press communication that the High Commissioner was prepared to solve a problem hitherto regarded as insoluble. He referred to the use of Hebrew characters in telegrams. Was that information correct ?

Sir Arthur WAUCHOPE said he had given an interview to a gentleman who was very interested in the question, but had made no communication to the Press. What he himself had seen in the Press was not accurate. He had expressed the wish that he could be of assistance, but had pointed out that it would be very difficult in present circumstances, and would add considerably to the Government's expenses.

LABOUR.

Mr. WEAVER expressed appreciation of the very abundant information on labour given in the report.

He enquired whether the Labour Legislation Committee, the appointment of which was mentioned in the report (pages 14 and 70, annual report, 1931), had been instructed to take into account the question of labour inspection. From information that had reached him, he had been led to believe that inspection of the application of labour legislation was not adequate, except as regarded the inspection effected unofficially by the Jewish labour organisations. Inspection was perhaps one of the points to which the attention of the Government might properly be directed.

Sir Arthur WAUCHOPE, while unable to give a definite answer, would bear in mind the purport of these remarks.

Mr. WEAVER had noticed that one of the terms of reference of the Labour Legislation Committee was to consider whether, in all public works, there should be conditions of labour similar to those guaranteed in works carried out under the Palestine and East Africa Loans Act, 1926 (page 74). He did not desire to anticipate the findings of the Committee on this point, but he would like to enquire whether any further consideration had been given to the application of these principles to the conditions of labour employed on the construction of the pipe-line. As he had pointed out at the previous session, the Convention between the High Commissioner and the Iraq Petroleum Company, Limited, did not contain any provision whatever on fair rates of wages and other conditions of labour, but only dealt with the supply of labour. Dr. Drummond Shiels had said that this was an unfortunate omission which had only been noticed after the Convention had been signed and that steps were being taken to have included in the Convention, if it were still possible, some such clause.¹ Could the High Commissioner say whether any steps had been taken with regard to a fair-wage clause and other conditions of labour?

Sir Arthur WAUCHOPE did not think it possible to have a clause added to the Convention. There had, however, been considerable correspondence, and he had visited the chief centre of the work. From enquiries he had made, not only from the Director but also from the workmen themselves, as to the actual wages paid, he was satisfied that the latter were somewhat above the average in Palestine. If he remembered rightly, he had been told by the unskilled workers that they were receiving 10 piastres a day. He understood that the company had given an undertaking to observe fair conditions. The workers certainly seemed well satisfied.

In reply to M. Van Rees, Sir Arthur Wauchope stated that the Committee appointed to review labour conditions (paragraph 7, page 15) had not yet terminated its labours.

M. VAN REES, with regard to paragraph 9 on page 15, asked what had been the result of the discussion between the Jewish Agency and the Government Treasury with a view to devising an applicable formula for the determination of the Jewish share of employment on public works.

Sir Arthur WAUCHOPE said that the actual number of Jews and Arabs employed respectively would be decided in each case and in each locality on its own merits, after the results of this Conference had been duly weighed. The Administration did not propose to lay down one general principle for all cases.

Mr. WEAVER had seen a telegram issued by the Jewish Telegraphic Agency quoting a letter in which it was stated that in future no Jewish labour should be employed at the Kadoorie Agricultural School, whereas the report stated that most of the work was in Jewish hands (page 15, paragraph 11). Was there any truth in the allegation made in the telegram?

Mr. MOODY did not think there could be any truth in the statement. A number of Arab labourers had been employed at the beginning, but at present most of the labour was Jewish.

Sir Arthur WAUCHOPE undertook to look into the matter.

Mr. WEAVER noted that representatives of the Executive of the Jewish Agency and of the General Federation of Jewish Labour were recognised by Government for the special purpose of recruitment of Jewish labour as required by Departments (page 15, paragraph 11). He believed, however, that this recognition had not been extended to the Union of Railway, Postal and Telegraph Workers because it was not willing to comply with certain requirements in regard to affiliation to the General Federation of Jewish Labour and to certain international trade union organisations. Could not the question be reconsidered? The Union had one very valuable characteristic from the point of view of co-operation between Arabs and Jews: it had both Jewish and Arab members and might therefore be a useful means of promoting that accord between the two races which everyone desired. Recognition of the Union would give it more standing and aid in furthering this desirable object.

Mr. MOODY said that the Government held the view that the Government employees might very well be organised in professional trade unions, but was unable to agree that they should be organised in a general trade union.

M. RAPPARD, referring to paragraph 11 (page 15), noted that "work on the construction of . . . roads was assigned . . . to Jews at rates higher than those which were paid to Arabs for the same labour". Was not such a policy likely to cause dissatisfaction among the Arabs? Or were the wages paid to the Jews higher only because their labour was deemed more efficient?

Sir Arthur WAUCHOPE said that a difficult problem was created by the higher standard of living among the Jews than among the Arabs. The object of the Administration was to raise

¹ Minutes of the twentieth session, page 106.

the standard of the Arabs rather than lower that of the Jews. As a consequence, payment for piece work had been tried at Haifa Harbour Works and Athlit Quarry Works. It was hoped to extend this method, which had been approved by the labour representatives.

It should be borne in mind that, generally speaking, Jewish labour was skilled, whereas Arab labour was far less skilled.

M. RAPPARD agreed that no exception could be taken to a policy of paying higher rates for better labour, but the sentence to which he had referred, as at present phrased, seemed to imply that Jews had been paid higher rates for doing exactly the same work as Arabs.

Sir Arthur WAUCHOPE agreed that this had been the case in one or two instances, but, generally speaking, the policy followed was the one he had indicated.

M. RUPPEL asked what interpretation the Administration placed upon the words "local labour" in Article 11 of the Convention between the High Commissioner and the Iraq Petroleum Company with regard to the pipe-line.

Sir Arthur WAUCHOPE said the Administration interpreted "local labour" to include anyone who was domiciled in Palestine, not necessarily a Palestinian citizen.

M. PALACIOS asked whether there were any labour exchanges in Palestine.

Sir Arthur WAUCHOPE replied in the negative.

UNEMPLOYMENT.

Mr. WEAVER then called attention to the unemployment statistics (page 70, annual report, 1931). He had asked, in the previous year,¹ that persons normally employed and seeking regular employment be distinguished from those who usually worked on their own account and who were seeking casual employment. This was an important distinction and would add considerably to the value of the statistics. Had any further consideration been given to the possibility of dividing the statistics in this manner?

Sir Arthur WAUCHOPE explained that a Labour Officer had been appointed some four months previously and was devoting his time and energy to improving the unemployment statistics. A memorandum had been issued asking the different Departments to co-operate with him. The point would certainly be considered.

M. VAN REES asked whether unemployment was on the increase or decrease.

Sir Arthur WAUCHOPE replied that, whereas there were normally about 1,000 unemployed Jews in Palestine, at the present time there were only 600 to 700.

ACTIVITIES IN THE BUILDING TRADE AND THEIR POSSIBLE EFFECT ON UNEMPLOYMENT.

Lord LUGARD noted that the recent influx of fairly wealthy Jews had considerably stimulated the building trade. That stimulus could, however, only be temporary. What steps would be taken to avoid a future slump?

Sir Arthur WAUCHOPE said he had no reason to believe that there would be any sudden decrease of building resulting in an equally sudden decrease of employment. If, after six months, a decline were noticed, the Administration would be prepared to restrict immigration.

STRIKE OF TAXICAB DRIVERS.

M. RAPPARD, with regard to the taxi strike (page 8, annual report, 1931), expressed surprise at the sentence:

"Indiscriminate competition by unorganised drivers tended to depress fares to an uneconomic level."

Were the fares depressed by lessened demand or by undue competition?

Sir Arthur WAUCHOPE said the fundamental difficulty was that, in the tourist season, which lasted for three months, there was a great demand for hired motor-cars. As soon as the tourist season came to an end, there was an enormous supply and little demand. To combat

¹ See Minutes of the twentieth session, page 105.

this state of affairs as far as possible the tax on taxis had been reduced, and a limit had been placed on the increase in the number of taxis, so that it was hoped a normal level would eventually be reached without any interference with the tourist traffic.

M. RAPPARD wondered how this problem could be dealt with by fiscal means, as the root of the trouble seemed to be the seasonal nature of the demand for taxis.

TRAFFIC IN ARMS.

M. SAKENOBE noted that a considerable number of firearms had been seized (page 81). Was not the illicit traffic in firearms somewhat large? M. Sakenobe hoped that, with an increase in security and improved relations between Arabs and Jews, this illicit traffic would gradually diminish.

Sir Arthur WAUCHOPE said that, as an old soldier, he attributed great importance to the possession of illegal arms and was taking steps to diminish it.

TWELFTH MEETING

Held on November 11th, 1932, at 10.30 a.m.

Palestine and Trans-Jordan : Examination of the Annual Report for 1931 (continuation).

Sir Arthur Wauchope, Mr. Downie and Mr. Moody, accredited representatives of the mandatory Power, came to the table of the Commission.

LIQUOR TRAFFIC ; MANUFACTURE OF AND TRADE IN DRUGS.

Lord LUGARD noted that the production of wines had fallen from over 4 million litres in 1930 to 2,838,652 litres in 1931 (page 82). Could the High Commissioner explain this large decrease?

Sir Arthur WAUCHOPE said that the world consumption of wine had greatly diminished during the last year.

In reply to another question from Lord Lugard, he explained that arak was a spirit made from grapes.

Lord LUGARD considered that the consumption of spirits in Palestine appeared large for a Moslem country, especially of arak (243,743 litres), which he supposed was a cheap spirit.

Sir Arthur WAUCHOPE mentioned that a considerable amount of spirits was exported by Jews to Jews abroad.

COUNT DE PENHA GARCIA noted that "cognac" was manufactured in Palestine. He believed that Palestine had not yet ratified the Madrid Convention on marks of origin, but in any case he pointed out that this designation was erroneous.

Sir Arthur WAUCHOPE promised to enquire into the matter.

COUNT DE PENHA GARCIA said that it was impossible to tell from the figures given in the report if the consumption of alcohol in Palestine was excessive or not.

Sir Arthur WAUCHOPE emphatically asserted that the consumption of alcohol in Palestine was not excessive, and he added that the prosecutions for drunkenness were few and far between.

COUNT DE PENHA GARCIA had noted that the Administration intended to revise the legislation on the liquor traffic (page 87). He hoped that consideration would be given to measures which had been found satisfactory in other mandated territories, such as limitation of the number of hours, control of the alcoholic percentage, etc.

Sir Arthur WAUCHOPE promised to give the matter his attention.

Lord LUGARD, referring to the penalties for the importation of dangerous drugs, asked if the same penalties were imposed for hashish as for heroin, and other really dangerous drugs.

Sir Arthur WAUCHOPE replied that the penalties were uniform for all drugs.

Count DE PENHA GARCIA noted that the smuggling of drugs continued in Palestine on as large a scale as formerly. On page 80 it was stated that the "closest liaison is maintained with the Central Narcotic Bureau in Egypt and with the police authorities of Syria and Trans-Jordan for the control of the drug traffic, and special funds were assigned to this service for preventing the entry of narcotics to Egypt". He asked the High Commissioner if he expected appreciable results from his measures or whether further measures were contemplated.

Sir Arthur WAUCHOPE said that these measures had proved satisfactory in the past, and he had no intention of changing them.

EDUCATION.

Mlle. DANNEVIG said that she had not been present when the previous report on Palestine had been examined, but she wished to thank the mandatory Power for its replies to her written questions.¹

She asked if the Education Ordinance mentioned on page 52 had been published.

Sir Arthur WAUCHOPE replied that it had been published as a Bill, but the authorities concerned were being consulted before it appeared as an Act.

Mlle. DANNEVIG said that the fact that the number of Arab pupils who applied for admission to Government schools was 9,667 seemed to show that the Arabs were now taking a greater interest in education than formerly. She noted, however, that out of this number it had been necessary to refuse as many as 4,310 owing to lack of accommodation (page 89). She asked on what principles the successful children were selected.

Sir Arthur WAUCHOPE replied that the dominant factor in the situation was the extent of school accommodation. There was not sufficient accommodation in the town schools. There was also a number of small villages with no schools.

Mlle. DANNEVIG noted that the report stated (page 89) that the average time spent by children at school had now increased to four years, and she wondered whether four years was not a minimum time if the children were to profit at all from their education.

Sir Arthur WAUCHOPE considered it essential that the children in Palestine should, if possible, receive a thorough four years' education.

Mlle. DANNEVIG said that no figures were given for the number of Arab girls in the town schools.

Sir Arthur WAUCHOPE promised to supply this information in the next year's report.

Mlle. DANNEVIG said that the Arabs appeared to take little interest in higher education. Apparently also the number of pupils in each class was small, and this naturally made higher education expensive.

Sir Arthur WAUCHOPE replied that it was the general feeling among the Arabs that any extra money the Government might have at its disposal should be devoted to elementary education.

Mlle. DANNEVIG said that she had read in a newspaper that the Jewish schools had not opened at the usual time this autumn, because there was a dissension within the Jewish community and that the Governor had warned them that the Government subsidy of £20,000 would be withdrawn if the schools were not opened.

Sir Arthur WAUCHOPE explained that the schools had been closed for a very short period and had reopened as soon as the Government authorised their grant.

Mlle. DANNEVIG noted that the examination results in the higher schools were very poor. Was this because the pupils did not work well or because the standard was too high?

Sir Arthur WAUCHOPE replied that the standard was very high, and his general impression was that the pupils worked well.

Lord LUGARD, referring to the creation of an Arab university, asked if there would be sufficient Arabs to attend it.

Sir Arthur WAUCHOPE said that in any case the Government was not prepared to advance funds towards the cost of building.

¹ See Annex 5 to the present Minutes.

Lord LUGARD asked if progress had been made in training teachers for the rural Arab schools.

Sir Arthur WAUCHOPE said that a special college for giving schoolmasters an elementary knowledge of agriculture had been set up at Tulkarm.

Lord LUGARD said that a Jewish newspaper reported that the subsidy of £20,000 granted to Jewish schools had been withheld pending settlement of a dispute regarding their control by the Vaad Leumi. Had it been settled?

Sir Arthur WAUCHOPE said that the dispute had been settled, and the grant restored.

Mlle. DANNEVIG asked if it were usual for teachers in Jewish Agency schools not to be paid at the right time.

Sir Arthur WAUCHOPE said that difficulties concerning the payment of their salaries had occurred during the last few years.

Commemoration of Armistice Day.

The Commission and the accredited representatives, rose at 11 a.m. and remained standing in silence for two minutes in memory of the dead of all nations and races who had lost their lives in the Great War.

PUBLIC HEALTH.

M. RUPPEL asked that further information might be supplied in the next report concerning the campaign against malaria and concerning the prevalence of ankylostomiasis, and of tuberculosis in certain parts of the territory.

Sir Arthur WAUCHOPE promised to do so.

M. RUPPEL said that the report mentioned that in some villages 70 per cent of the persons examined were found to be infected with ankylostomiasis (see page 101 of the report). Were these Arabs or Jews?

Sir Arthur WAUCHOPE replied that the persons so infected were both Arabs and Jews.

M. RUPPEL said that on page 103 of the report there was a section headed "Drainage and Water Supply". This section provided information on drainage, but none on the water supply.

M. RUPPEL understood that the water supply of Jerusalem was far from sufficient during the dry season, in particular in those parts of the town inhabited by the poorer classes. The High Commissioner in his preliminary statement had mentioned the fact that a water-supply scheme would be carried out in the near future. Could he give the Commission any further information?

Sir Arthur WAUCHOPE said that until last June Jerusalem's water supply, obtained from all sources, was sufficient to provide 4 gallons of water per head of the population. Since then the supply had been increased 50 per cent by pumping up water from the neighbouring valleys, and it was now dealt out every day to poor inhabitants, instead of once or twice a week as formerly. It was intended to carry out the important new water-supply scheme, mentioned in his statement, in the near future.

In answer to a further question from M. Ruppel, he explained that all obstacles concerning concessions had been overcome with regard to the water-supply scheme, but not as yet with regard to the electric light scheme.

M. RUPPEL said that important information concerning the number of doctors practising in the territory was to be found on pages 103 and 106 of the report. It would be seen that the figures were very high. He asked the High Commissioner if the Palestine Administration allowed foreign doctors with foreign degrees to practise.

Sir Arthur WAUCHOPE replied that the Palestine Administration recognised the degrees of a certain number of Universities in Europe and America.

M. RUPPEL said that last year he had asked for further information concerning the expenditure of the Palestine Government on the health services.¹ From the figures given on page 106 he noted that the total expenditure on hygiene (£P.110,777) amounted only to about 5 per cent of the territory's whole expenditure.

Sir Arthur WAUCHOPE agreed that the percentage was very small.

M. RUPPEL was very grateful to the Administration for the hospital tables provided on pages 107 *et seq.* of the report. According to his calculation the total number of beds available

¹ See Minutes of the twentieth session of the Permanent Mandates Commission, page 110.

was 2,200, of which 20 per cent were to be found in Government hospitals, 30 per cent in Jewish hospitals and 50 per cent in hospitals run by foreigners. This emphasised the large part played in Palestine by help from abroad.

Mlle. DANNEVIG noted that according to the table on page 101 there had been a large number of deaths from puerperal fever during the year. She also noted that 1,185 "dayahs" had been registered and permitted to practise midwifery. Did the prevalence of puerperal fever imply that the "dayahs" were incompetent?

Sir Arthur WAUCHOPE assured Mlle. Dannevig that there was no connection between the two facts.

Mlle. DANNEVIG pointed out that there was also a very high mortality rate among children suffering from measles.

The CHAIRMAN said it must not be forgotten that in Moslem countries it was very difficult for doctors to penetrate into Moslem houses. He asked the High Commissioner what steps were being taken to train Moslems as midwives.

Sir Arthur WAUCHOPE assured the Chairman that a certain number of Moslems were being so trained.

PUBLIC FINANCE.

M. RAPPARD, referring to the question of tithes, asked that in future all information about tithes might be placed in the same paragraph of the chapter on Finance instead of being scattered throughout the whole report. It appeared that the question of tithes had not yet been settled to the complete satisfaction of the Administration. At the beginning, the tithes had been based on the original Turkish tax, but the yield therefrom had fluctuated according to whether the harvests were good or bad. Later, the tithes had been commuted into a land tax with a fixed yield, but, in years when the crops were poor, the Administration had found itself compelled to remit part or the whole of the tax. He asked the High Commissioner if it would not be possible to reform the tithes and establish a permanent form of tax. One point on which he was not quite clear was whether the money from the tithes went exclusively to the Government or whether part of it went to the Moslem Supreme Council.

Sir Arthur WAUCHOPE explained that the Government collected the tithes and passed on a fraction thereof to the Moslem Supreme Council.

M. RAPPARD asked whether the budget contained a complete account of the tithes paid by the taxpayers, or whether it contained the amount received after deduction of the fraction granted to the Moslem Supreme Council had been made.

Sir Arthur WAUCHOPE said that the amount was entered in the budget after deduction had been made.

M. RAPPARD hoped that this would be remedied in the budgetary accounts given in the next report, since, until the full amount of the tithes was known, before deduction had been made, it was impossible to appreciate the exact contributions of the taxpayers.

Sir Arthur WAUCHOPE informed the Commission that at the present moment a special Committee was sitting to deal with the question of tithes. He hoped that the report of this Committee would lead to a fairer adjustment of the tax. He added that no tithes were paid directly to any Moslem religious body.

M. RAPPARD recalled the fact that a discussion concerning grants-in-aid had taken place in the Commission last year, when Dr. Drummond Shiels had implied that Palestine was a cause of great expense to the British taxpayer¹. From the figures given on page 116 of the present report it appeared that a much larger sum had been granted in 1931 than in the years immediately preceding. Were these grants-in-aid intended to cover only military expenditure?

Sir Arthur WAUCHOPE replied that the United Kingdom gave Palestine grants-in-aid for military purposes alone, whereas the grants-in-aid to Trans-Jordan were for military and general administrative purposes.

M. RAPPARD asked in that case how were the increased figures on page 116 to be understood.

Sir Arthur WAUCHOPE thought that the increase was due to the costs incurred by sending two British battalions to Palestine. He promised to supply further information in the next report.

M. RAPPARD noted from the statement of assets and liabilities given on page 126 that the Government owed the Ottoman Agricultural Bank £P23,000,000 and had advanced agricultural loans to cultivators to the amounts of over £P90,000,000. He asked if this implied that the Government assumed the functions of a Land Bank towards the cultivators.

¹ See Minutes of the twentieth session of the Permanent Mandates Commission, page 105.

Sir Arthur WAUCHOPE said that there was no connection between the two figures quoted by M. RAPPARD. Loans to cultivators were advanced out of the general revenue.

Lord LUGARD noted that out of £P246,000 commuted tithes, £P176,000 had been remitted. How did the Government propose to make good this large sum ?

Sir Arthur WAUCHOPE explained that, in making the budgetary estimates, the Administration had had sufficient foresight to see that the whole of the commuted tithes would not be collected.

Lord LUGARD had read in the newspaper of the exodus of certain Jews from Palestine to form a colony in Siberia named Birobijan. What was the reason of this exodus of Jews from Palestine ?

Sir Arthur WAUCHOPE was unable to explain the motives for this step.

DEMOGRAPHIC STATISTICS.

M. RAPPARD wished to congratulate the Administration on the census it had carried out, and said that the demographic statistics called for no comment on his part.

Lord LUGARD asked whether about 9,000 tourists would have to be deducted in order to arrive at the absolute total of the population of Palestine.

Sir Arthur WAUCHOPE agreed that about 9,000 tourists had been present in the territory at the time of the census.

Palestine and Trans-Jordan : Petition from the Palestine Arab Women Congress (document C.P.M. 1290).

M. RAPPARD, as Rapporteur for the petition from the Arab Women Congress, said that it had been drafted with considerable skill, which seemed to point to the intervention of a professional advocate. He asked if the Congress was an important permanent institution.

Sir Arthur WAUCHOPE said that between 150 and 200 Arab women had attended the 1929 Congress, so that it could hardly be said to play an important part in the life of the community.

M. RAPPARD said that one of the complaints voiced in the petition was that too many Civil Service posts were given to non-Palestinians. In the observations by the United Kingdom Government on this petition, it was stated that there were fifty-nine Egyptians employed in the service of the Palestine Government in February 1932. Why were there so many more Egyptians than nationals of any other country ?

Sir Arthur WAUCHOPE explained that nearly all these Egyptians were employees of the Sinai Railway, for the running of which the Palestine Government was responsible.

M. RAPPARD drew attention to the fact that on page 6 of the petition the Executive Committee mentioned that " even in Trans-Jordan, which was under the same mandate, the Legislative Council was now considering the enactment of a law prohibiting the employment of Palestinians ".

Sir Arthur WAUCHOPE agreed that there was a tendency in Trans-Jordan to exclude Palestinians and all other foreigners from the Civil Service.

M. RAPPARD asked if the Legislative Council had the power to enact such a law, which would be binding on the Palestine Government.

Sir Arthur WAUCHOPE thought that the High Commissioner had always the right to refuse any law likely to endanger the territory of Trans-Jordan.

In reply to a further question from M. RAPPARD, the High Commissioner said that the policy of the mandatory Power in selecting Civil Servants for Palestine was to employ nationals of the United Kingdom and Palestine, and to increase the number of Palestinians gradually as they became more competent in the Service.

M. RAPPARD said that the petitioners also complained that the Administration had done nothing to train future officials.

Sir Arthur WAUCHOPE said that a grant had been made to enable a certain number of Palestinians to attend universities in Europe.

Palestine and Trans-Jordan : Petition from the Central Agudath Israel of Palestine (document C.P.M. 1284).

M. RUPPEL, as Rapporteur for the petition from the Central Agudath Israel of Palestine dated July 30th, 1931, enquired which religious communities were recognised under the Religious Communities Ordinance, 1926, and whether any application had been rejected.

Mr. MOODY said that only the Jewish community had been so recognised and he thought that no requests had been received from other communities.

M. RUPPEL asked whether the Religious Courts of the eight Christian communities mentioned on page 48 of the report for 1931 had been in existence before the coming into force of the Palestine Order in Council, 1922.

Mr. MOODY answered in the affirmative.

M. RUPPEL said that the Orthodox Jews claimed that their courts had also had jurisdiction in Palestine before the Order in Council, 1922.

Mr. MOODY replied that one Jewish community had been recognised in Palestine under the Ottoman Empire, but it was not the community with which the present petition was concerned.

In reply to a further question from M. Ruppel, he said that all Jews resident in Palestine became members of the recognised community on registration, under the reservation of the right to withdraw by a written notice.

M. RUPPEL noted that, when the regulations of the Jewish community came into force on January 1st, 1928, according to the statement made by the mandatory Government, nearly 11,000 adult males had made use of their right to give notice of their desire not to be included in the community. The petitioners claimed, however, that they represented a total of about 20,000. But, even if they consisted of no more than 10,000 adult males, he assumed that, taking into account their families, they would be equivalent to more than 20 per cent of the total Jewish population.

Sir Arthur WAUCHOPE said that a Jewish family usually averaged five persons, and he had heard it calculated that the number of Orthodox Jews in Palestine formed about one-quarter of the population.

M. RUPPEL noted in the comments by His Majesty's Government on the petition that the Government " saw no ground for reviewing the decision that the Central Agudath Israel should not be recognised as a separate community under the Religious Communities Ordinance, 1926 ". One of the reasons given for this refusal was that, " if the Palestine Government were to give statutory powers to more than one organisation of Jews, it would have to consider the claims of any other associations of Jews, not at present recognised as separate communities, to be allowed similar powers ". Had the Palestine Government in mind any other organisation of Jews than the Central Agudath Israel ?

Mr. MOODY replied that the Palestine Government had no other organisation of Jews specially in mind, but, if it took this step, it was true that any small section of Jews would then be entitled to recognition.

M. RUPPEL thought that it would not be difficult to make a distinction between the Central Agudath Israel and any other smaller sections of Jews.

The second reason given by the United Kingdom Government for refusing the request of the Central Agudath Israel was that the Orthodox Jews were free to form their own associations and to arrange their religious and cultural affairs as they pleased. M. Ruppel, however, had serious doubts whether the Orthodox Jews were on a footing of real equality with the recognised Jews. For instance, whereas the recognised Jews could go to their own courts in matters of personal status, the Orthodox Jews had to go to the Civil Courts. The grievance of the Central Agudath Israel that they were placed in a position of inferiority seemed, therefore, to be not unfounded.

M. Ruppel drew the attention of the accredited representative to the observations of the Mandates Commission on the petitions examined at its seventh session, which said that : " In the opinion of the Commission, the provisions of the mandate would not appear to oblige the Mandatory to recognise only one Jewish religious community in Palestine ".¹ He asked the accredited representative if there were other reasons for declining the request of the Central Agudath Israel as set out in the comments of His Majesty's Government on the petition.

Sir Arthur WAUCHOPE said that he knew personally some of the Rabbis in question, and they were very law-abiding citizens. If the United Kingdom Government felt itself unable to recognise their claim, it was from no feeling of lack of confidence.

Mr. MOODY said that the Palestine Government considered it advisable to organise the Jews in a single community and to leave aside the question of sects.

M. RUPPEL asked if the recognition of the Orthodox Jewry would hamper the Administration in fulfilling its obligations to establish a Jewish National Home.

Mr. MOODY said that the Mandatory was not anxious to increase the number of religious courts in the territory.

Mlle. DANNEVIG noted that the Central Agudath Israel had the right to establish its own schools. She asked if these schools would receive subsidies from the Government.

¹ See Minutes of the seventh session of the Permanent Mandates Commission, page 219.

Mr. MOODY replied that all private schools were eligible for Government grants, if they fulfilled the conditions prescribed by the Government.

Mlle. DANNEVIG asked if these subsidies would be proportionally as high as to Jewish Agency schools.

Mr. MOODY replied that they would not be equally high.

Trans-Jordan.

The CHAIRMAN had noticed the frequent mention of " Palestine " Arabs, " Trans-Jordan " Arabs, etc. Were not all these Arabs mostly nomads? Was it possible to make an exact distinction between the Arabs of the various regions?

Sir Arthur WAUCHOPE replied that no exact distinction was possible.

RELATIONS BETWEEN THE LEGISLATIVE COUNCIL AND THE ADMINISTRATION.

M. PALACIOS noted that the examination of the policy and administration of Trans-Jordan was becoming a matter of increasing importance. In the first three paragraphs of the Introduction (page 170) reference was made to several important changes of a political character. The Legislative Council had refused to accept the budget, as a result of which it had been dissolved. The reason given for that refusal was that the Government had no right to submit the detailed budget to the Legislative Council. As a result certain officials had been displaced and their supporters had created difficulties. Could Sir Arthur Wauchope tell the Commission what was the origin of this question and what were the difficulties caused by the supporters of the displaced officials?

Mr. MOODY explained that the mandatory Power was in control of the finances of the Trans-Jordan Government, because it had to make a grant-in-aid to that Government. The High Commissioner was therefore bound to see that the budget was passed. As the Legislative Council had refused to pass the budget, the High Commissioner had been obliged to take the necessary steps to secure its adoption.

M. PALACIOS asked whether the refusal of the Legislative Council was to be construed as an act of opposition to the mandatory Power.

Sir Arthur WAUCHOPE said that the answer was in the negative. Party politics existed in Trans-Jordan as elsewhere, and had been responsible for this attitude of the Council. In the present year the budget had been passed without incident.

PUBLIC FINANCE.

M. RAPPARD suggested that the financial situation in Trans-Jordan was strange. The country cost the mandatory Power a great deal of money and it was difficult to see what return that Power received for its expenditure. In fact, the mandatory Power supplied one-third of the Trans-Jordan revenues. He noted (page 111) that the grants-in-aid to the frontier force had been £33,000 in 1930-31 and £34,000 in 1931-32, whereas the actual ordinary expenditure had only been £29,000 and £30,000 respectively. The mandatory Power also granted a subsidy of £84,000 for the general administration.

The CHAIRMAN observed that the Commission should be gratified rather than otherwise at this state of affairs. It should be remembered that the mandatory Powers had been selected, in view, not only of their administrative experience, but also of their altruism.

Sir Arthur WAUCHOPE said that the mandatory Power felt that Trans-Jordan was a very poor country unable to pay more taxes than were at present being gathered. The Government had to be carried on; owing to the taxpayers' poverty, it could only be carried on by means of grants-in-aid.

M. RAPPARD asked whether that argument might not also be put forward on behalf of other colonies.

Sir Arthur WAUCHOPE said that it certainly might. He, however, was only responsible for the situation with regard to Palestine and Trans-Jordan. As soon as Trans-Jordan could be brought to a greater state of prosperity and the taxable capacity of its population increased, the grants-in-aid would be diminished.

RELATIONS BETWEEN TRANS-JORDAN AND SAUDITE ARABIA.

Lord LUGARD asked whether the High Commissioner had any further information with regard to the frontier trouble which had occurred between Trans-Jordan and Nejd. Was it true that the Billi tribe living in the Hejaz had crossed Trans-Jordan to attack Ibn Saud and that certain Trans-Jordanians had assisted them.

Sir Arthur WAUCHOPE said that Ibn Rifada had passed through Akaba to join up with the Beni Atiya. These rebels had been dealt with by Ibn Saud himself.

The CHAIRMAN asked whether there was any truth in the statements made by certain newspapers that Trans-Jordan forces, commanded by British officers, had been in conflict with the forces of Ibn Saud, and that a British vessel had fired at the Saudites. True, these matters had occurred after 1931, but he would be much obliged if the High Commissioner could give any information.

At the twentieth session of the Commission¹ it had been pointed out that, although it was claimed that Akaba was part of the territory of Trans-Jordan, Ibn Saud had never admitted this claim. It had been alleged that Trans-Jordan was converting Akaba into a military base; but the Commission could not understand what interest Trans-Jordan could have in so doing. Finally, was it likely that Ibn Saud would ever recognise Trans-Jordan's claim to Akaba?

Sir Arthur WAUCHOPE said that he could reply to questions regarding the past, but could not make any predictions regarding the future. When Ibn Rifada had come from Egypt and passed into Saudite Arabia through Akaba, he had felt sure that fighting would occur. He had therefore thought it advisable to take all steps to protect the Trans-Jordan frontier. Happily, Ibn Saud had himself defeated the rebels. The presence of detachments of the Trans-Jordan frontier force and the Arab Legion in the region of Akaba had prevented all incursions into Trans-Jordan territory and had made it possible for the defeated rebels to return to the place from which they had come.

It was quite untrue that Akaba had been or was being converted into a naval base. When he had heard of the pending trouble, he had asked that a sloop should be stationed temporarily at Akaba. That sloop had never fired a round. But he was sure that, if he had not taken this precaution, fighting and other troubles would have occurred. With regard to the recognition of Trans-Jordan sovereignty over Akaba by Saudite Arabia, he could not add anything to the reply which had been given on this subject at the twentieth session of the Commission.

M. RAPPARD observed that the Commission could hardly expect the High Commissioner of Palestine to explain why the King of Saudite Arabia did not recognise the sovereignty of Trans-Jordan over Akaba. But it might ask whether the United Kingdom Government regarded this matter as finally settled or whether negotiations were still in progress with Saudite Arabia.

Sir Arthur WAUCHOPE said that no negotiations were in progress. The situation remained unchanged and was not alarming. He was much more alarmed at the reports that Akaba was being converted into a naval base. These reports were absolutely devoid of all truth.

EXERCISE OF THE POWERS OF THE HIGH COMMISSIONER OVER TRANS-JORDAN.

M. RAPPARD asked how far the powers of the High Commissioner extended over Trans-Jordan. Of course, the High Commissioner possessed full powers in theory, but in practice to what degree were those powers exercised?

Sir Arthur WAUCHOPE replied that, as far as possible, he endeavoured — particularly as there was a Resident in Trans-Jordan — to allow that country to administer itself. The High Commissioner only intervened directly if anything took place which was definitely detrimental to the wellbeing of the country. The High Commissioner considered himself directly responsible for the maintenance of law and order and the conduct of foreign relations.

SLAVERY.

COUNT DE PENHA GARCIA noted that the status of slavery had been abolished in Trans-Jordan. A certain amount of slavery still, however, existed in fact. Did Sir Arthur Wauchope believe that slavery in the service of the Sheikhs was tending to diminish?

Sir Arthur WAUCHOPE replied that the number of slaves in the service of the Sheikhs was very small and was in fact tending to diminish.

PETITIONS FROM M. VON BASSEWITZ (documents C.P.M.1273 and 1278).

M. SAKENOBE as Rapporteur on these petitions asked whether the High Commissioner could give any information particularly on the point mentioned in the petition as to what occurred in the garage after M. von Bassewitz had been escorted thither by the three policemen. What was the policemen's account of the affair?

Sir Arthur WAUCHOPE regretted that he was unable to say what was the account given by the policemen. The case had been tried before a magistrate. The proceedings before this

¹ See Minutes of the twentieth session of the Permanent Mandates Commission, page 111.

magistrate had been the subject of investigation by the mandatory Power. Neither the mandatory Power nor the Resident in Trans-Jordania was satisfied with the magistrate's decision or the manner in which the case had been conducted.

In reply to a question by Mlle. Dannevig as to whether M. Knud Holmboe had been killed between Akaba and Amman, he said that this report was incorrect. M. Knud Holmboe had been killed in Saudite Arabia.

CLOSE OF THE HEARING.

The CHAIRMAN thanked Sir Arthur Wauchope for the manner in which he had replied to the Commission's questions. He had provided the Commission with a very satisfactory picture of the situation, the more so as, in this hour of universal crisis, Palestine seemed to be suffering from adversity much less than other countries. The Commission was sure that under Sir Arthur Wauchope's guidance the country would continue to progress in peace and prosperity.

Sir Arthur WAUCHOPE thanked the Chairman for his kind remarks. He desired also to thank the members of the Commission and the members of the Secretariat for their friendly and helpful attitude.

He felt bound to add one word of caution. True, there was every reason to feel satisfaction and even confidence, but it must never be forgotten that the task of the mandatory Power was one fraught with great difficulties — the task of governing a country inhabited by two races which viewed each other with feelings far removed from cordiality.

THIRTEENTH MEETING

Held on Friday, November 11th, 1932, at 3.30 p.m.

Islands under Japanese Mandate : Examination of the Annual Report for 1931.

M. Ito, accredited representative of the mandatory Power, and M. Mitsusada Horiguchi, former Governor of the South Sea Islands under Japanese mandate, came to the table of the Commission.

WELCOME TO THE REPRESENTATIVES OF THE MANDATORY POWER.

The CHAIRMAN welcomed M. Ito, accredited representative of the mandatory Power, and M. Mitsusada Horiguchi. He was sure his colleagues would appreciate the Japanese Government's action in sending to Geneva a former Governor of the mandated territory. He also thanked the Government for its gift of a photograph album of the islands under Japanese mandate to the members of the Mandates Commission.

M. ITO said he was very much moved by the welcome of the Chairman and the Commission, and regretted, on behalf of his Government, that the receipt of the report on the South Sea Islands under Japanese mandate had been delayed. This was due to transport difficulties in the flooded area of Manchuria.

FORM OF THE REPORT.

M. ITO said that the Japanese Government had kept the Mandates Commission's observations in the forefront in preparing the annual report. At M. Van Rees' suggestion,¹ the report contained an index of the questions asked by the members of the Commission and the replies thereto.

It would be noted that the authors of the report had included certain new matters, — for example, a chapter on religion and information with regard to private land and to the steps taken to increase the wellbeing of the inhabitants. Finally, on page 190 and the following pages would be found a list of the laws and regulations in force in the islands.

¹ See Minutes of the twenty-first session of the Permanent Mandates Commission, page 80.

GENERAL STATEMENT BY M. MITSUSADA HORIGUCHI.

The following general statement, which had been prepared by M. Mitsusada Horiguchi, was then read :

It is an honour and at the same time a great pleasure for me to be able to be present at this session of the Permanent Mandates Commission as representative of the administrative authorities of the islands of the South Seas under Japanese mandate.

The details of the Japanese administration of these islands are set out in the administrative reports which are communicated each year by the Japanese Government and which are carefully examined by the Mandates Commission. I do not think, therefore, I need say anything further on this subject. However, as I was responsible for the administration of our mandated territory since 1921 — that is to say, prior to the installation of the Japanese Bureau — down to November last, I think it may be useful if I give you a summary of the essential features of our administration during these last ten years.

The policy followed by the Japanese South Seas Bureau since the establishment of the mandates system with a view to increasing the material and moral welfare of the inhabitants of the mandated territory, and ensuring their social progress, can naturally not be explained in a single phrase. Nevertheless, the policy to which we have attached most importance and which we have regarded as being most urgent, as regards the actual situation of the mandated territory and the achievement of the aims for which we have striven, may be described under three headings : (1) education of the natives ; (2) native hygiene ; (3) improvement of native economic resources.

In 1922 — that is to say, when the Japanese South Seas Bureau was first instituted — we defined this policy in three major schemes, the fulfilment of which we regarded as being our principal task. During the ensuing ten years all possible means have been employed to achieve this result. I will venture to explain the main lines of these three schemes.

1. *Education of the Natives.*

The present state of the intelligence of the inhabitants of our mandated territory and the geographical position of this territory make it impossible for us to reap immediately the results of a very difficult and ungrateful task : the education of the natives. Nevertheless, as the happiness and development of the natives depended solely upon the success of this policy, native education was placed in the forefront of our Administration's scheme. We deliberately selected education and religion as the two methods most likely to ensure in the long run the intellectual development of the inhabitants. In the matter of education we have followed the method of instruction employed by the Government authorities. Thus, we have improved the equipment of the various schools in all the islands, founded subsequent to the period of military administration ; we have also increased the number of teachers. We have defined the powers and duties of the teaching staff with a view to improving the quality of teachers and obtaining the best possible results from the instruction given.

We have also gradually increased the number of schools in order that the largest possible number of native children may enjoy the benefits of civilisation.

In 1922, when the Japanese South Seas Bureau was first instituted, there were only 17 schools, with 56 teachers. In 1931, the number of schools was 23, with 60 teachers. The number of children attending school rose from 2,247 in 1922 to 2,887 in 1931 — that is to say, an increase of 640. There is also a private school and a public training school for wood carving. The number of children who have attended classes in the public schools since the establishment of the Japanese administration was, in 1931, 8,486, which shows that more than one-half of the native youth has been able to receive a civilised education. The percentage, of course, is small as compared with that of civilised countries. Nevertheless, the geographical configuration of our mandated territory should be taken into account. It consists of hundreds of islands scattered throughout the ocean over several thousands of kilometres. Communications are difficult. Considerable sums have to be expended on the construction of boarding-schools for children coming from distant islands, or on providing food, clothing and school equipment. Under these circumstances I think we may rightly congratulate ourselves on the result.

Experience has amply proved to us that religion is the most appropriate and effective means of developing an only slightly-civilised people. As geographical conditions make it very difficult to create numerous schools, the lacuna of insufficient instruction has to be made up by the dissemination of religious teaching. In the hope of obtaining the best result in the development of the natives, the Japanese South Seas Bureau has always encouraged the activities of missionaries. It has welcomed with open arms the religious enterprise of missionaries and has granted them the necessary facilities and support to the greatest possible extent. For instance, missionaries have been exonerated from taxation and have been accorded reduced travelling rates on subsidised shipping lines. Grants have been made towards the propaganda expenses of missionaries, and ground has been lent to missions free of charge.

The missionaries for their part have courageously borne the various vicissitudes of their apostolate, and I am deeply grateful to them for all they have accomplished in a spirit of unselfish devotion.

Every year their efforts have borne fruit : the number of natives converted to the religion of civilised countries is now 31,000, or more than 60 per cent of the inhabitants of the territory. If this figure be compared with the 18,000 members at the beginning of the mandates system, the great progress achieved by these devoted missionaries becomes self-evident.

In addition to the measures described above, we have selected, as another means of developing the natives, the creation of associations of young people, the object of which is to improve native customs and inculcate good habits, such as industry, social service and co-operation. Groups of tourists have also been formed to visit the various civilised countries. Natives who have made special efforts to improve the conditions of their tribe have been granted recompenses. Lectures and lecture tours have been organised. In short, no useful effort has been spared to promote native education. All these efforts are set out in detail in the annual report, and it is my privilege to share my satisfaction with that of all the members of the Mandates Commission in noting the social progress achieved in the matter of native thought and custom during these ten years of Japanese administration.

2. *Native Health.*

The treatment of sickness and the preservation of health are two of the greatest blessings which civilisation can confer on only partly-civilised peoples. From the outset, therefore, the Japanese South Seas Bureau took over the hospitals founded by the Japanese Navy. The number of doctors has been considerably increased, hospital equipment has been improved, natives are granted consultations at very low rates or in some regions entirely free of charge. Doctors have been sent out regularly to those regions which are most distant from the hospitals, on consulting tours. The cinematograph has been used for health lectures in the various parts of the territory with a view to encouraging native hygiene. Experts have been provided with funds to enable them to study local diseases, and a grant has also been made for the improvement of dwellings and the supply of drinking-water. A leper-hospital has been established and natives have, at the cost of the Japanese Bureau, been given training in medicine and nursing. The number of doctors and nurses has been increased. Dispensaries have been set up in the distant regions, so that natives may obtain, free of charge, all that they may need in case of sickness. In a word, we have spared no pains in our efforts, regardless of cost, to protect native health.

Thanks to these efforts, the health of the natives has, generally speaking, noticeably improved during the last nineteen years, except in the distant islands such as Yap. I may perhaps be allowed to quote a few examples. Native villages have in general become clean, and the efficacy of medical treatment is now recognised by all. The people have acquired the habit of coming to the doctors when they fall sick. The incidence of yaws has been greatly decreased ; unhealthy dwellings have been reconstructed, while the need for providing proper drinking-water has been recognised by a large number of natives.

One point, however, I must note with a regret which is shared by all the members of the Commission : the continued decrease in the population of Yap. This tendency had already begun under the Spanish administration and increased appreciably under the German administration (7,464 in 1902 ; 7,000 in 1907 ; 6,184 in 1911 ; 6,269 in 1914). These figures include the statistics of isles situated some distance from Yap. It may be assumed, however, that the greatest decrease in the number of inhabitants has occurred in the main island. Unfortunately, this tendency has not disappeared. It is indeed a very difficult matter to remedy an evil of such long standing. It may, nevertheless, be noted that the decrease in the population of Yap is due rather to a heavy death rate than to a low birth rate. If it were possible to decrease the death rate by medical efforts such as the dissemination of health knowledge among the natives, and the establishment of sanitary installations, I am sure that this tendency could be remedied. This is the policy, in fact, which the Japanese South Seas Bureau has pursued by sending highly-skilled medical officers to Yap. Unfortunately, the inhabitants of this island are very obstinate and will not abandon their ancient customs. Unlike the inhabitants of the other islands, they seem unable to adapt themselves to changed circumstances and social progress. Consequently, neither sanitary progress nor the reform of customs harmful to public health can be achieved in a short space of time, in spite of the untiring efforts of the Japanese authorities. I feel confident, however, that the goodwill, admirable patience and unfailing efforts which we have bestowed on this problem will be crowned with success in the very near future.

3. *Improvement of the Native Economic Resources.*

The promotion of the material wellbeing of the natives depends chiefly upon an improvement in their economic situation. This would result in increased moral wellbeing and social progress. What was the position of the South Sea Islands at the beginning of our administration ? The natives had still not abandoned primitive life. They did not yet understand how to make the best and most effective use of their lands, and most of these lands were uncultivated. The Japanese South Seas Bureau realised the urgent need for cultivating them and using them for production. We have continuously exploited the natural wealth of the territory and promoted the development of the various branches of industry, regardless of the heavy expenditure involved. Thorough studies were initiated with regard to the exploitation

of the natural sources of wealth, such as studies on agriculture, meteorology, fishing, the forestry industry and the land system.

The importance of providing communications and means of locomotion, which are the main factors in the exploitation of natural wealth, was also recognised. A regular shipping service was organised between the South Sea Islands and Japan, and between the principal South Sea Islands. Post offices and wireless telegraphy were installed in the chief towns, roads were opened and harbours constructed. Bounties and subsidies were granted to agriculture, industry and trade, where this was found to be necessary to the development of the islands. A mission of technical experts was sent to give direct advice to the natives.

All these measures were successful. Industry increased from year to year. In 1922, exports amounted to only 1,769,819 yen and imports to 1,831,719 yen, a total of 3,600,000 yen, imports exceeding exports, whereas in 1931 exports amounted to 12,800,217 yen and imports to 5,958,766 yen (nearly three times the figure for 1922). The total figure for foreign trade amounts to 18,758,983 yen, or five times more than in 1922, and exports exceeded imports by 6,841,451 yen. What is the reason for such great progress ?

The exploitation of natural wealth and the development of industries, to which I have just alluded, do not depend solely on the efforts of the natives or solely on the efforts of the civilised people who come to work in this territory. I would emphasise here that this progress is due to the co-operation of natives and civilised people. In other words, it is the result of co-operation between the natives, landowners and employers and the civilised people, capitalists or *entrepreneurs*, who seldom have work to offer.

As a result of the development of industry, the resources of the natives have improved generally and their purchasing power has increased in an astonishing manner in comparison with what it was at the beginning of the mandate. The increased income from native land in the Island of Saipan should be noted specially.

I take as an example the rent of land. The rent of cultivable land before the mandates system was introduced was 6 to 10 yen per hectare, whereas it is now 20 to 40 yen.

The cultivation of the sugar cane and the sugar industry, which are directed by the Saipan Branch Bureau, have made greater progress than any other industry. In 1922, only 6,084 piculs (580 gr.) of sugar were exported at a total figure of 71,932 yen, whereas in 1931 the figures were 632,837 piculs and 9,237,090 yen respectively.

After sugar comes the cultivation of the coco-nut palm. The quantity of copra exported in 1922 was only 4,355 tons, its value being 562,495 yen, but in 1931 exports amounted to 11,226 tons, or 1,126,783 yen. The most noteworthy industry in recent years is bonito and tunny fishing. This industry has recently developed, and further progress may be anticipated. In view of the vast extent of the fishing-fields and the very large number of fish, it may later become one of the chief industries of this territory. The value of bonito and dried tunny production exceeded 1,000,000 yen in 1931.

4. Finance.

I will not detain you longer by explaining the Japanese administration in greater detail, but, before concluding, I should like briefly to explain the financial policy of the mandated territory, which is indispensable to the success of the various policies with regard to this territory.

In 1921 — at the beginning, that is to say, of our administration — the receipts of the mandated territory, including taxation and all other receipts, were only 303,000 yen per annum. The taxation system at the time of the occupation by our navy having been identical with that in force during the German administration, it can be assumed that receipts at the time of the German administration amounted to approximately the same figure. The Japanese Government, feeling that it was impossible to secure social progress and the wellbeing of the natives with so small a sum, introduced the three following systems for providing the administration of the islands with the necessary resources, at the same time as it set up the South Seas Bureau as the organ of the mandate. The first consisted in purchasing the phosphate ores of Angaur Island, exploiting them through the Japanese South Seas Bureau and meeting the costs of administration from the receipts. The second was the system of port clearance dues. When goods such as alcoholic beverages and sugar, on which a consumption tax is levied in Japan (including the colonies), are exported from the South Sea Islands, these goods are taxed in the South Sea Islands on export at the same rate as the Japanese consumption tax. They are consequently exempt from the tax in Japan. The effect of this system is that the Japanese Government cedes to the South Seas Bureau the right to levy the consumption tax, the port clearance dues being borne by the Japanese consumers.

The third system is the subsidy. The budget of the Japanese South Seas Bureau constitutes a separate account in the general budgets of the Japanese Government. The costs of administering this territory must, in principle, be covered by taxation and other receipts. Should receipts not be sufficient to cover expenditure, however, the Japanese Government decided to grant an annual subsidy for a certain period to supplement the annual receipts.

As a result of the introduction of these three systems, the South Seas Bureau has been able to obtain the necessary resources for the working of its various organisations. The subsidy can only be regarded as provisional, however. The financial policy of the South Seas Bureau is to bring about financial autonomy as soon as possible by exploiting the natural wealth of the country, developing its industries and decreasing the Government subsidy. The original plan proved successful after ten years' untiring effort. The annual receipts have increased from year to year; a subsidy is becoming less and less necessary. I am glad to state here that this year we have been able to meet all the costs of administration from the receipts of the territory without recourse to any subsidy.

I have just mentioned the most important points in the Japanese administration of the South Sea Islands and am at your disposal to supply any explanations and clear up any points which you may think necessary.

Table of Exports and Imports since 1922 (in yen).

Year	Exports	Imports	Total
1922	1,769,818	1,831,719	3,601,537
1923	2,344,414	2,454,114	4,798,528
1924	3,535,463	2,513,385	6,048,848
1925	5,864,534	3,647,895	9,512,429
1926	6,262,886	4,301,895	10,564,782
1927	8,221,546	3,814,511	12,036,057
1928	8,178,816	4,782,589	12,961,405
1929	7,638,069	7,122,479	14,760,548
1930	10,690,002	5,718,925	16,408,927
1931	12,800,217	5,958,766	18,758,983

Table showing Expenditure, Receipts and Subsidies since 1922 (in yen).

Year	Expenditure	Receipts			Total	Subsidies
		Exploitation of phosphate ores	Export duty	Other receipts		
1922	5,393,475	1,019,897	7,988	272,663	1,300,548	5,239,960
1923	3,741,808	1,049,772	103,085	240,974	1,393,831	3,000,000
1924	3,992,327	1,097,891	282,262	300,416	1,680,569	2,780,203
1925	3,658,974	1,320,573	651,593	369,087	2,341,253	1,800,000
1926	3,948,574	1,299,132	688,011	471,406	2,458,549	1,800,000
1927	4,617,569	1,335,157	1,017,042	387,027	2,739,226	1,800,000
1928	4,534,110	1,386,225	1,007,139	454,106	2,847,470	1,800,000
1929	4,501,999	1,414,875	891,925	544,544	2,851,344	1,500,000
1930	4,658,845	1,153,463	1,761,691	508,141	3,423,295	1,000,000
1931	4,857,530	1,159,000	2,470,250	464,948	4,094,198	272,459
(estimate)						
1932	5,014,419	1,140,000	2,998,750	465,867	4,604,617	
(estimate)						

N.B. — This table does not contain the budget surplus carried forward to the next financial period.

The CHAIRMAN thanked M. Horiguchi for his general statement.

STATUS OF THE INHABITANTS OF THE TERRITORY.

M. PALACIOS noted with satisfaction that the Japanese Government, in conformity with a suggestion made during the last session, had supplied information in the report with regard to the status of the territory, the status of the population and the international relations of the territory (pages 1, 4, 10).

With regard to the inhabitants, it was said on page 4 that : " People living in the territory under Japanese mandate are called ' inhabitants of the islands ' and have a different status from that of Japanese subjects ". Could the accredited representative give some explanation as to the status of inhabitants of Japanese origin, the number of whom increased considerably each year ? Did these inhabitants retain the status they had in Japanese territory, or were they considered as " inhabitants of the islands " ?

M. Iro explained that the term " inhabitants of the islands " referred only to the natives. It did not apply to Japanese subjects, who retained the status they possessed in Japanese territory when they settled in the islands.

TRAINING AND APPOINTMENT OF NATIVE OFFICIALS AND ORGANISATION OF REPRESENTATIVE NATIVE BODIES.

The CHAIRMAN stated that pages 14, 15 and 16 of the report contained interesting information with regard to the organisation of bodies of native officials. It appeared from a comparison of this information with that contained in the last report (pages 12, 13) that a new system, under which the Chamorro native chiefs were known by different titles, had been introduced. Formerly, natives of this race had not, it appeared, been accustomed to having chiefs at their head. The duties of the native chiefs, as administrative agents, were also given. Were there representative bodies of natives — native councils, for example ?

M. ITO replied that there was as yet no system of native representation in the islands.

LORD LUGARD asked what were the powers of the various chiefs mentioned on pages 14 to 16 of the annual report. It was stated on page 33 that it had been necessary to entrust village officials with the cognisance of minor offences committed in distant villages.

M. ITO observed that the terminology used in the report — village chief, village headman, district chief, etc. — applied to a state of affairs much less definite than one would be tempted to suppose on reading the document. In certain distant islands, it had been necessary to accord certain police powers to village headmen for the suppression of offences. These were, moreover, traditional powers, the bearing and extent of which were hardly defined. They were restricted in any event to the suppression of simple police offences, and the chiefs were not entitled to punish Japanese subjects residing in the islands.

LORD LUGARD asked whether the Administration was in the habit of sending natives to Japan to train them to occupy posts in the administration of their islands.

M. ITO explained that hitherto the most deserving natives had been sent to Japan, but he had not actually heard it said that the inhabitants of the islands were trained in Japan itself. According to M. Horiguchi, courses were given in certain areas to future village officials.

ADMINISTRATION OF TINIAN ISLAND.

M. SAKENOBE remarked that six years previously there had been no natives in Tinian Island, but, since the development of sugar cultivation, many natives had settled there. He desired to know whether the Japanese Administration governed them directly or through their chiefs ?

M. ITO explained that legally Tinian Island was governed by the Saipan Administration. As the natives had immigrated recently, it was probable that they were governed by the Administration directly — that was to say, without the aid of native chiefs.

BILATERAL CONVENTIONS APPLIED TO THE TERRITORIES UNDER MANDATE.

The CHAIRMAN read a note on this subject (Annex 3).

M. ITO noted the Chairman's desire.

PUBLIC FINANCE.

M. RAPPARD noted that, when receipts were decreasing in nearly all countries and were not sufficient to cover expenditure, the revenue of the South Sea Islands under Japanese mandate was such that the Government of the mandatory Power need no longer pay them a subsidy. In this connection, he would almost be tempted to say that the statistics given on page 50 of the report were too satisfactory. It would be seen, indeed, that from 1922 to 1931 the total revenue of the territory had increased regularly — which was strange — for it consisted of items one of which, receipts from the sale of phosphate, remained stable, while port clearance dues and others continually increased. Were not these last items of revenue so elastic that the Administration could handle them according to its requirements ?

M. ITO desired first to correct an explanation he had given the previous year.¹ Having studied the question in the documents in his possession and approached his Government, he was able to state that, although the budget of the islands under Japanese mandate was submitted to Parliament under the general head "budget of the colonies", the provisions in force did not permit of transfers from this budget to the budget of other departments.

¹ See Minutes of the twenty-first session of the Permanent Mandates Commission, pages 81-82.

Consequently, any surplus in the mandated territory was placed to the credit of that territory. Pages 48 and 50 of the report contained explanations with regard to the influence of the world economic crisis on the affairs of the territory.

With regard to the regular increase in the revenue of the islands, the yield from phosphate was determined by a plan fixed in advance, under which there was no change in the amount produced from year to year. Port clearance dues, on the contrary, varied owing to the constant increase in the manufacture of sugar cane in the islands.

In reply to a question by M. Rappard, M. Ito stated that the fall in the revenue of the islands in 1928-29 was explained by the fact that in 1929 the sugar producers of Tinian Island had been allowed to postpone payment of their port clearance dues for six months.

M. RAPPARD understood that, when the resources of the territory were adequate, the Administration allowed the payment of taxes to be deferred and recovered the arrears when it needed them. Returning to what he had said with regard to the regularity of the ascending curve of revenue, he stated that, if one of the factors making up this revenue permitted of the necessary adjustment or allowed the curve to be maintained, that was a very fortunate circumstance, but if, on the other hand, this curve was due to accountancy devices, there might be grounds for some anxiety.

M. Ito explained that port clearance dues were levied, chiefly on sugar and liqueurs, at the same rate as the consumption tax levied in Japan. If the latter varied, port clearance dues also varied. There was no other elasticity with regard to these dues.

M. Ito, having consulted M. Horiguchi, explained that permission to defer payment of port clearance dues was granted because the sugar-producing company had insufficient funds to pay the dues in advance. Consequently, payment was required after export.

M. RAPPARD noted that, in these circumstances, the accounts were not adjusted at the will of the Administration, and that the regular increase in the revenue of the islands under mandate was due to a happy chance. He desired to know, with regard to the phosphate mines, whether the passage reading "the first consisted in purchasing the phosphate ores of Angaur Island" in M. Horiguchi's general statement related to purchase, once for all, in 1922. Otherwise what was said about these mines on page 49 of the report was not very clear.

M. Ito said that the passage in M. Horiguchi's statement referred to the purchase made in 1922.

M. RAPPARD asked from whom the Japanese Government had bought the phosphate mine in 1922.

M. Ito replied that the Government had bought it from a private company.

M. RAPPARD noted that in this case the Japanese Government had made an excellent bargain on behalf of the territory, for these mines, which had cost 1,900,000 yen, produced over 1,000,000 yen annually.

Moreover, he had read with the greatest interest the passage in the report concerning the poll tax (page 51). This was a typical case of the gradual transformation, as the territory became more civilised, of a poll tax into a tax on income by increasing the number of categories of taxpayers.

Lord LUGARD asked whether, when a budget credit was not fully utilised in a given year, the remainder was returned to the Japanese Government.

M. Ito replied that such surplus remained at the disposal of the territory and was carried over to the budget of the following year, during which year the Administration might expend it.

M. VAN REES noted that in these circumstances the actual amount of the subvention enjoyed by the territory varied according to the results of the previous financial period.

M. Ito explained that the subsidy granted by the Imperial Government was equal to the estimated deficit for the financial period in respect of which the grant was made.

Lord LUGARD noted (page 49) that for 1931 the grant had fallen to about 275,000 yen.

M. Ito said that this was to be explained by the increase in the revenues of the territory.

In reply to M. Van Rees, he said that the sum paid for the purchase of the phosphate mines had been supplied by the Imperial Government and that the territory had not been asked to repay this sum.

In reply to Lord Lugard, he explained that the territory had no public debt. A few years ago certain officials had been dismissed, and it had been necessary to apply to the Imperial Government for a loan to cover the compensation paid to these officials. That loan had not yet been fully repaid, but the transaction in question could not be properly described as a public charge on the territory.

ECONOMIC SITUATION.

M. MERLIN said that the economic situation of the territory did not call for any particular comment. It would seem that the trade of the islands under Japanese mandate was 'mainly with Japan. He would like to know, however, why exports to countries other than Japan had fallen so suddenly at the beginning of 1931. Was this the effect of the world economic crisis or of special regulations promulgated in respect of exports ?

M. Ito said that no steps had been taken likely to divert the external commerce of the Islands into other channels, and that the decrease to which M. Merlin had alluded was a consequence of the world economic crisis.

GAME.

In reply to a question by Lord Lugard, M. Ito said that in the South Sea Islands the only game consisted of birds, mainly wild pigeons ; four-footed game was rather rare.

STATISTICAL INFORMATION CONCERNING THE TERRITORIES UNDER MANDATE.

The CHAIRMAN read a note on this subject (Annex 4).

M. Ito said that he would ask the Japanese Government to send in the desired reply as soon as possible.

JUDICIAL SYSTEM.

M. RUPPEL noted a very considerable increase in crimes and misdemeanours in the territory. The report indicated certain reasons for this increase, but he would like to have further information on this subject ; in particular, did the increase apply to the whole of the territory or was it localised in certain regions ?

M. Ito replied that the increase was among the Japanese population, which was growing yearly, and that it was confined to the regions of Japanese immigration.

Lord LUGARD noted the phrase on page 42 of the report : " The South Seas Bureau has instituted a system for awarding prize money to convicted persons to help them to lead an honest life after release ".

That was a very generous policy. Had it produced good results ?

M. Ito explained that on this point the English translation of the Japanese original of the report was not very accurate. While in prison, convicted persons carried out work for a reasonable wage which was handed over to them when they were discharged. The object of this system was to inculcate a habit of regular work. Up to the present, the results had been excellent.

ENQUIRY INTO THE SOCIAL CONDITIONS, LAW AND CUSTOMS OF THE NATIVES.

In reply to a question by M. Ruppel, M. Ito said that the enquiry undertaken by the Japanese Government into the social conditions, customs and laws of the natives was not yet terminated. The enquiry was costing a great deal of money, and, owing to the crisis, the work which, if his information were correct, had only been begun in the Island of Saipan had had to be slowed down. Additional details on this subject would, however, be given in the next report.

MARRIAGES BETWEEN JAPANESE AND NATIVE WOMEN.

In reply to a question by Lord Lugard, M. Ito stated that numerous cases of cross-breeding between Japanese and native women were on record and that these unions were contracted in a legal form. There was no marriage between Japanese women and natives.

MILITARY AND NAVAL CLAUSES OF THE MANDATE : ALLEGED CONSTRUCTION OF A NAVAL BASE IN ONE OF THE ISLANDS : DEVELOPMENT OF HARBOUR WORKS.

Mlle. DANNEVIG mentioned an article which had appeared in the *Journal de Genève* on February 11th last signed by M. William Martin to the effect that the Japanese Government had constructed a submarine base in one of the islands under mandate. She would be glad if the accredited representative could assure her that this was not the case.

M. Ito said that under the terms of the mandate the mandatory Power could not establish any military or naval base in the mandated territories entrusted to it. The Mandates Commission could rest assured that the Japanese Government would respect its undertakings in this respect.

The CHAIRMAN did not for a moment doubt that the Japanese Government would do so. He observed, however, that it was reported from another source that a naval base had been established in the western part of the Archipelago in the direction of the Hawaiian Islands. He noted, moreover, that in its annual reports the mandatory Power had no longer made any reference to the execution of the military and naval clauses of the mandate since 1925. In 1927, as could be noted on page 123 of the report, the expenditure on port improvements had suddenly risen from 94,145 to 307,896 yen.

M. ITO reminded the Commission that in 1925 and 1926 he had not yet been appointed as accredited representative of the mandatory Power to the Mandates Commission and could not say what had taken place at that time. Since then, however, the foreign trade of the islands under mandates had greatly increased. The entrance channels of certain islands, in particular the channel to Saipan, had had to be enlarged, in the interests of the sugar trade, in order that sugar might be laden on vessels of larger tonnage.

M. RAPPARD pointed out that the reports of the mandatory Power had ceased to refer to the execution of the military and naval clauses of the mandate at the moment when the expenditure on harbour works had considerably increased and when rumours had begun to spread with regard to the establishment of a naval base in the South Sea Islands. At the present time, similar rumours were current in the United States of America, and it was of the greatest importance that the accredited representative should contradict them by a statement permitting of no doubt on the matter. Could M. Ito state that he knew from a reliable source that no establishment existed in the South Sea Islands that could be called a naval base?

The CHAIRMAN was anxious that there should be no ambiguity on this point. A naval base might not be self-evident, since harbour works permitting of the entry of ships could be used by submarines. He preferred therefore to ask M. Ito to state quite frankly whether the works undertaken were intended only to promote mercantile navigation.

M. Ito readily understood the anxiety of the members of the Mandates Commission, but for his part he had no knowledge of the rumours to which reference had just been made, and had consequently not consulted his Government. As long as there was nothing to prove the contrary, he would be convinced that his Government's policy was loyal to the undertakings accepted in the mandate. Moreover, the improvement of the harbours of the South Sea Islands could very well be explained by the development of the sugar industry of the territory. Sugar exports had increased very considerably in recent years; they now amounted to 8,000,000 yen, and 120 vessels of a total tonnage of 260,000 tons called each year at the islands. In spite of this traffic, the harbours of the islands were not suitably equipped. Some were exposed to south-westerly winds, and from August to the end of September vessels were unable to shelter from these winds in the absence of the necessary equipment, and had sometimes to anchor in the open sea for about ten days before a cargo could be loaded or unloaded. The Japanese Government had therefore decided to carry out a first section of the proposed programme of works, which section would cost 1,050,000 yen and included the extension of the Saipan channel in the direction of Tanapako.

The CHAIRMAN emphasised that the application of an extremely important principle of the mandates was involved, and further that the Commission could not, through its own means, be aware of what was occurring in the 1,500 or so islands covered by the mandate and which were so far from Geneva. Had M. Horiguchi himself decided that these works, which would cost about 2,500,000 Swiss francs, should be carried out in order to enable vessels to enter the harbour of Saipan in all weathers?

M. Ito, having obtained information from M. Horiguchi, stated that there was at present a plan for the equipment of the harbours of Saipan and Palau, but no comprehensive plan covering all the islands.

The CHAIRMAN asked whether the works in question had been offered for public tender or had been carried out under the direction of Japanese Government engineers.

M. ITO stated that they had been carried out directly by engineers attached to the South Seas Bureau.

The CHAIRMAN pointed out that the members of the Mandates Commission, including himself, desired to know whether all these works were intended only to facilitate the trade of the Islands, or whether a naval base was not under construction. Before making any affirmation on this point, M. Ito might get into touch with his Government.

M. Ito said that M. Horiguchi had just informed him that these works were undertaken only for economic purposes. So long as his Government did not inform him to the contrary, he could only repeat this statement to the Mandates Commission. He would, however, make a point of forwarding to his Government the questions the Commission had asked with regard to the rumours repeated in the Press and the coincidence between the equipment of harbours and the disappearance from the reports of the mandatory Power of passages relating to the execution of the military and naval clauses of the mandate. He would ask his Government to confirm the statement just made, and would communicate the results to the Mandates Commission as soon as possible.

The CHAIRMAN wished to emphasise that the Commission desired to clear up this important point only in a spirit of sincere co-operation with the Imperial Government.

LABOUR.

Mr. WEAVER asked whether the Kanaka workers were sometimes re-engaged on the expiry of their contracts in the Angaur Mines.

M. ITO replied that the regulations applicable to these natives did not permit of their immediate re-engagement. They could only resume work in the mines after they had been home for a certain time. It frequently happened, however, that, having been home, they asked to be taken on again in the mines.

Mr. WEAVER said this reply was very satisfactory.

Mr. ITO drew the Commission's attention to the fact that the contract mentioned in the third line of page 105 of the report was not actually a contract, but simply a verbal undertaking. In reply to a question by Mr. Weaver, he stated that large buildings (compounds) had been constructed for Kanaka workers, each having one or two rooms at his disposal.

Mr. WEAVER noted that it was said on page 106 of the report that a certain percentage of workers were fed by the Administration. What was the exact percentage?

M. ITO could not say exactly. He estimated that the ratio was about 70 to 80 per cent.

Mr. WEAVER said that experience had proved that the best results were obtained when the employer undertook to feed the workers, in accordance with specified ration scales.

M. ITO explained that, where skilled workers were employed, they generally had their meals at home or at any rate outside the yards, whereas the food of the unskilled labourers was always supplied by the employers.

Mr. WEAVER asked whether preventive measures were taken to protect the workmen against endemic diseases such as ankylostomiasis, yaws, etc.

M. ITO, after consulting M. Horiguchi, said that except in times of epidemics the Mines Medical Service did not adopt any preventive measures.

EDUCATION.

Mlle. DANNEVIG had heard with pleasure the information given by M. Horiguchi in his general statement concerning education in the islands under Japanese mandate. She noted that the additional courses were fairly well attended. What advantages did the pupils derive from these courses? Was their position improved? Did they subsequently obtain better work, or were teachers selected from among them?

M. ITO replied that policemen and sometimes school-masters were recruited among the former pupils of these additional courses. The pupils who attended them thus obtained some advantage.

Mlle. DANNEVIG noted that the statistics given on page 65 showed that the figures for native teachers were stationary, whereas those for Japanese teachers had increased, as well as the number of pupils. Were there teachers' training schools for natives?

M. ITO explained that, as schools were established in islands which did not formerly possess them, the Administration was obliged in the first case to appoint Japanese teachers. There were no training schools for native teachers but, as he had already said, teachers were sometimes appointed from among natives who had followed the additional courses.

In reply to another question by Mlle. Dannevig as regards the study of the native languages, if books were printed in any of them, M. ITO said that the dialects spoken in the islands under Japanese mandate all belonged to the same linguistic group, but there were as many varieties as there were islands. The Japanese Government had not taken special steps to preserve these languages, which were not showing any tendency to die out. The missions, in particular German missions, used handbooks in the native tongues.

He then said that explanations would be given in the next annual report with regard to the statistics concerning the percentage of children attending public schools, a percentage regarding which Mlle. Dannevig had asked for further information.

Mlle. DANNEVIG reminded M. ITO that the Administration had declared that the bad state of health of the children attending school was due to the way in which they were fed. Had there been any improvement in this respect?

M. ITO said that this phenomenon was not peculiar to the schools; the whole population was suffering from underfeeding and it would be very difficult to take special steps in the case of children attending the classes, because these children did not have their meals at school.

FOOD SUPPLY.

Mlle. DANNEVIG reminded the Commission that the accredited representative had stated in the previous year ¹ that food was abundant throughout the whole of the territory, but that it was not of very good quality. If therefore there was not sufficient food of good quality in the islands, was there not some danger in the constant immigration of Japanese ?

M. ITO replied in the negative. The islands, apart from fish, only produced foodstuffs consumed by the natives. The Japanese imported their own foodstuffs.

Mlle. DANNEVIG was astonished that the kinds of food which the natives of the islands had probably always consumed were now considered unsuitable for them.

M. ITO said that the examination of native foodstuffs had nevertheless proved that they did not contain a sufficient quantity of calories. It was, moreover, common knowledge that the population of the islands had been decreasing for many decades.

Mlle. DANNEVIG said that, if that were so, the wide incidence of tuberculosis and other diseases was easily explicable. The natives' constitution was not strong enough to resist attack. Would it not be possible to take steps to improve the food supply of the natives ?

M. ITO said that he would transmit the suggestion to his Government.

PUBLIC HEALTH.

M. RUPPEL noted with pleasure that the Administration had constructed an asylum for lepers in Yap Island. On the other hand, the figures for infant mortality given on page 167 of the report seemed extremely high, and nothing was said about the measures to be taken to reduce them.

M. ITO, after consulting M. Horiguchi, explained that the high rate of infant mortality was due to the inadequate care given to newly-born children. The Administration had given attention to this state of affairs and had taken steps to train competent midwives or to have them sent from abroad. Those mentioned on page 149 were of Japanese nationality.

Mlle. DANNEVIG, in view of the state of civilisation revealed by the customs mentioned on page 174, asked whether it would not be more suitable to give instruction in hygiene than in literary subjects, arithmetic, etc., in the schools.

M. ITO promised to bring this suggestion to his Government's attention.

M. RUPPEL noted that, in the long list of counter-measures against the decrease of population of Yap Island which would gradually be put into effect (page 175), no mention was made of any campaign against tuberculosis, the principal source of the alarming death rate. That would seem, however, to be a matter of prime importance.

M. ITO said that the Administration was busily engaged in taking steps of every kind. Up to the present, it had decided to take those which were applicable to the whole of the population. Tuberculosis, however, could only be treated in the case of individuals. There was every reason to suppose that, when all the desired results had been obtained from general measures, special measures would be taken to deal with individual cases.

In reply to a further question by M. Ruppel, M. ITO said that he would ask his Government why no individual measures had been taken in the campaign against tuberculosis and what treatment it was proposed to apply.

LAND TENURE.

M. VAN REES drew attention to the following passage in the report (page 98) :

“ Any land in the territory except such as is the property of private persons is considered part of the State domain . . . ”

He wished to know if the natives had full property rights over the land they occupied or whether they had only the right to use them.

M. ITO replied that both cases occurred.

M. VAN REES noticed that it was said on page 102 that the lands in the district within the jurisdiction of the Jaluit Branch Bureau were in the exclusive ownership of tribal chiefs. He wished to know if this system existed only in the Jaluit Islands.

M. ITO replied in the affirmative.

¹ See Minutes of the twenty-first session of the Permanent Mandates Commission, page 83.

M. VAN REES pointed out an error which had crept into the report for 1931 and which he had already noticed in previous reports. On pages 97-98 it was said that "the State Domain in the mandated territory may be divided into two classes. The first class consists of those parcels of land which were transferred to Japan under Article 257, paragraph 2, of the Treaty of Versailles, and the second, of those which have been purchased by the Japanese Government or are exploited by it at its own expense. The former class is to be regarded as property belonging to the Government in its capacity as Mandatory". M. Van Rees was in complete agreement on this point, but he thought it was incorrect to say, as stated by the author of the report a little further on, that the same might be said of the latter class. The second class of land belonged to the Japanese Government as such, and not in its capacity of Mandatory. Even should the mandate for the South Sea Islands be transferred to another Power, Japan would still possess the second class of lands. Perhaps an exception should be made for the Angaur Mine's, which Japan had apparently presented to the mandated territory.

M. Ito recognised that M. Van Rees' remarks were correct.

PETITIONS DATED SEPTEMBER 3rd, 1931, AND APRIL 28th, 1932, FROM M. MASAKIYO, ACTING ON BEHALF OF M. CABLERA (documents C.P.M.1271 and 1297).

M. VAN REES informed the accredited representative that the Mandates Commission had received two petitions, dated September 3rd, 1931, and April 28th, 1932, from M. Masakiyo, acting on behalf of M. Cablera. In the first of these petitions, M. Cablera claimed that, logically, his case came within the purview of an administrative court, but there were no administrative courts in the territory. Was this true?

M. Ito admitted that it was a fact that there was no administrative court in the territory.

M. VAN REES concluded that the only resource the petitioner had was to bring his case before a civil court. Could he appeal if his case was dismissed?

M. Ito explained that he might appeal to a court in the islands themselves, since the judicial system of the territory provided courts of two instances.

M. VAN REES quoted the following sentence from the comments of the mandatory Power on the second petition of M. Cablera (document C.P.M.1297, page 5):

"The German authorities at the time of the German administration exchanged a part of the land which is the subject of M. Cablera's petition for *the* other civil lands on the grounds that it was State property . . ."

Doubtless "for other civil lands" was intended.

M. Ito confirmed M. Van Rees' supposition.

M. VAN REES wished to know if the Japanese authorities thought that the German authorities had acted arbitrarily in this matter or whether, on the contrary, they thought that what had occurred was quite in order.

M. Ito promised to look into the documents at his disposal and to reply as soon as possible to the question raised by M. Van Rees.

M. VAN REES noted that the Japanese Government, in its desire to make no change in the state of affairs as handed over by the German authorities, considered that the Cablera property in question belonged to the public domain. But, if there had been an abuse of power, on the part of the German authorities, he wondered whether it would not be desirable to consider the possibility of granting M. Cablera damages? Furthermore, after reading the documents carefully, it appeared that part of M. Cablera's land belonged to the public domain and that the other part had been sold. Who had sold the land and who had benefited from the sale? The Japanese Government, in its observations, gave no information as to whether the exchange of part of M. Cablera's land and the sale of the rest had been effected with his consent.

M. Ito explained that, in the opinion of the Japanese Government, claims such as those in the two petitions in question came within the competence of the Civil Court. He reminded the Commission that at a previous session¹ he had mentioned an exception where the court had not been competent to deal with a similar case. But if M. Van Rees wished for further particulars on this matter, M. Ito would willingly furnish them in writing.

M. VAN REES readily agreed that in this particular case the civil court was competent. But as the explanations provided this year both by the Japanese Government and by M. Cablera were more detailed than the year before, it was essential that the Mandates Commission should be given all the information necessary for it to formulate its opinion on the matter.

¹ See Minutes of the nineteenth session of the Permanent Mandates Commission, page 69.

LIQUOR TRAFFIC.

COUNT DE PENHA GARCIA noted (page 27) that the number of persons engaged in the liquor trade was 168 at the end of December 1930. He assumed that this meant that there were 168 premises for the sale of liquor in the territory. As in the islands under mandate, alcoholic liquor was manufactured from molasses and, as part of the alcohol thus produced was exported, whereas other forms of alcohol were imported, it was difficult to arrive at statistics for the alcohol that was actually consumed in the islands. Certain facts, however, led him to conclude that the consumption of alcohol was excessive. Had there not been 176 convictions of Japanese and 146 of natives for offences against the Drunkenness Ordinance? Moreover, since the number of premises for the sale of alcohol was 168, there was one for every 83 Japanese or 243 persons of all races — a very high proportion. This was certainly a state of affairs on which a careful watch ought to be kept.

M. Iro explained that the figure concerning the premises licensed for the sale of liquor gave an exaggerated idea of the truth. These were not all premises for the sale of alcohol alone: they included other premises in which alcohol was sold, such as restaurants, tea-rooms, etc., authorised to sell beer, wine and spirits.

It might perhaps be possible to obtain fairly satisfactory statistics on the basis of the fact that molasses alcohol was only consumed by natives, whereas the rice alcohol imported from Japan was only consumed by the Japanese. In addition, the Japanese living in the Island of Saipan came from that part of Japan in which most alcohol was consumed.

COUNT DE PENHA GARCIA asked that in the next report a distinction should be drawn between premises which only sold alcohol and other establishments included in the figure — 168 — given on page 27. He noted that there were eleven alcohol distilleries at Saipan and two in the rest of the territory and that two varieties of spirituous liquor were consumed in the island: imported Japanese liquor and liquor or alcohol made in the territory. In view of the small population of the territory under mandate this was certainly excessive.

M. Iro explained that undue stress should not be laid on the figure of eleven distilleries. The distilleries in question were very small enterprises, which could not be regarded as real alcohol factories.

DEMOGRAPHIC STATISTICS.

M. RAPPARD noted (page 147) that in the South Sea Islands the foreign population was increasing very rapidly, whereas the native population was either stationary or was decreasing. It was interesting to learn that this decrease was not due to the contact of the native population with the Japanese. The previous year's report (page 153) had mentioned the havoc wrought by tuberculosis, but this year he was very struck by the fact that a third of the population was suffering from venereal disease and that consequently the birth rate was very low in the islands. The Administration had announced that it was proposing, in order to combat venereal disease, to supply certain medicaments free of charge. He sincerely hoped that this measure would give good results.

M. Iro said that the Japanese Government was doing all in its power to improve health conditions in the islands. In particular, it was endeavouring to ascertain whether the evil had its origin in social causes. Up to the present the steps it had taken had not given great results, because the natives did not willingly take the precautions indicated.

CLOSE OF THE HEARING.

M. VAN REES, in the temporary absence of the Chairman, thanked M. Ito and M. Horiguchi for their valuable collaboration with the Mandates Commission in examining the annual report on the South Sea Islands.

FOURTEENTH MEETING

Held on Saturday, November 12th, 1932, at 11 a.m.

Tanganyika : Question of a Closer Administrative, Customs and Fiscal Union of the Mandated Territory of Tanganyika with the Neighbouring British Possessions of Kenya and Uganda (continuation) : General Discussion.

M. PALACIOS reminded the Commission that it had appointed him Rapporteur for the question of "closer union". He did not, however, feel that the moment had come to submit a report to his colleagues. It would be better, he thought, to explain his opinion, ascertain theirs, and discuss with them the questions which the Commission might ask the accredited representative of the mandatory Power when the report for Tanganyika came to be examined. The Commission might also discuss the form which its resolutions to the Council should take.

The Commission had had the question of closer union between Tanganyika and the neighbouring British colonies of Kenya and Uganda under consideration ever since the mandatory Power had raised this point in the Hilton Young report in 1929. Without prejudice to the opinions expressed by members of the Mandates Commission regarding the legitimacy of closer union, and the possible interpretation of such union from the point of view of the mandate, and the advantages and disadvantages of its application, the Commission as a whole had on various occasions rightly decided to postpone the submission of a resolution on the substance of the question until the mandatory Power had itself taken up a more definite attitude in the matter. The Commission would remember that the United Kingdom Government had, at the fifty-sixth session of the Council of the League of Nations¹, assured the Council that, when a decision had been reached on closer union in East Africa, that decision would be communicated to the Permanent Mandates Commission, which would then, before the decision was put into effect, have an opportunity of considering and commenting upon it.

The Commission, relying on this statement, had considered that it need not examine the substance of the problem even at the moment when the Government of the mandatory Power had communicated to it the questions which that Government intended to submit to a Joint Select Committee of the two Houses of Parliament, as would be seen from the Minutes of the session of the Mandates Commission held in November 1930.²

He felt that the time had now come for the Commission to consider this question — in fact, the moment would have arrived sooner if the Commission had been able to hold its session in June. The question was entirely within the Commission's competence, since His Britannic Majesty's Government had, on November 10th, 1931, communicated to it the report of the said Joint Committee. More recently still, on September 2nd, 1932, the same Government had forwarded to the Commission the correspondence exchanged between themselves and the Governors of the various territories concerned, with a view to establishing, if not that closer union which had been conceived at the outset, at any rate a greater degree of administrative co-operation between the territories concerned. The following phrase should be noted in the covering letter :

" . . . on the main issue, the Joint Select Committee advised that the time was not yet ripe for any far-reaching steps in the direction of political or constitutional union of any of the territories concerned " (document C.P.M. 1294).

That was a definite statement, even though it were qualified by the words "not yet". Obviously, what seemed to have been the original scheme had for the present been abandoned in principle. It might be observed that, in the whole of this question, renunciation had been due not so much to the unsuitability of the scheme as to other exigencies. Co-operation, co-ordination, and unification of Governments and Government services generally connoted the realisation of useful economies coupled with an improvement in those services. "Political rationalisation", as it was called at the present time, would undoubtedly be profitable, not only to the mandatory Power, but also to the various peoples of the territory, including the natives. One of the greatest obstacles in the path was undoubtedly the mandate. The mandate laid down that the territory must have an individual existence, a distinct personality, and it took into account, not merely the interests of the territory as such, but the interests of the territory as part of an international community actuated by a variety of aspirations.

¹ See Minutes of the fifty-sixth session of the Council of the League of Nations, page 1471.

² See Minutes of the nineteenth session of the Commission, pages 16 and 17, 143 to 150.

Neither the Joint Select Committee of the two Houses nor the United Kingdom Government was — at least, for the present — in favour of political or constitutional union. Personally, he did not think that, at any rate in any written text, they had pushed to the extreme limit the consequences of Article 10 of the mandate. Nevertheless, they had with great diplomacy and skill submitted, in an uncriticisable form from the point of view of the mandate, the essential part of the underlying aims of the whole scheme. The organ of this new policy was to be the Governors' Conference, which would henceforth "be increasingly utilised for the purpose of ensuring continuous and effective co-operation and co-ordination... in regard to all matters of common interest to East Africa".¹ The Mandates Commission had seen the birth of this Conference of Governors in a recommendation put forward in 1924 by the Commission on East Africa. In 1926 and in 1930, it had heard that this Conference had held meetings. The Conference was now becoming a more definite and also a permanent organ. While reserving the right to hold partial meetings elsewhere, it was to hold plenary meetings in the capitals of the three principal territories in turn. Its secretariat would be set up at Nairobi. Not only Tanganyika, Kenya and Uganda, but also Zanzibar, Nyasaland and Northern Rhodesia would participate in this arrangement. The budget of the secretariat, already estimated at £8,000, would be met by proportionate contributions of each of these countries and by the Sudan, which otherwise played no part in the Conference. The Secretary of the Conference would act as Secretary to the High Commissioner for Transport in Kenya and Uganda.

This plan was now beginning to be carried out, as was proved by a document published by the United Kingdom Government: "Correspondence (1931-32) arising from the Report of the Joint Select Committee on Closer Union in East Africa".

What were the members of the Mandates Commission now to think of the new manner in which closer union was being presented? Ought not the situation to be considered by the Commission, since the time had come to do so? Was there positively no reason to fear that the action taken might be contrary to the principles of the mandate in spite of the phrase "not yet" or in spite of substantive amendments cleverly submitted in a form which seemed to be unimpeachable and which even went so far as to utilise an already existing institution as an instrument? Were there on the other hand, any reasons to state, as part of public opinion had stated, that a "*fait accompli*" might have skilfully been brought about?

Personally, he suggested that the accredited representative of the mandatory Power should be asked to give further explanations. In any case, the Commission was bound to take account of the present phase of development to which he had referred, when it came to discuss its observations to the Council. He felt, above all, that the matter was an extremely delicate one.

M. RAPPARD thought that it should first be seen if the time was ripe for examining the substance of the question. At first sight, this might be doubted and it might be claimed that it would be premature to deal with the question, since, according to the information furnished to the Commission by the Power concerned, the Central Government was at the present moment consulting the local Governments and could not therefore have taken a final decision.

As a matter of fact, the time had definitely arrived, as was proved by the letter from the United Kingdom Government quoted by M. Palacios recalling the history of the question, the most important passage of which began with the words: "In accordance with this assurance . . ." It should not be forgotten that the Mandates Commission had before it documents from advisory bodies which had been examined, not by the United Kingdom Government themselves, but by the head of the Ministry concerned, who had consulted his subordinates, whose replies had been communicated to the Commission. But it should be repeated that, while the United Kingdom Government did not seem to have taken a definite decision on the constitutional question, administrative decisions had already been taken by the competent Minister.

M. Rappard thought that the Mandates Commission should examine the decisions already taken, give its opinion on them and more especially remember that it was on the top of a slope down which it was invited to slide by imperceptible degrees. The Commission would therefore have to exercise the greatest caution, while safeguarding the principles of the mandate against violation. The Commission might descend this slope as far as a certain line, but no farther; in other words, so long as the Conference of Governors was no more than a purely advisory meeting, the Commission should merely keep an eye on the matter and refrain from protesting. It should only protest if it should learn that the opinion of one of the Governors (in the circumstances, the Governor of Tanganyika) was overridden by the opinion of the majority of the others. To make this point clear, M. Rappard drew a parallel between the way in which the present affair might more or less be expected to develop and the way which usually led to the constitution of a federal Government. He added that, fortunately, matters had not yet reached that point. But the Commission ought to remain on the *qui vive* and see that matters did not pass a certain point. For this reason, he considered that, in giving its opinion, the Commission should examine carefully what had already been done, adding that it looked on these steps as the beginning of a movement which was not without danger and would require the Commission's full attention.

M. RUPPEL said that he agreed in principle with M. Palacios and M. Rappard — in particular, as to the necessity for the Commission to use the greatest vigilance in the whole matter. He added that, having read the letter from the United Kingdom Government, dated September

¹ See report of the Joint Select Committee on Closer Union in East Africa, Vol. I, paragraph 53, page 21.

2nd, he thought the situation not only rather obscure, but also ambiguous. In fact, the mandatory Power expressed no definite opinion and refrained from giving a clear idea of what it intended to do in the future. The Joint Select Committee had discussed two main questions : a political and constitutional union between the three territories concerned, and co-operation and co-ordination between various services within them. The United Kingdom Government's opinion was not clearly stated on either of these points. Its letter made reference to the despatch from the Secretary of State for the Colonies to the Governors of Kenya, the Uganda Protectorate and Tanganyika Territory which was printed as document No. 2 in the White Paper, Cmd. 4141. This despatch was a kind of preliminary pronouncement, inviting the observations of the Governors. The acceptance of the view of the Joint Committee regarding a political union was expressed in a despatch, dated July 13th, 1932 (document No. 12 in the above-mentioned White Paper), which was not referred to in the letter to the Secretary-General of the League of Nations, dated September 2nd, 1932. This omission was all the more important because, in the second despatch, the Secretary of State spoke of " considerations arising out of the mandatory position of the Tanganyika Territory ", a fact which seemed to indicate that the mandatory Power recognised that a political union would not be consistent with the mandate. The second despatch further announced the opinions of the Government on the measures of co-ordination of different services. Was the non-reference to document No. 12 an oversight on the part of the mandatory Government ? He would like to have the matter cleared up by putting questions to the accredited representative when the annual report for Tanganyika came up for discussion. In any case, the Commission would have now to report to the Council.

M. VAN REES said he could not see clearly what attitude the Commission ought to adopt at the present stage of the matter. The Council had not given it any special instructions on this subject. In conformity with a prior undertaking, the United Kingdom Government had sent to the Commission two White Papers which did not contain anything that should necessarily lead the Commission to express an opinion on the present situation. He was not opposed to examining the correspondence contained in one of these documents, although all idea of political union was set aside for the moment. Nevertheless, in examining this correspondence, it must be remembered that a definite provision of the mandate authorised administrative, Customs or fiscal union. On the other hand, it must be admitted that, in fact, the United Kingdom Government had never spoken of political union infringing the separate personality of the territory under mandate.

Taking into account the report of Sir Hilton Young, the Commission had felt at its fifteenth session¹ that, after all, the United Kingdom had the right to establish a fiscal or Customs administrative union, while preserving intact the political status of the territory, provided that such action had no unfortunate effects on the interests of the territory under guardianship.

It must be realised that these considerations were at present only hypothetical. If the Commission had no definite facts to go upon which would justify its intervention, it should act with the greatest prudence and should not accept immediately as facts what might only be supposition. Possibly some measure or other might appear to be a step more or less in the direction of political union ; but such an interpretation unsupported by some conclusive fact was only theoretical. It was not the duty of the Commission to deal with intentions, but to examine decisions. In M. Van Rees' view, there were no such decisions. Did that mean that the Commission had not to deal with the documents to which he had referred ? Not at all. The Commission could, if it so desired, consider them, but the time when it must act with extreme prudence would be when it came to draw conclusions from them for submission to the Council.

M. RAPPARD did not contest M. Van Rees' conclusions, but noted that he seemed to hesitate with regard to the present powers of the Commission. To M. Rappard, the situation seemed fairly clear, in spite of its obscurities. There was, for instance, a statement made on behalf of the United Kingdom Government by Mr. Henderson at the third meeting of the fifty-sixth session of the Council which left no doubt on this subject.² This was the undertaking again referred to in the letter from the United Kingdom Government. Had that Government taken any decision ? If they were only informing the Commission of their " intentions ", then obviously no decision had been taken, but under these circumstances the danger was that no actual decision might ever be taken. Clearly, according to the letter, the Government of the mandatory Power had not taken any decisions, but had gradually laid down a programme, certain parts of which threatened to undermine the mandate. It should not be forgotten that under Article 10 of the British mandate for East Africa :

" 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.* "

In application of this article, any union, customs or otherwise, which sacrificed one tittle of the interests of the inhabitants of the territory under mandate was contrary to the provisions of the mandate. He agreed that the Commission should be prudent, but thought that prudence counselled action rather than inaction. As regarded the form which that action should take,

¹ See Minutes of the fifteenth session of the Commission, pages 17, 103, 167, 200.

² See *Official Journal*, November 1929, page 1471.

he thought the members of the Commission ought to ask the accredited representative if he considered that, in the decisions hitherto reached, there was anything which might adversely affect the interests of the population of the territory under mandate.

M. VAN REES wished to dispel a misunderstanding. He had not advocated inaction ; that he could never do, seeing that he had always held that there were two aspects to the provisions of the mandate : that resulting from the text itself and that arising out of the obligations of guardianship in the strict sense of the term. It was therefore possible that some measure might not be contrary to the letter of the mandate, but might be contrary to the spirit of guardianship.

Lord LUGARD thought that M. Palacios had mistaken the part played by the Conference of Governors, which was purely consultative in regard to interests common to the three territories.

M. PALACIOS, replying to the observations of various speakers, said that he agreed with M. Rappard. Nevertheless, he thought that the procedure, for the very reason that it made use of what was already in the way of being created, was more advanced than M. Rappard had said. He saw in the fact that the Governors had been consulted in this matter a sign that the plan was being put into execution.

M. Palacios thought that the points mentioned by M. Ruppel ought to be explained, but, generally speaking, it might be said that the question and the nature of the measures were absolutely clear. The scheme in question was clearly sketched in the official documents and, with the exception of certain outlines that were still naturally somewhat vague, it revealed a complete administrative structure, with definite organisations, a complete hierarchy, a budget and even the choice of a capital.

As usual, M. Van Rees had appealed to the Committee to be prudent and to examine the more delicate of these problems. M. Palacios agreed with M. Van Rees' view of the question, but thought that it was clear from the letter sent by the mandatory Power that the latter and the Council were waiting for the Commission to study the question and to give its opinion on so important a problem as the co-operation and co-ordination of Tanganyika with the other territories. Even if this were not so, it was only necessary to read the end of Article 22 of the Mandates Commission, exercising a right and accomplishing a duty, to take the necessary action.

Moreover, M. Van Rees, referring to Article 10 of the mandate, had said that the Commission could not base its action on hypotheses. M. Palacios thought that this was the very article which, in regard to the whole of this question, had counted most in the eyes of the mandatory Power and had possibly persuaded the latter to embrace the more moderate and perhaps also the more effective policy which it had adopted at the present time. The discussion was therefore well based on actual facts.

In reply to Lord Lugard, M. Palacios said that he had no other idea of the Conference of Governors than that given by the official documents — namely, that it was a permanent advisory institution, without executive authority — even its President had no such executive authority. The results of its deliberations were not so much formal resolutions as conclusions which had to be approved by the Minister and the execution of which would, if necessary, have to be carried out by each Governor in his respective district.

Lord LUGARD thought that the Commission's task was clear ; it should first consider the steps which had actually been taken and see whether any of these steps was in its opinion contrary to the mandate ; secondly, it should exercise vigilance to ensure that no policy was inaugurated such as would inevitably lead to a violation of the mandate. Those were, he thought, the two most important points.

M. RUPPEL shared Lord Lugard's opinion. As regarded the formation of a political union, he thought that all his colleagues would agree that such a union was expressly forbidden by the very terms of the mandate. As regarded measures of co-operation undertaken in application of Article 10, two questions had to be asked : (1) whether these measures were compatible with the special obligations of the mandate, and, in particular, whether they were contrary to the interests of the territory, (2) whether they were likely to lead in the long run to political union. If, for instance, the mandatory Government were to extend the existing Customs union by instituting a common legislative organ to make Customs laws and regulations or by amalgamating the Customs Department and services throughout the territories, it might rightly be held that this was a step in the direction of political union.

Lord LUGARD thought the Commission should avoid plunging into a discussion of Article 10, which might give rise to interminable controversy. It would be better to adhere to the two points to which he had referred. As an instance of the first point, the Commission might consider whether the Customs policy was in conformity with the mandate and whether it was advantageous or disadvantageous to the population. As an instance of the second point, if it were contemplated to appoint a single High Commissioner for the three territories at some future date, the Commission might consider whether or not that policy must necessarily lead to a violation of the mandate.

The CHAIRMAN admitted that the procedure suggested by Lord Lugard was excellent in theory. In practice, however, he was afraid it might be very difficult. He was not at all easy as to the turn the discussion might take at the meeting at which the accredited representative of the mandatory Power would have to inform the Commission on points concerning Tanganyika.

Personally, he was of opinion that his colleagues should avoid all questions of theory and as only questions relating to fact.

M. VAN REES agreed.

COUNT DE PENHA GARCIA thought it was desirable to draw a distinction between questions of substance and questions of procedure.

As regards substance, he would have the Commission remember that it had been alarmed because a political union was announced as possible. The Commission had exchanged a number of comments with the United Kingdom Government who, for their part, had caused the advantages and disadvantages of the idea of such union to be studied from different standpoints. A Joint Committee chosen by the two Houses of the United Kingdom Parliament had arrived at conclusions which, for the moment, relieved the anxiety of the Mandates Commission as regards the political question, but had expressed the opinion that union would be useful in the matter of postal, transport and other services. He therefore thought that the situation was sufficiently clear. The idea of a political union seemed to have been set aside for the present. Thus the Mandates Commission's field of action was clearly defined. The Commission must ascertain, during the examination of each report, whether certain facts did not constitute a violation of the mandate or were not likely in the long run to lead to a violation from the political standpoint. How could such facts be proved? If the Commission were to receive any complaints of injustice arising out of an administrative union — from the principle of Customs union, for instance — those observations would draw the attention of the Commission to concrete facts. As there were no petitions of this kind, the Commission could only put its questions to the accredited representative.

With regard to procedure, he reminded the Commission that the Council had instructed the Commission to express an opinion at the proper time. From the United Kingdom Government's letter of September 2nd last, the impression was gained that that time had now come. If the Council had instructed the Commission to carry out a definite duty, the Commission ought to submit a special report to it; if the Commission considered that this was not the case for the moment, it need only express its opinion in its general conclusions. Finally, the Commission was not called upon to disentangle from the documents supplied questions of principle but only questions of fact. It ought to express an opinion only on these questions of fact in the light of the principles involved.

M. RAPPARD did not think that there was any definite text in which the Council had requested the opinion of the Mandates Commission. In this connection, he would again refer his colleagues to the Minutes of the third meeting of the fifty-sixth session of the Council and in particular to the concluding remarks of M. Scialoja.¹ He thought the Mandates Commission might infer from this text that it had been allowed every latitude to submit such observations to the Council as it deemed advisable. The form these observations should take was merely a secondary consideration.

The CHAIRMAN agreed that this question might be settled later.

M. MERLIN thought that the object of the present discussion was to show the members of the Commission the general attitude they should adopt in their relations with the accredited representative. In this connection, he did not think that the matter had been settled so absolutely by the letter of the United Kingdom Government as M. Rappard seemed to believe. That letter had been rather skilfully drafted to cover two possibilities — namely, action or inaction on the part of the Mandates Commission. The result was that, in spite of everything, the Commission's position seemed to be rather a delicate one. It could only extricate itself from that position by acting prudently. In other words, it ought to examine the White Papers communicated by the mandatory Power with a view to ascertaining which of the decisions had already been implemented, and should then ask the accredited representative for information on these facts, and in particular whether they were in the interests of the territory or prejudicial thereto.

When these questions had been raised and the answers given, the Commission might, when the time came to draft the resolution with regard to Tanganyika, say that its attention had been arrested by certain facts. The Commission's position would then be a very strong one and its action would be based, not only on the communication of the United Kingdom Government, but also on the facts established by the replies of the accredited representative.

M. RAPPARD said he agreed with the main lines of M. Merlin's argument. He did not, however, see how the Commission could entirely refrain from all reference to the letter of September 2nd. That letter contained the following passage, which was of capital importance:

“The Joint Select Committee advised that the time was not yet ripe for any far-reaching steps in the direction of political or constitutional union”

The Mandates Commission should state quite categorically that the time would never be ripe as long as the mandate was in force.

The CHAIRMAN was also of the opinion that, even if the Council had not invited the Commission to express an opinion, the sentence in question taken alone not only entitled but made it incumbent upon the Commission to take action.

¹ See *Official Journal*, November 1929, page 1471.

FIFTEENTH MEETING

Held on Monday, November 14th, 1932, at 4 p.m.

Economic Equality : Purchase of Material and Supplies by the Administrations of Territories under A and B Mandates either for their Own Use or for Public Works.

The CHAIRMAN noted that the principle of economic equality again appeared on the Commission's agenda with reference to the purchase of material and public works in the territories under A and B mandates, and expressed the view that it would be well if the Commission could reach a conclusion on that question, with which it had been dealing for the past three years. He directed his colleagues' attention to document C.P.M.1033,¹ of June 5th, 1930, containing "Communications received from Certain Mandatory Powers as a Result of the Council Resolution dated January 13th, 1930, concerning the Work of the Sixteenth Session of the Permanent Mandates Commission".

M. ORTS recalled the circumstances in which the question of economic equality had been raised by the Chairman himself in 1927 in connection with a declaration by the British Under-Secretary of State for the Colonies.² The matter under discussion had been loans granted to colonies, protectorates and mandated territories, subject to the condition that the product of these loans should be applied to public works carried out by British nationals or for the purchase of material in the United Kingdom. The Commission had then wondered whether such a clause was compatible with the principle of economic equality. M. Orts had been appointed Rapporteur on the question, and his report was to be found on pages 195 *et seq.* of the Minutes of the sixteenth session.

M. Orts then explained the reason why the question had never been exhaustively discussed by the Commission. When, in 1929, his report was read, it had become plain that there were two currents of opinion in the Commission, and the views expressed appeared irreconcilable.³ The question had appeared on the agenda year after year, and the members of the Commission had tacitly agreed to differ.

M. Orts summed up as follows the conclusions of the report which he had framed in 1929. The principle of economic equality, one of the basic principles of the mandates system, had been consecrated by the insertion in the mandates of the following clause :

"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 . . . 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".

M. Orts thought that it was not without reason that this exception had been formally mentioned in the mandates. In point of fact, the mandatory Power was responsible for the proper conduct of the administration of the territory and the proper functioning of its public services. Hence it must be able to organise them as it thought fit and to select for them material most suited for their purpose — for example, the material to which the personnel was accustomed. If the railway staff of the territory had been seconded from staff in the home country, they would be best acquainted with the national railway, and that was the type which it would be most safe to use in the mandated territory, and the same was true of the material intended for all the public works and services.

As a corollary, therefore, of its administrative responsibility, the mandatory Power enjoyed in principle complete freedom in that sphere — that was to say, that in the matter of public works and services it had the right to place orders or conclude contracts with whomsoever it thought fit.

This thesis was supported by yet another argument developed by M. Orts in his report of 1929, as follows :

"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."⁴

¹ See *Official Journal of the League of Nations*, No. 7, July 1930, page 843.

² See Minutes of the eleventh session of the Commission, page 79.

³ See Minutes of the sixteenth session of the Commission, pages 148 to 152.

⁴ See Minutes of the sixteenth session of the Commission, page 196.

In the same report, M. Orts had emphasised the fact that the use of this liberty of action was still subject, like all other activities of the mandatory Power, to the supervision of the Mandates Commission, and that the latter would always be free to intervene and criticise any practical decision to which exception might be taken from the standpoint of the interests of the mandated territory. Thus, the problem had been reduced to a statement of fact, and, on its Rapporteur's proposal in 1929, the Commission had suggested to the Council¹ that the various mandatory Powers should be asked what practices they followed in connection with supplies intended for the public services of the territories under their mandate, and with public works.

This suggestion had been approved by the Council.² The enquiry thus decided upon had yielded satisfactory results at once in the case of the Belgian Government. The reply from the United Kingdom Government had led to fresh questions by the Mandates Commission, and, as a consequence, by the Council. There was no need now to revert to the questions which had been raised concerning Iraq. As regards the others, he thought that the replies received had satisfied the whole Commission. He wished to point out, however, that, according to the explanations given by the United Kingdom Government, while, in the case of public works and orders for material intended for the mandated territories, it was possible to call on foreign nationals, there was an exception to the rule in the case of Togoland and the Cameroons under British mandate, which were attached for administrative purposes to the Gold Coast and Nigeria.

The Mandates Commission had also been obliged to ask for further information from the French Government, whose reply³ had not seemed sufficiently clear. That question had been formulated by M. Orts during the hearing of M. Franceschi, and the latter had made a statement which had apparently satisfied the members of the Commission. He had declared, in substance, that it was only when it was necessary in the interests of the territory that private contracts should be concluded, that public tenders were not invited in the case of public works or supplies intended for the Administration.⁴

Such was the present position of the question.

M. Orts' opinion was shared by certain of his colleagues and disputed by others. Those members of the Commission who differed from his point of view thought that two categories of public works and services should be distinguished — namely, those which were *essential* and those which were not essential. In his opinion, the adjective "essential", which was to be found in the mandates, did not refer to the importance of the works, but to their degree of public utility. All public works undertaken by an Administration were undertaken in the public interest and all public services were essential.

For further arguments to support his views, M. Orts referred his colleagues to his 1929 report. He wished to emphasise that his views were not new; they had already been put forward by commentators on the mandates of the League.

In any case, he felt that it was the Commission's duty to inform the Council whether or not the practices followed in this matter by the mandatory Powers were in keeping with the spirit of the mandate. He recalled that, as this matter had formed the occasion for a recommendation by the Assembly⁵ itself concerning the observance of the principle of economic equality, the discussion no longer remained within the original limits, and it became even more necessary than before for the Commission to state its conclusions.

M. RUPPEL observed that, during the sixteenth session, a long debate had taken place on the same general question. It had been based on a report submitted by M. Orts in which the latter had examined the economic equality clause in the different A and B mandates, and had come to the conclusion that the mandatory Power was not bound to call for public tenders for the execution of public works or the provision of the supplies required for the operation of the public services.

The Commission had not been unanimous on that point. Several members had maintained the opposite view and had also been unable to accept M. Orts' interpretation of the passage in the economic equality clause referring to the organisation of essential public services.

M. Ruppel doubted whether the Commission would be able to agree at the present stage on this very important point of principle; he did not propose to enter into a new discussion, and referred to the statement made by M. Kastl⁶ during the debate mentioned above.

In the same report, M. Orts had stated that, in any case, the mandatory Power, in allocating contracts for public works or the supply of material, had to take into consideration the interests of the territory, and that the Mandates Commission was entitled to examine whether, in practice, that obligation had not been forgotten. On that point, all the members of the Commission seemed to have agreed.

In the meantime, new questions had been put to the mandatory Powers and their answers had been received concerning the general rules followed by them in the matter. M. Ruppel had no other comments to make on the replies given by the French and Belgian Governments, except that he reserved his opinion as to the interpretation of the clause concerning the organisation of essential public services.

As regards the reply from the United Kingdom Government, there were two points which deserved the Commission's attention. In the first place, the mandatory Power seemed to claim

¹ See Minutes of the sixteenth session of the Commission, pages 200 and 201.

² See Minutes of the fifty-eighth session of the Council, page 76.

³ See document C.351.1929.VI and *Official Journal*, October 1929, page 1344.

⁴ See Minutes of the nineteenth session of the Commission, page 141.

⁵ See Acts of the Ninth Session of the Assembly, 1928, paragraph 64, page 107.

⁶ See Minutes of the sixteenth session of the Commission, page 149.

an absolutely free hand for Togoland and the Cameroons under British mandate, as their supplies were ordered together with supplies for the Gold Coast and Nigeria respectively. In his opinion, that practice was not consistent with the economic equality clause contained in the mandates for those territories. Secondly, as regards public works, it was said that it was the general practice to carry out such works through the agency of the Public Works Department. In his opinion, that practice, transferred from British colonies to the mandated territories, did not take sufficiently into account the special obligations imposed by the mandates.

M. Ruppel did not think that it would be of any great use to go on putting further general questions to the mandatory Power or to make observations on the replies already received from the latter. But the Commission would, he believed, be well advised in future to give closer attention than in the past to the practice in the different territories under A and B mandates. The annual reports were in general silent on the method of concluding contracts for public works and for supplies for the public services, and it was generally information received from other sources that led members of the Commission to put questions to the accredited representatives.

He suggested, in conclusion, that the Commission should make a recommendation to the Council to invite the Powers which held A and B mandates, to give in future, in the annual reports, information as to the way in which material for the public services had been purchased and the way in which public works had been carried out, and in particular as to the extent to which the Administration had called for public tenders.

Lord LUGARD said that, as he understood the matter, the first question which had been raised was whether the granting of a loan might be made conditional on the purchase in the home country of the material required to carry out the work for which the loan was made. On that point, it was extremely important, in his view, to know the terms upon which the loan was made. If it were granted free of interest or at a specially favourable rate of interest it would, in his opinion, be reasonable to impose conditions provided they were not clearly disadvantageous to the territory.

The second question was : What meaning should be attached to the word "essential" ? Did M. Orts hold the view that, in practice, all public works and services were essential ? Lastly, did he consider that the Administration was not bound to call for public tender when incurring expenditure in public utility works which was met out of current revenue ?

M. ORTS agreed that the question had in fact arisen in connection with loans granted by the United Kingdom for public works or services in the colonies, protectorates, dependencies or territories under British mandate, on condition that the sums lent were spent in the United Kingdom. The scope of the discussion had subsequently been enlarged, and the Commission had had to examine the point whether public tenders should be invited for public works and for material intended for the public services of a mandatory Administration, or whether such orders could be placed by private negotiation.

M. Orts had already expressed his view as regards Lord Lugard's second question ; the term "essential" applied, in M. Orts' view, to all works and all services of public utility, irrespective of their importance.

In reply to Lord Lugard's third question, there was, in his view, no need to make any distinction as to the origin of the funds ; whether they were derived from loans or from budgetary sources, the problem remained the same.

Nor did he think it necessary, considering his original standpoint, to distinguish between loans granted upon favourable conditions and upon the usual terms. The fact of granting a loan always implied an advantage to the territory under mandate which was the borrower. No one imagined that a mandatory Power would lend to a territory under mandate as a means of investment or in order to make a profit. The object could only be to assist the mandated territory. If the loan were granted without interest or at a low rate of interest, the generosity of the mandatory Power was all the greater, but that fact had no bearing on the principle involved. M. Orts pointed out once more that cases of countries lending money to others on condition that the funds thus advanced were expended on purchases in the lender's territory were not rare. The only difference was that the mandatory Power appeared simultaneously as the lender and as the representative of the borrower. That manifestly was a delicate situation, and it would be the duty of the Mandates Commission to see that the conditions of the loan were not too hard on the borrower.

M. PALACIOS observed that, under M. Orts' interpretation, there was perfect equality between "essential public works and services" and "public works and services" pure and simple ; it left out of consideration the word "essential". Did that mean that the word was unnecessary ? M. Palacios did not think so, and was of the opinion that the Commission should ascertain what meaning the legislator, in this particular case the authors of the instrument "Mandate", had desired to give it.

M. RAPPARD added that it could not be maintained that "essential" was an adjective that was always associated with the expression "public services" or "public works". He noted, further, that it appeared in other articles besides the one under discussion. That fact created a very strong presumption in favour of a deliberate and considered use of the word "essential", which could not be said, for example, to appear in the mandates owing to chance or by inadvertence.

M. ORTS could only meet M. Rappard's presumption with another. Why had the adjective "essential" been inserted in the mandate? M. Orts imagined that, during the discussions which had led to the drafting of the mandates, the mandatory Powers had expressed themselves, in regard to freedom and responsibility, in the same terms as he himself had used and that a compromise had been reached which was purely verbal and was represented by the word "essential". M. Orts observed further that, by admitting the necessity for a distinction, it necessarily followed that tenders should only be invited for non-essential works and supplies, those therefore which were of minimum importance. What then was the purpose of that reservation?

M. PALACIOS observed that, in arguing that the word "essential" had been inserted as the result of discussions and that it represented the outcome of a compromise, M. Orts had shown what importance should be attached to it. It was most essential then to consider the exact meaning that the word had been intended to convey.

M. MERLIN said that he wished to supplement M. Orts' arguments on one point. The adjective "essential" had been inserted in the texts of the mandates in order to render one perfectly simple and definite idea. When the general question of economic equality had been discussed in the Committee appointed to study the mandates, certain members of that Committee had pointed out that, if the mandatory Powers were not free to organise the big public works and big public services in the mandated territories as they thought fit, they would *ipso facto* be absolved from all responsibility in the matter. That consequence could not be seriously impugned; it was indeed certain and beyond all doubt. That point having been decided, they had gone on to speak of essential works and services in order to establish a certain order of importance, other items simply being retail supplies, which, from the very fact that their value was small, were of no interest from the point of view of economic equality.

What actually happened in a mandated territory when the Administration desired to obtain small supplies? It procured them on the spot by calling for offers or by public tender. It was only in regard to more important works and material that the mandatory Powers had desired to preserve their liberty of action, and the Committee set up to study the mandates had acquiesced in that desire. The word "essential" which was found in the texts of mandates was taken in its ordinary meaning and the works and services to which it referred were *essential* by reason of their nature, as well as by reason of their importance. Moreover, the mandatory Powers had all replied to the questions put by the Mandates Commission, and, with the exception of those relating to Togoland and the Cameroons under British mandate, the replies had satisfied the Commission. In these circumstances, what was the use of returning to the matter?

On the other hand, would it not be exaggerated to ask the mandatory Powers to supply a detailed statement of all the purchases made by the Administration? Such a procedure would, in his view, merely increase uselessly the pieces of paper that swarmed upon the League of Nations from all over the world. Moreover, it should be remembered that the annual reports contained an account of the principal works undertaken and the Mandates Commission had the opportunity at any moment to ask for any further information it might consider necessary and to effect all the adjustments it considered advisable for the just and reasonable, though not excessive and narrow, observation of the provisions of the Covenant and of the mandates.

M. RAPPARD was anxious that the problem should be studied in all its aspects. As he had already pointed out, the word "essential" appeared, not only in the article relating to economic equality, but in other parts of the mandate as well. Consequently, in this case also, it had not been inserted by accident.

The mandates system had been devised as a form of collective administration, as opposed to annexation pure and simple for the benefit of a certain Power. Therefore, it was necessary to consider, not only the interests of the mandatory Power and of the mandated territory, but also the interests of those who had created the system without becoming the immediate beneficiaries. It was false reasoning to say that the adjective "essential" had been inserted in the text as a sop to the negotiators who had not obtained full satisfaction. If there had been any bargaining, it was desirable to take into account the interests of those who had made concessions as well as the interests of those on whose behalf the concessions had been made. He recognised the difficulty of distinguishing between what was essential and what was not. A road made for the purpose of developing the commercial relations of the territory and increasing its security was an example of an essential work, but could it be said that office supplies and even rails were essential articles in the sense that they must necessarily always be bought from nationals of the mandatory Power? He did not see how the responsibility of the mandatory Powers could be diminished if they were obliged to buy such goods as he had mentioned in the cheapest markets. He considered, on the contrary, that the Mandates Commission was called upon in such cases to safeguard the interests of the territory, which should in no case be subordinate to those of the mandatory Power. If rails cost twice as much in the home country as in some other market, the interests of the territory would in that case be subordinated to those of the mandatory Power if the rails were purchased in the home country. It would be most deplorable for the Mandates Commission to adopt a doctrine which was only too obviously based on the sole interests of one of the three parties concerned.

M. VAN REES said that he would be glad if M. Palacios and M. Rappard, who disagreed with M. Orts' argument, would be good enough to define what they meant by *essential* public works and public services.

M. PALACIOS thought that "essential" in most cases meant "indispensable".

M. VAN REES replied that this latter adjective was even more vague than the former. Who was to decide what works were indispensable and what were not? Certainly, it was for the mandatory Power to do so. He could not imagine that if that Power ordered public works to be carried out or set up public services, they would not, in its view, be indispensable. To replace the adjective "essential" by another term, such as *large-scale* (works), *important* (works), *important* (services), would have the following result, which was far from logical: the principle would not apply to these large-scale works and important services. There would then remain small works, but he thought it somewhat extraordinary that the authors of the mandate should have wished to safeguard the principle of economic equality exclusively in connection with works and services which were of no importance.

He thought that the insertion of the adjective "essential" in Articles 6 (7) and 4 (5) of the B mandates was an error, or that the results of its insertion had not been carefully examined. It would not, moreover, be difficult for him to point out in the texts of the mandates, or even in Article 22 of the Covenant, several inaccuracies, and even manifest errors. Thus, it did not seem to him at all impossible to accept the interpretation given by M. Orts, seeing that the substitution for the term "essential" of any other adjective must necessarily lead to an entirely illogical provision.

He thought that M. Orts' argument as a whole was unimpeachable. A Government could not be made responsible for the proper working of an administration if it were not free to organise its public services and public works as it thought fit, and that was why M. Van Rees for many years had maintained that it was impossible to find fault, at all events in principle, with a mandatory Power which, in placing contracts for works or orders of a public nature, did not invite tenders. However, from a moral point of view the question assumed a different aspect. The guardian was obliged to act in the best interests of his ward. For this reason, he, like M. Rappard, did not consider that a mandatory Power should purchase in its territory rails intended for a mandated country which cost twice as much within the frontiers of the mandatory as outside them. Nevertheless, since this argument only affected one aspect of the problem, it did not prevent M. Orts' thesis being perfectly sound from a legal point of view.

M. PALACIOS always placed great store by M. Van Rees' authority where the principles of the mandates were concerned, and much regretted that, in the present case, he was unable to follow him. It was certainly difficult to say which public services and works were "essential". M. Palacios, on M. Van Rees' request, had replied, in accordance with the dictionary he had just consulted, that "essential" meant "indispensable", but he was not very much in favour of improvisation in the present matter. The expression and its meaning would have to be more exhaustively examined, and doubtless the nature of the proposed institution, the category of works, their importance, necessity, urgency, etc., would have to be taken into account. Although the 1931 Convention on Forced Labour did not raise the question of the interpretation of the word "essential" which figured, in this connection, in the mandates, it appeared to comment on it to some extent.

But there was more than that. M. Van Rees connected the matter with the question of the guardian's obligations and the way in which they were fulfilled. While not losing sight of this aspect of the problem, it was not this preoccupation which, according to the principles of the mandates, ought to prevail in the present case. The idea of economic equality did not depend so much on the guardian or the pupil as on the existence of other nations and a new demand of a part of public opinion with respect to the colonial system. The fact that, among the participators in the world war, certain territories had been transferred from those who lost the war to those who won it, that most of the latter had not received territories under mandate, that belligerents and non-belligerents had been about to set up the League of Nations, had led to the establishment of the principle of economic equality for all the Members of the League, the first step perhaps towards a new universal constitution. The Mandates Commission was therefore compelled to watch over this principle, to defend it and to define its peculiarities. For all these reasons, M. Palacios thought that the hermeneutic question was of considerable importance. He added that, from the practical point of view, the extension of the undertakings of the public administration to domains previously reserved to private enterprise might in the future render economic competition on a footing of equality for the other States Members of the League quite illusory, if all public services and works were considered "essential".

Lord LUGARD said that he was in agreement with the view expressed by M. Orts during the sixteenth session of the Mandates Commission (paragraph 3 of Annex 10, page 196) — viz., that the term "Economic Equality" referred to equal opportunity in trade and commerce and the granting of concessions in land and minerals; rights of residence and so on. Purchases of material and supplies needed by the Administration were, generally speaking, a very secondary matter. In regard to the case put by M. Rappard of the purchase of rails at extravagant prices in the Mandatory's country, M. Orts had made the important reservation that all such transactions should remain under the careful supervision of the Mandates Commission, which would see that the interests of the territory were duly safeguarded.

COUNT DE PENHA GARCIA thought that the question whether the public works or public services contemplated should be considered as essential must be examined in each particular case. The mandatory Power adopted a criterion; the matter was subsequently weighed by the Mandates Commission, and, if the latter found that a mistake had been made, it could always intervene by treating the question as one of general administration, and not as a question of economic equality, the principles of which were more difficult to apply in several cases.

M. RUPPEL said that he merely wished to signify his agreement with M. Palacios.

M. SAKENOBE said that all the difficulties came from the term "essential". He thought that it was impossible to define the term "essential public works and public services". He regretted that he was unable to share the view of M. Orts that all public works and all public services were essential. He thought the Mandatories should have the right to decide whether the works or services to be undertaken were essential, and it was for the Mandates Commission to ascertain in each particular case whether the works or services contemplated were or were not essential.

The CHAIRMAN considered that the question was more serious than anyone appeared to think. In his view, after the war, certain territories were distributed, under the form of the mandate, in a quite gratuitous fashion, of which the only justification lay in the obligation to apply the two principles which were at the basis of this legal institution — the first, the sacred duty towards the inhabitants; the second, the placing at the disposal of all the Members of the League of Nations of the riches of the territory — namely, the principle of economic equality. This principle was based on the idea of economic peace, and the Chairman, as always, could never let pass any occasion of protesting against anything which might prejudice its practical application. This was the case particularly at the present time, for, he knew not by what mental process, certain people claimed that only the mandatory Powers had had rights conferred upon them in virtue of the mandates system and that third Powers could put forward no claims.

He desired, in any case, to know if the Commission desired or not to submit an opinion to the Council on the question on the agenda.

M. VAN REES was in favour of dropping altogether the theoretical discussion of the problem and of dealing with particular cases. He did not see how the Commission, in view of the divergence of opinion on this point, could submit what he might call doctrinal recommendations to the Council.

M. PALACIOS thought that the point was an essential one, and that the Commission should settle it in principle. It was obvious that its opinion would finally have to be confirmed by the Council, but it was its duty to make proposals. He thought that, from a legal standpoint, the clause in question could only be interpreted by means of an agreement between the signatories or by an award. He considered that resort should be had to the first alternative, and that the interpretation given by the Council might be considered as quasi-authentic. The question which arose was whether the adjective "essential" added something or nothing to the term "public works or public services".

In the affirmative, what did it add? If the majority of the Commission were in favour of a reply on those lines, it would perhaps be desirable for a Sub-Committee to examine the meaning of the word "essential" in the phrase under discussion. The assistance and help of M. Orts would be essential for this purpose. The Mandates Commission would then study the conclusions of this Sub-Committee and decide what conclusions should be submitted to the Council.

The CHAIRMAN, having asked whether his colleagues proposed purely and simply to drop the discussion of the question on the agenda or, on the other hand, to draw up a text for submission to the Council, an exchange of views took place, as the outcome of which *the latter solution was adopted*.

The CHAIRMAN thought that, in these circumstances, it was advisable for him to state his own views. He observed that, in the mandates, an exception to the rule of economic equality was made in the case of essential public works and services. The members of the Commission would agree with him that any exception to a general rule called for the strictest possible interpretation and application. Moreover, this concept was defined in the actual text of the mandate, which made it clear that the exception applied not to all public works and services but only to those which were essential. In the mandated territories which, like all colonial countries, were at the first stage of their economic development, it was the Administration, in particular, which carried out works of public utility on a large scale. The restriction conveyed by the adjective "essential" showed the desire to confine the exception within fairly narrow limits so as to prevent its extension to almost the whole economic activity of the territory and the consequent annihilation of the principle of economic equality.

He also thought that it was important to interpret this exception in the mandate correctly. The mandatory Power, on the basis of this exception and within the limits to which he had just referred, was authorised to make all purchases of material or to place contracts for all works — with due regard for the importance of those purchases or works — without inviting public tenders. In this case, however, it was necessary for it to bear in mind, above all, the interests of the territory; and these might best be served by applying, not only to the nationals of the mandatory Power, but also to those of all the Member States; consequently the exception did not necessarily establish a preference in favour of the nationals of the mandatory Power.

The United Kingdom Government had stated in its reply that, as regards Togoland and the Cameroons, which were administered as if they formed part and parcel of the Gold Coast and Nigeria and which had no separate administration, supplies were naturally ordered at the same time as those of the British colonial administrations in question. He thought that there was no reason why the practical application of the principle he had just put forward should be excluded by the mere fact of the administrative union of those territories with

neighbouring territories, since the administrative union permitted in the mandate could not be of such a nature as to infringe the principle in question or any other principle laid down in the mandate.

M. ORTS pointed out that, from what the Chairman had just said, the latter seemed to be under the impression that, in these new countries which the territories under mandate mostly were, the economic activities would be mainly carried out by the Administration. That was a mistake. Trade, which was the principal form of economic activity, was always in the hands of private persons; the same applied, with rare exceptions, to the mining industry, etc. It was in such matters that the principle of economic equality applied.

After a further exchange of views, the Commission asked M. Orts and M. Rappard to draw up draft observations to be submitted to the Council on the principle of economic equality.

SIXTEENTH MEETING.

Held on Tuesday, November 15th, 1932, at 10.30 a.m.

Tanganyika Territory : Examination of the Annual Report for 1931.

The Right Hon. the Earl of Plymouth, P.C., Parliamentary Under-Secretary of State for the Colonies, Mr. G. F. Seel, Colonial Office, and Mr. G. J. Partridge, an Assistant Chief Secretary in the Tanganyika Secretariat, accredited representatives of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVES.

The CHAIRMAN welcomed the accredited representatives of the mandatory Power, and invited Lord Plymouth to make a general statement.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Lord PLYMOUTH made the following statement :

As the Commission will be aware, it is only within the last few weeks that I have taken up the post of Parliamentary Under-Secretary of State for the Colonies and I have as yet scarcely had the opportunity of forming any close acquaintance with the details of the administration of Tanganyika. I have, however, already seen enough to assure me that the development of the system of native self-government inaugurated by Sir Donald Cameron, which is now being ably fostered by his successor Sir Stewart Symes, is amongst the most important, as the most fascinating, of the tasks which lie before the British Colonial Administration. I have therefore welcomed this opportunity of making personal acquaintance with the members of the Mandates Commission, whose collaboration in the work of Colonial administration successive British Governments have justly esteemed. I take this opportunity of assuring the Commission that His Majesty's present Government, no less than their predecessors, are guided, and will continue to be guided, in the administration of Tanganyika by the principles laid down in the mandate for the territory. The correctness and the value of those principles may now, I think, be recognised as having been definitely established by experience.

The report on the administration of Tanganyika for 1931 is a full and comprehensive document, and the Commission will, I trust, find in it a complete account of the affairs of the territory for that year. I am aware that the Commission has this year, unfortunately, been obliged to compress its work within the space of a single session, and it will not therefore be desired that I should take up time with a long statement which would necessarily be in the main a summary of the report. There are, however, one or two matters on which I may make a few brief remarks before awaiting the questions which members will wish to ask.

At the twenty-first session¹ of the Commission, Mr. Jardine, the accredited representative for the purposes of the Tanganyika report, handed to the Secretariat copies of the report of the Joint Select Committee of both Houses of Parliament on Closer Union in East Africa. The report had not then been either published or considered by His Majesty's Government ;

¹ See Minutes of the twenty-first session of the Commission, page 26.

but it has since formed the subject of correspondence with the Governors of the East African territories concerned and this correspondence was presented to Parliament in August in a White Paper of which copies have been transmitted to the Commission. It will be observed from the despatch addressed to the Officers Administrating the Governments of Kenya, Uganda and Tanganyika by the Secretary of State for the Colonies on July 13th, 1932, that His Majesty's Government have accepted the view of the Joint Select Committee that this is not the time for any far-reaching step in the direction of the formal union of the several East African Dependencies. No change is therefore contemplated in the constitutional relations between the Government of Tanganyika and the Governments of neighbouring British dependencies on the one hand and His Majesty's Government in the United Kingdom on the other. But while His Majesty's Government have adopted this as their considered policy with regard to the immediate future of the territory, it will be noticed from the Secretary of State's despatch of December 22nd, 1931, which is also printed with the correspondence, that the machinery of the Conference of East African Governors will be increasingly utilised for discussion of, and co-operation in, matters of common interest to the territories. That there is, in the interests of the inhabitants of all the territories, a wide field for such co-operation, not only in economic services and in the development of material resources, but in the furtherance of social progress in all directions is, I think, a point which needs no illustration.

I may briefly allude to one outcome of the Joint Select Committee's report which directly affects Tanganyika. In Paragraph 6 of the Report, the Committee recommended an enquiry into questions of railway rates and railway finance in East Africa and suggested that this might be one of the first tasks of the Adviser on Transport whose appointment they recommended. While, as shown in the Secretary of State's despatch of July 13th, it has not been thought desirable to proceed as yet with the appointment of an Adviser on Transport, it was thought that the enquiry into matters of rates and finance should be undertaken without delay. The Government was fortunate in obtaining for this enquiry the services of a railway administrator of wide experience, Mr. Roger Gibb, the Chairman of the Rhodesia Railway Commission ; and he was given the following terms of reference :

“ To enquire into questions of railway rates and railway finance in Kenya, Uganda and the Tanganyika Territory with special reference to paragraph 46 of the report of the Joint Committee of Parliament on Closer Union in East Africa, and to furnish a report. ”

Mr. Gibb's report was received at the end of October and will be published in due course. I am not at the moment in a position to make any statement as to his recommendations.

Turning to the history of Tanganyika itself, the statistics presented in this year's report do not, at any rate on a superficial examination, entitle me to make the same claims for rapid progress as some of my more fortunate predecessors in this capacity. Tanganyika affords a conspicuous example of how severely a young country, in the first stages of its development, can feel the effects of the world-wide trade depression.

The exports consist entirely of primary products, and unsatisfactory prices prevailed in almost every case. Thus the value of domestic exports fell from £2,635,974 in 1930 to £1,645,281 in 1931, a reduction of 37.6 per cent, and this in spite of the fact that, as shown in paragraph 65 of the report, the quantities exported were, with the exception of cotton and groundnuts, well maintained and in some cases substantially increased. Apart from its disastrous effects on trade generally, this state of affairs has affected the financial position of the Government in two ways : in the very serious shrinkage of Customs and other receipts, and in the deficits incurred in the working of the Government railways. The position on the Central Railway line is particularly unfortunate ; its alignment is such that over the greater part of its course it taps no profitable traffic in Tanganyika itself, but hitherto it has enjoyed a share in the transportation of copper mined in the Belgian Congo. For a number of reasons, this traffic has now disappeared and it is to be feared that the railways for some time to come will represent a heavy liability to the Government.

These matters are fully explained in the report ; I mention them here because they have necessarily governed the policy of the mandatory Government in 1931. In March of that year, Mr. Jardine, the Acting-Governor, appointed a Retrenchment Commission to advise on means of reducing the Government expenditure and raising further revenue to meet the growing deficit ; and by the end of the financial year economies representing some £200,000 a year had been achieved. The revenue, however, continued to decline and, in spite of these efforts, a deficit of almost half a million was incurred in the year ended March 31st, 1932. With the deficit already incurred in 1930-31, this virtually exhausted the reserve funds, which in March 1930 had stood at close on £1,000,000. In these circumstances, an officer of His Majesty's Treasury was appointed in February this year as Special Commissioner to enquire into the whole basis of revenue and expenditure. His report has been submitted, and is now under consideration by the Governor ; it is being published almost immediately.

It is plain that further economy will be necessary before the expenses of Government can be brought into any equation with the reduced revenue which must be expected in the next few years.

The effects of the economic depression during the year 1931 are described in paragraph 36 of the report ; they will also, I fear, be found to colour many other passages. I do not propose to follow them out in detail ; if, indeed, I have already appeared to dwell unduly upon them, it is that I may the better emphasise the striking testimony which adverse circumstances have borne to the soundness of the native administration system built up in the course of the last few years. Examples of the way in which these local native authorities have met their financial difficulties are quoted in paragraph 13 of the report. It is remarkable that a year which saw a sudden and very heavy shrinkage in the demand for native labour, simultaneously with a serious fall in the prices offered for native-grown crops, yet produced no indication of discontent or unrest anywhere in the territory. The explanation lies partly, no doubt, in the fact that the African can in the last resort subsist, as did his forefathers, without hardship on the produce of his land ; but it is also in no small part due to the native administrations, which have been able to some extent to adjust the community life to the new circumstances and so, in many cases, mitigate their ill effects.

As regards the mandatory Government themselves, their efforts have been concentrated on securing that the drastic retrenchment which has been necessary should not affect the administrative and social services that have been built up in previous years. But while, as is recorded in paragraph 36, these were maintained (again largely through the efficient working of the system of native administration), there has necessarily been little or no opportunity of developing these services, and, as the financial situation at the present moment requires a further effort to reduce the demands on the Government revenue, it is to be feared that any extension of the medical, educational and similar services will be a matter of the utmost difficulty. I can, however, assure the Commission that the extension of these services, as and when circumstances permit, remains a cardinal point of the policy of His Majesty's Government in the administration of Tanganyika.

While the social services were generally maintained, the absence of funds caused a temporary halt in the development of communications and material resources. The opening up of trade routes by rail, road and water, which led to the rapid increase of Tanganyika's trade before 1930, was largely financed from loan funds guaranteed by His Majesty's Government : and, though the ultimate value of this expenditure is not in doubt, the figure at which the public debt of the territory now stands precludes further borrowing until the revenue improves. Thus the projects for railway development south of the Central line, for the connection between that line and the Tanga-Arusha line, and for a new steamer on Lake Tanganyika, have, for the moment, receded into the background ; while the consolidation and extension of the road system will be a matter for such funds as can be spared from time to time.

The difficulty of providing funds for a number of projects incidental to development has been eased by the assistance provided by His Majesty's Government through the Colonial Development Fund, which was instituted by Parliament in the Colonial Development Act, 1929. Paragraph 37 of the report indicates the schemes towards which assistance has been provided from this source in the case of Tanganyika, and it will be seen that, in a very large proportion of the schemes, direct free grants have been made.

One of my predecessors as Parliamentary Under-Secretary of State for the Colonies, Mr. Lunn, who appeared before the Commission as accredited representative of His Majesty's Government in 1929, explained the scheme¹ of reorganisation of the King's African Rifles throughout East Africa which was then about to be introduced. The reorganisation resulted in substantial economy in military establishments and expenditure, and has been amply justified by results. The gravity of the financial situation, however, which necessitated a further review in 1931 of the expenditure of all departments, led to the reconsideration of the establishment of battalions of the King's African Rifles and it was decided to effect further reductions. The reduction has fallen principally on the machine-gun units of the Force, and it was estimated that a saving of some £12,500 a year would be effected in Tanganyika by this means. The reduction leaves the strength of the troops under arms in Tanganyika at less than 1,100.

I should like to explain that both Mr. G. J. Partridge, an Assistant Chief Secretary in the Tanganyika Secretariat, and Mr. G. F. Seel, of the Colonial Office, are assisting me ; and in view of the fact that my connection with the Colonial Office and with Tanganyika affairs has only begun quite recently, I shall necessarily have to leave detailed questions to Mr. Partridge or Mr. Seel.

The CHAIRMAN thanked Lord Plymouth for his statement.

WESTERN FRONTIER OF TANGANYIKA.

M. PALACIOS noted that an agreement had been reached with regard to the western frontier of Tanganyika (Kagera River section), and that this agreement had been submitted to the two Governments concerned (page 8, paragraph 7, of the report). Had a treaty already been concluded ? If not, he presumed that it would be communicated in due course to the Mandates Commission.

¹ See Minutes of the fifteenth session of the Commission, page 110.

Mr. SEEL said that the agreement of the local commissioners was at present being embodied in a treaty to be concluded between the Governments of the United Kingdom and Belgium. This treaty would be communicated to the Commission.

QUESTION OF A CLOSER ADMINISTRATIVE, CUSTOMS AND FISCAL UNION OF THE MANDATED TERRITORY OF TANGANYIKA WITH THE NEIGHBOURING BRITISH POSSESSIONS OF KENYA AND UGANDA (*continuation*).

M. PALACIOS, referring to the question of "closer union" in East Africa, asked what interpretation was to be placed upon the words "the time was not ripe for any far-reaching steps . . ." used in the covering letter transmitting certain documents to the Secretary-General of the League (document C.P.M.1294, page 2).

Lord PLYMOUTH said that the question of closer political and constitutional union was no longer a live issue, and he could not conceive that it would be revived within any short space of time. He was not, of course, in a position to say definitely that it would never be reconsidered in the light of any future developments.

M. PALACIOS drew attention to the Conference of East African Governors. What had been the programme of that Conference which had been held last spring at Dar-es-Salaam? What decisions did it take, if any, and what influence had they had upon the general administration of the territory?

In connection with the proposed administrative unifications — in particular, the postal unification — he had read the following protest in *Tanganyika Opinion* for September 16th, 1932:

"This imminent postal unification is only a part of the whole scheme which is intended to be stealthily applied to bring about an ultimate federation or closer union of Tanganyika with Kenya which will give the Kenya British settlers and the Government a predominant voice in the administration and future policies of Tanganyika such as may be harmful to the racial and economic interests of Tanganyika and derogatory to the spirit and terms of the mandate".

Reference was also made to a policy dictated from Nairobi. Was there any substance in the above statement?

Lord PLYMOUTH said that the report of the Conference of Governors had not actually been published, but the question of the unification of postal services had been discussed by the Conference and its introduction was, in fact, now proposed. He would assure the members of the Commission that the Secretary of State would never for a single moment contemplate putting into operation any measures favouring one particular class of persons in a territory at the expense of any other class. There were no grounds whatsoever for the fears expressed in *Tanganyika Opinion* that a stealthy process calculated to give the white settlers predominance was being applied.

M. PALACIOS said that it appeared from page 7 of "Correspondence arising from the Report of the Joint Select Committee on Closer Union in East Africa" (Cmd. 4141) that a contribution of £1,750 would be paid by Tanganyika. What immediate material advantages could the mandated territory expect in return? Protests had been made in the Press to the effect that Tanganyika must pay a sum of money for the benefit of others which did not benefit the mandated territory itself.

Mr. SEEL explained that the scheme for the unification of the postal services would ensure, not only more efficient and speedier postal and telegraphic services, but also a definite economy to the Administration of Tanganyika. The funds for the Tanganyika portion of the services would continue to be voted by the Tanganyika Legislature, which would retain full control over any sums spent on the services in Tanganyika. The Secretary of State had approved provision being made for this unification in the estimates for each of the three territories for 1933. There would be full opportunity for public discussion of the scheme locally when the estimates were considered by the Legislature.

The sum of £1,750, to which M. Palacios had referred, related to the Tanganyika share of the expenses of the Secretariat of the Conference of Governors; but the arrangement under which Tanganyika was to pay that amount had been made in 1926, and the present figure, which would be found in the estimates for the current year, was, he believed, less than £1,750.

The main duty of the Secretariat of the Conference of Governors was to make arrangements for the annual meetings of the Conference and to carry out any decisions which might be reached by it. It also acted as Secretariat to the meteorological service in East Africa and to a number of other services. It was responsible for convening and arranging technical conferences, such as the Conference of Directors of Agriculture held in February 1931, a conference of the soil chemists of the various Governments, and so on. Tanganyika received in return for its contribution the value of these services and conferences.

M. RAPPARD said that it was no doubt gratifying to be assured that centralisation would result in administrative economy and in greater efficiency. But could the accredited representative say how centralisation would make the postal and telegraphic services more efficient? Was he referring to the services between Tanganyika and London? M. Rappard believed there was no extensive postal service between the mandated territory and its neighbours to the north. Had centralisation been prompted by a wish expressed in Tanganyika, or was it merely in deference to the desires of the white settlers in Kenya that this step had been taken?

M. RUPPEL asked how the unification of the postal services would be brought about. Would the services of the three territories be amalgamated, or would postal and telegraphic rates and practices simply be unified? It appeared from the White Paper (page 47) that the Secretary of State had envisaged only unification and not amalgamation.

Lord PLYMOUTH observed that this matter concerned the year 1932 and not 1931. A full statement would be made in the report for 1932.

He was not in a position to go into great detail, but desired to assure the members of the Commission that there was no question of pressure being brought by the white settlers in Kenya. The Secretary of State would never yield to such pressure. Unification of the postal services was proposed because it was felt that it would be generally beneficial to all the territories concerned and that considerable economies would accrue to the various countries involved.

M. RAPPARD pointed out that the members were asking these questions in pursuance of an agreement proposed by the United Kingdom Government and endorsed by the Council. They had been informed that decisions were to be taken, but that, before these decisions were applied, they would be given an opportunity of expressing their views. If, then, they were now told that these decisions were actually being applied and might be discussed in connection with the 1932 report, they would never have an opportunity of expressing their views until they were faced with a *fait accompli*.

The CHAIRMAN was sure M. Rappard had voiced the opinion of the whole Commission.

Lord PLYMOUTH said that he appreciated M. Rappard's feelings. He understood, however, that the assurance that, before decisions were put into effect, the Commission would be given an opportunity of considering them and making observations thereon referred to decisions in respect of closer political or constitutional union, and not to such questions as the unification of the postal services and other economic matters arising out of other parts of the report of the Joint Select Committee.

M. RAPPARD did not think that was the Mandates Commission's understanding. While he did not desire to prejudge its conclusions, it followed from M. Palacios' observations that closer constitutional and political union would always strike the Commission as not even debatable: it would upset the mandate which it was the Commission's business to defend.

M. Rappard realised that the discussion had arisen out of a statement in the Press which would not, of course, be taken for granted. At the same time, the Commission must be allowed to express an opinion on measures which, while not raising the fundamental constitutional issue, limited, or might tend to limit, the autonomy of the mandated territory and jeopardise its economic interests. The difficulty which he was anxious to avoid therefore remained. It would be unfortunate if the impression were created that a process of evolution was taking place on which the Commission would only be able to comment *ex post facto*.

M. VAN REES stated that, last year, M. Rappard had very rightly observed, in connection with the Customs Union between Tanganyika and Kenya, that, if the Kenya Customs regime was established in such a way as to protect special interests in that colony, Tanganyika might be prejudiced as the result of an interest which was foreign to it.¹

Mr. Jardine had replied that, in practice, the shoe was probably on the other foot, and it was Tanganyika that actually benefited, thanks to her rice and ghee (clarified butter) exports.

There had several times been an exchange of views with the accredited representative with regard to the principle raised by M. Rappard, in particular during the fifteenth Session.²

The Government of Tanganyika had dealt with this question in the annual report for 1929, in conformity with a promise given by Mr. Jardine at the fifteenth session. On page 109 of that report would be found a statement relating to Customs and railway policy. This statement appeared to be such as to relieve the Commission's anxiety. An article in the *Tanganyika Opinion* of February 5th, 1932, containing the following observation, had, however come to M. Van Rees' notice:

“ The foolish policy of the Government of Tanganyika to get into Customs union with Kenya and Uganda has put our revenues to a heavy loss. Our revenue suffered to the extent of £40,000 each year during the last five years that the sugar from Kenya

¹ See Minutes of the twenty-first session of the Commission, page 30.

² See Minutes of the fifteenth session of the Commission, pages 118, 169 and 170.

and Uganda had been admitted into the territory free of import duty. The admission of tea, tobacco and cigarettes from Kenya and Uganda accounts for a loss of £9,800 each year during the last five years."

Was there any substance in this allegation ?

Lord PLYMOUTH said he was not in a position to confirm or refute Mr. Jardine's statement. He would remind the members of the Commission, however, that an officer of His Majesty's Treasury had recently been on a special mission to Tanganyika. Lord Plymouth believed this officer had touched upon the question under discussion. He was not in a position to divulge what was stated in his report, which had not yet been published. He could, however, inform the Commission that the position would have to be reconsidered in the light of the report.

M. VAN REES said that the establishment of a Customs union between Tanganyika on the one hand and Uganda and Kenya on the other would mean that goods from the latter territories would, in principle, be admitted duty free into Tanganyika.

Nevertheless, excise duties were levied on certain goods manufactured in Uganda or Kenya or products grown in those territories. The excise duties from these products or goods were paid into the Treasury of Tanganyika on importation.

For example, the Treasury received — if he had been informed correctly — on beer imported from Uganda or Kenya 40s. per 36 gallons, whereas the territory levied 108s. for the same quantity of beer imported from other countries. Sugar from Kenya or Uganda paid 1s. duty per cwt. ; sugar from other countries 13s. 4d. duty per cwt. The duty on tobacco from Kenya was 6d. per pound, and 2s. 4d. per pound on tobacco from other countries.

M. RUPPEL gave the following figures to illustrate the point made by M. Van Rees. Under the Customs Tariff Ordinance (No. 16 of 1930) embodying the principle of suspended duties, additional duties had been imposed on sugar which was cultivated in Kenya but not in Tanganyika. The previous duty of 6s. per cwt. was thereby increased to 12s. per cwt. The result was that, from 1930 to 1931, the amount of sugar imported fell from 87,000 cwt. to 68,000 cwt., but its value rose from £67,000 to £70,000.

The effects of this step had been threefold : (1) whereas, in 1930, 1 cwt. of imported sugar had an average value of 15s., in 1931 its price rose to £1 in Tanganyika, while, in the rest of the world, it fell ; (2) there had been certain repercussions in the countries of origin — for example, in 1930, Kenya had exported 16,000 cwt. of sugar to Tanganyika Territory and Java 70,000 cwt., whereas in, the following year, Kenya exported 63,000 cwt. and Java only 4,000 cwt. ; (3) it had also resulted in a decrease of 90 per cent in the revenue of the mandated territory from Customs dues on sugar, which had fallen from £30,000 in 1930 to £3,000 in 1931. The first and the third effects were detrimental to the interests of the mandated territory and the second hardly compatible with the principle of economic equality.

Lord PLYMOUTH replied that he was not at the moment in a position to discuss the major principles involved. The matter would be found to be fully dealt with in the report of Sir Sydney Armitage-Smith, when that report came to be published ; but he was afraid he was unable to anticipate its contents. He mentioned that the suspended duties had been applied with the intention of obtaining additional revenue. The situation would be reconsidered in the light of the report.

M. RAPPARD said that the Commission was in a position to calculate more or less accurately the losses to the mandated territory consequent on a Customs union. The accredited representative had said that there would be corresponding advantages. So far, however, these gains seemed to be only hypothetical. Could the accredited representative give the Commission figures in support of his statement, since the Commission's judgment would depend largely on the fact whether it was convinced of the reality of these compensatory advantages or not ?

The CHAIRMAN said that what the members of the Commission wanted to know was not so much the contents of Sir Sydney Armitage-Smith's report as whether the proposed Customs union would prove of equal advantage to the three participating countries or whether it would result in discrimination between any of them. For instance, sugar was a commodity which was not grown in Tanganyika, and it would be contrary to the interests of this territory if the inhabitants were obliged to buy it at a high price. He would therefore ask the accredited representative to take special note of the statements just made by M. Van Rees, M. Ruppel and M. Rappard.

Lord PLYMOUTH appreciated the interest shown by the members of the Commission, and assured them that they would find the matter fully dealt with in Sir Sydney Armitage-Smith's report. There were certain obvious advantages in a Customs union between the three territories, such as economy in staff, etc.

As for sugar, he was informed that its price in Tanganyika was no higher now than previously and that, in fact, it had even fallen during the last few months.

M. VAN REES said that he had read in *The Times* of July 26th, 1932, that the Association of the Chambers of Commerce of Eastern Africa had passed the following resolution at Nairobi :

“ That it is of paramount importance that all three territories maintain to its full extent the existing Customs agreement between Kenya, Uganda and Tanganyika with a view to the furtherance of closer union, and it is for this reason that both the provisions of the Treaty of St. Germain-en-Laye and of the Tanganyika mandate must and should be simultaneously reviewed in order to enable these territories to give preference to the Motherland and the Empire and at the same time permit them and the Empire to enter into such trade agreements with neighbouring territories as may be deemed advisable.”

Had this resolution been communicated to the Government, and how had the Government received it ?

M. RUPPEL referred to *The Times* of March 30th, 1932, containing the text of a similar resolution passed by the British Empire League, which ran as follows :

“ That the British Empire League requests the Imperial Government to consider the advisability of urging the League of Nations to revise mandates under which Great Britain and the Dominions control certain mandated territories, in such a way as to enable such territories to give preference to certain British countries and thus remove present obstacles to the fullest development of those territories.”

He put the same question as M. Van Rees.

Lord PLYMOUTH said that the United Kingdom Government were aware of the resolutions in question, but he was not aware that any action had been taken upon them.

M. VAN REES asked if the resolution of the Association of the Chambers of Commerce had been submitted to the Tanganyika Government.

Mr. PARTRIDGE explained that the Chambers of Commerce of East Africa met from time to time and sent copies of their resolutions to the three East African Governments. It was not usually possible for the Tanganyika Government to do more than reply that the views of the Association had been noted.

The CHAIRMAN said that, as Tanganyika was a territory under mandate, the Government, in order to avoid all misunderstanding, should have replied that the proposals contained in the resolution were contrary to the letter and spirit of the mandate.

Lord PLYMOUTH said that if a communication of the kind referred to by the Chairman were sent to the Government of Tanganyika, it would have to be referred to the United Kingdom Government.

HEARING OF THREE NATIVE WITNESSES BEFORE THE JOINT PARLIAMENTARY COMMITTEE ON CLOSER UNION IN EAST AFRICA.

COUNT DE PENHA GARCIA referred to paragraph 17 of the annual report, which said that :

“ A political event of great importance to the territory was the appearance of three natives of Tanganyika as witnesses before the Joint Parliamentary Committee on Closer Union in East Africa . . . The greatest interest was taken in the event by large numbers of natives in all parts of the territory, and there can be no doubt that the opportunity of putting their views at first hand before the Joint Committee was greatly appreciated. ”

Did these three natives represent the whole of the native community, and how had they been chosen ?

Mr. PARTRIDGE said that the first of these witnesses was drawn from the educated English-speaking natives and was employed as a clerk in the Provincial Office at Tanga. He had been chosen to represent the literate section of the native population.

The second witness was the secretary of the Bukoba Chiefs' Council, and was a man in close touch with the views of the native chiefs. He added that in Bukoba particularly the natives took a keen interest in political affairs.

The third witness was an important tribal chief of the great Sukuma-Nyamwezi block in the centre and north-west of the territory. This chief was widely known and respected by the natives. There was no doubt that the three witnesses chosen represented the general feelings of the natives as a whole.

COUNT DE PENHA GARCIA asked if there was a minority party among the natives whose views differed from the part of the native community represented by the three native witnesses.

Mr. PARTRIDGE was confident that in general no views were held by the natives other than those expressed by the three witnesses.

COUNT DE PENHA GARCIA pointed out that mention was made in the report of the interest taken in this event by large number of natives in all parts of the territory ; he added that this gave him the impression that a certain unity existed among the natives.

Mr. PARTRIDGE replied that the general feeling was one of delight at the thought that three Africans were going to so distant and important a place as London to represent the native peoples of Tanganyika.

The CHAIRMAN asked whether the culture of the three native witnesses was so developed that in London they would have dared to express themselves in terms not altogether pleasing to the Administration.

Mr. PARTRIDGE replied that the three natives chosen were very independent in character and he had no doubt that they would have expressed their own opinions freely.

Mlle. DANNEVIG asked if the three witnesses chosen were unique in their culture, or whether there were other natives like them.

Mr. PARTRIDGE replied that there were certainly other natives who would have been eligible, but the three who actually went to London had been chosen with general approval.

M. RUPPEL said that the memorandum submitted by these natives to the Committee had been published in the papers relating to the Committee (Vol. III). It was a clear, well-written document, excellently arranged, in which the natives gave twelve reasons against the proposed Closer Union. He did not suppose that the memorandum had been actually written by the natives themselves, but he asked the accredited representative if the ideas expressed therein were theirs or had come from another source.

Mr. PARTRIDGE replied that the natives had no doubt been helped in drawing up the memorandum, but he was confident that the views expressed in it were their own.

COLLABORATION OF THE NATIVES WITH THE ADMINISTRATION.

COUNT DE PENHA GARCIA said that the policy towards the natives adopted by the mandatory Power had not yet been followed out to its logical conclusion. This policy had been influenced partly by the difficulty of finding sufficient European officials to supervise native affairs in so vast a territory. The Administration had therefore encouraged natives to collaborate with the Administration, with the result that natives had been given certain powers in judicial affairs and held their own courts. They had also been admitted, but to a more limited extent, to administrative functions. He asked the accredited representative whether he considered that native policy would develop on these lines, so that in the course of time the native councils would be extended to cover the whole of the territory, or whether an effort would be made to elect natives to represent the native part of the population on the Legislative Council. At one of the previous sessions of the Commission, the accredited representative had said that the great difficulty in the way of the latter step was the fact that none of the natives could express themselves adequately in English. When this difficulty had been overcome, was it intended to allow the natives to take an increasing part in the administration ? If not, he feared that the development of the administrative autonomy granted to the various native tribes would lead them to form alliances with other neighbouring tribes in Kenya and Uganda, in which case the status of the mandated territory might suffer.

Lord PLYMOUTH, referring to the representation of natives in the Administration, said that the difficulty mentioned by Count de Penha Garcia, that nearly all natives were not sufficiently versed in English, still stood.

Native councils had been put into operation in more than one area of the Administration, but as yet it was impossible to envisage their extension to the whole territory. There was no immediate likelihood of alliances between natives in Tanganyika and natives in the neighbouring territories creating administrative difficulties.

Lord LUGARD understood that every case of the federation of councils had been the result of purely voluntary initiative between tribes of common origin. He also understood that the question of inter-colonial native union had never been put forward.

Lord PLYMOUTH said that Lord Lugard was right in both his surmises.

Lord LUGARD asked if the native councils were now consulted on proposed legislation which affected their interests, and whether white men ever sat on these councils with the natives.

Mr. PARTRIDGE replied that he had no information whether the native councils had been consulted on legislative matters, but he said that, when a district officer attended their meetings, he did so merely as a spectator.

SITUATION OF THE INDIAN COMMUNITY.

Lord LUGARD said that Mr. Jardine had assured the Commission at a previous session¹ that the Indian part of the population was quite contented. It appeared from local newspapers, however, that Indians resented this imputation. Was there any substance in their complaints?

Mr. PARTRIDGE expressed the view that the Indian community had no real grounds for complaint.

Lord LUGARD asked whether the Indians had any legitimate grievance concerning the education of their children.

Mr. PARTRIDGE replied that the annual report contained details regarding Indian education on pages 68 and 69. It would certainly be possible to give them greater facilities for education, but that would involve additional expenditure which could not be contemplated at the present time.

M. RAPPARD had heard it said by Indians that the Tanganyika Administration concentrated its attention on the interests of the Europeans and natives at the expense of the Indian part of the population. He asked if the question of hospital accommodation had been satisfactorily settled and if the discontent of the Indian community represented a real problem for the Administration.

Mr. PARTRIDGE said that, when the United Kingdom Government took over Tanganyika, it had found a European hospital in Dar-es-Salaam and an Indian and native hospital in a different part of the town. Under the present arrangements, every person of a European mode of life was admitted to the European hospital at the discretion of the medical officer in charge. As would be seen from the annual report, the Sava Hadji hospital had been extended and greater facilities had been provided for non-Europeans (page 77). He added that plans for a new Indian and native hospital had been drawn up, but the financial position precluded the provision of the large sum involved.

He assured M. Rappard that there was no real Indian problem in Tanganyika.

M. RAPPARD understood that the number of Indian immigrants had largely increased since the United Kingdom had taken over the territory, so that any present deficiencies in hospital accommodation could not be justified by claiming that the accommodation was the same as at the time when the territory was placed under mandate.

M. RUPPEL said that there were 25,000 Indians in the territory at the present moment, as against 10,000 before the war.

M. ORTS understood that the hospital for Indians and natives had, at one time, been far from satisfactory. Had it improved during the last few years?

Mr. PARTRIDGE said that the hospital at Dar-es-Salaam had been extended during the last year. As he had already indicated, plans had been made for constructing a new hospital for the non-European population, but the project had had to be dropped owing to financial considerations.

SEVENTEENTH MEETING

Held on Tuesday, November 15th, 1932, at 3.30 p.m.

Tanganyika Territory: Examination of the Annual Report for 1931 (continuation).

The Earl of Plymouth, Mr. Seel and Mr. Partridge, accredited representatives of the mandatory Power, came to the table of the Commission.

QUESTION OF A CLOSER ADMINISTRATIVE, CUSTOMS AND FISCAL UNION OF THE MANDATED TERRITORY OF TANGANYIKA WITH THE NEIGHBOURING BRITISH POSSESSIONS OF KENYA AND UGANDA (continuation).

M. SAKENOBE, referring to the paragraph on general problems of communication on page 49 of the White Paper (Cmd. 4141), and to the statement that "new construction and development" should be regarded, "not merely as questions of purely local interest, but in their bearing on East Africa generally", asked, when local and general interests clashed, how

¹ See Minutes of the twenty-first session of the Commission, pages 39 and 40.

they were reconciled. For instance, the construction of a given railway line might be of benefit and importance to Tanganyika, but might not be particularly desirable from the point of view of East Africa as a whole.

Lord PLYMOUTH replied that every proposal was considered on its merits. The final decision would lie with the Secretary of State.

M. SAKENOBE asked what guarantee there was that the interests of Tanganyika, as a mandated territory, would be safeguarded against the pressure of wider claims.

Lord PLYMOUTH assured the Commission that the best interests of Tanganyika would always be fully considered. He could not, of course, say that Tanganyika would receive preferential treatment as compared with the rest of East Africa, but its rights would be entirely safeguarded.

The CHAIRMAN observed that the natives who had been heard in London seemed all to be opposed to closer union. According to the memorandum, the white or civilised population of Tanganyika was also unfavourable to closer union. In fact, it seemed that everybody whose interests it was the duty of the Mandates Commission to safeguard was opposed to this policy. On what, therefore, was the demand for closer union based? Was it only the mandatory Power itself which desired closer union?

Lord PLYMOUTH said that this question took the matter back a long way. He was not aware who had originated the request for closer union. At one time this matter had aroused considerable interest at home and had been dealt with by various bodies, including the Hilton Young Commission. At present he did not believe that there was any very great volume of opinion in favour of closer union. The United Kingdom Government did not at any rate regard this as a current question. He did not think that the matter would come up again, but could not commit himself absolutely to the statement that some such policy might not be discussed again in the distant future.

The CHAIRMAN took note of Lord Plymouth's statement, which was, he said, of great interest to the Commission.

M. RAPPARD said he was not quite satisfied with Lord Plymouth's reply. His Lordship had said that closer union was no longer an issue at the present time. It was to be supposed that he was referring to political union. There were, however, other symptoms of attempts to effect closer union on non-political lines — for instance, the Conference of Governors and postal, Customs and railway unification. Members of the Mandates Commission had been asking questions concerning this administrative unification and had been told that political union was now out of the question. He wished to ask the accredited representative whether it was not a fact that closer *administrative* union was still the policy of the United Kingdom Government in East Africa.

The CHAIRMAN asked what separate individuality would be left to the various territories when posts, railways, Customs and all other administrative services had been unified in the three territories, all under a single supreme control. Surely separation would then only exist in name and not in fact.

Mr. SEEL said that the use of the word "union" was not strictly correct. A certain amount of unification of Customs and other services by voluntary agreement between the territories did not diminish the autonomy of each territory. Each territory retained full and separate control of the moneys spent on such services. The unification in question was purely administrative and had no political significance.

The CHAIRMAN could not understand how the present or proposed arrangements would constitute a simplification. Supposing, for instance, that Tanganyika produced no cotton and sugar and Kenya produced those articles; it was to the interest of the latter territory to levy Customs tariffs on these two articles, while it was to the interest of Tanganyika, on the contrary, to be able to procure these products, of which it was in need, in the best market. A Customs union which would lead to the levying of these tariffs also on imports of sugar and cotton to Tanganyika would be detrimental to the territory under mandate. It was to its interest to be able to procure freely on the market which was most advantageous to it the goods it required.

Mr. SEEL said that, if the tariffs had proved unsatisfactory in any respect, the Financial Commissioner would no doubt have dealt with this point in his report. If, in fact, it were found that the system did work to the disadvantage of Tanganyika, then the Government of Tanganyika retained the power to alter that system immediately.

M. RAPPARD said that he, like the Chairman, could still not understand the situation. Either there would be one policy in the form of the same Customs tariffs for all the countries, in which case there would be a Customs Union depriving the individual legislatures of sovereignty, or else the legislatures retained their sovereignty, in which case there would almost

necessarily be a variety of Customs tariffs. Did the accredited representative mean that the various legislatures had agreed, of their own free will, to impose the same tariffs, but that they were free to withdraw from that agreement at any moment ?

Mr. SEEL replied that, constitutionally speaking, the answer was in the affirmative.

M. RUPPEL, referring to the agreements concluded in 1927 between Tanganyika and Kenya and between Tanganyika and Uganda, under which the three countries agreed to impose the same Customs tariffs, asked whether any provision had been made for the denunciation of these agreements.

Lord PLYMOUTH replied that the arrangement was that no change should be made by any one country without consulting the other countries, but constitutionally there was no obstacle to any country altering its rates by unilateral action.

M. VAN REES, referring to the allegations and suspicion which had arisen in certain quarters concerning the supposed intentions of the United Kingdom with regard to closer union between Tanganyika, Kenya and Uganda, wondered whether it would not have been a good thing for the United Kingdom Government to make at the outset a definite and formal public statement in a solemn form, on the lines of the law which had been passed by the Belgian Government on August 21st, 1925, in connection with the Administrative Union of Ruanda-Urundi with the Belgian Congo. Article 2 of this law made it absolutely clear that Ruanda-Urundi was a separate legal personality, possessing its own property and financial autonomy. In this way the political status of the territory under mandate had been clearly and definitely guaranteed. It was clear that, if the Government had followed this example, the reproach that it was attempting to annex the territory under mandate could never have been made. That would already be so much gained. The question whether, all idea of annexation having been put on one side, closer union would not give rise to serious objections was a separate problem on which M. Van Rees, who, moreover, had no intention of making any suggestion, did not propose to dilate at the moment.

Lord PLYMOUTH merely wished to state that there was no justification whatever for the suspicions to which M. Van Rees had referred. He noted M. Van Rees' point.

Lord LUGARD asked how Customs receipts were allocated when dutiable goods entered Tanganyika having paid duty at a Kenya port — Mombasa, for instance.

Mr. PARTRIDGE replied that Kenya would, in the case suggested by Lord Lugard, credit to Tanganyika the amount of duty due to that territory.

Lord LUGARD thought that it must prove difficult in some cases to give effect to this system. For instance, in an extract from a paper which had been circulated it was stated that it was estimated that 200 shooting parties would visit Tanganyika this winter. It was calculated that they would each spend £1,000 in stores and equipment, all of which would be purchased in Nairobi (Kenya). How would Tanganyika's share of the Customs duties paid on these stores be assessed and recovered ?

Mr. PARTRIDGE replied that, when parties of this kind entered Tanganyika, all their goods had to be declared for Customs purposes. They would have to pay duty on all articles except those introduced into the country temporarily. They would have to pay a deposit on entering Tanganyika, and thus the Tanganyika revenue would be safeguarded.

M. RAPPARD said that he did not think Mr. Partridge's reply covered Lord Lugard's point. It seemed to be becoming a practice for tourist parties to enter East Africa via Kenya, obtain their supplies at Nairobi and then go and shoot in Tanganyika. He had not heard of any parties following a contrary itinerary — that was to say, obtaining their supplies at Dar-es-Salaam and proceeding through Tanganyika to Kenya or Uganda. The result of this procedure was surely a loss of business to Tanganyika.

Mr. PARTRIDGE explained that, though no duty was paid, the goods in question had to be declared, and a credit for them was granted by the Kenya Customs to the Tanganyika Customs, if the goods in question were not re-exported.

M. RAPPARD said this did not seem to be a simplification of Customs procedure. He could not endorse M. Van Rees' idea that it would have been sufficiently reassuring if the mandatory Power for Tanganyika had made a declaration similar to that made by the Belgian Government in respect of Ruanda-Urundi. There was no fairly thickly settled white population in the districts of the Congo bordering on Ruanda-Urundi desirous of promoting a policy which might be incompatible with the best interests of the natives.

M. VAN REES explained that M. Rappard's observation dealt precisely with the problem into which he did not desire to enter. He had no other aim in making his remarks than to indicate a method which might contradict certain accusations that had been made against the mandatory Power.

RE-ORGANISATION OF THE KING'S AFRICAN RIFLES.

M. PALACIOS said that he had listened with interest to the explanations given by the accredited representative regarding the re-organisation of the King's African Rifles, and enquired whether part of these troops were recruited in Tanganyika to serve outside that territory — for example, on the northern frontier of Kenya. If that were so, he would observe that this would be contrary to the terms of the mandate.

Mr. SEEL said that the King's African Rifles consisted of two brigades. The northern brigade was stationed and recruited in Kenya and Uganda. The southern brigade consisted of three battalions. Of these, two and a half battalions were stationed in Tanganyika and half a battalion in Nyasaland. Of the two and a half battalions in Tanganyika, one battalion was recruited among natives of Tanganyika, the remainder of the brigade consisted of natives of Nyasaland, a territory to which the mandate did not apply. The battalion recruited in Tanganyika was stationed and employed in Tanganyika only.

QUESTION OF THE AMALGAMATION OF THE POLICE FORCES OF TANGANYIKA, KENYA AND UGANDA.

Mr. PARTRIDGE, in reply to Mlle. Dannevig, said that there had been no amalgamation of the police forces of the three territories.

BILATERAL CONVENTIONS APPLIED TO MANDATED TERRITORIES.

M. ORTS read a note on this subject (Annex 3).

Lord PLYMOUTH said that this matter would be looked into.

UTILISATION OF THE PANGANI FALLS FOR THE PRODUCTION OF ELECTRIC ENERGY.

M. RUPPEL referred to the concession which had been granted to the Power Securities Corporation, Limited, for the development of electric power from the Pangani Falls. A copy of the contract had been sent to the Commission.¹ He drew the attention of the Commission to the fact that this was a very important concession covering the supply of electric energy over an area of some 11,300 square miles, or nearly 30,000 square kilometres. It seemed that the interests of the population in this area were to some extent protected by a clause to the effect that other undertakings in the area might generate their own electricity, but might not supply others. A reference had been made to this concession at the previous session.²

Moreover, it had been announced that, before granting the concession, public tenders had been invited and that the tender from this company was the only one received. He would like to know whether there had been any objection to this scheme on the part of the population — in particular, of the plantations and other enterprises in the concession area.

Mr. PARTRIDGE replied that no objections had been raised.

In reply to a further question from M. Ruppel, he said that construction had not yet been begun. The agreement provided that, if construction were not begun within two years, the concession would lapse.

ANNUAL REPORTS OF THE PROVINCIAL COMMISSIONERS.

The CHAIRMAN noted that, in its observations on the annual report for 1930,³ the Mandates Commission had expressed the desire that the annual reports of the Provincial Commissioners of the mandated territory, of which a copy had been received for 1930, should be communicated to it regularly. The annual report of the Commissioners for 1931 had not yet been received by the Commission. Could the accredited representative say whether this report had been published, and whether it would be communicated to the Commission in due course?

Mr. PARTRIDGE replied that the 1931 reports would be sent to the Commission as soon as they were ready. Arrangements had been made for the reports to be supplied regularly.

NATIVE POLICY AND ADMINISTRATION.

M. RAPPARD reverted to the question of the deputation of three natives to London. These natives had been described as entirely representative and able to hold their own in a discussion — one of them being a representative of the literate English-speaking class of the population.

¹ See document C.P.M.1236.

² See Minutes of the twenty-first session of the Commission, pages 32 and 33.

³ See Minutes of the twenty-first session of the Commission, page 212.

In these circumstances, he was very surprised to read on page 9 of the report that " the native community could not be directly represented (in the Legislative Council) because, for the present, a native cannot be found with sufficient command of the English language to take part in the debates . . . indeed, to understand what is being said. . . ." That statement had been made in 1926, and it was said that it still held good.

Lord PLYMOUTH replied that the two cases were not comparable. It was one matter to give evidence before a sympathetic select committee ; but it was quite another matter to take part as a member in a debate in the Legislative Council. In the Joint Select Committee the questions had had to be translated into Swahili because the natives did not fully understand them in English.

M. RAPPARD said he did not wish to stress the point. It was interesting only in so far as it indicated that there might be a possibility in the future of seeing native members on the Legislative Council.

Lord PLYMOUTH said he quite saw M. Rappard's point.

Mr. PARTRIDGE, in reply to Mlle. Dannevig, said that the " detribalised natives " referred to on page 53 of the White Paper (Cmd. 4141) in no way represented a cultured class, but were merely natives who had gone to find work in the towns.

M. RUPPEL asked what were the " mixed areas " referred to on page 44 of the White Paper, and how they were administered.

Mr. PARTRIDGE explained that these referred to heterogeneous collections of natives of different tribes in the neighbourhood of towns and plantations. It was not possible to govern these natives by indirect administration as in ordinary tribal areas. An experiment had therefore been made at Dar-es-Salaam to bring together various village headmen and form them into a council to carry on the same work in the mixed area as would normally be carried on by a tribal council in a tribal area. The system was working well and would probably be extended.

M. RUPPEL drew attention to the statement (page 12 of the annual report) made by the Provincial Commissioner of the Mwanza and Bukoba provinces, which read as follows :

" With the possible exception of the chiefs of the Bukwimba Federation, the native authorities generally have shown that they are thoroughly improvident and have not yet shown any grasp of financial affairs."

That seemed a very severe judgment on the financial methods of the Native Administration, particularly as the previous report stated that the financial position in these districts was sound, and included the budget for the Bukoba district *in extenso* (1930 report, page 106).

Could the accredited representative say whether, in the opinion of the Government, the judgment was justified and, further, whether it applied to other districts ?

Mr. PARTRIDGE thought he could safely say that the Government of Tanganyika accepted the verdict of the Provincial Commissioner of the Mwanza and Bukoba provinces. He was held in high repute by the Government.

Before the year under review, the chiefs of that particular area were wealthy and were not called upon to exercise the qualities of providence and economy. The year under review had shown that they were completely lacking in these qualities and must therefore be assisted by the advice and help of the administrative staff.

M. RUPPEL presumed that this was an exceptional case.

Mr. PARTRIDGE said that the area was previously the wealthiest in the territory ; it had accordingly felt, in contrast, the effects of the economic blizzard more than any other district.

M. SAKENOBE pointed out that, as a means of effecting economy, the provinces of Bukoba and Mwanza had been amalgamated into a single administrative unit to be known as Lake Province, and that Tabora and Kigoma had been combined into a Western Province (page 10, paragraph 10).

It was not yet known whether these changes would work well administratively, but the frontier provinces were far away from the seat of the central Government, so that the withdrawal of the Provincial Commissioner and his staff must mean a great deal to them. Did the amalgamation simply involve the withdrawal of the Provincial Commissioner or were other measures taken, such as an increase in the number of district officers stationed in the provinces, or an increase in the staffs of the district officers ?

Mr. PARTRIDGE said that this amalgamation had been possible for two reasons. The first was the improvement in communications, which permitted speedier and more frequent travelling. The second, which followed as a natural corollary to indirect administration, was that, in these particular areas, the native authorities had advanced to a degree which rendered personal contact with European officers less necessary. The staffs had been slightly re-organised. The Provincial Commissioner of the Lake Province now resided at Mwanza and had with him a senior district officer who acted as staff officer, freeing the Commissioner from a great deal

of office work and enabling him to do as much travelling in the province as the two Provincial Commissioners had done before the amalgamation. The Provincial Commissioner of the Western Province lived at Tabora and similarly had a senior district officer to assist him and to take charge of office matters when he was travelling in the former Tabora and Kigoma provinces.

ILL-TREATMENT OF CERTAIN NATIVES IN THE SONGEA DISTRICT.

M. ORTS referred to Appendix 3 on page 121 of the annual report. This was a statement concerning the ill-treatment of certain natives in the Songea district. The events had occurred in the month of March 1930; the enquiry did not seem to have been opened until May 1931, and the report on the enquiry had not been received by the Central Administration until July of the same year.

M. Orts asked how the delays which had occurred in connection with the enquiry could be explained; the difficulty of communications and the distance were not a sufficient explanation. Had the local authorities left the higher authority in ignorance of what had occurred?

Mr. PARTRIDGE said that there had been delay on the part of the local authorities; but as soon as the central authorities became aware of the facts, they took action very promptly — indeed, the Secretary for Native Affairs actually flew to Songea.

M. ORTS, observing that it was now November 1932, asked whether any penalties had been imposed on the district officer.

Mr. SEEL replied that this officer had been retired.

COMPLAINTS AGAINST THE CHIEF OF MACHAME.

M. ORTS said that an Indian newspaper, *Tanganyika Opinion*, of September 16th, 1932, had stated that the annual report for 1931 did not contain information concerning complaints against the chief of Machame, which were said to have been the subject of enquiry by the local Government. The native Moslem public was reported to have been seriously disturbed by the acts of this chief, and the matter appeared also to have been the subject of a petition to His Highness the Aga Khan and Sir Fazli Hussein by some Indian Moslems. In addition, a question had been asked on this subject in the Indian Legislative Assembly by Mr. Gaya Prasad Singh. Had the accredited representative any observations to make on this matter?

Mr. PARTRIDGE said that, as he had left Tanganyika before September 16th, 1932, he had not seen the article in question.

M. ORTS pointed out, nevertheless, that the fact to which the newspaper referred had occurred in 1931; it was true also that neither was there any reference in the 1931 report to an enquiry by the local Government.

Mr. PARTRIDGE said he could give no information at present, but a reply would be included in the next annual report.

NUMBER OF EUROPEAN OFFICIALS AND EMPLOYEES.

Lord LUGARD observed that the number of European officials and employees in the territory was stated on page 119 to be now 1,359, whereas it was stated in Parliament on July 9th, 1930, to be only 1,231, which would appear to imply that there had been an increase, in spite of the crisis.

Mr. SEEL explained that the figure 1,359 was the number provided for in the estimates for 1931-32. As, according to the Colonial Office records, there had been 150 cases of retrenchment in 1931, and about 130 in the present year, the number of European officials and employees actually in service must be far below the figure indicated.

PUBLIC FINANCE ; TAXATION.

M. RAPPARD thanked the Administration for its very full report on public finance and noted that the financial year was to be changed to correspond with the calendar year. This change was attributed to a desire to facilitate co-operation with neighbouring territories and also partly to a desire to facilitate the rendering of reports to the League (page 23), though only the former was mentioned in the Chief Secretary's speech to the Legislative Council (page 122). This was at least one happy result of closer union. M. Rappard was particularly glad that the Chief Secretary's speech had been annexed to the report. It threw considerable light on the position, and enabled the Commission to breathe the atmosphere of the Legislative Council.

The situation was, of course, extremely unfortunate. It had been saved by the tremendous surplus accumulated in previous years. The Mandates Commission — and, from Mr. Jardine's speech last year, ¹ M. Rappard gathered that the authorities in England shared its opinion —

¹ See Minutes of the twenty-first session of the Commission, page 25.

had criticised the territory for accumulating such large funds, and had suggested that either taxation must be too high or the Administration not sufficiently active. Had it not been for the Administration's policy, however, which the Commission had deemed over-cautious, the territory would now be in very bad straits. The present situation showed the financial difficulty of administering such territories.

The situation was, indeed, so serious and the reduction of revenue so heavy that M. RAPPARD was particularly glad that an official had been sent out to study the matter. He hoped that salvation would be achieved, not only in retrenchment, but also in the better adjustment of the finances and in arrangements to secure to Tanganyika a larger share of the common revenue of Tanganyika and Kenya. He could not help feeling that closer fiscal union had worked to the detriment of Tanganyika, and would be glad of further information on that point.

Would the Commission be informed next year of the findings of the expert who was examining the financial situation ?

Mr. SEEL stated that the expert's report would be presented to Parliament and copies would be communicated to the Commission. Unfortunately, it had not been practicable to publish it before the present session. The Commission might be aware that the Special Commissioner, Sir Sydney Armitage-Smith, had not enjoyed very good health in Tanganyika and had died recently. In these circumstances, the report had been delayed.

M. ORTS had been struck by the difficult financial situation. On the one hand, the reserve fund was exhausted, and, on the other hand, no new loan could be contemplated until the finances of the territory were balanced. How was the deficit to be met ? Were resources still available, for example, in the Colonial Development Fund ?

Mr. SEEL said that, while the surplus balance on March 31st, 1932, was estimated at £122,000, various receipts had come in better than was anticipated, and the surplus balance proved, at the end of 1931, to be about £240,000.

That sum, of course, was not in itself enough to provide for the working cash requirements of the Government apart from any deficits which might be incurred in 1932 and 1933. For the present, the question had been dealt with as follows : in June 1932, a loan of £500,000, guaranteed by the United Kingdom Treasury, was raised in respect of certain works constructed in previous years out of revenue but regarded as properly subjects for loan expenditure — for example, the pier at Bukoba, railway improvements, and so on. This loan was for the express purpose of fortifying the surplus balance. As a result of the loan, the surplus balance at the end of September 1932 was estimated at £733,000, £257,510 being the true surplus and £475,000 odd the proceeds of the loan. This would enable the territory to carry on for the time being.

M. RAPPARD thought the territory unique in that the direct hut-tax and poll-tax on natives gave a larger yield than the Customs duties.

In reply to an observation by M. RAPPARD with regard to the third column on page 40, " Population per Taxpayer ", Mr. PARTRIDGE explained that this showed the average size of the families of natives paying the hut-tax and poll-tax.

Mr. Partridge said, in reply to a question by Lord Lugard, that poll-tax and hut-tax were alternative taxes. An African paid hut-tax if he owned a hut, and poll-tax if not. If he had plural wives, he paid for each additional wife who had separate accommodation, but not necessarily a separate hut.

M. RAPPARD, passing to " Native Treasuries " (page 16), noted that cases of malversation had been reported. He asked how collected taxes were dealt with, and what was meant by poll-tax tickets.

Mr. PARTRIDGE explained that, at the beginning of each financial year, an appropriate number of poll-tax tickets was printed, bearing the different rates for the different districts. These tickets were distributed to the districts, and the district officers in turn distributed them to the chiefs. When a native paid his tax he received a ticket in exchange as a receipt. This ticket he carried about as a protection. The loss of unissued tax tickets was tantamount to the loss of an equivalent amount of revenue, as they might easily come into the possession of persons who had not actually paid their tax.

M. RAPPARD asked how the funds collected by the native chiefs were kept pending their payment into the central Treasury. Did the local treasuries deposit sums in the banks mentioned on page 39 ?

Mr. PARTRIDGE replied in the affirmative. Where there were no banks, the money was paid over to the district officer, who placed it in his safe and paid it into a bank as occasion arose.

Lord LUGARD asked how the percentage of the poll-tax to be retained by the native treasuries was calculated. Was there any maximum ?

Mr. PARTRIDGE replied that the amount of rebate varied in different districts, but was calculated on the basis of the total taxes collected by the native chiefs. There was no maximum.

M. RAPPARD noticed that there was a non-native education tax, the receipts from which were credited, not to general revenue, but direct to a special fund (page 41). It seemed contrary to the rules of good finance to keep extra-budgetary receipts. Why could not these receipts be included in the general Treasury ?

Mr. PARTRIDGE stated that the tax to which M. Rappard had referred had been abolished, one of the reasons being that given by him. A graduated non-native poll-tax, which was included in the budget, had been imposed in its place.

M. RAPPARD understood that this non-native graduated poll-tax had been unfavourably received by certain white settlers. The following passage had appeared in *East Africa* on March 17th, 1932 :

“ A public meeting recently held at the Usa River Club telegraphed to the Secretary of State :

“ ‘ Settlers respectfully request withhold assent Bill entitled Non-Native Poll-Tax pending receipt of petition. Principle of income-tax raises constitutional issue no taxation without representation. Willing accept alternative form taxation embodied in petition.’

“ It was suggested that, if this Bill is eventually forced on the territory against the wishes of the entire non-native population, the settlers should adopt the following measures :

“ (a) Undertake as far as possible not to buy any imported article on which duty has been paid ;

“ (b) Boycott the railway ; send goods by road or by the Kenya and Uganda Railway ; never travel first-class ;

“ (c) Curtail the taking out of licences as far as possible — motor-car, game, etc.

“ (d) Reduce all labour to a minimum and enforce a heavy reduction in native wages ;

“ (e) Withdraw all money from the banks.”

That was apparently the feeling prevailing in the territory, for *The Times*, of London, of September 28th, 1932, contained the following passage :

“ The conference of unofficial representatives of Kenya, Tanganyika and Uganda which has been meeting here has come to the general conclusion that the Secretary of State's proposal to impose a new system of taxation on the territories against the people's will is opposed to recognised British constitutional practice, and, if enforced, must inevitably lead to resistance. . . . ”

It seemed extraordinary that white settlers in a territory of this kind, when asked to pay a share of direct taxation, should raise the question of taxation without representation. M. Rappard was glad that the Administration had paid no attention to them. He would like to know, however, what importance was to be attached to these meetings of settlers and to their resolutions.

Lord PLYMOUTH said the Secretary of State had received a deputation from Kenya, Tanganyika and Uganda, who had made representations of the kind mentioned by M. Rappard. The Secretary of State had made it perfectly clear that he could not accept their views.

In reply to a further question by M. Rappard, Lord Plymouth stated that he understood the collection of the tax in Tanganyika had not given rise to the difficulties threatened.

M. RAPPARD pointed out that, if these threats were to be taken seriously, they would be important from the point of view of security and good administration. It would be particularly unpleasant for a mandated territory if the white settlers claimed that they should only pay taxes to which they had agreed. The League only recognised the mandatory Power. The Legislative Council was simply an advisory body, and the white representatives could not be held responsible for policy.

M. Rappard was not clear what loan policy was being pursued in Tanganyika. It was stated on page 36 that the total loans received amounted to £3,135,446 and that £9,555 had been repaid in 1930-31. How did so small a sum come to be repaid on a total loan of £3,000,000 ?

Mr. SEEL stated that the figure £3,135,446 represented loans from the Treasury. Of that sum, a little over £1 million had been granted free of interest until 1933. Interest at varying rates was being paid on the balance and a very small sinking fund was accumulating. The sum of £9,555 represented the net amount of the debt written down in 1931.

M. RAPPARD did not understand why the Sinking Fund was so small. Tanganyika was said to be in debt to the extent of £8 million, but he had been unable to account for more than five millions.

M. RUPPEL pointed out that the guaranteed loans of £2 and £3 million mentioned on page 37 should be added to M. Rappard's figure.

M. RAPPARD understood that these loans had been raised, but not paid over to the territory. He asked whether loans from the Imperial Treasury were distinguished from guaranteed loans not granted by the Treasury.

Mr. SEEL said they were so distinguished in the report. The loans mentioned in paragraph 51 were made direct by the Imperial Treasury, and the loans mentioned in paragraph 53 were raised in the open market, but guaranteed by the Treasury. The proceeds of the loans mentioned in paragraph 53 had been paid over to the territory immediately.

Lord LUGARD asked whether it would be possible, in future reports, to include the estimated receipts and expenditure of the current and coming year as well as the years for which the accounts were completed — as was usually done.

Mr. PARTRIDGE said there would be no difficulty in adding these figures.

Lord LUGARD asked whether the "betterment fund" recommended by Lord Moyne's report on the finances of East Africa would be applied to Tanganyika.

Mr. SEEL said that Lord Moyne's recommendations referred only to Kenya.

Lord LUGARD asked whether, with regard to retrenchment, the members of the Legislative Council received remuneration in Kenya.

Mr. PARTRIDGE explained that they received no salary, but were given a travelling allowance for each day on which they were necessarily absent from their homes in order to attend sessions or for other public business.

Mlle. DANNEVIG asked whether there were any grounds for the fears of the Indian community that the repeal of the non-native education tax would have an unfavourable influence on Indian education.

Mr. PARTRIDGE said the Indian community had been reassured; they had no grounds for fear.

IMPORTS AND EXPORTS.

M. MERLIN congratulated the mandatory Power on the satisfactory arrangement of this section of the report. He noted that, as was natural in view of the general economic crisis, imports and exports were decreasing. The production of sisal and rice had increased, but the position of ground-nuts and cotton was very unsatisfactory. Were steps being taken to keep their cultivation going during the crisis?

Mr. PARTRIDGE said that since the effect of the big drop in world prices had been felt, there had been a very active campaign in Tanganyika, known as the "double production campaign", for increased production. The quantities of exportable commodities planted — particularly ground-nuts — had increased considerably during the current year.

M. RAPPARD, referring to the table showing the foreign markets for the chief products of the territory during 1931 (page 120), said that, at first sight, he had hoped that Tanganyika was compensated for the higher cost of its sugar and the smaller advantages from imports from Kenya by the fact that Kenya and Uganda were markets for 75 per cent of its coffee and 47 per cent of its hides and skins. Unfortunately, the footnote appeared to make this hope illusory.

Mr. SEEL said that the exports to Kenya and Uganda included a very large amount in respect of articles re-exported from Kenya and Uganda. The footnote referred chiefly to the coffee traffic from Arusha and Bukoba and to a certain amount of cotton.

AGRICULTURE.

M. MERLIN asked for an explanation of the following passage (page 93, paragraph 173):

"The shortfall in production generally can be ascribed partly to unpropitious seasons and locust damage, but there appeared as well to be a general slackening off of effort on the part of the natives."

Mr. PARTRIDGE stated that the position was indicated by the words immediately following:

"Such an attitude has, however, it is hoped, now been checked by propaganda, and the large increase of area under cultivation towards the end of the year affords evidence of the success of this campaign."

This propaganda had increased progressively since the report was written.

M. SAKENOBE asked what was the present position with regard to the locust invasion in the north-western area (page 28, paragraph 40). Had it caused a shortage of food among the natives ?

Mr. PARTRIDGE said that, by the end of the year, the position had greatly improved, the heavy infestation having disappeared, though there were isolated swarms, as in other parts of the country. The food situation was safeguarded, and any shortage was remedied immediately.

M. RAPPARD noted that the Administration was anxious about the agricultural depression (page 96). He would be glad of information with regard to the plans for dealing with the situation, particularly the proposed legislation to restore the circulation of cash as a medium of exchange.

M. SEEL believed that, in the early part of the present year, the Government had enacted an amendment to the Trades Licensing Ordinance providing that, in certain areas, conditions could be attached to the granting of trading licences, and that one of these conditions might be that purchase of specified native produce should be paid for in cash. The intention was to stop the development of trade by barter. A good many traders, being short of actual cash, were offering the natives trade goods in exchange for their produce.

M. RAPPARD did not understand how this would increase the circulation of cash if traders were unable to obtain it.

Mr. SEEL said the traders would be compelled to provide themselves with cash. It was much easier for them to pass on their surplus trade goods to the native, but Mr. Seel did not think that it was impossible for them to find cash.

M. ORTS asked whether, with the reduced price of agricultural produce, crops which had formerly been cultivated only by Europeans, such as sisal and coffee, were now produced by natives.

Mr. PARTRIDGE said that, in Tanganyika, a larger proportion of coffee was produced by natives than non-natives. Production had continued as before. Coffee was fortunately one of the products that had not fallen heavily in price. In no case was the cultivation of sisal carried out by Africans. It required expensive machinery and considerable capital.

M. MERLIN noted that tea cultivation was being developed in certain districts. What quality of tea was it hoped to obtain ?

Mr. PARTRIDGE stated that a tea expert had recently reported favourably on a small area in the south-west. Active steps were being taken in that area. A factory was being erected to deal with the tea produced, and a limited production was already being effected.

CATTLE DISEASES.

M. MERLIN asked whether the figures for cattle in the districts where rinderpest had broken out were cattle actually attacked and destroyed.

Mr. PARTRIDGE was unable to give the actual losses from rinderpest. The figures quoted included cattle infected as well as " in-contacts " in quarantine.

M. MERLIN said that his remark applied also to trypanosomiasis in cattle ; no figures were given for the actual losses.

Lord LUGARD enquired whether the campaign against the tsetse fly was being continued in spite of retrenchment in other directions. He asked, in particular, whether any result had been achieved by the proposed introduction of a parasite hostile to the fly (paragraph 39 (6)).

Mr. SEEL said that the tsetse research work was being continued, in spite of the crisis, thanks to a grant of £10,000 a year made by the Colonial Development Fund. As regards the use of parasites, he did not think that any discoveries had yet been made of sufficient importance to warrant an announcement.

FORESTRY.

M. MERLIN was glad to see that measures had been taken to limit fires. He desired, nevertheless, to refer to a fact which was a matter of common experience ; the natives used fire, not only to break up the ground and to refertilise it, but also to root out insects, rats, field mice and other pests ; in these circumstances, the too strict prohibition of all fires sometimes resulted in the exceptional and undesirable multiplication of creatures which were injurious to cultivation.

GAME RESERVES.

M. VAN REES recalled that, at the last session, Mr. Jardine had explained the difference between "closed" and "complete" reserves.¹ The present report stated that certain measures had been taken for the protection of game (page 26). According to a Press cutting, however, the Association for the Preservation of Game had drawn the attention of the Tanganyika Government to the great loss to the resources of the mandated territory owing to the lack of roads from Arusha to the Serengeti plains, and had asked that a road be constructed as soon as possible. Was it correct that the Territory was losing on this account?

Mr. PARTRIDGE replied that the matter had been exercising the mind of the Tanganyika Government for some time. It was only awaiting the necessary funds for the road construction required.

RAILWAY TRANSPORT : ENQUIRY INTO THE ORGANISATION OF THE RAILWAYS OF THE BRITISH DEPENDENCIES IN EAST AFRICA.

Lord LUGARD understood that a considerable proportion of Bukoba produce was conveyed by the lake steamers to the Kenya and Uganda Railway. The Bukoba coffee, for example, which amounted to from 8,000 to 12,000 tons, was carried on this railway. Again, the whole produce of Arusha and Moshi went down to Mombasa, and the Dar-es-Salaam Chamber of Commerce was reported to have urged the closing of the Voi railway because of these losses. Did this not involve the territory in considerable losses? Should not the produce be carried by the Tanganyika railway?

Mr. SEEL said that, in the two cases Lord Lugard had mentioned, the natural economic route tended to be by the Kenya-Uganda Railway. In the case of Bukoba, railway haulage was much shorter to Mombasa than through Mwanza to Dar-es-Salaam. In the case of Arusha, there were facilities for dealing with the coffee at Kilindini which did not exist at Tanga. This question would be considered by the Commissioner who had enquired into railway rates and finance, and the Permanent Mandates Commission would have a full opportunity of considering it when his report was published.

Lord LUGARD said that, apart from the transport by railway, there was also the lake-steamer transport — of which the Uganda Railway had a monopoly — and the breaking of bulk to consider. The Kenya-Uganda railway had to climb an altitude of over nine thousand feet, which increased the cost of haulage. It was surprising that the route via Mwanza was not cheaper.

M. ORTS referred to a statement by Lord Plymouth to the effect that experts were enquiring into the question of railway rates and the financial position of the railways of the British dependencies in East Africa, with a view, it appeared, to adjusting the tariffs and reducing the disastrous financial consequences of competition. It had on occasion been suggested that similar enquiries in respect, not merely of the British railways, but as regarded the railways of all Central African countries would be of great benefit to all parties. Should this proposal be put into execution?

Lord PLYMOUTH said he would take note of this suggestion.

IMMIGRATION.

M. RUPPEL said, with regard to white settlement, that, in his despatch dated July 13th, 1932, to the officers administering the Governments of Kenya, Uganda and Tanganyika, the Secretary of State for the Colonies had said :

" I am of opinion that no further subsidised settlement should be undertaken, unless it can be established that it is economically justified" (Cmd. 4141, page 51).

M. Ruppel was under the impression that white settlement in Tanganyika had never been subsidised by the Government. Could the accredited representative confirm this?

Still more interesting was the statement by the Governor of Tanganyika as to the future of European settlement that :

" . . . since, in Tanganyika, economic factors are likely to decide the scope of any future settlement, administrative or other measures that could temporarily and artificially prevent the natural operation of these factors would be detrimental in the long run to Africans and Europeans alike" (Cmd. 4141, page 43).

¹ See Minutes of the twenty-first session, page 31.

Could this statement be taken to convey an assurance that the Government of Tanganyika did not intend to take any restrictive measures against the immigration of white settlers?

Presumably, the increase from one thousand to two thousand shillings in the deposit required of immigrants, which was introduced at the beginning of the year, was intended, not to prevent settlement, but to protect the Administration against possible loss in case of repatriation.

Mr. PARTRIDGE replied that the Tanganyika Government was taking no steps either to encourage or discourage immigration.

During the last year and a-half or more, the number of Europeans who had had to be repatriated at Government expense had been somewhat large. As the deposit demanded under the original Immigration Ordinance was not sufficient to cover the costs, it was decided to raise it in order to prevent the Tanganyika Government from incurring financial losses through the repatriation of impoverished Europeans.

STATISTICAL INFORMATION RELATING TO THE TERRITORIES UNDER MANDATE.

The CHAIRMAN read a note on this subject (Annex 4).

EIGHTEENTH MEETING

Held on Wednesday, November 16th, 1932, at 10.30 a.m.

Tanganyika Territory : Examination of the Annual Report for 1931 (continuation).

The Earl of Plymouth, Mr. Seel and Mr. Partridge, accredited representatives of the mandatory Power, came to the table of the Commission.

JUDICIAL ADMINISTRATION.

M. RUPPEL noted that the report contained no statistics concerning the activities of Government and native courts, the number of persons tried and civil cases heard, a return of the offences for which persons were tried, all the statistics to distinguish between European, Asiatics and natives. He asked that these might be included in future.

Lord PLYMOUTH replied that there would be no difficulty in including them.

M. RUPPEL referred the accredited representatives to Appendix No. 13 of Volume III of the proceedings of the Joint Select Committee of Closer Union in East Africa, a memorandum from Mr. Mitchell, Secretary for Native Affairs of Tanganyika Territory. In this memorandum, Mr. Mitchell put forward the view that :

“ . . . the judicial system, in so far as the British courts are concerned, is regarded by most natives as an incomprehensible foreign system before which they are at a disadvantage in comparison with Europeans and Asiatics. . . . The native courts afford relief, within the limitations of their restricted jurisdiction, without which the situation would be regarded by the natives as intolerable. But when allowance has been made for this, it remains true to say that natives generally believe that the scales of justice are weighted against them. ”

Had the accredited representative anything to say in this connection ?

Mr. PARTRIDGE said that it was only natural for an African native to be bewildered by the proceedings in a court of law. He assured the Commission that the magistrates gave the natives every possible opportunity to say what they had to say and to bring forward points in their favour. While it might be true that the native was bewildered by the procedure of the courts, it was untrue that the scales of justice were weighted against him.

Lord LUGARD asked what was the object of having both “ native subordinate courts ” under the high court and “ native courts ” controlled by the Governor. Apparently the former dealt chiefly with offences in towns and the latter with rural offences, but did not the existence of the two give rise to a certain amount of confusion ?

M. PARTRIDGE said that cases which concerned natives alone were dealt with by the native courts, but it was within the power of the Administrative Officer to order that a procedure so commenced should be transferred to a subordinate court. Native courts were composed solely of natives, but the subordinate courts were presided over by an Administrative Officer.

Lord LUGARD observed that there were "subordinate courts" (held by district officers) and "subordinate native courts". He was referring to the latter. He enquired if a native had the right to ask that his case should be transferred to a subordinate court.

Mr. PARTRIDGE replied that native cases could be transferred to the subordinate courts on the application of the defendant.

M. RUPPEL said that, according to the reply given by Sir P. Cunliffe-Lister to Captain Macdonald in the House of Commons on May 25th, 1932 :

"It had already been decided to institute an enquiry into the administration of criminal justice in relation to natives in Kenya, Uganda and the Tanganyika Territory, and correspondence on the subject was still proceeding with the Governments of those dependencies."

Could the accredited representative give the Commission any further information on this subject ?

Mr. SEEL replied that it was proposed to set on foot an enquiry into the procedure and practice of the courts in criminal matters where natives were concerned, and the Commission of Enquiry would probably start its work early in 1933. Its terms of reference would cover Kenya, Uganda and the Tanganyika Territory.

Lord LUGARD, referring to the section of the report on subordinate courts (paragraph 73), noted that "the Governor may also invest any magistrate with power to try any class of offence", etc., and in the following paragraph, it was mentioned that the subordinate courts were sometimes presided over by a "Resident Magistrate". Did this mean that there was a new class of officials distinct from the district officers who presided over the subordinate courts as "magistrates"?

Mr. PARTRIDGE replied that under the provisions of the Court's Ordinance all administrative officers were granted magisterial powers. There were also in the separate Judicial Department officers with professional qualifications with the title of "Resident Magistrate". Normally, one of these latter was stationed at Dar-es-Salaam, one at Tanga and one at Mwanza.

M. RUPPEL, in this connection, quoted the following passage from the memorandum from the delegates appointed by the Settler Community of Tanganyika Territory :¹

"With regard to the maintenance of law and order outside the jurisdiction of native courts, we hold that this duty would be more efficiently performed by resident magistrates than by administrative officers, and consider it would be in the general interests of the native if this system was adopted immediately."

He then said that, according to a statement made in the British House of Commons on February 29th, 1932, a person had been arrested in connection with a murder on a farm at Arusha on March 5th, 1931, but had not been tried until September 3rd. It was also stated that two other alleged murderers had been tried by the same court, after having awaited trial for seven or eight months respectively. The Under-Secretary of State for the Colonies had replied that he had received no information on the cases, but that he would make enquiries.

Could the accredited representative give particulars of these cases ?

Mr. SEEL replied that apparently the delay had been partly due to a number of accidents and partly to the time taken by the judges in covering the long distances involved. When economic conditions made it possible, it was probable that another judge would be appointed.

M. RUPPEL asked how the sentences on Europeans were executed. Were special prisons provided for them, and were they employed with native prisoners under native overseers on such tasks as road-making ?

Mr. PARTRIDGE replied that, except in the case of short terms of imprisonment, Europeans were generally removed to Europe to serve their sentences. In the only one case he could recall where a European had served his sentence in the territory, he had been employed on supervisory work within the prison precincts.

M. SAKENOBE asked if the native courts newly set up in the Dar-es-Salaam district were working satisfactorily.

¹ Joint Select Committee on Closer Union in East Africa, Vol. III, Appendix No. 7, page 28.

Mr. PARTRIDGE said that, before leaving Tanganyika, he had discussed the position with the District Officer, who had expressed his complete satisfaction with the result of this experiment.

M. SAKENOBE asked whether, as the natives sitting on these new courts were detribalised, special laws had been framed to meet this occasion, or laws under the direct administration applied.

Mr. PARTRIDGE was unable to give a categorical answer.

Lord PLYMOUTH promised to supply particulars on this point in the next report.

DEFENCE OF THE TERRITORY.

M. SAKENOBE asked whether, after the reorganisation of the King's African Rifles, there had been a change in the contribution of Tanganyika to the expenses of this brigade.

M. VAN REES said that a complaint from the Indian Association, Dar-es-Salaam, in a memoir dated January 25th, 1932 (document C.P.M.1295, Annex 2 a), had been brought to his notice. The memoir contained the following passage :

“ The Indian Association would like to point out, for example, the continuous existence of the King's African Rifles in Tanganyika and the expenses incurred thereby. Tanganyika is a mandated territory and is in no risk of attack by any foreign Power, the only other adjoining Powers foreign to the Mandatory being Belgium and Portugal. The King's African Rifles is kept purely as a force for imperial purposes and the expenses ought to be met by Great Britain and such other colonies like Kenya and Uganda for the benefit of which it operates, Kenya, for example, always being subject to the risks of raids from the Abyssinian border. If it is suggested that the King's African Rifles perform the police functions in this territory, such functions can be effected at a quarter of the cost by an extension of the police cadre operating at the moment in this territory. ”

Mr. SEEL replying to M. Sakenobe, said that there had been no change in the allocation of the expenditure on the King's African Rifles, since the reductions made had been equally distributed.

With reference to the complaint by the Indian Association, he would point out that the total number of troops in the mandated territory amounted to less than 1,100 men. It could hardly be claimed that this was an excessive number when it was remembered that these troops had to ensure internal order over a very wide area.

M. VAN REES agreed that the numbers were not excessive, but he asked if the King's African Rifles were used in the defence of Uganda or Kenya, in which case it seemed unfair for Tanganyika to bear the whole cost of the unit.

Mr. SEEL replied that the 6th Battalion was recruited from natives of the mandated territory and would only be used in accordance with the terms of the mandate. The 2nd Battalion was composed of Nyasaland natives and was available for use anywhere in East Africa. It was stationed at Tabora in Tanganyika. Another battalion stationed at Nairobi was also available as a reserve for service anywhere in East Africa. It would therefore be seen that Tanganyika's contribution to the cost of the Tabora battalion was offset by the contributions of Kenya and Uganda to the other reserve battalion.

M. SAKENOBE drew attention to the fact that the total expenditure on the defence of the territory was made up by the cost of the King's African Rifles and the 6th Battalion Band, the Tanganyika Rifle Association and the South African Air Force visit. He asked for particulars of the South African Air Force visit and why it should be budgeted to Tanganyika.

Mr. PARTRIDGE explained that each year a section of the South African Air Force came up to Tabora in order to give the native troops an opportunity of co-operating with aircraft. In return for the work the Air Force carried out, the Tanganyika Government bore the cost of the Air Force's stay in Tabora ; he added that the annual cost amounted to £60 only.

AIRWAYS.

M. SAKENOBE noticed that the Tanganyika Government's aeroplanes had carried out a weekly coastal air mail service between Dar-es-Salaam and Mombasa. Had the service maintained any other route ?

Mr. PARTRIDGE replied that no other route had been maintained.

M. SAKENOBE asked what relation the “ southern sections of the Imperial Airways Service ” (paragraph 152) had to Tanganyika.

Mr. SEEL said that the passage in question referred to the weekly Cairo-Capetown mail service inaugurated in January 1932. It had been agreed that, during the first five years of this service, the Governments of the various territories on the route should contribute certain annual sums towards its cost. Kenya had promised to contribute £15,000 a year for five years and Tanganyika's contribution was £10,000 a year for the same period.

M. SAKENOBE asked if this sum included expenditure on aerodromes, landing-places and wireless stations.

Mr. SEEL said that the cost of the wireless stations had been met by a free grant from the United Kingdom through the Colonial Development Fund. The expenditure on the landing-grounds had been borne by the Tanganyika Government and was not included in the £10,000 mentioned above. Improvements to the extent of £13,000 were being financed by the United Kingdom Government to make the aerodromes safe during the rainy season.

CO-OPERATIVE SOCIETIES.

Lord LUGARD, referring to Appendix VI of the annual report, understood that an Ordinance on Co-operative Societies had recently been drawn up. Co-operative societies would undoubtedly tend to increase native production in the future, but they were useless without a properly trained registrar. Was there any hope of obtaining a trained registrar for this purpose?

Mr. PARTRIDGE said that the Ordinance in question had already been enacted, and the Kilimanjaro Native Planters' Association, the one big native society, had been turned into a group of co-operative societies, with a former labour officer as manager of the group. The by-laws of these societies were being drafted, but further progress in the matter of co-operative societies generally could not be made until a fully informed registrar had been appointed. Provision had been made in the estimates for an administrative officer to make an extensive tour both in India and Europe in order to study the working of co-operative societies, but it had been found that the expense would be too great, and the matter had been dropped until the financial situation improved.

Lord LUGARD hoped that the Tanganyika Government would reconsider its decision. Palestine had continued to train its registrar in spite of the financial depression.

LABOUR.

Mr. WEAVER recalled that, in October 1931¹ he had expressed anxiety regarding the future of the labour inspection service in Tanganyika, and that the Commission, in its report to the Council,² had expressed the hope that the inspection system organised in the Labour Department would not suffer by the measures of retrenchment being carried out. This year he read in the report (paragraph 84) that :

“ . . . during the year, the Labour Department was abolished as a separate department and its functions taken over by the Provincial Administration and the Secretariat. This decision was taken on the grounds that the new arrangements are more in accordance with correct principles of administration, rather than as a means of effecting economy. ”

The report further gave an extract from Sessional Paper No. 4, in which it was explained that the “ emergency situation ” with which the Labour Department had been constituted to deal was now being normalised.

Mr. Weaver would be grateful if the accredited representative could provide further information concerning this reorganisation of the labour inspection services and the nature of the “ emergency situation ”, the passing of which appeared to be one of the motives for suppressing the Labour Department.

While he quite understood the desire to secure unity of administrative responsibility within each province and district, he pointed out that the universal experience of industrial countries showed that it was not only essential to have a labour inspection service, but also to place it directly under the control of the Central Administration. In this regard, the fifth session of the International Labour Conference had recommended :

“ . . . that the inspectorate should be placed under the direct and exclusive control of a State authority and should not be under the control of, or in any way responsible to, any local authority in connection with the execution of any of their duties. ”³

¹ Minutes of the twenty-first session of the Commission, page 37.

² Minutes of the twenty-first session of the Commission, page 213.

³ Recommendation concerning the general principles for the organisation of systems of inspection to secure the enforcement of the laws and regulations for the protection of the workers. III. Organisation of Inspection, A, paragraph 10.

It might be said that these principles of labour administration had not the same force in a territory such as Tanganyika, but he would draw attention to the fact that the East Africa Commission of 1925 (the Ormsby-Gore Commission) had reported that : “ We take the view that in Kenya, Tanganyika and Uganda the Government must maintain effective Labour Departments ”, and, again, that : “ in Tanganyika Territory there is need for a similar department, at present non-existent ”.

He wished further to ask if the former Deputy Labour Commissioner had any functions of control of inspection or only dealt with the statistical work referred to in the Sessional Paper ; whether, in other words, there was any central control of the provincial staffs. He also asked whether the administrative officers charged with inspection had any special training and whether the Provincial Commissioners had sufficient time to deal with the extra work entailed by the reorganisation.

Mr. PARTRIDGE replied that Tanganyika was an agricultural country and its position as regards labour was quite different to that of industrial countries. It was considered improper that the care of native labour should be divorced from the hands of the officers in charge of provinces. The administrative officers, who now dealt with the problems connected with native labour and the welfare of native labourers, were also available to carry out the normal functions of their office. The officer dealing with labour questions in the Secretariat at Dar-es-Salaam was the former Deputy Labour Commissioner ; he proceeded regularly on tours of inspection, and his advice was now more readily accessible to the Government. The immediate results of the general reorganisation of labour control had been that labour camps, medical facilities for labourers and the inspection of estates were working more satisfactorily than before, since the Provincial Commissioners were able to deal directly with these matters without the delay caused by reference to a separate department.

M. PALACIOS asked whether the reorganisation of the activities of the Administration in social matters relating to labour could not be regarded rather as retrogressive in character as compared with the previous regime. In paragraph 84 of the report (page 54), it was stated that the Labour Department had been abolished as a separate department and that its functions had been taken over by the Provincial Administration and the Secretariat. Did not that step indicate that the Government would, in future, attach less importance to the question, abandoned as it now was to private initiative or to the local authorities and deprived of the stimulus of a single and central organ of the territory ?

Mr. PARTRIDGE explained that the Labour Department had been abolished as a separate department, but its functions were being carried on even more efficiently under the Provincial Administration and the Secretariat.

The CHAIRMAN asked if this was the first step towards a proposed unification of the Labour Departments of the three East African territories.

Mr. PARTRIDGE said that there was no ground for such a supposition. The reorganisation meant simply that the work formerly done by the separate Labour Department was now carried out by the Provincial Commissioners and the Secretariat. There had been no change at all in the arrangements for labour inspections. The same officers were performing the work as before.

M. RAPPARD said that economy was one of the reasons given for the change. Had it any other significance ? If the International Labour Office were abolished and its duties entrusted to the Secretariat of the League, one would naturally suppose that such a change implied a lessened interest in labour problems. Was it the same in this case or could the accredited representative assure the Commission that, in the future, there would be no change in the intensity and care with which the natives were looked after ?

Lord PLYMOUTH could certainly give M. Rappard that assurance.

Count DE PENHA GARCIA understood that the reorganisation was not so much a question of economy as of method. The Government apparently felt that, while strictly supervising native labour as heretofore, it should leave greater freedom to the Provincial Administrations in organising labour.

Mr. PARTRIDGE agreed.

Mr. WEAVER hoped that the accredited representative's optimism would be justified. He had, however, seen criticisms of the situation in Tanganyika which had added to his apprehensions. In *East Africa*, of February 11th, 1932, the following editorial note had appeared :

“ Several times in recent weeks we have been assured by those whom we regard as reliable informants that quite a number of non-British sisal estates in Tanganyika Territory are in arrears in the payment of their native labour, sometimes for three months or more, and that some are in such straits that their cash expenditure is confined almost entirely to rail rates and ocean freights. When the Labour Department was operating at full

strength, such a state of affairs would have been promptly known to the Tanganyika Government, which, we feel confident, would desire to put an end to practices unfair both to the native employment concerned and to competing sisal estates which discharge their obligations with promptitude."

On several subsequent occasions there had been Press references to the evil of withholding wages ; in one case it was alleged that 1,500 labourers had not been paid. In spite of that, fewer cases had been brought to the courts in 1931 than in 1930. During 1931, there had been 229 prosecutions and 105 convictions for withholding wages, whereas in 1930 there had been 552 prosecutions and 324 convictions. He hoped that this state of affairs was not due to decreased vigilance. He asked the accredited representative what steps had been taken in respect of withheld wages. Had the guilty parties been prosecuted ?

Mr. PARTRIDGE replied that the reason for the increase in the number of cases of withholding wages was the financial difficulties of employers. There had been difficulty in securing convictions for " withholding wages " owing to a judicial ruling that if an employer had no money, he could not be regarded as withholding wages. In consequence of this decision, a further amendment to the Masters and Native Servants' Ordinance was introduced " making it an offence for an employer to engage or continue to employ labour without a reasonable prospect of paying wages when due " (paragraph 93).

Lord LUGARD said it would be interesting if the next report contained separate tables for offences committed by labourers and offences committed by employers, and also gave some particulars concerning the sentences passed.

He asked whether the men responsible for withholding the wages from the 1,500 labourers were Europeans. The labour cards, it was said, showed that, in some cases, the labourers' wages had been unpaid for two years, and the British settlers in Arusha had urged the Government to take action in the matter.

Mr. PARTRIDGE replied that in each case it was a non-native employer who had withheld the wages. Native labourers behaved very casually in regard to their labour cards. They worked spasmodically, and months often passed without their working at all.

Mr. WEAVER asked if the amendment to the Masters and Native Servants' Ordinance would cover cases of failure to pay wages.

Lord PLYMOUTH replied that the amendment to the Ordinance would not of course be retrospective.

He fully understood the Commission's interest in this matter, and promised that it would be fully dealt with in the next report.

Lord LUGARD said that the reason for his question was that he had heard that the threat of imprisonment had caused a number of non-natives to find the necessary money by borrowing from relatives, etc.

Mr. WEAVER welcomed the statement regarding the labour health situation in the Tanga Province (page 58). He wondered whether it would be possible in future reports to give some details of the labour health situation generally rather than general statements. Would a separate report on labour, such as that previously published by the Labour Department, be published in the future ?

Mr. PARTRIDGE said that the Administration did not propose to publish a separate Labour Department report. A special section would be devoted to this question in the Provincial Commissioner's reports which were being supplied to the Commission. This section would include a summary of the information supplied by Provincial Commissioners as indicated in Appendix V of the annual report.

RETRANSFER OF GERMAN MISSION PROPERTY.

M. PALACIOS noted that, in two places, the report notified the Commission of the retransfer of the property of the German missions. Under the Peace Treaty, they were administered by a Board of Trustees in London (pages 29 and 61). The Ordinance relating thereto was dated October 1931, and, in accordance with its terms, the property was returned to its original owners. Provision had been made whereby the natives which occupied the land should not be ejected therefrom without justification. What were the reasons for the step taken, and on what terms had the natives occupied the land ? Were they colonists ?

It appeared that an arrangement had been made for the restitution of properties to the Lutheran Church. Had it been consulted ?

Mr. PARTRIDGE explained, in reply to M. Palacios' first question, that the natives in question were squatters tilling the land in the immediate neighbourhood of their huts.

He added that the negotiations between the Lutheran and Anglican communities in Dar-es-Salaam had now been settled amicably. The Lutheran Church and the Church House would be handed back to the Lutheran community by the middle of 1933, and the kindergarten would revert to the present representatives of the former German owners before the end of 1932.

M. RUPPEL was satisfied with the Ordinance of 1931 for the retransfer of their property to the German missions. He had, however, seen an article written by the Director of the principal German Missionary Society that the property retransferred to the German missions was to be treated as a charitable fund and was placed under the supervision of the high court. Was the property of all missionary societies similarly treated ?

Mr. SEEL replied that the Ordinance of 1931 provided that property returned to its former mission owners should be subject to the Religious and Charitable Societies (Disposal of Lands) Ordinance, the effect of which was that these lands could only be resold in the same way as public lands — that was to say, by public auction. All mission property without exception was subject to this latter Ordinance.

FREEDOM OF CONSCIENCE.

M. PALACIOS was happy to note that great efforts were made to ensure the respect of freedom of conscience in the various schools.

He had read on page 17 of the annual report of the Education Department for 1930 of the difficulty of achieving a code of pan-moral training to serve as a standard which would respect the convictions of such widely different persuasions as the Pagan, Mohammedan and Christian, and of the difficulties of creating a model type of African citizen. It appeared that the persons dealing with these questions in the territory were doing so in the noblest spirit.

EDUCATION.

Mlle. DANNEVIG said the special report issued by the Education Department proved the great importance which the Government of Tanganyika attached to education. The increase in the estimates for expenditure on education in the present time of crisis was all to the credit of the Administration. She noted, however, that the Director of Education and three superintendents had retired, and that their posts had not been filled, and also that fewer teachers were being trained in spite of the greater expenditure. What accounted for the decrease ? How many women teachers were there ? She had noted the increasing interest in, and demand for, education of native girls, both from European authorities and from the natives themselves. An average expenditure of 6.25*d.* per head of the population (page 69 of the annual report) was not very high. For Europeans it was given as £1 1*s.*, for Indians as 12*s.* 3*d.* Nothing was said about natives, but it might not be more than 4*d.* to 5*d.*

Lord PLYMOUTH pointed out that this percentage referred to the whole population.

Mlle. DANNEVIG asked if the next report might contain details of the professions followed by African women when they left school.

Mr. PARTRIDGE said that a special section would be devoted to this question in the next report.

ALCOHOL AND SPIRITS.

Count DE PENHA GARCIA asked whether the increased duty on spirituous liquors had been imposed for fiscal purposes or to combat drunkenness.

Mr. PARTRIDGE replied that the increase had been made for fiscal purposes.

Count DE PENHA GARCIA said he had asked this question because he had noted a decrease in imports which had unfortunately not been accompanied by a decrease in convictions for drunkenness. In fact, there had been an increase in such convictions of 30 per cent under the one Ordinance and 40 per cent under the other. Imports of the lighter forms of alcoholic beverages (wines and beer) had diminished by one-third, while those of a higher alcoholic content had only decreased by one-tenth. With regard to native beverages, he noted that Article 18 of the Native Liquor Ordinance prohibited the supplying of such beverages to persons under 16, to intoxicated persons and to the police. It was therefore to be assumed that they produced noxious effects. He had raised this question of native beverages in connection with all the mandated territories because the Mandates Commission contemplated publishing a further report on liquor in mandated territories, and he would be glad if the next report could contain statistics regarding the alcohol content of the various liquors imported into the territory, and also of native fermented beverages and a description of the beverages.

Did the special Ordinance for the repression of excesses apply to the whole territory or only to certain regions ?

Mr. PARTRIDGE replied that the Native Liquor Ordinance itself defined the areas to which it applied, and contained a provision for its extension to other areas. If its application were extended, the fact would be mentioned in future reports. The next report would also contain the further information on native liquors which Count de Penha Garcia desired.

PUBLIC HEALTH.

M. RUPPEL stated that, in the year under examination, the activities of the health services seemed to have been diminished on account of the financial stringency ; medical officers had been withdrawn, posts which had become vacant had not been filled, reductions in the subordinate staff had been made, the creation of hospital buildings postponed, the number of patients at hospitals decreased, new tribal dispensaries not opened. He was confident — and the accredited representative had given an assurance in his opening speech — that, as soon as the financial position of the Government improved, the activities of these services would again be intensified.

M. Ruppel further noted (page 79 of the report) that tuberculosis among the Wachagga tribe was “ far more common than among similar communities in Europe ”. He would be glad to have a little more information concerning the measures which had been taken to prevent the spread of this disease.

Mr. SEEL said that additional information would be given in the next report. The United Kingdom Government had made a further grant for the extension of enquiries in areas south of the central railway line, where cases of tuberculosis had also been noticed.

M. RUPPEL pointed out that, in 1931, there had been 238 cases of plague. He would be glad of more detailed information on this subject. Had cases now occurred in other regions than the endemic area near Mebulu ? In the previous year (see report for 1930, page 71, paragraph 124), it had been said that a professional rat-catcher had been brought from South Africa. Had he achieved any results ?

Lord PLYMOUTH said that the desired information would be given in the next report.

LAND TENURE.

Lord LUGARD asked if a reply might be given in next year's report to the following question :

The question of the legal title of natives to the land they occupy had continually been discussed by the Mandates Commission, for example in 1924 (fourth session, pages 106 to 108), in 1926 (ninth session, page 151), in 1927 (eleventh session, pages 83 to 85), and in 1928 (fourteenth session, pages 155 and 156), and Lord Lugard would be glad if the present position, which appeared to be identical in Tanganyika and in the British Cameroons, could be made quite clear.

Since the question had first been raised, the “ Land and Native Rights Ordinance ”¹ had been amended to include, in the definition of a “ right of occupancy ”, the title of a native or a native community “ lawfully using or occupying land in accordance with native law and custom ”. Therefore, every native so occupying land had a title equal to that enjoyed by a non-native under a right of occupancy. Such title was revocable for good cause, and was for a specific period only. It did not, therefore, seem to confer upon a native community any permanent and inalienable title to their ancestral lands. On the other hand, the Ordinance expressly empowered the Governor to dispose of all “ public lands ” and all rights over them — viz., “ the whole of the land whether occupied or not ”. A native, therefore, occupying land did so with the consent of the Governor — a consent which was revocable at any time by him or his successors. Without that consent no title was valid (see 3 and 4). The Governor could not pledge his successors by a declaration that the “ ownership ” of the land was vested in himself and that a native occupier would have a permanent and indefeasible title rent-free equivalent to a European freehold, for the “ ownership ” — viz., the final or radical title — was vested in the mandatory *qua* mandatory, and not in the Governor, who by Section 4 had powers only of control and disposal subject to the mandatory Power.

In these circumstances, was it correct to assume that a native occupier had no statutory guarantee against expropriation so long as consent was revocable at will (Section 4) and did not take the form of a document of title which could be defended at law, like the title-deeds of a non-native freehold. If there was substance in that view, would it not place the intention of the Government beyond doubt or litigation if freehold title-deeds were given to each native community in respect of the lands which it was desired to recognise as its freehold property ?

Lord PLYMOUTH said that a reply would be sent in due course.

¹ Cap. 68, Tanganyika, Revised Laws, December 1928 (Amended by Ordinance 14 of 1926 and Ordinance 7 of 1928).

EX-ENEMY PROPERTY.

Lord LUGARD referred to another point which had often been raised. He had understood that the whole of the ex-enemy property had been disposed of, but now he saw under paragraph 43 of the report that the custodian of enemy property had not yet completed his work. He was not clear what the claims at present outstanding referred to. Would it be possible to have some further information in the next report ?

Lord PLYMOUTH replied in the affirmative.

RE-SETTLEMENT ON LAND PURCHASED FROM EUROPEANS OF NATIVES LIVING IN CONGESTED AREAS.

Lord LUGARD observed that it was said that the native population was very congested in the Moshi-Arusha district. He understood that land belonging to Europeans had been purchased by the Government and handed over to the natives. Was it intended to continue this policy ?

Mr. PARTRIDGE said that, up to now, one farm had been purchased by the Government for about £4,500, and negotiations were in progress for the purchase of other farms at a total cost of some £10,000. It was thought that this scheme would be sufficient to relieve the congestion and it was hoped that it would be carried out by the end of the present year.

DEMOGRAPHIC STATISTICS.

M. RAPPARD had four questions to ask :

(1) Paragraph 191, Table I. — He noted that, in the last ten years, the white population had increased from 2,447 to 8,228. Did the Administration expect that rapid rate of increase to be maintained ?

(2) Table on page 100. — He noted that the fourth most numerous group of nationals were the Swiss. Were these mainly missionaries ?

(3) There seemed to be a higher death rate amongst the males than amongst the females, particularly among the children. Was this so ?

(4) While the native population seemed to be increasing normally in all other provinces, there had been a decrease in the Central Province. Was this because certain parts of that province had now been transferred to the Western Province ?

Mr. PARTRIDGE, replying to the first question, said that the increase in population was due to developments in Tanganyika in the immediate post-war years. The Administration did not foresee that the European population would increase at the same rate in the future. The answer to the second question was that the Swiss were nearly all missionaries. The answer to the third question was presumably in the affirmative. The answer to the fourth question was also in the affirmative.

M. RAPPARD, with regard to the last point, noted that, in the last five years, the population of the Central Province had decreased by 27,000. If that figure were added to the population of the Western Province, it would still be noticed that the population had decreased.

Mr. PARTRIDGE said that the decrease in population was due to sleeping-sickness, from which Tabora and Kigoma suffered particularly.

M. RUPPEL suggested that, in the list of the Europeans living in the country (page 100), the Bavarians should not be counted separately, but included in the Germans.

TANGANYIKA : PETITION FROM THE INDIAN ASSOCIATION, DATED FEBRUARY 22ND, 1932 (C.P.M. 1295).

M. VAN REES noted that this petition had been communicated both to the Mandates Commission and to the Government of India. Had the Government of India taken any action as a result of the request ?

Mr. SEEL said that the Government of India had enquired through the India Office as to the action taken on this petition, and had been informed of the reply which had been sent to the petitioners.

M. VAN REES asked whether the Ordinance on trade licences had been amended in conformity with the desire of the Secretary of State for the Colonies.

Mr. SEEL replied that he was not aware that this had yet been done. Possibly the necessary action had now been taken.

M. VAN REES said that the petitioners argued that the Ordinance would be contrary to Article 7 of the Mandate, since it permitted the granting of exclusive licences to certain persons, which would be tantamount to a monopoly not of a purely fiscal character. The comments of the United Kingdom Government did not refer to this criticism.

Mr. PARTRIDGE explained that the only exclusive licence contemplated was for a particular type of tobacco (fire-cured, heavy western type leaf), and that no exclusive licence would be issued without reference to the Secretary of State.

The Indian Association had drafted and despatched its petition before it had fully understood the purport of the Ordinance. That purport had subsequently been explained to the Indian community, who were now reassured that their interests would not suffer.

Mr. VAN REES asked the accredited representative whether he regarded this exclusive licence as in fact constituting a monopoly.

Mr. SEEL replied that the Administration would regard persons receiving such licences as "controlled agencies".

He quoted the text of Article 7 of the Mandate, the latter part of which read as follows :

"Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the Mandatory . . . in certain cases to carry out the development of natural resources either by the State or by a *controlled agency*, provided that there shall result therefrom no monopoly of the natural resources for the benefit of the Mandatory or its nationals . . ."

M. RAPPARD asked what was the exact purpose of this legislation.

Mr. SEEL explained that it enabled the Government to ensure that whoever was allowed to trade in the particular native product in question would offer reasonable prices for the crops, so that the native growers would feel that they were being fairly treated.

M. RAPPARD asked whether better prices would not be more likely to be ensured by free competition.

Mr. SEEL replied that the Government felt justified in making an attempt to control these crops in backward areas and give a reasonable security to the natives in the matter of prices.

M. ORTS asked whether licences would be granted without any distinction as to nationality.

Mr. PARTRIDGE replied in the affirmative. As a matter of fact, the only exclusive licence so far granted had been to the Agricultural Department itself. The Ordinance also provided for "special licences", the object of which was to encourage native industry in backward areas. That industry could only be profitable if buyers were forthcoming, and buyers would only proceed to these backward areas if they could be assured of having full and proper control. He would ask the members of the Commission to refer to the speech made by the Director of Agriculture on this subject in the Legislative Council when moving the reading of the Bill.

CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representatives for their courteous co-operation. He regretted that certain obscure points had caused the Commission to take up so much of their time. He was particularly gratified that the Under-Secretary of State for the Colonies had seen fit to come in person to Geneva. He also hoped that the United Kingdom Government would thank the Governor of Tanganyika for allowing Mr. Partridge to come from so great a distance to be present at the session of the Commission.

Lord PLYMOUTH said he would have much pleasure in conveying this message. He himself wished to express his thanks for the kind reception he had received from the Mandates Commission.

NINETEENTH MEETING

Held on Wednesday, November 16th, 1932, at 3.30 p.m.

Cameroons under British Mandate : Examination of the Annual Report for 1931.

Sir Donald C. Cameron, G.C.M.G., K.B.E., Governor of Nigeria, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed Sir Donald Cameron, with whom the Commission had already had the pleasure of co-operating.

STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Sir Donald CAMERON made the following statement :

Speaking, perhaps, with a more detached view than has obtained inside Nigeria for some years past, and recognising, as I must — and as I have no doubt the Commission does. — that the mandated territory is a separate entity, I have the following remarks to make.

The economic depression which has afflicted the world has not spared the mandated territory. I will allude first of all to the question of its finances. From the report, it will be seen that a very large deficit is foreshadowed for the year — a deficit of £68,000 out of the estimated expenditure amounting to £149,000, or about 45 per cent. The mandated territory of the Cameroons has the good fortune to have a foster-brother who is paying that deficit for her, although the foster-brother himself is at the present moment very hard pressed. Moreover, the mandated territory (and the members of the Commission will no doubt appreciate that running in the back of my mind is my experience in another mandated territory) has no public debt on which it is asked to pay interest. It has a public debt, but it does not pay any interest on that debt, and it has no railway which is incurring a deficit to the great embarrassment of the State.

With regard to the position of the people, the natives have no doubt suffered to a small extent (this is alluded to in several paragraphs of the report — for instance, paragraphs 3 and 15), but they have suffered no great hardship, because they are not dependent to a very large extent on the purchase of goods from overseas. They can live a contented and quiet life without hardship on the fruits of their toil.

The non-natives who have, or expect to have, to remunerate what I may call European capital and services, have no doubt suffered from the depression in trade, like everyone else, but I believe they have done everything possible to stem the tide of adversity, and a number of them are being provided with a living which it would be more difficult for them to obtain in a European country. Some of them are doing well, owing to the extended cultivation of bananas, and I am glad to say that they are teaching the natives to cultivate the banana and that the natives are deriving some benefit from the trade.

Locusts spread over Nigeria and the mandated territory, but they did no real harm. On the other hand, they have taught the people to grow more root crops, which is to their benefit.

As to the administration of the territory, looking at the question from a detached point of view, I would like to make the following observations.

Dikwa itself is a well-run Moslem emirate. In the pagan area to the south, in the Mandara Range, as stated in the report (page 13), we have not yet achieved the complete pacification stage. But the picture drawn in the report of these natives, who are nominally under the administration of the Shehu of Dikwa, is, I think, a little too unfavourable. This report passed through my hands in March last, but, since then, I have caused investigations to be made, and if the Commission will permit me, I will add a few supplementary remarks.

It is stated in paragraph 59 of the report that :

“ In these regions, the pacification stage has not been completed and the Administration continues its endeavours — which require a great deal of patient work — to complete it.”

This is also reflected in paragraphs 36, 39 and 40. I find, as a result of my investigations, that the people of Gwoza and Ashigashiya in the Mandara Mountains, who are under the administration of the Dikwa native authority, are a very primitive people who, when first

brought under administrative control in 1922, were shy and backward and seldom emerged from their hill villages. It is very difficult in certain parts of Nigeria, as well as in the Cameroons, to get the pagans to remove from their hill villages and to come down and cultivate in the plains. My later information shows that large markets have been established, which are regularly attended by many hundreds of hill people ; that is a very great step in the pacification process. It is particularly noteworthy that, in an artificial town created by the Administration in Gwoza, there are now 112 houses, the total population being 828. Farms now extend twenty miles into the plains in the Gwoza district, while, in the Ashigashiya district, a great deal of land is under cultivation. There is an increasing tendency, particularly in Gwoza, to extend cultivation into the plain, and it has been found possible to start a small school there. I think that is very definite progress, from what I knew of the place ten years ago.

The progress of the pagans in Southern Dikwa, formerly part of the Bornu Province, and in Northern Adamawa has been slow, because it has been necessary to administer them through another native authority instead of placing them in direct contact with British officers. I do not mean to criticise the former administrative policy : it was probably the only policy that could be adopted at the time. I do feel, however, that up to the present it has not been realised that, while we have refrained from administering the pagans directly ourselves, we have allowed the Moslem emirates to administer them directly in some cases. If administration is to be direct, it would be better if it could be accomplished through a British officer and not a Moslem emir.

In Southern Adamawa, the position is better. I have before me a synopsis on the headmen and village headmen, and I find that—very largely, I think, due to the work done by Mr. George Browne, who appeared before the Commission last year—the position is different. In every case in which the pagans form the larger part of the community, there is a pagan head of the village.

Coming to the Cameroon Province, I would say that the steps taken to found a system of native administration have been discussed for years in the annual report, and I have only to add that recent investigations show that, in some cases, the grouping can be improved. There is one case dealt with in the report from which it will be seen that a recalcitrant headman, on his release from prison, settled in another area under another chief (paragraph 32). That shows that there was probably something wrong with the grouping, and further investigations are being made by well-instructed and capable officers in order to correct such mistakes.

The moral, social and material welfare of these people has, of course, been retarded. I insist on putting their moral welfare first, as I did in Tanganyika, although it is not mentioned first in the mandate. Social progress has been retarded by the trade depression, but I hope to be able to improve the position, for, unless the native has better social conditions, he cannot advance by means of any subsidy from the Administration, however rich that Administration may be. He must, of course, earn more in order to live better. One great stumbling block at present is that the people of Bamenda have no means of evacuating their grain, oil and other products, as they are far from a railway or other outlet. Steps were taken to remedy this situation by making a road from Mamfe, on the Cross river, towards Bamenda, but the completion of these plans has had to be postponed owing to lack of money. The road has been completed up to the last big bridge, but there it stops. The public works estimate to complete the road came to a considerable sum, but I had estimates made by the district officers for continuing the road from where it ceases to the foot of the escarpment ; I believe their figure was about six or seven thousand pounds. I had hoped to include this item in the current estimates, but, like many other items, it had to be deleted at the last moment. I hope, however, that the road will be carried to Bamenda as soon as possible.

I am not satisfied with the position of the people of Kentu, South of Adamawa, who appear to be very little administered, if administered at all. It takes sixteen days to go from Yola to Gashaka, and this is only possible for a few months in the year in the dry season. It takes another eighteen days to go from Gashaka to Kentu. I have arranged that Kentu shall be handed over to the Benue Province, and worked from Wukari, which is only eight days from Kentu, with which it can be connected by the road system south of the Benue. It may be thought that in handing these pagans from one province to another, we may be cutting across the traditional ascendancy of the Emir of Yola. I do not think it is the case, and even if it were I should not be prepared to say that such a claim should be allowed to operate against a step which is clearly in the interests of the people themselves.

Last year M. Rappard asked a question with regard to Customs revenue. I would say, in reply, that it would be possible to set up posts for checking goods entering the mandated territory by the Cross river route, but this would be in restraint of trade and would cost money which we think can be better spent in other directions. Moreover, the people of Dikwa and Maiduguri are all connected by blood and marriage, and it would be impossible to stop a man who came to Maiduguri to buy cloth, for example, in order to see exactly what he was taking home.

A question was also asked at the last session¹ with regard to the proportion of natives of the territory on the clerical and non-clerical African pensionable staff. I have made investigations and would ask the Commission to allow me to correct the figures given in the last report. Non-clerical pensionable staff should be 101 instead of 94. Twenty members of this staff were natives of the mandated territory. The statement in the present report that eight of the clerical and fourteen of the non-clerical pensionable staff are natives of the mandated territory (page 4, paragraph 13) should read: "Eight of the clerical and eighteen of the non-clerical staff."

The small proportion of Africans on the clerical staff is due to the fact that the schools in the territory have not reached the standard of the Nigerian schools, which turn out boys fitted for the clerical service. But the position is improving every year, and the figures will no doubt increase. The Commission may be quite confident that it is the declared policy of the Government to fill these posts from the mandated territory as far as possible. I might mention, as an example, that, last year, the first woman passed out as a certificated teacher, and a vacancy was made for her by sending a Nigerian teacher back to Nigeria. There is no means of teaching natives the trades required by the public works and marine departments except by sending them to Lagos, and it is doubtful whether this would be in their own interests. Natives are being trained for other departments, however, and the native administrations have the first call on boys leaving school. It will be seen from page 4, paragraph 14, of the report that the four Native Administrations employ 454 salaried Africans, of whom 432 are natives of the mandated territory. There can be no better training for a boy than work for the native administration.

Mr. Weaver commented last year² on the high figures for wounds on the Bavo-Bonge plantation. I find there was a mistake in classifying the cases, which has been avoided this year. Mr. Weaver has probably noticed from page 59 that this year the statistics have been lumped together. I do not like this arrangement, however, and intend to revert to the former system of giving separate figures for each estate.

Mlle. Dannevig asked² whether any steps had been taken to remedy the situation with regard to women employed in portage. There seems to be some misapprehension. Women are not used for portage by private or official employers. They simply carry firewood, agricultural produce and water for their own purposes. If we reflect for a moment, we must, I think, come to the conclusion that if these women did not perform such tasks they would have little to do, and would be the first to complain. We are, of course, endeavouring to enlighten them, and I can best illustrate with what results from a case occurring at Moshi in Tanganyika. For centuries, the women were accustomed to go down to the plains in the morning to cut grass, returning with the cut grass on their backs in the afternoon. They have now learnt — I am informed — that it is far more economical to pool their resources and to hire a light lorry. I think this shows that they do become enlightened as time goes on.

PUBLIC DEBT.

M. RUPPEL understood that, although the territory had no public debt on which it was asked to pay interest, there was actually a public debt in the form of deficits. Official statements had, however, been made on several occasions to the effect that the mandated territory would never be called upon to make good these deficits.

Sir Donald CAMERON said that, if the United Kingdom Government had ever given a pledge that the Cameroons "debt" would be regarded as a grant-in-aid in regard to which no claim would ever be made, the Government would not desire to depart from that view. But that did not detract from the argument that the mandated territory was not suffering like other countries, inasmuch as it had a rich neighbour who had supported it to the extent of £580,000.

NATIVE ADMINISTRATION.

M. RUPPEL pointed out with regard to the administration of the northern parts of the mandated territory that, in the previous year,¹ the members of the Commission had observed with some apprehension a tendency to split the country into small entities, to unite them with neighbouring districts in Nigeria and to place them under the Fulani chiefs of Adamawa and Dikwa. It was felt that this might in time lead the population and the authorities to overlook the fact that the territory was a separate entity with a legal status of its own. Doubts had also been expressed as to whether it was a good policy to give the chiefs of a conquering race authority over a pagan population which hated and feared them as its former oppressors.

¹ See Minutes of the twenty-first session of the Commission, page 51.

² See Minutes of the twenty-first session of the Commission, page 54.

M. Ruppel understood from the statement of the accredited representative that this policy might possibly be reconsidered, and the Adamawa district placed under direct administration by British officers.

The Commission had also doubted whether the mandatory Power was wise two years previously to place the Gashaka district under the rule of the Lamido of Yola. It now appeared that no very close relations could be maintained between Gashaka and Yola, owing to the distance.

The accredited representative had outlined a new measure of the same kind with regard to the Kentu district, the result of which would be that another part of the mandated territory would be united with a district of Nigeria. M. Ruppel desired to point out that Kentu was close to the frontier of the Cameroons Province and that possibly Bamenda was nearer than the capital of Benue. It might therefore be better to unite Kentu with the Cameroons Province rather than with a province outside the mandated territory.

Sir Donald CAMERON saw no reason why the status of the Kentu inhabitants should be affected by the fact that they were administered from Wukari instead of from Yola. If the finances of Nigeria were in a stronger position, he would at once consider the possibility of stationing a British officer in Kentu or Gashaka. Since his return to Nigeria there had always been a district officer in Gashaka.

M. RUPPEL asked how many of the Adamawa and Dikwa population were pagans and how many Moslems.

Sir Donald CAMERON was doubtful whether the figures were available, though they might be disclosed by the census taken in 1931.

Lord LUGARD asked whether there was any reason to suppose that pagans belonging to small groups formerly conquered and placed under Moslem emirates had been proselytised to Mohammedanism or did not receive their fair share of the taxes.

He further asked whether the larger units of independent pagans who had never been conquered but were now coming down to the plains were in the special charge of an administrative officer, and not placed under Moslem rulers.

Sir Donald CAMERON did not attach particular importance to whether the pagans had been conquered two or three hundred years previously by the Moslem emirates. He did not consider that those pagans who were now under the emirates suffered in the way Lord Lugard had mentioned. Possibly, even more care was taken in the Cameroons than in Nigeria to see that they obtained a fair share of the taxes. The tendency was increasingly to keep a district officer in pagan districts.

M. RAPPARD congratulated Sir Donald Cameron on what he had called his detached attitude and his detailed knowledge of the mandated territory. In discussing the Cameroons under British mandate, and to some extent Togoland also, the Commission was always hampered by the geographic distribution of the territory, which consisted of appendices to neighbouring provinces. The Commission could not be responsible for such a territory in the same way as for a more autonomous area.

With regard to pagans under Moslem emirates, M. Rappard said that all the letters he had received from travellers in pagan areas insisted that it would be better to place these pagans in immediate contact with the British administration.

Sir Donald CAMERON did not think the mandated territory could be administered in any other way. It would be quite impossible and wrong to sever Dikwa and Maiduguri, for example, and administration would hardly be as economical if the territory were separated from the neighbouring provinces.

M. RAPPARD agreed.

M. ORTS drew attention to pages 8 to 13, describing the position in the various districts, and asked what were the "circumstances over which the Mandatory had no control" (page 13, paragraph 59) which had rendered necessary the use of troops in Dikwa.

Sir Donald CAMERON said that it was particularly in order to remove the impression that might be created by paragraph 59 that he had made certain remarks in his statement with regard to the people in the Mandara Range.

In reply to M. Sakenobe, he said that in certain parts of North Adamawa the conditions were much the same as in Gwoza, which had not been completely pacified. The natives, however, were only armed with bows and arrows.

M. RUPPEL asked whether the proposal to unite several villages of the Boki tribe in the Mamfe Division to the Boki tribe in the Ogoja Province of Nigeria and several Assumbo villages in the Ogoja Province to their kindred in the Mamfe Division (page 6, paragraph 26) had been carried out.

Sir Donald CAMERON said there were very mixed native units where the Cross river cut through the boundary. For many years, little progress could be made, but there had been an astounding advance during the past twelve months in investigating the origin and affinities of the tribes. The position was extremely promising.

There was a small part of a Cameroons tribe in Nigeria and a small part of the Boki tribe in the Cameroons and it had been proposed that they should be restored, one to the Cameroons and the other to Nigeria. Though nothing was done at the time, this would certainly be a wise measure.

M. RUPPEL asked whether it was intended to exchange the populations.

Sir Donald CAMERON stated that it was not intended to change the status of the natives. The District Officer of Mamfe would simply be responsible for certain natives now in Nigeria and the District Officer in Ogoja, Nigeria, for a small number of Boki people now in the territory.

FRONTIER BETWEEN THE CAMEROONS UNDER FRENCH MANDATE AND THE CAMEROONS UNDER BRITISH MANDATE.

M. PALACIOS asked whether the frontier between the French and British zones was being finally delimited. This matter was to have been settled in 1931, but he understood it had been postponed till 1932 (page 2 of the report).

Sir Donald CAMERON replied that, at the request of the French Colonial authorities, it had been decided to postpone this work (page 2, paragraph 9).

M. ORTS said that, at the last session, ¹ it had been said in the Commission that the frontier of the Adamawa emirate was artificial, and cut across lands belonging historically to that emirate. Was this question under consideration ?

Sir Donald CAMERON replied that the point had not been brought to his notice. He did not think there was anything in it.

PUBLIC FINANCE.

M. RAPPARD did not propose to ask any questions on the financial situation. Real financial control by the Commission was obviously impossible in the circumstances.

CUSTOMS DUTIES.

M. ORTS, referring to the Customs duty on foodstuffs mentioned on page 18, paragraph 83, asked why foodstuffs from certain areas were exempt from such duties.

Sir Donald CAMERON explained that this exception was made for the benefit of the native people, who could hardly be expected to pay a duty on native foodstuffs such as dried cassava and so on, which they brought across the boundary from neighbouring districts.

M. MERLIN pointed out that this arrangement was in pursuance of the 1898 agreements.

Lord LUGARD had before him a Bill which made an exception in favour of goods and merchandise of all kinds, not only provisions, brought across the frontier between British and French mandated territory. Was not that contrary to the equality clause ?

Sir Donald CAMERON said that there was certainly no discrimination against those territories.

M. ORTS pointed out that if certain goods were exempt from Customs duty they received preferential treatment as compared with similar goods from other sources.

M. MERLIN emphasised that the goods in question were native foodstuffs carried across the frontier because the natives had need of them. No one else was affected.

M. RAPPARD thought M. Orts' difficulty would be met if *all* foodstuffs answering to M. Merlin's description were exempted from duty irrespective of their national origin.

Sir Donald CAMERON said that the provision under discussion was introduced in justice to people crossing the boundary every day. If the phraseology were too narrow from the strict point of view of the mandate it could be extended, though, of course, no other foodstuffs came in that way from outside. They would be unable to bear the costs of carriage by sea.

In reply to M. Rappard, who asked for an explanation of the fact that the twelve preventive stations had apparently collected duty amounting to £2,509 at a cost of £4,806 (pages 19 and 20), Sir Donald Cameron explained that the latter figure was the cost of collecting the whole Customs revenue amounting to about £35,000.

¹ See Minutes of the twenty-first session of the Commission, page 52.

IMPORTS AND EXPORTS.

M. MERLIN noted that the trade of the territory was suffering from the general depression. Exports had diminished by 40 per cent. The yield on export duties, however, did not seem to have diminished in the same ratio, which was curious.

Sir Donald CAMERON pointed out that the receipts from export duties had fallen heavily. Nevertheless, it was quite possible that the decrease in exports had been greatest precisely among those exports which were not subject to the duties.

In reply to a further question by M. Merlin, who noted (page 26, paragraph 95) the great increase in the export of fresh bananas (2,744,563 lb. in 1930 and 22,886,170 lb. in 1931), he said that most of this fruit was exported to Germany, thanks to the excellent organisation of a German shipping line. There was no export duty on bananas. A considerable number of dried bananas went to the Netherlands.

BILATERAL CONVENTIONS APPLIED TO TERRITORIES UNDER MANDATE.

The CHAIRMAN read a note on this subject (Annex 3).

STATISTICAL INFORMATION RELATING TO THE TERRITORIES UNDER MANDATE.

The CHAIRMAN read a note on this subject (Annex 4).

JUDICIAL ORGANISATION.

M. RUPPEL asked whether the accredited representative had any further information concerning the reform of the judicial system in the Protectorate, including the mandated territory.

Sir Donald CAMERON said the matter was still under consideration. He hoped to be back in Nigeria by December and to have the necessary Bills published in three months.

M. RUPPEL noted (page 33) the high percentage of cases of smuggling (748 out of a total of 1,269 convictions). What sort of smuggling was this ?

Sir Donald CAMERON replied that the majority of cases referred to the smuggling of tobacco and cigarettes from French territory.

M. RUPPEL, referring to the chapter on native courts, noted that the native scribes of the Victoria and Balong courts had been convicted of embezzling and some scribes of the Bamenda courts prosecuted for dishonest practices. Were these educated natives of the territory ?

Sir Donald CAMERON replied in the affirmative. It should be remembered, however, that the whole organisation was in a transition stage. The matter referred to was not very serious. The Administration employed such native staff as was available for the moment. Later on, the Administration would have at its disposal young natives who were being better educated and trained.

M. RUPPEL, with regard to the alkali courts, asked whether these courts administered justice under Moslem law in the case of " pagans ".

Sir Donald CAMERON replied that when " pagans " were tried, the alkali courts always co-opted some persons who could speak for " pagan " custom. Justice in these courts was administered in a very enlightened manner. It should be noted that natives called " pagans " in Northern Nigeria were now known as " animists " in the south. The French called them " *fétichistes* ".

M. RUPPEL noted that the number of persons on the sick list and the death rate in the prisons of Kumba, Mamfe and Bamenda was very high.

Sir Donald CAMERON said that the high mortality in native prisons in Nigeria, as well as in the Cameroons, had been attracting his serious attention. The situation was worse in some cases in Nigeria than in the Cameroons.

M. RUPPEL asked how many of the police in the Cameroons Province were natives of the territory.

Sir Donald CAMERON replied that the necessary information would be given in the next report.

In reply to a question by Lord Lugard, Sir Donald Cameron said that the three types of native police, the *dogarai*, *zubat* and *asakir* were armed with staves and had no rifles.

SLAVERY.

Mlle. DANNEVIG asked why the persons who had deprived about fifteen young girls of their liberty (page 49) had been let off with seemingly very light sentences (fines varying from £1 to £10).

Sir Donald CAMERON said that this conviction was in connection with the trouble in a certain mission which had been mentioned in the previous report (page 78 and 79), and to which a guarded reference was made in the present report (page 63). The nominal fine was nothing compared with the actual punishment meted out to the guilty persons by the head of the mission in question. These individuals had been sent out of the country by the head of the mission for disciplinary treatment elsewhere.

Lord LUGARD, referring to paragraph 163, said that he had heard of a case in which a native in the coast area had been in the habit of purchasing wives under pretence of marriage and disposing of them when he wished to realise money. Did such a practice occur in the British Cameroons? It was, of course, nothing less than slave-dealing, and would no doubt be dealt with as such?

Sir Donald CAMERON replied that he had never heard of the practice. If it occurred, it was contrary to the law and offenders would be punished. He would enquire into the matter.

Lord LUGARD was glad to see that the penalties in respect of slave-dealing had been increased and now included flogging if necessary. Had any persons been sentenced to flogging up to the present?

Sir Donald CAMERON replied that there had been no such convictions up to the time that he left Nigeria.

COUNT DE PENHA GARCIA asked why the maximum penalty for slave-dealing had been increased.

Sir Donald CAMERON explained that it had been found that the former penalties were not sufficient as a deterrent.

COUNT DE PENHA GARCIA noted that the statistics showed a decrease in these offences.

Sir Donald CAMERON replied that that was so as a whole, but it must be remembered that there were a number of persons who committed this offence over and over again. These professional slave-dealers were more numerous in Nigeria than in the Cameroons.

In reply to Mr. Weaver, he said that there had been very few cases of pawning.

LABOUR.

Mr. WEAVER noted that at present no form of contract labour existed and that all labour was employed on daily engagements. Had the question of repealing the penal clauses in the Labour Ordinance been considered?

Sir Donald CAMERON replied that a Bill for this purpose was now under consideration.

Mr. WEAVER was glad to note the tables summarising the results of inspections of the plantations (page 106 to 107). These tables appeared to show notable improvements in the sanitary conditions. He remarked, however, that a large number of cases had been treated in the plantation hospitals.

Sir Donald CAMERON replied that the patients treated in these institutions appeared to be, not only the labourers, but the population from the surrounding districts.

Mr. WEAVER asked whether the accredited representative was satisfied that the exemption of certain health areas from the full provisions of regulation 33(9) regarding hospital accommodation and equipment would not be prejudicial to the medical protection of the workers concerned?

Sir Donald CAMERON replied that the only provisions from which exemption had been granted were certain exceptional measures which had been imposed until such time as regular arrangements could be made in the areas in question. Those regular arrangements were now operative.

In reply to a further question by Mr. Weaver, Sir Donald Cameron said that there were only isolated cases of illegal recruiting. In connection with the illegal recruiting of labour for Fernando Po, he wished to pay a tribute to the co-operation of the Spanish Governor. In future, all craft used for this purpose would be confiscated.

Lord LUGARD, referring to paragraphs 195 and 196, asked what was the "customary communal labour" there mentioned? He had understood that the share of the tax given to the native treasuries was in substitution of all tribute and service, and that every kind of native labour was now entirely voluntary and paid for.

Sir Donald CAMERON replied that he had addressed a despatch to the Secretary of State on that subject. By the adoption of certain measures, it would, he thought, be quite easy to ensure that, in future, no communal labour should be exacted from a native who had paid his tax.

In reply to a further question by Lord Lugard, Sir Donald Cameron said that labourers on ex-enemy estates usually received money and food. When they were given food, they received less money.

Lord LUGARD pointed out that it was not always stated in the report (on pages 106 and 107), whether the wages given were with or without food.

Sir Donald CAMERON assured Lord Lugard that the necessary details would be given in the next report.

In reply to a further question by Lord Lugard, Sir Donald Cameron said that very few labourers now came from the French Cameroons. In any case, these labourers came of their own free will and returned, when they did return to French territory, at their own expense.

Mlle. DANNEVIG, referring to portage by women, said that she had raised the question to which Sir Donald Cameron had referred in his statement, because the accredited representative had himself stated that portage was bad for women and caused them to neglect their children.

M. RAPPARD said that one point which had struck him very forcibly was the surplus of adult women over men in all the divisions except one, where there were twice as many men as women. He suspected the reasons were statistical rather than biological, though, if there were an actual surplus, the question would be important. If, however, there were more women than men, he could hardly believe the former were subjected to a particularly exhausting mode of life.

Sir Donald CAMERON did not attach great importance to the statistics relating to women. It was almost impossible in such remote and primitive areas to obtain an accurate count of women and children.

He certainly could not subscribe to the view that women had a bad time in East Africa, and would draw the Commission's attention to a despatch written by himself and published in 1931 as a White Paper.

MISSIONS.

M. PALACIOS thanked the mandatory Power for the information given in the report, on pages 61 and following, concerning the activity of the missions. He noted that they had made little progress in the northern areas, especially at Dikwa, where none were yet established. He was grateful, in particular, for the information in paragraph 201 concerning the difficulties mentioned during the twenty-first session of the Commission¹ as regards the relations between the missions, the natives and the Administration, and noted with satisfaction that the situation was steadily improving.

EDUCATION.

Mlle. DANNEVIG noted that the attendance at native administration schools seemed to have decreased by 15 per cent. What were the causes of this? Were natives unable to pay the fees? She noted that the children often had to earn the school fees themselves.

Sir Donald CAMERON said that possibly in some cases children attended the mission schools instead of Government schools, as the former might be nearer to their homes than the latter. The decrease in the attendance at Government schools had only amounted to twenty-five pupils (1,143 as against 1,168). The decrease to which Mlle. Dannevig referred had occurred in the schools of the native administrations. The economic depression would not affect the earning capacity of schoolchildren in cases in which they had to earn their school fees.

Mlle. DANNEVIG noted with satisfaction that the Government intended to assist mission schools. That was a policy which the Commission had been urging for the past few years. She noted that, in Dikwa, there were only two schools for a population of 194,000.

Sir Donald CAMERON replied that the children in this district went for higher education to the neighbouring school in Nigerian territory at Maiduguri. As the Dikwa lived on both sides of the frontier, it would be an economically unsound policy to maintain two schools of the same standing, one in Nigeria and the other in the mandated territory. The necessary information on this point would be found in paragraph 236 of the report.

Mlle. DANNEVIG was glad to note that provision was being made for a certain amount of secular education in the Koranic schools. Did that apply to the whole of the mandated territory?

Sir Donald CAMERON replied in the affirmative.

¹ See Minutes of the twenty-first session of the Commission, page 54.

Lord LUGARD called attention to the words : " It is proposed soon to make a start with the education of pagans " (paragraph 228). Had they hitherto had no educational facilities ?

Sir Donald CAMERON said that, up to the present, no further steps had been taken with regard to the education of " pagans ", other than those indicated in paragraph 228 of the report. The Toro school in the Bauchi province was a very good school. He had inspected it.

Lord LUGARD noted that, although the pupils received a four-year course in Arabic, they were taught no English. Was that not a pity ; the more so as the Sheikh and Council were reported to be conscious of it ?

Sir Donald CAMERON said that this arrangement applied only to the elementary schools. In the higher grade and secondary schools, English was taught.

In reply to a further question by Lord Lugard, Sir Donald Cameron said that the decision to open elementary classes in the administration schools applied to the whole of Nigeria and the mandated territory.

ALCOHOL AND SPIRITS.

COUNT DE PENHA GARCIA noted that, although the smuggling of alcohol was now a matter of small importance, a new and very serious fact had occurred. Natives of the territory were beginning to distil liquor illicitly. This practice appeared to be spreading very rapidly throughout the territory. Did it also occur in the neighbouring countries ?

Sir Donald CAMERON said that the practice seemed to have begun in the river districts of Nigeria and had spread by the end of 1931 into the Cameroons. It had also spread west as far as the Gambia, he was informed.

COUNT DE PENHA GARCIA added that what was even more alarming was that the natives distilled liquor, not merely for their own consumption, but also for sale. Could the accredited representative describe the stills used. Were they primitive or complicated ?

Sir Donald CAMERON replied that they were of the most primitive kind. They could be made out of any old tin can and an exhaust pipe from a motor lorry. This illicit distilling of liquor was one of the gravest things that had ever happened in West Africa in his experience. The natives mostly distilled palm wine with sugar. The extent of the practice was reflected in the greatly increased sales of sugar.

The natives failed to understand the Europeans' attitude on this subject. They argued that they were only producing better palm wine than before. It was useless to tell the natives that they were damaging their health. They did not believe it. The principal step taken to combat this evil had been the introduction of a law to inflict heavier penalties. Heavier penalties would not, however, suffice to stamp out this evil. He was frankly at a loss to know how the practice could be dealt with. Even so far back as 1920, when prohibitive duties were placed on rum and gin, he had feared that something like this would happen. He was not arguing against the imposition of the duties, but he nevertheless regarded this illicit distilling as an inevitable result of those duties.

Another step which had been taken was to prevent the importation by unauthorised persons of tubing and metal piping. Action had been taken in this direction, and it was becoming harder for the natives to obtain such objects now.

In reply to the Chairman, Sir Donald Cameron said that gin was not taxed so heavily as rum and whisky, because the imports of gin had been steadily dropping long before illicit distilling occurred.

PUBLIC HEALTH.

M. RUPPEL noted the very interesting results of a medical investigation in the Mamfe Division, showing a striking difference between the inhabitants of the forest and the inhabitants of the hills (page 77). Although the physique of the hill tribes was better than that of the forest natives, the infant mortality rate was extremely high among both. Had any infant welfare work been undertaken among these tribes ?

Sir Donald CAMERON said he would prefer to postpone a discussion of this point until after the census report had been published. This report would contain the observations of several representative medical officers on this very question.

M. RUPPEL asked whether the Yellow-Fever Commission had now completed its investigations. Was not that Commission due to American initiative ?

Sir Donald CAMERON replied that the Rockefeller Foundation had set up this Commission in Lagos. It had developed methods for determining with certainty whether persons had ever been infected with yellow fever. The Commission had proved that yellow fever existed all over Nigeria. In a place on the northern border of Nigeria, for instance, 100 per cent of the population had been effected; the district might be regarded as the safest place at present in the whole of the country.

In reply to a further question by M. Ruppel, Sir Donald Cameron said that the Rockefeller Foundation doubtless communicated its reports to the Health Service of the League.

M. RUPPEL, noting that the campaign against sleeping-sickness had been successful, asked whether the accredited representative had any information concerning the danger of the spread of this disease into other parts of the mandated territory.

Sir Donald CAMERON said that the disease existed in a large part of Nigeria and in part of the mandated territory. He could not, however, give any further details for the moment. A great deal of money was being spent on the anti-trypanosomiasis campaign.

M. RUPPEL noted that there was nothing in the report concerning medical work done by the missions. Could the accredited representative supply details on this subject ?

Sir Donald CAMERON regretted that he was unable to do so offhand. A certain sum was, however, being granted to missions engaged in maternity work among women and children.

M. RUPPEL noted with satisfaction paragraph 288, concerning the qualifications of medical practitioners. The proposed law seemed to be highly satisfactory. Had that law already been enacted ?

Sir Donald CAMERON replied in the negative. It was waiting, he thought, for the next assembly of the Legislative Council.

Lord LUGARD asked whether the twenty-two African nurses mentioned in the report (page 76) included any women.

Sir Donald CAMERON believed that there were women nurses in the Victoria Hospital.

CLOSE OF THE HEARING.

The CHAIRMAN thanked Sir Donald Cameron sincerely for his interesting replies and the open manner in which he had expressed his views to the Commission.

Sir Donald CAMERON in turn thanked the Commission, with whom it had been a great pleasure to him to collaborate once more.

TWENTIETH MEETING

Held on Thursday, November 17th, 1932, at 10.30 a. m.

Togoland under British Mandate : Examination of the Annual Report for 1931.

Mr. A. W. Cardinall, District Commissioner, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN said that, before opening the discussion on the annual report, he wished to welcome Mr. A. W. Cardinall, District Commissioner, who had been appointed accredited representative of the mandatory Power for the examination of the annual report on Togoland under British mandate.

He asked the accredited representative if he wished to make a general statement.

OPENING OBSERVATIONS BY THE ACCREDITED REPRESENTATIVE.

Mr. CARDINALL replied that, as he had been responsible for drafting the report, he thought there would be no need for him to make a general statement. He would like, however, to draw the Commission's attention to one or two mistakes in the report :

Page 20 : After " the former rate of import duty on methylated spirits, (2) other . . . ", read : " 33s. 6d. per Imp. gal. ", instead of " 1s. per Imp., gal. "

Page 36 (paragraph 6) : The number of uncertificated teachers in 1931 should be 21 instead of 23.

Page 72 (paragraph 251) : The phrase : " if the alien population is *estimated*, one finds the local return of 53,874 males to 58,469 females ", should read : " if the alien population is *excluded*, one finds . . . "

With reference to the fact that the Dagomba Administrative Constitution had been based entirely upon a system of control by a council of eunuchs who had been educated in the past in a school in Nanumba, he said that a parallel school had existed for the sons of chiefs who were later attached as pages to various chiefs. When they grew up, they were presented with a wife and a house and were promoted in the course of time to the position of minor chieftainships, whence they could rise in rank as vacancies occurred.

With reference to the introduction of the system of co-operative societies (paragraph 217), he said that, when the Kumasi-Krachi road had been opened, a number of natives in Krachi, who realised the importance of producing yams, had drawn the attention of the Administration to the fact that groups of ten men in each village possessing an acre of yams between them would be able to provide their own transport. He mentioned this fact to emphasise the spirit of willing co-operation among the natives.

DATE OF RECEIPT OF THE ANNUAL REPORT.

The CHAIRMAN asked the accredited representative if he could explain why the annual report which was due at Geneva at the beginning of September had only reached the Secretariat at the end of October.

Mr. CARDINALL said that he would ask his Government the reason for this delay.

STATUS OF THE TERRITORY.

M. RUPPEL said that he had in his hands two letters sent from the mandated territory bearing, not only Gold Coast postmarks, but also the official stamp "Gold Coast". This question had been discussed in the Mandates Commission with reference to the Cameroons under British mandate. In the case of the Cameroons, stamps and postmarks had been changed in accordance with the desire expressed by the Mandates Commission,¹ and he asked if they might be changed also for Togoland.

Mr. CARDINALL said he would draw his Government's attention to this point.

M. RUPPEL noticed that the mandated territory was still often described in official papers as "British Togoland", or "British Sphere of Togoland". Its official title was "Togoland under British mandate".

Mr. CARDINALL said that steps had been already taken, before he had left the territory, to ensure that the territory should be referred to in all official documents as "Togoland under British mandate".

FRONTIER BETWEEN TOGOLAND UNDER FRENCH MANDATE AND TOGOLAND UNDER BRITISH MANDATE.

M. ORTS noted in paragraph 10 of the report that :

" His Majesty's Government and the French Government had signified their approval of the boundary line defined in the Final Report of the Mixed Commission appointed to delimitate the boundary between portions of Togoland placed under British and French mandates respectively. "

From the text of the Mixed Commission's report (Annex III of the annual report), it appeared that the frontier pillars had been set up. If this were indeed the case, the Mandates Commission would no longer have to deal with this question.

Mr. CARDINALL said that the boundary had been delimited as mentioned in the Mixed Commission's report.

BILATERAL CONVENTIONS APPLIED TO TERRITORIES UNDER MANDATE.

The Chairman read a note on this subject (Annex 3).

STATISTICAL INFORMATION RELATING TO THE TERRITORIES UNDER MANDATE.

The CHAIRMAN read a note on this subject (Annex 4).

¹ See Minutes of the twenty-first session, page 50.

ADMINISTRATIVE REORGANISATION OF THE TERRITORY.

Lord LUGARD read the following extract from the *Gold Coast Spectator* of November 21st, 1931 :

“The amalgamation of the petty States in British Togoland, now being effected by Captain C. C. Lilly, is the subject of much adverse comment. It is reported that the new arrangement is viewed with positive disfavour.”

Could the accredited representative tell the Commission whether any importance should be attached to this statement ?

Mr. CARDINALL said that there was always a certain number of people who were anxious to make trouble. From the account of one of the amalgamation ceremonies given in paragraph 31, it was clear that the movement was a popular one, and it was untrue to say that the new arrangement was viewed with disfavour.

M. RUPPEL asked if the administrative areas would be adapted to the three native States of Mamprussi, Dagomba and Gonja which the Government proposed to establish in the northern section of the territory, and the neighbouring parts of the British Gold Coast.

Mr. CARDINALL agreed that this was the Government's intention. For instance, Dagomba would have a District Commissioner resident at Yendi.

M. RUPPEL said that he had made a lengthy statement last year giving his objections to the administrative reorganisation of the territory,¹ and he would not repeat his reasons at the present session.

M. SAKENOBE said that it was intended to apply to the northern part of the mandated territory the Native Authority Ordinance, 1932, which had been promulgated in the northern territories of the Gold Coast. He would look forward with much interest to information as to how this Ordinance worked, and he asked whether the mandatory Government intended to extend it to those parts of the southern sphere of the mandated territory where the process of amalgamation was going on.

Mr. CARDINALL replied that a special Ordinance would be promulgated for the southern sphere, and this would appear in the report for 1932.

M. SAKENOBE asked how many native authorities had been appointed in this connection.

Mr. CARDINALL replied that none had been appointed up to the date when he had left the mandated territory.

HISTORICAL ANTECEDENTS OF THE TERRITORY.

Mlle. DANNEVIG, referring to the interesting outline of the history of the northern districts given in paragraphs 16 *et seq.* of the report, asked, for her personal information, if the history of these African peoples could really be traced back to the ninth and eleventh centuries, which was the date given when the band of nomadic adventurers seized the chieftainship over the people living around Pussiga.

Mr. CARDINALL replied that the account contained in the report was based on certain definite facts which were corroborated by the traditions of the native tribes. There was no doubt about the foundation of the Kingdom of Pussiga by this nomadic band, and such facts as the destruction of Timbuctoo by the Kingdom of Wahiguya in 1432 was authenticated by the records of Portuguese explorers.

IMMIGRATION : MIGRATIONS OF THE POPULATION.

M. VAN REES noted that the 1931 census had revealed a great increase of population in nearly every district. This increase was attributed largely to immigration (paragraph 242). He asked how the immigrants were absorbed in the native tribes and what was the result of the arrival of these immigrants on the distribution of land.

Mr. CARDINALL replied that, in Kusasi, most of the immigrants were closely related to the previous inhabitants of the district, and it was their habit to return to ancestral lands which had reverted to bush. For instance, Pussiga, when he had first seen it, was a piece of bush and desert land. To-day it was a mass of compounds, and this fact could only be explained by the “unknown economic pressure that was to be noticed at about the fourteenth to the eleventh parallels of North latitude”. At the time of the 1921 census, the district of Mamprussi had been almost uninhabited. The increase in Eastern Dagomba was normal. The immigrants in the Krachi district had been naturally absorbed by the inhabitants, since some of the villages in Krachi were inhabited by Kwahu natives, and when the Krachi road connections with Kumasi and Accra had been opened up, the Kwahu people had willingly migrated into this district. There had been no case of immigration causing difficulty in the distribution of land.

¹ See Minutes of the twenty-first session, page 43.

M. RAPPARD asked if these migratory movements were wholly independent of political considerations.

Mr. CARDINALL emphasised the fact that these migratory movements were not confined to man and were probably even more manifest in the movement of the fauna.

PUBLIC FINANCE.

M. RAPPARD said that, in the case of Togoland, the figures furnished in the financial part of the report could not form a useful subject of discussion, since they were calculated from totals by means of arbitrary coefficients. The deficit of the territory for the year under review was very considerable. Each year the Mandates Commission asked about this deficit and enquired whether it would create a debt which could be recovered. From the Statistical Table of Public Finance on page 126, it would appear that the revenue from extraordinary sources was clearly classified as "non-recoverable grant". He therefore took it for granted that no attempt would be made to recover these sums from the territory.

Referring to paragraph 49, he asked what were the "Domestic Exports from the Gold Coast".

Mr. CARDINALL replied that this item included all exports from the Gold Coast that were not re-exports.

M. RAPPARD, referring to paragraph 52, asked what were the "Public Works Extraordinary" on which there had been a decrease in expenditure.

Mr. CARDINALL replied that the public works in question, such as roads, bridges, etc., had been finished. In normal times, new public works extraordinary would have been commenced, but, owing to the economic crisis, these had been deferred until a later date.

M. RAPPARD, referring to the alterations in taxation (paragraph 55), asked why such items as flour, milk, rice, etc., had been mentioned, when there was no change in these articles.

Mr. CARDINALL explained that these articles belonged to classes of goods in respect of which changes in taxation had been made, though these changes did not affect the articles referred to themselves.

M. RAPPARD said that one of the main sources of revenue in Tanganyika was provided by the hut-tax and poll-tax. Did the Administration intend to introduce a similar tax in Togoland?

Mr. CARDINALL said that, if any change was contemplated, it would be from indirect to direct taxation, since it was very difficult to collect revenue from indirect taxation.

M. RAPPARD understood that the financial situation had become more serious since 1931.

Mr. CARDINALL replied that, although matters were worse from a financial point of view, economically there were signs of recovery. The African natives had excellent powers of adapting themselves to circumstances, and they had experienced no difficulty in reducing expenditure and production in order to meet the decreased demand.

M. RAPPARD said that, in spite of the adaptability of the natives, he understood that the territory's main source of revenue was based on Customs duties, and these had decreased.

Mr. CARDINALL agreed that the revenue from imports had decreased, but emphasised the fact that strong measures had been taken to avoid all unnecessary expenditure.

M. RAPPARD assumed that, as the Gold Coast made good the mandated territory's deficit, the reasons for the reduced revenue in the mandated territory would be the same as those in the Gold Coast.

Mr. CARDINALL replied that it was a matter of adjustment between the two countries. The cacao exports from the combined territories came to a-quarter of a million tons per year.

AGRICULTURE : CO-OPERATIVE SOCIETIES.

M. MERLIN had carefully scrutinised the trade statistics and was glad the Government was teaching the natives improved methods of cultivation. He noted that the cacao industry had not been very badly hit, since the unsold part of the 1930 production had been carried over to 1931 and 1932.

Count DE PENHA GARCIA, referring to the co-operative societies, asked if these had been set up by the Administration or by the natives.

Mr. CARDINALL replied that, in Togoland, the Government had been responsible for setting them up, but, in the Gold Coast, some had been started by the natives themselves.

M. SAKENOBE had been interested to read that the Administration and the farmers had tried to improve the quality of the cotton produced, and were convinced of the need of organised production. He asked if the cotton growers had already founded co-operative societies.

Mr. CARDINALL said he had no further information than that given in paragraphs 218 and 219 of the report.

Lord LUGARD asked if the Gold Coast was taking steps to obtain the services of a trained Registrar, as had been recommended by Mr. Strickland.

Mr. CARDINALL promised to provide information on this point in the next report.

ORGANISATION OF NATIVE TRIBUNALS.

M. RUPPEL hoped that fuller particulars about the native tribunals would be provided in the next report.

Referring to the Native Tribunals Ordinance, 1932 (Appendix IV of the report), he asked what was the real purpose of the Ordinance, as the native tribunals were already in existence before it was promulgated.

Mr. CARDINALL explained that, previously, the Administration Ordinance had devoted only a few paragraphs to the jurisdiction of the native tribunals. The Native Tribunals Ordinance was intended to give a more detailed definition of the status of and control over these tribunals.

M. RUPPEL asked if it were intended to reorganise the tribunals in relation to the new native States.

Mr. CARDINALL replied in the negative.

POLICE.

M. RUPPEL asked if the native constables were natives of the mandated territory.

Mr. CARDINALL promised to ask his Government for information on this point.

In answer to a further question from M. Ruppel, he explained that the Na of Dagomba had a special unarmed police force which existed side by side with the Administration Police Force.

ARMS AND AMMUNITION.

M. SAKENOBE, referring to prosecutions for breaches of the Arms and Ammunition Ordinance (paragraph 90), asked why there had been many more prosecutions in the southern section of the territory than in the northern section.

Mr. CARDINALL explained that a larger number of firearms were licensed in the southern section, and it was also easier in that section to carry guns across from the Gold Coast without a licence.

IMPROVEMENT IN THE ECONOMIC SITUATION OF THE NATIVES.

Lord LUGARD noted from the report of the District Commissioner of the Ho district (page 29) that there had been an improvement in the type of houses built during the last ten years. Apparently, the natives were more wealthy now than formerly. Was this due to the increased production of cacao?

Mr. CARDINALL replied that it was due not only to the increased production of cacao, but also to the fact that the natives had access to a very rich labour market in the Gold Coast.

OCCUPATIONAL STATISTICS.

Mlle. DANNEVIG, referring to the statistics of occupations given in paragraph 93, asked if the unprofessional manual workers mentioned therein would be educated natives.

Mr. CARDINALL replied that these statistics had no connection with any educational figures. Such native workers as were specified got on quite well without any education at all.

LABOUR.

Mr. WEAVER expressed satisfaction at the issue of the Master and Servant (Penal Provisions Repeal) Ordinance, 1931; this was a very important reform.

Referring to paragraph 100 where it was said that the local labour employed by Government in the Krachi District was voluntary, he asked if this remark applied to the other districts as well.

Mr. CARDINALL replied in the affirmative. The mere announcement of work would usually bring along volunteers. Otherwise, the foreman was sent to the market, where he had no difficulty in engaging the requisite number of workers.

Mr. WEAVER wished to express his satisfaction that the Gold Coast Government had decided to abolish unpaid forced labour for local purposes (paragraph 103).

M. PALACIOS, referring to paragraphs 103 and 104 of the report, dealing with forced and communal labour, observed that, in certain respects, the Forced Labour Convention was less strict than Article 4 of the mandate. He thought that, in case of doubt, the criteria embodied in the latter should be applied in the territory. In this connection, he hoped that all forced labour employed for essential public works would inevitably be paid. The report was not clear on the point.

Mr. CARDINALL replied that the clause in the mandate had always been strictly observed. The only difference was that village labour which had perhaps formerly been forced would in future be paid for. For instance, in the case of an outbreak of smallpox, it was essential to build up a quarantine village. Formerly, this had been done by unpaid labour, but now this labour would be paid.

Mr. WEAVER, referring to paragraph 247, noted that "many natives employ paid labour to make their cacao and food farms". Did the Administration feel that this employment of natives by natives had reached the point where regulations would be necessary?

Mr. CARDINALL replied that if any of the native labourers were dissatisfied they just walked off.

Mr. WEAVER asked if such defaulters would be subject to penalties under native law.

Mr. CARDINALL replied that penalties were only imposed when the employer was unable to pay his men.

Mr. WEAVER noted that the report (page 69, paragraph 247) said that "the labourers were never paid by the day, the usual arrangement being by contract". He asked if the natives understood what a contract was.

Mr. CARDINALL replied in the affirmative. He added that a very interesting feature of the country was the unexplained movement of labour. For no apparent reason, groups of men would arrive, work for a certain time and return to their homes with trade goods and money.

Lord LUGARD asked if these immigrants cut out local labour.

Mr. CARDINALL replied that the local labour was always fully engaged.

Lord LUGARD asked if the local labour had priority.

Mr. CARDINALL replied that all cacao farms were employers of local labour.

MISSIONS.

M. PALACIOS thanked the mandatory Power for the information it had provided in the report.

Mlle. DANNEVIG asked whether there was any likelihood that missions would be stationed in the northern section of the territory. She noticed that as yet there were none.

Mr. CARDINALL said that the Roman Catholic Mission was very close to the Kusasi area and undoubtedly exercised some influence. There were no missions in the Gambaga area, but he understood that there was an American Mission called the "Assemblies of God" at Yendi, where the Basel Mission had worked previously, and that the Basel Mission might re-enter the field. The Roman Catholic Trans-Volta Mission also acted from Krachi. As the ecclesiastical and political boundaries did not coincide, it was somewhat difficult to say where the missions were operating.

EDUCATION.

Mlle. DANNEVIG noted that "a peculiar feature is that most of the schools are infant schools staffed by only one teacher" (page 36, paragraph 3). What were the school entry and leaving ages?

Mr. CARDINALL replied that children went to school at a very early age. It was difficult to say when they left, for the natives frequently called themselves children in order to go to school.

Mlle. DANNEVIG noticed that the enthusiasm of the people to have their children educated took "material form in the construction and equipment of school buildings, teachers' houses, etc." (page 37, paragraph 11). What was the attitude of the chiefs?

Mr. CARDINALL replied that the chiefs were sometimes quite anxious to have schools, especially Government schools. He could not answer for the mandated chiefs alone, however, as this aspect of the question had never arisen.

Mlle. DANNEVIG referred to a passage that it was difficult to induce girls to take up teaching as a career, as there was an entire absence of girls' schools (page 38, paragraph 15). Was it because they were educated in co-educational schools and did not learn enough to enable them to teach, or because of the absence of girls' schools in which to find posts?

Mr. CARDINALL said the position of a girl was very difficult, as she had to think of the future: she started her real life work so young. Moreover, it was practically impossible for a European man to reach the girls and women, and it was difficult to get reliable information.

Mlle. DANNEVIG assumed from page 38, paragraph 18, that after marriage women could continue to act as teachers.

Mr. CARDINALL replied that the number was very small.

Mlle. DANNEVIG asked if there were any trained midwives, and if there was great need of them.

Mr. CARDINALL said a Midwives Ordinance was passed during the year as a step towards regulating midwifery, but nothing had been done during the period covered by the report. He was not aware that there was any great need for midwives. The mandated territory was far from the coast, and the natives were therefore removed from European influence.

ALCOHOL AND SPIRITS.

COUNT DE PENHA GARCIA drew attention to the increased duty on spirits. This increase was primarily for fiscal purposes. Might this not lead to clandestine distilling, as had already occurred in neighbouring territories?

Mr. CARDINALL pointed out that "distilling spirit locally was in 1931 at least unremarked" (page 42, paragraph 115). No doubt increased duty, if prohibitive, might lead to distillation in the coastal areas, but it must be remarked that the main part of the mandated territory was in the northern area, where the people had always made their own beer and had never shown any great desire to drink gin. It was, of course, prohibited. Gin-drinking was obviously a modern custom and not true ritual. It could not have existed before Europeans introduced it.

PUBLIC HEALTH.

M. RUPPEL observed that the medical and sanitary staffs had been reduced considerably. He presumed that this was owing to financial stringency, but hoped that as soon as the situation improved the numbers would be increased.

Mr. CARDINALL was afraid the same state of affairs existed throughout the colony, but was sure it would be remedied when circumstances permitted.

M. RUPPEL asked whether the native administrations of the new States would carry out medical work at native dispensaries.

Mr. CARDINALL replied that the intention was that they should do so as soon as possible. The success of mobile dispensaries in the north had been remarkable. The figures would be available in the census which should be ready by the end of the year.

M. RUPPEL noted from page 44, paragraph 131, that the leper rate in the Eastern Dagomba District was estimated at 4 per thousand, a very high incidence. According to page 47, paragraph 151, conditions were more primitive and leprosy work a more difficult problem in the Kete Krachi and Yendi Districts.

M. Ruppel called the accredited representative's attention to this situation and hoped that the Administration would be able to do more for the lepers in the Northern Districts.

Mr. CARDINALL said he would draw the attention of his Government to M. Ruppel's observations.

M. RUPPEL asked whether the figures for infant and child mortality given on page 51 were reliable.

Mr. CARDINAL said that the mortality figures were extracted from the census report shortly to be published. The degree of accuracy was not very great.

In reply to a further question by M. Ruppel, he added that the census was taken by the medical and census officers.

M. RUPPEL asked whether enquiries had been made in different parts of the mandated territory.

Mr. CARDINALL replied in the affirmative. He added that, in the three districts of Yendi, Krachi and Ho-Kpandu, 700 women who had passed the menopause had been asked for information. Similar enquiries had been made throughout West Africa. The figures would be found in the French and English censuses.

M. RUPPEL said that the infantile mortality figure of 187.6 per thousand births (page 51, paragraph 172) was somewhat high. Little child-welfare work appeared to be done, except by one Roman Catholic sister.

Mr. CARDINALL pointed out that the rate was practically the same everywhere in West Africa. The figures given in the Nigerian census report were 138 to 158.

Mlle. DANNEVIG pointed out that 205 out of 438 children, or 50 per cent, died before reaching the age of fifteen or sixteen.

Mr. CARDINALL explained that the death rate throughout Africa was high. So much was hidden that the value of statistics was very small. When questioned about the number of children they had had, the women would not only refuse to say — which they were entitled to do — but entered into what were known as “no birth” or “two birth” conspiracies, each woman stating that she had had no children or two children.

In reply to M. Rappard, Mr. Cardinall said that the women were afraid of upsetting the deity, who might, in their belief, on hearing they had had five children, immediately confound them by killing two.

LAND TENURE.

M. VAN REES was under the impression that the territory was an exception to the other mandated territories, in that there was no agrarian legislation. He understood that the territory contained no State domain, for all the land belonged to the tribes, with the exception of certain plots over which the natives had full property rights.

Mr. CARDINALL confirmed M. Van Rees' impression, adding that the Government had many times declared that the land belonged to the people.

M. VAN REES asked whether this meant that anyone desiring to put up a building, for example, must apply to the village chief for the necessary land and that the chief could fix the conditions, payment, and so on.

Mr. CARDINALL replied in the affirmative.

In reply to M. Rappard, Mr. Cardinall said there were no plantations formerly belonging to Germans and repurchased by Germans after the war. The only plantations of which he had knowledge were those attached to the stations, as at Krachi and Yendi. The Administration had acquired these former German Government plantations by legal action and held title-deeds to them. This was done in order to keep the position in conformity with Gold Coast law.

Lord LUGARD said there was a special ordinance, No. 3 of 1931, excluding the northern section of Togoland under British mandate from the Land and Native Rights Ordinance of 1931. What was the object of this Ordinance?

Mr. CARDINALL said that reference to Ordinance No. 8 of 1931, Northern Territories, would show the reason for Ordinance No. 3. In order to protect the natives, lands could be defined under Ordinance No. 8 as belonging to the State. Togoland had obviously to be excluded from this clause, as there were no State domains.

GEOLOGICAL SURVEY.

M. VAN REES asked whether Dr. Robertson's report of 1921 on the geology of Western Togoland, mentioned on page 64 of the report, contained information of interest to the Commission.

M. CARDINALL said that the report was highly technical.

DEMOGRAPHIC STATISTICS.

M. RAPPARD said it was satisfactory that a census had been taken. There were two main characteristics, from the demographic point of view, in the territory: first, the extraordinarily small non-native population, and second, the phenomena of migration.

CLOSE OF THE HEARING.

M. VAN REES, in the absence of the Chairman, thanked the accredited representative for his explanations and hoped that he would not infer any lack of interest on the Commission's part from the speed with which the report had been discussed. On the contrary, it was a compliment to the accredited representative himself, and especially to the competent manner in which the report had been prepared.

TWENTY-FIRST MEETING

Held on Friday, November 18th, 1932, at 11 a.m.

South West Africa : Observations of the Commission.

The following paragraph of the draft observation was discussed :

Frontiers.

“ The Commission . . . hopes that in settling the question of access to sources of water-supply in the neighbourhood of the northern frontier of the territory the legitimate interests of the natives will be taken into account ”.

COUNT DE PENHA GARCIA was afraid that some confusion might arise. This was not a frontier question but a request by South West Africa. In making an observation, the Mandates Commission would run the risk of becoming involved in a domestic matter outside its jurisdiction.

In proof of his contention, he mentioned the following facts. At one given point of the frontier, it was impossible to obtain access to the river, a case which frequently occurred on many other frontiers. South West Africa had asked the Portuguese Government to authorise such access and had proposed various solutions, the most recent of which was that a strip of territory should be leased, whereby the populations concerned could obtain access to the river across Portuguese territory. The Portuguese Government had not acceded to this request, since this was a question that might become very delicate from the point of view of native policy. It had, in its turn, suggested that a conduit should be established in the river in Portuguese territory, which, by means of a motor pump, would ensure the necessary supply of water to the natives. South West Africa had not yet accepted this proposal, owing to the expense involved. That was how the question stood at present.

He therefore proposed to omit from the draft observations all reference to the question of access to water, as this was not, as he had shown, a frontier question, but one which was under negotiation between two Governments.

M. MERLIN agreed with Count de Penha Garcia's view.

M. RAPPARD thought the passage should not be omitted, but should be retained without making any reference to the frontier.

COUNT DE PENHA GARCIA replied that he did not see why the Mandates Commission should deal with this question at all.

M. CATASTINI observed that the Commission had, in fact, dealt with the matter, as the Minutes showed. It was for the Commission to decide whether it should be referred to or not in its observations to the Council.

COUNT DE PENHA GARCIA replied that, last year, at his request all reference to this matter had been omitted from the Minutes. In spite of that, the mandatory Power had, this year, given a fair amount of information on the subject.

LORD LUGARD saw no objection to the draft text as it stood.

M. ORTS suggested that this part of the draft observations should be omitted. It was for the two countries concerned to settle the question between themselves. They would see from the Minutes the interest which the Commission took in the matter. If by next year the question had not been settled, it would be permissible for the Commission to return to it.

M. PALACIOS agreed with M. Orts.

M. RAPPARD, appreciating Count de Penha Garcia's objections, proposed that the text under discussion should be replaced by the following :

“ 1. *Material Well-being of the Natives.* — The Commission would be glad to find in the next report intimation of the fact that the problem of supplying the water necessary for native cattle in the northern extremity of the territory has been satisfactorily solved ”.

COUNT DE PENHA GARCIA said he could accept this text if the words “ at the northern extremity of the territory ” were replaced by “ throughout the whole of the territory ”.

M. MERLIN also thought that the question was not necessarily a matter to be settled between the two countries ; the problem of water-supply must be solved, but it need not necessarily be solved at the frontier.

The CHAIRMAN, after consulting his colleagues, noted that the majority were in favour of M. Rappard's proposal, which he declared *adopted*.

COUNT DE PENHA GARCIA made the following declaration :

I desire to point out to my colleagues that the delimitation of the frontiers between the territory under mandate and Angola has been finally completed by an exchange of notes between the Portuguese Government and the mandatory Power on April 29th, 1931. The instruments relating to the delimitation carried out by the Mixed Commission have been accepted and approved by that exchange of notes. All the documents in question have been deposited with the Secretariat of the League of Nations for registration.

The question of access to the water of the Kunene River across Portuguese territory by the natives of a small region in Ovamboland near the Ruacania waterfalls is a voluntary request made by the Union Government to the Portuguese Government. This question is of very little importance. It only relates to a very small region where the natives have been able to live up to the present without requiring the access to the water in question. It is being dealt with in a most friendly fashion by the two Governments. It is not a question of law. The report for 1931 contains a great deal of information on the situation and states that negotiations are continuing. I therefore think that, in view of the state of affairs, a special observation on the part of the Mandates Commission might be embarrassing for the mandatory Power, but I bow to the contrary view held by my colleagues.

The Commission, after an exchange of views, adopted its observations on South West Africa (Annex 30).

Nauru : Observations of the Commission.

After an exchange of views, the Commission adopted its observations on Nauru (Annex 30).

New Guinea : Observations of the Commission.

After an exchange of views, the Commission adopted its observations on New Guinea (Annex 30).

Palestine : Petition, dated November 8th, 1931, from the Central Agudath Israel, Jerusalem.

M. RUPPEL stated that this was not a real petition, but should more accurately be called a correction. In his opinion, all the Commission had to do was to take note of it. There was no need to make any recommendation or express any opinion.

The conclusions of M. Ruppel's report (Annex 14) were adopted.

South West Africa : Petition, dated November 25th, 1931, from M. Alex Bergmann.

M. VAN REES wondered whether this petition was really worthy of a recommendation to the Council. It had actually no connection with the mandate. Apart from the Chairman's right to reject certain petitions, the Mandates Commission, it must not be forgotten, was also formally entitled to reject petitions in plenary meeting.

M. RAPPARD had no substantial objection to M. Van Rees' opinion, but desired to point out that the mandatory Power had taken the trouble to send the Commission a report on the facts underlying the petition. The Commission ought to avoid adopting too summary a procedure of rejection pure and simple for fear that its attitude might be attributed to political motives of which it would be incapable. It would be better to inform the Council that, having examined this petition, the Commission did not deem it worthy of submission to that body.

M. VAN REES thought the Commission could not be too severe in its examination of the petitions addressed to it. Otherwise it would be inundated. He suggested that Lord Lugard's report be annexed to the Minutes and that it be stated that the Commission did not consider the petition worth submitting to the Council.

After an exchange of views, *the Commission adopted the conclusions of Lord Lugard's report* (Annex 28).

TWENTY-SECOND MEETING

Held on Saturday, November 19th, 1932, at 11 a.m.

Western Samoa : Observations of the Commission.

After an exchange of views, *the Commission adopted its observations on Western Samoa* (Annex 30).

Palestine and Trans-Jordan : Observations of the Commission.

After an exchange of views, *the Commission adopted its observations on Palestine and Trans-Jordan* (Annex 30).

TWENTY-THIRD MEETING

Held on Monday, November 21st, 1932, at 4 p.m.

Islands under Japanese Mandate : Observations of the Commission.

MILITARY CLAUSE OF THE MANDATE.

M. VAN REES considered that, in view of the formal denial given by the accredited representative of the mandatory Power, the Commission could not make any observations to the Council on this point ; to do so would give the impression that it openly doubted the good faith of the accredited representative. M. Van Rees therefore proposed that the passage should be suppressed.

Lord LUGARD proposed a new text.

M. VAN REES maintained the reservations he had made. He repeated that the time was ill chosen publicly to register a doubt felt by the Mandates Commission, whether that doubt was founded or not. He accepted the view of the majority but desired clearly to define his position.

After an exchange of views, *the Commission decided to postpone its examination of the draft observations until a later meeting.*

Tanganyika : Observations of the Commission.

After an exchange of views, *the Commission adopted its observations concerning Tanganyika* (Annex 30).

Tanganyika : Petition of the " Indian Association " dated February 22nd, 1932.

The Commission adopted the conclusions of M. Van Rees' Report (Annex 26), *subject to certain drafting changes.*

TWENTY-FOURTH MEETING

Held on Tuesday, November 22nd, 1932, at 10.30 a.m.

Togoland under French Mandate : Examination of the Annual Report for 1931.

M. Besson, accredited representative of the mandatory Power, came to the table.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed M. Besson, accredited representative of the mandatory Power, and invited him to make a general statement, if he so desired, on the administration of Togoland under French mandate during the year 1931.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

M. BESSON made the following statement :

I am greatly obliged to you for allowing me to make a very brief general statement. I think, however, that such a statement is necessary, because, in the first place, it is important to give the Commission a considerable amount of information which is not contained in the report ; that report had to be drawn up by the Department in February and March of this year in order that it might be printed in time to send to the Secretariat of the League in June. I hope that this general statement may assist the Commission in its work.

In the first place, I have a confession to make — namely, that the French Government has, on its own initiative, modified the form of the report. It has done so because it thought that by so doing it would facilitate the work of the members of the Commission, and also because it knows that the work of the Commission and the annual reports are studied in French and foreign colonial circles. It has therefore endeavoured to make the annual report clearer and more rational in form. Under the present system, the report is divided into three parts. The first concerns the general organisation and the political situation, with the two essential bases : the administration and finances of the territory. Part II concerns economic activities and the efforts made to develop economic equipment on which to a certain extent production and trade depend. Part III is devoted to social questions, such as the social life of the natives and the problems of labour, education and the protection of health. Quite naturally, the fourth and last part is reserved for the replies to the observations made by the Mandates Commission at its last session.

If this arrangement meets with your approval, we will continue it. If not, we will revert to the former system.

At the beginning of the report which the French Government submits to you for the year 1931 you will notice a new feature — a summary, synthesis or, if you prefer it, a memoir of the work accomplished by France as the mandatory Power in Togoland from 1921 to 1930. We felt that it would be useful to review the efforts made during the past ten years.

I will summarise very rapidly this first part, by saying that this review shows that political security reigns throughout the whole territory. Secondly, it shows that we are gradually extending our policy of association by calling upon natives to participate in the public administration, in particular in the " Economic and Financial Councils ", the " Councils of Notables ", and in numerous commissions. I need not dwell on the efforts which have been made to improve health conditions. I will only quote two figures. In 1923, there were in the territory forty-six native sick-attendants or health agents ; in 1930, there were 359. This analysis of the work done in ten years includes a series of documents relating to the spread of education and the action taken in the matter of demography. From a financial point of view we show that the situation of the territory is, on the whole, not so very bad, and that, from an economic point of view, we continue to progress. In 1921, total trade stood at 15,500 tons, whereas, in 1930, it had increased to 184,000 tons. Obviously, in 1931, there has been a decrease, for essential reasons which will be explained later.

Last year, the Commission expressed a desire to be supplied with very detailed information concerning the economic crisis.¹ The economic crisis has certainly not spared the Togo territory any more than it has spared other colonies and mandated territories. The causes of this crisis are the same in Togo as in all the other distant possessions. It is caused above all by the collapse

¹ See Minutes of the twenty-first session, page 211.

of the prices of raw materials. In Togoland, there are also other reasons which may be described as local. The fall in the pound sterling in 1930 diminished to a certain extent the purchasing power of the inhabitants of the Gold Coast. You are aware that, in normal times, the natives of Togoland sell much of their foodstuffs to the Gold Coast. Since the fall of the pound sterling there has been a very distinct reduction in trade between the Gold Coast and Togoland. Moreover, the former seasonal emigration of the inhabitants of Togoland to the Gold Coast has decreased; the native workers returned from the Gold Coast have not gone back there, because they could find no work.

As another local cause of the crisis, mention must be made of the failure of the Banque française d'Afrique and the Banque commerciale africaine. These events in the banking world have not been without their serious effects upon trade in Togoland. The mandatory Power has, by adopting protective measures, endeavoured to ensure that the natives should not suffer from this occurrence. As a result of an advance made by the Banque de l'Afrique occidentale française, thanks to the action taken by its President, M. Albert Duchêne, who is well known to you, no native has been adversely affected by the failure of these two banks.

Unfortunately, it never rains but it pours. The collapse of the banks was followed by a plague of locusts in the territory. Terrible invasions occurred in the north, where large quantities of food products were destroyed.

In short, general trade has fallen from 184 million francs in 1930 to 119 millions in 1931. Tonnage has shrunk from 59,000 in 1930 to 53,000 in 1931 — a loss of 6,000 tons. It is interesting to note that the economic decrease has been mainly in value, 55 per cent as between 1930 and 1931, and very little in tonnage — namely, 10 per cent. During 1931, exports of cocoa and copra have increased in weight, but as cocoa and copra have diminished in value, this increase in weight has not, however, alleviated the economic situation.

Finally, as I said just now, there has been a great falling off in the export of foodstuffs to the Gold Coast. This again is a native resource that no longer exists.

To terminate this survey of the economic situation, I should add that the fact that the tonnage of imports has not diminished more (about 3,000 tons) in 1931 is because the territory received large consignments of rails for the Northern Railway.

I have sought and obtained information regarding the first six months of 1932. I cannot suggest that the figures are any better than those for 1931. The crisis seems to be continuing. My information shows that, for the first six months of 1932, exports only amounted to 16 million francs as against 37 million francs in 1931. Customs receipts for the first six months of 1932 are three million francs less than for the corresponding period of the previous year.

The question naturally arises, how can the crisis be combated? What has the mandatory Power done to meet the situation? What steps has it taken?

The efforts of the mandatory Power to combat the crisis may be grouped under two heads: (1) steps taken by the local Administration; (2) steps taken by the mandatory Power itself.

The steps taken by the local Administration were directed, in particular, to improving produce. Since produce has not been selling well, why not try to improve it and bring it up to a first-class standard so that it may find purchasers in the world market? A whole series of measures had been adopted in this connection: free distribution of seed and selected plants, demonstrations in villages of the use of perfected apparatus for the preparation of palm oil and coffee, teaching and application of improved farming methods, tightening up of the rules regarding the growing and sale of cotton so as to prevent the exportation of non-homogeneous consignments or consignments of bad quality, reduction of railway rates for the transportation of cocoa, palm nuts and palm oil; finally, the turnover tax on cotton has been reduced.

The steps taken by the mandatory Power are as follows: First, it has created a compensation fund under two laws passed by the French Parliament on March 31st, 1931. The first of these laws creates a compensation fund for rubber which is a matter of concern to all the French colonies and to mandated territories; this legislative text establishes for ten years a special tax levied in France on the import of coffee and sisal. The second law establishes a special tax on the import into France of manioc, tapioca and sago. You will find the texts of these laws in the report (pages 159 to 165). The idea is briefly to levy duties on imports into France and repay to the colony or territory the sum collected in proportion to its exports; from these funds, the colony or territory will pay the planters a bounty. Thus it may be said that the consumer in the home country who pays the tax expends, so to speak, a fairly considerable sum in aid of the territory. Recently, in January, a duty has also been levied to protect bananas. The same system has been adopted in this case also. A duty is levied on imports into France; the sum thus collected is set aside and returned to the territory which is bound to allocate the money thus received from the mandatory Power among the planters.

I must apologise for taking up so much of the Commission's time, but I should like to give it some information with regard to the financial situation. At the time when our report was drafted, we were not in possession of all the facts. The Department therefore asked the territory for information. Quite recently the Governor, M. de Guise, sent me a telegram giving details concerning the present situation — that is to say, the final balance of the 1931 budget. According to this telegram the final accounts of 1931 show that receipts were 29,107,318 francs; expenditure

30,810,614 francs. The deficit is thus 1,703,216 francs. The deficit has, as was to be expected, been met out of the reserve fund.

Naturally, the Commission will ask what economies have been effected or what other measures have been adopted to counteract the deficit. In 1931, a period of economic and financial reorganisation began. I can assure you that, in 1932, this movement has gathered further momentum and that, in 1933, even more drastic steps will be taken, in order that the budgetary situation may be set right. This situation is not in itself so very bad, because, under the Loan Law passed on February 22nd, 1931, which authorised the issue of a loan of 73 million francs for Togoland, all the advances previously made for important public works have been repaid into the reserve fund. Thus, at the present time, the reserve fund amounts to nearly 13 million francs. The territory is therefore able to meet its financial requirements.

I must say that, without the assistance of this loan, the situation might perhaps have been difficult. But, in this respect also, the mandatory Power has fulfilled its duty as guardian by providing a child — not a prodigal child, but a child which had no more money — with the means of meeting its obligations.

As regards the budget for 1932, I would merely say that the Department for the Colonies has ordered economies which will probably amount to over three millions, in particular, by reducing European staff and by reducing the rates of the cost-of-living and other bonuses.

We are only at the beginning of an era of the reorganisation of the budget of Togoland. In any case, I can assure you that, thanks to the loan, the situation is no longer alarming. There is no doubt whatever, that budgetary equilibrium will be assured as a result of strict administration.

I would not wish to terminate this statement without paying a tribute to the truly praiseworthy, tenacious and remarkable efforts of the Governor of Togo, M. de Guise, who replaced Governor Bonnacarrère in a period, not of prosperity, but of difficulty. This high official, like all other officials in the territory, is fully conscious of the duty to the populations he administers and of the sacrifices necessary for the economic and financial recovery of the territory.

The CHAIRMAN thanked M. Besson for his very interesting statement.

FORM OF THE ANNUAL REPORT.

COUNT DE PENHA GARCIA was pleased at the new way in which the report had been drawn up. It seemed clear and logical.

CUSTOMS RELATIONS BETWEEN TOGO AND DAHOMEY.

COUNT DE PENHA GARCIA observed that, some years ago, the mandatory Power had informed the Mandates Commission that it had abolished the Customs barriers along the River Mono between Dahomey and Togoland under French mandate following an agreement reached between the Administrations of the two territories. Subsequently, the turnover tax had been levied on different bases in Togoland and Dahomey respectively, and the Administration of this territory, in order to avoid the deviation of certain trade currents which would be prejudicial to the interests of the territory, had re-established Customs duties as between the two countries. As a result of this, certain disputes had arisen between the authorities and the inhabitants residing along the Mono.

In this connection, he drew M. Besson's attention to the statements made by the accredited representative at the eighteenth session of the Commission¹ to the effect that no Customs union had previously existed between Togoland under French mandate and Dahomey, the measures taken amounting to nothing more than a Customs arrangement. Since then, the Notables of Anecho had sent a petition, dated May 12th, 1930 (document C.P.M. 1076), to the League asking for a reversion to free trade between Togoland under French mandate and Dahomey. In its comments on this petition, the mandatory Power had for the first time mentioned the phrase "Customs union". He wished to know why the mandatory Power had thought it necessary on this occasion to go further than previously in the direction of Customs union. He would be glad to see a copy of the agreement signed at Anecho on November 5th, 1931.

LORD LUGARD noted that this question was referred to on pages 49 and 82 of the report. Had the change made by the mandatory Power in the Customs regime existing between Togoland and Dahomey caused any inconvenience to the natives?

M. BESSON explained that the French Government had, in a letter dated February 26th, 1932, notified the Secretariat of the League of Nations of the conclusion of a Customs agreement between Dahomey and Togoland.

He laid before the Commission the text of the Convention of Anecho which he understood had been appended to the French Government's letter. This Convention, M. Besson continued, had been ratified by M. Reynaud, French Minister for the Colonies, on February 18th, 1932. The mandatory Power had adopted the more liberal attitude referred to by Count de Penha Garcia solely in the interests of the inhabitants of the Mono district. It had even been necessary, in putting this policy into force, to overcome a considerable amount of resistance.

¹ See Minutes of the eighteenth session, pages 88 and 89.

COUNT DE PENHA GARCIA said that he had now looked through the text of the Convention of Anecho and had found therein a clause, the nature of which would reassure the Commission. This clause laid down that, at the end of every year, the Convention might be abrogated at three months' notice if it no longer gave satisfaction. The Commission would therefore have an opportunity of watching the effects of this agreement from the standpoint of the inhabitants of the territory under mandate.

M. VAN REES pointed out that the Customs union established between Togoland under French mandate and Dahomey was bound to reduce, to a certain extent, the Customs receipts of the mandated territory, since all goods coming from Dahomey would now enter that territory Customs free. The point to be elucidated, therefore, was whether this loss was set off by advantages in some other direction. In other words, how did the bargain work out in practice ?

M. BESSON replied that there were two aspects of the question, one of law and the other of fact. As regards the facts of the case, it should be thoroughly understood that the arrangement applied, not to a large volume of trade, but to inter-tribal bartering in and along the frontier districts ; there were no real trade currents between Togoland under French mandate and Dahomey. It would be very difficult as yet to sum up the advantages and disadvantages of the new measure, but an effort would be made to do so in the next report.

M. VAN REES asked M. Besson to note that this question arose, not merely in connection with Togoland under French mandate, but in connection with any territory which it was proposed to bring into Customs union with another country.

Lord LUGARD observed that, according to the report, these measures concerned, not only the Mono district, but the whole frontier zone.

M. BESSON agreed, but said that all the traffic occurred along the Mono. In any case, the Commission would be given as detailed information as possible on this point in the next report.

M. RAPPARD noted, after the exchange of views which had taken place and according to the statements set out on page 49 of the report, that — for a time at least — all Customs barriers between Dahomey and Togoland under French mandate had been abolished. The result was that, during this time, Togoland was subject to the Dahomey Customs regime which perhaps favoured French production at the expense of foreign production. One sentence on this same page of the report had reawakened his curiosity. It read as follows : “ During this period, the Customs regulations of Togoland were brought into line with the Customs tariffs of Dahomey ”. The expression “ brought into line ” (*“ analogie ”* in the French text) was rather vague. He wondered whether the situation which it seemed to describe was quite in keeping with the principle of economic equality proclaimed by the mandate.

M. BESSON reminded the Commission that the French colony of Dahomey was itself, under a convention concluded in 1898 with the United Kingdom, bound to apply a policy of economic equality. The expression “ *analogie des tarifications* ” (bringing into line the Customs rates) simply meant that the tariff rates applying to Dahomey and to French Togoland under mandate had been unified.

Lord LUGARD, referring to the statement on page 49 of the report with regard to the abolition of the Customs frontier between Togoland and Dahomey, asked whether the natives were allowed to carry anything they desired from one territory to the other, and to cultivate land on both sides of the frontier.

M. BESSON explained that it was precisely because the natives had to work on both sides of this frontier that the abolition of the Customs barrier had been urged. He believed that certain natives actually owned lands situated on both sides of the frontier.

PARTICIPATION OF THE NATIVES IN THE ADMINISTRATION OF THE TERRITORY.

Lord LUGARD noted that, in his general statement, M. Besson had said that one of the essential aims of the mandatory Power was to accord an ever-increasing share to the natives in the government of their own country and that the Togolese had been called upon to participate in various councils established by the mandatory Power for the government of the territory. The native members of these councils were elected according to a system of European suffrage, and on page 49 of the report it was said that :

“ . . . the triennial elections for the renewal of the Council of Notables at Lomé were held on March 8th and 9th. During the election campaign, rivalries and strife led two parties to oppose each other ; one of these parties might be called the Conservative Party and the other the Young Togolese Party. ”

Did the accredited representative consider that the system of election chosen for the mandated territory was really suitable to the mentality of the Togolese ? Secondly, it appeared that, though the natives were admitted to the economic councils, they were excluded from the main Council of the Administration. Did not the accredited representative think that gradually,

as their education and experience developed, the natives would demand representation on the Administration Council? Did the mandatory Power intend eventually to admit natives to this Council?

M. BESSON replied that the question of councils of the Administration raised one of the most delicate problems of colonial policy. An endeavour was being made gradually to interest the natives in the management of public affairs and, in this respect, nothing should be done to hinder the formation of a public opinion in the territory. Thus, there had been created in Togoland two sorts of parties referred to in the report as Conservative and Young Togolese respectively. The natives elected belonged to the very best class of the population. They were extremely interesting individuals who quite understood their duties and did much to help develop the territory. As regarded the future and the intention to increase the proportion of natives in the various bodies set up, he could only quote the words: "No one knows what the future holds in store".

In reply to another question by Lord Lugard, M. Besson explained that there were no councils even of the smallest importance which consisted entirely of natives; even the Councils of Notables, which might be likened to the municipal councils of Europe, were presided over by the Administrator. Very careful account was taken, however, of the opinions expressed by the Notables. These opinions enabled the Administrator to mould his policy.

Mlle. DANNEVIG recalled what was said in the report and what M. Besson had himself stated with regard to the existence of two political parties in Togoland under French mandate. Was it not to be feared that, if young natives were taught only in French by French methods, they would acquire a different mentality from, and lose contact with, the others?

M. BESSON said that Mlle. Dannevig had just put into words the problem of the education of still backward races which arose in all the colonies. The Administrations were faced with a dilemma: should they preserve native culture in young people — that is, do nothing whatever — or should they give them a training on French lines? It was absolutely impossible to prevent the psychological conflicts which modern teaching might set up in a young native.

M. SAKENOBE noted that, in connection with the elections of the Councils of Notables in Lomé, mention was made of the formation of two political parties in that district. Had that occurred in other districts in the territory, and had it led to the creation of two really different states of mind among the natives?

M. BESSON said that the importance of these incidents should not be exaggerated. Obviously electoral activities were more intense in the towns, such as Lomé, for example, than in the rest of the territory. There might have been some rivalry, and even strife, but he was sure that the divergence of views was superficial. There was certainly no cause for alarm in the formation of political parties.

In reply to a question by M. Van Rees, the accredited representative stated that French *ressortissants* meant Togoland natives, or natives who had come to Togoland from French colonies or territories under French mandate and had not acquired French citizenship.

In reply to another question by M. Van Rees, he stated that the list of Councils of Notables contained in the report (page 12) included only councils set up during the first ten years of the mandate, and that subsequently it had been possible to set up others — in particular, at Kluto.

ECONOMIC EQUALITY.

The CHAIRMAN said that M. Ruppel had asked him to submit the following questions to the accredited representative:

"From the reference to the rules for the Port of Lomé (page 82) I conclude that the agreement reached in 1925 between the French Government and certain shipping companies only applied to the Port of Lomé. I should be glad to know if I am right in my conclusion.

"On the other hand, I should be glad to know what vessels now maintain the 'regular postal service of the Territory'."

M. BESSON explained that, according to information he had obtained, the only dues levied at Lomé were the very small wharf dues, and that these were the same for all shipping companies without exception. No anchorage or lighthouse dues were levied in this port, so that the question whether the 1925 Convention applied or did not apply to Lomé was of no practical importance.

With regard to M. Ruppel's second question, he believed that the postal service was assured by the three French companies which served the territory, but he was not certain. He could supply this information the next time he came before the Commission.

The CHAIRMAN said he had the impression that the new railway undertakings (North Togoland line) had been carried out by the services of the Administration itself. Nevertheless, on page 58 of the report, there was a reference to a "part of the line handed over to contractors in July 1931". Was it to be concluded that some of the work had been handed over to private contractors? If so, had this action been taken on the basis of public tenders?

The construction of the new railway line had necessitated in 1931 the importation of large quantities of rails (see page 76 of the report). In the table on page 80, the countries from which the "metals" had come were not shown, although this was the most important item of the imports.

Could the accredited representative say whether the supply of rails had been open to public tender and by what countries they had been supplied? It should be noted that the Law of February 22nd, 1931, authorising the Commissioner for Togoland to contract a loan, provided that all the materials employed for the execution of works must be of French origin. At the same time, this law allowed the Minister for Colonies to authorise exceptions, if justified by necessity (page 143).

M. BESSON replied that the Commission was doubtless aware that the Administration of the mandated territory was, in this respect, bound by very strict legislation. Whenever the supplies of material exceeded 90,000 francs in value, they must be open to public tender. The principle admitted by France for mandated territories was that the Administration could always conclude contracts with French firms, but that, if it received more favourable offers from abroad, it might accept those offers.

He could not give any definite information concerning the firms which had been asked to supply this material, but thought that, in any case, the loan of 73 millions, which, after all, had been made by French taxpayers, gave the latter a certain right that the supplies necessary for essential works in the territory should be purchased from the industries of the mandatory Power.

M. RAPPARD drew particular attention to M. Besson's assertion, in the statement he had just made, that when necessary, in the interests of the territory, an exception should be made to the principle that material for the territory would only be supplied by French firms. This raised the whole question of economic equality in the matter of supplies and concessions for public works. It did not appear to be certain that the loan from the French taxpayers could really be regarded as a reason to claim, for example, that it was only fair, in view of that loan, that purchases for the territory should be made in the territory of the mandatory Power. The loan had been granted at 4 per cent below par, which did not constitute an act of pure generosity. He would not stress the question of economic equality, however, seeing that the Commission was at present studying it from a general standpoint.

The CHAIRMAN also expressed satisfaction with the accredited representative's statement that, when foreign firms offered more favourable conditions than French firms for the supply of certain material to the territory, it would be proper to deal with them. He asked, in that connection, how offers for public tender were brought to the notice of foreign firms.

M. BESSON explained the machinery applicable to tenders for supplies to the colonies. There was a general colonial agency in Paris which purchased material for all the colonies and the territories under French mandate. That agency was obliged to publish offers for tenders in a certain number of special newspapers to which foreign firms which really watched their own interests would certainly subscribe. It could therefore be asserted that manufacturers throughout the world were notified of tenders offered in territories under French mandate. Contracts for supplies were only awarded after a certain time-limit. There were also specifications, etc., so that everything was organised in such a manner as to enable foreign as well as French firms to tender.

M. ORTS asked whether the accredited representative was of opinion that the works in question were essential public works.

M. BESSON said he did not know what exactly was the final criterion in this matter, but it seemed to him that the construction of a railway was at least a "relatively essential" public work.

Lord LUGARD asked whether any tenders had actually been received from foreign firms showing that the publicity was effective.

M. BESSON replied that he himself did not deal with tenders for supplies.

M. RAPPARD pointed out that Article 7 of the Law of February 22nd, 1931, was as follows (pages 143 and 144 of the report):

"All materials used in the execution of works and material required for their exploitation not available in the country or not obtained from reparation deliveries must be of French origin, as far as possible of a standard type, and conveyed under the French flag. In the event of proved necessity, the Minister for the Colonies may, after reaching agreement with the Minister of Finance, authorise exceptions by means of a decree . . ."

This was hardly likely to encourage foreign firms to tender. It appeared that the procedure adopted with regard to tenders was first to call on French firms and, only when no offers were received or when those received were entirely unfavourable, to approach foreign suppliers.

M. BESSON drew the Commission's attention to the fact that the article applied to all the French colonies and territories under French mandate, that it had not been necessary to prepare a special text for Togoland and the Cameroons, which were very small territories as compared with the rest, and that it involved a sum of 3,900 million francs, of which Togoland and the Cameroons received only a fairly small portion. Finally, the provisions mentioned were not necessarily applied as strictly in the territories under mandate as in the colonies, and, until further notice, France's attitude with regard to tenders would remain as set forth in the letter of July 6th, 1929 (see document C.351.1929.VI and *Official Journal*, September 1929, page 1344).

BILATERAL CONVENTIONS APPLIED TO TERRITORIES UNDER MANDATE.

The CHAIRMAN read the following note (Annex 3).

ADMINISTRATION OF THE AGOU ESTATE.

The CHAIRMAN stated that the Commission had learnt from the Press that the mandatory Power had requested M. Diagne, former Under-Secretary of State for the Colonies, to visit Togoland to study questions connected with the administrative, economic and financial reorganisation of the territory. According to later Press reports, M. Diagne had been asked to enquire in Togoland into certain alleged administrative and financial irregularities in connection with the large estate of Agou, which had been detrimental to the territory. Certain information was given with regard to that important property, with which the Commission had had to deal some years previously.¹ It would appear that the property had been acquired by the Administration at a cost of 3½ million francs and had been let to a politician at only 20,000 francs per annum, whereas normally it should apparently have been let for more than 100,000 francs per annum.

Up to the present, however, the lessee had not paid over the interest due from him, and the territory had had to keep up the estate.

It was stated on page 35 of the 1931 report that a supplementary credit of 300,000 francs had had to be opened to meet the working expenses of the Agou estate. Did that refer to the property in question? Why was the credit necessary?

In addition, page 62 of the report said that under a Convention concluded in 1930, 2,575 hectares of the Agou Agricultural Station were leased for thirty years. As the lessee did not take possession of the estate, the territory was obliged to manage it. The author of the report had added that:

“ All the difficulties have been removed by a new Convention dated December 29th, 1931, and the lessee has undertaken to reimburse to the territory, over a period of three years, the whole of the working expenses during the period of litigation. ”

That was not very clear, and the Chairman asked the accredited representative to enlighten the Commission. Had the Agou estate been put up to auction? Why had a new agreement been concluded with the lessee, who had apparently not fulfilled his undertakings? Was it true that the lessee's administrator had sold the crop and that the yield from the sale had been handed over to the lessee? What was the opinion of the Administrator of the territory on this matter?

M. BESSON said that M. Diagne, former Under-Secretary of State for the Colonies, had been sent to West Africa on an official mission to study, in relation to the crisis, questions concerning the social, economic and financial life of the colonies and territories under mandate. Following on his visit, M. Diagne had prepared a report, which had been sent to the Minister, but which M. Besson had not been in a position to see.

The question of the Agou estate had been the subject of various articles in the colonial Press. Briefly, the matter was as follows: The Agou estate was originally a sequestered property. The administrator of the sequestered property had let it for a period of 99 years to the French Togoland Company. The Administration had cancelled the lease as out of order. The French Togoland Company had brought, and lost, an action against the territory. Consequently, the property was again sequestered. Ever since then, it had had to be managed and, in the circumstances, the Administration had made use of its right of pre-emption and had converted the estate into an agricultural station. The French Togoland Company had claimed damages from the central authorities in Paris, asserting that the administrator of the sequestered property had been at fault; the property was then no longer let to the company but to its President, under certain conditions, including, in particular, the formation of a new company and the participation of the territory in the profits. The arrangement was accepted by the responsible authorities, and the new company was formed and its statutes approved. As M. Bonnacarrère could not abandon to their fate the natives of Agou who had lost some of their good land, it had been necessary to set aside another estate for them, and that was the explanation of the credit entered in the budget.

¹ See Minutes of the eighteenth session, pages 81, 181 and 185, 205 and 206.

M. Besson, replying to a question by M. Rappard, stated that the Agou affair might now perhaps be considered as settled. He was under the impression that the Administration of the territory was satisfied with the solution.

M. RAPPARD observed that, far from being profitable to the territory, this estate valued at three million francs had cost it money.

M. BESSON replied that the territory had not ceased to use to the best advantage the riches of these plantations. The Administration, both central and local, had been guided by the interests of the natives. To prevent their plantations from depreciating, a credit with regard to the Agou estate had been entered in the budget.

The CHAIRMAN again read the following passage from page 62 of the report, with regard to the Agou Agricultural Station :

“ As the lessee did not take possession of the estate, the territory was obliged to manage it. All the difficulties have been removed by a new Convention dated December 29th, 1931, and the lessee has undertaken to reimburse to the territory, over a period of three years, the whole of the working expenses during the period of litigation.”

He did not think a prudent Administration would accept from a person who had hitherto failed to meet his obligations an undertaking to reimburse working expenses within a period of three years in a time of crisis when it had not been possible to meet them in normal times.

M. BESSON explained that the renewal of the lease had been discussed fully by the department concerned. It had, above all, been anxious not to impose too heavy a burden upon the territory, and to make the best of the situation.

The CHAIRMAN stated that the Commission took note of the information furnished by M. Besson and had confidence in M. de Guise, who would doubtless find a solution which would safeguard both the interests of the Administration and those of the natives.

PUBLIC FINANCE.

M. RAPPARD noted that the report contained very full information with regard to the finances of the territory. Owing to certain special circumstances, however, it was somewhat difficult to obtain a clear idea of the position. In the first place, the Administration had been compelled to alter its budgetary estimates during the year, and it could not be blamed for this in view of the extension of the world economic crisis. Secondly, the Governor of the territory had changed during the period covered by the report. Finally, the single and general budget system so rightly and insistently advocated by French writers on finance was not in force in the territory. There were four separate budgets in Togoland, and transfers from one to another further complicated the picture of the country's finances.

M. Rappard asked whether the accredited representative thought the practice of multiple budgets was justified, and whether he thought it would continue in the territory.

M. BESSON explained that the territory had had three budgets for a long time, and that, on account of the conclusion of the loan already mentioned, a fourth had been created. According to the usual practice in colonial administration, each loan required a special budget in order to show how it was used and to see that it was used in accordance with the Loans Law. M. Besson did not think it possible, for these reasons, to do away with the loan budget.

He realised, however, that it must be somewhat difficult for the Mandates Commission to obtain a very clear idea of the budgetary situation during the financial year under consideration. It must be pointed out, however, that this was due chiefly to the fact that, when the competent services prepared the annual report for the Mandates Commission, they were not yet in possession of the final figures for the period. In any event, the Department would do its utmost to make the chapter on finance more explicit.

M. RAPPARD quite understood that there must be some reason for these various budgets, and agreed that the system had certain advantages. The question was whether they were not more than counterbalanced by the disadvantages. From the standpoint of the controller of the finances of the territory, which was the Mandates Commission's standpoint, the existence of several budgets could not but be troublesome. He even wondered whether it was worth his while to ask certain questions which had occurred to him in reading the chapter on finance, the additional information given in the accredited representative's statement having made them superfluous.

M. Rappard would explain his meaning. Page 34 of the report contained the probable figures for the financial period 1931, to May 31st, 1932. The final figures for receipts differed by nearly 4½ million francs, and the figures for expenditure by over 1½ million francs. M. Rappard did not know whether the complicated nature of the budget system had something to do with the Administration's uncertainty, but he could in any event affirm that it was most discouraging to anyone who had to supervise the administration of the finances of the territory from a distance.

Passing to one particular point in the financial statistics, M. Rappard asked why the import duty had been extended to goods consigned to the administrative services, which had hitherto been exempt (page 25 of the report). Did not this mean that the Administration collected what it had to disburse ?

M. BESSON agreed that the territory both paid out and collected duty. In some cases, however, the duty in question might be of some importance, seeing that the Administration sold stocks, and, in fact, took back money.

Lord LUGARD observed that, though the system of collecting duty on Government imports or charging Government stores for railway transport did involve some extra work, and of course, did not add to the revenue, it was the only way of showing the true cost of a work, and had probably been adopted for that reason.

M. RAPPARD asked how receipts were allocated in the joint Customs system of Dahomey and Togoland under French mandate.

M. BESSON said he was sure each of the two territories would retain the sums levied by its own Customs officers. Moreover the traffic was very small and it was possible to consider, without any serious error, that duties levied in one territory corresponded to the amount due to that territory.

M. RAPPARD asked why the tax on business turnover had been converted into an indirect tax, when it had originally been a direct tax. He noted, moreover, that the yield from this tax had increased as a result of the change.

M. BESSON stated that the change had been made in order to increase the yield from the tax by extending its incidence to traders not holding licences.

M. RAPPARD wondered whether the construction of a railway from Atakpamé to Sokodé, for which a very large loan had been concluded, was justifiable at the present time, seeing that the world was passing through an unprecedented economic crisis, and that, on the other hand, there was a tendency everywhere to substitute road for rail transport.

M. BESSON explained that the mandatory Power had anticipated M. Rappard's objection by prohibiting further work on the line. It would not go beyond Blittah. To extend it farther would necessitate expenditure in excess of the loan raised, and it would be unreasonable, at the present time, to burden the territory with more loan annuities. Pending better times, the lorry would replace the train for the transport of goods over the unfinished sector.

TWENTY-FIFTH MEETING

Held on Tuesday, November 22nd, 1932, at 4 p.m.

Togoland under French Mandate: Examination of the Annual Report for 1931 (continuation).

M. Besson, accredited representative of the mandatory Power, came to the table of the Commission.

PUBLIC FINANCE (continuation).

M. RAPPARD was satisfied to note that the "Statement of the subsidies allocated for 1931" (pages 41 and 42 of the report) contained no more allocations in respect of daily newspapers. Nevertheless, he wished to have particulars concerning the last item "Estimates for possible subsidies" under the heading "In the Territory".

M. BESSON replied that, not only had the Press subsidies been abolished, but the subsidies allocated in the mother country had been considerably reduced, since they had fallen from 102,000 francs in 1930 to 68,000 francs in 1931. It was hoped that it would be possible to reduce them still further the following year. As for "Estimates for possible subsidies", these did not refer to newspapers.

M. RAPPARD asked whether the two defaulting banks, mentioned by M. Besson at the previous meeting, had on deposit sums belonging to the natives, and whether there had been losses in respect of local savings.

M. BESSON replied that the Government had taken measures so that the natives should in no way suffer from the banking situation.

Lord LUGARD asked with reference to the item on the budget "Remittances to chieftains on the yield of taxation" (page 28), whether the chiefs were allowed to spend this money themselves on behalf of their tribes.

M. BESSON replied that these were sums paid to remunerate chieftains for the efforts they made to collect the taxes.

Lord LUGARD understood that the salaries of the French officials had been heavily reduced. He thought that a reduction of 50 to 80 per cent had been mentioned. Was this correct?

M. BESSON replied that this percentage was clearly exaggerated; the reduction was only between 10 and 20 per cent. He added that the allowances, in particular, had been reduced.

M. VAN REES asked if the "Inconvertible stocks" mentioned on page 41 formed an untouched reserve.

M. BESSON explained that the expression "inconvertible" did not mean depreciated stocks, but an immutable reserve fund formed, not of cash, but of stocks.

STATISTICAL INFORMATION RELATING TO TERRITORIES UNDER MANDATE.

The CHAIRMAN read a note on this subject (Annex 3).

AGRICULTURE.

M. MERLIN expressed his appreciation to the mandatory Power of the remarkable statement covering the first ten years of the mandate, which prefaced the report for 1931. He noted an interesting example of an agricultural co-operative society (Kassena Plantation) mentioned on page 62. Was this an isolated case, or was it intended to encourage this form of society for the benefit of the natives of the territory?

M. BESSON replied that the Administration of Togoland intended to develop this kind of society. If its first effort were successful, the system would be applied to other parts of the territory.

M. MERLIN asked if the Administration of Togoland, which granted the society an annual subsidy of 50,000 francs, was represented on its Governing Body. Did the Administration watch over its development?

M. BESSON replied that the report for the following year would contain information on these points.

M. MERLIN asked for particulars concerning the "Agriculture Promotion Fund" (page 63). How was this fund formed, and how was its working supervised?

M. BESSON replied that it was a payment made from the budget of the territory, as need arose. He would give fuller information concerning the way it worked in the next report.

Lord LUGARD asked how the Mutual Agricultural Credit Institutes mentioned on page 167 were managed. Were these co-operative societies?

M. BESSON replied that they were agricultural co-operative societies to which the native farmers were required to belong. They helped in the purchase of seed, agricultural material and even live-stock, etc. As this system had given good results in North Africa in the form of native mutual-aid societies, the French Government had judged it advisable to set it up in the colonies and territories inhabited by coloured races.

M. MERLIN asked if the interesting measures to improve the quality of agricultural produce were faithfully carried out (page 64).

M. BESSON replied that the present Governor was greatly interested in the question of improving agricultural produce, and he closely supervised the application of the Ordinances, as his predecessor had done. The next report would contain particulars of the results obtained.

M. SAKENOBÉ noted from the table on page 64 that the exportation of maize had decreased considerably during the last three years, since it had fallen from 4,141 tons in 1929 to 375 tons in 1930 and 45 tons in 1931. On page 81, it was said that an Ordinance, dated May 30th, 1931, had set up a 10 per cent *ad valorem* export duty on maize. Was there any connection between the decrease in exports and this export duty?

M. BESSON did not think there was any connection between the two. Maize was principally exported to the colonies bordering on Togoland. As the production of maize had increased in those colonies, it was natural that Togoland's exports should have diminished.

M. RAPPARD wondered if this 10 per cent import duty and the fall in exports were not due to a desire to keep maize in the territory to feed the native population.

M. BESSON thought he might answer that the reason suggested by M. Rappard had also been of some benefit to the population of the territory.

JUDICIAL ORGANISATION.

Lord LUGARD asked what was the difference between a law and a decree.

M. BESSON explained that a law was a regulation passed by Parliament, whereas a decree was a regulation promulgated simply by the President of the Republic. In French colonial legislation, the rule was the decree, the exception the law.

M. RUPPEL thanked the accredited representative for the information on page 113 concerning the judicial organisation of Togoland and the capture of a band of criminals in the circle of Anecho.

He noted that the report contained no particulars concerning prisons (number of prisons and prisoners, sanitary conditions, etc.). He would be grateful if in future the annual report could contain a special chapter on prisons.

He also wished to know how many natives of Togoland were among the native constables, the numbers of which were given on page 47.

M. BESSON stated that most of the constables were natives of Togoland. In any case, these posts were much sought after.

MILITARY CLAUSES : ARMS AND AMMUNITION.

M. SAKENOBE asked that, in future, annual reports might from time to time give details concerning the equipment, organisation and discipline of the company of militia in the territory. He thanked the accredited representative for the information contained in the 1931 report on arms and ammunition (page 47).

ORGANISATION OF " MUTUELLES SCOLAIRES ".

Lord LUGARD asked for particulars concerning the *mutuelles scolaires* (school friendly societies) frequently mentioned in the report (pages 20, 63 and 166). Were these a kind of co-operative society ?

M. BESSON explained that *mutuelles scolaires* were a well-known organisation in France, and it had seemed advisable to create them, not only in the colonies, but also in the protectorates and territories under mandate. Their main aim was to teach children the elements of mutual assistance, so that, once they left school, they became members of more important and useful mutual-assistance associations. Details concerning the working of these *mutuelles scolaires* would be found on page 166.

LABOUR.

Mr. WEAVER noted the statement that the number of labourers under contract was steadily diminishing (page 91) ; nevertheless, out of an average number of 2,000 workers employed on the territory's public works, nearly 1,500 were under contract.

M. BESSON explained that old contracts were still running. On the other hand, the number of labourers seeking work was continually on the increase, and for a certain number of delicate jobs it was necessary to call in skilled workers. As regards conditions of labour, full guarantees were given, and the natives had no difficulty in securing employment.

Mr. WEAVER asked if it were the Administration's policy to employ an increasing number of non-contract labourers.

M. BESSON replied in the affirmative.

Mr. WEAVER remarked that it had been stated the previous year that wages were 9 francs per day. He presumed that this sum included the daily money wage, the monthly bonus and rations. It appeared that the daily wage had been 2.50 francs during the first part of the year and later reduced to 1.50 franc a day.

M. BESSON explained that the figure had had to be reduced for reasons of general economy ; it represented the real monetary payment. The rest included board, lodging and the right of every ten men to a female cook, engaged by contract (page 92 of the report).

Mr. WEAVER regretted this decrease, which was opposed to the policy of increasing the natives' purchasing power.

M. BESSON explained that, as wages in the territory had been decreased all round, it had been necessary to take into account the general deflation.

M. PALACIOS noted on page 93 that the mandatory Power had not considered it advisable to regulate pledging for debts, which so far had given rise to no abuse. He hoped, however, that this practice was not encouraged.

M. BESSON informed the Commission that this question had been the subject of long discussions in the Commission of Experts on Slavery appointed in virtue of the Assembly resolution of September 25th, 1931. He could assure the members that, thanks to the progress made, this very mild form of slavery was at the present moment on the wane.

EDUCATION.

Mlle. DANNEVIG noted that a very small number of missionaries were teachers. What was the reason for this ?

M. BESSON explained that the State school system was developing. It followed that missions thought it useless to make any costly efforts in respect of work which was being accomplished by others in the form of official education. He added that the missions experienced difficulties in obtaining staff.

Mlle. DANNEVIG thanked the mandatory Power for the replies to her questions last year given on pages 114 and 115. She noted that French was the only language taught in the schools. Was no encouragement given to the study of the native languages ?

M. BESSON said that he had already had occasion to state¹ that the aim of the French policy was to maintain or develop the teaching of French. In the special case of Togoland, there was less need to give instruction in the native languages, since these languages were hardly suitable for the purpose, being too primitive and (so to speak) formless.

Replying to a question from Lord Lugard, M. Besson explained that the native teachers held their classes in French ; but that did not prevent them from sometimes explaining the French terms in their native language.

Mlle. DANNEVIG asked that the next report might contain a summary of expenditure on education in Government and mission schools separately. She noted, according to the last table on page 99, that the total number of pupils in 1931 was only 5,586, which led her to think that there were not enough Government schools, and that the assistance of the missions might be very valuable, but that it would involve more subsidies.

M. BESSON replied that the next report would contain the desired information. With regard to the second point, it was very difficult at the present time to set up schools everywhere ; schools could only be established within the limits of human resources.

M. SAKENOBE asked whether private or mission schools accepted pupils who were unable to go to State schools owing to lack of premises.

M. BESSON replied that there was no reason why that should not be so.

ALCOHOLIC LIQUORS AND SPIRITS.

COUNT DE PENHA GARCIA noted that imports of alcohol had decreased considerably ; on the other hand, imports of grape brandy had increased in value. The figures in the report seemed to him to be rather obscure.

M. BESSON replied that the decrease in the consumption of alcohol was certainly due to moral suasion and also to a general decrease in the purchasing power of the population. There might, however, be some mistake in the figures. He would cause them to be verified.

COUNT DE PENHA GARCIA said he would be glad to see further information on this point in the next report. The present report contained no reference to the smuggling of spirituous liquor and tobacco which apparently took place between Togoland under British mandate and Togoland under French mandate.

M. BESSON believed that the two Governments had come to an agreement on this point.

COUNT DE PENHA GARCIA noted in the study of infantile mortality (page 184 of the report) that alcoholism " caused by the intemperate use of native beverages such as palm wine " was regarded as a veritable " social scourge ". It would be interesting to obtain information regarding the consumption of native beverages, and their injurious effects.

M. BESSON replied that the desired information would be forthcoming.

¹ See Minutes of the twenty-first session, page 167.

PUBLIC HEALTH.

M. RUPPEL noted the statement on page 21 of the report that, in 1930, the native staff of the health service included three doctors. Had these doctors qualified at European universities, or were they natives of the mandated territory ?

M. BESSON replied that they were natives. He was not sure whether they were natives of the territory. At Dakar there was a school of medicine which trained native doctors and medical assistants. The medical students completed their studies at Montpellier or in Paris ; the medical assistants did not practise as doctors, but constituted a sort of superior class of hospital attendants. At Dakar there was also a school for native midwives, at which the nine midwives mentioned on page 21 had probably been trained.

M. RUPPEL noted that, in 1931, a cut of 913,000 francs had been made in the public health budget (page 38). The report, however, did not give any explanation. Could the accredited representative do so ?

M. BESSON explained that the economies were mainly in connection with premises and equipment and did not affect staff. The next report would contain detailed information on this point.

M. RUPPEL noted that, according to the report for 1931, the state of health in the territory " was remarkably good " throughout the year. Nevertheless, the table on page 101 mentioned 22,369 cases of yaws, 1,658 cases of trypanosomiasis and 1,541 cases of leprosy. On page 103, moreover, it was stated that yaws accounted for 86 per thousand of the cases and continued to be " a disease of unheard-of prevalence ". On page 104 of the report it was stated that syphilis was along the coast " practically universal and was very frequent in the more distant and inaccessible regions ". Pages 181 *et seq.* of the report contained a very interesting study on leprosy prepared by the head of the health service of the territory. This careful study provided valuable information and gave an idea of the very praiseworthy efforts made by the mandatory Power to diminish this evil. The success attained in the village of Akata should encourage the mandatory Power to continue its efforts. Would it not, however, be desirable to create a special service for the study and treatment of leprosy as had been done in the case of sleeping-sickness ? It also seemed that the question of the marriage of lepers and their children should be examined by the authorities in order that rules might be laid down to prevent the spread of the disease. The report itself referred to this danger (page 183).

As regarded sleeping-sickness, concerning which an annex to the page 184 of the report had only just been distributed, it would seem that the special service was operating normally and efficiently.

M. BESSON stated that the authorities of the territory, and in particular the medical officers, were making every effort to cope with sleeping-sickness. Syphilis, on the other hand, was a social as well as a medical problem ; the incidence of this terrible disease could only be reduced gradually. He availed himself of this opportunity to pay a tribute to the work of the Togoland Medical Corps, to which all the more credit was due in that the conditions under which it laboured were extremely difficult. The duties of a colonial doctor amounted almost to an apostolate.

M. RUPPEL asked to what works of medical assistance part of the loan had been devoted.

M. BESSON explained that a loan of 73 million francs had been authorised by the Law of February 22nd, 1931. The first block of 27 million francs had been handed over in April 1931. Of this block, 2 million francs had been devoted to the campaign against sickness.

A second block of 38,800,000 francs had been handed over in August. Of this block, 4 million francs had been devoted (1) to general measures in the home country connected with the work of sanitary and demographic protection in the various colonies and territories to which loans had been granted ; (2) to the carrying out of local measures of health protection at Lomé, Atakpamé and Palimé, the boring of wells, the construction of incinerators for refuse, child and infant welfare for Togolese children, etc.

M. RUPPEL asked the accredited representative to inform Mme. Bonnacarrère, the President of the Togolese Infant Welfare Association (*Œuvre du Berceau*), that the Commission appreciated most highly the very clear report on infantile mortality, from the economic and social standpoint, published on page 184. He was glad to note the statement in this report that, as a whole, the Togolese percentages of stillbirths and infantile mortality seemed to be lower than in the African colonies.

He also noted that steps to preserve and protect infants had been taken by this society, which seemed to be working very satisfactorily. Its founder, Mme. Bonnacarrère, might be proud of the very noteworthy results already obtained.

Mlle. DANNEVIG wished to join her congratulations to Mme. Bonnacarrère to those of M. Ruppel, stressing the important results Mme. Bonnacarrère was expecting from the domestic schools opened for girls.

M. BESSON thanked M. Ruppel and Mlle. Dannevig for their kind remarks, which he would certainly convey to Mme. Bonnacarrère. Mme. Bonnacarrère was at present in the Cameroons,

where she hoped to achieve results similar to those she had achieved in Togoland. M. Besson did not doubt that Mme. de Guise, the wife of the new Commissioner of the Republic at Lomé, was determined to carry on Mme. Bonnacarrère's work in Togoland.

LAND TENURE.

M. VAN REES pointed out that, on page 19, reference was made to the Decree of August 11th 1920, whereas that Decree had been replaced by that of March 13th, 1926. Moreover, on the same page it was said that, in virtue of an administrative doctrine, the State domains, to which the Decree of 1920 referred, were interpreted as belonging to the territory under mandate. It was not a question only of an administrative doctrine, but also of an express provision of the Decree of 1926 confirming the interpretation in question upon which the Mandates Commission had insisted on previous occasions.

M. BESSON pointed out that, in order to arrive at a legal provision, there must first exist an administrative doctrine.

M. VAN REES explained that he only made this observation because, in the Cameroons, where the same question had arisen, the administrative doctrine had not yet been confirmed by a special Decree.

Lord LUGARD referred to the statement at the top of the second column on page 19 and asked what was the value of the native title to land which was said to be not as good as that conferred by the Law of 1906. In the next report he would be glad to see a full statement regarding the rights of natives in the matter of landed estate.

M. BESSON said he would see that this information was supplied.

Lord LUGARD asked how the authorities decided whether land was unoccupied or not, in view of the native custom of allowing land to lie fallow for six years or so.

M. BESSON explained that, on this subject, there existed an ancient principle of French law to which was added, in Africa, the question of the "rotation" of lands. Land was considered to be vacant which was occupied neither by a native nor by a tribe.

Lord LUGARD suggested that the natives always asserted that there was no unoccupied land. Had the French Government declared by proclamation that certain land was vacant and State domain ?

M. BESSON stated that this question arose in all colonies, particularly where there were State lands. Whenever the lands had not been claimed within a certain time by the natives or tribes, they were considered as vacant lands under an organic decree.

M. VAN REES intervened to point out that this question had been previously explained in the reports concerning the administration of Togoland in 1922, 1923 and 1924. In every case a Commission was appointed to carry out an enquiry (*Enquête de vacance*). The same procedure was followed in the Cameroons.

DEMOGRAPHIC STATISTICS.

M. RAPPARD congratulated the mandatory Power on the careful way in which the statistics concerning births, deaths, etc., had been drawn up. Up to the present, however, it was not possible to base any certain conclusions on statistics which, however carefully prepared, were only fragmentary.

M. BESSON recalled that these statistics had been prepared at the request of the Commission, and that there was no doubt that they would serve as the bases of demographic work to be done in the future. These studies had been followed very closely by the medical corps in charge of the work.

CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representative for the answers he had given to the questions raised by the Mandates Commission.

TWENTY-SIXTH MEETING

Held on Wednesday, November 23rd, 1932, at 10.30 a.m.

Cameroons under British Mandate : Observations of the Commission.

After an exchange of views, *the Commission adopted its observations concerning the Cameroons under British mandate (Annex 30).*

Palestine: Petition, dated January 28th, 1932, of the Palestine Arab Women's Congress: General Discussion regarding Procedure in connection with Petitions : Question of including in the Commission's Report a Reference to the Legislative Council.

The following conclusions of M. Rappard's report (Annex 17) were read :

“ The Permanent Mandates Commission, having noted the petition, dated January 28th, 1932, from the Executive Committee of the First Palestine Arab Women's Congress, and having examined the complaints contained therein in the light of the observations submitted by the United Kingdom Government on June 22nd, 1932, their annual reports on the administration of Palestine and the verbal declarations of their accredited representative, considers :

“ 1. That in point of fact the number of officials of non-Palestinian nationality in the service of the Palestine Government is very large, particularly in the higher posts, as asserted by the petitioners and admitted by the mandatory Power. In the present state of the territory and its inhabitants the Commission realises the necessity of entrusting the chief posts in the Administration to British officials, but it hopes that as education progresses and feelings become pacified in Palestine, it will be possible to employ in the civil service an ever-increasing number of nationals of the territory ; not only is this evolution in accordance with the objects of the mandate, but it would also lighten considerably the budget of the territory in view of the considerable expenditure occasioned by the employment in Palestine of a large number of British officials.

“ 2. The Commission, having noted the complaints of the petitioners relating to the position of the fellaheen, hopes that circumstances will shortly enable the mandatory Power to improve their lot, chiefly by the development of co-operative societies and the establishment of a satisfactory agricultural credit system.

“ 3. As regards the tithe, the abolition of which is urged by the petitioners and which by the action of the mandatory Power is, on the other hand, being converted into a tax on land revenue, the Commission appreciates the policy of the mandatory Power which, in view of the particularly acute distress, suspended during the past financial year the collection of the whole or part of the taxes payable by farmers. It hopes that a final and satisfactory solution of the question of the land tax in Palestine will shortly be found.

“ 4. Like the petitioners and the mandatory Power, the Commission deplors the insufficient accommodation at the present time in the primary schools of the territory, and hopes that its financial resources will shortly enable the Administration to add to their number and thus to place the benefits of primary education within the reach of all the children in every village.

“ 5. The Commission wishes once again to stress the fact that it is unable to consider petitions for the abrogation of the regime, the application of which it is its duty to supervise. ”

M. MERLIN thought that the petition of the Palestine Arab Women's Congress was of a definitely political character, as was clearly shown by its conclusions, *in fine*, with regard to the mandatory system. It was a very general criticism of the administrative activity of the mandatory Power in connection with the organisation of the various services, and the agricultural system and taxation. He felt bound, in view of the political nature of the petition, to make the following personal observations :

The inhabitants of countries under mandate have been accorded the right of petition in order that it may be possible, through the intermediary of the League of Nations, to correct all error or abuse on the part of the mandatory Power — or its agents — which, committed in violation of any one of the provisions of the Covenant or the mandate, have adversely affected or do adversely affect either an individual, group of individuals or a whole community, the person or persons concerned not having been able to obtain redress through the normal administrative or legal channels, as the case may be. This right should not be allowed to degenerate either into an instrument for the direct or indirect furtherance of local polemics — not to mention the interests of special groups or of personal ambitions — or into an insidious method of inveigling the Mandates Commission into participating in such quarrels.

The Mandates Commission cannot be too prudent in examining the many petitions submitted to it. Though it should rightly accept those petitions which allow it to take immediate action to remedy an error or injustice, it should never hesitate to reject all petitions which are unconnected with the execution of the mandate by the mandatory Power, and, in particular, petitions of a political tendency, the only effect — if not object — of which is to create or maintain local centres of agitation to the detriment of the proper working of the mandate itself.

He recapitulated successively the complaints set out in the petition now before the Commission and the answers given by the mandatory Power. The Rapporteur had grouped them conveniently under seven headings.

First, there was the question of the reduction of administrative expenditure after enquiry and that of the abolition of certain posts, in connection with which the mandatory Power was alleged to have displayed partiality. The petition claimed that the officials sacrificed were mainly Palestinian Arabs. Moreover, the petitioners alleged that the number of foreign officials in Palestine was excessive. To these allegations, the mandatory Power replied that the report regarding the enquiry on the reduction of expenses was confidential and could not be made public. The mandatory Power denied that Arabs had been treated differently in any way from other officials and had supplied a list of officials who were neither Palestinian nor British and who were still occupying their posts in February 1932. This list included fifty-nine Egyptians, whose presence was explained by the fact that they were employed on the Egypt-Palestine railway.

Secondly, the petition stated that Palestinians were kept in minor posts and that from the point of view of salaries, allowances, travelling costs, etc., they received less favourable treatment than others. The mandatory Power replied that the higher posts were at present quite naturally held by British nationals. Palestinians would reach these posts gradually as the education of the population of the mandated territory advanced. The inequality in the treatment of officials was in no way due to their nationality.

As regarded points 3 and 4, it was very difficult to follow the petitioners' argument to the effect, that the situation of the fellaheen was worse now than it had been under the Turkish regime. In any case, it would seem that the mandatory Power had done its best to attenuate the effects of the economic crisis in the territory.

Under their fifth point, the petitioners claimed the abolition of the tithe. The mandatory Power had not made any reply concerning this demand, but it should be noted that the annual report for 1931 indicated that, during the year, many reductions in, and exemptions from, this tax had been accorded.

With regard to point 6 — the inadequate number of schools — the mandatory Power advanced the difficulties of the financial situation as the reason for the slowing down of its efforts in the matter of education.

Finally, point 7, which was the most important, contained a protest against the policy of the mandatory Power which (it was said) deprived the population of its constitutional and national rights and of its independence. The petitioners argued, under this point, that the Balfour Declaration should be abrogated, the mandate abolished and a national Government established. The mandatory Power had pointed out that these requests were incompatible with the terms of the mandate.

The conclusions submitted by M. Rappard in a perfectly reserved and courteous form, nevertheless embodied the substance of the petitioners' grievances and thereby gave greater importance to the petition and its criticisms of the mandatory Power. That criticism, however, did not seem to M. Merlin to be justified in the light of the observations of the mandatory Power, the explanations given by the accredited representative, and, in particular, the facts set out in the report of the mandatory Power for 1931. The criticism, moreover, was a danger to the authority of the mandatory Power in Palestine; it was a danger also by reason of the kudos it would bestow on the petitioning association.

M. Merlin would prefer the Commission to adopt a resolution in the following form :

“ The Commission,

“ After taking cognisance of the allegations made in the petition, the observations of the mandatory Power and the additional explanations given by the accredited representative ;

“ Noting that this document does not raise any definite and particular point on which redress is claimed under the provisions of the mandate, but embodies a very general and distinctly political criticism of the administration of the mandatory Power ;

“ Observing, moreover, that the questions raised in the petition have all been dealt with either in the report of the mandatory Power or during the examination of this report by the Permanent Mandates Commission at its present or previous sessions ;

“ Considers that no action should be taken on this petition other than to refer the petitioners to the reports of the mandatory Power, the Minutes of the meetings of the Permanent Mandates Commission and the resolutions submitted by the Commission to the Council. ”

M. RAPPARD said he had listened with great interest to M. Merlin's comments which might, he thought, be divided into two parts. On the one hand, M. Merlin argued that the petition was of a political and general nature and did not constitute a protest against any precise and definite fact, but was a general criticism of the Administration and that, under these circumstances, it ought to be dealt with on different lines from those followed in the case of petitions which the Commission had hitherto been called upon to consider. On the other hand, M. Merlin made certain reservations concerning some of M. Rappard's own conclusions.

With regard to the first point, much could certainly be said in favour of M. Merlin's views. But it would be inadvisable to make such a statement in connection with a particular petition and to alter, at the time when this petition came to be examined, the procedure hitherto followed by the Mandates Commission. Such action would, he thought, be contrary to law and also inopportune.

The legal aspect of the matter was based on the established custom of the Mandates Commission as well as on the following text :

“ Interpretation of the word ‘ petition ’. — The Permanent Mandates Commission has, with the approval of the Council, given an interpretation of the word ‘ petition ’ which makes it possible to include memorials and similar memoranda of every kind concerning the administration of mandated territories. ”¹

There was no doubt that this interpretation covered the document before the Commission. The Commission itself had, moreover, expressed general opinions in connection with the examination of several earlier petitions.

With regard to the advisability of the solution proposed by M. Merlin in the present case, it should be remembered that the Council and the Commission regarded petitions as a sort of safety-valve through which certain elements could vent their discontent, avoiding thereby a too great accumulation of feeling which otherwise might lead at a given moment to an explosion. It would certainly seem that this was the light in which the mandatory Power itself had looked upon the petition of the Palestine Arab Women's Congress, since it had taken the trouble to reply to it point by point. If the Mandates Commission considered that the fact that a petition contained general criticisms of the Administration should involve its rejection, the Commission ought to submit its opinion on that matter to the Council, and propose a change in the procedure. It would be very undesirable for the Commission to adopt this new practice without reference to the Council ; the mandatory Power, far from being grateful, might even complain.

Moreover, the petition originated from a territory in which every question was difficult and where every decision led to comparisons between the treatment accorded to one section as compared with that accorded to another section of the population. If the Mandates Commission rejected the petition of the Arab Women's Congress, it might be concluded in the territory that the Commission was hostile to the Arabs. Thus, the Commission would run the risk of exciting the Arabs against the Jews, and might be reproached with partiality. In short, whatever the Commission decided to do in the matter of M. Merlin's general proposal, it must, he thought, take some action on the petition from the Arab Women's Congress.

M. Rappard's conclusions were obviously only proposals, but he doubted whether the Commission could modify them to any appreciable degree, because he had only acceded to the petitioners' views to the extent to which the mandatory Power itself had done so. He believed, therefore, that the effect of these conclusions would be to soothe ruffled feelings, and that a rejection of the petition, couched in however courteous terms, would certainly be regarded by the petitioners as a high-handed act, and would arouse a certain amount of emotion among them.

M. PALACIOS wished to submit a general statement concerning the question raised by M. Merlin, and another referring more particularly to the conclusions submitted to the Commission by its Rapporteur.

On the first point, M. Palacios agreed with M. Rappard that, in the case of a particular petition, there was no need to deal with the nature of petitions in general and the procedure to be followed in that matter. Like M. Rappard, he interpreted the word “ petition ” in the wide sense given it in the rules in force approved by the Council ; and if the Commission thought that the law in force should be revised, M. Palacios would either propose the maintenance of the present regime or that the right of the petitioners should be extended and not restricted. In this connection, he recalled the debate which had occurred in the Commission concerning “ local investigation ” and the “ hearing of the petitioners ”. He thought that it would be better not to raise this question afresh. He agreed with M. Rappard in thinking that it was hardly politic to raise it in connection with the present case.

He then passed to the examination of the second point which dealt with the particular features of the present petition. Considerable importance had been attached to this petition in view of the fact that it was the only Arab petition from Palestine which had been submitted during the year. The Commission would examine another one from the Arab Liberal Party, dated June 15th, 1931 (document C.P.M. 1224), referring to the Buraq Wall ; but that dated from 1931. The Commission would run the risk of alienating a large portion of public interest if the petition from the Arab Women's Congress was not examined with the greatest care.

M. Palacios agreed with M. Rappard except on one point — namely, the claim for the self-governing institutions for which provision was made in various articles and, in particular, in Article 2 of the mandate. It was quite true that the petitioners mingled with their claims a certain number of denials which were unacceptable to the Commission, whose duty it was to safeguard the fundamental institution ; but, for this very reason, since the mandate clearly recognised the legitimacy of many of the rights claimed by the Arabs, M. Palacios considered that M. Rappard should, in his report, meet these legitimate aspirations in so far as they were in accordance with the provisions of the mandate. He therefore thought that the Commission could not merely reply, “ The Commission wishes once again to stress the fact that it is unable

¹ See Minutes of the twelfth session, page 176.

to consider petitions for the abrogation of the regime, the application of which it is its duty to supervise". In his opinion, a distinction could be made : what ought clearly to be rejected in the petition should be rejected, and what could legitimately be defended should be accepted in a spirit of conciliation and discretion.

M. Palacios insisted on this point because he feared that, in matters where Palestine was concerned, the Commission tended, if not to put on one side, at least to neglect the problems affecting the largest community in the country. The Arab element, whether Moslem or Christian, was of a certain importance in the world. To justify his preoccupation, M. Palacios mentioned among other things that the representative of the mandatory Power had spontaneously made a declaration this very year concerning the possible institution of a Legislative Council in Palestine after the local administrative bodies had been modified, and when the observations to be submitted to the Council had come up for discussion, the Commission had decided to omit from the draft the mere mention of the declaration made in this connection by the mandatory Power. Whereas, under the stress of circumstances, the Commission, when examining an Administration, noted many minor details which were generally mentioned in its observations, this year not the slightest trace would appear in its decisions of one of the important problems, means of settling which could possibly be found within the mandate itself, since these problems corresponded to historical realities.

M. MERLIN said that it had never been his wish that a point of general practice should be settled in connection with this particular petition. He had only submitted in that connection, and in view of the special character of the petition, a purely personal opinion. Personally, he thought that M. Rappard's proposed conclusions would be more in place in the observations regarding the report on the administration of Palestine than in the opinion concerning the petition. That, however, was a matter of secondary importance, and he had no objection to retaining them in the conclusions to M. Rappard's report.

Lord LUGARD was entirely in agreement with M. Rappard on the question of principle — namely, that petitions concerning the general policy followed by the mandatory Power should be regarded as admissible. He was not at all sure that the Commission could, at this juncture, modify the procedure laid down for the examination of petitions. Up to the present, the large majority of the petitions which had been admitted referred to political questions of general application, both from Jews in Palestine and from Syrians in Syria. Those petitions which had been rejected related to matters which, the Commission had felt, ought to be decided by the courts of the territory. As to this particular petition, he would have been inclined to agree with M. Merlin's proposal that the Commission's conclusions should be shortened, had it not been for M. Palacios' argument that the Press attached great importance to the petition in question. He shared M. Palacios' regret that no mention was made in any official text of the Commission of the very important declaration by the High Commissioner regarding the creation of a Legislative Council — a declaration to which the accredited representative obviously attached importance.

M. RAPPARD said that he had momentarily thought of supplementing his conclusions in the manner suggested by M. Palacios. On further consideration, however, he had not done so, for the following reason : the Palestine Arab Women's Congress claimed self-government in order to attain the three aims set out on page 16 of document C.P.M. 1290 — viz. :

- (a) The abrogation of the Balfour Declaration as being contradictory to the pledges given to the Arabs and prejudicial to their interests ;
- (b) The abolition of the mandate similarly to its sister country Iraq, which is under the same category of mandates ;
- (c) The establishment of a National Government responsible to an elected representative Council, with a view to attaining its complete independence within an Arab Federation.

If, therefore, the Commission made any allusion to the creation of an Arab Legislative Council, it would have to say quite clearly that the creation of such a Council could only be encouraged if it were seen to be compatible with the other aims of the mandate, and if it would not lead to the abrogation of the Balfour Declaration. Was it advisable to put this down in black and white ? If the Commission did so, it would certainly run the risk of raising difficulties, which would not be counterbalanced by any advantage for anyone concerned.

M. VAN REES shared M. Rappard's view that, whatever might be the feelings of the Commission with regard to the general principle outlined by M. Merlin, the petition of the Arab Women's Congress ought to be examined in the usual way. M. Merlin's proposal, however, was an interesting one and it ought to be discussed at a later meeting of the present session or at a session in the near future.

He thought that it was of little importance whether M. Rappard's conclusions were set out in the Commission's report or in connection with the petition. They might perhaps remain where they were if a reference to them were inserted in the report to the Council. As regarded the substance of the question, he entirely agreed with M. Rappard's conclusions and approved the procedure followed, together with M. Rappard's last remark concerning the Arab Legislative Council. There was obviously some danger in dealing with this point either in connection with this petition or in the observations which the Commission would submit to the Council of the League. The question of the creation of a Legislative Council was still under consideration, and its creation could only be achieved after fruitful collaboration between the two sections

of the population, Arabs and Jews, had been assured. Moreover, as Dr. Drummond Shiels had recognised last year, no decision regarding the Legislative Council could be taken until a new Order-in-Council completing that of 1922 had been promulgated.¹

In conclusion, M. Van Rees considered that M. Rappard's proposals should be left as they were.

COUNT DE PENHA GARCIA said he looked at the problem from a very broad point of view. His opinion, moreover, was that the most valuable asset for the parties concerned was the actual right to submit petitions, the right of any person or persons who considered themselves aggrieved to lay their case before the mandatory Power, that Power being bound to forward the petition to the Mandates Commission. In this way, the mandatory Power was obliged to hear the petitioners and even to reply to their allegations. Moreover, the action taken by the Mandates Commission was not such as to raise great international problems, even if its observations touched on questions of pure policy. For all these reasons, he approved M. Rappard's arguments. On the other hand, he thought that it would not be advisable to raise the question referred to by M. Palacios. The Commission after careful reflection had, at a previous session, come to the conclusion that the problem of Arab self-government presented very great difficulties and that, if it were submitted to the Mandates Commission for examination, the latter would be as embarrassed as the mandatory Power to find a solution.

M. MERLIN desired to point out that it had never been his wish in any way to restrict the right of petitioners. His only suggestion had been to draw the Commission's attention to the prudence it should, in his view, exercise in examining certain petitions.

With regard to M. Palacios' proposal, he shared Count de Penha Garcia's views. The question of the Legislative Council was so delicate that the Mandates Commission could do nothing more than recognise the excellent reasons for which the mandatory Power had decided to weigh the matter in all its bearings before setting up such a Council, in which it would be extremely difficult to effect a representation of the various elements of the population and to conciliate the fundamental differences which separated them.

M. PALACIOS said that his proposal could hardly be more moderate : it merely consisted of a benevolent mention of a natural aspiration which, moreover, was expressly authorised by the Covenant and the mandate. The mandatory Power's representative had recognised it himself quite spontaneously. M. Palacios pointed out that he had never said anything against the establishment of the Jewish Home ; he had always defended its rights in conformity with the mandate and recognised, when it had been necessary, the advantages the territory had derived from it. But he could not agree to the exclusiveness of the Jewish rights, because history, the Covenant and the mandate itself ran counter to this idea.

M. Rappard's reasons explaining the advisability of this step had not convinced him. He thought that if a move was made in this direction, it would be difficult to prevent the Arabs from joining a demand for the suppression of the mandate to their claims for self-government. He mentioned the fact that when they had been informed in a report in connection with one of their first petitions that the former claim might, as in the present case, prove prejudicial to the examination of their legitimate demands within the framework of the mandate, they had replied by a petition in which this advice had been taken into account. To-day the documents received from them showed that they were returning to their former attitude ; either they sent in no petitions, or they began to send them again in a spirit of uncompromising hostility (as was the case with the present petition), or they were organising themselves in such a way as to satisfy their own claims without taking any notice of the tutelary authorities of the mandate. M. Palacios considered that, instead of completely forbidding them legal recourse, they should be allowed to avail themselves of this possibility, if it were really desired to prevent them from acting with violence.

LORD LUGARD desired to explain that when supporting M. Palacios' view, he had not intended to suggest any reference to the High Commissioner's declaration in the reply to this petition. He entirely concurred in M. Rappard's text. The suggestion he had made referred only to the general observations on the Palestine report. He emphasised his opinion that the words used should be as general as possible, merely saying that the Commission had heard the declaration with interest, without expressing any opinion regarding it. It would be inappropriate to raise this question in reply to a petition, more especially in view of the demands of the petitioners.

The CHAIRMAN noted with regret that in its general report on the work of its seventeenth (extraordinary) session the Commission had stated that :

“ (1) The obligations laid down by the mandate in regard to the two sections of the population are of equal weight ;

“ (2) The two obligations imposed on the mandatory are in no sense *irreconcilable*. ”

Moreover, M. Rappard in his conclusions seemed unwilling fully to face the difficulty raised by the creation of an Arab Legislative Council. The Commission should, however, remember that its duty was to see that all the clauses of the mandate were respected, the difficulty of the task of administering the territory being a matter for the Mandatory, which possessed all the necessary skill and experience. He read Article 2 of the Palestine mandate

¹ See Minutes of the twentieth session, page 82.

and laid stress on its precision. In these circumstances, he wondered why the Mandates Commission hesitated to raise the problem of Arab self-government. In the whole of the petition from the Arab Women's Congress the only part which really concerned the execution of the mandate was perhaps that which referred to Arab aspirations. It would, therefore, be desirable to find a way to add to M. Rappard's conclusions the idea put forward by M. Palacios.

As regards the right to present petitions, the Chairman for his part would be inclined to give to that right a very liberal interpretation. In fact, petitions were the means whereby the Mandates Commission obtained information which did not come from the mandatory Power. They often gave very useful indications, and this source of information should not be suppressed even if certain parts of the petitions had to be discarded, because they dealt with matters which did not concern the mandate or its execution.

Mlle. DANNEVIG shared the Chairman's opinion concerning the right of sending in petitions and agreed with M. Palacios that the Commission ought also to see that the provisions contained in the mandate in favour of the Arabs were carried out. Nevertheless, she had the impression that the High Commissioner for Palestine was determined to do everything possible to reconcile the two aims of the mandate, and she thought the Commission ought to be very careful not to complicate his task. She emphasised the fact that very important political questions had been raised by the Arab Women's Congress, and she wondered if perchance the idea of sending this petition had been suggested to them. In any case, Mlle. Dannevig would like to be informed whether, if the Commission were to express its views on the idea of creating an Arab Legislative Council, it would be better to do so in its observations on the report or in the resolution it would adopt with reference to the petition.

M. RAPPARD thought that, in any case, the projected creation of a Legislative Council should not be mentioned without alluding at the same time to the difficulties to which it might give rise. In fact, the mandate had a twofold aim, neither part of which should be sacrificed to the other. The petitioners were very outspoken and declared, without beating about the bush, that they wished to have autonomous government so as to rid themselves, among other things, of the Balfour Declaration, and of the mandate itself.

M. ORTS, referring to what the Chairman had just said concerning the report adopted by the Commission at the close of its seventeenth (extraordinary) session, reminded the members that, in that report, the Commission had just as clearly shown the distinction to be made between the Mandatory's present obligations and the objects of the mandate — namely, the creation of the Jewish National Home and self-governing institutions. The Commission had agreed that the mandatory Power could not be reproached at the moment when it had met its present obligations, for not having yet fulfilled at all the aims of the mandate.

These aims could only be fulfilled step by step and, to mention only the self-governing institutions, the Mandatory should be left the sole judge of the moment when these could or should be set up.

M. Orts, therefore, considered that the Commission ought to be careful to refrain from taking any steps by which it might be looked upon as exercising pressure on the mandatory Power to set up a Legislative Council earlier than the Mandatory might deem it desirable.

Such had been the Commission's point of view at its seventeenth session, and it appeared all the more suitable at the present moment in view of the events of the last two years.

In fact, the Arabs no longer hid the fact that they claimed the institution of a Legislative Council as a means of preventing the fulfilment of the other aims of the mandate and of destroying the mandate itself.

The Arabs in Palestine hoped to obtain the unity of the Arab world and, without wishing to judge the legitimacy of this aspiration in itself, it must be agreed that it would lead to the destruction of the mandate which it was the Commission's task to apply. So long as this was the case, the Commission should refrain from any steps which might appear to encourage the mandatory Power to depart from the policy dictated to it by its consciousness of its responsibilities.

M. PALACIOS agreed with M. Orts on this latter point.

An exchange of views then took place as to whether the Commission should insert a paragraph concerning the question under discussion in its observations to the Council or at the end of its report on the petition from the Palestine Arab Women's Congress.

Various texts having been proposed by Lord Lugard, M. Merlin and M. Rappard, *the Commission decided to complete its observations on the report on Palestine by a text to be drawn up at a later meeting.*

TWENTY-SEVENTH MEETING

Held on Wednesday, November 23rd, 1932, at 5.30 p.m.

Islands under Japanese Mandate : Observations of the Commission (continuation).

After an exchange of views, *the Commission adopted its observations on the islands under Japanese mandate (Annex 30), the paragraph regarding military clauses being reserved.*

Togoland under British Mandate : Observations of the Commission.

After an exchange of views, *the Commission decided not to make any observations on Togoland under British mandate.*

Palestine: Petition, dated January 28th, 1932, from the Palestine Arab Women's Congress (continuation) : Question of including in the Commission's Report a Reference to the Legislative Council (continuation).

M. VAN REES, returning to the question left over from the previous meeting — viz., what form should be given to an observation on the institution of a Legislative Council in Palestine to be inserted in the Commission's report to the Council — recalled that the report adopted by the Commission last year had contained a special observation which ran as follows :

“ The Commission welcomed the statement by the accredited representative that the mandatory Power, in accordance with the declaration of October 1930, intended to set up a Legislative Council. ” ¹

Without attaching too much importance to the statement that the Commission “welcomed” the declaration in question, which was contradicted rather than confirmed by the Minutes of the twentieth session, M. Van Rees emphasised the fact that, far from being of any use at all, the insertion in the report to be communicated to the Council in the near future of an observation similar to that in the previous report, could not fail to be interpreted in a manner likely to harm the present High Commissioner's efforts to bring the Arabs and Jews to a long-desired agreement.

In fact, how could this new intervention be explained, except as a sign of the Commission's impatience to see the Legislative Council set up as soon as possible ? The question arose whether the mandate, particularly in Article 2 which had been quoted, compelled the mandatory Power to set up this institution, before the country would benefit from such a step. Whatever the Commission might say, the reply was bound to be in the negative, as appeared clearly from the report of the Commission itself submitted to the Council after its seventeenth session in June 1930. Why therefore insist, or at least give the impression that the Commission insisted, on the premature creation of this institution of self-government ? M. Van Rees could find no peremptory reply to this question. Personally, he was convinced that the creation of a Legislative Council, before the conditions in the country made it feasible, would be an unfortunate mistake and opposed to the interests of Palestine. He had no doubt that such a step would not fail to revive all political passions. He therefore declared himself strongly opposed to any such observation as his colleagues appeared to be prepared to submit to the Council. Such a step would only lead to disillusionment, unless the mandatory Power was wise enough to realise the importance of the consequences resulting from too hasty action.

Lord LUGARD said that he thought that the Commission could hardly pass over in complete silence the very important announcement made by the High Commissioner, but it was not necessary to express any opinion upon it, in view of the divergent opinions of members of the Commission.

M. PALACIOS did not understand why the Mandates Commission, since it had recommended the creation of a Legislative Council in Palestine to the Council of the League a year ago, should say nothing about the matter this year. Contrary to the fears expressed by M. Van Rees, he did not believe that the creation of this new body would re-awaken political passions.

They were already aroused. But, in any case, the aspirations of the Arabs to self-governing institutions, to which reference was made in the mandate, was a fact. M. Palacios thought

¹ Minutes of the twentieth session, page 231.

that, for the Commission, even in view of a definite statement by the mandatory Power, to appear to take no further interest in the problem, or still more to advise a slowing down in that connection, would have an unfortunate effect on a large part of public opinion.

COUNT DE PENHA GARCIA considered that the Commission would not be repeating itself if it submitted an observation this year similar to that of last year. Doubtless the words of the observation would be more or less the same, but they would have been spoken by different people. This fact was of great importance, and the Commission should not appear to overlook it.

M. RAPPARD would also have preferred the Commission not to mention this question. For the reasons given by M. Van Rees, he thought the observation contained in the draft was inopportune. But, if the majority of the members were in favour of the observation in question, it did not seem that the Mandates Commission could refuse to note, without commenting upon it, a declaration made by the accredited representative.

M. MERLIN said that, having made his observations and in order to facilitate the adoption of a single resolution by the Commission, he withdrew the proposal he had made during the previous meeting.

M. PALACIOS agreed on the whole to the report submitted by M. Rappard, but proposed to insert between the fourth conclusion and the fifth (which would thus become the sixth) the following new conclusion :

“ 5. With reference to the part of the petition concerning institutions of free government, the Commission repeats the recommendations it made in similar circumstances, while continuing to place its confidence in the mandatory Power.”

He thought that this formula made it possible to mention the question of free government, while leaving to the mandatory Power full responsibility for any measures it might take.

M. RAPPARD thought it would be very difficult to add this conclusion to his report. It would only be possible if the petitioners had expressly asked for the creation of a Legislative Council. But in the seventh point of the petition, they claimed their independence and the abrogation of the Balfour Declaration. The solution contained in conclusion No. 5 appeared to be the simplest ; it would be seen that there was no reference to the Balfour Declaration in this conclusion, although it had been expressly mentioned in the seventh point of the petition. There were even stronger reasons for not alluding to the Legislative Council, which was a point the petitioners had not raised.

M. PALACIOS bowed to the opinion of the majority, provided that the opinions expressed by the various members of the Commission were inserted in the Minutes.

M. ORTS was opposed to the adoption of the text for the reason he had given at the previous meeting and which M. Van Rees had just developed further.

After an exchange of views, *the text proposed during the previous meeting was adopted with slight amendments, M. Van Rees maintaining his point of view.*

TWENTY-EIGHTH MEETING

Held on Thursday, November 24th, 1932, at 10.30 a.m.

Cameroons under French Mandate : Examination of the Annual Report for 1931.

M. Besson, from the Ministry of Colonies, accredited representative of the mandatory Power, and M. Marchand, Commissioner of the French Republic for the Cameroons, came to the table of the Commission.

WELCOME TO THE REPRESENTATIVES OF THE MANDATORY POWER.

The CHAIRMAN welcomed M. Besson and M. Marchand. He invited the accredited representative to make a general statement, if it were so desired, on the administration of the Cameroons under French mandate during 1931.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

M. BESSON made the following statement :

I think it will facilitate the Commission's work if I make a very brief statement with regard to the situation of the Cameroons in 1931.

It is a matter for congratulation that circumstances have enabled the Governor, M. Marchand, to be here with me to-day. Everyone knows how much I appreciate his collaboration and his experience in Cameroons problems. It is still more a matter for congratulation as his presence here is a tangible proof that the threats to his health which compelled him to return suddenly to France this summer have entirely disappeared.

The Cameroons is certainly a favoured child of fortune, for when M. Marchand returned to Paris for reasons of health, circumstances made it possible for M. Bonnacarrère, with whose work in Togoland you are all familiar, to take over the government of the Cameroons at Yaundé in the meantime.

Life in the Cameroons in 1931 was, of course, dominated by the crisis. The French are very fond of analogy and logic. During this statement, I shall establish a parallel between the situation in Togoland and the situation in the Cameroons. The question to-day has, indeed, the same aspect. The same economic crisis, due to the same causes and calling for the same remedies, has led to a fall in the purchasing power of the natives.

The general trade of the Cameroons, which, in 1930, was 167,970 tons, or 309,645,000 francs, fell, in 1931, to 119,744 tons or 117,000,000 francs, a decrease of 28 per cent in tonnage and 38 per cent in value. Imports amounted, in 1930, to 112,975 tons, or 136,833,000 francs, and, in 1931, to 89,400 tons or 82,133,000 francs. Exports fell from 54,988 tons (172,852,000 francs) in 1930 to 30,338 tons (104,368,000 francs) in 1931.

The information I have been able to obtain with regard to the first six months of 1932 shows that the crisis had not abated during that period and that there was a relatively large fall in exports. Owing to the measures taken to meet the crisis, however, the Cameroons appears to be withstanding its effects as far as possible.

The measures adopted are similar to those taken with regard to Togoland. They consist chiefly in the successive reduction of railway tariffs on the transport of goods and the lowering, by decree, of the official prices adopted as a basis for the settlement of *ad valorem* duties, an improvement in the goods produced with a view to increasing exports to the European markets and, finally, the creation under a Decree of June 4th, 1931, of an agricultural credit bank.

Measures were taken in the home country under the protective laws enacted on March 31st, 1931, setting up compensation funds for rubber and levying special taxes on the import into France of coffee, cacao, manioc and tapioca, and more recently on bananas.

The economic situation has, of course, led to a decrease in budgetary receipts. The figures I have been able to obtain with regard to the final position in 1931 show that the receipts of the special budget amounted to 57,000,000 francs, while expenditure was about 62,000,000 francs, and there was a deficit of 4,800,000 francs. On the other hand, the public health budget shows a surplus of 300,000 francs and the railway budget a small deficit of 400,000 francs. The reserve fund amounts to 10,075,000 francs, from which must be deducted the deficit for 1931, amounting to 4,800,000 francs.

Consequently, the financial situation is not altogether unsatisfactory, especially as the 1931 budget provided for considerably reduced expenditure. Thanks to this reduction, it has been possible to fix the 1932 budget at 62,000,000 francs ; as compared with 1931, therefore, a total diminution of 21,000,000 francs, including the additional budgets, has been effected. We have thus made the maximum effort, which is specially meritorious in view of the difficult situation.

As you are aware, the French Parliament has voted a colonial loan. The portion for the Cameroons was realised in April 1931 and amounted to nearly 15,000,000 francs. The second portion, realised on August 2nd, 1932, amounted to 10,800,000 francs.

The financial situation can therefore be considered as almost adjusted. Thanks to these measures and to the very careful administration of its finances, the Cameroons will be able to meet the existing difficulties.

FRONTIER BETWEEN THE CAMEROONS UNDER BRITISH MANDATE AND THE CAMEROONS UNDER FRENCH MANDATE (*continuation*).

M. ORTS enquired what was the position with regard to the demarcation of the frontier between the Cameroons under French mandate and the Cameroons under British mandate.

M. BESSON stated that negotiations had been opened some months previously between the Governments concerned, as a result of which a frontier Delimitation Commission had been set up in Paris in the early summer of 1932. The French Government had purchased the necessary material for this mission, and officers and assistants were embarked at Marseilles, but the mission was then postponed in deference to the desire of the respective local authorities, who preferred, for financial reasons, to postpone the delimitation work.

M. MARCHAND explained, in reply to a further question by M. Orts, that a preparatory commission had first fixed the position on the spot and, in principle, the conditions in which the joint Delimitation Commission should work. The latter must, nevertheless, have some freedom of action and power to make new proposals should the situation at particular points of the proposed frontier call for them. It was understood that, when the joint commission set to work, any alteration in the frontier would be brought to the notice of the League of Nations. There could, however, only be minor changes.

BILATERAL CONVENTIONS APPLIED TO TERRITORIES UNDER MANDATE.

The CHAIRMAN read a note on this subject (Annex 3).

ECONOMIC EQUALITY.

The CHAIRMAN pointed out that at the last session ¹ the Commission had discussed the question of the port dues at Duala, which appeared to constitute a discrimination inconsistent with the principle of economic equality. To satisfy the Commission, however, the annual report (page 64) contained an extract from the Agreement of September 3rd, 1931, which replaced the 1925 Agreement, with regard to the transport by sea of personnel and material on the west coast of Africa. The Chairman thanked the mandatory Power for complying with the Commission's desire.

M. RUPPEL noted, with regard to the exemption of certain French shipping companies from port dues at Duala, that the 1925 Agreement, to which reference had been made last year,² had been replaced by an Agreement dated September 3rd, 1931. He asked which shipping companies operated a regular service between Europe and the Cameroons, and how the Duala traffic was divided between the different companies calling at the port. Under the Agreement, the companies enjoying exemption from port dues were required to make a minimum number of departures annually. Was this number the same in the Cameroons as in the French colonies on the west coast of Africa? Nothing was said in the report with regard to the transport of mails. Was this reserved exclusively to the concession-holding companies, and did they all receive the same allowance? It seemed to him that, for the duration of the 1931 Agreement, all mail and cargo boats belonging to the beneficiary companies would be exempt from port dues, even if they did not transport goods for the Government. All this led M. Ruppel to think that the Agreement of September 3rd, 1931, should be examined carefully from the double standpoint of economic equality and the safeguarding of the interests of the territory under mandate.

As regards the first point, M. Ruppel expressed serious doubts whether the advantages accorded to certain French companies were consistent with the principle of economic equality. It was true that if, in interpreting this principle, a very wide significance were attributed to the expression "essential public services", a different conclusion might be reached. From the point of view of the mandated territory, however, he wondered whether the loss to the territory in port dues, estimated at about 200,000 francs, did not represent too great a disadvantage in comparison with the services rendered by the beneficiary companies.

M. BESSON explained that the companies whose vessels served regularly the west coast of Africa, and some of which called at the port of Duala, were the Chargeurs Réunis, the Compagnie marseillaise de navigation à vapeur, the Compagnie de navigation Cyprien Fabre, the Compagnie générale de navigation à vapeur, the Compagnie Woermann, the Compagnie hollandaise and the Calabar Express Line.

The 1931 Convention contained no provisions with regard to postal traffic. It related only to the transport of personnel, animals and material for the colonial administration between France and the French possessions and territories under mandate on the west coast of Africa. If the matter were examined more closely, it would be seen that the shipping companies had very strict obligations towards the State. These companies were bound to provide for a certain number of voyages a year, either with their own or other boats, to keep to certain itineraries, and to carry the personnel of the Administration on special conditions. They could not refuse to take ammunition and dangerous articles, money, gold bullion, etc., consigned to the Administration of the territory. The mandatory Power therefore considered that these companies performed an essential public service, and that the obligations imposed upon them were set off by the dues levied for their benefit. The minimum number of departures per annum was eighteen, as in the case of the other mandated territories and territories under French sovereignty in West Africa. There were no special obligations with regard to cargo boats, but obviously material for the Administration could equally well be carried by mail boats, and the only cargo boats exempt from dues were those carrying material or personnel for the Administration.

¹ See Minutes of the twenty-first session, page 124.

² See Minutes of the twenty-first session, page 133.

M. RUPPEL was under the impression that the Agreement of September 3rd, 1931, had been concluded rather in the interests of the French colonies.

M. MARCHAND replied that it was equally beneficial to Togoland and the Cameroons under French mandate: these two territories would never have been able to obtain such favourable conditions for themselves, except by the payment of a subsidy which might have been still heavier.

In reply to an observation by M. Van Rees, M. BESSON explained that the Agreement of September 3rd, 1931, was only the 1925 Agreement renewed. As had already been stated, it contained no special clause with regard to postal services, as these services were arranged between the colonies and the Ministry of Posts. Postal transport was, however, not necessarily reserved for French companies.

M. MARCHAND pointed out, in this connection, that the names of foreign companies whose ships had taken mails on board at Duala would be found on page 38 of the report. The Berne Convention which, of course, allowed no flag discrimination, was applicable to this kind of transport. The Director of Posts at Duala divided the mails between the various ships, and endeavoured to obtain the most favourable conditions without distinction of nationality but subject to a study of their time-tables and routes.

M. VAN REES asked whether French cargo boats carrying neither personnel nor animals nor material for the Administration were exempt under the 1931 Agreement.

M. BESSON said he thought he could say that this was not so.

M. RUPPEL asked for further information with regard to the method of awarding tenders, referred to on page 63, and works under contract mentioned on page 36 of the report.

M. MARCHAND explained that part of the work mentioned on page 36 of the report had been executed by the State public works services and the remainder by a private undertaking with which the Administration had a four-year contract. He explained that, in order to bring a contractor to the territory, it had been necessary to guarantee a minimum amount of work for each year of this period. Subsequently the territory, having found the work satisfactory, had increased the figures. At the expiration of the period covered by the initial contract, however, it had reverted to the system of tenders as, in the meantime, several contractors, had settled in the territory.

M. RUPPEL noted that it was stated on page 37 of the report that "on July 4th, 1929, after being offered competitively, the concession for the public distribution of electric power to the town of Duala was awarded to the Colonial Electric Power Distribution Company". He asked whether this service had been put up for tender.

M. MARCHAND replied that the Colonial Electric Power Distribution Company had come to the territory in consequence of an invitation for offers by the Colonial Ministry. The agreement with this company stipulated that the Government should provide it with the necessary land for the erection of its equipment. After forty years, the land and the installations would, however, revert to the territory. In return, the company was guaranteed a certain annual consumption.

Strictly speaking, this service had not been offered for tender, but a concession had been granted, M. Marchand emphasised, after offers had been invited. The law of 1906 which regulated public concessions for electric installations was applicable to the territory under mandate, and did not prevent a Governor from making contracts by mutual agreement. M. Marchand had thought it preferable that the distribution of electric power in the town of Duala should be settled through the Ministry, which had accepted the best offer.

M. RUPPEL, referring to the security which all French nationals and foreigners were required to give when entering the territory, said that the erratum to the Decree of June 30th, 1931, reproduced on page 117 of the report, gave him entire satisfaction.

DEPOSITION OF THE CHIEF N'JOYA AND QUESTION OF THE APPOINTMENT OF A SUCCESSOR.

The CHAIRMAN referred to the incidents described on pages 24 and 25 of the report which had led to the provisional internment at Yaunde of the Chief N'Joya, who had been reigning for more than twenty years over the Bamun country. The property of this chief had been sequestrated and would be administered by his representatives. Moreover, the Administration accorded him an annual pension of 24,000 francs. These steps had apparently restored tranquillity in the Bamun country.

He asked the accredited representative whether he was able to give any other information on this subject and to state in particular by whom the Chief N'Joya had been replaced and whether the Administration intended to reinstate N'Joya after his sentence had been served.

Lord LUGARD said he was particularly interested in the fate of N'Joya, a very remarkable personality who, he believed, had invented an alphabet for reducing his language to writing and had prepared a very original map. It appeared that N'Joya had refused to obey instructions, but he would be happy to know that there was some hope of his reinstatement.

M. RUPPEL had read with regret that the Administration had found itself obliged to depose N'Joya, who, during the period of German occupation, had proved a model chief. Why had the present Administration felt itself bound to take this step? Had there been a judgment of the courts or had N'Joya been deposed simply by an act of the Administration?

M. MARCHAND explained that the position of N'Joya had become very shaky in the last few years. N'Joya was a man of worth: in one sense he was a rather remarkable man because he was the only one of his kind in the Cameroons. He had been very loyal to the German Administration and had also been highly esteemed at the outset by the French Administration. The Administration indeed had been so pleased with his services that it had felt unable to withdraw his prerogatives as a petty king having power of life and death over his subjects. In this connection, M. Marchand said that the Administration never with a light heart abandoned any system of indirect government; it only did so when the population showed hostility to it. That was what had happened at Fumban, where the natives had made a formal request to be placed under the direct administration of the Administrator of their district. He had hesitated long before taking this step but, owing to a series of incidents which had occurred in 1925 and to other occurrences in 1931, he had been obliged to proceed to Fumban, which he found in a state of some excitement. There he had received a visit from native chiefs, including even N'Joya's brother. These notables had vehemently demanded the deposition and banishment of their sultan. M. Marchand had endeavoured to calm them and had reminded them of the respect they owed to their ex-sovereign. His efforts had been useless and he had been told that the departure of N'Joya was the only way in which an end could be put to the trouble. He had then summoned N'Joya who, before the Assembly of the chiefs, had admitted that he had lost the confidence of his subjects. N'Joya had agreed to abdicate, but had asked that he should not be sent away from Fumban. His continued presence in that town, however, which his following would have rapidly transformed into a nest of intrigue, appeared to be impossible. M. Marchand had invited N'Joya to proceed to an estate which he possessed in another part of the territory, but N'Joya refused to go there. M. Marchand had then decreed that he should be interned subject to the approval of the home Government. The necessary approval was given. At present, N'Joya was residing at liberty at Yaunde, where he received a pension of 24,000 francs per annum.

It was obviously regrettable that things had come to such a pass, but with increasing age N'Joya had become a sort of petty tyrant. M. Marchand's successor would take steps to replace N'Joya, if he considered it advisable. M. Marchand noted, however, that since N'Joya's departure the region of Fumban had become prosperous, and that coffee plantations had been established there which were yielding excellent results.

In reply to Lord Lugard, M. Marchand explained that, though N'Joya had many sons, it would perhaps be dangerous to appoint one of them as his successor, for disputes would arise between claimants. It was therefore possible that the Fumban region would in future be placed under direct administration.

SITUATION OF WOMEN IN THE TERRITORY. POLYGAMY.

Mlle. DANNEVIG said she had heard, from several sources, of the sad lot of native women in the Cameroons; widows, in particular, formed part of the inheritance left by their husband and became the property of the heirs. Could the Administration do something to improve their situation?

M. MARCHAND explained that this practice was connected with polygamy in general. According to the spirit if not the letter of the mandate, the mandatory Power was bound to endeavour to preserve native customs in so far as the latter were not contrary to morality. Though the fact that polygamy existed in the Cameroons was unfortunate, the Administration could not do better than rely on time itself to bring about the necessary change. It should be noted, however, that polygamy was intimately connected with the economic condition of the country, since women there were the agricultural labourers. Present circumstances, moreover, tended to counteract polygamy because it was becoming increasingly difficult for a man to keep several wives. Finally, for some time now, women had been able themselves to sell in the market the produce they gathered in the forest and thus possessed a means of gaining their freedom from the marital tie by repaying their dowry.

Mlle. DANNEVIG said she could not exactly see how the practice to which he had referred was bound up with polygamy.

M. MARCHAND explained that monogamous natives were generally Christians and naturally did not practise the custom in question. The Administration was endeavouring to combat that custom and, as he had already pointed out, a woman who did not desire to pass as a hereditament to the family of her deceased husband could obtain her freedom by selling the produce she gathered in the forest.

Mlle. DANNEVIG concluded from her own information and from the data which had been supplied by the accredited representative that, under the dowry system in force in the Cameroons, the widows of that country were veritable slaves. At a very tender age, perhaps, they were sold to the highest bidder and, after their husbands' death, could only obtain their freedom by paying a relatively considerable sum. That, she repeated, was slavery, a state of affairs which was not tolerated by the mandate.

M. MARCHAND said with regard to the marriage of young native girls that the Administration had fixed a minimum limit of fourteen years. The law on this point was applied very strictly and several offenders had already been severely punished.

In reply to M. Merlin, who asked how the Administration ascertained the age of young girls sought in marriage, M. Marchand explained that a register of civil status had been established in the territory. Moreover, any medical officer could quite easily tell the approximate age of these young girls. In any case, the customs of which Mlle. Dannevig disapproved — and her disapproval was of course shared by the Administration — were not confined to the Cameroons territory. He added, moreover, that divorce existed in the territory, so that the wives were able to regain their freedom and marry again.

M. ORTS desired, after hearing M. Marchand's explanation of the general attitude adopted by the mandatory Power with regard to the problem of polygamy, to make it clear that this attitude was considered by certain members of the Commission as being that resulting from experience gained in all African colonies. Each time that a frontal attack was made on polygamy, failure had been the result. The sole outcome of the efforts made was that the institution it was desired to suppress, the evil it was proposed to root out, took on another form. The statement made by the head of the Administration of the territory to the effect that polygamy could only be suppressed gradually, by the action of economic forces and by encouraging the social emancipation of women, gave M. Orts personally full satisfaction.

M. MERLIN said that, in addition, Moslem law itself provided in certain regions that the brother of a deceased husband could and even must marry the widow. Probably in the Cameroons, where customs must to a considerable extent be influenced by Mohammedan concepts, the aim of the curious custom that the widow should pass as an inheritance to the children, had no other object than to ensure her maintenance.

M. BESSON said that he had had an opportunity of collaborating with the Committee of Experts on slavery and that the conclusions reached by that Commission were absolutely the same as those put forward by M. Orts.

Mlle. DANNEVIG noted the statement of M. Marchand that he disapproved of the customs to which she had called attention and hoped he would follow them with a watchful eye.

NATIVE ADMINISTRATION : METHODS OF DIRECT AND INDIRECT ADMINISTRATION.

COUNT DE PENHA GARCIA praised the elasticity of the organisation explained in Chapter I of the report. He wished to know what was the exact meaning of the following paragraph in this chapter :

“ The representatives of the mandatory Power and of the native population participate in various degrees and in various capacities, but on an equal footing, in the management of public affairs. ”

He did not understand very well the meaning of the equality in question.

M. MARCHAND explained that the opinions of the natives were always recorded in the Minutes of the meetings of the councils of which they were members in the same way as the opinions of the Europeans alongside whom they sat.

In reply to various questions by M. Ruppel, he explained that, with the exception of some individuals, the 3,200 native police and militiamen referred to in the report were natives of the territory itself.

The two native notables who sat (page 5) with the high officials in the Administrative Council gave advice which was very valuable to the European officials. One of these notables was a former native schoolmaster who had been employed by the German administration, and who had subsequently organised a remarkable forestry enterprise. The other was chief of a district who had previously been much esteemed by the German authority and whom the French administration had retained in his position, which they had even strengthened.

M. RUPPEL drew attention to the following passage in the report (page 6) :

“ Certain hereditary chiefs no longer regard their rights as deriving from their origin, but consider that their powers issue from the fact of their investiture by the mandatory Administration. ”

That was an extremely interesting psychological development. Did this remark also apply to the great sultans and lamidos of the North ?

M. MARCHAND replied in the affirmative. The lamidos had recognised that they could no longer conserve absolute power. Realising that the Administration was opposed to arbitrary acts, they had thought it wiser, in principle, to range themselves on its side. They had become higher executive agents of the Administration. The Administration had maintained the former chiefs and, up to the present, the question of their succession had not arisen. In principle, when the Administration had to make a choice, it based that choice on the wishes of the people and gave due consideration to the acquired rights of possible successors.

M. RUPPEL noted that the Administration had withdrawn the Kirdis from the domination of the Fulbes. This would seem to be a very happy decision. Had it produced good results ?

M. MARCHAND explained that the Fulbe chiefs were rather inclined to regard the Kirdi tribes as a reserve of slaves. The Administration had therefore endeavoured to get into direct touch with the Kirdis, who had taken refuge in the mountains. At the beginning, the Administration had had to adopt somewhat energetic measures. Being convinced, however, that the Kirdis were more frightened than savage, it had ordered that the penetration into their country should be conducted on absolutely peaceful lines.

The system adopted was the following: In the mountains inhabited by the Kirdis, permanent posts were maintained commanded in every instance by an officer. These detachments, however, who were provided with highly modern arms which gave them if necessary an overwhelming superiority over the natives, who were only armed with bows and arrows, considered it preferable to rule by personal contact and persuasion. As a matter of fact, the Kirdis were establishing more frequent contact with the troops. This process would take a long time, but a certain amount of success had already been obtained. The task was a delicate one and M. Marchand desired to pay a tribute to the political skill of the officers and staff doing the work.

M. RAPPARD was struck by the fact that the Administration was evolving on opposite lines in Tanganyika and in the Cameroons under French mandate respectively. In Tanganyika, the Administration was depending more and more on maintaining and even re-establishing a tribal system, whereas, in the Cameroons, the action of the mandatory Power was becoming more and more direct. Was this due to a difference of concepts and doctrine or to a difference in geographical, ethnic and other conditions?

M. MARCHAND replied that the Administration endeavoured, generally speaking, to take the wishes of the population into the fullest possible account. In the Cameroons, it had had to deal with local dynasties which it would certainly have liked to maintain, but from which it had had to break away in order to comply with the desires of the natives. There were still, however, a few petty kings in the country — in particular, one lamido, whom the Administration would probably keep in office until he died. It was possible that, unknown to the authorities, this lamido exercised his power in circumstances that were sometimes not in conformity with the ideas of the Administration, but as, up to the present, no complaints had been lodged against him, the Administration confined itself to keeping as close a watch on his doings as possible.

There was an appreciable difference between British East Africa and the Cameroons under French mandate. The former territory was much richer and more developed than the latter. In the former it had been possible to constitute native areas administered by chiefs. Even in Nigeria, the situation was not the same as that in the Cameroons. In the Cameroons, for instance, there was no ruler equivalent to the Emir of Kano. There could be no doubt that if there had existed in the Cameroons a chief of equal value, possessing the same political and religious force, the French administration would have maintained him in power.

He added that, nevertheless, whenever the French administration found itself in the presence of developed peoples possessing good chiefs, it always followed the system of indirect government, in so far as it was in conformity with the wishes of the people.

PUBLIC FINANCE.

M. RAPPARD noted that the method of presentation of the chapter in the report concerning finance was quite different from that in the report on Togoland. The latter contained retrospective tables which made possible comparisons with the results obtained in previous years. That was not possible in respect of the Cameroons report.

M. BESSON explained that this omission was due to fact that the documents concerning the finances of the Cameroons had been rather late in reaching the Ministry of Colonies. Next year, this chapter would be drawn up on uniform lines in the various reports for the territories under French mandate.

M. RAPPARD drew attention to the changes which had been made in the poll-tax rates during 1931 and the varying information on this subject (see report, pages 7 to 12). It rather seemed that there had been some inconsistency in that respect.

M. MARCHAND replied that the inconsistency was only apparent. In point of fact, the local administration had endeavoured to equalise the rate of the poll-tax between the various groups in the territory, in order to avoid undesirable migrations from one district to another. In 1931, it had revised the rates on the basis of the opinions given by the various administrators. At the same time, the Central Government, being concerned at the effects of the world crisis, had invited the Governors of the colonies and territories to alleviate every kind of charge on the natives. It should be noted, as regarded the Cameroons, that the local administration had already embarked on this course, since it had accorded numerous exemptions from taxation to become operative in 1932. It would be noted in due course that provision had been made for a decrease in the poll-tax in the 1933 budget.

In reply to Lord Lugard, he explained that gradually, as each tribe took to trade, roads and other public works were constructed in its territory. In that case, the natives of the tribe were quite rightly asked to pay a higher contribution. The poll-tax levied on the natives varied roughly between 2 and 3 francs in the poor districts, while it amounted to as much as 30 francs in those which were economically more highly developed.

M. RAPPARD said he had read an account given by one English traveller who had crossed the Cameroons under French mandate. He had stated that the natives had composed songs, the gist of which was that the authorities levied taxes on births, marriages and deaths. They understood, at a pinch, the tax on marriage, but could not see why money had to be paid for birth or for death, two events which hardly depended on the will of the individual concerned. Moreover, he had heard from various sources that the labour or money which had to be provided for the construction of the railways was considered too high.

M. MARCHAND said that the songs against the Treasury were eternal, but that, in any case, no tax was levied on death. At the outset, in order to encourage the agents engaged in drawing up a register of civil status, a duty was levied for each registration. This duty was 50 centimes, except in the case of marriage, when it was raised to 2 francs. That was a system founded on the psychology of the country. The more the system of taxation applied to the natives resembled the system applied to Europeans, the more flattered the natives were. For instance, they were particularly glad that several categories had been established for the poll-tax. The higher the category in which the natives were placed, the better they were pleased. The economic crisis had obviously greatly decreased the natives' capacity to pay, but the Treasury had duly taken this into account.

As regards the construction of a railway, M. Marchand said that the natives had never shown any anxiety to go to the workshops, but, after receiving further explanations, many of them had agreed of their own accord to work there during the construction of the railway from N'Jock to Yaunde. He added, to complete his reply to M. Rappard, that the question of the possible prolongation of the line was a matter for the accredited representative.

M. BESSON, replying to this question, said that a scheme for the construction of a new railway line in the Cameroons was at present before the French Parliament.

M. RAPPARD noted that M. Marchand, questioned as to the desirability of continuing the construction of the railway, had asked M. Besson to reply and that M. Besson had referred the Commission to the Parliamentary debates. The Commission dealt and could only deal with the mandatory Power represented by its responsible Government.

M. BESSON said that the construction of this railway line raised two questions, one of which concerned the population of the territory and the other the finances of France, since, according to the Bill, it would be France that would pledge the loan for the construction of the line. The Mandates Commission was doubtless aware that the Rapporteur of the Finance Commission of the Senate had come to the conclusion that the work should not be undertaken.

In reply to another question by M. Rappard, M. Besson said that the ultimate decision regarding the construction of this railway would in any case be based essentially on the interests of the natives of the territory.

M. RAPPARD noted, in the various items concerning finances, the appearance of a new heading "*Droits constatés*".

Why was this ?

M. MARCHAND explained that these were Customs duties which had been noted, and not paid immediately, on goods placed in fictitious bond.

M. RAPPARD thanked the mandatory Power for having supplied the details regarding the grants made in the territory and even in France in connection with undertakings of interest to the Cameroons. He noted with great satisfaction the generous subsidy accorded to the medical work undertaken by Mlle. Debarge, and very much hoped it would be continued in the future.

M. MARCHAND was sure that, whoever might be Governor at Yaunde, the Administration, recognising the admirable work done by Mlle. Debarge, would not withdraw its support.

M. BESSON noted that, in the year 1932, grants made in France itself did not exceed 25,000 francs.

TWENTY-NINTH MEETING

Held on Thursday, November 24th, 1932, at 3.30 p.m.

Cameroons under French Mandate: Examination of the Annual Report for 1931 (continuation).

M. Besson, accredited representative of the mandatory Power, and M. Marchand, came to the table of the Commission.

PUBLIC FINANCE (continuation).

M. RUPPEL noted from the report (pages 10 and 11) that the receipts of the public health budget were about nine million francs and expenditure eleven million francs. In these circumstances, what was the explanation of the statement at the previous meeting that receipts would exceed expenditure in this budget in 1931 ?

M. BESSON pointed out that the figures contained in the report had been prepared at a time when the final figures were not available. Further, the Administration of the territory had very prudently provided for larger amounts than had actually been expended. The final figures were as follows : receipts, 13,800,000 francs ; expenditure, 13,700,000 francs. There was therefore an actual surplus.

M. RUPPEL asked whether that part of the loan fund for health work was used for the purposes of the ordinary public health budget.

M. BESSON, in reply, gave details with regard to the loan law of February 20th, 1931. Two million and four million francs respectively of the first and second portions had been appropriated to health measures, and these sums had therefore been transferred to the public health budget. Further, it was understood that, as before, certain sums would be placed at the disposal of the mandatory Power to open laboratories and carry out certain studies which could be made only in France. Detailed information with regard to expenditure would be found on page 13 of the report.

AGRICULTURE : CULTIVATION OF COCA.

M. MERLIN noted that the budget estimates for agriculture were 1,349,000 francs in 1929, 1,345,000 francs in 1930, and 1,814,000 francs in 1931. While commending the increase in 1931, M. Merlin would be glad to know whether the credits provided had actually been expended or whether certain of them had been reserved during the year.

M. MARCHAND replied that the expenditure had been kept within the credits provided.

M. MERLIN noted, from the same passage of the report (page 43), that to the above grants was added 1,133,000 francs, representing royalties paid to the territory by a bank of issue. How was this sum divided between the years 1930, 1931 and 1932 ?

M. MARCHAND explained that these royalties had been appropriated to agricultural purposes, and the Administration and Government had been in complete agreement as to the Administration's proposals for the utilisation of these sums. They had been used to start laboratories and schools, a stud farm, a model sheep farm, etc. The entire amount had immediately been used for agricultural purposes.

M. MERLIN noted that food crops showed a normal increase, and that new crops had even been cultivated (page 44). It was added that locusts did not attack the manioc, groundnut and sweet potato crops. It was well known, however, that locusts first attacked the plants which were easiest to eat, and only then passed on to the others.

M. MARCHAND replied that this was not quite correct ; locusts did not attack manioc, the leaves of which contained poisonous matter.

M. RUPPEL noted (page 45) that Europeans had abandoned the cultivation of the cocoa-tree, and that it had become almost exclusively native, whereas in the Cameroons under British mandate Europeans still worked large plantations and derived profit from the simultaneous cultivation of the banana. What had become of the European plantations.

M. MARCHAND said that the European cocoa plantations were very small and their production was hardly more than 150 tons. As a result of the state of the market, this kind of plantation gave very little profit, but the natives, on the contrary, were better equipped to withstand the crisis. They had continued to look after their former cocoa plantations, and had developed them. Certain Europeans were beginning to cultivate the banana ; this was the case as regards a French and, in particular, a German company, which had recently obtained a concession to

develop this product. The cocoa plantations were scattered throughout the lower areas ; they had even reached an altitude of 700 or 750 metres, where they could not be expected to thrive.

M. MERLIN was somewhat surprised that 100,000 coca plants should have been planted in the Chang area. He asked whether it was wise to increase the number of coca plantations when cocaine was everywhere being restricted.

M. MARCHAND explained that coca was not grown for export purposes. It was an ornamental plant simply used to surround gardens. On the other hand, the central pharmaceutical services had always suggested that plants used for pharmaceutical purposes should be acclimatised. The coca in question in this case was only that used in the preparation, not of cocaine, but of certain tonic wines of which kola and coca were the chief ingredients. Moreover, this was an entirely European plantation, and there was no reason to fear that the natives would develop such plantations.

Lord LUGARD feared that there would be a great danger to the natives themselves in increasing the number of coca plantations near them. There was a danger that the plant might be used for purposes other than that to which M. Marchand had referred. At Duala in 1915 or 1916 he had himself observed a quantity of coca bushes, which had been immediately cut down.

M. MARCHAND replied that at the present time the only shrubs in Duala were hibiscus, a quite inoffensive ornamental plant, which the natives cut carefully. He repeated that they had no idea of planting coca, from which they would be incapable of extracting the alkaloids. The only object of cultivating the plant mentioned in the report was to make hedges round gardens, such as the Government garden at Yaunde. If coca were intended for export, only a very small amount would be cultivated as in the case of " yohimbine ", a stimulant used by European chemists. The sales of this substance amounted only to half a ton a year.

Lord LUGARD, stressing his previous observation, feared that if the native learnt the nature of the extracts to be obtained from this plant it might result in serious harm, just as the natives had recently learnt to distil palm-wine in order to obtain alcohol.

M. MARCHAND replied that it was for this reason that the Administration had prohibited the use of stills, so as to prevent the distillation of alcoholic beverages. The Administrator was most vigilant, and should he come across any abuse of coca he would deal with it immediately, as had been the case with hemp.

Lord LUGARD feared lest it should then be too late.

M. MARCHAND did not agree. The Administration had already succeeded in preventing the cultivation of hemp, on noticing that the natives were acquiring the habit of smoking it.

M. MERLIN explained his observation applied to the future. The real danger was not to the persons on the spot, but in connection with export. The natives would certainly be unable to obtain alkaloids from coca. M. Merlin was glad to hear that the Administration had no intention of cultivating it on a large scale.

M. Merlin noted that in the Cameroons, as in most of the colonies, bounties were paid on export. The French Parliament had introduced a surtax on coffee and rubber imported into France, and the proceeds of this surtax were appropriated to a special fund paid over to the producers in the territory in proportion to their exports. What was the total sum thus returned to the Cameroons ?

M. MARCHAND had as yet no information on this matter. The territory had made an advance to the producers, but the figures would not be available until the Customs authorities of the mandatory country had prepared a statement of account.

M. MERLIN said it would be interesting to know the extent to which the territory's production had been assisted in this manner.

CO-OPERATIVE SOCIETIES.

M. MERLIN observed that it was a matter for congratulation that an agricultural credit institution, with co-operative societies for the purchase of material and the sale of products, had been created. How had these organisations been received by the natives ?

M. MARCHAND replied that they had received a very favourable welcome. It might have been supposed that the co-operative system was beyond the mentality of the natives, but the understanding that they had shown was astonishing. The institution in question was working under the supervision of an administrator, who was honorary president and at the same time observer to the Commissioner of the Republic.

M. MERLIN thought the institution was of too recent origin for the results to be known.

M. MARCHAND said that the Administration would not fail to include in the next report information in regard to this question.

M. MERLIN asked what was the business turnover of the co-operative societies, and whether the results had been disappointing.

M. MARCHAND replied that these societies were assisted by a special levy on the natives, who paid it at the same time as their taxes. The native was quite capable of withholding from the chief what ought not to be paid him. The sums thus obtained were deposited in the bank and were only withdrawn against a cheque signed both by the Administrator and the native chief. The balance-sheet of the co-operative society was sent to the chief town of the district every three months.

M. MERLIN considered that, as the agricultural credit co-operative societies had only recently been instituted, they should be followed very closely. He had read the papers relating to these organisations, and they appeared to be satisfactory. But the co-operative societies did not always work equally satisfactorily; undertakings accepted in good faith were not always carried out.

M. MARCHAND said that the co-operative societies were very strictly supervised.

Lord LUGARD noted that M. Merlin had referred to economic co-operative societies for the purchase of goods and the sale of produce, and it appeared that these were the only co-operative societies which existed. Had the creation of co-operative societies of another kind not been contemplated? In Europe and in other places, such as India, there were societies for thrift, for "better-living", school attendance, etc. Had this method for the promotion of the social and moral well-being of the natives been considered?

M. MARCHAND replied that the Administration had not had to encourage such private groups for mutual assistance, for they had been started from time to time to the satisfaction and personal profit of the organisers, who retained for their own use the contributions levied. The Commission would remember that last year there had been a petition from several young natives of this kind, who were astonished that legal action had been taken against them.

Lord LUGARD asked whether it would be possible to organise these co-operative societies under a trained Registrar with experience among coloured races.

M. MARCHAND replied that these societies were set up without the authorisation or knowledge of the Administration.

M. BESSON added that this did not apply to the educational self-help societies, which worked very well and were supervised by the Administration.

Lord LUGARD asked whether the natives subscribed voluntarily to these self-help societies, or whether the Administration had brought pressure to bear on them. Could they manage these societies themselves?

M. MARCHAND explained that, generally speaking, the natives had realised the value of the co-operative societies, after some preliminary resistance, especially as at the beginning certain societies had provided their members with tools. They had also realised that these societies could purchase lorries, which made it possible to do away with portorage.

CHAMBERS OF COMMERCE.

M. MERLIN asked whether there had not been some difficulty at the time of the election of the chambers of commerce.

M. MARCHAND replied that they had always worked as well as was possible, especially in new countries. Their relations with the Administration depended for the moment upon the attitude of their leaders. Some chambers of commerce sometimes protested against taxation, without realising that the Administration, which was obliged to take measures exclusively in the general interest, could not take into consideration as much as it might like to do private interests. Speaking generally, the disputes which arose were being settled.

FORESTRY.

Pages 52 and 53 of the report drew attention to the measures taken to prevent the forests from disappearing. Two methods were contemplated: the formation of forest reserves and the formation of groups for protective purposes in the most threatened spots. The method of grouping reserves was empirical; the forest grew up again anyhow with a mixture of species, the most valuable being smothered under the worst varieties. M. MERLIN asked whether the forests were restored to their previous state or whether replanting was carried out methodically.

M. MARCHAND explained that a reserve had been started at Yaunde. The forestry service was following the results very closely. The chief aim in view was to stop the invasion of bad species and at the same time to make experimental plantations of rare species.

STATISTICAL INFORMATION RELATING TO TERRITORIES UNDER MANDATE.

The CHAIRMAN read a note on this subject (Annex 4).

GEOLOGICAL MAP OF THE CAMEROONS.

M. BESSON handed to the Bureau of the Commission several copies of a geological map of the Cameroons, prepared by the Colonial Ministry.

The CHAIRMAN thanked the accredited representative and congratulated him on the mandatory Power's efforts to open up the territory.

JUDICIAL ORGANISATION.

M. RUPPEL asked whether the Duala court of first instance had jurisdiction over the whole territory.

M. MARCHAND replied in the affirmative. The head of the legal department supervised the legal activities of the district administrators, who had power to pass sentences.

M. RUPPEL referred to the table on page 102, giving the number of sentences pronounced for each class of offence by the racial courts of first and second instance. The mandatory Power had given satisfaction to a request M. Ruppel had made the previous year. The statistics were accompanied by very interesting commentaries (page 19). Would it be possible to have details of the murders, which were very numerous in the northern districts ?

M. MARCHAND explained that, in the north, the murders were committed chiefly by the Kirdis, who had been mentioned that morning. They exchanged blows, performed acts of brigandage, killed one another and attacked hawkers and sometimes the Fulbes. The Administration exercised great vigilance in this matter and had instituted mounted police.

M. RUPPEL noted that there had been fifty-nine murders and only four death sentences.

M. MARCHAND explained that there were often extenuating circumstances. Most of the murders were not premeditated, and occurred, for instance, during brawls. The death penalty was only pronounced when there had been premeditation, armed attack, etc.

M. RUPPEL noted that the natives practised sorcery, especially in the Abong-M'bang district. Under what article of the Penal Code were they punished ?

M. MARCHAND replied that such offences came under the article on secret meetings, and on disturbances of public order.

M. RUPPEL noted that only 715 civil cases had been dealt with by the racial tribunals throughout the territory. As the native love of " palavers " was well known, must it be concluded that most of the civil " palavers " were dealt with by the native courts ?

M. MARCHAND replied that such cases were also settled by the court of conciliation. As the native chief had conciliatory powers, many cases were referred to him without going before the court of second instance. The whole judicial organisation was under the Administrator's supervision.

M. RUPPEL believed the natives chiefs had no jurisdiction in criminal affairs.

M. MARCHAND replied that that was so. Criminal jurisdiction was in the hands of the courts of first and second instance, which sat with native assessors. In addition, the court of homologation in Duala acted most carefully and frequently reversed judgments, either because the penalty was inadequate or excessive, or because the law had been wrongly applied.

In reply to another question by M. Ruppel, M. Marchand explained that the administrative tribunal dealt with all administrative cases, whether the plaintiff was a European or a native. Generally speaking, however, he had, up to the present, been European.

M. RUPPEL observed that the report contained no information with regard to prisons.

M. BESSON noted this question, as in the case of Togoland. It would be dealt with in the next report.

Lord LUGARD asked, with reference to the information given on page 15, what were the duties of the *magistrats de carrière*. The great majority of cases were, he supposed, dealt with by the administrative officers. Did these *magistrats de carrière* supervise the activities of the administrators or reverse their sentences ?

M. MARCHAND replied that the court of homologation consisted of a *magistrat de carrière* with two assessors — an official and a native ; the representative of the Public Prosecutor's Office was the *Procureur*. It reviewed all sentences connected with native affairs throughout the territory.

REGISTRATION.

COUNT DE PENHA GARCIA pointed out that, under a Decree of July 1930 (page 67 of the report), compulsory registration of the natives had been introduced. This was a very interesting step. It seemed, however, that some difficulties had been encountered, as, by a Decree of August 31st, 1931, two articles had been amended. The qualifications allowed for registration officers were somewhat curious. Had the Administration been obliged to recruit them among certain chiefs who had authority but were illiterate?

M. MARCHAND explained that registration had been introduced as an experiment. It had given satisfactory results in certain districts. Elsewhere, the experiment had been premature. When it had been possible to find only illiterate registrars, young students leaving school had been attached to them, and the latter had, in fact, performed the functions of registrar. These secretaries received 50 centimes per entry.

COUNT DE PENHA GARCIA asked whether this salary had given the natives much encouragement to go to school?

M. MARCHAND replied in the affirmative.

POSITION OF WOMEN IN THE EVENT OF DIVORCE OR THE DEATH OF THE HUSBAND.

Mlle. DANNEVIG noted that the most frequent civil cases were divorces and requests for the restitution of dowries (page 19).

M. MARCHAND explained that, on divorce, the woman was required to return the dowry to her husband.

Mlle. DANNEVIG asked whether the payment must be made by the woman or by her family.

M. MARCHAND replied that it was paid by either, but the woman was usually able to pay it. She had only to collect the necessary quantity of palm-nuts in the forest. In a few days she could obtain the sum she desired for this purpose.

In reply to another question by Mlle. Dannevig, who had understood from the discussion about the widows that dowries were often very high, M. Marchand said that the same applied to widows. A widow was transferred by heritage, but she could always refund the dowry and recover her freedom to remarry. It was evident that, on the death of the husband, there was a certain period of uncertainty, during which the inheritor kept the widow and looked after her.

M. MERLIN warned the Commission against a misunderstanding. These women were not in any sense household property. They were held by ties similar to that of marriage. Just as in Europe after divorce or death affairs had to be settled, so with the natives a certain period was necessary to liquidate the accounts and, in particular, the dowry, but during this period the inheritors had to support the widow and her children.

Mlle. DANNEVIG asked whether women frequently took steps to obtain a divorce, and were actually able to pay back their dowries.

M. MARCHAND replied that the practice was increasing. A woman might prefer to remain with the son or the inheritor of the deceased person, but it was easier for her to regain her freedom, if she wished to marry again.

POLICE.

M. SAKENOBE noted that the police forces comprised a native militia and a native guard. Were these bodies trained by French officers?

M. MARCHAND replied in the affirmative.

M. SAKENOBE asked whether recruits to the militia and guard were trained together, since these two bodies had very nearly the same regime.

M. MARCHAND explained that the guards and militiamen were recruited on the spot by the military authorities under a contract. They received almost identical instruction, but not simultaneously. The military training of the guards was less advanced. The militia was required to defend the country in the event of an insurrection, attack by one tribe on another, etc., and to maintain order generally, the guards acting as a kind of gendarmerie.

With regard to another question by M. Sakenobe, M. Marchand said that the members of the militia were engaged for a renewable period of five years. The undertaking was entered into freely, a bonus being paid.

M. SAKENOBE noted that the members of the militia could remain in the service for a period of twenty-five years.

There was an appreciable difference in expenditure on the militia and the guard (page 22). Was this because the militia had more officers and non-commissioned officers, or for some other reason?

M. MARCHAND said that there was also expenditure on military material. In addition, a grant was made to the members of the militia for food.

ARMS AND AMMUNITION.

M. SAKENOBE noted with satisfaction that the regulations with regard to arms and ammunition were very strictly observed in the territory.

ADMINISTRATION OF THE KIRDIS.

Lord LUGARD was glad to see that the Administration had been successful in persuading the Kirdis to settle in the plains and to accept the Administration's authority. He hoped that it would be possible to organise these tribes so that they kept their own chiefs, and were not placed under the authority of Moslem chiefs. He realised the difficulties, for he had experienced them himself in Nigeria. He was surprised, however, to note (page 25) that it had been considered necessary to utilise the influence of the Moslem Fulbes, who were their hereditary enemies. Would it not be possible to organise the Kirdis as a separate community?

M. MARCHAND explained that the Administration was dealing with an unorganised native society and had been obliged to have resort to the existing native chiefs, or those who were considered as less suspect in the eyes of the Kirdis. Moreover, it was difficult to find chiefs capable of administration among the Kirdis communities. This work must be expected to take time.

Lord LUGARD realised all the difficulties, but it was hopeless to approach these independent pagans through Moslem officials. The only way was to approach them directly through Government officials, who in some cases risked their lives in the attempt.

M. MARCHAND said that it was for this reason that the Administration employed the method of peaceful penetration, marked by the permanent presence of officers, frequent inspection, tours by detachments commanded by officers. The natives were beginning, however, to feel the need to submit, and they paid their taxes very regularly. The tax, moreover, was very light.

RELATIONS BETWEEN THE DUALAS AND THE ADMINISTRATION.

Lord LUGARD noted that there had been some trouble among the Dualas (page 26). Had anything serious occurred?

M. MARCHAND explained that certain elements of the Duala population believed themselves to be endowed with a providential mission; they claimed to exercise hegemony over the territory. One of the Dualas had even gone so far as to put forward a proposal to transfer the mandate to the Dualas. A petition had been sent to the Commission, which had, of course, been rejected.¹ One matter which had always been brought up against the authorities, whether German or French, was expropriation. It was now settled, but there was a small number of incorrigibles who persistently claimed certain lands which the German Administration had set aside for town development at Duala. They had found a spokesman in the person of a former coloured agent who, discharged by the Administration and arrived in Paris, had thought to set up a "Cameroons Republic" and had tried to collect subscriptions from the Duala population. The latter had been made to understand that they should not subscribe to such requests.

LABOUR.

Mr. WEAVER noted with satisfaction that new labour regulations were being studied by a commission. Would these regulations apply to all forms of labour, or only to labour on public works?

M. MARCHAND explained that the regulations at present being studied would lay down clearly the conditions governing the requisitioning of labour for public works. The decree of July 9th, 1925, was still in force for private works.

M. BESSON added that the code was based on the principles of the 1930 Decree on compulsory labour.

Mr. WEAVER asked whether it would be possible to have in the next report a summary of the reports of inspecting officials, as was done in the reports of some other mandatory Powers. This would enable the Commission to form a clear idea of the labour situation in the country.

M. BESSON said that this summary would be given in the next report. The policy of the Colonial Department was to introduce labour inspection and better control in this matter.

¹ See Minutes of the twenty-first session, pages 142, 143 and 217.

Mr. WEAVER referred, with regard to wages, to statements appearing on different pages of the annual report, between which he noted some apparent divergence. It seemed that the wage per person per day of workers employed on the construction of a certain road was 1.28 franc, according to the information on page 35, which was much lower than the rate which should be paid according to page 75.

M. MARCHAND explained that a wage of 3.50 francs was paid to permanent railway workers (operation, etc.), and that requisitioned workers (road construction, etc.) were paid according to the cost of living in each district. In the east, where the population was very backward, food was much cheaper and wages were lower than elsewhere — for example, in connection with the construction of the road from Ebolowa to the Cameroons frontier in the direction of Gabon.

Mr. WEAVER asked whether these considerations justified the payment to requisitioned workers of wages much lower than those paid to permanent workers.

M. MARCHAND replied that the conditions of life were different. The permanent worker was not living with his family. He was far away from food-producing land, and had to maintain himself on his wages. In road construction the Administration provided the necessary maintenance for natives in accordance with local conditions.

Mr. WEAVER said that it was obviously impossible for him to judge of the purchasing power of the money wages paid. He hoped that the Administration had not lost sight of the principles already set out in other reports. It was advisable to increase the purchasing power of the worker as far as possible by paying as high wages as possible.

M. MARCHAND said that the Administration endeavoured to raise wages as much as possible. It hoped that it would be able by means of a loan to construct roads, not out of the budget, but out of the loan fund, and it would then be in a position to continue its policy of increasing the rate of pay of the natives.

Mr. WEAVER hoped that the next report would contain a clearer statement of the situation, showing the wages paid for requisitioned work, work undertaken freely and permanent work. He had a similar observation to make with regard to the period of service for forced labour. It was said (page 75) that the usual period was from one to three months. It appeared, however, that about 1,400,000 days of work had been done by 14,600 natives. Some of them might have been workers of their own free will who had longer labour contracts and thus raised the average. That was no doubt the explanation, but it might have been given in the report.

M. BESSON promised that the next report would contain the necessary explanations.

Mr. WEAVER asked how the figure of 2 per cent, representing the proportion of the able-bodied male population employed on public works, had been calculated. He hoped this information would be given in the next report.

M. MARCHAND said that this information would be given.

Lord LUGARD asked what exactly was meant by "able-bodied male population". If it were assumed that 30 per cent of the total population were adult males, what proportion of this 30 per cent could be considered as of labour age and fit to perform regular work? In view of the prevalence of sleeping-sickness, yaws, etc., in the Cameroons, there would be a large proportion unfit. After ascertaining the number of adult males, it would then be necessary to deduct the old, the sick, etc., who were unable to work. The percentage of the population able to work could then be deduced. M. Carde had made a calculation on this matter which was quoted in the Chamber of Deputies, and M. Orts had referred to the question in connection with another territory. Both had deducted 35 per cent from the total adult males on account of sickness and old age. The percentage would probably be higher in the Cameroons. He noted that there were 8,000 employed permanently and 14,600 on short-term contracts and 21,600 in private undertakings. In addition, there was the prestation and a certain migration of labour to the British mandated territory. From what he had heard and the facts in this report, he was left with the impression that the demand for labour weighed somewhat heavily on the people.

M. MARCHAND said that the percentage of the population suffering from sleeping-sickness certainly did not include natives who might be recruited for work. In the districts affected by sleeping-sickness, the roads had not been increased except those giving access to the health centres. The natives were exempt there from taxation, and only on the formal declaration of Dr. Jamot was the tax reimposed on natives who had again become able to pay taxes. If the figure for the male population was agreed to be 30 per cent, only the percentage of adults who could be sent to work would be taken out of this proportion. Workers were only sent to work on the roads or in the workshops after a very severe medical examination. It was clear that the Administration would not wish to pay natives it was obliged to repatriate, if they could do no work. M. Marchand did not think the number of these workers was more than one-tenth of the 30 per cent, which would mean that there was a residue of 3 per cent of able-bodied adults. The 21,000 workers in private industry were free. Their wages were the result

of the law of supply and demand. Migrations between tribes were subject to medical supervision, and a native could not pass from one tribe to another without a medical certificate. The 8,000 permanent workers all worked of their own free will.

Lord LUGARD said that M. Marchand had misunderstood his point. It was already stated in the report that the men were medically examined, and only those were accepted who were free from sickness. His point was that the number so rejected must greatly decrease the number available, and he asked whether the demand was not too great.

M. ORTS pointed out that the problem was one with which almost all colonial administrations in Africa had to deal. He was under the impression that M. Marchand had not grasped the bearing of Lord Lugard's observation. What he had in mind was the social aspect of the problem. It was sometimes asked what was the proportion of able-bodied adult males who could leave the community to undertake work at a distance without greatly disturbing the native social organisation, and an attempt had been made to express this in a mathematical formula.

That formula then gave the Administration material on which to decide whether to authorise or suspend the departure of the men, in accordance with circumstances, when they were requisitioned for public utility works or engaged by private undertakings.

What the Commission desired to know was whether the Administration had laid down any rules in this matter in the Cameroons.

M. MARCHAND replied that hitherto this had been done on a practical basis in the Cameroons. Roughly speaking, the administrative districts had fixed the percentage of able-bodied adults who could be employed on public works. Generally speaking, an authorisation was required for natives desiring to work freely in private enterprises. Without such an authorisation, the native could not leave his district. M. Marchand did not claim that this method of control was absolutely sure, for some natives found means to elude it by escaping, for example, through the forest. On the other hand, the supervision of emigrants, who were obliged to leave by the ports, was easy. Moreover, a surety of 500 francs per person must always be paid. A certain number of persons went to the Cameroons under British mandate, attracted by work in the plantations. The chiefs dealt with this emigration, on however small a scale, as it afforded a means by which young natives could escape from the obligations of the family circle and make their way to large centres, where they would tend to become vagabonds. That was why the Commissioner of the Republic had caused a Decree on vagabondage to be issued. Frequent police raids were made in the centres for the purpose of sending back to their tribes natives who had left without good reason.

M. Marchand thought he had replied to M. Orts' question, unless he desired further particulars. It was for reasons of this kind that registration had been introduced; it became thus easier to trace persons. However, in the present circumstances, it was difficult to follow all the natives who left their homes. It was in order to reply in advance to the anxiety expressed by M. Orts that the administrators had been ordered, at the end of 1931, to make a very careful study of the conditions under which workers could be recruited and the emigration figure which could be allowed without disturbing native life. At the present moment, the results of this study were being prepared at the capital, and they would certainly be embodied in the 1932 report.

M. ORTS asked M. Marchand whether, in speaking of emigration, he had in mind all natives who left their place of origin though not leaving the territory to go abroad.

M. MARCHAND replied that he referred only to natives going away temporarily.

M. ORTS said that, in these circumstances, the reply just given approximated to his question. There were different classes of workers: (1) workers requisitioned for public works; (2) workers in private enterprises which were usually not near the place of origin of the workers; (3) a case peculiar to the Cameroons — relatively extensive temporary emigration to a neighbouring colony. Had the Administration fixed the number of men in relation to the whole male population who could be authorised to leave their tribes for a longer or shorter period without greatly disturbing the social life of the tribe? It should be observed that the present period of economic depression was more appropriate than a period of prosperity, when there was a great demand for labour, to lay down a rule in this respect, in order to prevent the recurrence of the abuse which sometimes occurred in connection with requisitions for public works and recruitment by private employers. M. Orts hoped to find a statement on this matter in the next report.

M. MARCHAND observed that recruitment for private enterprises in the Cameroons was subject to authorisation; consequently, the Administration already exercised supervision. Moreover, the Cameroons had hitherto escaped a labour crisis, and the call for workers, in whatever form, had not caused any trouble in the life of the tribes which need occupy the Administration's serious attention.

Lord LUGARD observed that M. Van Rees had on several occasions raised the question of levies for the repair of roads and had pointed out that forced labour in any form, even for Government work, was prohibited unless remunerated. As a result of observations by the Mandates Commission, that kind of work was now paid for in certain territories. It appeared,

however, from the report that much labour was employed, not only for road repairs, but for new construction. Was this work regarded as essential works for which labour could be requisitioned, and was it all fully paid ?

M. MARCHAND explained that the natives were obliged to contribute ten days' labour a year. That was regarded as a supplementary tax, to which, moreover, the French themselves were liable, though they certainly had the option of paying a sum in lieu of the contribution. The system had been adhered to in the colonies, including the Cameroons. It offered the advantage of permitting of certain useful works being carried out in the vicinity of the villages — drainage, etc. The building of a main road might be regarded as coming within the category of essential public works ; the natives who were recruited were liable, in the first place, to contribute their ten days' labour. They were then kept in the building camp for the three months stipulated in their contract and received pay for that period. During the first ten days, representing the levy, they received no pay, but were given food.

Lord LUGARD asked whether natives were compulsorily employed on the construction of new roads, and, if so, whether they were paid. The question of compulsory labour for the annual repair of village roads had long ago been raised by M. Van Rees in regard to Nigeria, and, though the question only referred to repair of roads between villages and not to new construction, he had maintained that it was contrary to the prohibition of forced labour in the mandate, which went further than the Convention. Since that time, such work had been paid for in Nigeria. Did M. Marchand consider that road construction was an essential public work, and were the labourers paid ?

M. MARCHAND added that the building of roads, which were intended to do away with portage, was in the interests of the natives themselves.

M. BESSON observed that the question had been debated at great length at the International Labour Conference, which had discussed forced labour. Everything had been said that could be said on the subject ; the various Governments had expressed their views, and he thought that the question was no longer of any great interest.

SLAVERY AND THE SLAVE TRADE.

Lord LUGARD noted that there were forty-four sentences for slave-trading in 1931 (page 73). The total number of days in prison amounted to 238, an average of five days per offender, which was very little, though there were heavy fines. It was said on page 74 that the penalties under the law might amount to twenty years' imprisonment and 500 francs' fine. Fines, however, were not a suitable punishment for slave-trading. The table apparently included the slave trade properly so called, and also debt pledging, etc. A distinction between the two classes would be useful. Generally speaking, the penalties seemed to be small.

M. MARCHAND said that the Administration dealt very severely with clear cases of slave-trading. A European presided over the courts. It was very probable that, in many cases, there were extenuating circumstances, but M. Marchand was not in a position to give details.

MISSIONS.

M. PALACIOS noted that, at its twenty-first session,¹ the Commission had been concerned at the strained relations existing between the missions and the Administration. The 1931 report, while containing very interesting information concerning the activities of the various missions in the territory, made no mention of the results of measures which the Administration had no doubt thought fit to take in order to put an end to certain difficulties between it and the missions. Could not the accredited representative give supplementary information on that point, especially as certain statements regarding the work of the missions (pages 69 *et seq.*) seemed to be at variance with what had been said in the 1930 report ?

M. MARCHAND replied that there had not actually been any tension between the Administration and the missions, with which the Administration was on excellent terms. There had simply been a disagreement with a certain mission regarding the application of an order requiring missions to state which secondary mission posts were held by native catechists. In the interests of public order it was necessary to know exactly who were the natives representing the missions in the villages, as the chiefs complained that their authority was being undermined, those representatives having a tendency, it was alleged, to pass from the spiritual to the temporal realm and to transform themselves into petty chiefs. It was owing to complaints of that nature that the French Commissioner had decided to employ a method by which the catechists could be supervised ; but it was necessary first to know who they were. In the beginning, there had been some resistance on the part of the missions. It had only been necessary to discuss the matter and it was soon realised that the Administration did not intend to interfere with their liberty or to infringe their religious neutrality, but that it was simply adopting a strictly objective means of maintaining public order ; moreover, the missions had in the end complied with the order, which was, generally speaking, recognised by practically everybody.

¹ See Minutes of the twenty-first session, page 135.

M. PALACIOS asked whether the rivalry between the missions was abating a little. He had read in the papers of rivalry between the Catholic and Protestant missions.

M. MARCHAND said that it would be going too far to speak of rivalry. There was simply, if he might so express it, competition with a view to results; every mission was anxious to have the biggest flock. One particular mission might be more energetic and, having a bigger staff, be able to make its influence more permanently felt among the natives; but, in the present case, "rivalry" was not the right term.

EDUCATION.

Mlle. DANNEVIG thanked the accredited representative for the receipt of the pamphlets mentioned last year¹ containing the official school regulations and circulars on education. She had read with great admiration of the modern methods adopted for teaching the natives French, and the instruction given to teachers by the Commissioner. Perhaps the arrangement of public examinations was not quite so up to date as regards the singling out of the most capable and valuable men.

She wished to ask a few questions: Were the native chiefs actively interested in the education of the natives? Were they anxious to send their children to school? Had the village schools any influence on village health conditions? Did the doctors engaged in the campaign against sleeping-sickness receive any help by reason of the fact that some women were being educated in rational domestic work and cleanliness?

M. MARCHAND replied that education was very popular among the natives. There was a general demand for schools, but the Administration was crippled by lack of funds. It was doing its best in the circumstances to promote education. Results varied according to the particular case. The natives, for instance, had not yet been brought to realise the dignity and professional obligations required especially of the holder of a post in the Administration; out of the forty-four natives who had been employed in the Postal Department at the beginning there now remained only four. The work would take a long time, and years of administration would be required before the people could be raised to the desired moral level.

As regards the results of education from the health standpoint, it was quite certain that the young men, on returning home, tended to modify the habits obtaining in their villages. They had acquired at school habits of personal cleanliness and cleanliness in regard to their clothes. They had a tendency to imitate the white man, especially in the matter of clothes. They were followed to a certain extent by those in their immediate vicinity. The Administration's decision to prescribe the wearing of uniforms by the chiefs had helped to make the wearing of clothes more general; it was well-known that the natives spoke with contempt of the Bushmen.

The anti-sleeping-sickness campaign, was far too complex a question to have been grasped in all its aspects by the pupils in schools.

Mlle. DANNEVIG observed that, as the overwhelming majority of women received no education at all, there was a danger that, when the educated men returned to the villages, the bad influence of the women might make them revert to their old habits.

M. MARCHAND did not think that that was the case. The lack of enthusiasm shown by women for education was due rather to restrictive action on the part of the men. It would certainly be to the women's advantage to be educated, but it was a very difficult matter, and there had been great difficulty in training women as nurses; they did not persevere.

Mlle. DANNEVIG asked if the task of the Administration might be facilitated if the missions were able to co-operate more actively in its educational and sanitary work among the natives. Were there any special reasons why the missions found it increasingly difficult to train native teachers for their schools? (page 79).

M. MARCHAND replied that the Administration did nothing to prevent the mission schools from extending their teaching, but that probably their European staff was not sufficient. The Administration would welcome any such extension.

Mlle. DANNEVIG had calculated from the figures given in the report that the expenditure on Government schools was about 400 francs a year per pupil, evidently a very high sum. On the other hand, the grants to mission schools amounted to about 1 franc per pupil a year given as a premium on examination results. Why was it considered necessary that subsidies should depend on pupils' success in examinations?

M. MARCHAND said that M. Bonnacarrère would examine the various points when going through the Minutes. The Administration had felt that bonuses should be given for examinations; it might perhaps see fit to examine the problem from a different angle.

The CHAIRMAN directed the attention of the representatives of the mandatory Power to the fact that in the exchange of views now proceeding each member of the Commission was only expressing his personal opinion.

¹ See Minutes of the twenty-first session, pages 136 and 137.

ALCOHOLIC LIQUORS AND SPIRITS.

COUNT DE PENHA GARCIA observed that the table of imports (page 61) showed that there had been a big increase in sparkling wines, liqueurs and distilled beverages, as compared with a marked falling off in wines and beers. There had also been a big increase in imports of mineral waters, which was a good sign. A Decree of May 24th, 1931, grouped in a single text the whole of the legislation applicable to the alcoholic regime in the territory, while keeping to the rules fixed in the Convention of St. Germain. One point in that new Decree seemed rather strange, however. It provided that the opening of a licensed store for alcoholic beverages might be authorised in settlements in which the European population numbered not less than twenty persons, such authorisation being granted also when the total native population exceeded 500 persons. What was the basis taken in deciding on the figure of twenty for Europeans and 500 for natives? The figure for Europeans might lend itself to considerations which were not to the credit of the white race.

M. MARCHAND explained that that was the figure that had originally been fixed. He pointed out that only Europeans were allowed to consume or take away alcoholic beverages. A regulation had been issued fixing the number of Europeans required for the opening of a licensed store at twenty. The drink trade seemed to have been less affected than other trades by the crisis; the Administration had been obliged, somewhat against its will, to yield to demands which, to a certain extent, were legitimate, since it was not supposed to supervise the quantity of liquor that Europeans might absorb. As regards the natives, on the other hand, the Administration was very strict, whatever the circumstances, a fact which had sometimes exposed it to bitter criticism on the part of certain Europeans.

COUNT DE PENHA GARCIA concluded that the trade in alcoholic drinks must be remunerative, since twenty Europeans were enough to bring in a livelihood to the licensee. He thought, and indeed trusted, that strict supervision was at least exercised over the supply of alcoholic drinks to the natives.

M. MARCHAND pointed out that, taken as a whole, imports had dropped very considerably, owing, not only to the economic depression, but also to the campaign against smuggling.

COUNT DE PENHA GARCIA, referring to the question of smuggling, asked whether the agreements concluded with the neighbouring territories were still in force. Reference had been made in previous reports to the difficulties encountered, on the frontiers, in preventing smuggling, which was carried on on a fairly extensive scale, and to arrangements in progress.

M. BESSON said that there had been an exchange of correspondence on the subject.

COUNT DE PENHA GARCIA enquired whether any cases had been discovered of the clandestine distillation of alcohol by the natives.

M. MARCHAND replied that very strict supervision was carried out over the Wuri. Stronger measures had been taken at Duala; the Customs officers had a motor boat and were making illicit trade in alcohol more and more difficult.

COUNT DE PENHA GARCIA observed that the Mandates Commission had sent out a circular¹ on the method of supplying information on the subject of alcohol, etc. Would it be possible in future for the mandatory Power to furnish the information thus requested, which would be of value in compiling statistics and would assist the whole Commission when examining the report?

M. BESSON said that the foregoing observation would be duly taken into account.

PUBLIC HEALTH.

M. RUPPEL noted with satisfaction the increase in the number of doctors as compared with the previous year — thirty-six instead of thirty.

On page 82 of the report, it was stated that, of the diseases notified, there had been 40,500 cases of syphilis and 28,300 cases of yaws. Generally speaking, in the colonies, yaws was much more frequent than syphilis. In the British Cameroons, for instance, in the previous year there had been 6,516 cases of yaws as compared with 260 cases of syphilis. Similarly, in Togoland there had been two cases of yaws to every case of syphilis. Was the explanation of this that doctors now regarded as syphilis cases which had previously been diagnosed as yaws?

M. MARCHAND said that the increase in the number of cases of syphilis notified was due to the fact that the doctors were getting into touch with an increasingly large number of natives and that the mobile squads employed in the campaign against sleeping-sickness also treated cases of yaws and syphilis. He did not think that the doctors had any doubt as to the identity of the various cases, but he would ask them.

M. RUPPEL noted that there were fewer lepers in the Cameroons than in Togoland; their number had, however, doubled and the number of deaths had increased. There was no information concerning the treatment of lepers such as was contained in the report on Togoland.

M. BESSON stated that the next report on the Cameroons would contain a chapter on this subject similar to the chapter which had appeared in the Togoland report for 1931.

¹ See Annex 3 to the Minutes of the twenty-first session, pages 190 to 193.

M. RUPPEL noted (page 86) that the Permanent Anti-Sleeping-Sickness Mission had been abolished by Ministerial Decree dated February 7th, 1931, and had been replaced by a prophylaxis service under the direction of the Head of the Health Service of the territory. This special service had soon been abolished (Decree of July 22nd, 1932) and had been incorporated with native medical assistance, which was henceforward provided by a joint, interchangeable staff under the direction of the Head of the Health Service. Why did the Administration make such frequent changes in the organisation of this service? Was the latter's work not impeded by such numerous alterations?

M. MARCHAND explained that at the outset, a few years ago, difficulties had been experienced in recruiting military medical officers. It had been found necessary to create a permanent mission, encourage doctors to come to the Cameroons and grant them special advantages. As the disease was attaining its peak of virulence, it had been necessary to accord the head of the mission certain autonomous powers so that, under the first Ministerial Decree, he had been placed under the direct orders of the Governor instead of under the authority of the Head of the Health Service. Experience had shown that there were certain disadvantages in this system owing to the fact that the Head of the Health Service was unaware of the situation in regard to sleeping-sickness.

At the present time, no difficulty was being experienced in recruiting medical officers. For reasons of economy, therefore, and also because the health situation had improved, particularly as regards sleeping-sickness, there was no longer any need to accord to military medical officers advantages which other officers of the same rank did not enjoy. The various services had therefore been fused into a single service. Dr. Jamot had had to proceed to West Africa, where a centre of sleeping-sickness had been discovered, though a much smaller one than in the Cameroons. The Administration had availed itself of his departure to modify the Anti-Sleeping-Sickness Organisation on the lines indicated in the report. He wished, in this connection, to pay a tribute to the magnificent work accomplished by Dr. Jamot in the Cameroons.

M. RUPPEL noted that the report contained detailed demographic tables regarding the regions visited in 1931 in the principal focus of sleeping-sickness. The Commission had also received the promised report on the Jamot Mission, which clearly explained the work of prophylaxis accomplished by the medical corps during the past year. Generally speaking, there had been a great improvement both with regard to morbidity and mortality. Nevertheless, the situation was still very disturbing. The Government of the territory had been very prudent in its conclusions and had adopted the conclusions of Dr. Jamot (page 99). The Jamot Mission had estimated the total number of sufferers at 130,000, mainly in the south and south-eastern districts, the combined population of which was 800,000. At the last census, 72,000 sufferers had been reported; there were therefore about 60,000 former patients who were not referred to in the report. Had it been impossible to keep track of them? Could any estimate be given of the number of former patients who had died in the meantime?

M. MARCHAND replied that this question had been followed up very closely. The latest data obtained by Dr. Jamot seemed to prove that a number of these natives had been "cleansed" — that was to say, freed from the virus and were at present in a good state of health. The Administration, however, had to maintain extreme vigilance, and the new organisation was not in any way interfering with the work which had already been undertaken.

M. BESSON added that the next loan would make large sums available for intensifying the campaign against sleeping-sickness.

M. RUPPEL asked why no information was included concerning the northern coastal districts in which the disease had recently made its appearance.

M. MARCHAND replied that a survey had revealed a very slight percentage in a few districts. At Duala, only two or three cases had been reported. The Administration did not feel any anxiety regarding a possible extension of the disease.

M. RUPPEL noted that, unfortunately, the treatment of patients had sometimes been followed by deplorable sequelæ, mainly eye trouble. The percentage was fairly low in relation to the number of cases treated—0.6. In one area the percentage reached 9.6, owing to excessive doses administered by a young and inexperienced doctor. About 500 natives had become blind. Had the Administration taken any steps to provide these natives with relief?

M. MARCHAND replied that the Administration had taken all the necessary steps. Those whose cecity was curable were being treated; the others had been granted a monthly pension.

CONCESSIONS.

M. RUPPEL said that, according to a German magazine, the French Government had concluded agreements in 1924 with two French companies who held vast concessions in the State domains outside the mandated territory. In order to indemnify these companies for the premature renunciation of these concessions, they had been given the right to select free of charge big State domains in the mandated territories, which they were to enjoy in freehold subject to certain conditions of tenure. The Decree confirming these two agreements had never been published in the *Official Journal* of the Territory. He asked (1) whether this

information was correct, (2) whether the two companies in question had selected land and if they possessed that land in freehold, and (3) whether such facts were compatible with the terms of the mandate ?

M. BESSON replied that the French Government had not given effect to the agreements.

M. MARCHAND added that effect had not been given to the agreements owing to observations submitted by the Government of the territory.

DEMOGRAPHIC STATISTICS.

M. RAPPARD, with regard to pages 67 *et seq.*, submitted the following observations :

(1) In the table showing the European population, would it be possible to indicate the various nationalities ?

(2) The table of the civil status of Europeans showed that there had been numerous marriages and forty-six births — that was to say, twenty per thousand. He had not been aware that the country was so favourable for the propagation of the white race.

(3) What were the “ great movements ” referred to on page 67 which, during the last century, had “ caused the forward urge in the largest part of Central Africa ” ?

(4) It had been said at the morning meeting that polygamy was the rule. According to a statement on page 69, however, there would seem to be as many monogamists as polygamists. Nevertheless, there was an average of 3.19 wives for each polygamous household. Where were all these women found, and what became of the bachelors ?

M. BESSON replied as follows :

(1) The next report would give information concerning the various nationalities of the European population.

(2) The relative adaptation of European families to the Cameroons was due to the fact that they were fairly well off, that the climate was not too deadly on the plateaux, and that doctors were close at hand in case women needed their assistance in childbirth. The most difficult problem was the preservation of the children. They often had to be sent back to Europe without any hope of their returning to the Cameroons.

(3) The movement referred to on page 69 was a movement towards the sea. This progress towards the west had received its original stimulus from the Moslem invasions and from the slave-traders from whom the natives escaped by penetrating into the bush, where the tsetse fly was fatal to horses.

(4) With regard to monogamy and polygamy, it should be noted that many natives did not possess the material resources necessary for the maintenance of several wives. These natives then were temporary monogamists. The report was therefore quite accurate when it said that polygamy was the general rule. As a matter of fact, the situation of women was changing. The head of the family was no longer entitled to the product of their labour ; they could earn their own money if they liked, to spend it either on dress or to marry elsewhere. In some cases, even, they claimed part of the product of their husband's labour. The situation was a rather difficult one for polygamists owing to the fact that the women were becoming less obedient and more expensive to keep.

M. RAPPARD reverted to the fact that there had been a proportion of 3.19 women to each polygamist. Now, there were not in the territory three times more women than men. Another noteworthy point was that the men married fairly late in life. Did not the celibacy of the young men raise a social problem ?

M. MARCHAND replied that such a problem did exist — so much so that, in 1922, the Governor had thought it desirable to lay down rules regarding the amount of dowries. The Decree was inoperative because the better-to-do natives, fearing that they might be regarded as common people, added special gifts to the dowries, which thus sometimes amounted to 5,000 francs. The situation remained the same and many young men, especially in the present crisis, were obliged to defer marriage.

PETITION, DATED AUGUST 5TH, 1931, FROM THE « LIGUE DE DÉFENSE DE LA RACE NÈGRE ».

Mlle. DANNEVIG referred to the petition of August 5th, 1931, from the League for the Defence of the Negro Race (document C.P.M. 1279). It was alleged that women in Duala had been imprisoned for the non-payment of taxes. The reply of the mandatory Power made no reference to this.

M. MARCHAND explained that, in the summer of 1931, when he was in France, an incident had occurred at Duala. A group of women had come to the Administrator's house to make complaints concerning the taxes, extended, in Duala, to mothers of families. Some of these had been punished, not because they had failed to pay the taxes, but because they had caused

disturbances. A policeman who was in difficulties had had to fire on the ground with a fowling-piece to frighten them. One woman had been slightly injured by small pieces of lead which had ricocheted.

Mlle. DANNEVIG said that, according to the reply of the mandatory Power, this woman had been rather seriously wounded, and eight others had been slightly wounded. It had been added that whilst she was in hospital she had been able to carry on her usual occupation. Had she been obliged to work in hospital ?

M. MARCHAND explained that the phrase in question simply meant that the woman had been free to go about in the hospital, receive her friends and chat with them. The gendarme had been brought before the court of first instance and punished.

In reply to another question of Mlle. Dannevig, M. Marchand said that if the woman had demanded 15,000 francs damages it was probably on the advice of interested persons. She had not obtained any compensation, but had received all necessary treatment.

CLOSE OF THE HEARING.

The CHAIRMAN thanked M. Besson and M. Marchand for their valuable collaboration. He also thanked the Government of the mandatory Power for having allowed them to come to Geneva to work with the Commission.

M. MARCHAND thanked the Chairman for his kind words regarding his administrative activities during the last ten years. He wished to pay a tribute to his collaborators. They had all worked with calm confidence because they knew that the Mandates Commission and the Department for the Colonies had been following their efforts sympathetically. He was convinced that his successor, M. Bonnacarrère, who would have the same devoted help, would continue in the Cameroons the constructive policy which had marked his activities in Togoland for the past ten years.

Once again he thanked the Commission for its invariably kind reception. He was happy to bear witness to the mutual spirit of comprehension which had always existed between his friend M. Besson and himself in the best interests of the territory he had administered.

THIRTIETH MEETING

Held on Friday, November 25th, 1932, at 10.30 a.m.

Togoland under French Mandate : Petition, dated May 12th, 1930, from Certain Notables of the Anecho District : Question of referring in the Report of the Commission to the Customs Relations between Togoland under French Mandate and Dahomey.

COUNT DE PENHA GARCIA, after recapitulating the course of events and explaining the main lines of his report, added that he had not proposed any definite conclusions. The action taken by the Mandates Commission¹ had been satisfactory in that it had hastened the settlement of this dispute. He thought it would be sufficient if the Commission communicated to the interested parties the result of its action.

M. RAPPARD noted that it was perhaps the first time that the Commission had received a petition the object of which was not to combat the policy of the mandatory Power, but to support it. From this one standpoint alone, the present petition was of special interest. Nevertheless, it would be equally interesting to know if there had been any contact between the local administration and the petitioners — in other words, whether the petition were spontaneous or inspired.

COUNT DE PENHA GARCIA agreed that such occurrences were somewhat rare. True, the petition was not directed against the mandatory Power, but it did not aim solely at supporting that Power's action. It had been inspired by a certain measure taken by the Dahomey admi-

¹ See Minutes of the twenty-first session, pages 160 and 161.

nistration. For that reason, he thought there had not been any agreement between the petitioners and the administration of Togoland. Even had such an agreement existed it would, in the present case, have been perfectly justified. In short, the authors of the petition had asked the Mandates Commission to assist the representative of the mandatory Power in Togoland and to take action to ensure that the Dahomey administration reverted to the former state of affairs.

There could be no doubt that the abolition of Customs barriers was in the interests of the natives. That fact had been recognised by the Commissioner of the French Republic in Togoland and by the Lieutenant-Governor of Dahomey, since they had finally, on November 5th, 1931, concluded the agreement summarised in the Rapporteur's report. Though the agreement did not lay down an absolutely identical system for the two countries, it nevertheless tended to endow their respective tariffs with a greater degree of harmony and stability. That was a result which ought to give satisfaction to the interested parties, for it had made it possible to abolish Customs barriers.

M. RAPPARD thought that this question was of very great importance from the point of view of the Commission. In the present case, the Mandates Commission was congratulating itself on the creation of a Customs union which in other territories it had regarded with distrust. It should not be forgotten that, under the agreement referred to by Count de Penha Garcia, Togoland was making a concession to Dahomey. His conclusion on this subject did not differ from that reached by the Rapporteur, but, in adopting that conclusion finally, the Commission should realise that its decision in this matter was a delicate one. It was running the risk of creating a precedent which might prove awkward subsequently when it had to consider the question of Customs union in connection with other mandated territories. It should therefore state its decision with a full knowledge of the facts after duly weighing all the possible effects of that decision.

M. MERLIN pointed out that, under a Convention signed in 1898, there existed between Dahomey and the neighbouring countries a special situation which ought to be taken into account.

Secondly, the present agreement would be more correctly described as a mere frontier agreement, rather than as a Customs union in the strict sense of the term. That agreement had been concluded to meet the requirements of the population living along the Mono river, which divided the territory of Togoland from Dahomey. A proof of this was, for example, that the turnover tax was not the same in the two countries. In the case of a Customs union, taxes were generally the same in the territories of all parties. In any case, the Commission should remember that Customs unions concluded under certain circumstances were definitely authorised under the mandates themselves.

M. ORTS, referring to M. Rappard's observation, did not see how the Commission could be placed in a delicate position by the fact that it had approved of a particular Customs union and disapproved of another, since the right of the mandatory Power to establish Customs, financial and administrative unions between a territory under mandate and their neighbouring possessions was expressly recognised by the mandate. The duty of the Mandates Commission was merely to examine in each particular case whether, from the point of view of the mandate, the union gave rise to any objection, and no one could express surprise if its opinion were favourable in one case and unfavourable in others. A precedent was only embarrassing when it sanctioned an abuse or an illegality.

M. RUPPEL observed that the system which had been abolished two years previously was not, strictly speaking, a Customs union, but a system which provided facilities for trade on both sides of the frontier. In the agreement of November 31st, the mandatory Power had gone much further in that it had established a definite Customs union. M. Merlin had contested the accuracy of this term, but M. Ruppel would point out that the mandatory Power had itself employed the term in its annual report.

The Mandates Commission was not only entitled, but was bound, to examine the details and effects of each separate Customs union, in order to determine whether they were in harmony with the interests of the territory under mandate. In the present case, certain taxes in Togoland had been increased; he could not see what benefits such a step could possibly confer on the mandated territory. Personally, he thought it would have been sufficient to re-establish the system previously in force which also existed in Europe and was known in Germany as *kleiner Grenzverkehr* (minor frontier traffic).

Count DE PENHA GARCIA, in reply to various objections, said, in the first place, that obviously the members of the Commission must, above all, be vigilant guardians of the spirit of the mandate. Nevertheless, in the present instance, they need have no fear on that score because, as was stated in the Rapporteur's report, the accredited representative of the mandatory Power had assured the Commission that the form of Customs union adopted to meet the wishes expressed in the petition of the notables of Anecho was dictated by the interests of the inhabitants of the mandated territory and did not in any way affect the principle of economic equality. The Convention could moreover be denounced in any year on three months' notice. It could therefore easily be amended if experience showed that it was no longer of benefit to the territory.

This latter provision eliminated all serious danger. It was not possible to revert, as M. Ruppel had suggested, to the former system, seeing that that system had been abolished for

reasons which could only be removed by the adoption of an agreement such as that which had been concluded. Moreover, there was no justification in the present case for any apprehension due to the fact that a Customs union had been established : history had proved that this form of agreement was in most cases beneficial to the countries adopting it.

The system now instituted seemed to be equitable. It was true that the turnover tax had been somewhat increased in Togoland, but he did not think that this increase involved any serious disadvantage for the taxpayers, who would, in the long run, derive other benefits from the fact that they would be able to trade with greater facility. Furthermore, he failed to see what other decision the Commission could reach. In any case, it could not say that the petition was unjustified because juridically the steps taken were strictly within the letter of the law.

M. RAPPARD recognised the right of mandatory Powers on whom a B mandate had been conferred to establish a Customs union. There could be no doubt on that point. The right was expressly stated in the mandate. There did not seem to be any doubt (and here he disagreed with M. Merlin) that the present case was indeed one of Customs union. He even believed that the agreement concluded between the Administration of Togoland under French mandate and the Administration of Dahomey was something more than a Customs union, in that it referred not merely to external duties but to internal duties also (see No. 6 of the Agreement). The Agreement therefore amounted, to a certain extent, to a fiscal union, which was equally permissible.

If certain members of the Commission thought that this Agreement did not constitute a dangerous precedent, he would remind them that the Customs union between Tanganyika and Kenya did not go so far as the present union. True, as Count de Penha Garcia pointed out, the accredited representative of the mandatory Power had given the Commission all necessary explanations. But the Commission should remember that, in the present instance, the accredited representative had been in rather a delicate position, because he was also the representative of the colonial Power. As a matter of fact, he had not come to the table of the Commission as the representative of Togoland, but on behalf of the Ministry of Colonies of the Power concerned.

This said, he would add that he did not think that the Commission should, as M. Ruppel proposed, enter a protest. He would merely once again urge his colleagues to keep a very close eye on this question and would suggest the addition, at the end of the report on the subject, of a resolution inspired by the considerations to which he had referred.

Lord LUGARD said that, in the case of Togoland, as in that of Tanganyika, a Customs union was expressly authorised by the mandate. The Mandates Commission, therefore, was solely concerned to see that the interests of the population of the mandated territory were in no way prejudiced. In this case, the former Customs arrangement had been cancelled because it was abused by merchants, but, since the turnover tax on exports would henceforth, under No. 3 of the Agreement of November 1931, be 2 per cent for Togoland, and 4 per cent for Dahomey, it would seem that it was equally as subject to abuse as before.

M. MERLIN, in reply to an objection by M. Rappard, said that if it were held that Togoland, by the agreement constituting the Customs union, was surrendering part of its independence, the same might be said of Dahomey. As a matter of fact, neither Togoland nor Dahomey had renounced the slightest tittle of their independence. Certainly, Togoland was not being dragged along in the wake of Dahomey, because it was not the Dahomey administration which fixed the figure of the duties.

M. RAPPARD wished to point out that no definite reference was made to a suppression of autonomy. No one could possibly deny, however, that Customs unions tended to limit the rights of the parties. That principle was at the basis of all such unions.

COUNT DE PENHA GARCIA saw no reason why, at the end of his report, a resolution should not be inserted on the lines suggested by M. Rappard. He wished, nevertheless, to point out that the present conclusion of the report, in spite of its brevity, was sufficient to cover the action of the Mandates Commission.

M. VAN REES thought it was not desirable, on examining the petition, to go into either the whole question of Customs unions, or that of the agreement now in question. What was important was for the Commission to know whether the union in question was in conformity with the provisions of the mandate, and whether it did not adversely affect the interests of the territory. That was why he had asked the accredited representative to supply the Commission next year with a sort of balance-sheet setting out the results of a Customs union between Togoland and Dahomey.

If the Commission decided to submit a general resolution to the Council, it would be well advised to refrain from examining the 1931 Agreement in all its details and to find a formula which would merely embody a request in the sense of that made to M. Besson.

The CHAIRMAN, while recognising that a general discussion on the question of Customs unions might be very interesting, wished to remind his colleagues that the only point now under consideration was one specific petition.

COUNT DE PENHA GARCIA agreed with the Chairman, particularly as the Commission had not yet discussed the conclusions which it would have to submit on the report on Togoland under French mandate. Personally, he thought the situation was fairly clear : Customs unions

were authorised, but the Mandates Commission had a definite right to see that certain principles were respected. In the particular case of Togoland, the agreement was of no real danger, because it must be renewed each year and could be denounced at three months' notice. The more general problem of Customs unions might be dealt with separately in the Commission's observations to the Council on the Togoland territory.

M. RAPPARD fell in with this opinion. The text of the general observations on the principle of Customs unions should, however, be drafted with very particular care.

M. PALACIOS expressed the same opinion.

M. MERLIN desired to point out that, as the general question had not been raised when the accredited representative was present, the obviously correct course would be to refrain from raising it until next year. If the Commission attached so great an importance to this matter, then the mandatory Power should at least receive notification in good time. There was a further point in favour of this procedure. As the agreement had only been concluded for one year, there would be no disadvantage in adjourning the question until the following year.

M. RUPPEL was, on the contrary, of opinion that the establishment of a Customs union between a territory under mandate and another territory was a fact of such great importance that the Commission was bound at least to draw the Council's attention to the fact. An observation on these lines should, therefore, be included in the report to be submitted to the Council.

M. RAPPARD said he had been very greatly reassured to note that the agreement had been concluded for one year only. Strictly speaking, however, the agreement was one which the mandatory Power had concluded with its own self. There was, therefore, some ground for fearing that the interests of Togoland might be subordinated to those of Dahomey.

In the case of Tanganyika, the Commission had asked permission to express its opinion even before the Customs union regime came into force. In the case of Togoland, however, the Customs and fiscal union had already come into force. The Commission was, therefore, entirely justified in offering certain observations without waiting for a further twelvemonth to elapse.

The Commission adopted the conclusions of Count de Penha Garcia's report (Annex 27) and requested the latter, in conjunction with M. Rappard, to draw up a draft resolution along the lines indicated by the discussion.

South West Africa : Petition, dated June 17th, 1932, from certain members of the Rehoboth community.

After an exchange of views, the Commission approved the conclusions of Mlle. Dannevig's report (Annex 29) with minor drafting changes.

THIRTY-FIRST MEETING

Held on Saturday, November 26th, 1932, at 10.30 a. m.

Palestine and Trans-Jordan : Petitions dated November 17th and December 26th, 1931, from M. von Bassewitz.

M. RUPPEL said that M. von Bassewitz's petitions apparently referred to three different matters. M. von Bassewitz first said that the Trans-Jordan Government tolerated anti-foreign propagandists. He then asked for compensation, because, he said, he had not been properly protected by the Trans-Jordan authorities. Finally, he alleged that the criminals referred to in his petition had not been punished.

With regard to the first point, he thought that M. von Bassewitz's accusations were not founded and that this should be stated in the conclusions of the report. With regard to the second point, the only action the Commission could take would be to refer M. von Bassewitz back to the competent courts. As regarded the third point, the case had been brought before the courts, and the Arab in question had been duly acquitted. He suggested that these three points should be dealt with in the order mentioned and separately in three different conclusions.

M. SAKENOBE was not at all sure that the Mandates Commission was entitled to state that, as regarded the general situation, M. von Bassewitz's allegations were entirely groundless, because the United Kingdom Government had not referred to it explicitly except by stating that the allegation was not true. The other points referred to by M. Ruppel had been dealt with in the report, and he had come to the conclusion stated in the report.

M. VAN REES agreed with M. Sakenobe. In addition, M. von Bassewitz's petitions had nothing to do with the mandatory regime or with the provisions of the mandate. Consequently, they ought to be rejected; in other words, there was no reason whatever for the Commission to transmit them to the Council.

M. RUPPEL pointed out that M. Sakenobe's report contained no reference to the general question raised by the petitioner. He would, however, not insist on any addition to the conclusions on this subject.

Lord LUGARD supported M. Van Rees' views. Accusations of a very general nature without evidence, like those contained in M. von Bassewitz's petitions regarding the attitude of the Trans-Jordan authorities, could not be accepted by the Commission.

The CHAIRMAN noted that all the members of the Commission endorsed the conclusion reached by M. Sakenobe. In these circumstances, it would be sufficient to insert in the report a sentence which would meet M. Ruppel's wishes.

It was agreed that M. Sakenobe and M. Ruppel should draft this sentence and insert it in the report (Annex 16).

Palestine and Trans-Jordan: Memorandum dated June 1931, submitted by the General Council (Vaad Leumi) of the Jewish Community in Palestine.

The conclusion set out in M. Sakenobe's report (Annex 11) was adopted with one drafting change.

Economic Situation of the Territories under Mandate: Observations applicable to all Territories.

M. CATASTINI asked the Commission whether it intended to include in the report concerning the work of its twenty-second session an observation applying equally to all territories with regard to the economic situation, on the lines of the reference thereto in its previous report.¹

After an exchange of views, the Commission decided not to insert in the report on the work of its twenty-second session any general observation regarding the economic situation.

It was understood that this decision did not in any way affect the observations it had already made or might make in the future regarding the particular economic situation of any given territory.

Iraq: Observations concerning the Administration of the Territory during the Year 1931: Question of the Transmission by the Mandatory Power of a Report covering the Period January to October 1932.

M. CATASTINI asked the Commission whether it intended to submit, either in the usual form or in some other form, any observations on the report submitted to it concerning the administration of Iraq during the year 1931.

M. ORTS held that, as the Commission had not examined the report on Iraq for the year 1931 in detail, its observations, if any, regarding this report could not be couched in the usual form. He suggested that the Council should simply be informed that its recommendations for the reversal of the denial of justice from which the Bahais were suffering had had no effect.

¹ See Minutes of the twenty-first session, page 211.

Lord LUGARD was of opinion that, if the question of the Bahais were raised, it would also be necessary to refer, in the observations, to the question of the Assyrians, which had also occupied the time of the Commission in connection with Iraq.

M. ORTS dissented. In his view, the opinion expressed by the Commission on the earlier petitions had exhausted the subject and he thought it would be contrary to the practice followed hitherto to confirm in the general report to the Council an opinion already formulated in connection with the consideration of those petitions. In the Bahais' case, it was not on any new petition that an observation would be based; it would seem that the Council should be informed of the results of its previous recommendations in the matter.

He wished to make it clear that he was actuated purely by considerations of expediency in suggesting that the Commission should make no detailed comments on the report. There was nothing to prevent the normal procedure being followed again this year, since the report related to the year 1931, during which the regime set up by Article 22 of the Covenant was still in force. The fact that Iraq had, in the meantime, acquired its independence was of little importance, since it was the administration of the mandatory Power that was subject to the League's supervision, and the mandatory Power could still be required to render account. It had indeed done so when it submitted its annual report and sent a representative to assist the Commission in examining it.

The CHAIRMAN agreed with M. Orts' suggestions. In spite of the fact that the Council had intervened, the Mandates Commission had received no satisfaction in the case of the Bahais. The Commission was right, therefore, to insist on that point, while addressing its observations, not to Iraq, but to the mandatory Power.

M. PALACIOS also agreed with the opinion expressed by M. Orts. His view differed perhaps only as regards the remark of his colleague to the effect that it would not be in accordance with the practice of the Commission to confirm, in the observations to the Council, an opinion formulated after the consideration of a petition. That had already happened on previous occasions. On the other hand, he agreed with M. Orts that nothing concerning the petition from the Assyrians should appear in the observations of the Commission to the Council on the annual report on Iraq. He shared the hope of his colleagues that the Commission would have the opportunity to examine a final report on Iraq for the year 1932, up to the time when that country was admitted to the League of Nations.

M. RUPPEL also agreed with M. Orts' view, adding that the mandatory Power itself ought to attach great importance to a decision by the Council to the effect that it had, as guardian of the territory, faithfully discharged all its duties in 1931 and during the first nine months of 1932.

M. CATASTINI understood, in view of the observations that had just been made, that the Commission intended to ask the mandatory Power to submit a report on the administration of Iraq from January to October 1932.

M. RUPPEL deemed such an invitation unnecessary. The mandatory Power would certainly, without being asked, send a report covering this period.

M. MERLIN opined that it would be better to wait and see what the mandatory Power decided to do. It was certainly not for the Commission to suggest to that Power what action it should take.

The Commission replied in the negative to the question raised by M. Catastini.

Economic Equality: Purchase of Material and Supplies by the Administrations of Territories under A and B Mandates either for their Own Use or for Public Works (continuation): Report by M. Orts: General Discussion.

M. ORTS pointed out that document C.P.M.1333 was not, strictly speaking, the report of an individual member of the Commission. It was merely a draft text submitted to the Commission for discussion. True, two or three years previously he had been appointed Rapporteur on the question of economic equality; but his work had been completed by the submission of a report, which was, moreover, referred to in the present document.

The present report was intended to convey to the Council the results of the Commission's examination following on the replies from the various mandatory Powers to the questions put to them by the Council at the request of the Commission. As the Commission was aware, two apparently irreconcilable theories had been upheld in the Commission itself, so that there could be no idea of securing unanimity on a doctrinal interpretation of the mandates, but he thought that all the members of the Commission might at least be able to approve the first part of the report, in which the two theories were set out at equal length.

Since he himself had defended one view, he had, for reasons which the Commission would understand, asked M. Rappard, one of the advocates of the other theory to explain the latter.

M. VAN REES said that the Commission seemed to be preparing to insert the document prepared by M. Orts either in its report to the Council or as an annex to that report. He would

not oppose this procedure, if it were approved by the majority, but wished, nevertheless, to submit a few general observations.

Though highly appreciating the report prepared by M. Orts, he could not help thinking that it would produce a rather curious effect on the mind of an uninformed reader. The reader would probably think it somewhat odd that, after eleven years of discussion, the members of the Mandates Commission had been unable to agree on one of the main clauses of the mandates. The reader might further note that the Commission held that "the problem (dealt with in the report by M. Orts) was of theoretical rather than practical interest" and might wonder why, if that were so, the Commission had considered it necessary to submit two conflicting theories to the Council, without, at the same time, making any kind of proposal for intervention.

The reader would also not fail to note that it had required no less than four years for the Commission to realise that it was satisfied with the replies of the mandatory Powers to the Council's request for information except with regard to a point of secondary importance.

M. Van Rees wondered, in fact, whether there was no means of preventing the reader from formulating such criticisms. The Commission might, for example, say simply that, having examined replies of the mandatory Powers to the Council's questions, it noted that, with the exception of one point, they contained nothing which gave grounds for criticism. The Commission would thus be showing all due respect to the Council, and, in M. Van Rees' view, would not expose itself to unpleasant observations by the public. It might, however, be added that the Commission intended to examine each case in the light of the mandatory Power's obligations as guardian of the country under mandate. For the rest, reference might be made to the Minutes of the meetings at which the question had been discussed.

M. ORTS repeated that the report was a document of the Commission, and he would not bring an author's pride to its defence. Nevertheless, he could not accept M. Van Rees' suggestion. He had already had the same idea, but had discarded it for several reasons. He had considered, first of all, that it would be unfortunate if the Council were to suppose that the Commission was unanimous in the interpretation to be given to this clause in the mandates. The question of theory might be raised again in the future in the event of the application of the rules enunciated by the mandatory Powers causing a divergence of opinion in the Commission.

He had also thought it desirable to give the mandatory Powers an opportunity to study the different views put forward in the Commission, but those views were not expressed sufficiently clearly in the Minutes.

M. VAN REES said that, as far as he was concerned, the reservation he had proposed with regard to particular cases — that the Commission considered it should be able to examine each case in the light of the obligations assumed, as guardian, by the mandatory Power — would be quite adequate. There was no need whatever to lay down, in addition, a theory with which the members of the Commission did not agree and which it did not desire the Council to accept once and for all. He observed that hitherto, in its reports to the Council, the Commission had always been concise. If M. Orts' draft were inserted as it stood, the Commission would hardly be adhering to its usual practice. M. Van Rees repeated, however, that he would bow to the decision of the majority.

M. MERLIN congratulated the authors of the report on their work. The very great advantage of the document before the Commission was that it set out with striking clearness and conciseness the two theses with which the Commission was, and always would be, faced with regard to economic equality.

The report of M. Orts and M. Rappard would therefore be extremely valuable to the Council and the mandatory Powers, who might refer to it in case of need. Not every one read the Minutes of the Mandates Commission with the same assiduity as M. Van Rees, for example, and that there was something new in the solution proposed by M. Orts was no reason for rejecting it. It was always well to make changes for the better.

M. Orts' formula had another advantage. It would prevent the Council, when particular cases occurred, from being surprised at the irreconcilable divergence of opinion in the Commission.

M. Merlin was prepared to accept the report of M. Orts and M. Rappard as it stood. That report, he would point out in passing, showed that the question of the general principle was still intact, but was of no immediate practical importance.

M. PALACIOS agreed with M. Merlin that M. Orts and M. Rappard had prepared a remarkable document, for which the Commission should thank them. Replying to one of M. Van Rees' observations, he pointed out that, in an earlier case, the Commission had adopted, not only the conclusions of a report, but the whole report. In so doing, it had, after all, acted in very much the same way as M. Orts now proposed. In certain cases, in particular, it had thought fit to expound the various opinions held by its members and to draw attention to its Minutes.

Lord LUGARD agreed with M. Merlin. The report before the Commission would be valuable, not only to the Council, but also to the mandatory Powers. Would it not be possible, however, instead of indicating that the Commission was divided between two opinions, simply to say that two different opinions existed with regard to the matter in question?

M. RAPPARD saw no objection to revealing to the public that there was a divergence of views among the members of the Commission, when there was a real divergence.

M. RUPPEL said that, for his part, he was prepared to accept the report and its conclusions, subject to certain amendments. In any event, he was unable to support M. Van Rees' point of view.

The CHAIRMAN expressed the desire that the names of the members who supported each theory should be indicated in a footnote.

M. PALACIOS supported the suggestion, provided that this procedure would not nullify the report prepared by M. Orts and M. Rappard, which, by its very arrangement, represented a compromise.

M. VAN REES thought nothing would be easier than to refer in the report to the Minutes ; this would enable anyone to discover the opinions held by the various members of the Commission.

M. ORTS said he would willingly accept the latter suggestion, but could not accept the Chairman's. While it might be useful for third persons and the mandatory Powers to be able to study the conflicting theories, no good could come of recording individual divergencies.

Lord LUGARD agreed with M. Orts, particularly as, in the description of the second thesis, there was an omission which would prevent Lord Lugard from subscribing to it.

The CHAIRMAN observed that this omission could subsequently be made good.

M. RAPPARD considered that no one could be prevented, if the occasion arose, from indicating that he had supported a particular thesis, any more than anyone could be compelled to declare that he had subscribed to another thesis. In these circumstances, it would suffice to say that thesis No. 1 or No. 2 was supported *chiefly* by such and such a person, and to name those who desired to be named. However, for reasons connected with the Mandates Commission's reputation for impartiality and independence, it would doubtless be preferable merely to refer to the Minutes of the Commission.

The CHAIRMAN recalled that he had always insisted on the great importance of the question of economic equality. If this importance were recognised and if no unanimous conclusions could be reached, he thought it would be necessary to indicate in the clearest way possible the opinion expressed by each member. It was therefore essential to know, even if by means only of a simple footnote, which members of the Commission supported each of the two interpretations of the word "essential".

M. ORTS replied that, when he had first embarked upon the study of this question, he too had felt that it was a matter of principle, the solution of which would have important consequences in practice. The discussion in the Commission had shown that that was not the case. The question in effect was whether all public works and public services were essential or only some of them. Everyone agreed that the mandatory Power was entitled to make arrangements for essential works and services at its own discretion. The only point still in doubt was whether works of minor importance or supplies for subsidiary services should be put up for public tender or no. It must certainly be agreed that, reduced to these dimensions, the matter was in practice of only very relative interest. That was indeed an additional reason why the Commission should not lose further time in academic discussion.

The CHAIRMAN said that whether the question was important was a matter of judgment. He therefore urged that the report should show which members had supported the thesis set out in paragraph 3.

THIRTY-SECOND MEETING

Held on Monday, November 28th, 1932, at 3.30 p.m.

Economic Equality : Purchase of Material and Supplies by the Administrations of Territories under A and B Mandates either for their Own Use or for Public Works : Report by M. Orts¹ (continuation):

The CHAIRMAN invited his colleagues to examine the report section by section (document C.P.M. 1333).

SECTION 1.

Section 1 was as follows :

“ The conditions laid down in Article 22, paragraph 5, of the Covenant, as governing the granting of an administrative mandate in the name of the League, include the obligation imposed upon the Mandatory to secure ‘ equal opportunities for the trade and commerce of other Members of the League ’. With the same idea, the B mandates stipulate that the mandatory Power shall ensure to all the members or nationals of States Members of the League, on the same footing as to his own nationals, ‘ 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 ’.²

“ This is the expression given in the fundamental texts governing the mandatory system to what is commonly known as the ‘ principle of economic equality ’. ”

M. RUPPEL thought it desirable to mention the A mandates, which did not contain the clause providing for exceptions. Moreover, the report prepared by M. Orts in 1929 at the sixteenth session of the Mandates Commission contained a passage which would be found in Section 4, No. 5, of the present report, the idea of which should be embodied in the first section.

M. RAPPARD considered that this proposal was further justified, because the full title of the report mentioned territories under both A and B mandates.

The second paragraph of Section 1 was consequently drafted as follows :

“ This is the expression given in the Covenant and in the B mandates to what is commonly known as the ‘ principle of economic equality ’.

“ The same principle is enunciated in the A mandates, but the exception is not expressed in the same terms. ”

Section 1, as amended, was adopted.

SECTION 2.

Section 2 was adopted without observations.

SECTION 3.

Section 3 was as follows :

“ According to the first point of view, the word ‘ essential ’ in the text of the mandates clearly demonstrates the desire of the authors to lay down a clear distinction between public works and services which, by reason of their special character, are excepted from the system of economic equality, and other works and services. Any other interpretation would amount to accusing the authors of extraordinary carelessness or deliberate obscurity, neither of which charges can possibly be justified.

“ Those holding this first point of view consider further that, economic equality being the rule and the privileges of the mandatory Power as regards essential public works and services being the exception, the provision regarding this exception should be interpreted in a restrictive sense, in accordance with the legal principle always applied when defining the scope of an exception to a general principle. Consequently, the only public works and services which would be excepted from the rule of economic equality would be those whose essential character justified such treatment, whereas, in respect of all others, the mandatory Power would remain bound by the general rule.

¹ The text of the Commission's report in the form in which it was adopted as a result of the modifications made during the discussion is included in Annex 30 to the Minutes.

² Article 6 or 7 (according to the case) of B mandates.

“ To define these two categories of public works and services would undoubtedly be a very delicate task, and the supporters of the first point of view are under no illusions as to its difficulty. An exception to the principle of economic equality might perhaps be permissible in any case in which obedience to this principle would result in unduly hindering or delaying the administrative action of the mandatory Power as regards the maintenance of order and security in the territory under mandate, refusal being maintained in every other case. It might perhaps be better to be a little less strict, and to authorise such exceptions for all public works and services which are essential to good administration. Exceptions would then only be refused in cases in which the mandatory Power exceeded its strict rights in relation to the territory under mandate, by extending its administrative activities to fields which could be equally well developed by private enterprise.

“ Those holding the first point of view were the less inclined to lay down the law in this secondary respect in that the difference between their views and those of their colleagues who favoured the widest possible interpretation of the clause in question prevented the necessary unanimity on the fundamental principle of the problem under discussion. In any case, as will be seen from the conclusions of this report, to which all the members of the Commission have agreed, the problem is of theoretical rather than practical interest. ”

At the request of the CHAIRMAN, who was supported by M. PALACIOS and M. RUPPEL, *it was decided to add the following text as a footnote to the opening words of paragraph 1, “ According to the first point of view, ” :*

“ . . . defended more particularly by the Chairman, M. Ruppel and M. Palacios ”.

M. RUPPEL proposed to insert before the last paragraph the following passage :

“ Supporters of this view are of opinion, moreover, that, if an exception is not authorised under the terms of the mandate, the mandatory Powers should, in the case of the purchase of material and undertakings relating to public works, invite public tenders which would be open to nationals of all the States Members of the League of Nations, that procedure being the best means of safeguarding the interests protected by the principle of economic equality. ”

This proposal was adopted.

M. RUPPEL proposed the deletion of the word “ secondary ” in the fourth paragraph of the report.

This proposal was adopted.

M. PALACIOS proposed the deletion of the last sentence of the fourth paragraph, beginning with : “ In any case . . . interest ”.

This proposal was adopted.

Section 3, as amended, was adopted.

SECTION 4.

Section 4 was as follows :

“ Opposed to this point of view, is that which holds that the principle of equal opportunities for ‘ trade and commerce ’ applies only to *private* enterprise. This view was expressed as follows by the member of the Commission who was appointed Rapporteur on the question during the sixteenth session ¹ :

“ This line of argument led the author of the report to the sixteenth session 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 ’. ”

M. ORTS observed that Section 3 had been drafted in accordance with the views of those members of the Commission whose opinions it embodied ; it would be advisable to ask those whose view was explained in Section 4 whether that section correctly expressed their attitude.

¹ For the text of the passage in question, see Minutes of the sixteenth session, page 196, sections 4, 5 and 6, and Annex 30 of the Minutes of the present session.

After an exchange of views, *it was decided to redraft the first sentence of Section 4 as follows :*

“ Opposed to this point of view is that which holds that the principle of equal opportunities for ‘ trade and commerce ’ — to quote the terms of paragraph 5 of Article 22 of the Covenant — applies only to *private* enterprise. ”

At Lord LUGARD’s request, *it was decided to add the following sentence to the last paragraph of Section 4 :*

“ provided that, as emphasised below, the action of the mandatory Power shall be subject to the close supervision of the Permanent Mandates Commission. ”
Section 4, as amended, was adopted.

SECTION 5.

Section 5 was adopted, with minor drafting amendments.

SECTION 6.

Section 6 was adopted without observations.

SECTION 7.

Section 7 was as follows :

“ These replies led the Commission to conclude that the rules adopted by the mandatory Powers in connection with the carrying out of public works and services did not call for any criticism.

“ The Commission made a reservation regarding the rule followed in Togoland and the Cameroons under British mandate, but it was well aware of the practical difficulties in the way of the establishment of rules differing from those adopted in the adjacent British possessions, in view of the administrative unity between those territories and possessions.

“ The Commission also considered that the replies of the mandatory Powers lessened the practical importance of an official interpretation of the article in question, and it agreed, as on previous occasions, to confine its activities to the supervision of the application given in the various mandated territories to the rules drawn up by the mandatory Powers themselves. ”

At the CHAIRMAN’s request, *it was decided to replace the word “ adopted ” in the first paragraph by the word “ enunciated ”.*

M. RUPPEL proposed that the text of paragraph 2 from the words “ but it was well aware ” be deleted, because the Commission could not excuse a derogation of a clause of the mandates in question.

M. ORTS observed that this passage had its use. If the Commission offered a criticism, it could not stop there ; anyone would be entitled to ask what remedy it suggested. It was also necessary to keep the facts in mind. The two territories in question were so very small that they could not be administered otherwise, and indeed they, together with the large neighbouring possessions, derived great benefit from administrative and financial unity.

M. RAPPARD considered that if the members of the Commission agreed to make a reservation, it was only elementary to explain it ; otherwise, the reader would not understand to what it related. In order to give satisfaction to both M. Ruppel and M. Orts, he proposed the following wording :

“ The Commission made a reservation regarding the rule followed in Togoland and the Cameroons under British mandate. It notes that the administrative union between those two territories and the adjacent British possessions places certain difficulties in the way of the adoption of rules differing from those adopted in those possessions. ”

M. Rappard’s text was adopted.

The CHAIRMAN proposed to shorten paragraph 3 to read :

“ The Commission agreed in future to confine its activities to the supervision of the application given in the various mandated territories to the rules drawn up by the mandatory Powers themselves. ”

M. ORTS preferred the original text, which showed clearly the relation between the premises, in which two doctrines were explained, and the conclusions. His wording showed that the Commission had decided not to discuss in future the theory, but to confine itself to supervising the application in the various territories of the rules it had unanimously approved.

The CHAIRMAN observed that that was precisely why he proposed that the passage which M. Orts desired to retain should be deleted. In his view, the Commission would be justified in doing so, in view of what was said in the first sentence of the first paragraph of Section 7.

M. ORTS explained that his aim was to put the question on a practical basis, and to put an end once and for all to theoretical discussions, which were useless as soon as the rules established by the mandatory Powers were accepted as just.

The CHAIRMAN observed that, in exercising practical supervision, the Commission might find it necessary to take theoretical principles into account.

M. VAN REES thought that the paragraph in question should be retained, for the simple reason that it was the only one which explained why the Commission, though it stated the two divergent doctrines, refrained from asking the Council to put an end to the controversy.

M. ORTS added that that was what he had in mind in claiming that this sentence was essential as a link between the conclusion and the premises. The whole report was based on the idea that the theoretical question had lost its interest, in view of the replies received from the mandatory Powers. If these replies had not been considered satisfactory, the situation would have been different, and the Commission would have had to ask the Council to take a casting vote.

Lord LUGARD shared the opinion of M. Orts.

The CHAIRMAN said that he would prefer this idea to be brought out more clearly and proposed that M. Orts be requested to redraft the conclusion in the sense just proposed.

Subject to this reservation, Section 7 was adopted.

The report (Annex 30) as a whole was adopted, subject to the amendments made.

THIRTY-THIRD MEETING

Held on Tuesday, November 29th, 1932, at 10.30 a.m.

Ruanda-Urundi : Examination of the Annual Report for 1931.

M. Halewyck de Heusch, Director-General in the Belgian Ministry for the Colonies, accredited representative of the mandatory Power, came to the table.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed the accredited representative of the mandatory Power.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

M. HALEWYCK DE HEUSCH explained that the application of the administrative programme summarising the conclusions of the successive Governors in Ruanda-Urundi which had been published at the beginning of the previous report, had, for several years, in its parts which most concerned the welfare and progress of the natives, been hindered by the covert hostility of Sultan Musinga on the one hand and by the unsatisfactory organisation of the native districts on the other. Consequently, steps had been taken, and were still being taken, to put an end to this situation.

In 1931, it had been necessary to depose Sultan Musinga, who had been hampering the action of the mandatory Power by endeavouring to persuade the chiefs not to enter into relations with the Europeans and not to fall in with their plans. For this purpose, his trusted retainers used to go to the various chiefdoms saying, among other things, that the sorcerers of Musinga had predicted the speedy end of European domination and that, as soon as the Europeans had gone, all those who had aided them would pay the penalty. He had thus succeeded in causing the less enlightened notables to adopt an attitude of antipathy and passive resistance to the action of the mandatory Power.

The doings of Musinga had also produced distressing consequences among the more enlightened chiefs. These chiefs knew that their Sultan was a despicable, venal and unjust individual, and that he was an obstacle to the progress of the territory. But he was, nevertheless, from a hierarchical point of view, a link between them and the Government of the mandatory

Power. As a result, they were deprived of good advice and had to obey a man whom they despised, a situation which distorted the whole system of indirect administration, the basis of the native policy. It should be added that, in his private life, Musinga constantly set an example of infringing the general law which he ought to have been the first to respect. As stated, he was finally deposed and replaced by his eldest son, Rudohigwa, an intelligent man of progressive tendencies and a former pupil of the Nyanza School. The obstacles which the Sultan Musinga had placed in the way of the application of the mandatory Power's programme of native progress and improvement were therefore removed in 1931.

The chiefdoms were still badly organised and, in this case, the evil was not confined to Ruanda but extended to Urundi as well. The former sultans, in order to consolidate their authority, had taken care, when distributing lands to their vassals, to divide up and scatter the estates throughout the length and breadth of the sultanate, in order to prevent any cohesion for hostile action on the part of their tenants. Moreover, in order to please their favourites (both male and female), they had created an excessive number of sub-chiefdoms and increased beyond all reason throughout the territory the holders established on portions of hills known as *ibikingi*. Things had come to such a pass that some portions of chiefdoms, some *ibikingi*, only had three or four taxpayers in their area. As the Commission was aware, heads of small as well as of large districts derived a considerable part of their income from the labour and tribute in goods of their taxpayers. The fewer the taxpayers, the heavier their burden — an unreasonable state of affairs where the area contained at least 100 taxpayers.

The policy inaugurated by the Belgian Government, which would, he thought, produce its full result in 1933, was to effect a rational regrouping of the chiefdoms and sub-chiefdoms and abolish the *ibikingi*. Up to the present, the Government had been extremely indulgent towards the chiefs of native provinces and the leading sub-chiefs, who had only been removed when they persisted in carrying out Musinga's policy, notwithstanding repeated warnings on the part of the Administration. Very few of these high notables had been deposed. The Administration had rather endeavoured to regroup the chiefdoms and sub-chiefdoms by availing itself of any opportunities which arose, such as the death of a chief. It had even taken the initiative in negotiating exchanges of parts of chiefdoms or sub-chiefdoms. Certain chiefs, knowing that henceforth the privileges attaching to their office would be set off by a number of definite obligations, had spontaneously resigned. Such resignations had made it possible to incorporate certain small chiefdoms in larger ones. As regards removal of small sub-chiefs, whose number had been increased in a manner intolerable for the inhabitants, the Administration had shown less consideration. In this connection, he reminded the Commission that the Mwami had, by custom, the right to confer chiefdoms and sub-chiefdoms on whomsoever he willed, and also to revoke his decisions in this matter. In its scheme of reorganisation, the Government had merely applied this principle. It had abolished all the sub-chiefdoms in which the taxpayers were too few, so that their obligations towards the sub-chief were too burdensome. It had also endeavoured to abolish the *ibikingi* which, under Musinga, had become a sort of benefice granted to courtesans, the administrative value of the office being nil.

Thanks to these various measures, there had been a noticeable improvement throughout the territory; the growing of foodstuffs had progressed appreciably, marshes had been drained in order to establish new plantations, justice was dispensed with greater impartiality and the native authorities no longer, as formerly, aided offenders to escape retribution. Generally speaking, the policy followed by the Government had given most encouraging results.

REGROUPING OF THE CHIEFDOMS : DEPOSITION OF SULTAN MUSINGA AND OTHER CHIEFS.

M. ORTS wondered, after reading the report and hearing the accredited representative, whether the mandatory Power, which had only deposed Musinga in the ninth year of the mandate, had not been rather slow in realising the hindrance which this person's presence constituted to good government or whether, having noted the fact, it had not been rather imprudently slow in dealing with the situation. Only in 1931¹ had the accredited representative for the first time referred in unfavourable terms to Sultan Musinga's activities.

M. HALEWYCK DE HEUSCH said that the Administration had indeed shown great forbearance with regard to Musinga. It had believed that the latter, observing the progress being achieved by the territory with the help of the mandatory Power, would finally be converted and modify his attitude. It had been stated in the 1928 or 1929 report that Sultan Musinga was not giving entire satisfaction to the Administration, but it had been added that the latter had not lost all hope of bringing him round to a better way of thinking. In point of fact, the Administration had succeeded in persuading Musinga for the first time to undertake a tour among the natives of his sultanate. It hoped that, after contact had thus been established, and he had pondered over the facts, a change might occur in Musinga's outlook. The latter, however, on returning from his tour said that, according to his observations, the people were not supplying a sufficient amount of labour and prestation to their Sultan and that this state of affairs would have to be remedied. It was then that the mandatory Power began to realise that the evil was incurable. Finally, after much hesitation and with regret, the mandatory Power decided to depose Musinga in the interests of the material and moral wellbeing of the inhabitants.

M. ORTS asked how the deposition of Musinga was received by the natives.

¹ See Minutes of the twenty-first session, pages 17 to 20.

M. HALEWYCK DE HEUSCH said that, according to the letters received from the Governor of Ruanda-Urundi, the news had been received with genuine enthusiasm throughout the whole of Ruanda. Those whose action had been paralysed by his threats had heaved a sigh of relief; the chiefs who were favourable to progress were delighted to see the removal of an obstacle which had long lain in the path of the Government. Musinga's deposition had not provoked any manifestation in any part of the territory. Musinga himself had been settled in the neighbourhood of Lake Kivu. He had taken thither with him his mother, his wives, some servants and his flocks.

M. ORTS, reverting to the accredited representative's statement, said he would not criticise the measures taken to remedy the unsatisfactory organisation of the chiefdoms. He would point out, however, that if a similar "cleaning up" had to be repeated in subsequent years, the impression would not be a favourable one, because it might be asked whether the mandatory Power was not acting with undue precipitancy. When faced with a situation which necessitated reform, a prudent Administration would analyse the causes, decide on a plan of action, provide itself with the necessary means — for instance, by securing the help of competent individuals, and finally would put its decisions into effect.

He wondered whether, if some of the deposed chiefs and sub-chiefs had been appointed at the instance of the Administration, or with its consent, the Administration had reasons to believe that those who had been installed in the place of the deposed chiefs would merit the trust reposed in them or whether there was any danger that they in turn would have to be replaced.

M. HALEWYCK DE HEUSCH replied that, generally speaking, the appointments made by the mandatory Power had proved satisfactory. Of the hundred major chiefs and the thousand sub-chiefs in the territory, at the most four or five of the notables appointed by the Belgian authorities had had to be dismissed. Obviously, in Africa, as in Europe also, hopes might be deceived as to the value of the individuals selected. He thought the general situation was now becoming stabilised but, in any case, it must not be concluded from his remarks that no new revocation would be mentioned in the 1932 report or even in the 1933 report. The present action of the mandatory Power would be continued until the end of 1933.

M. PALACIOS had read with great interest Chapter II of the report, from page 56, concerning native policy. He noted that the Administration had adopted a policy of far-reaching changes. The various depositions, commencing with that of Sultan Musinga of Ruanda, and the removals and revocations of chiefs and sub-chiefs were numerous. The question was whether there was something more than the mere "cleaning up" referred to by M. Orts; whether, in fact, the year 1931 represented for these countries the commencement of a new phase under the impulsion of the mandatory Power. The impression received was that, not merely individuals, but the very basis of institutions were involved; it would appear that the abolition of certain suzerain rights over hills, and of *ibikingi*, and of other feudal practices and abuses, was perhaps an essential reform of traditional customs. Was this interpretation the correct one?

M. HALEWYCK DE HEUSCH desired to dispel a misunderstanding. The present reorganisation was leaving native customs and institutions absolutely intact; it amounted solely to a regrouping of the chiefdoms and sub-chiefdoms. In this connection, it should be pointed out that *ibikingi* were a creation of recent date and that they had been set up solely in the interests of the Sultans' courtesans and female favourites. Formed of portions of hills, they only served to provide revenue for parasites, to the great detriment of the native population.

LORD LUGARD said that his own experience in Africa enabled him to confirm M. Halewyck de Heusch's statement that agitators always spread the report that the Europeans would soon leave the country.

He enquired as to the source from which the *ibikingi* derived their power. Were they hereditary sub-chiefs, or were they the temporary favourites of Musinga or other chiefs who levied their exactions in the name of their patron?

He observed that the new Mwami was a pupil from the school for the sons of chiefs. Was there any fear that these boys would become Europeanised at the school and so lose touch with their people?

M. HALEWYCK DE HEUSCH replied that the holders of *ibikingi* were only the Sultan's favourites, invested with a benefice which was not hereditary, and to which no administrative duties were attached. They benefited, without rendering any service.

The eldest son of Musinga had been educated at the Nyanza School. He had already proved his mettle as chief of a district in which he had given every satisfaction, both to the population and to the Administration. In order to meet the danger referred to by Lord Lugard, the Administration had — acting on a suggestion put forward last year¹, by Lord Lugard himself — taken steps to ensure that, from the present year, native customs would be taught in the schools for the sons of chiefs. The programme of studies was under preparation.

LORD LUGARD thanked M. Halewyck de Heusch.

M. RUPPEL regretted that the mandatory Power had been obliged to depose the great chief Musinga of Ruanda, but had the impression that the Sultan had been unable to adapt himself to the policy inaugurated by the Administration with regard to the powers formerly held by the Batusi chiefs.

¹ See Minutes of the twenty-first session, page 20.

M. HALEWYCK DE HEUSCH replied that, contrary to what M. Ruppel supposed, the system of government had not been altered in Ruanda-Urundi by the mandatory Power. The latter, with a view to applying, with the maximum chance of success, the system of indirect government which, in agreement with the League Council, it regarded as the best, endeavoured to obtain the assistance of men who would not hinder the fulfilment of the obligations laid down by the mandate. That was why it had been obliged to replace certain chiefs. If, under the former regime, Musinga's conduct had not given rise to any particular observations, it was because at that time the European authority was not quite firmly established in the territory. At that time, it was a known fact that torture by impaling had been practised at a few kilometres from the place in which the German Resident was living, and that a number of crimes and atrocities could be laid at the door of the Sultan's despotic rule. Doubtless if the Resident could have taken any effective action, he would have done so.

At present, European authority was firmly established, and the only powers of the native authorities which were being abolished were the powers of administering venial and arbitrary justice, oppressing those who were liable to provide service, and inflicting hideous punishments which civilisation could not tolerate. If, on the other hand, the powers of certain chiefs were being transferred to others appointed in their place, that action was necessary to put an end to the abuse which prevented the fulfilment of the terms of the mandate. Moreover, the mandatory Power had never intended to transform the chiefs into paid officials.

M. SAKENOBE noted that, in the preceding year, many sub-chiefs had been deposed by reason of their attitude of open hostility to the Government. This year's report mentioned (pages 56 to 58) that a large number of sub-chiefs had been dismissed for incompetency. It had been stated by the accredited representative last year,¹ that the Watutsi were good administrators. Would not the expression "incompetency" actually signify something stronger — "passive resistance", for example?

M. HALEWYCK DE HEUSCH replied that that was not so. The chiefs had been removed because they had been unable to co-operate effectively with the Administration, to take charge of agricultural work, drainage, etc. Briefly, the chiefs who had been dismissed were incapable of leading.

M. SAKENOBE asked whether the Administration was satisfied with the results of the 1930 law on compulsory cultivation, in spite of the incompetency of the native chiefs.

M. HALEWYCK DE HEUSCH replied in the affirmative. Where the chiefs co-operated with the Government, the law had led to a considerable increase in agricultural production.

In reply to a further question by M. Sakenobe, M. Halewyck de Heusch explained that the Burudi territory had been formed to assist the anti-sleeping-sickness campaign. The area in question, where the disease was unknown, was formerly part of an administrative division where sleeping-sickness prevailed. That was why it had been separated.

ADOPTION BY THE NATIVES OF EUROPEAN CIVILISATION.

Mlle. DANNEVIG, while thoroughly appreciating the mandatory Power's efforts to deal with the famines from which the natives had hitherto suffered, gained the impression from reading the report that the mandatory Power, by means of rules and regulations, had endeavoured to carry out in the territory a development plan so energetic as to have some analogy with the five-year plan. The report contained a photograph of a chief's house, which was quite European. Would it be desirable suddenly to endow a population, whose customs were still of the middle ages, with surroundings of modern civilisation? Was it not to be feared that these natives would become caricatures of Europeans instead of better Africans who were proud of their own country and their native customs?

M. HALEWYCK DE HEUSCH replied that the mandatory administration, whose presence alone demonstrated the advantages of the customs of civilised countries, could not disown its own ways and refuse to allow the natives to dress, house themselves and live like Europeans if they desired to do so. He pointed out, moreover, that in its schools the Administration received natives dressed in the clothes customary in the country. This was the case at the school for the sons of chiefs at Nyanza, and the authorities took no step to dissuade the natives from giving up the national dress.

POSITION OF WOMEN IN THE TERRITORY.

Mlle. DANNEVIG thanked the mandatory Power for the information given in the report with regard to the position of women in the territory (page 233). It was known that women were particularly well treated in Ruanda-Urundi. Had the arrival of the whites changed this state of affairs?

M. HALEWYCK DE HEUSCH said that contact with Christian ideas had improved their position still further.

¹ See Minutes of the twenty-first session, page 18.

BILATERAL CONVENTIONS APPLIED TO THE TERRITORIES UNDER MANDATE.

The CHAIRMAN read a note on this subject (Annex 3).

MINES : CONCESSIONS FOR PROSPECTING AND EXPLOITATION.

COUNT DE PENHA GARCIA noted that prospecting concessions over considerable areas had been granted to certain companies. Land was consequently closed, as it were, for prospecting purposes, and mining development in the territory might perhaps be hampered. Did not this actually obstruct the investigations of other companies ?

M. HALEWYCK DE HEUSCH explained that the system of mining contracts which had been concluded was justified by the Administration's anxiety not to leave the territory at the mercy of small companies set up for purposes of speculation. It desired to encourage the formation of powerful companies determined to do serious prospecting work and exploitation and offering real guarantees. Vast territories had been set aside for these companies which had these exclusive prospecting rights. It was, indeed, essential to prevent rival companies from spying on the work of the prospecting companies and taking advantage of any indiscretion. The land set aside for prospecting was not blocked for long. Prospecting rights were reserved to the holders of contracts only for a relatively short period of four or five years, if M. Halewyck de Heusch remembered rightly. During that period and for three months after, the mines which the contracting company desired to exploit were notified to the Administration, and the rest of the area was freed.

COUNT DE PENHA GARCIA stated that his attention had been drawn to the fact that one of the prospecting companies had prospecting rights covering 2,150,000 hectares, whereas the other companies mentioned in the report had together less than one-tenth of the area. The system of granting prospecting rights over large areas might sometimes have serious disadvantages. It was true that the mandatory Power had considerably reduced the dangers of this system by restricting the duration of these rights to four or five years.

M. HALEWYCK DE HEUSCH explained that the big company to which Count de Penha Garcia had referred was formed by combining four or five smaller companies, each of which held a concession.

COUNT DE PENHA GARCIA noted that the mining legislation contained no provisions relating specially to trusts, which sometimes had disadvantages when they were not supervised. There might be a gap here which should be filled.

M. ORTS asked the accredited representative to confirm that the " mining concessions " under discussion were actually only prospecting permits. If he was well informed, the system applied in the territory under mandate was the same as that adopted in the Belgian Congo and in the British possessions. A general authorisation to prospect was first accorded, then a special authorisation, and finally a concession, which latter conferred the right to exploit.

M. HALEWYCK DE HEUSCH confirmed the information M. Orts had just given with regard to the progression of prospecting rights and the right to exploit, which applied to very different areas.

LORD LUGARD said the system he adopted in Nigeria was (a) a " general prospecting licence ", which conveyed no special rights and for which a nominal fee was charged, its primary object being to enable the Administrator to reject any undesirable person, etc., and (b) an " exclusive prospecting licence ", which was for a limited period and over a specified area. The licence was more costly, because it not only excluded other prospectors while it was in operation, but it also conferred on the licensee the right to select a small area over which he could claim a mining lease. The " exclusive prospecting licence " was not marketable, and could not be transferred. Mining leases (viz., concessions) of course varied according to the particular mineral and its location (alluvial or other).

COLLABORATION BETWEEN CERTAIN AGRICULTURAL UNDERTAKINGS AND THE NATIVES.

COUNT DE PENHA GARCIA drew attention to the statement on page 160 of the report to the effect that certain companies worked in collaboration with the native population. Was this collaboration spontaneous or promoted by the Administration ?

M. HALEWYCK DE HEUSCH replied that, when the Administration had to deal with a *bona-fide* company, it invited the natives to work with the company, but did not go further. Generally speaking, the native provided the land and his labour, and the company provided technical advice, agricultural implements and selected seeds. The Administration never went further than advising the natives.

Count DE PENHA GARCIA pointed out that, when a native was compelled to work for a European, the latter might be tempted to abuse his intellectual and economic superiority, and so on.

M. HALEWYCK DE HEUSCH stated that, in any event, the mandate prohibited the mandatory Power from compelling the natives to work for Europeans. He repeated that the Ruanda-Urundi Administration never intervened in these matters except to give advice.

MIGRATIONS OF LABOURERS BETWEEN THE TERRITORY UNDER MANDATE AND NEIGHBOURING TERRITORIES.

Lord LUGARD said that he had seen in the Press a reference to a letter from the Governor of Uganda of old date (June 1928) in which he said that there were rumours that labourers who had come from Ruanda were robbed on their way back by agents of the chiefs in the territories under mandate. Lord Lugard did not know which territories were referred to or whether the reports were true, but hoped that the mandatory Power would do all that was possible to render the roads safe for these people. The Governor also said that more men came from Ruanda than could find work, and it might be necessary to establish a location for them at Kampala and control stations on the routes.

With regard to the migration to Uganda, Lord Lugard, generally speaking, was opposed to placing any obstacles in the way of labourers seeking work, but he hoped that the necessary measures had been taken to safeguard the labourers on their way.

M. HALEWYCK DE HEUSCH stated that he had never heard that the emigrants to Uganda had been robbed on their return to the Ruanda-Urundi territory. He had only, during a previous session, had to explain the unfortunate position of these emigrants, who left without the permission of the authorities, went to live under conditions different from those to which they were accustomed and suffered greatly from the change of climate.

M. Halewyck de Heusch added that there was as much emigration to Uganda as in the past. The mandatory Power had great difficulty in preventing it, as the natives went by bypaths.

Lord LUGARD asked for information regarding the emigration of labour towards Katanga which, in 1930, was reported to have reached 2,000 to 2,500 natives, with a flotilla of steamers on the lake for their transport.

M. HALEWYCK DE HEUSCH replied that emigration to Katanga had ceased completely.

Lord LUGARD asked why this latter emigration had ceased. Had it been found too costly or were there too many deaths among the emigrants ?

M. HALEWYCK DE HEUSCH replied that emigration towards Katanga had been stopped, not because there were too many deaths among the recruited natives, but because the Upper Katanga Mining Union had cut down its operations owing to the economic crisis and had even repatriated its workers.

He added that this repatriation had been organised with praiseworthy care. The company had even given a little extra money to the workers it dismissed and had maintained staff in Ruanda-Urundi to assist in sorting out the returned natives and sending them back to their home villages.

TRANSFER OF THE CAPITAL OF THE TERRITORY.

M. RAPPARD stated that, having received somewhat inconsistent Press reports, the Mandates Commission desired detailed information with regard to the transfer of the capital of the territory. According to the above Press reports, 20 million Belgian francs would be required to establish the officials appointed to the Provincial Government. At how much did the accredited representative estimate this expenditure ? Generally speaking, how were these officials housed at present ?

According to information from another source, the road from Usumbura to Astrida required considerable attention. Was not this route of primary importance ? Was it true that Usumbura traders had brought pressure to bear on the competent authorities to prevent the transfer of the capital of the territory.

M. HALEWYCK DE HEUSCH stated that the Minister for the Colonies, who had visited the territory under mandate and examined the question on the spot had decided to keep the capital at Usumbura.

M. RAPPARD asked whether the Minister had consulted the medical and local authorities before taking this decision.

M. HALEWYCK DE HEUSCH replied that the Minister had questioned twenty-five persons on the spot, twenty-four of whom were against transferring the capital to Astrida. Among the persons questioned were the medical authorities. The only opinion in favour of the

transfer was based on the fact that the natives of the plateaux did not stand the Usumbura climate well and might find it difficult to go there. It had been felt, however, that, far from being disadvantageous, this was rather an advantage. The authorities at the capital were responsible for general administration, issuing orders and making studies, and it was important that they should not be disturbed by, and absorbed in, direct action with the natives. It was the special business of the officials in the various Residencies to keep in touch with the natives, to hear their claims and to negotiate with them. Moreover, if the capital were established at Astrida, 8,000 natives would have to be expropriated and important catchment works and water conduits constructed.

Finally, Usumbura, which was on the threshold of the territory and through which officials were obliged to pass, was better adapted by its geographical situation to act as the capital. These considerations had finally led to the Minister's decision, particularly as in a crisis such as that through which the world was passing, it was desirable to avoid the heavy expenditure which the creation of a new capital at Astrida would have involved.

With regard to an observation by M. Ruppel, M. Halewyck de Heusch stated that, at Usumbura, although it was situated in a zone infested with sleeping-sickness, there were no tse-tse flies; sleeping-sickness was not contracted there.

DEFENCE OF THE TERRITORY.

Mlle. DANNEVIG noted (page 16 of the report) that military expenditure had increased by more than 200,000 francs in a territory surrounded by Belgian and British colonies and a mandated territory. What was the reason for the increase?

M. HALEWYCK DE HEUSCH observed that this sum actually represented only 29,000 gold francs, a much smaller amount. The increase was due to the fact that the troops had for some time been required to ensure the motor transport service. Additional expenditure had therefore been incurred for this purpose and for arms.

CUSTOMS UNION BETWEEN RUANDA-URUNDI AND THE BELGIAN CONGO.

M. VAN REES wondered whether the existence of a Customs union between Ruanda-Urundi and the Belgian Congo was consistent with the complete financial autonomy guaranteed to the territory under mandate by Article 2 of the Law of 1925.

M. HALEWYCK DE HEUSCH explained that goods must be accompanied, on import into the Customs union territory, by a document indicating their exact destination. Customs duty was paid to the Treasury of the territory to which they were consigned, whether the Congo or Ruanda-Urundi.

M. RAPPARD considered that if the two territories were of equal economic importance and their geographical situation practically the same, a Customs union of this kind would certainly be equitable, but did not goods actually enter the Belgian Congo by that colony's ports, pay duty which went into the Congo Treasury, and then pass free of duty into Ruanda-Urundi? Did the accredited representative consider that the Customs union was fair to the territory under mandate?

M. HALEWYCK DE HEUSCH said he himself thought that it was advantageous to Ruanda-Urundi. The tables on pages 126 and 127 of the report showed that exports of the local products of the territory under mandate to the Belgian Congo amounted in 1931 to 4,743,148 Belgian francs, while imports of local products from the Belgian Congo amounted to only 1,512,746 francs. Foreign products imported into the Belgian Congo certainly amounted to 5,764,860 francs, whereas those exported by Ruanda-Urundi to the Belgian Congo amounted to only 3,714,794 francs. If the value of local and foreign products was added together, however, it would be seen that Ruanda-Urundi was still the gainer. Moreover, had the results of the Customs union been less favourable to Ruanda-Urundi, the mandatory Power would still have been entitled to introduce it, since this was formally authorised by the mandate.

M. RAPPARD observed that the mandate authorised a Customs union of this kind, on condition, however, that it was not detrimental to the territory under mandate.

M. VAN REES emphasised the following passage of the report (page 128):

“ Complete records cannot be kept of goods passing the frontier between Ruanda-Urundi and the Belgian Congo in either direction in the absence of Customs offices to record their movement. ”

It must therefore be somewhat difficult to obtain an accurate idea of the advantages and disadvantages to the territory under mandate of the Customs union with the Belgian Congo.

M. HALEWYCK DE HEUSCH replied that the statistics he had just given showed clearly the principal movements of trade. All that was omitted was native trade on a small scale

along the frontier, which could not be supervised. In the accredited representative's opinion, the Customs union did no harm to the territory.

M. RAPPARD, returning to the figures to which the accredited representative had called attention with regard to the movement of goods between the Belgian Congo and Ruanda-Urundi, stated that they might, on analysis, reduce considerably the value of M. Halewyck de Heusch's arguments. The goods imported into the territory from the Belgian Congo were manufactured products — that was to say, articles which would normally pay high Customs duties — while the goods imported from Ruanda-Urundi into the Congo were only foodstuffs, on which fairly low Customs duties were usually levied. If that was the position, a Customs union would involve a real loss to the fiscal revenue of Ruanda-Urundi.

M. HALEWYCK DE HEUSCH said that, when a Customs union was established, it must be accepted with all its consequences. As he had already said, the mandatory Power was entitled under the mandate to make a Customs union between the territory under mandate and the Belgian Congo, provided the provisions of the mandate were not prejudiced.

M. RAPPARD pointed out that “subject to the provisions of the mandate” signified in this case subject to the interests and wellbeing of the population of the territory. It was therefore true that — at any rate so far as Customs receipts were concerned — the losses due to the creation of the Customs union exceeded the gain to the territory.

M. HALEWYCK DE HEUSCH stated that, while he made every reservation with regard to M. Rappard's argument, the last statement did not appear to be *a priori* evident. Calculations would have to be made.

M. VAN REES was glad that the mandatory Power studied in detail the good or bad effects, from the natives' point of view, of the Customs union, which was, indeed, allowed by the mandate only on condition that it did not harm the interests of the territory.

M. ORTS agreed that a Customs union was only justified if it was in the interests of the territory under mandate, but nothing would be more difficult than to draw up a balance-sheet of the operation, for it must be admitted that fiscal revenue was not the principal factor. M. Orts was of opinion that the Customs union between Ruanda-Urundi and the Belgian Congo was at least of considerable potential value to the territory under mandate. Ruanda-Urundi was a small, well populated territory, which was obliged to produce and export goods in order to feed its inhabitants. The development of its production and its export trade depended upon the existence of markets, with which the territory under mandate was provided by the Customs union with the Congo. That was the main advantage of the Customs union, and it could not be expressed in figures as Customs revenue.

M. Van Rees had drawn attention to an observation on page 128 of the report which had also interested M. Orts. In view of the small number of land communications which could profitably be utilised for trade between Ruanda-Urundi and the Congo, he wondered what quantity of goods coming in either direction escaped Customs supervision. If he was not much mistaken, it must be almost nil. The reservation expressed on page 128 of the report therefore seemed to him superfluous.

M. HALEWYCK DE HEUSCH stated that it had been inserted from possibly excessive anxiety to be quite frank and scrupulously accurate.

M. RAPPARD pointed out that the absence of Customs offices at the ports of the territory under mandate might be responsible for inaccurate statistics.

M. HALEWYCK DE HEUSCH explained that, in place of the Customs office at the port of Kigoma, Customs offices had been established in various Ruanda-Urundi ports on Lake Tanganyika on January 1st, 1932. Owing to the existence of the Customs union, goods passing the frontier between Ruanda-Urundi and the Belgian Congo were not supervised.

The accredited representative would ask that the next report should contain the statement for which M. Van Rees had asked, showing the advantages of the Customs union to the territory under mandate and the extent to which they outweighed possible disadvantages.

WORK OF THE CARTOGRAPHIC MISSION. EASTERN FRONTIER OF THE TERRITORY.

The CHAIRMAN reminded the Commission that, at its last session¹, the accredited representative had stated that the work of the Cartographic Mission would in all probability be terminated in the course of 1932. There was some information on this point in the report for 1931 (page 5), in which it was said that: “a draft Convention had been prepared and forwarded to the home Governments”. Could the accredited representative tell the Commission how matters stood? Had the draft Convention been approved? If so, had it been ratified?

¹ See Minutes of the twenty-first session, pages 15 and 16.

M. HALEWYCK DE HEUSCH replied that the Cartographic Mission had resumed its activities towards the end of 1931, and that it was hoped the work now proceeding would be completed before the end of next year.

With regard to the Convention to which the Chairman had referred, owing to the continual shifting of the bed of the River Kagera over part of its course along the frontier between the territory under Belgian mandate and the territory under British mandate, the British Government had proposed to the Belgian Government that, in the area in which these variations occurred, the ground should be demarcated between the two countries in such a way as to fix the frontier once for all. It was specially important that this frontier line should be stabilised, as it crossed a country in which mineral deposits seemed of some value, and the possibilities of disputes might become numerous. The Convention negotiated by the Commissioners had not yet received the approval of the two Governments, who were still endeavouring to make some of its clauses more precise. When the text had been finally drawn up, it would be submitted to the Council of the League for approval, as it involved a slight change in the frontier.

EXECUTION OF PUBLIC WORKS.

M. RUPPEL asked whether all the public works carried out in 1931 had been Government undertakings, or whether some of them had been handed over to private enterprise.

M. HALEWYCK DE HEUSCH replied that the large road-building schemes had been entrusted to two private companies, la Compagnie belge de Chemins de fer et Entreprises, and the Société des Mines d'Étain du Ruanda-Urundi, commonly known as la Société Minétain. The latter company had constructed certain very satisfactory roads for its own use. The Administration had therefore decided to entrust to it a number of undertakings of the same kind. The former company had constructed two roads, one from Usumbura to Astrida, over which it had encountered the greatest technical difficulties, and one from Usumbura to Uvira. The Minétain Company had constructed the network of roads in the northern part of the territory. All the other public works had been carried out direct by the Government services.

M. RUPPEL drew attention to the following passage in the report (page 102) :

“ . . . The Administration has been obliged to admit that the system of entrusting work to private enterprise, though it possesses certain undeniable advantages, is nevertheless in the long run very costly to the Treasury. ”

He supposed that that was why part of the work decided on by the Administration had been carried out by the Government services direct.

M. HALEWYCK DE HEUSCH explained that the entrusting of work to private enterprise was costly in times of crisis, because the work could not be interrupted to meet the circumstances, as it might entail heavy compensation to the private enterprise for the loss it suffered owing to the immobilisation of its capital, equipment, etc. From this point of view, the execution of work direct by the Government services offered great advantages in certain difficult circumstances such as those now facing the country.

M. RUPPEL noted (page 110 of the report) that the new jetty, the construction of which had been begun in 1930, had been completed and was due to private enterprise.

M. HALEWYCK DE HEUSCH recognised that he had omitted to draw attention to this jetty when referring to the work not carried out direct by the Government services. The jetty was of some importance because vessels could now load and unload in the port of Usumbura.

THIRTY-FOURTH MEETING

Held on Tuesday, November 29th, 1932, at 3.30 p.m.

Ruanda-Urundi: Examination of the Annual Report for 1931 (continuation).

M. Halewyck de Heusch, accredited representative of the mandatory Power, came to the table of the Commission.

PUBLIC FINANCE.

M. RAPPARD noted that the chapter on Finance and Customs (page 27) contained three pages of text and eighteen pages of tables ; but it was not very easy to consult these tables, useful as they were. He relied entirely on the mandatory Power and the common sense of

its Administration to see that in the next report the tables were more clearly and better arranged so as to facilitate useful comparisons.

He then asked why the poll tax and the live-stock tax, which were both levied directly on the natives, had been raised at a time of general depression and when the prices of native products had fallen.

M. HALEWYCK DE HEUSCH explained that the tax schedules had been prepared in December 1930. The world crisis had, of course, set in by then, but business in the mandated territory had been brisk and plentiful. The fact was that some very important work was being carried out, road construction involving the distribution of wages to large numbers of workers and a constant supply of foodstuffs. Accordingly, the first months of 1931 had been a period of great abundance. It was only towards the end of the year, when the work had diminished and then been suspended, that the resources of the natives had declined. The Administration, however, had then reduced taxation, as would be seen from the Ordinance of November 30th, 1931, reproduced on page 218 of the report.

M. RAPPARD did not understand the following passage referring to the polygamy tax (page 28) :

“ The tax on each extra wife varied from 6 to 15 francs, the intermediate stages being 8, 10 and 12 francs. ”

Secondly, the live-stock tax had brought in about 2,800,000 francs in 1930 and 2,900,000 francs in 1931. The difference between these two figures was trifling, although the rate of taxation had been increased from 3.50 francs to 4 francs per head — that was to say, an increase of 12.5 per cent. How was it that the increased rate had not led to a greater increase in the total receipts ?

M. HALEWYCK DE HEUSCH, replying to the first question, explained that the polygamy tax varied according to district and not according to the number of wives. In other words, the tax was not graduated ; throughout each district the taxpayer paid the same tax for each wife.

As to the live-stock tax, the increase in the rate, being 50 centimes for a total quantity estimated at 750,000 head of cattle, should have brought in about 375,000 francs more ; but, in fact, the increase had not been as much as 100,000 francs. The accredited representative could not explain the reason for the deficit. He would ask for explanations to be given in the next report.

Count DE PENHA GARCIA asked what was the object of the tax on polygamy. Was it meant to discourage the practice or was it regarded merely as a source of revenue ?

M. HALEWYCK DE HEUSCH replied that the object was primarily fiscal. Up to 1931, the tax had been levied only on polygamists — and there were very few — from outside the territory. Native-born polygamists had only been required to pay it since 1931, and it would be necessary to wait some years before judging the consequences of this measure.

M. RUPPEL observed that the two Sultans, who had originally received a 2½ per cent refund from the total receipts from the poll tax, would henceforth (page 87) receive an annual income in lieu of the customary tax in services or kind due to them. He asked for explanations.

M. HALEWYCK DE HEUSCH explained that, for the moment, this was nothing more than a project. The proposal was to induce the Sultans to substitute for the customary tribute (payment in kind, services supplied, forced labour), from which they had always benefited up to the present, an annual tax of one franc per native liable to poll tax. This reform, the advantages of which were set out on page 87, fourth paragraph, had, it appeared, been approved by the Sultans. It had no connection with the refund mentioned by M. Ruppel, which was an entirely different matter.

M. RAPPARD noted that the budget deficit had considerably increased and the report announced a policy of retrenchment. Had any measures been taken since 1931 ? If so, what had been their effects ? Was the budget deficit likely to decrease ?

M. HALEWYCK DE HEUSCH said that the increase in the budget deficit was more apparent than real, and, in fact, the deficit was smaller than in the previous year. He reminded the members of the Commission that two years ago¹ he had told them that a scheme was being studied for amalgamating all the advances already made to Ruanda-Urundi in one big loan, in a single debt, which would amount to 200,000,000 francs. Under this scheme, Ruanda-Urundi would obtain very advantageous terms for the payment of interest on the debt. Over a certain number of years, one-third of the interest would be paid by the Belgian Treasury and one-third by that of the Belgian Congo, only one-third being charged directly to Ruanda-Urundi, which would have the principal of the loan at its disposal. Then, after a certain time, Ruanda-Urundi's contribution would increase by stages and that of Belgium and the Congo be reduced. The agreement implementing these provisions had been concluded only last October ; but, at the time the 1931 budget had been framed, it had been hoped that the agreement would enter into force sooner, and the amounts to be disbursed by Belgium and the Congo had been entered in

¹ See Minutes of the nineteenth session, pages 127 and 128.

the estimates of receipts. As, owing to the delay in signing the agreements, these amounts had not been paid in, the budget deficit had in consequence risen from under 3,500,000 francs to about 6,000,000. He added that, under the agreement, Belgium and the Congo would pay *ex post facto* for 1931 the amounts which it had been agreed they should contribute for that year.

M. RAPPARD pointed out that those were extraordinary resources the purpose of which was to restore the budget balance for the year, but they were none the less a charge upon the territory.

M. HALEWYCK DE HEUSCH replied that there would be no interest charged upon the amounts thus paid. In other words, the funds advanced to Ruanda-Urundi were intended to pay for the income accruing from its loan, but, as a favour granted by the two lenders, did not themselves yield interest. The mandated territory would be required to return the amount of the subsidies — that was to say, the capital, and nothing more.

As for retrenchment, the following steps had been taken looking to the future: the number of officials and of administrative districts had been cut down, and all expenditure which was not of immediate and absolute necessity had been provisionally suppressed.

M. RAPPARD asked for explanations concerning the table of extraordinary expenditure for 1930 (page 33).

M. HALEWYCK DE HEUSCH explained that, in Ruanda-Urundi, as in the Congo and Belgium, the extraordinary budget was framed for a five years' period. Each year during this period the various expenses for which credits had been opened in the budget were entered in the table under the account corresponding to the relevant item in the budget. Accordingly, expenditure effected in 1930 from credits allocated in 1927 should not be looked for in the 1930 table, but in that for 1927.

M. RAPPARD pointed out that, in the table of extraordinary expenditure for 1930, the credits for education amounted to 1,850,000 francs, while the expenditure effected from this credit on December 31st, 1931, was in the neighbourhood of 2,500,000 francs. How could [this discrepancy be explained?

M. HALEWYCK DE HEUSCH replied that, in this case, the credit had been exceeded, and the situation would, if necessary, be regularised by a special law.

M. RAPPARD observed that these conditions [made it very difficult for the Mandates Commission to exercise an effective control.

M. HALEWYCK DE HEUSCH explained that, in the case mentioned, the expenses of the schools at Astrida had exceeded the estimates because the building work, which could not be stopped without causing grave disappointment, had expanded more quickly than had been anticipated. But the local administration had been covered by the Government. No irregularity need be feared; all expenses must be duly vouched for and were always carefully checked.

Replying to another question by M. Rappard, the accredited representative explained that, to meet supplementary expenditure, the Administration drew on the Treasury with the Government's authorisation and subject to the subsequent approval of the Legislative Chambers.

M. RAPPARD asked what were the advantages of the system of having an extraordinary budget every five years.

M. HALEWYCK DE HEUSCH explained that this system made it possible to avoid delay, accident or interruption in the carrying out of large-scale works, the programme and general outlines of which had to be settled in advance, so that their execution was not made dependent upon piece-meal decisions. As a consequence of this method, there had been no need for an extraordinary expenditure budget in Ruanda-Urundi in 1931. There had been sufficient work proceeding for which credits had been allocated in the extraordinary budgets for previous years.

M. RAPPARD, without in the least wishing to criticise this system, was nevertheless afraid that it was unlikely to facilitate economy or the auditing of the accounts.

M. HALEWYCK DE HEUSCH replied that there was very strict and stringent supervision, exercised first in Africa, then at the Ministry for the Colonies, and after that by the Audit Office, which submitted its observations to Parliament.

M. RUPPEL, in comparing revenue and extraordinary expenditure, had noted that, from 1927 to 1931 inclusive, the total revenue had amounted to about 50 million francs, whereas the total expenditure incurred under the extraordinary budgets during those five years was nearly 77 million francs. How had the Administration been able to meet this excess expenditure?

M. HALEWYCK DE HEUSCH explained that, when a credit had been granted in the extraordinary budget, the corresponding receipt might not be created until later — that was to say, at the time when the expenditure so incurred had to be met. Thus, the 1929 extraordinary budget contained under Article 2 a large credit for 50 million francs for important work on the main roads (page 32 of the report). But, during that year, the estimated total extraordinary revenue had not reached 12 million francs. The reason was that this very large credit was not intended to be spent in 1929 and that it was, therefore, enough to have sufficient revenue

for the needs of the year. In 1931, on the other hand, there had been no estimates of extraordinary expenses, but estimated receipts had amounted to more than 18 millions. These had been used to defray the expenditure authorised by the credit allocated in 1929. In other words, a receipt did not necessarily follow an expenditure. In reply to M. Ruppel's question as to where the Administration obtained funds when in need, the accredited representative said that the Administration borrowed by issuing Treasury bonds.

M. RAPPARD noted from the table on page 47 that, in 1931, the Government of Ruanda-Urundi had issued Treasury bonds to the amount of 74,500,000 francs. That appeared to be an enormous sum. Who had discounted these bonds ?

M. HALEWYCK DE HEUSCH replied that the greater part of these sums had been advanced by the Belgian Congo ; the home Government in Belgium also had made advances, but for a much smaller amount.

M. ORTS asked if the Belgian National Bank did not discount the Treasury bonds of the mandated territory.

M. HALEWYCK DE HEUSCH replied in the negative. The Belgian Congo supplied the necessary funds.

M. RAPPARD felt, nevertheless, that Ruanda-Urundi had contracted an enormous debt ; it was the only mandated territory in such a position.

M. HALEWYCK DE HEUSCH said that the great advantage of obtaining assistance from the Belgian Congo was that it made Ruanda-Urundi dependent, not on financiers, but solely on a Government whose only concern was to help in the development of the country with which it was associated.

M. RAPPARD asked whether the territory owed interest on the advances received.

M. HALEWYCK DE HEUSCH replied that the loans were made direct by the Belgian Congo ; the latter required Ruanda-Urundi, to which no financier would lend money, to reimburse such sums as it had to pay out by way of interest.

M. RAPPARD pointed out that, if the Treasury bonds were discounted for short terms at the rate which the Belgian Congo had to pay to its creditors for long-term advances, the system did not appear to offer any advantage.

M. HALEWYCK DE HEUSCH replied that that was exactly where the scheme for the division of the charges between the home country, the Belgian Congo and Ruanda-Urundi came in. The interest which Ruanda-Urundi paid to its creditor was refunded to it up to two-thirds of the total and it was not required to pay anything at all for this advance.

M. RAPPARD said that the whole system seemed to him much more ingenious than simple and was not calculated to simplify the task of those who had to follow the position of the country's finances. He would not, however, press the point further.

M. RUPPEL asked for the insertion in the next report of fuller explanations on the financial relations existing between Ruanda-Urundi and the Belgian Congo and between Ruanda-Urundi and Belgium.

M. HALEWYCK DE HEUSCH would ask that in its next year's report the mandatory Power might describe the stipulations, terms and general system of the agreement concluded in October last.

M. VAN REES asked what would happen if the Belgian Congo Treasury were short of money. The existing system would seemingly be beneficial only so long as the Belgian Congo had funds.

M. HALEWYCK DE HEUSCH assured M. Van Rees that, to obtain funds, the Government of the Belgian Congo would in all circumstances do anything rather than demand immediate payment from Ruanda-Urundi. It knew perfectly well that any such transaction was impracticable.

In reply to another question concerning the consolidation of the floating debt, he said that there had been some idea of it, but in the present circumstances it would be impossible. Better times must be awaited.

COMMUNICATIONS.

M. MERLIN could not understand how the Usumbura - Kigoma - Dar-es-Salaam railway could, as stated at the top of page 101, suffer from the competition of other much longer lines requiring frequent breakage of bulk, unless the latter lines had introduced quite exceptional tariff rates.

M. HALEWYCK DE HEUSCH explained that, as regards communications with the Indian Ocean, the breakage of bulk was the same on the Usumbura - Dar-es-Salaam line as on the Port Kagera - Mombasa railway, but the latter was certainly more direct.

CANCELLATION OF CONTRACTS CONCLUDED BY THE ADMINISTRATION WITH PRIVATE CONTRACTORS.

M. MERLIN asked whether it was true that the contracts concluded by the Administration with private contractors had had to be cancelled because they were too burdensome for the Treasury.

M. HALEWYCK DE HEUSCH said that was how the decision taken should be construed; the contracts had been found to be burdensome in the present economic conditions and it was for financial reasons that they had been cancelled.

AGRICULTURE.

M. MERLIN asked whether the soya bean, which, according to the report (page 112), it was proposed to cultivate, grew at high altitudes.

M. HALEWYCK DE HEUSCH replied that in Ruanda-Urundi the bean grew everywhere, even in poor soil.

M. MERLIN asked whether the natives had been able to sell the whole of their cotton crop.

M. HALEWYCK DE HEUSCH replied that the entire crop had been sold in 1931. In the mandated territory, at any rate until the end of 1931, the method of cultivating cotton differed from that adopted in the Belgian Congo. In the latter, the natives grew cotton themselves on their own lands; in Ruanda-Urundi, it was grown directly by a company on the land conceded to it. The company employed native labour; it exported the cotton itself. It had changed its methods at the end of 1931.

Replying to a question by Lord Lugard, the accredited representative explained that this company had no monopoly, but was merely in possession of certain lands which had been conceded to it; nor had it a monopoly of purchase from the natives.

CATTLE.

M. MERLIN noted that the report (page 117) described the schemes for stock-breeding, but that they were for the time being only schemes. It would be desirable to consider improving the pastures without delay.

M. HALEWYCK DE HEUSCH remarked that the section of the report referred to by M. Merlin referred only to the improvement of live-stock in the strict sense of the term. It would be seen from page 113, under the heading *Cultures fourragères*, that the Administration of the territory was already planning to improve the quality of the pastures. It was, for instance, promoting the distribution of lucerne, clover and, more especially, *Pennisetum clandestinum* or "kikuyu grass", which grew quickly and was drought resistant.

EXPORTS AND IMPORTS.

M. MERLIN hoped that in next year's report the passages concerning economic matters would be set out more clearly and methodically.

He drew attention to the fact that, generally speaking, the figures of imports were much higher than those of exports (page 128).

M. HALEWYCK DE HEUSCH replied that the importation of large quantities of economic plant was the main cause of this disparity, which must be expected to subsist as long as the equipment of the territory proceeded at the present rate.

M. MERLIN noted, on page 157, that the recapitulatory tables of exports and imports per country of destination and origin mentioned Tanganyika and Uganda. How were the figures for these countries calculated? All the goods imported from these two countries manifestly did not come from them, nor did many of the products exported to them do more than pass through them.

M. HALEWYCK DE HEUSCH replied that the Customs offices could only record the points of departure from which the goods were consigned to them. They could not undertake enquiries as to the first place of origin of the goods. Among the chief imports from neighbouring countries were rice and salt, two commodities which were undoubtedly produced by Tanganyika and Uganda. Salt, in particular, came from the celebrated Gotdorp saltworks in Tanganyika territory.

M. SAKENOBE, in support of M. Merlin's remarks, noted that, on page 153, motors-cars, motor-lorries and tractors, motor-cycles, spare parts for motor-cars and cycles, etc., were shown as received from Tanganyika or Uganda, countries which obviously did not manufacture such articles.

M. MERLIN took advantage of the instances kindly supplied by M. Sakenobe to ask for clearer and more precise statistical returns. The mere fact that an article had been imported into Ruanda-Urundi through the territory of Tanganyika or Uganda did not mean that either of these countries was its place of origin.

JUDICIAL ADMINISTRATION.

M. RUPPEL noted that there had been four expulsions during 1931. Were the deported persons Europeans, Asiatics, or natives of other colonies ?

M. HALEWYCK DE HEUSCH did not know.

M. RUPPEL pointed out that, in the table for the cases heard in the district courts (page 24), there was a column showing the actions which had been settled by payment of a fine. What did this mean ? Did the courts strike a bargain with the defendants ?

M. HALEWYCK DE HEUSCH explained that this was a new departure first introduced some years ago in Italian penal law. The idea of the reform was quite simple. It had been considered that for minor misdemeanours, punishable with a fine only, it was useless, if the culprit pleaded guilty, to set the whole apparatus of justice in motion. It was better to summon the accused to appear before a representative of the bench, who told him the amount of the fine incurred. If the accused agreed and waived his right to trial by a court, he paid up at once and the incident was closed. This system had been found workable in other European countries and Belgium had decided to introduce it in the Congo and Ruanda-Urundi, where it gave complete satisfaction. To prevent malpractices, however, it was not allowed to be applied to the natives in their own interest.

M. RUPPEL remarked that, according to the statistics for crime, there had been thirty-two cases of murder or homicide, but no death sentences had been pronounced by the courts. Had the latter admitted the existence of extenuating circumstances in all cases ?

M. HALEWYCK DE HEUSCH replied that in all probability that had been the case.

M. RUPPEL had been struck by the fact that the district courts had not decided any civil actions. He assumed that all native palavers had been tried by the native courts. Were the decisions of the latter courts regularly checked and confirmed by a European magistrate ? Could an appeal be lodged against them in the district courts and how, generally speaking, did these courts function ?

M. HALEWYCK DE HEUSCH explained that in civil cases the court of first instance had a *droit de prévention* in regard to the district court — that was to say, although the latter was competent to try the case, the parties could always bring their suit before the court of first instance. This was almost always the case, because the latter court was presided over by a doctor of law. That was why very few actions were brought before the district courts. The latter, however, were still retained, as they also dealt with certain penal cases, and, from the penal point of view, were necessary and kept far busier.

In Ruanda, the native courts were better developed than in Urundi, as some of the clerks had studied and acquired a certain amount of training. Thus, they could be employed as registrars and judgments could be reduced to writing. The courts consisted of three chiefs chosen by roster from a list of twelve names. A European official could attend the sessions and even take part in the decision. If absent, he could cause the judgment to be communicated to him. If he found that justice had miscarried, he could revise the judgment or cause the case to be brought before the Court of Appeal.

In Urundi, judgments were still verbal and the verdict was reported to the European official, who was also entitled to revise it or take action for its revision.

M. RUPPEL noted, in the case of frontier courts, a very big increase in the number of cases heard by the court for the frontier between Ruanda-Urundi and the Belgian Congo (page 64). He asked for explanations on the point.

M. HALEWYCK DE HEUSCH explained that the sessions held by these courts were rather irregular. This explained the gaps in the statistics. In the particular case of the Gatsibu-Gabiro frontier court, it would be seen that four actions had been entered in 1931 as compared with 112 in 1930. The reason for the congestion in 1930 was that all the cases pending, which had accumulated in 1929 in consequence of the troubles in that district, had had to be tried in 1930.

PRISONS.

M. RUPPEL was glad to note that the sanitary condition of prisons had greatly improved between 1929 and 1931 ; the death rate had fallen to a normal level. As most of the deaths had occurred at Kigali and Kitega, could he infer that patients were transferred to the hospitals in these two centres ?

M. HALEWYCK DE HEUSCH replied in the affirmative. He added that prisoners who died in hospital were also included in the returns of deaths in prisons.

POLICE.

M. RUPPEL noted that, according to the admission of the Administration itself (page 17), the training of the 272 policemen in Ruanda-Urundi was poor, and the services rendered by them often left much to be desired. This was surprising, as it showed that, in twelve years,

the Administration had not succeeded in training, out of some millions of inhabitants, even a comparatively small number of policemen. Were the soldiers by whom the Administration proposed to replace the present policemen natives of the Congo ?

M. HALEWYCK DE HEUSCH explained that for some years an experiment had been attempted, but the native-born police corps had been inefficiently officered. The introduction of men seconded from the garrison troops would change the whole position. Fresh steps were being taken to train policemen, who would in future receive instruction from experienced Congolese.

DEFENCE OF THE TERRITORY.

M. SAKENOBE asked whether the military force of 636 men (page 16) was an independent unit, or whether it was simply a detachment of troops from the Belgian Congo.

M. HALEWYCK DE HEUSCH replied that it was a detachment of Congolese troops. There were no natives of the territory in the detachment.

PERMITS OF CIRCULATION AND PASSPORTS.

Lord LUGARD asked for explanations with regard to the permits to move from place to place mentioned on page 23.

M. HALEWYCK DE HEUSCH replied that these permits related to individuals. They arose out of the application of a war-time ordinance. In 1917, for reasons of public safety, the Royal Commissioner had ordered that all persons leaving their ordinary residence must hold a permit. This measure had been continued after the war in view of its advantages. In principle, it affected everyone, but natives had to be in possession of a permit only when they went from Ruanda to Urundi or from Urundi to Ruanda. For a long time their safety had been involved, as there had been deep-seated hostility between the natives of the two territories. Relations between the two Residencies having improved considerably, the Administration would perhaps one day consider repealing the measure in so far as it concerned natives.

Lord LUGARD had read that a permit cost 1,000 francs.

M. HALEWYCK DE HEUSCH replied that that was undoubtedly not the case. The ordinary revenue budget contained no item for charges for permits. It was certain that the natives paid nothing whatever for a permit.

In reply to another question by Lord Lugard, the accredited representative stated that passports were subject, as everywhere else, to certain official charges.

TRADE RELATIONS WITH THE NATIVE POPULATION.

COUNT DE PENHA GARCIA asked why a decree had been issued abolishing barter in the mandated territory (page 199). Referring to the decree "on the ticketing of sale prices of articles for blacks", he asked whether the natives could read, or whether the object was merely control of prices.

M. HALEWYCK DE HEUSCH said that barter had been abolished less directly for economic reasons than for administrative purposes, the object being to generalise the system established in the Belgian Congo. The idea of ticketing prices was to facilitate supervision by the Administration.

Lord LUGARD, referring to the account of native industries (page 113), said that it appeared that Asiatic traders infringed the legislation in force (which required that purchases must be paid for in cash) by bartering goods with the natives. It seemed (page 114) that the fall in prices had resulted in the natives determining to do without such middlemen and to trade direct with the large firms. Lord Lugard asked whether these Asiatic middlemen were honest in their transactions with the natives, and whether they were useful to the population.

M. HALEWYCK DE HEUSCH replied that these traders showed very little concern in the interests of the population and devoted themselves to their business without worrying about other matters. They acted as middlemen between the European traders and the natives.

M. MERLIN had the impression from the table on page 120 that trade seemed to be almost entirely in non-European hands (122 as against 52).

M. HALEWYCK DE HEUSCH said that the European concerns which traded on a large scale might be a good deal fewer in number. In fact, non-Europeans were engaged in agency business and traded with the natives for the account of large European firms.

SITUATION OF WOMEN IN THE TERRITORY.

Lord LUGARD thanked the accredited representative for the very interesting special report (page 233) on the social life of women in Ruanda-Urundi.

LABOUR.

Lord LUGARD said he had read with great interest the account of the regrouping of the chiefs (page 56), and especially the scheme referred to on page 87 for substituting a uniform payment of one franc in lieu of all communal work and service for chiefs. In his opinion, that would be an admirable reform.

Mr. WEAVER asked for details with regard to the infractions mentioned on page 25 (Table No. 2). Were these cases of desertion?

M. HALEWYCK DE HEUSCH stated that infractions of the laws and regulations on the labour contract included cases of desertion, deliberate failure to carry out the contract properly, deterioration of raw material or implements, etc. The law provided for and penalised all these delinquencies.

In reply to other questions by Mr. Weaver, the accredited representative said that, if it were possible to do so, the next report would show the exact number of cases of desertion. It would also contain supplementary information with regard to the wages of skilled workers (page 88). In any case, it had been held that these wages, which had become very high, could be reduced without difficulty.

Mr. WEAVER asked whether the emigration of workers to Katanga had ceased permanently or temporarily.

M. HALEWYCK DE HEUSCH replied that, according to his information, the Haut-Katanga Mining Union intended definitely to give up recruiting labour in Ruanda-Urundi. The cost was overwhelming. In three or four years it had involved the company in the expenditure of 60 million francs.

M. PALACIOS asked what effects this measure would have in the mandated territory.

M. HALEWYCK DE HEUSCH replied that the company apparently proposed looking for labour in the Congo itself, where it was cheaper.

M. PALACIOS observed that, in these circumstances, the position of workers in Ruanda-Urundi was likely to become serious, unless the emigrant quota was absorbed by employment in agriculture and the traditional native occupations. He thought, too, that the standard of living in the mines would decline and that there would be a serious deterioration of the labour market.

M. HALEWYCK DE HEUSCH agreed that the decision was regrettable for the inhabitants of Ruanda-Urundi, but added that the Government manifestly could not require a private company to throw its shareholders' money away in the interest or for the benefit of third parties.

Mr. WEAVER said that the report showed that, in spite of the cessation of emigration to Katanga, the total number of workers of the mandated territory in employment, far from decreasing, had risen considerably. It might, therefore, be thought that the cessation of the employment of Ruanda-Urundi natives by the Mining Union, which had been marked by some unsatisfactory features from the health point of view, would not have far-reaching economic effects on the natives of the territory.

M. HALEWYCK DE HEUSCH replied that that had been so during the year to which the report referred.

Lord LUGARD, referring to the table on page 88 showing the number of able-bodied males employed in wage-labour, asked between what ages labourers were considered to be "adults", and what percentage of the population they represented.

M. HALEWYCK DE HEUSCH replied that, as there was no registration, it was difficult to determine a native's age. Whether a native was adult or not was decided by considering external signs. As to the percentage of adults in the total population, he would ask that this information might, if possible, be given in the next report.

Lord LUGARD noted that the same table showed the percentage of the population recruited for labour in Ruanda and Urundi respectively, but each of these provinces contained some hundreds, or perhaps thousands, of villages. If all the adult males were taken from one village and none from another village, the average percentage of the province would still be unchanged. It was, of course, impossible to give a list of villages, showing the percentage of adult males recruited from each, but Lord Lugard asked whether the administrative officers and others who recruited labour were instructed not to take more than a fixed percentage from each village. What was the fixed percentage? Was it the same as in the Congo? Lord Lugard would be glad if this information could be given in the next report.

M. HALEWYCK DE HEUSCH replied that the results of a certain number of tentative enquiries and partial censuses of able-bodied adult males were given in certain passages of the report. The next report would, if possible, contain the information for which Lord Lugard had asked.

Mr. WEAVER asked whether the Administration applied the system in force in the Belgian Congo to Ruanda-Urundi.

M. HALEWYCK DE HEUSCH replied that the same system was not in force, as the position was quite different. The labour regime could not be the same, because the density of population was not the same.

MISSIONS.

M. PALACIOS had read with interest the particulars concerning religious institutions starting on page 73 of the report. The statistical tables did not appear to reflect the very big Christian movement which was given a special mention, in connection with the Catholic vicariats, at the foot of the first column on page 74. The paragraph in question said :

“ In the two vicariats the work of evangelisation is making headway at an ever-increasing speed. The Sultan of Ruanda is already a catechumen and the Sultan of Urundi has been baptised. The missionaries are quite unable to cope with the urge of the population towards Christian ways of thought or to add sufficiently to their numbers to be able to do so.”

It was plain at least that, in this territory, there was happily no such clash between native traditions and civilised morality as existed in other mandated countries in Africa. Had not the conversion of the big chiefs, especially the Sultans, which must be recorded as a great innovation since they were the living embodiment of the ancient native customs, some connection with the spirit of reform and reorganisation which had been mentioned ?

M. HALEWYCK DE HEUSCH did not think that there was any connection between the two movements.

M. PALACIOS asked whether there were any reports in the country of opposition movements led by visionaries, witches, etc., of the kind that had been termed “ native churches ”, or of any other sort, and directed against the Administration and exploited by extremists from other countries for anarchist, communist, etc., propaganda in Africa.

M. HALEWYCK DE HEUSCH replied that there had been no disturbance in the country for two years, and that there were no “ native churches ” in the sense of the term used by M. Palacios.

M. RUPPEL noted that there was no German mission in the territory under mandate. Would the Administration have any objection to the return of a German mission ? He believed that the Belgian Protestant Missionary Society would be willing to give up one of its stations.

M. HALEWYCK DE HEUSCH replied that, in accordance with the provisions of one of the last articles in the Treaty of Versailles, the disposal of the properties of the former German missions was a matter for the mandatory Government. Hence the Belgian Protestant Society could not cede them without the Government's assent. The accredited representative had no information as to any decision which the Belgian Government was likely to take.

Mlle. DANNEVIG asked whether there were special reasons for the remarkable development of the religious activities of the Christian missions in the territory.

M. HALEWYCK DE HEUSCH replied that this must be regarded as due to propaganda.

Mlle. DANNEVIG pointed out that this development was somewhat inconsistent with the table on page 79, from which it appeared that the number of pupils in Catholic schools had decreased ; the number had, however, increased in Protestant schools.

M. HALEWYCK DE HEUSCH said that the decrease in the number of pupils in Catholic schools was only an apparent decrease. As was stated in the report, the statistics had previously included small Catholic schools where a single catechist taught reading and the elements of writing and arithmetic. In 1931, it had been decided that these schools were not sufficiently organised and they had not been included. This explained the reduction in the number of pupils shown in the tables.

EDUCATION.

Mlle. DANNEVIG drew attention to the information given on page 78 of the report to the effect that, owing to delays in the construction, it had not been possible to open in 1931 the courses in the school buildings at Astrida, while on page 82 it was stated that “ education had developed normally during 1931, preparatory to the opening, in 1932, of the school buildings of the large educational centre at Astrida . . . ”

Could the accredited representative tell the Commission how far the construction of the buildings at Astrida had advanced, and whether the courses had been begun in 1932, and, if so, which ? Were the buildings finished ?

How did school attendance compare with that in previous years ? Were the schools at Usumbura working as usual ?

M. HALEWYCK DE HEUSCH saw no inconsistency between the two passages cited. He explained that it had not been possible to finish all the buildings in 1931. Some of the schools,

however, had been opened in 1932. They were large enough to accommodate the school population for which they were intended. He observed, further, that building had proceeded without interruption.

Mlle. DANNEVIG asked why the Astrida school for midwifery pupils had been closed in 1931.

M. HALEWYCK DE HEUSCH said that this school had not been successful, as native routine prevailed. The nurse in charge had therefore had to leave the locality. Owing to the lack of pupils, it might be said that no great harm had been done. It was, of course, desirable to have properly trained midwives, but candidates also were a necessity, and they could not be brought in by force.

Mlle. DANNEVIG asked whether the Danish missions were doing good work and whether they were subsidised by the Administration.

M. HALEWYCK DE HEUSCH explained that the missions only received subsidies in their capacity of educational establishments imparting instruction in accordance with the Government's directions. The Danish missions were not in that case. In reply to the first part of Mlle. Dannevig's question, he said that these missions undoubtedly did good work.

M. SAKENOBE noted that the school for chiefs' sons at Nyanza was very successful, while the school at Kitega had fallen off, and it was proposed to remove it to Astrida. He asked whether the Administration expected to continue the two schools at Astrida and Nyanza.

M. HALEWYCK DE HEUSCH replied that the two schools at Nyanza and Kitega would be transferred to Astrida and combined with the important new school in that place. The new school would thus form a strong establishment suitably equipped for the education of the sons of chiefs.

ALCOHOLIC BEVERAGES.

COUNT DE PENHA GARCIA thanked the mandatory Power for the information supplied under this heading — in particular, that concerning native beverages. There were certain fermented drinks with a very variable alcoholic content. It would be interesting if the information could be completed by a statement as to the maximum increase in the alcoholic content of these beverages. He noted that there were thirty-seven retail shops for a relatively small white population (about 900). Sixteen of these shops supplied "solutions, perfumed or not, with an alcoholic base". This formula seemed to him somewhat disturbing.

M. HALEWYCK DE HEUSCH reassured Count de Penha Garcia. The sixteen retail shops mentioned last sold scent only, which reduced the number selling alcoholic liquor to twenty-one.

PUBLIC HEALTH.

M. RUPPEL asked whether there were any doctors in the territory in addition to those mentioned on page 65 of the report — private doctors, for example.

Referring to an observation he had already made with regard to the previous year's report, he asked what was the nationality of these doctors.

M. HALEWYCK DE HEUSCH replied that M. Ruppel would find the reply to his question of the previous year on page 232 of the report, together with a statement of the number of unattached doctors.

M. RUPPEL asked whether there were any native officers or nurses in the medical service, and, if so, how many. It was said on page 83 that there was a school for training nurses of this kind at Kitega.

M. HALEWYCK DE HEUSCH replied that this school was growing. Whereas it had had ten pupils at the end of the school year 1930-31, it had twice that number on December 31st, 1931. Some graduates of the school were already working in the service of the Administration. The next report would probably contain particulars.

M. RUPPEL pointed out that, according to the report, the various dispensaries covered a very large area (page 66). That was true, but a glance at the map between pages 64 and 65 showed that there were still fairly extensive blank spaces — for example, between Ruzizi and the main road from Usumbura to Astrida, and also in the extreme north-east. What was the explanation of this state of affairs?

M. HALEWYCK DE HEUSCH replied that some of these blanks might represent uninhabited forests, like that in the north-west corner of the map of Urundi, where the forest of the Kiberia, which was about 90,000 hectares (222,300 acres) in area, was situated.

M. RUPPEL observed that the work of the medical staff had increased considerably in 1931, the number of consultations having doubled. He noted that hitherto no special measures had been taken to deal with leprosy, because efforts had first been concentrated on the most dangerous diseases — yaws and sleeping-sickness. He had no objection to this policy, which seemed reasonable.

The campaign against yaws had been carried on energetically, as was proved by the increased number of dispensaries and patients, the number of the latter having become three times as great from one year to another. He hoped that this campaign, in which the missions were doing remarkable work, would produce increasingly satisfactory results.

The new measures for dealing with sleeping-sickness — removal of natives from infected areas and resettlement in places less exposed to the tsetse — appeared to have produced a quite appreciable improvement. Had the accredited representative any further information on this point ?

M. HALEWYCK DE HEUSCH, replying to M. Ruppel's questions concerning the most recent results of the sleeping-sickness campaign and its effects on the minds of the population, said that he had no information more recent than that given in the report as to the new measures which had been taken. He knew that the natives were greatly satisfied and that they realised perfectly the need for their compulsory removal from their homes in order to save them from the disease. Moreover, the Administration had obtained many facilities for them — for example, tax exemption, supply of hoes, axes, machetes, etc., gratis. The next report would probably indicate the latest results achieved.

M. ORTS said that, in Belgium, there were numerous private charities associated with the Government's work for medical assistance to the natives in the Congo and that for this purpose a fund had been collected, known as Queen Elizabeth's Fund, with a capital of some hundred millions. Had part of the income from this fund been devoted to medical assistance in the mandated territory ?

M. HALEWYCK DE HEUSCH explained that the charity referred to possessed a capital of 150 millions, to which 50 millions had been contributed by Belgium and 100 millions by the Belgian Congo. Although Ruanda-Urundi had made no contribution to the capital fund, the Managing Board of the fund had decided that it should benefit by it, and a sum of 250,000 francs had been earmarked for the territory under mandate for the sleeping-sickness campaign. It appeared that the Managing Board intended to continue its assistance over several years. It had sent a specialist to the contaminated districts, and he had arrived there in January 1932.

LAND TENURE.

M. VAN REES, referring to the first table on page 48 of the report, asked by what title the Government occupied the lands mentioned in the table.

M. HALEWYCK DE HEUSCH replied that they were occupied mainly in virtue of the general principle that vacant land belonged to the Government. The same fundamental rule was applied in the Belgian Congo. The principle applied more particularly to the wooded areas. In the next place, the Government occupied certain land as successor to the German State, to whose demesne it had belonged ; this referred, in particular, to all the land surrounding posts established and enclosed by the German authorities.

M. VAN REES remarked that the mandated territory consisted of two native political units, termed kingdoms in many of the annual reports. These kingdoms had been maintained hitherto, and it followed that each retained its own *patrimonium* and that only the chiefs, called sometimes kings and sometimes sultans, had power to dispose of this *patrimonium*, unless — as had not been the case — this power was formally taken away from them. That being so, M. Van Rees had never quite understood how an agrarian law which was perfectly legitimate in the Belgian Congo and under which only the Government was entitled to dispose of land to which there was no private title could apply to the mandated territory. Did not this action disregard the rights in public law of the chiefs of the two units which combined formed the whole territory of Ruanda-Urundi ? It would be reasonable if the Government had obtained the lands referred to with the consent of the two Sultans instead of causing them to be allocated to itself by legal process. This remark applied also to lands transferred or conceded by the Government, no doubt, and mentioned in the second table on page 48. In this case, too, the view set forth by M. Van Rees would have required the previous consent of the Sultan concerned.

M. HALEWYCK DE HEUSCH pointed out that the Sultans' political authority must not be confused with their private capacity. While their authority extended to the uttermost limits of their territory, the position was entirely different with regard to their private right of occupation and disposal, which did not cover vacant land or land without a master.

Incidentally, it should be said that, in using the term " land occupied by the Government ", the report did not mean to imply that these lands belonged to the Belgian State. It was quite clear that they were part of the *patrimonium* of Ruanda-Urundi and were owned by the latter alone. The Belgian authority held and administered them on behalf of Ruanda-Urundi, which, taken as a whole, was the proprietor.

The administration and management of the land in question was within the competence of the authority exercising the attributes of sovereignty over the mandated territory. Even during the German period it had ceased to be in the hands of the Sultans and had been in those of the authority invested with the right to govern.

M. VAN REES asked whether the Sultans had no recognised sovereignty over the territory as a whole and no recognised right to exercise sovereignty. If not, he did not see what was the point of maintaining the Sultans as heads of kingdoms.

M. HALEWYCK DE HEUSCH replied that, according to the general principles of law, they no longer possessed any sovereignty. The only power they still possessed was one of administration exercised under the authority of the mandatory Power.

Lord LUGARD asked whether the natives had a title to the lands they occupied which could be defended in a court of law like that of a European in case of encroachment — for example, by a neighbouring non-native.

M. HALEWYCK DE HEUSCH replied that their rights were derived from the fact of occupation established, if necessary, by an enquiry.

M. ORTS feared that M. Van Rees was comparing the position in Ruanda and Urundi to that in some of the Dutch colonies, where certain sultans had retained by treaty the status of sovereign or head of the State, and that he was ascribing to the term "kings", by which the chiefs of Ruanda and Urundi were sometimes designated, a meaning which it did not possess in that territory. They were, in fact, purely native chiefs such as were found throughout this part of Africa, especially in the remainder of the old German colony now under British mandate. The only difference was that the chiefs of Ruanda and Urundi had a larger number of natives under their administration.

Ruanda and Urundi were only administrative divisions and not States. These administrative divisions might be abolished and direct administration substituted for the system of more or less indirect administration adopted by the mandatory Power, provided the latter, which under the mandate was responsible for the good administration of the territory, thought that desirable. No treaty with these so-called kings, if one existed, could be set up against the mandate.

There was only one political unit — namely, the territory of Ruanda-Urundi, over which the mandate was exercised and which formed a single whole. Hence the vacant lands in the territory constituted the "demesne of the territory", just as in any other territory under mandate, and not the demesne of Ruanda or the demesne of Urundi. From this it followed again that the mandatory Administration alone could dispose of these vacant lands either by transfer or by concession, and the native chiefs had no part in the matter. If necessary, this view could be supported by reference to Article 7 of the Mandate, which made it clear that concessions were granted by the mandatory Power, and to Article 10, which conferred on the mandatory "full powers of administration . . . in the area subject to mandate".

M. Orts recollected that he had already encountered the same opinion from M. Van Rees at the twelfth session (twenty-second meeting, pages 149 and 150).

DEMOGRAPHIC STATISTICS.

M. RAPPARD drew attention to a passage on page 54 (last paragraph of the first column). He considered that, even if there were a registration service, it would be useless to prepare a new estimate of the population as long as it was not known exactly whether a native could be classed as an adult or as an old person. M. Rappard was in any case surprised that so much importance was attached to the distinction between adult natives and the old.

M. HALEWYCK DE HEUSCH replied that this distinction was necessary in order to ascertain whether an individual was liable to the poll tax.

Mlle. DANNEVIG asked whether the natives knew the exact date of their birth or whether they were entirely unaware of their age.

M. HALEWYCK DE HEUSCH replied that, to determine a native's age, there was nothing to go upon except the information supplied by the natives themselves, who calculated it, in many cases, by the number of seasons passed through in the course of their existence.

CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representative for his help and for the valuable replies he had given to the questions asked by the members of the Commission.

M. HALEWYCK DE HEUSCH thanked the Chairman for his friendly words and all members of the Commission for their kind attention.

THIRTY-FIFTH MEETING.

Held on Wednesday, November 30th, 1932, at 10.30 a.m.

Togoland under French Mandate : Observations of the Commission.

After an exchange of views, *the Commission adopted its observations regarding Togoland under French mandate (Annex 30).*

Economic Equality: Purchase of Material and Supplies by the Administrations of Territories under A and B Mandates, either for their own Use or for Public Works: Report by M. Orts (continuation).

M. ORTS reminded the Commission that it had to reach a decision on the last paragraph of his draft report, which read as follows :

“ The Commission also considered that the replies of the mandatory Powers lessened the practical importance of an official interpretation of the article in question in the mandate, and it agreed, as on previous occasions, to confine its activities to the supervision of the application given in the various mandated territories to the rules drawn up by the mandatory Powers themselves ”.

The report began with a statement of doctrine. He thought that at the end there should be an indication of the reason why the Commission had not continued its discussions of the theoretical side of the matter. This reason was that, in practice, the rules laid down by the mandatory Power had met with the unanimous approval of the Commission.

The CHAIRMAN said he could not agree that the report should contain a statement to the effect that an official interpretation of this article in the mandates was no longer of any practical importance. By way of compromise, however, he would be prepared to accept a different wording provided it took his opinion into account.

M. RAPPARD suggested the following text :

“ The Commission, without expressing an opinion on the theory of the case, also considers . . . ”

M. ORTS insisted that the Commission should state its views clearly to the Council. It should either request the Council to choose between the two doctrines, or should — as he proposed — explain why it had not felt itself bound to insist on a doctrinal interpretation and had decided that its only task henceforth would be to see that the rules laid down by the mandatory Power were duly observed.

The CHAIRMAN repeated that he was prepared to accept a compromise. In this spirit, he had agreed to the end of the last paragraph of the report — he could not go further than that.

M. ORTS said that, in these circumstances, the report would have to be dropped and the Council would have to be requested to choose between the two doctrines ; it would thus be ensured that the work done would achieve its full effect.

M. MERLIN suggested the following text :

“ In these circumstances, the Commission does not think it necessary to submit to the Council proposals concerning a doctrinal interpretation of the article in question of the mandate. It has agreed, as on previous occasions, to confine its activities to the supervision of the application given in the various mandated territories to the rules drawn up by the mandatory Powers themselves ”.

He thought that the words “ in these circumstances ” at the beginning of the text gave adequate satisfaction to M. Orts's views, indicating as it did that, since the replies of the mandatory Powers called for no criticism on the part of the Commission, the theoretical importance of the matter no longer existed.

M. RAPPARD approved this text.

COUNT DE PENHA GARCIA said it would surely seem strange that the Commission should re-open the whole discussion on a point of detail, when it had already agreed to certain definite rules for the examination of the reports of the mandatory Powers on the self-same question.

M. VAN REES asked whether the Sultans had no recognised sovereignty over the territory as a whole and no recognised right to exercise sovereignty. If not, he did not see what was the point of maintaining the Sultans as heads of kingdoms.

M. HALEWYCK DE HEUSCH replied that, according to the general principles of law, they no longer possessed any sovereignty. The only power they still possessed was one of administration exercised under the authority of the mandatory Power.

Lord LUGARD asked whether the natives had a title to the lands they occupied which could be defended in a court of law like that of a European in case of encroachment—for example, by a neighbouring non-native.

M. HALEWYCK DE HEUSCH replied that their rights were derived from the fact of occupation established, if necessary, by an enquiry.

M. ORTS feared that M. Van Rees was comparing the position in Ruanda and Urundi to that in some of the Dutch colonies, where certain sultans had retained by treaty the status of sovereign or head of the State, and that he was ascribing to the term "kings", by which the chiefs of Ruanda and Urundi were sometimes designated, a meaning which it did not possess in that territory. They were, in fact, purely native chiefs such as were found throughout this part of Africa, especially in the remainder of the old German colony now under British mandate. The only difference was that the chiefs of Ruanda and Urundi had a larger number of natives under their administration.

Ruanda and Urundi were only administrative divisions and not States. These administrative divisions might be abolished and direct administration substituted for the system of more or less indirect administration adopted by the mandatory Power, provided the latter, which under the mandate was responsible for the good administration of the territory, thought that desirable. No treaty with these so-called kings, if one existed, could be set up against the mandate.

There was only one political unit—namely, the territory of Ruanda-Urundi, over which the mandate was exercised and which formed a single whole. Hence the vacant lands in the territory constituted the "demesne of the territory", just as in any other territory under mandate, and not the demesne of Ruanda or the demesne of Urundi. From this it followed again that the mandatory Administration alone could dispose of these vacant lands either by transfer or by concession, and the native chiefs had no part in the matter. If necessary, this view could be supported by reference to Article 7 of the Mandate, which made it clear that concessions were granted by the mandatory Power, and to Article 10, which conferred on the mandatory "full powers of administration . . . in the area subject to mandate".

M. Orts recollected that he had already encountered the same opinion from M. Van Rees at the twelfth session (twenty-second meeting, pages 149 and 150).

DEMOGRAPHIC STATISTICS.

M. RAPPARD drew attention to a passage on page 54 (last paragraph of the first column). He considered that, even if there were a registration service, it would be useless to prepare a new estimate of the population as long as it was not known exactly whether a native could be classed as an adult or as an old person. M. Rappard was in any case surprised that so much importance was attached to the distinction between adult natives and the old.

M. HALEWYCK DE HEUSCH replied that this distinction was necessary in order to ascertain whether an individual was liable to the poll tax.

Mlle. DANNEVIG asked whether the natives knew the exact date of their birth or whether they were entirely unaware of their age.

M. HALEWYCK DE HEUSCH replied that, to determine a native's age, there was nothing to go upon except the information supplied by the natives themselves, who calculated it, in many cases, by the number of seasons passed through in the course of their existence.

CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representative for his help and for the valuable replies he had given to the questions asked by the members of the Commission.

M. HALEWYCK DE HEUSCH thanked the Chairman for his friendly words and all members of the Commission for their kind attention.

THIRTY-FIFTH MEETING.

Held on Wednesday, November 30th, 1932, at 10.30 a.m.

Togoland under French Mandate : Observations of the Commission.

After an exchange of views, *the Commission adopted its observations regarding Togoland under French mandate (Annex 30).*

Economic Equality: Purchase of Material and Supplies by the Administrations of Territories under A and B Mandates, either for their own Use or for Public Works : Report by M. Orts (continuation).

M. ORTS reminded the Commission that it had to reach a decision on the last paragraph of his draft report, which read as follows :

“ The Commission also considered that the replies of the mandatory Powers lessened the practical importance of an official interpretation of the article in question in the mandate, and it agreed, as on previous occasions, to confine its activities to the supervision of the application given in the various mandated territories to the rules drawn up by the mandatory Powers themselves ”.

The report began with a statement of doctrine. He thought that at the end there should be an indication of the reason why the Commission had not continued its discussions of the theoretical side of the matter. This reason was that, in practice, the rules laid down by the mandatory Power had met with the unanimous approval of the Commission.

The CHAIRMAN said he could not agree that the report should contain a statement to the effect that an official interpretation of this article in the mandates was no longer of any practical importance. By way of compromise, however, he would be prepared to accept a different wording provided it took his opinion into account.

M. RAPPARD suggested the following text :

“ The Commission, without expressing an opinion on the theory of the case, also considers . . . ”

M. ORTS insisted that the Commission should state its views clearly to the Council. It should either request the Council to choose between the two doctrines, or should — as he proposed — explain why it had not felt itself bound to insist on a doctrinal interpretation and had decided that its only task henceforth would be to see that the rules laid down by the mandatory Power were duly observed.

The CHAIRMAN repeated that he was prepared to accept a compromise. In this spirit, he had agreed to the end of the last paragraph of the report — he could not go further than that.

M. ORTS said that, in these circumstances, the report would have to be dropped and the Council would have to be requested to choose between the two doctrines ; it would thus be ensured that the work done would achieve its full effect.

M. MERLIN suggested the following text :

“ In these circumstances, the Commission does not think it necessary to submit to the Council proposals concerning a doctrinal interpretation of the article in question of the mandate. It has agreed, as on previous occasions, to confine its activities to the supervision of the application given in the various mandated territories to the rules drawn up by the mandatory Powers themselves ”.

He thought that the words “ in these circumstances ” at the beginning of the text gave adequate satisfaction to M. Orts's views, indicating as it did that, since the replies of the mandatory Powers called for no criticism on the part of the Commission, the theoretical importance of the matter no longer existed.

M. RAPPARD approved this text.

COUNT DE PENHA GARCIA said it would surely seem strange that the Commission should re-open the whole discussion on a point of detail, when it had already agreed to certain definite rules for the examination of the reports of the mandatory Powers on the self-same question.

M. ORTS said he still recommended that the report should be reduced to the first part only — that was to say, the pages containing the statement of doctrines. The advantages and disadvantages of such a decision should be carefully weighed. A disadvantage was that the report would consist solely of a theoretical discussion devoid of practical interest, since all were agreed that the rules laid down by the mandatory Powers were not open to any criticism. The advantage would be that, when once the Council had pronounced in favour of one of the doctrines, the question, having been definitely settled, would no longer form a subject for discussion.

M. RAPPARD doubted whether the Council would decide in favour of one or other of the theses. If the doctrinal part of the report — to which M. Orts had referred — were alone maintained, with the addition of a final paragraph drafted as M. Merlin had suggested, M. Orts should be quite satisfied. It certainly ought not to be said that the question of an official interpretation of this article in the mandates was no longer of any practical interest, particularly as such a phrase would run contrary to the Chairman's convictions. He thought the solution proposed by him was sufficiently clear.

M. VAN REES observed that this solution, which was clear to the members of the Commission, would probably not be so to everybody.

M. MERLIN thought that the present arrangement of the report was perfectly clear and logical. The beginning consisted of a statement of doctrines. The report then explained the rules laid down by the mandatory Powers. An examination of these rules giving rise to no criticism, the report concluded by declaring that the Commission did not think it necessary to ask the Council to give a doctrinal interpretation, and that its members had agreed that henceforth their task would be limited to supervising the application of these rules. The problem had therefore been presented in all its aspects.

M. ORTS observed that in paragraph 7 there was a reservation concerning the rule followed in Togoland and in the Cameroons under British mandate.

M. MERLIN replied that this reservation did not in any way invalidate M. Orts's arguments.

M. ORTS proposed, as the report would not be submitted under his name, but in the name of the whole Commission, that it should be stated that he did not agree to the last sentence for the reasons given in the Minutes.

The CHAIRMAN said that there might be added at the end of the report a footnote referring to the Minutes.

M. VAN REES dissented on the same grounds as M. Orts. He thought it indispensable that the Commission should explain to the Council quite clearly why, after setting out the two contrary theses, it had not asked the Council to settle the matter. The text adopted by the majority of the Commission did not give him entire satisfaction in this respect.

Lord LUGARD said he preferred the original text of the paragraph under discussion. The amended text seemed to imply that the Mandatories might at any time adopt new rules of their own.

The text read by M. Merlin was adopted, subject to the three dissenting opinions expressed above.

The CHAIRMAN, on behalf of the whole Commission, thanked M. Orts for his work in connection with the question of economic equality.

Syria and the Lebanon: Petition, dated January 15th, 1930, signed by M. Keir el Dine el Lababidi on Behalf of Syrian and Lebanese Aviators, forwarded by the French Government with its Observations on November 9th, 1932.

The Commission adopted the conclusions of M. Rappard's report (Annex 19).

M. ORTS asked how it was that almost three years had elapsed between the drafting of the petition and its reception at Geneva.

The CHAIRMAN said he would ask M. Ponsot.

Tanganyika: Question of a Closer Administrative, Customs and Fiscal Union of the Mandated Territory of Tanganyika with the Neighbouring British Possessions of Kenya and Uganda (continuation): Report by M. Palacios.

The CHAIRMAN, on behalf of his colleague, thanked M. Palacios for his work in connection with the question of closer union.

M. PALACIOS observed that, since this was such a complex and delicate matter which had been, and still was, of such importance and in regard to which public opinion in the States concerned had expressed different opinions, his report must be considered as merely preliminary and provisional, the object of which was to concentrate the attention of the members of the

Mandates Commission on the principal aspects of the question, on the most general problems and on the nature of the decisions of the mandatory Power. The report was therefore a kind of draft intended to serve as a basis of discussion, and which could be corrected and modified in any way that was considered necessary.

Lord LUGARD wished to submit a few observations before the discussion of the report began. He congratulated M. Palacios on the comprehensive way in which he had handled the subject, but desired to point out one or two passages which were, he thought, due to a slight misunderstanding. As he had sat on the Select Committee, which had held over fifty meetings, including some private ones, and had in other ways been closely associated with the question, Lord Lugard believed he might claim to speak with some knowledge.

1. *Paragraph 1 of Chapter I : The Terms of the Question.* — The question of closer union had definitely and officially been restricted to the three territories, Tanganyika, Kenya and Uganda, and possibly Zanzibar. That was the only question before the Commission. Although it was true that the Ormsby-Gore and the Hilton Young Commissions had visited the southern territories, it was early realised that there could be no possibility of their inclusion.

2. *Paragraphs 2 and 3 of Chapter II : Intervention of the Commission.* — In discussing the point as to whether a decision had been reached by His Majesty's Government, M. Palacios had rightly concluded that it had. He should perhaps add that, in the final despatch No. 12 (page 46 of the report of the Joint Select Committee on Closer Union in East Africa), the Secretary of State spoke, by British custom, in the name of His Majesty's Government. The fact that the White Paper had been laid before Parliament confirmed this.

No decision had, however, been recorded on several points, pending reports by Lord Moyne on Kenya Finance, Sir Sydney Armitage-Smith on Tanganyika finance, Sir W. Morris-Carter on Land in Kenya, and Mr. Roger Gibb on Railways ; but these were not questions directly affecting closer union.

3. *Chapter III : Closer Union and Closer Co-operation.* — In this chapter, M. Palacios had referred to the dual policy designed to promote closer co-operation or coordination. This was a phrase fully defined in the instructions given to the Hilton Young Commission ; it referred to relations of mutual help between the white and the native communities. It had no connection with closer union or co-operation between different Governments.

4. As regards the last paragraph of the same chapter, Lord Lugard did not think that M. Palacios had intended to infer that there was a deferred intention on the part of His Majesty's Government to effect a political and constitutional union at some future date, although he was justified in quoting the words : " the time is not *yet* ripe ". After the very careful study which M. Palacios had made of the documents, particularly the Blue Books of the Select Committee, he must have seen that there were divergent views, but the Select Committee reported unanimously against such union and its recommendation had been accepted. He stressed this point because, in paragraph 3 of Chapter IV, it was said that, though the Government in its memorandum to the Select Committee did not recommend a High Commissioner and Legislative Council, it nevertheless recommended the increased use of the Governors' Conference for co-operation or coordination in all matters of common interest. There was there an inference that His Majesty's Government had an ulterior object in view in regard to the Governors' Conference. He desired strongly to protest against any such inference. The same idea appeared in head 3 of the conclusions, where it was said that the Governors' Conference " had been *converted* into a permanent organ of co-operation ". It had not been *converted*. The Conference and its Secretariat had been set up on the recommendation of the 1924 Parliamentary Commission under Mr. Ormsby-Gore. There had been no change of any kind whatsoever as regarded its permanency or constitution. The Select Committee had recorded the opinion that it was a useful method of discussing common interests and had recommended that it should meet more often, and not always in Kenya under the Governor of Kenya. That was the only change. It was not (as was said at the beginning of the next paragraph) being converted into anything ; it continued to be what it had always been.

5. Again, as regards the last paragraph but one of Chapter IV, Lord Lugard would point out that the first meeting was in 1926, not last spring.

6. *Paragraph 1 of Chapter V : Obstacles to Closer Union.* — M. Palacios had expressed the opinion that the idea of closer union had been held since 1920. The idea had been put forward some years ago by settlers in Kenya, but had afterwards been abandoned by them. The loan of £10,000,000 had no connection, however remote, with closer union. It included Palestine and was divided between the several territories. The loan was the result of a recommendation by the Ormsby-Gore Commission in 1924 with a view to the development of the territories and Palestine.

7. *Chapter VI : The Mandate.* — As regards paragraph 2, the unified control of the Lake Victoria basin was a proposal made by the Governor of Uganda. It had never, as far as he remembered, been discussed in detail or seriously considered by the Select Committee.

8. In paragraph 5 of the same chapter, it was said that the United Kingdom was not prepared to subject all her colonies to the specific regime of the mandate as regarded the principle of trusteeship. In this connection, he would refer M. Palacios to the memorandum on "Indians in Kenya", where it was formally stated that the conditions of the mandate were, in the view of His Majesty's Government, equally applicable to the Colony of Kenya or the Protectorate of Uganda as to the territory of Tanganyika.

Finally, he expressed his general agreement with M. Palacios's conclusions apart from the words in paragraph 3, to which he had already called attention. The Commission was only concerned with the carrying out of the terms of the mandate and was not justified in imputing to the Government motives for which there was no definite evidence. The business of the Commission was to see whether any Customs union, or agreement on railway rates or land policy, etc., was or was not in the interests of the country and the people and in accordance with the mandate.

The CHAIRMAN called Lord Lugard's attention to the fact that the whole of the first part of the report was the personal work of the Rapporteur. Only the conclusions would be submitted as the opinion of the Commission itself.

M. PALACIOS thanked Lord Lugard for his kind remarks and for the opportunity thus afforded him of correcting his opinion on certain matters of detail, while confirming that opinion as a whole. On very many points, he and Lord Lugard were so much in agreement that it was sufficient to read the terms of the document under consideration, or to explain them simply when they were not quite explicit, to prove that both had drawn their information from the same source — namely, the admirable official documentation on the subject. Lord Lugard was well acquainted with that documentation, seeing that he had been one of the most distinguished members of the Joint Select Committee of the two Houses — a Committee which had, in fact, up to the present, been arbiter of the situation. He would reply point by point to each of Lord Lugard's comments.

1. With regard to the first observation, it was necessary, as a starting-point, in paragraph 1 of Chapter I, to define the question in its original and most general terms. He could scarcely have chosen any others than those suggested by the very title of the Hilton Young Commission's report as submitted to Parliament in 1927. This was the report which had first brought the question to the notice of world public opinion and had led to passionate discussion. The report and the subsequent official documents showed the various phases of the views regarding the meaning of a scheme for "closer union" or the idea of participation therein in various degrees of territories other than Tanganyika, Kenya and Uganda. Even the views of members of the Hilton Young Commission had been divided on these points. The present tendency seemed to be to revert to the original idea, as it was suggested that Zanzibar, Nyasaland and Northern Rhodesia should participate in the settlement ("Correspondence", page 7). Moreover, the word "possibly" concerning the eventual extension of closer union, in the first paragraph under consideration, surely ought to allay Lord Lugard's fears.

2. The report was also in keeping with Lord Lugard's second remark. Certain decisions had been reached by the mandatory Government. M. Palacios had utilised despatch No. 12. He had not examined in detail the schemes for the unification or co-ordination of posts and telegraphs, transport, Customs, finance, scientific services, land tenure, native policy, etc., because he preferred to deal with general principles as outlined in the covering letter of the "Correspondence" addressed to the Mandates Commission, and with the statements of the accredited representative of the mandatory Power. Nevertheless, these special branches of administration were referred to in the report, and had not been passed over in the conclusions, so that the latter concurred with the observations which the Mandates Commission had already submitted on these points. To say that these questions had no direct connection with closer union was true only in so far as "closer co-operation and co-ordination" themselves had no direct connection with such union. The whole question, however, was explained at some length in the report.

3. Lord Lugard had said that the "dual policy" had no connection with closer union. M. Palacios would merely point out that his report was based upon official sources. On page 9 of Vol. I of the report of the "Joint Select Committee on Closer Union in East Africa" would be found the following phrase concerning the Ormsby-Gore Commission:

"Their chief recommendations affecting closer union were: (iii) The Commission favoured the *dual policy* of increasing the quantity and quality of production on native lands *pari passu* with the development of European cultivation and the 'sincere acceptance' by officials, unofficials and natives of this dual policy as the first necessary steps to that stability of economic conditions without which real progress could not be maintained".

4. In connection with the observation that the report would suggest that the mandatory Power had at the back of its mind the intention at a later date to bring about political or constitutional union, he assured Lord Lugard that he would carefully amend his text so that it should contain nothing which could give ground for protest. In the body of the report, and even in one of its proposed conclusions, open praise was bestowed on the methods of

documentation and publicity followed by the mandatory Power and its sincere regard for truth and its objective study of the problem. In order to avoid all misunderstanding, however, the paragraph might be amended as follows :

“ In the absence of a clear statement by the mandatory Government, and even taking into account the fact that the latter says that *the time is not yet ripe* for any far-reaching steps, the situation might easily be interpreted as meaning that . . . ”

He, personally, would not even see any objection to omitting the whole of this paragraph. He desired, however, to observe that, in drafting it, he had in his mind the official statements. In the report of the Joint Select Committee (Vol. I, page 9) the Conference of Governors was included among the recommendations “ affecting closer union ” ; in despatch No. 5, page 8, of the “ Correspondence ” it was said :

“ I entirely share the view of the Committee that, *in the absence of a central authority, the machinery of the Governors’ Conference* should be increasingly utilised ”.

Finally, in the Ormsby-Gore report, page 9, it was said :

“ In this way, co-ordination and co-operation should be achieved without impairing in the least the individual rights and interests of each of the territories. We are satisfied that any further development in the direction of federation, whether it be unification of particular services or ultimately political federation, will come, if it comes at all, as a result of local discussion of local needs and common problems. Federation cannot be imposed from without ”.

With regard to the Governors’ Conference as an institution, Lord Lugard could rest assured that M. Palacios would not attribute to this Conference any character or duties other than those defined in the official documents. The development, if not the “ transformation ”, of this Conference mentioned in his report corresponded to the “ increasing utilisation ” of its “ machinery ” “ for the purpose of ensuring continuous and effective co-operation and co-ordination in regard to all matters of common interest to East Africa ” as outlined on page 3, paragraph 2, of Despatch No. 2 of the “ Correspondence ”. If there had been nothing new in the institution, the official statement and the numerous passages in which reference is made to it in the Governmental and Parliamentary documents would have been unnecessary.

5. M. Palacios pointed out that his report contained a short history of the Governors’ Conference, mentioning the dates of its meetings. He had quoted the session at Dar-es-Salaam in connection with its new phase. In his opinion, the latter was defined by the words of the Joint Select Committee (Vol. I, pages 21 and 22) : “ The Governors should meet regularly in conference ”, “ should be regarded as in permanent session ” and “ should have its own secretariat ”, “ not only for the Governors’ Conference, but also for all official inter-territorial conferences of a technical, scientific or advisory character, and it would be the duty of the secretariat to maintain continuity between sessions ”.

Lord LUGARD observed that the Conference had possessed a secretariat and had been of a permanent character from the outset. It had been intended that the Conference should meet every three years, whereas the Select Committee had proposed that it should meet not less than twice annually. That was a suggestion with which he personally did not concur, because he believed that the Governors could not remain for so long outside the territories they had to govern.

M. PALACIOS observed that he had mentioned these facts in his report. He was quite aware that on page 8, paragraph 5, of the “ Correspondence ” it was said :

“ The recommendations of the Joint Select Committee do not, in general, affect the status and functions of the Conference, but are directed to a more frequent and extensive use of its machinery for securing co-operation and co-ordination in all matters of common interest, including a continuous review of native policy ”.

It must therefore be admitted that its more frequent and extensive use at least connoted something new.

6. With regard to the date of the inception of the plan for closer union and the point whether the guaranteed loan of £10,000,000 was or was not connected with that plan, he relied, as always, on the official documents.

He saw no objection to crossing out the year 1920, which, in fact, meant nothing, and inserting instead these words from the “ Statement ” (page 9) :

“ The question of closer union between the various territories under British administration in East Africa may be said to have been more or less in the air ever since the end of the Great War, when His Majesty accepted the mandate of the Tanganyika Territory ”.

With regard to the loan, it was also stated on page 9 of Vol. I of the report of the Joint Select Committee that this was the first of the three main recommendations of the Ormsby-Gore Commission of 1924 “ affecting closer union ”.

Lord LUGARD explained he had meant to say that the idea of closer union put forward and supported at the outset by certain colonials was afterwards abandoned by them and that they had adopted an entirely opposite attitude. He did not know at what date it had first taken definite shape.

M. PALACIOS replied that he had no reason to contest this, but he had been careful to insert the quotations from the official texts in inverted commas.

Lord LUGARD explained that he had referred more especially to the question of the loan.

M. PALACIOS replied by rereading the following passage on page 9 of Vol. I of the Joint Select Committee's report :

“ The chief recommendations affecting closer union were : (i) a loan guaranteed by His Majesty's Government in the United Kingdom to the amount of £10,000,000 sterling for transport development in East Africa to be considered on the basis of the needs of East Africa as a whole ”.

Lord LUGARD said that he would communicate to M. Palacios the text of the Parliamentary debates regarding this loan. These would convince his colleague that the loan was entirely unconnected with “ closer union ”.

M. PALACIOS said that it was not he that had to be convinced, but the Joint Select Committee whose report contained the passage in question.

M. VAN REES reminded M. Palacios that the first echoes in the Press of closer union dated from 1925.

M. PALACIOS, in reply to M. Van Rees, said that 1925 was, in fact, the date at which the loan was being discussed. In any case, the objection would apply to the Press or to the official documents, but not to the Rapporteur.

7. Referring to Lord Lugard's comments, he said he was quite aware that there was no question, at the moment, of unified control in the Lake Victoria basin. The report of the Rapporteur merely referred to this matter *en passant*. But the question had been mentioned in various passages of the official documents, in particular in the decisions of the Select Committee, paragraph 36, page 15, Vol. I, of the report, and in paragraph 3, page 47, of the “ Correspondence ”.

Lord LUGARD, referring to this passage in the White Paper, pointed out that, in the discussions of the Select Committee on closer union, there had been only one passing reference to the unified control of Lake Victoria.

M. PALACIOS observed that that was, in fact, what he had said in his report.

8. As regards the mandate, he held that it did not merely embody a sacred mission of civilisation, but that this sacred mission was set within the framework of Article 22 of the Covenant and was subject to the obligations and supervision imposed under this article and under the provisions of the mandate. He had borne in mind and quoted in his report the White Paper concerning the Indians in Kenya. But the fact that this sacred mission was being carried on in all colonies and protectorates did not mean that a nation would be ready to place all its colonial territories within the framework of Article 22. That proved that the mandate was something more than “ trusteeship ”.

Lord LUGARD explained that he had not wished to contradict M. Palacios's statement, but to strengthen it. He referred to the memorandum on “ Indians in Kenya ”, in which it was stated, on page 10 :

“ As in the Uganda Protectorate, so in the Kenya Colony, the principle of trusteeship for the natives, no less than in the mandated territory of Tanganyika, is unassailable. This paramount duty of trusteeship will continue, as in the past, to be carried out under the Secretary of State for the Colonies by the agents of the Imperial Government, and by them alone ”.

M. PALACIOS replied that there was, in the mandate, something more than this mission fulfilled by the agents of the British Government in the British colonies and protectorates. He had meant that, if the principle of trusteeship had been accepted by the United Kingdom, that did not necessarily mean that this country assumed, as regarded its colonies and protectorates, all the obligations laid down in the mandate.

Lord LUGARD replied that his comment was intended to support M. Palacios's argument.

M. PALACIOS thanked Lord Lugard for his observations which had made it possible for him to correct his report in certain details. He also thanked Lord Lugard for the support he had given to all his conclusions except the third. He hoped that this latter might be drafted in such a way as to receive the approval of the whole Commission.

Before terminating, he wished to offer two more comments : First, he had not attributed to the mandatory Power any aim other than that definitely discernible in its own statements or embodied in its official and authorised documents. Secondly, it was the duty of the Commission not merely to endeavour to ascertain whether a Customs union or railway tariffs or a given land policy was or was not in the interests of a territory or population under a mandate and in keeping with that mandate; the Commission was also bound to keep an eye on the status of the territory and of its inhabitants.

THIRTY-SIXTH MEETING.

Held on Thursday, December 1st, 1932, at 10.30 a.m.

Syria and the Lebanon : Examination of the Annual Report for 1931.

M. Ponsot, High Commissioner of the French Republic in Syria and the Lebanon, and M. de Caix, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE REPRESENTATIVES OF THE MANDATORY POWER.

The CHAIRMAN. — I have the honour, on behalf of the Mandates Commission, to welcome M. Henri Ponsot and M. Robert de Caix. I am sure I am interpreting the feelings of all my colleagues in emphasising the importance of the presence here of the High Commissioner of the mandatory Power in Syria and the Lebanon.

I believe that M. Ponsot, whom we had the honour to meet here two years ago, desires to make a general statement on the situation in Syria and the Lebanon before we examine the annual report.

GENERAL STATEMENT BY THE HIGH COMMISSIONER.

M. PONSOT. — Under Article 22 of the Covenant of the League of Nations it is our duty, by the methods laid down in the mandate of July 24th, 1922, to guide Syria and the Lebanon towards complete sovereignty and independence. The termination of a mandate on October 3rd last aroused great hopes throughout the Arab world. I should have belied your hopes had I not come here to-day in person to explain the present situation in Syria and the Lebanon, on the morrow of that great event.

So it was with this express intention and in order to give you an accurate and up-to-date account of the position that, after attending the last session of the Assembly of the League two months ago, I decided to pay another visit to Syria. I arrived in Damascus on October 21st last and spent a whole month in daily contact with the Syrian Government and Parliament.

The report before you stops at December 31st, 1931, but you will, I am sure, forgive me if I anticipate next year's statement, and deal with the position to-day.

I have towards the League and the Permanent Mandates Commission certain duties which I am anxious to fulfil. I have not appeared before the Commission since June 1930. More than two years have passed, and I must justify my silence during a period which has been particularly active.

In 1930, I came before the Permanent Mandates Commission to tell you what my anticipations were following on the promulgation of the Organic Law. It was above all, I told you, a question of mutual confidence and goodwill; upon that depended the success of our undertaking. The best of documents is of little worth if that faith is not behind it. To create confidence, to develop goodwill, that has been the goal of my endeavours for the past two years, and that is the reason why we have not progressed more quickly than we have.

Almost the whole of 1931 was taken up by internal questions in Syria and the Lebanon, by economic and financial difficulties, and, as regards foreign affairs, by studying various important settlements with our neighbours, Turkey, Iraq, Trans-Jordan, the demarcation of frontiers, the establishment of relations of good-neighbourliness.

Political activity revived a year ago on my return to Syria on November 17th, 1931.

My explanations will fall under the following heads: first, the political situation in Syria; secondly, the political situation in the Lebanon; finally, I shall say a few words on foreign relations. The international aspect of the mandates problem dominates the internal aspect and even the problem of the relations between the territory under mandate and the mandatory Power. If the Syrian problem were a problem of internal policy pure and simple, the question might be settled more or less efficaciously in a few months. If the problem were only one between Syria and the mandatory Power, I believe we could yet reach a successful conclusion fairly quickly. But it is a problem of international policy as well, since the evolution of the mandates can only be accomplished with the consent of the Powers which have entrusted this duty to the mandatory Power.

Having thus defined the general outline of my remarks, I would add that there is nothing secret about the matter. All questions affecting Syria and the Lebanon are keenly discussed. The document before you — the annual report of the mandatory Power — is not a gospel

which cannot be gainsaid. The statements made in it are, indeed, debated both by public opinion and in the petitions which rightly and legitimately claim your attention and upon which I shall give certain explanations.

Public opinion, local, foreign and French, is frequently aroused to the Syrian problem and pays it special attention. You will have been able to see from the freely expressed opinions in the petitions you have received that anyone can say what he likes about the position and openly question the statements of the mandatory Power's representative.

It is subject to these general observations that I now propose to say a few words about Syria.

The situation in Syria calls for two kinds of observations on my part: in the first place, observations on the political situation as it has developed during the past year, and, secondly, observations in anticipation of a treaty such as that mentioned to the Mandates Commission last year.¹

The development of the political situation during the past year has been marked by various important political events: the elections, the establishment of a regular Government and two parliamentary sessions.

For four months the elections occupied the foreground in the political landscape. The electoral period began on November 19th, 1931, immediately after my return to the Levant. The first and second stages in the ballot took place on December 20th and January 5th. After being suspended at Damascus, Hama and Douma, for reasons which I will explain later, the elections were resumed in these three centres after Ramadam and concluded in complete calm on March 30th and April 6th last.

You have received certain very detailed and precise complaints about the elections. Some of them came even from Aleppo. One was signed by Ibrahim Hanano on behalf of the candidates on his list (document C.P.M.1350); others came from various places, in particular from France, from Syrian students' associations in Paris and Toulouse. Ibrahim Hanano's document contains certain particulars not mentioned elsewhere. Having accepted full responsibility from the outset of the elections and having made an official report on them, I should prefer, rather than give you a second account now, to supply any explanations you may desire to complete the information in your possession.

I would simply say that the Aleppo elections, as to which there was most controversy, took place on December 20th, 1931, and January 5th, 1932, in absolute calm. There were no disturbances at the first or second stages of the elections. In the interval, on December 25th, there was some trouble as a result of which four persons were killed, if I am not mistaken, and several wounded. It was not, therefore, in the heat of the elections properly so called that the trouble occurred. Naturally, the elections stirred public opinion, but this activity only took the form of active demonstrations between the two ballots.

After the incidents at Aleppo on December 25th, I received one of the chief representatives of the Nationalist Party at my residence at Beirut on December 31st. He used the incidents as a pretext to ask me to cancel the elections or, if I did not do so, to postpone the second stage of the elections to a subsequent date.

I replied by drawing his attention to the laws on elections. As I had assumed direct responsibility for the impartial and fair application of these laws, I should have been failing in the task I had assigned to myself and have exposed myself to a charge of partiality had I made exceptions to their provisions at the request of one party. Under these laws it was Parliament's right to decide whether the elections were valid. I could not usurp its authority to decide whether the allegations brought to my attention were justified.

Finally, my interlocutor pointed out that two candidates from one of the two lists would be at the polling booth for the second stage of the elections at Aleppo, in pursuance of their duties and in application of the laws in force, and asked me to authorise, as an exception and although provision was not made for such supervision in the electoral law, the attendance of two candidates from the other list during the ballot. I granted this request and received an assurance that order would not be disturbed.

Order was not disturbed. Demonstrations of this kind are not always an expression of the feelings moving the people. They do not occur against the desire of the leaders.

Consequently, by a special decision of the High Commissioner, two candidates from the list of signatories to the petition which is before the Commission were present during the ballot and the counting of the votes. They did not protest against the proceedings in which at times they participated, and they did not leave the room in which the votes were counted until it had been ascertained from the count that the balance was inclining towards the other party. I am therefore able to call upon candidates from among the petitioners to prove that their position was not *a priori* hopeless, since they still had hopes during the count.

I would add the following. When the Chamber met in June 1932, it had to discuss the validity of the election returns. It did so with full authority and in complete independence. For, even supposing a High Commissioner has some power over a Government or an Administration, this power stops short of an Assembly composed of about sixty members. The deputies in this Assembly find themselves in an atmosphere which is spontaneously infused with nationalist aspirations. If, in this environment, two feelings confront each other, one a

¹ See Minutes of the twentieth session, page 35.

feeling of greater sympathy for the mandate and the other based on nationalist aspirations, it would be wronging the members of the Assembly to suppose that any of them would hesitate to conform to the desire of the country.

This all-important question of validity, which was rightly reserved to Parliament, came before the Assembly, and, by one of those revulsions which sometimes occur in all countries, it so happened that, contrary to the recommendation of the moderate deputies of the north, the nationalists elected by the south asked that the elections be unanimously declared valid as quickly as possible. After certain incidents in the Chamber, they won their point.

I cannot be more royalist than the King, and, when an Assembly itself accepts responsibility of this kind, it has its reasons for doing so.

You are aware that, apart from Aleppo, certain elections were suspended at Damascus, Douma and Hama. With reference more particularly to Damascus, certain fairly harmless incidents which occurred during the morning of December 20th, 1931, gradually assumed a more violent aspect. Special care had been taken not to bring the voters too directly to the notice of the armed forces. The police and gendarmerie had been entrusted with the maintenance of order. They are recruited in Syria and have relatively few effectives. Stones were thrown at those who were maintaining order. (At that particular time they were not Senegalese.) The disturbance was turning into a riot and threatened to obstruct the voting. In the circumstances, it seemed justifiable to stop the elections. At the same time as this was announced, the army was asked to establish and maintain order. The demonstrations ceased immediately, and since then there has been no trouble.

Such incidents are always liable to occur during elections, but at no time did they become alarming. The maintenance of order involves risks to which not only the demonstrators are exposed. Had I been acting in a responsible position in my own country, I should not have hesitated to allow the elections to continue in the present case. I thought it better, however, not to allow the Syrian elections to be carried out in a disturbed atmosphere, but to wait until the situation was calm.

The resumption of the proceedings was delayed by Ramadam. The first stage of the voting took place on March 30th, 1932, and the second stage on April 5th at Damascus, Hama and Douma in complete calm. The nationalists won these by-elections, but I was not at all disturbed at that fact.

There is much less difference between "moderates" and "nationalists" than one would be tempted to suppose. The extent of their inclination to co-operate with the mandatory Power is a question of degree and sometimes of circumstance. I recognise neither friends nor enemies in Parliament. I sincerely hope that I shall be able to direct the evolution of Syria's problems in conditions satisfactory to all.

I will deal briefly with the two other aspects of the political situation in Syria during the past year. The Chamber met on June 7th. A regular government was constituted. The President of the Republic was elected and a Ministry came into power. Seven days later, the extraordinary session, which had been convened only to constitute the various authorities and to settle the organs of government in their places, came to an end.

An ordinary session of the Chamber met on October 29th last, and I watched it at work for three weeks. I carefully examined the conditions in which this new Government was working, for I had always said that I was prepared to enter into negotiations with a regular government which could be recognised as duly qualified. I therefore watched to see that matters were not pushed on unduly.

I returned to Damascus on October 21st, 1932. The meeting of the Chamber was convened for October 25th. It was recommended that this meeting should be adjourned for one month, in order that a governmental balance exactly corresponding to the quantitative or qualitative representation of the parties in Parliament might be sought. I raised no objections in principle, but simply announced that I intended to go to Geneva in the near future and did not want to be obliged to justify an adjournment for which the Constitution did not provide.

The session opened on October 29th. Certain deputies desired, before sanctioning Parliament's activities by their presence, to obtain certain assurances from the High Commissioner with regard to the basis of the future treaty. I stated that its basis was a matter for discussion, that this discussion could not take place in a meeting to which I had no access, and that, as a necessary condition, a Government must be given parliamentary sanction to treat with me.

After some hesitation, during which about twelve deputies remained outside Parliament for three meetings, a meeting of the whole Parliament was held and, but for one disappointed moderate vote, passed a unanimous vote of confidence in the Government constituted in June last.

In these circumstances, after prolonged efforts, I now arrived at this long-hoped-for time to see the Organic Law applied and to find a Government prepared to accept its responsibilities as I had accepted mine for six years.

The precedent established at Geneva on October 3rd last has produced a deep impression throughout the Arab world. That event was bound to involve certain normal consequences which I could in no way avoid.

The ground is now cleared for action.

I thus come to a forecast of the evolution of the mandate in Syria and to the negotiation of a treaty. In this connection, I am entirely mindful of the anxiety expressed by the Permanent Mandates Commission in June 1931,¹ when the intentions of the mandatory Power with regard to

¹ See Minutes of the twentieth session, page 231.

the evolution of the mandate were first described to it. The Mandates Commission asked at that time to be kept duly informed of the various phases of the evolution planned for Syria and the Lebanon. I have come to the Commission fully prepared to respond to that desire.

Some people seemed to imagine that I was going about with a ready-made Franco-Syrian treaty in my pocket. Long before I established any contracts at Damascus, certain newspapers had published alleged extracts. A year ago, in November 1931, when I convened the Advisory Council, which was to assist me during the election period, I was asked to communicate the draft treaty in order that it might be used as a basis and platform for electioneering purposes. Again, when I returned to Syria a month and a half ago, I was asked to state what were the bases of the treaty : otherwise the Chamber would certainly show that it distrusted me. I replied, as I have already said, that a treaty is the outcome of free discussion between two parties and that, although I might in my mind's eye already see the general lines of procedure which could lead up to this treaty, I had not in my pocket a text which could secure the approval of the Assembly rapidly — I might almost say by surprise.

Now that I have before me a representative body with whom I can discuss matters, I will honour the word which was given long ago—long ago, since almost seven years have elapsed since my predecessor promised, in the name of the French Government, that a treaty would be negotiated. Both in the Permanent Mandates Commission at the time of the examination of the annual report, and in the discussions which have taken place in the League Council¹ and Assembly² and in connection with the evolution of a neighbouring country, the French representatives have made statements. It is now my duty to fulfil those promises, and their fulfilment is my main concern. Up to the present I have only had preliminary talks with a view to defining the policy of the treaty and its implications, because a treaty is not one of those sudden events which transform the whole political outlook by a wave of the wand, and which overnight fling a country hitherto under the control of a mandate into a state of complete independence.

A treaty is something quite different. I have taken great care, in the conversations which I have had up to the present with the Syrian Government, to bring home this truth to the other party. We now fortunately know how a mandate evolves. At the request of the Council of the League of Nations, the Permanent Mandates Commission has defined the chief conditions which have to be taken into account.³ These are the lines to be followed and they constitute our most precious guide. I deliberately emphasised this point. We then defined the object to be achieved and the means for achieving it, and finally we discussed the preparations which would be necessary in order that a Government which at present exercises some only of the attributes of its sovereignty might, in the normal course of events, be placed in a position to exercise them all.

At the present time, immediately after the application of the Organic Statute, it may be said that the Syrian Government enjoys full exercise of the whole of its internal sovereignty. The Syrian Government only lacks the powers still exercised by the High Commissioner in respect of the maintenance of order and security, and moreover, and above all, in the matter of foreign relations.

Consequently, the end of the mandate can only be glimpsed through a period of transition during which preparations will be made for the gradual transfer to the Syrian Government of certain obligations for which the mandatory Power is at present responsible. To take only the international aspect of the question, it is obvious that the mandate cannot be terminated until the transfer has been accepted by the League of Nations and the Powers concerned. All this presupposes a careful work of preparation and adjustment, and to prove my argument I need only give you a recent illustration. Did not a neighbouring country require eight years to bring about its internal evolution ? And, thereafter, did not two more years have to elapse before the various international problems involved could be completely settled ?

I have no doubt that we shall progress more rapidly than that. In spite of the inference which might be drawn from a recital of all the political difficulties which the mandatory Power has experienced in connection with various national elements, we are not by any means just starting out on the road. The necessary preparations are already well advanced. I may even add that, if to-morrow, contrary to all expectations, I found myself confronted on the spot with unforeseen difficulties, I should not allow myself to be deterred and should say : "With or without your help, I shall pursue my policy and prepare for the evolution and termination of the mandate".

There are certain institutions, such as the necessary elements of security — gendarmerie, police, militia — the preparation of which is more particularly a task for the mandatory Power itself ; all these preparations are proceeding satisfactorily. There are other institutions the development of which presupposes closer co-operation, or an action of its own volition on the part of the Government that is aspiring to independence. As regards these, the Government must shoulder its responsibilities, assert its authority and inspire confidence to an ever-increasing degree, not merely at home, but also abroad.

This is why, for the very purpose of reaching our goal with greater speed and certainty, it is absolutely essential that the programme of such joint action should be defined. This has been the subject of the preliminary conversations which I have been having at Damascus during this last month, ever since I have had the possibility of dealing with a representative Government. I have said : "There is the problem. It is not a very easy one to solve. Its solution calls for goodwill and careful collaboration which will inspire confidence among the Syrians themselves and among the various foreign elements."

¹ See Minutes of the sixty-fourth session of the Council, pages 2053 and 2054.

² See Minutes of the Sixth Committee of the twelfth Assembly (1931), page 20.

³ See Minutes of the twentieth session of the Commission, pages 228 and 229.

As a result of these preliminary conversations, I may say that the evolution of the Syrian problem seems to me to have now entered into a favourable phase. My intention, on returning to Syria, is to take up these conversations again and carry them through to a satisfactory conclusion.

This is the first stage, of which I have endeavoured to give you a true and faithful account.

I should add, in connection with the treaty, that, as evolution has already taken place in a neighbouring country, we are henceforth bound to contemplate and prepare for a final solution in Syria.

We have before us the example of 1930 and 1932. We must endeavour to obtain a clear idea of what the situation will be on the day when the mandate comes to an end. This will enable us to judge exactly what effort will be required in order to achieve our aim under the best possible conditions.

The essential and two-fold task which I propose to undertake when I return to Damascus is to define immediately the situation as it will be when the mandate comes to an end, and also to map out the programme and stages of the evolution of existing institutions in the various spheres in which active and cordial collaboration between the Syrian Government and the mandatory Power is still necessary to fulfil both at home and abroad the requisite conditions for the admission of Syria as a Member of the League, taking into account the general principles already laid down by the League for the termination of a mandatory regime.

POLITICAL SITUATION AND DEVELOPMENT OF THE ADMINISTRATIVE SUB-DIVISIONS OF THE TERRITORY UNDER MANDATE.

The CHAIRMAN. — What exactly are the territories included under the geographical denomination "Syria"? Are there any regions, like the Jebel Druse or the province of the Alaouites, which remain extraneous to the question we are about to discuss?

M. PONSOT.¹ — My references to Syria should be construed within the framework of the Organic Statute which has defined the situation of the territories entrusted to France under the mandate: the State of Syria, the State of Lebanon, the Government of Latakia and the Government of the Jebel Druse.

We have employed these terms "State" and "Government" deliberately. On previous occasions people have often said to me: "You have created five States. How can you define these sovereignties and what will be the situation of these different States?"

There are two States which possess an equal international "vocation": Syria and the Lebanon. Latakia and the Jebel Druse, on the other hand, are autonomous areas established in application of the mandate, which itself provides for this possibility. The evolution of these areas has been retarded by certain circumstances peculiar to themselves. The Alaouites were formed into an autonomous unit because, under the former regime, they had remained isolated in their mountains and their political training was not very developed. If 200,000 inhabitants of such slight political experience had been incorporated in a far more developed political unit, there would have been some danger that their interests might to a certain extent have been sacrificed. In setting apart these hitherto neglected peoples and in making it possible for them to be gradually initiated into the art of self-government, we have now made it possible for the Alaouites to develop usefully, and gradually to accustom themselves to modern life under better conditions.

The Druses, as you know, form a very homogeneous community of about 65,000 people, including 7,500 Christians and 1,000 Sunnis who live in the Jebel and are very closely associated with the main ethnic group. The Druses were also, for obvious reasons, entitled to a recognition of their autonomy. They too were entitled to claim conditions favourable to their evolution. I can assert this all the more frankly in that we have had certain difficulties with them. The Druses therefore are evolving along their own lines. They are not being guided towards the constitution of a State from an international point of view. The mandate, however, meets their purpose. If the mandate possesses that altruistic and educational value which is attributed to it, then I say that, both for the Druses and for the Alaouites, the best method of ensuring their evolution is the form of autonomy I have described.

This means that, within the States under French mandate, some communities have progressed further along the path of evolution than others, though I do not attach an absolute value to this description since political evolution can be judged in various ways.

Now you may say: "What of the Lebanon?" The Lebanon does not, at the present time, come within the scope of the treaty. You may perhaps object that the Lebanon has evolved even further than Syria. I can neither agree nor dissent. It all depends on the point of view from which you look at the question. If it be true that illumination comes from the East, then it may be natural that, having been born on the banks of the Tigris and the Euphrates, it should dally awhile on the banks of the Barada before crossing the Lebanon and the Anti-Lebanon.

I should add that the moral association between the mandated countries and the mandatory Power authorises these countries themselves to express an opinion as to how they can best attain that full development towards which it is our duty to guide them. If some of these countries desire or think it advisable to remain for a longer period under the mandatory regime, I feel that it would be difficult for me to oppose their wishes or contest the value of their arguments. I will make my meaning clear in this respect when I come to speak of the evolution of the Lebanon and to explain what that evolution means.

¹ It was decided that the record of M. Ponsot's evidence should be given in the first person (in direct style) throughout.

The situation of the States under mandate may be summarised as follows : In the near future, we shall have a treaty zone and a mandate zone. That, to a certain extent, will simplify matters. A country like Syria, which longs for its freedom and independence, and has always been loath to recognise the existence of the mandate, asks me to bring about a rapid change in its condition. What can I reply ? I have heard most authoritative opinions in the League of Nations affirm that Syria is more advanced than a certain neighbouring country. I would not venture to express an opinion, but I am obliged to listen to what I hear. In these circumstances, should it not be allowed that the elaboration of a treaty is indeed likely to encourage the political change, since it will give moral satisfaction to the interested parties, and will lead them to accept willingly, during the transitional period, that co-operation without which they cannot attain their ultimate goal ?

I say that the formula of a treaty is valid for Syria, whereas it is not necessary for the countries which have readily accepted the mandate. Syria, through her many organs, has always challenged the mandate. How can I forget this fact, I who added an Article 116 to her Constitution ? We have never met with similar difficulties, neither in the Lebanon, nor among the Alaouites, nor in the Jebel Druse. Consequently, I am entitled to believe to-day that we have found the best formula for bringing about the evolution of Syria, while, for the present, in the rest of the territory I am pursuing a policy which, without in any way crystallising the situation, will enable it to evolve under the mandate, as accepted and approved by the parties concerned.

I think I have thus given a complete answer to the question raised.

Perhaps you will ask me, "What will happen later ?" Later, we shall see what will happen. The evolution of a mandate is not an easy matter ; it meets with obstacles of various kinds. As, moreover, the formula is not a final one, but is an adaptation, it may be best to deal with each stage as it occurs. You may be sure that, as soon as a problem is ripe, it will be solved in this assembly under the best conditions.

To allay any misgivings which may still exist in certain minds, I may say that, if to-day, in the zone of the mandate, the mandatory Power exercises sovereign power in certain respects, it only does so, in the name of the States, with regard to certain reserved questions in the sphere of security and foreign relations. Finally, I would add this two-fold statement : (1) Latakia and the Jebel Druse are not States, their ultimate destiny cannot be determined until their evolution has been completed ; (2) abroad, the Alaouites and Druses are described on their passports as "Syrian subjects nationals of the Government of Latakia or the Government of the Jebel Druse".

In short, our intention has been, not to divide up the country, but to carry out a constructive work of preparation.

The CHAIRMAN. — What is the situation of the Sanjak of Alexandretta ?

M. PONSOT. — Alexandretta is simply a Syrian province which enjoys a "special administrative regime". The points settled by agreement between France and Turkey could only be modified if the agreement were modified.

The CHAIRMAN. — In reality, the Commission cannot recognise, as regards these territories, any international agreement but the mandate. He did not think a treaty could be concluded outside the League of Nations between France and Turkey concerning Alexandretta.

M. PONSOT. — The agreement in question is dated October 20th, 1921. It is consequently previous to the mandate, which dates from July 24th, 1922.

The CHAIRMAN. — The agreement in question, therefore, was concluded prior to the mandate. How many inhabitants are there in Syria, excluding the Alaouites and the Druses, who apparently wish to become autonomous, and in the Lebanon ?

M. PONSOT. — I am not quite sure that I understand your question exactly. The Alaouites and the Druses are already autonomous, so that there is no innovation in their case. At the present moment, the population of Syria is approximately 1,500,000 ; that of the Lebanon, 850,000 ; that of the Government of Latakia, 300,000 ; and that of the Jebel Druse, 65,000.

The CHAIRMAN. — You said that only Syria did not accept the mandate. Do the Druses and the Alaouites accept it ?

M. PONSOT. — The word "accept" should not be interpreted too strictly in this connection. The majority in the Syrian Chamber, which includes sixty-nine deputies, is not hostile to the mandatory Power, but thinks that, if a certain neighbouring country is no longer under a mandate, there is no reason why this regime should be applied to Syria.

The feelings of the Alaouites, in so far as their representatives voice the feelings of the people, are as follows : The Assembly of fifteen elected representatives has always expressed its attachment to the mandatory Power, which has assured the Alaouites their autonomy.

The Jebel Druse has been provided, under the Organic Statute, with a Council of Ten, and I infer that the country approves of the present provisional system from the fact that we have not experienced the slightest difficulty with the Druses — at least, during the last six years — and from the fact that, in every circumstance, they have given proof of their attachment to this regime. But, in this case, it is actual facts that count, and, if my opinion on this point were called in question, I should repeat what I had occasion to say to a neighbouring High Commissioner whom I had sent alone into the Druse country where I joined him the following day : "Go and see for yourself".

Naturally, I am aware of the existence of divergent opinions. This is a question I frequently have to discuss ; consequently, I know all its ins and outs. I collect views from all quarters. But, taking everything into account, I may say that, at the present moment, the odds are in favour of the view I have expressed. If you desire something more than a mere affirmation, I would observe that another system has been tried — the system of a federacy. That regime lasted until the end of 1924, and one of the reasons which led to its abolition is that the Alaouites preferred, during this preparatory period, to develop on their own lines in collaboration with ourselves, rather than tie themselves up in a way which would have afforded them less possibility of internal development. If I were to take you to the Jebel Druse, I could prove my statement with the utmost ease. I am not afraid of being contradicted when I say that the most deep-rooted sentiment among the Druses is a desire for autonomy. That sentiment is so strong that the Druses first affirmed it by quitting the territory in which they then lived, to settle, in about the year 1860, in what is known as the Jebel Hauran. Once there, they have had to defend themselves against the authorities set up in the interior of Syria. So much so, that periodically — about every ten years — an army division had to be sent to the Jebel to endeavour to bring the Druses under the arm of the law.

A short while ago I was passing through Istanbul, and my presence induced certain persons who were in a position to know to tell me something about the last operations conducted under the previous regime. If you went to the Jebel Druse, you would notice that these lands are inaccessible, being surrounded by lava-fields. Wherever a passage exists, one sees former fortified posts and ruined barracks, a symbol of the Druses' feelings towards those who desired to subject them to their laws.

I may say this with all the more authority in that we ourselves have not always seen eye to eye with the Druses. What is true one day may not be true on the morrow. But I can tell you to-day that the position is favourable for the following reasons : the country is now open and developed from an economic point of view ; there are 125 kilometres of macadamised roads and 700 kilometres of tracks suitable for motor traffic, and a system of irrigation has been established throughout. These are benefits which can be welcomed even they have been brought about with the help of a foreign Power.

The CHAIRMAN. — You said that only two countries were fitted for international status — Syria and the Lebanon. What might be the position of the Alaouites and the Jebel Druse from the international point of view ?

M. PONSOT. — What I said was that Syria and the Lebanon had an international " vocation ". To-day, Syria and the Lebanon, like all the autonomous units — Alaouites and others — are under the mandate. There is no difference between them. The sole regime is that of the mandate. But there is provision for a process of development leading ultimately to the termination of the mandate. I propose to settle these questions, one by one, as they become mature. Syria is demanding a change. To that I reply : Let us adopt the treaty system ; otherwise, there is no change. The mandatory system is still in force. No alteration has been made in the situation of those territories in respect of which the question does not arise.

The Syrian problem alone offers difficulties enough. If all the problems had to be solved simultaneously, several years would be required. Personally, I prefer the constructive method of preparing solutions one by one and only settling a problem when the time is ripe. This is the best guarantee for the evolution of the mandate.

In short, the mandate applies to different peoples and different territories, some of which, for reasons which are quite independent of the will of the mandatory Power, are more capable of rapid development than others.

We say that the evolution of the mandate involves certain conditions, including the need to face the facts as they exist in each of the various States and Governments. Only thus can the mandate evolve under the best conditions.

The CHAIRMAN. — What is your authority for the suggested division of the territory into two separate States — Syria and the Lebanon ?

M. PONSOT. — Our authority is the text of the mandate itself, which says, in Article 1 :

" The Organic Law shall be framed in agreement with the native authorities and shall take into account the rights, interests and wishes of all the population inhabiting the said territory. The Mandatory shall further enact measures to facilitate the progressive development of *Syria* and the *Lebanon* as independent States."

ENTRY INTO FORCE OF THE ORGANIC LAW : ELECTORAL PROCEEDINGS (1931-32) AND VARIOUS PETITIONS RELATING THERETO.

M. RAPPARD. — The accredited representative has explained what happened when the Organic Law came into force and has given us the reasons for this re-organisation. I must say I have found it very difficult to envisage this operation clearly. This is not due to lack of information, but rather to the nature of the information supplied to us, in which irony and statements of fact are so closely mingled that it is very difficult to distinguish between them. M. Ponsot said that civilisation came to Syria from the East. I wonder whether he really meant that, because, after all, the mandate itself came from the West.

I now desire to ask several precise questions with regard to the entry into force of the Organic Law. In the first place, what was the High Commissioner's attitude as regards the electoral proceedings ? Did he consider that he was bound to maintain an absolutely impartial

attitude towards all parties, or did he feel, on the contrary — which I should very well understand — that his civilising mission required him to intervene as a guide to public opinion? Secondly, if he thought it his duty to maintain the absolute impartiality of an observer, how does he explain the fact that all the petitions which have reached the Commission come from one party, which, as M. Ponsot said, differs from the moderate party on minor points only and in its degree of eagerness to speed up the evolution of the country? Thirdly, if the mandatory Power felt, when it had set up these institutions, that it ought to take action to ensure that they worked under the most satisfactory conditions, in what manner did it intervene and what form did its intervention take?

M. PONSOT. — Your first question is: “Did the High Commissioner act as an impartial observer or as a guide?” Seeing that the High Commissioner has varied responsibilities, the answer to your question cannot be categorical, because everything depends on the exact moment to which you may be alluding. When a single person, a single man, is, from one point of view, responsible for the government of the country, and particularly for the maintenance of order and safety in the best sense of the term, and is also responsible for the holding of clean and fair elections, then that man is bound to act in different ways simultaneously. He possesses a dual personality, and, in saying so, I am not juggling with words. I am referring to an actual fact, which I have constantly to bear in mind. I did not mince matters. I warned the persons with whom I was dealing that I meant to shoulder my responsibilities, and that, in particular, if ever I saw that security was threatened, I should act promptly.

You may think that such action by the High Commissioner in the domain of order and security was likely to influence the course of events. Perhaps. I have no choice in the matter. But I do sincerely believe that my first duty in such circumstances was to make sure that the situation should not degenerate into anarchy and chaos. Beyond that, I do not intervene. In truth, my means of action in that connection are slight. You may say that this is a poor argument. But when you come to think of it, the possibilities of choice in an election are not boundless. For sixty-nine seats, there were about twice as many candidates. Syria is unlike countries where the parliamentary system has long been in existence, in that she does not possess a galaxy of eager souls all ready and anxious to assume the responsibilities of government. The number of candidates, in fact, is rather limited.

My feeling in the case of an election of this kind is that, for the purposes of an evolution such as I desire, it is eminently desirable to be able to discuss matters with a responsible parliament which really voices the opinion of the country. With only a rump parliament, I should not get very far.

In the previous Assemblies with which I had to deal, a very characteristic phenomenon occurred. Electoral periods must be taken as they are. The cleft between the parties is clear. But, as soon as the members meet in the Chamber, I assure you that they forget all the influences which — with or without my assistance — were brought to bear on them during the elections. From the time the Chamber meets, anyone who was unfaithful to the expression of national sentiment would be regarded as a traitor. It would not be the slightest use for him to take refuge behind the High Commissioner or a so-called mandatory policy. A recent example provides proof of this. A few days ago a general amnesty law was submitted to the Syrian Chamber. Its terms were most extreme, in that it distinctly encroached on the powers of the High Commissioner. The author of this proposal was not a rabid nationalist, but a very well known leader of the northern “moderates”.

M. RAPPARD. — It is precisely because I realise this double personality of the High Commissioner that I put my questions. The situation then is this: the High Commissioner adopts an impartial attitude in electoral matters. But the High Commissioner is also the guardian of law and order. If, therefore, one of the parties shows revolutionary tendencies, that party necessarily becomes the enemy of the High Commissioner. That being so, I wonder whether, a High Commissioner, however great his desire to remain impartial, would not be obliged to favour one party and adopt an attitude unfavourable to the other. Do you think that that, moreover, is a consideration which could encourage the Mandates Commission honestly to consider that the time had come for the Mandatory to withdraw?

M. PONSOT. — The last elections were such, I admit, that I had to take full responsibility, because no properly constituted Government was in existence. But there is no question of my withdrawing overnight. Now that there is a properly constituted Government, I daily have occasion to demonstrate to it that the exercise of power is not always quite what one imagines it to be when one is in opposition. The exercise of authority is particularly difficult in a period of crisis, and promises are difficult to keep.

Consequently, in laying down clearly the responsibilities of power, I have availed myself of every opportunity to draw the attention of the Government to the difficulties which the proposed evolution involves. This evolution cannot be achieved in one day, however ardently one may desire it. My most heartfelt wish is that my hearers should, when confronted with reasonable and disinterested arguments, feel that I am their most trusty counsellor in the path they have mapped out for themselves.

How long will it take for the evolution to come about? I think that these beginnings are fairly auspicious. What must be discovered is a group of persons devoted to the public weal and capable of shouldering heavy responsibilities. Whatever criticisms may be levelled at the parliamentary system, I must say that, carried on under the supervision of the mandatory Power, this system possesses a distinct educative value. All varieties of opinion are expressed in an assembly. The need for reaching a conclusion by means of a vote is obviously a compelling factor. Indeed, power would be absolute — and therefore dangerous to exercise — were it

not counterbalanced by an ever-vigilant opposition. The exercise of power, guaranteed by the presence of an impartial arbiter, is the best training we can give this country, however strange that may seem at first sight.

M. RAPPARD. — You say : “ We must see that order is respected, and must ensure fair elections ”. I agree. But do you feel that your duty ends there, or do you feel that you would be bound to take action against one of the two contending parties if the feelings of that party were, in your view, such as to make government impossible ? Do you think that you ought, in such case, to endeavour to secure the success of the other party, by all the means in your power, including the police ? It is clear that you have certain duties as the authority responsible for maintaining order, and others as guardian of the impartiality of the elections, and that it might be difficult to achieve the necessary equilibrium between the two.

M. PONSOT. — In my reply, while keeping strictly to the subject, I am bound to draw certain distinctions.

(1) I am not dealing with revolutionaries. I am not therefore in a state of expectant defence against any one group.

(2) It is fairly easy to ascertain the position in each town. A certain individual or group, regarded as having advanced ideas, is sure to succeed in one town, while its chances of success are very doubtful in another. Right from the outset, for instance, the elections held, say at Homs, gave every satisfaction to what is known as the Nationalist Party, without any intervention, direct or indirect, on my part in an endeavour to modify the electoral situation. The head of this party was the former President of the Constituent Assembly. My relations with him have never at any time ceased to be personal and courteous.

To show the effect of measures for safeguarding public security, I may mention two experiments which I conducted on the same day. At Aleppo, on December 20th, 1931, the precaution was taken of having troops in reserve. That made it impossible to invade the polling-booths by surprise. Naturally, the troops were not inside the premises, but were posted at some distance around them. Thanks to these precautions, order was not disturbed.

Had this any effect on events ? Perhaps. The more timorous elements regain courage when they are not exposed to threats. But, though a certain moderate tendency was noticeable at Aleppo, that was due to certain circumstances which exist in a lesser degree at Damascus. At Aleppo, 44 per cent of the population are not Sunnis. That is sufficient to explain why the voting was different at Damascus and at Aleppo respectively.

On the same day, at Damascus, I gave the freest possible rein to events. The maintenance of public order was left solely in the hands of the police and gendarmerie. Their number proved to be inadequate in view of the number of polling-booths and the agitation in the streets. Damascus is a city of 250,000 inhabitants. With such small forces order can only be maintained if people remain calm. If disorderly elements set out to create trouble, the situation soon gets out of hand and it becomes very hard to restore discipline. Thus, as the precautions taken at Aleppo were not taken at Damascus, about one o'clock in the afternoon the situation was degenerating into disorder. Force was only employed as a last resort. I admit that it might perhaps have been better to take all precautions from the outset. I certainly did so when the elections recommenced at Damascus on March 30th. When questioned, I replied that precautions to ensure safety would be taken and would be discreetly apparent. These measures were adopted in the general interest. Polling took place without the slightest incident.

M. RAPPARD. — The nationalists have now sent in petitions because you decided to maintain order in spite of them.

M. PONSOT. — I need make no mystery of my own feelings or of the reasons which led me to act as I did. The political situation at Aleppo is, as I have said, somewhat peculiar and quite different from that at Damascus. Advanced elements are less certain of success at Aleppo than at Damascus. Aleppo is open to trade ; the city gives thought to its prosperity ; it is and has always been a commercial centre. Damascus is much more of a university, administrative and governmental centre, where people are much more interested in politics. The majority of Alepis demand nothing more than to be on good terms with the authorities, because they feel that nothing good can come of disorder. In Aleppo, also, are settled numerous refugees who appreciate the benefits of security. In the north, people fully realise what the presence of the mandatory Power means. Is it, then, surprising that our efforts are better appreciated in the north and that the electoral barometer bears witness to this ? These are the essential facts of the case and they can be discussed in all frankness.

The CHAIRMAN. — In reply to M. Rappard, M. Ponsot has explained the part — the effective part — he played in the maintenance of order. If I am not mistaken, however, M. Rappard asked M. Ponsot whether the rôle of the mandatory Power in the preparation of the elections was that of a mere onlooker.

M. PONSOT. — I will reply to this question, not by explaining my intentions, but by quoting definite instances.

I arrived at Damascus on November 17th, 1931, coming from France. On the 19th the Advisory Council was set up. On December 7th the electoral period began. On the 20th the elections took place.

The whole point of the rapidity of these operations was to provide safeguards for all the parties, who had already long previously defined their programmes. I believe that, on this occasion, I provided two safeguards which ought, I think, to have satisfied even the most carping of critics.

There was at that time a Government which had been in office for nearly four years, of whom, personally, I had no reason to complain. But it was supposed that this Government (which was not hostile to the mandate, seeing that I myself had placed it in office at the beginning of 1928) had prepared the elections and, by the alleged fact that it had posted its supporters in strategic positions, was in a position to exert great influence at the elections. By requesting those who had thus assumed the burden of office in Syria for the last four years to withdraw, I think I provided a most exceptional pledge in favour of the full freedom of the elections. That was the first safeguard.

The second was this: in order to establish the necessary contacts on an absolutely impartial basis, I set up an Advisory Council. The action of this Council would have been more effective if it had had a better reception from those very persons whose electoral position had been distinctly improved by the acting Government's departure from office.

This is the Advisory Council to which Ibrahim Hanano alludes in his petition and which is stated to have been composed solely of persons favourable to the mandatory Power. I had taken very deep thought as to its composition. I felt that, if all were to have an equal opportunity, it should include all who had assumed the responsibilities of power during the previous ten years. These were not all friends of the mandate, since one prominent post was reserved for the President of the Constituent Assembly, one of the most respected chiefs of the Nationalist Party. Again, among the high dignitaries of the State invited to be members there were included several persons whose strong nationalist opinions had never been in doubt.

To this Council, then, on December 7th, I made a statement (set out in the report submitted this year, page 184) the purport of which was — on the eve of the elections — clearly to define the aims pursued by the mandatory Power.

I had been asked to make certain statements regarding the bases of the treaty. I replied, in very definite terms, that such a discussion, as proposed to me, would be premature.

To my great regret, the more radical elements did not respond to my call, and, at the very moment when I entered the meeting, I received a letter, couched in quite courteous terms, from the former President of the Constituent Assembly, explaining why he did not propose to come. Obviously, I felt his absence, because the rôle of the Council was thereby limited and the Council itself lost some of its usefulness, whereas I very much desired to consult a Council in which all sections were represented as to the subsequent steps to be taken. All these efforts were made with the single purpose of ensuring that the elections should take place in the best conditions.

M. ORTS said that he was Rapporteur for certain petitions which all referred to alleged irregularities in the conduct of the elections. He did not desire any additional explanations with regard to the facts. The observations of the mandatory Power were very explicit and dealt with the allegations one by one.

He would be glad if the High Commissioner would corroborate that the elections had been confirmed by the Chamber unanimously.

M. PONSOT. — Absolutely. The Chamber met on June 7th this year and, after appointing its Bureau and nominating the Head of the State, its first duty was to verify the elections and validate the situation of the members, as is done in all parliaments. The file of complaints had been transmitted to the Bureau of the Chamber. A committee was set up to examine protests duly registered in conformity with the electoral law. This Committee met, and the situation arose that the deputies from the north thought it would be to their advantage to prolong the examination of the files for various reasons, not unconnected with a desire to secure better representation in the Government. They themselves therefore insisted that the Committee should go into details. The Parliamentary Committee, having terminated its work, most strongly urged that the elections should be confirmed without further delay. This was no innovation; the Constituent Assembly of 1928 had already followed this course.

As soon as the Committee thought it was in a position to submit a report, it communicated its conclusions to the Chamber, and the latter unanimously confirmed the elections. I can only say that the procedure was absolutely regular and in order.

M. ORTS said that, to a distant observer, it seemed rather extraordinary that, on the one hand, violent protests concerning the conduct of the elections should be addressed to the exceptional authority in Geneva, which was difficult of access to the petitioners, and that, on the other, those who professed the same views as the persons who had protested should not have made use of the normal means of redress allowed by the organic law.

THIRTY-SEVENTH MEETING.

Held on Thursday, December 1st, 1932, at 4 p.m.

Syria and the Lebanon : Examination of the Annual Report for 1931 (continuation).

M. Ponsot and M. de Caix came to the table of the Commission.

ENTRY INTO FORCE OF THE ORGANIC LAW: ELECTORAL PROCEEDINGS (1931-32) AND VARIOUS PETITIONS RELATING THERETO (*continuation*).

M. PONSOT. — M. Orts expressed some surprise at the apparent contradiction between the fact that certain petitions draw attention to a delicate situation and the fact that the Syrian Chamber does not seem to have taken this into account.

In the first place, we must, I think, differentiate between the petitions. I attach a certain importance to petitions coming from Syria and from people engaged in the struggle. Petitioners who took an active part in or were eyewitnesses of the events are entitled to express their opinion. On the other hand, I think that petitions signed by students living in Europe — in Paris, Toulouse or elsewhere — are not of the same value. May I, in this connection, recall a rule which is perhaps better defined in British than in French procedure? In England, the evidence of a person who was not an eyewitness of, or did not himself hear, the facts under discussion or in dispute cannot be produced in court. Though I am not surprised at the petitions from Syrian students, who get excited about these events and exaggerate them — that is natural at their age — I cannot accept their petitions as evidence, since they themselves neither saw nor heard anything of what they relate.

M. ORTS said he quite understood. He was nevertheless bound to make a report on four petitions, all of which came from France, accompanied by the observations of the mandatory Power (documents C.P.M.1281, 1349, 1275, 1311, 1310, 1314).

M. PONSOT. — Recently, during conversations I had with the Syrian Government, certain evidence from France — from Toulouse in particular — was brought to my notice and, in fact, I saw an article from a Toulouse newspaper, dated October 30th, 1932, which read as follows:

“ The disturbances in Syria, which we have already reported, are continuing.

“ Recently at Hama, a small town of 30,000 inhabitants, between Damascus and Aleppo, the town ‘ porters ’ went in procession to the town-hall to hand the mayor a petition protesting against a further increase in taxes which they thought to be excessive.

“ Just after the deputation was introduced, an altercation occurred between a police officer and the crowd.

“ A few moments later, the police made use of their truncheons to drive back the crowd, which resisted.

“ Reinforcements arrived, shots were fired and there was at once an indescribable panic.

“ All the shops were shut and, for a few moments, the town was the scene of a real street battle. Naturally, arrests were made and more than twenty of those arrested were kept in custody.

“ No *communiqué* from the High Commissioner’s Office mentions the slightest ‘ incident ’ at Hama.

“ It would seem to be time to ask for explanations from the High Commissioner, who is responsible for administering the Syrian mandate.”

I myself have no knowledge of this incident, which, in any case, is exaggerated. The day after my return, another incident occurred in the same town in connection with a search for some smuggled bales of tobacco and, on that occasion, one person was killed and one wounded. I must, however, point out that that is not my concern. If it is reported that fifteen bales of tobacco have been smuggled in, that the local authority considers it advisable to make a search and that a quarter of the town has risen to prevent the search, it is only fair to admit that the High Commissioner is in no way concerned. Such incidents occur everywhere, but it is on rumours like these, as I replied to questions put to me in Syria, that one’s reputation is founded abroad.

Ibrahim Hanano’s petition was written on March 20th, 1932 (document C.P.M.1350) — that is to say, at the height of the election excitement, since it preceded the by-elections which were to be held at Damascus and, at that time, it was still hoped that the elections might be cancelled and held afresh at Aleppo. Consequently, these were legitimate expressions of opinion, since the electoral period was not closed. I must say that this petition was sent to me, in its original form, as long ago as December 31st, 1931, by one of the leaders of the Syrian National Party, who had drawn my attention to the electoral situation at Aleppo and the need for taking steps to meet it.

M. ORTS said he noted one fact which he considered to be fundamental — namely, that the elections had been unanimously declared valid by the Chamber.

M. PONSOT. — Yes, indeed !

M. ORTS observed that he had not received the petition of March 20th, 1932, to which the High Commissioner had just referred.

M. PONSOT. — I regret that very much, for it is an important petition. I fear there has been some delay in forwarding it.

The CHAIRMAN. — The petition in question has just reached the Secretariat. I desire to draw attention to the fact that most of the petitions, some of which date back several months, have only been transmitted to us by the mandatory Power a few days ago.

M. PONSOT. — I very much regret that, particularly as, in the ordinary course, these petitions are addressed to the High Commissioner, the Ministry for Foreign Affairs and the League of Nations simultaneously. Sometimes, however, the procedure is different and some of them are addressed direct to you ; but I always thought that, in one way or other, you received these petitions in due time. If I am in any way responsible for this delay, I am really very sorry, because I am always entirely ready to answer questions concerning matters for which I have assumed responsibility.

The CHAIRMAN. — May I point out that, when the Commission receives petitions from the inhabitants of the territory under mandate, it can only examine them when they have been transmitted to it by the mandatory Power, together with the latter's observations thereon ? Delay in transmitting petitions cannot make a favourable impression on the Commission.

M. PONSOT. — I entirely agree with your remarks and I should like to point out that, in my statement this morning, I attached as much importance to the petitions sent to you as to the mandatory Power's annual report. Those who criticise my administration, although not present here, are entitled to make themselves heard through their petitions. I shall personally take steps to see that in future petitions reach you in due time.

M. ORTS. — In this connection, I should like to put one last question. Generally speaking, parties which present candidates are allowed to be represented in the voting-booths by an observer whose duty it is to see that the electoral operations are properly conducted. Such a possibility cuts short all recriminations. Is it permitted in Syria ?

M. PONSOT. — Under the electoral law, the representatives of the parties are not present in the voting-booths, but the managing committee is constituted beforehand in accordance with certain regulations — for example, it includes persons belonging to the municipality and certain specified officials. In any case, the managing committee is not constituted in an arbitrary way at the last moment.

My attention was, however, drawn to the fact that at Aleppo, through the operation of this law, two candidates belonging to a certain list were members of the Election Committee. I therefore agreed, although this was not strictly in conformity with the law, to the appointment of two representatives of the other party, candidates on Ibrahim Hanano's list, as members of the Committee. I should not, however, like to convey the impression that the elections are carried out better in Syria than anywhere else. The application of the representative system is a delicate matter. In all countries it is influenced by local customs. I do not therefore desire to be understood as approving everything that may happen. Nevertheless, I do not think there were any ballot-boxes with false bottoms or any "packed" ballot-boxes. Indeed, if packed boxes had been used, there would, at least, have been a really impressive number of voting-papers. The figures for the poll, however, show that the number of voters was considerably smaller than that on the electoral roll, particularly at Aleppo. In short, without asserting that the elections are conducted better in Syria than elsewhere, I do not think that all the complaints which have been put forward can be taken into consideration.

M. ORTS. — Nevertheless, there were fourteen persons killed, in all, during these elections.

M. PONSOT. — That was the figure for the whole period of the elections — namely, from December 20th, 1931, to April 6th, 1932.

COUNT DE PENHA GARCIA. — I think that the High Commissioner has somewhat over-emphasised the distinction between the two classes of petition we receive. I agree that petitions from Syria contain more direct evidence. Nevertheless, I have seen a petition from abroad which was no less important as evidence. This was a petition from Syrian students at Toulouse (document C.P.M.1288), who complained about the suspension of certain newspapers. I should like to have some information in connection with this petition.

In the course of his statement, the High Commissioner told us that his duty was to maintain order and security in the country and to guide the mandated territory till it reached a stage of development at which it could be emancipated from the mandate. For six years past, we have witnessed various experiments and have seen divers methods employed to attain this goal. In these circumstances and in such cases, the facts can be ascertained even by those who are not on the spot. The mandatory Power first considered whether it would be advisable

to contemplate the constitution of a single independent State or whether, on the contrary, all that could be done at the moment was to contemplate the independence of certain parts of the territory only. The mandatory Power thought it desirable to divide the mandated territory into several small states or territories with separate governments. In justification of this method, it points to the differences of race and customs in the various territories. This policy has not been entirely to the taste of the Syrians themselves. However, the mandatory Power has the right to follow out this programme if it is convinced that the emancipation from the mandate of part, at least, of the territory will thus be accelerated. The High Commissioner has stated that he himself believes this to be the case. Nevertheless, it must be recognised that petitions frequently contain protests against this policy. True, the majority of the petitioners protest against the mandate itself. The High Commissioner has explained to us fairly clearly how the termination of the Iraq mandate has created a state of mind in Syria which makes it desirable to speed up the evolution of the political organisation of Syria in the direction of independence. So far, various attempts have been made, but the course followed has been more or less the same — namely, to create a system of parliamentary government.

The High Commissioner has also told us that his policy was a policy of expediency, but we are struck, whenever we examine a petition, by the fact that the Syrians have not yet been won over to the policy of the mandatory Power. Just now, the participants — or some of the participants — in the experiments of the mandatory Power in Syria have been changed. M. Ponsot has informed us that this regime is under the supervision of the mandatory Power. It is this supervisory function which at times makes the High Commissioner's position a very delicate one. For instance, with regard to the last elections, the mandatory Power has been accused of acting in such a way that the parliamentary system has been distorted. The petitioners, on the one hand, complain that high officials intervened in the elections, and, on the other, that the police and the authorities prevented the electors from exercising their right to vote. This is a regrettable situation, because, after all, it has resulted in people being killed and wounded. The unanimous validation of the election by the Chamber does, however, to some extent give the impression that the petitioners have exaggerated the facts and that, in any case, the tension between the parties has relaxed.

The mandatory Power is accused of muzzling the Press during the elections. The status of the Press is governed by a law, but certain exceptional measures were taken prior to and during the elections. It is, moreover, a curious fact that two rather different conceptions of the rôle of the Press in Syria are put forward in the mandatory Power's reports for 1930 and 1931 respectively. In 1930, the report (page 11) mentioned the development of the Press and the mandatory Power expressed its satisfaction because it regarded this as a sign of the general development of the country. On the other hand, the 1931 report (page 5) contains some rather significant observations to the effect that, at the present time in Syria, only ten daily newspapers and twenty-two weekly newspapers or reviews are appearing. There seems to be some contradiction between these remarks and those in the 1930 report. Also I note that, in 1931, there were appearing in Syria one-third fewer newspapers than in 1930. Are we to conclude that, in order to tranquillise the people at election time, the High Commissioner used with a heavy hand his right to suspend the newspapers, or that some newspapers ceased to appear for other reasons?

In point of fact, the authors of one of the petitions (document C.P.M.1288), on which I shall have to prepare a report, complain of the suspension of three newspapers; other petitions mention the suspension of other newspapers. These measures may be justified up to a certain point, but they are nevertheless abnormal. In any case, I should be glad to know whether the High Commissioner regards them as temporary, and whether he considers that they were rendered necessary by the fact that trouble was anticipated.

M. PONSOT. — The observations in the 1930 report are certainly more accurate than those in the 1931 report, because, to my knowledge, no restrictions have been imposed on the Press for the past year. If some newspapers have ceased to appear, this is probably because they have died a natural death. In Syria, the regime governing the Press is extremely liberal, and is certainly the most liberal in this longitude. As regards the suspension of the three newspapers, this was done with my knowledge, although in the third case during my absence. The first newspaper was suspended on January 19th. This daily gave out that I was directing the elections so skilfully that, had it been true, I might have been tempted to return home to exercise my talents there. We had, above all, to prevent the publication of certain violent and erroneous allegations likely to foment trouble in the city.

The Press enjoys a very large measure of liberty. Opinions are expressed not only in the form of violent or hostile articles, but also in a satirical form which is not without point.

COUNT DE PENHA GARCIA. — Was not the reduction of the number of newspapers by one-third carried out under special law?

M. PONSOT. — I think that conclusion is due to a printing mistake in our report.

COUNT DE PENHA GARCIA. — Nevertheless, the Press has a certain responsibility. Would it not have been sufficient to remind it of this?

M. PONSOT. — As a rule, no. I also wish to point out that, before suspending a paper, the responsible manager is warned and is advised to desist from further violent statements. If the paper continues, its suspension becomes inevitable.

In Syria, the Press is by no means negligible; when Parliament is sitting, the debates in the Chamber are reported almost instantaneously and at great length.

The CHAIRMAN. — In reply to M. Rappard, M. Ponsot stated that at Damascus on the day of the elections there was an organised transport of stones and other missiles, but he did not mention the causes of the obstruction of the elections. Are we to conclude that the people did not want the elections? It has been said that barriers were put up and only electors favourable to certain parties were allowed to pass through. Was that a cause of obstruction?

Again, M. Ponsot has told us that the country is getting calmer. I should like to know why the Vilayet of Aleppo always has the worst reputation for turbulence. In connection with the Prophet's birthday celebrations, a procession to protest against the mandate and the mandatory Power gave rise to popular demonstrations. In August, some ten thousand people are said to have gone on strike at Aleppo as a protest against the mandatory Power. Sabri Bey was killed on August 27th in the presence of Syrian gendarmes. On August 30th, it is stated, sixty notables were arrested at Aleppo, which led to tradesmen closing their shops for a week. On September 29th, seventy notables of Aleppo are said to have been arrested, as well as Ibrahim Bey Hanano, leader of the Syrian National Party, and there was no news of him for some time. These facts need to be cleared up.

M. PONSOT. — In reply to the first question, I would say that the transport of missiles and the weeding out of electors did not occur in the same place. The transport of stones took place at Damascus and was part of a movement for stopping the elections, as it was supposed that the opposite party's list would win.

The statements regarding the weeding out of electors refer to the elections at Aleppo, where, as I have said, special measures of security had been taken to safeguard the ballot-boxes against any possible demonstrations. The object, needless to say, was not to prevent electors of any party from having access to the ballot-boxes.

The CHAIRMAN. — It seems that at Aleppo only favourably disposed persons were allowed to vote.

M. PONSOT. — The situation at Aleppo was as follows: The Managing Committee of the advanced parties was informed hour by hour of what was happening at Damascus and Hama. Late on December 20th, the Committee issued instructions that there was to be no voting, in order to stop the proceedings in the north as they had been stopped in the south.

The fact that the party leaders took part in the elections of January 5th proves that the assertion that, on December 20th, the electors were unable to approach the polling-booths was incorrect. Not only did the leaders take part in the elections on January 5th. After withdrawing their candidature on the evening of the first day, they resumed it again on the following day.

It is true that Aleppo remained in a disturbed state for nearly six months. Is there any reason why this town should be more interested in politics than any other? No. Does it enjoy a condition of ceaseless agitation? Certainly not, for it is inhabited by a population of workers and traders who want to do business, a considerable number of whom, as I have said, are not interested in politics. But here, as elsewhere, the trouble is caused, not by more or less satisfied majorities, but by small active groups. As long as it was hoped that something might occur to change the situation — and a month and a half ago I was asked whether I would not cancel the elections at Aleppo — as long as it was hoped that the elections would not be confirmed finally, the agitation continued. I will not say that all the wrong was on one side; I am not sufficiently familiar with the details to answer for everything that happened. It is quite possible that, in the midst of all this political agitation, acts of violence created an atmosphere in which reprisals were likely to occur. I hope, however, that this unsatisfactory period is at an end. I did not hesitate, therefore, some days ago, to sign a general amnesty for this period in order to efface any bitterness and ill will.

The CHAIRMAN. — I should like to return to the second question. The elections at Aleppo were quiet and yet there were strikes, disturbances and wholesale arrests for six months. Were these troubles due to demonstrations against the mandatory Power, or were the protests directed against the elections?

M. PONSOT. — I do not consider that all the protests at Aleppo were meant for myself. It must not be forgotten that the state of evolution in Eastern countries is not the same as in European countries, accustomed to the parliamentary regime. One sometimes pays with one's life for devotion to certain parties or men. If resentment takes this form in Syria, it is because custom still allows it, as formerly in Europe.

I would add that there were Moslems and Christians side by side in the same list. Among the Christians in the list which was beaten was one who, it is said in a petition, was deported to Beirut during the elections. I myself think that he simply complied with a summons to go there on private business. In any event, I had nothing to do with his removal.

I said that there were two lists; but the communities were divided among themselves, and the consequent resentment lasted for some time. It was for this reason that the trouble continued for several months after the elections.

The CHAIRMAN. — Could you give me any information with regard to the case of Ibrahim Bey Hanano, who was arrested and of whom nothing was heard for several days?

M. PONSOT. — I was in France when this incident occurred. I have no precise information.

M. RAPPARD. — I think M. Ponsot will not be surprised if I say I find the situation somewhat obscure. If I have understood rightly, there are three factors in the case : two Nationalist Parties, one being known as moderate, and the Administration. The Government maintains order. It suspends newspapers when their criticism goes beyond the bounds of propriety. It fixes the duration of the elections. It can suspend them, but it does not guarantee that the voting will be honest, as would be possible if there were representatives of all the parties at each polling-booth and a supervisor appointed by the mandatory Power. I think it fears that too direct supervision of the electoral proceedings would expose it to the reproach that it desired to influence the will of the people. What disturbs me is that most of the demonstrations of dissatisfaction appear to be directed against the mandatory Power and not against any particular party. I should therefore like to ask the following question : Does the High Commissioner think that the presence of a representative of the mandatory Power during the elections would calm the population or excite it ?

M. PONSOT. — The attitude I adopted during the last elections was based on my experience during the elections for the Constituent Assembly. On that occasion, I myself went to the different polling-booths with the idea that, in so doing, I should be showing that the mandatory Power desired the elections to be entirely regular. This time, however, I kept away. The polling-booths are not under the authority of the mandatory Power, and, while we feel that the elections should be as regular as possible, I am of opinion that I should not attend the ballot.

You are surprised that the bitterness and hostility towards the mandatory Power have been so much emphasised in the communications received at Geneva. My own impression is much less strong ; if you are on the spot you find that opinions counter-balance one another automatically. The people who are satisfied do not write to the Commission, which only hears the views of the dissatisfied. If you were on the spot, you would realise that there, as elsewhere, some people are satisfied and others dissatisfied.

In reply to M. Rappard's general question, I would say this : Parliamentary institutions are so new to Syria that the presence of a balancing factor, such as the mandatory Power, makes for calm rather than for trouble. Had the elections been conducted by the local authorities alone, they would doubtless have been accompanied by worse disturbances and would probably have left behind more bitterness and bad feeling.

M. PALACIOS. — What part was played by extremists ? I am not referring to the nationalists but rather to universalists, socialists, communists.

M. PONSOT. — We have not had to deal in Syria with the problem to which you refer. There is no cause for anxiety in this respect ; there is no violent extremist party, merely a few agitators.

M. PALACIOS. — Is there any difference from this point of view between Syria and the Lebanon ?

M. PONSOT. — I do not think so. It is, however, thought that communist ideas have spread more rapidly among some of the more recent immigrants — in particular, among the former refugees who are now naturalised.

M. RAPPARD. — I have been asked to prepare a report on a petition dated January 1930 concerning a Syrian aviator (document C.P.M.1339). It has therefore been on the way for three years. You said this aviator had often been in prison because he had made violent demonstrations. Have you anything to add, and how do you explain the delay of nearly three years ?

M. PONSOT. — In view of its date, this petition actually comes under the 1930 report discussed last year. There has, therefore, been a delay of one year, which I cannot explain.

There is nothing new with regard to the substance of the matter. There is no local aviation in Syria. The stage of development has not yet been reached at which State supervision needs such help.

M. SAKENOBE. — Did the majority of the electors take part in the election, not only in the large cities where order was disturbed, but in other parts of the territory ?

M. PONSOT. — The voting was normal in both towns and rural districts. The electors often vote more carefully in the country, as they look upon voting as a new social function which is less easily evaded than in the towns. As the urban centres contain almost half the population, the rural vote is not so important in Syria as in certain countries, such as France.

COUNT DE PENHA GARCIA. — Are the two newspapers, *El Ayam* and *El Kabas*, still suspended ?

M. PONSOT. — *El Kabas* was suspended twice. I have every reason to believe that it is appearing again. I believe *El Ayam* no longer appears, at least under that name. It was published for electioneering purposes.

COUNT DE PENHA GARCIA. — In other words, if it no longer appears, this is not the result of an administrative measure and the suspension has been withdrawn ?

M. PONSOT. — That is so.

POLITICAL SITUATION AND DEVELOPMENT OF THE ADMINISTRATIVE SUB-DIVISIONS OF THE TERRITORY UNDER MANDATE (*continuation*).

M. VAN REES. — I should like information with regard to three questions you dealt with in your general statement this morning.

In the first place, has the High Commissioner reason to believe that the State of Syria would agree that the country of the Alaouites and the country of the Druses should not be covered by the treaty to which he referred this morning ?

I desire to know whether the inhabitants of the Jebel Druse and the Alaouites do or do not desire to become part of the State of Syria.

M. PONSOT. — I believe the Alaouites and the Druses want to keep their autonomy. I am not prejudging the future, or suggesting what will happen when the period of evolution is at an end, but I have every reason to believe they are satisfied with the present situation.

Opinions vary on these questions. I am content to judge objectively the situation as it exists.

M. VAN REES. — My second question is perhaps even more delicate than the first. It is this : We know that part of Syria was previously incorporated in the Lebanon ; what will be the attitude of the State of Syria with regard to this land which was cut off from its territory ?

M. PONSOT. — Since the discussions began on the evolution of the mandate in Syria under a treaty regime, I cannot say that this question has been specially considered.

M. VAN REES. — I do not wish to insist on this point, and I now pass to the third question. How does the High Commissioner envisage the future — I do not mean the near future — of the two States which will remain outside Syria — that is to say, the Alaouites and the Druses ?

We can contemplate Syria's becoming independent. In that case the two territories in question would remain provisionally under the regime of the mandate ; but that regime cannot last for ever. In the end we shall have to form some idea of what will happen to the country of the Alaouites and the country of the Druses. Has the High Commissioner any views on what their future is to be ?

M. PONSOT. — I have not yet come to any conclusions concerning the problem, which will inevitably have to be settled when the time comes. If I were dealing to-day with the development of both Syria and the Lebanon, this question would call for an immediate reply ; but as we have a period of adaptation before us, I shall wait before forming a reasoned — and reasonable — opinion, to see how far the Syrian experiment is a success. It is premature to solve problems of this kind ; and it is even wiser not to raise them. That is what I ask of my most outspoken opponents. I say to them that these problems are so delicate that, if we attempted to settle them immediately, we should hold up the present process of development and gain nothing. This problem exists ; it is a serious one and will have to be solved when the time comes. But I think we shall prepare a better settlement if we do not raise the problem to-day.

M. VAN REES. — I took care not to ask that this question might be settled immediately. I merely asked if any idea had been formed as to the political future of these two territories.

M. RAPPARD. — I have the same preoccupations as M. Van Rees. On page 203 of the report I find a sketch map of the whole territory, showing the position of the Republic of the Lebanon, the State of the Alaouites, the Government of Latakia, the Sanjak of Alexandretta, etc. I find that it is Syria, which is cut off by the other territories from the sea, that apparently gives indications of having reached a more advanced stage of development, or at least that it is suggested that the mandate might be terminated in the case of Syria proper — that is to say, without Latakia, the Lebanon and the Sanjak of Alexandretta. I cannot understand the reasons which explain and justify this differential treatment. If it is the degree of intellectual development, training and culture, no one will maintain that Damascus is ahead of Beirut.

As to the Sanjak of Alexandretta, agreements have been concluded with Turkey, which, we are told, take precedence of the mandate. I do not understand what powers France had to conclude arrangements of that kind before being formally invested with the mandate.

M. PONSOT. — The map reproduced on page 203 is the work of the Cadastral Survey Service. I take no responsibility for it. The title "State of the Alaouites" is incorrect. It should be "Government of Latakia", and Alexandretta is part of the State of Syria. The frontier-line shown between the Sanjak of Alexandretta and the rest of Syria is merely a financial boundary-mark. The Survey Service doubtless wished to show that the funds financing its work came from the special budget of the Sanjak of Alexandretta.

As for the more important question of the regime of the Sanjak of Alexandretta and how it happens that certain agreements running counter to the mandates system have been concluded between France and Turkey, I will reply, if I may be allowed to go a little way outside the subject we are discussing, that this question does not concern the Sanjak of Alexandretta alone. All the frontier questions were dealt with before the Act establishing the mandate on July 24th, 1922. The frontiers between the mandated territories, Palestine and Mesopotamia on the one hand, and Syria and Lebanon on the other, were laid down by a Convention dated

December 23rd, 1920. It is in virtue of this Convention, which is previous to the mandate, that the Council of the League was recently called upon to give its opinion on a difference of interpretation.¹

The same argument applies to the Turkish frontier, which was fixed by the Agreement of Ankara of October 20th, 1921 — that is to say, before the mandate, which under Article 4 confirms the existing position. If, before the existence of the mandate, it was thought expedient to hand over to Turkey certain territories occupied by the allied troops — in particular, Cilicia — and if to safeguard Syria's rights over a district of special interest to it, it was considered desirable to stipulate that a special administrative regime should be set up for the district of Alexandretta (Article 7), who to-day could contest the validity of these agreements without forgetting at the same time that the Arabs owe their emancipation and their frontiers to the concerted efforts of the United Kingdom and France ?

M. RUPPEL. — I should like to know if there is any movement or movements among the population in the various territories under mandate with the object of securing the union of all the parts of the territory in a single State, and what importance should be attributed to these movements in the various territories.

I would refer to an article which appeared on May 6th, 1932, in the *London Times* and which runs as follows :

“ It may be questioned, however, whether the French exercise of the mandate would not be more fruitful if it were being used to accustom Christians and Moslems to live together in harmony in one territory instead of carefully separating the faiths and sects. The present arrangement is irritating to the Moslems, who complain bitterly that the French apply the system of *divide et impera* and favour the Christians at their expense. The partitioning of the country cultivates a narrow parochial outlook in the minds of its inhabitants. It deprives them of the educational effect of sharing in the administration and development of a large territory which touches other countries under foreign rule at all its borders. Moreover, it greatly increases the costs of administration. One of the most serious sources of discontent in Syria is the heavy Customs tariff which provides the revenue to pay for the French troops and officials.

“ Even in the Lebanon itself, where the reasons for partitioning the country are most appreciated, there is a growing sense of the disadvantages which it involves. The Maronites are perhaps the only section of the population there who are fairly unanimous in its favour. They have the tradition of an independent existence and a firm belief in the dangers to which they would be exposed if they became a minority in a predominantly Moslem State. The remainder of the Christians are not nearly so apprehensive. They insist rather on the handicaps which the present system lays upon the country, the advantages which the seaboard would reap if it were in closer association with its hinterland, and the saving which would be effected in the administration if the country were united.”

The CHAIRMAN. — One objection made to the proposed splitting up of the mandatory territory is the following : in the time of the Ottoman Empire, Syria was a territory which obtained its resources, above all, from transit trade. It is said, and repeatedly said, that, if there are two autonomous States, this autonomy will hinder trade and, as a consequence, will delay the development of these two countries.

M. PONSOT. — I am very happy to have this opportunity of dealing with questions which are of importance for the future of the States under French mandate.

The division of the territory cannot, to a certain point, be avoided. Nobody in this Commission imagines that Syria and the Lebanon form a single State. As I said this morning, the Lebanon is a State like Syria, which, under the mandate, has an international “ vocation ”, a State which, by Article 22 of the Covenant, is assured its independence and sovereignty at some future time. There are, therefore, two problems, not one, as there have always been. Then follows the question of the Governments on which the mandate merely confers autonomy, which I have already explained.

The opinion expressed by the *Times* correspondent applies to the territory as a whole and, theoretically at least, calls in question the very existence of the Lebanon. That is going fast and far ; the most advanced Syrian nationalists have never, I believe, claimed the Lebanon. It is true that they have asked for certain changes in its frontiers, but they have never challenged the existence of the Lebanon. That would surprise no one, still less those who are familiar with the evolution of the Lebanon since 1860 and have sought, in the consolidation of its independence, a special guarantee for the minorities.

The writer of the *Times* article is wrong. The Lebanon exists as a State, and the mandate provides for its progressive development as an independent State.

As to the criticism that the mandatory Power's policy would be one of *divide et impera*, that it would sever an existing union and protect the Maronites at the expense of the Moslems or other elements, I would say that the Lebanon probably represents the most harmonious combination of races and religions to be found in the East.

Out of a total population of 850,000 inhabitants, 60,000 of whom are foreigners, and not Lebanese, there are in round figures : Maronites, 228,300 ; Sunnis, 179,300 ; Shiahhs, 152,800 ; Orthodox Greeks, 76,700 ; Druses, 56,500 ; Catholic Greeks, 44,600 ; Armenians, 31,300 ; other minorities, 23,400 ; making 793,000 Lebanese in all, 5,000 of whom are temporarily out of the country.

¹ See Minutes of the sixty-sixth session of the Council, pages 503 to 506.

So you can see that there are only minorities in the Lebanon, and no minority is in a position to dominate the others. The existence of the Lebanon, as thus defined, seems to me, merely from the humane point of view, to offer the best guarantees to all who are seeking, in a harmonious balance, for guarantees for a varied population.

In reply to M. Rappard, I would say that the special racial and religious situation in the Lebanon makes it possible to understand why the mandate was accepted more willingly there than elsewhere, why it is possibly still considered as the chief factor in evolution and progress.

I believe I have given you the necessary explanations on this matter, and I thank the Commission for giving me this opportunity of expressing my views fully.

One more word concerning the Alaouites and the Druses, of whom I have already spoken twice to-day. The Chairman asked for information with regard to their population figures. They are as follows : the Latakia Government includes 311,000 inhabitants, 200,000 of whom are Alaouites, 58,000 Sunnis, 48,000 Christians and 5,000 Ismailiyehs.

As to the Druses, the importance of that problem must not be exaggerated, for it only affects 65,000 people — namely, 56,500 Druses, 7,500 Christians and 1,000 Sunnis.

In reply to the Chairman's preoccupations in the economic field, I would say : Syria, in the broad sense of the word, was formerly a distributor for half the Ottoman Empire. At Aleppo and Beirut there was a merchant aristocracy brought up to international trade. This feeling for trade, which even to-day is very much alive, was sharpened in past centuries by contact with the great commercial cities of the West, chief among them Genoa and Venice. We keep this situation constantly in mind. Business prosperity brings far more happiness to the people than political agitation.

There is no economic division. All these countries form an economic and Customs union. They are united by the Conference of Joint Interests, and there is no Customs barrier between them. Internally, therefore, the position is unchanged, and every effort is being made internationally to restore the previous position. The agreements concluded with Turkey on October 27th last have no other purpose ; communications between Beirut, Damascus and Baghdad are as easy as anywhere, and an immense improvement on the past. You can be sure that the Chambers of Commerce of Aleppo, Damascus and Beirut are vigilant and watch over their interests.

M. PALACIOS. — What importance do you attach to the opinion of the Sunnis in the Latakia Government who desire to combine with Syria ? The report (page 7) refers to this fact, and says that there is an economic movement which it is desired to convert into a political movement. It appears, nevertheless, that they hardly go so far as to contemplate unity of sovereignty and desire — in fact, the maintenance of financial and administrative governmental autonomy. In any event, can they express their opinion freely ?

M. PONSOT. — The report of the Latakia Government mentions all the opinions that have been expressed, even those contrary to its own. Everyone is entitled to his opinion.

The opinion of the Alaouites, which is that of the great majority, does not find expression for the simple reason that they are satisfied. Once opinions are taken, they must be weighed and a conclusion reached.

M. PALACIOS. — I return to the question of communism. It seemed to me that, in certain cases reported in the Press, there might be collaboration or collusion between national extremists and perhaps the communists. Is that so ? What part did the Armenians play in these incidents ?

M. PONSOT. — I do not think communism is at present a danger in Syria. Generally speaking, the Armenians are an excellent element in the population, and they contribute actively to the wealth of the country.

THIRTY-EIGHTH MEETING.

Held on Friday, December 2nd, 1932, at 10.30 a.m.

Syria and the Lebanon : Examination of the Annual Report for 1931 (continuation).

M. Robert de Caix, accredited representative of the mandatory Power, and Captain Terrier, of the High Commissariat in Syria and the Lebanon, came to the table of the Commission.

In reply to the Chairman, M. DE CAIX said he would prefer that political questions, and especially questions relating to matters with which the High Commissioner was at present dealing, be referred to M. Ponsot, who was still at the Commission's disposal.

SUSPENSION OF THE CONSTITUTION OF THE LEBANON AND INSTITUTION OF A PROVISIONAL REGIME.

M. ORTS noted (page 11 of the report) that the Constitution of the Lebanon had been suspended and that a provisional regime was in force ; this measure, it was said, " had been welcomed with relief by public opinion ". He asked whether it would not have been equally justified if it had been taken earlier and at a time when the financial consequences of unsatisfactory administration had not in any way become so serious. Was it proposed to suppress the provisional regime in the near future, or was it intended to maintain it for a long time ?

M. DE CAIX said, in reply to the first question, that for some time public opinion in the Lebanon had been weary of the political state of the country and the burdens laid upon the population by a Governmental body out of proportion to the resources of a small State. Thus, parliamentary expenditure absorbed 3 per cent of the total budget ; the Chamber consisted of forty-five deputies, each of whom received 50,000 francs.

As to the question whether the measure was opportune or not, M. de Caix observed that, if this measure had been taken sooner, the atmosphere would perhaps have been less favourable, as public opinion had not been sufficiently educated to the idea of a change. M. Ponsot would give information with regard to the duration of the provisional regime.

TREATMENT OF SYRIAN AND LEBANESE NATIONALS IN CERTAIN COUNTRIES.

M. VAN REES said he had read in a newspaper that Lebanese in France had complained that they were treated like alien emigrants. The High Commissariat had forwarded these complaints to the Ministry for Foreign Affairs, who had replied that instructions had been given that these Lebanese should be accorded privileged treatment. Were the Syrians treated as aliens in France ?

M. DE CAIX replied that they were treated in the same way as the Lebanese. The latter were mentioned in the present instance because the Lebanon contributed the largest quota of immigrants. The method of treatment in France had therefore arisen chiefly in connection with the Lebanese. The Syrians were treated in the same way.

M. VAN REES drew attention to the paragraph in the report (page 19, Syrian and Lebanese Colonies abroad) referring to the alleged discrimination of certain countries against Syrian and Lebanese emigrants. Apart from Salvador, did this apply only to Liberia, as heretofore, or were there other States ?

M. DE CAIX pointed out that the United States of America discriminated between emigrants.

M. RAPPARD did not think that there was really any discrimination in the case of the United States of America, which country, moreover, was not a member of the League of Nations.

M. DE CAIX said that there was discrimination in the sense that the percentage of emigrants admitted was not the same for all countries, and that the Lebanese and Syrian percentage, in particular, was very low. This was doubtless explained by the fact that these emigrants were chiefly small traders, whose activities caused resentment among national tradesmen. That was why an attempt had been made to exclude these emigrants. The accredited representative did not know of any other country, apart from the United States of America and Liberia, that adopted this exclusive policy.

In reply to another question by M. Van Rees, M. de Caix said that he did not know the precise position of the question concerning Liberia at the present moment.

M. RAPPARD observed that, if any State Member of the League applied differential treatment at the expense of emigrants from Syria because they were nationals of a territory under mandate, it would seem that the Commission should intervene. It was said that Salvador appeared to be disposed to yield to the representations of the mandatory Power. The United States of America did not belong to the League ; moreover, the system adopted by the United States had been followed in respect of all the great Powers having treaties of establishment with that country. Finally, emigration to the United States of America had practically ceased. On the other hand, the fact that Members of the League applied differential treatment to these emigrants because they came from a territory under mandate seemed to call for some observation on the part of the Commission. M. Rappard desired explanations on this matter.

M. DE CAIX said that he knew of no country, apart from Salvador, which acted in this way. It seemed to him that, if the emigrants complained of their treatment in a small country, they would have complained the more if they had received the same treatment in a large country. He would obtain further information. If the League thought fit to intervene against the differential treatment of the nationals of States under mandate, the mandatory Power would certainly be gratified.

PROPERTY CLAIMS IN TURKEY OF INHABITANTS OF SYRIA AND THE LEBANON, INCLUDING THE ARMENIAN REFUGEES.

M. VAN REES said, with regard to the property of Syrians in Turkey and of Turks in Syria, that he had learned that France and Turkey had agreed upon an equitable application of the principles of the Treaty of Lausanne. Could the accredited representative give any explanations?

M. DE CAIX pointed out that persons who had opted for Syrian or Lebanese nationality under the Treaty of Lausanne had free control of their property in Turkey. Difficulties had been made by Turkey. It was very difficult to solve the problem, because, for a long time, the question of the property of Anatolian refugees, particularly Armenians, had been confused with that of the property of persons who had opted for Syria and the Lebanon under the Treaty of Lausanne. Legally, however, they were in a different situation, and it was difficult to obtain concessions from the Turks on behalf of refugees. An agreement had been reached under which the property of persons who had opted under the Treaty of Lausanne was placed at their free disposal.

M. ORTS had read in an article in *Le Temps* that the negotiations begun in 1931 regarding the property of Syrians and Lebanese who had left Turkey (page 16 of the report) had been successful. What was the agreement which had been reached ?

M. DE CAIX replied that these persons were now entirely free to dispose of their property in Turkish territory. The question had, therefore, been settled.

M. ORTS asked whether the persons in question were entitled either to sell or to keep their property, as they wished.

M. DE CAIX replied that they could do whichever they pleased.

The CHAIRMAN had heard it said that there had been a connection between these negotiations and the question of the portion of the Ottoman Public Debt to be allocated to the mandated territory. Perhaps this question might be put to M. Ponsot.

M. DE CAIX said that the question of the share of the Ottoman Public Debt to be borne by the countries under French mandate had been settled quite independently of that of the property of optants. It formed part of the general settlement between Turkey and the holders in execution of the Treaty of Lausanne, which itself indicated a method for allocating the burden between the Succession States of the Ottoman Empire.

M. ORTS referred to the following passage on page 19 of the report :

“During the negotiations with Turkey regarding the property of Syrians and Lebanese, the question incidentally arose of the irregular situation in which numerous persons found themselves, to whom the various option clauses of the treaties applied. There is a suggestion that, after the conclusion of the agreement regarding property, steps might be taken to reach an arrangement with Turkey which would put an end to this state of affairs.”

How was this question progressing ?

M. DE CAIX replied that it was true that a considerable number of Syrians and Lebanese found themselves in an equivocal situation because they had not opted within the time-limit prescribed by the Treaty of Lausanne. In actual practice, however, their status was hardly a matter of embarrassment, since the question of their Turkish nationality would only arise if they proceeded to Turkey. It had been agreed that an arrangement should be reached under which a time-limit for option would be re-established.

RELATIONS BETWEEN SYRIA AND THE LEBANON, ON THE ONE HAND, AND PALESTINE AND TRANS-JORDAN ON THE OTHER HAND.

M. ORTS noted (page 16 of the report) that the Palestinian authorities had reserved their views on the principle of the interpretation of Article 4 of the Customs Convention concerning the importation of olive oil, but that they had in practice complied with the claims made by Syria.

M. DE CAIX replied that the Palestinian authorities were at liberty to prohibit the importation of any given article, but not to levy duties on produce which was exempted from such duties under the terms of the Convention. In the case of olive oil coming from Syria and the Lebanon, the Palestinian authorities had taken these steps probably in order to protect Palestine products. Palestine was nevertheless obliged to import oil because the country did not produce enough for its own consumption.

M. ORTS referred to the paragraph on page 16 concerning the question of the naturalisation of Palestinians and Trans-Jordanians.

M. DE CAIX said that this was a problem of dual nationality. The former Turkish system was still applied, according to which foreign nationality could not be acquired without the consent of the authorities of the country of origin. The question was still pending, but its importance was theoretical rather than practical, because such naturalisations were not very frequent.

Regarding relations with Trans-Jordan (page 17), M. ORTS noted the statement “that no important incident had been reported in the course of 1931 . . .”, and, further, “that certain Beduin chiefs of Trans-Jordan having raised difficulties regarding the execution of the decisions of the Mixed Tribunal . . . this court did not meet in 1931”. The passage was not very clear.

M. DE CAIX explained that the Commission of Arbitration would start work again as soon as the conclusions of the enquiry conducted on the British side were known. There could be no doubt that the Tribunal was not called upon to meet in order to see that its own decisions were carried out.

M. ORTS said the report gave the impression that the court was prevented from working because certain persons subject to its jurisdiction had not complied with its decisions.

M. DE CAIX replied that there certainly had been difficulties of that sort. The fact that its decisions could not easily be enforced did not involve the abolition of the organ, but might, in practice, paralyse its action.

M. ORTS observed that such a circumstance greatly diminished the usefulness of this jurisdiction. He noted, however, that it was in Trans-Jordan that the decisions were not being carried out.

M. DE CAIX replied that Trans-Jordan experienced great difficulty in obliging the nomads in the territory to respect the court's decisions, and did not seem to be taking much trouble to do so.

KURDISH REFUGEES.

M. PALACIOS pointed out that at the twentieth session (see Minutes, page 32), the accredited representative had pointed out that a number of Kurds from the area to the north and east of the Tigris had moved towards the territory. Had these Kurds settled on Syrian territory? If so, was it proposed to give them Syrian nationality? Might not their presence on Syrian territory cause friction with the Turkish Government, as might be supposed from the passage contained in the first paragraph of page 15 of the annual report?

M. DE CAIX replied that a large number of Kurds had moved into the "*bec de canard*" — that was to say, the extreme north-east of Syria — and villages had been repopulated or even newly populated by these Kurdish refugees, who found themselves safer there than in the neighbouring country.

With regard to nationality, they would doubtless acquire naturalisation, as other refugees had done, after a certain period of time had elapsed.

The mandatory Power had no intention of allowing the Kurdish refugees to intrigue with their fellows on the other side of the frontier, and Turkey had no cause for objecting to their settlement on Syrian territory. Under the agreements concluded between the French and Turkish Governments with regard to the frontier regime, zones of 50 kilometres had been created on either side, in which persons considered as undesirable because they showed a tendency to intrigue or agitate against the Government of the country they had left were not allowed to reside.

ARMENIAN REFUGEES.

M. PALACIOS said that it appeared from information in *L'Orient* of July 30th, 1931, that the High Commissariat had decreed certain restrictions on the immigration of Armenians into Syria and the Lebanon. Persons in search of work, anarchists, communists, and suspects in general, were excluded. Foreigners and tourists visiting the country or having means of support were admitted freely. Permission was also given to non-naturalised Armenians to enter the country provided their families had sent for them or they possessed a special police permit. M. Palacios also referred in this connection to the journey in Syria of a French communist deputy for the purpose of defending the interests of the extremists, mostly Armenians, and to the speech he had made in the Chamber of Deputies. Was it to be concluded that the Armenians, whose settlement in Syria and the Lebanon the mandatory Power had for a few years facilitated, were not an altogether desirable element in the population?

M. DE CAIX replied that no measures had been taken to keep the Armenians out of Syria. Nor could it be said that the mandatory Power had systematically encouraged the immigration of Armenians. It had confined itself to welcoming those who desired to enter the territory under mandate and to endeavouring to settle them in such a way as to spare them as much distress as possible and so as to cause no disturbance to the native population. It had no longer to cope with the same influx into the territory, there being no Christian non-natives in Anatolia, but it did not refuse any who still came.

Moreover, the Armenians, as a whole, were not an undesirable element. Though they were unduly given to political dissension, they were hard-working and led a healthy family life. They made for the advancement of the country.

DISSENSIONS IN THE GREEK ORTHODOX CHURCH.

M. VAN REES raised the question of the dispute with regard to the Patriarchate (page 7 of the report). It was said that this question, which closely concerned the Orthodox members of the Government, was still unsettled. The Commission had considered the question a year previously,¹ and had wondered whether it would be possible and right for the mandatory

¹ See Minutes of the twentieth session, pages 41 and 42.

Power to intervene. M. Van Rees inclined towards the affirmative. It seemed to him, however, that, up to the present, it had not intervened. Nevertheless, the question could not remain where it was ; some conclusion must be reached.

M. DE CAIX thought it would be better for M. Ponsot to reply on the whole of this question, with which the High Commissioner would have to deal in as far as it might concern the mandatory Power. The accredited representative would simply observe that, if there had been no actual intervention, the High Commissariat had at least exercised its good offices to bring about an understanding between the two parties. It was very difficult to intervene, because both Patriarchs appeared to have been elected irregularly.

The CHAIRMAN said that the Commission would also consider in M. Ponsot's presence the observations of the mandatory Power on the petition concerning the election for the Patriarchate of Antioch (document C.P.M. 1353).

POSITION OF ARMENIAN AND GREEK WOMEN IN THE TERRITORY.

Lord LUGARD said that a correspondent had transmitted to him a number of letters from persons or associations engaged in social work in Syria — American, English, Danish, etc. — containing very distressing accounts of the condition of Armenian women in Syria. Their condition was described as “ beyond words terrible ”, especially in regard to the *maisons de tolérance*. These complaints were of old date, and he hoped that such conditions were now a thing of the past. Could the accredited representative reassure him on this matter ?

M. DE CAIX was greatly surprised at this question, because the Armenians were said to furnish no recruits to prostitution. They were protected by very strong family ties, and also by their conspicuous love of work.

Lord LUGARD said that he would be pleased to communicate this reply to his correspondents.

M. DE CAIX asked Lord Lugard if his correspondents had not intended to refer to the Armenian women carried off at the time of the massacres and still to be found among the Beduin tribes or in Moslem houses ?

Lord LUGARD said he would show the accredited representative the letters he had received.

The CHAIRMAN said that, according to statistics, 30,000 Greek and Armenian women had apparently fallen into the hands of the Moslem population after the Greek evacuation of Asia Minor.

M. DE CAIX added that a large number of these women could no longer leave the places which they had entered as slaves, because they had borne children and now formed part of the family.

APPLICATION OF ARTICLE 116 OF THE SYRIAN CONSTITUTION.

Lord LUGARD asked what rights of veto were possessed by the High Commissioner in the Syrian Parliament.

M. DE CAIX replied that, for the duration of the mandate, Article 116 of the Constitution allowed the High Commissioner to veto measures that conflicted with the mandatory Power's responsibilities — that was to say, decisions which might prevent the Mandatory from fulfilling the duties incumbent upon it until the expiration of the mandate.

Lord LUGARD said that, according to the *Times* correspondent, who was usually well informed, a somewhat disconcerting incident had apparently taken place. The members of Parliament were required to take the oath, promising to respect the Constitution and safeguard the country's independence. But the oath had not been taken, so that the nationalist elements were free to attack the very foundations on which the State was based.

M. DE CAIX had no reason to think that the mandatory Power had opposed this formality. It could have no objection to the taking of the oath to a Constitution which it had promulgated itself and Article 116 of which safeguarded the exercise of its responsibilities.

Lord LUGARD said that the result of this omission was that it had been possible to carry on some dangerous propaganda. It was, therefore, curious that the taking of the oath had not been insisted upon.

DELIMITATION OF THE FRONTIER BETWEEN TURKEY AND SYRIA : RAILWAY COMMUNICATIONS BETWEEN THE TWO COUNTRIES.

M. SAKENOBE said that the question of the Turco-Syrian frontier had been dealt with and that the inhabitants had exercised their right to opt for either nationality. The report said (page 15) that there had been no change in the continuance of the traffic east of Nissibin since the previous year. What difficulties had prevented this question from being settled ?

M. DE CAIX explained that there had been difficulties concerning the running of trains over the small railway sector which had been constructed or put in working order east of Nissibin in Syrian territory. This question had been settled by an agreement reached a few weeks previously and henceforward the trains would enter Syrian territory.

The CHAIRMAN asked if this agreement was favourable to the mandatory territory.

M. DE CAIX replied that clearly an agreement assuring the right of trains to enter the mandated territory was to the advantage of the territory's trade.

M. ORTS noted a reference, on page 14 of the report, to a 50-kilometre zone along the Turkish-Syrian frontier within which "politically undesirable persons" might not reside. The Turkish delegation had requested that the city of Aleppo, which was partly included in this zone, should be wholly included therein. How had that question been settled?

M. DE CAIX said that Aleppo had been entirely excluded from the zone.

M. RAPPARD asked whether, in these circumstances, undesirable persons could reside in Aleppo.

M. DE CAIX replied that that depended on the degree of their undesirability. Individuals who were not very dangerous but who had been denounced by the Turkish authorities might be excluded from the zone, but persons who endeavoured to utilise the Levantine territories as a base for agitation in the neighbouring countries would not be allowed to remain in any part of those territories.

M. ORTS, referring to a point already mentioned, asked whether there had been any difficulties on the Turkish side in the way of trains proceeding to the east of Nissibin.

M. DE CAIX replied that, under the last agreement concluded between Turkey and the mandatory Power, trains now entered Syrian territory to the east of Nissibin.

M. ORTS asked whether the arrangement which, according to *Le Temps* of October 29th, 1932, had been reached regarding the railway to the east of Aleppo, was satisfactory from the point of view of the mandated territory.

M. DE CAIX thought it would be preferable to ask M. Ponsot to explain the Railway Agreement which the High Commissioner had negotiated. He himself was only acquainted with its general outline.

He added that, obviously, if the Convention had not been advantageous to the States under French mandate, it would not have been signed.

The CHAIRMAN reminded M. de Caix that a few months previously, when Rushdy Bey had been at Geneva at the same time as M. Ponsot, there had been much talk of the Adana line, and of the difficulties which had arisen in that connection.

M. DE CAIX explained that this line was operated by a French company, the status of which had been modified at the request of the Turkish Government. The problem affected, not only certain sections of the line situated in Syrian territory, but also those which were in Turkish territory. The interests involved were not only Syrian interests, but also French interests in Turkey.

The permanent way and the stations were, to the east of Choban Bey, situated in Turkish territory as far as Nissibin. Difficulties had been experienced in operating the line owing to the obstructive action of the local Turkish authorities. A provisional arrangement had put an end to these difficulties, but the situation of the company or companies which would finally operate this line had not yet been settled.

M. RUPPEL had read in the Press that the question was not merely one of the operation of the railway, and that a portion of the line situated in Syrian territory had been made over absolutely to Turkey.

M. DE CAIX said this information was entirely incorrect. It was due to a misunderstanding. There had never been any question of handing over to Turkey that section of the railway which ran through Syrian territory.

INSTITUTION OF A PARLIAMENTARY SYSTEM IN SYRIA AND ITS POSSIBLE EFFECTS IN THE LEBANON.

M. RAPPARD, referring to the territories of Iraq, Syria and the Lebanon, said that the mandatory Power had chosen the moment when the Parliaments of Iraq and the Lebanon had been dissolved to institute a Parliament at Damascus. Did the mandatory Power consider there was any reason to hope that the parliamentary system would be successful in Syria when it did not exist in the Lebanon? No secret should be made of the fact that public opinion would judge the self-governing capacity of these three populations from their ability to run parliamentary institutions in a normal manner. Whatever might be said on the point, there was something rather disturbing in the contrast to which he had drawn attention.

M. DE CAIX said that he would refrain from expressing an opinion on the merits of any Parliament in the East or elsewhere. He would merely mention that an Organic Law, which

had been communicated to the League of Nations, had been promulgated in Syria, and this law provided for a Parliament. It had been impossible not to carry out this law and not to grant the institutions for which it provided.

M. RAPPARD thought that the neighbouring peoples of Syria and the Lebanon kept a close watch on each other. Was there any feeling of emulation between public opinion in the two countries on which the mandatory Power could rely to encourage them to persevere in the right direction ?

M. DE CAIX replied that he did not think that emulation existed in the exact sense of the word, but, as M. Rappard had said, the two countries observed each other closely ; consequently, what happened in the neighbouring country might give rise to jealousy and even at times be considered as a warning.

MUNICIPAL AND GENERAL ADMINISTRATION.

M. PALACIOS said that it appeared from the information on page 151 of the report that five municipalities of the Lebanon had been suppressed and one new municipality set up. On the other hand, the municipal commissions entrusted with the administration of Beirut, Tripoli-Ville and Tripoli-Marine had been maintained, since the reasons for their establishment still held good. It appeared that, under the law sanctioning the establishment of these commissions, the municipal elections for the above-mentioned cities had been postponed until May 1933. Could the accredited representative furnish the Commission with further particulars concerning the reasons for the suspension of the normal regime for the municipalities in question and say whether it was intended to repeal these provisional measures in May 1933, as had been announced ?

M. DE CAIX said that he could only reply in general terms. Under the Turkish regime, the public authorities had been very closely associated with the municipal administration, and, on the other hand, neither the Syrians nor the Lebanese were as yet completely accustomed to a sound municipal government. Hence the need for entrusting the administration of a certain number of municipalities to municipal commissions composed largely of officials ; municipal funds had been tampered with and works and services left in abeyance. It should not be supposed that the steps to remedy this deficiency had in these circumstances aroused the emotion they would have caused in a country with a long experience of freedom in public affairs. It was to be hoped that morals would improve, and that it would no longer be necessary to deprive the elected bodies of the administration of the municipalities.

M. PALACIOS noted that, according to M. de Caix, this step had not aroused a strong reaction in the country. Nevertheless, it was true that there seemed to have been a certain alarm in the towns ; indeed, in the principal ones there had even been serious agitation. According to the *Filastin* of August 2nd, 1932, their demands had marked the opening of a controversy between the parties in the north and south of Syria. The delegation formed in July 1932 and composed of seventy inhabitants of Aleppo had asked for the dissolution of the municipal council, for new rules for the election of the Chamber of Agriculture, for the dismissal of the Vali of Aleppo, for the withdrawal of the water supply and tramways concessions or for the modification of the contract, etc. According to the *Alif-ba* of August 9th, 1932, the delegation from Hama had also presented similar demands which related to various local questions as well as to others concerning the Government, etc. What did this movement in the towns signify ?

M. DE CAIX replied that the opposition was directed less against the peremptory action which had had to be taken against certain municipalities than against the political position as a whole. The opposition sought every opportunity to make itself felt.

As far as municipal interests themselves were concerned, it appeared that there were many fewer complaints about the replacement of one elected municipality or another by a municipal commission than about the deficiencies or even the non-existence of particular public services. He added that, although the peremptory steps taken against the municipalities were sanctioned by the mandatory authority, they were actually carried out by the local governments, which considered they had every reason to act.

M. SAKENOBE noted that, out of eighty-three Syrian municipalities, there were thirty-five whose mayors were inefficient, and that the Administration had had to intervene. What was the reason for this state of affairs ? Did the fact that the population did not select representatives from its best elements to administer the municipalities point to a lack of interest or of good-will or to a generally low capacity ?

M. DE CAIX thought that both reasons helped to explain what happened. Certain centres were more preoccupied with the political success of the parties than with the choice of the most capable administrators. Qualified persons were not yet sufficiently numerous and could not be found everywhere. It should not be forgotten that, in Syria, there were more than 60 per cent illiterates ; this was a heavy burden, especially in the country districts and small localities. However this phenomenon might be explained, it existed and must be dealt with. Many of the municipalities were badly managed.

The CHAIRMAN had seen a reference in the Press to a Decree No. 463, doubtless inspired by the mandatory Power, stipulating that certain relations — enumerated in the Decree — of the Head of the State, the Ministers and deputies, could only be appointed to a public post if

they had passed an examination, subject to certain vested rights. In future, no more than three members of the same family could be engaged in the same department, and no more than seven could serve in the various branches of the public administration. Why had it been necessary to wait for ten years of the mandatory regime before passing these regulations ?

M. DE CAIX said that this measure was due to the regime which had just come into force in the Lebanon. It had been difficult to carry it out under the previous regime, the malpractices of which had certainly led to its adoption. The mandatory Power could not be reproached for having loyally agreed to make a trial of certain institutions, accompanied by the malpractices which they might encourage. It was by this means that the extent of the evil had been revealed.

BOLSHEVIST PROPAGANDA.

COUNT DE PENHA GARCIA recalled that allusion had been made to Bolshevist propaganda which the authorities had had to suppress. Had that occurred in Syria ?

M. DE CAIX replied that the fact that the High Commissioner had declared that Communism hardly existed in the mandated territory did not mean that, in spite of that, there were not a few Bolshevist agents who had entered Syria and against whom measures had to be taken. M. Palacios had raised the question of the admission of Armenians to Syria. In this connection, it should be stated that certain Armenians from Russia had appeared to be Bolshevist propagandists, and had had to be refused entry into the territory.

MILITARY ORGANISATION.

M. SAKENOBE noted that there had been no change in the state of the French military forces stationed in the mandated territory since the previous year, with the exception of a slight increase in artillery and expenditure. The strength of the local troops was still 13,000, the same figure as in 1930. There were 133 French officers and 287 N.C.O.'s (page 48) attached to the local troops. What were the duties of these French officers ? Did they have effective command or were they merely there as advisers, the effective command being in the hands of the native officers ?

M. DE CAIX replied that the French officers exercised effective command as well as the native officers. Native officers with the same rank had the same command as the French officers. A company might be commanded by a Syrian captain while the next company had a French captain. A company might even be under the orders of a Syrian captain and have a French lieutenant. The plan for the future was that all the local troops would be commanded by native officers. The mandatory Power was waiting until sufficient Syrian and Lebanese officers had been trained before relieving the French officers, whose numbers were decreasing each year.

M. SAKENOBE asked if the same company could be commanded by a French captain and a Syrian captain.

M. DE CAIX replied that that was not the system in force. Syrian officers had exactly the same authority as French officers of the same rank. Generally speaking, under the French Colonial Army system, and more especially among the troops raised in mandated territories, native officers of a certain rank possessed all the authority appertaining to that rank, even in relation to French subalterns.

JUDICIAL ORGANISATION.

M. RUPPEL observed that the Judicial Inspection Service had been able to record a considerable improvement in the Syrian magistrature and in the auxiliary judicial organisation. Nevertheless, a rather large number of these officials had been prosecuted before the courts and correctional councils for abuse of their functions and for negligence. He drew the attention of the accredited representative to two other facts : the constant increase in the number of cases in which only Syrians were involved which were brought before the courts competent to try cases under foreign law in virtue of the clause regarding the attribution of competence (page 76), and the practice of the High Commissariat to provide in the decrees relating to the suppression of offences against public order that such offences should be brought before the mixed courts. All this seemed to indicate that neither the Syrians nor the High Commissariat had much confidence in the impartiality and satisfactory working of the courts of common law.

M. DE CAIX replied that the status of the Syrian magistrature would inevitably be raised by reason of the fact that the necessary qualifications were required of judges entering the career and of the further fact that inspections were held and penalties imposed on magistrates found at fault. There was thus a real improvement. At the same time, the old irregularities had not entirely ceased ; there were still traces of the slackness of the previous regime, and of the custom of showing partiality towards clients and the family. Local judges were still regarded as offering less adequate guarantees than French judges, who, as a rule, from a moral and technical standpoint, possessed a better professional training and were less involved in local quarrels. Hence a growing tendency to insert in contracts the clause regarding the attribution of competence, so as to ensure that any case would thus be tried by French judges.

M. RUPPEL thanked the mandatory Power for having supplied the statistics requested the previous year concerning the business of the courts.¹ He enquired whether it would be possible to state in the table of cases settled by courts competent to give judgment in matters tried under foreign law (see table, page 76) which of them had concerned only Syrians.

M. DE CAIX took note of the question. He added that it was somewhat difficult to give an answer, because the relative importance of the interests which Syrians might possess in the different suits varied considerably. Their interests might be very slight, and it would thus be necessary to go into things rather more closely, in order to establish the distinction requested by M. Ruppel.

M. RUPPEL explained that the distinction in regard to which he desired information was important from the standpoint of the emancipation of the territory.

M. DE CAIX said that he would ask that the next report should contain statistics showing the extent to which use was made of the clause regarding the attribution of competence.

PRISONS.

M. RUPPEL noted (page 78) that, outside Aleppo, the prisons were still very unsatisfactory. He asked that the next report might contain particulars of the health conditions in prisons (morbidity and mortality).

M. DE CAIX noted this request.

ORGANISATION FOR THE CONTROL AND ADMINISTRATION OF THE WAKFS.

M. PALACIOS noted, from page 56 of the report, that the Moslem Communities had made numerous criticisms of the new organisation for the control and general administration of the Wakfs, the purpose of which was to adapt the working of those institutions to the Organic Law and to the regime which would follow the mandate. Requests had been received from the religious chiefs or notables that the previous organisation should be re-established — in particular, in Damascus and Aleppo. The discontent seemed to be due to the connection of the Wakfs with the Governments of the States. As the mandatory Power had said that the reform had at first been sympathetically received, this change of opinion was no doubt the expression of the whole political movement which extended to or utilised for its own purposes religious matters. In Aleppo, for example, the movement of protest was connected with that of the delegation to which reference had already been made and which had related to matters of local interest, and the Syrian Government had agreed to telegraph to the Vali to suspend the elections of the Wakf Administrative Council.

M. DE CAIX did not know in what circumstances difficulties had arisen in connection with the election of the Administrative Council of the Aleppo Wakfs. It was quite possible, as M. Palacios had suggested, that the Sunni Moslem majority was inclined, particularly in the interior of the country, to be hostile to the new Wakf regime, as the result of a unitary tendency, — that was to say, in opposition to the local autonomous bodies. There appeared to be a tendency to revert to the idea of a State religion; this, owing to the unity of the Moslems, would be opposed to any organisation of the Wakfs within the framework of the territorial divisions of the country, several of which were in the power of Governments in which the Moslem element did not predominate. That was a possible explanation of the criticisms noted by M. Palacios, criticisms which appeared to be simply of a political character, as no mention had been made of any complaints of the way in which the Wakfs were administered.

M. PALACIOS asked why the Aleppo elections had been adjourned.

M. DE CAIX said that he would obtain information on the subject.

M. PALACIOS observed that there were about the same differences as had been noted in the previous years between the estimated and the actual revenue, the difference between 77 and 48 millions.

M. DE CAIX replied that the Wakf budget included credits which the Wakfs were not prepared to renounce but which were very difficult to collect.

ECONOMIC EQUALITY.

M. PALACIOS noted the existence of a problem of economic equality which had had some dramatic results owing to a strike, and the solution of which seemed to him to be difficult. The situation was due largely to the competition between the Japanese silk industry and the textile industry in the country. Twenty-five thousand workers had taken part in the strike, which had broken out in Aleppo at the beginning of August owing to the reduction of salaries. Acts of violence had been perpetrated against foreign goods. As was natural, communist propaganda had been active in this connection, the extremists having their headquarters and secret printing plant at Qastal el-Harami, a district inhabited by Armenians. As regards the

¹ See Minutes of the twentieth session, page 41.

economic aspect of the matter, it appeared that the local authorities had had to enter into negotiation with the High Commissioner and with the French Ministry for Foreign Affairs with a view to a revision of the Customs tariffs in order to protect the local textile industries. What was the opinion of the mandatory Power on this matter ?

M. DE CAIX said that the question of economic equality would not arise unless it were desired to impose differential import duties — which was not the case. Equality was not affected by raising tariffs with the object of protecting local industries. The Aleppo looms were in difficulties. The population was suffering by reason of the causes mentioned in recent annual reports. The local industries were hit by the Customs, which had cut Aleppo off from many of its former markets, by the adoption of European costume by an increasing number of Orientals, and by the competition of factories with modern plant which had been set up in the country itself. That was a problem outside the scope of action of any mandatory or non-mandatory Government.

The CHAIRMAN noted that the report referred, on pages 25, 61 and 62, to the duty-free import of industrial material approved by the Commission for industrial exemptions, under the terms of an Order of January 31st, 1931. The text of the order provided explicitly for exemption in the case of products originating in countries belonging to the League of Nations, in conformity with the principle of economic equality. During the Commission's thirteenth session (1928), the Chairman had pointed out that the subordinate Customs agents, despite the strictest instructions, might perhaps sometimes yield to the temptation of giving sympathetic treatment to French products. That was a perfectly human failing. Did the existing machinery — for example, the Commission for exemptions — offer the necessary guarantees for the effective application of the principle of economic equality in regard to the free importation of industrial material ?

M. DE CAIX replied that the Chairman had alluded to what was merely an assumption, since no definite charge had been brought against the Customs authorities. It did not appear that the Customs authorities discriminated between French and foreign products. How could they refuse to admit duty free an article imported under conditions granting exemption ? A large part of the goods imported were not of French origin. For example, most of the motor-cars in the country were American. He personally knew of a case in which a French company importing plant for its first installation had had protracted difficulties with the Customs. The latter certainly did not act as if they were desirous of favouring a French company. There was, moreover, a psychological fact, proved by experience, that Customs officials — and French Customs officials perhaps more than any others — regarded themselves after a time as members of a self-governing body, almost of a nationality *sui generis*, whose duty it was to impose their will with the least possible consideration on persons of any other nationality whatever.

INDUSTRY IMPORTS AND EXPORTS.

M. MERLIN, referring to the tables showing import and export trade (page 35), noted that, from 1925 to 1931, the territory had imported goods to the value of some 8 milliards, while exports were in the neighbourhood of 3 milliards. That left an excess of imports amounting to about 5 milliards. In principle, the territory would be the poorer by that amount. In the balancing of the accounts, what item had set off that commercial deficit and so prevented the territory from actually being impoverished ?

M. DE CAIX said that the adverse trade balance was a constant phenomenon, and that, nevertheless, the territory showed no sign of impoverishment. It must be remembered that re-exports were probably higher than appeared from the statistics and that Syria and the Lebanon had many invisible assets. Expenditure on the troops of occupation, amounting to 300 millions, represented to a large extent money spent on the spot. Summer tourists brought money into the country and both Lebanese and Syrians had big investments abroad, particularly in Egypt. Such were the reasons why a country continued to live, without visible impoverishment, with a persistently adverse trade balance. The accredited representative had first arrived in the Levant eighteen months previously, but on none of his visits, even since the economic depression began, had he found any lowering of the standard of living ; indeed, the reverse was the case. There was nothing to give the impression of a country that was divesting itself of its substance.

M. MERLIN observed (page 28) that the output of soap in the Sanjak of Alexandretta had been impeded by the raising of the Turkish Customs tariffs. He enquired whether there was likely to be any improvement in the situation as a result of the agreements concluded with Turkey and the more favourable relations now existing with that country.

M. DE CAIX thought that whatever the relations that might exist with Turkey, they would have no effect on the Turks' determination to create national industries. The Turks employed foreign technical experts to establish factories. Syria produced more soap than she could consume. There was no diplomatic remedy for such a situation. All that could be hoped for was an improvement as a result of increased consumption within the country, following on a higher standard of living and cleanliness.

MOVEMENT OF TRADE IN THE PORTS; COASTWISE SHIPPING.

M. MERLIN, referring to the table showing the movement of tonnage in the ports of Beirut, Alexandretta and Tripoli, observed that the big mail steamers which touched those ports must be taken into account. He asked that the next report might give statistics of the goods and products unloaded and loaded. These would give a true idea of the movement of trade in the ports.

M. DE CAIX noted this request.

M. MERLIN referred next to the position of coastwise shipping (page 43). It appeared from the report that the situation was not very good, and the report itself mentioned a number of criticisms relating more particularly to the routine attitude of the personnel engaged in this trade. Was the cabotage trade really of any importance? If so, the present situation appeared to indicate some administrative deficiency. Could not the mandatory Power stimulate efforts to improve conditions?

M. DE CAIX replied that the coastwise trade was of some importance, but that it was inevitably falling off as a result of the improvement and development of land transport. The latter had been almost non-existent in 1919, when the mandatory Power first arrived; there had only been a few stretches of made road. During the winter storms, which closed the smaller ports, it was impossible to get from Beirut to Latakia or Alexandretta. To-day, motor-lorries, able to convey goods from the place of production and take them right on to the quay of the big port which ensured connection with foreign countries, were competing with the railways and with coastwise shipping alike. As a result, transport trade existed which was necessarily independent of the coastal trade. Moreover, the improvement of the secondary ports would require considerable works, exceeding the existing budgetary possibilities. For instance, large sums would be required to dredge the Phœnician port of Sidon, which was now silted up with sand. In short, the extent of the coastal trade was not such that it could demand precedence over all other interests.

M. MERLIN concluded that the existing situation was the result of the normal development of the country; land transport was gradually taking the place of coastwise traffic, which, while still of some importance, was less considerable than formerly.

PILGRIMAGES TO THE HOLY PLACES OF ISLAM.

M. MERLIN noted that it was stated on page 46 of the report that the falling-off in trans-desert transport was explained partly by the propaganda carried on to divert from Syria pilgrims proceeding to the holy places of Islam. Again, it was said (page 69) that "the number of pilgrims who had left or crossed the mandated territories on their way to Mecca was only 1,663 in 1931, as compared with 3,820 in 1930, the last-named figure being the lowest recorded since the institution of the mandate". Was there any definite attempt of a political nature to keep pilgrims away from the mandated territory?

M. DE CAIX said he did not know to what extent such propaganda might be carried on. The fact remained, however, that there had been fewer pilgrims during the last few years owing to the general economic depression.

AGRICULTURAL CREDITS.

M. MERLIN said that he had found in the report a series of data on agricultural credits. Would it not be possible in future reports to give the accounts of the agricultural banks in a form more clearly legible from a financial standpoint? These were credit institutions the business of which could be appreciated from an inspection of two elements — their balance-sheet and profit-and-loss account. In Syria, Latakia and the Jebel Druse, the agricultural banks appeared to be working as satisfactorily as could be expected at a time of economic depression. The Lebanon Agricultural Bank, however, had had to close down, having exhausted all its available capital. Did the Administration propose to intervene in order to enable it to open again, or did it propose, as had been done since 1930, to conclude agreements with private establishments with the object of enabling them to grant loans to agricultural workers, subject to certain conditions?

M. DE CAIX, referring to the way in which the accounts of the agricultural banks were presented, said that it must at all events be acknowledged that the accounts were very much clearer than they used to be. A great effort had been made to present them more clearly in the report, but it was difficult to achieve perfection when the activities of the establishments in question were very scattered and when the latter were managed by local staffs which had not yet adopted the methods required of the agents of financial establishments in the West.

The Lebanon Agricultural Bank had succumbed owing to the excessive facilities granted to borrowers. The evil of nepotism and favouritism referred to by the Chairman was rife in that domain as in others. Moreover, it was not at all certain that the public interest required that the Lebanon Agricultural Bank should be set on its feet again. Agricultural credit was now assured in other forms, with the State simply giving a guarantee. The intervention of private banks would undoubtedly involve a smaller charge for the State and certainly less responsibility than the direct management of agricultural banks.

BILATERAL CONVENTIONS APPLIED TO THE TERRITORIES UNDER MANDATE.

The CHAIRMAN read a note on this subject (Annex 3).

STATISTICAL INFORMATION RELATING TO THE TERRITORIES UNDER MANDATE.

The Chairman read a note on this subject (Annex 4).

ANTIQUITIES.

COUNT DE PENHA GARCIA observed how important a question this was for the territory. All that could be done to encourage excavations would attract tourists, quite apart from the artistic and scientific value of the work. This year's report contained a great deal of information on the subject. The impression given was that much good work had been accomplished in 1931. He noted with satisfaction that much greater progress had been made than in previous years. He strongly urged the accredited representative to push on with certain parts of the work and even to expropriate property, where necessary. Finally, it would be highly desirable that the Library of the League of Nations Secretariat should be supplied with all that was published in official publications on the subject.

M. DE CAIX said that very frequently there was no need to expropriate owners, because many of the sites where excavations would be conducted were in ownerless districts. When necessary, the authorities resorted to expropriation. Such was the case in connection with the excavations at Jebel in the Lebanon.

LABOUR.

Mr. WEAVER said that the report did not contain much information with regard to the labour situation. The main feature seemed to be a continuous decrease in the number of handicraftsmen; a considerable amount of unemployment, an increase in the number of up-to-date factories and a slack policy as regards labour conditions. Could the mandatory Power do anything to protect the handicraftsmen and prevent their decrease? The question was of great interest, particularly in Moslem countries — as was noted, for instance, in North Africa.

M. DE CAIX replied that the only way in which artisans could be protected was to apply Customs tariffs in order to prevent the extinction of local industries. No organisation of real importance yet existed with a view to improving technique and opening out new markets — measures which could only be applied in the case of artistic wares — except in Damascus, where an Institute of Native Art had been established. This initiative had made it possible to save certain native industries on the point of succumbing — in particular, the glass and leather industries. That, in addition to certain efforts which had been made in the Jebel Druse, was the only measure adopted by the Administration in the mandated territory of which he was aware.

M. PALACIOS asked whether the results of M. Massignon's enquiry into guilds had been published.

M. DE CAIX replied in the negative, adding that the enquiry in question was one which was of far greater interest to the country from a sociological than from a current economic standpoint.

M. PALACIOS said that, on the contrary, he had the impression that the enquiry was similar to that carried out and published by the same Professor of the College of France in connection with guilds in Morocco.

Mlle. DANNEVIG asked whether the women who had lost their livelihood owing to the decline in the carpet industry had found other employment.

M. DE CAIX replied that, although the economic changes and the crisis caused suffering, the alterations brought about by a new system of government, the opening up of communications and the execution of public works had made it possible for a number of persons who were no longer able to gain a livelihood by means of their former crafts to obtain other employment. There was not much unemployment in this mainly agricultural country. There was no State organisation for assisting workers to find employment.

Mr. WEAVER thought it desirable to draw the attention of the mandatory Power to the admirable results achieved in Morocco — for instance, in connection with the revival of local industries, a matter of capital interest to Moslem countries. He hoped that some information on this subject might be forthcoming in the next report.

M. DE CAIX said that he would willingly urge that this question should be dealt with in the next report. The suggestions made by the Mandates Commission would undoubtedly encourage the Government of the mandatory Power. It must, however, be remembered that,

in Morocco, the influence of the protecting Power was more powerful than in Syria and the Lebanon, where it was necessary first to persuade the local governments to act, which was difficult and took time.

Mr. WEAVER noted that, according to the annual report, unemployment was not considerable. That, however, did not seem to be the case if the figures given on page 27 for the towns of Damascus, Aleppo, Homs and Hama were compared with the total figure of the population of those towns. He thought that unemployment was due in great part to the decline of the artisan class and also to the general crisis. Was anything being done to relieve the unemployed; or was this problem under consideration at present?

M. DE CAIX was not aware that any steps had been taken in this direction. The country was hardly yet organised in a way which would allow of such measures. Its social state, in which industrialisation was less developed than in the West, tended, moreover, as a result of close family ties, to lessen the effects of unemployment. This was also the position in other Asiatic countries — for instance in Japan. The family, forming a much closer corporate unit than in the West, supported its members who were in difficulties.

M. WEAVER agreed, but feared that, in the course of time, owing to the development of modern industry, the state of affairs in the East would become practically the same as in the West. He wished to draw the attention of the mandatory Power to this point.

M. DE CAIX noted this observation.

Mr. WEAVER noted that the Administration still continued its policy of *laisser-faire* in the matter of labour regulations. He was aware of the arguments invoked in this connection; they were based on the fact that industry was not greatly developed either in Syria or in the Lebanon. Nevertheless, the statistics showed that an increasing number of machines were being imported, from which it might be deduced that the country was gradually becoming industrialised. Did not the mandatory Power think that, in these circumstances, the question of the development of labour legislation should be studied, particularly as neighbouring countries were more advanced in this respect?

M. DE CAIX said that, obviously, the problem existed, in principle at least. Workshops were, however, very small and, although the number of requests for the importation of machines was rather large, each individual request referred only to a relatively small quantity of plant. There were no factories on a large scale. One workshop — even a modern one — which employed twenty-five workpeople, was an exception.

Up to the present, therefore, the necessity for regulating adult labour had not been felt. Perhaps it might be advisable to pass certain laws on labour accidents. He would ask that the next report should contain more systematic information on labour and on the regulations which might be deemed possible in the present state of Syrian-Lebanese society.

Mr. WEAVER noted that, on page 26, the number of workpeople employed in industries in Damascus was estimated at from 1,200 to 1,500.

M. DE CAIX pointed out that this was the total number of workpeople employed in certain industries and not in any one factory.

Mr. WEAVER said that, in India, for instance, the factory law applied as soon as factories employed more than ten workpeople. The figure, twenty-five workpeople in one factory, was not, therefore, negligible. It was indispensable to protect workpeople against the possibility of accidents. That was a problem which the mandatory Power ought to take into consideration.

M. DE CAIX replied that the mandatory Power might urge the local governments to consider this problem, but it would be an entirely novel subject for them, so that rapid and far-reaching action, which would not be in keeping with the situation, must not be expected.

M. PALACIOS supported Mr. Weaver's observations on the question of labour regulations, and ventured to insist once more on one source of anxiety which was at the very basis of all present-day policy. The chapters in the report relating to labour in Syria and the Lebanon were very interesting (page 25 and following). They were full, however, of problems of industrial development which called for a real social policy, and not only sporadic or occasional measures. There were problems relating to labour in the home as distinct from traditional family labour — the truck system, unemployment, employment bureaux, wages protection, the protection of the weak, of women and of children, coalitions, labour unions, strikes — all problems which were already of great importance and in regard to which the efforts made by the Administration did not equal the magnitude of the questions involved. It even seemed that the policy of *laisser-faire*, of extreme liberalism, still prevailed.

M. DE CAIX said that that was certainly not so, at any rate as far as the mandatory Power was concerned. But the Commission should bear in mind the apathy which invariably existed in traditionalist communities towards problems which were entirely new to them and the main factors of which were only now becoming fairly discernible. As the question had been raised by the Mandates Commission, it would be examined.

Petitions: Appointment of a Supplementary Rapporteur.

The CHAIRMAN said that the Commission had received the observations of the mandatory Power upon a petition transmitted to it in connection with the suspension of the Damascus newspaper *El Kabas* (document C.P.M.1348). The French Government had also communicated to the Commission two petitions on the same subject which were also covered by the observations on the suspension of this newspaper (document C.P.M.1347). The Rapporteur for this petition being Count de Penha Garcia, the Chairman asked him to be good enough to deal in his report with the two new petitions forwarded by the mandatory Power.

THIRTY-NINTH MEETING

Held on Friday, December 2nd, 1932, at 4 p.m.

Syria and the Lebanon : Examination of the Annual Report for 1931 (continuation).

M. de Caix, accredited representative of the mandatory Power, came to the table of the Commission.

EDUCATION.

Mlle. DANNEVIG first thanked the mandatory Power for the complete information it had furnished on education in the mandated territory and for its replies to the questions she had asked in the previous year.¹

She had noted from the report that the number of children, boys and girls, attending school, and public expenditure on education were increasing in the various parts of the territory. It appeared from page 79 of the report that the number of illiterates in Syria was estimated at 63 per cent of the population. At the previous meeting, however, the accredited representative had estimated this number at an average of 80 per cent for the whole territory, a figure which appeared very high. Mlle. Dannevig supposed that it would gradually decrease from year to year in proportion to the progress made in education. On the other hand, she supposed that the number of illiterates was greater in the rural districts, and she wished to know if there was any difference from this point of view between the Moslems and the Christians.

From page 111, she gathered that, in the Jebel Druse, out of the total number of children of school age between 6 and 13 years, the numbers attending both Government and private schools came to 91 per cent in the case of the boys and 15 per cent in the case of the girls. She wished to know if the mandatory Power could give similar particulars for the other parts of the territory.

She also asked if education was gratuitous or not in the Government schools.

She noted that the results of the examinations taken by the children attending secondary schools had been less favourable in 1931 than in 1930, and she wished to know the reason therefor. In particular, she wished to know if this falling-off in the scholastic results was due to relaxed discipline.

She further wished to know if the number of students who obtained diplomas in the schools and faculties, more particularly in Syria, was sufficient for the country's needs. Her attention had been drawn to this point by certain newspaper articles which said that, especially in the Lebanon, the number of licentiates had become so large that many of them could not find suitable work when they had finished their studies.

She had noticed several references in the report to the age at which girls were married, and she asked if this matter was regulated in the territory by a law other than the Moslem law, particularly with reference to the age-limit for the marriage of girls. She thought she might mention the fact that, during the last few years, the age-limit had been raised to 15 and 16 years in Egypt and, notably, in India. The question of raising the age-limit in the same way was also being studied in Palestine, where this question was looked upon as of special importance for the health of both women and children. She wished to know if the mandatory Power was dealing with this question.

M. DE CAIX, in reply to Mlle. Dannevig, gave the following explanations :

It would be difficult to give the exact number of children of school age in the whole of the territory. In default of accurate demographic statistics, the relation between the number of children attending school and the number of children of school age could not be anything but approximate for some time still to come.

¹ See Minutes of the twentieth session, page 51.

The slight decrease in the number of diplomas granted to the students attending the schools and faculties in the territory was undoubtedly the result, not so much of relaxed discipline, as of a marked tendency to make the examinations more severe.

The number of licentiates with diplomas, or at least certain diplomas, was amply sufficient for the needs of the country. There were too many lawyers without briefs in the territory, and too many doctors without patients, especially since the young doctors were very unwilling to set up in practice in the villages. On the other hand, there was a shortage of technicians : the Beirut School of Arts and Crafts had no difficulty in finding work for all its students when they left.

Marriage questions were still regulated by the Koranic Law, but its application was tempered by custom. The age at which girls married was rising with the growing self-consciousness of the individual and the tendency towards female emancipation. At the present moment, there hardly ever occurred any cases of young girls leaving school to marry ; they waited for the end of their schooling before doing so. It was certain that no more was heard of girls being married at nine years of age.

Nevertheless, it was a very delicate matter to intervene in legislation, especially when it had a religious origin. In the Lebanon, the mandatory Power had encouraged the framing of a draft *code des obligations* ; the legal status of persons was a more difficult matter to approach.

PUBLIC HEALTH.

M. RUPPEL noted that only 2 per cent of the total expenditure in the budgets of the mandated territory was devoted to health. The Commission had been informed at the previous meeting that the portion of the budget of the Lebanon devoted to deputies' salaries amounted to 3 per cent. A comparison between these two figures was not very flattering.

On the other hand, if the figures for Syria and the Lebanon were compared with those for other territories under A mandate, it would be seen that the expenditure on health came to 13 French francs per head in Palestine, 8 French francs in Iraq and only 5 French francs in Syria.

M. DE CAIX replied that M. Ruppel's observation would be brought to the attention of the services concerned by means of the Mandates Commission's Minutes, of which a certain number of copies were distributed to various members of the administrative staff of the territory. Moreover, a comparison would have to be made of the method of setting out the expenditure in the three territories under mandate. He thought he should add that, in Syria, and especially in the Lebanon, private charitable institutions had reached an advanced stage of development owing to the competition between foreign countries and rival religious persuasions. Consequently, the expenditure on health and welfare did not figure so largely in the budget.

M. RUPPEL pointed out that the same situation existed to yet a greater degree in Palestine. He had no doubt that, when Syria came to ask to be admitted to the League of Nations, it would have to devote a larger part of its budget to expenditure on health.

He had noted the institution of sanitary mobile columns in 1931. He was astonished that the staff of these columns should be under the orders of an army doctor while there were so many unemployed civilian doctors in Syria.

He further noted that, in the Jebel Druse, French doctors had been engaged for service, and he wished to know if there were no native doctors in the country.

M. DE CAIX replied that the Syrian civilian doctors had very little taste for the wandering life which army doctors had to lead by reason of their duties as heads of sanitary mobile columns. On the other hand, the doctor in charge of these columns had often to go on his rounds with the detachments on desert patrol. He pointed out that the services of an army doctor were much cheaper because, apart from his pay, he drew only certain allowances attached to the post. If native doctors were to be engaged, a special service would have to be instituted.

In reply to M. Ruppel's second question, M. de Caix explained that there was no native medical corps in the Jebel Druse because, for many years, that Government had failed to associate itself with the improvements in education enjoyed by certain parts of the territories now under mandate. A certain number of young Druses who might become doctors in the future were studying medicine at present.

SUSPENSION OF THE CONSTITUTION OF THE LEBANON AND ESTABLISHMENT OF A PROVISIONAL REGIME (*continuation*).

M. RAPPARD, before dealing with the chapter on public finance, wished to draw the accredited representative's attention to a passage in the first part of the report on the general situation in the Lebanon (page 11), which ran as follows :

“ In the face of this hotbed of intrigue, in which the public interest, urgent as it was, had but a small part, public opinion began to turn more and more towards the Mandatory as the sole authority capable of rising above group rivalry and applying to the crisis, which was even more an economic and financial than a political crisis, the radical remedy which was now seen to be essential.

“ In reply to this wish, the High Commissioner took the decision on May 9th, 1932, to suspend the Constitution and establish a provisional regime.”

In his capacity as a University professor, M. Rappard had come into contact with students from the Lebanon, who appeared to be unanimous in protesting against what they called "the tyranny of the mandatory Power". The Mandatory's report to the Mandates Commission was doubtless published in the country itself, and he wished to know what had been the reaction among the public to a declaration like that he had just quoted. In view of the fact that a considerable degree of financial autonomy had been granted to Parliament, he wished to know also what measures the mandatory Power had found it possible to take to remedy the financial disorder brought about by parliamentarians.

M. DE CAIX replied that, apart from certain persons and their clients who benefited from the previous regime, public opinion in the Lebanon had been favourable to the decision taken by the High Commissioner as a result of practices, which it was hardly an exaggeration to describe as a "hotbed of intrigue". Moreover, in the Lebanon, there was not such an extreme nationalist movement as in Syria. As for the reactions among the students, M. de Caix was convinced that these would be the same as the reactions of any other students in any other country who dabbled in politics. Apart from those who had benefited from the previous regime, none of the population had shown any opposition to the mandatory Power's decision. The majority of the population which paid taxes and did not profit from the abuses had been absolutely disgusted with that regime. The passage quoted by M. Rappard had not been written without careful consideration of its accuracy and of the terms used. It was quite certain that public opinion would never stir merely to protect the interests of politicians.

The High Commissioner's decision to suspend the Constitution had made it possible to pass measures of administrative reform which would effect serious economies. Simplifications in the working of the Administration had already made it possible to find the means of making appreciable savings in the budget of the Lebanon. M. de Caix personally knew a Frenchman working on education and in contact with the rural population of the Lebanon who had said that these people were tired of this corruption and anxious to be rid of it.

M. RAPPARD thought that the Mandates Commission would have noted, from the statements of the accredited representative, how the minds and customs of the people must still be prepared before the population of the territory would be really ready for the emancipation which was to terminate the mandate.

PUBLIC FINANCE.

M. RAPPARD, referring to pages 153 and 154 of the report, noted that the reduction in the Customs receipts were attributed to the decrease in trade and the fall of the pound sterling. The report added that the consumption of various articles calculated in pounds sterling had been considerably reduced. He thought there was some inconsistency in these two statements, for the fall of the pound should have brought about a fall in prices, and consequently an increase in the consumption of articles calculated in sterling.

M. DE CAIX replied that the crisis might react more strongly on consumption than the depreciation of the currency, which would tend to increase sales.

M. RAPPARD noted from the table on pages 154 and 155 that expenditure had been less than revenue in the financial year 1931. He considered that, in that case, the position was not so alarming as it appeared to be from other passages in the report.

M. DE CAIX said that account should be taken of the fact that the revenue included an advance from the States' reserve funds with a view to meeting budgetary difficulties. The position might therefore be less favourable than these figures led one to believe. Nevertheless, it should be noted that, according to the information for the present financial year, the position, owing to the economies effected, gave no cause for anxiety.

M. RAPPARD noted a disparity between the figures for direct revenues of Syria and the Lebanon as compared with the respective populations of the two States. He asked if, in both cases, the estimates had been made on the same basis.

M. DE CAIX replied that the basis of direct taxation differed from one State to another, although, on the whole, the fiscal regime was the same as under the Ottoman Empire and there was no fundamental difference between the various mandated States and Governments. Perhaps in the Lebanon there had been a tendency not to increase the basis on which direct taxation was levied. It should be added that this country was much smaller than Syria and did not possess such rich agricultural lands.

The fact that the Lebanon had been able to allocate for the purpose of public education only a quarter of the money allotted by Syria was due to the activity in this domain of foreigners, religious missions, etc., which maintained at their own expense private schools, training courses for teachers, etc.

M. RAPPARD, referring to the table on page 153 of the report, which dealt with the actual revenue and expenditure for the financial year 1930, asked why the State of Syria had received 850,000 Syrian pounds from the undistributed surpluses from previous financial years in the *Compte de gestion*, whereas the Lebanon had received nothing.

M. DE CAIX replied that this was probably the result of accountancy transfers in previous financial years, the Lebanon having exhausted the sums it had received from the undistributed surpluses of the previous financial years.

M. RAPPARD asked for explanations concerning the distribution between the various States of the *Compte de gestion des services d'intérêts communs*. He noted that, in its report (page 165), the mandatory Power had admitted that it had been impossible to arrive at an agreement between the States and Governments of the mandated territory as to the basis for such distribution, and wished to know what measures had been adopted by the mandatory Power in consequence.

M. DE CAIX replied that the mandatory Power had overridden the opposition of the various Governments and had carried out the distribution according to rules which had been drawn up after long consideration. The Lebanon had thus received a larger part of the amount from the Customs receipts in proportion to its population than Syria, seeing that the Lebanon undoubtedly consumed more imported articles per head of population. On the other hand, the expenditure on defence had been regarded as of more direct interest to Syria than the Republic of the Lebanon.

It had never been possible to reach agreement between the various parts of the territory regarding the amount of the joint revenues to be received by each and the joint expenses which each should defray. He himself had formerly presided over a commission which had sought for a basis of agreement ; but that had proved impossible. The delegates from Syria and the Lebanon, with the active support of their French expert advisers, had submitted diametrically opposite suggestions, on which it had been impossible to compromise. The mandatory Power had therefore been compelled to take a decision which could not be reached by agreement between the parties concerned.

M. RAPPARD asked if the figure given in note (1) to the second table on page 161 of the report should not be altered.

M. DE CAIX replied that it was a printer's error. " Cf. note (9) " should read " Cf. note (3) of the Comparative Table ". He added that the favourable balance in the budget of the Lebanon was due to the fact that estimates had been made for expenditure which had not been incurred.

M. RAPPARD, referring to the table on page 156 of the report, noted that the Lebanon had received 857,000 francs from the surplus receipts distributed from the *Compte de gestion des services d'intérêts communs*, whereas the other States and Governments of the territory had received much smaller sums.

M. DE CAIX said that he could not give an exact reply without examining the details of the sums distributed ; it should, however, be remembered that, as he had just said, the Lebanon received proportionally a larger part of the surplus of the joint account than the other States.

M. RAPPARD noted a considerable difference in the figures in the table on page 168 under the heading " Special Troops in the Levant " — that was to say, 4,750,000 — and those on page 48, where the sum of 95 million francs was mentioned for the expenditure on the same troops.

M. DE CAIX replied that the difference was due to the fact that the same monetary unit had not been used in both cases. In the first case, the sum was given in Syrian pounds, and, in the second case, in francs. Exactly the same figure for the expenditure would be obtained by multiplying the lower number by the exchange coefficient.

SHEEP FARMING.

M. DE CAIX, replying to a question from M. Rappard as to the increase in the number of sheep, explained that, owing to the changes in the economic situation and the increase in the number of watering-places, the farmers in the territory were concentrating more on raising sheep and to a certain extent neglecting the breeding of camels.

ALCOHOL AND NARCOTIC DRUGS.

COUNT DE PENHA GARCIA noted from the report that the mandatory Power was endeavouring to reduce the abuse of alcohol in the territory and the smuggling of drugs. Nevertheless, he considered that the results achieved were not yet sufficient ; ninety cases had been reported by the police in the Lebanon for breaches of the law forbidding the cultivation of hashish, and 300 kilogrammes of this product had been seized. A total of 180 cases of traffic in drugs had been reported. The mandatory Power's report on Palestine showed that Syria was still the main source of the hashish consumed in Palestine. It was to be hoped that the agreements concluded by the authorities of the two territories for the prevention of the drug traffic would make it possible to suppress it more effectively. He wished to know if the mandatory Power was considering other means of suppression.

M. DE CAIX did not think for the moment that it would be necessary to use any means of suppression other than those in existence. Strict orders had been given to the police in all the territories. Aeroplanes even had been used to discover the crops of hashish. It was probable

that the cultivation of this drug, to which influential persons in the Lebanon had hitherto been sometimes addicted, would completely disappear. In this matter, there was every likelihood of a real improvement.

COUNT DE PENHA GARCIA had read in the report that farmers who cultivated hashish had been compelled to burn their crops when they were discovered by the revenue inspectors. He asked if that was the only penalty inflicted. If that were so, he considered that the measures of suppression would be insufficient.

M. DE CAIX replied that the Administration had other sanctions at its disposal, since penalties were prescribed, but the destruction of crops by fire was serious from the farmer's point of view, as it deprived him of the product of a year's labour.

COUNT DE PENHA GARCIA said that, in his opinion, this penalty was insufficient and the mandatory Power would have to deal more severely in suppressing breaches of the law forbidding the cultivation of hashish.

* * *

M. PONSOT came to the table of the Commission.

The CHAIRMAN. — We should like to ask the High Commissioner certain questions in connection with three points on which we need explanations. They relate to : (1) the election of the Patriarch of Antioch ; (2) the treaty and conventions recently concluded with Turkey, and (3) the suspension of the Constitution of the Lebanon.

SUSPENSION OF THE CONSTITUTION OF THE LEBANON AND ESTABLISHMENT OF A PROVISIONAL REGIME (*continuation*).

M. RAPPARD. — Yesterday we stopped the High Commissioner when he was about to speak on the Lebanon. I think it would be a pity if we did not hear what he has to say on this matter.

The CHAIRMAN. — In these circumstances, I would ask the High Commissioner to continue his statement.

M. PONSOT. — The most important event in the Lebanon in the period under review was the partial suspension of the Constitution on May 9th, 1932.

Since the beginning of the year, serious difficulties had arisen in various spheres. The world crisis, the economic effects of which had steadily increased since 1930, had a more and more marked effect on the financial situation of the Lebanese Republic each month. It was to some extent possible to balance the budget of the Lebanon by allocating to it surplus receipts from the *Compte de gestion des intérêts communs*. The Customs revenue forms the largest part of the receipts of this account. But the Customs returns have been affected in two ways by the economic crisis — first, by the decrease in international trade, and, secondly, by the fall in declared values, most Customs duties being calculated *ad valorem*. The surplus receipts available were consequently tending to vanish, and this was causing a deficit in the Lebanese budget which it was absolutely essential to meet.

This financial stringency had led public opinion in the Lebanon to express its views with some bitterness with regard to the cost of a Government which had been created on somewhat theoretical lines and on a plan which was rather burdensome for a State of from 800,000 to 850,000 inhabitants, a population equivalent to that of certain French departments.

The Constitution provided, in particular, for a Parliament of forty-five members. Each deputy received 50,000 francs. Facts of this kind, which are not the most fundamental, but make most impression on the public, especially in a time of crisis, caused public opinion some uneasiness which was continually expressed in the Press, and the existing political institutions — which were generally considered as burdensome and inefficacious — came in for some criticism.

The same feeling was at the root of many of the representations to me asking me to remedy the situation.

On two occasions, in 1927 and 1929, I was called upon, with the help of the Lebanese Parliament itself, to amend the 1926 Constitution. The effect was to simplify the original political organisation and to strengthen certain branches of the administration. Under the 1926 Constitution, there were two Chambers. The President's tenure of office was fixed at three years, which meant that the same Parliament elected a President twice, and this very considerably weakened the position of the Head of the State. The reforms introduced in 1927 and 1929 tended to strengthen the executive and to reduce the rôle of Parliament to more normal limits.

The experience of the years following, and more particularly the years of the crisis, proved that, while further action was necessary, the existing political organisation would not permit of the necessary adjustments.

In order to make the whole position clear, I would add that the anticipated election of a new President of the Republic threw the parties into a state of great agitation. Violent campaigns were started in the Press and among the public, and the various candidates were attacked so vehemently that their moral authority was considerably weakened. The newly elected President, whoever he might have been, would not, therefore, have had sufficient standing left to deal with a particularly difficult situation.

Finally, I thought it inadvisable to appear, by allowing a new President to be elected, to confirm for six years a regime which it seemed essential to change.

For all these reasons, I decided, in pursuance of the general powers granted under the mandate, to suspend the Constitution. I believe this measure was necessary and fully met the situation. I would add that it was immediately welcomed, and I do not think you have had any petitions protesting against it.

Having taken this step, I had to justify it and the only way to do so was to introduce the financial and administrative reforms which all desired, but which had not been possible in the former state of affairs.

I should like to say that I was particularly grateful for the help of the Head of the State in bringing this work to a successful conclusion. M. Charles Debbas, who came to this work with the experience he had acquired since the beginning of the mandate as Director of Justice and since 1926 as President of the Republic, was one of the chief factors in success. I am very glad to be able to pay a tribute to the personal efforts of the President of the Republic and to the independent spirit which enabled him to rise above the interests of clans and parties.

It was specially urgent that reforms should be carried out, particularly in financial affairs. The budget of the Lebanon for 1932 had been fixed at 102 million francs. The deficit anticipated in the early months of the year was about 12 millions. The year had already begun; expenditure had therefore to be reduced at once. In these circumstances, the President of the Republic, immediately on assuming office under the new regime, proposed to me that his salary and allowances be reduced by 30 per cent. On the following day, although Parliament was not to meet for some time, ministerial salaries and parliamentary allowances were reduced considerably. Immediately afterwards, a scheme to reduce the salaries of officials was studied. This study being completed, the reform was introduced without delay. The average reduction amounted to 10 per cent, the minimum being 7 per cent and the maximum — applicable to certain categories which had previously received exceptionally favourable treatment — was 20 per cent.

These reductions, however great, affected a privileged class of the population, the only class that is sure, in time of crisis, of a fixed income. The saving was 4 million francs. The reform introduced in view of these various considerations was received favourably by the population, and the officials accepted it without too much recrimination.

Another opportunity for saving and for moral reform was offered by the amendment of the law on pensions recently adopted by the Lebanese Parliament. This law is an example of the great ease with which Parliament had allowed itself to be carried away, and it had caused the regime to be regarded with great distrust. Pensions were extremely high, amounting on high salaries to 50,000 francs, and they were cumulative. Account was taken, in calculating them, of time spent outside the service between two periods of administrative office, those concerned being permitted to pay off their contribution for the years during which they were not in the service over a period of ten years. By a thoroughgoing reform, the maximum pension was reduced to 30,000 francs. Accumulation was prohibited, and the percentage contributed towards pensions was raised.

The total saving was as follows: The saving during 1932 was from 8 to 10 million francs. The budget of the Lebanon for 1933 will probably be within 84 million francs, as compared with an estimate of 102 millions for the preceding period.

Side by side with budgetary retrenchment, the administration has been improved and reformed, and up to the present time the President has enacted about fifty legislative decrees.

Justification for the suspension of the Constitution is, consequently, not purely a matter of words; it is founded on certain facts and on the results obtained, which could not have been achieved in the absence of the vital step taken in the spring of 1932.

If the High Commissioner fully shares responsibility, not only for the suspension of the Constitution, but also for the reforms which followed and their consequence, that is because, under the present provisional regime, the legislative decrees enacted by the Head of the State with the assistance of his Council of Directors are submitted to the High Commissioner for approval. The sanction of the mandate being thus provisionally substituted for Parliamentary sanction, closer association has been established since May 9th between the representative of the mandatory Power and the local authority. One might perhaps be tempted to suppose that this state of affairs represents a step backward in the exercise of the mandate. I myself do not think so; it is an adaptation which proved necessary in order that the Lebanon might be able to cope with exceptional circumstances.

In concluding this rapid and brief review of the situation in the Lebanon, I would say that perhaps I was more ready to take this course because I saw in the new Syrian Parliament a warning against the temptation — into which new assemblies are apt to fall — of embarking upon expenditure without considering how it is to be met. This lead seems to have had some effect, for the first act of the Syrian Chamber was to fix the salaries of the Head of the State and the Ministers and also parliamentary allowances at a lower figure than in the past.

M. ORTS. — I return to the question I asked at the previous meeting with regard to the suspension of the Constitution. I should like to know, not exactly whether the duration of this situation is anticipated, but whether it is the intention of the High Commissariat to

restore the normal working of the Constitution as soon as the situation has improved, or to retain the provisional regime for as long as is necessary to make the effects of that regime stable and permanent.

M. PONSOT. — I hope that an intermediate solution will be found. I do not intend to re-establish the Constitution promulgated in 1926. The criticisms of that Constitution were too well founded for it to continue unchanged. Nor do I intend to prolong the present situation for any length of time. The Lebanon must be given the necessary guarantees, and the national representatives must be associated as soon as possible in public administration. As soon as I have time, therefore — at present, I am very busy with Syria, having perhaps given too much time to the Lebanon in the past — I shall return to the Lebanon to study the amendment of the Constitution. I hope next year to be in a position to explain the reforms by which the Lebanon will acquire a stable regime better adapted to the situation.

DIFFERENCES IN THE CONSTITUTIONS OF SYRIA AND THE LEBANON AS REGARDS THE MANDATORY REGIME AND THE EVENTUAL APPLICATION OF THESE TERRITORIES FOR ADMISSION TO THE LEAGUE.

The CHAIRMAN. — The Syrian Constitution contains no reference to a future request for the admission of Syria to the League of Nations.

How do you explain the absence of a clause similar to Article 91 of the Lebanon Constitution, which was drawn up in 1926 at a time when there was no mention of the emancipation of the Lebanon in the near future, still less of the emancipation of Syria ?

M. PONSOT. — The Syrian Constitution was drawn up in somewhat different circumstances from the Constitution of the Lebanon. It was the work of the Constituent Assembly, which met at Damascus in 1928, and later was reproduced and promulgated in the Organic Law of 1930. The members of the Constituent Assembly intentionally omitted any reference of the kind which appears in the last chapter of the Lebanon Constitution, particularly Article 90. It is on this point, moreover, that the dispute arose, for the intention of the members of the Constituent Assembly was very clearly this : “ We desire to draw up a Constitution which shall be final. We want no reference, therefore, to the mandate in the Constitution. For this reason, we are laying down the powers of the President of the Republic with regard to foreign affairs. We are also laying down the rights of the Government with regard to the army ”. There was disagreement as to substance and form, in the sense that the Bureau of the Assembly with which I was in close touch, said : “ We recognise the existence of the mandate, but we do not want to refer to it in a document prepared by us. Do you want to promulgate the Constitution subject to the reservations in the mandate ? ”

That was the origin of the disagreement between us. I replied : “ If I allow you to embody in the Constitution powers which, owing to the mandate, you are not entitled to exercise at the present time, I must warn you that you will come into conflict with the representative of the mandatory Power immediately you want to exercise those rights. Our future relations cannot be built on an ambiguity. ” That is the origin of Article 116 of the Syrian Constitution, the only article which was mine. It does not contain the word “ mandate ”. It was omitted out of deference to the members of the Assembly, and in order to make it easier for them to accept this reservation. Had the Bureau of the Assembly, which had been instructed to keep in touch with me, agreed on January 11th, 1929, to insert Article 116, the Constitution would have been in force from that date. That is the real reason for the omission which surprises the Chairman.

With regard to subsequent admission to the League of Nations, for which provision is made in the Lebanese Constitution, I would point out that it arises out of an expectation freely discussed in Syria as in the Lebanon since 1922, the date of the signature of the treaty between the United Kingdom and Iraq containing a similar clause. But this expectation has existed in the Lebanon apart from Article 91 of the Constitution, since, from 1926, my predecessor had informed the Syrians and Lebanese that the French Government contemplated guiding these two States towards the independence and sovereignty guaranteed to them under Article 22 of the Covenant, just as the United Kingdom had guided Iraq.

DISSENSION IN THE GREEK ORTHODOX CHURCH (*continuation*) AND PETITION RELATING THERETO.

M. PALACIOS raised the question of the crisis which had arisen in connection with the Greek Orthodox Patriarchate and left it to the Rapporteur on a petition relating thereto to speak.

M. RUPPEL. — I am Rapporteur on the petition, dated August 10th, 1931, from the Syrian Patriotic League in São Paulo regarding the election of the Patriarch of Antioch. The Commission itself, moreover, takes a particular interest in this question of the conflict over the Greek Orthodox Patriarchate, as it already did last year.¹

¹ See Minutes of the twentieth session, page 41.

In the first place, the French Government's letter, dated November 29th, 1932, says :

“ It should be observed that the intervention of the mandatory authority, which, for the duration of the mandate, holds the powers exercised by the Ottoman Government would have been legally justified. ”

A little later it says :

“ These historical and legal facts seem to make it clear that Article 9 of the mandate for Syria and the Lebanon could not be invoked against the intervention of the mandatory authority ”.

I entirely agree. In those circumstances, the High Commissioner of the mandatory Power would be entitled to intervene. Nevertheless, as is explained in the observations, no such intervention has as yet taken place. In a letter received by the Commission from another source, however, it is stated that the High Commissioner interfered in the election of the Patriarch of Antioch, in favour of Mgr. Arsénios, who was stated to be his candidate. I should like some information on this point.

I shall have another question to ask, about the decision reached by the three Patriarchs of Constantinople, Alexandria and Jerusalem. It is stated in the observations that this decision would not have been valid either as a judgment, because the various Greek churches were autocephalous and the three Patriarchs had not therefore the right of jurisdiction, or as an arbitral award, because it had not been accepted by one of the two bishops elected by the opposing parties. In spite of that, however, I wonder whether the decision of the three Patriarchs should not be taken into consideration by the mandatory Power as an indication of the best method of settling the dispute.

We read in the annual report that the situation is perfectly calm in the Greek Patriarchate of Antioch, but in the communications we have received regarding these complaints it is stated that anarchy prevails in the Greek Orthodox community, and is the cause of much disturbance in connection with matrimonial matters and matters relating to personal status. I should be glad to have explanations on this matter and to know, in particular, whether the Ecclesiastical court of the Greek community is still functioning.

M. PONSOT. — I am glad of the opportunity to explain the question of the Greek Patriarchate of Antioch. For the last four years, I have been making every effort to settle this difficult problem, not by authoritative decision, but by conciliation, which is a better way of restoring harmony in the community.

Articles 6 and 9 of the mandate do undoubtedly recognise that the mandatory Power is entitled to intervene in this matter. We felt, however, that the practical and legal situation that had arisen through the election of two Patriarchs needed extremely tactful treatment.

It was originally supposed that the High Commissioner had a candidate. That was not the case. At the outset, I said clearly that any candidate elected by the regular procedure in accordance with the organic statute of the Greek Orthodox community would receive our approval, none of the known candidates being excluded. The truth is, however, that an acute crisis had developed, even before the death of the former Patriarch, His Beatitude Gregorios Haddad, in anticipation of his succession falling vacant.

Shortly before his death, a stormy meeting was held in a monastery in the Lebanon, where the idea of changing the procedure for electing his successor was discussed. The question was whether the ecclesiastical authorities only were to elect the Patriarch, or whether they were to be assisted by a number of laymen. In the latter case, was the electoral college to include only the laymen of the diocese of Damascus, as had formerly been the custom, or representatives of all the dioceses ?

Thus there was a conflict already in existence before the death of the last Patriarch. It was for that reason that a long period elapsed afterwards, during which Mgr. Arsénios Haddad, Archbishop of Latakia, acted in due form as *locum tenens*. My relations with Mgr. Arsénios were naturally cordial, because his official position made him the proper person to keep in touch with the mandatory authority until a Patriarch was regularly elected.

For two years, therefore, I was kept informed of all the difficulties encountered by the community in reaching an agreement.

One day, early in 1931, there were sudden developments, and, notwithstanding my advice, two elections were held — one at the Convent of St. George, where Mgr. Arsénios was chosen by seven archbishops, and one at Damascus, where Mgr. Alexandros was chosen by three of his peers.

I could not settle this dispute by simply recognising one of the two persons elected. According to the statute of the community, the election of the Patriarch takes place in two stages. In the first stage, the bishops, together with a number of laymen, meet to select three candidates. In the second stage, an electoral college, consisting of the bishops only, chooses the Patriarch from among those three candidates. In 1930, an assembly was held at Damascus to carry out the first election, but this was unsuccessful owing to internal dissensions. It was out of desperation that two Patriarchs were chosen a little later.

Such, briefly, were the origin and development of the conflict. I beg you to believe that I have watched that development with regret. In such circumstances, I could not recognise either of the persons elected, and they were warned that I considered the election irregular in the conditions in which it took place. On the other hand, I have gladly subscribed to every attempt that has been made to settle the problem.

For instance, a delegate from the Patriarch of Constantinople came and offered his good offices, but this attempt at conciliation was unsuccessful. It is true that several Greek Patriarchs subsequently gave their support to Mgr. Alexandros, but such recognition could not be accepted as decisive by a community which holds firmly to its privileges as an autocephalous church.

All hope of conciliation is not lost. Indeed, I had hoped to lay before you to-day the result of these efforts.

Lastly, I must reply to the questions that have been asked about the Orthodox ecclesiastical courts. That is the very reason for the intervention of the State in these matters. If it were a purely religious question, having no effects in civil life, we should really have no right to intervene. But, in so far as civil affairs relating to marriage, guardianship and inheritance may lead to litigation, the civil authorities must see that there is no denial of justice due to the absence of any constituted authority. The suits must be examined in two stages — in the lower stage, and on appeal. Jurisdiction belongs, in the first instance, not to the Patriarch but to the Archbishops, so that, in all dioceses, the course of ecclesiastical jurisdiction is validly ensured. On appeal, cases would naturally be brought before the Patriarch to whom the bishops are subordinate. I am not aware that any insuperable difficulties have arisen.

The CHAIRMAN. — To what extent has the mandatory Power preserved the rights of the Porte as regards these communities? Does it have to give its investiture?

M. PONSOT. — The mandatory Power has not thought fit to exercise all the rights that the Porte reserved to itself in regard to these communities. The fact remains, however, that there must be recognition by the civil authority, for which purpose the election must not be disputable.

The CHAIRMAN. — According to certain information we have received, it appears that Mgr. Arsénios had to go into hiding — to disappear — at one time. Is that so, and, if so, for what reasons?

M. PONSOT. — I am not aware that Mgr. Arsénios ever went into hiding. He is living at Latakia and continues to exercise his authority over the bishops who elected him. It is true, however, that his authority has never been recognised at Damascus itself.

The CHAIRMAN. — The bishops have split into two groups of five [M. PONSOT. — Three] and seven. Why have they never met? Is there not a flaw in the procedure?

M. PONSOT. — The bishops have split up — seven on one side and three on the other. There have been negotiations between the two parties with a view to a settlement.

The CHAIRMAN. — The civil authority is affected because, if I am not mistaken, the bishops have some competence in matters relating to personal status, successions and marriages; during the interregnum, can the bishop of a diocese function without the Patriarch of Antioch? If not, you would have had to intervene.

M. PONSOT. — Jurisdiction in the first instance belongs to the bishops. It is only on appeal that the Patriarchal Tribunal intervenes.

M. RAPPARD. — I do not know much about this matter, but have the two parties agreed to recognise the mandatory Power's intervention as legitimate?

M. PONSOT. — I think so, but in such a delicate matter, conciliation seems to me preferable.

AGREEMENTS BETWEEN SYRIA AND TURKEY; RAILWAYS, PROPERTY OF OPTANTS.

The CHAIRMAN. — I should like to know something about the Adana railway.

M. PONSOT. — Various agreements were signed at Ankara on October 27th, 1932. The first of these deals with the property of Syrian and Lebanese optants in Turkey, and the property of Turkish optants in Syria and the Lebanon. On that occasion, the two Governments agreed to extend the time limit for opting, in order to enable those who did not opt in time under the Treaty of Lausanne or the Ankara Agreement to exercise that right.

The second agreement relates to the railways. It is a preliminary agreement. It concerns the former Bagdadbahn. From 1922 onwards, a provisional undertaking was in operation. Its tenure was particularly precarious, as it could be denounced every three months. It ensured the working of the Turkish and Syrian sectors. The actual situation had not yet been adjusted to the legal situation. It is the intention of the two parties to come to a final settlement by means of an agreement with the former concession-holding company.

OTTOMAN DEBT.

The CHAIRMAN. — Can you give me any information with regard to the Ottoman Debt?

M. PONSOT. — That does not concern Syria, which assumed its share of the Ottoman Debt a long time ago.

TREATMENT OF SYRIAN AND LEBANESE NATIONALS IN CERTAIN COUNTRIES
(*continuation*).

M. RAPPARD. — I should like to ask a question with regard to discrimination against nationals of the Lebanon by certain countries to which they desire to emigrate. The case of Salvador was mentioned : it seems, however, that this matter has been settled satisfactorily. Are there any other States, and particularly other States Members of the League, under whose immigration policy the Lebanese receive less favourable treatment than the nationals of other countries ? If so, you will allow me to draw attention to the Council decision of September 9th, 1930 :

“ The Council instructs the Secretary-General to ask the States Members of the League of Nations to give favourable consideration to any requests that might be made to them by the mandatory Powers with a view to securing to persons belonging to territories under A and B mandates, or at all events for goods coming from those territories, advantages corresponding to those enjoyed therein by their own nationals and goods.”

Are there any States which discriminate against the nationals of the States under French mandate ? If so, has the mandatory Power, on the basis of the above Council decision, opened negotiations with these countries with a view to dissuading them from such measures ?

M. PONSOT. — There has been discrimination in certain countries, even the greatest, for certain countries apply a variable coefficient, according to origin, to the immigration of labour.

M. RAPPARD. — That is so in the United States of America, for example, a State which is not a Member of the League of Nations.

M. PONSOT. — We have often had to take action to protect the Lebanese and Syrians abroad, particularly as the number of emigrants is high, about 500,000. These questions frequently arise, and we pay special attention to them.

The second point to which M. Rappard referred when he read the Council resolution relates to trade matters. This point is just as important : under the mandate regime, Syria is bound, in principle, to accord the minimum tariff to all Members of the League. I must say that, in spite of our efforts, Syria has not always received similar treatment. Countries which ask for the benefit of this tariff do not all grant reciprocity. The Permanent Mandates Commission has already called attention to this situation, and I should be grateful for its further support in upholding the rights of Syria and the Lebanon in the countries which do not yet recognise them.

CLOSE OF THE HEARING.

The CHAIRMAN. — If there are no other questions for M. Ponsot, I think I shall be interpreting my colleagues' feelings in thanking the High Commissioner and M. de Caix for their very valuable assistance in our work.

FORTIETH MEETING

Held on Saturday, December 3rd, 1932, at 10 a.m.

Togoland and Cameroons under French Mandate : Observations of the Commission.

OBSERVATIONS APPLICABLE TO BOTH TERRITORIES.

After an exchange of views, *the Commission adopted its observations on Togoland and the Cameroons under French mandate (Annex 30).*

OBSERVATIONS RELATING TO THE CAMEROONS UNDER FRENCH MANDATE.

Lord LUGARD suggested the addition of the following observation :

“ The Permanent Mandates Commission noted that, in spite of the economic depression, the native taxes had been raised. It considered also that the demand for labour appeared to weigh heavily upon the population weakened by the prevalence of sleeping-sickness and other debilitating diseases, and expresses the hope that the Administration will find means to alleviate these conditions.”

He withdrew his proposal at the request of M. Merlin, who pointed out that the taxes had only been raised in certain districts.

Mlle. DANNEVIG supported Lord Lugard's proposal.

After an exchange of views, *the Commission adopted its observations on the Cameroons under French mandate* (Annex 30).

Palestine and Trans-Jordan : Memorandum, dated June 28th, 1931, from the Central Agudath Israel of Erety Israel of Jerusalem regarding the Wailing Wall.

M. PALACIOS, in submitting his report (Annex 13), emphasised the fact that the petitioners asked that sub-paragraph 9 of the Palestine (Western or Wailing Wall) Order-in-Council of 1931 should be modified. In the view of the mandatory Power, there would be no objection to hearing also the representatives of the community which had sent the petition, should it prove necessary to repair the Wailing Wall. There were two points in the observations on the petition to be brought out. In the first place, the mandatory Power suggested that the Mandates Commission should agree that authority should be given to hear on this matter the chief rabbis of Jerusalem and not only the Rabbinical Council for Palestine. Secondly, the mandatory Power seemed to refer only to a wide interpretation of the article in question and not to an actual modification of its terms, as ought certainly to be the case.

M. Palacios, in preparing the draft conclusions, had taken these circumstances into account, being confident that the mandatory Power would see that the rules in force as regards repairs to the Wailing Wall would be carried out in a manner that would be equitable to all those concerned, when such repairs became necessary.

Lord LUGARD thought that the chief point at issue was that the mandatory Power did not desire to take measures contrary to the conclusions of the Special Commission sent to Palestine by the Council of the League. In other words, if the Mandates Commission considered that any decision was contrary to those conclusions, it must express its opinion clearly. If, on the contrary, it thought fit to say that the measures in question must be maintained, it should clearly express that opinion.

M. PALACIOS entirely agreed with Lord Lugard. He added that the petition with which the present report dealt offered no difficulty. The Mandates Commission would simply recommend the maintenance of the regulations in force with regard to repairs to the Wailing Wall.

This petition, however, recalled another, sent by the Arab Liberal Party of Palestine and for which M. Palacios was also Rapporteur. That petition questioned the whole of the Order-in-Council, and maintained that it was contrary to the provisions of the mandate, particularly Article 13. As in the report now under discussion, the Commission would support the measures laid down in the Order-in-Council, M. Palacios considered it his duty to warn his colleagues, seeing that the decision taken to-day in regard to the present report prejudged that to be taken later on the other petition, which was a much more important matter.

The Commission adopted the conclusions of M. Palacios's report (Annex 13), *with certain drafting amendments.*

Cameroons under French Mandate : Petition, dated August 5th, 1931, from the « Ligue de Défense de la Race nègre », Paris.

After an exchange of views, *the Commission adopted the conclusions of Mlle. Dannevig's report* (Annex 25).

Palestine : Petition, dated July 30th, 1931, from the Central Agudath Israel.

The Commission adopted the conclusions of M. Ruppel's report (Annex 15), *with certain drafting amendments.*

Islands under Japanese Mandate : Observations of the Commission : Military Clause of the Mandate (continuation).

M. CATASTINI reminded the members of the Commission that M. Ito, accredited representative of Japan, had sent the Chairman of the Mandates Commission a letter, dated December 1st, 1932, communicating a statement by his Government with regard to the work carried out in the ports of the South Sea islands under Japanese mandate. This letter had been distributed to the members of the Commission (Annex 7).

After an exchange of views, *the Commission adopted its observation with regard to the military clause of the mandate* (Annex 30).

Syria and the Lebanon: Petition, dated May 6th, 1932, from the Association of Arab Students of Toulouse.

The Commission adopted the conclusions of Count de Penha Garcia's report (Annex 22).

Syria and the Lebanon: Petition, dated December 9th, 1931, from the Emir Chekib Arslan and M. Ihsan el Djabri.

After an exchange of views, the Commission adopted the conclusions of Count de Penha Garcia's report (Annex 21).

Palestine: Memorandum dated September 12th, 1932, on the Development of the Jewish National Home in Palestine in 1931, submitted by the Jewish Agency.

The Commission adopted Count de Penha Garcia's report (Annex 18).

Iraq: Observations of the Commission.

After an exchange of views, the Commission adopted its observations on Iraq (Annex 30).

Palestine: Observations of the Commission (continuation).

The two following texts were proposed by Lord LUGARD, in agreement with Count DE PENHA GARCIA.

“ 1. *Legislative Council.*

“ The Commission noted the statement by the accredited representative that ‘ steps would be taken towards the formation of a Legislative Council, when the new local Government Ordinance which was now in preparation had been brought into working order ’ . ”

M. VAN REES maintained, as regards this observation, the opinion he had expressed at an earlier meeting.¹

M. ORTS made the same reservations with regard to this wording as he had made during the discussions at previous meetings.

M. RAPPARD also made the same reservations.

M. RUPPEL said he also was not in favour of adopting this text, although the majority of the Commission had already decided that it should be adopted.

After an exchange of views, the text was adopted by six votes to five (Annex 30).

“ 2. *Liquor Traffic.*

“ The attention of the accredited representative was called to the large increase in the consumption of spirits in Palestine. ”

After an exchange of views, the text was adopted (Annex 30).

Representation of the Commission before the Council.

A. EXAMINATION BY THE COUNCIL OF THE OPINION OF THE COMMISSION ON THE COMMUNICATIONS FROM THE ASSYRIAN POPULATION IN IRAQ.

On the proposal of the CHAIRMAN, M. Orts was asked to assist the Chairman at the meeting of the Council when the Commission's opinion on the Assyrian petitions was discussed.

B. EXAMINATION BY THE COUNCIL OF THE REPORT OF THE COMMISSION ON THE WORK OF ITS PRESENT SESSION.

The CHAIRMAN said that he would be unable to attend the Council session in January 1933. He suggested that the Commission should appoint the Vice-Chairman, M. Van Rees, as his substitute.

¹ See Minutes of the twenty-seventh meeting.

M. VAN REES agreed, subject to the reservation that, if the Council again discussed the Assyrian question in January, M. Orts should assist him.

Agreed.

Date of the Next Session.

After an exchange of views, *the Commission adopted in principle June 6th, 1933, as the approximate date of the opening of the twenty-third session of the Mandates Commission.*

FORTY-FIRST MEETING

Held on Monday, December 5th, 1932, at 10.30 a.m.

Syria and the Lebanon : Observations of the Commission.

The Commission examined the draft observations submitted by the Secretariat (document C.P.M.1364).

The Commission adopted the special observations, with certain drafting amendments.

M. MERLIN submitted a new text for the general observations, *which the Commission adopted with certain amendments (Annex 30).*

Ruanda-Urundi : Observations of the Commission.

After an exchange of views, *the Commission adopted its observations on Ruanda-Urundi (Annex 30).*

Syria and the Lebanon : Various Petitions concerning the Legislative Elections.

The Commission adopted the conclusions of M. Orts' report (Annex 23).

Syria and the Lebanon : Petition, dated August 10th, 1931, from the Syrian Patriotic League of São Paulo concerning the Election of the Patriarch of Antioch.

The Commission adopted the conclusions of M. Ruppel's report (Annex 20).

Syria and the Lebanon : Petitions, dated January 29th and February 1st, 1932, from Groups of Inhabitants of Homs and Hama, respectively, with regard to the Suspension of the Newspaper "Al-Yom".

The Commission adopted the conclusions of Count de Penha Garcia's report (Annex 24).

FORTY-SECOND MEETING

Held on Tuesday, December 6th, 1932, at 10.30 a.m.

Examination of the Draft Report to the Council: Question of a Closer Administrative, Customs and Fiscal Union of the Mandated Territory of Tanganyika with the Neighbouring British Possessions of Kenya and Uganda (continuation).

The following draft observation was read :

“ In accordance with the undertaking which it entered into before the Council on September 6th, 1929, the United Kingdom Government has sent to the Permanent Mandates Commission the report of the Joint Select Committee on Closer Union in East Africa and the correspondence in connection with this report between the Colonial Secretary and the Governors of the territories concerned (document Cmd.4141). The latter document was forwarded with a letter from the United Kingdom Government, dated September 2nd, 1932, which points out, in particular, that, in the opinion of the above-mentioned Joint Committee, ‘ the time is not yet ripe for any far-reaching steps in the direction of political or constitutional union of any of the territories concerned ’.

“ Although it immediately took cognisance of these documents, the Commission considered it preferable to postpone an opinion until its next session in order to be able to study more carefully these important texts. ”

M. CATASTINI informed the members of the Commission that M. Palacios's report on this question would be annexed to the final Minutes under the heading “ Preliminary Report by M. Palacios ” (Annex 8).

M. PALACIOS asked that if, in connection with closer union, the first part of paragraph 2 of despatch No. 2 in the correspondence were inserted, the remainder of the paragraph, which dealt with the Governors' Conference, should also be inserted. Otherwise, the actual official declaration would not be accurately represented in the Commission's observations.

M. VAN REES was of opinion that it would be better to refer, not to this document, but to the official covering letter of September 2nd from the Government of the United Kingdom. This had been done in the Mandates Commission's draft report, and M. Van Rees considered that such a reference was ample.

The CHAIRMAN was of the same opinion.

M. PALACIOS observed, not only that the letter to which M. Van Rees had referred mentioned despatch No. 2, but also that the accredited representative had quoted *in extenso* at the Commission's meeting on November 15th, the second part of paragraph 2 of the said despatch. It was essential not to present only half the question.

The CHAIRMAN thought that since the Commission had decided to adjourn the study of this question to the next session, it would be simpler to refer neither to the covering letter of September 2nd nor to the passage in despatch No. 2, which M. Palacios desired to insert.

M. PALACIOS agreed to this procedure, whereby the Commission did not make any statement on this question, and proposed that the second sentence of the first paragraph should be suppressed.

The Commission decided to delete the second sentence of the first paragraph and to redraft the second paragraph as follows :

“ Although it immediately took cognisance of these documents, the Commission considered it preferable to postpone the study of this question to its next session. ”

The draft report to the Council on the work of the Commission (Annex 30) was adopted, with various modifications.

Palestine: Petition, dated June 15th, 1931, from the Palestine Liberal Party with regard to the Wailing Wall.

M. PALACIOS wished to draw attention to the importance of the petition and to the difficulties he had encountered in studying it. He did not think it necessary to deal with the substance of the matter, nor was he able to offer his colleagues any other conclusion than that no special

action should be taken on the request. The decision of the Council of the League, the conclusion arrived at by the Commission with a view to a final solution of the problems existing between the Jews and the Arabs, did not permit of any other action.

After an exchange of views, *the Commission adopted the conclusions of M. Palacios's report* (Annex 12).

Islands under Japanese Mandate : Petitions, dated September 3rd, 1931, and April 28th, 1932, from M. Masakiyo, acting on behalf of M. Wan Cablera: Postponement of the Examination.

M. VAN REES, as Rapporteur for these two petitions, said he had asked the accredited representative certain questions at the meeting held on November 11th, 1932, when the annual report for 1931 on the South Sea Islands under Japanese mandate was examined. The accredited representative had promised to reply as soon as possible.

As his replies had not yet reached the Secretariat, M. Van Rees proposed that the examination of these two petitions should be adjourned to the next session.

The Commission adopted M. Van Rees' proposal.

Date of the Publication of the Report of the Twenty-second Session and of the Minutes.

M. CATASTINI pointed out that, in accordance with the resolution taken by the tenth Assembly on September 25th, 1929, the Council had authorised the Secretary-General to communicate the reports of Advisory Committees to all Members of the League of Nations at the same time as they were communicated to the Council, except in cases where the Committee concerned was opposed to such a course. The Commission must therefore decide whether the report on and Minutes of the twenty-second session should be distributed simultaneously to the Council and the Members of the League, and made public as soon as printed, or whether the publication of the report and Minutes and their distribution to the Members of the League should be delayed.

The Commission agreed to adopt the first proposal.

The CHAIRMAN asked whether the report of the Mandates Commission would be ready by January 23rd, 1933, the date of the next session of the Council.

M. CATASTINI replied that he hoped it would be ready, but was obliged to make reservations, seeing that all the services affected were overwhelmed with work and that the Minutes, which covered two ordinary sessions of the Commission, would amount to from 400 to 450 pages.

Petitions rejected under Article 3 of the Rules of Procedure in regard to Petitions: Supplementary Report by the Chairman.

The Commission adopted the Chairman's report (Annex 9).

Adoption of the List of Annexes to the Minutes of the Session.

The list of annexes was adopted.

Close of the session.

After the usual thanks, the CHAIRMAN declared the Session closed.

ANNEX 1.

C.P.M.1319(1).

LIST OF DOCUMENTS^{1 2} FORWARDED TO THE SECRETARIAT
BY THE MANDATORY POWERS SINCE THE LAST EXAMINATION
OF THE REPORTS RELATING TO THE FOLLOWING TERRITORIES :

- | | |
|--|---|
| A. <i>Iraq.</i> | H. <i>Togoland under British Mandate.</i> |
| B. <i>Palestine and Trans-Jordan.</i> | I. <i>Togoland under French Mandate.</i> |
| C. <i>Syria and the Lebanon.</i> | J. <i>Islands under Japanese Mandate.</i> |
| D. <i>Cameroons under British Mandate.</i> | K. <i>Nauru.</i> |
| E. <i>Cameroons under French Mandate.</i> | L. <i>New Guinea.</i> |
| F. <i>Ruanda-Urundi.</i> | M. <i>Samoa (Western).</i> |
| G. <i>Tanganyika.</i> | N. <i>South West Africa.</i> |

A. IRAQ.

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 1931.
2. Local Languages Law, applicable to the Kurdish Areas of Iraq, as passed by the Iraqi Parliament on May 19th, 1931.
3. Compilations of Laws and Regulations issued between January 1st, 1931, and December 31st, 1931.

Various Official Publications.

1. Treaty for the Extradition of Offenders between Iraq and Egypt, signed at Cairo, April 20th, 1931; ratifications exchanged at Cairo, November 30th, 1931.³
2. Treaty of Friendship between Iraq and Trans-Jordan, signed at Amman on March 26th, 1931.³
3. Report of the Educational Enquiry Commission; Survey directed and Report edited by Paul Monroe, Director of the International Institute Teachers College, Columbia University, Baghdad, 1932.
4. Correspondence between the United States Government and the United Kingdom Government on the Subject of the Claim of the United States Government to be consulted on Certain Questions relating to the Termination of the Mandatory Regime in Iraq and of Mandates in general (Extract 80 from *Official Journal*, January 1933).
5. *Iraqi Government Gazette.*³

B. PALESTINE AND TRANS-JORDAN.

Annual Report and Legislation.

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Palestine and Trans-Jordan for the Year 1931.
2. Proclamations, Regulations, Rules, Orders and Notices; annual volume for 1931.
3. Ordinances; annual volume for 1931.
4. Legislation of Trans-Jordan 1918-1930; English version.
5. Legislation of Trans-Jordan 1932; English version.

¹ Documents received by the Secretariat primarily for any of the technical organisations (*e.g.*, Advisory Committee on Traffic in Opium and Other Dangerous Drugs) or other Sections of the Secretariat (*e.g.*, Treaty Registration) are not included in this list. Unless otherwise indicated, the members of the Permanent Mandates Commission should have received copies of all the documents mentioned in this list.

The annual reports and copies of laws, etc., are available only in the language in which they have been published by the mandatory Powers.

The communications forwarded in reply to the observations of the Permanent Mandates Commission and certain other documents have been translated by the Secretariat and are available in both official languages. The titles of these documents are followed by the official number under which they have been circulated.

² The petitions forwarded by the mandatory Powers, together with their observations on these petitions and on the petitions communicated to them by the Chairman of the Permanent Mandates Commission in accordance with the Rules of Procedure in force are not mentioned in the present list. These documents are enumerated in the agenda of the Commission's session.

³ Kept in the archives of the Secretariat.

Various Official Publications.

1. Report of Sir Ernest Dowson on the Progress of Land Reforms in Palestine, 1923 to 1930 (without maps).
2. Health Report for 1930 for Trans-Jordan.
3. Money Order Agreement between Palestine and the Hejaz, signed at Jerusalem on October 13th, 1930, and at Jedda on June 8th, 1931 (English and Arabic texts), with specimen forms. ¹
4. Two notes of June 8th, 1931, from the Hejaz Postmaster-General (English and Arabic texts) and a letter of August 31st, 1931, from the Postmaster-General, Palestine. ¹
5. Parcel Post Agreement between Palestine and Italy, signed at Jerusalem on December 16th, 1931. ¹
6. Annual Report on Education, 1930-31. ¹
7. Treaty of Friendship between Iraq and Trans-Jordan, signed at Amman on March 26th, 1931. ¹
8. Census of Palestine, 1931 : Population of Villages, Towns and Administrative Areas, by E. MILLS, Jerusalem, 1932.
9. Staff List, showing appointments and stations on March 31st, 1932. ¹
10. *Official Gazette of the Government of Palestine.* ¹

C. SYRIA AND THE LEBANON.

Annual Report and Legislation.

1. Report to the League of Nations on the Situation in Syria and the Lebanon (1931).
2. List of the Principal Orders and Local Decisions compiled and brought up to date as to July 31st, 1931, by the Inspectorate and Mutessarifiet of the Sanjak of Latakia.¹

Various Official Publications.

1. Budget of the Lebanese Republic, Financial Year 1931.
2. Budget of the Lebanese Republic, Financial Year 1932.
3. Budget of the State of Syria, Financial Year 1931.
4. Budget of the State of Syria, Financial Year 1932.
5. Budget of the Autonomous Sanjak of Alexandretta, Financial Year 1931.
6. Budget of the Autonomous Sanjak of Alexandretta, Financial Year 1932.
7. Budget of the State of the Jebel Druse, Financial Year 1931.
8. Budget of the State of the Jebel Druse, Financial Year 1932.
9. Budget of the Government of Latakia, Financial Year 1931.
10. Budget of the Government of Latakia, Financial Year 1932.
11. *Quarterly Economic Bulletin of the Territories under French Mandate* (State of Syria, Lebanese Republic, State of the Alawites, State of the Jebel Druse). ¹
12. *Bulletin of the Administrative Acts of the High Commission of the French Republic.* ¹
13. *Official Journal of the Syrian Republic.*
14. *Official Journal of the Government of Latakia.* ¹
15. *Annual Medical Bulletin, 1929.* ¹

D. CAMEROONS UNDER BRITISH MANDATE.

Annual Report and Legislation.

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of the Cameroons under British Mandate for the Year 1931.
2. Ordinances 11 to 24 of 1931, 1 to 24 of 1932.
3. Orders and Orders-in-Council 26 to 57 of 1931, 1 to 16 of 1932.
4. Regulations 19 to 41 of 1931, 1 to 12 of 1932.
5. By-Laws Nos. 6 to 9 of 1931, 1 of 1932.
6. Rule Nos. 9 to 13 of 1931, 1 to 4 of 1932.
7. Rule of Court, the Supreme Court Ordinance 1932.
8. Tables of Amendments — Amendments which should be made in the Laws of Nigeria, 1923, and in the 1931 Supplement in consequence of Legislation published from March 1931 to June 1932 (inclusive).

¹ Kept in the archives of the Secretariat.

Official Publications.

1. Report of the Committee of Enquiry into the Liquor Trade in Southern Nigeria, 1909, Parts I and II (Cmd. 4906, 4907).¹
2. *Nigeria Official Gazette*.¹

E. CAMEROONS UNDER FRENCH MANDATE.

Annual Report and Legislation.

Annual Report addressed by the French Government to the Council of the League of Nations on the Administration under Mandate of the Cameroons Territory for the Year 1931 (legislation annexed hereto).

Various Official Publications.

1. Closed Account of the Special Budget and Annexed Budgets, Financial Year 1929.
2. Budget of Revenue and Expenditure, Financial Year 1932.
3. Report for the Year 1930 on the Activities of the Mission for the Prevention of Sleeping-sickness.
4. Geological Maps of the Cameroons Territory, 1932 ; scale 1 : 1,500,000, Nos. 1 and 1bis.
5. *Official Journal of the Cameroons Territory under French Mandate*.¹

F. RUANDA-URUNDI.

Annual Report and Legislation.

Report submitted by the Belgian Government to the Council of the League of Nations on the Administration of Ruanda-Urundi during 1931 (legislation annexed hereto).

Various Official Publications.

1. *Official Gazette of Ruanda-Urundi*.¹

G. TANGANYIKA.

Annual Report and Legislation.

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Tanganyika Territory for the Year 1931.
2. Ordinances, Proclamations, Rules, etc., 1931 (2 volumes).
3. Table of Amendments to the Laws of the Territory, as a Consequence of Legislation published during 1930.
4. Table of Amendments to the Laws of the Territory as a Consequence of Legislation published during 1931.

Various Official Publications.

1. Minutes of the Legislative Council at Meetings held on October 20th, 21st, 22nd, 23rd and 24th, 1931 ; fifth session (Supplement to the *Tanganyika Territory Gazette*, Vol. XII, October 30th, 1931) ; May 5th and 6th, 1931, No. 25, dated May 15th, 1931 ; June 16th, No. 36, dated June 26th, 1931 ; July 4th, No. 39, dated July 10th, 1931 ; December 4th, No. 62, dated December 11th, 1931 ; January 25th, 1932, February 4th and 5th, 1932.
2. Tenth Annual Report of the Forest Department, 1930.
3. Annual Report by the Treasurer for the Financial Year 1930-31.
4. Annual Report of the Post and Telegraphs Department, 1930.
5. Geological Survey, Annual Report, 1930.
6. Annual Report of the Education Department, 1930.
7. Annual Report on the Administration of the Police, 1930.
8. Annual Report on the Administration of the Prisons, 1930.
9. Annual Report on the Administration of the Prisons, 1931.
10. Annual Report of the Labour Department, 1930.
11. Annual Report of the Deputy Director of Laboratory Service, Dar-es-Salaam, for the Year ending December 31st, 1930.
12. Annual Report of the Deputy Director of Laboratory Service, Dar-es-Salaam, for the Year ending December 31st, 1931.

¹ Kept in the archives of the Secretariat.

13. Annual Report of the Agricultural Department of the Tanganyika Territory for the Year 1930.
14. Annual Report of the Land Department, 1931.
15. Annual Medical and Sanitary Report for the Year ending December 31st, 1930.
16. Trade Report for 1931.
17. Joint Committee of Both Houses of the British Parliament on Closer Union in East Africa ; Minutes of Evidence and Appendices to the Report (Volumes II and III).
18. Correspondence (1931-32), arising from the Joint Select Committee on Closer Union in East Africa (Cmd. 4141).
19. Letter from the Government of the United Kingdom, dated September 2nd, 1932 (document C.P.M. 1294), transmitting with some Comments the Command Paper (Cmd. 4141) above mentioned.
20. Agreement, dated April 22nd, 1931, between the Governor of Tanganyika Territory and the Power Securities Corporation, Limited, for a Concession at Pangani Falls.¹
21. *Tanganyika Territory Gazette*.¹

H. TOGOLAND UNDER BRITISH MANDATE.

Annual Report and Legislation.

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Togoland under British Mandate for the Year 1931.
2. Ordinances of the Gold Coast, Ashanti, Northern Territories, and the British Sphere of Togoland, 1931.

Various Official Publications.

1. Departmental Reports for the Year 1930-31 (Gold Coast).
2. *Gold Coast Official Gazette*.¹

I. TOGOLAND UNDER FRENCH MANDATE.

Annual Report and Legislation.

Annual Report addressed by the French Government to the Council of the League of Nations on the Administration under Mandate of the Territory of Togoland for the Year 1931 (legislation annexed hereto).

Various Official Publications.

1. Local Budget and Annexed Budgets of the Territory of Togoland under French Mandate, Financial Year 1932.
2. Final Accounts of the Local Budget and Annexed Budgets, Financial Year 1930.
3. Protocol of the Convention between Togoland and Dahomey, signed on November 5th, 1931, handed to the Commission by the Accredited Representative at its Twenty-second Session.¹
4. *Official Journal of the Territory of Togoland under French Mandate*.¹

J. ISLANDS UNDER JAPANESE MANDATE.

Annual Report and Legislation.

Annual Report to the League of Nations on the Administration of the South Sea Islands under Japanese Mandate for the Year 1931 (Laws and Regulations annexed).

K. NAURU.

Annual Report and Legislation.

1. Report to the Council of the League of Nations on the Administration of Nauru during the Year 1931 (Ordinances in annex).
2. Ordinances from July 1st, 1921, to December 31st, 1931.

¹ Kept in the archives of the Secretariat.

Various Official Publications.

1. General Instructions by the Administrator to the Lands Committee handed by the Accredited Representative to the Commission at the Sixth Meeting of its Twenty-second Session. ¹
2. *Nauru Government Gazette.* ¹

L. NEW GUINEA.

Annual Report and Legislation.

1. Report to the Council of the League of Nations on the Administration of the Territory of New Guinea from July 1st, 1930, to June 30th, 1931.
2. Laws of New Guinea, Volume XI, 1930-31 : ¹ Documents handed to the Commission by the Accredited Representative at the Seventh and Eighth Meetings of its Twenty-second Session :
 - (a) Ordinance No. 3, 1932, relating to Public Health ; ¹
 - (b) Ordinance No. 4, 1932 (Appropriation Ordinance, 1931-32) ; ¹
 - (c) Ordinance No. 6, 1932, to amend the Native Labour Ordinance, 1922-1931 ; ¹
 - (d) Bill to amend the New Guinea Act, introduced into the Parliament of the Commonwealth of Australia by the Hon. C. W. C. Marr, on September 8th, 1932. ¹

Various Official Publications.

1. Map and eight blue prints showing the localities of native reserves in the territory of New Guinea. ¹
2. Anthropological Report No. 6, of the Territory of New Guinea, by E. W. PEARSON CHINNERY, Government Anthropologist. ¹
3. *New Guinea Gazette.* ¹

Various Communications.

1. Letter, dated April 5th, 1932, from the Government of Australia transmitting a statement containing additional information regarding the Missions, as well as a statement showing the action taken upon the recommendations of the Findings Committee of the Missions Conference held in 1927 (document C.P.M. 1289).
2. Map showing the location of the stations in New Guinea of several Missions, annexed to the above-mentioned document. ¹

M. SAMOA (WESTERN).

Annual Report and Legislation.

Twelfth Report of the Government of New Zealand on the Administration of the Mandated Territory of Western Samoa for the Year ended March 31st, 1932.

- (a) Ordinance No. 2, 1931 : the Road Traffic Ordinance, 1931.
- (b) Ordinance No. 3, 1931 : the General Laws Ordinance, 1931.
- (c) Ordinance No. 4, 1931 : the Fruit Export Ordinance, 1931.
- (d) Ordinance No. 5, 1931 : the Lighterage Ordinance, 1931.
- (e) Ordinance No. 6, 1931 : the Shopping Hours Ordinance, 1931.
- (f) Ordinance No. 7, 1931 : the Cocoa-beans Sales Ordinance, 1931.
- (g) Ordinance No. 8, 1931 : the Fugalei Street and Building Alignment Ordinance, 1931.
- (h) Ordinance No. 9, 1931 : the Oversea Labourers Control Ordinance, 1931.
- (i) Ordinance No. 10, 1931 : the Revenue Amendment Ordinance, 1931.
- (j) The Samoa Port and Customs Service-Tax Amendment Order, 1931.
- (k) The Samoa Customs Consolidation Amendment Order, 1931.
- (l) The Samoa Legislative Council (Elective Membership) Amendment Order, 1932.
- (m) Extracts from the Finance Act, 1931.
- (n) Order-in-Council relating to the Application of the Finance Act, 1931, amended, dated December 18th, 1931.

Various Official Publications.

1. Legislative Council Debates, Minutes of Meeting held on December 1st, 1931.
2. Trade, Commerce and Shipping Report of Western Samoa for 1931.
3. Samoan Material Culture by TE RANGI-HIROA (P. H. Buck). ¹
4. Estimates of Revenue and Expenditure for Year 1932-33.
5. *The Western Samoa Gazette.* ¹

¹ Kept in the archives of the Secretariat.

N. SOUTH WEST AFRICA.

Annual Report and Legislation.

1. Report presented by the Government of the Union of South Africa to the Council of the League of Nations concerning the Administration of South West Africa for the Year 1931.
2. The Laws of South West Africa, 1931.

Various Official Publications.

1. Estimates of the Revenue to be received and the Expenditure to be defrayed from Revenue and Loan Funds during the Year ending March 31st, 1932.
2. Account of the Administration of South West Africa for the Financial Year 1930-31, together with the Report of the Controller and Auditor-General thereon.
3. Estimates of the Expenditure to be defrayed from Revenue and Loan Funds during the Year ending March 31st, 1933.
4. Report, dated March 1st, 1930, from the Rehoboth Gebiet (South West Africa) Land Tenure Enquiry Commission. ¹
5. *Official Gazette of South West Africa.* ¹

Various Communications.

1. Letter, dated February 8th, 1932, from the Government of the Union of South Africa, on their responsibility for the budget of South West Africa (reply to a passage of the report of the Permanent Mandates Commission on the work of its twentieth session (document C.336.1932.VI., C.P.M.1285)).
2. Letters, dated August 11th, 13th, 18th and 25th, 1932, from the Government of the Union of South Africa concerning certain events which occurred in Ovamboland (case of Chief Ipumbu) (document C.P.M.1293).
3. Report by the Administrator of the Mandated Territory of South West Africa on the Incidents which occurred in Ovamboland in 1932 (case of Chief Ipumbu).

DOCUMENTS CONCERNING VARIOUS TERRITORIES UNDER MANDATE.

Papers relating to the Health and Progress of Native Populations in certain Parts of the British Empire (document Colonial No. 65). ¹

ANNEX 2.

C.P.M.1302(1).

AGENDA OF THE TWENTY-SECOND 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 1932-33.
- III. Examination of the Annual Reports of the Mandatory Powers :
 - Iraq, 1931.
 - Palestine, 1931.
 - Syria, 1931.
 - Cameroons under British Mandate, 1931.
 - Cameroons under French Mandate, 1931.
 - Ruanda Urundi, 1931.
 - Tanganyika Territory, 1931.
 - Togoland under British Mandate, 1931.
 - Togoland under French Mandate, 1931.
 - Islands under Japanese Mandate, 1931.
 - Nauru, 1931.
 - New Guinea, 1930-31.
 - Samoa (Western) 1931-32.
 - South West Africa, 1931.

¹ Kept in the archives of the Secretariat.

IV. General Question :

Economic Equality : Purchase of Material and Supplies by the Administrations of Territories under A and B Mandates, either for their Own Use or for Public Works. (Rapporteur : M. Orts.)

V. Special Questions :

A. Frontier between Syria and Iraq.

Examination of the line described by the resolution of the Council of October 3rd, 1932, from the point of view of the interests of the territories affected.

B. Tanganyika.

Question of a Closer Administrative, Customs and Fiscal Union of the Mandated Territory of Tanganyika with the Neighbouring British Possessions of Kenya and Uganda.

(Rapporteur : M. Palacios.)

VI. Petitions :

A. Petitions rejected under Article 3 of the Rules of Procedure in regard to Petitions (documents C.P.M.1304 and 1304(a)).
(Report by the Chairman.)

B. Petitions to be examined :

1. Iraq :

Communications from the Assyrian Population in Iraq, transmitted in connection with the Termination of the Mandatory Regime in Iraq and covered by the Decision of the League Council of September 24th, 1932 :

(a) Petitions, dated October 20th and 23rd, 1931, respectively, from Certain Representatives of the Assyrians of Iraq and of Mar Shimun, forwarded on March 11th, 1932, by the Government of the United Kingdom with its Observations (document C.P.M.1282).

(b) Petition, dated June 17th, 1932, from Certain Assyrian Chiefs and Representatives of Assyrian Recruits in Iraq, forwarded on September 8th, 1932, by the Government of the United Kingdom with its Observations (document C.P.M.1296).

(c) Petition from Bishop Yuwalaha, forwarded on September 21st, 1932, by the Government of the United Kingdom with its Observations (document C.P.M.1298).

(d) Petition, dated September 22nd, 1932, from Mar Shimun, forwarded on September 27th, 1932, by the Government of the United Kingdom (document C.P.M.1300).

Observations of the Government of the United Kingdom, dated November 2nd, 1932 (document C.P.M.1321).

(Rapporteur (a), (b), (c), (d) : M. Orts.)

2. Palestine and Trans-Jordan :

(a) Memorandum, dated June 1931, from the Council-General (Vaad Leumi) of the Jewish Community of Palestine, forwarded on June 12th, 1931, by the Government of the United Kingdom (document C.P.M.1188).

Observations of the Government of the United Kingdom, dated December 14th, 1931 (document C.P.M.1272).

(Rapporteur : M. Sakenobe.)

(b) Petition, dated June 15th, 1931, from the Permanent Committee of the Arab Liberal Party, forwarded on September 10th, 1931, by the Government of the United Kingdom with its Observations (document C.P.M.1224).¹

(Rapporteur : M. Palacios.)

(c) Petition, dated June 28th, 1931, from the "Central Agudath Israel", forwarded by the Government of the United Kingdom on September 9th, 1931, with its Observations (document C.P.M.1223).¹

(Rapporteur : M. Palacios.)

(d) Petition, dated November 8th, 1931, from the "Central Agudath Israel", forwarded on January 26th, 1932, by the Government of the United Kingdom with its Observations (document C.P.M.1277).

(Rapporteur : M. Ruppel.)

¹ These two petitions were included in the agenda of the Commission's twenty-first session. As the Order-in-Council forming the subject of the complaint came into force during an administrative year which would be examined at the twenty-second session of the Commission, the latter decided to postpone their examination (see Minutes of the twenty-first session, pages 181 and 182).

- (e) Petition, dated July 30th, 1931, from the "Central Agudath Israel", forwarded on March 12th, 1932, by the Government of the United Kingdom with its Observations (document C.P.M.1284).
(Rapporteur : M. Ruppel.)
- (f) Petitions, dated November 17th, and December 26th, 1931, from M. Hans von Bassewitz (documents C.P.M.1273 and 1278).
Observations of the Government of the United Kingdom, dated September 21st, 1932 (document C.P.M.1299).
(Rapporteur : M. Sakenobe.)
- (g) Petition, dated January 28th, 1932, from the Palestine Arab Women's Congress, forwarded on June 22nd, 1932, by the Government of the United Kingdom with its Observations (document C.P.M.1290).
(Rapporteur : M. Rappard.)
- (h) Memorandum from the Jewish Agency, dated September 12th, 1932, on the Development of the Jewish National Home in Palestine in 1931, forwarded on October 10th, 1932, by the Government of the United Kingdom (document C.P.M.1308).
Observations of the Government of the United Kingdom, dated October 10th and 25th, 1932 (documents C.P.M.1301 and 1308).
(Rapporteur : Count de Penha Garcia.)

3. Syria and the Lebanon :

- (a) Petition, dated August 10th, 1931, from the Syrian Patriotic League of São Paulo (Brazil) relating to the Election of the Patriarch of Antioch (document C.P.M.1227).
Observations of the French Government, dated November 29th, 1932 (document C.P.M.1353).
(Rapporteur : M. Ruppel.)
- (b) Petition, dated December 9th, 1931, from Emir Chékib Arslan and M. Ihsan el Djabri (document C.P.M.1274).
Observations of the French Government, dated October 10th, 1932 (document C.P.M.1311).
(Rapporteur : Count de Penha Garcia.)
- (c) Petition, undated (received on March 18th, 1932), from the Association syrienne arabe de Paris (document C.P.M.1281).
Observations of the French Government, dated November 30th, 1932 (document C.P.M.1349).
(Rapporteur : M. Orts.)
- (d) Petition, dated January 2nd, 1932, from the Association des Etudiants arabes de Toulouse (document C.P.M.1275).
Observations of the French Government, dated October 18th, 1932 (document C.P.M.1311).
(Rapporteur : M. Orts.)
- (e) Petition, dated May 6th, 1932, from the Association des Etudiants arabes de Toulouse (document C.P.M.1288).
Observations of the French Government, dated November 28th, 1932 (document C.P.M.1348).
(Rapporteur : Count de Penha Garcia.)
- (f) Petition, dated January 15th, 1930, from Mr. Keir el Dine el Lababidi, transmitted on November 19th, 1932, by the French Government with its Observations thereon (document C.P.M.1339).
(Rapporteur : M. Rappard.)
- (g) Protests relating to the Syrian Parliamentary Elections of 1931 and 1932, transmitted on October 19th, 1932, by the French Government with its Observations thereon (document C.P.M.1310).
(Rapporteur : M. Orts.)
- (h) Protests, dated February 18th and 22nd, 1932, emanating from Inhabitants of Aleppo and Damascus, transmitted on October 20th, 1932, by the French Government with its Observations thereon (document C.P.M.1314).
(Rapporteur : M. Orts.)
- (i) Petitions, dated January 29th and February 1st, 1932, from a Group of Inhabitants of Hama and Homs respectively, with regard to the Suspension of the Newspaper *Al. Yom* (document C.P.M.1348).
Observations, dated November 28th, 1932, from the French Government (document C.P.M.1349).
(Rapporteur : Count de Penha Garcia.)

4. Cameroons under French Mandate :
Petition, dated Paris, August 5th, 1931, from the Ligue de Défense de la Race Nègre, signed V. Ganty, forwarded on February 2nd, 1932, by the French Government with its Observations (document C.P.M.1279).
(Rapporteur : Mlle. Dannevig.)
5. Togoland under French Mandate :
Petition, dated May 12th, 1930, from Certain Notables of the District of Anecho (document C.P.M.1076).
Observations, dated July 30th, 1930, and February 26th, 1932, of the French Government ¹ (documents C.P.M.1076 and 1280).
(Rapporteur : Count de Penha Garcia.)
6. Tanganyika Territory :
Petition, dated February 22nd, 1932, from the Indian Association, Dar-es-Salaam, forwarded on August 31st, 1932, by the Government of the United Kingdom with its Observations (document C.P.M.1295).
(Rapporteur : M. Van Rees.)
7. South West Africa :
 - (a) Petition, dated November 25th, 1931, from M. Alex Bergmann, forwarded on June 10th, 1932, by the Government of the Union of South Africa with its Observations (document C.P.M.1292).
(Rapporteur : Lord Lugard.)
 - (b) Petition, dated June 17th, 1932, from Mr. T. Beukes and Eleven Other Members of the Rehoboth Community, transmitted on October 6th, 1932, by the Government of the Union of South Africa with its Observations thereon (document C.P.M.1316).
(Rapporteur : Mlle. Dannevig.)
8. Islands under Japanese Mandate :
 - (a) Petition, dated September 3rd, 1931, from M. Kashichiro Masakiyo, acting for M. Wan Cablera, forwarded on November 9th, 1931, by the Japanese Government with its Observations (document C.P.M.1271).²
 - (b) Supplementary petition, dated April 28th, 1932, forwarded on September 5th, 1932, by the Japanese Government with its Observations (document C.P.M.1297).²
(Rapporteur : M. Van Rees.)

ANNEX 3.

BILATERAL CONVENTIONS APPLIED TO THE MANDATED TERRITORIES.

NOTE BY M. ORTS.

In the observations which it presented to the Council on the conclusion of its twentieth session, the Mandates Commission proposed that the table relating to the bilateral conventions applied to the mandated territories ³ should until further notice preserve the character of an internal document for the exclusive use of the Mandates Commission. In the report which I submitted to the Commission on that occasion, I suggested that the table should be submitted to the accredited representatives of the mandatory Powers when the next annual reports were examined, in order that they might " check the table and say if there was any objection to that document being published in its present form ".

I would suggest, if the Commission is in agreement, that the Secretariat be asked to communicate the table in question to the accredited representative. The Commission will be grateful to him if he will be good enough to check this table so far as it concerns him and to say whether it can be published in its present form.

¹ See Minutes of the twenty-first session, pages 160 and 161.

² The examination of these petitions has been adjourned by a vote of the Commission, dated December 6th, 1932.

³ Document C.P.M.1231, of October 1st, 1931.

ANNEX 4.

STATISTICAL DATA RELATING TO THE MANDATED TERRITORIES.

NOTE BY THE CHAIRMAN.

On the recommendation of the Mandates Commission, which the Council had adopted at its session in January 1932, the Secretary-General transmitted to the mandatory Powers the tables prepared by the Secretariat¹ relative to trade, public finance and movements of population in the mandated territories, requesting the mandatory Powers to revise and complete them if necessary.

No reply having been received from the mandatory Power, I should be grateful if the accredited representative could either check and complete these data here at Geneva or communicate with his Government, in order that a reply may be received at the Secretariat as soon as possible.

ANNEX 5.

C.P.M.1254.

PALESTINE.

LETTER, DATED OCTOBER 12TH, 1931, FROM THE GOVERNMENT OF THE UNITED KINGDOM, TRANSMITTING A MEMORANDUM ON CERTAIN QUESTIONS CONCERNING EDUCATION, ETC., ASKED DURING THE TWENTIETH SESSION OF THE COMMISSION.

I. LETTER FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL.

I am directed by His Majesty's Principal Secretary of State for Foreign Affairs to transmit to you the accompanying copy of a memorandum containing replies which have been received from the Officer Administering the Government of Palestine, to certain questions concerning education, etc., in Palestine which Mlle. V. Dannevig desired to put to the British accredited representative during the course of the twentieth session of the Permanent Mandates Commission in June last.

2. Lord Reading will be glad if you will cause this memorandum to be communicated to Mlle. Dannevig.

(Signed) G. W. RENDEL.

II. MEMORANDUM.

Questions on Education in Palestine
put by Mlle. Dannevig

Answers

1. *Government Schools.*

Page 115, 2^a: Sporadic strikes. — Did these occur among Moslem boys and were they demonstrations against the Government?

Page 115, 2. — Strikes occurred among both Moslem and Christian boys in Government schools, less as demonstrations against the Government than to mark what were considered by Arabs to be days of national mourning — *e.g.*, the anniversary of the Balfour declaration and the execution of the Safad and Hebron murderers. Strikes occurred on the same occasions and for the same reasons in non-Government schools — *e.g.*, those of the Supreme Moslem Council, and in certain of the Christian missionary schools.

¹ Document C.P.M.1226.

² The pages refer to the Annual report for 1930.

Questions

Page 117, 10. — There were 2,422 children admitted to Government elementary schools in 1930, as against 2,868 the previous year — that is, only approximately one-half of the applicants. — What are the reasons for the decrease?

Page 117, 11. — It is stated that the gross ranges (average age?) is 10 years in the 2nd class, 9 years in the preparatory and 1st and 3rd classes, and 8 years in the 4th, 5th and 6th. This seems very strange. — What is the explanation?

Page 118, 13. — Town Schools: 4,061 girls of a total roll of 9,766.

Page 118, 17. — Rural Schools: 658 girls of a total roll of 12,404 children. — Does that give a correct impression of the condition of women in rural places as compared to the towns?

Page 120, 27. — Parents are inclined to remove their daughters with a view to early marriage, as soon as they can read, write and sew. — At what age would these girls be married?

Answers

Page 117, 10. — As indicated in the report, the decrease in admissions to Government schools arose from the lack of accommodation. Both the number of annual applications and the tendency to remain longer in school are increasing out of proportion to any increase in the number of places available.

Page 117, 11. — An "age range" is not an "average age". The "gross age range" is the difference between the age of the youngest and the age of the oldest pupil in a given class. The "net age range" is the range obtained by neglecting every age-group which is less than 5 per cent of the class total.

No class in any school shows the gross age range as given in the report, but, since the ranges differ from school to school owing to various social causes, the ranges for the country as a whole are abnormally wide.

This condition is improving.

Page 118, 13 and 17. — The figures give a correct impression as regards Moslem girls, but not as regards Christian girls, for whom various sects provide village denominational schools which supplement the facilities afforded by Government.

Page 120, 27. — The following articles of the Ottoman Family Law 1333 are applied by the Moslem religious courts in Palestine:

"4. It is necessary for the validity of a marriage contract that the male party shall have completed 18 years of his age and the female 17 years.

"5. Where in the case of a male party who has not completed 18 years of his age, it is claimed that puberty has been attained and his appearance supports the claim, the Kadi may grant him a licence to marry.

"6. Where in the case of a female party who has not completed 17 years of her age it is claimed that puberty has been attained and her appearance supports the claim, the Kadi may, subject to the consent of her guardian, grant her a licence to contract a marriage.

"7. No person shall contract a marriage for a young male who has not completed 17 years of his age, or for a young female who has not completed 9 years.

"8. Where a female who has not completed 17 years of her age applies to the Kadi for a marriage licence, the Kadi shall inform her guardian of the application and may, if no objection has been raised or if raised but not allowed, grant her the licence."

Among Moslem villagers, there are exceptional cases of girls being married below this age.

2. *Zionist Schools.*

Page 121, Table I. — Are there special Labour Party Schools? What would be their characteristics?

Page 121, Table I. — There are special Labour Federation schools, the majority of which are found in villages. In their curriculum, stress is laid on agriculture and practical activities, and the tendency is towards self-government and individual work. In many of these schools, there is a marked absence of any form of regular discipline, which, in certain cases, may be attributed to their inefficient organisation.

3. *Secondary Education.*

Page 126. — Notice the great number of Christian and Jewish girls who receive a secondary education, while there are no Moslem secondary classes for girls, either Government or private ones.

Page 126. — Of the 34 girls receiving secondary education in the Government Women's Training College, 20 were Moslem and 14 were Christians. Moslem pupils also attend some of the missionary girl-schools.

Questions

Answers

Page 126, 127. — It appears from the Tables that a fair amount of Christian and Jewish girls receive a private secondary education (348 and 910 respectively) whereas only 34 girls receive such education in the Government Women's Training College in Jerusalem. — Are these 34 girls Moslem Arabs ?

Page 129, 61 : Teachers' Examinations. — Out of 18 candidates for teachers' lower certificate, only one passed in Parts I and II and one in Part I only. In the Higher Certificate examination, all seven candidates failed in Part II. — How can this poor result be accounted for ?

Page 129, 61. — Candidates for the teachers' high examinations are apt to underestimate the severity of the examination and present themselves after an inadequate period of preparation. This phenomenon is a survival from conditions prevalent under the Ottoman regime, when the large number of easily-gained certificates issued both by the Ottoman Government and by private schools favoured the development of low educational standards.

Most older teachers capable of passing the lower examination have already passed. The candidates now mainly consist of teachers whose knowledge and qualifications are limited and who will gradually be replaced by trained substitutes.

4. *Answers to Questions put Last Year by the Mandates Commission.*

Page 132. — The Education Ordinance, Clause 81, states that "the Director may require the dismissal of any teacher . . . who has been convicted . . . to have imparted teaching of a seditious, disloyal, immoral, or otherwise harmful character". Does this wording also cover instruction likely to produce dissension and lead to party propaganda ?

Page 132. — Instruction likely to cause dissension will in most cases have to be charged as teaching "of an otherwise harmful character". In such a case, the personal views of the judge or magistrate are likely to be the determining factor.

ANNEX 6.

NEW GUINEA : USE OF ENGLISH IN MISSION SCHOOLS.

NOTE HANDED BY THE ACCREDITED REPRESENTATIVE.

The several religious missions which operate in New Guinea were asked to comment upon the enquiry made at the twentieth session of the Permanent Mandates Commission regarding the use of English as a language of instruction in mission schools, and replies have been received to the following effect :

CATHOLIC MISSION OF THE MOST SACRED HEART.

(a) The Mission states that it is not generally opposed to English as the language of instruction. It is "either used exclusively as the teaching language or is largely used so in our training and boarding schools". A little "conversation English" is taught in several elementary schools.

(b) In village elementary schools, English is :

(i) Not practical, since the elements of science cannot be learned by any small children in a foreign language, and especially by a primitive race ;

(ii) Not useful generally nor compensating the time involved, as the final result would be an imperfect knowledge of their own as well as the foreign (English) language, taking into account also the considerable difficulties of the spelling ;

(iii) Not durable, as, after some years, the mass of pupils return to their villages and are out of touch with what they "learned at high costs".

CATHOLIC MISSION OF THE HOLY GHOST, EASTERN NEW GUINEA.

English is taught as a language in the mission schools side by side with native languages and "pidgin" English. The Mission is not, and never has been, opposed to English as the "school language of instruction". The results achieved, however, seem to show that English cannot become the universal school language for the New Guinea native — or at least, for several years. It would be only successful "with the talented few". The two big considerations that magnify the difficulties in teaching English, and in further "using" English as the universal language of instruction in all subjects are :

- (i) The "double script" — "phonetic" and "English" ;
- (ii) The widespread influence of "pidgin" English.

MARIST MISSION SOCIETY.

Bishop Wade claims that, since the establishment of their principal training school at Buronotui, "hundreds of boys have gone out, all reading, writing and speaking good English (not 'pidgin' English)". At Buronotui, all the training of the teachers is done in English. At Tunuru, the other training school, all the instruction is in English. "The natives like English — they can easily master it and they are getting it four hours a day. In the village schools, on account of the old men and women, the teachers are instructed to use the language of the place and English". The Mission claim that their work has been greatly facilitated as a result of the high form of "pidgin" English used in the district.

LUTHERAN MISSION.

Reverend Stephen Lehner states :

(a) The Mission was established during the German regime. The then existing conditions compelled the use of the native language, and it was only natural to continue its use as the system of teaching developed.

(b) The question of teaching in English was seriously contemplated on several occasions owing to the variety of the native languages in the Mission's area. It was decided, however, to continue the existing system — notwithstanding that the languages of instruction, which were considered when an attempt was being made to use one language of instruction, were found to be originally spoken by no more than a few thousand people — for the following reasons :

(i) A far stronger and more lasting influence could be exerted in the inculcation of religious ideas and moral principles through the mother tongue, than in any other language. If it were necessary to use another language than the mother tongue, the more closely it was related to the mother tongue the more effective would be the result. English is not closely related to any native tongue.

(ii) During the transition the natives would have to undergo, all those things of their former estate which had an ethical or intellectual value should be preserved and utilised as far as possible. That would only be possible if the elementary instruction, at least, were done in the vernacular.

(iii) Although, if the vernacular is used, the process of the native's mental development will be slow, owing to the limited possibilities of development which the primitive vernacular offers, it should be a sounder one, because the active co-operation of the natives is assured and that development would not be marred by the destruction of the racial individuality.

(iv) In view of the immense disparity between the mental state of the primitive Papuan and the highly-developed English language, it appeared inconceivable that the acquisition of a purely English education by the Papuan should not lead to an almost absolute estrangement from his people — especially in respect to his mental religious and social life, which estrangement would, in turn, have harmful effects upon his character.

(v) Once the initial stages of transition of a purely English education had been passed, it was felt that the mental development of the native would be too rapid, which would result in discontent and presumption on a large scale.

(vi) Irreparable harm would follow should there be any political changes in the government of the colony. For example, serious consideration was being given to the language question when the German Government was in control of the colony. If the German language had been then introduced, much harm would have been felt after the change of government, whereas, with the use of the vernacular, any disturbance would have been very slight.

Nevertheless, the Mission intends to raise the standard of English year by year. Already, English forms part of the curriculum in both the training schools, and it was recently introduced in one of the secondary schools. By this means, the Mission hopes, in the course of a number of years, to "release scores of young men who, with their knowledge of English, limited as it naturally will be, should yet be able to render more valuable services to the Government and other Europeans than could be expected heretofore, and who may be able to further the understanding between the natives and the Government and other Europeans".

LIEBENZELLER MISSION.

English was taught at the boarding school, two years ago, but was discontinued as "it was too hard for our natives". The pupils attending this school are of the ages of 10 to 14 years and "have a very small memory, . . . therefore we give the natives instruction in their own language".

METHODIST MISSION SOCIETY OF AUSTRALASIA.

Rev. W. H. Cox states briefly :

(a) Mission work, to be effective, must win the confidence of the people, which can only be done fully by a thorough understanding of the native mind. Long experience leaves no doubt that to gain such an understanding is through a thorough understanding of the vernacular, which can only be acquired by constant use of the language ;

(b) It is so much easier for the few members of the Mission staff to learn a simple native language than it is for a primitive people to learn a highly developed foreign tongue and to grasp its "thought content" which is necessary before a language can be mastered.

In its most advanced school (Vunairima), a limited time has recently been devoted to the teaching of English, but to adopt English "as the language of instruction" would place an impossible handicap on the Mission's work.

MELANESIAN MISSION.

Our Mission is entirely in favour of doing so.

For many years, English has been taught in our central schools in the British Solomon Islands, though a native language has been the chief means of communication. Recently, however, steps have been taken to introduce English as the medium in all our central schools for boys.

As far as we in the territory are concerned, the schools are still in the very early stages of development, but I understand that at Sag-Sag, English has been taught right from the commencement of the school, and at Kauptimeteti, as soon as the natives begin to show some proficiency in writing, English is taught to them.

It seems clear that much depends upon the purpose for which instruction and education are given. If a mission has as its sole object the training of teachers and catechists, English might be considered unnecessary. But, surely, it is not possible that all natives educated will become efficient or even useful teachers, but their education, provided English had been taught, might equip them to undertake other work, maybe in the Government service. The general education of the natives can probably only be justified if the purpose is so to equip them as to make it possible for them to serve the community in any sphere in which their services can be utilised.

SEVENTH DAY ADVENTIST MISSION, RABAUL.

Rev. A. S. Atkins states that "as a mission body, we are decidedly in favour of the inclusion of English as a subject for instruction".

English is given a prominent place in school work. An English hymn-book is used at the morning and evening devotional services on all their Mission stations. "The greater knowledge a native acquires of English, the greater his access to the already translated English Bible."

CATHOLIC MISSION OF THE HOLY GHOST, CENTRAL NEW GUINEA.

English is taught in the grammar schools, but it is considered that the non-collection of head-tax from native boys between the ages of 14 and 16 and the prohibiting of recruiting of natives between these ages would be a greater encouragement for the teaching of English in village schools.

* * *

The Acting Administrator of the territory has submitted the following comment :

“ It is pointed out, however, that the various mission bodies have confined themselves to more or less definite areas, and their staffs as a rule are stationed in one district for a considerable period and are not faced with the problem of learning several native languages.

“ A large percentage of the missionaries are foreigners and have only a limited knowledge of English.

“ There is, however, a definite advancement towards the teaching of English in mission schools, and there is now reason to anticipate that, in time, English will take even a greater place in the systems of education adopted by the various missions.”

ANNEX 7.

C.P.M.1354.

ISLANDS UNDER JAPANESE MANDATE.

LETTER FROM M. ITO, ACCREDITED REPRESENTATIVE, TO THE CHAIRMAN OF THE PERMANENT MANDATES COMMISSION, TRANSMITTING A DECLARATION BY HIS GOVERNMENT CONCERNING THE WORK CARRIED OUT IN THE PORTS OF THE PACIFIC ISLANDS UNDER JAPANESE MANDATE.

[*Translation.*]

Geneva, December 1st, 1932.

With reference to my statement at the thirteenth meeting of the Permanent Mandates Commission on November 11th, 1932, ¹ I am instructed by my Government to communicate to you the following declaration by the Japanese Government on the matter :

With reference to the Permanent Mandates Commission's concern at the rumour that the Japanese Government had established a naval base in one of the South Sea Islands, contrary to the League of Nations Covenant and the terms of the mandate, the Japanese Government states that this rumour is unfounded and that it has never contemplated and does not propose to plan in the future the establishment of a naval base in the islands under mandate ; the additional expenditure on port construction is solely due to the increase in the cost of improving the port of Saipan for economic purposes. (The improvement works were begun in 1926, as stated in the annual report.)

The Japanese Government, in order to show the non-military nature of these works, takes this opportunity of explaining the chief features of the improvement works in the port of Saipan.

1. *Purpose of the Improvement of Port Tanapako in Saipan.*

The exports and imports of the Island of Saipan have risen considerably since 1922 as a result of the development of the sugar industry and other industries. However, the vessels carrying the goods were obliged to anchor off Port Tanapako for the purpose of embarking and disembarking passengers and loading or unloading cargo ; the expansion of the industries was retarded to a large extent owing to the expense of embarking and disembarking passengers and goods and the risky nature of these operations. The improvement of Tanapako Bay in the Island of Saipan was therefore decided upon. The obstacles at the entrance of that bay were accordingly removed and a fairway was made to enable vessels to enter without difficulty at all seasons and in all weather and to embark and disembark passengers and goods safely and quickly.

2. *Scheme of Work.*

The scheme of work consists in removing the rocks in the western channel of Tanapako Bay to a width of 50 ken (1 ken = 1.81 metre), a length of 900 ken and a depth of 25 shaku (1 shaku = 0.3 metre), constructing, on the southern shore of the bay, a jetty for the anchorage of vessels under 400 tons, placing two mooring-buoys in the bay and making it possible for vessels plying between the islands and Japan proper to anchor therein.

¹ See page 115.

3. *Cost of the Work.*

The estimated cost of the work was 892,000 yen, which was to be expended between 1926 and 1929. This sum proved to be inadequate, owing to the unexpected difficulties in carrying out dredging operations on the coral reef. It was therefore necessary to increase this amount by 245,225 yen between 1930 and 1932 in order to carry out the original scheme. Moreover, with a view to meeting future requirements resulting from an increase in traffic, it is proposed in 1933 to enlarge the jetty so as to enable vessels plying between the islands under mandate and Japan proper to anchor there.

(Signed) Ito,

*Accredited Representative of the
Japanese Government to the Permanent
Mandates Commission.*

ANNEX 8.

C.P.M.1335(1).

QUESTION OF A CLOSER ADMINISTRATIVE, CUSTOMS AND
FISCAL UNION OF THE MANDATED TERRITORY OF TANGANYIKA
WITH THE NEIGHBOURING BRITISH POSSESSIONS
OF KENYA AND UGANDA.

PRELIMINARY REPORT BY M. PALACIOS.

The Permanent Mandates Commission has never fundamentally discussed the question of closer union in East Africa in the sense of submitting to the Council of the League its comments or relevant observations on the legal foundation of closer union. Certain of its members have exchanged views at its sessions,¹ and have perhaps anticipated its opinions at the different stages of the procedure; but the Commission, as such, always thought it better to defer its judgment until the decisions reached by the United Kingdom Government, and not that Government's enquiries, studies and investigations, should afford material for the Commission's deliberations and decision. The Council endorsed this view.²

I. THE TERMS OF THE QUESTION.

The question at issue is, of course, that of the so-called closer union of the mandated territory of Tanganyika with the Kenya Colony and Protectorate and the Uganda Protectorate, and possibly also with other British dependencies in East and Central Africa.

In this connection, the Commission has received from the mandatory Power on different dates, in addition to the annual reports and much other material regarding Tanganyika, the ample official documentation presented to Parliament by the Colonial Secretary in various Blue Books and White Papers, or published by the Government.

The chief of these documents are :

1. Report of the Commission on Closer Union of the Dependencies of Eastern and Central Africa, January 1929 (Cmd. 3234).
2. Report of Sir Samuel Wilson on his visit to East Africa, September 1929 (Cmd. 3378).
3. Memorandum on Native Policy in East Africa, June 1930 (Cmd. 3573).
4. Statement of the Conclusions of His Majesty's Government in the United Kingdom as regards Closer Union in East Africa, June 1930 (Cmd. 3574).
5. Joint Select Committee on Closer Union in East Africa :
Vol. I : Report, together with the proceedings of the Committee, October 1931 ;
Vol. II : Minutes of Evidence, December 1930 ;
Vol. III : Appendices, December 1930.
6. Correspondence (1931-32) arising from the Report of the Joint Select Committee on Closer Union in East Africa, August 1932 (Cmd. 4141).³

¹ See Minutes of the thirteenth, fifteenth, sixteenth, eighteenth, nineteenth and twentieth sessions of the Permanent Mandates Commission.

² See Minutes of the Council, fifty-eighth session, page 77, and sixty-second session, page 183.

³ Transmitted on September 2nd, 1932, by the Government of the United Kingdom, with certain comments (document C.P.M.1294).

To this valuable material must be added three documents received by the Mandates Commission at an earlier date — viz. :

7. Report of the East Africa Commission, April 1925 (Cmd. 2387).
8. Report of the East African Guaranteed Loan Committee appointed by the Secretary of State for the Colonies, July 1926 (Cmd. 2701).
9. Future Policy in regard to Eastern Africa, July 1927 (Cmd. 2904).

Lastly, mention should at least be made — although they have not been received by the Mandates Commission — of two other documents from the same official source, of which one refers to one of the territories in the suggested union and relates to general policy and the other to the whole question under consideration :

10. Indians in Kenya, Memorandum, July 1923 (Cmd. 1922).
11. Papers relating to the Question of the Closer Union of Kenya, Uganda and the Tanganyika Territory, London, 1931 (Colonial No. 57).

When it is also remembered that the accredited representatives of the mandatory Power have replied to the numerous questions which the members of the Commission thought it proper to ask them on the various occasions when the above-mentioned documents were received, it will be realised that the Mandates Commission has always been amply informed of, and perfectly familiar with, the development of the question and the various attempts to bring about its gradual solution.

The letter of November 10th, 1931, transmitting to the Mandates Commission the Joint Select Committee's reports, and still more the letter of September 2nd, 1932 (document C.P.M.1294), which is a sequel to the previous one and communicates the "correspondence" to the Commission, are the documents on which my comments as Rapporteur to the Commission must be based. In the last-mentioned letter the following three points stand out :

- (1) Repetition of the assurance given by the United Kingdom representative to the Council of the League regarding the decision on closer union and the desirability of its being examined by the Mandates Commission ;
- (2) Statement of the agreement of the Government with the opinion of the Joint Select Committee of both Houses of Parliament on certain important points ;
- (3) Communication, for information, of the parliamentary documents which are sent with it.

II. INTERVENTION OF THE COMMISSION.

The letter of September 2nd, 1932, says :

" It will be recalled that, during the fifty-sixth session of the Council of the League of Nations, the United Kingdom delegate gave an assurance to the Council that, when His Majesty's Government had come to a decision as to what, if any, action should be taken on the lines of the report of the Hilton Young Commission on Closer Union in East Africa, *this decision* would be 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 desired "

Here the first problem arises : the Mandates Commission and the Council of the League have agreed that they will not deal with the question until a decision has been taken by the United Kingdom Government. Does such a decision exist ?

At first sight it would appear that it does not. No Act of Parliament or formal resolution of the Government has been laid before the Commission. But, if we pay attention to what is said in the letter we are discussing, the solution of the problem does not seem open to doubt. " In accordance ", it says, " with this assurance [that given by the United Kingdom representative to the Council of the League], copies of the report of the Joint Select Committee were communicated to the Permanent Mandates Commission ", and it is then stated in the letter :

" It will be recalled that, on the main issue, the Joint Select Committee advised that the time was not yet ripe for any far-reaching steps in the direction of political or constitutional union of any of the territories concerned, and its recommendation was confirmed in a despatch from His Majesty's Secretary of State for the Colonies to the Governors of Kenya, the Uganda Protectorate and the Tanganyika Territory "

If this were not enough, the accredited representative of the mandatory Power, referring to the same despatch, spontaneously stated, at the meeting of the Mandates Commission held on November 15th, 1932, that His Majesty's Government had accepted the view of the Joint Select Committee, even as regards the more frequent and increased utilisation of the Conference of Governors.

All these statements, and the communication to the Mandates Commission of the latest documents which refer to the undertakings entered into, prove that a decision was reached by the Government, although, " on the main issue ", this decision is for the moment largely negative.

If the question of expediency is thus decided, that of the Mandates Commission's competence is settled in advance, since, failing such competence, the question of expediency would be a purely academic one. The Commission's competence is established by what is referred to in the above-mentioned text, and could in any case be based on the last paragraph of Article 22 of the Covenant.

III. CLOSER UNION AND CLOSER CO-OPERATION.

But, although as regards the main issue the time is not yet ripe for any far-reaching steps it may yet become ripe. Indeed, it is already ripe for less far-reaching steps; not to mention that steps of all kinds, some of which are already operative, are inevitably being taken in regard to secondary questions.

To form an opinion on each of these points, a careful study must be made of the abundant official documentation which has been placed at our disposal. In its pages we see a certain unity of design growing up. The first aspiration, which, immediately after the Great War, was still very vague, begins to take definite shape, first in the idea of "closer co-operation or co-ordination" which should promote the so-called "dual policy" in East Africa, and be applied in such important branches as "transport, cotton-growing, and the control of human, animal and plant diseases", as stated in the conclusions of the East African Committee which sat in London under the chairmanship of Lord Southborough in 1924 (see Cmd. 2387, page 3); and later in the "closer union" of the Hilton Young report of 1929, in which co-operation and co-ordination appear to be ensured by a political system of "formal union", with a suitable central Government acting as intermediary between the mother country and the different federated components of this kind of new minor dominion. The expression "closer union" is then employed, sometimes to mean co-operation and co-ordination, apart from any possible constitutional measures ("closer union and constitutional changes in Kenya, Uganda and Tanganyika", writes Lord Passfield, in one of the White Papers mentioned), sometimes to mean essentially political union, sometimes again to embrace both the political and constitutional sphere and the administrative sphere. In short, the first volume of the Joint Select Committee's report (pages 14 to 16) seems to strengthen the distinction, already drawn in the Wilson report, between "closer union" (political) and "closer co-operation" (economic), by taking the first expression to mean immediate, full and complete union with a formal and constitutional structure, and the second to mean co-operation and co-ordination of common interests, with a more or less common organisation of the various administrative activities of the three territories, especially as regards transport, posts and telegraphs, Customs, "scientific" services, commercial law and defence.

The official documents have always referred to an aim to be achieved in either the near or distant future in connection with these often intermingled ideas and undertakings. In the absence, therefore, of a clear statement by the mandatory Government, and even taking into account the fact that the latter says that the time *is not yet ripe* for any "far-reaching" steps, the situation might easily be interpreted as meaning that the present progressive "closer co-operation and co-ordination" might lead by "imperceptible stages", as M. Rappard puts it,¹ to the complete realisation of "closer union" in the near or distant future.

IV. THE GOVERNORS' CONFERENCE.

The letter of September 2nd, 1932, also forwards to the Mandates Commission, "for information", the correspondence exchanged between the Secretary of State for the Colonies and the Governors of Eastern and Central Africa in connection with the putting into effect of the Joint Select Committee's "recommendations". Here again, with regard to the substance of most of these recommendations, no uniform and formal decision has been taken. For practical purposes, in the matter of these less "far-reaching" measures, the numerous administrative regulations introduced as need has arisen are quite sufficient.

The documents of the Joint Select Committee, which are full of valuable information and high political wisdom, give an historical retrospect as well as lay down principles for the future, and contain a description of problems, experiences, manifestations of opinion and the elaboration and testing of practical measures. Although they do not conclude with any complete system of proposed legislation, it is easy to find one's way among their ample contents, owing to the systematic and logical manner in which their paragraphs and component documents are arranged. They constitute a complete programme of action, and embrace the whole range of the politics and administration of the countries in question. The problems of *white settlement*, *native policy*, *mixed States*, dual policy, etc., are vividly outlined and are the subject of most admirable and interesting suggestions.

There will not therefore be, for the present at any rate, a political or constitutional union involving a superstructure over the heads of the three Governors and Legislatures, as advocated by Sir Hilton Young and Sir Samuel Wilson and even in the Government's memorandum to the Select Committee. The latter does not recommend the institution of a High Commissioner with or without a Legislative Council; but it recommends (Vol. I, page 21) that "the machinery of the Governors' Conference should be *increasingly utilised* for the purpose of ensuring continuous and effective co-operation and co-ordination in regard to all matters of common interest to

¹ See Minutes, page 121.

East Africa".¹ The Conference should be deemed to be in permanent session, and should also pay special attention to the development of native policy and maintain in all respects a closer liaison with the Colonial Office.

In this way, a more or less casual institution which appeared in embryo in 1924, and which held meetings in 1926 and 1930, is gradually becoming an essential and permanent organ. Its procedure has not yet been entirely decided upon. Apparently, it will hold plenary meetings twice a year or more in the capitals of the three principal territories in turn, and will also be able to hold partial meetings elsewhere. Zanzibar, Nyasaland and Northern Rhodesia may be invited to its sessions. All these, as well as Tanganyika, Kenya and Uganda, will contribute to its budget, which, including the expenses of the permanent secretariat at Nairobi, may amount to £8,000 per annum. Contributions will also be made by "Kenya and Uganda Railways and Harbours" and the Government of British Sudan, although the latter plays no other part in the scheme. The conclusions — rather than the formal resolutions — of the Conference will be carried into effect by the Governor of the territory concerned.

The Chairman of the Conference, who will always be the Governor of the territory in which the meeting is being held, will have no executive functions. The organ of communication with the Colonial Secretary will be the Permanent Secretary, who, it has been suggested, should also continue to act as secretary to the High Commission for Transport in Kenya and Uganda. A first meeting on the lines of this recommendation has already been held at Dar-es-Salaam last spring.

This action will be further supported by inter-territorial conferences of a technical, scientific or advisory nature, and by meetings of the various chambers of commerce and other non-official institutions. Though the latter already meet together, it would seem that such meetings will henceforth be encouraged or co-ordinated more consistently by the permanent secretariat of the Conference of Governors, which will consequently derive greater benefit from their recommendations, in so far as public opinion supports these recommendations, or in so far as their discussions are of real utility.

This is the innovation which is worthy of mention. The Governors' Conference will occupy a highly important place in East Africa, in "the absence of a central authority".

V. OBSTACLES TO CLOSER UNION.

The time is "not yet ripe" for measures to establish in practice the whole idea of closer union, said the Joint Select Committee, and this is now repeated by the Government. Inasmuch as this idea has been discussed ever since the end of the war and especially in connection with the £10,000,000 loan for East Africa, what has prevented it? Are the obstacles of a purely temporary nature?

Those referred to by the Select Committee are presented as at all events transitory, especially the financial and economic obstacles arising out of the prevailing crisis. Forcible opposition, however, based on their interests and the actual conditions of life in the different territories, has been forthcoming from the circles concerned. The Select Committee finds, in short, that the general attitude is against closer union — even among colonists of various origins, many of whom accepted and even advocated the first proposal. This is no new phenomenon. Sir Samuel Wilson wrote in his report (page 7) in 1929:

"All communities, with the exception of some in Tanganyika, appeared to be frightened of any idea of closer union".

Although the idea was then widely spread in official circles, Sir Donald Cameron, a distinguished Governor of that territory, was already publicly opposed to it.² This opposition has now become almost general, even in official circles. As for the natives, all of them protest in varying degrees. The *memorandum* (see Vol. III, page 84, of the Report of the Joint Select Committee) from the Tanganyika natives adduces a dozen arguments against it, reflecting as many real necessities of their collective life.

The Select Committee does not present — or, at all events, not as a body — the obstacles that may stand in the way of "closer co-operation". The arguments adduced, however, by the circles concerned, in connection with Customs, railways, harbours, land, posts, telegraphs, taxes and defence, give serious grounds for fearing that here also it will be impossible to progress rapidly and without serious risk.

Fortunately, the true aspect of the situation did not escape the Joint Select Committee, which describes it in the following passage (Vol. I of the Report of the Joint Select Committee, page 15):

"In fact, they consider that, for a considerable time to come, the progress and development of East Africa *as a whole* can best be assured by each of the three territories continuing to develop upon its own lines, lines which they consider to be still experimental. It is of no use ignoring the fact that there is considerable diversity between the central

¹ This decision is further strengthened by the reference in Despatch No. 12 to paragraph 53 in the "Correspondence" (Cmd. 4141, pages 50 and 51).

² Papers relating to the Question of the Closer Union of Kenya, Uganda and the Tanganyika Territory. London, 1931 (Colonial No. 57, page 111).

and significant features of each of these territories, and that the evolution which has taken place in the last thirty years, and is still taking place to-day, is not on identical lines."

The obstacles mentioned, however, do not include the mandate.

VI. THE MANDATE.

It is not that the mandate does not appear as a foremost consideration in all the official documents, nor that, at all events in the latest ones, there are not fairly clear statements which the Mandates Commission will, I think, receive with complete satisfaction.

Nevertheless, a certain evolution is just perceptible in this matter. In all the official documents, this common ground appears : the definition of the mandate, the fact that the individuality of Tanganyika as a territorial unit must be preserved, and a firm intention to respect the obligations incurred under the mandate, because the mandatory Power is not authorised to govern it as an integral part of its own territory. But the problem naturally arises as soon as it is a question of interpreting these accepted points. At times, it would seem possible to infer, from certain passages in the official documents (Report of the Joint Select Committee, Vol. I, page 7), that Article 10 of the mandate, which authorises the United Kingdom to constitute the territory of Tanganyika into a Customs, fiscal or administrative union or federation with the adjacent territories under its own sovereignty or control, had been drafted in such a way as to allow the realisation of " co-operation " or " closer union ". At other times — in the Hilton Young report, for instance — the converse seems to be the case — namely, that " closer union " (meaning entirely political union) had been contemplated with a view to giving full effect to Article 10. Hence the deduction that " closer union " is compatible with the mandate, and the indication of the limits which the terms of the mandate might set to the plan of union. At the beginning, the problem of accountancy predominated. In 1930, Sir Donald Cameron and his Executive Council were almost alone (Papers relating to the Question of the " Closer Union ", etc., Colonial No. 57, page 115) in " objecting to the scheme of ' closer union ' advocated in the Wilson report as not being suitable or acceptable, inasmuch as, while it purported to be no more than a settlement on the economic side, it undoubtedly had a highly important political side, which gave encouragement to the aspirations of the British unofficial community in Kenya that they should eventually attain responsible government ". At the present time, the problem of the limitations seems to be the more compelling one. In the " Statement ", the restrictions and reservations to which the scheme is subordinated in view of Articles 10 and 11 indicate an equal number of difficulties, in the matter of such political and administrative rationalisation as might have resulted from union, thus detracting equally from its main advantages. The " Correspondence " (page 47) seems to show a further advance in this direction in the reply to the suggestions that Tanganyika should be incorporated or that there should be a unified control of the Lake Victoria basin. The Secretary of State for the Colonies said on this occasion :

" It will be necessary to bear in mind the terms of the mandate under which the Tanganyika territory is administered ".

But in no case has it yet been recognised that the mandate in itself, so long as it exists, may constitute an insuperable legal obstacle.

At that time, the various authorities of the mandatory Power who were studying the question were able to register the same opposition abroad as the Select Committee now registers at home. Although no formal decision had been taken on either side, those manifestations found an echo in the Assembly and the Council of the League as well as in the Mandates Commission.

The question raised in the eyes of public opinion was not therefore that of authorising Customs, fiscal or administrative unions or federations, the scope of which is seen to be secondary from the mere fact that they are given those specific names. No one could properly deny that right to the mandatory Power, provided it was not contrary to the terms of the mandate. The real question was that of admitting the legitimacy of political or economic " closer union " which would amalgamate all the activities of the administration with those of other territories under sovereignty and would be so substantial that it might invalidate the mandate itself. In point of fact, the various objections raised by the opponents of this latter form of union did not take into account the principle of trusteeship, applied *only* to the protection and civilisation of peoples in tutelage. They contemplated the institution provided for in Article 22 of the Covenant in all its integrity.

Long before the Joint Select Committee's inspired pages on this point were written, Joseph Chamberlain said, " We develop new territory, as trustees for civilisation, for the commerce of the world ". England was then launching out into gigantic enterprises in which — as certainly nobody will deny — she reaffirmed her glorious mission in history. Her ideal, which has been a lesson to others, was developed many years later by Lord Lugard in an authoritative work. It must not, however, be inferred from this that the United Kingdom is prepared to subject all her colonies to the specific regime of the Covenant. Why ? Because that regime, stands for something more. It is the expression of a moment in history in which agreement is being sealed between great conflicting interests : not merely those of the British Empire, but also

those of other nations — those of the victorious Powers, both those that received mandates and those that did not ; those of the vanquished Powers, which renounced (irrevocably, if you like) their possessions, but only in order that they might be placed under a specific regime ; those of all the other peoples also animated in spirit and in truth by the world-wide aspiration towards a League of Nations.

Doubtless in order to meet these and other preoccupations, the Joint Select Committee, after giving an exposition, impeccable both in form and in substance, of what it considers to be the legal status of the mandate, happily decides (page 8, Vol. I) “ to emphasise in this connection the obligation upon His Majesty’s Government in the United Kingdom to carry out the mandate both in the letter and in the spirit — an obligation which it has always fully recognised ”.

There is therefore no reason to suppose that the time which must elapse before the present obstacles to closer union can be removed will not be determined at least by the duration of the mandate — namely, that the formula would probably be as follows :

- (1) The mandate itself seems to constitute an insuperable legal obstacle to “ closer union ” ;
- (2) The terms of the mandate might set limitations to “ closer co-operation and co-ordination ” ;
- (3) The action of such limitations in practice would prevent “ closer ” administrative and economic “ co-operation and co-ordination ” from becoming political and integral “ closer union ”.

VII. CONCLUSIONS.

The mandatory Power informs the Mandates Commission, in order that the latter may examine its decision and submit any observations it may desire to make : (1) that it endorses the opinion expressed by the Select Committee of both Houses of Parliament that the time is not yet ripe for the introduction of closer political or constitutional union ; (2) that it also adopts the said Select Committee’s recommendation that the Conference of the Governors of the different territories of East Africa should henceforward be increasingly utilised for the purpose of ensuring the closest co-operation and co-ordination in all matters of common interest to those territories, including native policy and “ closer liaison ” with the Colonial Office. This communication is accompanied by the relevant official documentation, which contains a lively interchange of impressions, proposals and methods with regard to a comprehensive colonial policy.

If all this be proved, I think that possibly the Mandates Commission should :

- (1) Thank the mandatory Power for the admirable documentation it has sent, which bears ample witness to a most frank and conscientious study of the situation and to the most far-reaching civilising projects in the interests of the districts administered ;
 - (2) Note the mandatory Power’s declaration that the time is not yet ripe for the adoption of far-reaching political and constitutional measures with regard to closer union, hoping with good reason that this time will not come while the mandate is in force ;
 - (3) Note that the Conference of the Governors of Tanganyika, Kenya and Uganda, in which the administrators of other territories of Eastern and Central Africa may also take part, is becoming a permanent advisory organ of co-operation and co-ordination of the common interests of the respective territories, having the special duty of discussing and proposing measures in connection with white and native policy and of maintaining liaison with His Britannic Majesty’s Government through a secretary residing in the capital of Kenya, and should in future follow with the greatest interest, not only the development, decisions and acts of this Conference, but, in general, the progress of the whole policy, and should request the mandatory Power to supply it with all the necessary particulars in this connection ;
 - (4) Ask the mandatory Power to supply it with the most detailed information regarding Customs, transport, posts and telegraphs, and the other services for which a joint administration has already been more or less organised, or may be organised in future. This information supplied to the Mandates Commission should be extended to all the effects which this joint administration may produce in the other territories when their interests, as a result of “ closer co-operation or co-ordination ”, are clearly connected with the interests of Tanganyika.
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ANNEX 9.

C.P.M.1304.
C.P.M.1304(a).

PETITIONS REJECTED UNDER ARTICLE 3
OF THE RULES OF PROCEDURE IN REGARD TO PETITIONS.

REPORT BY THE CHAIRMAN.

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 ordinary session and which, in my opinion, do not merit the Commission's consideration:

I. IRAQ.

- (a) *Petitions, dated February 25th and April 13th, 1932, from the Assyrian National League of America.*

These communications, which refer to the position of Assyrians in Iraq, merely repeat the substance of petitions which have already been examined by the Commission, or which will come up for examination during the present session.

- (b) *Petitions, dated, from Paris and Teheran respectively, September 1932, from the Paris and Teheran Sections of the Comité central de la Défense des droits de la nation irakienne.*

These communications, which protest in violent language against the existing regime in Iraq, bear neither signature nor address.

II. PALESTINE.

- (a) *Petition, dated April 22nd, 1932, from M. H. von Bassewitz.*

This communication merely reproduces the substance of the two petitions of November 17th and December 26th, 1931, from the same source, which appear on the agenda of the present session; it contains no fresh important information.

- (b) *Petition, dated April 2nd, 1932, from S. Rauf Pasha, Hon. Secretary of the Islamic Motamar of India.*

The purpose of this communication is to forward two resolutions regarding the Wailing Wall at Jerusalem and the Balfour Declaration.

The first resolution consists merely of vague protests against the conclusions regarding the Wailing Wall, drawn up in 1930 by the International Commission formed for that purpose. The second resolution embodies claims incompatible with the terms of the mandate for Palestine.

- (c) *Resolution adopted by the General Pan-Islamic Congress at its Meeting of December 7th, 1931, at Jerusalem, transmitted with a Letter from M. Ihsan el Djabri, dated June 21st, 1932.*

This resolution merely reproduces without any important additional information the substance of a petition, dated June 15th 1931, from the Permanent Committee of the Arab Liberal Party of Palestine, which petition is on the agenda of the present session.

III. PALESTINE AND SYRIA.

- (a) *Resolution adopted by the General Pan-Islamic Congress at its Meeting of December 7th, 1931, at Jerusalem, and forwarded with a Letter, dated June 21st, 1932, from M. Ihsan el Djabri.*

This resolution, on the subject of the Hejaz Railway, does not bring forward any important fresh information on this matter, which was dealt with in several petitions examined by the Permanent Mandates Commission at its fifteenth and eighteenth sessions.

- (b) *Communication, dated November 23rd, 1931, from Messrs. Gedge, Fiske & Co.*

The purpose of this letter is to make certain observations on the report submitted by M. Ruppel during the twentieth session, on the petition of Mrs. Evelyn Evans, dated December 12th, 1930.

It contains no new points which would justify any modification of the decisions reached at that time by the Commission and subsequently approved by the Council.

IV. SYRIA AND LEBANON.

(a) *Petition, dated April 14th, 1932, from the Société Alliance arabe, of Buenos Aires.*

The authors of this communication protest against the recent parliamentary elections in Syria and merely reproduce the substance of petitions recently communicated to the mandatory Power, without the addition of any fresh important information.

(b) *Petition, dated October 9th, 1932, from the Association des étudiants arabes de Toulouse.*

This petition, which refers to the situation in Syria, puts forward demands which are outside the sphere of the administration of this territory under the terms of the mandate. Furthermore, the allegations and statements made therein are extremely vague.

(c) *Petition, dated October 14th, 1932, from M. Ibrahim Hanano.*

The allegations contained in this petition, which criticises in forcible terms the administrative and electoral policy of the mandatory Power, are completely vague.

V. SOUTH WEST AFRICA.

Petitions from Mr. E. J. E. Lange, of the Cape, dated respectively January 1st and 20th, March 23rd and 31st, April 8th, May 9th and 16th, June 13th and 27th, 1932.

These petitions refer first to questions which have been dealt with in substance in petitions previously examined by the Mandates Commission, and bring forward no further information ; secondly, to litigation between the petitioner and certain officials, lawyers and others, which has been submitted to the courts of the Cape, and which relates to a matter which is foreign to the administration of the territory under mandate in South West Africa.

ANNEX 10.

IRAQ.

COMMUNICATIONS FROM THE ASSYRIAN POPULATION IN IRAQ, TRANSMITTED IN CONNECTION WITH THE TERMINATION OF THE MANDATORY REGIME IN IRAQ AND COVERED BY THE DECISION OF THE LEAGUE COUNCIL OF SEPTEMBER 24TH, 1932.

REPORT BY M. ORTS.

At its meeting on September 24th, 1932, the Council expressed the desire that the Mandates Commission should report to it as soon as possible on the petitions from the Assyrians in Iraq, forwarded to the League by the mandatory Power since the Commission's last session.

The petitions from this source which have so far reached the Secretariat are as follows :

I. Two petitions, dealing with the same subject, dated October 20th and 23rd, 1931, emanating respectively from certain representatives of the Assyrians of Iraq and from the Mar Shimun, forwarded by the United Kingdom Government, together with its observations, on March 11th, 1932 (document C.P.M.1282).

II. Petition, dated June 17th, 1932, from certain Assyrian leaders and representatives of the Assyrian levies in Iraq, forwarded by the United Kingdom Government, together with its observations, on September 8th, 1932 (document C.P.M.1296).

III. Petition from Bishop Yuwalaha, forwarded by the United Kingdom Government, together with its observations, on September 21st, 1932 (document C.P.M.1298).

IV. Petition, dated September 22nd, 1932, from the Mar Shimun, forwarded by the United Kingdom Government on September 27th, 1932 (document C.P.M.1300). Letter from the United Kingdom Government dated November 2nd, 1932, stating that it has no observations to make on this petition (document C.P.M.1321).

The petitions dated October 20th and 23rd, 1931, and September 21st, 1932, the originals of which were in Syriac, were forwarded by the United Kingdom Government in an English translation. Those of June 17th and September 22nd, 1932, were forwarded in English without mention of the language in which they were originally drawn up.

I.

The signatories of the petitions of October 20th and 23rd, 1931, assert that it will be impossible for them to live in Iraq after the withdrawal of the mandate. They therefore ask that arrangements be made for the transfer of the Assyrians in Iraq to a country under the rule of any of the Western nations, or, if this is not possible, to Syria.

The United Kingdom Government replied in its observations that, if the French Government, or any other European Government, were prepared to offer the Assyrians compact accommodation, to guarantee them fair and permanent conditions, and to finance their transport, and if the Assyrians themselves desired to accept the offer, neither the mandatory Power nor the Iraqi Government would object.

Such a contingency, however, seemed so remote that the United Kingdom Government did not think it expedient to take any steps in the matter.

With regard to the allegation that it will be impossible for the Assyrians to live in Iraq, the United Kingdom Government refers to the conclusions of the Permanent Mandates Commission on Captain Hormuzd Rassam's petitions. It feels confident that, as soon as the Assyrians are convinced that their visions of an autonomous Assyrian State within Iraq or of wholesale immigration is impossible of realisation, they will become a most useful section of the Iraqi nation.

II.

The second petition asks :

- (1) That the Assyrians be recognised as a " millet " (nation) domiciled in Iraq ;
- (2) That the regions from which they came, now in Turkish territory, be returned to them and the boundaries of Iraq extended so as to include them ;
- (3) That, if it is impossible to fulfil this latter request, a " national home " be set aside for them, and that this home be open to all Assyrians who are ex-Ottomans ; this home to be organised as follows :
 - (a) The whole of the district of Amedia and the adjacent parts of the districts of Zakhoo, Dohuk and Akra to be created a separate and specifically Assyrian district forming a subdivision of the Liwa of Mosul with an Arab mutassarif and British adviser ;
 - (b) An investigation to be made by an authoritative Commission with a view to deciding upon improvements in the position of the Assyrian communities in Iraq ; the necessary funds to be placed at the disposal of those communities ; the land chosen for the settlement of the Assyrians to be conveyed to them as their individual property with regular title-deeds ;
 - (c) Priority to be given to Assyrians in this administrative subdivision in the selection of public officials, except the mutassarif and technical advisers ; the official language to be Syriac, side by side with Arabic ;
- (4) That the temporal and ecclesiastical leadership of the Mar Shimun over the Assyrian " millet " be recognised by the Government ;
- (5) That the Assyrians and the Patriarch have the right to nominate a member of Parliament ;
- (6) That the Government establish schools at the places to be decided upon in consultation with the Mar Shimun, and that the Assyrian language be taught in those schools in the same way as Arabic ;
- (7) That 500,000 rupees be granted by the League of Nations or by the Iraqi Government for the erection by the Assyrians of residences for the Patriarch and bishops and churches and schools ;
- (8) That a hospital and the necessary dispensaries be established in the subdivision ;
- (9) That men who have served in the Assyrian levies be allowed to retain their rifles.

The United Kingdom Government states that, while the petitioners represent the majority of those Assyrians who have come from Turkey, the autochthonous Assyrians are not represented among them.

Regarding their various claims, the United Kingdom Government makes the following observations :

1. A special national status could not be given to the Assyrians without arousing demands for similar treatment from other racial, linguistic and religious minorities. The national unity of Iraq would thus be endangered.

Further, unoccupied land does not exist in Iraq whereon the Assyrians could be settled as an autonomous community and, without compact settlement, administrative autonomy would be impracticable.

2. When the question of the frontier between Turkey and Iraq was before the Council, the United Kingdom Government strongly urged that the lands where the home villages of the Assyrians were situated, most of which were ultimately allotted to Turkey, should be assigned to Iraq.

The best solution would undoubtedly be the return of the Assyrians to the Hakkari Mountains. The Turkish Government, however, has so far refused to permit the Assyrians to return to their old villages.

3. In view of the difficulties attendant upon the settlement of the Assyrians already in Iraq, the United Kingdom Government does not feel justified in pressing the Iraqi Government to permit the immigration of large numbers of Assyrians.

(a) The area claimed by the petitioners for the creation of an Assyrian national home contains about 77,000 inhabitants, of whom 57,000 are Kurds and 16,000 Christians; of the latter, about 60 per cent are Assyrians. The four qadhas mentioned in the petition have been recognised as predominantly Kurdish within the meaning of Article 9 of the Iraqi Government's declaration to the Council.

(b) With regard to the request for an investigation into the condition of the Assyrian colonies, it is pointed out that a special Committee has already been set up for this purpose. On the basis of this Committee's conclusions, the Iraqi Government has drawn up a plan for the settlement of the Assyrians. The question of the registration of title is the subject of a scheme based on data supplied by an expert. The grant of title to Assyrian refugees on preferential terms would, however, provoke resentment among the other inhabitants.

(c) It would be inadvisable to give the Assyrians a privileged position in an area where they represent only one-fifth of the population. The request that Syriac should be recognised as the official language is unacceptable for similar reasons and, moreover, ignores the provisions of the Local Languages Law.

4. The Mar Shimun is actually recognised as the spiritual head of the Assyrians. He receives a monthly allowance from the Iraqi Government. The Assyrians enjoy complete autonomy in matters of personal status, religion and education, and the maintenance of this regime in future is assured by Article 6 of the declaration made by the Iraqi Government to the Council. In any case, no temporal authority could be granted to the Mar Shimun which might prevent the application of the laws of the country to Assyrians.

5. The law provides that two Christian deputies shall be elected by the Mosul Liwa. To guarantee that one of these two deputies shall always be an Assyrian would be contrary to the law, and might provoke resentment among the other Christian communities, who are more numerous than the Assyrians.

6. The educational rights of minorities will be safeguarded by Article 8 of the Iraqi declaration. The Iraqi Government will sympathetically consider the possibility of increasing the grants given to Assyrian schools.

7. Assuming that the sum of 500,000 rupees asked for by the petitioners could be obtained, it could be better spent on facilitating the settlement of the Assyrians and the establishment of social services than on the building of residences for the Patriarch and the bishops.

8. At present, there are dispensaries at Amedia and Dohuk, and three more dispensaries are to be established in the Amedia Qadha. A new motor road connecting the various Assyrian villages has made it easier for the sick to be taken to the Mosul hospital.

9. There has been no suggestion that the rifles given to the men of the Assyrian levies should be taken from them. Recent amendments to the Arms Regulations have legalised the retention by the Assyrians of their British army pattern rifles.

III.

The third petition is signed by fifty-eight persons, claiming to represent 2,395 families in all. Its object is to refute the Mar Shimun's petition of June 17th (No. II).

The petitioners assert that the Mar Shimun does not represent the Assyrian community, that he is seeking nothing but personal advantages for himself and his relatives and friends, and that his demands are based on unsound principles.

The Assyrians, both refugees and original inhabitants, are very grateful to the Iraqi Government, which has assisted them in various ways, has given them various privileges, and has secured them justice, prosperity and safety.

The guarantees concerning minorities which Iraq has furnished to the League of Nations are sufficient to safeguard their rights. They request that the Mar Shimun's demands should not be taken into consideration, and that they should be permitted to live in peace under the Iraqi flag.

The United Kingdom Government in its observations gives particulars concerning the various signatories of the petition and their qualification to speak on behalf of the Assyrian people. The petitioners' claim to represent 2,395 families is certainly exaggerated. In that Government's opinion, however, the petition shows that a considerable body of the Assyrians are not in sympathy with the Patriarch's policy and do not share the alleged dissatisfaction of the Assyrian people with their situation under the Iraqi Government.

IV.

In the last petition, the Patriarch refers to the recommendations of the Commission sent by the League to Iraq in 1925 in connection with the local autonomy of the Assyrians. It was, he says, those recommendations that led the Assyrians to vote for Iraq when the plebiscite for

the Mosul Liwa was taken. The Commission's recommendations, however, were not followed and the mandatory Power has revealed its intention of leaving the Assyrians of Iraq in their present state of insecurity.

The Assyrians, he alleges, have a right to claim from the United Kingdom Government, for which they fought in 1918, either the return of their original homes or, failing that, the grant of another area to serve as a national home.

The League of Nations has assumed responsibilities in this respect, inasmuch as it has assigned the Hakkari province — the inheritance of their forefathers — to Turkey and has given the Assyrians assurances of receiving their rights in the Mosul vilayet. They therefore request that the Hakkari province be given back to the Assyrians and included in Iraq under a special administrative system, or else the complete resettlement of the Assyrian people as an autonomous body as requested in the petition of June 17th (No. II).

CONCLUSIONS. ¹

ANNEX 11.

C.P.M.1341(1).

PALESTINE.

MEMORANDUM, DATED JUNE 1931, SUBMITTED BY THE GENERAL COUNCIL
(VAAD LEUMI) OF THE JEWISH COMMUNITY OF PALESTINE.²

REPORT BY M. SAKENOBE.

The Memorandum submitted by the General Council of the Jewish Community in Palestine is divided into two parts. The first part deals with the general situation in Palestine for the year 1930-31 and is, to some extent, a repetition of the criticism of the mandatory policy contained in the Memorandum submitted by the Vaad Leumi to the Permanent Mandates Commission in June 1930; the second part, which constitutes the major part of the Memorandum, contains detailed observations on Sir John Hope Simpson's report on "Immigration, Land Settlement and Development".

The first part of the Memorandum may be summarised as follows :

- (1) The local administration in Palestine continued to pursue the same policy against the establishment of a Jewish National Home ;
- (2) The restriction on Jewish immigration was maintained ;
- (3) No progress was recorded in social legislation and municipal representation ;
- (4) Although several measures were taken with a view to effecting a thorough reorganisation of the police force, the peace and protection of the Jewish community have not yet been assured ;
- (5) The unfavourable political situation had an unsatisfactory effect on economic development.

The observations of the Vaad Leumi on Sir John Hope Simpson's report are made under the following five heads :

1. Agricultural absorptive capacity of Palestine.
2. The cultivable area.
3. Absorptive capacity of urban centres.
4. Jewish immigration and the Arab workers.
5. Jewish settlement and the fellah.

I will not enter into the substance of the argument elaborated in the Memorandum, because it is not necessary for the purpose of this report. It will be sufficient to say that the Vaad Leumi consider that the report was written with the specific intention of proving that Palestine was overpopulated and that there was no room for additional settlers and that it offered no prospect for the future. They also contend that many of the conclusions of the report are

¹ The conclusions are inserted in the report of the Commission, Annex 30.

² Document C.P.M.1188.

based on hypotheses and that the methods adopted by Sir John Hope Simpson are lacking in objectivity ; that the figures quoted by him in many instances are definitely inaccurate and his conclusions biased and tendentious.

The mandatory Government, in their observations dated December 22nd, 1931, state, with regard to the first part, that they do not feel called upon to offer any detailed comments, in view of the fact that the matters to which the Memorandum refers were fully discussed in the annual report for 1930, which was examined by the Permanent Mandates Commission and will no doubt be discussed again in 1932. With regard to the general policy of the mandatory Power, in the opinion of the United Kingdom Government, the Permanent Mandates Commission were fully documented by them when the Commission considered the Palestine policy in 1931. I fully concur with the observations of the United Kingdom Government.

With regard to the observations on the report of Sir John Hope Simpson, the United Kingdom Government refrain from making any comment ; they merely state that they are not committed to the unqualified acceptance of the statistics and conclusions of the report ; they further add that they had appointed a Director of Development whose activities are not fettered by Sir John Hope Simpson's report.

I think that no action is required on the Memorandum ; I therefore propose the following conclusion :

“ The Commission considers that neither the mandatory Government's observations nor the Memorandum seem to call for any recommendation on its part to the Council.”

ANNEX 12.

C.P.M.1366(1).

PALESTINE.

PETITION, DATED JUNE 15TH, 1931, FROM THE PALESTINE ARAB LIBERAL PARTY CONCERNING THE WAILING WALL. ¹

REPORT BY M. PALACIOS.

This petition, addressed to the High Commissioner on June 15th, 1931, by the Standing Committee of the Palestine Arab Liberal Party, was forwarded to the League of Nations by the mandatory Power in a letter dated September 10th of the same year. This petition, as has already been stated, was not examined by the Mandates Commission sooner, because the decisions of the Palestine Government to which it refers are only set out in the 1931 report, which has been examined during the present session.

The petition refers to the conclusions of the Wailing Wall Commission and the provisions of the Order-in-Council, 1931, known as the Palestine (Western or Wailing Wall) Order-in-Council, which, in the opinion of the petitioners, are entirely illegal both in form and substance and cause great prejudice to the rights and religious practices of more than one hundred million believers throughout the Moslem world.

The question of the ownership of the Wall and adjacent court, which form an integral part of Alaksa, one of the three most holy places of Islam, directly affects the whole Moslem world and not merely the Moslems of Palestine. Prayers offered in any part of the court have the same value as prayers offered within Alaksa itself. The Koran says : “ . . . to the Masjid (mosque) Alaksa which we have blessed, all round ”.

The Wall being thus described as a purely Moslem sacred shrine, the petitioners argue that the Wailing Wall Commission did not constitutionally possess the requisite powers to act in this matter. Article 13, the legal text from which the Commission and the mandatory Power derived their powers, reads as follows :

“ . . . and provided also that nothing in this mandate shall be construed as conferring upon the mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, *the immunities of which are guaranteed* ”.

The petitioners also argue that the Moslem world was not represented on the Commission by those who were entitled to represent the whole of that world — namely, the great defenders of the faith, its kings and princes, who ought to have been invited by the League of Nations to send their representatives. Instead, only the “ Supreme Moslem Council ” was consulted, which is not only a purely Palestinian body composed of officials whose monthly salary is paid by the Government of Palestine, but which constitutionally possesses only restricted powers — namely, the charge of the Moslem religious court and the management of the Wakf property.

¹ Document C.P.M.1224.

The question of jurisdiction having thus been dealt with, the petitioners declare the Order giving effect to the conclusions of the Commission to be null and void. They even criticise the use of the words "Western or Wailing Wall", which they regard as proof of flagrant *parti pris* in favour of the Jews, those who thus describe the holy place. Its real owners, recognised as such by the previous clause, call it "the Wall of Buraq". The petitioners regard the articles of the Order as offensive to the whole Moslem world. To consider, as the Order-in-Council does, the Haram Ash-shareef as a Wakf, a property, is, in their opinion, an insult to the faith and the sacred character of this place. The holy places of religion are not subject to any positive law, but belong to the Most High. Wakfs are solely a "charity", a sort of foundation intended for the maintenance of the holy places. Nothing, in the opinion of the petitioners, authorises the mandatory Power to confer upon anyone the ownership of the Wall or to prohibit such changes as it specifies from being made in that Wall; for, if the Moslem rights are of a religious nature, Article 13 prevents interference therewith, and, if the rights are of a civil nature, Article 2 of the mandate applies with equal force. For the same reasons, basing their arguments on Article 15, the petitioners oppose the provisions of Annex 1, concerning the rights which the Government reserves for itself or accords to the Jews in places which belong to the Moslems. They protest in particular against the fact that His Majesty, or his successors, in claiming for themselves the right to revoke, alter or amend the Order-in-Council, are able to take away this property from its real owner and that this property may be repaired if necessary by persons, or on the advice of persons, who do not possess one inch of it. For the same reasons, the petitioners do not admit that the Jews should be allowed free access or the right to accomplish acts of ritual in the places to which, according to the document of Rabi Awal 24th, of the year 1256 of the Hegira, addressed by the Egyptian Government to the Military Governor of Jerusalem, the Jews were only to be admitted as visitors. The holy place in question should therefore be regarded as "a place of worship for Moslems alone".

The petitioners do not recognise the mandate; they invoke certain of its provisions solely in order to refute the conclusions of the Commission on the very same ground on which it took up its position. They address their petition to the League of Nations because of the respect they have for that institution, and because of the urgent need for the question to be examined with the greatest attention in order to ensure peace throughout the Moslem world, which holds justice and good understanding in the highest esteem.

The mandatory Power does not discuss the substance of the question. It merely states that "the Wailing Wall Commission was appointed in accordance with the resolution passed by the Council of the League on January 14th, 1930", and points out "that the Order-in-Council, upon which the Memorandum comments, merely enables the High Commissioner to give legal effect to the finding of the Commission itself".

Without myself, as Rapporteur, going into the substance of the question, and, in view of the text of the League Council resolution, in which it is said that the Commission is instructed in conformity with Article 13 of the Mandate to *settle finally* the question of the Wailing Wall (a provision which of its nature is binding on the Mandates Commission), seeing that the Order-in-Council merely brings into force the verdict of the said Commission, I can only propose the adoption of the following text:

"The Commission,

"Having examined the petition, dated September 10th, 1931, from the Standing Committee of the Palestine Arab Liberal Party, together with the relevant observations of the mandatory Power:

"Considers that there is no need to take any special action in the matter."

ANNEX 13.

C.P.M.1356(1).

PALESTINE.

MEMORANDUM, DATED JUNE 28TH, 1931, FROM THE CENTRAL AGUDATH ISRAEL.

REPORT BY M. PALACIOS.

The petition of June 28th, 1932, was forwarded by the mandatory Power with its relevant observations in a letter dated September 9th, 1932.¹ As pointed out at the twenty-first session of the Mandates Commission, the petition has not hitherto been considered, for the reason that it related to an Order-in-Council of May 19th, 1931, with which the Mandates Commission could only deal when considering the report for the same year. It has, however, been under consideration, as then anticipated, during the present session.

¹ See document C.P.M.1223.

The petition refers to Annex I, paragraph B, sub-paragraph 9, of the Order-in-Council, 1931 (Palestine Western or Wailing Wall), which is in the following terms :

“ Owing to the Wall's character as an historical monument, its fitting maintenance shall be entrusted to the Palestine Administration, so that any repairs to it that may be necessary shall be carried out by them and under their supervision, though only after consultation with the Supreme Moslem Council and the Rabbinical Council for Palestine. ”

The request in the petition is for the amendment of the text in question in the sense of substituting the words “ the Chief Rabbis of Jerusalem ” for the words “ Rabbinical Council for Palestine ”.

The reasons given in support of the request are based on the fact that the petitioners, under Section 17 (3) of the Regulations of the Jewish Community, 1927, though belonging to Palestine Jewry, do not belong to the recognised “ Jewish Community ”. The Agudath Israel, which speaks on behalf of 20,000 adults, is not, for religious motives, subject to the jurisdiction of the Rabbinical Council for Palestine, and has special representatives to champion its spiritual interests. In the question of the Western or Wailing Wall, the Agudath Israel appeared as a separate sect. Its Chief Rabbi and the two Chief Rabbis of the recognised Jewish Community constitute the United Rabbinical Board, which submitted the Jewish Memorandum to the Commission appointed for the purpose by the League of Nations. In other paragraphs of the Order-in-Council, the Rabbinate, in its functions affecting the Western Wall, is named as “ the Chief Rabbis of Jerusalem ”.

The Government of Palestine recognises these usages, as the petitioners themselves state ; and the mandatory Power, in its observations on the petition, sees no objection to the High Commissioner consulting representative organisations other than the Supreme Moslem Council and the Rabbinical Council for Palestine in the matter of repairs to the Wailing Wall. The mandatory Power accordingly informs the Permanent Mandates Commission of its intention to comply with the petition in the absence of any opinion to the contrary on the part of the Commission.

As the arguments of the petitioners are justified by usage as well as by the other paragraphs of the Schedule in question (paragraph B, sub-paragraphs I (a) and II), as the mandatory Power itself admits, and the Order-in-Council allows of the amendments being made by His Majesty's Government in Council (Article 5), I propose that the Commission should approve the following conclusions :

“ The Commission, having examined the petition from the Central Agudath Israel, dated June 28th, 1931, and the mandatory Power's observations thereon, sees no reason why the mandatory Power should not arrange for the carrying out of the Regulations in force with regard to any repairs that may be necessary to the Wailing Wall in a manner equitable to all the parties concerned. ”

ANNEX 14.

C.P.M.1325(1).

PALESTINE.

PETITION FROM THE CENTRAL AGUDATH ISRAEL, JERUSALEM,
DATED NOVEMBER 8TH, 1931. ¹

REPORT BY M. RUPPEL.

The petitioners, who represent that part of the Palestine Jewry who do not belong to the recognised Jewish Community (Knesses Israel), refer to paragraph 19 of Section I of the annual report on Palestine for 1930, in which the attitude of the Agudath Israel towards the elections to the Elected Assembly of the Jewish Community, held at the beginning of 1931, was commented upon in the following terms :

“ The Central Agudath Israel, organ of the dissentients, appealed to Orthodox Jewry to boycott the elections on the ground, mainly, of the heresy of the female franchise and the alleged shortcomings of the recognised Jewish Community in matters of religious education and ritual slaughter. There was, however, little response to this appeal. ”

¹ Document C.P.M.1277.

They protest against this statement, which, in their opinion, must give to the Mandates Commission a wrong impression of the true nature of their standpoint and of the appeal they made to Orthodox Jews against the elections. No demand is expressed for any action or recommendation of the Commission.

The mandatory Government has, by its letter dated January 26th, 1932, transmitted a memorandum containing its observations on the petition.

The first grievance mentioned in the petition concerns the designation of the Central Agudath Israel as "organ of the dissentients", which, as it contended, does not correspond to the true character of their organisation, which, on the contrary, represents historical Judaism in its traditional purity. This point has been settled in the meantime to the satisfaction of the petitioners. The High Commissioner for Palestine has caused the Central Agudath Israel to be informed that the term, which was not intended to bear any derogatory significance, will not be applied to them in future.

The second point relates to the facts on which the Agudath is said to have based the appeal to boycott the elections. The decisive objection made by the Orthodox Jewry against the Knesses Israel is, as the petitioners say, the refusal by the latter to recognise, by a fundamental declaration in their constitution, the Jewish religious law as authoritative for all institutions and undertakings of the Jewish Community in the Holy Land, whereas the questions of religious education and ritual slaughter and the female franchise had been of no fundamental importance. The reply of the mandatory Government is that the allusion to the three chief examples of what is, in the opinion of the Agudath, disregard of the Religious Law of the Jewish Community, cannot be seriously challenged as misrepresenting their attitude towards the elections of the Elected Assembly.

Finally, the statement that there was little response to the appeal of the Agudath Israel is described as entirely incorrect. It is pointed out that the members of the Agudath, not being in the Knesses Israel, had no right of vote, that a great portion of the members of the Knesses Israel had not accepted election cards and that, in the towns inhabited for the greater part by Orthodox Jewry, the participation in the elections was a very small one. The mandatory Government reply that the contention of the Agudath appeared to be based upon a misunderstanding in so far as those Orthodox Jews are concerned who have opted out of the Jewish Community — they might have responded to the appeal — and that the suggestion made in the report for 1930 applied only to the very large, if not the largest proportion, of the orthodox Jews in Palestine who belong to and adhered to the Jewish Community. As to participation in the elections, the only admissible ratio was that of the number of voters to the number of adult Jews on the original registers and not the ratio of the number of voters to all Jewish souls in the various centres.

I therefore propose that, if the Commission accepts my view, the following conclusions be laid before the Council :

"The Commission, having examined the petition of the Central Agudath Israel, Jerusalem, dated November 8th, 1931, and the United Kingdom Government's observations communicated by letter of January 26th, 1932, does not consider that any recommendation need be made to the Council in regard to this petition."

ANNEX 15.

C.P.M.1355(1).

PALESTINE.

PETITION FROM THE CENTRAL AGUDATH ISRAEL OF PALESTINE,
DATED JULY 30TH, 1931.¹

REPORT BY M. RUPPEL.

I. The petitioners, speaking for the Orthodox Jewry in Palestine, are the late Chief Rabbi of the Orthodox Community in Palestine, two representatives of the Council (Waad Ha'ir) of the Ashkenassic Jewish Community in Jerusalem and a representative of the Central Agudath Israel of Erez Israel, Jerusalem.

They refer to petitions previously submitted to the Commission (cf. *infra sub III*), contend that the number of adult Orthodox Jews in Palestine who are not members of the recognised Jewish community exceeds 20,000 (the total number of souls being estimated at 50,000),

¹ Document C.P.M.1284.

complain of the status of inferiority in which the Orthodox Jews are said to be living now, because they are without an organised community sanctioned by the Government, and submit the following demands :

(a) That the Regulations of Religious Communities should be altered so that the Orthodox Jews should be able to organise themselves into a separate Orthodox community throughout the country, with local councils recognised by the Government ;

(b) That its Rabbinate should be authorised to act as a religious Jewish tribunal for the members of this community in all matters that come under the jurisdiction of a religious tribunal ;

(c) That the Chief Rabbinate of this Orthodox community should keep a register of charitable foundations dedicated by its members ;

(d) That membership of either community should be confirmed in writing by every individual, or, at least, that submitting a notice of withdrawal to the District Commissioner should be sufficient to release a person from membership of the nationalistic community.

Points (a), (b) and (c) may be summarised as a claim for the recognition of the Central Agudath Israel as a separate community under the Religious Communities Ordinance, 1926. The last point concerns an alteration of the Jewish Community Regulations, 1927, and needs special consideration only in case satisfaction is not given to the petitioners on the main issue.

The Orthodox Jews who, on the ground of their religious convictions, refuse to join the established Jewish community and to participate in its institutions are — according to the petitioners — suffering under a number of disadvantages. They have no religious tribunal in matters of personal status, being therefore compelled to apply to the district courts. The supervision of old charitable foundations had to be transferred to a trust, a lay authority, and new ones have to be arranged before that same trust. The Beth Din of the Ashkenassic Jewish Community in Jerusalem, is not recognised as the authority in matrimonial and other cases, though the Government have approved divorces pronounced by it since Palestine came under British mandate. In other places, the Beth Dins of the Orthodox sects are not even authorised to execute divorce decrees. Besides, the Committees of the Orthodox congregations which are registered only as societies cannot issue personal certificates for their members and have no right to collect taxes from their members. Being legally considered as individuals, the Orthodox Jews have no recognised connection, even in religious matters, with the Government, which, it is said, very often passes laws which indirectly prejudice the rights of the religious sects in the country. The existing procedure of withdrawal from the recognised Jewish community is the cause of many disputes and litigations. Many Orthodox Jews remain members of this community from negligence or fear of persecution.

The petitioners refer finally to the fact that, in many countries where Jews have separated from the general community on religious grounds, the Governments concerned have sanctioned the organisation of separate communities.

The Memorandum containing the petition is accompanied by not less than ten exhibits and two annexes.

II. The comments of the mandatory Power, transmitted together with the petition itself by a letter, dated March 12th, 1932, deal first of all with the question of the number of withdrawals from the recognised Jewish community by referring to a previous letter dated April 27th, 1931,¹ in which it was stated that the verified total of applications received by the Vaad Leumi for removal from the register was 10,750, the greater part coming from persons whose names had never been included in it.

On the main point, the British Government see no ground for reviewing the decision that the Central Agudath Israel should not be recognised as a separate community under the Religious Communities Ordinance of 1926. Two kinds of reasons are given for this attitude. On the one hand, it is pointed out that, if the Palestine Government were to give statutory powers to more than one organisation of Jews, it would have to consider the claims of any other associations of Jews, not at present recognised as separate communities, to be allowed similar powers. On the other hand, it is explained that any congregation of Jews or any individual Jews who wish to remain outside the community are left free to form their own associations and to arrange their religious and cultural affairs as they please. These bodies can have their own synagogues ; they can be registered as societies under Ottoman Law and are then juristic persons able to hold property, etc. The petitioners' assertions as to jurisdiction in matters of personal status, charitable foundations and taxation are, in substance, confirmed. The Government add only that members of non-recognised communities are not prevented from making voluntary contributions and from submitting matters of personal status to arbitration by common agreement of all parties. As to matrimonial relations, the Rabbis of the congregation celebrate marriages which are recognised by the law and do in practice grant divorces which are valid if confirmed by the civil courts.

Regarding the secondary point — the procedure for opting out of the established community — the Government declares that it does not require to be altered.

¹ Document C.P.M.1150.

Finally, the attention of the Commission is invited to the correspondence with regard to previous petitions from the same source.

In the twelfth meeting of the current session, several questions on the present petition were put to the accredited representative of the mandatory Power. Reference to the answers given by him will be made later on.

III. The history of the previous petitions may be briefly summed up as follows. In the first petition, dated October 1st, 1924, the Ashkenassic Community at Jerusalem objected to certain administrative regulations by which it was affected and to a draft ordinance for the organisation of the Jewish communities in Palestine.¹ Regarding the second point, the Commission, after long discussions on several occasions² — a report having been submitted by M. Orts³ — came to the following conclusion, embodied in the report to the Council on the work of the seventh session :⁴

“ As regards the proposed ordinance and regulations which will affect the future legal status of Jewish communities in Palestine, the Commission notes the statements of the mandatory Power that it is prepared to give the utmost consideration to the wishes of the Ashkenassic Community for complete liberty in religious matters. In recalling the provisions of Articles 2 and 15 of the Palestine mandate, the Commission notes the declaration of the accredited representative that the mandatory Power has no intention of interfering in any way with the religious freedom of the different groups of inhabitants of the country. *In the opinion of the Commission, the provisions of the mandate would not appear to oblige the mandatory to recognise only one Jewish religious community in Palestine.* That Commission trusts that an arrangement satisfactory to all groups may be found, and will follow future development with close attention.”

A further petition submitted by the Agudath Israel, dated October 11th, 1925,⁵ which was, in fact, a memorandum in support of the above-mentioned petition, was on the agenda of the Commission's ninth session. From the report written by Mrs. A. Wicksell, which was adopted by the Commission and annexed to the Report to the Council,⁶ I quote the following sentences which refer to the Religious Communities Ordinance, 1926, then quite recently promulgated :

“ Beside the Mohammedan and the Jewish religions, the third important religious element in Palestine is the Christian. If that element should want to be constituted as a separate religious community, must it then form one common organisation, or will the Greek Orthodox, the Roman Catholic and the Protestant sections be permitted to organise separately ? This question is absolutely analogous to that raised by the Waad Ha'ir, Ashkenazi and the Agudath Israel and presumably must be solved in the same way.”

The conclusions of the report read as follows :

“ As the text of the separate regulations for the Jewish community has not been promulgated, no exact conclusion can be reached regarding the case of the Waad Ha'ir Ashkenazi as presented in the memorandum of the Agudath Israel. The Permanent Mandates Commission takes note of this memorandum and the observations thereon of the mandatory Power, and will bear them in mind when the proposed regulations have been put into force and placed before it.”

During the long debate on this petition,⁷ the accredited representative declared that, after the Regulations to be promulgated for the Jewish Community had come into force, the Administration might consider whether it was necessary for any particular Jewish body which did not wish to belong to the main community to form a separate one.

After the coming into force on January 1st, 1928, of the Jewish Community Regulations, 1927, the Ashkenassic Community and the Agudath Israel submitted new petitions to the Commission, dated January 4th⁸ and April 29th, 1928.⁹ The examination had to be adjourned *sine die* by the Commission, because supplementary information announced by the petitioners never reached the Commission.¹⁰

A further letter from the Central Agudath Israel, dated June 15th, 1930, dealing with the number of withdrawals from the recognised community and commented upon by the mandatory Government in a letter dated April 27th, 1931, to which reference had already been made,¹¹ was considered to be sent only for information and therefore not treated as a petition.

¹ Document C.P.M.213 and Minutes of the Permanent Mandates Commission, seventh session, page 181.

² Minutes of the Permanent Mandates Commission, sixth session, page 51, seventh session, pages 105 to 110.

³ Minutes of the Permanent Mandates Commission, sixth session, page 150.

⁴ Minutes of the Permanent Mandates Commission, seventh session, page 218.

⁵ Document C.P.M.397.

⁶ Minutes of the ninth session, page 224.

⁷ Minutes of the ninth session, pages 153 to 158.

⁸ Document C.P.M.699.

⁹ Document C.P.M.737.

¹⁰ Minutes of the thirteenth session, page 54, of the fourteenth session, page 138, and of the fifteenth session, page 84.

¹¹ Document C.P.M.1150.

In the memorandum of the Agudath Israel at present under consideration, it is stated that the time had now come to probe the petition of the Orthodox Jewry in Palestine.

IV. In examining the petition, it must be borne in mind that, in Palestine as in the other countries of the Near East, religious courts of the different religious communities exercising exclusive jurisdiction in matters of personal status (marriage, divorce, alimony, guardianship, adoption, wills, etc.) and in cases concerning the constitution and administration of Wakfs (religious endowments) are still in existence. Under the Palestine Order-in-Council, 1922,¹ those religious courts have been recognised which exercised jurisdiction at the date of the Order (Articles 51 to 54) — namely :

- (1) The Moslem religious courts ;
- (2) The rabbinical courts of the Jewish community ;
- (3) The courts of the following eight Christian communities : Maronite, Greek Catholic, Greek Catholic (Melkite), Greek Orthodox, Syrian Orthodox, Armenian Catholic, Armenian, Latin.

The mandatory Power lays stress on the fact that the Protestants have no jurisdiction in matters of personal status, but this fact is not surprising, because these Christians belong to various protestant churches of the western countries which no longer have religious courts of this kind. The existence of not less than eight Christian courts deserves all the more our attention as, according to the results of the census taken in 1931, the whole Christian population numbered only 90,000, whereas Jews numbered 175,000 and Moslems 760,000.

The rabbinical courts mentioned by the Order were those of the Rabbinical Council organised by the Jews in 1921 and confirmed by the Government. The Waad Ha'ir Ashkenazi had no religious tribunal of its own under the Ottoman regime. There was therefore no possibility under the Order to recognise a separate tribunal (cf. statement made by the British Government on January 29th. 1926²). The claim of the petitioners, in so far as it refers to the Order-in-Council, appears therefore to be unfounded.

The Palestine Order-in-Council contains a further clause (Article 83), by which it is provided that every religious community recognised by the Government shall enjoy autonomy for the internal affairs of the community, subject to the provisions of any ordinance or order issued by the High Commissioner. It seems that all communities enjoying separate jurisdiction as enumerated above are considered as recognised communities and enjoy therefore internal autonomy.

Under this clause, the Religious Communities Organisation Ordinance No. 19, of 1926,³ has been issued, which authorises the High Commissioner, upon the application of any religious community in Palestine, to lay down regulations for its organisation as a religious community and its recognition as such by the Government.

Neither the Moslems nor any of the various Christian communities have submitted an application under this ordinance, obviously because there is no need for them, being already recognised, to have official regulations for their organisation.

An application having been made by the Jewish side, the High Commissioner passed "The Jewish Community Regulations, 1927",⁴ which provide for the organisation of one "recognised community of the Jews in Palestine", with a Rabbinical Council, an Elected Assembly and a General Council (Vaad Leumi). A register of adult Jews resident in Palestine was drawn up by the Council. Any person whose name is included in the register is deemed to be a member of the community, but any person has the right to withdraw on giving written notice.

The situation of the Jews in Palestine regarding religious matters seems to be therefore as follows : There is one community, called Knesses Israel, which enjoys the privileges of a recognised official status : religious court, autonomy for its internal affairs, right to collect taxes, representation in relation to the Government. But this community does not comprise all Jews living in Palestine.

V. The overwhelming majority of the Jews who remain outside the established community belong to Orthodox Jewry, the standards of which are described by themselves as the supreme guidance of the Torah and adherence to the old traditions in communal life and public institutions. Their rabbis have decided that, according to the law of the Torah, no religion-observing Jew may be a member of any community which does not accept certain principles of the Torah as essential for the community's Statutes.⁵ All attempts to bring about an amicable agreement between the two sections have ended in failure. It is true that there are Orthodox Jews who have not withdrawn from the Knesses Israel, but that does not alter the fact that a good many Jews refuse to join the recognised organisation on religious grounds. The petitioners contend that all the synagogues are registered in the name of and managed by Orthodox Jews and that all religious social institutions in the town of the old Yishub and

¹ Legislation of Palestine 1918 to 1925, Vol. I, pages 1 ff.

² Minutes of the ninth session, page 197.

³ Ordinances, annual volume for 1926, page 113.

⁴ Official Gazette of the Government of Palestine, No. 202, January 1st, 1928, page 10.

⁵ Cf. Exhibit No. 8 to the Memorandum.

to a certain extent in towns and colonies of the new Yishub are in the hands of the Orthodox Jewry. Be that as it may, it seems to me incontestable that the Orthodox Jews outside the Knesses Israel form a well-defined section of the whole Jewry on the basis of separate religious doctrines and traditions, which are not in any way concerned with politics.

It is not quite clear how many persons belong to the Orthodox Jewry claiming a separate recognised community. Referring to the number of withdrawals, the petitioners mention over 20,000 adults or — as they have mostly large families, being in the majority natives of the country — at least 50,000 souls. This figure would correspond to 28 per cent of the whole Jewish population. In their observations, the mandatory Government admit a verified total of applications for withdrawal numbering 10,750, whereas the accredited representative declared to the Commission that he had heard the number of Orthodox Jewry in Palestine computed at about one-quarter of the total population. In any case, it may be taken for granted that the Jews for whom the petitioners speak represent a relatively large and important section of the whole Jewry in Palestine.

These Jews have their own congregations, partly registered as societies under civil law, and are not interfered with in their religious life and worship, but they feel themselves considered as “ persons of secondary degree ” and “ humiliated ” because they do not enjoy the privileges reserved to members of recognised religious communities.

It is not necessary to examine in detail the situation of Orthodox Jewry regarding jurisdiction in matters of personal status, execution of divorces, charitable foundations and so on, because it is obvious that, on account of the lack of official recognition, this situation is far less favourable and satisfactory than that of the Jews members of the Knesses Israel.

The division of the Jews into separate communities is not, as the petitioners rightly point out, peculiar to Palestine. The Agudath Israel is a worldwide organisation. There are other countries where several Jewish communities have been sanctioned by the Government.

VI. The question on which the Commission is called to express an opinion is whether the refusal by the mandatory Power to comply with the application of the Orthodox Jewry for recognition as a separate community is consistent with the terms of the mandate for Palestine. Article 2 makes the Mandatory responsible for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion, and Article 15, which deals with freedom of conscience and free exercise of all forms of worship, prescribes that no discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. Taking into account all that has been stated above regarding the treatment granted to the various religions and their different denominations and regarding the situation of Orthodox Jewry itself, I feel bound to say that the petitioners, in claiming treatment equal to that extended to the Knesses Israel, have a strong *prima facie* case. The statement made by the Commission on a previous occasion (cf. *supra sub III*), that the provisions of the mandate would not appear to oblige the Mandatory to recognise only one Jewish religious community in Palestine, may be interpreted as expressing the same feeling.

The reasons given by the mandatory Government for the refusal do not seem to justify their attitude. The recognition of the Central Agudath Israel must not necessarily constitute a precedent which would compel the Government of Palestine to allow similar powers to any other association of Jews applying for them. It is evident that the Government would retain full liberty to consider the merits of any other case brought before them and to make a difference between an important section and a small fraction of Jews. The second reason amounts to the assertion that the present situation of the Orthodox Jewry is satisfactory and does not need to be altered by granting the rights of a recognised community. This simple negation of the petitioners' grievances is hardly convincing.

But, as the obligations laid down in the mandate form a whole, before giving a definite opinion on the matter at issue, the question must be examined whether the recognition of the Orthodox community would hamper the Administration in fulfilling its other obligations under the mandate and, in particular, that to secure the establishment of the Jewish National Home. The Orthodox Jews themselves, being only interested in religious matters, do not combat on principle the policy of the Zionists as to the National Home. On the other hand, it is well known that the Jews organised in the Knesses Israel are strongly opposed to the recognition of another Jewish community, on the ground that the unity of the Jewish movement might be endangered. The Knesses Israel is, indeed, according to its constitution, a purely religious body, but, in practice, it seems to be considered by its adherents more and more as the national or racial organisation of all the Jews in Palestine besides the Jewish Agency, a public body representing the world Jewry and recognised by Article 4 of the Mandate. In the Elected Assembly, the parties are more of a political than a religious character (Labour, Zionists, Revisionists, etc.). The General Council (Vaad Leumi) is occupied with political questions, as is shown, for instance, by the Memorandum submitted by it to the Commission in June 1931,¹ which deals with issues such as : general policy of the Palestine Government, immigration, social legislation, security, Sir John Hope Simpson's report. From all these activities,

¹ Cf. the report by M. Sakenobe, document C.P.M.1341.

one gets the impression that, in fact, the Knesses Israel is an institution for defending and promoting general as well as religious interests of the Jews in Palestine, and, in particular, the Jewish National Home.

The policy of the Government in this matter is not quite clear. In the statement dated January 29th, 1926,¹ they declared that "the Vaad Leumi is officially recognised as the spokesman of the Jewish population of Palestine and is received by the Government for the discussion of matters concerning internal Jewish affairs", whereas, in the observations on the above-mentioned Memorandum of the Vaad Leumi,² the Mandatory expresses the view that the Vaad Leumi "should not be encouraged to assume, *vis-à-vis* the Permanent Mandates Commission, a position comparable with that of the Jewish Agency, the only recognised body under Article 4 of the Mandate for the purpose of advising and co-operating with the Administration 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". Under these circumstances, and as the United Kingdom Government, neither in their observations on the petition nor in the verbal statements of the accredited representative, have explained their views on the point whether the existence of a second recognised Jewish community would render more difficult their task regarding the Jewish National Home, this question, which is of great importance in the matter under consideration, needs to be further examined in the light of supplementary information to be furnished by the mandatory Power.

There is a second point which it seems desirable to elucidate. Asked if there were other reasons for declining the request of the Central Agudath Israel, the accredited representative stated that the refusal was not due to a feeling of lack of confidence and that the Palestine Government considered it advisable to organise the Jews in a single community and to leave the question of sects on one side for the moment. This statement might be understood as indicating the intention of the Government to reconsider at some time the application of the petitioners, but this interpretation is not certain.

VII. The considerations set out above lead to the conclusion that the Commission is not yet able to submit a definite recommendation to the Council on the very delicate question raised by the petitioners, and, before doing so, should ask for further explanations from the mandatory Power on certain incidental points.

I therefore propose to the Commission to make in its report to the Council the following observations on the petition :

" The Commission,

" Having examined the petition of the Central Agudath Israel, dated July 30th, 1931, concerning its recognition as a separate religious community in Palestine, as well as the observations made thereon by the mandatory Power in its letter dated March 12th, 1932, and the answers given by their accredited representative at the twelfth meeting of the twenty-second session, and having taken into account the several previous petitions from the same source and on the same subject and the various observations of the mandatory Power ;

" Recalling the provisions of Articles 2 and 15 of the Mandate for Palestine but considering that, before expressing a definite opinion on the petition, supplementary explanations from the mandatory Power are necessary ;

" Recommends that the mandatory Power be invited to give a more definite explanation as to :

" (a) Whether, in the mandatory Power's opinion, the recognition of such a Jewish community in Palestine would hamper it in fulfilling other obligations arising out of the mandate and, in particular, the obligation regarding the establishment of a Jewish National Home, and, if so, in what way ;

" (b) Whether the declaration made by its accredited representative that ' the Palestine Government considered it advisable to organise the Jews in a single community and to leave the question of sects on one side for the moment ' was intended to indicate that the application of the petitioner is likely to be reconsidered in the near future. "

¹ Minutes of the ninth session, page 197.

² Document C.P.M.1282.

ANNEX 16.

TRANS-JORDAN.

C.P.M.1342(1).

PETITIONS, DATED NOVEMBER 17TH ¹ AND DECEMBER 26TH ² 1931, FROM M. VON BASSEWITZ.

REPORT BY M. SAKENOBE.

The petitioner, M. von Bassewitz, a German newspaper correspondent, in the petitions dated November 17th and December 26th, 1931, respectively, claims to have been the victim of a murderous attack by Arab mobs in Amman on August 3rd, 1931, and to have suffered serious injuries.

In emphatic terms, he declares that the Trans-Jordan Government is responsible for this act of violence and makes grave allegations, stating among other things :

- (1) That the Trans-Jordan Government tolerate and encourage propagandists to incite the Arabs to murder innocent foreigners ;
- (2) That anti-foreign pamphlets are freely distributed in the Amman police station ;
- (3) That, after the incident, he was not allowed to communicate with the German Consul-General at Jerusalem or with the British Resident ;
- (4) That Knud Holmboe, a Danish subject, who told the petitioner that he was encouraged by the British Resident to excite the Arabs, was murdered because his presence was no longer convenient to the British authority.

The petitioner complains that his demand for compensation was refused by the Trans-Jordan Government and the criminals remain unpunished. He asks the League of Nations to assist him in securing his rights.

The mandatory Government, in their observations dated September 21st, 1932, gave what appeared to them to be a true account of the incident.

On the same day — August 3rd — previous to the incident, the petitioner seems to have been involved in a heated argument with certain Arabs in Amman on a current political matter and aroused their indignation. The police intervened and, in his own interest, he was given an escort. When the petitioner afterwards proceeded to the garage where the alleged attack took place, he was under police escort ; as to what took place in the garage, there is a conflict of evidence. In any case, the United Kingdom Government state that M. von Bassewitz was rescued by the police, suffering from slight injuries (a medical certificate is attached to the observations) and was escorted to his hotel. The next morning, he spoke with the Chief Secretary of the Trans-Jordan Government, who expressed his regret for the incident, and the petitioner, it is stated, expressed his gratitude for the prompt and effective action of the police in assuring his safety. He left Amman under police protection as far as Deraa, which is beyond the Trans-Jordan frontier.

As regards the allegations, the mandatory Government refuse categorically to accept them, as being either entirely untrue or incorrect. As regards the responsibility of the Trans-Jordan Government, they state that the incident was not caused by any lack of vigilance or any failure to keep order on the part of the authorities, nor was it of a nature which could have been foreseen or prevented by ordinary police measures. On the contrary, it was caused by the petitioner's rashness in arguing about a matter which a more prudent man would have avoided in the circumstances.

They further state that the person whom M. von Bassewitz could identify as having assaulted him was arrested and tried before the magistrate, but was acquitted, as the magistrate took the view that M. von Bassewitz was the aggressor.

In bringing such a charge against a Government, the petitioner's first duty was to give convincing evidence to justify it ; in that, however, he failed lamentably ; nor did he produce any similar instance in support of his case. In fact, the United Kingdom Government stated that " the case of M. von Bassewitz is the sole instance of any such display of animosity against foreigners ".

¹ Document C.P.M.1273.

² Document C.P.M.1278.

Thus, having examined the case in the light of the United Kingdom Government's observations, I consider that this is a simple case of private strife in which the question of compensation, if any, should be dealt with in the court of justice. I should propose, therefore, that the Commission should adopt the following conclusion :

“ The Commission, having examined M. von Bassewitz's petitions, dated November 17th and December 26th, 1931, and the observations thereon made by the United Kingdom Government, considers that, as the petitions relate to a dispute of a purely private nature and in which the court of justice has intervened, there is no occasion to submit a recommendation to the Council.”

ANNEX 17.

C.P.M.1334(1).

PALESTINE.

PETITION FROM THE PALESTINE ARAB WOMEN'S CONGRESS. ¹

REPORT BY M. RAPPARD.

This voluminous petition, signed by the President and Secretary of the Executive Committee of the First Palestine Arab Women's Congress and dated January 28th, 1932, is divided into seven chapters of very unequal length.

It has been transmitted to the Commission with brief observations by the United Kingdom Government, dated June 22nd, 1932.

Before rapidly reviewing each of the seven chapters of this petition in the light of the mandatory Power's observations, it will be well to mention its origin. The first and only Palestine Arab Women's Congress which has ever been held took place in 1929 after the Jerusalem disturbances. The present petition has been drawn up by the Executive Committee of nine members, constituted after the close of the Congress. This Committee has been registered at the District Commissioner's Office as a society to promote the education of Arab women and public welfare in general in Palestine as a whole. The Committee is presided over by a lady belonging to a leading Moslem family of Jerusalem, while the Secretary is a Christian.

The first point of the petition deals with the measures taken by the Palestine Government to reduce the cost of administration. The petitioners complain that the document containing the conclusions of an enquiry carried out on this matter has remained a secret document. They also complain that the abolition of certain posts, which was decided upon as the outcome of this enquiry, was carried out unfairly ; that the Palestinian Arabs were the chief victims of the measures of economy and that, in general, the number of foreigners in the Civil Service of the mandated territory is excessive.

In their reply, the United Kingdom Government state that the report of the Financial Commission appointed in 1931 to examine the finances of the Palestine Government is a confidential document which the mandatory Power does not propose to publish. The United Kingdom Government recognises that the measures of economy adopted have given rise to individual complaints, but they deny that discrimination has been made against the Arabs on grounds of nationality. Moreover, they have communicated to the Mandates Commission a complete list of persons in the service of the Palestine Government in February 1932 who are non-Palestinians and are not British subjects.

Special attention was given to this list, which is headed by Egyptians to the number of fifty-nine, by the Commission in its interview with the High Commissioner in Palestine. In reply to a question put to him on this matter, the High Commissioner stated that those Egyptians, the number of whom might appear to be excessive, were for the most part in the service of the administration of the railway connecting Palestine and Egypt.

Secondly, the petitioners complain that Palestinian nationals are only allowed to serve in the lower grades of the Civil Service of their country, all the highest posts being reserved for British subjects. They also complain that the latter, both from the point of view of salaries, expatriation allowances and travelling allowances and from the point of view of leave, are

¹ Document C.P.M.1290.

granted unfair privileges. The case of Mr. Norman Bentwich, formerly Attorney-General of Palestine, who was granted a special pension on his retirement, comes in for particular criticism.

The United Kingdom Government admit that the majority of the controlling posts in the Administration are in the hands of nationals of the mandatory Power, but state that this is inevitable. They anticipate that it will gradually be possible to replace British officials by Palestinians, but this is bound to be a slow process. As regards the advantage attached to the posts occupied by British officials, the mandatory Power does not regard them as excessive and adds that they are not granted on grounds of nationality.

The mandatory Power recalls the exceptional circumstances, in no way affecting the merits of Mr. Norman Bentwich, which led to his premature retirement. It considers that the pension granted to the former Attorney-General is a fair one.

It would appear to be difficult for the Commission to criticise the action of the mandatory Power in this respect. At most, it might state that it shares the hope expressed both by the petitioners and by the Government that the number of public officials of Palestinian nationality will shortly increase and that the number of foreigners will diminish.

The third and fourth complaints of the petitioners relate to the situation of the Arab peasants in Palestine, who are commonly known as fellaheen. According to the petitioners, their position is desperate and is worse than it was under the Turkish regime. They complain that the United Kingdom Government have so far taken no effective measures to improve the lot of the fellah and to protect him from the consequences of the acquisition of land by foreign Jews. They mention in particular the case of the Arabs of Wady-el-Hawareth, and urge the mandatory Power to formulate and apply a new land policy and, *inter alia*, to restrict the transfer of Arab land to non-Arabs. They ask in particular for the establishment of co-operative institutions and the re-establishment of the former Agricultural Bank as measures for the protection and relief of the fellaheen.

The United Kingdom Government have replied very briefly to these observations and refer to their annual reports for 1930 and 1931. They state that the liquidation of the Ottoman Agricultural Bank has not yet been completed; but that, in the meantime, they have not hesitated to advance funds to the peasants in case of emergency.

It must be recognised that the mandatory Power's observations on this point are extremely brief; whether it considers the petitioners' complaints unworthy of its attention because they are exaggerated or too vague or whether it considers that the particulars given by it in its annual reports constitute sufficient refutation, it has not in any case thought fit to reply specifically to those complaints.

In view of the importance, on the one hand, of the question of the fellaheen in Palestine and, on the other, of the lack of adequate information on the matter, the Commission might, I think, take the opportunity of this petition once again to draw the mandatory Power's attention to this question; but it should not do more than this.

In the fifth chapter of the petition, it is stated that the Arab peasant pays far more than his share of direct taxation, and the abolition of the tithe is urged.

In their observations, the United Kingdom Government make no mention of this complaint. The Commission is aware, from the information given in the annual reports, that, for a long time past, the reform of the tithe has been receiving the attention of the mandatory Power and that, during the past year in particular, a large number of reductions of, and exemptions from, the land tax have been granted to the fellaheen in view of the difficulties of their situation.

In this connection, the Commission should, I think, merely express the hope that a final and satisfactory solution of the question of the tax on agricultural property will soon be found.

The sixth complaint of the petitioners relates to the insufficient accommodation at Government schools in the territory and at the primary schools in particular. They deplore the fact that the efforts made by the Palestine Government in this connection during the first years of its administration have not been continued.

The mandatory Power recognises the lack of accommodation at Government schools and regrets that, in present financial circumstances, no immediate increase of accommodation can be provided in the primary schools, but states that the Palestine Government hopes to be able gradually to expand the Arab educational services.

The Commission can only share these regrets and hopes.

Lastly, the petitioners protest against the fact that, as a result of the policy followed by the mandatory Power, the population has been deprived of its constitutional and national rights as an independent nation. In this connection, they urge the abrogation of the Balfour Declaration, the abolition of the mandate and the establishment of a national Government responsible to an elected representative Council, with a view to the complete independence of Palestine and its affiliation to an Arab federation.

The mandatory Power states that these latter claims are incompatible with the terms of the mandate for Palestine and presumes that the Mandates Commission will not wish to consider them.

As regards this latter point it is, I think, clear that the Commission can only express its surprise that this complaint should be submitted to a Commission whose express duty it is to uphold and to supervise the working of a regime from which the petitioners wish to be released.

CONCLUSIONS.

If my colleagues are in agreement with the views set forth above, it might perhaps be expedient to communicate them to the Council by the adoption of a draft resolution such as the following :

“ The Commission,

“ Having noted the petition dated January 28th, 1932, from the Executive Committee of the First Palestine Arab Women's Congress, and having examined the complaints contained therein in the light of the observations submitted by the United Kingdom Government on June 22nd, 1932, their annual reports on the administration of Palestine and the verbal declarations of their accredited representative ;

“ (1) Considers that, in point of fact, the number of officials of non-Palestinian nationality in the service of the Palestine Government is very large, particularly in the higher posts, as asserted by the petitioners and admitted by the mandatory Power. In the present state of the territory and its inhabitants the Commission realises the necessity of entrusting the chief posts in the administration to British officials, but it hopes that, as education progresses and feelings become pacified in Palestine, it will be possible to employ in the Civil Service an ever-increasing number of nationals of the territory ; not only does this evolution seem to be in accordance with the objects of the mandate, but it would also lighten considerably the budget of the territory in view of the considerable expenditure occasioned by the employment in Palestine of a large number of British officials.

“ (2) The Commission, having noted the complaints of the petitioners relating to the position of the fellaheen, hopes that circumstances will shortly enable the mandatory Power to improve their lot, chiefly by the development of co-operative societies and the establishment of a satisfactory agricultural credit system.

“ (3) As regards the tithe, the abolition of which is urged by the petitioners and which, by the action of the mandatory Power, is, on the other hand, being converted into a tax on land revenue, the Commission appreciates the policy of the mandatory Power which, in view of the particularly acute distress, suspended, during the past financial year, the collection of the whole or part of the taxes payable by farmers. It hopes that a final and satisfactory solution of the question of the land tax in Palestine will shortly be found.

“ (4) Like the petitioners and the mandatory Power, the Commission regrets the insufficient accommodation at the present time in the primary schools of the territory, and hopes that its financial resources will shortly enable the Administration to add to their number and thus to place the benefits of primary education within the reach of all the children in every village.

“ (5) The Commission wishes once again to stress the fact that it is unable to consider petitions for the abrogation of the regime, the application of which it is its duty to supervise. ”

ANNEX 18.

C.P.M.1345(1).

PALESTINE.

MEMORANDUM BY THE PRESIDENT OF THE JEWISH AGENCY FOR PALESTINE
ON THE SUBJECT OF THE DEVELOPMENT OF THE JEWISH NATIONAL HOME
IN PALESTINE IN THE YEAR 1931.¹

REPORT BY COUNT DE PENHA GARCIA.

By its letter of October 25th, 1932, the mandatory Power transmitted to the Permanent Mandates Commission a letter from the President of the Jewish Agency, dated September 12th, 1932, which was addressed to the High Commissioner for Palestine, together with a memorandum from the Jewish Agency on the development of the Jewish National Home in Palestine during 1931.

That memorandum contains, as usual, a detailed account of the activities of the Zionist Organisation and of the Jewish community in Palestine. It is divided into nine chapters relating to the following questions : population, immigration, labour, agricultural colonisation, urban development, industry, public health, education, Jewish community, finance. Each point relating to progress in the establishment of the Jewish National Home is dealt with in adequate detail.

¹ Document C.P.M.1308.

The letter from the President of the Jewish Agency for Palestine contains a brief commentary on the memorandum. The following points may be noted in it :

1. Reproduction of the resolution passed by the Council of the Jewish Agency at its meeting at Basle in July 1931 and of the resolution adopted by the seventeenth Zionist Congress which met at Basle at the same time. Those resolutions may be summed up in the two principles which form the basis of the Zionist policy in Palestine :

“ Energetic defence of the rights granted to the Jewish people by the mandate, and co-operation with the Mandatory with a view to the complete implementing of the mandate, and especially with a view to securing the support of the Mandatory and the Palestine Administration in the upbuilding of the Jewish National Home.

“ Active measures in the economic, social and political fields with a view to bringing about peaceful relations and a *rapprochement* between Jews and Arabs in Palestine, on the principle that, whatever the numerical strength of either people, neither shall dominate nor be dominated.”

2. Statement of the need to pursue the establishment of the Jewish National Home in accordance with the terms of the mandate and of the United Kingdom Government's letter of February 13th, 1931, to Dr. Weizmann.

3. Request that the percentage of Jewish workers employed on public works may be increased.

4. Expression of a certain mistrust as regards the last agrarian law, which impedes the intensive development of large tracts of the country.

5. Satisfaction at the prospect held out of a reduction to £500 of the minimum required of certain classes of immigrants before settling in Palestine. The Agency considers it necessary that the regulation of immigration should be reconsidered.

6. Appreciation of the steps taken to improve public security and request for a greater participation of the Jews in the Palestine Police and the Trans-Jordan Frontier Force.

7. Request for a larger contribution from the mandatory Power towards the expenditure on the Jewish social services.

8. Slight effects in Palestine of the economic depression, a favourable situation largely due to the funds flowing into Palestine from abroad for purposes of Jewish settlement work.

The observations communicated by the mandatory Power with regard to the memorandum show that this Power desires to give gradual effect to the requests set forth therein and to continue to encourage the establishment of the Jewish National Home under the terms of the mandate, in agreement with the Jewish Agency, taking into account the material possibilities of the country.

While duly noting the importance of the information contained in the memorandum of the Jewish Agency for Palestine, dated September 12th, 1932, I am of opinion that, in the circumstances, neither the memorandum nor the observations of the mandatory Power thereon appear to call for a recommendation to the Council.

ANNEX 19.

C.P.M.1344(1).

SYRIA AND THE LEBANON.

PETITION, DATED JANUARY 15TH, 1930, SIGNED BY M. KEIR EL DINE EL LABABIDI, ON BEHALF OF SYRIAN AND LEBANESE AVIATORS, TRANSMITTED BY THE FRENCH GOVERNMENT WITH ITS OBSERVATIONS ON NOVEMBER 19TH, 1932.

REPORT BY M. RAPPARD.

This petition, dated Aleppo, January 15th, 1930, was forwarded to the Permanent Mandates Commission by the mandatory Power on November 19th, 1932. Nearly three years have therefore elapsed between the drafting of the petition and its receipt at Geneva. This is due to the fact that the petition addressed to the League of Nations through the High Commissioner of the French Republic in Syria, in accordance with the procedure in force, seems to have been mislaid at Beirut. In any case, it was greatly delayed during transmission to Paris.

M. Keir el Dine el Lababidi, who, so the mandatory Power informs us, is the only Syrian or Lebanese aviator capable of flying a machine, and who could therefore only speak on his

own behalf, has been sentenced to two years' imprisonment for a threatening letter to the Chief of Police at Aleppo. He is also alleged to have taken part in the Jebel Druse insurrection, a fact which, in conjunction with the sentence mentioned above, "did not sufficiently recommend him to the High Commissariat for it to be disposed to intercede with the Air-Orient Company to engage the services of the former aviator", as the mandatory Power puts it.

In these circumstances, and in view of the flagrant inaccuracies contained in the petition and pointed out by the mandatory Power, I do not think that any action whatever should be taken thereon.

Should my colleagues agree with this view, they might signify the fact by adopting the following draft resolution :

"The Commission, having examined the petition of M. Keir el Dine el Lababidi, dated January 15th, 1930, and in view of the information contained in the observations of the mandatory Power, dated November 19th, 1932, considers that this petition need not be retained."

ANNEX 20.

C.P.M.1361(1).

SYRIA AND THE LEBANON.

PETITION, DATED AUGUST 10TH, 1931, FROM THE SYRIAN PATRIOTIC LEAGUE OF SÃO PAULO (BRAZIL) CONCERNING THE ELECTION OF THE PATRIARCH OF ANTIOCH. ¹

REPORT BY M. RUPPEL.

The petition, dated August 10th, 1931, from the Syrian Patriotic League of São Paulo (Brazil), protests against the interference of the High Commission for Syria and the Lebanon in the Greek-Orthodox election, and also against the High Commissioner's refusal to give effect to the decision of the Patriarchs of Constantinople, Alexandria and Jerusalem confirming the election of Mgr. Alexandre Jahan.

The mandatory Power, in its observations, dated November 29th, 1932, ² points out that, although intervention would have been legally justified and was not forbidden by Article 9 of the mandate on which the petition relies, the High Commissioner refrained from intervening in any way. It adds that the "decision" of the three Patriarchs was invalid, because these heads of other Greek Churches have no jurisdiction over the autocephalous church of Antioch and because the decision was not accepted as an arbitral award by the two elected bishops.

The mandatory Power further states that it is untrue that obstacles were raised to Mgr. Theodore Abourégaïlé's journey to Europe; he embarked at Beirut, without the slightest hindrance on September 24th, 1931, and returned in the same way on December 2nd following. While in Paris, he was received by the High Commissioner.

The conflict of the Greek-Orthodox Patriarchate was discussed at length with the accredited representative during the twenty-second session of the Commission, and an observation on the subject was embodied in the report to the Council. No further action whatever is called for in regard to the petition.

I propose the following conclusion :

"The Commission has examined the petition from the Syrian Patriotic League of São Paulo (Brazil), dated August 10th, 1931, concerning the election of the Greek Patriarch of Antioch and the observations of the mandatory Power. While the Commission desires to draw attention to the observation in regard to the dispute of the Greek-Orthodox Patriarchate contained in its report to the Council, it considers that the petition does not call for a recommendation to the Council."

¹ Document C.P.M.1227.

² Document C.P.M.1353.

ANNEX 21.

C.P.M.1352(1).

SYRIA AND THE LEBANON.

PETITION, DATED DECEMBER 9TH, 1931, FROM THE EMIR CHEKIB ARSLAN AND
M. IHSAN EL DJABRI.¹

REPORT BY COUNT DE PENHA GARCIA.

The petition, dated December 9th, 1931, from the Emir Chekib Arslan and M. Ihsan el Djabri, reiterates protests against the mandate in Syria which have already on several occasions reached the Permanent Mandates Commission from the same source. It contains some more or less sharply-worded criticisms of the attitude of the League of Nations towards the mandatory Power, including the following :

[*Translation.*]

“ The League of Nations has unreservedly approved everything which the mandatory Power has submitted to it. It has closed its eyes to cases in which the mandatory authority has, to an astonishing degree, failed in, or departed from, its duty. It has shown towards it a leniency which verges on subserviency. It has favourably received the annual statements of the representative of the mandatory Power — statements which were ambiguous, were not calculated to be reassuring to Syria and in no way met the legitimate claims of the population, which despite all vicissitudes has throughout held fast to its belief that the mandate is unjust, that it is incompatible with its level of civilisation, and illegal, since it has never been approved by the Syrian people, this being an essential condition required by Article 22 of the League of Nations Covenant. ”

The Chairman of the Permanent Mandates Commission rejected this part of the petition by commenting on it in the following terms :¹

“ In deciding to transmit this petition to the mandatory Power and to the members of the Permanent Mandates Commission, the Chairman of the Mandates Commission stressed the fact that he regarded as receivable only the second part of the petition, which contains allegations relating to facts, and that he dismissed the first part owing to its general controversial character. ”

In the second part of the petition, the petitioners advance the following complaints :

1. The High Commissioner abolished national sovereignty by taking over direct and supreme power in Syria.
2. By simple decree, he appointed an Advisory Council from among the most zealous supporters of foreign domination.
3. He applied an electoral law which in no way safeguards freedom of election.
4. He caused instructions to be given to the village chiefs as to the candidates they should elect.
5. He proclaimed no general amnesty before the elections.
6. He made great efforts to incite the Jebel Druze to claim its independence.

The mandatory Power, in its observations,² sets aside the whole of that part of the petition which contains general controversial matter concerning the mandate, whilst, on the other points, it has given the following reply :

[*Translation.*]

“ It should be observed that, if the High Commissioner took over arrangements for the maintenance of order, this was because *no local government would have escaped the charge of having faked the elections.* When the petitioners regret that the High Commissioner should not have entrusted the provisional government to ‘ honest and neutral Syrian hands ’, they are accusing him of failure to do something that would have been singularly difficult and would doubtless not have satisfied those concerned any better ; for *never would a defeated party have consented to acknowledge the neutrality of the Government* under whose auspices the elections had taken place. It is probable that no one in Syria would have been prepared to regard as ‘ neutral ’ a Government not consisting of members of his own party. *The High Commissioner therefore took the measures best calculated to ensure neutrality* and consequently the proper conduct of the elections.

¹ Document C.P.M. 1274.

² Document C.P.M.1311.

“ The Advisory Council appointed by him had nothing to do with the elections. Its composition afforded clear evidence of *pacification*, since it held the balance evenly between the parties, several of its members having stood for election under different labels. *Its appointment afforded the moral possibility of changing the provisional Government, several of whose members sat on the Advisory Council.* ”

As for freedom of election, this was safeguarded by the mandatory Power, which took the usual precautions against disorder. In any case, the mandatory Power holds that the best proof of its impartiality is afforded, and clearly afforded, by the results of the elections and by subsequent events, notably the *unanimous* validation of the elections by the new Chamber.

A general amnesty was not proclaimed in order to avoid any misconceptions as to the attitude of the mandatory Power and to prevent the return, at the very moment of the elections, of persons who habitually foment disorder.

Finally, by instituting in the Jebel Druze one of those systems of local autonomy which are recommended by Article 1 of the mandate, the mandatory Power merely acceded to the wishes expressed by the civil and religious leaders of the Jebel Druze.

The institution of this system does not preclude, for the future, an agreement between the Druzes and the Government of Damascus.

Such was the reply of the mandatory Power.

In the final part of the petition, the signatories state that Syria is ready to give evidence of its desire to be a factor making for peace in the Near East.

It is to be hoped that the abatement of political strife will open the way to the effective co-operation of the Syrian population with the mandatory Power and will lead to the results for which the signatories to the petition hope, results which can be obtained within the mandate by developments which it itself foresees. It appears to me that, after examining the petition and the observations of the mandatory Power, the Permanent Mandates Commission might agree to a draft resolution as follows :

“ The Commission, having examined the petition from the Emir Chekib Arslan and M. Ihsan el Djabri, dated December 9th, 1931, and the observations of the mandatory Power, dated October 18th, 1932, considers that no action need be taken thereon. ”

ANNEX 22.

C.P.M.1359.

SYRIA AND THE LEBANON.

PETITION, DATED MAY 6TH, 1932, FROM THE ASSOCIATION OF ARAB STUDENTS OF TOULOUSE. ¹

REPORT BY COUNT DE PENHA GARCIA.

On May 6th, 1932, the Association of Arab Students at Toulouse sent a petition to the Permanent Mandates Commission to the following effect :

[*Translation.*]

“ At the very moment when the Syrian Patriots are endeavouring to reach an agreement with the French Government in Syria, the High Commissariat has suspended *El-Kabas*, their last daily newspaper at Damascus. The number of journals suspended in the same town now numbers *three*.

“ The Syrians cannot see any legitimate ground for the measures taken against the freedom of the Press. On the contrary, they merely prevent the co-operation — so much desired by your Commission — of the Syrians with the French Government in Syria.

“ This arbitrary state of affairs has constantly been in existence in Syria for twelve years. ”

If we set aside the vague allegations made against the mandatory Power, the only fact to be noted is the suspension by the High Commissioner of three journals at Damascus during an acute period of political strife. In the report for 1931, the position of the Press in Syria is described as follows : ²

“ *Press.* — At the present time, throughout the territory of the State of Syria, there are ten daily newspapers and twenty-two weekly periodicals or reviews, most of them in the Arab language and some in Armenian, Turkish, Circassian or Kurdish, and one daily and three weekly journals in French.

¹ Document C.P.M.1288.

² Report to the League of Nations on the situation of Syria and the Lebanon (year 1931), page 5.

“ Most of the editors of these journals have only a very rudimentary idea of the rôle of the Press, and as the Press is not yet used to any wide extent for purposes of publicity, the proprietors of periodicals have to take account of material considerations which affect their independence. It is exceptional for a newspaper to be printed in 3,000 copies a day.

“ The journals suspended in 1931 by decree of the President of the Council of Ministers were : *Al-Jamia el Islamia*, of Aleppo, for three months, and *El Ayam*, of Damascus, *sine die*. ”

The mandatory Power, in explanation of the facts set forth by the petitioners, states that it is important to prevent political feeling from becoming excessive at the time of elections. As regards the legality of the suspension of the Damascus journals, that is a measure which depends on the laws of Syria, as the Constitution, while proclaiming in principle the freedom of the Press, makes it subject to special legislation. The act alleged being within the competence of the authority which ordered it, and the representative of the mandatory Power having stated that the suspension has already been terminated, I think that the Commission can only hope that events will enable the law allowing the freedom of the Press to be normally applied, unless the maintenance of public order calls for exceptional measures in particular cases.

For these reasons, therefore, I propose that the Commission adopt the following conclusion:

“ The Commission considers that no action need be taken on this petition .”

ANNEX 23.

C.P.M.1362.

SYRIA AND THE LEBANON.

PETITIONS CONCERNING THE LEGISLATIVE ELECTIONS IN SYRIA.

REPORT BY M. ORTS.

I have been instructed to submit a report on a number of petitions and protests addressed to the League of Nations in connection with the legislative elections which took place in Syria at the end of 1931 and at the beginning of 1932 — namely :

1. Petition, undated (received on May 18th, 1932), from the Paris Syrian Arab Association (document C.P.M.1281); observations of the French Government, dated November 30th, 1932 (document C.P.M.1349).
2. Petition dated January 2nd, 1932, from the Toulouse Arab Students' Association (document C.P.M.1275); observations of the French Government, dated October 18th, 1932 (document C.P.M.1311).
3. Various protests forwarded by the French Government on October 19th, 1932, with that Government's observations (document C.P.M.1310).
4. Protests from the inhabitants of Aleppo and Damascus forwarded by the French Government on October 20th, 1932, with that Government's observations (document C.P.M.1314).

The common object of all these petitions is to denounce the steps — which the petitioners allege to have been brutal and excessive — taken to repress the disturbances accompanying or following on these elections, and the fraudulent practices or pressure brought to bear, with a view to falsifying the result, in which the mandatory authorities are alleged to have had a hand.

* * *

As regards the first point, there can be no doubt that, in the principal cities of Syria, a period of disturbances commenced simultaneously with the electoral campaign, and nobody will deny that the mandate makes it imperative for the mandatory Power to maintain order.

It is often very difficult, in the presence of contradictory statements, to decide whether the measures adopted were excessively severe, having in view the undoubted seriousness of the disorders. In the present case, however, it may unhesitatingly be said that the petitioners' description of the way in which the public forces intervened and the estimate of the loss of human life involved must be qualified as an exaggeration.

For instance, the petitioners assert that, at Damascus, “ hundreds of demonstrators succumbed to the fire of the High Commissioner's police and soldiery ”. It seems, however,

to be an established fact that the intervention of the public forces resulted in six violent deaths throughout the whole of the electoral period. Again, the petitioners state that, in Aleppo “ soldiers slew dozens of the demonstrators ”, whereas, in reality, not more than four persons were killed.

Such exaggerations rather tend to throw discredit on other statements in the same petitions which are less easy to verify and to warrant the supposition that political feeling has considerably influenced the versions presented to us of these deplorable events.

* * *

With regard to the second complaint — viz., efforts to intimidate, bring pressure to bear and fraudulent practices, which, it is alleged, vitiate the electoral verdict, one observation must be made.

Under the Organic Statute of Syria, “ the Assembly shall confirm the validity of the elections by an absolute majority ”.

This clause shows that the law of the country provides due remedy for acts such as those which the petitioners have reported to the League of Nations.

Moreover, as the accredited representative of the mandatory Power has told us, the validity of these elections was confirmed *unanimously* by the Syrian Legislative Assembly.

This last fact would seem to show exactly how much credence should be given to the petitioners' statements with regard to the second point.

* * *

The above considerations lead me to propose that the Commission should submit the following conclusion to the Council :

“ The Commission,

“ Having examined the various petitions submitted to it regarding the Syrian parliamentary elections and the accompanying incidents ;

“ Having likewise noted the observations transmitted by the mandatory Power and the additional information supplied verbally by its accredited representative :

“ Considers that these petitions do not call for any particular action on the part of the Council ”.

ANNEX 24.

C.P.M.1365.

SYRIA AND THE LEBANON.

PETITIONS, DATED JANUARY 29TH AND FEBRUARY 1ST, 1932, FROM A NUMBER OF INHABITANTS OF HOMS AND HAMA RESPECTIVELY WITH REGARD TO THE SUPPRESSION OF THE NEWSPAPER “ AL-YOM ”, OF DAMASCUS.

REPORT BY COUNT DE PENHA GARCIA.

On January 29th, 1932, a number of inhabitants of Homs,¹ and on February 1st, 1932, a number of inhabitants of Hama¹ addressed to the High Commissioner of the French Republic petitions objecting to the suspension of the newspaper *Al-Yom*, published at Damascus, which had just taken place.

The mandatory Power communicated its observations in a letter dated November 28th, 1932.² These observations also related to the petition from the Association of Arab Students of Toulouse with regard to the suspension of another newspaper, *El-Kabas*.

We have therefore before us complaints concerning the exercise of freedom of opinion in Syria.

The mandatory Power states in its explanations that, in these cases, exceptional action was necessary for the maintenance of order at the time of the last elections.

The following extract from the mandatory Power's observations sets out the principles upon which the suspension of the two newspapers in question was based :

[*Translation.*]

“ The nature of the agitation organised in Syria during and after the elections was explained in the report for 1931 and in the observations of the French Government on several petitions. On the pretext that the elections were being, or had been, ‘ manipulated ’,

¹ Document C.P.M.1347.

² Document C.P.M.1348.

no proof of which could be given, disturbances were fomented on December 20th, 1931, at Damascus, Douma and Hama, where the elections had to be suspended. An attempt was made at Aleppo to terrorise the authorities in order to induce them to cancel the elections, which had been unfavourable to the extremists, or to make life impossible for the moderates who had been elected, and so cause them to resign. The trouble, which occurred at Aleppo during the first few weeks of the year, broke out again in that town in September, which month was marked by several cases of attempted terrorism.

“ In these circumstances, the mandatory authority was obliged to watch the attitude of the Press, for, among an excitable and credulous populace, there is too great a tendency to attribute to weakness that toleration of freedom of speech which only a long experience of freedom of opinion, has taught Westerners to regard as the outcome of liberalism.

“ Under the mandate, the mandatory Power is required to maintain public order. In fulfilment of this obligation, the High Commissioner issued a decree on May 27th, 1924, providing that ‘ when, owing to the publication of one or more articles in a newspaper or periodical, its publication would be such as to disturb peace and public order, or to prejudice international relations, the High Commissioner may order its suspension ’. This step may only be taken, however, ‘ when the editor of the newspaper has been requested to furnish explanations, with regard to the articles prejudicial to public order appearing in his newspaper, to the representative of the High Commissioner accredited to the Government of the State ’.”

At the beginning of January, *Al-Yom* provoked public opinion by publishing information with regard to electoral falsification and fraud. It commended the strike of Damascus students on that occasion.

Its editor, who was summoned by the representative of the High Commissioner at Damascus and called upon to furnish proof of these allegations, was unable to do so.

In order to prevent the trouble which such action might cause in Damascus, the newspaper was suspended. The representative of the mandatory Power has stated that the newspaper is no longer suspended, the reasons for that measure having ceased.

In these circumstances, it appears to me that the Permanent Mandates Commission can only hope that events will permit of the normal application of the law of the freedom of the Press, except in special cases when the maintenance of public order necessitates exceptional measures.

For these reasons, therefore, I propose that the Commission should adopt the following conclusion :

“ The Commission considers that no action need be taken on these petitions. ”

ANNEX 25.

C.P.M.1357.

CAMEROONS UNDER FRENCH MANDATE.

PETITION, DATED AUGUST 5TH, 1931, FROM THE “ LIGUE DE DÉFENSE DE LA RACE NÈGRE ”, PARIS.¹

REPORT BY M^{LLE}. DANNEVIG.

On August 5th, 1931, the *Ligue de défense de la race nègre*, Paris, sent a letter to the League of Nations, signed by V. Ganty, enclosing a telegram signed “ Femmes Douala ”.

The telegram states that, regardless of the crisis or their position, women have been taxed equally with men. The women have asked for the abolition or abatement of the tax, but have received no reply. Some of them are “ languishing in prison ”, while others, when they went to obtain news of their fellows, were fired upon, and several were seriously wounded. The women, in the petition, ask for protection and desire that the League be informed of their position.

In its observations, dated February 2nd, 1932,¹ the mandatory Power pointed out that, from the beginning of 1931, the Administrator of Duala had noticed among the population a marked disinclination to pay the poll tax due by women, whereas, in the other districts of

¹ Document C.P.M. 1279.

the territory, the women's tax had been paid without any great difficulty. The French Government states that the effects of the crisis are less perceptible at Duala than in other parts of the Cameroons, and it sees no justification for the resistance to the payment of the tax. This resistance seems to be due to a foreign influence, though whence that influence comes has not been established. At the outset, the resistance was essentially passive, and the Duala Administration allowed liberal grace for the payment of the taxes. In July, however, it summoned the tax-collectors for the purpose of checking the amounts collected. One of them had embezzled part of the tax he had collected; he was brought to trial and sentenced to three months' imprisonment. This sentence gave occasion for demonstrations on July 22nd, in which only women took part. The demonstrators were dispersed without difficulty, except in the Deido quarter, where a number of women assembled in front of the police-station, which was occupied by a French gendarme. "The latter, losing his head, and doubtless intending to frighten the demonstrators, took a shot-gun and fired three cartridges filled with shot into the air and on the ground". Nine women were hit by ricochets of 7-calibre shot from the cartridges fired by the gendarme. Eight of them at once went home and were not in the slightest degree incapacitated for work. The ninth, who is named Agnes Bupungo, and aged 35, received, says the French Government, a considerable quantity of shot in her lower limbs. She was taken to hospital and treated as her condition required; she left hospital of her own free will after ten days, during which period she was able to perform her daily duties without any visible difficulty. A medical certificate, dated August 21st, states that the patient does not complain of any pains. The French Government adds that Agnes Bupungo has filed a civil action against the gendarme and is claiming 15,000 francs damages. The gendarme was at once relieved of his duties, and was sentenced on August 31st last to ten days' imprisonment and 100 francs' fine, with conditional suspension of the sentence. Notwithstanding the serious fault he had committed, the Court held, in view of his excellent record and his long and unblemished military past, that the prisoner should have the benefit of extenuating circumstances in a high degree.

The observations contain no information regarding the imprisonment of women, to which reference is made in the petition. When the annual report on the Cameroons was under consideration, the accredited representative was questioned on this point; he stated that certain women had been imprisoned for causing disorder. It would therefore appear that the imprisonment of the women was not directly connected with the collection of taxes. The mandatory Power, however, has given no details of the circumstances in which the women were imprisoned or the sentences passed upon them.

With regard to the incidents of July 22nd, 1931, it is quite clear from the particulars furnished by the mandatory Power that the French gendarme committed a serious fault by losing his head and firing on the demonstrators. It is indeed somewhat surprising that a gendarme, in performance of his police duties, should be armed with a loaded shot-gun, as seems to have been the case. One therefore cannot help being struck by the mildness of the punishment inflicted upon him.

Nine women were wounded by the gendarme. The Commission is informed that eight of them were not incapacitated for work, but the nature and consequences of their injuries are not known.

As regards the woman Bupungo, it was found a month after the incident that she had no pains. The information supplied does not, however, make it possible to judge whether she suffered any permanent injury or prejudice.

The accredited representative also stated that she had not received the damages claimed.

While I am unable to give any opinion on the affair as a whole, which is a matter for the local courts, I cannot but regret the incident. I think we may be sure, however, that, if the woman in question has suffered any infirmity or other permanent injury, the Administration will see that she receives fair compensation.

I therefore propose that, if the Commission shares my view, the following resolution be adopted:

"The Commission, having examined the petition from the *Ligue de défense de la race nègre*, dated August 5th, 1931, and the observations of the mandatory Power dated February 2nd, 1932, on this petition, considers that, as the action to be taken on the regrettable incidents which occurred at Duala in July 1931 falls within the jurisdiction of the local courts, there is no need to submit a recommendation to the Council on this matter."

ANNEX 26.

C.P.M.1332(1).

TANGANYIKA.

PETITION FROM THE INDIAN ASSOCIATION, DAR-ES-SALAAM, DATED FEBRUARY 22ND, 1932, FORWARDED ON AUGUST 31ST, 1932, BY THE GOVERNMENT OF THE UNITED KINGDOM, WITH ITS OBSERVATIONS.¹

REPORT BY M. VAN REES.

I. In a letter dated August 31st, 1932, the Government of the United Kingdom transmitted to the League of Nations a petition from the Indian Association of Dar-es-Salaam, dated February 22nd, 1932, together with that Government's observations thereon.

The Indian Association, which asserts that it represents the whole of the Indian community of the Tanganyika Territory through 55 district and provincial associations, has submitted to the Mandates Commission the three following memoranda :

1. Memorandum, dated January 25th, 1932, addressed to the Chief Secretary to the Tanganyika Government, Dar-es-Salaam, on the Non-Native Poll-Tax Bill.

2. Memorandum, dated February 3rd, 1932, addressed to the Chief Secretary to the Tanganyika Government, on the Bill entitled " An Ordinance to amend the Trades Licence Ordinance ".

3. Memorandum, dated February 18th, 1932, to the Government of India, on Indian conditions in Tanganyika generally, and especially the Non-Native Poll-Tax and Trades Licence Amendment Ordinances.

I shall confine myself to a short summary of the main points raised in these memoranda and in the observations of the Government of the United Kingdom.

The first memorandum constitutes a protest against the Bill entitled " An Ordinance for the Levy of a Non-Native Poll Tax ". It is argued that economies could be effected in various administrative departments of the territory before this new taxation was imposed. Moreover, the Bill, which introduces a non-economic tax, proposes to repeal the Non-Native Education Tax, the revenue from which has been administered in accordance with the advice of the Committee for the furtherance of Indian education. Finally, no provision was made to the effect that the new tax was imposed to meet a temporary emergency, and fear is expressed that it may remain in force for an indefinite period.

In the second memorandum, the petitioners object in particular to the Bill entitled " Trades Licence (Amendment) Ordinance ", which, in their view, empowers the Head of the Administration to grant a general monopoly for the whole of the native produce of the territory to one individual. It is asserted that the Ordinance is contrary to Article 7 of the mandate for Tanganyika, as well as to the interests of the Indian community and of the natives.

The third memorandum develops the arguments adduced in the second memorandum and contains a request that, if the interpretation of Article 7 of the mandate cannot be settled by negotiations with the Government of the United Kingdom, the Government of India should bring the question before the Court of International Justice at The Hague, in conformity with Article 13 of the mandate. The petitioners request the Permanent Mandates Commission to take all necessary steps to see that the Ordinances in question may not be applied to the Indian community.

II. As regards the Non-Native Poll-Tax Ordinance, the United Kingdom Government, in its observations, explains that, in face of the serious decline of revenue and the resulting exhaustion of the accumulated reserves, the Government of Tanganyika has had no option but to impose the said tax, which constitutes a revenue measure. It is also stated that the whole basis of revenue and expenditure in the territory will be examined by an expert, and that, pending the result of this examination, the Secretary of State, while regretting the necessity for imposing additional taxation, has been forced to the conclusion that, in the immediate circumstances, there was no practical alternative to the Non-Native Poll Tax.

As regards the Trades Licence (Amendment) Ordinance, the United Kingdom Government observes that it is designed to meet the unsatisfactory conditions under which many native crops are grown and the produce thereof marketed in various parts of the territory. According

¹ Document C.P.M.1295.

to the Ordinance, the Governor in Council may, subject to the discharge of certain conditions, grant in respect of any declared area an exclusive licence to trade in specific native produce. The Governor has, however, in subsequent correspondence, explained that the only crop for which it is proposed to issue an exclusive licence at present is one special kind of tobacco, and that there was no intention of issuing exclusive licences, except for the special purpose of promoting the introduction of a new crop or new methods of preparing a crop. In future, new exclusive licences will also have to be approved by the Secretary of State. The Governor of Tanganyika has further assured the Indian community that there was no thought of racial discrimination underlying the draft legislation, and that there would be no such discrimination in its application.

In reply to questions put to him during the meeting of the Mandates Commission held on November 16th, 1932, the accredited representative gave certain additional information on the petition under examination. He stated that the Tanganyika Administration had been in communication with the Indian Government through the India Office on the question raised by the petitioners' memorandum addressed to the Government of India. As regards the Trades Licence (Amendment) Ordinance, he observed that it was about to be amended, and that possibly action had now been taken. In addition, the purpose of the Ordinance had subsequently been explained to the Indian Association, which was now fully reassured and no longer feared that its interests would suffer. The exclusive licence, moreover, did not constitute a monopoly, and the Administration regarded the persons to whom exclusive licences were granted as "controlled agencies" within the meaning of Article 7, paragraph 4, of the mandate for Tanganyika.

III. As regards the Non-Native Poll-Tax Ordinance: In virtue of the full powers of legislation and administration conferred upon it by Article 3 of the mandate for Tanganyika, the mandatory Power, acting in conformity with the regular legislative procedure in force in the territory, has enacted an Ordinance No. 3, 1932. This Ordinance introduces, under the heading "An Ordinance to make Provision for the Levy of a Non-Native Poll Tax", a new direct tax, to which, with the exception of certain categories of persons, all male non-natives are subject if they do not pay taxes under the Hut and Poll-Tax Ordinance.

The new tax is neither excessive nor in any respect contrary to the provisions of the mandate. The question whether it would have been preferable, as the petitioners claim, to make retrenchments in expenditure, in addition to those already effected, instead of imposing a new tax, is therefore not one to be considered by the Permanent Mandates Commission.

As far as the Trades Licence (Amendment) Ordinance is concerned, I should like to point out, in the first place, that, according to the statement made by the accredited representative, this Ordinance has been, or is about to be, amended. As regards the substance of the question — *i.e.*, whether the Ordinance is contrary to Article 7, paragraph 4, of the mandate for Tanganyika, I am of the opinion that there is no question of instituting a concession having the character of a general monopoly mentioned in that paragraph. The Ordinance does not, moreover, constitute a derogation from the principles laid down in the paragraph in question, which admits monopolies granted in view of the carrying out of "the development of natural resources either directly by the State or by a controlled agency, provided that there shall result therefrom no monopoly of the natural resources for the benefit of the Mandatory or his nationals, directly or indirectly, nor any preferential advantage which shall be inconsistent with the economic, commercial and industrial equality hereinbefore guaranteed". These stipulations have been strictly observed, as will be seen from the supplementary information referred to above.

In view of the above considerations and of the supplementary information given by the accredited representative, I am of the opinion that no action should be taken on the petition from the Indian Association.

If the Commission endorses my views, I propose that the following resolution be laid before the Council:

"The Commission,

"In view of the considerations formulated by its Rapporteur and the additional information supplied verbally by the accredited representative, considers that no action need be taken on the petition from the Indian Association dated February 22nd, 1932."

ANNEX 27.

C.P.M.1338(1)

TOGOLAND UNDER FRENCH MANDATE.

PETITION, DATED MAY 12TH, 1930, FROM CERTAIN NOTABLES OF THE ANECHO DISTRICT (TOGOLAND) FORWARDED BY THE FRENCH GOVERNMENT, JULY 30TH, 1930.¹

REPORT BY COUNT DE PENHA GARCIA.

On May 12th, 1930, the Council of Notables of the Anecho District of Togoland under French mandate sent a petition to the Mandates Commission requesting it to intervene in support of the representations being made by the Commissioner of the Republic in Togoland with a view to the abolition of the Customs frontier recently re-established between Dahomey and Togoland.

In a long memorandum, the Notables stated that the Customs frontier between Dahomey and Togoland was abolished seven years ago. This state of affairs had been highly appreciated by the inhabitants of both Togoland and Dahomey, more especially those living along the banks of the river Mono, which formed the frontier between the two territories. The petitioners complained that, at the beginning of 1930, the Dahomey authorities had re-established the Customs barriers between their own territory and Togoland, thus causing prejudice to the inhabitants of the latter, where the regime was such as to promote intercourse with Dahomey.

The French Government forwarded this petition to the Permanent Mandates Commission with its letter of July 30th, 1930, at the same time reserving its right to make any necessary observations later.

At the eighteenth session of the Permanent Mandates Commission (see Minutes, page 88), the representative of the mandatory Power explained that the system previously in force between Togoland and Dahomey was not a Customs union. The Customs barriers had been abolished in the interests of trade between the native inhabitants of the two territories, who had highly appreciated this arrangement.

Latterly, the application of different rates of turnover tax in Togoland and Dahomey had induced certain traders to consign goods intended for Dahomey via Togoland. This fact, which was detrimental to the Dahomey budget, had led to the re-establishment of the Customs barrier.

On October 13th, 1930, the mandatory Power informed the Permanent Mandates Commission² that an enquiry regarding the petition of the Anecho Notables had, at least in part, confirmed the genuineness of the difficulties referred to by the petitioners.

“ Such being the case, the documents relative to this matter have been forwarded by the Commissioner of the Republic in Togoland to the Governor-General of French West Africa, whose attention has been drawn to the desirability of settling this question in a manner more in keeping with the interests of the two territories. ”

The question was again raised at the twenty-first session of the Permanent Mandates Commission,³ when the representative of the mandatory Power mentioned a letter from the Colonial Ministry to the Ministry for Foreign Affairs giving particulars of the action subsequently taken in the matter. This information was communicated to the Permanent Mandates Commission in a letter dated February 26th, 1932.⁴ In this letter, the mandatory Power stressed the difficulties of the problem attributable to the fact that, in Dahomey, import and export duties were collected for the account of the general budget, while Togoland was free to use its Customs revenue as it thought fit.

An agreement was signed at Anecho on November 5th, 1931, between the Commissioner of the Republic in Togoland and the Lieutenant-Governor of Dahomey.

The bases of this agreement were as follows :

- (1) That no local taxes or Customs duties should henceforth be collected on the land frontier dividing the two territories ;
- (2) That for the turnover tax on imports Togoland should adopt the rate applied in Dahomey ;
- (3) That Dahomey should reduce the turnover tax on exports from 5 to 4 per cent and that, in Togoland, the same tax should be raised from 0.5 to 2 per cent ;
- (4) That Dahomey should introduce the transport tax on motor-spirit and petroleum in force in Togoland, the rates applied in the latter territory being slightly increased ;

¹ Document C.P.M.1076.

² Document C.P.M.1089.

³ Minutes of the twenty-first session, pages 160 and 161.

⁴ Document C.P.M.1280.

(5) That, in both Togoland and Dahomey, the present wharfage and railway taxes, the rates of which were approximately equal, should be retained;

(6) Mutual undertakings : (a) to bring about the complete unification of all taxes as soon as the commercial situation should have returned to normality ; (b) not to re-establish Customs barriers between the two territories ; (c) to refrain in future from introducing any new internal taxes in either of the two countries ; (d) not to introduce either directly or indirectly any import or export bonuses and, in general, to avoid any measure likely to dislocate the bases of the agreement concluded.

Although it has not been possible to unify the rate of the turnover tax on exports in the two territories on account of the necessity of continuing to balance the Dahomey budget, the agreement arrived at, nevertheless, marks a genuine advance on the previous state of affairs.

Indeed, the abolition of all Customs barriers between the two countries completely satisfies the inhabitants of the Mono area who cultivate land on both banks of the frontier stream ; in future such persons will be able to cross the river at all points without encountering administrative difficulties.

During the examination of the report for 1931 on Togoland under French mandate at the twenty-second session of the Permanent Mandates Commission, the representative of the mandatory Power communicated the text of this agreement and assured the Commission that the form of Customs Union adopted, in order to accede to the petition of the Anecho Notables, had been prompted by the interests of the inhabitants of the mandated territory and did not affect the principle of economic equality. The Convention could moreover be denounced each year subject to three months' notice, a provision which would make its modification easy, whenever experience showed that it had ceased to redound to the advantage of the territory.

Consideration of this summary of the facts and of the action taken on the petition justifies the conclusion that the petitioners' requests have been satisfactorily met.

I propose that the Commission, if it shares my views, should adopt the following conclusion :

“ The Commission, in view of the statements made by the accredited representative in regard to the question dealt with in the petition, while it wishes to draw attention to its observations on Togoland under French mandate, considers that no special recommendations need be made to the Council concerning this petition. ”

ANNEX 28.

C.P.M.1307(1).

SOUTH WEST AFRICA.

PETITION, DATED NOVEMBER 25TH, 1931, FROM Mr. ALEX BERGMANN.¹

REPORT BY LORD LUGARD.

This petition is submitted by Mr. Alex Bergmann and consists of a number of allegations. The first states vaguely that some heads of families have met with mortal accidents in Government service, and a policeman has been murdered, and no compensation has been given. The Government replies that, in the only case of death by accident of a Government employee, full compensation was awarded, while the widow of the policeman received a gratuity of £110 19s. 2d., and a pension of £168 5s.

The second charge is a vague assertion that unemployed persons are treated like cattle. It purports to be based on newspaper extracts. Bad food is alleged to have been issued by Government. In reply, it is stated that enquiry showed that the charges are untrue.

The third charge is to the effect that the settlement of the Boers from Angola has been the cause of distress. No evidence of this is submitted, and the petitioner states that he intends to submit a further petition on this subject.

The fourth item is to the effect that a labourer found fault with the municipal latrines, and that the municipal authorities failed to take action.

The next refers to the building of a porch and of certain sewers by the Town Clerk, to which the Building Committee had taken exception.

¹ Document C.P.M.1292.

The Mandatory points out that these last charges are matters of purely municipal concern, which do not call for special investigation, and I concur in that view.

With the exception of the first allegation (regarding the denial of any compensation to persons injured in Government service) which has been shown to be entirely untrue, the charges are either vague and unsupported by evidence, or are concerned with petty questions of municipal administration (also unsupported by evidence) which it is not the function of the Mandates Commission to investigate.

I recommend that the petitioner be informed that, after investigation, the Commission is satisfied that no action by it is called for.

ANNEX 29.

C.P.M.1340(1).

SOUTH WEST AFRICA.

PETITION, DATED JUNE 17TH, 1932, FROM Mr. T. BEUKES AND ELEVEN OTHER BURGHERS OF REHOBOTH.¹

REPORT BY MLE. DANNEVIG.

This petition is a sequel to the petition from Rehoboth last year.² It is accompanied by a covering letter from the Minister for External Affairs of South Africa, and a memorandum with annexes amounting to seventeen pages from the Administrator of South West Africa.

The petitioners state that, after receiving the answer to the Rehoboth petition last year, the two Rehoboth parties resolved, at a meeting on April 18th, 1932, (1) to make peace, (2) to hold an election under the Constitution of 1871-72, and (3) to negotiate with the Administrator on the much-disputed Agreement of 1923.

Having communicated this resolution to the Magistrate of Rehoboth, they were told that such an election was illegal, and that "the League of Nations considered they must elect an Advisory Board, according to Proclamation No. 9, of 1928", which, they were given to understand, had been enacted as a "punishment", because they had disregarded the advice to co-operate with the Administration, given them in 1925-26-27, in a letter from Lord Lugard, dated May 25th, 1925, but never received by them.

The petitioners admit that they had been advised by the Administrator in 1924-1927 to adjust their constitutional position under Proclamation No. 28, of 1923. They "have not seen their way to conform to it", but they have not directly condemned it.

They further call attention to their petition of 1926,³ in which they asked to be allowed to send a deputation to Geneva to state their case in person. They assert that their evidence before the de Villiers Commission was not properly communicated to the League of Nations. For three years, they have had an Advisory Council nominated by the Administrator under Proclamation 9 of 1928, which they regard as null and void, because it was not in accordance with their laws. They have been able, they say, to rule themselves for fifty years, so why not after 1923? They protest against the report made to the Mandates Commission by Mr. te Water, "who has not been an hour in Rehoboth".

They finally complain that their land has been sold to Europeans with the consent of the Administrator, and beg the League of Nations for protection against their "property rights being given to Europeans whether by way of sale or by political means".

The Administrator, in his memorandum, corroborates their statements referred to in the second paragraph of this report and corrects their mistake as regards the letter supposed to have been written by Lord Lugard. The "letter" referred to was the report by Lord Lugard to the Mandates Commission on the petition from the Rehoboths of November 1924. The Administrator explains that, if it had been possible for Lord Lugard to be aware of the terms of Proclamation 31 of 1924 when he reported on their petition, he could not have suggested that the Rehobothers should regularise their constitutional position by holding a proper election. Nor could he have been aware that the trouble in 1925 had completely altered the position.⁴

The allegation concerning the sale of the Rehobothers' land is categorically denied.

¹ Document C.P.M.1316.

² Document C.P.M.1213.

³ Document C.P.M.546.

⁴ See pages 24 and 25.

The Administrator's memorandum further states that a deputation of Rehobothers representing all parties was received by the Administrator on May 6th of this year. The Minutes of this interview, which are annexed to the memorandum, contain (a) a declaration by the Administrator that he is interested in helping the Rehobothers economically by opening up water in the *Gebiet*; (b) a proposal that they should prove their willingness to co-operate with the Administration by participating, as a joint community, in the election of an Advisory Board which would have the confidence of all the burghers; (c) an assurance that their acceptance of this proposal would not be regarded as implying recognition by them of the Agreement of 1923, or even as denoting their satisfaction with the existing Agreement, but would prove their willingness to co-operate, so that, after one year, the future constitutional position of the *Gebiet* might be considered anew.

In a final letter, the Administrator sums up the proceedings of this interview: he explains to the Rehobothers that the *Gebiet* "has been entrusted to the Union Government, and that it is futile for the people to imagine that they can disregard the laws of the territory and look to the League for support, for the Government will see that its laws are obeyed".

It is stated in the memorandum that, as a result of all these proceedings, the political situation in Rehoboth has improved, because the party which is willing to co-operate has now become the majority party. On August 15th, Mr. N. van Wijk, the leader of the opposition party, with 123 of his followers, gave up their resistance and resolved to support the Administration. At the second meeting of the present session, the accredited representative of the South African Government informed the Commission that the atmosphere in Rehoboth appeared to be better than ever before. The majority of the Rehobothers desired to give effect to the League's recommendations and the Administration's proposal, but they asked the Administration to be patient, as they were anxious to obtain complete unanimity before approaching the mandatory Power again.

I am not in a position to know how far the Rehobothers' decision to give up *the resistance* and to co-operate with the Administration is due to the present difficult economic position in Rehoboth and to the explanation given to the burghers concerning the advice and views of the League of Nations or to a free and voluntary action. But it is evidently the only wise step for them to take.

I therefore propose that, in view of the above, the Commission adopts the following draft resolution:

"The Commission,

"Having carefully examined the petition from certain burghers of the Rehoboth community, dated June 17th, 1932, and having taken note of the statements made by the Administrator and the petitioners and the observations of the mandatory Power on the petition;

"Referring to the conclusions on a previous petition, adopted by the Commission in 1926 and approved by the Council;

"Repeats its previous recommendations made to the petitioners to collaborate with the Administration, to participate as a united community in the election of an Advisory Council, and to accept the Administration's proposal that the 1923 Agreement be discussed next year."

ANNEX 30.

I.

REPORT TO THE COUNCIL ON THE WORK OF THE SESSION

The Permanent Mandates Commission met at Geneva from November 3rd to December 6th, 1932, for its twenty-second session and held forty-two meetings, one of which was public. The annual reports were considered in the following order, with the co-operation of the representatives of the mandatory Powers.

South West Africa, 1931.

Accredited Representatives:

Mr. Charles T. TE WATER, High Commissioner of the Union of South Africa in London;
Major F. F. PIENAAR, D.T.D., O.B.E., accredited representative of the Union of South Africa to the League of Nations.

Iraq, 1931.

Mr. J. E. W. FLOOD, of the Colonial Office, represented the United Kingdom Government.

Nauru, 1931.

Accredited Representative :

Lieut.-Colonel Sir Donald CAMERON, K.C.M.G., D.S.O., V.D.

New Guinea, 1930-1931.

Accredited Representative :

Lieut.-Colonel Sir Donald CAMERON, K.C.M.G., D.S.O., V.D.

Western Samoa, 1931-1932.

Accredited Representative :

Sir Thomas Mason WILFORD, K.C.M.G., K.C., High Commissioner of New Zealand in London.

Palestine and Transjordan, 1931.

Accredited Representatives :

Lieut.-General Sir Arthur WAUCHOPE, K.C.B., C.M.G., C.I.E., D.S.O., High Commissioner in Palestine ;

Mr. H. F. DOWNIE, of the Colonial Office ;

Mr. S. MOODY, O.B.E., Deputy Secretary of the Secretariat of the Palestine Administration.

Islands under Japanese Mandate, 1931.

Accredited Representatives :

M. N. Iro, Deputy Director of the Imperial Japanese Bureau accredited to the League of Nations.

M. Mitsuda HORIGUCHI, former Governor of the Islands under Japanese Mandate.

Tanganyika Territory, 1931.

Accredited Representatives :

The Right Hon. the Earl of PLYMOUTH, P.C., Parliamentary Under-Secretary of State for the Colonies ;

Mr. G. F. SEEL, of the Colonial Office ;

Mr. G. J. PARTRIDGE, Deputy Secretary-General of the Government of Tanganyika Territory.

Cameroons under British Mandate, 1931.

Accredited Representative :

Sir Donald C. CAMERON, G.C.M.G., K.B.E. Governor of Nigeria.

Togoland under British Mandate, 1931.

Accredited Representative :

Mr. A. W. CARDINALL.

Togoland under French Mandate, 1931.

Accredited Representative :

M. M. BESSON, Chief of the First Bureau of the Political Department at the French Ministry of the Colonies.

Cameroon under French Mandate, 1931.

Accredited Representative :

M. M. BESSON, Chief of the First Bureau of the Political Department at the French Ministry of the Colonies.

(M. MARCHAND, Commissioner of the French Republic in the Cameroons, was present.)

Ruanda-Urundi, 1931.

Accredited Representative :

M. HALEWYCK DE HEUSCH, Director-General in the Belgian Ministry of the Colonies.

Syria and Lebanon, 1931.

Accredited Representative :

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

(M. Henri PONSOT, High Commissioner of the French Republic in Syria and Lebanon, was present at two meetings.)

A. GENERAL QUESTION.

ECONOMIC EQUALITY : PURCHASE OF MATERIAL AND SUPPLIES BY THE PUBLIC AUTHORITIES OF THE TERRITORIES UNDER A AND B MANDATES EITHER FOR THEIR OWN USE OR PUBLIC WORKS (pages 16, 125-131, 229-233, 253-254).¹

1. The conditions laid down in Article 22, paragraph 5, of the Covenant as governing the granting of an administrative mandate in the name of the League include the obligation imposed upon the mandatory to secure "equal opportunities for the trade and commerce of other Members of the League". With the same idea, the B mandates stipulate that the mandatory Power shall ensure to all the members or nationals of States Members of the League, on the same footing as to its own nationals, "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".²

This is the expression given in the Covenant and in the B mandates to what is commonly known as the "principle of economic equality".

The same principle is enunciated in the A mandates, but the exception is not expressed in the same terms.

2. As a result of circumstances which are detailed in the Minutes,³ the Mandates Commission thought it necessary to define the scope of that provision of the mandates in which, so far as concerns essential public works and services, exception is made to the principle of equality.

The exchange of views which followed made it clear that two different opinions were held in the Commission.

3. According to the first point of view,⁴ the word "essential" in the text of the mandates clearly demonstrates the desire of the authors to lay down a clear distinction between public works and services which, by reason of their special character, are excepted from the system of economic equality, and other works and services. Any other interpretation would amount to accusing the authors of extraordinary carelessness or deliberate obscurity, neither of which charges can possibly be justified.

Those holding this first point of view consider further that, economic equality being the rule, and the privileges of the mandatory Power as regards essential public works and services being the exception, the provision regarding this exception should be interpreted in a restrictive sense, in accordance with the legal principle always applied when defining the scope of an exception to a general principle. Consequently, the only public works and services which would be excepted from the rule of economic equality would be those of which the essential character justified such treatment, whereas in respect of all others the mandatory Power would remain bound by the general rule.

To define these two categories of public works and services would undoubtedly be a very delicate task, and the supporters in the Commission of the first point of view are under no illusions as to its difficulty. An exception to the principle of economic equality might perhaps be permissible in any case in which obedience to this principle would result in unduly hindering or delaying the administrative action of the mandatory Power as regards the maintenance of order and security in the territory under mandate, refusal being maintained in every other case. It might perhaps be better to be a little less strict, and to authorise such exceptions for all public works and services without which there can be no good administration. Exceptions would then only be excluded in cases in which the mandatory Power exceeded its strict duties in relation to the territory under mandate by extending its administrative activities to fields which could be equally well developed by private enterprise.

Supporters of this view are of opinion, moreover, that, if an exception is not authorised under the terms of the mandate, the mandatory Powers should, in the case of the purchase of material and undertakings relating to public works, invite public tenders which would be open to nationals of all the States Members of the League of Nations, that procedure being the best means of safeguarding the interests protected by the principle of economic equality.

Those holding the first point of view were the less inclined to lay down the law in this respect, in that the difference between their views and those of their colleagues who favoured the widest possible interpretation of the clause in question prevented the necessary unanimity on the fundamental principle of the problem under discussion.

4. Opposed to this point of view is that which holds that the principle of equal opportunities for "trade and commerce" — to quote the terms of paragraph 5 of Article 22 of the Covenant — applies only to *private* enterprise. This view was expressed as follows by

¹ The page numbers given are those of the Minutes of the Session.

² Article 6 or 7 (according to the case) of B mandates.

³ Minutes, twelfth session, page 164, and thirteenth session, page 94.

⁴ Defended more particularly by the Chairman, Dr. Ruppel and M. Palacios.

the member of the Commission who was appointed Rapporteur on the question during the sixteenth session¹:

“ 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 mandate 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 of a political character ; they are not conducted in the economic sphere ; consequently, the principle of free competition does not apply to them.

“ 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.

“ 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 ’.

“ *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 and services ?

“ 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.”

This line of argument led the author of the report to the sixteenth session 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 ”, provided that, as emphasised below, the action of the mandatory Power shall be subject to the close supervision of the Permanent Mandates Commission.

* * *

5. These are the two opposing points of view held within the Commission.

But, though the Commission was divided on the doctrinal interpretation of this provision of the mandates, it was unanimous in recognising that the administrative practice adopted in this matter remains subject to the supervision which the Commission exercises over the general administration of countries under mandate. It will therefore be for the Commission to decide in each case that arises whether the mandatory Power, in concluding a private agreement for the carrying out of public works and the supply of material, has conscientiously and for good reasons adopted a practice which, from the point of view of good administration, may be open to objection.

The mandatory Government may therefore be requested to state the reasons that have led it to take advantage of the facilities allowed to it by the mandate. Should it appear that the interests of the territory have not been taken into consideration or have in any way suffered, or that the mandatory Power has merely yielded to the temptation to favour its own nationals or its own industries at the expense or to the prejudice of the territory, the Mandates Commission would be justified in making observations. According to one of the points of view referred to, such observations would be justified both by the principle of economic equality and by the nature of the relationship of guardian to ward which exists between the mandatory Power and the territory under mandate ; according to the other point of view, only the second of these two reasons would be valid.

¹ Minutes, sixteenth session, Annex 10, page 196.

The matter is thus removed from the sphere of theory to that of practice, and on the recommendation of the Commission, the Council, by its decisions of September 1st, 1928,¹ and January 13th, 1930,² requested the mandatory Powers entrusted with A and B mandates to inform it, as regarded their respective cases, what rules were adopted and normally followed for the provision of material and services by the public authorities of the mandated territories.

6. The replies of the Belgian, British and French Governments are contained in the Permanent Mandates Commission documents (C.351.1929.VI, C.344.1930.VI, and C.631.1930.VI).³

They are, in brief, as follows : According to the reply of the Belgian Government dated June 8th, 1929 (document C.351.1929.VI),³ all local purchases and works, the estimated value of which exceeds 3,000 francs, are subject to public tender, except purchases and works for which there could not be any competition. Similar rules apply to purchases made in Belgium. Contractors of all nationalities may submit tenders.

In a letter of July 6th, 1929 (document C.351.1929.VI),³ the French Government states that, in the case of Syria and Lebanon :

“Public tenders must be invited and a contract placed in accordance with the existing regulations in respect of all expenditure on works or supplies.

“A bill or invoice shall, however, be sufficient in the case of articles to be delivered immediately when they do not exceed £300* in value; moreover, supplies, transport and works not exceeding £600* in value, or in respect of which competition is not possible, may be purchased by private contract.

“Purchases by private contract, as also contracts placed as a result of public tenders, are subject to the approval of the Government or President of the State.”

As regards the Cameroons and Togoland under French mandate, the French Government gives the following summary of the rules in force :

(1) If the total value of the supplies does not exceed 6,000 francs, the Administration may make the purchase upon a simple bill or invoice. It may conclude the deal :

(a) Either after having invited tenders with a view to granting the contract to the lowest bidder ;

(b) Or after making enquiries both as to general conditions, etc., and to price.

In the latter case, the Administration is not bound to choose the lowest bidder and remains free to give preference to the party whose tender appears to be most advantageous from an all-round point of view.

(2) If the total value of the supplies exceeds 6,000 francs, but does not exceed 80,000 francs, the Administration proceeds as above in order to choose the contractor, and then concludes with him a *private contract* which determines the conditions of the purchase.

Private contracts may, however, be concluded in respect of supplies exceeding 80,000 francs if the materials in question are specialities which are the property of a given contractor, or if it can be shown that he alone is in a position to manufacture such supplies.

(3) If the total value of the supplies exceeds 80,000 francs, the Administration establishes specifications and invites public tenders.

Foreign nationals are not excluded from submitting tenders or from contracts concluded on behalf of African territories under French mandate. The mandatory Power, none the less, reserves the right, in the case of “essential public works and services”, to give preference to its own nationals which, under Article 6 of its African mandates, it is authorised to do.

In connection with the reservations regarding Togoland and the Cameroons contained in the letter of July 6th, 1929, from the French Government, that Government, at the request of the Council, supplied further information in a letter of August 30th, 1930,⁴ and stated that “in making this reservation, the French Government merely reproduced the provisions in Article 6 of the French mandates for Togoland and the Cameroons, which allows an exception to the general rules regarding economic equality in that the Mandatory shall be free to authorise “essential public works and services on such terms and conditions as it thinks just”. The French Government added that even in these cases, the interests of the mandated territory must certainly be taken into account when the mandatory Power is deciding on matters in regard to which the mandate allows it full freedom.

In a letter dated December 11th, 1928,⁵ the British Government enclosed a copy of the “Regulations for His Majesty’s Colonial Services”, in which the rules to be followed in this

* This text was corrected by the French Government on January 10th, 1933. It should read 300 and 600 “*libano-syrian pounds*” instead of “pounds sterling”.

¹ Minutes of the Council, fifty-first session, page 1451.

² Minutes of the Council, fifty-eighth session, page 76.

³ *Official Journal*, September 1929, page 1344 ; July 1930, page 843, and December 1930, page 1825.

⁴ Document C.631.1930.VI, and *Official Journal*, December 1930, page 1825.

⁵ Document C.351.1929.VI, and *Official Journal*, September 1929, page 1344.

matter 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. These regulations are applied in Palestine, Transjordan, Tanganyika Territory, the Cameroons and Togoland under British mandate.¹

In reply to a question asked by the Council on January 13th, 1930, the Government of the United Kingdom stated in a letter of April 24th, 1930,² that the "Crown agents for the Colonies are authorised to place orders with firms of any nationality, and, in practice, nationals of States Members of the League of Nations are allowed to submit tenders for supplies required by the administrations of territories under A and B mandates, though, in the case of Togoland and the Cameroons, which are administered as integral parts of the Gold Coast and Nigeria and have no separate administrations, supplies would naturally be ordered with supplies for the respective British Colonial administrations".

With regard to the rules followed as regards public works in territories under British mandate, it is the general practice of the mandatory Governments to carry out such works through the agency of their Public Works Departments. In those cases in which contracts are invited, no discrimination is made between the contractors on the ground of nationality.

7. These replies led the Mandates Commission to conclude that the rules enunciated by the mandatory Powers in connection with the carrying out of public works and services did not call for any criticism.

The Commission made a reservation regarding the rule followed in Togoland and the Cameroons under British mandate. It notes that the administrative union between those two territories and the adjacent British possessions places certain difficulties in the way of the adoption of rules differing from those adopted in those possessions.

In the circumstances, the Commission does not think it necessary to submit any proposals to the Council for a doctrinal interpretation of the relevant article of the mandate. It agreed once more to confine its activities to the supervision of the application given in the various mandated territories to the rules drawn up by the mandatory Powers themselves.

B. SPECIAL QUESTIONS.³

I. FRONTIER BETWEEN SYRIA AND IRAQ⁴ (pages 17, 18-19, 44).

The Permanent Mandates Commission has considered the Council resolution dated October 3rd, 1932,⁵ instructing it to inform the Council as soon as possible of its opinion on the frontier-line between Iraq and Syria unanimously suggested by the Commission of Enquiry and, in the Jebel Sinjar area, the line indicated by the majority of the Commission, from the point of view of the interests of the territories affected.

The Permanent Mandates Commission, although it had before it all the documentation of the Commission of Enquiry, could not be expected to express a definite opinion in the circumstances, and thus assume a responsibility that can only fall upon the Commission of Enquiry, which has had the benefit of access to direct sources of information.

All that it is in a position to say on the basis of the documents supplied to it is that it has found in those documents no reason to consider that the conclusions of the Commission of Enquiry are incompatible with the interests of the territories affected. As regards the only point on which the Commission of Enquiry was unable to submit unanimous conclusions, the difference of opinion revealed by the report⁶ does not arise out of conflicting ideas of the interests of the territories affected, but concerns a question of method in estimating the scope of the general task entrusted to the Commission of Enquiry.

The Permanent Mandates Commission has the honour to inform the Council that the report of the Commission of Enquiry—the only material it has had on which to form a judgment—does not appear to it to contain any information which would justify it in asserting that the line of the proposed frontier is not in the interests of the territories affected.

II. QUESTION OF A CLOSER ADMINISTRATIVE, CUSTOMS AND FISCAL UNION OF THE MANDATED TERRITORY OF TANGANYIKA WITH THE NEIGHBOURING BRITISH POSSESSIONS OF KENYA AND UGANDA (CLOSER UNION) (pages 16, 17, 120-124, 131-132, 134-138, 139-141, 254-258, 302, 320-325).

Referring to the undertaking it gave to the Council on September 6th, 1929, the Government of the United Kingdom has sent to the Permanent Mandates Commission the report of the

¹ Minutes of the Permanent Mandates Commission, sixteenth session, page 197.

² Document C.344.1930.VI, and *Official Journal*, July 1930, page 843.

³ The page numbers following each title are those of the Minutes of the session.

⁴ This part of the Commission's report was examined by the Council on November 25th, 1932.

⁵ Minutes of the Council, sixty-eighth session, page 1750.

⁶ Document C.578.M.285.1932.VI.

Joint Select Committee on Closer Union in East Africa and the correspondence arising from that report between the Secretary of State for the Colonies and the Governors of the territories concerned (Cmd. 4141).

Although it has duly taken note of these documents, the Commission has thought it preferable to adjourn, until its next session, the study of this question.

C. OBSERVATIONS CONCERNING THE ADMINISTRATION OF THE 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.¹

TERRITORIES UNDER "A" MANDATE.

Iraq.

The Commission has taken note of the annual report on the administration of Iraq in 1931 submitted by the United Kingdom Government, and the supplementary information given orally by the representative of that Government.

Having regard to the circumstances, it refrains from submitting to the Council any detailed observations on the administration of Iraq in 1931 (pages 13-15, 28, 37-39, 44, 226-227).

The Commission feels bound, however, to remark that the recommendations contained in the reports on its fourteenth, sixteenth, nineteenth and twenty-first sessions and endorsed by the Council resolutions of March 4th, 1929, January 13th, 1930, January 22nd, 1931, and January 25th, 1932, regarding the redress of the miscarriage of justice from which the Bahai Community has been the victim, have not been carried into effect (pages 41-42, 226-227).

Palestine.

GENERAL OBSERVATIONS.

In its previous report to the Council, the Commission noted the statements made by the mandatory Power regarding its programme of constructive policy in Palestine.

Although this programme seems to be taking more definite shape, it appears from the information contained in the last annual report and the statements of the accredited representative that the preparatory study has not yet been wholly completed. It would therefore be premature for the Commission to express now an opinion on the development of the mandatory Power's policy subsequent to the crisis which it studied in 1930 at its extraordinary session.

The Commission notes, however, that, as a result of the measures taken to ensure security, and of an exceptionally favourable economic situation in the territory, the year 1931 has been a period of calm and prosperity for the territory.

SPECIAL OBSERVATIONS.

1. Legislative Council.

The Commission noted the statement by the accredited representative that "steps would be taken towards the formation of a Legislative Council when the new Local Government Ordinance which was now in preparation had been brought into working order" (pages 82, 103, 179, 197-199, 200-201, 300).

2. Liquor Traffic.

The attention of the accredited representative was called to the large increase in the consumption of spirits in Palestine (pages 99, 300).

3. Labour.

The Commission welcomes the appointment of a Committee to review the labour legislation in Palestine, and hopes that the work of this Committee will result in progress towards ensuring fair conditions of labour for all Palestinian workers (pages 96-97).

4. Child Marriages.

The Commission hopes that the next annual report will contain information as to the result of the investigation undertaken by the Administration, in collaboration with the various religious communities, on the question of the minimum age for marriage (page 94).

¹ The page numbers following each observation are those of the Minutes of the session.

Syria and the Lebanon.

GENERAL OBSERVATIONS.

The Commission thanks the mandatory Power for having, in accordance with the desire expressed by the Commission last year, kept it informed of the various phases of the contemplated evolution of Syria and the Lebanon and the stages leading up to the point at which those territories will no longer need the advice and assistance of the mandatory Power.

It trusts that the mandatory Power will continue to keep it informed of the development of the situation in the territories under mandate, which it will attentively follow; but it considers that it would be premature at the present time to give any opinion on that situation, until the policy of the mandatory Power and the negotiations in progress have provided more detailed material on which to form a judgment.

SPECIAL OBSERVATIONS.

1. *Foreign Relations.*

The Commission has noted a statement by the accredited representative to the effect that the question of the property of persons who opted under the provisions of the Treaty of Lausanne has lately been satisfactorily settled by the conclusion of an agreement between the mandatory Power and the Turkish Government (pages 277-278).

It has also noted that the French and Turkish Governments have concluded an arrangement in preparation for a final settlement of the questions relating to railways in Northern Syria (pages 280, 281, 297).

2. *Greek Orthodox Patriarchate.*

The Commission earnestly hopes that the conflict that has arisen with regard to the designation of the Greek Orthodox Patriarch of Antioch will be satisfactorily settled in the near future in conformity with the rules applicable to such cases (pages 279-280, 295-297).

3. *Labour.*

The Commission has taken special note of the information given in the report regarding the continued decline of the small craftsman. It hopes to find in the next report details of the measures that the mandatory Power proposes to adopt to prevent the complete disappearance of this class (pages 287-288).

Furthermore, in view of the information supplied regarding industrial progress, the Commission would be glad to find details of the labour regulations in the next report (page 288).

4. *Treatment of Syrian and Lebanese Nationals and of the Products of the Territory in the States Members of the League of Nations.*

The Commission earnestly hopes that, in accordance with the Council's recommendation of September 9th, 1930, the mandatory Power will prevail upon all the Members of the League of Nations to grant to Syrian and Lebanese nationals and to goods coming from the territory under mandate advantages corresponding to those enjoyed by their nationals and their goods in that territory (pages 277, 298).

TERRITORIES UNDER "B" MANDATE.

Cameroons under British Mandate.

1. *General Administration.*

The Commission will follow with interest the efforts of the mandatory Power to bring under effective control the districts which still evade it.

The Commission has noted the statements of the accredited representative that the policy of the mandatory Power is to bring the natives of the Moslem regions of the northern territories into direct contact with the British Administration without the intervention of the territorial native chiefs¹ (pages 160-163).

2. *Prisons.*

The Commission, being concerned at the high morbidity and mortality in certain prisons hopes that the next report will contain information regarding the measures taken by the Administration to deal with this situation (page 165).

¹ See below, under Section II, the version of this statement given by the accredited representative.

3. *Education.*

The Commission hopes that measures will be taken by the Administration to give greater facilities to the natives of the northern districts, in order that they may share the benefits of education (pages 167-168).

4. *Liquor Traffic.*

The Commission notes with anxiety that the natives of the Cameroons province have learned how to distil alcohol and are putting their knowledge into practice on an increasingly extensive scale.

It hopes that the Administration will succeed in finding suitable means of ending this dangerous practice (page 168).

Cameroons and Togoland under French Mandate.

OBSERVATIONS APPLICABLE TO BOTH TERRITORIES.

1. *Public Finance.*

The Commission notes the statements of the accredited representative, according to which the subsidies granted by the territories to various propaganda institutions and bodies have been reduced and will be reduced still further (pages 188, 208).

2. *Suppression of Smuggling.*

The Commission notes the statement by the accredited representative to the effect that the Administrations of the territories of Togoland and the Cameroons under French mandate and Togoland and the Cameroons under British mandate have reached an agreement for combating the smuggling of spirits and tobacco across the frontiers of those territories. It will be glad to receive full information on this subject in the next reports (page 219).

3. *Judicial Organisation.*

The Commission would be glad if some information on prisons could be inserted in the next report (pages 190, 212).

(a) CAMEROONS UNDER FRENCH MANDATE.

1. *General Administration.*

The accredited representative has informed the Commission of the negotiations in course for the prolongation of the Duala-Chad railway. It notes the statements of the accredited representative on the subject and expresses the hope that the decision which will be taken in this matter will be based on the interest of the territory without weighing too heavily on the native labour supply (page 208).

2. *Public Health.*

The Commission appreciates the great efforts made by the mandatory Power to combat sleeping-sickness. It notes the accredited representative's statement that it will be possible to intensify the campaign against this scourge by means of a loan. It will follow with interest the results obtained (page 220).

3. *Liquor Traffic.*

The Commission notes an increase in the importation of spirits, sparkling wines and liquors (page 219).

It further hopes that the next report will contain information as to the number of liquor shops in the territory, for both Europeans and natives (page 219).

4. *Labour.*

The Commission considered that the demand for labour appeared to weigh heavily on a population already weakened by sleeping-sickness and other debilitating diseases, and expressed the hope that the administration would find means to alleviate these conditions. (pages 215-217).

(b) TOGOLAND UNDER FRENCH MANDATE.

1. *General Administration.*

The Commission noted the information given by the mandatory Power concerning the origins of the Agu concession and the successive conditions under which the domain has been administered. It earnestly hopes that the solution adopted by the mandatory Power will be in every respect in the interests of the territory and of the natives (pages 186-187).

2. *Economic Equality.*

The Commission noted the accredited representative's assurances that the agreement which abolished all Customs barriers between the territories of Togoland under French mandate and Dahomey is not such as to be detrimental to the interests of the territory under mandate. It trusts that it may find in the next report a full statement on this question, to which it attaches special importance (pages 182-183, 222-225).

3. *Education.*

The Commission would appreciate it, if, in future reports, the total sums spent both directly by the Government and in grants to mission schools respectively could be given in the chapter on education, in order that it might be easier to follow the development of each from year to year (page 191).

4. *Liquor Traffic.*

The Commission noted with satisfaction a large decrease in the aggregate imports of alcohol. Nevertheless, it would like to find in the next report particulars of the causes of the increase in the value of imports of grape brandy (page 191).

5. *Land Tenure.*

The Commission hopes to find in the next report a complete statement on the rights of natives in regard to the ownership of land (page 193).

Togoland under British Mandate.

No observations.

Ruanda-Urundi.

1. *General Administration.*

At its sixteenth, nineteenth and twenty-first sessions, the Commission dealt with the question of the transfer of the capital of the territory from Usumbura to Astrida. It noted the accredited representative's statement that it had been decided to keep the capital at Usumbura (pages 238-239).

2. *Economic Regime.*

The Commission hopes to find in the next report an outline of the advantages of different kinds, from the point of view of the territory under mandate, of Customs union with the Belgian Congo (pages 239-240).

3. *Public Finance.*

The Commission viewed with some concern the successive budgetary deficits of the territory. It hopes that the efforts made by the mandatory Power to balance the budget will prove effective. It further hopes to find in the next report detailed information on the financial relations between the territory on the one hand and the Belgian Congo and Belgium on the other (pages 242-244).

Tanganyika.

GENERAL OBSERVATION.

The Commission has learned with satisfaction from the accredited representative that the efforts of the mandatory Government have been concentrated during the year under examination on securing that the retrenchments which have been necessitated by circumstances should not affect the efficiency of the administration and social services which have been built up in previous years. It expresses the hope that these services will remain a cardinal point of the Government policy (page 133).

SPECIAL OBSERVATIONS.

1. *Report on Railways.*

The Commission notes the statement by the accredited representative to the effect that an enquiry into the question of railway rates and finance in Kenya, Uganda and Tanganyika has been instituted, and hopes that this report will be communicated to the Commission when published (pages 132, 149).

2. *Native Policy.*

The Commission would be glad to find in future annual reports more detailed information regarding the place of the natives in the body politic (page 138).

3. *Amalgamation of Postal Services between Tanganyika on the One Hand and Kenya and Uganda on the Other.*

The Commission noted the assurance of the accredited representative that the question of the amalgamation of postal services between Tanganyika on the one hand and Kenya and Uganda on the other — to which it attaches importance — will be dealt with fully in the next annual report (page 135).

4. *Customs Policy.*

The Commission hopes that the next report will contain detailed information showing that the effects of the existing Customs union between the three territories does not injuriously affect the interests of the mandated territory (pages 135-137).

5. *Labour.*

In view of the suppression of the Labour Department, the Commission was glad to be assured by the accredited representative that the inspection of labour conditions and the application of measures for safeguarding the interests of native workers would in no way be prejudiced by the administrative reorganisation of the service concerned. It hopes to find detailed information regarding the working of the reorganised services in the next report (pages 153-155).

The Commission would also be glad to find in the next report particulars of the measures taken to deal with cases by employers of withholding or failing to pay wages (page 155).

TERRITORIES UNDER "C" MANDATES.

Islands under Japanese Mandate.

1. *Military Clause of the Mandate.*

With reference to the rumours regarding the establishment of a naval base, the Commission is glad to note the statement made by the accredited representative, and subsequently confirmed by his Government in the following terms: "The report is unfounded; the Government has not contemplated, and has no intention in future of contemplating, the establishment of a naval base in the islands under mandate" (pages 114-115, 179, 299, 319-320).

2. *Finance.*

The Commission noted the statements of the accredited representative to the effect that any surplus of revenue over the expenditure shown in the final account for a financial period is placed to the credit of the mandated territory (pages 112-113).

Nauru.

1. *Education.*

The Commission welcomes the statement of the accredited representative that steps are being taken to train and educate some of the more intelligent Nauruans in order that they may be qualified to hold posts in the administration of the territory (page 49).

2. *Liquor Traffic.*

The Commission hopes that the annual reports will complete the information on the traffic in spirits and the consumption of alcoholic beverages, in accordance with the recommendation contained in the report of the Commission on the work of the twenty-first session (page 50).

3. *Traffic in Opium and Other Dangerous Drugs.*

The Commission noted with interest the information supplied by the accredited representative regarding steps taken to suppress the consumption of drugs in the territory. It would be glad to be kept informed of the progress achieved in this sphere (pages 50-51).

New Guinea.

1. General Administration.

The Commission, while realising the difficulties of the mandatory Power encountered in the work of opening up the country, notes that it has not yet been possible to explore a considerable part of the territory under mandate. It realises the great difficulties due to the nature of the country and the hostility of the inhabitants, but hopes that the mandatory Power will not relax its efforts to bring the whole territory under Government control (pages 56-58).

The Commission takes note of the statement of the accredited representative that the next annual report will contain fuller details concerning the powers and functions of the native chiefs and their authority over natives (page 60).

2. Judicial Organisation.

The Commission notes the statement of the accredited representative that fuller information will be supplied in the next annual report concerning the composition, competence and work of the courts for native affairs (pages 63-64).

The Commission learned from a statement contained in a report forwarded by the Australian Government on April 5th, 1932, concerning the Missions Conference held in 1927, that the Central Court cases at Rabaul frequently involve absences of six months or more from their homes of natives who were parties or witnesses, and that nothing could be done to remedy this state of affairs unless an additional judge was appointed. The Commission would be glad to hear that measures are being taken to improve the situation (page 64).

3. Education.

The Commission learned from the statement of the accredited representative that the welfare and educational work would continue uninterrupted. It would be glad to be informed of further progress made in this direction (page 67).

4. Liquor Traffic.

The Commission hopes that the annual reports will in future contain information concerning the degree of alcoholic content of the liquor imported into the territory, in conformity with the suggestions contained in the Mandates Commission's report to the Council on its twenty-first session (page 68).

Samoa (Western).

1. General Administration.

The Commission notes the information contained in the annual report and the statement of the accredited representative that the political situation has improved. It hopes that the collaboration of the natives with the Administration will become general and effective (pages 70, 71, 73-75).

2. Public Finance.

The Commission would like the next report to contain information as to the increase in the export duties on bananas (pages 75-76).

3. Justice.

The Commission hopes that the situation will soon improve in such a manner as to make possible a gradual abolition of all emergency measures (pages 73-75).

4. Public Health.

The Commission notes with interest the measures taken by the Administration in collaboration with the Rockefeller Foundation to combat yaws, a disease which is very widespread in the territory, and hopes that these measures will prove efficacious. It also trusts that the Administration will succeed in finding suitable means to reduce the very high infant-mortality rate (pages 70-71).

South West Africa.

1. General Administration.

The Commission hopes to see in the next report that measures have been taken to ensure the safety of vessels sailing along the coasts of the territory (page 28).

2. *Native Policy.*

The Commission trusts that it will be possible for the mandatory Power to take steps for the encouragement of production and transport of agricultural produce by the natives of Ovamboland (pages 28-29).

3. *Welfare of the Natives.*

The Commission would be glad to hear in the next report that the question of the supply of the necessary water to natives in the northern extremity of the territory has been satisfactorily solved (pages 27-28, 177-178).

4. *Public Finance.*

The Commission noted with satisfaction the detailed explanations furnished by the mandatory Power in its letter of February 8th, 1932, ¹ regarding the budget for the territory (page 21).

The Commission hopes that the mandatory Power will find effective means of remedying the critical financial situation in the territory. In particular, it hopes that it will be possible in the near future to restore the credits allocated to the welfare and education of the natives, which were reduced considerably in 1931 (pages 20, 31-32, 33-35).

5. *Public Health.*

The Commission is somewhat concerned about the health of the natives in the southern part of the territory and in Ovamboland.

It hopes that the remedial measures taken by the Administration will prove effective (page 36).

D. OBSERVATIONS ON PETITIONS.²

At its twenty-second session, the Commission considered the petitions mentioned below, together with the observations with regard thereto furnished by the mandatory Powers. Each of the petitions was reported on in writing by a member of the Commission. After discussion, the following conclusions were adopted by the Commission. The texts of the reports submitted to the Commission are attached to the Minutes.³

Palestine and Trans-Jordan.

- (a) *Memorandum, dated June 1931, from the General Council (Vaad Leumi) of the Jewish Community of Palestine, transmitted on June 12th, 1931, by the United Kingdom Government (document C.P.M. 1188) (pages 226, 330 331).*

Observations by the United Kingdom Government, dated December 14th, 1931 (document C.P.M.1272).

Report (see Minutes, Annex 11).

CONCLUSIONS.

The Commission considers that neither the mandatory Government's observations nor the memorandum seem to call for any recommendation on its part to the Council.

- (b) *Petition, dated June 15th, 1931, from the Permanent Committee of the Arab Liberal Party (document C.P.M. 1224) (pages 302 303, 331-332).*

Observations by the United Kingdom Government, dated September 10th, 1931 (document C.P.M. 1224).

Report (see Minutes, Annex 12).

CONCLUSIONS.

The Commission, having examined the petition dated September 10th, 1931, from the Standing Committee of the Palestine Arab Liberal Party, together with the relevant observations of the mandatory Power, considers that there is no need to take any special action in the matter.

¹ See *Official Journal*, April 1932, page 978.

² The page numbers following each title are those of the Minutes of the Session.

³ As the Commission has not thought it necessary to annex the texts of the petitions and the mandatory Powers' observations thereon to the Minutes, and consequently to transmit them to the Council, it recommends that copies of those documents should be deposited in the League of Nations Library and thus placed at the disposal of persons wishing to consult them.

- (c) *Petition, dated June 28th, 1931, from the "Central Agudath Israel "* (document C.P.M. 1223) (pages 299, 332-333).

Observations by the United Kingdom Government, dated September 9th, 1931 (document C.P.M. 1223).

Report (see Minutes, Annex 13).

CONCLUSIONS.

The Commission, having examined the petition from the "Central Agudath Israel ", dated June 28th, 1931, and the mandatory Power's observations thereon, sees no reason why the mandatory Power should not arrange for the carrying out of the regulations in force with regard to any repairs that may be necessary to the Wailing Wall in a manner equitable to all the parties concerned.

- (d) *Petition, dated November 8th, 1931, from the "Central Agudath Israel "* (document C.P.M. 1277) (pages 178, 333-334).

Observations by the United Kingdom Government, dated January 26th, 1932 (document C.P.M.1277).

Report (see Minutes, Annex 14).

CONCLUSIONS.

The Commission, having examined the petition of the "Central Agudath Israel " of Jerusalem, dated November 8th, 1931, and the United Kingdom Government's observations communicated by letter of January 26th, 1932, does not consider that any recommendations need be made to the Council in regard to this petition.

- (e) *Petition, dated July 30th, 1931, from the "Central Agudath Israel "* (document C.P.M. 1284) (pages 103, 299, 334-335).

Observations from the United Kingdom Government, dated March 12th, 1932 (document C.P.M. 1284).

Report (see Minutes, Annex 15).

CONCLUSIONS.

The Commission, having examined the petition of the "Central Agudath Israel ", dated July 30th, 1931, concerning its recognition as a separate religious community in Palestine, as well as the observations made thereon by the mandatory Power in its letter, dated March 12th, 1932, and the answers given by its accredited representative at the twelfth meeting of the twenty-second session, and having taken into account several previous petitions from the same source and on the same subject and the various observations of the mandatory Power ; recalling the provisions of Articles 2 and 15 of the Mandate for Palestine, but considering that, before expressing a definite opinion on the petition, supplementary explanations from the mandatory Power are necessary, recommends that the mandatory Power be invited to give a more definite explanation as to :

(a) Whether, in the mandatory Power's opinion, the recognition of such a Jewish community in Palestine would hamper it in fulfilling other obligations arising out of the mandate, and, in particular, the obligation concerning the establishment of a Jewish National Home, and, if so, in what way.

(b) Whether the declaration made by its accredited representative that the Palestine Government considered it advisable to organise the Jews in a single community and to leave the question of sects on one side for the moment was intended to indicate that the application of the petitioner is likely to be reconsidered in the near future.

- (f) *Petitions, dated November 17th and December 26th, 1931, from M. Hans von Bassewitz* (documents C.P.M. 1273 and 1278) (pages 106-107, 225-226, 340-341).

Observations of the United Kingdom Government, dated September 21st, 1932 (document C.P.M. 1299).

Report (see Minutes, Annex 16).

CONCLUSIONS.

The Commission, having examined M. von Bassewitz's petitions, dated November 17th and December 26th, 1931, and the observations thereon made by the United Kingdom Government, considers that, as the petitions relate to a dispute of a purely private nature and in which the Court of Justice has intervened, there is no occasion to submit a recommendation to the Council.

- (g) *Petition, dated January 28th, 1932, from the Palestine Arab Women Congress* (document C.P.M. 1290) (pages 103, 194-199, 200-201, 341-343).

Observations of the United Kingdom Government, dated June 22nd, 1932 (document C.P.M.1290).

Report (see Minutes, Annex 17).

CONCLUSIONS.

The Commission, having noted the petition, dated January 28th, 1932, from the Executive Committee of the First Palestine Arab Women's Congress, and having examined the complaints contained therein in the light of the observations submitted by the United Kingdom Government on June 22nd, 1932, their annual reports on the administration of Palestine and the verbal declarations of their accredited representative :

1. Considers that, in point of fact, the number of officials of non-Palestinian nationality in the service of the Palestine Government is very large, particularly in the higher posts, as asserted by the petitioners and admitted by the mandatory Power. In the present state of the territory and its inhabitants, the Commission realises the necessity of entrusting the chief posts in the administration to British officials, but it hopes that, as education progresses and feelings become pacified in Palestine, it will be possible to employ in the civil service an ever-increasing number of nationals of the territory ; not only does this evolution seem to be in accordance with the objects of the mandate, but it would also lighten considerably the budget of the territory, in view of the considerable expenditure occasioned by the employment in Palestine of a large number of British officials.

2. The Commission, having noted the complaints of the petitioners relating to the position of the fellaheen, hopes that circumstances will shortly enable the mandatory Power to improve their lot, chiefly by the development of co-operative societies and the establishment of a satisfactory agricultural credit system.

3. As regards the tithe the abolition of which is urged by the petitioners and which by the action of the mandatory Power, is, on the other hand, being converted into a tax on land revenue — the Commission appreciates the policy of the mandatory Power, which, in view of the particularly acute distress, suspended during the past financial year the collection of the whole or part of the taxes payable by farmers. It hopes that a final and satisfactory solution of the question of the land tax in Palestine will shortly be found.

4. Like the petitioners and the mandatory Power, the Commission regrets the insufficient accommodation at the present time in the primary schools of the territory, and hopes that its financial resources will shortly enable the Administration to add to their number and thus to place the benefits of primary education within the reach of all the children in every village.

5. The Commission wishes once again to stress the fact that it is unable to consider petitions for the abrogation of the regime, the application of which it is its duty to supervise.

- (h) *Memorandum from the Jewish Agency for Palestine, dated September 12th, 1932, on the Development of the Jewish National Home in Palestine in 1931* (document C.P.M.1308) (pages 300, 343-344).

Observations of the United Kingdom Government, dated October 10th and 25th, 1932 (documents C.P.M.1301 and 1308).

Report (see Minutes, Annex 18).

CONCLUSIONS.

The Commission considers that neither the memorandum of the Jewish Agency for Palestine, dated September 12th, 1932, nor the observations of the mandatory Power thereon appear to call for a recommendation to the Council.

Syria and the Lebanon.

- (a) *Petition, dated January 15th, 1930, from M. Keir el Dine el Lababidi* (document C.P.M. 1339) (pages 254, 273, 344-345).

Observations of the French Government, dated November 19th, 1932 (document C.P.M. 1339).

Report (see Minutes, Annex 19).

CONCLUSIONS.

The Commission, having examined the petition of M. Keir el Dine el Lababidi, dated January 15th, 1930, and in view of the information contained in the observations of the mandatory Power, dated November 19th, 1932, considers that this petition need not be retained.

- (b) *Petition, dated August 10th, 1931, from the Syrian Patriotic League of Sao Paulo (Brazil) concerning the election of the Patriarch of Antioch* (document C.P.M. 1227) (pages 279-280, 295-297, 301, 345).

Observations of the French Government, dated November 29th, 1932 (document C.P.M. 1353).

Report (see Minutes, Annex 20).

CONCLUSIONS.

The Commission, having examined the petition of the Syrian Patriotic League of Sao Paulo (Brazil), dated August 10th, 1931, concerning the election of the Greek Patriarch of Antioch and the observations of the mandatory Power, while it desires to draw attention to the observation in regard to the dispute of the Greek Orthodox Patriarchate contained in its report to the Council, considers that the petition does not call for a recommendation to the Council.

- (c) *Petition, dated December 9th, 1931, from the Emir Chékib Arslan and M. Ihsan el Djabri* (document C.P.M.1274) (pages 300, 346-347).

Observations of the French Government, dated October 10th, 1932 (document C.P.M. 1311).

Report (see Minutes, Annex 21).

CONCLUSIONS.

The Commission, having examined the petition from the Emir Chékib Arslan and M. Ihsan el Djabri, dated December 9th, 1931, and the observations of the mandatory Power, dated October 18th, 1932, considers that no action need be taken thereon.

- (d) *Petition, dated May 6th, 1932, from the " Association des étudiants arabes de Toulouse "* (document C.P.M.1288) (pages 260, 270-271, 300, 347-318).

Observations of the French Government, dated November 28th, 1932 (document C.P.M.1318).

Report (see Minutes, Annex 22).

CONCLUSIONS.

The Commission considers that no action need be taken on this petition.

- (e) (1) *Petition (undated) from the " Association syrienne arabe de Paris "* (document C.P.M.1281) (pages 260, 268, 269, 270, 301, 318-349).

Observations of the French Government, dated November 30th, 1932 (document C.P.M.1349).

- (e) (2) *Petition, dated January 2nd, 1932, from the " Association des étudiants arabes de Toulouse "* (document C.P.M.1275) (pages 268, 269, 270, 301, 318-349).

Observations of the French Government, dated October 18th, 1932 (document C.P.M.1311).

- (e) (3) *Protests concerning the Syrian parliamentary elections of 1931-32* (document C.P.M. 1310) (pages 268, 269, 270, 301, 348-349).

Observations of the French Government, dated October 19th, 1932 (document C.P.M.1310).

- (e) (4) *Protests, dated February 18th and 22nd, 1932, from inhabitants of Aleppo and Damascus* (document C.P.M. 1314) (pages 268, 269, 270, 301, 348-349).

Observations of the French Government dated October 20th, 1932 (document C.P.M.1314).

Report (see Minutes, Annex 23).

CONCLUSIONS.

The Commission, having examined the various petitions submitted to it regarding the Syrian parliamentary elections and the accompanying incidents; having likewise noted the observations transmitted by the mandatory Power and the additional information supplied verbally by its accredited representative; considers that these petitions do not call for any particular action on the part of the Council.

- (f) *Petitions, dated January 29th and February 1st, 1932, from a group of inhabitants of Homs and Hama respectively concerning the suspension of the newspaper Al-Yom* (document C.P.M. 1347) (pages 273, 289, 301, 349-350).

Observations of the French Government, dated November 28th, 1932 (document C.P.M.1348).

Report (see Minutes, Annex 24).

CONCLUSIONS.

The Commission considers that no action need be taken on these petitions.

Cameroons under French Mandate.

Petition, dated August 5th, 1931, from the "Ligue de défense de la race nègre", Paris (document C.P.M.1279) (pages 221-222, 299, 350-351).

Observations of the French Government, dated February 2nd, 1932 (document C.P.M.1279).

Report (see Minutes, Annex 25).

CONCLUSIONS.

The Commission, having examined the petition from the "Ligue de défense de la race nègre", dated August 5th, 1931, and the observations of the mandatory Power, dated February 2nd, 1932, on this petition, considers that, as the action to be taken on the regrettable incidents which occurred at Duala in July 1931 falls within the jurisdiction of the local courts, there is no need to submit a recommendation to the Council on this matter.

Tanganyika.

Petition, dated February 22nd, 1932, from the Indian Association, Dar-es-Salaam (document C.P.M.1295) (pages 158-159, 179, 352-353).

Observations of the United Kingdom Government, dated August 31st, 1932 (document C.P.M.1295).

Report (see Minutes, Annex 26).

CONCLUSIONS.

The Commission, in view of the considerations formulated by its Rapporteur and the additional information supplied verbally by the accredited representative, considers that no action need be taken on the petition from the Indian Association, dated February 22nd, 1932.

Togoland under French Mandate.

Petition, dated May 12th, 1930, from certain notables of the Anecho district (document C.P.M. 1076) (pages 181-182, 222-225, 354-355).

Observations of the French Government, dated July 30th, 1930, and February 26th, 1932 (documents C.P.M. 1076 and 1280).

Report (see Minutes, Annex 27).

CONCLUSIONS.

The Commission, in view of the statements made by the accredited representative in regard to the question dealt with in the petition, while it wishes to draw attention to its observations on Togoland under French mandate, considers that no special recommendations need be made to the Council concerning this petition.

South West Africa.

- (a) *Petition, dated November 25th, 1931, from M. Alex Bergmann* (document C.P.M. 1292) (pages 178-179, 355-356).

Observations of the Government of the Union of South Africa, dated June 10th, 1932 (document C.P.M.1292).

Report (see Minutes, Annex 28).

CONCLUSIONS.

The Commission, after examining the petition from M. Alex Bergmann, dated November 25th, 1931, and the observations of the mandatory Power, dated June 10th, 1932, is satisfied that no action by it is called for.

- (b) *Petition, dated June 17th, 1932, from M. T. Beukes and eleven other burghers of the Rehoboth community* (document C.P.M. 1316) (pages 20-21, 25-26, 225, 356-357).

Observations of the Government of the Union of South Africa, dated October 6th, 1932 (document C.P.M. 1316).

Report (see Minutes, Annex 29).

CONCLUSIONS.

The Commission, having carefully examined the petition from certain burghers of the Rehoboth community, dated June 17th, 1932, and having taken note of the statements made by the Administrator and the petitioners and the observations of the mandatory Power on the petition, referring to the conclusions on a previous petition adopted by the Commission in 1926 and approved by the Council, repeats its previous recommendations made to the petitioners to collaborate with the Administration, to participate as a united community in the election of an advisory council and to accept the Administration's proposal that the 1923 agreement be discussed next year.

E. IRAQ.

Communications from the Assyrian population forwarded in connection with the termination of the mandatory regime in Iraq and referred to in the Council decision of September 24th, 1932.

I. OPINION OF THE COMMISSION.¹

When formulating its opinion, the Commission fully realised how delicate was its task from the constitutional point of view.

When, on September 24th, 1932, the Council of the League of Nations asked the Mandates Commission to examine the petitions of the Assyrians of Iraq, that country was still subject to the regime provided for in Article 22 of the Covenant, and the United Kingdom was responsible for the application to it of the tutelary principles of this article. Since then, Iraq has been emancipated from its guardianship, and admitted to the League of Nations. There is now, therefore, neither a mandate nor mandatory Power in regard to Iraq. Furthermore, the Iraqi Government, which henceforth is alone responsible for the administration of that State, could not be heard by the Commission.

Subject to this observation the Commission, in response to the Council's formal invitation, addresses to it the following opinion :

The Permanent Mandates Commission, having examined the petitions from the Assyrian community in Iraq which have been forwarded to the League of Nations since the Commission's twenty-first session ; having noted the observations of the United Kingdom Government on those petitions and heard the additional information given orally by the representative of that Government, endorsing the attached conclusions of its Rapporteur,² draws the Council's special attention to the great importance, both for the Assyrians themselves and for Iraq, of providing the Assyrians with opportunities for settlement in a homogeneous group which would be in keeping with their traditions and would satisfy their economic needs.

For the rest, it considers, for the reasons stated in its Rapporteur's conclusions, that there is no need for it to submit to the Council any other special recommendation in regard to those petitions.

II. APPENDIX.

CONCLUSIONS OF THE RAPPORTEUR TO THE PERMANENT MANDATES COMMISSION.

From a comparison of the documents analysed above³ and of the numerous petitions previously addressed to the League by Assyrian groups or on behalf of the Assyrians of Iraq, there arises a definite impression that this community is dissatisfied with its present lot and profoundly uneasy as to its future. A few discordant voices in this concert of complaints and appeals to the League only emphasise its practical unanimity.

It should not, however, be inferred — as the Commission has already pointed out on other occasions, while expressing the concern with which it views the position of the minorities — that either the mandatory Power or the Iraqi authorities are open to grave reproach for the manner in which the Assyrians settled in Iraq have been treated under the mandatory system. No proof has, indeed, ever been provided that they were treated with unjustifiable severity by the

¹ This part of the Commission's report was examined by the Council on December 5th and 15th, 1932.

² See Appendix.

³ See report by M. Orts, Annex 10, pages 327-330.

Iraqi authorities, or that they were victims of an abuse of power ; it is remarkable that, in the petitions dealt with in the present report, no complaint that can be entertained has been brought against these authorities.

Among the Assyrians of Iraq, the greater number, who have come from Turkey in Asia, have found shelter in this country in the course of the last few years. They are encamped there in conditions which, in most cases, are precarious and miserable ; they are " refugees ".

They have had to be settled on the land. In fact, these mountaineers have been settled in districts consisting of marshy and unhealthy plains, or dispersed in small groups or families in the midst of the Kurdish or Arab population, according to the possibilities offered by the occupation of the soil.

In the petitions which the Commission has had to deal with at its previous sessions, we find an expression of the feeling of insecurity inspired in the Assyrians, not only by the climate, with the casualties which it causes in their ranks, by the sterility of the land which has been assigned to them and by the precariousness of their rights to cultivate the soil, but *especially by the scattering of their community among populations of other races.*

It is this latter circumstance which explains these individual acts of violence, these attacks against persons and property which the Assyrians have constantly complained of, and which they fear — since the cessation of British control has appeared imminent — will be multiplied to the point of making the conditions of existence of their community definitely intolerable.

The root cause of the state of unrest revealed by the petitions we are dealing with resides in the fact that it has not yet been possible to collect the Assyrians of Iraq into a homogeneous group in a region suitable to their needs.

Your Rapporteur is inclined to think that, as long as this has not been done, the discontent and moral dissidence of this section of its population will remain like a thorn in the flesh of Iraq. This opinion seems to fall in with that of the Government of the United Kingdom when it states that " the return of the Assyrians to their old homes in the Hakkiari mountains would still undoubtedly be the best solution ".

It has not been proved to the satisfaction of an impartial observer that lands combining the requisite conditions for the settlement of the Assyrians in a homogeneous group do not exist in Iraq, or that the possibility of resettling them in their country of origin must be definitely ruled out. It would be desirable for the Council of the League to use its influence in favour of one or other of these solutions being sincerely sought.

We share the confidence of the Government of the United Kingdom in the part which the Assyrian element is destined to play in Iraq, but we are inclined to believe that the Assyrians would be still more likely to remain loyal subjects if they were placed in conditions more closely approaching to those which they had been led to expect in view of the circumstances to which they draw attention.

There is here a situation worthy of engaging the League's attention. It concerns the very existence of a race whose glorious past goes back to the earliest history, and it also concerns the future of Iraq. The League has followed the progress accomplished by this young State, and has consecrated its political emancipation ; any factor which may hamper its peaceful and harmonious development cannot leave the League indifferent.

On the other hand, there is one aspiration of the Assyrians which cannot find any encouragement — namely, that of granting the widest administrative autonomy to the Assyrian " nation " (*Millet*) grouped in the territory which Iraq may assign to it. The adoption of such a solution would imperil the unity of the Iraqi State, and could not but perpetuate the antipathy with which the Assyrians believe themselves to be viewed by the other elements of the nation in the midst of which they are destined to live.

The other specific solutions proposed in the various petitions call for the following observations :

(1) The request for the mass transfer of the Assyrian section put forward in the first petition is a matter on which the Permanent Mandates Commission cannot express an opinion.

(2) A modification of the northern frontiers of Iraq as defined in the Council's decision of 1925 and in the provisions of the Ankara Treaty of 1926 suggested in the second petition could only take place as a result of an agreement between the States concerned. Such an agreement might constitute a satisfactory solution and be sought by Iraq should it be found that there was no territory in Iraq itself which was suitable for the settlement of the Assyrians as a homogeneous group.

(3) As regards the future status of minorities in Iraq, which is also dealt with in this petition, it has already been defined and guaranteed by the declaration recently signed by the Iraqi Government on the recommendation of the Council of the League of Nations. This declaration makes it open in future to the Assyrians, as to the other minorities in Iraq, to resort to the ordinary procedure in the matter of the protection of minorities.

(4) The Mar Shimun's last petition merely reproduces in more general terms the assertions already contained in his previous petitions, and produces no evidence of a nature to change the Commission's opinion (pages 12, 13, 14, 15, 42-43, 44, 53-55, 300, 301, 327-330).

II.

**COMMENTS OF THE ACCREDITED REPRESENTATIVES
SUBMITTED IN ACCORDANCE WITH SECTION (e)
OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION**

Sir Donald C. Cameron, accredited representative for the Cameroons under British mandate, has defined the idea embodied in the statement which is referred to in the second paragraph of the Commission's observation on the *General Administration* of that territory, as follows :

“ . . . the policy of the mandatory Power is gradually to bring pagan natives of the Moslem region of the Northern Territory into more direct contact with the British Administration so far as it is possible to do so having in view existing commitments. ”

The other accredited representatives of the mandatory Powers have stated that they have no comments to make on the observations contained in the report of the Permanent Mandates Commission.

GENEVA, December 1932.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

TWENTY-SECOND SESSION OF THE COMMISSION

(Geneva, November 3rd-December 6th, 1932.)

3

I.

REPORT TO THE COUNCIL ON THE WORK OF THE SESSION

The Permanent Mandates Commission met at Geneva from November 3rd to December 6th, 1932, for its twenty-second session and held forty-two meetings, one of which was public.

The annual reports were considered in the following order, with the co-operation of the representatives of the mandatory Powers.

South West Africa, 1931.

Accredited Representatives :

Mr. Charles T. TE WATER, High Commissioner of the Union of South Africa in London ;
Major F. F. PIENAAR, D.T.D., O.B.E., accredited representative of the Union of South Africa to the League of Nations.

Iraq, 1931.

Mr. J. E. W. FLOOD, of the Colonial Office, represented the United Kingdom Government.

Nauru, 1931.

Accredited Representative :

Lieut.-Colonel Sir Donald CAMERON, K.C.M.G., D.S.O., V.D.

New Guinea, 1930-1931.

Accredited Representative :

Lieut.-Colonel Sir Donald CAMERON, K.C.M.G., D.S.O., V.D.

Western Samoa, 1931-1932.

Accredited Representative :

Sir Thomas Mason WILFORD, K.C.M.G., K.C., High Commissioner of New Zealand in London.

Palestine and Transjordan, 1931.

Accredited Representatives :

Lieut.-General Sir Arthur WAUCHOPE, K.C.B., C.M.G., C.I.E., D.S.O., High Commissioner in Palestine ;

Mr. H. F. DOWNIE, of the Colonial Office ;

Mr. S. MOODY, O.B.E., Deputy Secretary of the Secretariat of the Palestine Administration.

Islands under Japanese Mandate, 1931.

Accredited Representatives :

- M. N. IRO, Deputy Director of the Imperial Japanese Bureau accredited to the League of Nations.
M. Mitsuda HORIGUCHI, former Governor of the Islands under Japanese Mandate.

Tanganyika Territory, 1931.

Accredited Representatives :

- The Right Hon. the Earl of PLYMOUTH, P.C., Parliamentary Under-Secretary of State for the Colonies ;
Mr. G. F. SEEL, of the Colonial Office ;
Mr. G. J. PARTRIDGE, Deputy Secretary-General of the Government of Tanganyika Territory.

Cameroons under British Mandate, 1931.

Accredited Representative :

- Sir Donald C. CAMERON, G.C.M.G., K.B.E. Governor of Nigeria.

Togoland under British Mandate, 1931.

Accredited Representative :

- Mr. A. W. CARDINALL.

Togoland under French Mandate, 1931.

Accredited Representative :

- M. M. BESSON, Chief of the First Bureau of the Political Department at the French Ministry of the Colonies.

Cameroon under French Mandate, 1931.

Accredited Representative :

- M. M. BESSON, Chief of the First Bureau of the Political Department at the French Ministry of the Colonies.
(M. MARCHAND, Commissioner of the French Republic in the Cameroons, was present.)

Ruanda-Urundi, 1931.

Accredited Representative :

- M. HALEWYCK DE HEUSCH, Director-General in the Belgian Ministry of the Colonies.

Syria and Lebanon, 1931.

Accredited Representative :

- M. Robert DE CAIX, former Secretary-General of the High Commissariat of the French Republic in Syria and Lebanon.
(M. Henri PONSOT, High Commissioner of the French Republic in Syria and Lebanon, was present at two meetings.)

A. GENERAL QUESTION.

ECONOMIC EQUALITY : PURCHASE OF MATERIAL AND SUPPLIES BY THE PUBLIC AUTHORITIES OF THE TERRITORIES UNDER A AND B MANDATES EITHER FOR THEIR OWN USE OR PUBLIC WORKS (pages 16, 125-131, 229-233, 253-254).¹

1. The conditions laid down in Article 22, paragraph 5, of the Covenant as governing the granting of an administrative mandate in the name of the League include the obligation imposed upon the mandatory to secure "equal opportunities for the trade and commerce of other Members of the League". With the same idea, the B mandates stipulate that the mandatory Power shall ensure to all the members or nationals of States Members of the League, on the same footing as to its own nationals, "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".²

¹ The page numbers given are those of the Minutes of the Session.

² Article 6 or 7 (according to the case) of B mandates.

This is the expression given in the Covenant and in the B mandates to what is commonly known as the "principle of economic equality".

The same principle is enunciated in the A mandates, but the exception is not expressed in the same terms.

2. As a result of circumstances which are detailed in the Minutes,¹ the Mandates Commission thought it necessary to define the scope of that provision of the mandates in which, so far as concerns essential public works and services, exception is made to the principle of equality.

The exchange of views which followed made it clear that two different opinions were held in the Commission.

3. According to the first point of view,² the word "essential" in the text of the mandates clearly demonstrates the desire of the authors to lay down a clear distinction between public works and services which, by reason of their special character, are excepted from the system of economic equality, and other works and services. Any other interpretation would amount to accusing the authors of extraordinary carelessness or deliberate obscurity, neither of which charges can possibly be justified.

Those holding this first point of view consider further that, economic equality being the rule, and the privileges of the mandatory Power as regards essential public works and services being the exception, the provision regarding this exception should be interpreted in a restrictive sense, in accordance with the legal principle always applied when defining the scope of an exception to a general principle. Consequently, the only public works and services which would be excepted from the rule of economic equality would be those of which the essential character justified such treatment, whereas in respect of all others the mandatory Power would remain bound by the general rule.

To define these two categories of public works and services would undoubtedly be a very delicate task, and the supporters in the Commission of the first point of view are under no illusions as to its difficulty. An exception to the principle of economic equality might perhaps be permissible in any case in which obedience to this principle would result in unduly hindering or delaying the administrative action of the mandatory Power as regards the maintenance of order and security in the territory under mandate, refusal being maintained in every other case. It might perhaps be better to be a little less strict, and to authorise such exceptions for all public works and services without which there can be no good administration. Exceptions would then only be excluded in cases in which the mandatory Power exceeded its strict duties in relation to the territory under mandate by extending its administrative activities to fields which could be equally well developed by private enterprise.

Supporters of this view are of opinion, moreover, that, if an exception is not authorised under the terms of the mandate, the mandatory Powers should, in the case of the purchase of material and undertakings relating to public works, invite public tenders which would be open to nationals of all the States Members of the League of Nations, that procedure being the best means of safeguarding the interests protected by the principle of economic equality.

Those holding the first point of view were the less inclined to lay down the law in this respect, in that the difference between their views and those of their colleagues who favoured the widest possible interpretation of the clause in question prevented the necessary unanimity on the fundamental principle of the problem under discussion.

4. Opposed to this point of view is that which holds that the principle of equal opportunities for "trade and commerce" — to quote the terms of paragraph 5 of Article 22 of the Covenant — applies only to *private* enterprise. This view was expressed as follows by the member of the Commission who was appointed Rapporteur on the question during the sixteenth session³:

"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 mandate 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'.

¹ Minutes, twelfth session, page 164, and thirteenth session, page 94.

² Defended more particularly by the Chairman, Dr. Ruppel and M. Palacios.

³ Minutes, sixteenth session, Annex 10, page 196.

“ 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 of a political character; they are not conducted in the economic sphere; consequently, the principle of free competition does not apply to them.

“ 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.

“ 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’.

“ *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 and services ?

“ 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.”

This line of argument led the author of the report to the sixteenth session 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”, provided that, as emphasised below, the action of the mandatory Power shall be subject to the close supervision of the Permanent Mandates Commission.

* * *

5. These are the two opposing points of view held within the Commission.

But, though the Commission was divided on the doctrinal interpretation of this provision of the mandates, it was unanimous in recognising that the administrative practice adopted in this matter remains subject to the supervision which the Commission exercises over the general administration of countries under mandate. It will therefore be for the Commission to decide in each case that arises whether the mandatory Power, in concluding a private agreement for the carrying out of public works or the supply of material, has conscientiously and for good reasons adopted a practice which, from the point of view of good administration, may be open to objection.

The mandatory Government may therefore be requested to state the reasons that have led it to take advantage of the facilities allowed to it by the mandate. Should it appear that the interests of the territory have not been taken into consideration or have in any way suffered, or that the mandatory Power has merely yielded to the temptation to favour its own nationals or its own industries at the expense or to the prejudice of the territory, the Mandates Commission would be justified in making observations. According to one of the points of view referred to, such observations would be justified both by the principle of economic equality and by the nature of the relationship of guardian to ward which exists between the mandatory Power and the territory under mandate; according to the other point of view, only the second of these two reasons would be valid.

The matter is thus removed from the sphere of theory to that of practice, and on the recommendation of the Commission, the Council, by its decisions of September 1st, 1928,¹ and January 13th, 1930,² requested the mandatory Powers entrusted with A and B mandates to inform it, as regarded their respective cases, what rules were adopted and normally followed for the provision of material and services by the public authorities of the mandated territories.

6. The replies of the Belgian, British and French Governments are contained in the Permanent Mandates Commission documents (C.351.1929.VI, C.344.1930.VI, and C.631.1930.VI).³

They are, in brief, as follows: According to the reply of the Belgian Government dated June 8th, 1929 (document C.351.1929.VI),³ all local purchases and works, the estimated value of which exceeds 3,000 francs, are subject to public tender, except purchases and works for which there could not be any competition. Similar rules apply to purchases made in Belgium. Contractors of all nationalities may submit tenders.

In a letter of July 6th, 1929 (document C.351.1929.VI),³ the French Government states that, in the case of Syria and Lebanon:

“ Public tenders must be invited and a contract placed in accordance with the existing regulations in respect of all expenditure on works or supplies.

¹ Minutes of the Council, fifty-first session, page 1451.

² Minutes of the Council, fifty-eighth session, page 76.

³ *Official Journal*, September 1929, page 1344; July 1930, page 843, and December 1930, page 1825.

“ A bill or invoice shall, however, be sufficient in the case of articles to be delivered immediately when they do not exceed £300 * in value; moreover, supplies, transport and works not exceeding £600 * in value, or in respect of which competition is not possible, may be purchased by private contract.

“ Purchases by private contract, as also contracts placed as a result of public tenders, are subject to the approval of the Government or President of the State. ”

As regards the Cameroons and Togoland under French mandate, the French Government gives the following summary of the rules in force :

(1) If the total value of the supplies does not exceed 6,000 francs, the Administration may make the purchase upon a simple bill or invoice. It may conclude the deal :

(a) Either after having invited tenders with a view to granting the contract to the lowest bidder ;

(b) Or after making enquiries both as to general conditions, etc., and to price.

In the latter case, the Administration is not bound to choose the lowest bidder and remains free to give preference to the party whose tender appears to be most advantageous from an all-round point of view.

(2) If the total value of the supplies exceeds 6,000 francs, but does not exceed 80,000 francs, the Administration proceeds as above in order to choose the contractor, and then concludes with him a *private contract* which determines the conditions of the purchase.

Private contracts may, however, be concluded in respect of supplies exceeding 80,000 francs if the materials in question are specialities which are the property of a given contractor, or if it can be shown that he alone is in a position to manufacture such supplies.

(3) If the total value of the supplies exceeds 80,000 francs, the Administration establishes specifications and invites public tenders.

Foreign nationals are not excluded from submitting tenders or from contracts concluded on behalf of African territories under French mandate. The mandatory Power, none the less, reserves the right, in the case of “ essential public works and services ”, to give preference to its own nationals which, under Article 6 of its African mandates, it is authorised to do.

In connection with the reservations regarding Togoland and the Cameroons contained in the letter of July 6th, 1929, from the French Government, that Government, at the request of the Council, supplied further information in a letter of August 30th, 1930, ¹ and stated that “ in making this reservation, the French Government merely reproduced the provisions in Article 6 of the French mandates for Togoland and the Cameroons, which allows an exception to the general rules regarding economic equality in that the Mandatory shall be free to authorise “ essential public works and services on such terms and conditions as it thinks just ”. The French Government added that even in these cases, the interests of the mandated territory must certainly be taken into account when the mandatory Power is deciding on matters in regard to which the mandate allows it full freedom.

In a letter dated December 11th, 1928, ² the British Government enclosed a copy of the “ Regulations for His Majesty’s Colonial Services ”, in which the rules to be followed in this matter 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. These regulations are applied in Palestine, Transjordan, Tanganyika Territory, the Cameroons and Togoland under British mandate. ³

In reply to a question asked by the Council on January 13th, 1930, the Government of the United Kingdom stated in a letter of April 24th, 1930, ⁴ that the “ Crown agents for the Colonies are authorised to place orders with firms of any nationality, and, in practice, nationals of States Members of the League of Nations are allowed to submit tenders for supplies required by the administrations of territories under A and B mandates, though, in the case of Togoland and the Cameroons, which are administered as integral parts of the Gold Coast and Nigeria and have no separate administrations, supplies would naturally be ordered with supplies for the respective British Colonial administrations ”.

With regard to the rules followed as regards public works in territories under British mandate, it is the general practice of the mandatory Governments to carry out such works through the agency of their Public Works Departments. In those cases in which contracts are invited, no discrimination is made between the contractors on the ground of nationality.

7. These replies led the Mandates Commission to conclude that the rules enunciated by the mandatory Powers in connection with the carrying out of public works and services did not call for any criticism.

* This text was corrected by the French Government on January 10th, 1933. It should read 300 and 600 “ *libano-syrian pounds* ” instead of “ pounds sterling ”.

¹ Document C.631.1930.VI, and *Official Journal*, December 1930, page 1825.

² Document C.351.1929.VI, and *Official Journal*, September 1929, page 1344.

³ Minutes of the Permanent Mandates Commission, sixteenth session, page 197.

⁴ Document C.344.1930.VI, and *Official Journal*, July 1930, page 843.

The Commission made a reservation regarding the rule followed in Togoland and the Cameroons under British mandate. It notes that the administrative union between those two territories and the adjacent British possessions places certain difficulties in the way of the adoption of rules differing from those adopted in those possessions.

In the circumstances, the Commission does not think it necessary to submit any proposals to the Council for a doctrinal interpretation of the relevant article of the mandate. It agreed once more to confine its activities to the supervision of the application given in the various mandated territories to the rules drawn up by the mandatory Powers themselves.

B. SPECIAL QUESTIONS.¹

I. FRONTIER BETWEEN SYRIA AND IRAQ² (pages 17, 18-19, 44).

The Permanent Mandates Commission has considered the Council resolution dated October 3rd, 1932,³ instructing it to inform the Council as soon as possible of its opinion on the frontier-line between Iraq and Syria unanimously suggested by the Commission of Enquiry and, in the Jebel Sinjar area, the line indicated by the majority of the Commission, from the point of view of the interests of the territories affected.

The Permanent Mandates Commission, although it had before it all the documentation of the Commission of Enquiry, could not be expected to express a definite opinion in the circumstances, and thus assume a responsibility that can only fall upon the Commission of Enquiry, which has had the benefit of access to direct sources of information.

All that it is in a position to say on the basis of the documents supplied to it is that it has found in those documents no reason to consider that the conclusions of the Commission of Enquiry are incompatible with the interests of the territories affected. As regards the only point on which the Commission of Enquiry was unable to submit unanimous conclusions, the difference of opinion revealed by the report⁴ does not arise out of conflicting ideas of the interests of the territories affected, but concerns a question of method in estimating the scope of the general task entrusted to the Commission of Enquiry.

The Permanent Mandates Commission has the honour to inform the Council that the report of the Commission of Enquiry—the only material it has had on which to form a judgment—does not appear to it to contain any information which would justify it in asserting that the line of the proposed frontier is not in the interests of the territories affected.

II. QUESTION OF A CLOSER ADMINISTRATIVE, CUSTOMS AND FISCAL UNION OF THE MANDATED TERRITORY OF TANGANYIKA WITH THE NEIGHBOURING BRITISH POSSESSIONS OF KENYA AND UGANDA (CLOSER UNION) (pages 16, 17, 120-124, 131-132, 134-138, 139-141, 254-258, 302, 320-325).

Referring to the undertaking it gave to the Council on September 6th, 1929, the Government of the United Kingdom has sent to the Permanent Mandates Commission the report of the Joint Select Committee on Closer Union in East Africa and the correspondence arising from that report between the Secretary of State for the Colonies and the Governors of the territories concerned (Cmd. 4141).

Although it has duly taken note of these documents, the Commission has thought it preferable to adjourn, until its next session, the study of this question.

C. OBSERVATIONS CONCERNING THE ADMINISTRATION OF THE 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.⁵

TERRITORIES UNDER "A" MANDATE.

Iraq.

The Commission has taken note of the annual report on the administration of Iraq in 1931 submitted by the United Kingdom Government, and the supplementary information given orally by the representative of that Government.

¹ The page numbers following each title are those of the Minutes of the session.

² This part of the Commission's report was examined by the Council on November 25th, 1932.

³ Minutes of the Council, sixty-eighth session, page 1750.

⁴ Document C.578.M.285.1932.VI.

⁵ The page numbers following each observation are those of the Minutes of the session.

Having regard to the circumstances, it refrains from submitting to the Council any detailed observations on the administration of Iraq in 1931 (pages 13-15, 28, 37-39, 41, 226-227).

The Commission feels bound, however, to remark that the recommendations contained in the reports on its fourteenth, sixteenth, nineteenth and twenty-first sessions and endorsed by the Council resolutions of March 4th, 1929, January 13th, 1930, January 22nd, 1931, and January 25th, 1932, regarding the redress of the miscarriage of justice from which the Bahai Community has been the victim, have not been carried into effect (pages 41-42, 226-227).

Palestine.

GENERAL OBSERVATIONS.

In its previous report to the Council, the Commission noted the statements made by the mandatory Power regarding its programme of constructive policy in Palestine.

Although this programme seems to be taking more definite shape, it appears from the information contained in the last annual report and the statements of the accredited representative that the preparatory study has not yet been wholly completed. It would therefore be premature for the Commission to express now an opinion on the development of the mandatory Power's policy subsequent to the crisis which it studied in 1930 at its extraordinary session.

The Commission notes, however, that, as a result of the measures taken to ensure security, and of an exceptionally favourable economic situation in the territory, the year 1931 has been a period of calm and prosperity for the territory.

SPECIAL OBSERVATIONS.

1. *Legislative Council.*

The Commission noted the statement by the accredited representative that "steps would be taken towards the formation of a Legislative Council when the new Local Government Ordinance which was now in preparation had been brought into working order" (pages 82, 103, 179, 197-199, 200-201, 300).

2. *Liquor Traffic.*

The attention of the accredited representative was called to the large increase in the consumption of spirits in Palestine (pages 99, 300).

3. *Labour.*

The Commission welcomes the appointment of a Committee to review the labour legislation in Palestine, and hopes that the work of this Committee will result in progress towards ensuring fair conditions of labour for all Palestinian workers (pages 96-97).

4. *Child Marriages.*

The Commission hopes that the next annual report will contain information as to the result of the investigation undertaken by the Administration, in collaboration with the various religious communities, on the question of the minimum age for marriage (page 94).

Syria and the Lebanon.

GENERAL OBSERVATIONS.

The Commission thanks the mandatory Power for having, in accordance with the desire expressed by the Commission last year, kept it informed of the various phases of the contemplated evolution of Syria and the Lebanon and the stages leading up to the point at which those territories will no longer need the advice and assistance of the mandatory Power.

It trusts that the mandatory Power will continue to keep it informed of the development of the situation in the territories under mandate, which it will attentively follow; but it considers that it would be premature at the present time to give any opinion on that situation, until the policy of the mandatory Power and the negotiations in progress have provided more detailed material on which to form a judgment.

SPECIAL OBSERVATIONS.

1. *Foreign Relations.*

The Commission has noted a statement by the accredited representative to the effect that the question of the property of persons who opted under the provisions of the Treaty of Lausanne has lately been satisfactorily settled by the conclusion of an agreement between the mandatory Power and the Turkish Government (pages 277-278).

It has also noted that the French and Turkish Governments have concluded an arrangement in preparation for a final settlement of the questions relating to railways in Northern Syria (pages 280, 281, 297).

2. *Greek Orthodox Patriarchate.*

The Commission earnestly hopes that the conflict that has arisen with regard to the designation of the Greek Orthodox Patriarch of Antioch will be satisfactorily settled in the near future in conformity with the rules applicable to such cases (pages 279-280, 295-297).

3. *Labour.*

The Commission has taken special note of the information given in the report regarding the continued decline of the small craftsman. It hopes to find in the next report details of the measures that the mandatory Power proposes to adopt to prevent the complete disappearance of this class (pages 287-288).

Furthermore, in view of the information supplied regarding industrial progress, the Commission would be glad to find details of the labour regulations in the next report (page 288).

4. *Treatment of Syrian and Lebanese Nationals and of the Products of the Territory in the States Members of the League of Nations.*

The Commission earnestly hopes that, in accordance with the Council's recommendation of September 9th, 1930, the mandatory Power will prevail upon all the Members of the League of Nations to grant to Syrian and Lebanese nationals and to goods coming from the territory under mandate advantages corresponding to those enjoyed by their nationals and their goods in that territory (pages 277, 298).

TERRITORIES UNDER "B" MANDATE.

Cameroons under British Mandate.

1. *General Administration.*

The Commission will follow with interest the efforts of the mandatory Power to bring under effective control the districts which still evade it.

The Commission has noted the statements of the accredited representative that the policy of the mandatory Power is to bring the natives of the Moslem regions of the northern territories into direct contact with the British Administration without the intervention of the territorial native chiefs¹ (pages 160-163).

2. *Prisons.*

The Commission, being concerned at the high morbidity and mortality in certain prisons, hopes that the next report will contain information regarding the measures taken by the Administration to deal with this situation (page 165).

3. *Education.*

The Commission hopes that measures will be taken by the Administration to give greater facilities to the natives of the northern districts, in order that they may share the benefits of education (pages 167-168).

4. *Liquor Traffic.*

The Commission notes with anxiety that the natives of the Cameroons province have learned how to distil alcohol and are putting their knowledge into practice on an increasingly extensive scale.

It hopes that the Administration will succeed in finding suitable means of ending this dangerous practice (page 168).

Cameroons and Togoland under French Mandate.

OBSERVATIONS APPLICABLE TO BOTH TERRITORIES.

1. *Public Finance.*

The Commission notes the statements of the accredited representative, according to which the subsidies granted by the territories to various propaganda institutions and bodies have been reduced and will be reduced still further (pages 188, 208).

¹ See below, under Section II, the version of this statement given by the accredited representative.

2. *Suppression of Smuggling.*

The Commission notes the statement by the accredited representative to the effect that the Administrations of the territories of Togoland and the Cameroons under French mandate and Togoland and the Cameroons under British mandate have reached an agreement for combating the smuggling of spirits and tobacco across the frontiers of those territories. It will be glad to receive full information on this subject in the next reports (page 219).

3. *Judicial Organisation.*

The Commission would be glad if some information on prisons could be inserted in the next report (pages 190, 212).

(a) CAMEROONS UNDER FRENCH MANDATE.

1. *General Administration.*

The accredited representative has informed the Commission of the negotiations in course for the prolongation of the Duala-Chad railway. It notes the statements of the accredited representative on the subject and expresses the hope that the decision which will be taken in this matter will be based on the interest of the territory without weighing too heavily on the native labour supply (page 208).

2. *Public Health.*

The Commission appreciates the great efforts made by the mandatory Power to combat sleeping-sickness. It notes the accredited representative's statement that it will be possible to intensify the campaign against this scourge by means of a loan. It will follow with interest the results obtained (page 220).

3. *Liquor Traffic.*

The Commission notes an increase in the importation of spirits, sparkling wines and liquors (page 219).

It further hopes that the next report will contain information as to the number of liquor shops in the territory, for both Europeans and natives (page 219).

4. *Labour.*

The Commission considered that the demand for labour appeared to weigh heavily on a population already weakened by sleeping-sickness and other debilitating diseases, and expressed the hope that the administration would find means to alleviate these conditions. (pages 215-217).

(b) TOGOLAND UNDER FRENCH MANDATE.

1. *General Administration.*

The Commission noted the information given by the mandatory Power concerning the origins of the Agu concession and the successive conditions under which the domain has been administered. It earnestly hopes that the solution adopted by the mandatory Power will be in every respect in the interests of the territory and of the natives (pages 186-187).

2. *Economic Equality.*

The Commission noted the accredited representative's assurances that the agreement which abolished all Customs barriers between the territories of Togoland under French mandate and Dahomey is not such as to be detrimental to the interests of the territory under mandate. It trusts that it may find in the next report a full statement on this question, to which it attaches special importance (pages 182-183, 222-225).

3. *Education.*

The Commission would appreciate it, if, in future reports, the total sums spent both directly by the Government and in grants to mission schools respectively could be given in the chapter on education, in order that it might be easier to follow the development of each from year to year (page 191).

4. *Liquor Traffic.*

The Commission noted with satisfaction a large decrease in the aggregate imports of alcohol. Nevertheless, it would like to find in the next report particulars of the causes of the increase in the value of imports of grape brandy (page 191).

5. *Land Tenure.*

The Commission hopes to find in the next report a complete statement on the rights of natives in regard to the ownership of land (page 193).

Togoland under British Mandate.

No observations.

Ruanda-Urundi.

1. *General Administration.*

At its sixteenth, nineteenth and twenty-first sessions, the Commission dealt with the question of the transfer of the capital of the territory from Usumbura to Astrida. It noted the accredited representative's statement that it had been decided to keep the capital at Usumbura (pages 238-239).

2. *Economic Regime.*

The Commission hopes to find in the next report an outline of the advantages of different kinds, from the point of view of the territory under mandate, of Customs union with the Belgian Congo (pages 239-240).

3. *Public Finance.*

The Commission viewed with some concern the successive budgetary deficits of the territory. It hopes that the efforts made by the mandatory Power to balance the budget will prove effective. It further hopes to find in the next report detailed information on the financial relations between the territory on the one hand and the Belgian Congo and Belgium on the other (pages 242-244).

Tanganyika.

GENERAL OBSERVATION.

The Commission has learned with satisfaction from the accredited representative that the efforts of the mandatory Government have been concentrated during the year under examination on securing that the retrenchments which have been necessitated by circumstances should not affect the efficiency of the administration and social services which have been built up in previous years. It expresses the hope that these services will remain a cardinal point of the Government policy (page 133).

SPECIAL OBSERVATIONS.

1. *Report on Railways.*

The Commission notes the statement by the accredited representative to the effect that an enquiry into the question of railway rates and finance in Kenya, Uganda and Tanganyika has been instituted, and hopes that this report will be communicated to the Commission when published (pages 132, 149).

2. *Native Policy.*

The Commission would be glad to find in future annual reports more detailed information regarding the place of the natives in the body politic (page 138).

3. *Amalgamation of Postal Services between Tanganyika on the One Hand and Kenya and Uganda on the Other.*

The Commission noted the assurance of the accredited representative that the question of the amalgamation of postal services between Tanganyika on the one hand and Kenya and Uganda on the other — to which it attaches importance — will be dealt with fully in the next annual report (page 135).

4. *Customs Policy.*

The Commission hopes that the next report will contain detailed information showing that the effects of the existing Customs union between the three territories does not injuriously affect the interests of the mandated territory (pages 135-137).

5. *Labour.*

In view of the suppression of the Labour Department, the Commission was glad to be assured by the accredited representative that the inspection of labour conditions and the application of measures for safeguarding the interests of native workers would in no way be

prejudiced by the administrative reorganisation of the service concerned. It hopes to find detailed information regarding the working of the reorganised services in the next report (pages 153-155).

The Commission would also be glad to find in the next report particulars of the measures taken to deal with cases by employers of withholding or failing to pay wages (page 155).

TERRITORIES UNDER "C" MANDATES.

Islands under Japanese Mandate.

1. *Military Clause of the Mandate.*

With reference to the rumours regarding the establishment of a naval base, the Commission is glad to note the statement made by the accredited representative, and subsequently confirmed by his Government in the following terms : " The report is unfounded ; the Government has not contemplated, and has no intention in future of contemplating, the establishment of a naval base in the islands under mandate " (pages 114-115, 179, 299, 319-320).

2. *Finance.*

The Commission noted the statements of the accredited representative to the effect that any surplus of revenue over the expenditure shown in the final account for a financial period is placed to the credit of the mandated territory (pages 112-113).

Nauru.

1. *Education.*

The Commission welcomes the statement of the accredited representative that steps are being taken to train and educate some of the more intelligent Nauruans in order that they may be qualified to hold posts in the administration of the territory (page 49).

2. *Liquor Traffic.*

The Commission hopes that the annual reports will complete the information on the traffic in spirits and the consumption of alcoholic beverages, in accordance with the recommendation contained in the report of the Commission on the work of the twenty-first session (page 50).

3. *Traffic in Opium and Other Dangerous Drugs.*

The Commission noted with interest the information supplied by the accredited representative regarding steps taken to suppress the consumption of drugs in the territory. It would be glad to be kept informed of the progress achieved in this sphere (pages 50-51).

New Guinea.

1. *General Administration.*

The Commission, while realising the difficulties of the mandatory Power encountered in the work of opening up the country, notes that it has not yet been possible to explore a considerable part of the territory under mandate. It realises the great difficulties due to the nature of the country and the hostility of the inhabitants, but hopes that the mandatory Power will not relax its efforts to bring the whole territory under Government control (pages 56-58).

The Commission takes note of the statement of the accredited representative that the next annual report will contain fuller details concerning the powers and functions of the native chiefs and their authority over natives (page 60).

2. *Judicial Organisation.*

The Commission notes the statement of the accredited representative that fuller information will be supplied in the next annual report concerning the composition, competence and work of the courts for native affairs (pages 63-64).

The Commission learned from a statement contained in a report forwarded by the Australian Government on April 5th, 1932, concerning the Missions Conference held in 1927, that the Central Court cases at Rabaul frequently involve absences of six months or more from their

homes of natives who were parties or witnesses, and that nothing could be done to remedy this state of affairs unless an additional judge was appointed. The Commission would be glad to hear that measures are being taken to improve the situation (page 64).

3. *Education.*

The Commission learned from the statement of the accredited representative that the welfare and educational work would continue uninterrupted. It would be glad to be informed of further progress made in this direction (page 67).

4. *Liquor Traffic.*

The Commission hopes that the annual reports will in future contain information concerning the degree of alcoholic content of the liquor imported into the territory, in conformity with the suggestions contained in the Mandates Commission's report to the Council on its twenty-first session (page 68).

Samoa (Western).

1. *General Administration.*

The Commission notes the information contained in the annual report and the statement of the accredited representative that the political situation has improved. It hopes that the collaboration of the natives with the Administration will become general and effective (pages 70, 71, 73-75).

2. *Public Finance.*

The Commission would like the next report to contain information as to the increase in the export duties on bananas (pages 75-76).

3. *Justice.*

The Commission hopes that the situation will soon improve in such a manner as to make possible a gradual abolition of all emergency measures (pages 73-75).

4. *Public Health.*

The Commission notes with interest the measures taken by the Administration in collaboration with the Rockefeller Foundation to combat yaws, a disease which is very widespread in the territory, and hopes that these measures will prove efficacious. It also trusts that the Administration will succeed in finding suitable means to reduce the very high infant-mortality rate (pages 70-71).

South West Africa.

1. *General Administration.*

The Commission hopes to see in the next report that measures have been taken to ensure the safety of vessels sailing along the coasts of the territory (page 28).

2. *Native Policy.*

The Commission trusts that it will be possible for the mandatory Power to take steps for the encouragement of production and transport of agricultural produce by the natives of Ovamboland (pages 28-29).

3. *Welfare of the Natives.*

The Commission would be glad to hear in the next report that the question of the supply of the necessary water to natives in the northern extremity of the territory has been satisfactorily solved (pages 27-28, 177-178).

4. *Public Finance.*

The Commission noted with satisfaction the detailed explanations furnished by the mandatory Power in its letter of February 8th, 1932,¹ regarding the budget for the territory (page 21).

The Commission hopes that the mandatory Power will find effective means of remedying the critical financial situation in the territory. In particular, it hopes that it will be possible in the near future to restore the credits allocated to the welfare and education of the natives, which were reduced considerably in 1931 (pages 20, 31-32, 33-35).

¹ See *Official Journal*, April 1932, page 978.

5. *Public Health.*

The Commission is somewhat concerned about the health of the natives in the southern part of the territory and in Ovamboland.

It hopes that the remedial measures taken by the Administration will prove effective (page 36).

D. OBSERVATIONS ON PETITIONS.¹

At its twenty-second session, the Commission considered the petitions mentioned below, together with the observations with regard thereto furnished by the mandatory Powers. Each of the petitions was reported on in writing by a member of the Commission. After discussion, the following conclusions were adopted by the Commission. The texts of the reports submitted to the Commission are attached to the Minutes.²

Palestine and Trans-Jordan.

- (a) *Memorandum, dated June 1931, from the General Council (Vaad Leumi) of the Jewish Community of Palestine, transmitted on June 12th, 1931, by the United Kingdom Government* (document C.P.M. 1188) (pages 226, 330-331).

Observations by the United Kingdom Government, dated December 14th, 1931 (document C.P.M.1272).

Report (see Minutes, Annex 11).

CONCLUSIONS.

The Commission considers that neither the mandatory Government's observations nor the memorandum seem to call for any recommendation on its part to the Council.

- (b) *Petition, dated June 15th, 1931, from the Permanent Committee of the Arab Liberal Party* (document C.P.M. 1224) (pages 302-303, 331-332).

Observations by the United Kingdom Government, dated September 10th, 1931 (document C.P.M. 1224).

Report (see Minutes, Annex 12).

CONCLUSIONS.

The Commission, having examined the petition dated September 10th, 1931, from the Standing Committee of the Palestine Arab Liberal Party, together with the relevant observations of the mandatory Power, considers that there is no need to take any special action in the matter.

- (c) *Petition, dated June 28th, 1931, from the "Central Agudath Israel "* (document C.P.M. 1223) (pages 299, 332-333).

Observations by the United Kingdom Government, dated September 9th, 1931 (document C.P.M. 1223).

Report (see Minutes, Annex 13).

CONCLUSIONS.

The Commission, having examined the petition from the " Central Agudath Israel ", dated June 28th, 1931, and the mandatory Power's observations thereon, sees no reason why the mandatory Power should not arrange for the carrying out of the regulations in force with regard to any repairs that may be necessary to the Wailing Wall in a manner equitable to all the parties concerned.

- (d) *Petition, dated November 8th, 1931, from the " Central Agudath Israel "* (document C.P.M. 1277) (pages 178, 333-334).

Observations by the United Kingdom Government, dated January 26th, 1932 (document C.P.M.1277).

Report (see Minutes, Annex 14).

¹ The page numbers following each title are those of the Minutes of the Session.

² As the Commission has not thought it necessary to annex the texts of the petitions and the mandatory Powers' observations thereon to the Minutes, and consequently to transmit them to the Council, it recommends that copies of those documents should be deposited in the League of Nations Library and thus placed at the disposal of persons wishing to consult them.

CONCLUSIONS.

The Commission, having examined the petition of the "Central Agudath Israel" of Jerusalem, dated November 8th, 1931, and the United Kingdom Government's observations communicated by letter of January 26th, 1932, does not consider that any recommendations need be made to the Council in regard to this petition.

- (e) *Petition, dated July 30th, 1931, from the "Central Agudath Israel"* (document C.P.M. 1284) (pages 103, 299, 334-339).

Observations from the United Kingdom Government, dated March 12th, 1932 (document C.P.M. 1284).

Report (see Minutes, Annex 15).

CONCLUSIONS.

The Commission, having examined the petition of the "Central Agudath Israel", dated July 30th, 1931, concerning its recognition as a separate religious community in Palestine, as well as the observations made thereon by the mandatory Power in its letter, dated March 12th, 1932, and the answers given by its accredited representative at the twelfth meeting of the twenty-second session, and having taken into account several previous petitions from the same source and on the same subject and the various observations of the mandatory Power; recalling the provisions of Articles 2 and 15 of the Mandate for Palestine, but considering that, before expressing a definite opinion on the petition, supplementary explanations from the mandatory Power are necessary, recommends that the mandatory Power be invited to give a more definite explanation as to:

(a) Whether, in the mandatory Power's opinion, the recognition of such a Jewish community in Palestine would hamper it in fulfilling other obligations arising out of the mandate, and, in particular, the obligation concerning the establishment of a Jewish National Home, and, if so, in what way.

(b) Whether the declaration made by its accredited representative that the Palestine Government considered it advisable to organise the Jews in a single community and to leave the question of sects on one side for the moment was intended to indicate that the application of the petitioner is likely to be reconsidered in the near future.

- (f) *Petitions, dated November 17th and December 26th, 1931, from M. Hans von Bassewitz* (documents C.P.M. 1273 and 1278) (pages 106-107, 225-226, 340-341).

Observations of the United Kingdom Government, dated September 21st, 1932 (document C.P.M. 1299).

Report (see Minutes, Annex 16).

CONCLUSIONS.

The Commission, having examined M. von Bassewitz's petitions, dated November 17th and December 26th, 1931, and the observations thereon made by the United Kingdom Government, considers that, as the petitions relate to a dispute of a purely private nature and in which the Court of Justice has intervened, there is no occasion to submit a recommendation to the Council.

- (g) *Petition, dated January 28th, 1932, from the Palestine Arab Women Congress* (document C.P.M. 1290) (pages 103, 194-199, 200-201, 341-343).

Observations of the United Kingdom Government, dated June 22nd, 1932 (document C.P.M.1290).

Report (see Minutes, Annex 17).

CONCLUSIONS.

The Commission, having noted the petition, dated January 28th, 1932, from the Executive Committee of the First Palestine Arab Women's Congress, and having examined the complaints contained therein in the light of the observations submitted by the United Kingdom Government on June 22nd, 1932, their annual reports on the administration of Palestine and the verbal declarations of their accredited representative:

1. Considers that, in point of fact, the number of officials of non-Palestinian nationality in the service of the Palestine Government is very large, particularly in the higher posts, as asserted by the petitioners and admitted by the mandatory Power. In the present state of the territory and its inhabitants, the Commission realises the necessity of entrusting the chief posts in the administration to British officials, but it hopes that, as education progresses and feelings become pacified in Palestine, it will be possible to employ in the civil service an ever-increasing number of nationals of the territory; not only does this evolution seem to be in accordance with the

objects of the mandate, but it would also lighten considerably the budget of the territory, in view of the considerable expenditure occasioned by the employment in Palestine of a large number of British officials.

2. The Commission, having noted the complaints of the petitioners relating to the position of the fellaheen, hopes that circumstances will shortly enable the mandatory Power to improve their lot, chiefly by the development of co-operative societies and the establishment of a satisfactory agricultural credit system.

3. As regards the tithe the abolition of which is urged by the petitioners and which, by the action of the mandatory Power, is, on the other hand, being converted into a tax on land revenue — the Commission appreciates the policy of the mandatory Power, which, in view of the particularly acute distress, suspended during the past financial year the collection of the whole or part of the taxes payable by farmers. It hopes that a final and satisfactory solution of the question of the land tax in Palestine will shortly be found.

4. Like the petitioners and the mandatory Power, the Commission regrets the insufficient accommodation at the present time in the primary schools of the territory, and hopes that its financial resources will shortly enable the Administration to add to their number and thus to place the benefits of primary education within the reach of all the children in every village.

5. The Commission wishes once again to stress the fact that it is unable to consider petitions for the abrogation of the regime, the application of which it is its duty to supervise.

- (h) *Memorandum from the Jewish Agency for Palestine, dated September 12th, 1932, on the Development of the Jewish National Home in Palestine in 1931* (document C.P.M.1308) (pages 300, 343-344).

Observations of the United Kingdom Government, dated October 10th and 25th, 1932 (documents C.P.M.1301 and 1308).

Report (see Minutes, Annex 18).

CONCLUSIONS.

The Commission considers that neither the memorandum of the Jewish Agency for Palestine, dated September 12th, 1932, nor the observations of the mandatory Power thereon appear to call for a recommendation to the Council.

Syria and the Lebanon.

- (a) *Petition, dated January 15th, 1930, from M. Keir el Dine el Lababidi* (document C.P.M. 1339) (pages 254, 273, 344-345).

Observations of the French Government, dated November 19th, 1932 (document C.P.M. 1339).

Report (see Minutes, Annex 19).

CONCLUSIONS.

The Commission, having examined the petition of M. Keir el Dine el Lababidi, dated January 15th, 1930, and in view of the information contained in the observations of the mandatory Power, dated November 19th, 1932, considers that this petition need not be retained.

- (b) *Petition, dated August 10th, 1931, from the Syrian Patriotic League of Sao Paulo (Brazil) concerning the election of the Patriarch of Antioch* (document C.P.M. 1227) (pages 279-280, 295-297, 301, 345).

Observations of the French Government, dated November 29th, 1932 (document C.P.M. 1353).

Report (see Minutes, Annex 20).

CONCLUSIONS.

The Commission, having examined the petition of the Syrian Patriotic League of Sao Paulo (Brazil), dated August 10th, 1931, concerning the election of the Greek Patriarch of Antioch and the observations of the mandatory Power, while it desires to draw attention to the observation in regard to the dispute of the Greek Orthodox Patriarchate contained in its report to the Council, considers that the petition does not call for a recommendation to the Council.

- (c) *Petition, dated December 9th, 1931, from the Emir Chékib Arslan and M. Ihsan el Djabri* (document C.P.M.1274) (pages 300, 346-347).

Observations of the French Government, dated October 10th, 1932 (document C.P.M. 1311).

Report (see Minutes, Annex 21).

CONCLUSIONS.

The Commission, having examined the petition from the Emir Chékib Arslan and M. Ihsan el Djabri, dated December 9th, 1931, and the observations of the mandatory Power, dated October 18th, 1932, considers that no action need be taken thereon.

- (d) *Petition, dated May 6th, 1932, from the " Association des étudiants arabes de Toulouse "* (document C.P.M.1288) (pages 260, 270-271, 300, 347-348).

Observations of the French Government, dated November 28th, 1932 (document C.P.M.1348).

Report (see Minutes, Annex 22).

CONCLUSIONS.

The Commission considers that no action need be taken on this petition.

- (e) (1) *Petition (undated) from the " Association syrienne arabe de Paris "* (document C.P.M.1281) (pages 260, 268, 269, 270, 301, 348-349).

Observations of the French Government, dated November 30th, 1932 (document C.P.M.1349).

- (e) (2) *Petition, dated January 2nd, 1932, from the " Association des étudiants arabes de Toulouse "* (document C.P.M.1275) (pages 268, 269, 270, 301, 348-349).

Observations of the French Government, dated October 18th, 1932 (document C.P.M.1311).

- (e) (3) *Protests concerning the Syrian parliamentary elections of 1931-32* (document C.P.M. 1310) (pages 268, 269, 270, 301, 348-349).

Observations of the French Government, dated October 19th, 1932 (document C.P.M.1310).

- (e) (4) *Protests, dated February 18th and 22nd, 1932, from inhabitants of Aleppo and Damascus* (document C.P.M. 1314) (pages 268, 269, 270, 301, 348-349).

Observations of the French Government dated October 20th, 1932 (document C.P.M.1314).

Report (see Minutes, Annex 23).

CONCLUSIONS.

The Commission, having examined the various petitions submitted to it regarding the Syrian parliamentary elections and the accompanying incidents ; having likewise noted the observations transmitted by the mandatory Power and the additional information supplied verbally by its accredited representative ; considers that these petitions do not call for any particular action on the part of the Council.

- (f) *Petitions, dated January 29th and February 1st, 1932, from a group of inhabitants of Homs and Hama respectively concerning the suspension of the newspaper Al-Yom* (document C.P.M. 1347) (pages 273, 289, 301, 349-350).

Observations of the French Government, dated November 28th, 1932 (document C.P.M.1348).

Report (see Minutes, Annex 24).

CONCLUSIONS.

The Commission considers that no action need be taken on these petitions.

Cameroons under French Mandate.

Petition, dated August 5th, 1931, from the " Ligue de défense de la race nègre ", Paris (document C.P.M.1279) (pages 221-222, 299, 350-351).

Observations of the French Government, dated February 2nd, 1932 (document C.P.M.1279).

Report (see Minutes, Annex 25).

CONCLUSIONS.

The Commission, having examined the petition from the "Ligue de défense de la race nègre", dated August 5th, 1931, and the observations of the mandatory Power, dated February 2nd, 1932, on this petition, considers that, as the action to be taken on the regrettable incidents which occurred at Duala in July 1931 falls within the jurisdiction of the local courts, there is no need to submit a recommendation to the Council on this matter.

Tanganyika.

Petition, dated February 22nd, 1932, from the Indian Association, Dar-es-Salaam (document C.P.M.1295) (pages 158-159, 179, 352-353).

Observations of the United Kingdom Government, dated August 31st, 1932 (document C.P.M.1295).

Report (see Minutes, Annex 26).

CONCLUSIONS.

The Commission, in view of the considerations formulated by its Rapporteur and the additional information supplied verbally by the accredited representative, considers that no action need be taken on the petition from the Indian Association, dated February 22nd, 1932.

Togoland under French Mandate.

Petition, dated May 12th, 1930, from certain notables of the Anecho district (document C.P.M. 1076) (pages 181-182, 222-225, 354-355).

Observations of the French Government, dated July 30th, 1930, and February 26th, 1932 (documents C.P.M. 1076 and 1280).

Report (see Minutes, Annex 27).

CONCLUSIONS.

The Commission, in view of the statements made by the accredited representative in regard to the question dealt with in the petition, while it wishes to draw attention to its observations on Togoland under French mandate, considers that no special recommendations need be made to the Council concerning this petition.

South West Africa.

(a) *Petition, dated November 25th, 1931, from M. Alex Bergmann* (document C.P.M. 1292) (pages 178-179, 355-356).

Observations of the Government of the Union of South Africa, dated June 10th, 1932 (document C.P.M.1292).

Report (see Minutes, Annex 28).

CONCLUSIONS.

The Commission, after examining the petition from M. Alex Bergmann, dated November 25th, 1931, and the observations of the mandatory Power, dated June 10th, 1932, is satisfied that no action by it is called for.

(b) *Petition, dated June 17th, 1932, from M. T. Beukes and eleven other burghers of the Rehoboth community* (document C.P.M. 1316) (pages 20-21, 25-26, 225, 356-357).

Observations of the Government of the Union of South Africa, dated October 6th, 1932 (document C.P.M. 1316).

Report (see Minutes, Annex 29).

CONCLUSIONS.

The Commission, having carefully examined the petition from certain burghers of the Rehoboth community, dated June 17th, 1932, and having taken note of the statements made by the Administrator and the petitioners and the observations of the mandatory Power on the

petition, referring to the conclusions on a previous petition adopted by the Commission in 1926 and approved by the Council, repeats its previous recommendations made to the petitioners to collaborate with the Administration, to participate as a united community in the election of an advisory council and to accept the Administration's proposal that the 1923 agreement be discussed next year.

E. IRAQ.

Communications from the Assyrian population forwarded in connection with the termination of the mandatory regime in Iraq and referred to in the Council decision of September 24th, 1932.

I. OPINION OF THE COMMISSION.¹

When formulating its opinion, the Commission fully realised how delicate was its task from the constitutional point of view.

When, on September 24th, 1932, the Council of the League of Nations asked the Mandates Commission to examine the petitions of the Assyrians of Iraq, that country was still subject to the regime provided for in Article 22 of the Covenant, and the United Kingdom was responsible for the application to it of the tutelary principles of this article. Since then, Iraq has been emancipated from its guardianship, and admitted to the League of Nations. There is now, therefore, neither a mandate nor mandatory Power in regard to Iraq. Furthermore, the Iraqi Government, which henceforth is alone responsible for the administration of that State, could not be heard by the Commission.

Subject to this observation the Commission, in response to the Council's formal invitation, addresses to it the following opinion :

The Permanent Mandates Commission, having examined the petitions from the Assyrian community in Iraq which have been forwarded to the League of Nations since the Commission's twenty-first session ; having noted the observations of the United Kingdom Government on those petitions and heard the additional information given orally by the representative of that Government, endorsing the attached conclusions of its Rapporteur,² draws the Council's special attention to the great importance, both for the Assyrians themselves and for Iraq, of providing the Assyrians with opportunities for settlement in a homogeneous group which would be in keeping with their traditions and would satisfy their economic needs.

For the rest, it considers, for the reasons stated in its Rapporteur's conclusions, that there is no need for it to submit to the Council any other special recommendation in regard to those petitions.

II. APPENDIX.

CONCLUSIONS OF THE RAPPORTEUR TO THE PERMANENT MANDATES COMMISSION.

From a comparison of the documents analysed above³ and of the numerous petitions previously addressed to the League by Assyrian groups or on behalf of the Assyrians of Iraq, there arises a definite impression that this community is dissatisfied with its present lot and profoundly uneasy as to its future. A few discordant voices in this concert of complaints and appeals to the League only emphasise its practical unanimity.

It should not, however, be inferred — as the Commission has already pointed out on other occasions, while expressing the concern with which it views the position of the minorities — that either the mandatory Power or the Iraqi authorities are open to grave reproach for the manner in which the Assyrians settled in Iraq have been treated under the mandatory system. No proof has, indeed, ever been provided that they were treated with unjustifiable severity by the Iraqi authorities, or that they were victims of an abuse of power ; it is remarkable that, in the petitions dealt with in the present report, no complaint that can be entertained has been brought against these authorities.

Among the Assyrians of Iraq, the greater number, who have come from Turkey in Asia, have found shelter in this country in the course of the last few years. They are encamped there in conditions which, in most cases, are precarious and miserable ; they are " refugees ".

They have had to be settled on the land. In fact, these mountaineers have been settled in districts consisting of marshy and unhealthy plains, or dispersed in small groups or families in the midst of the Kurdish or Arab population, according to the possibilities offered by the occupation of the soil.

In the petitions which the Commission has had to deal with at its previous sessions, we find an expression of the feeling of insecurity inspired in the Assyrians, not only by the climate, with the casualties which it causes in their ranks, by the sterility of the land which has been assigned to them and by the precariousness of their rights to cultivate the soil, but *especially by the scattering of their community among populations of other races.*

¹ This part of the Commission's report was examined by the Council on December 5th and 15th, 1932.

² See Appendix.

³ See report by M. Orts, Annex 10, pages 327-330.

It is this latter circumstance which explains these individual acts of violence, these attacks against persons and property which the Assyrians have constantly complained of, and which they fear — since the cessation of British control has appeared imminent — will be multiplied to the point of making the conditions of existence of their community definitely intolerable.

The root cause of the state of unrest revealed by the petitions we are dealing with resides in the fact that it has not yet been possible to collect the Assyrians of Iraq into a homogeneous group in a region suitable to their needs.

Your Rapporteur is inclined to think that, as long as this has not been done, the discontent and moral dissidence of this section of its population will remain like a thorn in the flesh of Iraq. This opinion seems to fall in with that of the Government of the United Kingdom when it states that “ the return of the Assyrians to their old homes in the Hakkiari mountains would still undoubtedly be the best solution ”.

It has not been proved to the satisfaction of an impartial observer that lands combining the requisite conditions for the settlement of the Assyrians in a homogeneous group do not exist in Iraq, or that the possibility of resettling them in their country of origin must be definitely ruled out. It would be desirable for the Council of the League to use its influence in favour of one or other of these solutions being sincerely sought.

We share the confidence of the Government of the United Kingdom in the part which the Assyrian element is destined to play in Iraq, but we are inclined to believe that the Assyrians would be still more likely to remain loyal subjects if they were placed in conditions more closely approaching to those which they had been led to expect in view of the circumstances to which they draw attention.

There is here a situation worthy of engaging the League's attention. It concerns the very existence of a race whose glorious past goes back to the earliest history, and it also concerns the future of Iraq. The League has followed the progress accomplished by this young State, and has consecrated its political emancipation ; any factor which may hamper its peaceful and harmonious development cannot leave the League indifferent.

On the other hand, there is one aspiration of the Assyrians which cannot find any encouragement — namely, that of granting the widest administrative autonomy to the Assyrian “ nation ” (*Millet*) grouped in the territory which Iraq may assign to it. The adoption of such a solution would imperil the unity of the Iraqi State, and could not but perpetuate the antipathy with which the Assyrians believe themselves to be viewed by the other elements of the nation in the midst of which they are destined to live.

The other specific solutions proposed in the various petitions call for the following observations :

(1) The request for the mass transfer of the Assyrian section put forward in the first petition is a matter on which the Permanent Mandates Commission cannot express an opinion.

(2) A modification of the northern frontiers of Iraq as defined in the Council's decision of 1925 and in the provisions of the Ankara Treaty of 1926 suggested in the second petition could only take place as a result of an agreement between the States concerned. Such an agreement might constitute a satisfactory solution and be sought by Iraq should it be found that there was no territory in Iraq itself which was suitable for the settlement of the Assyrians as a homogeneous group.

(3) As regards the future status of minorities in Iraq, which is also dealt with in this petition, it has already been defined and guaranteed by the declaration recently signed by the Iraqi Government on the recommendation of the Council of the League of Nations. This declaration makes it open in future to the Assyrians, as to the other minorities in Iraq, to resort to the ordinary procedure in the matter of the protection of minorities.

(4) The Mar Shimun's last petition merely reproduces in more general terms the assertions already contained in his previous petitions, and produces no evidence of a nature to change the Commission's opinion (pages 12, 13, 14, 15, 42-43, 44, 53-55, 300, 301, 327-330).

II.

COMMENTS OF THE ACCREDITED REPRESENTATIVES
SUBMITTED IN ACCORDANCE WITH SECTION (e)
OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION

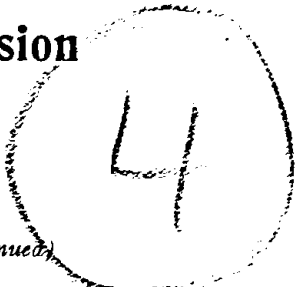
Sir Donald C. Cameron, accredited representative for the Cameroons under British mandate, has defined the idea embodied in the statement which is referred to in the second paragraph of the Commission's observation on the *General Administration* of that territory, as follows :

“ . . . the policy of the mandatory Power is gradually to bring pagan natives of the Moslem region of the Northern Territory into more direct contact with the British Administration so far as it is possible to do so having in view existing commitments. ”

The other accredited representatives of the mandatory Powers have stated that they have no comments to make on the observations contained in the report of the Permanent Mandates Commission.

LEAGUE OF NATIONS

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of the Permanent Mandates Commission



Abbreviation : P.M.C. = Permanent Mandates Commission

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Genève, le 6 octobre 1932.

SOCIÉTÉ DES NATIONS

MANDATS

RAPPORT DE LA SIXIÈME COMMISSION A L'ASSEMBLÉE

Rapporteur : M. ANDVORD (Norvège).

Comme les années précédentes, la sixième Commission a été saisie des rapports annuels des Puissances mandataires, des rapports de la Commission permanente des mandats et des autres documents concernant l'exécution des dispositions de l'article 22 du Pacte pendant la période qui s'est écoulée depuis la douzième session ordinaire de l'Assemblée.

La Commission a constaté que, grâce aux efforts des Puissances mandataires et à la collaboration impartiale et compétente de la Commission permanente des mandats, le système des mandats a continué à produire des résultats remarquables. Le cas du Royaume de l'Irak, qui a pu être rendu complètement indépendant et admis dans la Société des Nations après douze années seulement d'administration mandataire, étape finale du régime défini à l'article 22 du Pacte, illustre cette constatation d'une manière évidente.

Le Gouvernement du Royaume-Uni a recueilli au cours des débats des félicitations de nombreuses délégations pour les progrès réalisés pendant la période où l'Irak a été administré sous le régime mandataire, et il a été rendu hommage au mérite qui revient aux organes de la Société des Nations, en particulier à la Commission permanente des mandats.

Parmi les questions spéciales dont les organes de la Société des Nations ont eu à s'occuper cette année, la Commission a relevé le problème de la définition de la frontière entre l'Irak et la Syrie. Elle a constaté que cette question a pu être réglée par le Conseil, sous réserve de l'avis de la Commission permanente des mandats.

D'autre part, en ce qui concerne l'administration des territoires sous mandat, la Commission, qui avait notamment relevé que la Commission des mandats ne s'était pas trouvée en mesure de se former une opinion précise sur la situation au Samoa occidental, a été heureuse de noter que la Puissance mandataire transmettrait des informations rassurantes.

Enfin, la Commission s'est faite l'écho de l'inquiétude qui règne au sujet de la stagnation voire même de la diminution de la population indigène des îles du Pacifique sous mandat japonais. Elle s'est félicitée, à cet égard, des efforts déployés par la Puissance mandataire pour découvrir les causes de ce phénomène et pour l'enrayer.

Plusieurs délégués ont exprimé le regret que, par suite d'une décision de la dernière Assemblée, le nombre des sessions de la Commission permanente des mandats ait été réduit de deux à un pour l'exercice 1932. La Commission des mandats a elle-même souligné les inconvénients que le renouvellement de cette décision ne manquerait pas de présenter pour l'accomplissement de la tâche qui lui incombe en vertu de l'article 22 du Pacte et, par conséquent, pour le fonctionnement effectif et régulier du système des mandats, dont elle constitue un des principaux rouages. Comme il s'agit d'une des activités essentielles de la Société des Nations, il paraît nécessaire d'exclure toute mesure susceptible d'en entraver l'accomplissement. La sixième Commission souhaite donc vivement que rien n'empêchera, à l'avenir, la Commission des mandats de tenir les deux sessions annuelles ordinaires qu'elle juge indispensables à la poursuite de sa tâche.

La sixième Commission a l'honneur de recommander à l'Assemblée l'adoption du projet de résolution suivant :

« L'Assemblée,

« Ayant pris acte de l'œuvre accomplie par les Puissances mandataires, la Commission permanente des mandats et le Conseil en ce qui concerne l'exécution de l'article 22 du Pacte :

« a) Renouvelle l'expression de confiance à leur égard, voté par les sessions précédentes de l'Assemblée, et rend à nouveau hommage aux résultats qu'ils ont pu obtenir, grâce à un esprit de coopération qu'il est essentiel de maintenir ;

« b) Se félicite particulièrement des progrès réalisés sous le régime du mandat en Irak, grâce auxquels ce pays a pu acquérir sa pleine indépendance et être admis dans la Société des Nations ;

« c) Estime qu'il est hautement souhaitable de ne pas renouveler à l'avenir, même à titre exceptionnel, la décision prise par la douzième session de l'Assemblée de réduire de deux à une les sessions annuelles ordinaires de la Commission permanente des mandats, attendu qu'il en découlerait un grave obstacle à l'accomplissement effectif et régulier des tâches importantes dévolues à la Société des Nations par l'article 22 du Pacte. »

Geneva, October 6th, 1932.

LEAGUE OF NATIONS
MANDATES

REPORT OF THE SIXTH COMMITTEE TO THE ASSEMBLY.

Rapporteur : **M. ANDVORD** (Norway).

As in previous years, the Sixth Committee has had before it the annual reports of the mandatory Powers, the reports of the Permanent Mandates Commission, and the other documents relating to the execution of Article 22 of the Covenant during the period which has elapsed since the twelfth ordinary session of the Assembly.

The Committee observed that, thanks to the efforts of the mandatory Powers and the able and impartial co-operation of the Permanent Mandates Commission, the mandate system has continued to produce excellent results. This is strikingly illustrated by the case of the Kingdom of Iraq, to which it has been possible to grant complete independence and admission to the League — the final stage in the system provided by Article 22 of the Covenant — after only twelve years of mandatory administration.

In the course of the discussions, the Government of the United Kingdom received congratulations from numerous delegations on the progress made during the period in which Iraq has been administered under the mandate system, and tributes were paid to the excellent work of the organs of the League, more especially the Permanent Mandates Commission.

Among the special questions with which the organs of the League have had to deal this year, the Committee devoted particular attention to the problem of the determination of the frontier between Iraq and Syria. It noted that this question had been settled by the Council, subject to the opinion of the Permanent Mandates Commission.

With reference to the administration of the mandated territories, the Committee, which had specially remarked that the Mandates Commission had found itself unable to form a definite opinion on the position in Western Samoa, was happy to note that the mandatory Power intended to furnish reassuring information.

The Committee also gave expression to the uneasiness prevailing on account of the fact that the native population of the Pacific islands under Japanese mandate is stationary, and in some cases declining. It was gratified by the efforts made by the mandatory Power to discover the causes of this tendency and to arrest its progress.

Several delegates expressed regret that, owing to a decision of the last Assembly, the number of sessions of the Permanent Mandates Commission had been reduced from two to one for the year 1932. The Mandates Commission has itself emphasised the difficulties which a renewal of that decision would inevitably cause in the fulfilment of the duties entrusted to it by Article 22 of the Covenant and, consequently, in the effective and regular working of the whole mandate system, of which the Commission forms one of the principal parts. As this is one of the essential activities of the League, it seems necessary to prevent any action from being taken that might interfere with its performance. The Sixth Committee earnestly trusts that in future nothing will prevent the Mandates Commission from holding the two ordinary sessions yearly which it considers indispensable for the fulfilment of its duties.

The Sixth Committee has the honour to recommend that the Assembly adopt the following draft resolution :

“ The Assembly,

“ Having taken note of the work accomplished by the mandatory Powers, the Permanent Mandates Commission and the Council in regard to the execution of Article 22 of the Covenant :

“ (a) Renews the expression of confidence in them voted by the past sessions of the Assembly, and again expresses its appreciation of the results they have achieved through a spirit of co-operation which it is essential to maintain ;

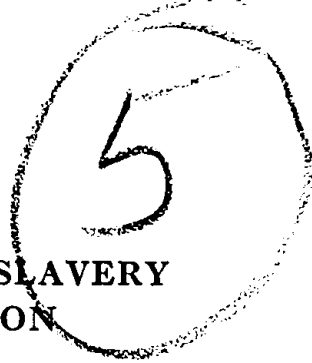
“ (b) Expresses its particular gratification at the progress made under the mandate system in Iraq, thanks to which that country has been able to gain complete independence and admission to the League ;

“ (c) Considers it highly desirable that the decision reached by the Assembly at its twelfth session to reduce the annual ordinary sessions of the Permanent Mandates Commission from two to one should not in future be renewed, even as an exceptional measure, inasmuch as it would have the result of seriously hampering the effective and regular performance of the important duties entrusted to the League of Nations by Article 22 of the Covenant.”

Geneva, September 1st, 1932.

LEAGUE OF NATIONS

SLAVERY



**REPORT OF THE COMMITTEE OF EXPERTS ON SLAVERY
PROVIDED FOR BY THE ASSEMBLY RESOLUTION
OF SEPTEMBER 25TH, 1931**

Document C. 618. 1932.IV.

ERRATA.

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Page 5, thirty-second line: For "(paragraphs 52 to 63)" substitute "(paragraphs 59 to 63)".	3
Page 9, paragraph 12, last line: Insert " which " after " Mui Tsai ".	
Page 10, fourteenth line: For " persons enslaved " substitute " children born ".	
Page 21, paragraph 64, first line: For " As stated in paragraph 4 of this report, " substitute " Even ".	6 9
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I. LETTER FROM THE CHAIRMAN OF THE COMMITTEE TO THE PRESIDENT
OF THE COUNCIL.

[*Translation.*]

Geneva, August 30th, 1932.

The Committee of Experts on Slavery constituted under the Council resolutions of September 29th, 1931, and January 28th, 1932, met at Geneva in two sessions, the first from May 4th to 11th, and the second from August 22nd to 30th, 1932.

The Committee was composed as follows:

- M. ANGOULVANT, Honorary Governor-General of the Colonies, former Governor of French West Africa, former Governor of French Equatorial Africa;
- Mme. DE CASTRO E ALMEIDA, Government delegate to the International Institute of Intellectual Co-operation (author of works on educational and humanitarian subjects);
- M. GOHR, Honorary Secretary-General of the Belgian Ministry of Colonies, ex-President of the Temporary Slavery Commission;
- M. J. LÓPEZ OLIVÁN, Minister Plenipotentiary at the Ministry of Foreign Affairs, former Director-General of Morocco and the Colonies, Madrid;
- Lord LUGARD, member of the Permanent Mandates Commission, former Governor-General of Nigeria, former Member of the Temporary Slavery Commission;
- M. NEYTZELL DE WILDE, Ex-President of the Legislative Assembly of the Netherlands Indies, at present head of the Department for League of Nations Affairs and for Juridical Questions at the Ministry of Colonies, The Hague;
- M. ZEDDA, former Secretary-General attached to the Government of Eritrea (after serving the whole of his career in the Italian colonies);
Replaced at the second session of the Committee by:
- M. Ercole VELLANI, Head of the Research and Propaganda Department at the Ministry of Colonies, Rome.

Observer:

Mr. PHELAN, Chief of the Diplomatic Division at the International Labour Office.

The Committee appointed as its officers Lord Lugard and the undersigned. On the proposal of Lord Lugard, seconded by M. Angoulvant, I was elected Chairman. Lord Lugard accepted the Vice-Chairmanship of the Committee.

In deference to the wishes of my colleagues, I also agreed to prepare the draft report to the Council.

In fulfilment of the first task enjoined upon me by the members of the Committee, I beg to convey to the Council their sincere thanks for the confidence which the Council has placed in them and the honour which it has done them in calling upon them to serve on the Committee of Experts and which they highly appreciate.

* * *

By the Assembly resolution of September 25th, 1931, the Committee of Experts was instructed "to examine the material upon slavery which has been supplied or transmitted by Governments since the signature of the Convention of 1926. This Committee will submit to the Council suggestions with a view to recommending to the next Assembly the measures of assistance which the League of Nations could render to those countries which have agreed to abolish slavery and which request such assistance."

In a resolution of September 29th, 1931, the Council defined the task of the Committee of Experts as follows:

(1) "The Committee should examine the documents submitted to it and report to what extent in the light of these documents the Slavery Convention of 1926 has been successful in putting an end to slavery and what obstacles, if any, exist to further progress in this direction.

(2) "The Committee should further consider and report by what methods assistance can be rendered to those States which have expressed a desire to receive it for the purpose of suppressing slavery within their territory.

(3) "Finally the Committee should state whether any modification of the existing machinery of the League would be desirable with this object."

The Committee was instructed not to consider the question of compulsory or forced labour.

To these questions the Council, by its resolution of January 28th, 1932, added another—namely, the measures which the Committee might suggest to induce States which have not yet done so to ratify the Convention or to accede thereto.

* * *

Though the programme assigned to the Committee of Experts was thus defined, and clearly defined, the Council left the Committee to determine its own methods of work.

In this connection, the Committee of Experts first considered whether it was entitled to make use of documents sent to it direct by private persons or associations.

Interpreting the Council resolution of September 29th, 1931, in the light of the Assembly resolution of September 25th of the same year, the Committee concluded that it was only intended to examine documents supplied or transmitted by Governments.

They comprise:

(1) The documents referred to in the Assembly resolution of September 25th, 1931, and which the Council, in its resolution of January 28th, 1932, requested the Secretary-General to transmit or communicate to the Committee of Experts. They appear in the list attached to the report (Appendix A).

(2) The replies of Governments to the circular letters of November 1st, 1929, November 7th, 1930, and October 21st, 1931,¹ communicating to Governments the resolutions adopted by the Assembly at its tenth, eleventh and twelfth sessions, and inviting Governments to supply the Secretariat, not only with the documents referred to in Article 7 of the 1926 Convention, but also with any information which these Governments might be able to furnish as to the present position in regard to slavery and even such particulars, obtained from private sources, as they might see fit to communicate or to transmit concerning, not only their own territory, but also the general position at the present time in the matter of slavery.

The replies have been enumerated in the list forming Appendix B to the report.

* * *

It remained for the Committee to decide the extent to which it might reasonably utilise information derived from documents supplied or transmitted by Governments. Should it not endeavour to ensure that if such information referred to another State it should be previously submitted to that State? Was it authorised in the course of its work to hear the evidence of persons or representatives of organisations whose information had been transmitted by a Government to the Council?

On these points, the Committee decided to adhere, whenever occasion arose, to the procedure adopted by the Temporary Slavery Commission of 1924 and 1925, a procedure which was approved by the Council in its resolution of August 29th, 1924, and by the Assembly in its resolution of September 22nd of the same year.

Moreover, the report submitted to the Council on September 29th, 1931, included the suggestion that the Committee should bear in mind the procedure followed in 1924 by the Temporary Slavery Commission.

Consequently the Committee decided:

(1) That its meetings would not be public;

(2) That it might hear such additional explanations as it might judge necessary or useful from persons or the representatives of organisations whose written communications had been received through a Government;

(3) That, if the documentary material supplied or transmitted by a Government mentioned facts which were alleged to have occurred or to exist in the territory of another Government, and if the latter had not admitted the truth of such allegations, it would be advisable, before taking cognisance thereof, to request the Council to communicate the information to the Government under whose administration the facts were said to have occurred or to exist.

* * *

Apart from the few hours necessary for the solution of these preliminary questions, the Committee devoted the thirteen plenary meetings of its May session to a discussion of all the questions referred to it by the Council.

After ascertaining that the Committee of the Council set up to examine conditions in Liberia was also dealing with slavery questions arising in that country, this Committee decided that it need not give any attention to Liberia.

* * *

In accordance with decision No. 2 above, the Committee heard Lord Noel Buxton and Mr. Harris, the joint representatives of the "Anti-Slavery and Aborigines Protection Society", of London, who offered to furnish explanations on the reports which were received on April 8th,

¹ Documents C.L.292.VI, C.L.296.1930.VI, C.L.272.1931.VI.

1932, and were, on May 2nd, 1932, addressed by that Association to the Council, through the British-Government.

* * *

The Committee did not have occasion to resort to the procedure laid down in No. 3 above. Though the documents transmitted by one Government referred to facts alleged to have taken place, or to exist, in the territory of other Governments, the Committee has expressed no opinion upon the accuracy of the statements made. It has presented them as having the character of mere allegations, and, in the most serious cases, has taken care to cite the evidence adduced in denial of them.

* * *

As the preparation of the draft report to be sent to the Council required a fairly considerable amount of time, and as the other members of the Committee had to be given an opportunity to examine it before discussing it, the Committee adjourned until August 22nd, 1932, for the final revision of the report. Moreover, the Council itself had, as is shown by the Minutes of its meeting on January 28th last, contemplated the necessity of the Committee's holding two sessions.

At its second session, which was held from August 22nd to 30th, 1932, and which comprised sixteen meetings, the Committee, after discussing the draft report, adopted it in its final form. I have the honour to transmit the report to you herewith.

* * *

In drafting its report, the Committee has followed the method adopted during the course of its discussions. The report begins with an account of the present position in regard to slavery, dealing in turn with the various aspects of slavery as defined in the Temporary Commission's report of July 25th, 1925,¹ with the omission, as stated, of public or private compulsory labour, and the situation in Liberia. The particular advantage of this method is that it facilitates a comparison between the situation in 1924 and that existing at present.

The report therefore deals successively with the following questions:

- Chapter I. — Status and Legal Status of Slavery (paragraphs 1 to 15).
- » II. — Slave-raiding and Similar Acts (paragraphs 16 to 24).
- » III. — Slave Trade (paragraphs 25 to 42).
- » IV. — Slave-dealing (including Transfer by Exchange, Sale, Gift, Inheritance or Occasional Sale of Persons previously Free) (paragraphs 43 to 47).
- » V. — Practices Restrictive of the Liberty of the Person (paragraphs 48 to 58).
- » VI. — Domestic or Predial Slavery (Serfdom) (paragraphs 52 to 63).
- » VII. — Transition from Servile or Compulsory Labour to Free-wage Labour and Independent Production (paragraphs 64 to 67).

Like the 1925 report, each of the chapters of the present report concludes with suggestions as to the manner in which the particular aspect of slavery referred to can best be combated.

The Committee attaches special importance to those which relate to slave-raiding (paragraphs 23 and 24) and to the slave trade, especially when carried on by sea (paragraphs 34 to 42).

* * *

The report concludes with a Chapter VIII, headed "Summary and General Suggestions".

After a brief summary of the preceding chapters, Chapter VIII sets forth in turn the answers to the questions which the Council put to the Committee.

To the first question—namely, to what extent the 1926 Convention has been successful in putting an end to slavery, and what obstacles exist to fresh progress in this direction—the Committee was of opinion that, whilst reflecting a considerable improvement, the documents supplied had not enabled it to give a definite reply (see paragraph 69).

On the second question—namely, by what methods assistance can be rendered to those States which have expressed a desire to receive it for the purpose of suppressing slavery within their territory—the Committee noted that only Liberia had asked for League assistance. As, however, the special Council Committee already mentioned had been instructed to study questions concerning that country, the Committee of Experts felt that it should refrain from any suggestions with regard to that country (see paragraph 70).

The third question is whether any modification of the existing machinery of the League would be desirable.

The Committee is of opinion:

(1) That a special Bureau should be instructed to receive and endeavour to supplement the documentary material as well as to prepare for action to be taken upon it. It has expressed the desire that the information to be furnished by Governments under Article 7 of the 1926 Convention should be supplemented by reports to the Council giving an account of the slavery position in their territories and, where appropriate, of the measures which are being taken to deal with it, the results obtained, and the obstacles in the way of further progress.

(2) That a small permanent Commission would be exceedingly useful, not only to take action upon the documentary material collected by the Bureau referred to in paragraph (1)

¹ Document A.19.1925.VI.

above, but also because the mere existence of such a Commission could enlighten world public opinion as to the position in regard to slavery in the world and would foster the growth of a movement of opinion which must be expected to produce favourable results for the disappearance of slavery in all its forms. Paragraphs 74 to 77 of the present report set forth the suggestions concerning the constitution, character, operation, programme of work and methods of this Commission.

As to the last question—namely, what measures the Committee could suggest to induce States which have not yet done so to ratify the Convention of 1926 or accede thereto—the Committee has no suggestions to make except that, during the meetings of the Assembly, attention should be drawn to the existence of that Convention and to the desirability for all Members of the League, even though slavery does not exist in the territories under their authority, to ratify or accede to this Convention, thereby lending their moral support to the campaign against slavery started so long ago.

(Signed) GOHR.

II. REPORT TO THE COUNCIL.

CHAPTER I. — STATUS AND LEGAL STATUS OF SLAVES.

A. *Survey of the Situation.*

1. The Report of the Temporary Slavery Commission contained a summary enumeration of the States in which slavery in the strict sense of the term no longer existed legally and of those in which it was still an institution sanctioned by law.

According to this report, in the year 1924 all Christian countries except Abyssinia had abolished the legality of the status of slavery in their colonies and territories under their control. On the other hand, though the great States of the Far East—in particular, China—had taken similar action, the status of slavery was still recognised by law in some Asiatic States, such as Thibet, Nepal and most of the Moslem States of the East.

The 1925 report, however, proved to be not entirely accurate, since a judgment in 1927 by a Sierra Leone court gave a rather unexpected interpretation of the local ordinances—viz., that a master was not acting illegally when he resorted to a reasonable degree of force in order to re-capture an escaped slave. This judgment, however, was immediately followed by an ordinance of the Sierra Leone Government expressly abolishing the legal status of slavery in that British dependency.

Other British colonial Governments have followed the example of Freetown, with a view to obviating the possibility of any doubt as to the interpretation of the law. The Governments referred to are those of Gambia, the Gold Coast, Ashanti, Nyasaland, Northern Rhodesia and Somaliland.

2. The present Committee notes with great satisfaction the appreciable progress to which the documents received by it bear testimony. Apart from Afghanistan and Iraq, which abolished the legal status of slavery in 1923 and 1924 respectively, the Maharajah of Nepal in 1926, Kelat in November 1926, Transjordan in 1929, and Persia in February 1929 abolished slavery as a legal institution. In China, the abolition of the status of slavery was again confirmed as regards the province of Canton by an edict promulgated on March 1st, 1927, by the Cantonese Government. According to the documents placed at the Committee's disposal, an edict to the same effect seems also to have been published by the Government of Nanking, but, as in many other cases, the Committee was unable to ascertain the exact scope of this edict. Afghanistan also confirmed the abolition of the status of slavery by a law dated October 30th, 1931. Lastly, in the Bahrein Archipelago, the Government courts refuse to recognise the status of slavery.

In short, unless slavery is still a legal institution in Tibet and in Central Asia, countries regarding which the documentary material at the disposal of the Committee has no confirmation, slavery is now recognised only in the Hejaz and Nejd, in the Yemen, in the Sultanates of Hadhramuth, in Oman, and in the Sultanate of Koweit.

Undoubtedly slavery also exists in Abyssinia, but, as will be seen later in this report, the Government of that country has taken measures to prevent any further enslavement, to reduce gradually the number of slaves and to prepare for the abolition of the status within the more or less near future.

3. The abolition of the legal status of slavery differs from compulsory emancipation. It means that in the eye of the law no slaves exist. Thus no court or administrative authority can allow a claim to exercise over a human being any of the rights that may be held over a thing; but the abolition of the legal status does not prevent the former slave from remaining with his master if that is the desire of both of them.

Most Governments have only abolished the legal status. They have not proceeded immediately to compulsory manumission. The reasons for this attitude are as follows: Why impose freedom on a person who accepts his or her condition of servitude? Is there not some danger that the

action of the authorities may be prejudicial to the persons compulsorily liberated, exposed as they will henceforth be to deprivation, against their will, of the benefits they received from their former masters? Moreover, would not immediate and wholesale liberation bring about a sudden change in the social structure, which it would admittedly be desirable to accomplish by evolution as rapidly as possible, but which, in the interest of all, should not be allowed to assume a revolutionary character.

4. In point of fact, this evolution is proceeding rapidly as a result of the refusal of the public authorities to recognise masters' rights over slaves and also as a result of the influence of evangelisation and of education and, in some States or certain colonies, the grant of land to the slaves.

A powerful factor of emancipation is also the possibility for slaves to find means of subsistence or even of improving their lot by engaging themselves as wage-earners in industrial or commercial undertakings.

When they have this possibility, slaves no longer have any inducement to remain with their old masters. The ideas of liberty which prevail in the environment in which they are now placed and also the payment of wages into the slaves' own hands very soon have the effect of finally breaking the bonds which existed between the slave and his former master.

Compulsory or voluntary military service and police service are also an important factor of emancipation. Among primitive peoples, a man who has to some extent participated in the exercise of governmental authority, and especially the soldier or policeman, acquires a feeling of superiority, or at any rate of independence, with regard to those to whom he was traditionally subject.

For wage-earners, as for the soldier, the ties which bound them to their former masters become extremely slight. When they persist, they hardly amount to more than a feeling of traditional deference towards his master by the former slave, or than the belief that the latter retains at least a moral right to receive either part of the former slave's earnings in his new situation or some compensation for the loss of his services as a slave.

Needless to say, the progressive disappearance of women slaves proceeds much more slowly.

As regards China, although the state of slavery has been abolished it seems that the Chinese Government has experienced some difficulty in putting it into effect, for a regulation issued on March 1st, 1927, by the Government of the province of Canton instructs the authorities to make a thorough enquiry regarding slavery within their administrative areas, and orders the liberation of peasant slaves, whatever appellation may have been given to them. On the other hand, the Chinese delegate to the 1931 Assembly protested against the assertion in the course of the Sixth Committee's work¹ that slavery still existed in China in any form whatever.

5. In some cases, however, the policy of relying on evolution to achieve the disappearance of slavery may not everywhere meet the requirements of the case; at all events, certain Governments have adopted a more positive attitude.

Some Governments, after abolishing the legal status of slavery, prohibit its existence *de facto*—in other words, they make it an offence to possess a slave or to treat a human being as if he were a chattel.

Certain other Governments have even found it necessary to take administrative action for the liberation of all slaves by separating them individually from their masters. In some cases, the State compensates the former owner; in others, it does not. For instance, the Maharajah of Nepal paid £275,250 as the price of liberating 52,000 slaves, whom he freed in or about the year 1926. The Governments of the Anglo-Egyptian Sudan and of Burma have both freed considerable numbers of slaves in fact as well as in law, and that at the cost, not only of heavy expenditure, but also of the lives of some of their officials, who were killed owing to the resistance offered by slave-owners to these measures. All honour is due to these Governments for the sacrifices they have made in freeing slaves, and to their officers who gave up their lives in the performance of their duty.

6. In the case of Nepal, Burma and the Anglo-Egyptian Sudan, it does not seem that this compulsory liberation has caused any permanent trouble either from the political or the economic point of view. These Governments have had no reason to regret their action, contrary to what has been the case in the British West Indies and in some French colonies.

7. A number of colonial countries have entrusted judicial power to courts consisting solely of natives. Contrary to what might be feared, this system has not hindered the abolition of slavery, of the legal status of slavery, or even of the *de facto* status, by reducing it to a purely theoretical prohibition in possessions or protectorates in which slavery was upheld by custom. In point of fact, the Power in control ensures respect for the principle of abolition of the status of slavery, either by withdrawing slavery questions at least provisionally from the jurisdiction of the native courts, or by granting European courts a right to have cases transferred to another court or a right of revision for all matters subject to the native courts.

8. As regards Abyssinia, the present legislation, as far as can be judged from the various texts known to us, though it does not immediately abolish the status of slavery, at all events prohibits further enslavement and is gradually bringing about a reduction in the number of such slaves as may still remain. For instance, an edict dated September 15th, 1923, punishes with death

¹ See Minutes of the Sixth Committee of the twelfth Assembly, 1931, page 19.

persons who, except in warfare, capture an individual to make a slave of him. Moreover, the edict of March 31st, 1924, contains a series of provisions which are in the main very judicious. Some are intended to ensure the proper treatment of persons in a state of slavery, whereas the object of others is to free a large number of slaves progressively. This edict also prohibits the transfer of slaves, with or without payment, and grants to any persons so transferred the right to freedom.

The road to enfranchisement was still further widened by an edict of July 15th, 1931, which further inflicts the same penalties on any person who hands over a slave, with or without payment—as on slave-raiders.

If we may judge from the documents supplied by the Abyssinian Government, judicial decisions between 1924 and 1930 have resulted in the liberation of hundreds of slaves by the application of the 1924 Edict. Moreover, a very large number of persons have been sentenced for offences against the law prohibiting the purchase and sale of slaves. These sentences and orders for the liberation of slaves have, however, been mainly pronounced by the Addis Ababa court; the provisions of the edicts are less frequently applied in the rest of the Empire, although the number of slaves liberated and sentences imposed is fairly large.

9. It would be unfair to the Abyssinian Government to take exception to the fact that it has not yet abolished the status of slavery.

In dealing with Abyssinia, it must never be forgotten that that country was for two centuries cut off from the outside world, that its evolution has been retarded, and that all matters concerning it cannot be judged by the principles governing European nations. Moreover, although Abyssinia signed the 1926 Convention, she has not ratified it. Even if she had done so, she would only have been bound, under the actual terms of the Convention, to abolish slavery gradually. All that the contracting parties can demand of her is to make every effort to abolish slavery as soon as possible.

Every measure for the liberation of slaves, however, is opposed in Abyssinia by a barrier of ancient traditions. Very many officers of the Empire, including powerful chiefs, are against the abolition of slavery, either simply because they espouse the feelings of the people under their jurisdiction or because they themselves derive benefit from the present situation.

There is surely no need to point to the dangers to which the maintenance of the Government's authority would be exposed, or at all events the political disturbances with which it might be faced, if, contrary to the general feeling and despite the interests which it might harm, it proceeded to abolish the status of slavery too rapidly.

Even supposing that, after abolishing the status of slavery, the Abyssinian Government were able to counteract these dangers in the political sphere, a measure which suddenly transferred vast numbers of persons from the condition of slavery to one of full freedom (as regards the number of the slaves, the Committee has no accurate information) might produce disastrous results in the social and economic fields. Doubtless this consideration played some part in the decision of the Abyssinian Government to refrain from abolishing slavery by a stroke of the pen. It gave as one of the reasons for its Edict of 1924 that, by adopting such a measure, the number of thieves, bandits and criminals would be greatly increased.

It must also be admitted that the mass liberation of slaves would have a considerable effect on the finances of Abyssinia, in that the Government might find itself bound to compensate the former owners, or take steps to ensure that freed slaves were in a position to gain a living, or, lastly, to support those who, owing to age or infirmity, were permanently incapable of earning their own livelihood, for which their master had usually provided until their death.

In short, conditions in Abyssinia make it impossible for the Government, however desirous it may be of abolishing slavery, to do otherwise than advance gradually along this path. If the Government ignored this policy of prudence, it might stir up political, social, economic and financial difficulties which would completely nullify the success already achieved.

True, other States, previously referred to, have abolished slavery overnight—in fact as well as in law. But, without in any way underestimating the gravity of the dangers they have incurred and the sacrifices they have made, it is doubtful whether the application of this generous reform was beset with difficulties as great as are encountered in Abyssinia.

In this connection, the French expert stresses the fact that, in his opinion, it would be neither fair nor in accordance with the actual facts to describe as slaves all persons under servitude reported to exist in Abyssinia. Such servitude constitutes a special social status—serfdom—the characteristics of which, as understood by him, the French expert describes in Chapter VI.

10. The abolition of the status of slavery in the Moslem States and Sultanates referred to in paragraph 2 of the present report meets with the difficulty that its legality is upheld, not only by long-standing tradition, but also by religion—though these obstacles to abolition are not insurmountable.

The higher authorities of these countries cannot be said to be really hostile to the campaign against the institution of slavery, but they have in any case to reckon with public opinion, and often their power is not sufficient to allow them to initiate reform. For that reason, the United Kingdom's efforts to obtain from the King of the Hejaz and from the small States of Arabia, through the political agents she has placed there, an undertaking to abolish slavery have not yet brought about the desired results.

11. In the absence of precise information, the Committee cannot express any opinion as to the manner in which slaves are treated in countries in which slavery still exists either in law or in fact. The general impression is that, on the whole, their lot is not an unhappy one from the

material point of view. In any case, in the countries administered by Powers with western ideas acts affecting their rights are no longer tolerated; in particular, such abominable practices as human sacrifice, to which one or other class of slaves was sometimes victim in certain of these territories, are now no more than a memory.

In Abyssinia, according to information obtained by the Committee, slaves are generally well treated.

As regards the Moslem States, the information furnished to the Committee is divergent.

12. The Committee has received a considerable number of documents regarding the situation of women and children in certain countries, a situation which is described as slavery in these documents. After all due consideration, the Committee arrived at the conclusion that, apart from questions which have a real bearing on slavery in the true sense of the word and which the Committee has taken into account in its report and suggestions, these documents refer to conditions which are not slavery in the technical sense of the term. They relate to abuses in the exercise of authority by husbands, fathers or employers, similar to those which may occur in a civilised state, or, at any rate, in one which has abolished the institution of slavery in fact as well as in law. On the other hand, they contain information on the subject of " Mui Tsai ", will be dealt with later.

B. *Suggestions.*

13. Clearly the abolition, not only of the legal status of slavery, but also actual liberation are the essential objects at which Governments should aim in the territories in which slavery still exists. Not only can we not admit that human beings should be regarded as chattels, but, unless the practice of possessing slaves disappears, an end will never be put to the often abominable acts by which slaves are procured—in particular, slave-raids and the slave trade.

We realise the reasons which may have led certain Governments to decide not to separate the slaves from their so-called owners, but to wait until evolution brings about the liberation of slaves in practice. Nevertheless, this evolution should be hastened as far as possible. It would therefore be advisable to make it an offence for a person who is aware of the abolition of the legal status of slavery to avail himself of the fact that another person is ignorant of such abolition, in order to enforce a right of ownership or any analogous right over the latter person. All Governments should even consider the desirability of taking steps to spread among the populations they govern a knowledge of the fact that their freedom is guaranteed by law.

14. The foregoing statement regarding the special situation in Abyssinia shows that it is at present impossible for the Abyssinian Government to abolish slavery by a stroke of the pen and that it is necessary that the Government should only advance by stages. The Committee's suggestions as regards this country will therefore be restricted to the steps which might be taken to carry out this policy.

(a) The first step which may be suggested would be to aid the Abyssinian Government in combating slavery, should the latter make a definite request to this effect—in particular, in the form of financial assistance which would not interfere in any way with the independence of the country.

(b) The main objective, however, should be to make the Abyssinians themselves realise fully the reprehensible character of slavery and the merit of spontaneous acts of liberation. Though laws may help to transform customs, the laws themselves are only fully applied if, in their conception, they reflect the sentiments of the general mass. It would appear that great progress has been made in this direction.

The Government will doubtless succeed in creating the necessary atmosphere if it obtains the assistance of the Abyssinian clergy. If it is true that the Abyssinian clergy themselves possess slaves, they should take the lead in applying the first of the suggestions put forward in the 1925 report of the Temporary Commission for the abolition of slavery in Abyssinia—namely, that they should set the example by freeing their own slaves.

Other steps might be taken to stimulate the awakening in Abyssinian public opinion of a spirit favourable to the suppression of slavery. The Government might, for instance, bestow rewards on those who voluntarily free their slaves.

Furthermore, it is certain that, if public opinion in all countries paid constant attention to the slavery question, the Abyssinian people would realise that no country can be regarded as fully civilised while it continues to tolerate slavery. This is the idea which has partly inspired the suggestion, made in paragraph 74 of the present report, for the establishment of a Permanent Commission.

(c) As an interim measure to supplement the provisions of the 1924 Edict, the Temporary Commission recommended that all owners of slaves should be obliged to register their slaves within a given time limit, and that any slaves who on the expiry of the time limit had not been so registered should be freed. The present Committee cannot but endorse this proposal, but would point out that liberation should not be restricted to slaves who have not been registered after a certain time limit. Those slaves whose master when applying for their registration is unable to prove that he acquired them by legally authorised means should also be liberated. Severe penalties should be imposed on persons owning slaves who have not been registered.

(d) The Temporary Commission recommended as another transitory method the abolition of the status of slavery, with the reservation that former slaves thus legally freed would be obliged,

for a specified period, to continue to serve their former masters under the same conditions as if a contract of service existed between the parties.

The Abyssinian Government may foresee some difficulty in adopting this suggestion. If, however, it feels unable to go to the length of the immediate abolition of the legal status of slavery, could it not at any rate grant slaves the right to obtain manumission at their request, provided compensation were paid to the owner, or provided the slaves undertook, on pain of penalties to be defined by law, to continue to work for their master under the same conditions as an ordinary hired worker, except that the master would not be bound to pay them wages during the specified period? The law would lay down the maximum compensation or period of service which the owner could claim as a condition of liberation, according to the age and sex of the slave.

Should higher compensation or a longer period of service have been stipulated, this would *ipso facto* be reduced to the maximum laid down by the law.

The wives of slaves and children born even before the promulgation of the 1924 Edict, which ensures freedom to all persons enslaved after that date, would be included in the liberation acquired by adult slaves through redemption by such means.

It is fully understood that all further enslavement will continue to be absolutely prohibited.

(e) Another possibly effective measure would be to increase from year to year the obligations attached by law or by custom to the ownership of slaves, either in the form of taxation—which might even be imposed on a progressive scale—or in the form of conditions as to the housing and feeding of slaves. As regards the latter suggestion, the labour legislation of some colonial States might provide a useful basis for the Abyssinian Government.

(f) In any case, it would be useful that the Abyssinian Government should, if it has not yet done so, revise its Edict of 1923 and prohibit the enslavement of all persons even in the course of warlike operations.

(g) The Committee does not at present feel able to make any other suggestions. To be in a position to do so effectively, it would have to possess a detailed knowledge of the special circumstances of the country, a knowledge which can only be possessed by persons directly acquainted with the present state of the country.

Towards the close of its proceedings, the Committee received through Lord Lugard a note regarding the Emperor's intentions, which throws light on the future. According to the information contained in the note, which is attached to the present report (Appendix C), the Emperor proposes to take measures which forestall some of the recommendations of the Committee.

15. How can those Moslem States or Sultanates, which have up to the present maintained the system of slavery, be induced to abolish this institution?

In the first place—as was suggested in the Temporary Commission's 1925 report—their admission to the League of Nations should, if they desire to enter the League, be made conditional upon the abolition of slavery in law and in fact, by degrees or at one stroke.

Every Power with which these States or Sultanates seek or agree to conclude treaties should likewise endeavour to obtain the insertion of a clause in the treaties to be concluded to abolish slavery.

The influence exerted by the Powers with a view to the abolition of the status of slavery would be strengthened if the Governments of these States or Sultanates further felt that the League of Nations was constantly watching them through the setting up of the Permanent Slavery Commission suggested in paragraph 74 of the present report.

It is stated that already, under the influence of world public opinion, slaves are no longer sold openly but in secret in the Sultanates of Arabia.

The assistance of the Moslem religious authorities could improve the present position. These authorities might remind the population of the principles of their religion which, although it admits slavery, enjoins its adherents to treat slaves kindly and is even favourable to their liberation.

CHAPTER II. — SLAVE-RAIDING AND SIMILAR ACTS.

A. *Survey of the Situation.*

(a) *Raids properly so-called.*

16. According to the 1925 report, slave-raids had practically disappeared except on the borders of the Sahara Desert, where raids were occasionally organised by nomad robbers. The report observed, however, that slave-raids organised by Abyssinians were said to have occurred both in and outside Abyssinian territory.

17. The slave-raids on the borders of the Sahara are, it would seem, likely to become fewer and fewer. According to the information supplied to the Committee, most of the regions in which the captors used to operate or those in which they used to sell their captives, such as South Morocco, South Tripolitania, and certain oases in the Libyan Desert, such as those of Kufra and Fezzan, have now passed under the effective administration and jurisdiction of the colonising Powers.

The same information would tend to show that the supervision exercised by the police, organised by France and by Italy for the desert zones under their respective influence, continues to be both vigilant and active. It may be hoped that, with continuous progress in the rapid transmission of news, nomads moving from well to well will find it increasingly difficult to escape all permanent control.

According to the Spanish Government, the number of Spanish Guards along the frontier of the Rio de Oro Colony was increased some years ago, close contact being maintained between them. This will make it more difficult for slave-raiders to operate in this area and take refuge in Spanish territory when pursued by French *méharistes* (camel corps).

18. Documents published by the British Government with regard to raids carried out by Abyssinians outside Abyssinia affirm that the British Government has on several occasions made representations to the Abyssinian Government concerning slave raids in Kenya, Uganda and the Sudan, but sometimes in connection with hunting or cattle-raiding, and, to prevent the repetition of such raids, the Governments of these territories have been forced, at great expense to themselves, to instal and maintain military posts near the Abyssinian border, or to give instructions for frequent armed patrols on the frontier.

A raid of this kind occurred on March 21st and 22nd, 1932. According to the Abyssinian Government, some groups living in Abyssinia wished to make reprisals for certain acts of violence committed against another group by inhabitants of the Sudan. According to the British documents, these reprisals were not justified, as the Sudan authorities had undertaken to punish the inhabitants of that country of whose conduct the Abyssinians had had to complain.

19. On the other hand, trustworthy persons report that even in recent times slave-raids have occurred within Abyssinia itself. The western districts of the country in particular have, it is said, been desolated by raids. The Committee, however, possesses no proof of the accuracy of these assertions. Documents supplied to the Committee do, it is true, show that judicial enquiries conducted by the Anglo-Egyptian Government would seem to have proved that, in 1927, Arab subjects of Abyssinia sold in the Anglo-Egyptian Sudan a fairly large number of Berta slaves, natives of Abyssinia. The Committee, however, does not know whether these slaves were obtained during recent raids or whether they had long been in a state of slavery.

(b) *Inter-tribal Wars and Other Raids.*

20. As stated in the 1925 report, the occupation and pacification by the colonial Powers of the territories whose guardianship they have assumed, have put an end to tribal warfare and have thus dried up what was, next to slave-raids, the principal source of slavery, though a far less important one. Wherever necessary these results have, it is said, since been enhanced by the steady growth and expansion and the increased efficacy of the administrative and judicial services of the colonising Powers, and likewise, though to a less degree, by the influence of other civilising factors.

(c) *The Capture of Individuals.*

21. The occasional capture—with or without violence, by ruse or threats—of any individual to reduce him to slavery was of more or less frequent occurrence in Africa even when the European nations began to gain a hold on the continent.

The abolition of the status of slavery by these nations in the countries under their control rendered this practice ineffective. Moreover, under the laws of most of these Powers, the capture of individuals is now an offence. Such occurrences are to-day very rare, even in territories where justice is administered by native courts; this is a result of the measures of supervision which are referred to in paragraph 7 of the present report and which were adopted in order that the judgments of these tribunals should not sanction customs favouring slavery.

22. In Abyssinia, as has already been stated in paragraph 8 of the present report, the Edict of September 15th, 1923, made it an offence punishable with death to capture persons in order to enslave them except in the case of warfare. The Edict of March 31st, 1924, inflicts severe penalties on any person who re-enslaves a freed slave by ruse or by holding out promises. The Committee, however, has no information concerning the extent to which these provisions are applied.

B. *Suggestions.*

23. The Committee desires to make the following suggestions:

(a) That, in countries which have not yet adopted such measures, the Governments concerned should consider the possibility of prohibiting the possession of firearms without special permission, the restriction of the importation of firearms and especially of rifled barrels and arms of precision and the gift or sale of these arms being rightly contemplated by the signatory Powers of the General Act of the Brussels Conference as one of the most appropriate means of preventing slave-raiding;

(b) That the Governments concerned should even consider the possibility of compelling the inhabitants to hand over temporarily any arms whatever to the authorities, whenever such disarmament is considered desirable to prevent inter-tribal wars or the formation of armed bands;

- (c) That the formation of armed bands should in all cases be made a criminal offence ;
- (d) That, if the local authorities tolerate the formation of such bands, they should be severely punished, particularly if these bands by their actions have occasioned the death of any person or the capture of slaves ;
- (e) That, in all countries concerned, the law should be supplemented, if necessary, by provisions for the infliction of severe penalties on persons who enter a foreign territory with arms ;
- (f) That orders should be given by the States concerned to their officers on the spot to report immediately and by the speediest means available to the nearest foreign local authorities the entry or the probable return into the territory under the latter's authority of armed bands and the frontier region which is likely to be crossed ;
- (g) That agreements—as already recommended by the Temporary Commission—should be reached between these States authorising their officers, when in pursuit of the captors of slaves, to enter the territory of the other Power to which the captors have returned or in which they have taken refuge, and to arrest such persons if the authorities of the other Power have not available on the spot sufficient forces to proceed immediately to do so themselves, with the proviso that the culprits would be handed over to the latter authorities either for judgment or until the necessary extradition formalities have been completed. An arrangement of this nature has been concluded between French Equatorial Africa and Darfur.

24. It would seem that these proposals, or at any rate those set out in (f) and (g) above, could be readily accepted by the Abyssinian Government, since, in its letter of April 12th, 1924, it expressed the desire to reach an agreement " with the neighbouring countries with a view to joint action " in the campaign against slavery, an intention which was reiterated by the Abyssinian delegation in the Sixth Committee of the eleventh League Assembly. One result of the measures proposed would certainly be to prevent incidents which are bound to disturb the relations of good neighbourliness between the States concerned and to have a harmful effect from the international standpoint as well.

It cannot, however, be expected that the officers of the Abyssinian Government will be able to assist foreign States in preventing or suppressing slave-raids in the territory of the latter, or that slave-raids and individual captures by Abyssinians will be put down in Abyssinia itself, until the central authority is sufficiently powerful to enforce obedience to its orders by its officers to the utmost limits of the Empire. The abolition of the status of slavery by the Abyssinian Government would again be of immense assistance in the suppression of these practices.

CHAPTER III. — SLAVE TRADE.

A. Survey of the Situation.

25. The Temporary Commission's report includes under this heading only transactions for the purchase or sale of slaves on a commercial basis. According to the report, traffic in this sense persisted only in the States of Arabia or the coast of the Persian Gulf, and to a certain extent in Abyssinia.

26. The abolition since then of the status of slavery in Iraq, Persia, Kelat, Afghanistan and the Bahrein Archipelago has dealt a severe blow at the traffic in these countries.

27. The Abyssinian Government, which, by its Edict of March 31st, 1924, amended by that of July 15th, 1931, made the transfer of slaves, whether with or without payment, an offence entailing very severe penalties, will doubtless continue to meet, in the suppression of this practice, with difficulties of the kind mentioned in the part of the present report which deals with the status of slavery—viz., resistance from a considerable portion of the population and even from some of the authorities. The propinquity of Arabia complicates the Abyssinian Government's task, because whatever measures (hereafter referred to) may have been taken to prevent the importation of slaves into Arabia, it may still be that, in the Yemen, Hejaz and Nejd, and the Sultanates situated along the south-east coasts of the Arabian peninsula, traders may still find it possible to sell slaves at a good price. True, in its Edict of September 15th, 1923, the Abyssinian Government prohibited its officers from allowing slaves to leave their area, but, even supposing all these officers were desirous of complying with the edict, the extent of the frontier would make it difficult to organise effective supervision.

28. As regards transit across the British, French and Italian colonies bordering on the Red Sea and the embarkation of slaves from Abyssinia at any point on the west coast of that sea, the authorities of those colonies are making the most commendable efforts to prevent it, *inter alia*, by vigilant inspection of the passengers and crews of all vessels leaving their colonies, and the French expert points out that France frequently sends *méharistes* along the coast of its Somaliland colony with a view to the prevention of clandestine departures.

Further, British, French and Italian warships more or less frequently cruise in the Red Sea and Indian Ocean, along the Arabian coast and in the Persian Gulf, to prevent the importation of slaves into the Arabian peninsula, but the commanders of these warships find it much more

difficult now to take effective action against the transport of slaves in these waters owing to the fact that the General Act of the Brussels Conference has been abrogated by their Governments, and that, so far, none of the general or special Conventions provided for in Article 3 of the Slavery Convention of 1926 has been concluded.

29. However that may be, the Hejaz, in a treaty concluded on May 20th, 1927, with the British Government, has undertaken to co-operate with the United Kingdom in the campaign against the slave trade. The same undertaking has been given by the Sultanates of Muscat, Oman and the Bahrein Archipelago, the Trucial Sheikhdoms and most of the Sultanates of the Hadramouth coast.

The right to continue in territorial waters the pursuit of vessels suspected of being engaged in the transport of slaves has been granted to British warships by the greater part of these States and Sultanates.

30. Are slaves from Africa imported in considerable numbers into the slavery-tolerating States or Sultanates of Arabia or the Persian Gulf? The Committee is unable to give a definite reply to this question. According to certain documents from private sources, such importation still exists on a considerable scale. On the other hand, the opinion of British officials who, according to the British Government in the United Kingdom, are in a very good position to judge, is that the traffic is now on a very small scale. This view is confirmed by the Italian expert on the Committee.

In any case, it is alleged that the importation of slaves into the Sultanates of Muscat and Koweit has virtually ceased, the only additions to the number of slaves in these countries being children born of marriages or concubinage with slaves. Slaves, if sold at all, are only sold, it is maintained, in secret.

31. It is far from improbable, however, that a certain number of free persons forming part of the crews of vessels bound for Arabia or represented as such, or members of the family of passengers for Arabia, are sold in Arabia as slaves. Pilgrimages to the holy places of Arabia are said to provide the principal opportunity for this traffic.

This danger has been forestalled by the Netherlands Government in the Far East. Pilgrims only leave for Arabia at certain seasons of the year, and exclusively on vessels of certain large steamship companies which have a *de facto* monopoly of their transport by sea. The companies are required to give every guarantee that the transport conditions are satisfactory, hygienic and sure. They have to deposit a surety for the return of the pilgrims. The persons organising these pilgrimages on the outward and return trips earn large profits. Only persons of unquestionable respectability are permitted to assemble and embark pilgrims. Pilgrims may not embark unless they possess individual passports in which they are carefully identified. Copies of these passports are kept by the Consul of the Netherlands at Jeddah, and registers are kept in the place where the passports are issued. By these means, the pilgrims are effectively protected. It is due no doubt in part to this strict supervision that no case of enslavement in Arabia of pilgrims from the Netherlands colonies in the Far East has been reported for a long time past.

The Governments of the Federated Malay States and the Straits Settlements have also established a passport control organisation. The Committee has no information as to the working of this system, but it understands that a public official of the Straits Settlements accompanies the pilgrims to the holy places in Arabia.

The French Government also takes steps to protect pilgrims proceeding from the African territories under French control. The pilgrims are assembled in certain towns, provided with individual passports and conducted to the holy places of Arabia under the supervision of officer-interpreters who hold collective passports. To prevent the supply of a contingent of slaves to the Hejaz from the population of the Chad region, an Order of August 16th, 1930, promulgated by the Governor-General of Equatorial Africa makes it compulsory for natives proceeding abroad from this colony in all cases to be in possession of a passport.

It is not impossible, however, that pilgrims belonging to territories administered by France sometimes leave these territories individually and without passports for Arabia. The same applies to pilgrims belonging to the Italian colonies, despite the regulations to which pilgrimage is subject there.

Lastly, other Governments of Africa have not taken the measures and precautions described above, probably on account of the special conditions of the territories administered by them.

Pilgrims coming from the African continent therefore still run the risk of being sold in Arabia as slaves.

32. The United Kingdom, France and Italy, like the Netherlands, have each an agent at Jeddah. Every person who takes refuge with these agents is, in fact, assured of his freedom.

As regards the British Legation at Jeddah, its right of manumission has been recognised by treaty with the King of the Hejaz, and extends to slaves who do not belong to British territories. In cases of manumission, the Legation repatriates the slave or, if he wishes to remain in Hejaz-Nejd, takes the necessary steps to obtain for him an official certificate of manumission, with the consent of his former owner. British political agents in the Sultanates of Muscat and Bahrein, and on the Hadramouth coast also have the power of manumitting slaves, and this power is well known along the whole of the coast of the Persian Gulf.

33. The committee regrets that it possesses no information regarding the co-operation of Egypt in the campaign against the slave trade, except that contained in paragraph 35 of the Temporary Commission's report.

B. *Suggestions.*

34. The abolition of the status of slavery in law and in fact in the countries to which slaves are at present sent, as recommended in Chapter I of this report, would in itself, by putting an end to the demand, ensure the disappearance of the slave trade.

35. Until this end is achieved, it is to be hoped that the Powers exercising rights of sovereignty over African territories along the Red Sea and Indian Ocean will persist in their efforts to prevent the importation of slaves or the sale of free persons as slaves in Africa.

In this connection, the Committee can only express the hope that the happy collaboration which formerly prevailed between these Powers, including Egypt, will be maintained and, if necessary, strengthened. It is of the utmost importance that there should be no link lacking in the chain of supervision with which Arabia was formerly surrounded by agreement of the Powers to prevent the traffic in slaves to or in this part of the world.

36. All these Powers should, in particular, consider the possibility of inducing natives not to leave the territory to which they belong, unless they are provided by the authority of the country in question with a personal passport containing a precise description of their identity. A system of checking their passports so as to verify the return of their holders seems also desirable.

37. These Powers should, at all events, if they have not already done so, provide for severe penalties against the captains or other masters of vessels who are found attempting to leave or who have left any point on the coast other than one of the places specified, without having received a permit to leave. Similar penalties should be inflicted on the captains or other masters of vessels who take on board any person not provided with a passport issued by, or stamped with the visa of, the authority of the port of embarkation, after satisfying themselves that the person in question is really a pilgrim.

38. As regards supervision over vessels at sea or off the coast of Arabia or the Persian Gulf, it should be noted that Article 3 of the 1926 Convention provides for the conclusion, between all the signatory States, or between certain of them, of Conventions designed to promote the disappearance of the slave trade. It is highly desirable that such Conventions should be concluded with as little delay as possible, and particularly that the special agreements provided for in that article should be concluded as soon as possible between the United Kingdom, Egypt, France and Italy, with a view to co-ordinating their efforts for the suppression of this evil.

The Committee has been concerned to ascertain whether warships could search vessels suspected of transporting slaves which sail under no flag or under a flag not recognised by the Powers concerned, and seize them if necessary. It is in the case of these vessels above all that the slave traffic by sea is to be feared, and it is against them therefore that severe action should be taken.

The Committee is not competent to discuss this delicate question, but expresses the earnest hope that it will be studied, and that the Powers will agree to put an end once for all to abuses which constitute so grave a violation of the rights of humanity.

In any case, it would seem that the Powers should undertake to proclaim severe penalties of a uniform character against the offence of maritime slave-trading when the vessel concerned carries their own flag.

The Powers might further accord to each other the right to pursue vessels suspected of maritime slave-trading into each other's territorial waters in the region of the Red Sea and the Indian Ocean and Persian Gulf off the coast of Arabia, provided always that the guilty persons are handed over for trial to the authorities of the country in whose waters the vessels are seized.

39. All Powers whose inhabitants contribute contingents to the pilgrimages to the holy places should further consider the possibility of adopting the measures taken by some Governments in the Far East or by France, as mentioned in paragraph 31 above.

40. In every case, it is essential that, when a slave who is destined for sale or who has been sold in Arabia is freed, an exhaustive enquiry should be instituted and the results communicated if necessary to the Government of the slave's country of origin, in order to discover the person responsible for the act of slave-trading and the ways and means employed by them. Apart from the punishment of the culprits, such investigations are calculated to furnish useful information for the prevention by the administration of further acts of this nature.

41. The 1925 report suggested the establishment on the western coast of the Red Sea, under the supervision of a local government, of a central depot, public or private, to which freed slaves would be sent in the first place, and from there forwarded to their country of origin.

The expediency of such a measure was contested in the Committee on the ground that the number of freed slaves sent back to Africa by the diplomatic or consular agents at Jeddah would be very small, while it would rarely happen that the nationality of the slaves could not be determined by the authorities of the port of disembarkation in African territory. The responsibility for sheltering those who, to the knowledge of the authorities of the port of disembarkation, are nationals of another Power would, moreover, be of short duration, as communications between the British, Egyptian, French, Netherlands and Italian authorities are frequent.

However, owing to their inability to give any information, freed slaves often remain for weeks in the ports, and the authorities have the greatest difficulty in disposing of them at all.

Failing statistics concerning the number of slaves freed at Jeddah and sent back to the African continent, the Committee is unable to express an opinion as to the expediency of the

measures suggested by the Temporary Commission. It appears, however, from the documents that, since the Convention of 1926, 159 slaves were freed by the British Legation at Jeddah and sent to Port Sudan, where arrangements were made to give them satisfactory temporary shelter.

It would perhaps be sufficient if the Powers in control of territories from which the slaves who have been freed originate would undertake to refund to whatever Power has sheltered and repatriated the individuals in question the costs of their upkeep and of sending them back to their country of origin, in order that they might be assured of the same benefits as would result from the establishment of a central depot. In the case of slaves who are natives of Abyssinia, the Abyssinian Government should in addition undertake to guarantee their freedom.

In the case of freed slaves whose country of origin cannot be determined, the authorities of the territory in which they have been disembarked will probably not refuse to assist them in settling for good in that territory. The same would apply to any slaves who do not wish to return to their country of origin.

42. In any case, the Committee shares the opinion of the 1924 Temporary Commission that it is desirable that any information which can be obtained regarding the origin of freed slaves and their transport by sea or land should be centralised as proposed in paragraphs 72 and 75 of the present report.

CHAPTER IV. — SLAVE-DEALING (INCLUDING TRANSFER BY EXCHANGE, SALE, GIFT, INHERITANCE, OR OCCASIONAL SALE OF PERSONS PREVIOUSLY FREE).

A. Survey of the Situation.

43. The 1925 report of the Temporary Commission noted that these practices had practically disappeared in countries which had abolished the status of slavery. Since then, the situation has improved still further, as may be seen from paragraphs 2 to 6 of the report. Moreover, the civilising influence of the Governments on peoples among whom slavery still existed has made marked progress during the last few years.

44. While Abyssinia, as mentioned above, has not abolished the status of slavery, she has, by an Edict of March 31st, 1924, prohibited, on pain of judicial penalties, the transfer of slaves with or without payment, and accorded the right to be set free to any persons so transferred.

Among the many contingencies in which this edict gives slaves the right to manumission is the case of the death of their master. The 1924 Edict provided, however, that they should be bound to serve the heirs of the deceased for seven years as from the day of death. The Edict of July 15th, 1931, has done away with this latter obligation; and the 1924 Edict itself accorded the right to freedom on the day of the owner's death in the case of slaves captured before that edict. The Committee has no information regarding the application of these provisions.

45. While in Africa, by reason partly of the fact of the cessation of famines and partly of the improvement in the economic situation of the native peoples, parents no longer need to have recourse to the sale of their children in order to provide them with the means of subsistence, is it the same in China?

On this point, the material supplied or forwarded to the Committee has not enabled the latter to ascertain the exact situation. While it is certain that a large number of children, especially females—who, if they are not really adopted, are known as "Mui Tsai"—are placed by their parents with other persons, generally in return for a money payment to the parents and the obligation to support the child, the nature of the contract and the rights which it confers on the person with whom the children are placed are not very clear. Some regard it as a real sale of the child. The lot of such children, they add, is particularly wretched, since apart from being neglected and overworked, which alone entails the cruellest bodily suffering, they are often, it would appear, victims of the depraved instincts of their employers, or of persons with whom the latter bring them into contact, and sometimes also of acts of revolting cruelty.

Although the information to hand is to the effect that there is no ill-treatment of the numerous "Mui Tsai" at Hong-Kong—at any rate as a general practice—on the part of the well-to-do Chinese population of Hong-Kong in whose service they are, the Government of Hong-Kong in February 1929 enacted an ordinance which prohibits the engagement of female servants for the use of whose services payment has been made to another person and likewise the employment as a paid servant of any person of the female sex under ten years of age. As regards contracts concluded previously, the order, *inter alia*, accords "Mui Tsai" the right to return, should they wish, to their parents, without the latter being obliged to refund the sum paid by the person to whom the "Mui Tsai" was entrusted. There are other provisions designed to ensure the good treatment of "Mui Tsai" during their period of service.

As regards China, these assertions, to the effect that a "Mui Tsai" is a female child who has been sold and who is as a rule ill-treated, were contested by the Chinese delegate in the Sixth Committee of the League Assembly in September 1931. This distinguished authority stated:

"Traffic in children does not exist in China, and indeed could not exist there in view of the Chinese traditions of filial piety and the well-known readiness of Chinese mothers to adopt other children in cases of disaster".

The documents supplied or transmitted by the British Government tend to confirm this statement. There are said to be no sales of children, but children are placed in service, on payment, it is true, of a sum of money to the parents, though the main object is to ensure the child the means of subsistence, which the parents cannot give it. The child is regarded rather as a member of the family in which she is placed; in any case, though obliged to give her services, she occupies in the house a position superior to that of the paid servants. According to the same authority, " Mui Tsai " are rarely ill-treated, as the Chinese love children. Further, the Chinese courts, it is stated, inflict severe penalties on persons guilty of ill-treating children, and such persons lose all standing in public opinion.

Whatever the explanation of this very marked divergence of opinion, the Canton Provincial Government issued on March 1st, 1927, regulations which, *inter alia*, prohibit the purchase, sale or pledging of young girls as " Mui Tsai ". The regulations declare all such contracts null and void. Girls purchased before the publication of the edict are to be known as adopted daughters. Adopted daughters must be well treated, and sent to school from the age of 12 to 16, and married before the age of 23, if they so desire. Penalties are provided for breaches of the regulations. The documents refer to similar regulations in the Province of Fukien, but these appear to authorise adoption by purchase. It appears also that the Nanking authorities have issued provisions similar to those of the Canton Government; but the Committee has not been able to ascertain the purpose of either the Fukien or the Canton regulations. Draft regulations of a stricter character than those of March 1st, 1927, are under consideration at Canton. The Committee is not aware whether they have acquired the force of law.

Such are the data supplied by the existing material. The Committee feels that it should confine itself to describing the contents without endorsing one or other of the opinions summarised above as to the legitimacy or reprehensibility of the " Mui Tsai " system. It would stress the point that, apart from the Chinese delegate to the Assembly of September 1931, these divergent opinions number among their supporters persons who are equally impartial and reliable and who would appear to be equally competent in the matter.

One is led to wonder whether this difference of opinion is not due to a misunderstanding. May it not be the case that, side by side with the " Mui Tsai " system, there is a clandestine traffic in young girls in China, as in other countries, for purposes of prostitution? May not the explanation be found in the fact that the parents who live at a distance from the centres of population believe, when they hand over their daughters—with or without payment—to persons who present themselves saying that they are in a position to place the children in circumstances which are for their advantage, that they are providing them with honourable means of livelihood? It is possible—and the information supplied by one expert confirms this opinion—that these intermediaries abuse the confidence placed in them and hand over the young girls to disorderly houses in return for money. As a general rule, the go-betweens justify the possession of young girls by representing them to be adopted daughters.

B. Suggestions.

46. In view of the progress recorded above, except perhaps as regards China, the Committee has no suggestions to submit beyond those already set forth in the 1925 report—namely, that the Powers desirous of abolishing slavery should re-examine their laws and, if necessary, supplement them, in the light of the data supplied by experience, in such a way as actually to get at all the facts in regard to slave-dealing, including transfer by exchange, sale, gift or occasional sale of persons previously free.

The position in regard to the transfer of slaves by inheritance is a delicate one. While it is evident that, even in this case, it is impossible to recognise any right of ownership of the heir or legatee in the slaves forming part of his inheritance, it is desirable not to make regulations which will compel him to part from them against their own will, since that would be to run the risk of depriving them of their only means of livelihood, which the heir is traditionally bound to provide for them. Such a course would be inadmissible and even cruel in the case of aged or infirm slaves.

47. As regards China, assuming that the " Mui Tsai " system is open to the serious criticism directed against it, legislation such as the Canton Government's Edict of 1927 will certainly not put an end to it, for the edict simply prohibits the sale, purchase and pledging of children. It is, however, far from certain that, under Chinese law, a " Mui Tsai " is a child who has been bought in the strict sense of the term. The persons concerned can, as a rule, claim that the purpose of the contract is not to transfer the right of ownership over the child, and that, in consequence, they are not liable to the penalties laid down in the edict, but that the purpose is rather to transfer the rights of paternal authority over the child and to enable the person receiving the child to make use of such services as the latter can render. Legislation embodying the provisions of the Hong-Kong Order would undoubtedly be far more efficacious. Again, one can hardly anticipate the complete disappearance of the " Mui Tsai " system, unless economic conditions in China become such that parents are not obliged to hand over their children to others in order to ensure them the means of livelihood. It is necessary also to reckon with Chinese public opinion, which sees nothing reprehensible in the " Mui Tsai " system that has been practised for centuries.

As regards procuration properly so-called, the Committee leaves this important question for study by competent organisations.

CHAPTER V. — PRACTICES RESTRICTIVE ON THE LIBERTY OF THE PERSON.

Under this head, the present report, like that of 1925, deals with practices or customs the legal scope of which is not well known.

A. *Survey of the Situation.*

(a) *Acquisition of Girls by Purchase disguised as Payment of Dowry.*

48. The Temporary Commission of 1925 was of opinion that, generally speaking, neither native customary laws nor Moslem law regarding marriage, properly so-called, involved, from the native point of view, the purchase of the wife or any act of enslaving. The custom of concubinage, according to Moslem law and some local customs, is, on the other hand, much more likely to lead to traffic in slaves, since the acquisition of a concubine is usually accompanied by the payment of a certain sum which in that case constitutes a real sale, whatever the word ("gift" or "dowry") used to designate the payment.

The present Committee is also of opinion that there is a great deal of misunderstanding in regard to the "lobolo" system—*i.e.*, the sum paid to the girl's family by the fiancé. The most competent authorities regard this, not as a purchase price, but rather as a guarantee of proper treatment and an actual certificate of legal marriage. However, there is no doubt that this system has given rise to abuses, especially on the part of natives who no longer belong to any tribe and who carry on a regular trade in wives.

The Committee has here again to record progress, for, when the handing over of a dowry is in fact a disguised purchase—that is, when it confers on the person providing the dowry rights analogous to those of an owner of a chattel—this practice comes within the category of slave-dealing; it has accordingly lost all legal validity and may even be punishable in countries which, in 1925, still tolerated slavery, but have since abolished it. These countries are enumerated in paragraphs 2 to 6 of the present report.

49. While, in Abyssinia, the 1924 Statute only prohibits the purchase or sale of slaves, it is obviously within the intention of the edict to prohibit the purchase of free persons, especially women, for the purpose of enslaving them. At any event, even if the woman has been purchased before the 1924 Edict, she is entitled to emancipation, not only in the cases for which provision is made in regard to other slaves, but also if she becomes a mother by her master or by a son of the latter.

50. As regards polygamy, which sometimes has the effect in certain countries of reducing the less-favoured wives to a condition hardly distinguishable from slavery, the changed economic conditions are contributing to its disappearance.

Further, the practice adopted by certain colonial Governments of imposing on polygamists a tax in respect of each wife except one is also tending to the abolition of this practice.

(b) *Enslavement of Children disguised as Adoption.*

51. Adoption is a current practice in the Far East and Oceania, but appears to be less common in Africa. Apart from the objects of adoption, as practised in western countries, it sometimes has religious objects as well. Sometimes also, it is an expression of politeness between families or a tribute to the adopting family by the family of the adopted child. Under these adoption contracts, the treatment accorded to the adopted child differs but little or not at all from that accorded to the children of the person adopting the child.

A French report points out, however, that recourse is sometimes had in Annam to adoption in cancellation of a debt to the parents of the adopted child.

52. It is alleged that, in China, adoption is frequently deprived of its true character in such a way as to amount to real enslavement, involving the conditions of existence to which paragraph 45 of this report refers for the adopted children. The Committee is not in a position either to contest or to confirm these assertions. It may be that these allegations confuse the practice of adoption and the system of "Mui Tsai" and the traffic in children described in paragraph 45 of this report, in which the accusations brought against the system of "Mui Tsai" and the denials with which they are met are set forth.

(c) *Pledging of Third Persons;* (d) *Pledging of the Debtor himself.*

53. This practice has its origin in the absence among the majority of primitive peoples of movable and immovable property which a creditor can seize for the payment of his debt. Among such peoples, it constitutes an essential rule of their customary law.

Does it, however, amount to a regular pledging—*i.e.*, does it confer on the creditor the right to sell the person who has been pledged, or to become the owner of that person if the debt is not paid? Is it not a kind of keeping a person as a hostage until the day of payment? Or, when the person concerned is able to render service, should not this practice be regarded as a means accorded to the debtor of paying in the form of labour the amount of the debt?

Under the first of these aspects (*i.e.*, in the case where a debtor really pledges a person), the system obviously comes within the definition of slavery, and it has been abolished implicitly in all countries where the status of slave has been done away with.

Nevertheless, the abolition of slavery has not in itself had the effect of rendering illegal the acceptance by the creditor of a hostage pending the payment of his debt, particularly if the hostage agrees to the restraint on his person. That is perhaps why certain Governments, such as Annam and the Rio de Oro Colony, have explicitly prohibited the pledging of a person.

However this may be, thanks to the diffusion among the natives of modern ideas regarding the rights attaching to the human person, as well as to the action of the courts, the practice in question is disappearing or at all events those aspects of it which constitute an infringement of liberty. Similar progress cannot, of course, be recorded for countries in which slavery is still a legal institution.

The so-called pledging of the person is rarely found now, save in the third aspect described above—*i.e.*, in the case of services rendered to a creditor by a debtor or voluntarily by a third party, in payment of the debt.

54. This change, desirable though it may be, in that it results in a system coming within the legal conceptions of civilised peoples, may nevertheless give rise to malpractices.

The first is where the creditor, when the debtor offers or agrees to serve in payment of his debt, is free not to stipulate in the contract the length of time during which the debtor shall be bound to render service for this purpose. This abuse appears to be fairly widespread among primitive peoples, and it is perhaps the fear of it that has led certain Governments to declare specifically that no one may discharge his debts by placing himself in the service of his creditor. That is the case in Kedah.

A second malpractice has been pointed out in the Temporary Commission's 1925 report—namely, where the contract between the creditor and the debtor acquires full effect irrespective of the amount of the debt or of the duration of the services to be rendered in discharge thereof. Not only will the debtor when threatened with proceedings agree, in order to avoid them, to serve for a period out of all proportion to the value of his debt, but often, too, the creditor will induce the debtor while in his service to become more heavily indebted, which may have the effect of practically placing him under the obligation to sign a new lease of service and to spend the rest of his life or a great part of it as his creditor's servant.

The Committee, to its great regret, has not found, in the material supplied, any information contesting the allegation referred to in the 1925 report to the effect that this practice, termed in certain countries "peonage" or "*concertaje*", still exists in some of the American countries. It appears, however, from a communication from the Government of Ecuador, that it was abolished in that Republic by law in 1919. If it formerly existed in the Philippines, it has been explicitly prohibited there now. Other Governments, such as that of the Netherlands, in the Netherlands East Indies and in the other oversea territories governed indirectly by the Netherlands, have done away with it.

The Governments lay down that the giving of services in discharge of a debt shall not be valid unless the relevant contract stipulates exactly the amount of the debt, the value of the labour to be supplied to redeem it, and the period within which the debt will be redeemed. The same system appears to have been adopted also in the Bahrein Archipelago.

B. Suggestions.

55. As regards the measures to be taken against the acquisition of girls by purchase, even when disguised as payment of dowry, the only suggestion the Committee has to offer is that the courts should determine if, in fact, the transaction is one of purchase and sale and, if so, to deal with it as an act of enslavement.

56. As regards the enslavement of children in the disguised form of adoption, the Committee suggests, if China has not already done so, that she should take administrative repressive and social measures to punish offenders similar to those adopted by most western countries for the protection of children.

57. As regards the pledging of a human being, this should never be recognised by the courts' whether the latter have before them a real case of pledging or the holding of a hostage as a means of forcing the debtor to pay his debt. Penalties should be inflicted when the person pledged is a child, since a child is not in a position to know its rights or to assert them.

58. Even the obligation to work for a creditor in payment of the debt should not be recognised as valid unless that obligation ensues from a contract between the creditor and the person giving his services and unless the contract stipulates the amount of the debt, the nature of the work and the value at which it is assessed for the redemption of the debt. Further, measures should be adopted to protect the person who has entered into an undertaking to work. Thus, save when the amount of the debt has been mentioned in a deed submitted to or drawn up with the assistance of a public official, or has been established under the terms of a judgment, the person who has undertaken to render service in payment of the debt should be able, up to the date of the expiry of the period laid down for his work, to contest the amount of the debt unless it is certain that the debtor had formally recognised the existence of the debt at the time of concluding the contract of service. Further, the assessed value of the labour to be supplied should not be below what is sanctioned by usage in the district, according to the nature of the work and the age and capacity of the person

who has entered into an obligation to render service. In the third place, whatever the amount of the debt, the labour contribution should not exceed a period to be determined by law (as has been enacted by the Portuguese and French laws), whether the labour is performed continuously or intermittently. Lastly, the contract should not be binding if it refers to a debt contracted in the course of labour supplied in discharge of a previous debt. In addition, the debtors should be encouraged to take their cases to the competent authorities.

The Committee further suggests that, to prevent abuse, steps should be taken to see that advances or loans are not authorised with a view to inducing the natives to pay them back in the form of labour, which would evade the legal stipulations concerning the contract of service.

CHAPTER VI. — DOMESTIC OR PREDIAL SERVITUDE (SERFDOM).

A. Survey of the Situation.

59. The 1924 Temporary Commission was inclined to think that, in addition to slavery within the meaning usually attributed to it prior to the 1926 Convention, the institutions of certain States and the customs of more or less primitive peoples included, before the advent of the colonising nations, a status which, without being slavery according to the current conception, was still not that of full liberty.

The 1924 Temporary Commission unanimously agreed that the various forms of institution known as domestic or predial slavery or serfdom differed enormously in their effects. These effects " may imply the most abject servitude or, on the other hand, an obligation of service comparable to that due from a villein to his lord under the feudal system formerly common in Europe; they may give to the master or owner powers of life and death over the slave or give him only certain customary privileges not specially onerous upon the latter; they may give the slaves even a particularly favourable position in the master's household ".

Without endorsing the views expressed by M. Delafosse as to the exact situation in the French colonies of tropical Africa, which views are reproduced in paragraphs 79 to 86 inclusive of the Temporary Commission's report, the latter expressed the opinion that the description given in M. Delafosse's survey was probably more or less applicable to other territories of the African continent.

According to M. Delafosse, the serf cannot be one individual's chattel; he can only belong to a collective body, which is either a native State or a tribe, or, most frequently, a family in the wide sense of a family collectivity. He cannot be sold.

The Committee considered it of special importance to examine the customary rights of the master over the serfs, because the information supplied by the French Government raises the question as to the extent to which slavery still survives in French oversea possessions in veiled forms, such as domestic slavery and household captivity, and the slaves of tribes or chiefs. The French report expresses the view that the present Committee was set up to consider, *inter alia*, whether the 1926 Convention provides the States with the desired means for entirely abolishing such survivals.

60. The French experts on the present Committee formally refused to describe as even partial slavery the condition of a man whom his master had not the right to sell or even to bring back by force if he left him, whom the master could not get rid of when the serf had become a useless mouth to feed and whom he must keep until he died, thus solving, without any red tape, the serious problem in European countries of social insurance; a man who, at any moment, by appealing to the French law—which was made known with sound of trumpets and proclamations, from 1906 to 1908, in all French African villages—could resume his full liberty and who only remained with his master from force of habit or gratitude, because and so long as the latter treated him well; a man who, having the choice in his language between two expressions, one meaning " slave properly so-called " and the other " a serving man born in the house ", called himself by the latter term.

Moreover, the French expert added that thirty-five years of French direct administration had profoundly modified the mentality of the natives and had led them spontaneously to abandon a number of customs. Under the influence of various social and economic factors, the former status of domestic servitude was now disappearing. Such was the evolution, and it was so rapid that the term " house captive " had no longer any real meaning in the eyes of the native populations.

The French expert thought that by continuing to confuse slavery in the ordinary sense of the term, and even slavery as very broadly defined in the 1926 Convention, with the social state to which he had just referred, where it still existed, was to commit two grave faults: on the one hand, the gravity of what still remained of slavery in the world was exaggerated in the eyes of the public, and, on the other, the League's attention was diverted from the main problem, which was the suppression of the last remaining raids and slave-markets, and the complete abolition of the status of slave in all countries where it still existed.

The French expert considered that in Abyssinia, side by side with some hundreds of thousands of genuine slaves who should be freed as soon as possible, there were, above all, social conditions analogous to domestic serfdom that were in no way inhuman, and were often not without advantage for the social and economic equilibrium of the country. These conditions will gradually disappear of themselves.

The Portuguese expert fully agreed with the views expressed by the French expert.

The Italian expert made the following statement:

“ In order to make the matter quite clear, it is first of all necessary to refer to the first clause of Article 1 of the Convention reading as follows:

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

“ If this article is strictly adhered to, the conclusion is that it is sufficient for rights of ownership—certain rights, and not only one—to be exercised over a human being for him to be regarded as a slave. This interpretation does not correspond to the facts and is not sufficient to decide the question who are to be regarded as slaves. It is, however, the duty of the Committee of Experts on Slavery to give a clear definition, so as to prevent the spread and confirmation in the world of a conception of slavery which exceeds the facts and, consequently, of an idea of this problem which is exaggerated at the present stage of historical development. There is no doubt that, in addition to slavery proper, which admits the traditional conception of a master's ownership of a human being, serfdom also exists under which this conception is excluded altogether, since the serf, if he remains with his master, does so of his own free will. However, as in the case of all human manifestations, there are also intermediate cases which are very often due to a lack of understanding of the ties which bind the master to the person under his authority and vice versa. It is difficult, if not impossible, to include such cases in the category of slaves or serfs. They may, on the other hand, be regarded as an intermediate and transitional category, the existence of which is not of vital importance from the point of view of the solution of the problem, as that category is not a large one and is destined to disappear shortly as the result of the civilising influence of the colonising Powers, which is spreading more and more rapidly.

“ For these reasons, the Italian expert agrees with the views expressed by his French colleague. Nevertheless, he wishes to make it quite clear that his views, which reduce the proportions of the problem of slavery, should not be interpreted as lack of interest in the problem. It is not the magnitude but the nature of the problem that calls for the most effective action on the part of all those who are anxious to realise the high ideal of civilisation, which is to eradicate this scourge.”

The British member wished to emphasise the difference between the status of slave and of serf as defined by M. Delafosse. In the latter's view, as the Committee had already seen, a serf could not be the chattel of an individual. In the British member's opinion, it was hardly possible to generalise about the position of the serf, which varied considerably in different parts of Africa; however, there was a very great difference between hereditary serfs and slaves who were owned by an individual master. The latter had either been captured and sold as slaves or were the children of captured slaves. If they were in the house of a Moslem master, they were usually well treated and were rarely sold. Although the master was authorised to sell them in accordance with the law of the Koran, he would be censured by public opinion if he sold a slave who had been born in the house unless the slave had committed a very grave crime or was incorrigible. These domestic slaves were also employed in agricultural and other work; they constituted the majority of the servile class in East Africa and Nigeria. They were obtained by slave-raiding, and their numbers were maintained by slave-raiding.

The fact that a serf can leave his domicile if he chooses arises from the law of the European Power in control. Prior to that law (according to M. Delafosse), he could not leave the soil on which he was born and from which he was “ intransferable and inalienable ”.

The foregoing survey shows that, in this field, as in many others relating to certain legal institutions of primitive peoples, difficulties are met with owing to the lack of precision of our data.

61. The French, Italian and Portuguese experts having thus stated their views, the other four members of the Committee considered that, in accordance with the definition laid down in the 1926 Convention, slavery is not only the status or condition of a person over whom all the powers attaching to the right of ownership are exercised, but that slavery exists when any of such powers are exercised over an individual. In the case of the Powers parties to this Convention, the definition is compulsory so long as the Convention is not modified on this point. It might perhaps be advisable to re-examine this definition.

Thus, the only problem remaining to be solved is the question whether, in the various aspects revealed by the foregoing survey, the master exercises any of the powers of ownership. That is a delicate point, but it seems to these four members of the Committee that this is the case both as regards serfdom or slavery called “ predial ” as well as serfdom or slavery called “ domestic ”.

The Committee also unanimously found that the laws of all the colonial Powers do not recognise serfdom any more than they recognise slavery.

In the territories under the control of these Powers, neither status can exist any longer, except in fact, since both serfs and slaves are free, if they so desire, to shake off the bond of servitude.

The distinction between these two conditions would appear to be useful only from two points of view: First, in order to determine the approximate number of slaves properly so-called, and that of the other categories of persons in servitude (the Committee is not in a position to give an opinion on this matter); secondly, whether the servitude of both categories, even in practice, should be abolished with the same speed. In the Committee's opinion, the reply to the second

question should be in the negative. The policy adopted by Governments, as set forth in paragraph 3 of the present report, and which consists, not in the compulsory manumission of the serfs, but in refusing to take the master's side when he claims an alleged right over the person of a serf, and in leaving it to time to bring about the gradual disappearance of the former state of affairs, while encouraging this evolution as much as possible, is justified chiefly in the case of serfs over whom only certain powers of the right of ownership are exercised.

Under the influence of the same factors as those mentioned in paragraph 4 of the present report, this evolution is taking place rapidly. In most colonies, even the name given to this institution by custom is disappearing. It is gradually giving place to a contract of service between the former master and the former serf.

The present report mentions in paragraph 5 the measures taken by Nepal, Burma and the Anglo-Egyptian Sudan to obtain the immediate abolition of slavery even in practice; it is quite possible that the persons effectively liberated by the authorities of those countries were simply serfs in the foregoing sense of the term—or at all events the great majority of them.

B. *Suggestions.*

62. As in the case of the question of the abolition of the status of slavery, suggestions for the abolition of serfdom—even if this exists as a separate institution from slavery in the restricted meaning attributed to it by the French, Italian and Portuguese experts—cannot be usefully submitted except as regards Abyssinia and certain of the Moslem States.

In this connection, the Abyssinian Government will be confronted with the same difficulties as have been encountered in connection with the abolition of slavery. It could not accordingly at present adopt measures for the immediate abolition of serfdom without exposing the country to the same dangers as attach to the sudden abolition of slavery properly so-called. As in the case of slavery, only progressive measures can be employed to abolish serfdom. The majority of the suggestions submitted in the present report, in the chapter dealing with the abolition of the status of slavery in Abyssinia, apply also to the abolition of domestic or predial serfdom.

63. As regards the Moslem States, the suggestions put forward concerning them in the chapter on the abolition of slavery apply also to the abolition of domestic or predial serfdom.

CHAPTER VII. — TRANSITION FROM SERVILE LABOUR TO FREE-WAGE LABOUR AND INDEPENDENT PRODUCTION.

A. *Survey of the Situation.*

64. As stated in paragraph 4 of this report, natives who continue to live their traditional life rarely now have recourse to slavery or serfdom in order to obtain the labour they require. These systems are being gradually superseded by labour contracts, at all events in the territories subject to the authority of the colonial Powers. This evolution is in some cases even taking place rapidly.

65. In certain regions of Africa, it is, on the other hand, more particularly former slaves and serfs who take service in European undertakings or become soldiers, and this leads to their emancipation as pointed out in paragraph 4 of this report, but when they come to have henceforth an independent life, they continue to seek a livelihood in paid occupations, or, after having worked for a time as paid employees, they set up on their own account as artisans, shopkeepers or farmers in or near the centres in which, when they left their own villages, they had been engaged to work.

66. One point to be noted is that in many of these natives the slave mentality soon gives place to an exaggerated sense of freedom. This is due to the fact that, away from the villages in which old traditions linger, they escape the customary discipline which prevails there, but without finding in their new environment the right kind of "brake" which could immediately be applied to correct this tendency. This is a new and important problem for the colonial Powers in whose territories it appears. It lies outside the scope of this report to describe how they are endeavouring to settle it.

B. *Suggestions.*

67. The Committee has no suggestions to put forward regarding the situation described above. It merely expresses the hope that nothing will be done to check the effective liberation of former slaves or serfs from their old bonds, while at the same time pointing out that, if this development were to take place too rapidly, and particularly if it were the result of the removal of a large number of natives from their traditional environment, it would have very unfortunate effects on economic and social conditions in the native society in which it took place. It might even lead to political disturbances.

CHAPTER VIII. — SUMMARY AND GENERAL SUGGESTIONS.

68. To sum up, with the exception of Liberia, with which the Committee did not feel called upon to deal, it would appear from the material supplied to the Committee of Experts and the discussions which took place in the Committee:

(a) That slave-raiding in the old form of vast organised operations such as still existed only thirty years ago in Africa has completely disappeared under the combined efforts of the European Colonial Powers, which have effectively occupied to their extreme boundaries the African territories placed under their authority, although at intervals, especially on the frontiers of certain possessions or of States such as Abyssinia, in districts where the authority of the Central Government does not yet make itself sufficiently felt, there still occur individual or collective acts aimed at the capture of free men in order to keep them as slaves or dispose of them subsequently. The number of such acts is declining from year to year, and they are tending to disappear, being moreover severely punished by Abyssinian law (death penalty). A closer and more active liaison between the Powers concerned will no doubt finally put an end to such practices.

(b) That the chief object of these captures is to supply the slave markets which still exist in certain Arab States on the Red Sea and the Persian Gulf, and that the first objective of the League of Nations must be to secure the abolition of the slave trade by means of the moral pressure which can be exerted on these States by the Powers that have concluded either treaties of protection and control or treaties of friendship and commerce with them. Meanwhile, seeing that slaves are embarked along the whole of the west coast of the Red Sea, supervision by the Powers, including Egypt, which exercise authority over these areas must be maintained and, if possible, intensified on a more uniform basis than at present.

(c) That there are still a few States, chiefly the Moslem States of Arabia, which have not yet abolished slavery either in law or in fact, and that the League of Nations should exert influence upon them in order to induce them to do so either immediately or gradually; in any case, such States should not be received into the League of Nations, should they express a desire for admittance, until they have accepted obligations identical with those entered into by Abyssinia in 1923, and European Powers, in concluding treaties with these States, should endeavour to secure the insertion of a clause aiming at the same object.

(d) That there is one Christian State, Abyssinia, which has not yet completely abolished slavery in law or in fact; but that, in conformity with its obligations, it has enacted successive measures aiming, on the one hand, at preventing the enslavement of persons who are at present free and, on the other hand, by increasing liberations, at gradually diminishing the number of those who are still slaves without creating the political, economic or social disturbances in the country which are to be apprehended; and that the League of Nations should keep in touch with the progress made and should see that it does not slow down but is, on the contrary, accelerated as much as possible.

(e) That, even in countries which have abolished slavery in the ordinary sense of the term, there still exist in Africa certain kinds of social status in which men are not in enjoyment of full civil freedom, but which are in no sense inhuman, and which in certain ways (assistance to the sick and infirm) even present advantages. A social status of this kind cannot equitably be assimilated to slavery in the usual sense of the term without running the risk of giving to the civilised world an incorrect and unfair impression of what may still remain of this ancient evil. These kinds of social status have been abolished in law in the territories under the authority of the colonial Powers and are gradually disappearing in fact under the influence of various factors. According to the French, Italian and Portuguese experts, such kinds of social status do not come under the definition of slavery as laid down in the 1926 Convention. According to the Belgian, British, Spanish and Netherlands experts, these kinds of social status do come within that definition, if they involve the exercise by the master of any of the attributes of the right of property.

(f) Lastly, there still seem to exist practices incompatible with human liberty in certain districts of Africa and Asia, and even America. They take numerous forms not always easy to define and vary from country to country; they must be prohibited by law, pending their abolition by custom. Among these practices are the pawning of debtors, peonage, simulated adoption of children, etc.

69. Is the description of the situation given in the present report accurate? Is it complete? Far from being able to reply in the affirmative, the Committee of Experts feels convinced that both these questions call for a negative answer. In point of fact, as the Committee has repeatedly stated in the course of the foregoing chapters, and in connection with the special points dealt with in those chapters, the material which has been supplied to it is inadequate. That applies even to countries which have ratified the 1926 Slavery Convention. No doubt Article 7 of that Convention obliges them to communicate to the other contracting parties and to the Secretary-General of the League of Nations any laws and regulations which they may enact with a view to the application of the provisions of the Convention, but even if all the parties to that Convention which exercise authority over oversea territories had supplied the documents mentioned, the latter would still be insufficient to permit of an exact picture of the facts.

In his communications of November 1st, 1929, November 7th, 1930, and October 21st, 1931, the Secretary-General of the League, in pursuance of the resolutions adopted by the Assembly at its tenth, eleventh and twelfth sessions, invited the Governments to transmit to the Secretariat,

not only the documents provided for in Article 7 of the 1926 Convention, but also such information as they were in a position to furnish as to the present situation of slavery, and even information from private sources which they thought fit to communicate, either relating to their own territories or to the general position of slavery.

However, while certain Governments—such as those of Belgium, the United Kingdom, France, the Netherlands, Portugal and the Anglo-Egyptian Sudan—supplied information, and while certain of these reports furnished valuable data, many Governments have not acceded to the desire expressed by the Assembly of the League. The Committee would have found of very great value other sources of information, such as the reports of diplomatic and consular agents on the situation regarding slavery in countries to which they are appointed if slavery still exists in these countries, or, again, communications sent to associations concerned with the question.

Further, it would have been necessary for the Committee to dispose of the means and the time required for classifying these different documents and checking the statements contained in such information from various sources as it would have decided to investigate.

The Committee is not therefore in a position to give a definite or precise reply to the first question put to it under the terms of reference—namely, the extent to which the 1926 Convention has been successful in putting an end to slavery and what obstacles exist to further progress in that direction.

The suggestions submitted by the Committee at the end of each chapter of the present report setting forth the facts can thus also be only of relative value.

* * *

70. The second question which the Council asked the Committee was by what methods assistance could be rendered to States desirous of receiving it with the object of putting an end to slavery within their territory.

On this point, the Committee finds some difficulty in giving an answer, since, except in the case of Liberia, with which the Committee did not feel called upon to deal, owing to the existence of a special committee of the Council to study all the questions which concern that country, no State had expressed a desire for assistance. It is possible to imagine political assistance, pecuniary assistance, technical assistance, moral assistance and a type of assistance which, while possible in the case of one State, would not be suitable or even conceivable for others. At the same time, among the suggestions to be found at the conclusion of the foregoing chapters of the present report, the Committee has contemplated the possibility of the collaboration of certain States or of the League of Nations in the measures adopted by another State to combat slavery, and it has also suggested the utility of a measure which, while directing the attention of public opinion in all civilised nations to the existence of slavery in this or that country, should give evidence of their anxiety that slavery should disappear.

* * *

71. The Council has also asked the Committee to report whether, with the object of hastening the disappearance of slavery, any modifications of the existing machinery of the League would be desirable and, if so, what they should be.

To begin with, the Committee is of opinion that the Powers parties to the Convention are not sufficiently in a position to determine how far the other contracting parties comply with the obligation entered into by them to combat slavery.

As stated in paragraph 69 of the present report, it would be well if, in addition to the documents mentioned in Article 7 of the Convention, the contracting parties in whose territory slavery or analogous forms of servitude still exist would enter into an undertaking to forward to the League Secretariat a report describing the situation in regard to slavery in their territories, the administrative measures, if any, taken to abolish it, the results obtained and any obstacles to further progress.

It would at all events be desirable that they should consent to forward such a report to the League Council should the latter ask them to do so.

72. The Committee considers also that it is essential to attach to the services of the Secretariat a Bureau, whose duty it would be:

(a) To receive, in addition to the documents mentioned in Article 7 of the 1926 Convention, the reports from Governments referred to above and possibly any information supplied by diplomatic and consular agents concerning slavery which Governments might be disposed to forward to the League;

(b) To seek out and collect any other information relating to slavery published in the newspapers, periodicals or any other publications;

(c) To classify such documents according to a methodical system.

73. It may be asked whether these measures would be adequate for the purpose in view. In any case, if the League of Nations felt that it required enlightenment from experts on the subject, the Committee thinks that it would not be sufficient to consult from time to time a Committee working under the same conditions as the 1924 Temporary Commission or the present Committee.

Apart from the inadequacy of the material, the present Committee was obliged to take cognisance suddenly and in haste of the material collected; most of the members had not been associated with the Temporary Commission's work in 1924, so that they were unable to make

good the deficiency (if any) of memory on some points of those of their colleagues who were members of the Temporary Commission, or to stress the importance which the Commission attached thereto.

74. The Committee therefore, supporting the proposal submitted to the League by the United Kingdom Government, considers that, in order to do its work thoroughly, the Commission should be a permanent body in the sense that its members should be appointed for an indefinite period, so that its composition should always remain virtually the same. It should consist of not more than seven members, to whom might be added a representative of the International Labour Organisation. The members would be chosen solely for their special knowledge of the subject, but would all be of different nationalities. As a general rule, the Commission would meet only every two years for a short session. Moreover, the Commission would cease to exist as soon as the results anticipated in the campaign against slavery had been, or were on the point of being, attained.

75. In considering the task to be assigned to such a permanent Commission and its methods of work, the present Committee has never lost sight of the objections which the proposal to establish it encountered in the debates in the Sixth Committee of the League Assembly. It has endeavoured to frame a system which would meet with the acceptance of all the Members of the League.

The Commission would be a purely advisory body.

It might be instructed in particular:

- (a) To follow continuously the documentary material relating to slavery, whatever its source, including the annual reports of the Governments;
- (b) To endeavour to supplement such material;
- (c) To submit the material to critical examination;
- (d) To study any institutions, or any facts, which may come within the definition of slavery or are analogous thereto;
- (e) To establish a classification of such facts and institutions according to their nature and to examine their function in the structure of the society in which they exist;
- (f) To discuss the methods to be employed, either with a view to the total abolition or the transformation of the said institutions in such a way as to rid them of any features which cannot be tolerated, while still retaining them, thus modified, if they correspond to a need;
- (g) Should a country in which slavery exists ask for financial assistance from the League for the solution of problems connected with the abolition of slavery, to examine the objects for which such financial assistance is requested, the minimum amount necessary and the guarantees offered, and to inform the Council on these points;
- (h) If financial assistance is accorded for this purpose, either by the League or by private organisations, to follow the result of the work carried out with the aid of such financial assistance;
- (i) To consider any amendments to the 1926 Convention that may become necessary.

The Commission could forward a report to the League Council on the conclusion of each session.

The very existence of this Commission would have the advantage—a substantial one in the present Committee's opinion—of keeping public interest in the slavery question awake, and more particularly of acting as a stimulus to States in which slavery exists to make every effort for its abolition, if only by degrees.

76. As regards methods, the permanent Commission would base itself on those proposed by the 1924 Temporary Slavery Commission, as set forth in the latter's report to the Council of July 12th, 1924, approved by the Council on August 29th, 1924, and by the Assembly on September 22nd of the same year.

(a) The Commission might consult organisations and persons in a position to give information concerning slavery in one country or another, on condition that they are designated, either spontaneously or at the Council's request, by the Governments of the States in whose territory the headquarters of such organisations are situated or such persons are domiciled as being able to give additional and trustworthy information on matters of fact and make sound comments upon them.

Such consultation would be carried out according to the methods indicated by the Governments in question.

(b) In the case of communications received from organisations or persons other than those indicated by the Governments, the Commission would leave it to a sub-committee of three of its members to decide whether such communications deserve consideration. The sub-committee would deal with the matter by correspondence. In the event of the sub-committee finding the communications worthy of consideration, the Commission would request the Council to ask the Government in whose territory the headquarters of the organisation or domicile of the persons giving information are established whether it considers the organisations or the persons competent and trustworthy.

(c) All communications received under the conditions defined in paragraph (a) above and those concerning the authors of which no unsatisfactory reply to the enquiry referred to in paragraph (b) has been received would, if the Commission considered that it should examine them, be transmitted to the Council, with a request that the latter forward them to the Government under whose administration the facts are alleged to have taken place or to exist.

(d) The Commission might, if it thinks fit, give an opportunity of being heard to an individual who, or the representative of an organisation which, has forwarded a communication in writing

and has been recognised as competent and trustworthy, in order to give any additional explanations which the Commission may desire.

(e) It is proposed that, in the reports submitted to the Council, the Commission should regard as established only those facts the existence of which is admitted by the Government of the territory where they are alleged to have taken place or to exist. In the case of facts not admitted by the Government, it is proposed that the Commission, if it sees fit to mention them, should submit them without expressing an opinion as to their truth, and append to its statement any denials or explanations concerning them.

77. To sum up, the purely advisory function to be entrusted to the Commission according to the foregoing proposal, the methods which it would be required to follow, the obligation to abstain from expressing an opinion as to the truth of facts not recognised by the Governments concerned and from adopting any other attitude to which a Government might take exception would seem to eliminate the objection that the Commission might encroach on the sovereignty or internal administration of States.

Furthermore, the foregoing proposals do not confer upon the proposed Commission such wide-reaching functions as those assigned to the 1924 Temporary Slavery Commission. As regards methods, they do not involve any departure from those approved by the Council and the Assembly for the Temporary Commission, except in the sense of further safeguarding the independence of States. Thus, for example, the Commission would only be able to communicate with Governments through the Council, which would exercise the right to decide as to the action to be taken on these communications. The only exception to this rule would be such communications as the Council might authorise the Commission to send direct to Governments.

78. A further objection has been raised against the proposal to establish a permanent Commission—that of the cost involved.

The Committee is of opinion that the expenses entailed by the meetings of the permanent Commission itself, if it met every other year, would average about 5,000 Swiss francs a year. To these expenses must be added those involved by the setting-up and working of the Bureau whose duties are defined above.

79. The present Committee has not considered the form in which effect might be given to the proposal for the establishment of a Bureau and a permanent Commission. These are questions which do not come within its competence.

80. The last question which was submitted by the Council to the Committee is concerned with measures which might be taken to induce States that have not yet ratified the Convention to do so.

In this connection, the Commission found first that the countries which have not yet ratified the Convention of 1926, although they have signed it, are: Abyssinia, Albania, China, Colombia, the Dominican Republic, Lithuania, Panama, Persia, and Uruguay.

Further it noted that a certain number of countries, although belonging to the League, have not yet signed the Convention or have not yet acceded to it. Notwithstanding the Committee's desire to comply with the Council's resolution of January 25th, 1932, the Committee after carefully considering the question, is obliged to state that it sees no means other than that of reminding States during the meeting of the Assembly of the existence of that Convention and the importance of ratifying or acceding to it, if only for the purpose of giving their moral support to the campaign against slavery.

Appendix A.

LIST OF DOCUMENTS SUPPLIED OR TRANSMITTED BY GOVERNMENTS SINCE THE SIGNATURE OF THE 1926 SLAVERY CONVENTION.

C.210.M.83.1927.VI	Slavery Convention of September 25th, 1926.	
A.37.1927.VI A.37(a).1927.VI A.37(b).1927.VI	Annual Report by the Council to the Assembly (1927).	
A.24.1928.VI A.24(a).1928.VI		Annual Report by the Council to the Assembly (1928).
C.L.64.1928.VI, with annex.		Communication from the Government of Ecuador.
A.17.1929.VI A.17(a).1929.VI A.17(b).1929.VI A.17(c).1929.VI	Annual Report by the Council to the Assembly (1929).	
A.13.1930.VI A.13(a).1930.VI A.13(b).1930.VI A.13(c).1930.VI		Annual Report by the Council to the Assembly (1930).
A.17.1930.VI A.17(a).1930.VI A.17(b).1930.VI		Report by the Secretary-General, submitted to the Assembly in accordance with its Resolution of September 21st, 1929.

A.VI(1).1930	Letter from the British Delegation, dated September 16th, 1930, transmitting a Memorandum concerning slavery.
A.29.1931.VI A.29(a).1931.VI } A.13.1931.VI A.13(a).1931.VI }	Report by the Secretary-General, submitted to the Assembly in accordance with its Resolution of September 30th, 1930.
	Annual Report by the Council to the Assembly (1931).
C.658.M.272.1930.VI	Report by the International Commission of Enquiry in Liberia.
C.E.E.3.1932.VI	Letter from the Government of the Sudan, dated April 10th, 1932.

Appendix B.

LIST OF DOCUMENTS COMMUNICATED BY GOVERNMENTS TO THE SECRETARIAT
OF THE LEAGUE OF NATIONS
IN REPLY TO THE CIRCULAR LETTER FROM THE SECRETARY-GENERAL,
DATED OCTOBER 21ST, 1931 (Document C.L.272.1931.VI).

C.E.E.1.1932.VI	Containing letters from the following Governments: Colombia (December 2nd, 1931), Ecuador (December 15th, 1931), Egypt (November 2nd, 1931), France (February 9th, 1932), India (January 5th, 1932), Mexico (December 3rd, 1931), Netherlands (November 25th, 1931), Nicaragua (January 20th, 1932), Persia (November 15th, 1931), Sudan (November 7th, 1931), Turkey (November 12th, 1931).
C.E.E.1(a).1932.VI	Containing letters from the Governments of South Africa (February 15th, 1932) and Iraq (February 14th, 1932).
C.E.E.1(b).1932.VI	Containing a letter from the Government of Portugal (February 2nd, 1932).
C.E.E.1(c).1932.VI	Containing a letter, dated April 8th, 1932, from the Anti-Slavery and Aborigines Protection Society, London, transmitted by a letter, dated April 26th, 1932, from the Government of the United Kingdom.
C.E.E.1(f).1932.VI	Containing a letter, dated April 21st, 1932, from the Central Bureau of the Society of Friends, transmitted by a letter dated April 27th, 1932, from the Government of the United Kingdom.
Note on Child Slavery	Prepared by the " Save the Children International Union ", Geneva, transmitted by the Swiss Government with a letter dated May 16th, 1932.
C.E.E.4.1932.VI	Containing a report by Lord Noel-Buxton and Lord Polwarth on Abyssinia, transmitted by a letter, dated August 15th, 1932, from the Government of the United Kingdom.

Appendix C.

NOTE, DATED AUGUST 24TH, 1932, FROM LORD LUGARD, CONTAINING RECENT
INFORMATION REGARDING ABYSSINIA.

The following communication, dated Addis Ababa, August 1st, addressed to me as a member of the Committee of Experts on Slavery reached me in Geneva on August 22nd. It is from a friend resident in Abyssinia, for whose reliability I can absolutely vouch, well-known to the British Legation, and trusted by the Emperor, who asked him to come to him that he might hear from the Emperor's own lips the latest information regarding his intentions to suppress slavery. I understand, therefore, that it was the Emperor's desire that he should pass the information on to me for the benefit of the Committee of Experts, since I personally have the honour of his acquaintance.

" The decree constituting the new Slavery Department is to come out this week. The Department is to be entirely independent—*i.e.*, not under the control of the Ministry of the Interior. A new Director is appointed—namely, Liqamaqwas Mangasha, formerly Ethiopian Minister at Rome. He is young, energetic and progressive, and is of good family, being connected with the late Empress. De Halpert is to be Adviser to the Department. Offices of the Department will be opened in each province where the slavery question is particularly important.

“ An Advisory Council to the Department has been appointed consisting of all the Rases and a few other important men, under the Presidency of the Heir-Apparent.

“ An Abyssinian Anti-Slavery Society is to be founded forthwith, into which the Advisory Council will be merged—but the Emperor said, with a smile: ‘ None of the members of the Advisory Council will be permitted to become members of the Anti-Slavery Society until they have released all their own slaves ’. The Emperor’s younger son is to be a member. The object of the society will be propaganda and also to keep the Slavery Department up to its work. The Emperor sets great store by this society, and told me that there was already quite a movement in favour of it among the young men of good family.

“ The Department is to publish statistics yearly.

“ The registration of slaves has already started.

“ The school for the children of slaves is to start life again under the direct patronage of the Emperor, who is going to make it a live concern.

“ Ras Hailu’s and Sultan Abajifaar of Jimma’s slaves are being liberated. They will number probably several thousand, but the Emperor had not yet heard the exact figures. A Liberation Committee is drawing up plans for the disposal of these slaves. Those of Ras Hailu were mostly employed on the land and these will be settled on Ras Hailu’s land and have the same rights as other squatters—*i.e.*, pay a portion of their crop in kind to the Government, the amount varying according as to whether they plough with their own oxen and ploughs and find their own seed or whether the Government provides these.”

My informant adds that the regulations for the new Slavery Department were about to be promulgated, and he would send me a copy. In a letter of July 9th, he had informed me that the Emperor, in the course of a long interview, had told him that he intended to make a full statement at the next meeting of the Assembly of the League, but was not at the moment ready to do so. A large number of special slavery courts have, he says, been installed throughout the country, with an appeal court at Addis Ababa, but I hear from another source that they have not yet started in the north-west district. In the provinces of Gojjam and Jimma, they have been placed under the supervision of a special official from the capital. He added that it was in contemplation to raise a force of special “ slavery police ”. The Emperor found that the disposal of “ several thousand ” of the slaves of Ras Hailu and the Sultan of Jimma who had been liberated has raised a financial problem, and the Emperor feared to find a crowd of thieves and prostitutes on his hands. Many kidnappers had been sent to the capital for punishment. It will take a long time to put these reforms into effective operation. To avoid misunderstanding and misrepresentation, the Emperor would like to see “ confidential and direct communication between the Abyssinian Government (and the League ?) or through a special committee at Geneva.”

(Signed) LUGARD.

Geneva, October 8th, 1932.

LEAGUE OF NATIONS

SLAVERY

REPORT SUBMITTED BY THE SIXTH COMMITTEE TO THE ASSEMBLY

Rapporteur : H.E. Jonkheer J. LOUDON (Netherlands).

The Sixth Committee had appointed a Sub-Committee consisting of the delegates of Abyssinia, Belgium, the United Kingdom, Denmark, France, India, Italy, Liberia, the Netherlands, Portugal and Spain to study the report of the Committee of Experts on Slavery.

This Sub-Committee, which held its meetings under the chairmanship of H.E. M. Moltesen, delegate of Denmark, obtained from M. Gohr, Chairman of the Committee of Experts, a large amount of supplementary information and certain very useful particulars with regard to the meaning and scope of the proposals put forward in the report of the Committee of Experts.

The Sixth Committee noted the admirable work done by the Committee of Experts and the great value of its report to the Council.

It considers that the statement of the situation with regard to slavery and the suggestions contained in the first seven chapters of the report of the Committee of Experts might usefully be brought to the attention of the Governments of the Members of the League of Nations and of the States parties to the 1926 Convention. The Governments will find in this summary of the situation in regard to slavery and in the recommendations which accompany it a definite basis for the pursuit of their efforts for the abolition of what still remains of the slave trade and of slavery. This statement may also serve as a guide to the Governments in communicating to the League of Nations the statements which they will no doubt still think it necessary to forward to the organs of the League for purposes of information.

* * *

Having considered that it would be well to take up the proposal contained in the last chapter of the report of the committee of Experts to the effect that the League of Nations should constitute an advisory Committee for the purpose of dealing with the question of slavery, the Sixth Committee has decided to submit to the Assembly a resolution to this effect.

In conformity with the financial regulations, a vote taken by a two-thirds majority would have been necessary in order that this proposal, which involved certain expenditure for which provision is not made in the budget for 1933, could be examined in the course of the present Assembly. The two-thirds majority not having been obtained in the Fourth Committee, to which the question was submitted, the Sixth Committee has drafted the following new draft resolution, which it has decided unanimously to recommend for adoption by the Assembly :

“ The Assembly :

“ Notes the report of the Committee of Experts on Slavery which was transmitted to it by the Council's resolution of September 23rd, 1932 ;

“ Expresses its appreciation of the excellent work done by the Committee of Experts ;

“ Draws the attention of the Governments of the Members of the League and of the States parties to the 1926 Convention to the opinions and suggestions contained in the report of the Committee of Experts, and hopes that the organs of the League will be kept informed of the measures which the Governments continue to take for the total abolition of the slave trade and of slavery in its different forms ;

“ Decides that an advisory Committee of Experts shall be constituted, whose composition, competence and functions are described in the annex to the present resolution ;

“ Requests the Secretary-General to include in his draft budget for 1934 the necessary credit for this Committee ; and

“ Requests the Council to take, in the interval, all measures not requiring budgetary credit and which will conduce to the carrying out of the proposals which have been made.

“*Annex.*”

“A. The Committee shall consist of seven members chosen solely for their special knowledge of slavery questions, all the members being of different nationalities. They shall be appointed for an undefined term, the Council retaining the right to renew the composition of the Committee every six years. The duties of the Committee, which will meet once every two years, if necessary, will be strictly advisory and it will have no powers of supervision ; its task will be :

“ (1) To study and examine the documents supplied or transmitted by Governments to the Secretariat ;

“ (2) To study, on the basis of such documents and of the special knowledge of its members, the facts and institutions mentioned in Article 1 of the 1926 Slavery Convention and to examine their rôle in the social system ;

“ (3) To study the means of gradually abolishing these institutions or customs, or of causing them to develop in such a way as to deprive them of any objectionable features ;

“ (4) If a country where slavery exists asks for financial assistance from the League of Nations in settling questions relating to the abolition of slavery, the Committee will, at the request of the Council, examine the objects for which this financial assistance is requested, the minimum amount necessary and the guarantees offered ;

“ (5) The Committee shall not deal with questions relating to Article 5 of the 1926 Slavery Convention.

“ The Committee's proceedings will be confidential.

“ At the termination of each session, the Committee will submit a report to the Council ; and the Council shall decide whether the whole or part of this report should be published.

“ The Committee will draw up its own rules to regulate its proceedings and these shall be submitted for the approval of the Council.

“ In carrying out its duties the Committee is to observe the following rules :

“ (1) The consultation of organisations or persons on facts concerning slavery is not permitted. These organisations or persons will have to send their complaints or observations through the intermediary of their respective Governments.

“ (2) If a communication concerning a country is addressed to the Committee by the Government of another State, the Committee shall transmit it, through the intermediary of the Council, to the Government of the country concerned for its observations.

“ (3) The Committee shall not be competent to hear depositions.

“ It is understood that, in agreeing to the setting up of this Committee, the Governments parties to the Slavery Convention of 1926 do not assume any obligation of such a nature as to modify those they have entered into in virtue of that Convention.

“ B. The Secretariat of the Committee will be provided by the Secretariat of the League of Nations. Its task will be :

“ (1) To receive the documents sent to the League of Nations in virtue of Article 7 of the Slavery Convention and all other documents which the Governments may transmit on subjects concerning slavery ;

“ (2) To collect, for the use of the members of the Committee, information and surveys published concerning slavery ;

“ (3) To make a methodical classification of all documents and information. ”

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Official No.: C.406.M.209. 1933. VI.

Geneva, July 1st, 1933.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

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MINUTES

of the

TWENTY-THIRD SESSION

Held at Geneva from June 19th to July 1st, 1933,

including the

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PERMANENT MANDATES COMMISSION

MINUTES OF THE TWENTY-THIRD SESSION

Held at Geneva from June 19th to July 1st, 1933

All the members of the Commission took part in the work of the twenty-third session, namely :

Marquis THEODOLI (*Chairman*) ;
M. VAN REES (*Vice-Chairman*) ;
Mlle. DANNEVIG ;
Lord LUGARD ;
M. MERLIN ;
M. ORTS ;
M. PALACIOS ;
COUNT DE PENHA GARCIA ;
M. RAPPARD ;
M. RUPPEL ;
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 unable to attend certain meetings : Mlle. Dannevig, the first ten meetings ; M. Merlin, the fourth meeting ; M. Orts, the first two meetings ; M. Palacios, the thirteenth meeting ; Lord Lugard, the last five meetings.

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

Mr. M. A. YOUNG, C.M.G., Chief Secretary to the Government of Palestine ;
M. R. de CAIX, former Secretary-General of the High Commissariat of the French Republic in Syria and the Lebanon ;
Lieutenant-Colonel Sir G. Stewart SYMES, K.C.M.G., K.B.E., D.S.O., Governor of the Tanganyika Territory ;
Mr. G. F. SEEL, Colonial Office ;
Mr. G. C. SAYERS, Assistant Secretary in the Tanganyika Secretariat ;
Mr. Charles T. TE WATER, High Commissioner of the Union of South Africa in London ;
Major F. F. PIENAAR, D.T.D., O.B.E., Accredited Representative of the Union of South Africa to the League of Nations ;
Mr. J. G. McLAREN, M.C., C.M.G., Official Secretary of the Commonwealth of Australia in the United Kingdom.

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

FIRST MEETING.

Held on Monday, June 19th, 1933, at 11 a.m.

Opening Speech by the Chairman.

The CHAIRMAN spoke as follows :

I have the honour to declare the twenty-third session of the Permanent Mandates Commission open.

I should like to give you the customary brief survey of the deliberations and decisions that have taken place on matters connected with mandates since the close of our last session. I shall, of course, content myself with an outline, as the Secretariat has duly circulated all the documents to the members of the Commission.

On November 25th, 1932, while the Commission was actually in session, the Council, noting our opinion of November 9th on the question of the frontier between Iraq and Syria, adopted as a final settlement of that question the line proposed by the Commission of Enquiry, whose report we had considered. In that connection, the representative of Italy drew the Council's attention to the necessity, in similar cases, of placing the Mandates Commission in a position to be able to express a definite opinion. The Governments concerned were requested by the Council to communicate to it the Protocol for the demarcation of the frontier between Iraq and Syria when it had been drawn up.

As you are aware, a Demarcation Commission was appointed in March last, and is now operating on the spot.

At a subsequent meeting, on December 5th, 1932 — just before the end of our twenty-second session — the Council considered the opinion we had submitted at its request on certain communications from the Assyrian community in Iraq, forwarded in connection with the termination of the mandate over that territory. As most of you were present at the Council's meeting, I need not give you a summary of the comments that were made on the Commission's opinion, or of the statements of the representatives of Iraq and those that I myself was called upon to make, with the valuable assistance of our Rapporteur, M. Orts.

A Committee of five members of the Council was appointed to draft a resolution. The text prepared by that Committee after lengthy discussions, in the course of which numerous explanations and additional details were given by M. Orts, was adopted by the Council on December 15th, 1932. By that resolution the Council, in the first place, adopted the view of the Mandates Commission that the demand of the Assyrians for administrative autonomy could not be accepted. It also noted the intention of the Iraqi Government to avail itself of the services of a foreign expert in the settlement of all landless inhabitants of Iraq, including Assyrians, and in the carrying out of the scheme for the settlement of the latter under suitable conditions and, so far as might be possible, in homogeneous units.

I think the Commission may congratulate itself on this result, which was largely due to its own conclusions on a problem that had given it legitimate anxiety ; and I am sure you will all join me in taking this opportunity to express your appreciation of the devoted work of M. Orts, who did not hesitate to prolong his stay at Geneva to give the Committee of the Council the benefit of his special knowledge of the question of the Assyrians in Iraq.

The general report on our twenty-second session was considered by the Council at a meeting on January 24th, 1933, at which I had the honour to represent the Commission. The Secretary-General was instructed to communicate our observations on the annual reports to the Governments of the mandatory Powers concerned, and to request them to take such action as the Commission desired. The conclusions of the Commission on the various petitions examined by it also received the approval of the Council, which decided that they should be communicated to the mandatory Power and the petitioner in each case.

The Secretary-General was also requested to communicate to the Government of the United Kingdom, as former mandatory Power for Iraq, the observations of the Commission on its examination, subsequent to the emancipation of that territory, of the report on its administration during 1931.

The Council likewise noted that the Commission had studied the question of the purchase of material and supplies by the administrations of the territories under A and B mandates, either for their own use or for public works, and approved its conclusions. In that connection, the representatives of Germany and Italy emphasised the exceptional character of the rules governing the purchasing of material, and the consequent necessity of applying them restrictively in order to safeguard the principle of economic equality in accordance with Article 22 of the Covenant.

Lastly, the Council noted that the Commission intended, at this session, to study the documents sent by the Government of the United Kingdom with regard to the question of a closer administrative, Customs and fiscal union of the mandated territory of Tanganyika

with the neighbouring possessions of Kenya and Uganda. The representative of Germany urged that the Mandates Commission should carefully examine the Postal Convention between Tanganyika on the one hand and Kenya and Uganda on the other, in order to ascertain whether the unification it involved did not go further than mere administrative convenience and did not affect sovereign rights. He likewise observed that the Commission should say whether the Customs union between those territories was in accordance with the economic interests of Tanganyika.

I should add that the passage in the Commission's report regarding the future of the mandate for Syria gave rise to an exchange of views between the representatives of Germany, France, and Italy. The representatives of Germany and Italy made certain reservations regarding the division of the territory into a number of political units and the proposal for the emancipation of those units by successive stages. In reply, the representative of France merely observed that the information obtained by the Mandates Commission had appeared to satisfy that Commission and had seemed to it inevitably to lead to the conclusion that the problem of the emancipation of Syria was not sufficiently ripe and that the material on which to form a judgment was not sufficiently definite to permit of an immediate solution.

I should observe that the Commission's report on its last session has so far not given rise to any observations on the part of the mandatory Powers concerned.

Finally, at a subsequent meeting on January 26th, 1933, the Council pronounced its opinion on a suggestion from the International Educational Cinematographic Institute regarding the use of the cinematograph in view of the diversity of mentalities and civilisations. It requested the Mandates Commission to consider whether it would not be advisable to recommend the mandatory Powers to communicate any data, based on facts brought to light in the mandated territories, which might be of value from the point of view of the enquiry undertaken by the Institute into this problem.

In compliance with the Council's request, this point has been placed on the provisional agenda of the present session, which we shall shortly proceed to consider.

Statement by the Director of the Mandates Section.

M. CATASTINI spoke as follows :

The work of the Mandates Section has been carried on normally since the Commission's last session.

The Minutes and report of the Commission on its twenty-second session, which closed on December 6th, 1932, and which was the only session of the year and hence covered the examination of the administration of all fourteen mandated territories, were circulated and published on January 21st, 1933.

The members of the Commission have been kept informed of the events of the political, economic and social life of the mandated territories by the regular circulation of information from official sources and of the most important Press reports. As the Chairman has just recalled, they have also received the Minutes of the Council's discussions of December 5th and 15th, 1932, and of January 24th, 1933.

As usual, a list of the official documents (Annex 1) forwarded by the mandatory Powers has been drawn up for each of the territories the administration of which is to be examined during the present session ; this list will be circulated shortly to the members of the Commission.

The annual reports of the mandatory Powers reached the Secretariat in the following order :

Territories	Administrative periods	Date of receipt
Palestine	1932	May 18th, 1933
Tanganyika Territory	1932	May 19th, 1933
New Guinea	1931-32	May 22nd, 1933
South West Africa	1932	May 31st, 1933
Syria and the Lebanon	1932	May 31st, 1933
Nauru	1932	June 14th, 1933

As the members of the Commission were informed by a letter dated April 12th, 1933, the examination of the annual reports on Togoland and the Cameroons under French mandate, which would normally have taken place during the present session, has been postponed to the autumn session in consequence of an agreement concluded between the Chairman and the French Government, in order to lighten the agenda of the present meeting.

GENERAL QUESTIONS : PRESENT POSITION.

Statistical Information regarding the Mandated Territories.

The members of the Commission will remember that, on the latter's recommendation — which was endorsed by the Council — the mandatory Powers were requested to revise, and if necessary supplement, the tables prepared by the Secretariat regarding the trade, public finances and population of the mandated territories.

The text of the document, revised on the basis of the mandatory Powers' replies, will be circulated to the Commission during the session.

Bilateral Conventions applied to the Mandated Territories.

During the last session, the accredited representatives were requested to verify the tables examined by the Commission at its twentieth session and to state whether the document containing those tables might be published.

The replies received up to the present by the Secretariat will be placed at the disposal of the Rapporteur, M. Orts.

Influence of the Cinematograph on Native Populations.

As the Chairman has just reminded us, the Council decided, on January 26th, 1933, to request the Commission to consider whether it would not be advisable for the Council to recommend the mandatory Powers to communicate any data based on facts brought to light in the mandated territories which might be of value from the point of view of the enquiry undertaken by the International Educational Cinematographic Institute concerning the use of the cinematograph in view of the diversity of mentalities and civilisations.

This question appears on the agenda. The members of the Commission have received the documentation concerning it — namely, the report to the Council on the fifth session of the Governing Body of the International Educational Cinematographic Institute (document C.33.M.12.1933.XII) and the Minutes of the Council meeting of January 26th, 1933 (document C./70th Session/P.V.3 (1)).

SPECIAL QUESTION.

Question of a Closer Administrative, Customs and Fiscal Union of the Mandated Territory of Tanganyika with the Neighbouring British Possessions of Kenya and Uganda.

The Chairman has just stated the position in regard to this question, which appears on the agenda of the present session. All the relevant documentation was circulated to the members of the Commission prior to the last session.

Minutes of the Twenty-Second session of the Commission.

M. RAPPARD congratulated the Secretariat on the speed with which it performed its task; it had published on January 21st, 1933, the Minutes of a session which closed on December 6th, 1932, notwithstanding the unusual length of those Minutes, the Christmas holidays and the extra work with which the administrative services had had to cope in connection with the Disarmament Conference. He wished to lay emphasis on that record speed in publication, and hoped that he would always have to make similar observations in the future.

Iraq: Petitions from the Assyrian Community: Opinion of the Permanent Mandates Commission.

Lord LUGARD, on behalf of the Commission, thanked the Chairman and M. Orts, Rapporteur, for the excellent manner in which they had represented the views of the Mandates Commission on the question of the Assyrians in Iraq at the meeting of the Council held in December last.

The CHAIRMAN said that he would be happy to convey the Commission's congratulations to M. Orts, whose talent and zeal he desired once again to acknowledge.

Election of the Chairman and Vice-Chairman.

The Marquis THEODOLI and M. VAN REES were elected Chairman and Vice-Chairman, respectively, of the Commission.

Adoption of the Agenda and Programme of Work.

The CHAIRMAN opened the discussion on the provisional agenda (Annex 2) and the programme of work (document C.P.M.1394).

The provisional agenda and programme of work were adopted, the date of the discussion on Palestine being changed from Monday, July 3rd, to Tuesday, June 27th, in response to M. Rappard's request that the session, for which a period of three weeks had been contemplated, should be shortened if possible.

Use of the Cinematograph in view of the Diversity of Mentalities and Civilisations.

The CHAIRMAN observed that, in its resolution of January 26th, 1933, the Council had requested the Mandates Commission to consider whether it would not be advisable for the Council to recommend the mandatory Powers to communicate any data based on facts brought

to light in the mandated territories which might be of value from the point of view of the enquiry into the question undertaken by the International Educational Cinematographic Institute.

The Mandates Commission was already competent to deal with the education of the inhabitants of the mandated territories, under the provisions of the Covenant and the terms of the mandates. It was responsible for seeing that the mandatory Powers promoted the moral welfare of the inhabitants. Consequently, any data relating to the influence of the cinematograph on the inhabitants of those territories were of interest to the Commission. If necessary, a special request for such data might be made to the mandatory Powers.

On the other hand, the Rome Institute might devote its attention to the influence of the cinema in all oversea territories in general. The previous question arose, whether and by what means effect should be given to the idea expressed in the Council resolution.

The Chairman thought that the examination of this question might be entrusted to one of the members of the Commission, or to a Committee consisting of three of its members. In the latter event, he proposed as members of the sub-committee M. Van Rees, Lord Lugard and Dr. Ruppel.

COUNT DE PENHA GARCIA agreed with the Chairman's suggestion to appoint a sub-committee. The matter in question had been dealt with in a wider form by the International Colonial Institute at its twenty-first session, and one or two reports had been published on the subject in 1933 at the time of the Lisbon meeting. The results of the dissemination of ideas among the natives, not only by the use of the cinematograph, but also by means of wireless, the gramophone, etc., should be examined.

He directed attention to certain possible consequences of the use for propaganda purposes of those modern inventions in the colonies. He mentioned as an example the case of a colony bordering on Portuguese territory, where someone had persuaded a chief to make a gramophone record for the purpose of inducing those members of his tribe who were in Portuguese territory to leave it in order to go and work in the neighbouring country. The records had then been circulated. It was inadvisable that the cinematograph should be used for similar purposes.

Moreover, according to the reports of authorities and missionaries, it was a recognised fact that the cinematograph had often helped to increase criminality to a greater extent among natives than among civilised races.

It was important for those various reasons to regulate and control the use of the cinematograph. He accordingly considered it the duty of the mandatory Powers to prevent the populations in their charge from becoming the victims of the misuse of all such means of spreading ideas. There remained the question of the method to be employed. The Commission could propose to the Council that a questionnaire be sent to the mandatory Powers asking them to be good enough to state, for instance, the number of cinemas in their territory, the class of population which frequented them, the effects of the cinematograph on the population, cases of undesirable propaganda, etc.

Lastly, he was glad that Lord Lugard had been chosen as a member of the proposed sub-committee; Lord Lugard had had a vast experience of those questions and had just succeeded Count de Penha Garcia as Chairman of the International Colonial Institute. He would thus easily be able to consult the Institute's documentary material on the subject.

M. VAN REES said that he had no objection to setting up a sub-committee. He considered, however, that the Commission should abide by the terms of reference received from the Council, which had simply requested it "to consider whether it would not be advisable to recommend the mandatory Powers to communicate any data based on facts brought to light in the mandated territories which might be of value from the point of view of the enquiry undertaken by the International Educational Cinematographic Institute into this problem". The Council therefore expected the Mandates Commission to pronounce upon the advisability of asking the mandatory Powers for certain information. That was all the Commission had to do at the moment. There was accordingly no need to draw up a questionnaire or to take any other action which would exceed the Council's instructions.

M. RAPPARD thought that a constitutional question was involved. He naturally shared the view that it was advisable to make the recommendation proposed by the Council, but felt that it must not be forgotten that the mandatory Powers were thereby being asked to render a service and not to discharge an obligation which they were required to fulfil under their several mandates. Consequently, the Council might also ask the same service, not only of the mandatory Powers, but also of the other colonial Powers. The Mandates Commission, which was the Council's sole advisory organ in colonial matters, might perhaps make this suggestion.

COUNT DE PENHA GARCIA did not think that any constitutional question was involved. If the cinematograph sometimes represented a disturbing element from the educational standpoint and the Mandates Commission was called upon, in the case of every mandate, to examine each year the educational position, no one could contest the Commission's right to deal with a question which was of the kind to which it regularly devoted its attention. It was not only its right but its duty to help to elucidate the problem which was being examined by the International Educational Cinematographic Institute, by supplying the latter with such data as it was able to obtain. The Mandates Commission was not competent *vis-à-vis* the colonial Powers. Moreover, the problem which the Institute was studying was not of a strictly colonial character.

M. RAPPARD agreed with Count de Penha Garcia that, if the question had been raised in connection with the examination of an annual report, the Mandates Commission could

have submitted an observation to the Council ; but as it came from a body which had nothing to do with the mandated territories and was of equal interest to all colonial Powers, the mandatory Powers were neither more nor less bound than the other colonial Powers to accede to a request for co-operation on the part of the Council. Moreover, there was no doubt that the question was of great importance and should certainly be examined by the Commission.

M. MERLIN said that it was not merely a question of instruction, but of education, of a vaster problem bound up with all the problems relating to the dissemination of ideas by means of the Press, lectures and other such means. From that point of view, the cinematograph was essentially a police matter. At Dakar, to give only one example, the exhibition of certain films had been followed by a regular epidemic of burglaries. The aim should be to use the cinematograph as an educational instrument.

In the circumstances, he did not think that the Commission was entitled to say to the Council that the desired particulars should be requested, not only of the mandatory Powers, but of all the colonial Powers. As a matter of fact, the position was just the reverse ; the International Educational Cinematographic Institute proposed to ask all the Powers concerned for information, and the Council had asked the Commission whether there was any objection to the question being put to the mandatory Powers. It was therefore quite simple for the Commission to reply that it did not see any such objection.

M. RUPPEL said that he was willing to serve on the sub-committee, but was quite prepared to give way to Count de Penha Garcia, who had been Chairman of the International Colonial Institute at Brussels and had had wide experience in the matter.

M. RAPPARD proposed that Mlle. Dannevig, who was specially interested in educational questions, should be appointed a member of the sub-committee.

M. PALACIOS supported the proposal.

Lord LUGARD said that the International Educational Cinematographic Institute had published a long report on the subject, of which an English translation had been financed by the Carnegie Foundation. The report, however, dealt mainly with Europe and contained only a short chapter relating to the colonies. That was doubtless the reason why the Governing Body had asked the Council to request the opinion of the Mandates Commission as to whether the mandatory Powers should be invited to supply certain data.

He did not think that a questionnaire should be sent to the mandatory Powers, as had been proposed, since that procedure would entail a long delay. The points, however, on which information would be most valuable to the Institute might be indicated in the reply of the Mandates Commission. He thought that it was expected of the Mandates Commission that it should enable the International Educational Cinematographic Institute to profit by the former's experience by giving its reasons for its concurrence in the proposal.

As regards the police action to which reference had been made, the International Institute had certainly emphasised the fact that its foremost task was to study the means of utilising the cinematograph for educational purposes rather than the prevention of its abuse.

Lord Lugard added that he would be glad to serve on the sub-committee, and hoped that Count de Penha Garcia would consent to become a member.

M. VAN REES said that he was more and more firmly convinced by the discussion that the Commission should give its opinion to the Council solely on the definite question submitted to it. He had been led to that conclusion for another reason also : barely ten months ago, at a meeting of colonial Powers at Ostend, one of the Netherlands delegates had made concrete proposals on the question with which the Commission was dealing and those proposals had been unanimously adopted. The question of the means to be employed with a view to combating the harmful effects of cinematograph films in backward countries had therefore already been taken into consideration and colonial countries were giving it their attention. There was thus no need for the Commission to do anything in this matter save to give a favourable reply to the Council's question.

COUNT DE PENHA GARCIA thought that the problem concerned, not merely mandated territories or colonies, but all the countries. The International Educational Cinematographic Institute had asked for data relating to the use of the cinematograph in view of the diversity of mentalities and civilisations. It was therefore natural for the Council to apply to the Mandates Commission in order to ascertain whether the latter had any objection to the question being put in connection with the mandated territories. The question was very clear. Was it desirable to recommend the mandatory Powers to communicate data based on facts brought to light in the mandated territories which might be of value from the point of view of the enquiry undertaken by the Institute ? The Commission's reply could only be in the affirmative.

That reply was very simple and he did not see any reason why he himself should serve on the sub-committee as had been proposed.

The CHAIRMAN concluded from the exchange of views that the Commission thought that the recommendation suggested by the Council should be made. It would therefore be the duty of the sub-committee to draw up an appropriate text.

The Commission decided to appoint a Sub-Committee consisting of the following three members :
M. VAN REES, Lord LUGARD and Count DE PENHA GARCIA.

SECOND MEETING

Held on Monday, June 19th, 1933, at 4 p.m.

Syria and the Lebanon : Procedure to be adopted in connection with the Examination of the Annual Report for 1932.

The CHAIRMAN read the following letter dated June 15th, 1933, from the French Government to the Secretary-General of the League.

[*Translation.*]

“ I have the honour to inform you that M. Ponsot, High Commissioner of the French Republic in Syria and the Lebanon, is at present obliged by serious illness to remain at Beirut. It will be absolutely impossible for him to come to Geneva on June 20th as he had intended, in order to explain to the Mandates Commission the evolution brought about since last November in the political situation of the States under mandate.

“ In these circumstances, in view of the desirability, from the point of view of the Mandates Commission, of its hearing M. Ponsot, I think it would be preferable, if you agree, to adjourn until next autumn the consideration of the manner in which France has exercised her mandate in Syria and the Lebanon.

“ If, however, you think that this solution would unduly burden the October session, the administrative parts of the annual report could be examined at the present session, while M. Ponsot would explain the political situation himself to the Commission in October.

“ If you prefer this proposal, I could send to Geneva during the coming session, at a date convenient to the Mandates Commission, M. Robert de Caix, who would reply, as regards the administrative parts of the report, to questions which the members of the Commission might wish to ask the accredited representative of the mandatory Power.

“ I should be grateful if you would inform me as soon as possible which of these alternatives you and the Mandates Commission would prefer.

p.p. Minister for Foreign Affairs :

(Signed) R. MASSIGLI,

Minister Plenipotentiary,

Head of the French League of Nations Service.”

The CHAIRMAN thought that the Commission would probably be prepared to agree to the second solution. It would be understood, however, that, as all the members of the Commission were free to ask any questions they wished, the Commission would be entitled, if adequate answers were not forthcoming, to reserve its judgment on these points until a later session.

M. RAPPARD was not sure that the second alternative would be without serious disadvantages, even subject to the reservation indicated by the Chairman. The situation in Syria and the Lebanon was evolving rapidly and would, in the near future, probably become one of the most important questions with which the Mandates Commission would have to deal. Obviously, the members of the Commission would feel called upon to make certain observations to M. de Caix and to note his replies. Even subject to the reservation indicated by the Chairman, the Commission would therefore, at the end of the present session, have — in a sense — examined the report on Syria and the Lebanon and would be obliged to make certain comments thereon in its own report. Might not this compromise somewhat its position at the autumn session, when it would have necessarily to go over some of the ground again with a different representative looking at the questions from their more purely political aspect ? The absence of M. Ponsot and the letter of the French Government placed the Commission in a difficult situation. The postponement of the discussion of the report to the autumn session might then seem preferable.

M. PALACIOS shared M. Rappard's anxiety. If the examination of the report were divided up between two sessions, would it not be difficult for the members of the Commission to put questions to M. de Caix on administrative matters only, reserving all other observations until the subsequent session, at which M. Ponsot would, it was hoped, be able to be present ? Would not that weaken the position of the Commission ?

M. Palacios considered that, in the case of Syria, the more important questions related to political matters ; the administration was, however, inevitably influenced by general policy, which affected the entire country. It would thus be necessary to put questions relating to the whole complex of activities to both M. de Caix and M. Ponsot. Were the Commission's remarks, perhaps, also to be divided between the two sessions ? Were they to be held over pending M. Ponsot's statement ? Or, in the event of the latter's being again unable to be present in the autumn, were they to be held over indefinitely ?

M. VAN REES did not quite comprehend what M. Rappard had in mind. The Mandates Commission had received the report from the mandatory Power and was bound to examine it. That report dealt with both political and administrative questions, in regard to which the members of the Commission would be entitled to question M. de Caix. M. de Caix might not feel able to reply to all these questions ; in which case, the Commission would reserve its opinion. It would not be the first time that it had had to discuss with different persons the administrative and political sides respectively of the evolution of this mandated territory. Such a course had already been followed on several occasions and precisely in connection with the examination of the reports on Syria and the Lebanon.

The CHAIRMAN did not believe that an immediate discussion of administrative questions would, as M. Rappard feared, in any way prejudice the Commission's final attitude towards such other (and mainly political) questions as might have to be discussed later. The contrary might be true ; but there seemed to be no likelihood of its occurrence. M. Ponsot's state of health appeared to be somewhat unsatisfactory. The Commission hoped and trusted that he would soon recover completely ; it was on the other hand just possible that he might not be well enough to attend the autumn session.

The Commission might succeed in elucidating a number of points with M. de Caix's assistance ; that would be all to the good, as the agenda of the autumn session was very heavy. After its discussion with M. de Caix, the Commission would be in a better position to see what further points would have to be examined subsequently.

M. MERLIN shared the Chairman's opinion that M. de Caix would, in any case, be able to supply a great deal of useful information. Only on those points which concerned the intentions of the Government with regard to general future policy would it be necessary for the Commission to reserve its judgment until October.

M. RAPPARD said his main anxiety was that the Mandates Commission should not take any decision now which might perhaps — he was only referring to a possible hypothesis — place it in rather a difficult position later. If it were able to discuss only the administrative position in the mandated territory with M. de Caix, and if M. de Caix were limited in his replies to such matters as were not connected with future general policy, then — particularly if M. Ponsot were unable to attend at the next session — the Commission would have lost a whole year at a period when events were developing in Syria and the Lebanon with great rapidity.

The CHAIRMAN agreed to the extent that, if M. Ponsot were unfortunately unable to attend at the next session, the French Government should be asked to make sure that someone would be present who could speak authoritatively on the points regarding which M. de Caix might possibly not feel himself able to express an opinion.

Lord LUGARD agreed. He considered that the intimation that the Commission expected to have an authoritative expression of opinion on major political issues was not in the nature of a special reservation when accepting the French Government's second alternative, since the French Government had itself stated in its letter that M. de Caix would not perhaps be able to reply to questions connected with general political issues.

The CHAIRMAN proposed that the Mandates Commission should send a telegram to the French Government accepting the second alternative suggested in its letter, adding that a letter would follow from the Mandates Commission. He also thought it preferable that the discussion should be recorded in the Minutes.

COUNT DE PENHA GARCIA agreed with the Chairman. The mandatory Power was entitled to send any representative it chose. For the examination of the report for 1932, it proposed sending two, one to deal more especially with administrative questions and M. Ponsot to treat of the political issues. The latter, however, could only come for the Commission's next session. The Mandates Commission also was entitled to reserve its attitude with regard to the latter issues until it had been able to discuss them with M. Ponsot or some other accredited representative at its autumn session. That, however, did not prevent the members putting questions of the same character to M. de Caix during the later discussion of the report.

The Commission adopted the Chairman's suggestion and decided to discuss the exact wording of its reply at a later meeting.

New Guinea : Examination of the Annual Report for 1931-32.

Mr. J. G. McLaren, C.M.G., accredited representative of the mandatory Power, and Major O. C. W. Fuhrman, O.B.E., came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN, after welcoming the representative of the mandatory Power, expressed the Commission's particular thanks for the special index, included in the report, of replies to questions raised at the previous session.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Mr. McLAREN. — I should like to thank you, Mr. Chairman, in the first instance for the words of welcome you have extended to me, and I would assure you that, to the best of my ability and knowledge, I shall do whatever I can to assist the Commission and to furnish it with any information it may desire.

I thank you also for the opportunity of making a general statement in connection with the Administration of the mandated territory of New Guinea. Only a few months have passed since Sir Donald Cameron appeared before the Commission and explained very fully the policy being followed by the Australian Government in the administration of the territory, and I can think of only one matter to which, at this stage, I should like to draw special attention. I refer to the creation of an Executive Council and a Legislative Council for New Guinea.

It will be remembered that when Sir Donald Cameron was here last year he lodged with the Commission a copy of a Bill¹ then before the Commonwealth Parliament for the creation of a Legislative Council and an Executive Council in New Guinea. This Bill, in an amended form, has now been passed by both Houses of the Australian Parliament and has been brought into operation. The principal amendment made in the Bill was the omission of a clause reading as follows :

“ Three of the non-official members of the Legislative Council shall be nominated as representing the interests of the planting industry, two as representing the interests of the mining industry, and two as representing commercial interests.”

The Executive and Legislative Councils have now been duly constituted, the date of their inauguration being May 9th, 1933.

Major the Hon. C. W. C. Marr, D.S.O., M.C., V.D., Minister for Health and Repatriation, who assists the Prime Minister in the administration of the affairs of the External Territories of the Commonwealth, journeyed from Australia to New Guinea and was present, as representative of the Commonwealth Government, at the opening meeting of the Legislative Council.

May 9th was selected as the inaugural date, because it has a special significance. It is the anniversary of the inauguration of the Parliament of the Commonwealth of Australia in 1901 ; the establishment of the Seat of Government of the Commonwealth at the national capital of Australia, Canberra, in 1927 ; the commencement of the New Guinea Act in which provision was made for acceptance by Australia of a mandate in respect of New Guinea in 1920, and the Establishment of Civil Administration in the Territory in 1921.

COMPOSITION AND DUTIES OF THE LEGISLATIVE AND EXECUTIVE COUNCILS.

M. VAN REES asked whether, now that Legislative and Executive Councils had been created, the former Advisory Council had been completely abolished.

Mr. McLAREN replied that he was not sure whether it had already been superseded but its supersession would follow automatically as one of the first steps under the new system.

M. VAN REES noted that the proposal for special members representing various groups of interests had been dropped. How were those interests now represented ?

Mr. McLAREN said that the clause in question had been omitted because it had been thought better that all members of the Legislative Council should be free of any sense of obligation to particular interests or sections of the community, but should feel that it was their duty to consider and conserve the interests of the territory as a whole.

In reply to a further question by M. Van Rees, he said that there was no member specially nominated to represent native interests, but those interests were the particular concern of every official in New Guinea and there would be eight of these officials on the Council — or nine including the Administrator. The number of non-official members nominated by the Administrator and appointed by the Governor-General of the Commonwealth would be seven. There were no elected members.

Lord LUGARD pointed out that the unofficial members were presumably included in order to supply a certain element of criticism of the action of the Administration. The native interests were not, however, represented directly by any unofficial member. If they were represented — as Mr. McLaren suggested — solely by the official members, there would be no member who could criticise the Council's action from the standpoint of the natives. In some administrations in which there was a large number of non-native residents, at least one non-official member had been appointed to represent native interests if it were impossible to include native members. The object of a Legislative Council was presumably that the Government should have the benefit of the advice and criticism of the non-officials in the legislation it proposed to enact.

¹ See Minutes of the Twenty-second Session, page 59.

Mr. McLAREN said that any criticism made by non-official members must necessarily be taken into account by the Council and by the official members of the Council, even if it were criticism levelled against themselves.

M. RAPPARD observed that perhaps the full force of Lord Lugard's observation was not being realised. The non-official nominated members were mainly concerned with the representation of white interests ; they would probably not regard themselves as representatives of native interests. He called attention to the fact, rather significant in this connection, that in the list of offences committed and penalties inflicted set out in the reports questions of desertion, infringements of contracts, etc., loomed rather large. He understood Lord Lugard to suggest that there ought to be someone who could fulfil the useful rôle of criticising the Administration's measures from a purely native point of view.

Lord LUGARD said that M. Rappard had correctly interpreted his remarks. As the Legislative Council would be enacting laws which would apply to natives, it would surely be desirable that there should be some person capable of putting forward the native case, which the official members would not be in a position to do, while it was conceivable that the native interests might not coincide with those of the non-officials.

Mr. McLAREN said that it was not claimed that the measure was a perfect instrument. To obtain such an instrument, the new law would have had to have gone much further. At the present time, however, it was not practicable to do so. The Government had been anxious to make such improvements as were immediately practicable and the present law certainly represented progress. No head of the administration would propose the introduction of a law relating to native affairs before the various experts and officers responsible for native interests had been first consulted.

In reply to M. Ruppel, Mr. McLaren said he had no information concerning the occupations of the seven non-official members, as the Council had only been appointed on May 9th.

M. RUPPEL asked whether, now that a Legislative Council existed having power to enact laws, the Governor-General would still be able to promulgate ordinances in his own name.

Mr. McLAREN replied that he would not. He would, however, have the right to disallow legislation within a six-month time-limit, or, in certain cases where his definite consent was required, within a twelve-month time-limit.

M. RUPPEL asked whether the provisions of Clause 19 (3) in the new Act, under which every unofficial member might be removed at any time by the Governor-General, was usual in other parts of the British Empire ? Might not this clause lessen the independence of the unofficial members and be used as a means of pressure ?

Mr. McLAREN said that the provision was simply a reserve power. If a non-official member committed an offence which would prevent his sitting in any Parliament, obviously the Governor-General should have power to remove him from the New Guinea Legislative Council. The Governor-General would only take such action on the advice of his Ministers. There was no likelihood of this power being misused.

TRANSMISSION OF ANNUAL REPORTS TO THE COUNCIL.

M. RUPPEL noted that, under Section 8 of the Act, the report to the Council of the League would in future be forwarded by the responsible Minister and not by the Governor-General as formerly. What were the reasons for this ?

Mr. McLAREN said that the change in the channel of communication was one arising out of the change in Dominion status effected a few years previously.

PENETRATION INTO AND CONTROL OF THE TERRITORY : PATROLS.

The CHAIRMAN noted that the report contained further information concerning the extension of control throughout the territory by the Administration. This information was very complete but, as it was scattered throughout the whole report, it was difficult for the Commission to obtain an exact view of the progress realised. Would it not be possible in future, in order to facilitate the study of this important question, to collect all the details of information on this subject in one chapter ?

For example, from the table on page 87 of the report, it appeared that, of a total area of 93,000 square miles, only 44,695 square miles were more or less under the influence of the Administration. Was the Administration contemplating any methods for speeding up the occupation of all the territory under mandate ?

Mr. McLAREN replied that he would transmit the first request to the Administration. The second matter — that of accelerating effective occupation — was largely a financial one connected with the provision of additional staff. It was a point which the Administration bore constantly in mind.

The CHAIRMAN thanked Mr. McLaren, emphasising the fact that the Mandates Commission in no way desired to create the impression that it was urging the Administration to force the pace in the matter of effective occupation.

Lord LUGARD asked what were the exact relations of the administrative patrols (paragraph 272) with the permanent administrative staff of the various districts.

Mr. McLAREN explained that most districts included : (a) areas under entire Government control, (b) areas under partial Government control and (c) uncontrolled areas. In each district, the administrative staff consisted of a district officer, one or more assistant district officers and a number of patrol officers. Administrative patrols were carried out by these officers in the areas under Government control, mainly for such purposes as census work, tax collection, etc.

M. RUPPEL asked whether there were any restrictions on persons entering areas not under Government control. He had noted information that two persons had been killed lately in an area not yet under control. Did those persons enter on their own responsibility or was the Administration to any extent responsible ?

Mr. McLAREN replied that the Administration did not prohibit persons from entering any area except such areas as were specifically made the subject of prohibition by proclamation under the Uncontrolled Areas Ordinance of the territory. The Government, however, took all steps to warn persons of the danger they incurred by entering areas which had not been brought under complete Government control and where it was considered that there was risk of attack from hostile tribes.

SITUATION OF PUBLIC SERVICE OFFICIALS : RE-ORGANISATION OF PUBLIC SERVICE.

Mr. McLAREN, replying to a question by Lord Lugard, said that there were two kinds of "specified period officials" : (1) those who had been appointed for a limited term to accomplish work of a limited duration, and (2) officers who had been loaned from the Commonwealth Service or the State public services. For instance, Mr. Townsend, the Treasurer of the Territory, had been engaged for several years on this temporary basis. He was an officer of the Commonwealth Public Service.

M. SAKENOBE asked whether it was for financial or other reasons that no further cadets had been selected during the last two years (paragraph 7).

Mr. McLAREN said that this had been for financial reasons. Applications for cadetships had, however, been called for in October 1932, and 2,000 applications had been received. Ten applicants had been selected for appointment and thus some of the ground lost would be recovered.

M. SAKENOBE was glad to hear that information, because the Commission welcomed the creation of a cadet system and followed with great interest its development ; he asked whether there had been any difficulty in publishing the Provisional Reclassification of the Public Service, by Mr. P. E. Walcott (paragraph 8).

Mr. McLAREN said that the reclassification of the service, which was under consideration when the Commission met last year, had been put into effect as from July 1st, 1931, and that details in connection therewith had been published in the *Gazette of the Commonwealth of Australia* of September 29th, 1932. He proposed to hand in as an exhibit an extract from the *Gazette* in question, together with certain Ordinances which, as the Commission would see, related to a number of matters of concern to the Public Service of the territory.

MAP OF THE TERRITORY.

M. SAKENOBE asked that a new map of the mandated territory be included in the next report ; it was somewhat difficult to trace the places referred to in the report in the most recent map (1930-31 report).

Mr. McLAREN promised to look into the matter.

PUBLIC FINANCE.

M. RAPPARD summed up the information on public finance contained in the report as follows, and asked the accredited representative whether this was a fair statement of the position.

General expenditure had been reduced appreciably owing to a policy of drastic economy. Revenue had increased for two main reasons : (1) because new postage stamps, greatly sought after by philatelists, had been issued ; and (2) on account of the mining royalty on gold. The excess of revenue over expenditure had been used chiefly to reduce the public debt of the territory, the greater part of which was a debt to the Commonwealth of Australia.

An examination of the chief elements of the debt (see page 111) showed that about one-third represented an adjustment with the Commonwealth Government in respect of stores supplied and services rendered shortly before and after the inception of civil administration on May 9th, 1921. It would seem, therefore, that the improved financial position of the territory had resulted in a diminution of its debt to the Commonwealth and that the financial prosperity of the Administration — not of the territory, which was not particularly prosperous — had served *pro tanto* to improve the financial situation of the Commonwealth.

Mr. McLAREN pointed out that repayments on Commonwealth loans amounted only to £8,218 0s. 5d. (paragraph 218). As the territory was under a definite obligation to pay either the principal or the interest in respect of moneys loaned by the Commonwealth, it could hardly be said that the finances of the Commonwealth had benefited by the changed position of the finances of the territory merely because of the re-payment of a portion of these loans.

M. RAPPARD said that his observation was not intended as a criticism. He quite understood how the situation had arisen. Times had been relatively good for the Administration of the mandated territory and relatively bad for Australia. But not only had some of the debt been repaid; the special grant by the Commonwealth Government for the welfare of the natives had ceased, so that the territory was suffering from the financial situation of Australia.

With further reference to the debt said to have been incurred for the most part in 1921, M. Rappard called attention to the column headed "Public Debt at Close of Year" in the table on page 81. The debt of £23,925 would seem to have been incurred in 1923-24, no figures being shown for the preceding years. Was he to understand that the debt had existed in a latent form and had afterwards been adjusted?

Mr. McLAREN pointed out that the amount of a claim of this nature would naturally be the subject of lengthy negotiation and discussion between the military authorities and the civil administration against which the charge was subsequently made. Actually, the claim was not presented for several years, as it was some time before the details of what were or were not proper charges were settled.

M. RAPPARD pointed out that the public debt at the close of 1923-24 — £23,925 — appeared to be a new loan and advance by the Commonwealth Government, and not the original loan, as the figure tallied with the figure in the next column, "Loans and Advances" — £23,925. He asked whether the figure of £91,522, "Public Debt at Close of Year 1931-32", represented the outstanding debt of the territory to the Commonwealth on May 31st, 1932.

Mr. McLAREN replied that this debt was due partly to the Commonwealth and partly to the Trust Funds of the territory. He was unable at the moment to say in whom the Trust Funds were vested, but he believed they were vested in the Treasurer and one or two other officers. They were funds that had been accumulated for specific purposes, or were being held in suspense for contingent needs, and so on.

In reply to further questions by M. Rappard, Mr. McLaren said that the debt to the Trust Funds was a debt of the territory to the territory.

M. RAPPARD noted that these Funds were considerable and that, according to the table on page 80, incomings and outgoings were practically the same. What he did not understand was the juxtaposition of Trust Funds with receipts from income and expenditure and the budget of the territory. He would be extremely grateful if either at once or in the next report the Commission could be furnished with a full statement of the origin, structure and working of the Trust Funds.

Mr. McLAREN said that, in 1928, the Administrator had borrowed Trust Funds for the first time. Authority to do so was conferred by Ordinance No. 27 of 1928, which laid down that the Administration might from time to time borrow from the Trust Funds established by Treasury Ordinance No. 21 of 1925. He believed that the necessary information could be readily obtained. Meanwhile, he would call attention to the items shown under investments in the table on page 80, paragraph 224 — "Trust Estates other than Intestate Estates", "Land Assurance Fund", "Superannuation Fund", "General Trust Funds" and "Surplus Revenue Funds". These were, he believed, the chief ingredients of the Trust funds.

M. RAPPARD asked for an explanation of the important item "Out-station Remittances" (page 80, paragraph 225).

Mr. McLAREN said he would arrange for the inclusion of this information in the next report.

Lord LUGARD asked on what goods export duty was chargeable and whether the figure for export duty included royalties on gold.

Mr. McLAREN said that the only commodity on which export duty was payable was copra. It had at one time been 25s. per ton, but had subsequently been reduced and was at present on the basis of a sliding scale, ranging from 2s. 6d. per ton when the assessed value of the copra did not exceed £11 per ton, upwards. There had therefore been a big drop in the revenue

from copra export duty. The royalty on gold was not in the nature of an export duty, and the amount collected under this head was shown as a separate figure.

M. RUPPEL asked whether import duties had been increased during the last year.

Mr. McLAREN said there had not been any increase.

Lord LUGARD said he was unable to find the information promised in 1932 with regard to the amount collected in native taxes.¹ Had the natives had any great difficulty in paying the somewhat high tax of 10s. per head now that the value of their exports had fallen so greatly? In some colonies, the native tax had had to be reduced.

Mr. McLAREN pointed out that the total amount collected during the year 1931-32 as head tax amounted to £23,271 — an increase of £507 over the collections for 1930-31. The tax, although nominally leviable upon all natives, was collected only from a small percentage. The Ordinance providing for the tax was administered sympathetically, and the following classes were exempted from its provisions — namely, members of the native police; natives under indenture, contract of service or agreement; natives unfit for work; any native, the father of not less than four living children by one wife; mission teachers; Luluais and Tultuls; and such other natives as might in the opinion of the Administrator be fit subjects for exemption.

COUNT DE PENHA GARCIA noted from paragraph 27 of the report that the total amount of the head tax collected in areas not under complete Government control appeared to be much higher than the total amount collected in areas under Government influence, which seemed somewhat surprising.

Mr. McLAREN pointed out that, in each of the two districts in question — Kieta and Sepik — there were two classes of areas in which tax was collected — namely, areas under complete Government control and areas under Government influence (or partial control). The amounts shown in respect of Kieta and Sepik in the table in paragraph 27 were the consolidated totals of the collections in the two classes of areas.

M. RAPPARD asked whether it would be correct to say that there were three kinds of areas in the districts of Kieta and Sepik; (1) areas under complete Government control, to which no reference had been made; (2) areas under Government influence, in which £1,240 and £160 respectively had been collected; and (3) areas not under Government influence in which therefore no tax had been collected.

Mr. McLAREN said that was a correct interpretation.

COUNT DE PENHA GARCIA asked on what basis the head tax was levied.

Mr. McLAREN replied that it was leviable on all natives, with the exception of the exempted classes which he had previously mentioned.

COUNT DE PENHA GARCIA observed that, in that case, many natives were not yet paying head tax, as the total amount of this tax only corresponded to quite a small proportion of the adult male population.

Mr. McLAREN said that was so.

COUNT DE PENHA GARCIA asked for explanations regarding the figures for the districts not under the control of the Administration. He asked whether the slight increase recorded this year was due to the registration of taxpayers from the non-controlled areas.

Mr. McLAREN was unable to say what was the reason for the increase.

IMPORTS AND EXPORTS.

M. RAPPARD noted from the table of imports and countries of origin (page 66) that, while the total imports for 1930-31 and 1931-32 were practically the same, there had been a striking change in the countries of origin. Imports from the United States of America had doubled, presumably owing to the increased importation of mining machinery, and imports from Australia had been increased by one-fifth. On the other hand, imports from European countries had fallen appreciably.

Mr. McLAREN said that he had no information which might account for the change in the origin of imports. It was certainly not the result of any policy of differentiation. Purchases were made by individuals to suit their own requirements. The exchange factor might have been responsible to some extent, though not in the case of imports from the United States of America, which had increased because of the importation of mining machinery.

¹ See Minutes of the Twenty-second Session, page 63.

M. MERLIN noted that copra exports had decreased by 2,851 tons, while there had been an increase in the manufacture of desiccated coconut, the exports of which had increased from 341 tons to 1,282 tons. Though less bulky, desiccated coconut contained a much greater quantity of material than copra, and M. Merlin wondered whether from this aspect the increase in desiccated coconut exports was equivalent to the decrease in copra exports; if that were so, there would be no real decline in production, one product merely having been substituted for the other.

Mr. McLAREN said he had not the technical knowledge to answer this question.

M. SAKENOBE asked what was the explanation of the appreciable decrease in imports of foodstuffs, especially rice (paragraph 192).

Mr. McLAREN said he was under the impression that it was due to the extended use of locally grown foods.

EXTERMINATION OF PESTS.

M. MERLIN asked that the next report should contain more detailed information as to the measures taken to combat the coconut locustid and the results achieved (paragraph 178). He felt sure that close attention would be devoted to this matter, which was of the utmost importance to a country whose main export was copra.

Mr. McLAREN said that in January 1932 an entomologist had been sent from Australia to make a special study of the pest. He would not, of course, have been in a position to furnish any information of real value by June 1932, the date at which the report under examination was closed, but the next report would no doubt contain information as to the position.

MINES.

M. MERLIN asked whether the gold mines were alluvial or quartz.

Mr. McLAREN said that the big enterprises were mostly quartz, though there were some alluvial mines.

M. RUPPEL understood that the gold-mining industry was run chiefly with American capital by two companies — the Bulolo Gold Dredging Company, Ltd., of Vancouver, and the New Guinea Goldfields Ltd., of Sydney. He believed, however, that under the law of New Guinea only one-third of the shares of a company could be held by foreign capital.

Mr. McLAREN had no knowledge of the proportions of British and American capital invested in these companies. The Registrar of Companies in New Guinea was, however, under an obligation to see that, in the registration of companies, the requirements of the law were duly carried out.

JUDICIAL ORGANISATION.

M. RUPPEL asked whether the question of setting up a court of appeal from the central court had been solved in some way or other. This matter had been raised some years previously (see report for 1931-32, page 125).

Mr. McLAREN said that, in certain cases, there was an appeal from the central court to the High Court of Australia.

M. RUPPEL was not clear as to the competence of the district courts, on the one hand, and the courts for native affairs on the other (page 111). Both were presided over by a district officer or an officer specially appointed for the purpose. What was the difference?

Mr. McLAREN said that the courts for native affairs dealt with cases between native and native in regard, he believed, to both civil and criminal matters. The district courts dealt with cases between European and European, or European and native, and appeals lay to the central court from the court for native affairs and the district court.

In reply to a further question by M. Ruppel, he said that the latter courts had preliminary jurisdiction over natives in criminal matters, but certain cases had to be committed to the central court.

In paragraph 39 of the 1926-27 report, it was explained that appeal lay from the district courts, the courts for native affairs and the wardens' courts to the central court, and from the central court to the High Court of Australia.

M. RUPPEL quoted an extract from the "Parliamentary Debates" of Australia of May 10th, 1932, in which it was said that there had been no appeal to the High Court of Australia against any conviction.

Mr. McLAREN said that that was so. The right to appeal existed, but it had not been exercised.

M. RUPPEL said that the "Parliamentary Debates of 1932" showed that, of the twenty-eight officers authorised to preside over district courts, not one had had any legal training. These officers were the only people who had jurisdiction in civil and criminal matters over the natives of the country, and it had been suggested in the Canberra Parliament that stipendiary magistrates should be sent to help them. Had this suggestion been examined?

Mr. McLAREN said that no system of stipendiary magistrates had been instituted in New Guinea, and he could not say whether any such action was in contemplation. A reply would be given in the next report.

FISHERY REGULATION POLICE.

Count DE PENHA GARCIA called attention to the passages relating to the Explosives Ordinance (see paragraphs 16 and 38) and asked whether it was wise to permit the use of explosives for fishing, particularly as it was disastrous to spawn and for that reason was expressly forbidden in many countries. Should it not be prohibited and greater restrictions placed on the importation of explosives?

Mr. McLAREN said that he was under the impression that permission to use explosives for fishing had been withheld for a time, but was now granted under special conditions. He presumed the local administration had given consideration to all aspects of the matter.

M. RUPPEL noted that the native constabulary had been reduced from 575 to under 500, notwithstanding that control over the country was constantly extending further.

Mr. McLAREN said he had no explanation to offer, but would obtain the necessary information.

THIRD MEETING

Held on Tuesday, June 20th, 1933, at 10.30 a.m.

New Guinea : Examination of the Annual Report for 1931-32 (continuation).

Mr. McLaren, accredited representative of the mandatory Power, and Major Fuhrman came to the table of the Commission.

JUDICIAL ORGANISATION (*continuation*).

Lord LUGARD asked, in view of the unusual nature of many of the offences mentioned in paragraphs 22 and 49 of the report, whether all these cases were triable by law under some particular Ordinance.

Mr. McLAREN replied in the affirmative. The Laws Repeal and Adopting Ordinance, 1921, made applicable to New Guinea the principles and rules of the common law of England at the date of the Ordinance, so far as they were applicable to the circumstances of the territory. That Ordinance was therefore the authority under which proceedings were taken in the case of offences against any of the principles and rules so applied. All the offences mentioned in paragraph 49 were offences against the provisions of the Native Labour Ordinance.

PUBLIC FINANCE (*continuation*) : EXPENDITURE FOR NATIVE WELFARE.

Lord LUGARD was sorry to note (paragraph 221) that the Commonwealth Government had withdrawn its grant for native welfare. Moreover, in note (s) on page 75, he observed that the Education Department of Queensland had now made correspondence tuition, which was formerly free, subject to a charge. As this correspondence tuition was intended for European children, ought it to be included under "Native Affairs"?

Mr. McLAREN explained that the Commissioner for Native Affairs was also Director of Education for the territory, and for that reason the cost of the European school was a charge against the Native Affairs Vote.

Lord LUGARD asked why the item on page 77 "Native Land Claims" appeared under "Native Welfare". Was this not the ordinary work of the Native Lands Department?

Mr. McLAREN explained that, as these claims involved the protection of native rights, they became a question of native welfare.

Lord LUGARD noted, with regard to the Native Education Trust Fund (paragraph 222), that, out of a total of £6,400 sterling odd, £3,450 had been expended on the salaries of seven education officers. Did the Government spend nothing from general revenue on native education ?

As to the item (paragraph 223) " Wages of native employees of unfinancial employers ", what action was taken when employers failed to pay wages ?

Mr. McLAREN explained, in reply to the second question, that, in certain cases, employers were required to deposit in advance a sum to guarantee the payment of wages. He had no particular information on this item, as to whether the sums deposited were insufficient. The item referred probably to the case of employers who had failed in business, so that wages could not be recovered from them. He asked Lord Lugard to note that it amounted only to £318.

Lord LUGARD observed that " Native Hospital Charges " amounted to over £5,000. Did natives pay when they went to hospital ?

Mr. McLAREN replied that native hospital charges were met by employers.

Lord LUGARD noted that the expenditure on district services amounted to £59,941. Was this not mainly ordinary expenditure for the maintenance of law and order ? Could it all be included under " Native Welfare " ?

Mr. McLAREN assured Lord Lugard that this money was expended mainly for purposes of native welfare.

Lord LUGARD noted (paragraph 99) that the medical care of native labourers had been described as only " fair " in respect of 22 per cent and as " poor " in respect of 2 per cent of the plantations. What action was taken when employers failed to provide proper medical care and sanitation ?

Mr. McLAREN replied that, when the medical care was reported as " poor ", the matter was taken up with the employers of labour concerned, and, if the negligence proved to be a breach of any Ordinance, proceedings were taken.

Count DE PENHA GARCIA asked what area of the territory was at present under the control of the Administration.

Mr. McLAREN observed that it would be seen from the report (paragraph 270) that, of the 93,000 square miles of the territory, 28,785 were under control.

Count DE PENHA GARCIA noted that, of the 133,000 male population, only 43,000 paid head tax. That left 86,000 who did not pay. He understood that contract labourers did not pay. So, after deducting their number, it would appear that about 50 per cent of the population paid head tax ; in other words, it seemed that only about half of the territory was under control.

Mr. McLAREN replied that many categories of persons were exempted from the head tax other than contract labourers — for instance, native police, natives unfit for work, fathers of four or more children by one wife, schoolmasters, missionaries, Luluais, Tultuls, etc.

Count DE PENHA GARCIA noted (paragraphs 23 and 105) that the native population seemed to be decreasing in certain areas. Was this due to health or social causes ?

Mr. McLAREN replied that the decrease mentioned in the report referred to only one subdivision of a district. It should not be taken as an observation of general application.

Count DE PENHA GARCIA wondered of what interest to native welfare " repairs to vessels " (paragraph 223) could be.

Mr. McLAREN replied that these schooners were necessary for the transport of officials engaged on medical inspections and other work in the interests of the natives.

Count DE PENHA GARCIA expressed the opinion that a large part of the total expenditure under this paragraph should be classed rather as administrative expenditure than expenditure on native welfare. Most of the items were generally classified in other parts of the world as expenditure on administration.

Mr. McLAREN replied that, some years ago, a question had been raised as to the proportion of the general expenditure that might be regarded as being for the betterment of the natives. The figures quoted represented merely an analysis of the position in respect of the year under review.

TRANSPORT AND COMMUNICATIONS.

COUNT DE PENHA GARCIA observed, in connection with paragraph 217, that nothing much was being done in the matter of developing new roads and communications. This was, however, a very important question, because better communications brought the natives into closer touch with civilisation, and allowed of real supervision by the mandatory Power.

M. RUPPEL said he wished to emphasise the point that better transport facilities were very necessary, especially on the mainland. Whereas the Administration was encouraging the cultivation by natives of certain products, such as potatoes and rice, the lack of roads made it impossible for the natives to sell their products. He had been informed that, on the sea-coast, potatoes of Australian origin could be bought much more cheaply than potatoes grown by the natives inland.

Mr. McLAREN replied that this was the first representation of the kind that he had heard. He would bring it to the notice of the Administration.

LABOUR.

Mr. WEAVER congratulated the mandatory Power on the great care which had been taken to answer the questions raised in the previous year. He noted that more exact criteria had been laid down for the curtailment of recruiting where necessary. He hoped these regulations would give satisfactory results. He noted, further, that information was given regarding inspection of labour conditions. He would be glad, however, to receive more details; paragraph 47 explained the methods rather than the findings of the inspecting officials. He would also welcome the promised information (page 112 of the report) concerning desertions. The number of desertions was still very high. He was glad to see that the new Ordinance had been promulgated; but, as it did not come within the period covered by the report, he would not comment on it this year. He also noted the valuable amendment to the Natives' Contracts Protection Ordinance, 1921-1928, which tended to prevent the truck system and safeguard cash payment of wages.

With regard to recruiting (paragraph 40), he had asked the accredited representative in the previous year¹ whether it was the policy of the Government to abolish professional recruiting. The reply given in the report gave a description of professional recruiting that showed that some dangers of malpractices had been guarded against, but he presumed that these recruiters were still paid head money.

Mr. McLAREN replied that he had no definite information on the subject of the Government's intentions in regard to professional recruiters. There were very few of these recruiters.

Mr. WEAVER still held the view that the system was an undesirable one. He noted, moreover, that the number of these recruiters had risen from four to ten.

With regard to the death rate of indentured labourers (paragraph 46), the rate of 2.5 per cent was very high. What was the explanation? He noted that it was highest in the district (paragraph 44) of Morobe, which included the goldfields: deaths were 227 out of an average labour population of 5,200, which equalled 43 per thousand. This was an alarmingly heavy rate. Was it connected with the conditions in the mines, or was there some other explanation?

Mr. McLAREN replied that conditions on the goldfields had improved to such an extent that the Administration was now prepared to authorise contracts in certain cases for periods up to three years. In the year under review, there had been serious epidemics of influenza and dysentery which accounted for many deaths amongst the labourers on the goldfields.

Mr. WEAVER said that, nevertheless, he would like the Administration's attention to be drawn to this figure of 43 per thousand. He could not but feel that the decision to extend the period of contract from two to three years was, perhaps, not altogether justified. In any case, he would like to know what was the connection of the death rate with mining.

Mr. McLAREN said that he could obtain and make available the information requested.

Mr. WEAVER said that it was now some time since the Commission had received any information with regard to wages. The new (1933) Ordinance had repealed the former provision fixing a minimum wage of 10s. per month, and he had heard that wages had been reduced.

Mr. McLAREN said he would be surprised to learn that there had been any reduction of wages. The desired information would be forthcoming next year.

¹ See Minutes of the Twenty-second Session, page 65.

Lord LUGARD said that the *Bulletin* issued by the International Labour Office on the 12th inst. stated that the new Labour Ordinance prohibited the recruiting of women under indenture. Paragraph 45 on page 26, however, gave a description of 237 women employed under contract. Could the accredited representative explain this apparent difference ?

Mr. McLAREN said that the women referred to in paragraph 45 were employed under contract and that there was a difference between " contract " and " indenture ". A " contract " generally covered an engagement for a short period, or on some specific work. He would, however, make enquiry into the question raised.

Lord LUGARD, referring to paragraph 43, noted that 26,606 natives were employed as indentured labourers, on contracts up to three years. Was there any general tendency to shorten the period of indenture ? Did indentured labourers take their wives with them ?

Mr. McLAREN replied that the answer to the first question was in the negative ; to the second, not always.

Lord LUGARD asked what was the attitude of the natives towards indentured labour.

Mr. McLAREN replied that the indications were that, with very few exceptions, the system was regarded not unfavourably.

MISSIONS. EDUCATION.

The CHAIRMAN observed that the report for 1932 contained no chapter devoted to mission schools. It would be desirable if the accredited representative could give some information on this subject ; future reports should mention this important matter.

Mr. McLAREN said that, at the previous session of the Commission,¹ a long statement on mission schools had been made by the accredited representative. He would, however, take note of the Commission's wishes in this matter.

Lord LUGARD, referring to page 67 of the Minutes of the previous session, asked what amount of supervision was exercised over mission schools. Apparently the answer was " None ". Was there no supervision even of assisted schools ?

Mr. McLAREN replied that, so far as he was aware, no financial assistance was granted to any of the schools, and that, consequently, the only supervision exercised over mission schools was in connection with the health and living conditions of the pupils. The missions were strongly opposed to any suggestion of control.

Lord LUGARD asked whether, in spite of the attitude of the missions, it was not important that the nature of the education provided in their schools and the qualifications of teachers should be subject to some kind of supervision. It appeared from paragraph 61 of the report that there were only two Government elementary schools, with about 100 pupils, as against 900 mission " village " schools, and 572 mission " elementary " schools (paragraph 283). What was the difference between these two classes of schools ?

Mr. McLAREN explained that, in many native villages, there were village schools in the charge of resident native mission teachers. In some villages, two schools had been provided. The teaching was almost invariably in the vernacular. In many cases, however, the medium of instruction was the native language, which the mission was endeavouring to establish as the universal language for the area — for example, in the Morobe district it was the aim of the Lutheran Mission to popularise Jabim as the universal language for the Melanesians and Kate as that for the Papuans. Both languages were taught in the schools.

The missions had established training centres at their headquarters for the purpose of training teachers and catechists. The most promising pupils in the village schools were sent to such centres for further training. The duration of the course was approximately five to seven years.

In some cases, an elementary school was attached to the training centre, where young natives underwent preparatory training to fit them for the higher training. English was taught in the training centres, but the standard attained by the pupils was not sufficiently high for them to be regarded as competent teachers in that language when they were allotted to the village schools.

Although a proposal for compulsory education and subsidisation of mission village schools had not been received favourably by the Mission Conference in 1927, the several missions were afforded by the Administration analogous assistance annually by their exemption from the payment of education tax in respect of the indentured labourers employed by them (mainly on plantations), and by a free issue of drugs and medicines. It was estimated that the remission of the education tax represented approximately from £3,000 to £4,000 per annum. The drugs and medicines issued to the missions were valued at between £600 and £700 per annum.

¹ See Minutes of the Twenty-second Session, page 57.

In addition to training centres, elementary schools and village schools, several of the missions had established technical schools or workshops, in which training in manual arts was given to selected natives. Establishments of this nature were located at Alexishafen, the headquarters of the Catholic Mission of the Holy Ghost ; at Yunapope, the headquarters of the Catholic Mission of the Most Sacred Heart of Jesus ; and at Finschhafen, the headquarters of the Lutheran Mission.

Lord LUGARD hoped that the Government would exercise some educational supervision over the elementary rural schools and see that the teaching given in the schools was adapted to village life. Could not some provision be made for the teaching of agriculture in the villages in elementary schools maintained by the Administration ? From paragraph 67 the teaching seemed to be mainly clerical, with quarterly examinations.

Mr. McLAREN referred Lord Lugard to paragraph 66 of the report, in which it was stated that " certain periods were allotted for instruction of the pupils in methods of planting and cultivation . . . More advanced tuition was given at the Agricultural School, Keravat."

M. SAKENOBE said that, in 1929, Mr. McKenna, of the Queensland Education Department, had visited the mandated territory for the purpose of enquiring into the educational system, and submitted a report which had been attached as an annex to the 1930 report to the Council. He had laid stress on the necessity for (a) Government control of education or steps which would enable the Government to be satisfied that schools not under control were efficiently conducted ; (b) the establishment of elementary schools in commercial and industrial centres ; and (c) the establishment of a training college.

In this connection, he would ask what steps had been taken to supervise schools in conformity with these recommendations, and, in particular, the mission schools. Was the Administration satisfied with the efficiency of the mission schools ? What difficulties had been encountered in establishing the elementary schools and training college suggested in the McKenna report ? Was it because the great number of elementary schools maintained by the missions were regarded as perfectly efficient ?

Mr. McLAREN explained that the McKenna report was accepted as a basis for the future educational policy of the territory ; but, so far as he was aware, the policy itself had not yet been definitely formulated. The enactment of a law would probably be necessary to enable the Administration to control mission schools. Moreover, the 1927 Conference had quite definitely shown that the missions were averse to Government control.

In reply to a further question by M. Sakenobe, he added that he could not say why " no pupil was admitted to the elementary school at Rabaul during the year " (paragraph 71), but would make enquiries.

ALCOHOL AND SPIRITS.

Mr. McLAREN, in reply to a question by Count de Penha Garcia, said that the consumption of alcohol by Asiatics was not prohibited.

COUNT DE PENHA GARCIA noted, first, that there had been a considerable increase in the importation of spirituous liquor, although a new Ordinance had been enacted which stringently limited consumption. In other territories, the present crisis had led to a decrease in the importation of alcohol amounting in some cases to 30 per cent. The increase in the importation of spirituous liquor, in spite of the new severe Ordinance, seemed to imply that something was wrong. Fifty-seven natives had been tried under the various liquor ordinances, of whom 51 had been found guilty. Was there not some danger that the increased imports of spirituous liquor went to the natives ?

Mr. McLAREN replied that there was no danger of this. The fact was that the Ordinance was very rigidly applied and that prosecutions were always undertaken, even in minor cases.

COUNT DE PENHA GARCIA pointed out that, nevertheless, consumption was increasing. Moreover, the tax on liquor yielded one-tenth of the total revenue of the territory.

Mr. McLAREN said that it should not be assumed that the whole of the liquor imported was consumed locally. As in Nauru, visiting vessels often replenished their stocks of liquor from stores of the territory.

PUBLIC HEALTH : INFANT WELFARE CENTRE.

Mr. RUPPEL noted the very important chapter devoted to public health. He observed, however, that the amount spent on the health service had decreased from £63,000 in 1930-31 to £59,000, in 1931-32 and that the grant made by the Commonwealth Native Welfare Fund had been discontinued. The revenue of the territory had, however, increased and there was no financial pressure for economy. What was the explanation of this ?

Mr. McLAREN replied that he had no information on the subject, but would make enquiries.

M. RUPPEL drew attention to the creation of the first infant welfare centre at Malabunga (paragraph 105). This centre seemed to be doing very good work, and he hoped that other centres would be founded in future, particularly in New Ireland, where the population seemed to be decreasing on account of a very high infant mortality (in some villages more than 50 per cent). Did the Administration propose to open more infant welfare centres?

Mr. McLAREN replied in the affirmative. The infant welfare centre at Malabunga represented only the commencement of the system.

M. RUPPEL expressed satisfaction with the data given relating to the medical activity of the missions (paragraph 283). Did these missions receive any grants in addition to the medical stores mentioned in paragraph 106?

Mr. McLAREN replied in the negative, and quoted from League of Nations document C.P.M.1289, page 6, the text of the following resolution of the New Guinea Missions Conference of 1927:

“ That this Conference is of opinion that the medical work done by the various missions in the territory of New Guinea should be regarded as an auxiliary to the Public Health Department, such relationship not to involve control of missionary operations by the Administration, but to be interpreted as assistance to the Administration, which will supply necessary drugs and appliances free of cost to the missions, who will furnish regular returns showing how such drugs are used and giving particulars of cases treated, and the result of such treatment; it being understood that the missions will continue as at present to supply considerable quantities of drugs and medical appliances for their work out of their own funds.”

M. RUPPEL asked whether the Administration was considering the possibility of making money grants.

Mr. McLAREN said this was one of the matters discussed at the Missionary Conference in 1927, but a suggestion to that effect was not received with favour by the missions.

M. RUPPEL noted with interest the experiments being conducted in New Ireland with *Gambusia affinis* (paragraph 135). He would be glad to hear the results achieved in due course.

Lord LUGARD asked whether the Administration was in touch with the Leprosy Research Association, London. He was sure that Dr. Leonard Rogers, who issued very valuable pamphlets on the latest cures for leprosy, would be glad to send them to the Administration if it joined the Association. Lord Lugard wished to associate himself with the appreciation expressed by M. Ruppel of the admirable work done by the infant welfare centre.

Mr. McLAREN replied that the Administration would be very glad to receive these pamphlets in future, if it was not already receiving them.

DEMOGRAPHIC STATISTICS.

M. RAPPARD noted that the figures for non-indigenous population showed that this population was mainly “ British ” (paragraph 293). In trade matters, however, a distinction was drawn between Australians, New Zealanders, etc. Would it be possible to say how many members of this population were “ non-Australians ”?

Mr. McLAREN replied that he would ask whether separate figures could be supplied in future. It had to be borne in mind that, in every classification under the head of nationality, the term “ British ” had to be applied to all persons owing allegiance to His Britannic Majesty.

M. RAPPARD noted that the number of Chinese was not increasing. They totalled a little over one-half of the non-indigenous population, but their total immigration amounted to only one-tenth.

On pages 100 and 101, a curious disproportion was noticeable between the people listed as children and those listed as adults. In New Britain, for instance, there were apparently 28,646 children and only 42,403 adults. Was this due to the fact that, as children came to school and their births were registered, etc., their numbers were more easily ascertainable than those of adults?

Mr. McLAREN replied that he could not explain these figures without further enquiry.

Mr. McLaren, in reply to M. Ruppel, said that the 1,200 Chinese resident in New Guinea were mostly artisans and merchants. They were mainly concentrated in the area of Rabaul known as China Town. In the first place, they had proceeded to this locality of their own volition. The Administration had merely recognised the existing situation and had taken steps to improve the sanitary and general living conditions of the area.

TREATMENT OF NATIVES.

The CHAIRMAN pointed out that the "Debates" of the Australian Parliament of September 15th and November 2nd, 1932, referred to two cases of maltreatment of natives by Europeans. Could the accredited representative give more detailed information on this subject? Had any other similar cases come to the notice of the Administration?

Mr. McLAREN said that the two debates referred to one case. That case had been the subject of a very full statement in Parliament by the responsible Minister. There was nothing that the accredited representative could add to that statement, but he would be pleased to communicate to the members of the Commission, for their private information, a copy of the notes of the judge who tried the person accused of the offences mentioned in the debate.

LAND TENURE.

M. VAN REES noted that the Land Ordinance 1922-1928 ordained that: "a native shall have no power to sell . . . any land otherwise than to, or with the approval of, the Administrator". Did that apply even to sales between natives themselves?

Mr. McLAREN said that it applied to all sales.

M. VAN REES observed that New Guinea was the only territory in which such a provision existed. Elsewhere, an exception was made for the sale of lands between natives themselves. Was it possible for the Administration effectively to control the sale of lands between natives?

Mr. McLAREN replied that, while there might be difficulties, the restrictions imposed by the law were regarded as a very necessary safeguard of the rights of native landowners.

(Mr. McLaren and Major Fuhrman withdrew.)

Syria and the Lebanon: Procedure to be adopted in connection with the Examination of the Annual Report for 1932 (continuation): Reply to the French Government.

The CHAIRMAN recapitulated the discussion which had taken place on the previous day. After discussion, *the Commission adopted the following reply to the French Government:*

[*Translation.*]

"The Commission deeply regrets to learn that M. Ponsot has been obliged to forgo his intention of co-operating with the Commission at its present session. It hopes that he will shortly be restored to complete health.

"The Commission would be glad to examine as from June 29th, with the assistance of M. de Caix, the annual report on the situation in Syria and the Lebanon for the year 1932. It will, as usual, ask M. de Caix to answer every variety of question concerning the administration of this territory, and its political, social and economic evolution under the mandatory regime. As the French Government has been good enough to suggest, it will reserve for its autumn session (1933) the examination, with the assistance of M. Ponsot, of all questions which may remain open after its interview with M. de Caix."

FOURTH MEETING

Held on Tuesday, June 20th, 1933, at 4 p.m.

Nauru: Examination of the Annual Report for 1932.

Mr. McLaren, accredited representative of the mandatory Power, and Major Fuhrman came to the table of the Commission.

FORM AND DATE OF RECEIPT OF THE ANNUAL REPORT FOR 1932.

The CHAIRMAN thanked the mandatory Power for having supplied the Commission with the information it desired to receive, and particularly for having shown in a special index on what pages of the Minutes of the Commission the questions put by the various members would be found.

He ventured to draw the mandatory Power's attention to the fact that the annual report for 1932 had only reached the Commission on June 14th, whereas according to the Commission's Rules of Procedure, as approved by the Council, the report should arrive before May 20th. It would be desirable in future that the annual report should be sent in time to enable the members of the Commission to study it thoroughly.

The Chairman thanked the mandatory Power for sending a very interesting report on the programme of studies for the natives.

Mr. McLAREN said that the delay was a matter for sincere regret. The accredited representative had himself shared in the inconvenience and would bring the matter to the notice of the Government of Australia.

NAURU ISLAND AGREEMENT ACT, 1932.

M. PALACIOS hoped that the adoption of the Nauru Island Agreement Act, 1932, after the somewhat long period of ten years, had not in any way changed the situation in the territory. In any case, the event should be recorded.

Mr. McLAREN explained that, as it was felt that the duties of the Administrator should be set out a little more specifically, a Supplementary Agreement had been made in 1923 between the Governments of the United Kingdom, Australia and New Zealand. In 1924, steps had been taken to secure its ratification by the Commonwealth Parliament. The Bill had been passed through the Senate and read a first time in the House of Representatives, but Parliament had then been dissolved. This had meant that the Bill had had to be reintroduced and passed through all stages in the new Parliament. Through an oversight, the cause of which Mr. McLaren had been unable to ascertain, this had not been done until the year 1932. All the parties to the Agreement, however, were aware of the procedure to be followed by the Administrator, and it was duly followed. The Act had made no difference whatever in the practice of the Administration.

PRICE AND EXPORTS OF PHOSPHATE.

M. RAPPARD pointed out that, at the previous session, the accredited representative had said that, on the whole, the price of phosphate was fixed by the market.¹ On page 10 of the 1932 report, it was stated that the f.o.b. price on July 1st, 1927, was 23s. per ton and that on July 1st, 1932, it had risen to 24s. 6d. per ton, an appreciable increase. On the other hand, the table on page 13 of the report showed that, up to the year 1931, there had been a regular, and on the whole very natural, decline in the exports of phosphate. How was it that, with a falling market and reduced exports, the price was higher than in 1927?

Mr. McLAREN said that the information furnished in the past year was not strictly accurate. Article 11 of the Nauruan Agreement² was as follows:

“ Phosphate shall be supplied to the United Kingdom, Australia and New Zealand at the same f.o.b. price to be fixed by the Commissioners on a basis which will cover working expenses, cost of management, contribution to administrative expenses, interest on capital, a sinking fund for the redemption of capital and for other purposes unanimously agreed on by the Commissioners, and other charges.

“ Any phosphate not required by the three Governments may be sold by the Commissioners at the best price obtainable. ”

M. RAPPARD recalled that, in reply to a similar question on November 8th, 1932,¹ Sir Donald Cameron has said that he understood it would be contrary to the spirit of the mandate to fix special prices for the United Kingdom, Australia or New Zealand, so that, in the opinion of Mr. McLaren's predecessor, the actual practice was contrary to the spirit of the mandate.

Mr. McLAREN said he would express no opinion.

M. RAPPARD pointed out that, since the royalty increased with the price of phosphate (page 10) and phosphate was sold at cost price, there was a vicious circle. As royalties were included in the cost, they would fall if the cost fell.

Mr. McLAREN said he realised that that was so.

M. RAPPARD drew attention to the following passage (page 10) and asked what was to be understood by the word “ exploitation ”:

“ It may be mentioned that all payments of this nature (*i.e.*, royalty payments) are made through the Administration, which places the amounts at the landowners' credit in the local savings bank. Due precaution is taken by the Administration to prevent exploitation. ”

¹ See Minutes of the Twenty-second Session, page 45.

² For the text of the agreement, see Annual Report for 1928, page 57.

Mr. McLAREN said that, in his opinion, the danger was not very present. There could be no exploitation as far as actual payment to the landowners' credit was concerned. The statement probably related to expenditure of the monies by the Nauruans after withdrawal from their accounts — that was to say, purchases from storekeepers and others.

M. MERLIN noted, on page 13 of the report, that, in 1932, there had been an increase in phosphate exports and asked whether it would be maintained.

Mr. McLAREN said the increase had been attributed to an improvement in the economic conditions of Australia and New Zealand. The fact was that these two countries had placed more orders than in 1931. The increase was being maintained.

IMPORTS AND EXPORTS.

M. MERLIN pointed out that Nauru was in the happy position that the value of exports exceeded the value of imports by an almost incredible amount. The country must be becoming exceedingly wealthy.

Mr. McLAREN explained that the profit on exports was of course made by the British Phosphate Commissioners, who had very heavy liabilities towards the Governments of the United Kingdom, Australia and New Zealand, and had necessarily to provide for a sinking fund and payment of interest out of profits. The latter did not go to the general Nauruan community except in so far as royalties on the value of exports were concerned.

PUBLIC FINANCE.

M. RAPPARD asked by whom the item of £1,000, "Police Contribution", was paid (Table B, page 10).

Mr. McLAREN said it was paid by the British Phosphate Commissioners.

M. RAPPARD drew attention to the item, "Upkeep of Hospital and Leper Station, £120" (Table D, page 11). Surely that did not cover expenses?

Mr. McLAREN said that this was apparently not a fixed annual sum, the cost of upkeep in 1931 being £378. The sum in question was probably expended for the upkeep of the building. Medical services were shown as a separate item.

M. RAPPARD presumed that no steps were taken to accumulate funds in the Nauru Royalty Trust Fund (Table F, page 11), as there was no balance in hand in December 1931 and only £21 11s. in December 1932.

Mr. McLAREN said that most of the fund was spent on education.

M. RAPPARD presumed that the sum of £183 transferred to the credit of the Trust Fund mentioned at the bottom of page 12 was transferred to a fund controlled by the Nauruans, in regard to which no further information was available.

Mr. McLAREN replied in the affirmative. The fund appeared to have no special name. It was created in 1928, the general idea behind its creation being that, in view of the wealth-producing nature of the island, the native inhabitants should not be called upon to contribute unduly to the cost of administration. The whole of the capitation tax collected from the natives was therefore paid straight into the fund and expended for the benefit or in the interests of the natives.

M. RUPPEL observed that only 244 Nauruans had paid taxes (Table H, page 12). That would seem to represent only a small proportion of the total population of 1,500. Were all adult males taxed?

Mr. McLAREN said the tax was payable in respect of male persons between the ages of 16 and 60. Certain exemptions were made in the case, for instance, of ministers of religion, persons employed in the Government services, chiefs, district constables and persons who were not able-bodied, such as lepers, cripples or sick persons.

He had no doubt whatever that the figure of 244 represented all who were liable.

M. RUPPEL saw from the balance-sheet of the British Phosphate Commissioners (page 32) that large sums were owed to the United Kingdom, Commonwealth and New Zealand Governments — over £3,000,000 in all. What was the origin of this debt?

Mr. McLAREN explained that it was the balance of the purchase monies paid by the three Governments which bought out the British Phosphate Company formerly working the deposits of Nauru and Ocean Island, and was a charge against the British Commissioners now working on behalf of the Governments.

JUDICIAL ORGANISATION.

M. RUPPEL noted with satisfaction that the Judiciary Ordinance had been amended to provide for appeal from the Central Court to the Administrator. He was not sure whether this was satisfactory from all points of view, however, as the Administrator would have unlimited judicial power over the country, though perhaps, in view of the special circumstances of this small island, the arrangement would work well.

Mr. McLAREN explained that the new Ordinance did not so much provide for the right of appeal as make the existing right more real. The effect of the Ordinance was to preclude the Administrator from sitting on either of the minor courts — the District Court or the Central Court — so that the appeal would come to him as an entirely new matter and not as one on which he had already adjudicated.

M. RUPPEL pointed out that convictions by the District Court were still as high as in the previous year, when the increase had been attributed to a "spirit of waywardness".¹ Every second male in the territory appeared to have been convicted.

Mr. McLAREN said that the Administration had furnished a note to the effect that, with the advance of knowledge in the Nauruan community, it had been deemed desirable to take court proceedings in respect of a number of comparatively minor offences where previously a warning by the Administrator or the chief of the district had sufficed.

The increase in the number of cases dealt with by the court should not, it was suggested, be regarded as indicative of a wave of miscreancy amongst the native population.

As explained in the report, in a number of instances, more than one conviction was recorded against an individual, and the figures represented convictions.

M. RUPPEL observed that the present system did not appear to have had a more educative effect than the previous system.

Mr. McLAREN said that the figures had been increased considerably by the fact that one case concerned thirty Nauruans found guilty of drinking ekarawe, who had been led astray by an elderly Nauruan. It was really a single incident.

M. RUPPEL thanked the mandatory Power for the information on the judicial functions of Nauruans for which he had asked at the last session² (page 18 of the report).

Did the chiefs have power in civil as well as in criminal affairs?

Mr. McLAREN replied that they had some power in minor matters.

LABOUR.

Mr. WEAVER desired to thank the mandatory Power for the information for which he had asked last year with regard to arrivals and departures of Chinese and offences by Chinese labourers.³

M. SAKENOBE asked what was done to meet the intellectual, religious and moral needs of the one thousand Chinese coolies in the island. Did they go back to China with something more than the money they had earned?

Mr. McLAREN said that the care of the Chinese coolies was the immediate responsibility of the British Phosphate Commissioners. He was informed by the Administrator that the Commissioners took special care to provide for the comfort and general welfare of their employees.

LIQUOR AND DRUGS.

COUNT DE PENHA GARCIA regretted that the position with regard to opium and liquor offences was not much better than in the previous year. The increase in the duty on spirituous liquors from 14s. to 30s. (page 21 of the report) did not appear to have reduced the number of offences. Were any further measures contemplated?

He fully realised the difficulty with regard to ekarawe, which was apparently very health-giving in an unfermented state. One doctor had even made a medicine of ekarawe combined with cod-liver oil which was very useful in reducing infant mortality. But did the use of ekarawe for children in its unfermented state encourage the consumption of fermented ekarawe at a later age?

¹ See Minutes of the Twenty-second Session, page 46.

² See Minutes of the Twenty-second Session, page 48.

³ See Minutes of the Twenty-second Session, page 49.

Count de Penha Garcia also noted that the duty on sparkling wines, which were less deleterious than spirits, was higher than that on spirits. Was this for fiscal purposes ?

Mr. McLAREN pointed out that convictions for opium offences had dropped from 46 in 1931 to 27 in 1932 (page 23 of the report), which was a very large reduction. There were no prosecutions for drunkenness against the European population.

The increased duties on wines, spirits and other alcoholic beverages did not come into operation until September 24th, 1932, and were therefore only chargeable for about three months of the period covered by the report. As in New Guinea, the liquor and alcoholic beverages imported into Nauru were not all for local consumption ; ships calling there replenished their stores. During 1932, sixty-eight ships called at Nauru as compared with fifty-one in 1931, which accounted for some of the increase.

Count de Penha Garcia's question with regard to ekarawe was largely a matter for medical opinion.

As to the higher duty on sparkling wines, he could only conclude that this had been imposed for fiscal reasons.

PUBLIC HEALTH.

M. RUPPEL observed (page 23 of the annual report) that the amount spent on public health had been reduced from £3,038 in 1931 to £2,756 in 1932, a fall of 10 per cent.

Mr. McLAREN said that the difference amounted to £282, but pointed out that, in 1931, there had been a special item of £221 1s. 6d. for three months' salary paid to a retiring medical officer in lieu of furlough. Expenditure on instruments and a number of minor items accounted for the rest of the difference.

M. RUPPEL was very glad to see that there had been an improvement in the incidence of tuberculosis and leprosy and that the measures taken by the Administration had shown good results (pages 14 and 15). He hoped the Administration would do its utmost to deal with these terrible diseases and would keep the Commission informed of the position.

DEMOGRAPHIC STATISTICS.

M. RAPPARD observed that the Nauruans seemed to be thriving under the mandatory regime : the birth rate was more than double the death rate (page 24 of the report).

Mr. McLAREN said there had been no maternal mortality in Nauru for some years.

CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representative for the information he had given.

FIFTH MEETING

Held on Wednesday, June 21st, 1933, at 3.30 p.m.

Tanganyika : Question of a Closer Administrative, Customs and Fiscal Union of the Mandated Territory of Tanganyika with the Neighbouring British Possessions of Kenya and Uganda.

The CHAIRMAN did not think it necessary to recall the previous discussions on that question which had taken place in the Commission, or the discussions to which it had given rise at the League of Nations and in the British Parliament. The question presented a theoretical aspect and an aspect which had already led to certain practical results. He would like the Commission to agree upon a method of work with a view to the examination of the question. He reminded his colleagues that, at the previous session, M. Palacios had submitted a preliminary report.¹ The first part of the report was and would remain the personal work of the Rapporteur. It was upon the conclusions of the report that the Commission would have to pronounce, since they would have to be submitted as coming from the Commission itself. He accordingly

¹ See Minutes of the twenty-second session of the Commission, page 320.

proposed the immediate discussion, first of the substance of those conclusions and then of their form. The conclusions of M. Palacios's preliminary report were as follows :

“ The mandatory Power informs the Mandates Commission, in order that the latter may examine its decision and submit any observations it may desire to make :

“ (1) That it endorses the opinion expressed by the Select Committee of both Houses of Parliament that the time is not yet ripe for the introduction of closer political or constitutional union ;

“ (2) That it also adopts the said Select Committee's recommendation that the Conference of the Governors of the different territories of East Africa should henceforward be increasingly utilised for the purpose of ensuring the closest co-operation and co-ordination in all matters of common interest to those territories, including native policy and ' closer liaison ' with the Colonial Office.

“ This communication is accompanied by the relevant official documentation, which contains a lively interchange of impressions, proposals and methods with regard to a comprehensive colonial policy.

“ If all this be proved, I think that possibly the Mandates Commission should :

“ (1) Thank the mandatory Power for the admirable documentation it has sent, which bears ample witness to a most frank and conscientious study of the situation and to the most far-reaching civilising projects in the interests of the districts administered ;

“ (2) Note the mandatory Power's declaration that the time is not yet ripe for the adoption of far-reaching political and constitutional measures with regard to closer union, hoping with good reason that this time will not come while the mandate is in force ;

“ (3) Note that the Conference of the Governors of Tanganyika, Kenya and Uganda, in which the administrators of other territories of Eastern and Central Africa may also take part, is becoming a permanent advisory organ of co-operation and co-ordination of the common interests of the respective territories, having the special duty of discussing and proposing measures in connection with white and native policy and maintaining liaison with His Britannic Majesty's Government through a secretary residing in the capital of Kenya, and should in future follow with the greatest interest not only the development, decisions and acts of this Conference, but, in general, the progress of the whole policy, and should request the mandatory Power to supply it with all the necessary particulars in this connection ;

“ (4) Ask the mandatory Power to supply it with the most detailed information regarding Customs, transport, posts and telegraphs, and the other services for which a joint administration has already been more or less organised, or may be organised in future. This information supplied to the Mandates Commission should be extended to all the effects which this joint administration may produce in the other territories when their interests, as a result of ' closer co-operation or co-ordination ', are clearly connected with the interests of Tanganyika.”

M. RAPPARD thought that, before beginning the discussion, it would be advisable for the Commission to agree upon the exact scope of the document to be drawn up as the outcome of the discussion. Would it take the form of a general observation on the administration of Tanganyika Territory or would it express a special opinion of the Commission, which the Council had asked it to give ?

The CHAIRMAN said that there was no doubt that the Commission was now discussing the question of closer union as a whole, in the form in which it had been before it for a long time past — in other words, the general question.

M. PALACIOS said that the importance and complexity of the question had given him much food for reflection since he had submitted his preliminary report at the last session of the Commission. Since then, the mandatory Power had communicated clear and abundant material on the administration of Tanganyika, demonstrations on the part of public opinion had continued to be made both within the territory and outside, and the problem had even had repercussions in the Council of the League of Nations. M. Palacios saw no reason to modify his opinion. He maintained the arguments and conclusions which he had submitted, though he was naturally prepared to make the necessary modifications if it could be shown that errors of fact had been made and judgments pronounced on the basis of those errors. He understood that certain of his colleagues would not approve his conclusions — some because they considered them too mild and others because they regarded them too far-reaching. M. Palacios considered that his opinion, which was both consistent and moderate, might perhaps secure unanimous support after the necessary explanations had been given on both sides during the discussion.

With regard to the question raised by M. Rappard, M. Palacios recalled that there was a chapter of his report entitled “ Intervention of the Commission ” in which the desirability of such intervention and the Commission's competence were justified. It would probably

be sufficient to quote the following paragraph from the official letter of the United Kingdom Government, dated September 2nd, 1932 :

“ It will be recalled that, during the fifty-sixth session of the Council of the League of Nations, the United Kingdom delegate gave an assurance to the Council that, when His Majesty's Government had come to a decision as to what, if any, action should be taken on the lines of the report of the Hilton Young Commission on closer union in East Africa, this decision would be 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 desired. ”

That paragraph was followed by the one relating to the confirmation, by the Government, of the opinion of the Mixed Committee.

M. RAPPARD observed that M. Palacios's reply to his question had shown the necessity for amending to some extent the conclusions of the report. Since those conclusions were to be submitted as coming from the Commission, while the actual report would remain the personal work of the Rapporteur, it would be necessary to mention in the Commission's conclusions the earlier history of the question and the fact that several of the United Kingdom Government's decisions had been put into operation before the Commission had had an opportunity of pronouncing upon them.

The CHAIRMAN agreed with M. Rappard as to the necessity for supplementing the conclusions of the preliminary report.

M. PALACIOS said, in reply to M. Rappard, that the antecedents of the question had been carefully dealt with in his report and that it would be easy to summarise them in a short paragraph introducing to the Council the conclusions of the Commission.

As regards the fact that the decisions of the United Kingdom Government had been put into force before the Commission had had an opportunity of taking a decision with regard to them, M. Palacios explained the difficulty of the question in view of the fact that, as regards the main problem, the decision of the mandatory Power had for the time being been a *negative* one ; at the time it was true that “ closer co-operation ” and “ closer co-ordination ”, which, up to the present, was partial in character, had already been established in the administrative field, and no doubt best accorded with the interests which the mandatory Power was under an obligation to protect. Various passages of the report explained how “ closer union ” and “ closer co-ordination and co-operation ” were one and the same thing, might become one and the same thing, or were connected with one another or different from one another. He preferred not to deal with the last question submitted by M. Rappard, owing to the difficulty involved by the passages in question and to the fact that it would serve no useful purpose to do so.

The CHAIRMAN thought that the Commission was agreed that a theoretical discussion of the question should not be opened. At the present time, no purpose would be served in examining the question of principle and in building up a complete theory around Article 22 of the Covenant. The Commission would no doubt agree to adopt as its method of work the discussion, point by point, of the conclusions of M. Palacios's preliminary report.

M. VAN REES, while he was opposed to an interminable theoretical discussion, desired to make a reservation in regard to the method proposed by the Chairman. He doubted the advisability of discussing the conclusions of M. Palacios's report before the annual report on the administration of Tanganyika had been examined. He referred in particular to point 4 of those conclusions :

“ Ask the mandatory Power to supply it with the most detailed information regarding Customs, transport, posts and telegraphs, and the other services for which a joint administration has already been more or less organised, or may be organised in future. ”

The annual report on the administration of Tanganyika contained information on all those points, and the accredited representative might add other particulars during the examination of the report by the Commission. He thought that, at the moment, the Commission might examine the other points of M. Palacios's conclusions, leaving point 4 until later.

M. RAPPARD agreed with M. Van Rees that it was inadvisable to reopen the general discussion on the question. He thought that the Commission was now agreed that the present text of the conclusions of the report was not the text that would be submitted to the Council. Nevertheless, he supported the Chairman's proposal to examine the text of M. Palacios's conclusions point by point, so that the Commission's views might be defined.

M. RUPPEL agreed to the Chairman's proposal, while reserving the right to make a general statement on the question of closer union in the course of the meeting.

M. PALACIOS expressed his agreement with the Chairman, M. Van Rees and M. Rappard, regarding the method of discussion. He desired, nevertheless, to point out two things in connection with point 4 of the conclusions. The first was that that conclusion was necessary from the point of view of logic. Co-operation and co-ordination took the form of the establishment of links between the administrations or services of the different territories or by the fusion of those administrations and services ; the Commission should therefore be familiar with the measures in question, not only as regards their details or by considering the various services as isolated parts of a Government, but also as a whole. The second thing was that

the Chairman had asked him to initiate the discussion, during the examination of the annual report on the administration of Tanganyika, on the Customs and postal unions existing between the mandated territory and the neighbouring territories. The first of these questions was dealt with in a report by Sir Sydney Armitage-Smith entitled "A Financial Mission to Tanganyika", dated September 26th, 1932, and in an Appendix (No. VII, pages 127 to 129) of the report on the administration of Tanganyika in 1932 in which Sir Sydney's observations were discussed. On the other hand, as regards postal union, the Commission had scarcely received any official information — merely a brief paragraph and a short Appendix (No. VI) to the last annual report. It had not even received the text or the terms of the agreement relating to that union. The Commission doubtless possessed abundant Press material in which those questions were discussed, the articles in question, moreover, being directed for the most part against such policy of union. For these reasons, M. Palacios wished the Commission at least to keep in mind the terms of point 4 of his conclusions, in order to be clear as to the questions which each of its members would have to put to the accredited representative.

Lord LUGARD said the information received by the Commission subsequent to the submission by M. Palacios of his preliminary report, such as Sir Sydney Armitage-Smith's report on the finances of the territory and Mr. Roger Gibb's report on the railways, were unfavourable to closer union, and this idea was abandoned. He therefore thought that, if the Commission had questions to ask regarding point 4 of M. Palacios's conclusions, the questions should refer not to closer union but to individual matters relating to the administration of the territory under mandate. It was useless to "flog a dead horse".

COUNT DE PENHA GARCIA said that, in his opinion, point 4 of the conclusions of M. Palacios's report was divided into two parts; the second part, which read as follows, was the more important:

"This information supplied to the Mandates Commission should be extended to all the effects which this joint administration may produce in the other territories when their interests, as a result of 'closer co-operation or co-ordination', are clearly connected with the interests of Tanganyika."

The Commission had a right to ask for this information, since there were certain administrative organisations outside the territory which were closely connected with the administrative organisations of the territory itself. It was essential to ascertain whether this state of affairs had any effect on the interests of the territory under mandate. The indirect influence of the state of affairs existing in neighbouring territories on the interests of the territory under mandate was a new factor, with regard to which questions might be put to the accredited representative.

M. PALACIOS entirely agreed with Count de Penha Garcia. The second part of point 4 of his conclusions was the most important part of this point. It would be a means of obtaining information as to whether measures which had no doubt been taken in the interests of the territory under mandate were really more to the advantage of a neighbouring colony.

The CHAIRMAN pointed out that he could not entirely agree with the opinion expressed by Lord Lugard. He did not think the Commission could keep silent in the face of the measures taken by the mandatory Power. The United Kingdom Government had given a definite promise to the Council. It was not sufficient to state now that closer union had been given up and that it was unnecessary to "flog a dead horse". It was the Commission's duty to express an opinion on the present situation, since the question concerned not only Tanganyika and the neighbouring colonies, but all the Members of the League of Nations.

LORD LUGARD thought there was merely a misunderstanding. The first three points of M. Palacios's conclusions dealt with the manner in which closer union had been shelved. He quite agreed that the Commission should note the mandatory Power's declaration that the time was not yet ripe for the adoption of any political and constitutional union. The Commission might also allude to the promises made by the mandatory Power to the Council, and would be justified to referring to any measures taken if, in its opinion, they tended towards an object which had been formally abandoned; but what Lord Lugard thought unnecessary was a discussion on the wider question of closer union.

The CHAIRMAN said the Commission had already agreed not to revert to the theoretical question. It was now the Commission's duty to express its view on past events with a view to safeguarding the future.

M. VAN REES reminded the Commission of the exact text of the promise made by the mandatory Power to the Council which M. Palacios had already quoted. It had given the:

" . . . assurance . . . that when His Majesty's Government had come to a decision as to what, if any, action should be taken on the lines of the report of the Hilton Young Commission on Closer Union in East Africa, this decision would be 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 desired."

This declaration could be interpreted in two ways: (1) that the mandatory Power had undertaken not to take measures tending to modify the political status of the territory unde

mandate without having given the Mandates Commission the opportunity to express its opinion; (2) that the mandatory Power had assumed the same undertaking as regards any measure relating to postal or Customs questions which would tend towards a closer union. He wondered whether the promise really implied this second undertaking.

M. Van Rees thought it would be necessary to define the exact meaning of the promise made by the mandatory Power before formulating any protest whatever, so that it could not be subsequently objected that the United Kingdom Government had in reality kept its promise and that the Commission had protested without cause. The United Kingdom Government might indeed be entitled to state that, having given up the idea of incorporating Tanganyika in the neighbouring territories, it had merely made use of the right conferred on it by Article 10 of the mandate in forming Customs and postal unions. If such were the attitude adopted by the mandatory Power, it would nevertheless be the duty of the Commission, as, moreover, it had done on several occasions, to consider whether there was not some risk that the use made of Article 10 might prejudice the interests of the territory under mandate, seeing that, under the terms of that article, the measures adopted must not be contrary to the provisions of the mandate. While reserving its study of the way in which the article had been applied, the Mandates Commission should guard against giving the impression that it was unaware of the existence of Article 10 or showed a tendency to diminish its value for the mandatory Power, so that the Commission could not be reproached with exceeding its competence, its duty being merely to supervise the execution of the provisions of the mandate.

M. RAPPARD thought it might be well to look back to the origin of the question. It should be remembered that the United Kingdom Government had decided to send a commission to the spot. The latter had expressed an opinion in favour of a very close union. But, in view of the effect produced on public opinion, and doubtless for other reasons, the United Kingdom Government had suspended its decision. Its representative on the Council then gave a promise which had been referred to on several occasions at the present meeting. The mandatory Power, during the examination of the report by the Hilton Young Commission, rejected the maximum solutions recommended, but took up and applied a number of detailed solutions proposed in the report. It might be asked whether, all the consequences of fusion having been brought about, Union itself would not naturally follow. It might also be asked whether, when these solutions of detail had been applied, the economic interests of the territory had been safeguarded and also whether, as a result of their application, the territory maintained exactly the same status — namely, that of a true mandated territory.

M. RAPPARD therefore thought it would be well to recall in the first place the antecedents of the question, then to note with satisfaction the promise given by the mandatory Power to the Council, and finally to examine the process of assimilation the consequences of which might be the same as fusion. In order to ascertain whether there was really any danger in this method, the Commission needed full information. It had not always had full information. In this connection, he would mention only one example. He had been instructed to report on petitions relating to a postal union between Tanganyika and the neighbouring colonies. The annual report on the administration of the territory merely stated, in this connection, that the postal union had been put into effect on January 1st, 1933, but the Commission had never received any information up to the present as to the terms of the agreement on which it was based. Under these circumstances, it was difficult for the Commission to pronounce on the scope of the union.

M. PALACIOS agreed with M. Van Rees that the Commission must not exceed its powers, but he also agreed with M. Rappard that the evolution which was taking place should be carefully investigated.

M. Van Rees had said that the mandatory Power had given up the idea of a political union. That was perhaps true, but it had not definitely said so in its official statement, in which it used the phrase : " the time is not *yet* ripe ". That did not constitute a renunciation ; it was perhaps an adjournment. But, even if the question of complete closer union were settled, there would remain closer co-operation for a common policy. For instance, Sir Sydney Armitage-Smith considered that the Customs union should be submitted for revision in the interests of the consumers of Tanganyika (page 94 of Sir Sydney-Armitage Smith's report). In reply to questions in the House of Commons on that point, Sir P. Cunliffe Lister had stated that it was desirable to await the recommendations of the Conference of Governors of East Africa. Could the Mandates Commission refuse to take an interest in that policy of union ? Nevertheless, it had not received any official information on the Conference in question, which had been held at Entebbe on February 20th last. Could the Commission make a radical distinction between policy and administration, as M. Van Rees seemed to do, while Sir Sydney himself, on page 57 of his report, when speaking of the Customs, used the expression " closer union ".

M. ORTS wished to make a general observation on the conclusions drawn by the Rapporteur. Taken as a whole, these conclusions seemed to reflect a feeling of distrust towards the mandatory Power which was particularly clearly marked in the last phrase of the second Conclusion. M. Orts certainly could not give it his personal endorsement, as he thought it entirely unjustified in view of the care taken by the United Kingdom Government to keep the Commission informed and enable it to follow the way in which the scheme for closer union had developed.

M. RAPPARD had said that closer union involved not only political union, which would be contrary to the mandate, but something else which, it was said, had already been partly realised or was about to be realised.

If that were to be taken to mean that the mandatory Power was bound to secure the Commission's preliminary agreement to any measure aimed at forming a Customs, fiscal or administrative union of Tanganyika and neighbouring British possessions, M. Orts could not accept such a view. The mandatory Power possessed this right under Article 10 of the mandate and could exercise it without asking for fresh permission in every case. There were precedents for this, which the Commission had sanctioned without saying anything about not having been consulted. If it recanted its views, the Commission would give the impression that it was evolving in the direction of restricting the exercise by the mandatory Power of the rights expressly conferred upon it by the mandate.

On the other hand, he agreed with M. Rappard in regretting that the postal agreement had not been communicated to the Commission. That, however, was a different matter. The Commission's duty was to ensure the proper discharge of its function of supervising the administrative acts of the mandatory Powers, and it should see that it was not obstructed in doing so.

M. MERLIN said he would not speak on the subject as M. Orts had entirely voiced his own views.

M. RAPPARD, though agreeing that there could be no question of suggesting that the mandatory Power had not kept its word, wondered whether the Commission should not at least express a regret. Article 10 of the mandate allowed action which was not contrary to the economic interests of the territory, but there was something more than that. The United Kingdom Government had stated, under the pressure of public opinion, that it would give the Mandates Commission an opportunity to express its opinion before taking a decision. Then it had stated that the moment was not ripe for closer union. But it should be noted that, apart from this :

(1) There existed a movement in favour of creating a vast British dominion in Africa. That was a fact which should warn the Commission to keep a very careful eye on developments.

(2) The Commission had not been told that the scheme for closer union had been definitely abandoned. It had been told that it was in abeyance, which was something quite different.

(3) Various arrangements had followed one on another: a Customs agreement, a postal union. Finally, a Governors' Conference had been instituted, with a permanent secretariat. If this were not "closer union" in itself, there could be no denying that there was a continual evolution in the direction of this goal.

M. Rappard thought the Commission would be well advised to say that it would be in keeping with good international understanding if, when a decision was in contemplation which was likely to be challenged as a real step towards closer union, that decision should be submitted by the mandatory Power to the Permanent Mandates Commission before it was enforced.

M. MERLIN wished to add a few words to M. Orts's observations. He could not agree with M. Rappard's final conclusion. The Commission, being a supervisory body, could not pronounce an opinion on the mandatory Power's intentions. It could only take decisions after those intentions had materialised. The Commission was entitled to offer any observations and criticisms it thought fit with regard to the administration of mandated territories, so that it was not in any way helpless to secure the reparation of any errors, but it could not take previous action. To do so would be to take part in the administration, which it must refrain from doing, since otherwise there would be a shifting of the responsibility and the Commission would be exceeding its powers.

M. PALACIOS entirely agreed with M. Orts's and M. Merlin's view that the Commission could only express its opinion on the measures taken in application of Article 10 of the mandate after these measures had come into force. That was the general rule which the Commission ought to follow. But it was not a question of the general rule in the present case. This was a special case; the mandatory Power had given a promise regarding such decisions as the United Kingdom Government might see fit to take in connection with possible measures on the lines indicated by the Hilton Young Commission.

The other question was whether closer union and closer co-operation were included among the measures contemplated by the Hilton Young report. There could be no doubt, even after discounting the confusion between the terms used, that a series of measures adopted by the mandatory Power with a view to securing closer co-operation had been contemplated in the Hilton Young report. There was no doubt that the idea of closer union was intermingled with that of closer co-operation and co-ordination. The mandatory Power had first spoken of closer union without distinguishing between that and closer co-operation and closer co-ordination. It had then drawn a distinction between closer union — a political question — and closer co-operation — an economic question. In this connection, M. Palacios referred to a chapter of his report and to an opinion expressed by Mr. Ormsby-Gore in 1925, when the latter had no doubt met the representatives of the white colonists of Kenya, who were favourable to closer union. Mr. Ormsby-Gore had said :

"In this way, co-ordination and co-operation should be achieved without impairing in the least the individual rights and interests of each of the territories. We are satisfied that any further development in the direction of federation, whether it be unification of particular services or ultimately political federation, will come, if it comes at all, as a result of local discussion of local needs and common problems. Federation cannot be imposed from without."

That proved that public opinion to some extent took the view that closer union was a complete series of detailed measures which must eventually lead to complete union. When union had been achieved in all departments, it would be achieved as a whole.

M. RUPPEL also thought it was not a question of knowing whether there was a general obligation for the Mandatory to announce beforehand the measures contemplated under Article 10 of the mandate, but of a special obligation arising under a formal and definite promise made to the Council by the United Kingdom Government. The steps taken by the mandatory Power were covered by the Hilton Young report. In his opinion, the mandatory Power ought therefore to have communicated the plan for a postal union to the Commission before putting it into force.

M. ORTS said he would ask the accredited representative of the mandatory Power a question concerning the exact meaning of the United Kingdom statement.

M. SAKENOBE said that at the twenty-second session Lord Plymouth had already given an explanation on this subject.¹

Lord Plymouth had said he understood "that the assurance that, before decisions were put into effect, the Commission would be given an opportunity of considering them and making observations thereon, referred to decisions in respect of closer political or constitutional union, and not to such questions as the unification of the postal services and other economic matters arising out of other parts of the report of the Joint Select Committee."

The CHAIRMAN thought it might perhaps be useful, as there seemed to be a difference of opinion between Lord Plymouth and certain members of the Commission as to the interpretation of the promise made by the mandatory Power, to ask the Council to enquire of the mandatory Power how it itself interpreted its promise in view of the measures it had adopted, a number of those measures having been foreshadowed in the Hilton Young report.

M. RUPPEL observed that the question of closer union in East Africa had existed for close on ten years. The Mandates Commission had never adopted a definite attitude in the matter. It had been waiting for the decision of the United Kingdom Government, which, the United Kingdom representative had stated in the Council, would be communicated to the Mandates Commission before being put into effect. That decision had now been taken and duly communicated to the Commission. The time had therefore come for the latter to express an opinion on this question as a whole.

The United Kingdom Government's decision consisted of two parts. On the one hand, it had been decided to leave in abeyance — at all events for a time — the question of the formal union of the three territories concerned; such a union, according to the United Kingdom Government's statement in 1930, would imply a constitutional and administrative superstructure. On the other hand, a programme of action had been adopted for closer co-operation between the administrations of the countries in question: a more widely extended use of the Governors' Conference, joint conferences of the technical services, special measures for certain services (such as posts and telegraphs) which might be and would be multiplied and further extended in the future.

All these measures were intended to lead to the same political end — the establishment of intimate ties between three territories, one of which was a country under mandate, while the other two were British colonies.

The British official documents brought out, in contradistinction to the idea of closer union, that of closer co-operation and co-ordination, including under the second all measures short of full and absolute union. That, he thought, was a quantitative rather than a qualitative distinction. M. Palacios also, if he were not mistaken, had adopted that distinction as the starting-point of his argument. Personally, M. Ruppel doubted whether such a method would offer a sound basis for safeguarding the mandatory status of Tanganyika. If the mandatory Power were conceded the right to adopt any and every measure of unification short of complete union, there was no means of arresting progress towards a state of affairs which, obtained by more or less gradual or even imperceptible stages, would be virtually indistinguishable from union.

It was true that certain unions were authorised by the mandate. Others were not so authorised. Where was the line of demarcation to be drawn beyond which a measure of unification ceased to be compatible with the mandatory status? What was the clear and indisputable criterion? Only one such criterion existed, and that was of a formal and legal character.

Article 10 of the Tanganyika mandate, which authorised the mandatory Power to make Customs, fiscal and administrative unions, contained a reservation to the effect that the measures adopted should not infringe the provisions of the mandate. That meant that Article 10 must be interpreted in relation to the clauses of the mandatory contract and in the light of the great principles laid down in Article 22 of the Covenant. The Covenant had created the special status of the mandated countries, while the mandatory contract, which might be described as an agreement of application, governed the obligations and rights of the mandatory Power in detail. The mandatory status was based on the principle of the legal independence of the mandated territory, which formed a separate entity at international law. The Mandatory was not empowered to alter its special status in any particular; it was absolutely prohibited from infringing that principle, which formed the basis of the whole system. That was especially

¹ See Minutes of the Twenty-second Session of the Commission, page 135.

true in the case of Tanganyika, where the Mandatory did not possess the right to govern the territory as an integral part of its own territory. To ensure the independence of an entity in international law, it was essential that the organs which exercised the rights of sovereignty should be independent — that is, that they should not be subordinate to the organs of another international entity or to a common authority. That seemed to M. Ruppel to be the decisive point and to constitute the formal criterion of which he had stressed the importance. No measure of total or partial unification was permitted which implied a community of organs, endowed with executive powers, between the mandated country and one of the neighbouring colonies. On the other hand, all forms of union not implying the creation of administrative organs were allowed.

M. Ruppel took as an example a Customs union. A distinction was made in international law between Customs association, when each of the States concerned retained the right to enact its own Customs law in its own territory and to apply that law through its own Customs authorities, and Customs fusion, under which that right was forfeited. Tanganyika might enter into a Customs association — as indeed she had done — but might not enter into a Customs fusion with the neighbouring colonies.

M. Ruppel desired next to consider whether the various measures contemplated or taken by the United Kingdom Government with a view to co-operation between Tanganyika on the one hand and Kenya and Uganda on the other were compatible with the institution of the mandate, taking as an accepted rule the fundamental principle that any community of executive organs was prohibited.

Closer union in the sense of constitutional union, as it had been contemplated by the United Kingdom Government at one time, with a High Commissioner and a Legislative Council, would — that went without saying — be a direct encroachment on the mandatory status. As M. Palacios had expressed it, the institution of the mandate in itself would, in the view of the Commission, constitute an insuperable legal obstacle. On that point M. Ruppel was in full agreement with M. Palacios. He also shared the view that in no case — so far as the United Kingdom Government was concerned — had there as yet been any recognition of the mandate in itself as constituting an insurmountable legal obstacle. It had been preferred rather to leave indeterminate the reasons for which the idea of a regular closer union had been given up. M. Ruppel, however, felt that it was not fitting that the Mandates Commission should follow that example. It should, on the contrary, say clearly what it thought — namely, that closer union, in the sense of complete political union, was wholly incompatible with the mandatory status for Tanganyika.

He would explain his views on the programme of action adopted by the United Kingdom Government. That programme consisted of a series of measures which might be regarded as a kind of administrative union within the meaning of Article 10 of the mandate. But those measures must be examined separately, despite the official designation of “co-operation and co-ordination”, a conception which did not bear a definite legal meaning.

The Governors' Conference was an institution founded in 1926 on the model of the Imperial Conference of the British Empire. Its powers had always been purely advisory. Its conclusions were not binding upon the Governor of the mandated territory, who retained full liberty of decision. The executive action remained in the hands of the Governors. The Conference possessed no legislative powers. It had been expressly stated by the British Secretary of State that the legal status of the Conference was unchanged. It thus remained legally what it had been before. True, a more extensive use was to be made of that institution in future with a view to effective and continuous co-operation and co-ordination. It would acquire a permanent character, a wider field of action and hence fresh and far-reaching importance. Nevertheless, the Conference could not be said to constitute a joint executive organ. Its legal basis was essentially different from that of “closer union”. It was a purely international union, coming under Article 10 of the mandate. That did not mean that the Mandates Commission would not have to concern itself with the activities and working of the Conference, which might be of capital importance from the standpoint of later developments. It would, on the contrary, have to follow most carefully all discussions and resolutions of the Conference and any action that might be taken on those resolutions by the Governor of the mandated territory. It would have to see that the terms of the mandate were duly observed, and more particularly that the interests of the mandated country were not sacrificed.

Among the other measures of co-operation adopted by the United Kingdom Government, M. Ruppel found none that involved the setting up of joint organs, leaving aside, for the moment, the question of posts and telegraphs. In the sphere of transport — railways, harbours, roads — there would merely be exchanges of information between the competent authorities in the several territories and conferences between the departmental chiefs. In the matter of Customs, nothing was changed — the union, which had now been in existence for some years, did not provide for joint administration or legislation. Nor was there any objection to the measures contemplated for the technical services. As to the common fund mentioned on page 50 of White Paper, Cmd. 4141, judgment must be reserved until that fund was constituted.

In the matter of posts and telegraphs, the Secretary of State had said that he was prepared to approve any plan of unification that might be jointly accepted by the three Governors. The postal fusion had been brought about afterwards; it would be examined by the Commission independently of the general question of “closer union”. He desired, however, to state at once his opinion that such a union must be regarded as incompatible with the status of the mandate for Tanganyika in that it provided for a joint executive organ — the Postmaster-General of Kenya and Uganda, under whose control the postal service in Tanganyika was placed.

Alluding to M. Palacios's preliminary report, M. Ruppel deduced from the arguments which he had himself put before the Commission the following conclusions :

At the end of Chapter VI of that report, M. Palacios had given a general formula covering three points :

“ (1) The mandate itself seems to constitute an insuperable legal obstacle to ‘ closer union ’ .”

M. Ruppel accepted that phrase, but would add :

“ . . . and to any other measure of closer co-operation and co-ordination that would involve the setting up of a joint executive organ. ”

“ (2) The terms of the mandate might set limitations to ‘ closer co-operation and co-ordination ’ .”

That point M. Ruppel accepted as it stood.

“ (3) The action of such limitation in practice would prevent ‘ closer ’ administrative and economic ‘ co-operation and co-ordination ’ from becoming political and integral ‘ closer union ’ .”

In M. Ruppel's view it was not the action of such limitation, but the mandate system itself, which prevented this conversion. Having developed the first point in this sense, M. Ruppel attached no value whatsoever to that third point.

As regarded the recommendations to be made to the Council, he was prepared to accept the proposals put forward by M. Palacios in the last chapter of his report, subject to the following amendments :

No. 1. No change.

No. 2. The last part, “ hoping with good reason, etc. ”, while very graceful and probably intended to spare susceptibilities in certain quarters, did not seem to him sufficiently clear. M. Ruppel would prefer to say outright what the Commission thought namely, that “ closer union ” would not be compatible with the status of Tanganyika territory. It should go even further and add that closer “ co-operation and co-ordination ” in so far as they involved the setting up of joint executive organs would not be authorised under the terms of the mandate. That would constitute a firm and definite basis for the future.

No. 3. No amendment, though M. Ruppel would be glad if the last sentence could be framed in more explicit terms.

No. 4. He agreed as regarded substance. He only took exception to the words “ services for which a joint administration has already been more or less organised or may be organised in future ”, on the grounds that they incidentally approved and sanctioned the existence of joint administrations which, in his opinion, were not permitted and they even encouraged a mandatory Power to continue the policy of fusions of that kind. Those words should be replaced by others which would not bear such an interpretation.

Petitions : Appointment of Additional Rapporteurs.

On the proposal of the CHAIRMAN, the following Rapporteurs were appointed for petitions received since the adoption of the agenda :

1. Petition, dated May 1st, 1933, from M. Ibrahim Hanano : M. ORTS.
2. Petitions, dated November 24th, 1932, and January 26th, 1933, from Mme Sagiati and M. Dallal respectively : M. RAPPARD.
3. Petition, dated March 29th, 1933, from the International Alliance of Women for Suffrage and Equal Citizenship : M. SAKENOBE.

Petitions rejected in accordance with Article 3 of the Rules of Procedure concerning Petitions : Report of the Chairman.

The Commission approved the Chairman's report (Annex 3).

SIXTH MEETING

Held on June 22nd, 1933, at 10.30 a.m.

Tanganyika : Examination of the Annual Report for 1932.

Lieut.-Colonel Sir Stewart Symes, Governor of the Tanganyika Territory, Mr. G. F. Sayers, Assistant Chief Secretary, Tanganyika, and Mr. G. F. Seel, of the Colonial Office, accredited representatives of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVES OF THE MANDATORY POWER.

The CHAIRMAN, on behalf of the Commission, welcomed the representatives whom the mandatory Power had been good enough to accredit for the examination of the annual report on Tanganyika. The Commission was grateful to the United Kingdom for sending as its representative Lieut.-Colonel Sir Stewart Symes, Governor of the Territory of Tanganyika, with whom, a few years previously, the Commission had had the pleasure of collaborating when he had been the accredited representative for the examination of the report on the administration of Palestine. The presence of the Governor of the mandated territory was the mandatory Power's answer to the Commission's expressed wish that the officials directly responsible for the administration of the territory should come to Geneva. He invited the accredited representative to make a general statement on the situation of the territory, if he deemed it necessary or advisable.

STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Sir Stewart SYMES. — I have very few words to say in addition to the report, which I trust the Commission will find sufficiently detailed in itself.

During 1932, Tanganyika, as other parts of the world, saw a struggle against depression — economic and even psychological. I think I can say with confidence that the reaction in Tanganyika has been very favourable — that is to say, all sections of the population have combined to struggle against their difficulties. A co-ordinated effort by Africans, Asiatics and Europeans led to a very large increase in the area under cultivation — mostly what might be called “ bulk ” crops, which require the minimum of capital and organisation. This has created a satisfactory increase in the export trade. The figure given in the report is 28 per cent, but the actual figure is — I believe — nearer 33 per cent. This result has very considerably broadened the basis of the export trade, and has, to some extent, filled the gap caused by the falling price of sisal, which is our principal source of wealth. It has, in the course of the year, transformed a visible adverse trade balance into a favourable balance. I think, in fact, that the economic morale of the population has been maintained.

The Administration has felt the pinch of financial stress. We have had to cut down very considerably the expenditure side of the State budget by eliminating all major public works and economising in every department of the State. In the budget of the railways, really remarkable economies have been effected in working expenses.

In spite of all this, however, I think I can say with confidence that no vital organ of the Administration has suffered unduly. The Public Services have been maintained, on a care and upkeep basis, if you like, but in a way which will enable them to take their full share in the recuperative process which has already begun in the country. The period is a dangerous one for prophecy of any kind, because the trade position and prices are still far from satisfactory, and some time must elapse before the true state of local trade is revealed in the revenue. Until that stage has been reached and passed, our budgetary position will naturally be precarious. Our surplus balances were fortified by the proceeds of the loan of £500,000 raised last year, but they are still very much less than when the crisis first made its appearance. I say this because I earnestly believe that in Tanganyika we can look forward, not without anxiety, but with a certain quiet confidence, to a steady improvement in the financial situation, and I would ask the members of the Commission to bear this in mind when examining the statistics published in the report ; for these might seem to warrant a pessimistic outlook, which I honestly believe is not supported by the facts.

The CHAIRMAN thanked the accredited representative for his statement, and enquired whether the members of the Commission had any questions to ask in connection therewith.

SITUATION AND DEVELOPMENT OF NATIVE AND NON-NATIVE AGRICULTURAL ENTERPRISES.

M. ORTS, with reference to the statement that the area under cultivation had increased, said he had noted in the last report that, although the value of exports had decreased, their volume had increased. That was a reassuring fact even though it was due mainly to the yield of native farming. Formerly, however, European enterprises had played a great part in the commercial and export activity of the territory. Was the situation of these enterprises satisfactory? Were their exports and activities increasing or merely stationary? Or had they been seriously affected by the crisis?

Sir Stewart SYMES said his impression was that all sections of the population had increased their output. Naturally, a distinction must be drawn between products like sisal and coffee, which had to be grown under capable non-native administration and in regard to which the margin of profit must necessarily be greater than that in the case of "bulk" products such as ground-nuts, etc., produced by the natives alone. The sisal output had increased in spite of low prices, though these prices had been stiffening recently. The coffee acreage had also been maintained. These were perennial crops which could not be suddenly increased in any given year. A small profit had still been realised in coffee. The main increase, however, was in annual crops which were entirely native grown, though non-native commercial enterprise was indispensable for their marketing.

ANNUAL REPORTS OF THE PROVINCIAL COMMISSIONERS AND OTHER DOCUMENTARY MATERIAL RELATING TO THE ADMINISTRATION OF THE TERRITORY.

The CHAIRMAN pointed out that in paragraph 13 of the report it was stated that the annual reports of the Provincial Commissioners for the year 1932 would contain more detailed information on native administration. Similarly, in paragraph 23, it was said that information on the work of the native courts would be found in the reports of the Provincial Commissioners, "copies of which are being supplied to the Permanent Mandates Commission".

It was also stated in paragraph 73 that "further criminal statistics would be found in the Tanganyika Territory Blue Book for 1932, copies of which are being supplied to the Permanent Mandates Commission".

Neither the reports of the Provincial Commissioners nor the Blue Book had reached the Secretariat of the League, nor, to his knowledge, the members of the Commission. With regard to the reports of the Provincial Commissioners, the accredited representative had informed the Commission at its twenty-second session (page 142 of the Minutes) that steps had been taken to ensure that the Commission should receive them regularly.

Could the accredited representative give any information on this subject?

Sir Stewart SYMES said that these reports were being prepared and would be received by the Secretariat and the members of the Commission in due course. The year 1932 had been the first in which various administrative changes had become operative, so that the reports referred to only nine months in 1932 and would refer to twelve months in 1933. Consequently, many reports which had formerly been forthcoming at a given date had not been received by that date. He himself had not yet seen the printed copies of the Provincial Commissioners' reports. He was informed that one report had just arrived; it would therefore be distributed immediately.

QUESTION OF A CLOSER ADMINISTRATIVE, CUSTOMS AND FISCAL UNION OF THE MANDATED TERRITORY OF TANGANYIKA WITH THE NEIGHBOURING BRITISH POSSESSIONS OF KENYA AND UGANDA (*continuation*).

M. PALACIOS asked whether the position with regard to "closer administrative, Customs and fiscal union" was exactly the same as in the previous year. The accredited representative would remember that, last year, a decision of the United Kingdom Government had been made known that no far-reaching measures would be taken in this direction, but only small steps with a view to securing administrative economy and improving the administrative services. These steps had been described as closer co-operation and co-ordination. What was the exact distinction between the two policies? He had wondered, because in the report of Sir Sydney Armitage-Smith on the "Financial Mission to Tanganyika" he noted the sentence (on page 57 ("Vote X — Customs")) of the document, Cmd. 4182):

" . . . I regard with the gravest distrust any proposals in the direction of 'closer union' between the Customs departments of Tanganyika and her neighbours."

The expression "closer union", which had become a battle slogan, was still therefore being employed, even in connection with those administrative services, etc., in regard to which it was stated that the only aim was closer co-operation and co-ordination.

Sir Stewart SYMES said that M. Palacios's question opened a long vista of discussion into which the Mandates Commission might possibly not wish to enter, as the whole question of "closer union" had been dealt with at great length in the previous year. "Closer union" in its conceptional and extreme form would, as had been explained, amount to a fusion of the various provinces into one unit under a single constitution, executive and legislature. As had already been stated, that concept was now completely in abeyance and the position of the United Kingdom Government had not in any way changed since the statements which had been made by the accredited representative in the previous year.¹ His own personal opinion was that this extreme concept might never be revived, except under stress of economic necessity. A definite problem existed where there were territories under different political regimes inhabited by peoples possessing a large measure of homogeneity, similar culture, ideas and ideals, and a very similar social organisation. These peoples were troubled with the same problems caused by identical pests and diseases which unfortunately showed little respect for political boundaries. These peoples had a strong migratory instinct and were in the habit of migrating to any locality which promised wealth or even the earning of an easier livelihood. So long as political boundaries did not become an insuperable barrier to these tendencies, the question of closer union might be considered a matter of minor importance. If, however, through a too rigid or literal interpretation of the mandate or other political considerations, a sort of Chinese Wall came to be established between the mandated territory and the other territories, then this barrier, far from promoting the welfare of the inhabitants (which was one of the objects of the mandate), would become a hindrance to the mandated territory's normal and healthy development.

M. PALACIOS repeated that, in spite of the official renunciation of "closer union", that phrase was still employed in the official documents, and misunderstandings should be avoided. Closer administrative co-operation had been effected in the matter of Customs and posts; the reports mentioned it and frequent reference to it had been made in the Tanganyika and London Press, including a statement to the effect that postal union had been brought about in order to please Nairobi! It was possible that this closer co-operation might shortly be effected in other spheres such as that of transport. It seemed, therefore, that, even if closer union had been renounced in its integrity, it was being carried through in its component parts. Was it not a fair statement to say that, when closer union in all its parts had thus been achieved, that union as a whole would exist in fact if not in name? He agreed that such administrative co-operation might possibly be a very good thing for the inhabitants. But was that the only consideration? Were there no political, no international considerations as well? It was quite conceivable that some small independent country would be better governed if it were placed under the administration of the United Kingdom, for instance. Nevertheless, other considerations might well preclude such a solution, even if desired by a large part of the population. In short, was it not true that, as some thought, these partial measures were likely to lead to closer union in fact, but by gradual stages?

Sir Stewart SYMES said that his answer to M. Palacios's question was in the negative. Any action that had been taken by the Tanganyika Administration had been decided upon solely in the interests of Tanganyika. Moreover, any of the measures taken could be rescinded at any time.

M. RAPPARD desired to obtain a clearer view of the situation. He regretted that the Mandates Commission had not been informed of the terms of the agreement reached at the Conference of Governors. There must surely exist some document, not of a secret nature, that would give a more definite picture of the way in which Tanganyika's autonomy had been safeguarded. Although the general policy of closer union remained in abeyance for the present, the co-ordination of administrative measures had been favourably considered. In that connection, he would like to know what exactly were the kind of measures which the Administration regarded as desirable, but which could not be undertaken owing to the decision to leave closer union in abeyance.

Sir Stewart SYMES wished to emphasise the fact that the Conference of Governors was an informal meeting. The project of postal union between the three States had come before it and had been discussed in principle. According to the Minutes of that meeting, the view expressed had been that there was no objection to such union, provided each State was satisfied that it was desirable. All matters involving a fundamental or constitutional change or likely to produce serious political reaction must be excluded, since constitutional closer union was not in contemplation.

M. RAPPARD said that, although the Conference of Governors might be described as "informal", it nevertheless possessed a permanent Secretariat and met at regular intervals. To describe these meetings as informal did not alter their character; they were meetings of which an official record was kept. Consequently, he could not understand why no document was in existence regarding the project for the amalgamation of the postal and Customs services, beyond a statement that this measure had been approved. Surely, some scheme must have been drawn up and adopted, and that document would show what changes the amalgamation would bring about.

The accredited representative had answered the other points by stating that anything involving a constitutional change would be discountenanced. M. Rappard was, however,

¹ See Minutes of the Twenty-second Session of the Commission pages, 131, 134 and 139.

Rapporteur for a petition which had been received and which was evidence of serious political reaction. Possibly, the accredited representative might say that the arguments of this petition were unjustified ; but it seemed difficult to formulate any criterion of its justification or otherwise.

It was true that certain things were allowed under Article 10 of the mandate, but the dividing line between what was permissible and what was prohibited was very hard to determine, so that, as the Commission was called upon to form an opinion, any precise information that could be furnished would be gratefully received.

M. PALACIOS desired to lay stress on some of the points mentioned by M. Rappard. The Conference of Governors had met last year at Dar-es-Salaam and this year at Entebbe, the capital of Uganda. The White Paper "Correspondence arising from the Report of the Joint Select Committee on Closer Union in East Africa", published in 1932 by the mandatory Government, attributed to the Conference a rôle in the general policy of East Africa which seemed to go beyond the limits of private activities. During a debate in the House of Commons, the Minister had even said that it was necessary to await the recommendations of the Conference before taking any measures to deal with the disadvantages of the Customs union.

M. Palacios desired to know whether there existed any written arrangement on the postal union and, if so, whether the text of that arrangement could be communicated to the Commission. Further, as the accredited representative had said at the twenty-second session of the Mandates Commission (see page 134 of the Minutes) that the question of the postal union would be discussed in public when the financial estimates for 1933 were considered by the Legislative Assembly, the accredited representative might indicate what was the real attitude of that Assembly and of the population of Tanganyika to the question of postal union.

Furthermore, he would like to have information as to the duties, competence and significance of the East African Unofficial Conference, which seemed to form a pendant to the Conference of Governors, and also regarding a body known as the Joint East African Board, which met in London and seemed to be in very close touch with the Colonial Office.

Sir Stewart SYMES replied that the East African Unofficial Conference was, as its name implied, a conference attended by non-official persons who represented non-official associations. The Government had no official concern with it, and, if it had sat at the same time as the Conference of Governor, that was a mere coincidence.

The Joint East African Board was composed of traders and other persons who had interests in Tanganyika or other parts of East Africa, and were resident in London.

Both bodies from time to time submitted petitions on the same footing as all other members of the public, but neither body had any official status.

With regard to the Conference of Governors, the members of the Commission knew almost as much about it, and its intentions, as he did. It was difficult to foretell how an entirely new body of this kind was likely to develop, or even to say exactly what it was. Some people regarded it as an expression of the interests common to all three Governments ; others regarded it as a means of ensuring community of interests.

M. PALACIOS said that, if any agreement existed in writing, the Commission would be glad to receive the text.

Sir Stewart SYMES replied that the only document in existence was a short report showing the advantages which would accrue from an amalgamation of the postal and Customs services. All the papers connected with the agreements could certainly be communicated to the Commission. These matters had also been referred to in the estimates. There existed very little else.

With regard to the petitions received, the members of the Commission were well aware that it was almost impossible to take any action that satisfied everybody. In the matter of the postal agreement, however, the African population was entirely indifferent. The European population and the better-informed categories of the Indian population were favourable. The petition was perhaps a natural outcome of the quite baseless fear that an amalgamation of the kind contemplated would drive certain Asiatic elements in the territory's postal service out of employment.

With reference to the final question as to how to determine whether a project was too fundamental or was likely to raise constitutional issues, it should be noted that, as far as the individual States were concerned, this matter would be dealt with by the Secretary of State, and no measures would be taken until his advice, or consent, had been obtained. But it was really impossible to define in so many words, before the Mandates Commission, where the line could be drawn between what was feasible and what was not feasible.

M. RAPPARD asked whether the reply of the accredited representative implied that the line was to be drawn somewhere near those measures which would require the consent of the Secretary of State.

Sir Stewart SYMES replied in the negative. The line was to be found somewhere in the neighbourhood of measures which might bring about a new constitutional situation. On the other hand, the Secretary of State was, in accordance with the practice of the United Kingdom Government, consulted on a great variety of measures to which this criterion did not apply.

Sir Stewart SYMES said that M. Palacios's question opened a long vista of discussion into which the Mandates Commission might possibly not wish to enter, as the whole question of "closer union" had been dealt with at great length in the previous year. "Closer union" in its conceptional and extreme form would, as had been explained, amount to a fusion of the various provinces into one unit under a single constitution, executive and legislature. As had already been stated, that concept was now completely in abeyance and the position of the United Kingdom Government had not in any way changed since the statements which had been made by the accredited representative in the previous year.¹ His own personal opinion was that this extreme concept might never be revived, except under stress of economic necessity. A definite problem existed where there were territories under different political regimes inhabited by peoples possessing a large measure of homogeneity, similar culture, ideas and ideals, and a very similar social organisation. These peoples were troubled with the same problems caused by identical pests and diseases which unfortunately showed little respect for political boundaries. These peoples had a strong migratory instinct and were in the habit of migrating to any locality which promised wealth or even the earning of an easier livelihood. So long as political boundaries did not become an insuperable barrier to these tendencies, the question of closer union might be considered a matter of minor importance. If, however, through a too rigid or literal interpretation of the mandate or other political considerations, a sort of Chinese Wall came to be established between the mandated territory and the other territories, then this barrier, far from promoting the welfare of the inhabitants (which was one of the objects of the mandate), would become a hindrance to the mandated territory's normal and healthy development.

M. PALACIOS repeated that, in spite of the official renunciation of "closer union", that phrase was still employed in the official documents, and misunderstandings should be avoided. Closer administrative co-operation had been effected in the matter of Customs and posts; the reports mentioned it and frequent reference to it had been made in the Tanganyika and London Press, including a statement to the effect that postal union had been brought about in order to please Nairobi! It was possible that this closer co-operation might shortly be effected in other spheres such as that of transport. It seemed, therefore, that, even if closer union had been renounced in its integrity, it was being carried through in its component parts. Was it not a fair statement to say that, when closer union in all its parts had thus been achieved, that union as a whole would exist in fact if not in name? He agreed that such administrative co-operation might possibly be a very good thing for the inhabitants. But was that the only consideration? Were there no political, no international considerations as well? It was quite conceivable that some small independent country would be better governed if it were placed under the administration of the United Kingdom, for instance. Nevertheless, other considerations might well preclude such a solution, even if desired by a large part of the population. In short, was it not true that, as some thought, these partial measures were likely to lead to closer union in fact, but by gradual stages?

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With reference to the final question as to how to determine whether a project was too fundamental or was likely to raise constitutional issues, it should be noted that, as far as the individual States were concerned, this matter would be dealt with by the Secretary of State, and no measures would be taken until his advice, or consent, had been obtained. But it was really impossible to define in so many words, before the Mandates Commission, where the line could be drawn between what was feasible and what was not feasible.

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Sir Stewart SYMES replied in the negative. The line was to be found somewhere in the neighbourhood of measures which might bring about a new constitutional situation. On the other hand, the Secretary of State was, in accordance with the practice of the United Kingdom Government, consulted on a great variety of measures to which this criterion did not apply.

M. RUPPEL asked whether the accredited representative could give more detailed information on postal questions, with reference, first, to the situation created by the amalgamation and, secondly, to the interests of the Tanganyika Territory. With regard to the present situation, he would like information under three heads : (1) foreign relations ; (2) legislation ; and (3) administration.

With regard to the first point, he would like to know who represented Tanganyika when agreements were made with the postal departments of foreign countries. Was it the Postmaster-General of Kenya and Uganda, and, if so, was the Governor of Tanganyika consulted in any way ?

With regard to the second point, were the laws and regulations concerning postal matters enacted solely by the Legislative Council of Kenya and Uganda, or had the Legislative Council and Governor of Tanganyika some say in these matters ?

Concerning the third point, he would like to know what was the position at the present time of the Postmaster-General of Kenya and Uganda. In the first instance, he had been an official of the Kenya Administration, and was also a member of the Legislative Council. What would be his future position in respect of Tanganyika ? Was he considered as head of the postal department of Tanganyika ; had he any relations with the Legislative Council of Tanganyika, and what were the direct relations between the Governor of that territory and the Postmaster-General ?

Moreover, was it the Postmaster-General of Kenya who appointed officials in the Tanganyika postal services ? Were the officials of the postal services still officials of Tanganyika, or were the services of the two countries combined ? Were there transfers between the two countries, and, if so, who made such transfers ?

He wished to obtain an idea of the present situation of the postal services of Tanganyika in their relationship with those of Kenya.

With regard to the interests of the Tanganyika Territory, what were the real reasons for amalgamation ? Several reasons had been put forward in the annual report, but to M. Ruppel they did not seem very convincing. The report (page 127) stated that an economy of £8,000 would be effected in Tanganyika in the course of the year, but that economy would be counterbalanced to some extent by pensions to certain officials who had been retired as a result of amalgamation. Was it not also curious that, economies being the aim, there should be increases in salary in connection with the amalgamation — for example, the salary of the Postmaster-General of Kenya, of which a part had to be borne by Tanganyika, had been augmented ; and the salary of the Deputy Postmaster-General at Dar-es-Salaam and of certain other officials had also been raised. It ought surely to have been possible to effect no less an economy in the budget of the Territory without amalgamation, especially as considerable economies had been secured in other departments. He would pass over the other reasons given, to the effect that amalgamation would increase efficiency.

On the other hand, he thought that amalgamation would entail some disadvantages for the people of Tanganyika. The head of the Postal Departments, for instance, would now be in Nairobi, so that it would be more inconvenient and costly for Tanganyikans to get into touch with the competent authority on postal matters.

For all these reasons, he could not understand how the amalgamation could be in the true interests of the territory. He fully agreed with what had been said by Mr. Roger Gibb in his report (page 46) on railways.¹

The observations in that report could be applied with equal force to the postal union.

Sir Stewart SYMES said that M. Ruppel had very adequately represented the possible disadvantages of amalgamation. It must be remembered, however, that the proposal was not a new one. It had commended itself to the greater part of public opinion in East Africa for some time, and the local Governments and departmental services had very carefully weighed all the disadvantages to which M. Ruppel had referred. They had decided (rightly in his opinion) that the advantages far outweighed the disadvantages. It was true that the immediate advantages might appear small, but he believed that the financial and other benefits would be of a cumulative nature.

The departments were becoming increasingly technical, thus requiring a certain number of highly-paid officials who, for a single State, would be too costly. There was, moreover, a great deal of duplication at headquarters at Nairobi and Dar-es-Salaam which would be eliminated by amalgamation. On such matters as wireless, more particularly since air transport was being so commonly used, the same technicians could equally well assure the services for the three States. The amalgamation between Kenya and Uganda, which had been established for a great number of years, had never led to the slightest complaint from any section of the public.

With regard to M. Ruppel's question on foreign relations, postal services all over the world were governed much more by the Postal Union than by local legislation, so that he did not think there would be any difficulty in this respect. The Postmaster-General, who, as M. Ruppel

¹ " I do not recommend the amalgamation of the two railways. Although economies would result, they would not be of sufficient magnitude to outweigh the political disadvantages. There will always be times when the interests of the K.U.R. and Tanganyika Railway clash, and, however fairly the decisions were taken, it would always be thought that the interests of the colony or the mandated territory were being sacrificed to the other."

had said, lived in Kenya, was the Postmaster-General of the amalgamation, and would represent the Tanganyika Territory at any international conferences.

With regard to legislation, he could assure M. Ruppel that no laws affecting Tanganyika would ever be passed by any body other than the Legislative Council of the territory. That position was entirely unaffected by the amalgamation.

M. Ruppel had referred to the fact that the present Postmaster-General in Kenya was a member of the Kenya Legislative Council. Sir Stewart Symes did not feel he would be committing any indiscretion in saying that the Conference of Governors and the individual Governors felt that officials operating services in the three countries should either be members of all three legislative chambers or of none. Personally, he preferred that they should be members of none. It had been impossible, for purely local reasons, to withdraw the Postmaster-General from the Kenya Legislative Council as soon as the amalgamation became effective, but it was a matter which would certainly be kept in view. The Postmaster-General had been appointed to the Legislative Council of Kenya by the Government of that province.

There had been no formal warrant for the appointment of the Postmaster-General; he had simply been appointed by each separate Government to that office. The Postmaster-General would nominally make all appointments, but all officials working in Tanganyika were subject to the laws of Tanganyika, and the control of the Government over its own postal servants and services was in no way impaired.

With regard to any inconvenience which might be caused to the public on account of the Postmaster-General's being in Nairobi, he would point out that the Deputy Postmaster-General would still be at Dar-es-Salaam and would naturally be in close touch with Nairobi. It was, moreover, possible to make the journey from Nairobi to Dar-es-Salaam in four or five hours by air, so that, in the event of any important question arising, it would not be difficult for the Postmaster-General to come from Nairobi for the day even.

M. RAPPARD hoped the accredited representative would not find the Commission unduly sensitive on the matter under discussion. The Mandates Commission was responsible to the Council for the supervision of the mandated territories; it was responsible for the good working of the mandates system and, therefore, still more so for its existence. Measures which might tend to deprive the mandates regime of its reality were naturally of the greatest concern to the Commission.

The information given by the accredited representative might be regarded as relating either to administrative details or to facts of great constitutional importance, according to the standpoint adopted. The Postmaster-General of the mandated territory of Tanganyika was, on the facts, an official of Kenya, responsible in the first instance to the Governor of that province.

Sir Stewart SYMES pointed out that the Postmaster-General was equally responsible to the Government of Tanganyika.

M. RAPPARD replied that, if the Postmaster-General appointed all officials, he was not responsible to the Government of Tanganyika for appointments he might make, in the first instance, outside Tanganyika, though those officials might be called on to act in that territory.

Sir Stewart SYMES said that the Postmaster-General would be responsible to the Government of Tanganyika for all appointments made in the territory of Tanganyika.

M. RAPPARD argued that the Postmaster-General was responsible, for part of his activities, to the mandatory administration. He had been appointed primarily by the head of another territory, and his appointment had been confirmed, so far as his functions in Tanganyika were concerned, by the Governor of Tanganyika. The Postmaster-General would therefore have to realise that he was responsible, not only to the Governor on the spot, but also to the League of Nations. That was a matter of importance, especially from the standpoint of what was constantly referred to as East African public opinion, which was the public opinion of all these territories.

It was obvious that there were advantages in the centralisation of administration. There could be little doubt even that, if the postal and telegraphic services of the new amalgamation were combined with those of the Belgian Congo, there would be administrative advantages and possibly economies; but there would be very obvious objections. Amalgamations could only take place in so far as the administrative autonomy of the territories remained entirely safeguarded.

There were two other points on which M. Rappard desired to question the accredited representative. Sir Stewart Symes had said that the Joint East African Board was a purely private organisation which had the same right to put forward petitions as any other member of the public. He had believed that there was a special connection between the Board and the Colonial Office, and that the Colonial Office officially recognised and arranged meetings with the Board. He would be glad if the accredited representative could give further information on this subject.

His second question referred to constitutional status. The accredited representative had said that the Conference of Governors had no constitutional status. He took this to mean that the meetings of the Governors were of an informal nature. Nevertheless, the Conference of Governors was an institution provided for by common agreement, which held periodical

meetings and possessed a permanent secretariat — both entailing expenditure; the political effects were therefore the same as they would have been if the Conference had been a formal constitutional body. The arrangement in force allowed for the establishment of the Conference of Governors without any formal constitutional act, but the establishment of such a conference, which was very likely to develop and extend its activities, was not without constitutional effect. He hoped the accredited representative would understand that it was the duty of the Commission to be extremely vigilant.

Sir Stewart SYMES trusted that there was nothing in his remarks which might in any way suggest that he disputed the Commission's right to enquire into these matters : indeed, he admired its vigilance.

The amalgamation under discussion might be regarded as to some extent anomalous, but he had no doubt whatever that the common public interests of each territory were fully safeguarded. It had happened that, on the present occasion, the Postmaster-General of Kenya and Uganda had been promoted Postmaster-General of the Postal Amalgamation, but both his appointment and *a fortiori* the appointment of his successor would have to obtain the consent of the Tanganyika Government. That Government would certainly impress upon the Postmaster-General of the amalgamation the fact that Tanganyika was a mandated territory and that he consequently incurred special responsibilities in respect of that territory.

With regard to the Joint East African Board, his colleague from the Colonial Office, Mr. Seel, would explain the relations existing between the Colonial Office and that body.

He had said that the Conference of Governors possessed no constitutional status. This meant that it had no legislative powers and was not in a position to compel the individual Governments to accept its recommendations. It was, in fact, an arrangement which enabled His Majesty's representatives in the three territories to confer together from time to time. This arrangement had the approval of the Secretary of State, who frequently referred questions of common interest or difficulty to the Conference for an opinion. The Conference was not a clearing-house for ordinary inter-State routine matters. On the contrary, it enabled the Governors to meet once or more a year to discuss any difficult questions arising between the States, to clear up misunderstandings and very often to form a common opinion which was conveyed by each Governor to his State. Whenever formal action was required to give effect to that opinion, however, such action was taken, and could only be taken, by each individual State in conformity with its normal constitutional procedure. The Conference of Governors therefore had two functions : to advise the Secretary of State and to form a liaison between three States which had a great many common interests. Those common interests often raised complicated problems which could be solved best and most speedily by that personal contact between the heads of the States which the Conference provided.

M. RAPPARD observed that the accredited representative's statement that experience showed that anything any Government did was likely to give rise to protests and petitions was entirely borne out by the experience of the Mandates Commission itself. The Commission, however, had also learnt by experience that almost always, when collective petitions were submitted, the Government in question declared that they were unrepresentative. Sir Stewart Symes had said that the postal agreement had not given rise to any protest on the part of the white, native or better-informed Indian population. Nevertheless, the Commission had received a very lengthy petition on the subject from what claimed to be a representative Indian body.

Sir Stewart SYMES pointed out that he had said that the arrangement had been endorsed by the white population, and, he thought, by the best-informed section of the Indian population. He had not meant to imply that it was not opposed by any sections of the Indian population ; indeed, he had explained why some sections of the population had wrongly imagined that the arrangement would be detrimental to them personally.

M. RAPPARD asked what was the accredited representative's view as to the representative character of the Indian body which claimed to represent fifty-four Indian associations established in different parts of the mandated territory ? Was the document to be regarded as the expression of the overwhelming body of Indian opinion, or only of a small group of officials of associations who justified their existence by submitting petitions ?

Sir Stewart SYMES did not wish to disclaim the representative character of the body. It certainly did represent the majority of Indian opinion at a given moment, but that opinion was apt to change very rapidly.

M. RUPPEL was grateful to the accredited representative for the information he had given. He felt bound, however, to mention the fear felt in some quarters that, in addition to the arguments in favour of amalgamation of the postal services set out in the report, the decision had also been actuated by official considerations of another kind. There were, in particular, the following two passages in a memorandum written by the Postmaster-General of Kenya and Uganda, who seemed to be the promoter of the scheme :

“ The immediate transfer to some form of central control of what are termed the economic services has been urged by commercial bodies both in London and locally, and there is no reason why the Post Office, as one of these services, should not be placed under

unified control immediately, quite independently of action in regard to any of the other economic services. In fact, unification of postal and telegraph services invariably pioneers every movement towards economic federation.

“ . . . Further, standardisation of plant and engineering practice would be more effectively and quickly brought about. Such standardisation is recognised as a matter of considerable importance, in view of the growing commercial relations within the East African territories and the ultimate linking up of these territories in a general system of communications embracing the whole of the British territories from Kenya and Uganda southwards.”¹

M. Ruppel would be glad if the accredited representative could inform the Commission whether considerations of the same kind had in any way influenced the decisions of the competent authorities.

Sir Stewart SYMES said that the Postmaster-General was an excellent official in his own sphere. He could not possibly say, however, whether anyone would attach special importance to his political views, which were in any case the expression of his personal opinion. He once more begged the Commission to believe that there was absolutely no occult political design lurking behind the amalgamation. It had been a purely administrative measure which would — he was sure — be found, as time went on, to be increasingly to the common advantage of the three countries concerned. If eventually that forecast proved to be incorrect, the Tanganyika Government was free at any time to withdraw from the amalgamation.

Mr. SEEL, in reply to M. Rappard's question concerning the Joint East African Board, said that the Board was an entirely unofficial body of traders and others in London who had interests in East Africa. The only kind of connection existing between this body and the Colonial Office was that, from time to time, it sent a deputation to the Colonial Office to discuss a particular question or questions. The deputation would explain the Board's point of view, but naturally the Board had no power to affect the Secretary of State's policy, except by the cogency of its arguments. In addition, it wrote to the Colonial Office on questions with which it was concerned in exactly the same way as any other Chamber of Commerce or private individual. The Board had interests in Kenya, Uganda, Tanganyika, Nyasaland, Zanzibar and Northern Rhodesia, but not, he believed, in Southern Rhodesia.

M. ORTS only spoke on this subject because the apprehensions voiced by certain of his colleagues concerning the establishment of postal amalgamation and the Conference of Governors expressed the general feeling of the Commission. M. Rappard, as Rapporteur on a petition connected with the postal union, had said that it was difficult to draw a distinction between what the mandate allowed and what it forbade. He did not see that difficulty, since the measures in question were definitely authorised by Article 10 of the mandate, which read :

“ 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.”

Under the terms of this article, the mandatory Power could have quite legitimately established a complete administrative union of Tanganyika with the neighbouring territories. It had in fact done much less, and what objections could there be if the Mandatory — since the greater includes the less ! — amalgamated an administrative service of the mandated territory with the corresponding services of two neighbouring territories ? The Commission's sole duty was to determine whether the amalgamation infringed some of the provisions of the mandate. Personally, he could not see that any infringement had been proved. He did not wish for the moment to enter into details, and reserved the right to revert to this point on another occasion.

The Mandates Commission knew now that the Conference of Governors was not an executive organ. It would only have been such if its majority decisions — reached possibly with the dissent of the Governor of Tanganyika — had been binding in all three territories. But the Commission was aware that this was not the case. He did not view the Conference with fear or even with suspicion ; in fact, he regarded this step rather with favour, as proving a comprehension of the common interests and needs of the three territories. Other colonies belonging to different countries situated in different parts of the world were coming to recognise that they were faced with the same problems and, at the present time, with the same dangers. Conferences between the Governors of neighbouring territories for the examination of questions of common interest were tending to multiply, and he for one hoped that they would become more frequent among all the countries of Africa. He could not see in what way such Conferences might give grounds for apprehension.

As far as he was concerned, M. Orts accepted as closing the incident the United Kingdom Government's statement that no change in the political or constitutional status of the territory

¹ Memorandum reproduced in the White Paper concerning the “ Correspondence arising from the Report of the Joint Select Committee on Closer Union in East Africa ”, pages 35 and 36.

was at present in contemplation. Such a change could not be brought about by the unilateral action of the mandatory Power. If ever a change were contemplated in the future, he was sure that the mandatory Power would fully realise that there was another party to the convention constituted by the mandate — namely, the League of Nations. The mandatory Power would certainly consult and seek the consent of the League before undertaking any action in the direction of change. It would be no use asking the accredited representative to say whether such change might become a problem in the future, because it was useless to discuss distant hypotheses, when there were so many questions which called for the immediate attention of Governments and peoples.

M. VAN REES wished to say that he entirely shared the views expressed by M. Orts, and would regret any inference that silence on his part meant that he endorsed the objections raised, on various points, by certain of his colleagues.

M. RUPPEL stated that he had only put some questions in order to clear up the actual situation regarding the postal amalgamation. He did not wish to enter into a discussion of the compatibility or non-compatibility of the postal union with the mandate ; but he must say immediately that he did not agree in the least with M. Orts's and M. Van Rees's interpretation of Article 10 of the Tanganyika mandate.

SEVENTH MEETING

Held on Thursday, June 22nd, 1933, at 3.30 p.m.

Tanganyika : Examination of the Annual Report for 1932 (continuation).

Lieut.-Colonel Sir Stewart Symes, Mr. G. F. Sayers and Mr. G. F. Seel came to the table of the Commission.

WESTERN FRONTIER OF TANGANYIKA.

M. ORTS asked whether there was anything new to report on the agreement between Belgium and the United Kingdom with regard to the western frontier of Tanganyika (Kagera River section).¹

Mr. SEEL said that the Governments of the United Kingdom and Belgium were still considering the agreement.

GAME RESERVES.

M. ORTS presumed that the reserves were not entirely uninhabited, and asked in what conditions the native population lived, particularly in the closed reserves, where traffic was not permitted. Were they free to come and go as they pleased ?

Sir Stewart SYMES said that, generally speaking, there was very little interference with the native population in the reserves, though vigorous action would be taken to stop practices leading to the wholesale extermination of game. The closed reserves had a very small population, whose movements were substantially the same as before the areas were declared closed. In Serengeti, for example, lived a few Masai, a pastoral people, who, from time immemorial, had lived on excellent terms with the game, and continued to lead practically the same kind of life as before.

M. ORTS asked whether those inhabitants did not complain of the crops being destroyed by the game.

Sir Stewart SYMES observed that, as far as the Masai in Serengeti were concerned, that would be no hardship.

Occasionally game in a particular area was accused of damaging native crops, and steps were then taken to preserve the crops, but this was only in isolated localities. There was no wholesale complaint.

¹ Minutes of the Twenty-second Session of the Commission, pages 133 and 134.

MOST-FAVoured-NATION TREATMENT FOR TANGANYIKA PRODUCTS.

M. VAN REES asked whether the extension of most-favoured-nation treatment to Tanganyika products was due to the Council's recommendation to mandatory Powers, in September 1930, to approach other countries on the question of reciprocity.

Sir Stewart SYMES was unable to reply : the matter had probably been dealt with by the Secretary of State himself.

M. VAN REES asked whether the territory derived much benefit from the clause. From Appendix II, page 124, of the annual report, it would appear that there was no considerable trade with other countries, except with the United Kingdom, Germany and Japan.

Sir Stewart SYMES presumed that the most-favoured-nation clause was extended automatically, where possible, as a general policy, irrespective of whether any immediate benefit was derived or not.

CUSTOMS POLICY.

M. VAN REES pointed out that, according to Appendix VII (page 127 of the report), the Customs union with Kenya and Uganda did not injuriously affect the interests of the territory. He was continually receiving newspaper reports, however, showing, with the support of statistics, that they were considerably affected.

The Commission would be glad to have a formal reply to the important question whether Tanganyika was or was not adversely affected.

Sir Stewart SYMES said that the considered opinion of the Tanganyika Government, which had been endorsed by the Secretary of State, was that the interests of the territory were very favourably affected by the Customs agreements ; otherwise there could be no possible justification for them. It was difficult to express mathematically or statistically the benefits derived, as they were so closely interlocked. The results could only be judged over a long period.

M. RAPPARD understood that there was a disadvantage to the Administration from the fiscal point of view, but that it was more than offset by the economic advantages. Undoubtedly the Customs revenue from sugar was reduced, but the territory gained in prosperity more than it had lost in public revenue.

Sir Stewart SYMES confirmed this.

M. RUPPEL stated that the existing Customs union must be considered, not only from the financial point of view, but also in the light of the economic interests of the country and its population. He asked whether commodity prices had not risen as a result of the high protective duties imposed in the interest of Kenya industries (see page 131 of the report). He did not suggest that prices were increased by the whole of the duty, but they were certainly increased to some extent. He had read in an article in *Tanganyika Opinion*, of February 3rd, 1933, for example, that East African sugar was selling at £12 per ton in Bombay and at twice as much in Tanganyika ; that the best Kenya wheat sold at 13s. per bag, while 25s. was paid for the lowest grade in Tanganyika ; and that the best butter was worth 88 cents per lb. in England, while the lowest quality from Kenya was 2s. a lb.

He also asked whether it was not difficult, on account of the competition of Kenya industries, for Tanganyika to establish new industries of the same kind — butter, meat and flour, for instance.

Sir Stewart SYMES said that the figures quoted must be accepted with a good deal of reserve. Obviously, the tariffs did send up the prices of certain commodities, but the prices could not be regarded as excessive.

The answer to the question whether Kenya enterprises were killing local enterprises was to be found in the statistics, which showed that, in many cases, imports from Kenya were steadily falling off and being replaced by local Tanganyika products. He believed this tendency would increase.

M. MERLIN said that the mandatory Power was undoubtedly entitled to take the steps referred to in Appendix VII on Customs policy. But was the main intention to open fresh outlets for Tanganyika trade, or to provide a centre from which Kenya and Uganda could more easily draw supplies with less expense to themselves ?

Sir Stewart SYMES said he had always imagined that the Customs agreement, which was entered into before he went to the territory, was conceived with the idea that the economic interests of the three territories were so closely interlocked that a measure of Customs agreement of this sort would be to their mutual interest.

M. MERLIN said that it was probably the form rather than the substance of the Appendix that had raised some doubt in his mind.

M. PALACIOS asked whether the Conference of Governors in February had considered the revision of the Customs agreements or the adoption of other measures and whether steps had been taken in consequence.

Sir Stewart SYMES said that the question had been discussed with reference to the Armitage-Smith report ; in particular it had been considered how the fiscal loss due to increased imports of sugar from Kenya and Uganda should be rectified. Since then a sugar tax (see Annex, page 134 of the report) had been introduced, which, it was believed, would rectify the adverse balance.

REPORT ON RAILWAY RATES AND FINANCE IN KENYA, UGANDA AND TANGANYIKA
(Cmd. 4235).

M. PALACIOS asked what action had been taken on the recommendations relating to the mandated territory in Mr. Gibb's report on railway rates and finance in Kenya, Uganda and Tanganyika.

Sir Stewart SYMES said no action had as yet been taken, as the report was still under consideration.

RAILWAY EXTENSIONS.

M. RUPPEL, referring to the survey of a rail route from Kilosa to Korogwe mentioned on page 109 of the report, asked whether it was the policy of the Government to carry out railway extensions.

Sir Stewart SYMES saw no prospect of funds being available for railway extensions in the near future.

UNOFFICIAL REPRESENTATION ON THE LEGISLATIVE COUNCIL.
NATURALISATION OATH OF ALLEGIANCE.

M. RUPPEL desired very cautiously to touch upon a delicate question : the composition of the Legislative Council. The unofficial members nominated by the Governor were selected as being most fitted to assist him in discharging his responsibilities. The law, however, precluded the Governor from selecting persons who were not of British nationality, because they could not take the oath of allegiance to His Majesty the King. As foreigners residing in a mandated territory could not become British subjects, they were therefore not eligible for nomination as members of the Council, however well qualified they might be by long experience and familiarity with the needs of the country and its inhabitants. He ventured to suggest that this was not in the best interests of the country and asked whether the accredited representative saw any possibility to open the way for the Governor to have recourse to the services of non-British subjects.

Sir Stewart SYMES recognised the difficulty. He was aware that it had been overcome in Palestine by introducing local nationality, but was unable to say whether there would be a similar development in Tanganyika.

M. RAPPARD realised that a legislative council would naturally wish to have dealings only with its own people. It struck him as curious, however, that the oath should be made the ground for its objection to the appointment of foreigners. A mandated territory was not under the sovereignty of His Britannic Majesty, and its inhabitants, with the exception of those who were of British nationality, were not British subjects, but British-protected persons. The oath of allegiance would not seem, therefore, to be the real stumbling-block. Could not the same ends be achieved by declaring that, as the mandatory Power was responsible, it must have full liberty of choice as to the membership of official bodies ?

Lord Lugard had, however, just called his attention to a new point : the native inhabitants of all British Protectorates were not British subjects, but British-protected persons ; but they would none the less take the oath when required. The conclusion was that, in British Protectorates, British nationality was not a condition for taking the oath. If that were so, M. Rappard saw no reason why non-British non-natives could not take a specially worded oath of service to the Head of the State responsible for administration.

It would be advisable to look into this matter, not only from the important standpoint mentioned by M. Ruppel, but also from the point of view of self-government. If, later on, the oath were administered to natives taking part in the administration who were not British subjects, the protests of foreign inhabitants who were debarred, as foreigners, from assisting in the administration of the country would increase.

Sir Stewart SYMES said that these persons had another national allegiance.

M. VAN REES asked whether the naturalisation of foreigners living in mandated territories was still under consideration.

Lord LUGARD observed that, in reply to a question in the House of Commons on April 26th, 1933, as to whether residence in a mandated territory was not yet recognised as a qualification for naturalisation, Sir Philip Cunliffe-Lister had said :

“ . . . The conditions upon which aliens may be granted certificates of naturalisation as British subjects are set out in Part II of the British Nationality and Status of Aliens Act, 1914, but, as residence in Tanganyika cannot at present be regarded as residence within His Majesty's Dominions for the purposes of the Act, it cannot at the present time be counted as a qualification for naturalisation. His Majesty's Government in the United Kingdom are, however, considering the introduction of legislation which, if passed, would make it possible for residents in Tanganyika to become eligible for naturalisation as British subjects, but it is not yet possible to say when such legislation is likely to be introduced, as consultation with the Dominion Governments is necessary.”

In reply to a similar question in the House of Commons on May 3rd, 1933, Mr. Thomas, Secretary for the Dominions, had said :

“ I am aware of the hardships referred to, and we are doing all that we can in the matter.”

M. RUPPEL said he had had in mind the possibility of adapting the oath to the special position of the mandated territory.

M. RAPPARD said, in order to prevent any misunderstanding, that he personally did not think it would be proper for the Mandates Commission to insist that residence in the mandated territory should be assimilated to residence in the British Empire.

The CHAIRMAN agreed with M. Rappard.

Regarding the oath of allegiance to His Britannic Majesty, he held that no such oath should be imposed on non-British residents in mandated territory, nor even, he thought, on local natives. The possibility of inviting non-British residents in mandated territory to become members of the Tanganyika Legislative Council should, however, be borne in mind.

APPOINTMENT OF A NATIVE TO THE SECRETARIAT AT DAR-ES-SALAAM.

M. RUPPEL drew attention to a passage in the *East African Standard*, which stated that an African clerk had recently been appointed to a position in the Secretariat at Dar-es-Salaam. This appointment was criticised, and it was said that, by a combination of circumstances not outside the bounds of possibility, he might find himself in a position to undertake temporary responsibility as Governor of Tanganyika, and so on. Was this an isolated case, or was it the considered policy of the Administration to promote natives to such responsible positions in the Civil Service ?

Sir Stewart SYMES replied that it was the British policy everywhere to utilise local people, without discrimination of colour, in any capacity in which they could usefully serve, but the extension of that policy in Tanganyika would be very slow. The position held by the native to whom M. Ruppel had referred was the lowest grade in the Secretariat. His status was equivalent to that of a European of 23 or 24 years of age appointed as junior secretary. He was a man of about 45 years, and, humanly speaking, it would be impossible for him to reach a higher position. He was a very exceptional man appointed to a particular post, but Sir Stewart Symes could not say whether he was a phoenix or a prototype.

M. RUPPEL asked how the appointment was to be reconciled with the statement on page 9 of the report that the natives could not be directly represented on the Legislative Council, because, for the present, a native could not be found with sufficient command of the English language to take part in the debates of the Council.

Sir Stewart SYMES said that there was no difficulty in reconciling the two statements. The native in question held a post in the Secretariat in which he would at certain times act as adviser on native languages and customs to the Section dealing with native affairs. He was particularly well qualified to do so, but obviously had neither the education nor the knowledge of the English language, nor even the representative quality, required to make him an effective member of the Legislative Council.

NATIVE POLICY AND ADMINISTRATION.

M. SAKENOBE drew attention to the somewhat pessimistic report of the District Officer of Dar-es-Salaam (page 18) on the system of native administration, and asked whether the headmen, said to be so weak and characterless, held posts for life, or could be replaced by better qualified persons.

Sir Stewart SYMES said that the tribal spirit had disappeared along the coast, which might be said to have become cosmopolitan, and, although organisation was on a tribal pattern, it was a substance without spirit. It would be some time before men could be trained to discharge tribal duties which the chiefs had been brought up for generations to perform. If a man were totally unsuitable, he could, of course, be replaced.

M. RAPPARD was interested to hear that the tribal spirit had disappeared along the coast. Sir Donald Cameron had said that it was being maintained ; indeed, that detribalised natives were being retribalised, and that progress was being made in setting up institutions with a tribal spirit.

Sir Stewart SYMES said there was no real discrepancy here. The people along the coast were mostly natives who had left their tribes, and there was a very noticeable African tendency to retribalise, but it was difficult suddenly to form a new tribal unit, to create new allegiances and new concepts.

M. RAPPARD said he had had in mind the former state of the people, who were, of course, completely detribalised, and, like other Africans, showed a tendency, when earning a living in towns or villages, to form some kind of social group with its own recognised head. That tendency was apparently being encouraged.

CONFERENCE OF CHIEFS IN THE LAKE PROVINCE.

M. ORTS asked what results were expected of the Conference of certain chiefs in the Lake Province (page 14 of the report). Presumably, the chiefs who had initiated it had had some intention. Was this conference to be regarded as the nucleus of a new departure in native administration ?

The Conference had been officially recognised ; the Provincial Commissioner and certain district officers had attended it. Should this encouragement be construed as meaning that something was expected of this Conference in the future ?

Sir Stewart SYMES said he was unable to see so far ahead. For the moment, the gathering was simply what might be called an extended tribal gathering, and had, he thought, no great political significance.

Any organisation or meeting of chiefs had a capacity for good or evil, and, as long as its intentions were obviously good, he saw more risk in trying to prevent it than in recognising it and endeavouring to strengthen those intentions.

The idea behind the Conference was to regulate intertribal difficulties and to educate public opinion, mainly on economic questions.

M. ORTS inferred from the reply just given that the words " considerable importance " used in the report were a little strong.

Sir Stewart SYMES did not agree. In his view, the Conference was of considerable significance locally, though not of political importance.

M. RAPPARD presumed that the accredited representative saw in it a wholesome symptom of responsibility and self-government, a sign that the chiefs were tending, not to revolt, but to take greater interest in those for whom they were responsible. If so, the Commission would be the last to discourage this policy.

Sir Stewart SYMES said that M. Rappard had described the situation precisely as he himself saw it.

COUNT DE PENHA GARCIA asked whether the Administration intended to encourage conferences of chiefs, and whether such meetings had been held elsewhere than in the Lake Province.

Sir Stewart SYMES replied that similar meetings had been held in other provinces, but never on the same scale.

COMPLAINTS AGAINST THE CHIEF OF MACHAME.

M. ORTS noted that information on this question was given in Appendix IV (page 125) of the report.

CO-OPERATIVE SOCIETIES.

COUNT DE PENHA GARCIA said he had not yet seen a copy of the Co-operative Societies Ordinance (see page 16 of the report). Were the members of co-operative societies compelled to sell their produce to the societies ? He would be glad to see, in the next report, full information as to the operation of the Kilimanjaro Native Co-operative Union, and, in particular, information with regard to the composition of its capital, the organisation of its management, participation

of the natives in management, rules for fixing the purchase prices, rules for the allocation of profits, and the manner in which the natives exercised their rights and duties as members. Did they understand the working of the co-operative societies? Was Section 36 of the Co-operative Societies Ordinance applied? Was the Trades Licensing Ordinance applicable in the areas in which the co-operative societies operated?

Sir Stewart SYMES said that this information would be supplied in the next report. The Co-operative Bill had been passed, and a copy had been sent to the Secretariat.

Lord LUGARD asked whether steps were being taken to extend the Co-operative Societies Ordinance to other districts, now that it had proved successful in the Kilimanjaro district.

Sir Stewart SYMES said that the ordinance in question was introduced mainly to provide the Kilimanjaro Native Affairs Association with a fixed status. The general development of the co-operative movement must be very slow indeed. The Government was studying it closely, but had been unable to make any definite progress.

Lord LUGARD understood that, for reasons of economy, it had been impossible to engage a fully-qualified registrar as recommended by the expert, Mr. Strickland, after his visit to the territory.

Sir Stewart SYMES said that the need for economy was one of the reasons.

PUBLIC FINANCE.

M. RAPPARD noticed from page 31 of the report that there was a great discrepancy between the estimates and the final figures for receipts in 1931 and 1932. Could not the estimates be prepared at a date nearer to the period to which they referred, when more information would presumably be available?

Sir Stewart SYMES said that revised estimates could be submitted almost up to the last minute, should new facts come to light, though sufficient time had, of course, to be allowed for printing.

M. RAPPARD said that, in that case, the explanation at the end of the first paragraph on page 31 was not quite convincing.

Sir Stewart SYMES replied that the new facts had evidently not been appreciated.

M. RAPPARD congratulated the Administration on the economies effected during the year. The adverse balance was certainly not due to any lack of effort to compress expenditure.

He noted that, for the past five years, the Post Office had been losing. Except in 1930-31, there had always been an appreciable difference between revenue and expenditure. He took it that, in future, expenditure would be reduced appreciably, in view of the facts marshalled that morning. What was the estimate for 1933? It should already show some saving.

Mr. SEEL said that the total estimate for Posts and Telegraphs was £87,100, as compared with £96,000 in 1932.

M. RAPPARD thought it somewhat disappointing that, in the first year of the new economic regime, the estimates were so much higher than the expenditure of the year under review.

Sir Stewart SYMES pointed out that the actual saving on the vote for the year 1932 was £8,639. There were, however, certain expenses — carriage of mails by sea and other special expenditure — for which provision had had to be made.

M. RAPPARD said that the taxpayer was anxious that the burden of taxation should be reduced.

Sir Stewart SYMES replied that he was also interested in the maintenance of the service.

M. RAPPARD concluded that the most favourable interpretation of the figures was that the increase would have been still greater had it not been for unification.

He asked what was represented by the important item "Interest from Railways, £61,376" (page 34).

Sir Stewart SYMES replied that that concerned unallocated stores bought by the territory on behalf of the railways, on which the railways had to pay interest because they could not liquidate the debt.

Mr. SEEL added that this was purely a book-keeping transaction. For some years, the railways had not paid any interest on the loan. It was decided in 1931-32, however, that interest was payable and that arrears should be paid.

M. RAPPARD, referring to paragraph 51, on page 39, presumed that there had been no grants-in-aid for the year under review.

Sir Stewart SYMES said that that was so.

Lord LUGARD understood that railway finance was entirely separate from colonial finance. He saw from Mr. Gibb's report that nothing had been done in that direction. Did that refer to Kenya only, or to Tanganyika ?

Sir Stewart SYMES said that, as far as he was aware, it related to Kenya only.

M. RAPPARD asked why the figure for Customs duties was £411,354 on page 34 and £414,024 on the opposite page.

Mr. SAYERS said that further details were given in the estimates. The second figure included not only import duties, but wharfage dues and registration fees, which were lumped together under Customs for the sake of convenience.

M. RAPPARD thought it would be desirable for the useful retrospective table on page 35 to contain more details. He would be grateful if particulars of each tax could be shown separately.

Sir Stewart SYMES said that this request would be noted.

Lord LUGARD said that, when the Secretary of State had been asked a question in March last as to loans, he had mentioned only the loan of £3 million referred to on page 39 (though the figures did not correspond), grants-in-aid amounting to £408,100, grants from the Colonial Development Fund amounting to £110,000, and loans from the same source of £26,000.

Mr. SEEL said he believed the question referred to loans from the Imperial Exchequer, which were indicated in paragraph 50. Paragraph 52 referred to guaranteed loans.

M. RUPPEL asked whether the estimates for the following year could not be shown in future reports.

Sir Stewart SYMES thought this might be done.

M. RUPPEL asked whether loan repayments were made to the Treasury at the same time as sinking-fund payments.

Mr. SEEL replied that, in the case of some of the loans from the Imperial Exchequer, a combined interest and sinking-fund payment was made, though it was not a real sinking fund, but was repaid to the Exchequer, the amount of the loan being written down.

M. RUPPEL asked whether the instalment of £500,000 on a further loan of £750,000 had been charged against specific capital works such as railways and roads.

Mr. SEEL said that the instalment was paid into the local Treasury generally in respect of capital works executed previously, but was not actually charged to those works.

Sir Stewart SYMES added that part of the instalment went to the railways.

In reply to a further question by M. Ruppel, he said that the second block of the loan had not yet been raised.

DIRECT TAXATION.

M. ORTS asked what measures were taken to deal with tax-payers who failed to pay their hut and poll tax (pages 11 and 12 of the report). Did the tax accumulate ? Was it ever remitted in poor districts in view of the economic situation ?

Sir Stewart SYMES said that the Government had given close attention to the hut and poll tax during the past twelve months. It was admittedly a somewhat archaic form of taxation, but it was generally agreed to be the only possible form in the present circumstances.

It presupposed 100 per cent — or as nearly as possible 100 per cent — collection, because default on a large scale would be so great a temptation that in a short time it would be impossible to collect the tax at all. It was revised annually, and averaged according to the wealth of a district, which eliminated a large percentage of the population. There were very few penalties that could be enforced ; it was impossible to distrain upon people who had very little movable property. In certain cases, individuals were allowed to compound for the tax by work, but this was very difficult to organise on a big scale, because, obviously, such work must be free of any abuse. Compounding had also been allowed, in a very restricted sense, in certain districts. The tax was remitted whenever a reasonable excuse for non-payment was provided.

The question was being considered by a special Commissioner appointed to visit the whole country, to discuss the matter with the district officers, and to report on what measures could or should be taken to prevent the default that had been an inevitable feature of the economic depression of the past few years.

He would be in a better position to report to the Mandates Commission when he had received the Commissioner's report.

Lord LUGARD asked whether the report could be communicated to the Commission.

M. ORTS asked whether any taxation had been remitted in 1932.

Sir Stewart SYMES said that taxes on individuals had certainly been remitted, but not, he thought, those on districts.

M. ORTS asked for more detailed information in the next report.

M. RAPPARD asked how it had been estimated that non-natives paid approximately 1 per cent of their income in poll tax, and whether, in view of this very small percentage, it was not curious that the Chief Secretary should have stated in the Legislative Council on April 8th that the limit of taxation, direct and indirect, for all sections of the public had been reached.

Sir Stewart SYMES said that the non-native population had hitherto contributed very largely through indirect taxation, though he could not say by what percentage of income. They were now paying a graduated poll tax in addition to indirect taxation, which brought the individual contribution up to about what could be conscientiously imposed in the present circumstances.

The non-natives had always argued that what they paid in indirect taxation was equivalent to a heavy income tax. It must be remembered that very few people in Tanganyika had incomes assessable for the purposes of income tax. Most of them were living on very small incomes.

M. RAPPARD thought that in that case 1 per cent must be a negligible amount.

Sir Stewart SYMES pointed out that only the officials had fixed regular incomes, and they had already been mulcted by salary cuts. The agricultural population was very hard hit, and it would be almost impossible to find any incomes on which income tax could be effectively imposed. The Asiatic population was equally hard hit, and there was considerable difficulty in ascertaining what even a big trader should pay. A very expensive organisation would be required, and the yield would hardly justify the cost of collection.

In reply to a further observation by M. Rappard, he said that 1 per cent was a very rough figure, drawn up to meet non-native representations in the Legislative Council.

M. RAPPARD assumed that, for the present, it was considered impracticable to introduce a substantial income tax for these sections of the population.

Sir Stewart SYMES said that the question had been carefully considered, and the conclusion had been reached that, in the present state of trade and agriculture, there was not enough revenue to make it worth while to introduce a properly run income-tax system. Of course, if Kenya introduced an income tax, Tanganyika would have to conform, and, ultimately, no doubt, income tax would have to be introduced; but the Government thought it would be premature and unfair, during a time of stress, to ask for a substantial contribution in direct taxation from people who had previously paid nothing.

M. RAPPARD said he still felt somewhat doubtful as to the statement that the limit of taxation had been reached. He was driven to the conclusion that the Administration, which had been so energetic in reducing expenditure, had been more lenient in the matter of income tax.

Sir Stewart SYMES said that the argument seemed to him specious; he did not think it was true.

Lord LUGARD noticed that Sir Sydney Armitage-Smith had suggested that the graduation of the non-native graduated poll tax was entirely illusory, that companies escaped payment altogether, and that there was no reason why it should not be imposed on women as well as men. He thought it very important that companies should be taxed on profits, especially as the officials had had cuts of from 5 to 10 per cent. Indirect taxation was presumably paid chiefly on imported luxuries, as, generally speaking, he understood that necessities were on the free list.

Sir Stewart SYMES explained that the graduated poll tax had been introduced after a very careful survey of the position. It had been estimated that the proceeds of a regular income tax on all the companies operating during the past year would amount to £8,000. To obtain an exact incidence of the tax it would have been necessary to introduce hurriedly a very complicated organisation, with all the consequent difficulties, and the graduated poll tax had been introduced as a practical alternative.

M. RAPPARD pointed out that the territory exported products to the value of over £2 million. Surely that must be a source of net income.

Sir Stewart SYMES said that the figure of £8,000 was supplied by the Treasurer. There were actually very few companies operating, and the Government had a direct interest in the profits of one or two of them.

Lord LUGARD did not understand why the figures for expenditure from general revenue in 1933 in the two tables on page 67 were £9,699 and £11,699 respectively. Did the difference of £2,000 go towards the cost of the journal *Mambo Leo* ?

He noticed from page 66 that the special education rate of 30s. per head had been discontinued.

What was the reason for that, and what was the amount of the benefit which the revenue would derive from the substitution of the graduated poll tax ? The cost of education per child per annum had increased from 17.9s. to 23.29s. in spite of the financial stringency. Did non-natives now pay individually for the education of their children ?

Mr. SAYERS explained that the figure of £11,699 contained a proportion of the headquarters and administration costs referred to in the preceding paragraph. They were estimated at £2,000 in the case of Europeans, so that the figures really coincided.

Sir Stewart SYMES believed the increased expenditure to which Lord Lugard had referred was due to the fulfilment of a long-standing promise to allocate funds towards the building of an elementary school for Europeans at Arusha. The vote was swelled automatically by this additional non-recurrent expenditure.

He promised to obtain information with regard to the increased revenue to be derived from the graduated poll tax after the abolition of the education tax. He believed it would be between £10,000 and £15,000. The education assessment had proved somewhat unsatisfactory to both Europeans and Asiatics, and it was felt that to introduce a poll tax and maintain the education tax would be too onerous.

Mr. SAYERS added that the 1931-32 education tax was estimated to produce just over £13,000, and the non-native poll tax £40,000.

CATTLE.

Lord LUGARD noticed that the number of cattle was very much larger than the country could support, with the result that there had been over-grazing and consequent erosion. Could this situation not be met by introducing a cattle tax in pastoral tribes ?

Sir Stewart SYMES said the Administration had gone into the question very carefully and had come to the conclusion that, until a market could be found for the surplus cattle, it would be extremely difficult to collect such a tax.

IMPORTS AND EXPORTS.

M. MERLIN found that most of the points he had intended to raise had been dealt with by his colleagues under general administration.

A comparison of the figures for imports and exports showed that imports had decreased by about 24 per cent, while exports had increased by 33 per cent. The purchasing power of the natives therefore did not seem to have been reduced appreciably. Were they returning to their former industries and ancestral habits, as in some of the French colonies ?

Sir Stewart SYMES said there was no sign that the natives, discouraged by difficulties, were ceasing to buy foreign goods, but there must inevitably be a time-lag before they spent their money. In the first place, most of them had had to use up their reserves to settle their obligations to the Government and, having done so, they would want to know what were the crop prospects for the year before embarking on large expenditure. He felt sure that the bulk of the increased money that had gone into native hands would eventually be used to purchase imports, though there would be some delay before it was reflected in the Customs returns.

Lord LUGARD asked whether anything had been done to secure for Tanganyika some of the lake traffic from Bukoba and the Lake Province, which now went to the Kenya and Uganda Railway.

Sir Stewart SYMES said that the Gibb report had made certain recommendations which had not yet been examined.

M. MERLIN asked why the products of the Lake and Northern Provinces tended to find their economic outlet over the Kenya and Uganda transport system and through the port

of Mombasa. Were they products for local consumption, or did the Uganda and Kenya Railway offer advantages ?

Sir Stewart SYMES said there were two main reasons : (1) the lake services were developed by the Uganda and Kenya Railway long before there was a railway to Mwanza through Tanganyika ; and (2) there had been a tendency to concentrate coffee exports at the port of Mombasa, probably for trade reasons.

M. RUPPEL drew attention to a very interesting table in the Armitage-Smith report, distinguishing between native produce and non-native produce exported between 1921 and 1931. Could the figures be regarded as reliable, and, if so, could not a similar table be included in the annual reports ?

Sir Stewart SYMES believed that Sir Sydney Armitage-Smith did not claim that these figures were anything but a very rough approximation. He did not think more practical conclusions could be drawn from them.

TEA-PLANTING.

M. RUPPEL asked whether the accredited representative could give further information about Dr. Mann's report on tea-planting (page 100 of the report).

Sir Stewart SYMES said that Dr. Mann's report, which had now been published, was extremely interesting and detailed, and he would recommend it to any member of the Commission who was interested in tea. Generally speaking, his conclusion was that tea-development in Tanganyika would offer possibilities, should the world ever come to need more tea.

JUDICIAL ORGANISATION.

M. RUPPEL asked whether the Mandates Commission would receive copies of the report of the Commission appointed by the Secretary of State to enquire into the administration of criminal law in East Africa (paragraph 69 of the report).

Sir Stewart SYMES said that the Commission was about to finish, or had already finished, its work in East Africa, and would no doubt present its report in due course. It had been the practice to send all such reports to the Mandates Commission.

M. VAN REES asked whether the Commission had been set up as a result of complaints.

Sir Stewart SYMES believed that the Secretary of State had desired information with regard to the machinery of justice in East Africa, and had considered that the best way to obtain it would be to appoint a Commission.

Replying to a further observation by M. Van Rees, he said that the Commission was enquiring into criminal justice only.

M. RUPPEL asked what was the idea underlying the appointment of a Committee to consider the question of restricting imprisonment as far as possible (paragraph 77 of the report). Was it intended to alter the Criminal Code and to provide other forms of punishment ?

Sir Stewart SYMES said that the main idea was to keep out of prison people committing minor offences which they could more conveniently expiate outside prison. A copy of the Committee's report could be sent to the Commission if it were interested.

Lord LUGARD asked what was meant by " intra-mural domestic and industrial parties of convicts " (paragraph 76).

Sir Stewart SYMES said that the school prefect system had been introduced into the prison discipline as an experiment in certain prisons.

M. RUPPEL said that the comments of the Standing Committee on Finance of the Tanganyika Legislative Council on the 1933 Estimates stated that the unofficial members considered the existing prisons of the territory costly to maintain and unsuitable for efficient prison administration. They therefore recommended that the sanction of the Secretary of State should be sought for the utilisation of certain funds for the immediate creation of a suitable central prison.

Sir Stewart SYMES said that the prison accommodation was certainly not as good as one would like it to be, but the Finance Committee did not suggest where the funds were to be found to improve it.

RE-ORGANISATION OF THE KING'S AFRICAN RIFLES.

M. SAKENOBE noted that the strength of the King's African Rifles, which had been reduced in 1931 in view of the serious financial situation, had been again reduced.

Mr. SEEL explained that the reduction referred to at the last session had not taken place until 1932.

AGRICULTURAL PRODUCTION AND MARKETING OF NATIVE PRODUCE.

Lord LUGARD noted that native production had increased enormously. The Commission would wish, he felt, to congratulate the Government on successfully promoting it. Sir Sydney Armitage-Smith had said that it still suffered from lack of organisation and from the absence of an effective system of marketing and grading. Were steps being taken to improve that situation ?

Sir Stewart SYMES said that progress had been made since the Armitage-Smith report was written.

LABOUR.

Mr. WEAVER expressed appreciation of the new Government instructions on the recruitment, employment and care of Government labour, which gave very precise instructions regarding the conditions under which compulsory labour might be used. He welcomed the new Trade Union Ordinance, the Shop Assistants Ordinance and the Co-operative Societies Ordinance, and hoped that, when financial conditions improved, the Administration would be able to extend the last-named ordinance.

Examination of the report was made a little difficult owing to the fact that there was no special labour report, and he ventured to express regret that the reports of the Provincial Commissioners, in which, he understood, the substance of the former labour report would be given, had not come to hand.

He regretted that the information given in Appendix IX in reply to the observations made by the Commission in the previous year,¹ and particularly in regard to the labour department and the measures taken to deal with employers who withheld or failed to pay wages, was not fuller.

Lord LUGARD said that the table on page 59 of the report showed 132 convictions of employers who withheld wages, and the report seemed to suggest that in many cases it was not worth while to prosecute them. It was very significant that so many employers of labour should fail to pay wages. What penalties had been inflicted ?

Sir Stewart SYMES said it could be assumed that where a conviction was recorded a penalty was imposed, but in many cases there had simply been a misunderstanding. The difficulty was usually settled by bringing the two parties together and explaining the position, so that no conviction was necessary.

Mr. WEAVER understood that it was the regular practice of the labour officials to intervene and settle such disputes out of court.

Sir Stewart SYMES said that it was one of the principal duties of their ordinary routine.

Mr. WEAVER understood that, since the completion of the scheme of re-organisation, certain administrative officers had devoted their whole time to special duties in connection with labour matters.

Sir Stewart SYMES replied in the affirmative, adding that there were also other officers engaged in work on behalf of labour, in addition to their other duties.

Mr. WEAVER asked what were the duties of the special officer seconded from the Provincial Administration. Did he exercise any power of supervision and inspection, or make tours of inspection ? Was he the head of the Labour Inspection Service, or a compiling clerk ?

Sir Stewart SYMES said he was always chosen as a man who could carry out inspections if necessary, but his work was mainly to co-ordinate all the information relating to labour.

Mr. WEAVER asked whether the accredited representative did not see the need for regular and continued inspection and control by the Central Government.

Sir Stewart SYMES said that that was not necessary provided the Provincial Commissioners did their duty.

¹ See Minutes of the Twenty-second Session of the Commission, page 367.

Mr. WEAVER said his only doubt was whether labour questions might not be neglected in the multiplicity of the Provincial Commissioners' duties.

Sir Stewart SYMES replied that that would be the case if very complicated questions should arise, but the labour situation was mainly concerned with agricultural labour, and was comparatively simple. He could conceive of circumstances in which it would be most important for the official in the Secretariat to discuss with and advise the Provincial Commissioners how a question should be handled, but hitherto that had not been necessary.

In reply to Mr. Weaver's remark that it had been thought desirable in the past, Sir Stewart Symes said that the situation was very badly regulated then as compared with the present time.

Mr. WEAVER asked what was the opinion of the accredited representative regarding a resolution of the Tanganyika Unofficial Conference, stating that the experience of the past year had proved that the policy of abolishing the Labour Department was not in the interests of either employers or labourers, and that administrative officers had proved unqualified to deal with labour matters, and had in any case been unable to devote sufficient time to such questions.

Sir Stewart SYMES thought that the statement had been made under a complete misapprehension, and was impossible to substantiate.

Mr. WEAVER pointed out that wages were very low, and asked whether wages in the sisal plantations had risen now that sisal prices had improved and the Provincial Commissioners of the Tanga Province had reported a shortage of semi-skilled labour.

Sir Stewart SYMES was unable to reply. He knew that sisal managers appreciated that wages ought to be raised slightly.

Mr. WEAVER thought he might take it that it was the policy of the Administration to safeguard the workers and to see that they obtained fair wages as prices increased.

Sir Stewart SYMES said that that was so.

Lord LUGARD was glad to see that fewer labourers were engaged on contract (paragraph 92), and asked what was the maximum term of contract.

Sir Stewart SYMES believed it was about nine months or a year.

Lord LUGARD asked what was meant by the ambiguous passage: ". . . in some instances, of compulsory labour, although a large proportion of the porters so employed were volunteers" (paragraph 94).

Sir Stewart SYMES presumed the district was called upon to produce the labour, and volunteers presented themselves.

EDUCATION.

Lord LUGARD asked whether the technical school for boys apprenticed to the Railway Engineering Departments (paragraph 104) was not run by the railway itself. He understood that as a separate school it had proved a failure.

Sir Stewart SYMES said he believed it was managed by the railways in close association with the Education Department, whose members visited it and advised.

Lord LUGARD asked whether bootmaking was of any use to people who did not wear boots (paragraph 105).

Sir Stewart SYMES considered that boots and bicycles — boots for health and bicycles for transport — were exceedingly important and should be encouraged.

Lord LUGARD asked why the Nyasaland U.M.C.A. was given a grant-in-aid (paragraph 107).

Sir Stewart SYMES pointed out that it had a mission in Tanganyika. The U.M.C.A. dioceses were established before the mandate and before any political boundaries existed. The Nyasaland diocese had schools in Tanganyika as in Portuguese East Africa.

Lord LUGARD, referring to the building grants listed on page 74, asked why grants had been given to schools which apparently were Government schools.

Sir Stewart SYMES said that the Tabora school was an Indian school. He believed that the Government helped to run it, but that the finances were independent. That also applied to the other schools.

ALCOHOLIC LIQUORS.

COUNT DE PENHA GARCIA thanked the mandatory Power for its information regarding native drinks. Unfortunately, it had not given their alcoholic content or said whether they were harmful. He hoped that that information would be provided in the next report.

The decrease in liquor imports and in convictions showed that the mandatory Power was dealing with the situation very satisfactorily.

PUBLIC HEALTH.

M. RUPPEL hoped that, as soon as the budgetary situation improved, the Administration would be able to extend the public health service, and noted with satisfaction that, notwithstanding the financial pressure, the activities of the service had been maintained.

He thanked the mandatory Power for a pamphlet he had received on plague in Tanganyika Territory and for the information given in the report on the tuberculosis campaign.

He was under the impression that the service had been less successful in dealing with sleeping-sickness than with tuberculosis and plague. As in the previous year, new foci had been discovered and the number of cases had increased. Large areas infested with tsetse flies still existed in the western part of the country.

He would ask the mandatory Power to give special consideration to this matter.

Sir Stewart SYMES assured M. Ruppel that the measures against sleeping-sickness had been maintained. The Administration would, of course, like a much bigger organisation, and as soon as funds were available the service would be developed.

Lord LUGARD hoped the Commission would in due course receive a report on the Kahama special investigation (page 85).

Sir Stewart SYMES said that the real value of the investigation was largely destroyed by the fact that sleeping-sickness had entered the area. A report had been rendered, but he was unable to say what its scientific value was in view of the appearance of this disease.

DEMOGRAPHIC STATISTICS.

M. RAPPARD was struck by the much more than proportionate increase in the female population between 1921 and 1931, which pointed to the establishment of stable conditions (page 105).

He asked whether the statement on page 107 that the total number of taxpayers was 1,588,568, of whom 206,151 were plural wives, meant that 206,151 taxpayers had paid taxes for plural wives.

Sir Stewart SYMES thought that that must be the case ; wives were not taxpayers.

CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representatives for their valuable co-operation.

Sir Stewart SYMES thanked the Commission for its very courteous hearing. It was a great pleasure to him to appear before the Commission, to which he was no stranger.

EIGHTH MEETING

Held on Friday, June 23rd, 1933, at 10.30 a.m.

Tanganyika : Question of a Closer Administrative, Customs and Fiscal Union of the Mandated Territory of Tanganyika with the Neighbouring British Possessions of Kenya and Uganda (continuation).

The CHAIRMAN thought that the discussion which had taken place had enabled each member of the Commission to form his own opinion, and that they were all aware of their colleagues' views. The tendency in the Commission had always been to reach a unanimous agreement, and he would be glad if on this occasion also the Commission could adopt a single formula. If that should be impossible, he would leave every member entirely free to state his own opinion.

M. MERLIN said that he had not felt called upon to express his views before the accredited representative, but he would nevertheless like to do so to his colleagues.

The mandatory Power had perhaps at one time had the idea of a close — indeed, complete — political and constitutional fusion of the three Central African territories that were placed under its guidance on different bases. In face of some public opposition, both locally and at home, and in view of the Mandates Commission's increasingly marked disapproval of such an operation, as contrary to the very principle of the mandate, which required the maintenance of the individuality and legal entity of the territory, the mandatory Power had on various occasions stated in the most definite manner that it had abandoned this political enterprise.

The mandatory Power nevertheless proposed to take advantage of the right conferred on it by Article 10 of the mandate to introduce Customs, fiscal and administrative unions or federations between the three territories, and in their general interest. That right could not be denied, provided it was exercised within the scope of the mandate and was not applied in a manner contrary to the provisions of the agreement which bound the two parties — the League of Nations on the one hand, and the mandatory Power on the other. Expressed briefly, that right should be so applied as in no way to prejudice the moral, material, financial or economic interests of the mandated territory, nor to impair the guarantee of economic equality that must be provided for every Member of the League. It was the business of the Mandates Commission to watch over those rules. If they were observed, the mandatory Power could be open to no criticism. With regard to any points on which the rules were not observed, the Mandates Commission must demand that the necessary rectifications should be made, and the mandatory Power could not refuse to do so. Further, in order to enable the Mandates Commission to exercise its supervision, the mandatory Power must supply it, accurately, fully and in due time, with all the information necessary for forming an opinion on the measures it had taken, the motives which had prompted its action, and the consequences of such measures.

It was, however, to be noted that, while the mandate agreement bound the mandatory Power in respect of all the obligations it had accepted under the actual clauses and terms of the mandate, it was equally binding on the other parties, who could not, by more and more restrictive interpretations, change the liberal provisions of the mandate, guaranteed to the mandatory Power in return for the burdens it had assumed. To do so would change the very essence of the agreement and the spirit informing the actual granting of the mandate, which was a mark of confidence on the part of the League in a nation considered worthy of it.

The accredited representative had repeated on the previous day, in the most formal manner, that the mandatory Power had abandoned its original tentative scheme of a political and constitutional union; moreover, in various documents — in particular, in its note on the Customs regime — it had furnished, in justification of the measures taken, arguments which were worthy of attention.

In conclusion, M. Merlin did not think the mandatory Power could at present be justly criticised, and, that being so, the Mandates Commission ought not to express an opinion on mere hypotheses, or suspicions, unfounded on any positive, established, undisputed fact. It should not risk its reputation in that way.

M. VAN REES felt it necessary, in order to facilitate the discussion, to define the three trends of thought that had emerged.

There was first the statement made by M. Ruppel, according to which any union involving the creation of common executive organs was, *eo ipso*, a breach of the territory's *political status* and therefore incompatible with the mandate. If that were so, the Commission should, in M. Van Rees's view, object to all the administrative unions of mandated territories with neighbouring colonies or protectorates hitherto effected, as, for instance, the administrative amalgamation of the Cameroons under British mandate with Nigeria, of Togoland under British mandate with the Gold Coast and of Ruanda-Urundi with the Belgian Congo. In all these cases, this amalgamation led to an administrative situation in which the administration of the mandated territory was necessarily subordinated to that of the neighbouring territory. This inevitable consequence of unions or federations, formally authorised under B mandates, affected *the exercise of the full powers of legislation and administration* conferred by these mandates on the local authority, but did not in any way affect the *political status of the mandated territories*, which was unimpaired. To claim that the mandated territory must in all respects retain full *administrative autonomy* in order that the *political status* of the territory should not be affected would amount to cancelling the specific provision authorising unions, because it was clear that there could be no Customs, fiscal or administrative union if the autonomy of the territory had to be maintained intact.

For these reasons, M. Van Rees could not accept the views of his colleague, M. Ruppel.

If that were the Commission's opinion, it should only submit observations to the Council if it were able to assert that the conditions laid down in Article 10 of the Tanganyika mandate had been disregarded; otherwise, it could say nothing definite.

That was the point of view of both M. Van Rees and M. Orts.

There was, finally, a third trend of thought arising out of the apprehensions of M. Palacios and M. Rappard. They held that, although Article 10 authorised administrative unions of the kind under discussion, there was a danger that they might lead, in the end, by imperceptible stages, to *political union*, which was incompatible with the principle of the mandate. Hence the Commission should watch the position carefully and constantly.

M. Van Rees was himself unable to accept the last solution, because it was only based on what *might* happen, on conjectures, therefore, which carried no real weight; moreover,

it took no account of the official statements in which the mandatory Power had abandoned any idea of any *political* union.

M. Van Rees therefore invited his colleagues to express their opinion on M. Ruppel's view, which was the broadest; on the view previously put forward by M. Orts and himself, which was the narrowest; and on the view of M. Palacios and M. Rappard, which was intermediate.

M. PALACIOS desired to reply both to M. Merlin and to M. Van Rees, who had given an admirable statement of the problem at issue.

He agreed with M. Merlin that the mandatory Power could not be refused the federations and unions which Article 10 of the Mandate authorised it to create. Such an admission, however, in no way effected the League's right of examination, which, in that matter as in all other matters pertaining to the administration, was exercised by the Permanent Mandates Commission, as laid down in the last paragraph of Article 22 of the Covenant. That and nothing else was what was proposed in conclusions Nos. 3 and 4 of his preliminary report.

There were two other things he desired to say to M. Van Rees: first, in the relationship between Togoland and the Cameroons under British mandate on the one hand and the Gold Coast and Nigeria on the other, and between Tanganyika on the one hand and the British possessions in East and Central Africa on the other hand, there were considerable differences of all kinds — history, structure, importance, etc.; there was, however, a *constitutional* difference arising out of the mandate itself — namely, that Tanganyika was the only territory under B mandate which the mandatory Power was not authorised to administer as a part of its own territory. All the official documents showed that clearly. Secondly, it was not true that the conclusions were based on *suppositions*: the report used the official texts both when it noted that "the time is not yet ripe" for the adoption of far-reaching steps in the direction of "closer union" and again when, that question settled, the problem at issue was that of "closer co-operation and co-ordination" and of the organ thereof, the Conference of Governors.

M. VAN REES agreed that the wording of Article 10 of the Tanganyika mandate differed from that of the corresponding article (Article 9) of the other B mandates, but in his view there was no difference in substance. It was quite true that the Tanganyika mandate contained no provision similar to the following provision, which appeared in the other mandates:

"This area [the mandated territory] shall be administered in accordance with the laws of the Mandatory as an integral part of his territory."

But it certainly contained — not in Article 10, but in Article 3 — a provision similar to that with which Article 9 of the other mandates began — namely:

"The Mandatory shall have full powers of legislation and administration."

There could be no doubt that a mandatory Power with such full powers was entitled, without being required specifically to announce its intention, to administer the territory in accordance with its own laws, if it desired to do so, and in so doing to treat the territory as an integral part of its own territory.

To doubt that would be to suggest that the United Kingdom Government, which had itself drawn up the Tanganyika mandate with the help of a special Commission, had voluntarily and intentionally been satisfied with narrower legislative and administrative powers in that territory than it claimed in its two other territories in the same category — Togoland and the Cameroons under British mandate. M. Van Rees would not think of suggesting that the United Kingdom Government held so unlikely a view.

M. ORTS wished to express his views on M. Palacios's conclusions. He objected, in particular, to the last phrase of the second conclusion. Lord Plymouth had stated last year¹ that the mandatory Power had abandoned the idea of a political union, and on the previous day the accredited representative had repeated that statement and had even said that the union was dead. After that, the Commission would be wrong to persist in "hoping with good reason that this time will not come while the mandate is in force". There would be no reason for doing so, unless it had to prevent the mandatory Government from following a course upon which it had deliberately embarked.

It would be useless to try to discover when and where the United Kingdom Government had said that it desired or intended to achieve political union. The representatives of certain interests had urged that solution. There had been consultations and enquiries, by means of which the Government had sought to obtain information. It had itself not given its opinion. In speaking of political and constitutional measures designed to lead to a closer union, the Government was saying that it did not contemplate such a union for the moment. If there had been any incident, it was not for the Mandates Commission to discuss or re-open it. On the contrary, the Commission should finally close the incident by taking note of the mandatory Power's declaration. At the same time, M. Orts would be willing that, in so far as it was necessary, the United Kingdom Government should be reminded that a political and constitutional union which was not authorised by the mandate could not be brought about without the agreement of the other party to the mandate, the League of Nations. In that way the future would be safeguarded.

¹ See Minutes of the Twenty-second Session of the Commission, page 134.

Passing to the main ideas expressed by other members, M. Orts asked whether it should be concluded from the construction which M. Rappard had placed on Article 10 that, in his view, the exercise of the rights which the mandatory Power held under that article should be subject to the previous approval of the Mandates Commission.

M. Orts was of opinion that that view was legally untenable. In fact, Article 10 specifically authorised the mandatory Power "to constitute the territory into a(n) . . . administrative union or federation with the adjacent territories under his own sovereignty". Administrative union signified the fusion of the whole administration of the countries thus united. As the mandate recognised the mandatory Power's right to do this, it was obvious that *a fortiori* the mandatory Power was entitled, under Article 10, to combine a particular public department with the corresponding department in the adjacent possessions — that was to say, to adopt one of those "partial solutions" to which M. Rappard had referred.

Such union or federation was permissible only in so far as the measures adopted "do not infringe the provisions of this mandate". It would, of course, be necessary for the Mandates Commission to make sure that administrative union, partial or complete, was not contrary to the mandate.

Up to the present, there had been only one unification — and that relative — of postal and telegraphic services alone. How could it be supposed that such a measure was contrary to the mandate? The mandate said that the rights of individuals must be respected; it condemned forced labour and the slave trade and provided for economic equality and freedom of conscience and public worship. What effect could the agreement relating to the postal and telegraphic services have on the mandatory Power's fulfilment of these obligations?

Was it suggested that the unification of a public department with the corresponding department of the neighbouring country would destroy the mandated territory as a political entity, and would therefore always be unlawful? That would be to claim that political union, which the mandate did not authorise, and administrative union, which it did authorise, were one and the same thing.

M. Orts was unable to agree with his German colleague, who had contrasted Article 22 of the Covenant and the spirit of the Covenant with the mandate. The mandate system was defined in both Article 22 of the Covenant and in the mandate itself, and the two documents were inseparable. It would be dangerous to try to explain what had been called "the spirit of the Covenant", for the Covenant was simply the result of a compromise between different points of view. In carrying out the mandate, it was the mandate itself which must be taken into account, because it was binding on the parties. It laid down the rights and obligations recognised by and imposed on them. To say that any of the provisions of the mandate must remain a dead letter because, in the Commission's opinion, they were not in conformity with "the spirit of the Covenant" would amount to claiming that the Commission could revise the mandate. Were it to embark on so unusual a course, the Commission — a League body — would be acting, not only against the mandatory Power, but also against the League itself, one of the parties to the mandate, which had not given the Commission power to revise either the mandates or *de facto* situations already existing in other territories through the application of the mandate.

It was the rôle of the Commission to supervise the carrying-out of the mandate, not to put it on trial or to revise it. Where would be its authority to supervise the actions of mandatory administrations if acts carried out in strict conformity with the mandates were to incur its censure?

Article 10 might be distasteful to some members. Other articles might appear regrettable to others. What would be the result if each member of the Commission claimed the right to place obstacles in the way of those provisions of the mandate which did not meet with his entire approval? Whatever he personally might think about the law, a judge could only apply it.

To sum up, M. Orts would agree to M. Palacios's second conclusion, provided the Commission took note of the mandatory Power's statement, and, for the rest, confined itself to reminding the mandatory Power that no political and constitutional change could be made unless the other party to the mandate — the League of Nations — were first consulted.

Lord LUGARD said that he was unable to accept several of the conclusions enunciated by M. Palacios because they did not, he thought, answer to the facts.

In the first place, it was impossible to "hope with good reason that this time will not come while the mandate is in force", because in his opinion it could only come when the majority of the population desired it — that was to say, when they were able to stand alone and the mandate consequently ceased.

In the second place, it was not correct to say, as M. Palacios did in point 3, that the Governors' Conference had been converted into a permanent institution.¹ It had simply remained what it had always been.

Lastly, it was hardly correct to say that the Conference "has the special duty of maintaining liaison" with the British Government through a secretary, for the Governors alone could address His Majesty's Government, and the secretary was "merely a channel of communication". He could only address a Governor through the Chief Secretary of the Colony.

¹ Note by the Secretariat. — The text referred to by Lord Lugard appeared in M. Palacios's original report (C.P.M.1335) which was amended subsequently into "is becoming a permanent organ" (see Minutes of the Twenty-second Session, page 325).

Lord Lugard thought that the following text might meet the opinions that had been expressed :

“ The Permanent Mandates Commission is glad to learn from the documents which have been communicated to it that the United Kingdom Government has no intention of putting into execution any scheme of ‘ closer union ’ of the mandated territory of Tanganyika with neighbouring British dependencies, if by that term is meant any political or constitutional union which would now or in the future destroy the separate entity of the country as a constitutional unit.

“ Since in this connection the phrase ‘ the time is not yet ripe ’ has been used, the Permanent Mandates Commission desires to place on record its view that the time cannot come until the inhabitants are able to stand alone and determine their own future as an independent people when the mandate would cease. Until that time arrives, no step should be taken which would tend towards ‘ closer union ’ of such a nature.”

M. RAPPARD noted that the discussion had enabled progress to be made towards an agreement between Lord Lugard’s and M. Orts’s declarations. If the Commission unanimously agreed to say that the mandate precluded the scheme for a closer political union, it would already have safeguarded the essence of the principle.

In reply to M. Orts, who had said that the incident was closed, he wished to say that he could not regard the situation in that way ; for, although the immediate incident might be closed, the situation was nevertheless evolving in a way that might gradually bring about the end which M. Orts had himself ruled out.

As regards Article 10, M. Rappard considered that, when difficulties of interpretation existed, it was legitimate to seek some help from Article 22 of the Covenant. No doubt the mandatory Power had the right to apply Article 10 without any other reservations than those contained therein. But those reservations were not quite those that had been indicated by M. Van Rees. It should be remarked that Article 10 stated that the measures adopted must not be contrary to the provisions of the *present mandate*. As M. Palacios had pointed out, however, the possibility could not be entertained of administering Tanganyika as an integral part of the mandatory Power’s territory, as was provided for in the mandates for Togoland and the Cameroons under British mandate. Moreover, conditions in the latter territories were geographically different from those in Tanganyika. Togoland and the Cameroons were long strips of territory which it would be difficult to administer separately. Moreover, in their case, non-fusion would be contrary to native interests. And yet, even in those circumstances, the Commission had often found that fusion rendered its task of supervision more difficult — for example, in the sphere of finance.

In the case of Tanganyika, however, it was quite conceivable that “ closer union ” might tend to create conditions such that the measures taken might become contrary to some of the provisions of the present mandate, such as the provisions of Article 3 concerning the material and moral welfare of the natives. It was known that in Kenya the mandatory Power was unable to do all that it would like to do for the social progress of the natives, on account of conflicts of interests with the white population. Similarly, as regarded Article 6, concerning land tenure, if a fusion of Tanganyika and Kenya led to a uniform system which was against the interests of the natives, the Mandates Commission might have to oppose it. Lastly, the Commission had to see that economic equality existed in the territories under mandate, and it was known that in Kenya the mandatory Power applied a protectionist policy — in connection with sugar, for instance. If that tendency were generalised under the regime of “ sheltered industries ”, it might be detrimental to foreign States. A Customs union would throw Tanganyika open to goods from Kenya on differential terms prejudicial to the other Members of the League ; a Customs union, however, was only permitted subject to the economic equality of all States Members of the League.

Lastly, under Articles 11 and 12, the Mandates Commission must exercise supervisory functions, and any measure that might render such supervision ineffective, even if it were not contrary to Articles 3, 6 and 7 of the mandate, would be contrary to the terms of the present mandate.

M. Rappard’s conclusion was not that any action on the part of the mandatory Power must be subject to the Commission’s consent, but that the mandatory Power must exercise the greatest prudence in entering into such a “ closer union ”, and that the Mandates Commission, on its side, must watch developments with the utmost vigilance.

He noted that the difference between M. Orts’s views and his own was inconsiderable, except as to the interpretation of the reservation in Article 10 of the mandate. It was clear, in any case, that all the members of the Commission agreed in congratulating themselves that the political “ closer union ” had been ruled out and in holding the view that it was incompatible with the terms of the mandate as long as the latter remained in force.

Lord LUGARD said that he had endeavoured in the suggestion he had put forward to summarise what he thought were the views of the majority of the Commission. But it should be indicated that other points of view had also been put forward which would be seen from the Minutes. He thought it would be useless to enter upon a discussion of Article 10. For his own part, he had only wished to point out what he believed to be certain misconceptions as to the facts as stated in M. Palacios’s conclusions.

M. PALACIOS said, in reply to M. Orts, that there was no decisive statement by the mandatory Power decreeing complete “ closer union ”. All the official documents, however, showed by

their very titles that the intention had been there. It was a fluid process in which, even when the mandatory Power seemed to take a negative attitude, that negative attitude was not given the categorical form which the existence of the mandate would seem to demand. For example, in the White Paper "Correspondence" (Cmd. 4141) on the "Report of the Joint Committee on Closer Union in East Africa", page 3, the Commission expressed the opinion that it was not the time" (the covering letter of September 2nd, 1932, added "yet") for any *far-reaching* steps in the direction of political or constitutional union, but recommends that the machinery of the Governors' Conference should be increasingly used for the purpose of ensuring continuous and effective co-operation and co-ordination in regard to all matters of *common interest* to East Africa. Nevertheless, it was true that, at times, the intention was much more clearly shown. It was stated on page 4 of the "Statement of the Conclusions of His Majesty's Government in the United Kingdom as regards Closer Union in East Africa" that, "as regards the question of the closer union of the Eastern African Dependencies, His Majesty's Government proposed that a High Commissioner should be appointed to supervise Kenya, Tanganyika and Uganda", and on page 5 it was further added that "the High Commissioner shall also, under an Order of His Majesty in Council, administer and legislate in respect of certain "transferred" services in all three territories". These services were the railways and public transport, harbours, Customs, defence, posts, telegraphs and telephones, extradition, central research, the Eastern African Dependencies Trade and Information Office in London, and possibly other similar services.

M. Palacios did not propose to question Article 22 of the Covenant. Naturally, he did not regard that Article as a dead letter. As regards the interpretation of the last part of Article 10 of the mandate, it was clear that "the provisions of the Mandate" presupposed the institution of the mandate itself, which, in spite of all considerations of expediency, must be regarded as the really insurmountable obstacle to "closer union". For that reason, in virtue of the principle of the mandate, the Mandates Commission and the Council of the League of Nations had always dealt with the status of the Territory and of its inhabitants.

As regards Lord Lugard's statements, M. Palacios willingly agreed to change the text of his conclusions if they did not correspond with the facts, but he believed, nevertheless, that it was not precisely the facts but the appreciation of those facts which separated him from Lord Lugard. M. Palacios was not alone in thinking that the Conference of Governors was in course of evolution. *Tanganyika Opinion* expressed just such an idea in an article published in its issue of February 22nd, 1933. He would, however, delete the word "becoming" from his conclusion No. 3 and simply leave "is". On the question of "liaison", he knew everything that had been said by the "Select Committee" in Volume 1, pages 22 and 23, and what was said on page 9 of the "Correspondence". In that, however, it was stated that the Secretariat of the Governors' Conference "must be the *channel* of communication between the Conference and the Secretary of State".

M. Palacios, however, saw no objection to accepting the text proposed by Lord Lugard in his statement and, if that text were accepted by his other colleagues, M. Palacios would give it preference even over his own text, which was appreciably more moderate.

M. ORTS ventured to point out to M. Palacios that the texts he had quoted did not in any way invalidate what M. Orts himself had said.

LORD LUGARD observed that the word "channel" had quite a different meaning from "liaison".

M. RUPPEL, replying to M. Orts, said that he did not question the existence of Article 10 or the mandatory Power's right to avail itself of that article to conclude, for example, a Customs association in the sense he had indicated some days previously, but any measures of unification should remain within the scope of Article 10.

It was laid down in Article 10 that the measures adopted should not infringe the provisions of *this mandate*, and in those provisions must be included, not only the various articles of the mandate itself, but also the stipulations of Article 22 of the Covenant, since that article was mentioned in the preamble to the agreement, and the expression "mandate" was frequently used there. The main principle underlying the mandate was, however, the separate existence of the mandated territory, which must not be impaired.

M. VAN REES, replying to M. Rappard, said that he would confine himself to drawing attention to the statement of his views on the points of principle to which his colleague had referred.

The CHAIRMAN, summarising the discussion, noted that all those members who had spoken up to the present agreed that, so long as the mandate existed, the mandatory Power could not bring about closer constitutional and political union. He asked those members who had not yet spoken formally to state their point of view.

M. SAKENOBE said he supported, on the whole, the conclusions of M. Palacios.

The question of the postal union of Tanganyika with Kenya and Uganda raised the subject of the interpretation of Article 10 of the mandate. According to that article, certain forms of union or federation between Tanganyika and the neighbouring territories were admissible, subject to restrictions. It was, however, very important to know what these restrictions were,

because, in the future, the Commission would be called upon to criticise, from the point of view of Article 10, many measures that might be taken in Tanganyika for carrying out this programme of co-ordination and co-operation.

In M. Sakenobe's opinion, the first question to be considered was whether a union or federation would deprive, or tend to deprive, the mandated territory of its existence as an administrative unit. The nature of the postal union in question was quite clear. The postal and telegraphic services of the three territories were united to form a single larger service. The Tanganyika administration was only part of a larger administration, and, in as far as the post office and the telegraphs were concerned, the territory thus ceased to exist as an independent and separate administrative unit. Tanganyika could enter into a union or federation with Kenya and Uganda for the purpose of standardising equipment and making charges and postage stamps uniform, and for all rules and regulations relating to the service. But the mandated territory had to retain its administrative integrity, in so far as the postal service was concerned. If the union of the postal and telegraphic service, now constituted, were authorised, union of the railways and the whole system of communications would have to be allowed, and, in that case, when an Administrative Council of the three territories was set up to administer Tanganyika as part of a whole, there would no longer be any grounds for objection. In his opinion, the postal union might be regarded as inadmissible for the same reason as made political union inadmissible.

COUNT DE PENHA GARCIA thought that two currents of opinion might be distinguished : there were, on the one hand, those members of the Commission who had examined the recent developments of the situation quite objectively without drawing pessimistic conclusions as to the future, and, on the other, those members who viewed those same developments with some apprehension from the standpoint of their possible evolution.

In substance, all were agreed on one point — the mandate precluded any kind of political or constitutional union. Even if such a union were of advantage to the mandatory Power and to the mandated territory from an administrative standpoint, the mandatory Power could not bring it into being without authorisation from the League ; it would, moreover, necessitate a revision of the mandate.

The Commission, it would seem, could now place on record the fact that the mandatory Power had given up the idea of closer union in the form originally contemplated and could further affirm the principle that a political or constitutional union was out of the question. In that connection, Count de Penha Garcia would prefer to delete the last part of point 2 of M. Palacios's conclusions, since, as Lord Lugard had said, the " moment " contemplated could never occur while the mandate was in operation.

Apart from that question of principle, due heed must be paid to those new and very important facts which had aroused apprehension in the minds of several members of the Commission.

Count de Penha Garcia had listened very carefully to what the representative of the mandatory Power had had to say about the policy adopted towards the natives, the object of which was to establish closer administrative links between the mandatory Power and the inhabitants, so as to facilitate the administration of the territory. If that policy created in the natives a tendency to regard themselves as having the same interests and possessing the same status as the inhabitants of the neighbouring territories, the resulting evolution would require the greatest attention on the part of the Commission.

To come to the actual fact, it was a question, at the present moment, of a Customs, postal and railway union and the Conference of Governors. Those measures might, indeed, lead to the development of such contacts that the question of closer union might arise again in the future. Under the terms of Article 10, the Commission could not prevent the adoption of such measures, provided that they did not infringe the provisions of the present mandate, and it was important to see that this condition, laid down in Article 10, was duly observed. It was obvious, moreover, that this administrative unification and re-organisation created a confusion of functions and made more difficult the duty of supervision devolving upon the Commission, a situation which had been duly noted in connection with the financial accounts of the several territories. The Commission should accordingly, perhaps, take a decision at once on that particular point and state that, in view of the newly created situation, fresh means must be placed at its disposal in order that it might carry out satisfactorily its mission of supervision.

In conclusion, Count de Penha Garcia expressed the opinion that the points of view of the members of the Commission were not very divergent and that it should be possible to frame a joint text.

The CHAIRMAN said that he fully endorsed the part of the report in which M. Palacios set forth the question, the considerations for and against the scheme of closer union, and the present situation in regard to that question. As regards the conclusions, the Chairman was not seriously opposed to those of M. Merlin. His colleague's chief preoccupation, if the Chairman had rightly interpreted his views, was the future ; and he himself shared that concern.

If Customs, fiscal and administrative unions were to be brought about on the lines considered admissible by some of his colleagues, in virtue of Article 10 of the mandate, the Chairman wondered, like M. Rappard, what interpretation could be given in future to the fundamental mission entrusted to the Commission under Article 22 of the Covenant and the mandate charters, that mission being to supervise the administration by the mandatory Powers of the mandated territories. If such unions were effected, one logical consequence would necessarily ensue — the Commission's supervision must extend also to the territories united to the mandated territory.

Even if that were possible in theory, it would, in his opinion, be almost impossible in practice, especially as it was difficult to see how such a state of affairs could be reconciled with the maintenance of the separate personality of the mandated territory in conformity with constitutional requirements.

The Chairman accepted Lord Lugard's text, which, subject to slight formal amendments, would replace No. 2 of M. Palacios's text.

In view of his preoccupations as to the future, he would be obliged to propose certain amendments to the conclusions submitted by M. Palacios, amendments which would be on the lines suggested by M. Ruppel. He therefore reserved the right to submit concrete proposals in the matter.

The Chairman felt that the time had come to draft the Commission's opinion, which should express the feeling of the majority, so as to take account of certain of M. Palacios's conclusions, the ideas put forward by Lord Lugard and the other members, and at the same time the particular preoccupations of certain members.

He proposed accordingly that a sub-committee should meet, consisting of M. Rappard, M. Palacios and M. Orts, to prepare a draft, which would be discussed at the next meeting.

The Chairman's proposal was adopted.

NINTH MEETING

Held on Friday, June 23rd, 1933, at 5 p.m.

Tanganyika : Question of a Closer Administrative, Customs and Fiscal Union of the Mandated Territory of Tanganyika with the Neighbouring British Possessions of Kenya and Uganda (continuation).

The CHAIRMAN observed that the Commission had agreed not to re-open the discussion on the substance of the question. In those circumstances, he thought that it might pass at once to the examination point by point of the draft conclusions drawn up by the Sub-Committee, consisting of M. Orts, M. Palacios and M. Rappard, as the outcome of its discussions.

PREAMBLE.

The preamble was as follows :

“ The Permanent Mandates Commission has noted the letter from the United Kingdom Government dated September 2nd, 1932, communicating their decision and requesting the Commission to examine it and submit any observations it may think fit. In this letter the United Kingdom Government :

“ (1) Endorses the opinion expressed by the Select Committee of the two Houses of Parliament that the time is not yet ripe for the introduction of closer political or constitutional union ;

“ (2) Also adopts the said Select Committee's recommendation that the Conference of Governors of the different territories of East Africa should henceforward be increasingly utilised for the purpose of ensuring the closest co-operation and co-ordination in all matters of common interest to those territories, including native policy and closer liaison with the Colonial Office.”

M. PALACIOS pointed out that, in the letter from the United Kingdom Government, dated September 2nd, 1932, there was no mention of the Conference of Governors. The first part of the preamble should, therefore, be amended to take account of that fact, otherwise paragraph 2 could not logically be inserted. Reference might be made to the explanations furnished to the Commission by the accredited representative and to Despatch No. 2 (page 3) of the “ Correspondence ”.

M. PALACIOS and M. MERLIN proposed that, as regards the wording of paragraph (2), the Commission should adhere closely to the text of the corresponding passage of the note dated December 22nd, 1931 (see document No. 2, Cmd. 4141), sent by the Secretary of State for the Colonies to the Governors of Kenya, Uganda and Tanganyika.

A few other formal amendments having been accepted by the Commission, *the following text was adopted for the preamble* :

“ The Permanent Mandates Commission has taken note of the letter from the United Kingdom Government, dated September 2nd, 1932, communicating its decision on the question of ‘ closer union ’ between Tanganyika and certain neighbouring British territories.

“ In that letter and in the statements of its accredited representative :

“ (1) The United Kingdom Government endorses the opinion expressed by the Select Committee of both Houses of Parliament that the time is not yet ripe for the introduction of closer political or constitutional union ;

“ (2) It also adopts the said Select Committee’s recommendation that the Conference of the Governors of the different territories of East Africa should be increasingly utilised for the purpose of ensuring the closest co-operation and co-ordination in all matters of common interest to those territories.”

CONCLUSION No. 1.

After the introduction of certain formal amendments, *the Commission adopted the following text* :

“ Having examined the official documentation accompanying the letter from the United Kingdom Government, the Permanent Mandates Commission :

“ (1) Thanks the mandatory Power for the admirable documentation it has sent and fully appreciates the lofty motives to which that documentation bears witness.”

CONCLUSION No. 2.

Paragraph 1 of Conclusion No. 2 was as follows :

“ (2) Notes the statement of the United Kingdom Government that they have no intention of carrying out any scheme for the closer union of the mandated territory of Tanganyika with the neighbouring British territories, involving the establishment of a political or constitutional union which would preclude or endanger the future existence of the mandated territory as a separate political entity.”

M. MERLIN proposed certain formal amendments, *which were adopted*.

M. RUPPEL objected to the term “ separate political entity ”. He did not think that this expression was sufficiently clear. He would have preferred an expression such as “ separate entity at international law ”.

M. RAPPARD proposed the phrase “ a separate entity from the point of view of international law ”.

M. PALACIOS agreed.

The first paragraph of Conclusion No. 2 was adopted in the following form :

“ (2) Takes note that the Government of the United Kingdom has no intention of putting into operation any scheme of ‘ closer union ’ between the mandated territory of Tanganyika and the neighbouring British territories, which would involve the creation of a political or constitutional union, with the effect of destroying or endangering for the future the existence of the mandated territory as a distinct entity in international law.”

Paragraph 2 of Conclusion No. 2 was follows :

“ Since in this connection the term ‘ the time is not yet ripe ’ has been used, it considers that, so long as the present mandate is in force, a closer union with neighbouring territories, the effect of which would be to modify the political and constitutional status of the mandated territory, is not possible.”

M. MERLIN objected to the expression “ a closer union with neighbouring territories, the effect of which would be to modify . . . ”. This appeared to mean that, not only would any constitutional or political modification be forbidden, but that the Commission was also opposed to any measure in application of Article 10 of the mandate.

On the proposal of M. ORTS, *the following text was adopted* :

“ With reference to the expression ‘ the time is not yet ripe ’, the Commission considers that a political or constitutional union of the mandated territory with the neighbouring territories cannot be carried out as long as the present mandate is in force.”

Paragraph 3 of Conclusion No. 2 was as follows :

“ Also considers that, while taking into account the provisions of Article 10 of the mandate, this should also apply during this period to any measure which would actually result in the establishment of a closer union, as defined above.”

M. MERLIN asked that this paragraph should be omitted. He thought that the sentence, while appearing to pay homage to Article 10 of the mandate, would actually deprive it of all value.

The CHAIRMAN did not think that M. Merlin's fears were justified. In the previous paragraph the Commission had expressed its conviction that, so long as the present mandate was in force, a political or constitutional union of the mandated territory with neighbouring territories was not possible. The mandatory Power retained all the rights accorded to it under Article 10 of the mandate, and, as it had stated that it had no intention of carrying out any scheme of closer union involving the creation of a political or constitutional union, that paragraph of the conclusions was, in his view, in accordance with the mandatory Power's intentions.

M. MERLIN thought that the text of the paragraph implied a certain suspicion *vis-à-vis* the mandatory Power. He did not see what purpose it served, since, on the one hand, the mandatory Power had stated that it would not carry out any scheme involving the creation of a political or constitutional union, and, on the other hand, as regards Article 10 of the mandate the Commission could always exercise its right of supervision and draw the Council's attention to any measure which was contrary to the mandate.

The CHAIRMAN asked M. Merlin whether the formula proposed by Lord Lugard, " Until that time arrives, no step should be taken which would tend towards closer union of such a nature ", would meet his wishes. Personally, he was quite prepared to accept the text proposed by Lord Lugard.

M. RUPPEL, M. RAPPARD and M. PALACIOS were also prepared to accept Lord Lugard's text.

M. MERLIN, M. ORTS and M. VAN REES were unable to accept it.

Lord LUGARD said that he did not see any great difference between his text and the text submitted by the Sub-Committee as the outcome of its discussions. In view of what M. Merlin had said, he could not accept any text which might seem to infer a suspicion of the *bona fides* of the British Government.

M. RAPPARD explained that Article 10 had been mentioned in order to satisfy those who feared that the Commission might appear to be infringing the rights accorded to the mandatory Power by the mandate. That was why he thought that everyone could accept the text drawn up as the outcome of the Sub-Committee's discussions.

M. ORTS said that he had already stated his views in the discussions with his colleagues on the Sub-Committee. He had not wished to prevent the insertion of this sentence in the draft conclusions submitted to the Commission, although, for his part, he was unable to accept it. He would have had no objection to agreeing to this text, which, at first sight, seemed harmless, if the discussion had not revealed the anxiety to which it referred.

M. RAPPARD did not think that any member could object to the text submitted to the Commission, even if certain members considered it inadvisable to insert that text in the conclusions.

M. ORTS said that, in view of the previous discussions, he was unable to accept the text submitted.

M. MERLIN re-asserted his conviction that the text before the Commission implied a certain suspicion *vis-à-vis* the mandatory Power. It would be incorrect to say that, without that text, the Commission's hands would be tied in its dealings with the mandatory Power. The Commission would always have the right to criticise, but its duty was not to prevent action on the part of the mandatory Power, and in that way to encroach on its administration and responsibility, but to criticise the measures it adopted and, if necessary, to have them reversed.

The CHAIRMAN remarked that the Commission was drawing up conclusions, not for its own use, but for the purposes of the Council.

M. RAPPARD considered that the majority of the Commission was of opinion that, not only was a political or constitutional union of the mandated territory with the neighbouring territories impossible during the period of the mandate, but that the mandatory Power should, during that period, avoid any measure which might actually tend towards the establishment of a closer union of such a nature. Certain members of the Commission already thought that the postal union in force was contrary to the provisions of the mandate.

M. ORTS proposed that, if the majority of the Commission was in favour of the adoption of the text submitted to it, the minority should say, in a note, why it held the opposite view. So far as he was concerned, the reasons could be summarised as follows :

1. The Commission could not address to a mandatory Power a warning implying a suspicion that it might do indirectly what it had undertaken not to do without first consulting the League of Nations, and thus face the League with a *fait accompli*.
2. The Commission could not adopt any text which might be interpreted as placing an obstacle in the way of the rights conferred on the mandatory Power by Article 10 of the mandate.

M. RAPPARD thought that points (1) and (2) of M. Orts's observation were contradictory.

M. MERLIN was of opinion, on the other hand, that points (1) and (2) of M. Orts's observation were complementary. It was important to prevent the establishment of a case law which might subsequently be applied for the purpose of opposing any measures which the mandatory Power desired to take under Article 10 of the mandate.

M. VAN REES proposed that the Commission should accept M. Orts's suggestion that a reference should be made to the dissenting opinion of certain members of the Commission. He said that he would himself vote against the text framed by the Sub-Committee.

M. MERLIN also rejected that text.

The Commission adopted paragraph 3 of Conclusion No. 2 in the following form :

“ It also considers, due regard being had to the provisions of Article 10 of the mandate, that any measures tending, during that period, towards the *de facto* establishment of such ‘ closer union ’ should be avoided.”

M. MERLIN, M. ORTS and M. VAN REES did not accept the foregoing paragraph, and reserved the right to notify the Commission of the form in which they would explain the reasons for which they were unable to do so.

CONCLUSION No. 3.

Conclusion No. 3 was as follows :

“ (3) Note that the Conference of the Governors of Tanganyika, Kenya and Uganda, in which the administrators of other territories of East and Central Africa may also take part, is a permanent advisory organ of co-operation and co-ordination of the common interests of the respective territories, having the special duty of discussing and proposing measures in connection with white and native policy, and that it constitutes an organ for communicating with His Britannic Majesty's Government, with a secretariat having its seat in the capital of Kenya. The Commission should in future follow with the greatest interest, not only the development, decisions and acts of this Conference, but, in general, the progress of the whole policy, and should request the mandatory Power to supply it with all the necessary particulars in this connection.”

M. VAN REES made a general observation concerning the foregoing paragraph, of which he saw neither the use nor the purpose.

The Commission appeared to be disapproving the establishment of a Conference of Governors. Instead of disapproving, it should, he felt, encourage the establishment of such an institution. If the Commission adopted the above text, it would, at least, seem to be casting doubt on the intentions of the mandatory Power. After duly noting the institution of the Conference, it could appear to be saying that it intended to subject the acts of the Conference to a process of sifting and to supervise its future development closely and not without a certain feeling of distrust. In M. Van Rees's view, the Conference of Governors was a perfectly lawful institution, even without the existence of Article 10 of the mandate. Its practical objects were eminently laudable, and the present tendency was to encourage the establishment of organs of that nature in all colonial countries.

Lord LUGARD entirely agreed with M. Van Rees.

M. RAPPARD did not propose to defend the text of the paragraph now before the Commission. He readily appreciated that amendments could with advantage be made. He felt that any meeting of Governors might be commended the object of which was to improve the existing administration, but all the members of the Commission were, he was sure, opposed to the institution of any form of government that might be described as “ super-mandatory ”. There was the danger that an organ such as the Conference of Governors, possessing a permanent secretariat, might tend in that direction. As proof of his statement M. Rappard read a passage from a despatch from the Secretary of State for the Colonies to the Governors of Kenya, Uganda Protectorate and Tanganyika Territory, dated December 22nd, 1931 :

“ I entirely share the view of the Committee that, in the absence of a central authority, the machinery of the Governors' Conference should be increasingly utilised ” (see document Cmd. 4141, No. 5).

He felt sure that the majority of his colleagues shared his view that the establishment of a “ central authority ” must be prevented.

M. VAN REES and M. MERLIN pointed out that, so far as the Conference of Governors was concerned, there could be no question of the establishment of a “ central authority ”.

M. RAPPARD said that he welcomed the deliberations of the Conference and the improvements that might result in administration ; he could not, however, help feeling some apprehension, and feared lest the Conference might tend towards the establishment of that “ closer union ” which the mandatory Power had said that it had no intention of creating.

Petitions : Further Appointment of Additional Rapporteurs.

On the CHAIRMAN's proposal the following Rapporteurs were appointed for new petitions received and distributed subsequent to the adoption of the agenda :

- (1) Memorandum on the development of the Jewish National Home in Palestine in 1932 : COUNT DE PENHA GARCIA ;
- (2) Memoranda emanating from the Vaad Leumi (May 1933), the Chief Rabbinate of Palestine (April 9th, 1933) and the Central Agudath Israel (May 11th, 1933) respectively : M. RUPPEL ;
- (3) Three petitions, undated, emanating from Damascus medical and law students, Alaouites of Tripoli and Homs respectively : M. ORTS ;
- (4) Petition, dated January 22nd, 1933, from M. César Eddé : M. SAKENOBE ;

The CHAIRMAN pointed out that the Commission had also received five sets of petitions (twenty-two in all) from the French Government with regard to the political organisation of Syria and the Lebanon. The French Government had stated that the High Commissioner of Syria and the Lebanon would make observations on these petitions when he would appear before the Commission. In these circumstances, the Chairman felt it would be premature at present to appoint a rapporteur. He would, however, advise his colleagues to make themselves familiar with the contents of the petitions before they heard M. de Caix, as they appeared to him to contain important information.

TENTH MEETING

Held on Saturday, June 24th, 1933, at 10.30 a.m.

Use of the Cinematograph in view of the Diversity of Mentalities and Civilisations (continuation).

The Commission adopted, with certain drafting amendments, the draft 'opinion' submitted by the Committee appointed at the first meeting of the Commission (see Annex 23, paragraph A. I).

South West Africa : Petitions from Mr. E. J. Lange, dated October 3rd, 25th and 28th, 1932, respectively.

The Commission examined the following conclusions of the report by Lord Lugard on the above petitions :

“ The Commission is of opinion that the petitioner should again be informed that, since the matters in question are justiciable in the courts, they are not matters to be dealt with by the Permanent Mandates Commission, which is not a judicial appellate court.

“ Since the substance of these petitions has been submitted to the Mandates Commission and rejected on these grounds at seven different sessions between 1924 and the present date, the Mandates Commission requests the Council to ask the mandatory Power not to forward any further petitions on this subject from Mr. Lange, which only wastes the time of the Commission. ”

Lord LUGARD said that the Commission had already considered at seven different sessions petitions from Mr. Lange ; these had always been rejected because they had nothing to do with the Mandates Commission but were a matter for the local courts. Mr. Lange had now sent, among others, copies of four petitions addressed to the Union Parliament, and the Mandates Commission was not competent to deal with those petitions either. The Commission should reply that those questions were a matter for the courts and not for the Mandates Commission, which was not a judicial body. Moreover, since similar petitions had been rejected for the last seven years, he proposed to ask the Council to request the mandatory Power not to transmit to it any further petitions from Mr. Lange on the subject in question.

M. VAN REES did not think it was possible to submit a request to the Council which would be equivalent to asking it to deprive Mr. Lange of his right to transmit petitions.

M. PALACIOS proposed that the Chairman should use more extensively his right to reject, without further examination, petitions which were non-receivable.

Lord LUGARD pointed out that this would only apply to petitions *on the subject in question*.

After an exchange of views, *the Commission decided to adopt the conclusions of Lord Lugard's report, omitting the last paragraph relating to the above-mentioned point (Annex 20).*

South West Africa: Petitions from Mr. W. Eichhoff, dated December 31st, 1932, and February 18th, 1933.

The Commission adopted the conclusions of Lord Lugard's report (Annex 22).

Cameroons under French Mandate: Petitions from M. Vincent Ganty, dated June 19th, 1931, August 14th and 21st, 1931, and November 10th, 1932.

The Commission adopted the conclusions of Count de Penha Garcia's report (Annex 17).

In connection with this report, the CHAIRMAN, referring to the proposal made with regard to Mr. Lange's petitions, said that he understood that the Commission wished him to make a somewhat wider use of his right to reject petitions without transmitting them to the Commission when they dealt with the same subject and the same arguments.

Lord LUGARD said, if he understood rightly, no more petitions should be received from M. Ganty — following on Lord Lugard's own proposal that the Mandates Commission should refuse to receive further petitions from Mr. Lange on the particular subject on which repeated petitions from him had already been dealt with. If Lord Lugard had understood the decision rightly, he desired to dissent from it. M. Ganty called himself the delegate in Europe of the negro citizens of the Cameroons under French mandate. He submitted petitions on a variety of subjects which might or might not be receivable, but each should be judged on its own merits. They were not like Mr. Lange's, merely repetitions of a *chose jugée* to which a final reply had been sent.

The CHAIRMAN thought that the proposal with regard to petitions had perhaps been misunderstood. It was to the effect that, if the Commission received, through the mandatory Power, petitions on a subject already dealt with, which did not contain any arguments additional to those appearing in the petition upon which the Commission had already taken a decision, the Chairman should be allowed to reject them in the same way as petitions reaching him direct from sources outside the mandated territory.

Lord LUGARD thanked the Chairman for this explanation, with which he was entirely satisfied.

Islands under Japanese Mandate: Petitions dated September 3rd, 1931, and April 28th, 1932, from M. Kashichiro Masakiyo on behalf of M. Wan Cablera.

M. VAN REES said that there was a contradiction between some of the statements made by M. Ito and those made by the German Embassy in 1929. Additional explanations should therefore be requested.

The Commission adopted the conclusions of M. Van Rees's report (Annex 19).

Palestine: Petition, dated August 14th, 1932, from M. Wadie M. Attalah.

The Commission adopted the conclusions of M. Ruppel's report (Annex 4).

Syria and the Lebanon: Petition, dated January 29th, 1933, from the « Association des Etudiants arabes de Toulouse ».

The Commission adopted the conclusions of Count de Penha Garcia's report (Annex 12).

Question of a Liaison between the Mandates Commission and the Advisory Commission for the Protection and Welfare of Children and Young People in connection with the Report to the Council of the Commission of Enquiry into the Traffic in Women and Children in the East.

The CHAIRMAN had been informed by the Director of the Mandates Section that, at the last session of the Advisory Commission for the Protection and Welfare of Children and Young People, held in April 1933, the United Kingdom delegate had put forward the following suggestion :

“As the Mandates Commission is also interested in the social well-being of the mandated territories, it would be advisable for the Director of the Social Questions Section to find

means of establishing liaison between the Mandates Commission and the Advisory Commission when the report is examined at the next session.”

The report referred to was that submitted to the Council of the League of Nations on December 10th, 1932, by the Commission of Enquiry into the Traffic in Women and Children in the East.

The enquiry in question had been decided upon by the Council of the League of Nations on May 14th, 1930. It had been conducted from November 1930 to April 1932.

The Commission's report to the Council, which was a volume of more than 500 pages, had been published recently. It dealt, among other things, with the position in two mandated territories — Palestine, and Syria and the Lebanon — both of which were parties to the International Convention for the Suppression of the Traffic in Women and Children, signed at Geneva on September 30th, 1931.

The Chairman had the impression that the respective spheres of the Mandates Commission and the Advisory Commission for the Protection and Welfare of Children and Young People were entirely distinct.

It was the function of the Mandates Commission to examine, in the light of the obligations of the mandatory Powers concerned, the information contained in the report of the Commission of Enquiry, on the same footing as any other document or publication dealing with the position in the mandated territories.

The duty of the Advisory Commission for the Protection and Welfare of Children and Young People appeared to be to examine the findings and recommendations of the Commission of Enquiry in their technical aspect — that was to say, from the standpoint of the application of the 1921 Convention, independently of the legal status of the different territories, parties to the Convention, in which the enquiry had been conducted.

Accordingly, the question of possible co-operation between the Mandates Commission and the Advisory Commission did not seem, at first sight, to arise, though each Commission must naturally take the other's conclusions into account.

The Chairman therefore ventured to make the following proposal :

The Mandates Commission would ask one of its members to examine the data and particulars regarding mandated territories contained in the report of the Commission of Enquiry, from the standpoint of the obligations incumbent upon the mandatory Powers concerned in consequence of the provisions of Article 22 of the Covenant and the texts of the mandates. This Rapporteur would ask the accredited representatives any questions he might think necessary or useful to amplify the information in the possession of the Commission. He would then, if he thought fit, propose that the Commission embody, in the section of its report to the Council dealing with the territories in question, observations based on the findings contained in the report of the Commission of Enquiry and on the exchanges of views with the accredited representatives.

The Advisory Commission would be able to take any such observations into consideration when it came to examine the report of the Commission of Enquiry from the technical standpoint.

Subsequently, when examining the administration of the territories concerned, the Mandates Commission would have to take into account the action taken on such recommendations as the Council might make in regard to those territories in consideration of the Advisory Commission's conclusions.

Should the procedure just outlined receive the approval of the Mandates Commission, the Chairman would propose that Lord Lugard be asked to act as Rapporteur.

The Chairman's proposals were adopted.

Tanganyika: Question of a Closer Administrative, Customs and Fiscal Union of the Mandated Territory of Tanganyika with the Neighbouring British Possessions of Kenya and Uganda (continuation).

The Commission resumed its discussion of its conclusions on the question of “closer union”.

CONCLUSION No. 3 (continuation).

M. VAN REES said that he would like Conclusion No. 3 to be omitted. If he rightly understood the views of some of his colleagues, they were alarmed at the fact that a Conference of Governors had been instituted, especially as it had been stated in one of the documents that that Conference would be increasingly utilised for the purpose of ensuring co-operation between the territories of East Africa; they also felt uneasy because that Conference was to be supplemented by a special body, a permanent secretariat, which would not even reside in the mandated territory. In his colleagues' view the matter was becoming disquieting, not to say suspicious, in view of this fact, and in Conclusion No. 3 they wished to make it quite clear to the Council that the Commission ought to display special vigilance.

He could not approve that attitude, which, in his view, would amount to founding suspicions on quicksands. He would prefer as a basis more solid ground, which precisely was lacking.

Conclusion No. 3, moreover, seemed to him useless, since the point it brought out was already established as a result of Conclusion No. 2 — namely, that the status of the territory must not be changed. In these circumstances, Conclusion No. 3 would simply create an impression of uneasiness, of apprehension, which was by no means justified at present.

M. PALACIOS said that the United Kingdom Government's reply comprised two separate statements : in the first place, that Government had replied that the time had not come to create a closer political and constitutional union, but, secondly, it had adopted the Select Committee's recommendation relating to the establishment of closer and more continuous co-operation through the utilisation to an increasing extent of the Conference of Governors. The first point having been dealt with in Conclusion No. 2, M. Palacios did not think it was possible for the Mandates Commission to ignore the second part of such a declaration. " In the absence of a central authority, the machinery of the Conference of Governors should be increasingly utilised ", said the Government. How could the Commission avoid saying something about it, making some comment on it ? It was only natural that it should take note of this new idea — the increasing importance of the Conference. Moreover, the Commission had always asked for information regarding it, even before it had had its present great significance ; now that the Conference was becoming more important, the Commission had all the more reason to ask for information. Further, had not the Chairman before him a newspaper article from the *Tanganyika Opinion* setting forth certain apprehensions felt by public opinion ? The Commission might or might not share those apprehensions, but it could not ignore them.

Finally, Conclusion No. 3 only asked for information ; it contained no criticism and its terms were in substance quite innocent.

The CHAIRMAN said that M. Van Rees and M. Orts had implied that the Commission had no right to be apprehensive ; however, he had before him considerations which gave ground for doubt as to the measures in question. It was therefore impossible to speak of opinions founded on " quicksands ". Lord Lloyd, the author of the statement which he was about to read, was not an irresponsible witness, and some weight could be attached to his views.

At the annual dinner of the East Africa Club in London, Lord Lloyd, in a speech reproduced in *The Times* of June 22nd, 1933, under the sub-heading : " One Empire from Zambesi Northwards ", had said that :

" . . . although nothing we could do could alter administratively the future of South Africa, we could and must make a Central and East African Empire from the Zambesi northwards."

The Chairman also said that it was stated, in an article on the Conference of Governors which appeared in the *Tanganyika Opinion*, that it would be only nomenclature which would distinguish this Governors' Conference from closer union or federation.

These statements proved that this was not an imaginary case, but that there were good reasons for a certain uneasiness. If a union of authorities was being brought about through the Conference of Governors, the Commission was justified in asking for explicit information.

M. VAN REES said that he would not have spoken as he had if the long discussions which had taken place and which would be recorded in the Minutes had not been calculated to show that certain members of the Commission entertained a definite suspicion as to the intentions of the United Kingdom Government — a suspicion which they were endeavouring to bring out in Conclusion No. 3,

It must not, however, be forgotten that there was a great difference between an exchange of views in the Commission and the observations submitted to the Council as the conclusions to be drawn from the Commission's discussions. For his own part, M. Van Rees did not harbour the slightest suspicion, and it was for that reason that he regarded the relevant conclusion as unsuitable.

M. ORTS concurred in this view. He feared that, by such a conclusion, the Commission would convey to the Council the impression that as a body it entertained a suspicion. He wished to say explicitly that personally he had no such suspicion.

He could not see that the passages from the articles which had been read justified such an attitude. The articles dealt, no doubt, with the federation of the territories in question, but under Article 10 of the mandate the mandatory Power was empowered to bring about such a federation.

M. RAPPARD pointed out that the passage in question spoke of " empire ".

M. ORTS replied that " empire " was a conception quite impossible to define.

He had the impression that some of his colleagues found fault with Article 10 of the mandate. As he had said on the previous day, the Mandates Commission's task was not to criticise and revise the mandate, as in so doing it would bring the whole mandate system and itself into discredit.

The CHAIRMAN did not question the right conferred upon the mandatory Power by Article 10 ; on the other hand, in pursuance of the same article, the Commission must be informed as to whether the measures taken were detrimental to the provisions of the mandate and the interests of the mandated territory.

M. ORTS concurred in the Chairman's view that the Commission must ask for information, but in a manner which left no room for a suspicion which was foreign to the spirit of the Commission.

M. PALACIOS was very anxious to explain (1) that he harboured no suspicion against the mandatory Power ; (2) that he did not in any way suppose that it was attempting, by indirect

means, to act unlawfully; and (3) that, as he had already said on another occasion, he had no intention of criticising Article 10 of the mandate. That was quite clear. M. Palacios presumed that no one could harbour any suspicion against the mandatory Power, for the Commission's obligation to exercise supervision could not legitimately be described in that way. The wealth of documentation, the frank declarations and openly liberal and democratic procedure of the mandatory Power, to which he had paid a tribute in his preliminary report and in his first conclusion, ruled out any idea of "indirect means".

It was simply a question of the interpretation of Article 10. M. Orts thought that the article was quite clear, and that there was no need to interpret it. M. Palacios, on the contrary, agreed with Savigny's theory that all legal provisions required interpretation, and thought that, in the present case, it was not easy. There was no doubt, however, that Article 10 would have been worded differently if it had been intended to authorise closer union: it would have mentioned closer union. This was too important a matter to be left vague. On the other hand, if it specified — as it did — the unions and federations which were permitted, and if it even referred to the provisions of the "present mandate", it was because it did not allow full closer union — which, once admitted, would imply a partial administrative union. The greater included the lesser, but the opposite was not true.

M. Palacios's conclusions took full account of the statements made and the information furnished by the mandatory Power, and quite simply examined them.

M. RAPPARD desired to make his position clear. Personally, he harboured no suspicions with regard to the United Kingdom; he even wished to state that the mandatory Power had shown great generosity in the manner in which it had distributed its documents and supplied information.

There was no question of suspicion, but of uneasiness. He considered that the mandatory Power was embarking upon a dangerous course and that the Commission should apprise it of its uneasiness with complete frankness. He was, moreover, persuaded that the United Kingdom Government would receive, in the same spirit, the quite natural expression of these views.

In order to remove this notion of suspicion, while at the same time expressing the uneasiness to which he had referred, M. Rappard proposed to submit a new text of the conclusion in question.

Each of them must speak his mind freely, and the text which M. Rappard would propose was intended to do this without any ulterior motive.

M. Rappard's text retained the first sentence of Conclusion No. 3 as far as the words "capital of Kenya" — *i.e.* :

"3. Notes that the Conference of the Governors of Tanganyika, Kenya and Uganda, in which the Administrators of other territories of Eastern and Central Africa may also take part, is a permanent advisory organ of co-operation and co-ordination of the common interests of the respective territories, having the special duty of discussing and proposing measures in connection with white and native policy, and that it constitutes an organ for communication with His Britannic Majesty's Government, with a secretariat having its seat in the capital of Kenya."

M. Rappard's text would then continue :

"The Commission is particularly interested in this organ. In the first place, it fully recognises how valuable it is in the interests of the mandated territory itself that the experience gained in neighbouring, and in many ways similar, territories should be pooled.

"In the second place, it considers that such a body should not take over executive responsibilities, as this would limit unduly the administrative autonomy of the mandated territory.

"For this reason, the Commission will follow the development, activities and policy of this organ with particular interest."

M. PALACIOS proposed that the last part of the first sentence of Conclusion No. 3 of the text proposed by M. Rappard from the words "having the special duty" down to "Government" should be struck out.

M. ORTS pointed out, with reference to the last paragraph but one in M. Rappard's text, that it still conveyed the impression that the organ in question might become executive, but it could only do so by means of a constitutional reform of the three countries, and the United Kingdom Government had given an undertaking that it would consult the Mandates Commission before taking any such steps.

M. RAPPARD pointed out that the organ in question might become executive. It was, he said, a recognised sociological law that a consultative body always tended to become executive in character. It could never be said that a body was purely advisory or purely executive. The British, with a full sense of their responsibilities, realised themselves that there might be a dangerous tendency in that direction, and they would be the first to understand that the Mandates Commission felt some concern.

M. PALACIOS supported M. Rappard, and added that the accredited representative, in his statement the previous year, had spoken of the execution of decisions.¹

M. ORTS then suggested that the first paragraph of Conclusion No. 3 should be altered to read: "a permanent organ, *purely advisory and non-executive*, of co-operation and co-ordination, etc."

¹ See Minutes of the Twenty-second Session of the Commission, page 134.

The CHAIRMAN thought that, in the circumstances, if the Commission merely took note of the constitution of the Conference of Governors, it would fail to express the apprehension it felt ; on the contrary, it would give the impression that it was encouraging the development of that body.

Lord LUGARD expressed the view that the Conference could never assume an executive character. He did not think that it was necessary to refer to the Conference at all.

M. RAPPARD suggested that the two tendencies in the Commission might be reconciled by amending the last paragraph but one of his text as follows :

“ Further, it considers, like the mandatory Power, that such an organ should remain purely advisory in character.”

M. MERLIN proposed for the paragraph in question the following text :

“ Further, it considers that such an organ cannot lose that advisory character without infringing the very principle of the mandate, which constitutes the territory into a regular political and constitutional entity.”

The Commission, being unable to reach agreement on the text, adjourned its discussion to a later meeting.

CONCLUSION No. 4.

Conclusion No. 4 was as follows :

“ Ask the mandatory Power also to supply it with full and detailed information regarding the Customs regime and the transport, postal and telegraph services, and other joint services that may be established.”

M. MERLIN asked that the paragraph should be deleted and reproduced instead in the observations on the annual report of the mandatory Power. That report contained a whole passage on the Customs regime and on the reasons for the measures taken by the mandatory Power ; a special point such as that embodied in Conclusion No. 4 should not appear in the document under discussion, which embodied general considerations.

M. PALACIOS observed that the paragraph as re-drafted did not meet with his approval either, but that in its original form as embodied in his preliminary report — to which he would like to revert — it was entirely in place. The mandatory Power had stated that it wished to bring about co-ordination and co-operation between the services through the intermediary of the Conference of Governors, and that such co-ordination and co-operation would apply to the administrative and economic services. It was perfectly logical then to ask for information as to the manner in which that joint administration was likely to develop in practice, after having asked for information concerning its advisory organ, the Conference of Governors.

M. RUPPEL agreed with M. Palacios. The mandatory Power had stated that it was not taking steps to bring about closer union, but that it was its intention to take measures of co-ordination and co-operation on the basis of the proposals of the Conference of Governors. The Commission must therefore ask for information as to the measures which would be taken in the future. The paragraph might accordingly read :

“ . . . full and detailed information regarding the measures of co-operation and co-ordination that may be taken in the future.”

He was also in favour of retaining the last sentence in M. Palacios's report, which had been deleted in the new version, namely :¹

“ This information, supplied to the Mandates Commission, should be extended to all the effects which this joint administration may produce in the other territories when their interests, as a result of ‘ closer co-operation or co-ordination ’, are clearly connected with the interests of Tanganyika.”

M. PALACIOS pointed out, by way of example, that Sir Sydney Armitage-Smith, in his report on a financial mission to Tanganyika, had expressed the view that the Customs union had been prejudicial to Tanganyika ; in order to arrive at that conclusion, he must have made a comparison between the several territories, and the Commission should therefore be able to do the same.

M. RAPPARD urged the importance of bearing in mind one essential idea : the more closely the services of separate territories became unified, the more necessary it became to keep a watch on the whole and to survey the general policy. That, moreover, would not surprise the mandatory Power, which had itself foreseen the possibility.

M. PALACIOS added that precedents existed ; the Commission received documents relating to Nigeria and the Gold Coast.

M. VAN REES pointed out that the situation was not the same in regard to the mandated territories to which M. Palacios had alluded ; these, for administrative purposes, formed an integral part of the neighbouring colonies, which was not the case as regards Tanganyika.

The continuation of the discussion was adjourned to a later meeting.

¹ See Minutes of the Twenty-second Session of the Commission, page 325.

ELEVENTH MEETING

Held on Monday, June 26th, 1933, at 11.30 a.m.

South West Africa: Examination of the Annual Report for 1932.

Mr. te Water, High Commissioner of the Union of South Africa in London, and Major Pienaar, accredited representatives of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVES.

The CHAIRMAN welcomed Mr. te Water and Major Pienaar, accredited representatives for the examination of the annual report on South West Africa. The Commission had already had the honour to collaborate with these representatives at previous sessions, and he was sure that his colleagues would appreciate the fact that the Union had once again afforded the Commission an opportunity of examining the report with their assistance.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

MR. TE WATER. — Mr. Chairman, may I take this opportunity of thanking you for your kind welcome to me and to my colleague, Major Pienaar, and for consenting to take the examination of the South West Africa report to-day, thus enabling me to return to my duties in London at the Monetary and Economic Conference.

If I may be permitted to add a few remarks preparatory to the examination of the report, I must begin by stating what must, of course, be apparent to the Commission — namely, that the picture of depression in South West Africa will have to be painted in even gloomier colours for the year 1932.

This report on the affairs of South West Africa affords a striking illustration of the effect of the catastrophic drop in the world prices of commodities and raw materials on the commercial and industrial activities of a primarily producing country.

Mining activities in the territory have practically come to a standstill.

Agriculture has declined to rock-bottom levels; imports have decreased by 50 per cent on last year's low level.

The report gives concise statistics of the embarrassing drop in revenue — particularly in relation to Customs and excise — which bears eloquent testimony to the inertia of all commercial activities and enterprise.

The Administration has therefore been compelled to effect the most drastic economies in the public services by reducing staff, emoluments and many of the votes on public expenditure.

I think you will agree that, until revenue improves and the world position is righted, it is the duty of the Administration to carry out its mandate to promote to the utmost the material and moral well-being and social progress of the inhabitants of the territory, with due regard to the capacity of that territory.

I have spoken of the depression. In addition, drought is again upon the land, while plague has overtaken the natives of Ovamboland. The lot of the inhabitants of the country is not a happy one, nor is the path of the Administration easy.

At this juncture in the affairs of South West Africa, Dr. Conradie has entered upon his task in succession to Mr. Werth as Administrator of the territory.

In paying a tribute to the ability and zeal of the late Administrator and to the constant and anxious care which he has always bestowed on the problems of Government, I feel certain that I can at the same time claim, on behalf of the new Administrator, the support of this Commission's great experience, which I know will be accorded him in view of the heavy responsibility with which he assumes his new duties.

As to the report now before the Commission, it will be seen that the Administration has made every effort to furnish specific information on points raised by members, and, in accordance with the suggestion of the Commission made last year, has tabulated an index to the replies.

In so far as I am able, I am at the service of the Commission to give any additional information it may require.

FORM OF THE ANNUAL REPORT.

The CHAIRMAN thanked the mandatory Power for having been good enough to append to the annual report, as had been suggested at the previous session of the Mandates Commission, a table indicating the paragraphs of the report in which the questions raised by the Commission when examining the previous report had been answered.

MOVEMENT FOR CLOSER ASSOCIATION OF THE MANDATED TERRITORY WITH
THE UNION OF SOUTH AFRICA.

M. VAN REES, referring to the fact that a deputation of the inhabitants of South West Africa had recently paid a visit to the Prime Minister of the Union with a view to discussing the eventuality of the incorporation of South West Africa in the Union as a fifth province, said he understood that the Prime Minister had replied that, in view of recent political developments in the Union, the question could not be taken into consideration "at the present time". Was the Commission to assume that, if these "political developments" were no longer an obstacle, the question could, and would, be seriously considered?

M. RUPPEL said that, in the previous year, he had drawn attention to the activity of the United Nationalists South West Africa Party.¹ The *Windhoek Advertiser* of November 16th, 1932, now reported:

"An important decision regarding the future of South West Africa has been taken by the Head Committee of the United National South West Party. . . . The meeting was called for the purpose of considering the policy enunciated by Mr. J. P. Niehaus, M.E.C., at Otavi prior to the Grootfontein by-election. . . . The policy set out by Mr. Niehaus, with one modification, was approved by the whole meeting with only one dissident. The modification was in respect of the termination of the mandate. It was decided that the party would not press this point. It would, however, make every effort to ensure that South West Africa should, for all practical purposes, be treated and administered as a fifth province of the Union with representation in the Union House of Assembly and Senate."

This represented the decision of the largest party, which commands a majority in the House of Assembly. Could the accredited representative state what was the attitude of the Union Government in this matter?

Mr. TE WATER, though agreeing that the questions raised by M. Van Rees and M. Ruppel were undoubtedly of interest to the Mandates Commission, observed that they were, above all, matters of internal politics in South Africa. The mandatory Power merely came in for the reactions of such politics. He had himself been in South Africa in the beginning of the year, and could assure the Mandates Commission that South West African politics occupied little place in the thoughts of the Government and the people at that moment, for the simple reason that other highly important political developments had been, and were still, taking place in the Union.

As to whether the question of incorporation had been considered by the Union Government, he could truly say that the people of South Africa and the Union Government did not as yet feel any direct concern in the matter, though there was possibly a certain amount of indirect interest.

The only questions discussed by the Committee which had come to Cape Town to consult the Government were those set out in paragraph 6 of the report. Moreover, so far as he was aware, these were the only questions in which his Government was actively interested. It could not, of course, assume responsibility for the activities of political parties in South Africa.

REQUEST BY THE LEGISLATIVE ASSEMBLY OF THE TERRITORY FOR AN EXTENSION OF ITS
POWERS : QUESTION OF THE REPRESENTATION ON THE LEGISLATIVE ASSEMBLY OF NATIVE
INTERESTS.

Lord LUGARD observed that the accredited representative had alluded to paragraph 6 of the report, which gave the text of a resolution concerning the extension of the powers of the Legislative Assembly of South West Africa with a view to "securing the greatest possible measure of self-government" for the territory. He had asked in the previous year² if the interests of the population of North Ovamboland would be represented in any way. It seemed as though they were not to be represented. Would the natives in the police zone have any representative? Otherwise, he did not see how the proposals would secure "a more equitable participation in the Government of all the sections of the population".

Mr. TE WATER drew Lord Lugard's attention to the opening phrase of the motion: "Whereas the *European* inhabitants etc. . . ." The "participation in the Government of the territory by all sections of the population" meant all sections of the white electorate, since, under the South West African Constitution itself, only the whites were represented directly. Section 7 of that same Constitution, however, laid down that one member should represent exclusively the interests of the natives. He had had the honour to draw the Commission's attention to this point in the previous year.³

¹ See Minutes of the Twenty-second Session of the Commission, page 23.

² See Minutes of the Twenty-second Session of the Commission, page 22.

³ See Minutes of the Twenty-second Session of the Commission, page 21.

M. PALACIOS, reverting to the question raised by Lord Lugard, referred to Chapter IV, "Constitution of the Mandated Territory", of the annual report. On pages 3 and 4 of the report was reproduced the motion adopted by the Legislative Assembly on April 27th, 1932, concerning the prolongation of the Assembly, the questions of legislative powers and of self-government, the acknowledgment of German as an official language, automatic naturalisation of all Europeans, etc. It was stated in the report that, with the exception of the prolongation of the duration of the Legislative Assembly, it had been impossible "for unavoidable reasons" to settle the other questions raised by the motion. Could the accredited representative give any further information on this subject?

Mr. TE WATER said that, during the last three months, considerable political changes had taken place in the Union of South Africa, with the result that a new coalition Government had come into being. That Government had as yet had no time or opportunity to examine this problem. Those were the "unavoidable reasons" referred to in the report.

M. PALACIOS said he must bow to the statement of the accredited representative that the new Government had not had time to consider this question. He would, however, have been glad to know what the intentions of the mandatory Power were in this respect and hoped that indications would be forthcoming next year.

Mr. TE WATER said that he could not, with the best will in the world, reply to M. Palacios's query as to the intentions of the Government, because on this matter the new Government had as yet formulated no policy at all.

Mlle. DANNEVIG desired to revert for a moment to the question of the representation of native interests. Was not South West Africa in a situation entirely different from that of the surrounding countries, in that it was a mandated territory with all that the mandate implied? (It would be remembered that one of the essential functions of the mandatory system was to ensure the gradual guidance of native races to a fuller share in the benefits of all that civilisation could afford them. It was true that, at present, one member of the Legislative Assembly of South West Africa (and he was an official, if she were not mistaken) was charged with the protection of native interests in that Assembly. Did the accredited representative believe that one representative — and he an official — would be sufficient to watch effectively over native interests, if the powers and duties of the Legislative Assembly came eventually to be extended on the lines proposed in the motion set out on pages 3 and 4 of the report? Would it not be possible to suggest that, when this question came to be considered for final solution, and the Government formulated its policy, arrangements should be made for a wider representation of native interests, if possible.

Mr. TE WATER assured Mlle. Dannevig that what was implied under the Constitution concerning the moral and material welfare of natives was that these would be a first consideration in the mind of the Government. He would beg Mlle. Dannevig to observe that, under the Constitution, it was also the duty of one member of the Advisory Council to look *specially* after the interests and social welfare of natives in the territory.

M. RUPPEL noted the accredited representative's statement that the new Government had not yet formulated any policy with regard to the motion submitted by the Assembly at Windhoek. He remembered that, in the previous year, the then head of the Union Government — who was also head of the new Government — had made certain definite declarations to the Committee from South West Africa which had visited Cape Town. The then Prime Minister had promised to do his best to see that these claims were satisfied.

Mr. TE WATER agreed that, in the previous year, the Prime Minister had given certain assurances. Though it was true that the Prime Minister still remained head of the Department of External Affairs, he was not in a position to formulate any policy without consulting his new Cabinet. It was practically impossible to hold such a consultation at the present moment, especially when three of the principal members of that Cabinet — namely, General Smuts, the Minister of Finance and the Minister of Railways — were in London at the Economic Conference. He hoped the Commission would understand that this matter had not been waived, but that, for the reasons he had indicated, it was impossible to give due consideration to it at present.

M. RUPPEL, noting that the Assembly of South West Africa had been extended until July 17th, 1933 (paragraph 7), asked whether, with regard to the delay in carrying out the motion of April 1932, a further extension of one year had been contemplated.

Mr. TE WATER observed that the Parliament of the Union of South Africa had now been prorogued, so that it was impossible to pass the necessary legislation for a further extension of the term of office of the Legislative Assembly before July 17th, 1933. He had no doubt, however, that the matter was being considered, and that the desire of the legislature of South West Africa would be met in some way or other by the Union Government.

CUSTOMS UNION BETWEEN THE UNION AND SOUTH WEST AFRICA :
APPOINTMENT OF A JOINT COMMISSION.

M. VAN REES said that, in the previous year,¹ he had asked a question concerning the Customs Union between South Africa and South West Africa. He had said that, in the case of such a union between two countries, only one of which required protective tariffs, it was clear that one party would benefit at the expense of the other. Mr. te Water had at that time implied that he would bring this matter to the notice of the authorities. There was, however, no reference to this point in the 1932 report. Could Mr. te Water give him any information on the subject, particularly as he had noticed an article in the *Temps* which argued that the Customs Union would not be favourable to the mandated territory ?

Mr. TE WATER replied that he had duly conveyed to his Government the remarks made by M. Van Rees and M. Ruppel on this subject in the previous year. The omission in the report was now rectified by a communication he had received from his Government on the subject. His Government informed him that a Commission had been appointed to enquire into certain economic and other difficulties in connection with the administration, territory Customs duties, railways administration, tariffs and certain other matters outstanding between the Union of South Africa and the mandated territory. This Commission was now taking evidence on these matters.

The reason why there was no answer in the report to the question raised by M. Van Rees in the previous year concerning railways — which had been duly noted — was that this was one of the questions now being considered by the Commission. The Commission's findings would be communicated in due course and would be dealt with in the next report. It might also be possible to arrange to send copies of the findings to members of the Mandates Commission.

REGULATION OF THE EXPLOITATION OF THE MINES.

Lord LUGARD, referring to Act No. 26 of 1932 of the Union Government (page 1 of the report), noted the provision that the South West Africa mandate " shall not be deemed to apply to any grant, either before or after the commencement of this Act, of any title, right or interest, in respect of minerals in terms of the provisions of the Imperial Mining Ordinance for German South West Africa, dated the eighth day of August, 1905, or any amendment thereof."

What was the purpose of this clause ? Did it in any way limit the rights of individuals or the operation of the mandate ?

Mr. TE WATER explained that Act No. 26 of 1932 effected an amendment of Act No. 49 of 1919, which reserved to Parliament the right to grant title or interest in State land or minerals in South West Africa. The intention of the amendment was to preserve such rights as had been or might be granted under the Imperial Mining Ordinance of 1905. The Act also applied to Walvis Bay.

CUSTOMS OF THE OKAVANGO TRIBES.

Lord LUGARD said he would like to thank the accredited representative for the very full and interesting replies to the questions he had asked last year regarding Ovamboland — the disturbance there, the outbreak of plague and the possibility of increasing the production of catch crops, and also for the very interesting account of the customs of the Okavango, who appeared to be more degraded and immoral than any people he had ever heard of in Africa. The report as a whole was, he thought, fuller than any the Commission had received previously.

Mr. TE WATER agreed that the case was a very bad one.

Mlle. DANNEVIG observed that, fortunately, the tribe was a comparatively small one. The unpleasant customs referred to in this part of the report were not, she supposed, general throughout the territory.

Mr. TE WATER replied that the tribe was hardly a very small one, as it numbered over 20,000. Fortunately, the habits described in the report were to some extent peculiar to that tribe.

SECURITY OF NAVIGATION ALONG THE COAST OF SOUTH WEST AFRICA.

M. ORTS said that, in the previous year,² he had asked a question concerning complaints on the part of navigators as to the unsatisfactory state of the buoyage and lighting of the coasts of South West Africa. The accredited representative had said that he would report the matter

¹ See Minutes of the Twenty-second Session of the Commission, page 30.

² See Minutes of the Twenty-second Session of the Commission, page 28, 368.

to the Government and that information would be forthcoming in the following report. He could see no mention of this information in the report.

Mr. TE WATER said he had received, and was now communicating to the Commission, a supplementary document, dated May 3rd, 1933, from the Secretary for South West Africa, giving information on this point. M. Orts would note that the information supplied to him concerning the number of wrecks, etc., seemed to be devoid of any considerable substance. He trusted that the Commission would be satisfied with the reply.

ECONOMIES IN THE ADMINISTRATION.

M. SAKENOBE observed that, on account of the depression, a number of officials had been retired. Had this necessitated any re-organisation of the Administration ?

Mr. TE WATER replied that he had no information to the effect that it had been necessary to re-organise the administration. Savings had been effected by refraining from creating new posts, or filling vacancies, from decreasing emoluments attaching to existing posts and by abolishing allowances.

LAND SETTLEMENT.

Lord LUGARD, referring to page 37 of the report, " Land Settlement ", assumed that the number of holdings in each year meant the net increase in each year, after deductions had been made, and not the actual numbers in that year.

Mr. TE WATER said his impression was that column 1 referred to the number of new holdings after cancellations had been deducted. He would see that additional information on this point was given in the next report.

PUBLIC FINANCE.

M. RAPPARD felt bound to make a few observations on the subject of finance, which was rapidly becoming the dominating issue in the territory ; indeed, the situation was so serious as to engender grave doubts for the future. The territory now owed the Union Government close on two million pounds, of which nearly one-third had been required to cover the deficit of the Administration in 1931-32. The accredited representative had just told the Commission that the present situation was even worse than it had been in the period covered by the report. So grave was the state of affairs that the Administration had been bound to take very drastic measures. Services had been everywhere curtailed and energetic measures taken for the purpose of reducing expenditure.

A very large part of the income of the territory was absorbed by the payment of interest or redemption. If this process continued, the whole income of the territory would soon be absorbed in this way, as a time would come when further reductions of expenditure would be impossible, and the territory would be faced with the problem of bankruptcy or repudiation.

Had the Administration considered whether there were any hitherto unexplored means of raising revenue ? One source, for instance, which did not seem to have been utilised was direct taxation of the land or income of the white inhabitants. He quite understood that the white settlers would resent proposals to impose such taxation. His attention had been drawn to an article entitled " Farmers Must Pay ", which had appeared in the *Windhoek Advertiser* on November 26th, 1932. That article expressed fairly faithfully his own impression of the situation. In the first place, he would like to ask, what was the position of this newspaper ? Was the leading article to any extent inspired, since it certainly seemed to concord with what the views of the Administration on this subject might logically be ?

Mr. TE WATER said that M. Rappard had not exaggerated the situation. He could assure the Commission, however, that the Union Government, as well as the Administration of South West Africa, were fully alive to its seriousness. The South African Government had been in the habit of making yearly advances to South West Africa for some time past. It was difficult to see how the situation would evolve, but it should not be forgotten how suddenly the financial position in the Union or South West Africa, which at the moment was in a precarious position, sometimes recovered in a most spectacular manner. One single factor — for instance, if the diamond market recovered — might almost immediately reverse the whole position. As the Commission was doubtless aware, the Union Government was examining, in conjunction with the diamond interests, all possible methods by which the recovery of the diamond industry could be assisted. The difficulty of the problem lay in the fact that depression in the diamond industry was merely one of the aspects of the general world crisis.

The present system of taxation in the territory was being very closely examined by the financial experts both of the territory and of the Union. They had not yet reached the conclusion that it was possible — however necessary it might appear — to increase the burden of taxation. Certain taxes were already being levied on land. He need not go into this matter, however,

because the Commission was acquainted with the general system of taxation in the territory. He had discussed the question of taxation with the Minister of Finance, who was fully alive to the seriousness of the position. The general reduction in expenditure revealed in the report during both the last and the current financial years was eloquent testimony of the efforts made by the Administration. Naturally, retrenchment in the services itself affected the economy of the country, but it was absolutely necessary.

In view of the facts, he would venture to ask the Mandates Commission to give its entire support to the Administration in its efforts to cope with the situation. In particular, he craved the Commission's tolerance if it were found impossible for the present to continue the development of the country in the matter of education, public works, etc., on the same lines as in the past. The Administration was passing through the most difficult period it had ever experienced in its history.

M. RAPPARD hoped that his remarks would not be taken in any way as a reproach on the Administration, since any suggestion of reproach in financial matters would be cruel at the present juncture. He had mainly wished to call attention to the fact that the interest charges on advances were increasing so rapidly that very soon the whole advances themselves would be absorbed in the payment of interest. In the previous year, interest had amounted to £120,000, while £240,000 had been advanced by the Union to the territory. If the territory had been an independent State, it would have been forced to repudiate these debts and would then have been unable to obtain any new credits. The seriousness of the situation could not be over-emphasised; with this view, the accredited representative had himself agreed. There was also the railroad indebtedness. In other words, although the credit of the Union Government remained good, the territory — if no spectacular improvement occurred, of which there was unfortunately no immediate prospect — must shortly be regarded as bankrupt.

Mr. TE WATER thought it was not necessary to reply to M. Rappard in terms of figures, though it might be wise to remember that there was on paper at least an excess of assets over liabilities in South West Africa. There was for the present no really satisfactory method of dealing with the economic situation; most countries in the world, suffering from similar circumstances though perhaps in a lesser degree, were taking refuge in philosophical vigilance. South Africa was, owing to its good fortune in possessing its gold mines, one of the few countries whose financial situation was comparatively buoyant.

M. Rappard's statement would be of great value in stimulating — if any further stimulus were necessary — the efforts of the Financial Commission which was now sitting, to explore the whole problem, including that of the railways. It would be of value to this Commission to see how these questions were viewed by the members of the Mandates Commission.

M. RAPPARD realised that it would have been more helpful if the Commission had been able to make any constructive suggestions; but such action was perhaps hardly within the limits of its competence and certainly not within the limits of its possibilities.

He noted (paragraph 79) that, in the year under review, there had been an increase in expenditure on the item administration, whereas formerly (page 16) expenditure had been decreasing for the last nine years. He assumed that this increased expenditure was due to the pensioning off of public servants in connection with the economy campaign. He wondered whether the expenses of the Legislative Assembly were not rather high — though he noted that the item was "Legislative Assembly, etc.", the "etc." probably covering a large number of sub-items. In any case, he was sure that the Government of South Africa and the Administration of South West Africa could count on the full support of all the members of the Commission in pursuing a policy of retrenchment on the one hand and of seeking out new resources on the other.

He noted that the expenditure on defence had been reduced from £12,000 to £108. That was, indeed, a minimum which approached absolute disarmament. On the other hand, £123,000 were spent on police. It was impossible for the Mandates Commission, however, at Geneva, to estimate the degree of necessity of the various items. It was also, unfortunately, impossible for the Mandates Commission to make any positive proposal.

Mr. TE WATER said that M. Rappard's assumption as to the reasons for the increase in ordinary expenditure in 1931-32 (paragraph 79 of the report) was correct. He might add that the expenditure on police had been reduced to £83,000 in the current year. With regard to the expenses of the Legislative Assembly, the members' allowances of £120 per annum had been reduced by 10 per cent. The rest of the expenditure was for maintenance of the Secretariat and allied requirements.

Lord LUGARD noted that, according to the statement on page 15 (last line), the total indebtedness of the territory to the Union seemed to be £1,800,000. Surely, if this were so, the payment of £120,000 a year interest represented a very high interest payment, unless it was in respect of other loans outstanding in addition to the £1,800,000 referred to on the page he had quoted. Could the accredited representative say whether there were any other loans?

Mr. TE WATER replied that the £1,800,000 represented the total indebtedness of the Territory to the Union. In this connection he thought it advisable to remind the Commission once more that, of the national debt, £932,000 had been loaned by the Administration to the Land Bank and about £200,000 to local authorities. This investment in the Land Bank could rightly be called a gilt-edged security.

M. RAPPARD asked whether the security could really be regarded as gilt-edged in view of the fact that the farmers were unwilling to pay interest on the sums they owed. In fact, the security of the Land Bank really depended on the guarantee of the South African Government.

Mr. TE WATER replied that the Land Bank was run as a strictly business institution. As long as the credit of the South African Government was of any value, investments in the Land Bank would be a gilt-edged security.

M. RUPPEL noted that the Government itself and the Land Bank had reduced considerably the rates of interest on loans given to farmers and settlers, whereas the Administration was continuing to pay interest to the Union Government on the sums borrowed at the original rate.

Mr. TE WATER said that this question of the rate of interest paid to the Union Government was probably one of the matters referred to the Financial Commission. It was a point which had also struck him. He could not say, however, how far the Union Government might be prepared to waive the original rate of interest. That point, however, would certainly form the subject of an official statement later.

M. RUPPEL noted the statement (paragraph 89) that a "primage of 5 per cent had been levied on certain goods imported into the territory in order to provide funds for the payment of subsidies to exporters . . . the payment of these subsidies having become necessary as a result of South Africa having decided to maintain the gold standard". As in the meantime South Africa had reversed her policy and had departed from the gold standard, would now the subsidies and also this special Customs duty be abolished?

Mr. TE WATER replied that this question arose as a direct result of South Africa abandoning the gold standard. Under the circumstances, it was probable that a considerable number — though not all — of the subsidies to farmers might be discontinued, in which case the primage might no longer be necessary. He could not foretell what precise decision would be taken in connection with the primage, and at the moment he had no direct information on the subject, but he thought it probable that this special Customs duty would be abolished. South West Africa found it necessary to subsidise farm produce, such as dairy produce and wool. The future policy of the Administration in this respect could not yet be determined, as it depended on so many imponderable factors. In view, however, of the situation of farming in the territory, and, indeed, throughout the whole Union of South Africa, he believed that the policy of subsidies would have to remain in force for several years to come.

TWELFTH MEETING

Held on Monday, June 26th, 1933, at 3.30 p.m.

South West Africa: Examination of the Annual Report for 1932 (continuation).

Mr. te Water and Major Pienaar came to the table of the Commission.

PUBLIC FINANCE (continuation).

M. RAPPARD asked whether the special Customs duty of 7½ per cent *ad valorem* against the dumping of goods from countries which had abandoned the gold standard had been removed now the Union had also abandoned the gold standard.

Mr. TE WATER replied in the affirmative.

DELIMITATION OF THE CAPRIVI ZIPFEL FRONTIER.

M. ORTS understood that the Caprivi Zipfel frontier question was now fixed,¹ and asked whether there was anything new to report.

¹ See Minutes of the Twenty-second Session of the Commission, page 27.

Mr. TE WATER replied that the boundary had been settled satisfactorily : it only remained for the Governments to exchange notes.

WATER SUPPLY AT KUNENE.

M. ORTS asked whether the Portuguese and Union Governments had reached agreement with regard to the question of the water supply for the natives living in the frontier region of the Kunene Sector, to which he had referred at the previous session.¹

Mr. TE WATER said that the efforts of the two Administrations to reach agreement had continued. Count de Penha Garcia, who had very kindly gone into the question, might be able to give further information.

M. ORTS did not want to press this question, which was of minor importance, but, as it was not political in character, he was surprised that an arrangement had not been reached quickly.

Count DE PENHA GARCIA explained that South West Africa was asking the Portuguese Government for permission to make, by means of a palisade about 2½ to 3 metres high, a corridor across a section of Portuguese territory in the Kunene area, so as to give the cattle belonging to the natives of South West Africa in a neighbouring region access to the river. The Portuguese Government had been unable to give permission for the reasons explained in its reply. That Government had suggested to the Government of the Union that a pumping station should be set up which would supply the necessary water, but it had not yet received a reply to the memorandum in which it had set out the possibilities of such a solution.

There were certain obstacles locally to allowing the natives to cross the frontier. In the first place, when the frontier was fixed, certain tribes had been divided, and it was thought that it would be difficult for them to realise that they belonged to different territories if access to Kunene were permitted. The natives now understood the position better, however, and this objection perhaps carried less weight. Secondly, it was thought that undesirable elements might find their way into Portuguese territory — especially as at certain times of the year the river-bed was almost dry — and that, as there was a Portuguese military post by the side of the corridor, difficulties might arise. Finally, it was feared that cattle disease and plague might be carried into Angola if the cattle had access to the river.

Count de Penha Garcia had taken advantage of the Conference of Governors now meeting at Lisbon to discuss the question with the Governor of Angola. The latter did not know what was the present situation of the affair, but had promised to have an enquiry carried out on the spot and to ascertain whether the objections to the corridor still existed.

Count de Penha Garcia hoped that, if possible, the concession would be granted. In any event, the installation of pumps was already a possible solution. In the meanwhile, he proposed that the mandatory Power should be asked for information as to the area interested in obtaining a watering place and the number of natives and cattle involved. It was certain that the cattle could not come from long distances to the watering place and that the ground near to the corridor for which a request had been made was not very closely populated and only made bad pasture land.

Mr. TE WATER thanked Count de Penha Garcia for his valuable mediation. He believed the Union Government had examined the Portuguese Government's latest communication and would doubtless reply in due course. A solution was no doubt in sight, however, now that the Governor of Angola was himself looking into the matter.

As far as Mr. te Water recollected, the area was very small and the number of natives affected not large, but the question was of practical importance, because, though these tribes were living close to the river, they continually suffered from lack of water.

Count de Penha Garcia's statement would no doubt go far to assist the Union Government in formulating its desires, and the accredited representative felt sure it would take steps to get into touch with the Angola authorities.

Count DE PENHA GARCIA pointed out, to avoid any misunderstanding, that he had acted unofficially with a view to facilitating a settlement of the question, without prejudice either to the principles or facts involved.

Mr. TE WATER fully appreciated this and felt that Count de Penha Garcia's intervention would probably have all the more value on that account.

ECONOMIC SITUATION : IMPORTS AND EXPORTS.

M. MERLIN pointed out that the economic situation of the territory, like its financial situation, had been adversely affected by the world depression and was in a very critical state. Trade had decreased in 1931 to one-half and in 1932 to one-third of what it had been in 1929, and imports had fallen considerably. Mining enterprises had also suffered, and the Liebig's Extract of Beef works had been obliged to close. The situation had not been improved by

¹ See Minutes of the Twenty-second Session of the Commission, page 27-28, 177-178, 369.

persistent drought. Nevertheless, exports of agricultural products had increased considerably. What was the explanation ?

Mr. TE WATER could only suggest that the increased exports of agricultural products as compared with 1931 were due to the subsidies granted to the farmers. He believed it was a universal phenomenon that, when subsidies were resorted to by Governments, those who benefited took full advantage of them. In all probability, products had been exported which ordinarily would not have left the country, as they would not have fetched a remunerative price.

M. MERLIN asked whether the fall in imports meant that the natives were returning to their former foodstuffs and habits, the depression having reduced their purchasing power.

Mr. TE WATER thought that all who had had experience of administration in native territories would agree that the native did not suffer to the same extent as the white man from economic depression. He had reserves which were not available to the white man, his method of communal life was different, and his requirements were far smaller. This was pointed out in paragraph 193 of the report :

“ The depression does not affect the natives in the outside areas such as the Kaokoveld the Caprivi Zipfel and the Okavango. . . . ”

Similarly, in Ovamboland there was evidence that the natives had been living a normal life, and, apart from the drought, did not appear to have suffered in any way. It was true that they had been unable to find employment in the mines and on farms to the same extent as in the past, but a native who was unable to find employment could always go back to his kraal, and the policy of the South West Africa Administration had been to repatriate large numbers of natives who fell out of employment.

Mlle. DANNEVIG wondered whether the natives might not be glad of the slump, because it freed them from hard work and enabled them to live happily in the reserves.

Mr. TE WATER called attention, in reply, to paragraph 475, which contained the following passage :

“ These difficult times proved that those natives who had learnt to work in towns or on farms preferred this hard and regular work to the life in the reserves. This fact should always be borne in mind in the education of the natives.”

Mlle. DANNEVIG said that this was very interesting, as showing what lines should be followed in the education of the native — practical more than literary, especially in rural districts.

M. MERLIN noted that the Administration had done its utmost to improve the economic situation by means, for instance, of bounties and rebates. He also noted its efforts to increase imports, and asked whether the accredited representative could give him any information about the consequences and results of the Ottawa Agreements, as far as South West Africa was concerned.

Mr. TE WATER said that the arrangements arrived at at Ottawa had given a big stimulus to the meat-farming industry, not only in the Union of South Africa but also in South West Africa. Trial shipments had been sent to the English market, where they had been received favourably, and the outlook was hopeful.

Technically, the object of the agreements was to give the Dominions meat exporter a bigger share in the British market. In effect, he was now allowed a larger quota than in the past as compared with his competitors. The South African exports, including South West Africa, were of course still very small in quantity and purely experimental in nature.

M. MERLIN noted that, not only the Government, but other bodies, such as the Land Bank, had made a great effort to improve the situation. The Land Bank had granted a moratorium, had reduced the rate of interest and had taken steps to restrict new credits.

Was there any special reason why the greater part of the trade of the territory went through the Union of South Africa ? Would it not be more advantageous to the territory to send goods through its own ports instead of through Cape Town ?

Mr. TE WATER explained that business and shipping agencies had long been established in the Union, and, in these circumstances, it would not be easy to open new business undertakings in the mandated territory. The import trade was in the hands of very powerful business concerns, against which a new enterprise would have to compete.

M. MERLIN asked, in no spirit of criticism, why the greater part of the foreign trade of the territory was with Germany.

Mr. TE WATER said that that was so for historical reasons. There had been considerable trade between South West Africa and Germany before the war, and many business men of

ability were still trading with their old connections. For instance, practically the whole of the Karakul pelt trade — amounting to £53,000 worth of produce in 1932 — was with Germany, as before the war.

In reply to a question by Lord Lugard, Mr. te Water said that a first-class Karakul pelt was worth about 25s. to 30s. Karakul was used to make astrakan coats.

M. MERLIN asked why the crayfish export trade was exclusively with France.

Mr. TE WATER said that the French appreciated the value of a good article. Great, though unsuccessful, efforts had been made to establish a market in England, which was, however, more conservative. In any event, the demand in France was greater than the territory could meet.

M. RUPPEL asked whether the accredited representative could give any information as to the probable effect of the abandonment of the gold standard on cost of living, salaries, prices, and so on.

Mr. TE WATER said that it was too soon to give a detailed reply, though it had certainly brought about a complete change in the economic regime of the Union. The premium on the sale of gold had resulted in the Union Government being placed in a position to balance the budget by increased taxation on mining profits.

LAWS OF SOUTH WEST AFRICA FOR 1932.

The CHAIRMAN said that the Secretariat had not yet received the laws of South West Africa for 1932. Could the accredited representative take steps to see that this volume reached the Secretariat ?

Mr. TE WATER understood that the volume had reached London only that week ; the Commission would no doubt receive its copy shortly.

JUDICIAL ORGANISATION.

M. RUPPEL noted that there had been a decrease in insolvencies and in civil judgments. He asked whether, in the case of compulsory sales of farms, there were any legal restrictions to provide for a minimum price.

Mr. TE WATER said that the general rule in sales in execution in South Africa was to offer farms at the price they would fetch in the market. There was, in this sense, no minimum figure.

As far as the Land Bank was concerned, however, it would not dispose of the farm, but would, in all probability, take it over. That practice was frequently followed by creditors.

M. RUPPEL noted with satisfaction the new table on page 6 containing particulars of crimes committed by natives against Europeans, and *vice versa*.

He drew attention to the large number of cases of theft, particularly of stock, by natives. The complaints of farmers that they were not sufficiently protected against such crimes seemed to some extent justified.

Mr. TE WATER thought, on the contrary, that the figures proved that the police were exercising great vigilance. This was a police question of the utmost difficulty in native territories : the same trouble occurred in the eastern territories of the Union, where farmers farmed in close proximity to native territories.

M. RUPPEL asked whether the native chiefs and headmen in the reserves had power to deal with civil and criminal matters, as in Ovamboland and in the other native countries in the north.

Mr. TE WATER believed that, generally speaking, the magistrates or native commissioners usually had civil and criminal jurisdiction outside the native territories proper, where the native chiefs were encouraged to exercise both civil and criminal jurisdiction except in offences *contra bonos mores*. He was unable to give a more detailed reply, but fuller information would be given in the next report.

PRISONS.

M. RUPPEL said that it appeared from the table on page 8 that cases reported to the police and persons convicted were increasing. On the other hand, the daily average number of prisoners in custody, especially native and coloured persons, had decreased. What was the explanation ?

Mr. TE WATER said the only explanation he could offer was that a number of charges brought had not been substantiated.

M. RUPPEL pointed out that the mortality rate of prisoners had risen to a marked degree : from 14.16 per thousand in 1930 to 21.20 in 1931 and 26.32 in 1932 (paragraph 40).

Mr. TE WATER did not consider the rate particularly high, except as compared with the two previous years, when it had been unusually low.

M. RUPPEL said there was a discrepancy on page 9. The total number of lashes applied in gaols throughout the territory during 1932 was 1,798 as compared with 1,400 during the previous year. On the same page, it was said that the discipline in gaols had been generally satisfactory.

Mr. TE WATER explained that the lashes were not necessarily applied as measures of discipline. They were possibly part of the sentence.

M. SAKENOBE asked whether the prisoners received any of their earnings from prison industries on leaving prison (paragraph 49).

Mr. TE WATER was not aware that any system of that kind was in force in South West Africa.

ARMS AND AMMUNITION.

M. SAKENOBE called attention to the very significant voluntary disarmament of the Ondonga tribe described in paragraph 321, when the natives handed over their arms to the Native Commissioner. That was an eloquent proof of the confidence of this native tribe in the Administration, and M. Sakenobe thought he was voicing the general feeling of the Commission in congratulating the mandatory Power on its great success.

Mr. TE WATER said that M. Sakenobe's remarks would be very deeply appreciated by the Administration and would be passed on to the administrative officer concerned. The present state of affairs was largely due to the great influence of one official, Mr. Hahn, whose work among the natives could not be too highly praised.

Lord LUGARD said M. Sakenobe had anticipated him in expressing appreciation of the remarkable influence exerted by Mr. Hahn in getting a tribe to disarm voluntarily.

M. SAKENOBE asked what progress had been made in the negotiations with the two other tribes mentioned in the next paragraph.

Mr. TE WATER believed these negotiations were proceeding, but had no further details. Information would no doubt be given in the next report.

M. SAKENOBE noted that the police and burgher forces held 2,196 rifles as compared with 4,820 in the previous year (paragraph 72).

Mr. TE WATER pointed out that the personnel of both the defence forces and the police force had been reduced considerably, and their armaments had probably been transferred elsewhere (paragraph 73).

COUNT DE PENHA GARCIA asked whether these rifles were included in the statistics for the import of arms.

Mr. TE WATER said that, as this was Government stock, it would pass through the Customs as such.

COUNT DE PENHA GARCIA noted that there appeared to be a good many arms in the territory.

NATIVE RESERVES.

Lord LUGARD congratulated the mandatory Power on the steps it had taken with a view to holding general meetings of the residents in native reserves, and hoped this movement would be extended (page 20). Apparently, these meetings were limited to reserves in respect of which a fund had been established. He hoped a fund would be created in all reserves.

Mr. TE WATER presumed that that no doubt would be done. The disposal of the fund was discussed at an annual general meeting.

Lord LUGARD asked whether the Commission could see copies of the reports furnished by the presiding officer on the "General Condition of the Natives in the Reserves with special Reference to Agricultural, Industrial and Educational Progress".

Mr. TE WATER said Lord Lugard's request would be communicated to the authorities.

OVAMBOLAND : DISTURBANCES CONNECTED WITH CHIEF IPUMBU.¹

Lord LUGARD thanked the mandatory Power for its detailed information with regard to the native chief Ipumbu, which showed that the Administration could not have acted otherwise (paragraph 320). He asked what was the number of casualties among the natives.

Mr. TE WATER said there was no bloodshed whatever. This was due entirely to the use of aeroplanes. The chief had made a statement which showed clearly that if land forces had been sent there would undoubtedly have been considerable bloodshed.

Lord LUGARD said he had asked because the chief had ordered all his men into the kraal which had been bombed, and he therefore feared there had been loss of life.

Mr. TE WATER pointed out that the kraal was bombed only after pamphlets had been dropped warning the natives to clear out, so that no damage was done except to the kraal. The whole cost of the expedition was £3,500.

Lord LUGARD expressed appreciation of the excellent work done by the Finnish Mission among these people.

MISSIONS.

M. PALACIOS observed that the report contained a good deal of information on the work of the missions and was glad to draw the attention of the Commission to the excellent work they had done during the year under review. Lord Lugard had congratulated the Finnish Mission and M. Palacios associated himself with that praise. He wished also to refer to the work of the Apostolic Vicariate of Great Namaqualand, in connection with which it was stated, in paragraph 489 of the report, that the public is of the opinion that some institutions of the Catholic Mission should be exempted from taxation.

From paragraph 477 it appeared that the dispute between Chief Ipumbu and the Finnish Mission had caused considerable anxiety at Ukuambi and had resulted in certain severe measures being taken. He would be glad of further explanations on this matter.

Mr. TE WATER drew attention to the long statement contained in the report (paragraph 320). The difficulty went back many years. Ipumbu had constantly come into conflict with the authorities and had eventually had trouble with the Finnish missionaries with regard to one of their charges, a relative of his own, whom he wished to marry.

M. SAKENOBE asked for further explanations with regard to the proclamation providing for the control of church, school or mission sites on Crown Land or land set apart as a reserve for native or coloured persons.

Mr. TE WATER said that when the South West African Laws for 1932 arrived, the text of the proclamation would make the position clear. Missionaries were required to obtain the prior sanction of the Administrator in respect of sites before establishing churches and missions. The Administrator could lay down such restrictions as he might think fit. This was, he thought, reasonable, as complications with the native chiefs might so easily arise, unless the erection of missionary buildings was authorised by a central authority.

M. SAKENOBE thought the question was very delicate and concerned freedom of worship.

Mr. TE WATER showed M. Sakenobe the text of the proclamation, and said he did not think there was any intention on the part of the Government to interfere with freedom of worship. The question was merely an administrative one affecting that of sites and he suggested that the proclamation was a wise administrative measure, seeing that Crown Land was involved.

M. RAPPARD said he had received a long letter from a German settler in South West Africa in which the writer stated that the white community as a whole was hostile to the missions. Could the accredited representative say whether there was any foundation for this statement?

Mr. TE WATER replied that the missions were, as was well known, carrying on extremely valuable work in the territory, which was highly appreciated. Whatever criticisms might be levelled against missions in other countries, in South West Africa he had only heard praise of their activities.

M. RAPPARD thanked the accredited representative for this assurance which he was very glad to receive.

REHOBOTH COMMUNITY.

Lord LUGARD noted that the political outlook with regard to the Rehoboths seemed to have improved (paragraph 739).

Mr. TE WATER said that the whole problem seemed to have been finally solved and, as elsewhere, there appeared to be political peace.

¹ See Minutes of the Twenty-second Session of the Commission, page 29.

LABOUR.

Mr. WEAVER observed that the situation was such that practically all mining work had ceased at the end of 1932. Among the few hundreds of native labourers employed during the year, the death rate had fallen to 16.29 per thousand, the lowest figure yet recorded. He congratulated the mandatory Power on this reduction, and hoped that the improvement would continue when industry revived.

He asked that the next report should contain information about the employment of natives on plantations, and enquired what effect the economic situation had had on the wages and conditions of employment of natives on farms. Perhaps full information could be given in the next report.

Mr. TE WATER said that, though no statistics were included in the report, there was presumably a considerable reduction in the number of natives employed on farms. Farmers as well as industrialists had undoubtedly been hit. The information for which Mr. Weaver had asked would be given in the next report.

EDUCATION.

Mlle. DANNEVIG appreciated the efforts of the Administration to maintain the standard of education in spite of financial difficulties. Expenditure had been cut down, she noted, less than in other fields, and native education less than European education. She also noted the excellent work done by the teachers, in spite of adverse circumstances. She thought that the average expenditure per scholar — Europeans £21 6s. 10d. and natives £2 15s. 7d. (paragraphs 264 and 265) — being comparatively high accounted for this good result. She asked whether the three years' course for native teachers (paragraph 278) was for the training of native men and women, or for Europeans.

Mr. TE WATER replied that the school was purely for the training of native teachers.

Mlle. DANNEVIG asked whether the decrease in the number of pupils in native schools was expected to continue (paragraph 287).

Mr. TE WATER said that the difficulty constantly arose in native education that the native moved about in search of pasture.

Mlle. DANNEVIG noticed that the percentage of children attending school was particularly low among the Hereros. At the same time, the report said these people were beginning to understand the value of education.

Mr. TE WATER said that the Herero was the aristocrat amongst the natives, and it was interesting to observe that he was demanding greater educational facilities. At the same time, the report referred to the difficulties in connection with the education of the Hereros children.

Mlle. DANNEVIG noted that the Hereros wanted their children to learn English (paragraph 296). Presumably they would be taught this subject as soon as they had passed the lower standards.

Mr. TE WATER replied that that was, he thought, the case.

Mlle. DANNEVIG thought it curious that there were more girls than boys in the subsidised native schools and the Finnish mission schools.

Mr. TE WATER replied that boys were taken away from school for herding.

Lord LUGARD was glad to know that there had been no reduction in the education vote. Expenditure on native schools was entirely in the form of grants to missions. Was it not a pity that there was no Government school in the country? Should not one or two be opened to serve as models?

Mr. TE WATER had no doubt that this point of view was appreciated. When financial circumstances permitted, the same policy would probably be adopted as in the Union. There had been one Government school in the Rehoboth territory, but it had been closed as it was not made use of.

Lord LUGARD noted that the grant to the missions in respect of native education was less than one-tenth of the education vote, although the native population, even in the police zone, was at least equal to the European population.

He regretted that there was a very high percentage — 67.7 — of uncertificated teachers in private schools for European children. Surely these schools must be of very little use.

Mr. TE WATER pointed out that that state of affairs was altering very rapidly. It would be seen from paragraph 292 that a number of poorly qualified teachers had been replaced by trained teachers.

Lord LUGARD was glad to note that, in spite of reduced salaries and the additional work thrown on them, the teachers had shown a very fine spirit. He specially noted the "wonderful success" of the superintendent and matrons of the school hostels (paragraphs 284 (d) and 285). The enthusiasm of the natives for education was very remarkable.

M. SAKENOBE, referring to the training college at Okahandja, noted that thirty-two candidates had completed their three-year course in June 1932, and had left the college (paragraph 302). Would other students now be entered to begin a new three-year course?

Mr. TE WATER replied that this was the normal procedure under the three-year-course system. He had at present no reason to believe that the system would be discontinued.

ALCOHOLIC LIQUORS.

COUNT DE PENHA GARCIA noted the considerable decrease in the amount of liquor imported (page 22) and in the number of convictions for liquor offences (paragraph 21). Even local production had diminished (paragraph 63). These results were in all probability mainly due to the world crisis. He was extremely grateful to the mandatory Power for supplying an exact description of the way in which a number of native intoxicating beverages were manufactured. As the report stated that a number of these drinks were fairly harmful, he thought the Commission could congratulate itself on the fact that it had raised this point.

Lord LUGARD pointed out that by the definition of the Permanent Mandates Commission accepted in paragraph 53 any beverage containing less than 3 per cent of alcohol by weight was not an intoxicant. Why, therefore, was the sale of Kaffir beer, of *less than 3 per cent*, prohibited, except by permit, in paragraph 56? He was glad to see that Kaffir beer was now allowed but, this being so, what was meant by the 764 convictions for "possessing Kaffir beer" in paragraph 21?

Mr. TE WATER explained that, under the system authorised in South West Africa, local authorities were allowed to license beer-houses to sell beer; but no native was allowed to be served with intoxicating liquor. Lord Lugard was doubtless aware that, although the definition of Kaffir beer meant beer brewed with less than 3 per cent of alcohol, beer was illicitly brewed with a higher alcoholic content.

Mlle. DANNEVIG noted as a curious fact that Kaffir beer, though regarded as non-intoxicating, might not be sold to women.

Mr. TE WATER replied that beer containing less than 3 per cent alcohol, though classified as non-intoxicating, could produce an intoxicating effect if consumed in sufficient quantity.

PUBLIC HEALTH.

Lord LUGARD noted with satisfaction the replanning and improved sanitation of native locations in the larger cities, which had undoubtedly improved the health of the people. He was glad that it had been possible to carry out this work in spite of the depression (paragraphs 552 to 554).

Mr. TE WATER said that the policy of the Administration would be reflected at once in the improved health of the natives; the locations in the towns were not always all that could be desired.

M. RUPPEL expressed his satisfaction with the very detailed chapter in the report on public health amounting to thirty pages. On page 92, he noted that several medical practitioners had left the country. Was that because they were unable, under present economic conditions, to earn a living?

Mr. TE WATER replied in the affirmative.

M. RUPPEL noted with satisfaction that a suggestion he had made in previous years regarding the foreign nurses working in the territory had been taken into account in that Rule No. 5 of Government Notice No. 2268 had now been amended to read: "no registration under these rules will be effected after December 31st, 1938" (paragraph 545).

He regretted to note (page 95 of the report) the high infantile mortality in the township of Keetmanshoop which had, in 1932, attained 56 per cent. Were there any special circumstances which caused this very high rate? Did those circumstances exist in other localities and were any special measures being taken?

Mr. TE WATER said this matter had been referred to in the last report. The evil existed mainly in that particular locality. Lady visitors were attempting to take steps to improve the situation, which was undoubtedly appalling.

M. RUPPEL noted that the total expenditure on the treatment of natives had increased. This fact was highly to be appreciated. The expenditure on public health amounted to £20,000, of which 40 per cent had been expended for the direct benefit of the natives.

With regard to Ovamboland, he noted the statement in the report (paragraph 636) that "it could hardly be said that the general health of the Ovambo was good". A tribute was certainly due to the successful work in this part of the territory of the Finnish Mission, which had augmented its staff by acquiring the services of another lady doctor. The outbreak of plague had been a very serious incident and had taken a rather considerable toll of life. He trusted that all possible efforts were being made to trace the origin of this outbreak and to prevent its spread. It was interesting to note that an investigation instituted by the Union Ministry of Public Health had concluded that the infection had spread north through the Kalahari into Ovamboland and also into the settled parts of South West Africa, where, fortunately till now, no cases had occurred. The report stated that plague must now be added to the list of diseases existing among the Ovambo. His impression was that the Administration was tackling the problem on the right lines and hoped its efforts would be crowned with success.

Mr. TE WATER said that the Union authorities were by now expert in tracing the causes of plague and preventing the spread of the disease. The Union experts were in close co-operation with those of South West Africa, and it was to be hoped that their efforts would be successful.

M. RUPPEL observed that, when a disease first appeared in a hitherto unaffected area, its ravages were usually very considerable.

Mr. TE WATER replied that the Administration was fully alive to this danger.

Lord LUGARD commented on the infant mortality in the Keetmanshoop location, where, in the second half-year, thirteen out of fourteen children died (paragraph 573). The mortality percentage among prisoners appeared to be steadily increasing — in 1930, 14.16 per cent, in 1931, 21.20 per cent and in 1932, 26.32 per cent (paragraphs 36 and 40). The expenditure on native health was, however, well maintained.

M. RUPPEL, referring to leprosy in the Okavango area, drew attention to the interesting suggestion that it might be possible (paragraph 726) to establish a leper colony in one of the islands of the Okavango. He was surprised, but glad, to note the highly satisfactory health situation in the eastern Caprivi Zipfel. In that district, the infant mortality was particularly low — 4 per cent.

Mr. TE WATER said, with regard to the leprosy problem, that enquiries were proceeding with a view to discovering an island suitable for segregation.

Lord LUGARD commented on the words, in paragraph 723, that "leprosy is only now being thoroughly investigated", and asked whether the authorities were in touch with the British Empire Leprosy Relief Association, 29, Dorset Square, London. This Association, which was under the direction of Dr. Leonard Rogers, published information concerning the very latest results of leprosy research. The most recent conclusion was, he believed, that the only practical method of eradicating leprosy was to deal with the children and keep them away from their infected parents, so that no child should grow up a leper. Segregation of leper families alone was of little use.

Mr. TE WATER thanked Lord Lugard for this information, which he would certainly convey to the health authorities of the Union.

MINERAL RESSOURCES IN THE KAOKOVELD.

Lord LUGARD asked why the whole of the Kaokoveld had been closed to prospecting (paragraph 237).

Mr. TE WATER replied that this question had been carefully dealt with in the Annual Report for 1928. The policy then explained was still being followed.

Lord LUGARD noted that the mortality in the mining areas had decreased to a remarkable extent (paragraphs 513 and 521).

DEMOGRAPHIC STATISTICS.

M. RAPPARD thanked the mandatory Power for the great amount of real information contained in the report. On the other hand, some of the information contained in the chapter on demographic statistics was of a fragmentary and conjectural nature. He wondered whether the mandatory Power was justified in devoting so much space to the latter form of information

in the present time of stringency. The Commission's real interest was to ascertain the state and evolution of the population and whether that population was increasing or decreasing. This chapter contained practically no definite data on these specific points. For instance, the statements made in paragraph 787 concerning the probability of an increase in the population of Ovamboland and the Kaokoveld were arbitrary and unconvincing. On comparing the statistical figures in other parts of the report, it would seem, on the contrary, that the number of deaths exceeded the births.

He had no wish to discourage the zeal of officials, which he highly appreciated ; but he thought that a certain amount of economy might be effected without sacrificing any really interesting information. After all, printed pages cost money. He should add that, in general, he regarded the report as extremely full and interesting and was not proposing the omission from it of anything which might be of real interest.

Lord LUGARD, in support of M. Rappard's argument, suggested that, for instance, the table on page 104 on the classification of diseases treated in Ovamboland during 1933 was unnecessary, as were also the details given on pages 119 and 120 in regard to posts, telegraphs and telephones. The Mandates Commission hardly required to know these details.

Mr. TE WATER said that no doubt the Administration would be glad to simplify the report on the lines indicated by the Commission. He would communicate the Commission's suggestions to the authorities. He felt himself, for instance, that the statistics of persons entering the country by rail were of no interest, in view of the method of compilation. The real difficulty was that a qualitative census of the country had not yet been taken.

Lord LUGARD noted the astonishing increase of population in the eastern Caprivi Zipfel, where births were three to four times the number of deaths and children 48 per cent of the population (paragraph 734), and in the Okovango 55 per cent (paragraph 792), contrasted with only 35 per cent in the police zone.

MAP OF THE TERRITORY.

M. ORTS asked the mandatory Power to be good enough to supply a map of the territory for the use of the Commission. It was very difficult for it to identify places, because the Secretariat only possessed a small-scale map—which, moreover, was quite out of date—and a map of native reserves.

Mr. TE WATER said that this was a very reasonable request which he would communicate to the authorities. When he had been in South West Africa he had himself raised a similar question.

PETITION, DATED JULY 3rd, 1932, FROM M. JACOBUS BEUKES, REHOBOTH.

Mlle. DANNEVIG noted that the Union Minister of External Affairs in his covering letter, dated November 29th, 1932, under which he transmitted to the Commission the above petition, expressed the opinion that "Jacobus Beukes is to-day a man of no standing and he carries no influence whatsoever". Yet Mr. Beukes claimed in his letter that he spoke on behalf of "the vast majority of the Rehoboth community". Was there no foundation for this claim on Mr. Beukes's part? Could the accredited representative say what was the attitude of the great majority of the Rehoboth community to the petitioner?

Mr. TE WATER said he could only suggest to Mlle. Dannevig that the Commission should rely on the statement of the Administration. That statement was an important one and would certainly not have been made if it could not be substantiated.

Mlle. DANNEVIG next drew attention to the phrase in Mr. Beukes's letter that :

" . . . the position here in Rehoboth is of such a nature that it is not impossible that a great many people may die of hunger this year. The reason is that they do not wish to adopt Proclamation No. 9, 1928, and therefore our country has become impoverished and our life is wretched."

To what particular facts did the accredited representative believe that Mr. Beukes was referring? Was it true that the country of the Rehoboths was in a state of famine?

Mr. TE WATER replied that clearly the reference was to the economic difficulties under which the whole territory was labouring. These difficulties were not greater in the Rehoboth area than elsewhere, but the Rehoboths were naturally inclined to lay the greatest stress on their own troubles. As a matter of fact, the economic position in the Rehoboth district was being closely watched and the authorities of Windhoek were in daily contact with that area. The proximity of the Rehoboth district to the capital placed it in rather a better position than other more distant areas.

CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representatives for the courteous and competent manner in which they had facilitated the task of the Commission.

Mr. de Water and Major Pienaar withdrew.

New Guinea: Observations of the Commission.

After an exchange of views, *the Commission adopted its observations concerning New Guinea (Annex 23).*

Nauru: Observations of the Commission.

The Commission decided that there was no need to submit to the Council this year any observations on the administration of Nauru.

THIRTEENTH MEETING

Held on Tuesday, June 27th, 1933, at 10.30 a.m.

Palestine and Trans-Jordan: Examination of the Annual Report for 1932.

Mr. M. A. Young, C.M.G., Chief Secretary of the Government of Palestine, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed Mr. Young and asked if he wished to make a general statement on the situation in the mandated territory.

Mr. YOUNG thanked the Chairman and said that, as a very complete statement had been made by the High Commissioner at the last session, and as there had been no change in policy, he did not propose to make a general statement.

FORM OF THE ANNUAL REPORT.

The CHAIRMAN said that the chapters of the annual report for Palestine were very complete and detailed, but that that was not the case for Trans-Jordan. For instance, on page 203 of the report, mention was made of the sessions of the Legislative Council, but nothing was said about the work of the Council and the general political situation. The Commission would be glad if in future the chapters of the Trans-Jordan report could be more detailed.

Mr. YOUNG noted these remarks and promised that the Trans-Jordan section of the next report would be more detailed — in particular, in respect of the Legislative Council.

TREATMENT OF PALESTINIAN NATIONALS IN CERTAIN COUNTRIES.

M. ORTS referred to information which had appeared in the *Palestine Gazette* of March 23rd, 1933, according to which the Government of Panama was said to have prohibited the admission of Palestinian citizens whose mother-tongue was not Spanish. He asked the accredited representative whether this information was correct and whether, if that were so, the mandatory Power had made any representations to the Government of Panama and what were the results of such representations. He pointed out that, on September 9th, 1930, the Council had passed the following resolution :

“ The Council instructs the Secretary-General to ask the States Members of the League of Nations to give favourable consideration to any requests that might be made to them by the mandatory Powers with a view to securing to persons belonging to territories under A and B mandates, or at all events for goods coming from those territories, advantages corresponding to those enjoyed therein by their own nationals and goods.”

Mr. YOUNG replied that he had no personal knowledge of this prohibition. The results of any representations which might be made on the subject to the Government of Panama would be communicated to the Commission.

M. VAN REES asked if Panama was the only country which refused to admit Palestinian nationals.

Mr. YOUNG thought that there were others.

COLONISATION IN TRANS-JORDAN : ADMISSION OF ARABS, JEWS AND FOREIGNERS.

Lord LUGARD enquired regarding the possibility of the settlement of Jews and Arabs in Trans-Jordan with a view to relieving the congestion in Palestine, where the population was increasing very rapidly. He believed that negotiations had taken place and that the Jews were willing to subscribe a large loan for the general development of Trans-Jordan, without racial distinction. Though the Turkish law, which prohibited the settlement of foreigners in Trans-Jordan without special authorisation, was still in force, there was apparently a growing recognition that Trans-Jordan development contrasted badly with that of Palestine and a movement in favour of such settlement. He asked whether the Government was prepared to facilitate this movement.

Mr. YOUNG replied that Trans-Jordan was specifically excluded from the scope of the articles of the mandate relating to the establishment of the Jewish National Home, and there was no question of making any change in this respect. His Majesty's Government did not feel that it was at present possible to facilitate the settlement of Jews in Trans-Jordan.

Count DE PENHA GARCIA asked whether, in view of the fact that Trans-Jordan was sparsely populated, the mandatory Power did not think it would be possible and desirable to colonise it, even though not necessarily with Jews.

Mr. YOUNG replied that the mandatory Power had given close consideration to this question and had concluded that it was not desirable, for general reasons of security, to encourage Jewish settlement in Trans-Jordan. There was no movement in favour of settlement by other races, and there were no vast spaces calling for colonists, although it was true that the country was not so thickly populated as Palestine.

M. VAN REES thought the mandate did not hinder the Emir and Sheiks of Trans-Jordan from permitting the voluntary colonisation of that territory. He referred to a newspaper article of March 31st which stated that the Trans-Jordan Assembly had rejected by thirteen votes to three a draft law forbidding the sale of land to foreigners. The Government representative had asked Parliament to adjourn the discussion of this Bill until the next session, but the majority had insisted on an immediate vote and thus showed their desire for a policy of the open door for the Jews.

He concluded that the Emir Abdullah was in favour of Jewish colonisation and he therefore asked why the mandatory Power opposed it.

Mr. YOUNG replied that it was true that there was nothing in the mandate which prohibited the Jewish colonisation of Trans-Jordan, but that His Majesty's Government, in view of all the considerations, had concluded, on the ground of local feeling and of the general question of security, that it was not practicable to facilitate such colonisation.

Lord LUGARD said his question had referred primarily to Arab colonisation, and he asked whether there was any objection to the Jews assisting the settlement of Arabs in Trans-Jordan in order to relieve congestion and facilitate the settlement of the "dispossessed" Arabs.

Mr. YOUNG replied that he knew of no objection, provided there was no attempt to transfer a larger number of Arabs to Trans-Jordan than the country could receive. There were no great empty spaces, nor was there any strong movement to transfer a large number of Arabs.

M. VAN REES pointed out that, if he were not mistaken, the area of Trans-Jordan was 43,000 square kilometres — that was to-day about double the area of Palestine; its population was about 300,000 as against a population of one million in Palestine. The Emir and Sheiks were willing to sell part of the land to the Jews. Was the mandatory Power justified in preventing such sales?

Mr. YOUNG said it should be borne in mind that a great part of the area of Trans-Jordan was desert. Though the cultivable part of the territory was more sparsely populated than that of Palestine, the difference was not very great.

In reply to further questions, he stated there was no general objection to the admission of outsiders to Trans-Jordan, except that it was not thought desirable to admit more people than the country could support. There was no absolute prohibition debarring all Jews from entering Trans-Jordan, but individual Jews had been refused admission.

Lord LUGARD understood that the lands bordering the eastern banks of the Jordan offered opportunities for intensive cultivation.

M. VAN REES asked whether he was correct in supposing that foreigners *other than Jews* could buy land and settle in Trans-Jordan. For instance, could Europeans do so ?

Mr. YOUNG said that permission would be required ; he thought that it would not generally be withheld.

M. VAN REES remarked that, in that case, he did not see for what reason the Jews, at any rate those who had retained the nationality of any country Member of the League of Nations, were treated differently. It should be borne in mind that Article 18 of the mandate for Palestine, which provided for equality of treatment, applied and continued to apply to Trans-Jordan. The mandatory Power was bound to see that Article 18 was properly carried out and had given an undertaking to this effect to the Council of the League of Nations at the meeting of September 1st, 1928, during the discussion on the Agreement of February 20th, 1928, between the United Kingdom and Trans-Jordan, Article 6, paragraph 3, of which entitled the United Kingdom to oppose any infringement of the above-mentioned principle of equality.

Mr. YOUNG said that no discrimination was made against the nationals of any country. The only motives of His Majesty's Government in not encouraging the settlement of Jews in Trans-Jordan were those which he had given.

M. RAPPARD said he was still not clear on one point. The Commission had received information that there was a considerable majority in the Legislative Council of Trans-Jordan in favour of permitting land to be sold to Jews. The Commission had asked whether His Majesty's Government was opposed to this. It had received the reply that His Majesty's Government did not see fit to encourage it for reasons of security. He asked whether His Majesty's Government was overriding the decisions of the League Council in prohibiting the sale of land to Jews.

Mr. YOUNG said he did not know how many members of the Trans-Jordan Council had voted in favour of the sale of land, but he could state that the Government held the view that there was not a strong body of feeling in favour of such sales, and it was not prepared to permit Jewish settlement in Trans-Jordan for the present.

M. RAPPARD asked whether this was due to trouble in Trans-Jordan or in Palestine.

Mr. YOUNG preferred to reply in general terms and not to go into details.

APPLICATION TO PALESTINE OF THE IMPERIAL PREFERENCE.

M. VAN REES referred to his remarks on this subject at the last session.¹ Since then, the question of granting preference to Palestine had been raised in the House of Commons. The United Kingdom Government had announced that it could not apply imperial preference to Palestine on account of juridical difficulties. He did not quite understand the nature of these difficulties. If they were connected with Article 18 of the mandate (economic equality), he would point out that this article was in no way opposed to the extension of the Imperial Preference Ordinance (No. 2), 1922, to Palestine. Had not this ordinance been applicable since 1922 to the Territories of Togoland, Cameroons and Tanganyika under British mandate ?

Mr. YOUNG replied that he was not in a position to specify what the difficulties were.

CO-OPERATION OF JEWS AND ARABS IN THE ADMINISTRATION OF THE TERRITORY.

M. VAN REES noted the statement on page 13 of the report that the Arab Press continued to attack the policy of the mandatory Power and that certain Arab leaders had even not hesitated to discuss a policy of non-co-operation. He asked whether this opposition was still continuing and whether it was directed mainly against the sale of land.

Mr. YOUNG replied that some opposition was continuing, though there was no marked degree of non-co-operation.

The sale of land by Arabs to Jews had led to ill-feeling and the fact that the Government had not prohibited such sales had been unfavourably received.

COUNT DE PENHA GARCIA noted a contradiction between the above-mentioned statement on page 13 and the statement regarding co-operation between Moslems, Christians and Jews on page 5, paragraph 16. He asked for further particulars.

Mr. YOUNG replied that the policy of creating opportunities for co-operation on local commissions and committees was meeting with a reasonable measure of success. Since the

¹ See Minutes of the Twenty-second Session of the Commission, page 93.

last session,¹ when this question had been discussed, there had been no further resignations of Arabs from local committees.

The CHAIRMAN referred to a statement in the *Jüdische Rundschau* of February 28th, 1933, to the effect that, at a Conference convened by the Arab Executive in Palestine, it had been decided to organise a movement of non-co-operation with the Government. He asked what effect had been given to that decision.

Mr. YOUNG replied that there was no serious degree of non-co-operation with the Government. Questioned further as regards co-operation between Jews and Arabs, he said that progress was necessarily slow, but that there were grounds for the optimism expressed in the report. Since the last session nothing had happened to aggravate the position.

PREPARATION OF THE NEW LOCAL GOVERNMENT ORDINANCE.

COUNT DE PENHA GARCIA understood that both Jews and Arabs had been consulted regarding the proposed new Local Government Ordinance. He asked whether the accredited representative could give any information regarding the tendency of that ordinance.

Mr. YOUNG replied that the Bill in question had been laid before the local bodies some six months ago. Its object was to consolidate and revise the old Ottoman local government laws. It had not met with the approval of various bodies and had been criticised on the ground that it did not give sufficient autonomy to the local authorities. Some parties thought it did not give a sufficiently wide franchise, while others thought the franchise given was too wide. The whole question was now being reconsidered and a new Bill was being drafted in the light of the criticisms received. He had heard that the new draft was nearly complete, but he was unable to give any particulars.

COUNT DE PENHA GARCIA presumed that the decisions taken by local bodies would be controlled by a higher authority.

Mr. YOUNG replied that, under the first Bill, the High Commissioner had various powers, including a right of veto. Some of those powers would no doubt be delegated to the District Commissioners.

In reply to a further question, he added that the criticism dealt *inter alia* with the provisions of the Bill relating to proportional representation, female suffrage and the representation of persons not of Palestinian nationality.

ADMISSION OF WOMEN TO THE FRANCHISE.

COUNT DE PENHA GARCIA noted the statement on page 18, paragraph 4, that the electoral regulations of the local council of Petah-Tiqva were so amended as to give women the right to participate in the election of the local council and to be elected as councillors. He asked whether this proposal was regarded favourably in Palestine.

Mr. YOUNG replied that, according to the existing law, the admission of women to the franchise was impossible in the municipalities, which were largely Arab, and was only possible in the local councils, which included various Jewish towns. As a rule, the Arabs were opposed to female suffrage, and the Jews, with some exceptions, were in favour of it.

Mlle. DANNEVIG asked whether it was left to the discretion of the High Commissioner as to when female suffrage should be granted. She thought the granting of female suffrage should be regarded as a right devolving on women in civilised States. The granting of the right of voting to Jewish women would eventually have an effect upon and raise the standard of the Arab women.

Mr. YOUNG replied that there was no present intention of bringing in female suffrage throughout the whole of Palestine, but that it was to be left to the discretion of the High Commissioner to admit women to suffrage, where necessary. Under the new municipal law, women's suffrage might be granted to any district at the discretion of the High Commissioner.

PROMULGATION OF AN ORDINANCE TO VALIDATE ACTS OF THE MUNICIPALITY OF JERUSALEM IN THE ABSENCE OF A QUORUM.

COUNT DE PENHA GARCIA noticed that an ordinance had been passed to validate acts done by the municipality of Jerusalem in the absence of a quorum (page 19, paragraph 7). He did not understand how the ordinance could validate acts which in themselves were not legal.

¹ See Minutes of the Twenty-second Session of the Commission, page 83.

Mr. YOUNG replied that this was possible by law in Palestine. This type of legislation was not, he thought, an unusual expedient for overcoming a technical flaw.

LEGISLATIVE COUNCIL.

M. ORTS mentioned that the accredited representative had announced last year the intention to establish a Legislative Council.¹ He asked what effect this declaration had had in the country.

Mr. YOUNG replied that the statement made last November by the High Commissioner was not new to the people of Palestine, as the intention of His Majesty's Government to set up a Legislative Council had been announced in a public document in 1930. The proposal had met with opposition from some quarters, and there was no unanimity on the subject, but the Government maintained its policy of establishing a Legislative Council.

LAND DEVELOPMENT SCHEME.

M. SAKENOBE asked what was the present situation of the development scheme. The first work of the Development Department was the registering of displaced Arabs and resettling them on the land. He understood that this preliminary work had been nearly completed. What was the work on which the department was engaged?

Mr. YOUNG said that progress had been made in determining the magnitude of the problem of the resettlement of Arabs who had lost their land owing to its purchase by the Jews. It was now known approximately how many Arabs were to be settled. The other activities of the Development Department would depend on the decision taken by His Majesty's Government on two reports drawn up by Mr. French, together with comments thereon by the Jewish Agency and the Arab Executive. These reports were now being considered by His Majesty's Government and he could not say what the decision would be.

M. VAN REES asked whether the accredited representative could bring up to date the figures contained on page 6, paragraphs 18 and 19, regarding the claims from landless Arabs: 3,188 claims, 2,441 rejected, 542 accepted, 205 still under examination.

Mr. YOUNG said that, in April last, the number of claims accepted had risen from 542 to 584. He had no later information regarding the number of rejected claims.

Lord LUGARD asked whether any more claims were expected in addition to the 3,188 mentioned on page 6 (paragraph 18).

Mr. YOUNG replied that the list had not been definitely closed, but that no further claims were expected, as the matter had been given wide publicity.

DRAINAGE AND RECLAMATION WORK IN THE REGION OF LAKE HULEH.

M. SAKENOBE asked what was the economic and general importance of the drainage and reclamation work being carried on at Lake Huleh.

Mr. YOUNG replied that the enterprise in question consisted of the improvement of the channel of the Jordan below Lake Huleh, with a view to draining certain land and making it productive. The scheme was a very extensive one and the concessionaires had been working at it for eighteen months. Progress had not been rapid, and it would take several years before any result could be obtained. According to the terms of the concession, the work was to be completed in six years.

Lord LUGARD asked whether, after the land had been reclaimed at Lake Huleh, there was any obligation to offer it to Jews. Would the land belong to the Syro-Ottoman company or to the Government?

Mr. YOUNG replied that there was no obligation to offer land to Jews. The only obligation was that it should be offered to the persons who had originally possessed rights to the land reclaimed. Subject to this proviso, the concessionaire would be entitled to the reclaimed land.

Lord LUGARD asked whether the company would offer the land impartially to Arabs or Jews.

Mr. YOUNG said the prospect of completing the work was so remote that it was impossible to say what the attitude of the company would be.

¹ See Minutes of the Twenty-second Session of the Commission, page 85.

LAND ORDINANCES.

M. VAN REES referred to page 7, paragraph 26, of the report, which mentioned two ordinances enacted in view of the special circumstances attending dispossession in Palestine, where absentee Arab landlords sold large estates with little consideration for their tenant-cultivators or for occupiers with customary rights from time immemorial. He asked whether the landless class was primarily due to the sale of estates by absentee landlords.

Mr. YOUNG replied that this class was due to the sale of land over the heads of the tenants, though he could not say whether the absentee landlords were preponderant. The two ordinances were, however, directed against the results of sales by absentee landlords.

IMMIGRATION AND EMIGRATION.

M. RAPPARD said this was a vital question for the prosperity of the territory. In reading this part of the report and documents from private sources, he had endeavoured to ascertain the policy of the Government. In general, the flow of immigration was everywhere based on a country's capacity for economic absorption. In general, it was self-regulating. In the case of Palestine, however, His Majesty's Government was obliged by the mandate to encourage immigration, while it was at the same time compelled by reason of prudence to limit it. This paradox was obviously due to the fact that in Palestine, more than in any other country, the flow of immigrants was due to non-economic causes.

Palestine was at present in an exceptional position. In spite of the world crisis, the country was going forward by leaps and bounds and the budget showed a surplus. At the same time immigration was given an impetus by persecutions in Europe. He thought the Government considered that the immediate future seemed favourable for a liberal policy, but that it had to be careful, in view of a possible slump in the more distant future.

He was surprised, therefore, to note the statement on page 27, paragraph 6, that the Government, in deciding the size of a Labour Schedule, gave equal consideration to all prospective labour, permanent or temporary.

Mr. YOUNG agreed that present circumstances were very favourable for immigration. As a result, the number had greatly increased. During the current period of six months the number of labourers to be admitted was 4,500.

The statement that the Government gave equal consideration to permanent and temporary labour was not as illogical as it might seem. When considering the openings for temporary labour, the Government naturally took into account the effects of the impending termination of current temporary labour contracts. For instance, if there were openings for 1,500 new immigrants to be employed on temporary labour during the next six months and 1,000 men were expected to come to the end of their existing temporary employment, only 500 would be admitted. If, at the beginning of a six months' period, there was a prospect of a diminution in the amount of temporary employment available, as compared with the preceding period, the number of immigrants for permanent employment would be reduced.

He thought that the statement in the report was a reply to a criticism that the Palestine Government did not give sufficient consideration to temporary labour. It meant simply that one labourer was admitted for each prospective vacant position, whether temporary or permanent.

Lord LUGARD noted (page 21, paragraph 5), that, apart from the Labour Schedule, a number of immigrants possessed of capital were admitted. He asked whether there was any danger that they might exhaust their capital and become a burden on the country, or were they earning a livelihood?

Mr. YOUNG said the Government had that possibility in mind, but experience had shown that these small capitalists had made good. So long as that position lasted, there was no need to change the rule.

M. RAPPARD noted, on page 27, paragraph 7, that 253 prospective immigrants had been refused admission and asked whether they were included in the schedules but had been found to be undesirable on arrival.

Mr. YOUNG replied that they had probably not received certificates, but had gone to Palestine on the chance of being admitted.

M. RAPPARD asked, with reference to the statements on page 27, whether the Soviet Government still encouraged the emigration of Jews to the Union.

Mr. YOUNG said the movement had been suspended by the Soviet Government ; he had received no later information on the subject.

M. RAPPARD drew attention to the useful table on page 31 showing the occupation of the immigrants. He presumed this referred to the previous occupation. A striking feature was the large number of unskilled labourers and merchants.

Mr. YOUNG thought that the occupations were those which the immigrants intended to take up on arrival.

M. RAPPARD asked whether the accredited representative could give any information, in addition to Sir John Simon's statement in the House of Commons, regarding the admission into Palestine of Jews leaving Germany at present.

Mr. YOUNG said he had not much information to add. The total number of certificates allocated in April was 4,500.

M. RAPPARD asked whether the result had been to allocate part of the pre-established schedules to German Jews or to increase the total number.

Mr. YOUNG said that the number of authorisations had not been specifically increased for German emigrants, but the result had been to increase the number of allocations to German Jews.

M. RAPPARD presumed that many German immigrants did not come under the Labour Schedules. He asked whether His Majesty's Government had approached the German Government with a view to allowing Jews emigrating to Palestine to export their possessions from Germany.

Mr. YOUNG said this question had been considered, and he understood that the German Government allowed Jews who had received a permit to enter Palestine to take the amount of £1,000 required by immigrants of Category A.

M. RUPPEL said that German legislation prohibited the export of capital on account of the *devisen* situation, but he understood that persons wishing to settle in foreign countries could be allowed to take about £1,000 with them.

Lord LUGARD referred to a report in *The Times* a few weeks previously to the effect that a large number of emigrants were smuggled across the frontier from Syria by a " regular agency ". Some fifty of these emigrants had been detected and deported. He asked whether the Jewish Agency took any steps to stop this practice.

Mr. YOUNG said that such smuggling of immigrants into Palestine took place to a considerable extent. He did not think the Jewish Agency was in a position to check it, but the Government was taking active measures, as was shown by the statement in *The Times*.

M. VAN REES asked the reason for the large increase in the number of Jewish immigrants from certain countries in 1932 — for example, 1,055 from Iraq as against 113 in the previous year, and 455 from Persia as against 39.

Mr. YOUNG thought it was due to a general increase in the Labour Schedule. There were twice as many immigrants in 1932 from Europe, five times as many from Asia and three times as many from Africa.

M. RUPPEL noted that, according to the table on pages 28 and 29, there were only 212 Moslem immigrants. He thought this figure could not be correct, as there was a large movement of Arabs from neighbouring countries to Palestine. Perhaps the immigration across the Jordan was not controlled.

Mr. YOUNG said that this explanation was correct, as Arabs coming in from Trans-Jordan did not require passports.

FOURTEENTH MEETING

Held on Tuesday, June 27th, 1933, at 3.30 p.m.

Palestine and Irans-Jordan: Examination of the Annual Report for 1932 (continuation).

Mr. Young came to the table of the Commission.

LAND REGIME.

M. VAN REES drew attention to paragraph 1, page 33, of the report and asked why — though there were so many protests against the sale of land to Jews — the Arabs nevertheless continued to sell their land.

Mr. YOUNG said that this lack of unanimity undoubtedly existed ; some sold land whilst others protested.

M. VAN REES drew attention to the passage : “ Large areas of State domain continue to be assigned to the Department of Agriculture for afforestation ” (page 34). He had been under the impression that there was very little State domain in Palestine. Under Article 6 of the mandate, the Administration was required to encourage the settlement of Jews on land, including State lands and waste lands, not required for public purposes. It had always been said, however, that, as regards State lands, this article could not be applied as those lands were lacking.

Mr. YOUNG said that the expression “ large areas ” must be taken to mean a considerable portion of the very small State domain in Palestine. A list of the actual properties constituting it would be found in Sir John Hope-Simpson's report. It consisted of a number of small scattered plots of land.

In view of the financial situation, the Administration had been able to afforest only a small area.

Lord LUGARD asked whether the area of the State domain had been settled, in accordance with the recommendation of the Dowson report.

Mr. YOUNG believed that all State domain areas had now been defined but was unable to give the figures.

Lord LUGARD observed that the Administration had leased from the Jewish National Fund 3,000 dunums of land in the Baisan sub-district, which the Jews had always desired to keep, for the purpose of resettling the displaced Arabs belonging to the northern section of the Wadi Hawareth tribe (page 6, paragraph 20). Would the land be handed back to the Jews when the lease expired, or would the Government continue to hold it ?

Mr. YOUNG said that it was not intended to return the Baisan land to the Jews from whom it had been purchased. The land leased to the Government by the Jewish National Fund referred to in the last sentence of the passage in question was entirely different land situated in the Wadi Hawareth. It had been occupied by the Arabs in the past, and they were still there as tenants of the Government. The Government had now purchased other land in Baisan on which to settle these people. The lease of the Wadi Hawareth land would terminate, if all went well, in September.

Lord LUGARD pointed out that the Dowson report recommended the adoption of the “ 5-fedda law ” of Egypt. Did the Administration intend to adopt this recommendation ?

Mr. YOUNG said that information on this point would be given in the next report.

LEGISLATION RELATING TO THE PRESS.

M. RUPPEL asked for an explanation of the passage : “ This ordinance confers temporary exclusive rights in respect of telegraphic Press messages ” (page 44).

Mr. YOUNG said that the object of the ordinance was to confer ordinary copyright privileges for a limited period. The exclusive rights were given to the newspaper entitled to the copyright.

In reply to a further question by M. Ruppel, Mr. Young said that the Press Law was enacted at the beginning of 1933, and was not covered by the period of the report.

JUDICIAL ORGANISATION.

M. RUPPEL asked whether provisions similar to those of the Magistrates' Courts Jurisdiction (Amendment) Ordinance were applicable to the district courts. He understood that there was no Hebrew-speaking judge in the Haifa district, though there had been one at the beginning of the mandate. What was the reason for this and what steps, if any, did the Administration intend to take ?

Mr. YOUNG said that it was not the practice to transfer cases from one district court to another on grounds of language, as these courts were quite capable of dealing with all cases arising within their jurisdiction. In the Haifa District Court, although there was at present no Jewish judge, Jewish cases were being dealt with satisfactorily, so far as he knew, by means of an interpreter. It was true that, since the appointment of an Arab judge some three years previously, there had been representations from Jews that a Jewish judge should be appointed. It was the policy of the Administration to appoint the most suitable person, having regard to his capabilities and seniority, irrespective of race, except in those cases where it was essential to appoint a judge of one race or the other.

M. RUPPEL said he had understood that, at the beginning of the mandate, the Administration had undertaken always to appoint a Jewish judge in each of the three principal district courts, and drew the attention of the accredited representative to the fact that the Jewish population at Haifa and in the Emek, the greater part of which belonged to the competence of the district courts at Haifa, had increased considerably during the last year.

M. Ruppel further asked for explanations with regard to the new Criminal Code which, according to *The Times* of June 9th, 1933, was to supersede the Ottoman Code.

Mr. YOUNG said that, in accordance with the usual practice, the new draft Criminal Code had been published for information about a month previously. There would be ample opportunity for all interested parties in Palestine to comment on it before the law was officially enacted.

The CHAIRMAN asked whether the Code had been prepared by English legal experts.

Mr. YOUNG replied in the affirmative ; the legal officers of the Palestine Government had drawn it up. In answer to another question he said that it was doubtless based, in part, at any rate, on other existing codes, such as the Indian Penal Code and the Code in force in Cyprus.

M. RUPPEL was glad to note that, in the year under review, only one advocate had been found guilty of unprofessional conduct. As he had raised this question at the previous session,¹ he desired to state that there would possibly be no justification for criticising all advocates on account of exceptional cases.

He further asked whether advocates were ever appointed as judges.

Mr. YOUNG said that a few advocates had been appointed to magistracies. Thereafter they could, by promotion, become judges.

M. RUPPEL said that a Bill relating to the appointment of Palestinian advocates as public notaries had been published in the *Official Gazette* of July 1st, 1932. He understood that its withdrawal had been announced in the *Official Gazette* of September 22nd, 1932, no reason being given.

M. Ruppel also noted that a probation officer had been appointed to deal with young delinquents (page 51). He would be glad to have further information on this development in the next report.

No reference was made in the report to the Collective Punishment Ordinance. The *Palestine Gazette* of May 4th, 1933, stated that no less than 206 villages had been added to the first schedule of this ordinance. What was the explanation of this measure ?

Mr. YOUNG said that he was not in Palestine at the time, and he was unaware of any such recent wholesale application of punishment under the ordinance. If it were so reported officially he was not, of course, in a position to contradict it, and could only suppose that the ordinance had been applied on account of agricultural crime. Information on this subject and on the other matters mentioned by M. Ruppel would be given in the next report.

CHILD MARRIAGE.

Mlle. DANNEVIG pointed out that, in its observations to the Council on the annual report for 1931,² the Commission had expressed the hope that the next annual report would contain information as to the results of the investigation undertaken by the Administration, in collaboration with the various religious communities, on the question of the age for marriage. As this information was not given in the report for 1932, she would be glad if the accredited representative could furnish it.

¹ See Minutes of the Twenty-second Session of the Commission, page 91.

² See Minutes of the Twenty-second Session of the Commission, page 363.

Mr. YOUNG said that, since the last session, this matter had been the subject of considerable enquiry in Palestine, as a result of which it was established that the practice of child marriage among the inhabitants of Palestine was definitely on the decrease and did not at present amount to alarming proportions. Nevertheless, the Government of Palestine was determined to put an end to the practice, and for this purpose had been in consultation with the heads of the various religious communities. The results of that consultation had been satisfactory. The heads of the different religious denominations were all willing to co-operate with the Government, and it was proposed to incorporate the necessary legislative provisions in the new Criminal Code.

The CHAIRMAN said that the Mandates Commission had taken up the matter, first because it was very desirable that the practice of child marriage should cease, and secondly because various associations for the protection of women and children had taken a legitimate interest in the question.

Mlle. DANNEVIG pointed out that, in her opinion, the position was not at all satisfactory. In the first place, the age-limit was too low. In other Mohammedan countries — India and Egypt, for example — it was 14. In the second place, the last paragraph of Section 182 of the Criminal Code provided that :

“ It shall be a good defence to a charge brought under paragraphs (b) or (c) of this section to prove :

“ (a) That the marriage of a female under the age of 13 years completed was not repugnant to the law governing the personal status of the female, and

“ (b) That, notwithstanding the fact that the female is under 13 years completed :

“ (i) She has reached puberty, and

“ (ii) No physical ill-effects would follow a consummation of the marriage by her.”

That appeared to destroy the effect of the earlier paragraphs. She would be glad to know what was meant by “ the law governing the personal status of the female ”.

She added that the Code did not at all satisfy those working for the protection of children. It was a great disappointment that, in a country like Palestine, the law should be more backward than in the surrounding Moslem countries.

Mr. YOUNG said he had noted that Mlle. Dannevig thought the age-limit too low and that she took exception to the proviso attached to the article in question. He added that the Code was in draft form and was subject to alteration, and that Mlle. Dannevig's observations would be received in Palestine in time for full consideration to be given to them.

Mlle. DANNEVIG asked whether the effect of the article would be that Moslem girls could marry under 13 years of age. What was the Jewish personal status in this matter ? Were Jews and Christians prohibited from marrying girls under 13, and would the article apply chiefly to Moslem girls ?

Mr. YOUNG was not in a position to say what was in the minds of those who had prepared the Code. It had been published after he had left Palestine.

The actual terms in which child marriage should be prohibited were still under the consideration of the Palestine Government and His Majesty's Government, and the terms in which the draft Code dealt with the matter need not be regarded as final ; the section was no doubt included for the purpose of inviting discussion. Mlle. Dannevig's remarks would be brought to the notice of the Palestine Government without delay.

Mlle. DANNEVIG was glad to hear this statement ; the paragraphs alluded to had appeared to be in open contradiction with the views expressed by the High Commissioner at the previous session.¹

COLLECTION OF LAWS IN FORCE IN PALESTINE.

Lord LUGARD asked when the Commission could expect a complete volume of the laws of Palestine.

Mr. YOUNG replied that the laws were in process of revision and that a complete edition would be brought out possibly by the end of the present year.

EXECUTION OF THE WORK FOR THE CONSTRUCTION OF HAIFA HARBOUR; ECONOMIC EQUALITY.

The CHAIRMAN pointed out that, according to paragraph 1 on page 55 of the annual report, the construction of the Haifa harbour was being carried out by the Public Works Department,

¹ See Minutes of the Twenty-second Session of the Commission, page 94.

which would not be contrary to the terms of the mandate. It seemed, however, that, instead of itself taking steps to carry out these works, the Public Works Department had incorporated in the public services the engineers and organisation of a private building company, which had in this way conferred on itself the contract for the work.

If that were so, it seemed to him to be a roundabout way of giving the contract for public works to a private company without offering it for tender in the usual way, which, in his view, was contrary to the principle of economic equality.

He was aware that discussions were at present in progress between certain Powers and the United Kingdom Government in this connection, and, while he did not desire to intervene in these discussions, he would be glad if the accredited representative could say exactly what procedure was followed by the Government of the mandated territory in these circumstances and, if possible, what agreements had been concluded between the Government and the private company in question.

Mr. YOUNG said that the work for the construction of Haifa harbour had not been offered for tender, but was being carried out by a Government department — not the Public Works Department, but a special department brought together for the purpose. The engineer in charge was an officer of the Palestine Government, which also had the services of consulting engineers. The work had not been put into the hands of a company.

The CHAIRMAN said that, on the other hand, it was suggested that the company had put itself into the hands of the Government — that the whole organisation of the private company had been taken over.

Mr. YOUNG did not think that that represented the facts. The engineers were employed independently and were the servants of the Government, not of a company.

The CHAIRMAN asked whether the accredited representative was absolutely sure that events had happened as he had explained.

Mr. YOUNG said that the organisation by which the Haifa harbour was being constructed had been constituted before he reached Palestine, and he would only repeat that that was his opinion. Part of the work — the dredging of the harbour — had been given out to a company after tenders had been called for, but the general work of construction — breakwaters and harbour buildings — was being carried out by a Government department.

ECONOMIC SITUATION : EXPORTS AND IMPORTS.

M. MERLIN said that, fortunately, the economic situation was favourable at a time when most countries were passing through a period of depression. There appeared to be considerable movement in the export and import of specie. To what was this due ?

Mr. YOUNG said that an explanation would be given in the next report.

M. MERLIN asked why there had been so sudden an increase in the import and export trade with the United Kingdom ?

Mr. YOUNG could give no special reason, other than the general increase in prosperity.

M. MERLIN asked why there was a marked fall in imports from Syria.

Mr. YOUNG said that the matter would be dealt with in the next report.

M. MERLIN asked whether the export trade from Syria and the transit trade through Syria to Trans-Jordan was still dwindling (page 212).

Mr. YOUNG said that it had continued to do so until the end of 1932, and he had heard nothing to indicate that there had been a turn in the tide.

M. MERLIN asked whether, in that event, steps were being taken to revise the 1928 Agreement between Palestine and Trans-Jordan.

Mr. YOUNG replied that the question had been raised, but it was unlikely that the sum paid by Palestine to Trans-Jordan, which was a payment in respect of the Customs duty paid in Palestine on goods subsequently exported to Trans-Jordan, would be reduced. The Trans-Jordan Government was certainly opposed to any reduction.

Lord LUGARD presumed that the most important question in the economic situation of Palestine was the enormous adverse trade balance amounting to nearly 5½ million pounds sterling (page 160). There was perhaps no country in the world with so great an excess in the value of imports over exports. By what invisible exports was the difference, which amounted to 53 per cent of the total trade, covered ? Was this due chiefly to funds subscribed by Jews, which was not a stable amount from year to year, and to that extent was it spent on remunerative works ?

Mr. YOUNG explained that the invisible exports of Palestine might be said to be the tourist traffic and contributions from abroad for building up the Jewish National Home. This accounted for the difference in the trade figures for imports and exports.

Lord LUGARD asked what constituted the large surplus of imports? Was it mainly Government imports for harbour construction and material for the Iraq Petroleum Company, or was there a large quantity of dutiable goods from which revenue would be derived?

Mr. YOUNG did not think this surplus was made up of imports for the Government or the Iraq Petroleum Company, but of general imports — such as food and clothing from Europe — which, as had been suggested, produced a very considerable Customs revenue. There was a general Customs tariff on imports.

Lord LUGARD, referring to paragraph 13 of the official letter from the President of the Jewish Agency to the High Commissioner (covering the annual report from the Agency) asked whether the Government was co-operating with the Jewish Agency to discourage an artificial boom and whether the situation gave rise to much speculation. Were the bills offered for discount genuine mercantile bills?

Mr. YOUNG said that, on the whole, the position might be described as sound and not on a speculative basis.

Lord LUGARD noticed that last year only 43 per cent of the citrus products were exported by Jews and this year 50 per cent, and asked by whom the balance was exported.

Mr. YOUNG said the remainder was exported by Arabs, who owned large citrus areas.

PROJECTED CONSTRUCTION OF A RAILWAY IN CONNECTION WITH THE PIPE-LINE.

Lord LUGARD asked whether there was any prospect of a railway being constructed along the pipe-line, or alternatively from Jerusalem to Amman.

Mr. YOUNG replied that the matter had been under consideration and investigations had been made, but no decision had yet been reached.

Lord LUGARD asked which project the Government favoured.

Mr. YOUNG said that the railway would not in any case go from Jerusalem to Amman. If constructed, it would run from Haifa, either in close proximity to the pipe-line or between the pipe-line and Amman.

HOLY PLACES.

M. PALACIOS said that at its last session¹ the Commission had replied to petitions received from both Jews and Arabs complaining against the solutions given in connection with problems raised by the events that had occurred at the Wailing Wall. Had the difficulties been settled?

Mr. YOUNG was glad to say that there had been fewer difficulties in connection with the Wailing Wall. The whole matter had, in fact, receded into the background.

M. PALACIOS pointed out that it appeared from Press reports that, on the day of Epiphany, Greek dissenters had again violated the *status quo* of the Holy Places. Could the accredited representative give any information on this point?

Mr. YOUNG said he could not recall the incident. It must have been of minor importance.

The CHAIRMAN was under the impression that Mr. Young had himself been mentioned as having refused to see the person who had made the complaint.

Mr. YOUNG suggested that the Chairman might be referring to a letter addressed to the Chief Secretary, the writer of which was told to apply to the District Commissioner, who would normally deal with such disputes.

M. PALACIOS observed that on page 58 of the report (paragraph 4) it was stated that, owing to dissensions between the Orthodox and Latin communities, the cleaning of the Church of the Nativity had been postponed indefinitely. Could the accredited representative say whether this affair had been settled?

Mr. YOUNG said that this was a dispute as to who had the right to clean the windows, the result of which was that they had been left uncleaned. It was the policy of the Palestine

¹ See Minutes of the Twenty-second Session of the Commission, pages 331 to 333.

Government not to intervene more than was necessary in such matters. Except to prevent actual strife, it did not attempt to enforce a settlement, but left the parties to settle such questions for themselves, and, though this might involve delay, common sense would no doubt prevail in the end.

The CHAIRMAN thought it rather strange that when the Holy Places were in the hands of the Turks, who were Moslems, they took steps to maintain respect for the *status quo*, whereas at the present time the mandatory Power did not appear to attach sufficient importance to these questions, and adopted a policy of leaving the parties to settle their disputes themselves. As a result, incidents continually occurred and increased the friction. In his view, it was certainly the duty of the mandatory Power to do its utmost to avoid these incidents.

Mlle. DANNEVIG desired to emphasise the Chairman's remarks. It was a common cause of grief and disappointment to Christian pilgrims to Jerusalem that the sanctity of the Holy Places was not always sufficiently respected. She was sure they would be most grateful to the mandatory Power if it could improve the situation and encourage co-operation between the different Christian communities in Palestine in order to create an atmosphere of peace and goodwill in the Holy Places, corresponding to the religious feeling of the visitors.

Mr. YOUNG agreed with Mlle. Dannevig's remarks on the desirability of co-operation. He would not like it to be thought for a moment that the Palestine Government regarded with indifference the unfortunate dissensions surrounding the Holy Places of Palestine, but there was a limit to the extent to which it was wise for the Government actively to intervene. He dissented from the view expressed by the Chairman. The Government of Palestine set the greatest store by keeping order in the Holy Places, and seeing that there was no breach of the peace, and in its administration of the Holy Places it had achieved this object. He thought it probable that, in the time of Turkish rule, much more serious incidents had arisen than the one under discussion. There was, he felt, no reason for the Government of Palestine to consider itself to blame over the incident of the windows which were left uncleaned.

Mr. Young drew attention to another incident mentioned in the same paragraph (page 58) in which the Government had seen fit to intervene, and which had been satisfactorily settled.

RESOURCES OF THE MOSLEM AND JEWISH RELIGIOUS COUNCILS.

M. PALACIOS understood that the members of the Supreme Moslem Sharia Council were still appointed by the Government.

Mr. YOUNG said that that was so.

M. PALACIOS understood that, as a result of the financial situation, the income of the Council was seriously reduced, and asked whether the Government financed the Council.

Mr. YOUNG said that it made the payments referred to on page 14, paragraph 59, of the report. The main revenue of the Supreme Moslem Council was derived from taxation on Waqf lands. It was usually collected by the Government and handed over to the Council.

The arrangement for the payment of a lump sum, details of which were given in paragraph 59, was satisfactory to the Council. The Government thought it only fair to compensate the owners of Waqf territories for the remission and reduction of the taxes of the fellahin, in which, of course, the Council had no voice.

M. PALACIOS said that, having read page 14 of the report, he desired to ask whether the Council was not becoming increasingly an organ of the Administration, since the latter appointed its members and supplied a large part of its revenue.

Mr. YOUNG said that it was intended to restore the principle of election. In the meantime, the Council was content to continue as at present.

M. PALACIOS asked whether the Jews did not consider that similar treatment should be extended to the Jewish religious courts.

Mr. YOUNG replied that the Jews had claimed that, as the Moslem religious courts were subsidised by the Government, and, indeed, were directly descended from the Moslem courts which were Government courts under Ottoman rule, the Government should in fairness subsidise the Jewish religious courts. His Majesty's Government was considering this claim.

M. RUPPEL asked whether the Jewish religious community had introduced internal taxation.

Mr. YOUNG replied that, under the Communities Ordinance, the Jewish community was empowered to raise funds by internal taxation. He believed they were beginning to do so, but did not know to what extent. Further information would be given in the next report.

LIBERTY OF CONSCIENCE.

M. PALACIOS said that a good deal had appeared in the Press about so-called attacks on Catholicism and Catholics in Palestine. The policy of the mandatory Power, in the various incidents in which there had been friction between the Latin and Orthodox elements, had been criticised as being not entirely impartial. Could the accredited representative say what had actually happened ?

Mr. YOUNG said that the mandatory Power always aimed at complete impartiality. In the absence of details of the particular cases which M. Palacios had in mind, he was unable to say more.

POLICE.

M. RUPPEL noted (page 60) that, in the previous year, the police force had been reduced, in accordance with the general retrenchment scheme, by 200 units. The cost of the force had nevertheless remained about the same. Could the accredited representative explain this ?

Mr. YOUNG said that a considerable part of the police force had in previous years consisted of municipal forces, the cost of which had been directly paid by the various municipalities. The Palestine Administration had now adopted the policy of bringing all the police forces of the country under the control of the Government department. The municipalities still made a contribution — as would be seen on the revenue side of the budget — but in the first instance the whole cost was now borne by the Administration. That was why, in spite of retrenchment, there had been no apparent decrease in cost from the point of view of the central Government.

M. RUPPEL asked whether the policy of retrenchment had now been completed for the time being, or would it be continued ? The cost of the police was a very heavy charge on the budget : it accounted for 20 per cent of the expenditure.

Mr. YOUNG said he could not hold out any hope of further economies in the near future. The Government had effected such economies as it had felt itself able to do and regarded the period of retrenchment as closed for the present.

M. RUPPEL, referring to paragraph 6 on page 21, noted that the number of Jews in the police force was now 17 per cent as to officers and 13 per cent as to men. Was the Jewish Agency satisfied, or was it still claiming a higher percentage ?

Mr. YOUNG thought he could say that the Jewish Agency was satisfied with regard to the Palestine police, though representations were still being received from that body concerning the proportion of Jews in the Trans-Jordan Frontier Force. The proportion of racial elements in the police was mainly determined by the nature of its work in each locality : Jewish police were not recruited for work in mainly Arab districts, while in mainly Jewish districts the police consisted mostly of Jews.

PRISONS AND PRISON LABOUR.

M. RUPPEL noted with regard to the penitentiary system that, in the year under review, 34,000 persons had been convicted, and of these 11,000 had been employed on work, described as various services of public utility, under the Penal Labour Ordinance. As the total amount of Jewish free labour alone in Palestine was reported to be 20,000, did not the forced labour of these 11,000 convicted persons produce an adverse effect on the free labour market ? Had the Government received any complaints on this subject ?

Mr. YOUNG was not aware that any complaints had been received on this subject. These prisoners were mostly employed on road-making. It should be noted that the whole 11,000 were not employed at the same time throughout all the year. They were mainly persons who had received short sentences and the actual number of men working at any one time was very much less than 11,000. The system was working quite satisfactorily.

COMMUNIST ACTIVITIES.

M. RUPPEL noted, on page 65 of the report, paragraph 20, that 210 persons had been prosecuted for subversive communist activity. In the previous year, only eighty-six persons

had been so prosecuted. Did that connote an increase in communist activity? Were the foreign elements of the population mainly concerned, to the exclusion of Palestinians? Was there a communist movement among the Arabs, or was it restricted to the Jewish population? Were foreigners usually deported after conviction?

Mr. YOUNG said that the increase in prosecutions was the result of increased activity on the part of the police rather than on the part of communists. The courts generally recommended that convicted foreigners should be deported after serving their sentence. Palestinian citizens could not, of course, be deported. There was no serious communist activity among the Arabs.

FRONTIER BETWEEN SYRIA AND PALESTINE.

M. ORTS observed that, at the meeting of the League Council held on January 30th, 1932, the representative of the United Kingdom Government had said that he had just been told that the formal approval of the Council had never been sought for the western section of the frontier, dividing Syria and the Lebanon from Palestine, which was delimited in 1923. He had added that his Government would lose no time in examining this question in consultation with the French Government, and, if any necessary measures had been overlooked, the appropriate action would be taken, in agreement with the French Government, to remedy the omission at a future session of the Council.

Could the accredited representative state whether the United Kingdom Government had examined this question and whether it would eventually be submitted to the Council?

Mr. YOUNG replied that he was not in a position to state what steps were being taken as regards the submission of the frontier settlement to the Council.

M. ORTS expressed the hope that this information would be given to the Commission. One fact existed: the two mandatory Powers had reached an agreement and the frontier line had been virtually determined, but the agreement had not yet been submitted to the Council for approval.

Mr. YOUNG said that he would note M. Orts's statement to the effect that the agreement should have been submitted to the Council and had not been so submitted, and would bring this statement to the notice of the competent authorities.

PUBLICATION OF A LIST OF PERSONAL AND GEOGRAPHICAL NAMES IN ARABIC, HEBREW AND ENGLISH.

M. VAN REES noted that, according to the *Oriente Moderno* of December 19th, 1932, the Vaad Leumi had protested to the Palestine Government against an official publication entitled "Transliteration from Arabic and Hebrew into English, from Arabic into Hebrew and from Hebrew into Arabic, with Transliterated Lists of Personal and Geographical Names for Use in Palestine, 1931". Could the accredited representative explain what the trouble was and whether any action had been taken as a result of this protest?

Mr. YOUNG explained that two years previously the Palestine Government had issued a publication bearing the title in question. It had for long been felt in Palestine that it was important to define the methods for spelling place and proper names in each of the three official languages. After consultation with a great many of the interested parties, the decisions had been published in book form. As was usual in such cases, the decisions reached had not satisfied everybody. The Vaad Leumi was not content with some of the Hebrew transliterations. The Palestine Government was now considering the revision of the book and hoped that the revised version would, as far as was possible, satisfy everyone.

LABOUR.

Mr. WEAVER, with regard to unemployment, noted that a definition of "unemployed" had now been laid down (paragraph 2 on page 76):

"A man or woman of the working class, who, being dependent entirely or mainly on his or her wages for his or her livelihood, is in need of and seeking employment at the time, or is employed for less than three days a week."

This was a perfectly clear definition, but it seemed to be entirely undermined by the commentary which followed:

"This includes fellahin who normally work on farms but happen to be in need of outside employment at the time of the return. But persons owning land or other means of production on which they are largely dependent working independently, who may at times be under-employed, are not included if they are not actually seeking employment."

“ It is not found practicable to distinguish between men seeking employment who have small plots of their own on which they work at certain seasons and those who are entirely without land.”

There seemed to be some inconsistency between the definition and the commentary. Could fellahin be said to be entirely or mainly dependent on wage-earning ?

Mr. YOUNG did not think there was any real inconsistency between the two statements, in view of the difficulty referred to of distinguishing between persons who had small plots and people with no land. He would, however, report Mr. Weaver's remarks to the proper quarter with the suggestion that a further explanation might be given in the report of the following year.

Mr. WEAVER asked whether any relief measures had been taken during the period when the recorded unemployment was greatest.

Mr. YOUNG replied negatively as regarded the year 1932. In the year before that a certain amount of road-making had been undertaken as a relief measure.

Mr. WEAVER was glad to note that some progress had been made in the organisation of labour and that there was a movement to conclude collective agreements covering entire trades. Against that had to be set the increased number of industrial disputes, which seemed to show that there was a certain effervescence among the workers. Could not the causes of these troubles be dealt with by appropriate labour legislation ? Had the four interim reports of the Labour Legislation Committee been published ?

Mr. YOUNG replied that these reports had not yet been published. The Government was engaged in considering what legislation would be necessary consequent on their acceptance. He would make a note that these reports should be placed at the disposal of the Commission as soon as possible. He believed that the passing of legislation consequent on the Labour Legislation Committee's findings was imminent. Further information on this subject would be given in the next report.

M. PALACIOS supported the objections raised by Mr. Weaver and his request. Like Mr. Weaver, he would be glad to see in the next report more precise information on the progress made.

Mr. YOUNG replied that he hoped by the time the next report was received a number of measures would already be on the Statute Book as a result of the recommendations of the Labour Legislation Committee.

Mr. WEAVER asked that further information might be given in the next report on the subject of the proposed increase in the number of factory inspectors.

Mr. YOUNG undertook that the information would be given.

Mr. WEAVER noted the mention (page 79) of agreements relating to the hours of shop assistants. Was the Palestine Government considering the possibility of issuing a general shop-closing ordinance ?

Mr. YOUNG replied that, as conditions varied so greatly among different trades and different localities and races — it would be noted that even in Haifa there was a variation of two hours in the matter of closing-time — the Administration felt that it would be premature to consider any compulsory legislation on these lines.

Mr. WEAVER said that, in the previous year, he had asked for information concerning conditions of labour on the pipe-line and the High Commissioner had given him some details. In the present report there were references to the pipe-line on pages 169 and 204, but there was no reference to any arrangements made for regulating and securing satisfactory conditions for the labour employed in this enterprise. As a question on this subject had already been raised in the United Kingdom Parliament and communications had been made on the subject to the General Federation of Jewish Labour, he would be very glad to have some information on this subject.

Mr. YOUNG replied that the authorities were concerned to ensure good conditions for all persons employed on work in connection with the pipe-line. He believed that in fact the labour conditions along the pipe-line were as satisfactory as was possible when men were working away from their homes, often in desert country. He would bring Mr. Weaver's query to the notice of the authorities with a view to the inclusion of further information on this subject in the next report.

Lord LUGARD, referring to the present boom in building, asked whether the administration did not fear to have a large number of unemployed on its hands from the building trades, when the boom came to an end, as it must do.

Mr. YOUNG said that the action to be taken, if the present wave of prosperity came to an end, was a matter foremost in the thoughts of the Palestine Government. It could not, however, be said that Palestine was being “ over-built ” at present. In fact, the building

of houses was only just keeping pace with the increase in the population due to natural increase and immigration. There was, therefore, he thought, no fear of a slump in the building trade for the present ; when, however, the population had become roughly stabilised the situation might change.

DRUGS.

COUNT DE PENHA GARCIA noted that each year the same information was given in the report (pages 88 *et seq.* of the report) — namely, that there had been some consumption but not much, and a fair amount of smuggling through the country, particularly of hashish ; that the Government had been doing all it could to combat the drug evil and that there had been a number of convictions. Did not the Palestine Government feel that perhaps the time had now come when further and more far-reaching steps were necessary ?

Mr. YOUNG said that the facts were exactly as stated in the report. He thought it very unlikely that any steps which could be taken would completely eliminate consumption and smuggling so long as there was a demand on one side and a supply on the other. The authorities were vigilant and he believed that a very high percentage of any persons who ventured to engage in drug trafficking was eventually caught and prosecuted. On the other hand, with a long seacoast on the west and immense desert stretches on the east and south it was almost inconceivable that there should not be some leakage. Perhaps Count de Penha Garcia would explain what further measures he had in mind.

COUNT DE PENHA GARCIA said that he mainly had in view the possibility of suppressing production by agreement with neighbouring countries.

Mr. YOUNG said he cordially agreed that, if producing countries could be induced to limit their production to medical requirements, the whole problem would be solved. The Palestine Government would naturally welcome such an agreement. But Count de Penha Garcia would recognise that it was hardly for Palestine, which was not a producing country, to take the initiative in this matter.

LIQUOR TRAFFIC.

COUNT DE PENHA GARCIA wished to thank the mandatory Power for the information contained in the report regarding the new ordinance for controlling the liquor traffic in Palestine (page 91). He must admit, however, that he was not entirely convinced of the efficacy of the new legislation. For instance, he noticed (page 91) that “ objection to the grant of a licence in any case may be lodged by any two persons resident in the neighbourhood ”. That surely implied that premises licensed for the sale of liquors were likely to become undesirable and that in some cases it might not be agreeable to reside in their neighbourhood. Moreover, it was stated on the same page that “ in rural areas there is no appreciable consumption of intoxicating liquors ” and further on (page 93) that “ the consumption per head per annum based on the urban population alone is roughly estimated at about five litres ”. In this connection, he felt bound to observe that the experience of the Mandates Commission and other competent bodies had proved that calculations in these matters based on population figures were not reliable.

He noted that the number of licences granted in Jerusalem had increased, and was particularly struck by the increase of women employed on these licensed premises (page 98, Appendix III). In its report, the mandatory Power stated that the Government of Palestine had decided to adopt a considerable number of measures supplementary to the Intoxicating Liquors and Public Entertainments Ordinance, 1922, “ with a view to controlling the liquor trade and diminishing attendant excesses ”. The contemplated action and even the wording seemed to be evidence that all was not quite as it should be. It was said that Moslems did not indulge to any great extent in intoxicants, but in the matter of convictions for liquor offences he noted that Moslems amounted to 5 per cent. Did the new measures following on an increase in the number of licensed premises mean that the consumption of intoxicating liquor was increasing among Moslems ? If so, there certainly was a problem in the country which called for the attention of the authorities.

LORD LUGARD said that *The Times* of November 24th, 1932, had mentioned an opinion expressed at the Conference of Native Races on the Liquor Traffic that, since the mandate had been established in Palestine, drinking had increased among the Arabs. Where only twenty-five licences had existed before the war, the total number of licensed premises was now 970. It was assumed that there was some ground to suppose that on this account there was a tendency towards the deterioration of the Arab population.

Mr. YOUNG replied that the information which Lord Lugard had quoted was not in keeping with the facts. He could assure the Commission that the situation in Palestine was not by any means serious. If the Government were contemplating taking further steps, that

was precautionary rather than remedial. The reason for the increase in the number of licensed premises was the large increase in the non-Moslem population as reported in paragraph 16, page 92, of the report. The contemplated measures were, as he had said, merely a matter of precaution. The actual situation in Palestine in the matter of intoxicating liquor was such as might be envied by many other countries.

COUNT DE PENHA GARCIA pointed out that one of the measures which had just been adopted was "to limit licences where necessary to the sale of only certain liquors or of one kind of liquor only or to *reduce the consumption of arak*". These words in themselves seemed to imply that the consumption of the very strong liquor arak was at present considerable.

Mr. YOUNG said he could only repeat that such was not the case. This measure, like all the others, was merely a matter of taking proper precautions for the future.

EDUCATION.

Mlle. DANNEVIG, referring to the introduction (page 99) of an Education Ordinance to come into force on January 1933, was sure that this ordinance, as far as she could judge, would prove highly beneficial by bringing the educational system up to date. She had also noted the increased subsidy to the Jewish Agency schools which were now to be taken over by the Vaad Leumi.

In its conclusions on the petition of the Palestine Arab Women's Congress,¹ the Mandates Commission expressed the hope that the resources of the territory would soon permit an increase in the number of Arab primary schools and thus give all village children the benefit of primary education. It appeared from the report (pages 101 and 115) that, in the year 1932, 65 per cent of the Arab applications for admission to the village primary schools were refused and that a committee had been created in October 1932 to remedy the situation caused by the lack of schools. Could the accredited representative say if the situation had improved?

Mr. YOUNG said that the Government had decided to make increased grants for both Arab and Jewish education. The grant in favour of Jewish education took the form of a lump sum accorded to the Jewish authorities. The money on Arab education was disbursed through the public services.

The improvement of Arab education was a serious problem to which the authorities were fully alive. Fortunately, it had been found possible in the current year to provide further accommodation for Arab children and to employ forty additional teachers. These improvements did not, of course, solve the problem by a long way, but the Government had under consideration a scheme of gradual development to be spread over a number of years. While immediate efforts continued, therefore, there was every reason to hope that a long-sighted programme of educational development among the Arabs would be approved and carried into effect. The Committee to which Mlle. Dannevig had referred had dealt with two aspects of the question — in the first place, what could be done in the current year to meet the immediate needs, and secondly, what could be done for the permanent future needs of the country, by the application of a scheme spread over a period of years. The Committee had presented a report on both points, on the strength of which the Government would be able to carry out improvements in the current year and to adopt a long-sighted policy in the future.

Mlle. DANNEVIG noted that, in 1932, there had been a decrease in the number of Arab children attending school, but a slight increase in the number of Jewish schoolchildren, in spite of the financial difficulties experienced by the Jewish Agency. Could the accredited representative explain this? She further noted that although "wastage no longer offers a serious problem, the number of pupils who repeat the preparatory class is excessive" (page 101). What steps was the Administration contemplating with a view to remedying this situation? Again, she noted that the average age of children in the Government Arabic schools in each class was about two years higher than the age range of classes in the Jewish Agency schools. The school age was said to begin at 3 to 5 years. Was it not very early, considering the lack of school accommodation; the children benefiting more from education when they were older?

Mr. YOUNG replied that the number of children attending the Government Arabic schools had, it was true, decreased in 1932 as compared with 1931. But the numbers were expected to rise again in the current year, owing to the increased accommodation to which he had referred. Next year, there would certainly be a further increase and these increases would continue in the future. He could assure Mlle. Dannevig that the education authorities were very fully alive to the other problems which she had mentioned.

The CHAIRMAN noted that mention was made, on page 99 of the report, of the new Education Ordinance to come into force in 1933. The text of this ordinance was given in Appendix I, page 236. Certain provisions of this ordinance had raised objections based on Article 15

¹ See Minutes of the Twenty-second Session of the Commission, page 371.

of the Charter of the Palestine mandate and reservations had, it would seem, been made in this connection. Could the accredited representative give any further information on this subject ?

Mr. YOUNG replied that, when the text of the proposed new ordinance had been published, a certain amount of anxiety had been expressed by a number of religious bodies responsible for the maintenance of schools. The Palestine Government had considered all the points raised by the bodies concerned and had taken steps to reassure them. It was now, he thought, generally apparent that most of the apprehensions felt had been unfounded. He did not think that there would be difficulties with the future managers of private schools in connection with the administration of the new Education Ordinance.

The CHAIRMAN expressed the hope that the result of this discussion would be that the provisions of the ordinance would be harmonised with the principle of liberty of instruction and education laid down in Article 15 of the mandate.

Mr. YOUNG replied that there was no reason to apprehend that the policy defined in the ordinance and carried out by the Palestine Government would in any way conflict with the Mandate.

Lord LUGARD said that questions had been raised in the United Kingdom Parliament concerning the long delay in establishing the second Kadoorie agricultural school in Palestine. It would be remembered that the first (Arab) school had been opened on January 1st, 1931.

Mr. YOUNG replied that it was hoped that the second Kadoorie school would be in operation by the end of the year. The buildings were progressing and the future headmaster had already been selected.

PUBLIC HEALTH.

M. RUPPEL wished to thank the mandatory Power for the detailed information contained in the report regarding malaria, ankylostomiasis and tuberculosis (pages 116 *et seq.*). It would seem that good progress had been made in the anti-malaria campaign, and he was glad to note that appropriate measures were being taken against the spread of hookworm, which was definitely stated to be associated with citrus cultivation. With regard to tuberculosis, he hoped that the survey which had been interrupted in 1931 would be taken up again.

From tables in paragraph 3 (page 118) it would appear that the birth-rate had decreased substantially (44 per thousand as against 48 per thousand), in particular among the Moslems (49 per thousand as against 53 per thousand). Consequently, the natural increase per thousand of the population had also waned. Were these figures absolutely reliable or were they more or less guesswork ?

Thirdly, he would be glad if the accredited representative could give him some further information as to what was being done about the Jerusalem water supply ? He had heard that there would be a serious shortage again in the present year. At the previous session, Sir Arthur Wauchope had said that this problem would soon be solved.¹ The only mention of progress he could find in the report was the cancellation of the Mavrommatis concession (page 56) and the statement on page 193 that investigations were being continued. Could the accredited representative inform the Commission how the matter now stood, as the problem was certainly a serious one ?

Mr. YOUNG, with regard to the water supply of Jerusalem, assured M. Ruppel that the Palestine Government fully realised the seriousness of the situation. The first progress made was the cancellation of the concession which had stood in the way of a proper water supply. Having explored all possible sources of supply, the authorities had finally decided on a far-reaching scheme which had already been surveyed. The only outstanding question was that of the cost. He had every reason to believe that the necessary money would be made available and that Jerusalem would be provided with a satisfactory water supply in the near future.

He could not say at what date the tuberculosis survey would be taken up again, nor had he any precise information as to the manner in which the birth-rate figures given on page 118 had been calculated. He would, however, ask that further information should be communicated to the Mandates Commission on both these points.

M. RUPPEL, referring to the grant made to the Jewish community health service, noted with satisfaction that these grants had been increased last year — £2,500 to Tel-Aviv as before and now a further grant of £6,700, the total from all sources being £9,200, amounting to nearly 10 per cent of the whole vote. That was still a fairly small percentage, taking into account the large amounts which the Jews were spending on their health services. Were the Jewish authorities still claiming more, and were negotiations with them proceeding ?

Mr. YOUNG replied that the satisfactory financial situation of the country had made it possible for the authorities greatly to increase their grants in the current year. He could not say whether, in these circumstances, the Jewish authorities would be satisfied.

¹ See Minutes of the Twenty-second Session of the Commission, page 101.

M. RUPPEL hoped that next year's report would contain reassuring information. The new chapter on housing conditions (page 129) was very useful. He noted that the supply did not yet meet the demand. What were the views of capital or labour on this subject ?

Mr. YOUNG replied that, as he had stated before, the whole building trade was actively employed in providing accommodation for the increased population.

PUBLIC FINANCE.

M. RAPPARD observed that the excellent financial situation in Palestine was in marked contrast with that of all the other mandated territories. He noted that the beginning of the fiscal year had again been fixed for April 1st, and that the calendar year system had been abandoned. The calendar year system was preferable from the point of view of the Mandates Commission, but he supposed that the Administration had its good reasons for making the change.

Mr. YOUNG assured M. Rappard that this was so.

M. RAPPARD said that even the railways seemed to be more than paying their way, though no interest was being paid on the debt. On page 134, paragraph 7, he noted, under "Capital Expenditure on the Palestine Railways proper to March 31st, 1932", that the "purchase of assets from His Majesty's Government" was entered as £P840,647. On page 153, however, under "Loan Account at March 31st, 1932 : Expenditure Side", he saw "Purchase of Railway and other Capital Assets from His Majesty's Government — £P1,000,000." This £P1,000,000 looked as though it were a round sum, so that viewing these two statements side by side, together with the surplus from the railways, it seemed as though this surplus was being remitted to the United Kingdom Government.

Mr. YOUNG replied that this was not the case. The figure of £P1,000,000 had been arrived at after a number of intricate calculations based, in the first place, on the value of the whole railway system, but also taking into account expenditure on the permanent way, purchase of rolling stock, etc.

M. RAPPARD asked whether this meant that material already in stock when the British forces took over the railways was being paid for by the Palestinian Government.

Mr. YOUNG replied in the negative. He was referring to stock which had been purchased and introduced into the country by the military administration.

M. RAPPARD then referred to the statement on page 133 :

"It should be noted that no debt charges in respect of that part of the Palestine loan used for railway purposes were payable during the period under review, and that no contribution was made towards the establishment of a railway renewals fund."

In other words, when Palestine had finally paid off her debt, of which the £P1,000,000 to which he had referred was a part, she would have full ownership of her railways without any debt whatsoever.

Mr. YOUNG explained that the reason why there had been no payment of debt charges to record was that this particular section of the report (Chapter XXI) dealt with a period of three months only.

M. RAPPARD, with regard to the questions asked at a previous session whether it would be possible to "reform the tithes and establish a permanent form of tax", noted, from page 7 of the report, that the indebtedness of fellahin had been waived to the extent of £P80,000 in the matter of tithes. It was further stated that, out of a total assessment of £P246,000 of the commuted tithe, £P173,000 had been remitted. Moreover, "funds amounting to £P35,000 had been set aside to be distributed in loans to cultivators". What was the real policy being pursued under the influence of the favourable budget? Was this policy beneficial to the whole population or only the fellahin?

Mr. YOUNG said that the policy was a simple one — namely, to lighten the burden of the poorest classes of the population. The actual application of the policy varied from year to year according to the stress of necessity and the yield of the harvests. The people who mostly benefited by this policy were the Arab farmers, since the Jewish agriculturists were mainly engaged in the citrus-growing industry, which was in a flourishing condition. It had not been found necessary to remit the land tax in their case, but it had been necessary in the case of the Arab fellahin, whose crops had been poor.

Lord LUGARD asked whether the single tax proposed in the Dowson report in 1928 was likely to come into operation, or whether the idea had been abandoned.

Mr. YOUNG replied that the idea had not been abandoned, but that the question bristled with difficulties. Recommendations for a single tax had been carefully examined, both by the Palestine Administration and the United Kingdom Government. A number of questions had arisen which had been referred to a Committee in Palestine. He had enquired by mail after leaving the country whether that Committee had reached any conclusions and had been informed that it was still sitting. Its report would be forthcoming in due course. He added in answer to a further question that this Committee was a different one from that appointed two years previously to consider the same subject.

IMMIGRATION (*continuation*).

M. RAPPARD, referring to the tables on pages 28 and 29, noted that non-Jewish immigrants in the course of the year amounted to nearly 2,000. Had all those immigrants entered the country in accordance with the same immigration regulations as those applicable to the Jewish immigrants ?

Mr. YOUNG said that all immigrants were subject to the same regulations as were applied to Jewish immigrants.

M. RAPPARD said that, if the quota were limited, say, to 8,000 immigrants, how did the authorities make sure that the influx of non-Jewish immigrants was not preventing the immigration of Jews ?

Mr. YOUNG replied that the Jewish authorities were given certificates which enabled them to arrange for the immigration of Jewish labour to the full extent to which there was room for it.

Trans-Jordan.

FRONTIER BETWEEN SYRIA AND TRANS-JORDAN.

M. ORTS, referring to paragraph 7, on page 204, noted that the demarcation of the frontier between Syria and Trans-Jordan had been carried out by a commission composed of representatives of the mandatory Powers and of the mandated territories concerned. The report added that " the control of the frontier both from the Syrian side and the Trans-Jordan side will become operative on the conclusion of a *Bon Voisinage* Agreement ". He supposed that this agreement would determine the conditions under which the frontier would be patrolled on both sides. He asked whether any difficulties had been encountered, since, according to the report, control would only become operative after the conclusion of the *Bon Voisinage* Agreement.

Mr. YOUNG said that there had been no difficulties. The agreement in question was ready for conclusion, and would be signed in all probability very shortly.

FRONTIER BETWEEN IRAQ AND TRANS-JORDAN.

M. ORTS further observed (paragraph 8, page 204) that notes had been exchanged between the Chief Minister of Trans-Jordan and the Prime Minister of Iraq, regarding the exact delimitation of the existing frontier between Trans-Jordan and Iraq. What was the scope of these notes ? Had any difficulties been encountered in this direction ? Had there been any appreciable modification of the frontier ?

Mr. YOUNG replied that there had been no modification of the frontier. The action described had been taken because it was thought desirable that the imaginary line forming the boundary between Iraq and Trans-Jordan, which ran through uninhabited desert, should be clearly defined on the spot. The text of the notes would be found in Appendix III to the report, a perusal of which would make the geographical position quite clear.

NEGOTIATIONS WITH A VIEW TO THE CONCLUSION OF A TREATY BETWEEN SAUDI ARABIA AND TRANS-JORDAN.

M. ORTS drew attention to information given in the Press to the effect that negotiations had taken place between Trans-Jordan and Saudi Arabia with regard to Akaba and the frontier between Trans-Jordan and the Kingdom of Ibn Saoud. Was this information correct, and, if so, what had been the result of the negotiations ? The situation at Akaba had already been mentioned on several occasions in the Commission.

Mr. YOUNG replied that there was no foundation for the report that negotiations were being or had been conducted with regard to the frontier. The representative of the Amir Abdullah and the British representative in Trans-Jordan had gone to Jeddah for the purpose of negotiating a treaty of friendship between King Ibn Saoud and the Amir Abdullah. The first stage of these negotiations had been completed and agreement had been reached on all the important points of a draft treaty. The frontier question had not been dealt with and, as

regards that question, the situation was unchanged. In fact, no territorial questions had been discussed at all.

LORD LUGARD asked whether the British Minister at Jeddah had not gone to Jerusalem in March last to conduct negotiations on general questions between the two countries ?

MR. YOUNG replied that the British Minister at Jeddah had visited Jerusalem in February, but had not conducted any negotiations. The negotiations had all taken place more recently at Jeddah. He believed it was contemplated that there should be further negotiations at Jerusalem in connection with the treaty and that the British Minister at Jeddah would visit Palestine at that time.

REVOLT OF IBN RIFADA AGAINST THE GOVERNMENT OF SAUDI ARABIA.

M. SAKENOBE noted that the Trans-Jordan frontier force had been engaged in small operations in the south of the country at the time of the revolt of Ibn Rifada against Ibn Saoud. He noted that " a large number of men and camels that were attempting to cross the frontier were captured and that the passage of supplies from Trans-Jordan into rebel hands was effectively checked " (page 66). Could the accredited representative give any more detailed information on this subject ?

MR. YOUNG explained that Ibn Rifada's revolt had been directed against the friendly Government of Saudi Arabia, and that there had been some risk that the rebels might obtain supplies from and through Trans-Jordan, so that the High Commissioner had taken steps to check any such possibility. The Frontier Force had been employed to ensure that Trans-Jordan should in no circumstances be used as a base for attacks against Saudi Arabia. At an early date in the revolt, the frontier had been closed and the High Commissioner and the Amir had issued proclamations forbidding the inhabitants of Trans-Jordan to furnish any supplies to the rebels. The guarding of the frontier had been entirely successful and had been carried out without loss of life.

M. SAKENOBE asked whether peace and tranquillity had reigned in Trans-Jordan since the termination of the disturbances in Northern Hejaz ?

MR. YOUNG replied affirmatively.

TRANS-JORDAN FRONTIER FORCE.

M. SAKENOBE noted (page 65) that the number of Jews in the Trans-Jordan Frontier Force was very small. There had been very little increase, if any, in their numbers each year, although the Jewish Agency was again demanding a higher proportion. Was the smallness of their number due to the fact that Jews were unwilling to enlist in the Trans-Jordan Frontier Force, or was it that the Government took no steps to increase their number ? Or were there other reasons ?

MR. YOUNG explained that the difficulty of finding Jews ready to enlist in the Trans-Jordan Frontier Force was that both officers and rank and file in that force must necessarily know Arabic. The Government sympathised with the suggestions of the Jewish Agency, but its endeavours to recruit suitable Jews for the Trans-Jordan force had not been very successful for the reason stated.

QUESTION OF THE PROHIBITION OF THE CARRIAGE OF ARMS.

M. SAKENOBE had seen in the *Jewish Chronicle* of March 24th, 1933, an announcement to the effect that the High Commissioner for Palestine and Trans-Jordan had decided to introduce a Bill in the Trans-Jordan Legislature prohibiting all private persons from carrying arms and making such arms liable to confiscation. Had this law been passed ? What were its principal provisions and what were the reasons which had led to its conception ?

MR. YOUNG replied that he considered that the statement could have no foundation. It would not be practicable to disarm all the Bedouins, and he thought it most unlikely that any such Bill could be under contemplation, since there were parts of the Trans-Jordan territory in which it was necessary for persons to carry arms.

EDUCATION.

M. SAKENOBE asked whether in the next report more information could be given regarding private schools in Trans-Jordan ?

Mlle. DANNEVIG noted that expenditure on education in Trans-Jordan had increased, but regretted that the intention of providing fifteen additional village schoolmasters (which was considered very desirable) could not be realised owing to lack of funds.

Mr. YOUNG explained that the funds available for Trans-Jordan were very limited. He quite agreed that the provision of elementary education in the rural districts was a very important point and hoped that it might prove possible to provide greater facilities in future.

Mlle. DANNEVIG noted on page 224 of the report a statement to the effect that "there was a considerable improvement in the general cleanliness of schools and scholars". She was aware of course that the general standard of personal cleanliness among the lower classes of the Arab town population and of the villages was not very high, but this sentence in the report would seem to imply that conditions were particularly bad in Trans-Jordan.

Mr. YOUNG replied that it need not be assumed that conditions had previously been very bad. The statement in the report meant that more attention had recently been paid to this important point.

Mlle. DANNEVIG, referring to page 222 of the report, noted that "the infantile mortality rate per 1,000 births was 210, compared with 200 in 1931 and 222 in 1930". This was surely a very high rate, as it amounted to over 20 per cent. Was such high infantile mortality connected with general unsanitary conditions among the population? Were any steps being taken to meet this situation and reduce infantile mortality?

Mr. YOUNG replied that attention was being paid to this matter. Continuous efforts were being made to improve the general conditions of living. When this result had been achieved, the Administration hoped to see some amelioration in the infantile mortality rate, which was undoubtedly high. Mlle. Dannevig was right in believing that the infantile mortality rate was in general very high among Arabs.

Lord LUGARD asked whence the supply of teachers was obtained for Trans-Jordan? Did they mainly come from Syria or Egypt? Were there any teachers of British nationality? He noted that Section 8 of the Education Ordinance laid down an appreciable list of qualifications for teachers.

Mr. YOUNG replied that there were no British teachers in Trans-Jordan. The ordinance which Lord Lugard had quoted referred only to Palestine.

NEW CRIMINAL CODE FOR TRANS-JORDAN.

M. RUPPEL noted (page 213) that, "With a view to formulation of a new Penal Code and a Code of Criminal Procedure, the Judicial Adviser has translated the Ottoman Code of Criminal Procedure into English and is engaged in the translation of the Criminal Code". He understood that the new Penal Code for Palestine had been modelled rather on the lines of British criminal law. The sentence in question regarding Trans-Jordan seemed to imply that the new Penal Code of that country would follow the lines of Ottoman law. Was it desirable in two such small and contiguous countries, under the same mandatory Power, to have two different penal codes? Would it not be preferable to have the same law on both sides of the Jordan?

Mr. YOUNG replied that the reference to the translation of the existing code should not be taken to mean that the new code would closely conform thereto. He thought it probable that when the text of the new Trans-Jordan Penal Code came to be adopted, the Palestine Code would largely be taken as a model.

PUBLIC FINANCE.

Lord LUGARD asked how expenditure was controlled in Trans-Jordan. Did the Amir take decisions on his own responsibility, or was he required to obtain the consent of the Legislative Council and the Financial Adviser?

Mr. YOUNG said that the budget was drawn up by the Amir's ministers with the help of the British Financial Adviser. As Trans-Jordan received a grant from the Imperial Treasury, the expenditure decided upon for that country could not become operative until it had received the approval of the Imperial authorities. Furthermore, the budget had to be approved both by the Legislative Council and the Amir.

Lord LUGARD asked whether the Financial Adviser had an effective voice in the matter. To judge by his salary — which the report seemed to imply was £300 per annum — he must surely be a rather junior official. Or was the £300 referred to only an extra allowance?

Mr. YOUNG replied that the Financial Adviser was not a junior official drawing a salary of £300 per annum, but an official of several years' standing, seconded from Palestine for the purpose. He certainly had a voice in the framing of the budget.

M. RAPPARD desired some further information as to the financial policy of the mandatory Power with regard to Trans-Jordan. That country was at present a parasite State, its budget being largely fed by grants of the mandatory Power. Had the Administration any plan of development in view which might eventually make the country self-supporting? If such an

intention existed, how was it that the mandatory Power and its Administration seemed to have discouraged various schemes which had been put forward both by Jews and Arabs with a view to developing Trans-Jordan resources ?

Mr. YOUNG said that the Imperial Government certainly desired to make Trans-Jordan self-supporting. Whether the desire could be translated into reality was another question. Trans-Jordan was at present a poor country, and it was not correct to assume that the mandatory Power or the Administration had any intention of discouraging development, where that was possible. The Government was not opposed to development, but certain circumstances made it impossible to countenance development of a particular kind.

CRIME.

COUNT DE PENHA GARCIA noted (page 214 of the report) that there had been a progressive increase in crime during the last four years, amounting to 25 per cent. Could the accredited representative advance any explanation of this ?

Mr. YOUNG said that a series of bad harvests among a poor population had probably led to an increased number of thefts and robberies. It was generally noted that crime tended to increase after a number of bad years.

CLOSE OF THE HEARING.

The CHAIRMAN thanked Mr. Young for his replies to the questions raised by the members of the Commission.

The Commission wished him every success in the new country which he had now been appointed to govern.

Mr. YOUNG thanked the Chairman for his kind remarks. He desired also to thank the members of the Commission and the members of the Secretariat for their friendly and helpful attitude.

FIFTEENTH MEETING

Held on Wednesday, June 28th, 1933, at 10.30 a.m.

Tanganyika: Question of a Closer Administrative, Customs and Fiscal Union of the Mandated Territory of Tanganyika with the Neighbouring British Possessions of Kenya and Uganda (continuation).

The CHAIRMAN recalled the discussions which had already taken place on the subject at the present session. Since the last meeting, at which the Commission had dealt with closer union, he had endeavoured to find a formula to meet the views of all the members of the Commission, but he questioned now whether it was still possible to arrive at general agreement. Two currents of opinion were clearly defined among the members of the Commission ; that fact had been again impressed on his mind by a careful re-reading of the Minutes of the previous meetings. The Commission as a whole had, he thought, agreed on a text which embodied the preamble and Conclusions Nos. 1 and 2, at all events, so far as concerned paragraphs 1 and 2 of Conclusion No. 2, three members of the Commission having stated that they could not accept paragraph 3 of Conclusion No. 2.

CONCLUSION No. 3 (continuation).

M. RAPPARD did not wish to do violence to anyone's convictions, but thought that the whole Commission was agreed on one essential fact — namely, the impossibility, for the mandatory Power, of instituting during the period of the mandate " closer union " between Tanganyika and the neighbouring British territories. The sole divergence of opinion between his colleagues seemed to relate to the possible danger of the Conference of Governors, as it evolved in the future, to the political and constitutional integrity of the territory.

Lord LUGARD gave it as his opinion that the Conference of Governors and its Secretariat which, according to M. Rappard, was the sole point of discord in the Commission, need cause no anxiety among the members of the Commission. His proposal would be to delete entirely the draft Conclusion No. 3 submitted to the Commission. He referred to the despatch from the

Secretary of State to the Governors of Kenya, Tanganyika and Uganda, dated December 5th, 1931, informing them of the decisions reached by the United Kingdom Government which was published as a White Paper and laid before Parliament. Paragraph 7 of this despatch read as follows :

“ As the Conference is purely advisory, the only co-ordinating authority is the Secretary of State, and the Secretary must be the channel of communication between the Conference and the Secretary of State. Such communications should be addressed to the Under-Secretary of State, Colonial Office, and it should be understood that the Secretary is merely a channel of information and does not exercise any advisory functions.” (Document Cmd. 4141, page 9.)

Quite obviously, the Secretariat of the Conference could not exercise any advisory or executive function ; it was not even qualified to address the Secretary of State directly. As regarded the Conference itself, he saw no danger in the existence of a purely advisory body. Similar conferences existed in other countries. He saw no difference between such a body and the conferences which were held between the Governors of certain French colonies. The Conference of Governors possessed no executive or administrative function which would justify the view that its action was likely to tend in the direction of closer union. He must declare most emphatically that it was quite inadmissible that the United Kingdom Government should be suspected of attempting to bring about indirectly something which it had officially declared that it would not effect by direct means.

He did not mean to deny that there were persons desirous of adopting measures to bring about such a closer union. The object they had in view had been frankly stated in the speech by Lord Lloyd which had been quoted. Quite possibly, others might share that same opinion ; but, so far as the Government of the mandatory Power was concerned, its intentions had been clearly stated. It was the duty of the Commission to limit itself to facts and not to record suspicions of the good faith of any mandatory Power.

The CHAIRMAN said that he had listened most attentively to Lord Lugard, but had found in the latter's arguments nothing which would lead him to change his own views.

M. ORTS said that he was in favour of Lord Lugard's proposal to delete Conclusion No. 3 of the draft.

The CHAIRMAN saw nothing to prevent those who could not accept Conclusion No. 3 from abstaining from voting on it.

M. RAPPARD thought that it might be possible, notwithstanding, to reach unanimity. He accordingly proposed the following text :

“ As regards the Conference of Governors, the Commission has noted the fact that its functions are purely advisory. As long as they remain advisory, the Commission can only welcome the constitution of that organ ; it would be glad to be enabled to follow the proceedings of the Conference by means of information which it requests the mandatory Power to be good enough to give it on the subject.”

M. ORTS said that he could not accept the phrase “ as long as they remain advisory ”, for the reasons just explained by Lord Lugard and which he had outlined in previous meetings.

M. PALACIOS said that he had no wish to re-open the general discussion. He agreed that the Conference had nothing to do with closer union in the strict sense, a matter which had been settled in the conclusions that had been approved. He proposed accordingly that the Commission should revert to the text of Conclusion No. 3 of his preliminary report submitted in November last — namely, (1) take note of the statement of the mandatory Power to the effect that the Conference of Governors was a permanent advisory organ of co-operation and co-ordination, and (2) ask the mandatory Power to supply information concerning the future developments of that organ and the progress of the whole policy which the ever-increasing activity of the Conference implied. He did not see in those questions any notion of suspicion *vis-à-vis* the mandatory Power, but only that of the supervision which the Commission had to exercise.

M. RAPPARD said that, in order to meet the views of certain of his colleagues, he would be prepared to substitute for the expression “ as long as they remain advisory ” the expression “ that being so ”.

M. RUPPEL said that, if he had understood rightly, M. Palacios was in favour of reverting to the text of the conclusions of his preliminary report of 1932. The Commission would note the statements of the mandatory Power and express a desire to keep in touch with the development and progress of the whole policy which the constitution of that organ would appear to imply, requesting the mandatory Power to give it any useful information on the subject. He was prepared to accept that proposal. He could not accept M. Rappard's text as amended ; in the first place it congratulated the mandatory Power on having instituted the Conference ; in doing so it met the views of certain only of the members of the Commission, not including himself, but ignored the principal factor in the opinion of other members, which was that on no account must the Conference be allowed to assume executive responsibilities.

M. ORTS, on the contrary, accepted M. Rappard's new text. In his opinion, in the interest of a sound administration alone, the Commission could not fail to feel satisfaction at the

institution of the Conference of Governors, and it was well to say so. He accepted the amended text because it no longer allowed of a possibility which was ruled out, as Lord Lugard had shown — namely, that such a body might assume an executive character; and because it no longer reflected a suspicion of the mandatory Power which the latter had done nothing to justify, and which was contrary to the essence of the mandate. On the other hand, he agreed that the Commission should announce its intention of following the work of that Conference thenceforward.

The CHAIRMAN read the text of the conclusions of M. Palacios's preliminary report, with certain amendments which, he thought, might perhaps be accepted by the Commission :

“ Notes that the Conference of the Governors of Tanganyika, Kenya and Uganda, in which the administrators of other territories of Eastern and Central Africa may also take part, is a permanent advisory organ of co-operation and co-ordination of the common interests of the respective territories, with a secretary in the capital of Kenya. The Commission should in future follow with the greatest interest, not only the development, decisions and acts of this Conference but, in general, the progress of the whole policy, and should request the mandatory Power to supply it with all the necessary particulars in this connection ”.

M. ORTS preferred M. Rappard's amended text. What he objected to in M. Palacios's text was the reference to “ the whole policy ”. What was meant by that phrase ?

M. PALACIOS said that the reason that he had used the term “ whole policy ” was that the mandatory Power, in the documents which it had submitted to the Commission, had referred repeatedly to East Africa as a “ whole ”. He could quote a number of texts justifying the term used.

COUNT DE PENHA GARCIA said that there obviously was a whole policy. A Conference of Governors did not meet to discuss the affairs of Tanganyika, Kenya or Uganda separately. They met to discuss questions which concerned all three territories alike. He thought, then, that the expression “ whole policy ” was quite correct in the circumstances.

M. PALACIOS suggested that, in that case, the Commission might revert to the text submitted by M. Rappard at the meeting on June 24th (page 79 of the Minutes).

The CHAIRMAN reminded M. Palacios that some members of the Commission had objected to that text.

He thought that the only way to meet the situation which had arisen was to draw up a minority and a majority report. There were precedents for such a procedure in the work of the Commission.

M. RAPPARD concurred in the Chairman's proposal. He could not, however, help believing that there was a certain misunderstanding among members of the Commission. They were unquestionably unanimously of the opinion that closer union could not be achieved as long as the mandate remained in force. If certain members of the Commission considered that the bare fear that such union might be achieved by a gradual evolution was an insult to the mandatory Power, that attitude merely strengthened the arguments he had constantly put forward.

M. ORTS entirely agreed with M. Rappard that a political union between the territory and the neighbouring possessions would be contrary to the mandate, and he supported in advance any formula that would make that clear. But he protested against the tendency that had arisen in the Commission to attack Article 10 of the mandate and, by making that article inoperative, to forbid the mandatory Power to exercise rights expressly granted to it by the mandate. As far as he was concerned, therefore, he would not accept any text which was in any degree based on that tendency, and which might serve to undermine the mandates.

M. PALACIOS said that as a means of assisting the Commission to reach a unanimous decision he was prepared, as far as he was concerned, to consent to the omission of the words “ but in general the progress of the whole policy ”.

The Commission suspended its discussion on Conclusion No. 3 in order that a new text be drawn up which would take account of the discussions which had just taken place.

CONCLUSION No. 4 (continuation).

M. MERLIN observed that, in the annual report and in the course of the Commission's examination of that report, certain particulars had been supplied on the Customs regime, transport, posts and telegraphs. He fully understood that the mandatory Power might be requested to supply further information on this subject. On the other hand, he did not see how it could be asked to supply particulars with regard to other joint services which might be established. It was impossible to request information on services not yet existent — on hypothetical services, as it were. Such being the case, he proposed that the last phrase be struck out.

M. PALACIOS pointed out that, in addition to the Customs services, transport services, posts and telegraphs, there were still other services which were suitable for closer co-ordination — such, for example, as the ports, the defence organisation, research service and those services which in the Government's "Statement" (page 5) were attributed to the High Commissioner.

The CHAIRMAN said he understood that M. Merlin's remarks applied solely to the words "which may be established."

M. RAPPARD had no objection to the omission of the words "which may be established", as their retention in the text might give the impression that the Commission was giving its approval in advance to the organisation of such services.

M. RUPPEL took exception to the expression "joint services", because "joint" implied that joint executive bodies might be set up.

M. RAPPARD proposed the term "co-ordinated services."

M. VAN REES proposed the following text:

"Ask the mandatory Power to continue to supply information regarding the Customs regime and also the transport service and posts and telegraphs."

The CHAIRMAN read a text which, in his opinion, would be acceptable to all the members of the Commission:

"Asks the mandatory Power to continue to furnish complete and detailed information regarding the Customs system and, to supplement the information regarding transport, postal telegraph services, and any other co-ordinated services."

COUNT DE PENHA GARCIA enquired whether the proposed text would mean that the Commission was requesting the mandatory Power to supply information on these co-ordinated services in so far as such information concerned the administration of the mandated territory. If such were the construction placed by the Commission on the text which the Chairman had just read, he was prepared to accept it.

The CHAIRMAN replied in the affirmative.

Subject to any alterations which might be introduced in consequence of the discussion on the annual report, *the Commission adopted the text which the Chairman had just read as Conclusion No. 4.*

CONCLUSION No. 3 (continuation).

M. CATASTINI reminded the Commission that, as a result of the discussions of the Sub-Committee consisting of M. Orts, M. Palacios and M. Rappard, a text had been submitted to the Commission as a basis for discussion. As it had been impossible to reach agreement on that text, M. Rappard, at the meeting held on June 24th, had proposed a new text to which reference had been made at the beginning of the present meeting. As, however, this proposal also had failed to secure unanimous approval, the Chairman had thought it necessary to revert to the Sub-Committee's text, which, after the incorporation of certain amendments made during the discussion, appeared to represent the views of the majority of the Commission. That text read as follows:

"3. Notes that the Conference of the Governors of Tanganyika, Kenya and Uganda is a permanent advisory organ for co-operation and the co-ordination of the common interests of those territories with its secretariat at the capital of Kenya.

"Desires to give expression to the particular interest which it takes in that body. It recognises the value, in the interests of the mandated territory itself, of pooling experience acquired in neighbouring territories.

"On the other hand, it considers that such a body should not assume executive responsibilities which would unduly restrict the necessary autonomy of the mandated territory.

"For this reason the Commission will follow with special interest the work and policy of that body."

The CHAIRMAN said that he had also received a compromise proposal drafted by Lord Lugard as follows:

"3. Notes that the Conference of the Governors of Tanganyika, Kenya and Uganda is a permanent and 'purely advisory' organ of co-operation and co-ordination of the common interests of the respective territories with a secretariat in the capital of Kenya. The Commission will in future follow with the greatest interest the development, decisions and action of this organ, and to that end requests the mandatory Power to supply it with all the necessary information."

Several members of the Commission, more especially M. Palacios and M. Sakenobe, had informed him that they would be prepared to accept the text of this compromise, provided it obtained the Commission's unanimous approval. If such were not the case, the members in question had decided to vote in favour of the text which had been distributed and which had been read by M. Catastini. That being so, he would first ask the Commission to

pronounce on Lord Lugard's proposal. If the latter were not unanimously approved, he would put the other text to the vote.

Personally, he could not accept the compromise proposal put forward by Lord Lugard, as it contained the expression : " The Commission will in future follow with the greatest interest the development . . . of this organ ". He considered that the Conference of Governors was an organ the development of which had already gone too far.

The compromise proposal put forward by Lord Lugard was accepted by M. Rappard, M. Orts, M. Van Rees, M. Merlin, Lord Lugard and Count de Penha Garcia.

As the proposal did not meet with unanimous approval, the CHAIRMAN took a vote on the text read by M. Catastini.

*The Chairman, Mlle. Dannevig, M. Sakenobe, M. Rappard, Count de Penha Garcia, M. Palacios and M. Ruppel pronounced in favour, Lord Lugard, M. Orts, M. Merlin and M. Van Rees against.*¹

M. ORTS was anxious to make one point clear. A few moments previously the Chairman had said that he could not accept Lord Lugard's compromise proposal on account of the word " development ". Certainly no one was anxious to maintain that term, which had only been introduced into the text in a spirit of compromise and did not in any way imply the intention of encouraging the development of the powers of the Conference of Governors.

NOTE BY THE MINORITY OF THE COMMISSION.

M. ORTS, on analysing the vote which had just been taken, noted that the minority had dissented from the majority of the Commission on two points — namely, paragraph 3 of Conclusion No. 2, and Conclusion No. 3. The minority had thought it its duty to set forth its point of view in the following note, drawn up in English, which he laid upon the table :

" M. Van Rees, Vice-Chairman, Lord Lugard, M. Merlin and M. Orts were unable to associate themselves with certain of the conclusions adopted by the majority, for the following reasons :

" Since paragraph 3 of the second conclusion is intended to formulate certain views expressed by several members in the course of the discussion on this subject, the minority finds it necessary to record its dissent to a text which seems to throw doubt upon the exercise of the rights given to the mandatory Power under Article 10 of the mandate, and which seems to infer that the mandatory Power would in any circumstances be capable of enforcing by circuitous methods a decision which it had formally promised not to put into effect without previous reference to the Permanent Mandates Commission — namely, a political and constitutional union between the territory under mandate and its neighbours.

" The minority also considered that the third conclusion should be omitted. It is of opinion that the Governors' Conference affords a valuable and necessary means of consultation between the Governors, in the interest of their respective territories. It takes cognisance of the fact that the Conference is ' purely advisory ', that full liberty of action is reserved to each Governor and his Legislative and Executive Councils. The minority therefore cannot conceive how it could be feared that a conference so constituted could possibly exercise executive powers, or endanger the political individuality of the mandated territory.

" For a proper understanding of the reasons for these reservations, reference should be made to the Minutes of the Twenty-third Session, pages 39, 40, 51-52, 65-68, 73-74, 77, 80, 120-122."

The CHAIRMAN proposed that this note be appended to the report.

This proposal was adopted.

Tanganyika : Petitions : (a) from the Indian Association, Dar-es-Salaam, dated September 19th, 1932 ; and (b) from the Chairman of the " Koloniale Reichsarbeitsgemeinschaft ", Berlin, dated January 22nd, 1933, concerning the Amalgamation of Postal Service.

The CHAIRMAN opened the discussion on the following draft conclusions of M. Rappard's report :

" The Permanent Mandates Commission,

.....
" Decides :

" 1. To call the particular attention of the Council to the action that has been taken and the controversy to which it has given rise, not only in the mandated territory and in international opinion, but also in the Commission itself ;

" 2. To suggest that the mandatory Power be requested to furnish the League of Nations with all information that may help the Commission to judge from year to year of the actual effects of the step that has been taken on the efficiency of the postal service, the finances of the territory, and its effective autonomy ;

¹ Note by the Secretariat: For the text adopted by the Commission, see Annex 23.

“ 3. To suspend any further judgment on this unification until further experience has enabled the Commission to form a more reliable opinion upon it. The Commission will watch with special interest such direct and indirect effects as may result, both as regards the administrative efficiency and cost of the unified services, and as regards the effective autonomy of the mandated territory.”

M. RAPPARD said he would be willing to take into account any observations or suggestions that his colleagues might care to put forward.

M. VAN REES accepted M. Rappard's report in general and congratulated the author on his work. He merely wished to ask whether point 2 of the decisions, and more especially the passage in which the Commission requested the mandatory Power to communicate to the League of Nations all such information as might be necessary to enable it to appraise year by year the actual effects of the unification of the postal services on their efficiency, on the finances of the territory and on its effective autonomy, was not more or less superfluous in view of the request included by the Commission in its conclusions on closer union.

Would not such a request be more appropriately situated in the observations which the Commission would submit with regard to the annual report on the administration of the territory ?

M. MERLIN associated himself with M. Van Rees's compliments to M. Rappard. He would like to say, however, in connection with the decisions which M. Rappard wished the Commission to take, that perhaps M. Rappard had allowed himself to be guided by considerations which related to matters other than those actually dealt with in the petitions. Thus, in connection with decision No. 1, it was not the unification of the postal services which had given rise to controversy in the territory and to discussions in international opinion, but closer union. The Customs agreement which had been concluded before there was any question of closer union had not given rise to any discussion. M. Rappard, seemed, therefore, to have been influenced by the atmosphere which had been created by the controversies aroused in connection with closer union, and his observations related rather to the atmosphere by which the amalgamation of the postal services had been surrounded than to that amalgamation in itself. He might make the same observation with regard to the second decision. M. Rappard had perhaps taken too much into account the preoccupations which had manifested themselves in the Commission. The same applied to the expression “ effective autonomy ” which M. Rappard used in decision No. 3. It was perhaps too much to say that the amalgamation of the postal services might infringe the effective autonomy of the territory.

In short, M. Merlin thought that the draft conclusions submitted by M. Rappard referred rather to closer union than to the amalgamation of the postal services. For his part, he did not think that the situation need be dealt with from such a broad standpoint. As regarded the petitions themselves, he had read them carefully and had arrived at the conclusion that the petition from the Indian Association had very little basis. The petitioner's principal fear was that the elements of the population which had immigrated from Asia and which at present held as many as fifty per cent of the posts in the postal administration would be eliminated therefrom. The petition of the “ Koloniale Reichsarbeitsgemeinschaft ”, on the other hand, constituted rather a statement of principle than a petition properly so-called.

M. RAPPARD thought that M. Merlin was right as regarded his observation on point 1 of the draft decision submitted to the Commission. He agreed with him that it was preferable not to speak of “ international opinion ” and he was ready to modify the wording of this point to give satisfaction to M. Merlin.

With regard to the scope of the two petitions, even if the letter of the “ Koloniale Reichsarbeitsgemeinschaft ” were a statement of principle, it none the less constituted a petition. Neither the Commission's rules nor its traditions allowed it to be disregarded. The Indian Association's petition related to very varied questions : it not only concerned the recruiting of the staff of the postal administration, but related also to the mandatory Power's general policy in the territory.

M. RUPPEL said he had already expressed in detail his views on postal union during the discussion of the general question of closer union. Having heard the accredited representative's replies to certain questions, he could only take up the same position at the present time. In his opinion, the amalgamation of the postal services was not compatible with the mandate, because it involved the creation of a joint body with executive authority. Such a measure was not covered by Article 10 of the mandate.

He would accept decision No. 1, but he would like the nature of the controversies which had arisen in the Commission to be made more clear. He would like it to be clearly indicated that members of the Commission had expressed doubts as to whether the measure taken was compatible with the status of the mandate and whether the interests of the territory were safeguarded.

M. RAPPARD proposed, in order to take into account the observations which had just been submitted, to modify the text of the conclusions as follows : Certain amendments would be made in point 1 of the decisions. Points 2 and 3 of the latter would be deleted, their substance being reproduced in the Commission's observations on the annual report on the administration of the territory.

Point 1 of the would read as follows :

“ The Permanent Mandates Commission decides :

“ (1) To call the particular attention of the Council to the action that has been taken and the controversy to which it has given rise in the Commission itself ; (2) to adopt as conclusions on these petitions the observations included in the report to the Council under the heading ‘ Amalgamation of the Postal Services of Tanganyika on the one hand, and of Kenya and Uganda on the other ’ . ”

The Commission adopted the conclusions of M. Rappard's report as amended (Annex 18).

Tanganyika: Observations of the Commission (see Annex 23).

The Commission examined the draft observations on the administration of Tanganyika.

The section “ Customs agreement between Tanganyika on the one hand and Kenya and Uganda on the other ” was adopted with slight drafting changes.

The discussion was opened on the section “ Amalgamation of the Postal Services of Tanganyika on the one hand and Kenya and Uganda on the other ”, which read as follows :

“ The Commission took note of the particulars on this question in the annual report which were communicated to it at its request.

“ It calls the particular attention of the Council to the action that has been taken and the controversy to which it has given rise, not only in the mandated territory and in international opinion, but also in the Commission itself.

“ It suggests that the mandatory Power be requested to furnish the League with all information that may help the Commission to judge from year to year of the actual effects of the step that has been taken on the efficiency of the postal service, the finances of the territory and its effective autonomy. The Commission has decided to suspend any further judgment on this unification until fuller experience has enabled it to form a more reliable opinion thereon. It will watch with special interest such direct and indirect effects as may result, both as regards the administrative efficiency and cost of the unified services and as regards the effective autonomy of the mandated territory.”

M. SAKENOBE said that he had already had occasion to state briefly his views on the measure taken by the mandatory Power. He would like to-day to state his opinion in greater detail.

Some held that any kind of Customs, fiscal or administrative union or federation was legitimate in so far as it was not contrary to the provisions of the mandate (Article 10 of the mandate for Tanganyika).

These persons interpreted the restriction contained in Article 10 in relation with the substance or facts or such a union or federation—that was to say, they judged such unions or federations to be legitimate if they were not contrary to the principle of economic equality and to the interests of the territory and its inhabitants and if they did not affect the good order or good administration of the territory. In other words, they said that all kinds of unions or federations of the type explicitly mentioned in Article 10 were legitimate, but that, if proof to this effect were adduced, it was illegitimate for these unions or federations to operate contrary to the stipulations of the mandate.

He was entirely in agreement with this interpretation. But was this sufficient ? Before examining the effects of a union or federation, was it not necessary to answer the question whether there existed any form of union or federation which should be regarded as illegitimate in itself ? Clearly no reply to this question could be found in Article 10.

What was meant by a political or constitutional union, of which so much had been said in connection with Tanganyika ? He supposed that it was substantially a complete union or amalgamation of the administrative services of a territory with a larger and superior organism—that was to say, a highly developed form of administrative union or federation. The Commission had not examined such a union in the light of Article 10. This article had nothing to do with a union of this kind, although it was a form of administrative union. The Commission had protested against such a union as being contrary to the mandate. Why should it not consider whether there was not some other kind of union or federation which might be regarded as illegitimate from the point of view of the general conception of the mandate ?

He therefore thought that, when a union or federation had been effected, before examining its aim and effects, its form and structure should be examined—in the case of its form, in the light of the general conception of the mandate ; and, in the case of its effects, in the light of the relevant article of the mandate. This was the first observation which he wished to make.

As regards the postal and telegraphic union in question, M. Sakenobe thought that the form of this union should be examined in the light of the general character of the mandate. In his opinion, any union or federation which infringed or tended to infringe the legislative or administrative integrity of the territory under mandate and also the integrity of its public services—in other words, its individuality in so far as its postal service was concerned—was illegitimate.

For example, Tanganyika might form a union with other territories for the purpose of standardising the operating material of the working of the services and of unifying tariffs and

stamps and all that concerned rules and regulations ; but all the operations, services, rules and regulations must remain those of Tanganyika and must not constitute part of a larger organisation. This was his second point.

The question of postal union was not of very great importance to a country, but the principle involved was important. If the Commission pronounced on the legitimacy of all kinds of Customs, fiscal or administrative unions regardless of their form, he feared that it would encounter great difficulties in the future.

Paragraphs 1 and 2 of this section of the observations were adopted, account being taken of the proposals previously made by M. Rappard in connection with the conclusions of the report on the petitions of the Indian Association and of the "Koloniale Reichsarbeitsgemeinschaft", in the following form :

" The Commission took note of the particulars on this question in the annual report, which were communicated to it at its request.

" It calls the special attention of the Council to the action that has been taken and the conflicting views which the Commission, during its examination of this question, expressed as to its compatibility with the terms of the mandate and the protection of the interests of the territory."

The Commission went on to discuss paragraph 3 of the draft observations on the amalgamation of the postal services.

M. ORTS said that he would vote against the two following passages :

" . . . and its effective autonomy. The Commission has decided to suspend any further judgment on this unification until fuller experience has enabled it to form a more reliable opinion thereon . . . and as regards the effective autonomy of the mandated territory."

That text was based on the same tendency against which he had constantly protested, and which aimed at forbidding the mandatory Power to use rights granted to it by Article 10 of the mandate, especially the right to make the territory into an administrative union with the neighbouring possessions of the mandatory. For that reason, he could not accept that paragraph of the observations.

M. VAN REES and M. MERLIN agreed with M. Orts.

M. RUPPEL proposed that " the texts relating to postal union " should be inserted before " all information ", as these texts were not yet known.

Paragraph 3 was then adopted by the majority of the Commission in the following form :

" It suggests that the mandatory Power be requested to furnish the League of Nations with the documents referring to this amalgamation and any other information that may help the Commission to judge from year to year of the actual effects of the step that has been taken on the efficiency of the postal service, the finances of the territory and its autonomy. The Commission has decided to suspend any further judgment on this unification until further experience has enabled it to form a more reliable opinion thereon. It will watch with special interest such direct and indirect effects as may result, both as regards the administrative efficiency and cost of the unified services and as regards the autonomy of the mandated territory."

M. MERLIN, M. ORTS and M. VAN REES voted against the passages quoted above by M. Orts.

Section 3 of the observations entitled " Railways " was adopted without change.

STATISTICAL INFORMATION REGARDING THE TERRITORIES UNDER MANDATE.

The CHAIRMAN informed his colleagues that, in accordance with the Council's resolution of January 25th, 1932, the Secretariat had collected the observations of the mandatory Powers on the tables regarding trade, public finance and the movement of the population in the territories under mandate.

The document, revised on the basis of the data supplied by the mandatory Powers, had just been circulated to the members of the Commission (document C.P.M.1387).

Should the Commission think fit to recommend the Council to circulate this document to the Members of the League and to publish it, as was done in 1928 for the original edition, the following passage should be inserted in the report to the Council :

" The Commission recommends the Council to decide to publish and circulate to the Members of the League the document containing the revised edition of the tables on the trade, public finances and movements of population in the mandated territories."

The Chairman's proposal was adopted (Annex 23, paragraph A. II).

SIXTEENTH MEETING

Held on Wednesday, June 28th, 1933, at 3.45 p.m.

Syria and the Lebanon: Petitions: (1) From Mme. Marguerite Sagiati, dated November 24th, 1932; (2) From M. Nasri A. Dallal, dated January 26th, 1933, transmitted by the French Government on June 15th, 1933 (Succession Rights).

The Commission examined the following conclusions of M. Rappard's report:

“ The Permanent Mandates Commission,

“ Having examined the petitions of Mme. Sagiati and of M. Dallal, together with the observations of the mandatory Power and the documents appended thereto;

“ Considering that the petitioners object to judgments regularly rendered by the highest judicial authorities of the mandatory Power, and that the Commission cannot comply with their request in that respect, but

“ Considering also that the damage sustained by the petitioners is due to the application to the estate of their relative, of the Ottoman law which, under the terms of the mandate, the mandatory Power should have previously abrogated but did not, in fact, abrogate until 1930, before which date the succession had been opened:

“ Decides:

“ (1) To reject the petition of the petitioners as non-receivable;

“ (2) To call the attention of the Council to the fact that the damage complained of by the petitioners is due to the maintenance in force until 1930 of laws contrary to the explicit provisions of the mandate which had come into force eight years earlier.”

The CHAIRMAN drew the Commission's attention to the particular nature of Madame Sagiati's petition.

M. RAPPARD enquired whether it would not be desirable to ask the accredited representative a few questions concerning this petition, before taking a decision.

After an exchange of views between the Chairman and the members of the Commission, it was decided that M. de Caix should first be heard and that the members might ask questions without entering into a discussion of substance.

M. de Caix, accredited representative of the mandatory Power, came to the table of the Commission.

M. RAPPARD asked the accredited representative whether he thought the law in force at the time of the devolution of the late M. Riscallah Gazale's estate, namely Ottoman law, under which foreigners and women were placed under a definite disadvantage in the matter of succession was compatible with Articles 6 and 8 of the mandate.

M. DE CAIX replied that a distinction should be drawn between women and foreigners.

In the matter of succession, the position of women, as of all Syrians, was fixed by the Koranic law, which was still in force. From the Western point of view, that law might be regarded as an anachronism, but it had become so embedded in the customs of Christians, that the latter would have been greatly disturbed had it been officially abrogated. At most, the introduction of a new optional law which families might utilise in place of the Koranic law might have been contemplated, but Christians had become so used to the latter that it was by no means certain that many of them — or M. Gazale himself — would have availed themselves of such a right.

M. RAPPARD said he would be glad to have an answer to his specific question: did M. de Caix consider that this law was compatible with Articles 6 and 8 of the mandate?

M. DE CAIX replied that he did not regard it as incompatible.

M. RAPPARD asked why then the United Kingdom appeared to have regarded it as incompatible, since it had been changed in Palestine, and why, in 1930, the High Commissioner of Syria had also thought necessary to modify it.

M. DE CAIX pointed out that the High Commissioner had modified this law on one point only, and that the simplest since it did not affect family life — namely, the rights of foreigners in regard to succession.

As far as the natives were concerned, it was possible that a modification might have been preferable, but M. de Caix repeated that he was very doubtful whether, if that modification had been made compulsory, it would have satisfied the Christians themselves.

It should be observed that Mme. Sagiati had not invoked the situation of foreigners against the mandatory Power, but had only denounced the application of the Koranic law, by which she was excluded.

It could not be said that the personal status of Christians guaranteed by Article 6 of the mandate had not been respected, because Koranic law, which had been applicable to them for centuries, was still in existence and had given rise to no protests.

M. RAPPARD said he took M. de Caix to imply that only the rights of foreigners were not respected and that, as Mme. Sagiati did not lay claim to those rights, her complaint as such could not be admitted.

If, however, M. de Caix considered that it was necessary to modify the law subsequent to 1930, it would seem that the said law called equally for amendment prior to that date.

M. DE CAIX was of opinion that the mandate did not compel the mandatory Power to place foreigners on the same footing as the indigenous population : it might, in some matters, be desirable, but it was not an obligation on the mandatory Power.

M. RAPPARD adhered to his view that what was desirable in 1930 must have been equally desirable even in 1922.

M. DE CAIX replied that it might perhaps have been desirable, but the fact that it had not been done sooner did not mean that the mandatory Power had failed in one of its definite and formal responsibilities.

Mlle. DANNEVIG asked whether, if the Decree of 1930 had been in force at the time of the devolution of the inheritance, a woman who could have inherited as a foreigner would have inherited as a woman.

M. DE CAIX replied that, even if foreigners had been able to inherit, a foreign woman would have had no rights other than those conferred on women by Koranic law on succession.

Mlle. DANNEVIG asked whether this was still the case after the Decree of 1930.

M. DE CAIX replied that a woman only inherited under the conditions and to the extent fixed by Koranic law.

M. RUPPEL asked who had laid the complaint before the Court of Cassation after the first judgment had been pronounced by the Aleppo Court of Appeal.

M. DE CAIX thought that, as was usual, this had been done by the party that had lost the case.

M. RUPPEL explained that he had asked this question because he was under the impression that the High Commissioner had intervened in the matter.

M. DE CAIX said he was not aware that the High Commissioner had intervened to lay the matter before the Court of Cassation. An appeal by those concerned sufficed.

The CHAIRMAN observed that M. de Caix had stated that public opinion had never previously raised the question of amending the Koranic law. How then was it that in 1927 a court had twice given a judgment which would appear to be contrary to the public sentiment to which M. de Caix had alluded.

M. DE CAIX replied that the decisions of the Aleppo Court of Appeal were not necessarily explained by changes in public sentiment. In a country where all the individual interests endeavoured to stretch the general rule, certain judges, in dealing with legislation which they considered contrary to modern ideals, and being influenced by the specious arguments of counsel, had been induced to overstep their powers.

M. RAPPARD noted that the Aleppo Court had laid great stress on the defence of its opinion, which was favourable to the petitioner, since it had so energetically resisted the Court of Cassation which had twice annulled its decision.

M. DE CAIX admitted that these judges might have thought that it was better that Christians should be governed by a law of Christian origin, but the only definite conclusion that could be drawn from their attitude was that they had exceeded their powers, which were to apply the existing legislation and not to reform it.

M. MERLIN added that the case which surprised M. Rappard was not so very rare an occurrence, since the law foresaw the possibility of such cases by providing a special procedure under which the Court of Cassation was bound to sit in full and complete session (*toutes chambres réunies*).

M. RAPPARD observed that if, notwithstanding the Court of Cassation's decisions, the Aleppo Court had adhered to its view, the latter court must have thought that it was absolutely in the right.

M. DE CAIX replied that that was possible. He had no doubt that they acted in good faith. But, all the same, these judges had made the mistake of not applying the law. That was the impression which he himself had obtained when, having resided in the country for a long time and being aware that the Koranic law was applicable to inheritance by Christians as well as by other Syrians, he had been informed of the Aleppo judgment. It had struck him as extraordinary and abnormal.

M. RAPPARD wished again to make one point quite clear. As far as he could understand, Mme. Sagiati would, under present law, have participated in the inheritance *quâ* foreigner but not *quâ* woman.

M. DE CAIX replied that this would have been so : foreigners, men or women, could not be accorded more favourable treatment than the law accorded to the indigenous population in the same circumstances.

M. RAPPARD's impression was that the force of Article 6 of the mandate ought to be to safeguard foreign women entirely, as well as foreign men.

M. DE CAIX repeated that it would be inconceivable that the mandate should confer or be bound to confer on foreigners, particularly in such a matter, rights which were not enjoyed by a native, and that because she was a foreigner a woman should have rights in regard to a Syrian inheritance which would not have been enjoyed by a Syrian woman of the same degree of relationship to the deceased. The jurisdictional guarantees to foreigners laid down in the mandate must not be confused with legislative privileges.

M. MERLIN added that confusion would reign, to the prejudice of natives, if all foreigners claimed all the benefits of their national laws.

M. DE CAIX felt that a distinction should be drawn between two aspects of the question — the ideal, the aspiration to a better law than that which was found in the country, and the legal, the law which had in fact to be applied. One might think as one pleased — although these were very delicate questions — about the legislative reforms which morally it would have been advisable to attempt, but the mandatory Power could not be blamed because it had not thought fit to amend a generally accepted law and because the higher courts of the country had enforced it.

M. RAPPARD was still convinced that Article 6 was intended completely to safeguard the rights of foreigners and natives.

M. DE CAIX said he had replied with regard to foreigners. As to the natives, it should be noted that it was impossible to enforce a general reform of the law on succession which the Moslems would have refused to accept. It would have been impossible to introduce a reform applicable specially to Christians which, he must emphasise, would not all have accepted it.

M. RAPPARD observed that nevertheless the Ghazi had done so.

M. DE CAIX pointed out that the Ghazi could take liberties with Moslem institutions which a mandatory Power could not have taken, and which could have been denounced as an attack on the rights of the majority of the population.

The CHAIRMAN had been very struck by the reasons put forward by the Aleppo Court of Appeal in its final judgment of May 4th, 1931. The Court had held that the consequence of the arguments which had prevailed would be deplorable. He read the two following reasons :

[*Translation.*]

“ If the consequences which each argument entails respectively be considered, it will be understood why the former, in spite of its obvious incompatibility with strict law, has also obtained defenders in the person of distinguished counsel, politicians, professors and magistrates, who were doubtless impressed by the result which the contrary argument would involve — namely, that women would be precluded from transmitting any successional right, with resultant inequality between persons who stand in exactly the same relationship to the deceased, in spite of the absence of any testamentary provision against them :

“ This result appears to be particularly deplorable in a country, formerly part of the Ottoman Empire, which has, with the friendly and beneficial assistance of the mandatory Power, reached a high degree of civilisation and has seen the Turkish Republic reject those laws which are still in force in Syria and adopt a body of law based on one of the codes of Europe, that are all, to a greater or lesser degree, indebted to the genius of France.”

The Chairman noted that the members of the Commission had no other questions to ask M. de Caix in connection with Mme. Sagiati's petition. He requested them to avail themselves of the presence of the accredited representative in order to elucidate any points connected with other petitions which would have to be discussed.

Syria and the Lebanon : Petitions concerning Parliamentary Elections in 1931-32.

M. ORTS desired to obtain from the accredited representative additional information regarding several petitions dealing with the Syrian elections of 1931-32. These petitions, like others which the Commission had received previously, alleged that the elections had been vitiated by manoeuvres imputed to the mandatory authorities. In the previous year, the Commission had rejected similar petitions in view of the assurance it had received that the elections in question had been validated by a unanimous decision of the Chamber of Deputies. He asked whether the accredited representative could confirm this latter fact. He explained that certain persons in Syria contested that the elections had been validated unanimously, the nationalist minority, which had not voted against, having abstained.

M. DE CAIX replied that he had not yet read the Minutes of the meeting at which the vote was taken, but the statements on this point contained in the report to the League, and those made by the High Commissioner, had not been contested by anyone in Syria. He had spent some time recently in Damascus, where he had interviewed members of the nationalist minority of Parliament, who would thus have had an opportunity of protesting. They had not done so.

M. ORTS said he had also been struck by the fact that the signatories of the petitions previously disallowed by the Commission had remained silent. He desired, however, to have a final official confirmation of the fact that the decisions taken had been validated by a unanimous vote of the Chamber.

M. DE CAIX said he would telephone to his Government and would give the Commission definite information on the point.

Syria and the Lebanon: Petitions concerning the Activity of the Jesuits in the Government of Latakia.

M. ORTS asked, in connection with another petition from the Alaouites concerning Jesuit propaganda, whether the accredited representative had anything to add to the observations of the mandatory Power.

M. DE CAIX replied that the High Commissioner had never encouraged such propaganda. He had rather discouraged its enthusiastic activities in order to avoid creating political complications.

M. ORTS said that he quite understood that the mandatory Power could not prevent religious propaganda, for that would be contrary to the principle of freedom of conscience. The mandatory Power, however, ought to remain entirely neutral.

M. de Caix withdrew.

Palestine: Petition, dated April 2nd, 1933, from M. I. Capsouto.

The Commission adopted the conclusions of M. Sakenobe's report (Annex 6), subject to certain drafting changes.

Petitions: Application of Paragraph 5 of the Rules of Procedure of the Commission.

After an exchange of views between M. VAN REES and M. CATASTINI with regard to the above petition, it was pointed out that the Commission should not lose sight of the paragraph 5 of its Rules of Procedure (document C.P.M.38(1)), which provided that, after discussing any petitions received, together with the observations of the mandatory Power, the Commission could distinguish between those which can if necessary be communicated to the Council and the Members of the League and the others.

Palestine: Petition, dated March 29th, 1933, from the International Alliance of Women for Suffrage and Equal Citizenship, London.

Mlle. DANNEVIG, referring to her remarks when previously questioning the accredited representative on this matter¹ and to his statement that women's suffrage would be extended as far as possible in Palestine, said that she had nothing to add.

The Commission adopted the conclusions of M. Sakenobe's report (Annex 5).

Syria and the Lebanon: Petition, dated January 22nd, 1933, from M. César Eddé.

The Commission adopted the conclusions of M. Sakenobe's report (Annex 13) with certain drafting changes.

Palestine: Memoranda by the Executive of the General Council (Vaad Leumi) of the Jewish Community of Palestine, dated May 1933, by the Chief Rabbinate of Palestine, dated April 9th, 1933, and by the Central Agudath Israel, dated May 11th, 1933.

The Commission adopted the conclusions of M. Ruppel's report (Annex 8).

Syria and the Lebanon: Petition from the "Association de la Jeunesse musulmane", Beirut, dated December 22nd, 1931.

The Commission adopted the conclusions of M. Ruppel's report (Annex 10).

¹ See Minutes of the thirteenth meeting, page 100.

Palestine: Memorandum on the Development of the Jewish National Home in Palestine in 1932, accompanied by a Letter, dated April 10th, 1933, from the President of the Jewish Agency for Palestine.

The Commission adopted the conclusions of Count de Penha Garcia's report (Annex 7).

Date of the Publication of the Report and Minutes of the Present Session of the Commission.

The CHAIRMAN observed that, in accordance with the Rules of Procedure, the Commission might decide whether it intended to avail itself of its right to ask that the publication of its report and Minutes be adjourned until after the Council had examined them.

He felt he should point out that, previous to the reduction in the number of Council sessions introduced two years previously, that body had decided each year in June that the reports of Committees handed in during the summer should be distributed simultaneously to the Members of the League and made public so that they could be communicated to the delegations to the Assembly.

The Chairman would therefore propose that the Commission should decide that there was no objection to the publication of the report and Minutes of the present session.

M. CATASTINI, in reply to an enquiry from certain members of the Commission, stated that the report and Minutes would be published about the middle of August.

The Chairman's proposal was adopted.

Date of the Next Session of the Commission.

After an exchange of views, the Commission decided that the next session should open, in principle, on Tuesday, October 17th, if the work of the central services of the Secretariat permitted. If not, it would be for the Chairman to postpone it until October 24th.

Petitions: Procedure with regard to Petitions reaching the Commission during the Session.

On the proposal of M. VAN REES and M. PALACIOS, *the Commission decided that, when a petition reached the Commission during the session, the Chairman, without appointing a Rapporteur, should adjourn its discussion till the following session, except when he considered it necessary for urgent reasons to make an exception to this rule.*

Syria and the Lebanon: Petitions: (1) From Mme. Marguerite Sagiati, dated November 24th, 1932; (2) From M. Nasri A. Dallal, dated January 26th, 1933 (continuation).

M. MERLIN was unable to accept the second consideration formulated by M. Rappard. What had happened? A Christian Syrian of the Greek Church had died. A judgment had been given on the basis of the local legislation—that was to say, of the Ottoman law. That law was certainly applicable to persons of the nationality of the deceased and formed part of the legislation of civilised countries. He saw no reason, therefore, why the mandatory Power should be blamed for not amending until 1930 the law in force. Doubtless it might have done so earlier, but under Articles 6 and 8 of the mandate it was not obliged to do so, especially as no one complained of the law.

Similar cases might frequently occur. If a relative of a Frenchman died in America, the American law would apply and the Frenchman would be unable to avail himself of French law. In the case with which the Commission was dealing, the Ottoman law was applicable. If it were claimed that, for moral reasons, that law should be abrogated, he would say that the mandatory Power was not called upon to abrogate it, as the law was not contrary to the laws of civilised Powers. The mandatory Power had therefore broken no rule. In these circumstances, M. Merlin was able to accept the first consideration but not the second, and consequently while he accepted the first conclusion he could not agree to the second.

He added that the mandatory Power might hesitate to abrogate the Ottoman law because it might consider that the question was not sufficiently ripe, particularly when such delicate problems as those concerning inheritance, marriage and filiation were concerned.

M. RAPPARD said that M. Merlin's remarks had not convinced him. It was not for the Commission to consider whether the Courts had acted well or ill. It noted that the law in force at the time had not safeguarded the rights of foreigners as required by Article 6, notwithstanding that that article was somewhat vague. M. de Caix had himself felt and stated that foreigners should at least be assimilated to natives under that article. But the mandatory Power had upheld laws that were contrary to the nature of the mandate, in the sense that those laws did not fully safeguard the rights of foreigners.

The CHAIRMAN observed, in support of M. Rappard's statement, that in countries like Palestine and Turkey it had been thought advisable to rescind legislation of that kind, and that consequently it might be considered surprising that this had not been done earlier in Syria.

The Chairman proposed that the idea expressed in the consideration should be maintained, but that the wording should be toned down.

M. RAPPARD suggested that the end of the consideration after " Ottoman law " should be replaced by the words : " that the mandatory Power has not acted with sufficient diligence in complying with the provisions of the mandate ".

M. VAN REES and M. MERLIN said they were not sure that Article 6 of the mandate could really be interpreted in the manner suggested by some of their colleagues.

M. RAPPARD observed that he had given it the simplest interpretation, the interpretation which M. de Caix had himself accepted. In M. de Caix's view, natives and foreigners should be on a footing of equality ; such equality had not been extended to the petitioner.

M. MERLIN said that his objection went further than M. Rappard realised. In his opinion there was no need for the mandatory Power to abrogate the Ottoman law, which was not contrary to the laws of civilised nations.

Mlle. DANNEVIG asked whether this was not, in the first place, a question concerning the economic rights of foreigners ; but it also greatly concerned non-Moslem women, who were deprived of their rights of succession by being subject to the rules of Koranic law.

M. ORTS wondered whether, if the mandatory Power had settled the question sooner, the Gazale succession would have turned out differently. It seemed to him that nothing would have been altered.

M. RAPPARD took the opposite view, since the judgment should not have debarred Mme. Sagiati as being a foreign woman. Under the Order of 1930, a foreigner could inherit the movable and immovable estate of a Syrian if the law applicable to that foreigner conferred the same right on Syrians. There remained the question of sex. As under the law applicable to the foreigner — that was to say, the Italian law in the present case — a Syrian woman would have been entitled to inherit, Mme. Sagiati would, in his opinion, have been entitled to benefit by that right in Syria. He did not think that it was intended, in Article 6 of the mandate, to draw a distinction between a foreign man and a foreign woman.

The object of the 1930 Order had been to abrogate the provisions relating to the personal status of the deceased, in so far as they were detrimental to foreigners.

M. MERLIN felt that M. Rappard's interpretation was very wide and noted that everything that had been said in this very complicated discussion brought out the delicacy of the matter. The mandatory Power had therefore been quite right not to deal with it. It might be felt that it would have been desirable for it to do so, but that was a matter of judgment. It could not, however, be reproached for not having dealt with it earlier.

M. RAPPARD was of opinion that it was important to ascertain whether the law under which the 1930 Order had been passed was promulgated with a view to complying with the principles of the mandate.

The CHAIRMAN was inclined to think that the mandatory Power's intervention with a view to modifying the Ottoman law was clearly connected with the lawsuit in question, particularly as the final judgment was not pronounced until 1931.

M. RAPPARD observed that the considerations set out in the final judgment referred more than once to the 1930 Order ; there must therefore have been a definite connection between the lawsuit in question and the change which the mandatory Power had made in the legislation.

The CHAIRMAN referred once again to the passages in the final judgment of the Aleppo Court of Appeal that he had mentioned previously, which showed that the Ottoman law had been thought to be far below the level of civilisation of the territory.

M. MERLIN said that, in spite of these explanations, he still thought this was a step which the mandatory Power might take in the fullness of its powers in order to improve the state of affairs, but that it could not be reproached for not having done so earlier.

The CHAIRMAN pointed out that the High Commissioner had himself admitted that the change had been necessary.

M. MERLIN thought that, even if he admitted that under the mandate this reform was essential, he nevertheless considered that the mandatory Power was free to choose when to introduce it.

The CHAIRMAN did not think it was free to put off that moment when there were serious objections to any delay.

M. RAPPARD said that the discussion had not led him to change his views. He was certainly willing to modify his report, though he was unable to modify its substance. He proposed to submit a new draft.

The continuation of the discussion was adjourned to a later meeting.

SEVENTEENTH MEETING

Held on Thursday, June 29th, 1933, at 10.30 a.m.

Syria and the Lebanon: Examination of the Annual Report for 1932.

M. de Caix, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN said that he had the honour, in the name of the Commission, to welcome M. Robert de Caix, accredited representative of the mandatory Power.

While the Commission was very glad to see M. de Caix, it much regretted that ill-health had prevented M. Ponsot, High Commissioner in Syria, from accompanying him, as he had intended. The Chairman was sure that he was speaking on behalf of all his colleagues when he requested M. de Caix to convey to M. Ponsot the Commission's warmest greetings and best wishes for a speedy recovery.

PROCEDURE FOR EXAMINING THE ANNUAL REPORT (*continuation*).

Before calling on M. de Caix, the CHAIRMAN desired briefly to refer to the arrangements which had been made with the French Government as to the examination of the annual report on Syria and the Lebanon for the year 1932.

As a result of the letter ¹ in which the French Government stated that M. Ponsot was unable to attend the present session of the Commission, the latter had decided to examine the annual report for 1932 at the present session with the assistance of M. de Caix. The Commission intended, as usual, to ask M. de Caix any questions that might arise with regard to the administration of the territory and its evolution in the political, economic and social spheres under the mandate regime, while reserving the possibility of discussing with M. Ponsot, during its autumn session in 1933, any questions which might remain open after M. de Caix had been heard.

FORM AND DATE OF RECEIPT OF THE ANNUAL REPORT : DATE OF RECEIPT OF CERTAIN PETITIONS.

The CHAIRMAN desired to congratulate the mandatory Power on the many improvements in the form of the annual report.

The Mandates Commission felt that it must state its appreciation of the efforts made by those who prepared the reports to take full account of the desiderata expressed when previous reports had been examined. He drew particular attention to the extremely full section concerning the railway.

He thought, however, that he should point out that the annual report had reached the members of the Commission on May 31st — that is to say, eleven days after the latest date fixed by the Council.

Further, most of the petitions concerning Syria and the Lebanon had once more only been communicated to the Commission after the opening of the session.

The Chairman thought it hardly necessary to emphasise the extent to which the late forwarding of annual reports and petitions complicated the task of the members of the Commission, since they were obliged to study a very voluminous body of documents at a time when the Commission was meeting twice a day.

M. DE CAIX pointed out that, so far as concerned the forwarding of petitions, it must be remembered that most of them were very recent in date and that the mandatory Power had had to act quickly in order that its observations might be ready and transmitted in time for the present session.

PRELIMINARY CONSULTATIONS WITH A VIEW TO THE CONCLUSIONS OF TREATIES BETWEEN THE MANDATORY POWER AND THE GOVERNMENTS IN THE TERRITORY.

M. PALACIOS desired information as to the present state of the negotiations for the treaties which the mandatory Power had declared that it desired to conclude with the Governments at present under mandate.

The CHAIRMAN thought that he would be giving an accurate rendering of M. Palacios's idea if he were to say that his question only referred to the period covered by the annual report,

¹ See Minutes of the second meeting, page 17.

for the Commission had decided to postpone discussions concerning the future of the mandated territory until its autumn session in order to enable M. Ponsot to be present at that discussion.

M. DE CAIX replied that, so far as the treaties were concerned, there had not really been negotiations ; the parties had merely been getting into touch with one another.

ATTITUDE OF THE POLITICAL PARTIES TOWARDS THE POLITICAL DEVELOPMENT OF THE TERRITORY.

M. PALACIOS wished to know the present position of the political parties.

M. DE CAIX understood that M. Palacios's question referred mainly to Syria. In Syria, the position was more or less the same as it had been at the time of the examination of the previous annual report. The situation had been explained in detail to the Commission the year before by the High Commissioner.¹ It was as follows: no great distinction could be drawn between the objects of the two Syrian parties. Both had practically the same national aims, but one believed it could achieve them by confident co-operation with the mandatory Power, while the other, the nationalist extremist party, was far more impatient and endeavoured to impose conditions which were not acceptable to the mandatory Power. It could not be said that this situation, with which the Commission was already familiar, had changed considerably for the worse.

M. PALACIOS referred to incidents at Damascus and Hama which had been mentioned the year before.² He asked what was the present situation. There had been rumours of a certain antagonism between the northern and southern parts of the territory. Was that the case ?

M. DE CAIX replied that these incidents were manifestations of anxiety on the part of the Wakf officials with regard to the re-organisation of the Wakf administration and also political manifestations for which this re-organisation had provided an opportunity. The Wakfs were a very favourable ground for any agitation. It could not be said that this was due to antagonism between the north and south. There was undoubtedly a certain amount of regionalism in Syria. This had been apparent when the Aleppo region, which was in favour of political unity, had demanded that its financial resources should be kept separate, but that tendency had nothing to do with the agitation of which the reform of the Wakfs was the cause or the opportunity.

EQUALITY OF RIGHTS FOR ALL SYRIANS UNDER THE CONSTITUTION.

M. ORTS recalled that the Syrian Constitution contained certain provisions concerning equality before the law, freedom of conscience, etc. Article 6, in particular, laid down that :

“ All Syrians shall be equal in the eyes of the law. They shall enjoy equal civil and political rights ; they shall be bound by the same obligations and subjected to the same charges. No distinction shall be made between them in respect of religion, creed, race or language.”

Article 15 read as follows :

“ There shall be absolute freedom of conscience ; the State shall respect all creeds and religions established in the country ; it shall guarantee and protect the free exercise of all forms of worship consistent with public order and good morals ; it shall also guarantee for all peoples, to whatever creed they belong, the respect of their religious interests and their personal rights.”

Article 26 contained provisions relating to the free access of all Syrians to public employment. Article 28 guaranteed the rights of the different religious communities.

M. Orts nevertheless doubted whether the *de facto* situation corresponded to that which seemed to have been established by the texts to which he had just referred. In this connection, M. Orts quoted the following passages from an article published in the Syrian newspaper *L'Orient* from May 20th to 22nd, 1933.

“ Every non-Moslem remains either a stranger or an enemy, or at least a second-class citizen, a tolerated intruder, a sort of inferior compatriot. It is this position and the direct risks arising out of it which appear to be incompatible with the fundamental conception of the State and the essential principle of public liberty. The objection would doubtless be raised that the Constitution of the State of Syria, particularly Articles 6, 15, 26 and 28, had made proper provision on this subject. Without denying the value of these clauses, it is quite clear that they have only a theoretical value. . . . Article 15 contains one provision concerning freedom of conscience which, in law, is categorical. It would not be difficult to mention in the city of Damascus alone half a dozen cases of Moslems converted to Christianity who have had to leave their native town in order to reach safety.

“ Thereupon an official statement was made ; reference might be made to a reply signed by a Minister at present in office who, answering the application submitted by a Moslem who desired to become a Catholic, declared that the Ministry of Justice had not

¹ See Minutes of the Twenty-second Session of the Commission, pages 265 *et seq.*

² See Minutes of the Twenty-second Session of the Commission, pages 269 *et seq.*

found 'in the laws and regulations in force' a text which might justify the acceptance of such an application. . . .

“ If such denials of justice have been possible in the presence of constitutional texts as clear as these and under the regime of mandatory control, what can be expected when the control has come to an end, and the members of minorities can only shelter their rights behind a formula ? ”

M. Orts desired to know whether M. de Caix had any knowledge of the facts mentioned in this newspaper article. What was the meaning of the statement which was there attributed to a Minister ?

M. DE CAIX said that it must be remembered that in Syria there were very ancient customs which had arisen out of denominational inequalities. The Sunni part of the population had always regarded itself as the dominant one. The Moslem state tolerated other faiths, but, nevertheless, it gave pre-eminence to Islam. Traces of this situation were to be found even in the text of the Syrian Constitution, under which the President of the Syrian Republic had to be a Moslem. During his last visit to Syria, M. de Caix had heard some talk of the affair to which the newspaper article quoted by M. Orts referred. He believed the case in question was that of a Moslem who had been converted to Christianity, but who, in spite of all his efforts, had not succeeded in being inscribed in the official register as a Christian.

M. ORTS said that it was obvious that, in the past, the State was on a sectarian basis and that the Moslems had availed themselves of the privilege conferred on them by their power. Nevertheless, the Constitution was intended to do away with this sectarian system. According to the explanations of the accredited representative, it might be concluded that the former state of things had continued. He once again drew M. de Caix's attention to the following passage of the article which he had just quoted :

“ If such denials of justice have been possible in the presence of constitutional texts as clear as these and under the regime of mandatory control, what can be expected when the control has come to an end ? ”

The Mandates Commission also could have reason to wonder what would happen after the end of the mandate. M. Orts once more drew the attention of the accredited representative to the reply attributed to the Minister for Justice.

M. DE CAIX replied that it must be remembered that, according to Moslem law, the conversion of a Moslem to another religion was forbidden. The penalty might be the death sentence. No doubt matters would not go as far as that at the present time, but a Moslem who gave up Islam would nevertheless be in a very difficult position and might be obliged to move to a town where he was not known. The conversion of a Moslem was still regarded as inadmissible in practice. While, however, the laws punishing apostasy were not abrogated, they were no longer applied strictly.

M. ORTS observed that it followed from these explanations that, on the one hand, there was a Constitution, and, on the other hand, there were certain laws which were inconsistent with that Constitution.

M. DE CAIX thought that these out-of-date laws would gradually be forgotten as they began to sink into desuetude, but a people's mentality could not be altered in a day. The Syrian Constitution might in some respects be in advance of the mentality of the people. During the Ottoman regime, moreover, reforms in advance of the actual situation had been introduced, which might be described as mere “ window-dressing ”, a Western varnish which was lacking in substance. But the general trend of development was bound to help the institutions gradually to change the customs of the country ; it had already begun to do so.

M. ORTS thanked M. de Caix for his explanations, but said that they had not entirely convinced him, and he reserved the right to revert to the subject again.

M. RAPPARD approached the problem from another angle. It seemed to him that there was a greater disharmony between practice and the mandate than between practice and the Constitution. In view of the situation to which M. Orts had drawn attention, the authorities were bound to take action, not only on account of the Syrian Constitution, but above all because of the duties imposed by the mandate on the mandatory Power. The accredited representative had expressed regret tempered by resignation ; that, M. Rappard thought, was not enough.

M. DE CAIX said he had not intended merely to express regret tempered by resignation. He had endeavoured to explain the situation. There were some who could view matters from afar and in the abstract, and others who were on the spot and responsible and who had to take relativity into account — that was to say, in the present case to consider what was immediately practicable. The actual position might place certain persons in a very unfortunate situation ; but, while helping them, the mandatory Power must not rush matters. It was anxious, of course, to apply the Constitution, as well as all the texts guaranteeing the development of the country ; but, were it to do so uncompromisingly in an atmosphere that was not properly prepared, it would risk running counter to its purpose. It must be careful not to increase antagonism, to avoid disturbances. It must act in such a way that the old feelings of superiority and inferiority, which were based on differences of religion, would diminish.

M. RAPPARD said that, after all, the Commission was not the guardian of the Syrian Constitution ; it was the guardian of the mandate. The Commission was informed that the

authorities on the spot had no texts to enable them to safeguard certain principles of the mandate ; they ought to be supplied with such texts.

M. DE CAIX said that the Commission should realise that customs rather than texts were concerned. If adjustments were necessary in applying the texts already in existence, what useful result could be achieved by immediately asking the Syrian Parliament for new texts on specially delicate points, such as the conversion of Moslems ? There were some questions which legislation alone could not solve. Influence must gradually be brought to bear on ideas and customs.

M. RAPPARD thought that the accredited representative was being too discreet in his remarks. His attitude was somewhat that of a philosophical and disillusioned observer of events that could not but cause the Commission anxiety. M. Rappard wished to repeat again that he was not looking at the situation from the standpoint of the Syrian Constitution, but from that of the mandate.

M. DE CAIX replied that it was perhaps not quite correct to describe him as a disillusioned observer. He simply desired to speak as an observer who had been in touch with reality. The representatives of the mandatory Power certainly endeavoured to remedy any abuses that might be committed by the administration, even by calculated inertia. They endeavoured to maintain respect for the guarantees which the Constitution conferred on Syrian nationals, particularly with regard to freedom of conscience, and they would succeed. But they would not hasten or facilitate that result by dealing abruptly with the native officials whom they guided and who were in a difficult moral situation.

M. ORTS associated himself with M. Rappard's remarks. He observed that what was happening in Syria was happening in the other mandated territories in the Levant. The traditions of the population and the spirit of intolerance were opposed to the application of laws based on the principles of the mandate. It was not possible in fifteen years to reform the customs and change the deeply implanted ideas of a nation. It was not without reason that these people had been considered to be incapable of governing themselves without the advice of a mandatory appointed by the League of Nations to act as guardian. And the conclusion still remained that nations capable of governing themselves could not be developed under A mandates unless the latter were maintained for several generations.

M. DE CAIX thought it could not be said absolutely that there was no toleration ; what was true was that there was not yet toleration in the matter of equality. Toleration had existed for a long time, at any rate in normal circumstances, in Moslem countries, but it was, as it were, a condescension, when non-Moslem denominations found themselves in a position of inferiority. The influence of the forces of intolerance should not, however, be exaggerated. They did not, for instance, prevent certain Christians from agreeing to join the nationalist anti-mandatory Power group and from being admitted thereto.

M. ORTS asked how anyone could speak of toleration so long as a Moslem was forcibly prevented from becoming a Christian.

M. RAPPARD said that what might be open to objection was the mandatory Power's toleration of such a situation.

M. DE CAIX said that, nevertheless, the mandatory Power's toleration must not be exaggerated. It did not go so far as to remain inactive when the legislation of the country was violated. It confined itself to avoiding hasty action and to refraining from instituting procedures contrary to the aim in view, which — the mandatory Power could never forget — was to create a state of affairs that would become part of the customs of the country in such a way as to survive the mandatory regime.

In reply to an observation by M. Rappard, M. ORTS said that the author of the article from which he had quoted alluded not only to the Constitution but also to the mandatory regime.

M. DE CAIX said that what could at least be definitely asserted was that, if the mandatory Power had not been there, the article would undoubtedly never even have been written.

The CHAIRMAN said that, in view of the declarations made by the accredited representative, he could not repress a certain feeling of disquietude, which he thought was shared by his colleagues. If the mandatory Power tolerated such things, what influence had been exercised on the habits of the population and what had been done to lead the territory to maturity ?

The accredited representative had said that the mandatory Power was confining itself to preventing the application of laws contrary to the Constitution. But had it not made any attempt to change the popular mentality ?

M. DE CAIX pointed out that the facts themselves were a reply to that question. Signs of progress were everywhere apparent, and M. de Caix had noticed them on each of his visits to the Levant. Once again, quite recently, his attention had been called to the calm prevailing among the population of the Lower Orontes Valley. Two well-known families had been in conflict there, had committed murders and had terrorised the country. Now their chief members were both in the same prison. That was only one example, but it testified to the effect of increased supervision and support of the organs of justice and the gendarmerie. Such a change, which was manifesting itself everywhere, in incidents of one kind or another, created a new

feeling of security and acted upon the mentality of the fellahi, which was changing. Little by little they were becoming emancipated. The situation of the minorities had improved throughout the country ; proof of that was to be found in the one fact that they were anxious at the thought that the mandate must cease. The mandate was only powerless in the sense that it could not do suddenly what required the co-operation of time.

The CHAIRMAN asked whether any laws, regulations, or decrees had been promulgated to prohibit customs inconsistent with the level of civilisation the world had attained in the twentieth century. For instance, under the old Moslem law, adulteresses were put to death. What would happen at the present time if an adulteress were killed in Syria ?

M. DE CAIX replied that, if the murderer were arrested, he would be severely punished ; but it must be realised that the arrest of the murderer, and even the discovery of the murder, might be made difficult if the community was not in favour of his being punished and was prepared, in certain cases, to shield him.

ADMINISTRATIVE AND POLITICAL DEVELOPMENT OF THE TERRITORY UNDER MANDATE.

The CHAIRMAN said that it was interesting, from the point of view of the Commission's task, to note, at a time when people were talking of the emancipation of Syria, certain passages in the mandatory Power's annual report which had considerable bearing on the degree of maturity of the territory.

For instance, on page 73 of the report it was stated that the Decree promulgated on April 12th, 1932, defining the powers and duties of mukhtars, had been almost immediately suspended by the Government, which was " inadequately prepared to meet the inevitable reactions to a measure of reform intended to reduce a superfluity of certain Government officials and strictly to regulate the activities of those who remained ".

A few lines further on, the mandatory Power declared, on the strength of a characteristic example, that the position of responsible officials was often difficult because the Government did not back them up sufficiently.

On page 74, there was a passage that bore witness to the commendable efforts of the mandatory Power to improve the registration of births, deaths, etc., in regard to which, nevertheless, the registrars seemed still to have only a very elementary notion of their duties.

In the sphere of urban administration, too, the tone of the report was not very encouraging, particularly with regard to the Lebanon (page 161), where many municipal councils had had to be dissolved on account of maladministration and replaced by delegations appointed by Decree of the Head of the State (see also Latakia, page 123, and Syria, page 98).

Finally, public finance suffered from the inexperience of certain local governments. The report stated (page 174) :

" In the matter of budgeting out of reserve funds, Syria had entered an income-item of 12 million francs, to be derived from funds reserved by the High Commissariat, without preliminary consultation with the Commissariat. This matter can certainly not be proceeded with."

The Chairman did not wish to anticipate the general discussion on the political development of the territory and its maturity. The Commission had decided that that discussion should take place at its autumn session, in the presence of M. Ponsot. The facts he had just cited, however, were contained in the annual report, which the Commission was discussing at the moment. He would therefore be glad if M. de Caix could give any further information on those points.

M. DE CAIX did not think it was the Chairman's intention to make a collection of all the unfavourable developments that had occurred in the territory. It was the mandatory Power itself, whose one aim was to furnish the Commission with information, which had supplied it with the details given in the annual report. That report, in which the mandatory Power had tried to be frank, also drew attention to signs of progress.

In judging of the situation of the country, it was only fair to remember that France did not govern directly the territories under her mandate. In accordance with the aims and requirements of the mandate, accepted since the beginning, the mandatory Power had acted through the native Governments and administrations which were necessarily still more sensitive than the agents of the mandate to local resistance and reaction. M. de Caix did not believe, particularly after what had happened in the neighbouring countries, that the Mandates Commission could consider, as a means of solving the difficulties which it had noted, the suppression of the native Governments or could take the responsibility of recommending such a course. The system of indirect action involved adjustment and required time.

Turning to some of the facts mentioned by the Chairman, M. de Caix felt obliged to point out that, while the law defining the powers and duties of the mukhtars had been suspended, it had since been put into force again. Moreover, the mandatory Power had never concealed the defects of the civil registration system in Syria ; but those defects were a legacy of the past and were gradually being eliminated. The situation was improving year by year, as the report once again showed.

The CHAIRMAN observed that it was not the Commission but the mandatory Power itself which had been the first to refer to the maturity of the territory.

M. DE CAIX replied that certain incidents had created around Syria a *de facto* situation which the mandatory Power was obliged to take into account. Throughout the whole of the East there was a political atmosphere which could not be ignored.

PUBLIC SECURITY : EMPLOYMENT OF MILITARY FORCES FOR THE MAINTENANCE OF ORDER.

COUNT DE PENHA GARCIA said that on page 44 of the report there was a reference to the employment of military forces in 1932. The report stated that the military had had to intervene on several occasions to maintain order. Was such action necessitated solely by external causes, or by internal causes as well ?

M. DE CAIX explained that, during the past year, the only military action undertaken had been against bands coming from Turkey, to the north of the Lake of Antioch, and against Bedouins in the region of Abu-Kemal, on the Iraqi frontier. Steps had also had to be taken to erect barriers to keep out Bedouins who had entered various parts of the cultivated areas on account of the drought. In these countries large groups of people sometimes moved very quickly from place to place in search of means of existence. A few weeks previously M. de Caix had seen 400 persons, who had come from the Euphrates in motor-cars obtained for them by one of the notables, enter unexpectedly a small part of the Sanjak of Alexandretta, from which they had had to be removed as they would have been unable to exist there.

COUNT DE PENHA GARCIA thought that, in that case, the report was rather over-pessimistic in stating that " the military had had to intervene on several occasions ".

M. DE CAIX said it was natural that the cordons which had had to be established to prevent incursions of Bedouins should have necessitated a show of force, but there had been no disturbances within the country which had called for the intervention of the military. The only steps taken had been police measures.

COUNT DE PENHA GARCIA said that M. de Caix's explanation showed that certain regions were only relatively safe, as they were exposed to attacks by Bedouins.

M. DE CAIX explained that, in times of drought, dire necessity drove the nomads from the desert to the cultivated areas. Steps had then to be taken to supervise the influx of cattle and protect the settled population against the depredations of the flocks of the nomads.

COUNT DE PENHA GARCIA deduced that the Bedouins were armed. How could this be reconciled with the existence of conventions on the traffic in arms ? Were any steps taken to see that those conventions were observed ?

M. DE CAIX replied that the Bedouins had to be armed to protect themselves in the desert where they buried themselves in winter, far from any organised Government. In the desert they could not therefore be prevented from carrying arms. The authorities made them deposit their arms when they arrived in the cultivated regions. Although they became accustomed to this temporary disarmament, it was advisable to encourage them in it by the display of a certain amount of force.

COUNT DE PENHA GARCIA said that there were military posts in the desert. Were these not sufficient to ensure the safety of the Bedouins, thus making it unnecessary for them to possess arms ?

M. DE CAIX explained that the deserts were patrolled by camel corps. These were mobile patrols who followed the Bedouins, and kept them under observation ; but there were no outposts in the desert. Experience had shown that it was impossible to keep order in the desert by means of fixed outposts. Moreover, the Bedouins withdrew to a region far outside the limits of the zones under French and British mandate, where it was absolutely essential that they should be armed.

M. SAKENOBE pointed out that on page 44 of the report mention was made of " extensive movements of Bedouin tribes ". He was happy to note that the mandatory Power had been able to maintain order in spite of these movements. What had been the cause of the attack on Abu-Kemal ? Had the Bedouins been driven in by the drought ?

M. DE CAIX thought that the Abu-Kemal affair was rather an outburst of traditional rivalry between a migratory tribe in Syria and one in Iraq in the Abu-Kemal region. It was unlikely that drought had been a factor, because in that region crops were grown on land irrigated with water from the Euphrates.

M. de Caix pointed out that the conditions under which the Bedouins were living to-day were very difficult. A good many of their herds had been killed by the drought and by the late cold weather. The population was under-fed and diseases ordinarily mild in character had assumed a much more serious form.

PUBLIC SAFETY ORGANISATION.

The CHAIRMAN observed that the report, on pages 46 *et seq.*, contained a paragraph concerning the Public Safety Organisation. That organisation, which was common to all parts of the territory and paid for out of the common funds, appeared to be placed under the authority of the High Commissioner. Did that mean that the native Governments had absolutely no control over the Public Safety Organisation ?

M. DE CAIX explained that the Organisation in question was under the direct orders of the High Commissioner, who was responsible for the maintenance of order throughout the territory; but it acted mainly through the police force, which was under the local Governments.

The CHAIRMAN asked whether the police officers were natives—the police commissioners, for instance.

M. DE CAIX replied that most of the police officers were natives.

BEDOUIN POPULATION : PARLIAMENTARY REPRESENTATION ; CODIFICATION OF CUSTOMS.

The CHAIRMAN noted a reference on page 101 of the report to the failure of an attempt on the part of the Bedouin deputies to the Syrian Parliament to obtain recognition of nomadic customs in the form of a Bedouin statute. Could the accredited representative explain the method of election of the deputies representing the Bedouin element in the Syrian Parliament ?

Did the lack of codification of Bedouin customs cause any difficulty from the point of view of the administration of justice in the regions inhabited by these tribes ?

M. DE CAIX said that the method of voting was bound to be rather primitive, but he personally had never seen it in operation. The deputies for the tribes were the chiefs. He did not know exactly how they were appointed to Parliament. The efforts made with a view to codifying the Bedouin customs in the form of a statute were rather a manifestation on the part of the Bedouins to obtain recognition of their special situation. But, even without codification, they were bound only by their customs.

EXTRADITION TREATY WITH TRANS-JORDAN : CASE OF SOLTAN ATRASH.

M. VAN REES noted the statement on page 8 of the report that Soltan Atrash had taken refuge in Trans-Jordan with the consent of the British authorities. Was it intended to ask for his extradition ? Was there not a treaty of extradition with Trans-Jordan ?

M. DE CAIX said that an extradition convention existed, but, as Soltan Atrash was a political refugee, there was no question of asking for his extradition.

The situation in the Jebel Druse was now quite satisfactory. The country was perfectly peaceful, the more so as the people were in a better position economically than those in the neighbouring territories.

NATIONALITY OF EMIGRANTS OF LEBANESE AND SYRIAN ORIGIN.

Mlle. DANNEVIG noted the information on page 21 of the report concerning the nationality of emigrants of Lebanese and Syrian origin. Had many emigrants acquired the nationality of the country in which they had settled ?

M. DE CAIX replied that the figures were given ; 186,984 emigrants of Lebanese origin, out of a total of 254,987, had not acquired Lebanese nationality. Generally speaking, emigrants of Syrian or Lebanese origin tended to become completely absorbed in the population of the countries in which they settled. Latterly, however, a number of emigrants had returned to the country. That was quite a new phenomenon.

Mlle. DANNEVIG asked what was the explanation.

M. DE CAIX replied that there were two reasons : first, that the country was now peaceful ; and, secondly, that economic conditions abroad were difficult. Immigrants were unable, as in the past, to find employment or to trade on a small scale.

TRAFFIC IN WOMEN AND CHILDREN.

Mlle. DANNEVIG noted a reference on page 46 of the report to the traffic in women and children. Had any cases of Moslems selling their wives or children been reported ?

M. DE CAIX said that he had read the report of the Public Safety Organisation which dealt with these questions, but no such sale had been reported.

It was possible that pilgrims from the Hejaz might have sold in Syria the women accompanying them. Such practices would be much more difficult now that supervision was exercised on departure and return. A complete list of the women and children leaving on pilgrimage made it possible to supervise their return. If any were missing, an investigation would at once be made and proceedings might be taken. Any case that might occur was quite exceptional; there could be no widespread abuse in the country.

SETTLEMENT OF REFUGEES IN THE MANDATED TERRITORY.

COUNT DE PENHA GARCIA referred to the information on page 50 of the report concerning refugees and their settlement in the mandated territories. A table of the results achieved since the beginning of the settlement of refugees showed that 20,220 persons had been settled in the towns and only 1,158 on farms, although at the outset, in 1927 and 1928 for instance, farms were increasing. That increase had subsequently come to a standstill. Count de Penha Garcia would like to know why that was so.

M. DE CAIX explained that the refugees in question were chiefly Armenians, most of whom were not agriculturists. They naturally tended to flock to the towns, where it was easier for them to settle down and carry on their occupations. It was true that there were a few prosperous villages of refugees, but they were still the exception among the immigrant population. The settlement of refugees on the land was a long process. One difficulty was the lack of vacant land. The movement to settle in country districts might also have been slowed down by the economic depression. The Armenian peasant was more capable but more exacting than the Syrian fellah; he did not merely wish to consume his own produce, but to derive profit from it. That necessitated a better market than had been available for agricultural produce in recent years.

COUNT DE PENHA GARCIA realised that there might be certain financial and economic difficulties, but wondered whether the lack of land was a valid reason. Were there no State lands available?

M. DE CAIX said that the State, of course, owned a vast amount of land in Syria, but in the east of the cultivated area. It was very dry and agriculture was not very successful. The population was mainly composed of Bedouins who had settled there.

SUPPRESSION OF CORRUPT PRACTICES IN THE ADMINISTRATION OF THE LEBANON.

M. RUPPEL said that, on page 9 of the report, reference was made to the suppression of corrupt practices and the venal use of influence in the Government services of the Lebanon. Enquiries and judicial investigations had been undertaken, and some persons had been arrested pending trial. Could the accredited representative give any particulars of the results of the proceedings?

M. DE CAIX said that most of the cases had been dismissed. The authorised Government, set up during the provisional suspension of the Constitution, had been more successful in the sphere of economy than in suppressing former abuses. It was extremely difficult, in cases of corrupt practices and the venal use of influence, to secure evidence that would satisfy the courts.

JUDICIAL ORGANISATION : ATTRIBUTION OF COMPETENCE CLAUSE : AMNESTY.

M. RUPPEL observed that, on page 76 of the report, there was a table which showed that the number of criminal cases had increased considerably. Thus the number of criminal cases at first instance had risen from 10,323 in 1931 to 13,442 in 1932, and the number of criminal cases which came before the magistrates' court had increased from 78,455 to 98,554 in the same years. Moreover, he noticed that, according to the table on page 80, the number of inmates in the prisons of Alexandretta and Aleppo had increased considerably in 1932. Could the accredited representative explain that position? Was it due to the greater efficiency of the police, or to disturbances of public order?

M. DE CAIX replied that the situation was undoubtedly due to the economic depression which made life more difficult and was responsible for a good many offences. The increase in criminal cases and committal to prison to which M. Ruppel had called attention was not altogether explained by stricter control.

M. RUPPEL drew attention to the following passage on page 76 of the report :

“ The courts competent to try foreign cases are still organised and have functioned as in the past. They apply the old Ottoman law, except in cases of personal status, where they apply to foreigners the laws of their countries of origin.”

He would like to know : (1) whether there was any legal instrument regulating personal status, and (2) whether the Ottoman law had been amended apart from the Decree of 1930, which had been mentioned in connection with Mme. Sagiati's petition.

M. DE CAIX replied that, under the capitulations, foreigners were amenable to the consular courts. When the capitulations were done away with, foreigners became amenable to the courts competent to try foreign cases, which, in respect of personal status, applied the national law of the foreigner in question. There had been no need of a legal instrument to regulate its application. The transfer from one regime to the other had been effected simply by substituting one court for another. Many modifications of detail had been introduced in the Ottoman law by decree of the High Commissioner or local government Acts, but the substance of that law remained the same.

M. RUPPEL said that he would like to thank the mandatory Power for furnishing in the annual report very full details of the working of the clause regarding the attribution of competence, in accordance with the request made at the Commission's previous session.¹

It appeared from the tables and particulars given on pages 76 to 78 that, in Syria, natives amenable to justice were becoming more and more eager to be tried by the courts which afforded them the greatest security — namely, the French courts. That phenomenon appeared to show that the Syrians did not carry nationalism so far as to prefer a bad native judge to a good French judge, which was doubtless a sign of individual wisdom. On the other hand, that state of affairs did not indicate a very high degree of maturity in the magistracy of a country seeking emancipation.

In encouraging the extension of the competence of French courts, as it appeared to be doing, was not the mandatory Power afraid of depriving the native courts of the opportunity of gaining experience ?

He would point out that, in the Lebanon, the clause regarding the attribution of competence had been applied during 1932 in only sixteen civil and commercial cases. Was that difference due to the fact that the Lebanese courts were superior to the Syrian courts ?

M. DE CAIX replied that the magistracy was undoubtedly more competent in the Lebanon than in Syria. As regarded the competence of the native courts, it could not be said that the increased use of the clause regarding the attribution of competence deprived the native courts of the opportunity to deal with a sufficient number of cases to acquire experience.

M. RUPPEL drew attention to the innovation referred to on page 77 of the report, relating to proceedings in cases of flagrant offences, which now took place in the mixed courts.

M. DE CAIX explained that only flagrant offences against public order were tried by French magistrates. No change had been made in the procedure for dealing with offences at ordinary law. The chief advantage, perhaps, of bringing flagrant offences against public order before French magistrates was that the latter were not involved in local quarrels.

M. RUPPEL pointed out that that was a change of procedure.

He noted that, on page 79 of the report, it was stated that 1,727 prisoners has been released under the amnesty voted by Parliament. In that connection, *L'Asie française* of February 1933 had reproduced the text of a telegram sent by the President of the Syrian Chamber to the President of the French Chamber of Deputies seeking an amnesty for the "Syrians deported by the French authorities or sentenced to imprisonment by the military courts". Could the accredited representative inform the Commission what were the offences with which the French authorities and military courts were competent to deal, and which were consequently taken out of the hands of the native judicial authorities ?

M. DE CAIX said that, apart from offences committed by the military, no offences came before the military courts. No offences other than those specified in the military regulations were brought before the military courts unless a state of siege had been proclaimed. That was not the case at the present time. The persons mentioned were the remaining prisoners who had been sentenced for insurrection and other such offences a few years previously.

EXERCISE OF THE PROFESSION OF ADVOCATE IN SYRIA.

M. RUPPEL said that the agenda of the present session included the examination of a petition concerning the conditions imposed by the mandatory Power on persons wishing to practise as advocates in Palestine.

Could the accredited representative inform the Commission what were the conditions with which persons wishing to practise as advocates in Syria and the Lebanon had to comply ? Were foreigners allowed to practise without passing examinations ?

M. DE CAIX said that, if foreigners were sufficiently qualified, they were not required to pass examinations. However, there were very few foreign advocates in Syria and the Lebanon, as there were already quite enough native advocates, but they were not subject to any special conditions.

- PETITIONS : (1) FROM MME. SAGIATI, DATED NOVEMBER 24TH, 1932 ;
(2) FROM M. NASRI A. DALLAL, DATED JANUARY 26TH, 1933 (*continuation*).

M. RAPPARD said that he was obliged to revert to the above petitions. Since the Commission was discussing judicial organisation, he would be glad of some further information from

¹ See Minutes of the Twenty-second Session of the Commission, page 284.

M. de Caix. He observed that there was undoubtedly a connection between the Gazale case and Decree No. 1833 promulgated by the Syrian Government on February 6th, 1930. Proof could be found :

(1) In the preamble of the judgment rendered by the Aleppo Court of Appeal :

“ Whereas, since that decree and since February 6th, 1930, the question has been settled by law, by means of Decree No. 1833 promulgated by the Prime Minister of Syria, Article 1 of which states that ‘ the difference of nationality does not preclude the right of succession ’, and whereas, if a decree was necessary to proclaim this principle, it is obvious that the contrary principle hitherto had force of law ;

“ Whereas for all these reasons it should be decided that, prior to the promulgation of the Decree of February 6th, 1930, and consequently when the Rizcallah Gazale succession was opened, foreigners could not lay claim to the succession of the real or personal estate of an ex-Ottoman Syrian subject ;

“ Consequently, even in the event of a contrary decision to that about to be rendered on the law governing the transmission of an inheritance, parties of foreign nationalities would have been debarred therefrom on account of that disqualification ” ;

(2) In the preamble of the Decree :

“ Whereas the jurists of the Charhi were not unanimous in regarding the ‘ Ikhtilaf-el-Dar ’ as an obstacle to the rights of inheritance ;

“ Whereas this difference of opinion is likely to lead to divergent interpretations and to influence judgments ;

“ Whereas in the general interest and in the interest of the ties of kinship the ties of consanguineous inheritance should not be broken for reasons which are no longer valid to-day ;

“ Whereas the increasingly close relations between nations require them to treat each other on a reciprocal basis ” ;

(3) In the letter from the French Government, dated June 15th, 1933, transmitting Mme. Sagiati’s petition :

“ It was not abrogated until long after the Gazale succession had been opened, by Decree No. 1833, signed by the High Commissioner on February 6th, 1930, which allows a foreigner to inherit the real and personal estate of a Syrian if the law of that foreigner’s country allows the same right to a Syrian.”

It was clear, then, that the Gazale case had had a definite effect in amending the law. It had been desired henceforth to prevent nationality from constituting an obstacle to inheriting from a Syrian. There still remained the obstacle to succession under Ottoman law in the case of a woman — that was to say, the obstacle of sex. He quoted in that connection another passage from the preamble of the judgment of the Aleppo Court of Appeal :

“ Whereas this result appears particularly deplorable in a country separated from the Ottoman Empire which, thanks to the friendly and benevolent assistance of the mandatory Power, has reached a high degree of civilisation, and which has seen the Turkish Republic reject the laws that are still those of Syria, in order to adopt a legislation copied from one of the European legislations, all of which are more or less indebted to the genius of France.”

The judges, when giving judgment, had objected to national inequality as well as to inequality arising from sex. The situation had not been changed as regarded that point by the Syrian Government’s decree. Supposing that Gazale had died the day before the current meeting, Mme. Sagiati, if she had retained her Syrian nationality, would not, despite the amendment in the law, have been able to inherit, on account of her sex.

M. DE CAIX said that the connection between the decree and the Gazale case was undoubtedly incontestable. It often happened, and in all countries, that general reforms were introduced because of some particular case ; it might even be said that many reforms would never otherwise have been made. Although this reform was introduced at the time of the Gazale affair, however, it was not, and could not have been, on account of that affair. Mme. Sagiati was in any event excluded from the succession in virtue of the Koranic law, and, moreover, the petitioner had complained only of the application of that law.

The findings to which M. Rappard had just referred mentioned the obstacle of nationality merely as an additional reason for rejecting the appeal of Mme. Sagiati, who, in any event, would not have been able to inherit, on account of her sex.

M. RAPPARD observed that the Syrian Government’s decree had eliminated one obstacle, but that the other appeared to remain.

M. DE CAIX said that that was self-explanatory. It was much easier to confer on foreigners rights guaranteed to nationals than to intervene in the lives of the latter by changing legislation to the application of which they were accustomed.

The CHAIRMAN said that he had lived several years in the Near East, and it seemed to him questionable whether Koranic law was applicable to Christians in the matter of succession. He knew that under Oriental laws Christian women were at a disadvantage as compared with

men. Indeed, they received only a fraction of the inheritance that they would have received had they been men. But he did not see why Moslem law should be made to apply to Christians.

M. DE CAIX said that it was not for him to decide on that point. He noted one fact. As was pointed out in the letter of the Patriarch Melkite to the High Commissioner, the Koranic law applied in Syria to inheritance from Christians. That law, as it stood, had been enforced in the Gazale inheritance, by decision of the Court of Cassation, and it was against its very application, and not against the method of its application, that petitions had been addressed to the League.

M. RAPPARD wondered whether the law was quite in keeping with the terms of the mandate. The mandatory Power admitted that it was not so on one point — that of nationality. The law had been amended. An assurance had been given that it would now be applied in its new form. A foreign woman could not be deprived of a succession on account of her nationality, but a Syrian woman might be so deprived on account of her sex.

M. DE CAIX replied that that was so.

M. RAPPARD said that he had received the text of the High Commissioner's decree concerning the right of succession of foreigners, which was as follows :

*Decree of the French High Commissioner in Syria,
No. 3339 of November 12th, 1930.*

“ Article 231. — The right to inherit real estate *ab intestato* or by will shall be granted to a foreigner only if it is granted to Syrians and Lebanese under the municipal law of his country.

“ Succession to the real estate of a foreigner *ab intestato* or by will shall be governed by the municipal law of his country.”

What were the rules for the application of Koranic law to nationals ?

M. DE CAIX read the following note, which he had just received from Paris, confirming that, in the case of Syrian nationals, succession was governed by the Koranic law :

“ The original Moslem legislation is still in force in Syria. Under this legislation, if the parties do not agree to refer the dispute to the patriarchal courts, the Kadi will, on its being brought before him by one of the parties, give a decision in conformity with the Koranic law.”

The CHAIRMAN enquired why, in Syria, a country as advanced as Palestine or Turkey, it had not been possible to bring the law more into line with modern ideas, whereas in Palestine and Turkey the laws had been adapted to the progress of the human conscience.

M. DE CAIX pointed out that the Palestine mandate, the object of which, to a large extent, was to settle a foreign population, was of a very special character and it could not be compared exactly with the mandate for Syria and the Lebanon. To make an accurate comparison with regard to the point at issue, it would, moreover, be necessary to ascertain exactly in respect of what part of the population and in what form the Ottoman law had been amended in Palestine. In Turkey, there had been a process of imperative transformation that could not have been expected from a Mandatory, which, in view of the reactions that would have followed, would have undoubtedly been criticised much more severely for such an action than for abstention from action. Indeed, it must not be forgotten that this was a very delicate matter, and that, whatever modern Western ideas with regard to equality of the sexes might be, the system of succession to which the country had been accustomed for years could only be influenced from outside gradually and with prudence.

Mlle. DANNEVIG said that she did not understand how in a mandated territory non-Moslem women of foreign nationality should be subject to Koranic law.

M. DE CAIX replied that her subjection was a question of fact, a situation accepted by the large majority of Syrians of every religious persuasion, particularly as it could not be said that the system of succession infringed the personal status or freedom of conscience of a Christian.

PARLIAMENTARY ELECTIONS IN 1931-32 : VALIDATION ; PETITIONS.

M. ORTS asked whether M. de Caix could give him the particulars for which he had asked at the previous meeting concerning the validation of the Syrian elections.

M. DE CAIX said that he had before him the Minutes of the sitting of Parliament held on June 14th, 1932, which had validated the mandates of members. The nationalist members had not been absent, and had taken part in the debate. It appeared from the Minutes that one of the leaders of the opposition had tabled a motion for an immediate vote and that validation had been carried unanimously, the nationalists being present.

M. ORTS enquired whether the signatories of the Aleppo petition belonged to exactly the same political school of thought as the nationalist deputies who had voted in favour of validation.

M. DE CAIX said that, so far as it was possible to speak of fixed political schools of thought in Syria, they all belonged to the same one.

PRISONS.

M. RUPPEL said that the report gave a deplorable impression of prison conditions (page 79). Could the accredited representative give details regarding morbidity and mortality in the prisons ?

M. DE CAIX agreed that prison conditions were not all they might be. The premises were old and there were too many prisoners. Nevertheless, some progress had been achieved in the matter of hygiene, but more far-reaching reforms in that sphere were held up by the budgetary situation. Regarding the death rate, he would ask for information to be published in the next report.

POLICE.

M. RUPPEL enquired to what authorities the gendarmerie and police were subordinate.

M. DE CAIX replied that they were subordinate to the authorities of the States. Certain gendarmerie formations were under the command of Frenchmen, but the latter were part of the service of the native government and usually wore the same uniform as the local gendarmerie.

ORGANISATION FOR THE CONTROL AND ADMINISTRATION OF THE WAKFS.

M. PALACIOS said that it was stated on page 54 of the report that the suspension of the elections to the Wakf councils at Aleppo and Damascus had not prevented the application of the new organic provisions. The report mentioned the measures that had been taken to make up for the absence of the councils.

Could the accredited representative state if it were proposed to carry out the elections to the Wakf councils ?

M. DE CAIX replied that the movement, which had necessitated the suspension of the elections to the Wakf councils at Aleppo and Damascus, had been in the nature of a political demonstration.

M. PALACIOS enquired whether the elections would be held when people had calmed down.

M. DE CAIX replied in the affirmative. The reform with a view to Wakf autonomy would be put into effect.

SHIITE COMMUNITY

M. PALACIOS noted the passage on page 56 of the report to the effect that, so far, the Shiite community in Syria had been unable, despite its efforts, to obtain jurisdictional and religious autonomy, and was still legally part of the Sunnite community. Had the agents of the mandatory Power taken any part in that discussion ?

M. DE CAIX replied that the agents of the mandatory Power had made recommendations, but without certain adjustments the Shiite communities in Syria could not be endowed with a special organisation, as the Sunnites, who were the chief element, were opposed to any change.

POLITICAL CLAIMS OF THE CHRISTIAN AND MOSLEM COMMUNITIES IN THE LEBANON.

M. PALACIOS understood that, on the ground of the results of the last census, the Moslems in the Lebanon had made certain demands. That census had shown that the Moslems were equal in numbers to the Christians. An association of Moslem youth was endeavouring to safeguard the rights of the Moslem population and to obtain a larger number of seats for them in the forthcoming Assembly. That action had led to religious controversy. Thus the newspaper *Rassed* stated that the Christian community intended to defend itself against the Moslems, and it would appear that the Christians had already requested the High Commissioner to embody in the Lebanon Constitution a clause to the effect that the Head of the State must necessarily be a Christian, without stating to what Christian denomination he should belong, in the same way that the Syrian Constitution contained an article laying down that the Head of the State must be a Moslem.

M. DE CAIX said that the object of the demands of the various denominations was to obtain for their members as many official posts as possible.

So far as concerned the request stated to have been made to the High Commissioner that the President of the Lebanon Republic should be obliged to be a Christian, M. de Caix had no knowledge of it. It was possible that such a request had been made, but public opinion in the Lebanon had not demanded that the Constitution be amended in that sense, and the mandatory Power would certainly not encourage such an idea.

POSITION OF THE CIRCASSIANS.

M. PALACIOS said that he had heard references to demands made by the Circassians, who asked to be formed into a minority and to have the full support of the mandatory Government.

M. DE CAIX explained that they were a linguistic and not a religious minority. After the conquest of the Caucasus by the Russians, the Circassians had been scattered more or less throughout all parts of Turkey. They had tried to preserve their language, and all their demands were with a view to ensuring that time should be set aside for instruction in Circassian in the public schools of the towns in which they were in a majority. There was one small private Circassian school in a Syrian town.

RECIPROCITY IN RESPECT OF ECONOMIC EQUALITY.

M. VAN REES observed that, on page 20 of the report, it was stated, in the paragraph headed "Syrian and Lebanese Colonies abroad", that no discrimination had been noted in respect of goods coming from Syria or the Lebanon. What did that mean?

M. DE CAIX said that no special discriminatory measures against products from Syria and the Lebanon had been noted, as had been the case, in certain countries, against their emigrants. The mandatory Power would be glad to be able to improve the commercial situation of the mandated territories. Some countries sold a great deal to them but bought practically nothing in exchange. The mandatory Power was anxious to secure the sale of Syrian and Lebanese goods to the countries supplying the mandated territories, but this would necessitate arrangements which were impossible on account of the economic equality clause.

M. VAN REES would like to know whether the mandatory Power had entered into any negotiations with a view to improving the situation. He recalled the resolution adopted by the Council of the League on September 9th, 1930. It would be of no use to repeat the recommendation made by the Mandates Commission last year, if the mandatory Power — the party primarily concerned — refrained from taking the necessary steps to give effect to the resolution in question.

NEGOTIATIONS FOR THE CONCLUSION OF A CUSTOMS TREATY WITH TURKEY.

M. MERLIN said that, in the 1931 report, reference had been made, on page 28, to the fact that the production of the soap industry in the Sanjak of Alexandretta had been hampered by high Turkish Customs tariffs.

Had the mandatory Power been able to remedy this by negotiating with Turkey an agreement such as was referred to in Article 11, paragraph 2, of the mandate for Syria and the Lebanon?

M. DE CAIX replied that he only knew that negotiations were going on.

DENUNCIATION OF THE COMMERCIAL *Modus Vivendi* WITH EGYPT.

M. VAN REES noted the statement, on page 19 of the report, that the mandatory Power had found itself obliged to denounce the commercial *modus vivendi* with Egypt in order to induce Egypt to conclude an agreement more in harmony with Syrian and Lebanese interests. Had that measure produced results?

M. DE CAIX did not know. The denunciation was, moreover, quite recent, since it only took effect from April 30th, 1933.

M. MERLIN asked if the accredited representative could tell the Commission what regime was being provisionally applied pending the conclusion of the new agreement.

M. DE CAIX replied that it was the general tariff regime.

CUSTOMS AND COMMERCIAL POLICY.

M. RUPPEL asked what steps were taken to enable the Governments of the various States, on the one hand, and the commercial associations, on the other, to express their views on questions relating to Customs and commercial policy. It seemed that these questions were left to the High Commissioner, the representatives of the people being unable to make their views known. The Chambers of Commerce had complained of this state of affairs in a joint memorandum recently submitted to the High Commissioner.

M. DE CAIX said that a native body, the Conference of Joint Interests, assisted the High Commissioner to examine economic questions concerning the territory as a whole.

The High Commissioner, who had taken in hand the Customs question, had instructed his services to consider what changes could be made in Customs tariffs, but it must be realised that his efforts were limited, on the one hand, by the need to protect the products of the country and, on the other, by budget requirements.

The CHAIRMAN said he understood that, in certain cases, the Customs authorities of the mandated territory had required the production of the bill of lading bearing a consular visa. Was the accredited representative aware of that, and could he say whether it was a formality required for all goods, regardless of their origin ?

M. DE CAIX said that it was the custom, in order to calculate the *ad valorem* duties, to require invoices as evidence. It was possible that, in some cases, bills of lading had also been demanded. He pointed out that any questions that might arise in this connection would shortly cease to be of any importance. Specific duties were increasingly taking the place of *ad valorem* duties.

M. MERLIN said that his personal experience had shown him that the question of the conversion of *ad valorem* duties into specific duties was a very awkward one, because it was very difficult to obtain competent officials who could accurately carry out the system. He himself had sometimes had to abandon that reform.

M. DE CAIX agreed with M. Merlin. Such a conversion was delayed chiefly because of the difficulty of training the officials in the requirements of the reform.

IMPORTS AND EXPORTS.

M. MERLIN said that it would appear from the table on page 33 that the trade balance of the territory under mandate showed a serious deficit. There were considerable differences between the value of exports and that of imports. In 1932, imports had amounted to the sum of 48,499,600 Lebanese pounds, whereas exports had only amounted to 17,124,600 Lebanese pounds.

He would be glad to know how the balance of accounts for the territory was made up. How was it equalised ? By expenditure by the mandatory Power ? By the entry of fresh capital ? By tourist traffic ?

M. DE CAIX said it was extremely difficult to apportion the sums going to balance the accounts. The mandatory Power spent from 280 to 300 millions in the territory. It was obvious that tourists and summer residents contributed to some extent to provide the sums required to adjust the balance of trade. There was not much foreign capital invested in the country, except in loans on land. The Syrians had established a few industries for which capital was required.

The High Commissioner's services were carrying out an investigation into the invisible exports of the territory.

M. MERLIN said that the continual deficit on the trade balance might result in the territory's becoming impoverished.

M. DE CAIX replied that, so far, the country had hardly shown signs of impoverishment, but the depression had brought difficulties which might be aggravated and lead to real impoverishment.

M. MERLIN pointed out that, as compared with 1919, exports had decreased by half and imports by two-thirds. That would perhaps be a favourable symptom for the restoration of the balance of trade.

M. DE CAIX said that it was extremely difficult to see what relation imports would bear to exports in the future. It would depend on economic conditions, which might change from year to year. Thus, in the previous year, it had been necessary to import wheat and flour to the value of 50 millions, though, when the harvest was good, the mandated territories exported agricultural produce.

M. MERLIN noted that, according to the tables on pages 33 and 34, which gave the comparative importance of the different importing and exporting countries, there was a striking decrease in the case of the United States of America, which, as an importing country, had dropped from second place in 1929 to sixth place in 1932. On the other hand, as an exporting country, the United States came first.

M. DE CAIX replied that the drop might perhaps be explained by the fall in imports into the mandated territories of motor vehicles, almost all of which came from the United States of America.

M. MERLIN said that France had dropped from second exporting country to fourth. Could the accredited representative explain that ?

M. DE CAIX thought it was due to the fall in exports of silk from Syria and the Lebanon to France. They sold almost the whole of their silk on the French market.

M. MERLIN thought that it would be desirable for explanations of that kind to appear in the report ; they would make the tables more readily understood.

M. RUPPEL noted that Japan had risen considerably in the list of importing countries — from tenth to fourth place.

COMPETITION BETWEEN THE RAILWAYS AND MOTOR TRANSPORT.

M. MERLIN drew attention to the fact that, on page 41 of the report, reference was made to competition between railways and motor traffic. He asked whether the authorities in the mandated territory were trying to co-ordinate the two forms of transport.

M. DE CAIX said that the railway had organised certain motor services with a view to co-ordinating railway and road transport. The only complete remedy would be to tax motor vehicles and petrol so that users paid for the road in the same way as the railways paid for the upkeep of their lines.

ESTABLISHMENT OF FREE PORTS : NEGOTIATIONS WITH THE PERSIAN GOVERNMENT.

M. MERLIN quoted the *Correspondance d'Orient* of January 1933, which had published a report that the Persian Government had entered into negotiations with the mandatory Power for the establishment of free ports at Beirut and Alexandretta to serve Persia and Central Asia. Could the accredited representative give the Commission any details ?

M. DE CAIX replied that he could only say that when he was last in Beirut the study of the question was far advanced.

TOBACCO : QUESTION OF RE-INTRODUCING MONOPOLY.

M. MERLIN said that those districts in the territory which had specialised in the production of tobacco (Latakia and the Lebanon) seemed to be suffering from a surplus of that product since the monopoly inherited from the Ottoman administration had been abolished. The report even mentioned, on page 131, that the producers of the Latakia district were asking for the restoration of the monopoly, which, though it had the disadvantage of establishing quotas for the crops, at least guaranteed the sale of the produce.

Were the local authorities or the mandatory Power contemplating the restoration of the monopoly or any other remedy for the over-production and depreciation of a product as widely used as Latakia tobacco ?

M. DE CAIX said that, some time ago, all producers had asked that the monopoly be done away with. The mandatory Power had accordingly abolished it. Now the producers were disillusioned by the results of that measure, and were asking to go back to the monopoly.

The abolition of the monopoly had, indeed, led to over-production of products of mediocre quality which had not found a market, whereas, under the monopoly system, a producer was sure of finding a market for his crop. It might even be that the monopoly system would be better for the export of Lebanese and Syrian tobacco than freedom of cultivation : it might facilitate the selection and cultivation of varieties for which there were purchasers on the international market.

M. de Caix would not say that the mandatory Power was restoring the monopoly, but it seemed that there was a tendency towards restoration ; for, over and above the harm it had done to the producers, the abolition of the monopoly had appreciably reduced the mandatory Government's revenue from tobacco.

AGRICULTURAL CREDIT : REPRESSION OF ABUSES.

M. MERLIN said that the Commission should be grateful to the mandatory Power for having given information with regard to the activities of the land banks in the various parts of the country.

So far as Syria was concerned, attention should be drawn to the passage on page 91 of the report, which stated that the rate of interest charged by the Land Bank was at present 7 per cent, but that, in a number of cases, the loans would appear to have been used by the borrowers in order to make advances to peasants at much higher rates. Could the accredited representative tell the Commission whether, under Syrian law, such practices could be punished.

M. DE CAIX stated that such a situation certainly existed in Syria. Attempts might be made to remedy it, but that would involve a process of evolution that could only take place gradually. For instance, in the Latakia Government, loans by the Land Bank were closely supervised. In Syria, action by the Mandatory was far less direct — that was to say, less effective. Moreover, an improvement was to be expected rather through the attitude of the interested classes than through steps taken by the authorities. The peasant borrower was gradually developing and would be less likely in future to allow himself to be exploited.

EIGHTEENTH MEETING

Held on Thursday, June 29th, 1933, at 3.30 p.m.

Syria and the Lebanon: Examination of the Annual Report for 1932 (continuation).

M. de Caix came to the table of the Commission.

CATTLE.

COUNT DE PENHA GARCIA drew attention to a passage on page 26 of the report, which stated that the live-stock was in a very bad way, and that there had been many losses owing to drought and cold ; he enquired what measures had been taken by the Government and whether the cattle were insured against disease.

M. DE CAIX replied that the Government placed at the farmers' disposal veterinary surgeons, who carried out inoculation against epizootic diseases and taught the inhabitants to treat their animals, which was, moreover, a difficult task. Insurance was an idea quite foreign to the natives, especially to the nomads, and nothing had yet been done in that direction.

COUNT DE PENHA GARCIA observed that, in the circumstances, it would no doubt be difficult to build up the stock again.

M. DE CAIX replied that it would be built up, but slowly ; he pointed out, moreover, that only the desert was affected.

FORESTRY.

COUNT DE PENHA GARCIA said that he had seen an article in *La Syrie* written by an engineer belonging to the Water and Forestry Department, drawing attention to the forestry regime in the Lebanon, where he had seen timber destroyed for making charcoal without any interference by the Administration.

He enquired whether M. de Caix was aware of those facts and whether measures were taken to prevent deforestation.

M. DE CAIX said that, in some places, foresters had been established and that laws existed governing the forestry regime, but that the personnel responsible for enforcing those laws was neither sufficiently numerous nor sufficiently energetic. The rapid arrest of deforestation which was going on everywhere where there was inadequate supervision and where the forest was sufficiently near to a market could not therefore be anticipated.

COUNT DE PENHA GARCIA added that he had raised the question because he had been struck, in particular, by the fact that the engineer in question had stated that deforestation could be carried out on applying for a permit which was readily granted. Was the explanation to be found in the effects of local politics ? Was the Administration powerless against village politicians who might be inclined to be over-indulgent ?

He had mentioned these facts because deforestation was a danger, in view of the very limited timbered regions in the mandated territory.

M. DE CAIX explained that lack of foresight and the complaisance of the local officials made forest protection difficult ; but, at any rate, something had been done and some results achieved. Thus, the opening of a road in the north of the Government of Latakia, where there were well-stocked, almost virgin forests, had not led to the results that might have been feared. Permits to cut timber had been given very sparingly and the Governor had taken steps to see that there were no depredations. It was true that the mandatory Power exercised a more direct influence in this region than elsewhere.

The same difficulties were experienced — always on account of the attitude of the people — in stopping damage by goats, which prevented spontaneous reforestation. Any steps to restrict the grazing of goats would encounter opposition even from certain important ecclesiastical authorities.

COUNT DE PENHA GARCIA said that he quite understood the resistance on the part of the public ; but he looked at the matter from the standpoint of the Administration and of the measures of supervision that it might be able to take. The engineer in question alleged, for example, that the forests were not being replanted. Count de Penha Garcia would be glad to have further details on the subject in the next report.

M. DE CAIX said that it would be a mistake to exaggerate the matter ; there were regions in which replanting was carried out, even if the devastation of others, which were more difficult to supervise, continued. He would note Count de Penha Garcia's observations and ask that the next report should contain the information requested.

IMPORTS AND EXPORTS (*continuation*).

The CHAIRMAN drew attention to a passage on page 28 of the report, which stated that a series of decrees had been passed in 1932 for the raising of Customs duties with a view to the protection of old-established local industries.

The increases in question applied to starch, jams and sugared fruit preserves, leather and textile footwear, artificial-silk hosiery, cotton fabrics, cotton hosiery, cement, natural and artificial silk fabrics, made-up fabrics of natural and artificial silk, pure-silk hosiery, grain, flour and semolina.

It was, he said, interesting to note that, according to the table at the foot of page 33, there had been a considerable change in 1932 in the order of importance of the importing countries (very little change had occurred between 1928 and 1931). The change, however, appeared to have affected only Belgium, Italy and Japan. The last-named country, which was not mentioned for 1928 and 1929 and appeared tenth in the list in 1930 and ninth in 1931, had risen to the fourth place in 1932, whereas Italy, which had hitherto been fourth (in 1930, third), was now seventh, while Belgium, which had once been seventh (in 1930, sixth), had dropped to the ninth place.

He enquired whether there was any relation between the measures of protection mentioned on page 28 and the situation to which he had just referred.

M. DE CAIX replied that he did not think that the measures taken could have had the effect of modifying the respective situations of the importing countries, since the duties which had been raised applied equally to all.

EXERCISE OF THE PROFESSION OF ADVOCATE IN SYRIA (*continuation*).

The CHAIRMAN noted that, in reply to a question asked by M. Ruppel at the last meeting, the accredited representative (if he had understood him aright) had stated that the exercise of the profession of advocate in Syria and the Lebanon was not conditional on having first obtained a degree issued on the results of a Government examination. He had added that there was no discrimination as regards nationality and that the profession of advocate was perfectly free. Did that imply that the profession of advocate might be exercised by persons who had carried out the necessary legal studies, no matter where they had obtained their university degree?

M. DE CAIX said that he could only say that there was no discrimination on account of nationality. As to qualifications, he must obtain further information and answer the question later.

FRONTIER BETWEEN SYRIA AND PALESTINE.

M. ORTS called attention to the passage (page 10) stating that the demarcation of the boundaries on the Syrian - Jebel Druze - Trans-Jordan frontier had been carried out from June 5th to July 6th, 1932. That was the sector of frontier fixed by the Franco-British Protocol of October 31st, 1931, and sanctioned by the Council of the League on January 30th, 1932.

On that occasion, the Council had decided not to consult the Permanent Mandates Commission, in consideration of the information received by its Rapporteur from the representatives of the two mandatory Powers concerned. The report of the Rapporteur ended with the following statement :

“ According to the information which I thus obtained, an experience of eleven years, during which mutual goodwill prevented any serious incident, has proved that it would be very difficult, if not impossible, to keep strictly in this sector to the stipulations of the Agreement of December 23rd, 1920. The modifications which the two Governments have made in these provisions have been inspired by the desire not to disturb the populations in the exercise of their rights and customs, to increase security by facilitating administration, and to ensure, in the present and in the future, the security of the vital communications between Iraq and Trans-Jordan towards the Mediterranean. The arrangement which is submitted to us to-day appears to us to strike an equitable balance between these different factors, particularly as, after defining the frontier, it lays down the main lines of an agreement of *bon voisinage* which will give the populations of the boundaries every facility for carrying on their daily life on either side of the frontier.

“ The new frontier will be delimited on the ground and a detailed map thereof will be deposited in due course in the archives of the Secretariat ; five summary maps annexed to the Agreement of October 31st, 1931, and attached to the joint request are kept at the disposal of the members of the Council by the Secretariat.”

It might be of interest to compare that statement with the passage on page 7 of the annual report, from which it appeared that the Jebel Druze population had exhibited some feeling with regard to the frontier line. Could the accredited representative give further information on that point?

Could he tell the Commission whether the Convention of *bon voisinage* provided for in the Agreement of October 31st, 1931, had been concluded?

Lastly, it would be remembered that, at the meeting of the Council on January 30th, 1932, the representatives of France and the United Kingdom had announced their intention of applying immediately for the official approval of the Council in the matter of the western part of the frontier separating Syria and Palestine, which had been delimited in 1923. Had that intention been carried out?

M. DE CAIX explained that the feeling of the Druzes seemed to have been unjustified and to be the outcome of excitability and the readiness of Orientals to be carried away by false news. The Druzes had suffered no injury either in fact or in law. M. de Caix reminded the Commission of the frontier that had been retained in virtue of the Convention of 1920, and pointed out that the new frontier line passed very much to the south of that line, which had originally been fixed primarily on geographical data and which was lacking in flexibility and had no relation to local requirements. The southern limit of the Jebel Druze then went through Imtam. Under the recent arrangements, it passed considerably further south, leaving all the villages in the Jebel Druze, together with the land cultivated by their inhabitants.

As regards the pastureland of the Druze, which, at any rate in the winter, extended further south, it would have been necessary, in order to incorporate them in French mandated territory, to extend the territory beyond the limits provided for in the agreements. But provision was made for an agreement of *bon voisinage*, so that the shepherds who looked after the herds of the Druze could continue to cross the frontier as usual.

This *bon voisinage* agreement was under examination, and in the meantime the customs of the people had not been changed in any way. When they had realised exactly what was happening, the unrest had died down and their anxiety had been dispelled.

M. de Caix added that it would be quite easy to show on a map that south of the frontier there were no Druze villages, but only old ruins. They were no doubt the ruins of military posts or monasteries rather than the ruins of villages, the inhabitants of which would have found existence difficult in a country where a definitely desert region was to be found only a few kilometres away from the limits of the cultivated area.

M. de Caix had no information about the communication to the Council of the agreement concerning the western part of the frontier between Syria and Palestine.

LABOUR.

Mr. WEAVER observed that the previous year¹ the Commission had asked for particulars concerning the measures taken by the Mandatory to deal with the problem of the decline of handicrafts; he regretted that there was no information on the subject in the present report. He understood, however, that enquiries were being carried out. He wished to repeat his request for information, as the problem was still an acute one.

Further, he had noted an increase in unemployment, and would be grateful also for information whether any measures had been taken to relieve unemployment.

He had noticed that the report showed an accentuation of the double current which had been apparent for the last few years in the sphere of industrial activity — namely, the falling off of the old local industries and the creation of modern industries to meet the various new requirements of the population. He felt that, in the circumstances, the need for inspection and labour legislation was becoming more and more urgent. There was still practically no labour legislation in the mandated territory. He had, he said, noticed with satisfaction (page 156) that the new code of obligations and contracts which was to come into force in the Lebanon in 1934 provided for special regulations relating to the health and safety of workers. But he wondered why that legislation was contemplated for the Lebanon only and not for Syria, and he desired to repeat in general terms the question which he had asked the previous year. What was the position as regards labour legislation?

M. DE CAIX replied that there was, in point of fact, a slight increase in unemployment. No special measures had been taken to remedy the situation, as that would require an administrative organisation and budgetary resources which did not exist in the country.

Industry was certainly developing, but still on a very limited scale. The big factories were in the Lebanon, although at Aleppo there were now weaving mills of some importance. The cotton-spinning industry in particular had grown. This industry was being developed by a certain Lebanese manufacturer, who, on his return from a long stay abroad, had shown initiative in introducing into the country methods which were still employed. He purchased cotton in the Latakia district and made it into yarn. He was now setting up a weaving mill.

M. de Caix agreed that the labour legislation was not very developed. As was stated in the report, child labour in industry was restricted, but it was difficult to enforce respect to the law in the small family mills, which were practically the only mills in which children were employed.

The reason that legislation was more advanced in the Lebanon was because there were more people there who had lived abroad; having acquired new ideas, they were readier to accept the introduction of regulations in the economic sphere.

The mandatory Power, in any case, was considering the labour problem, which was new to the local authorities.

Mr. WEAVER hoped that those investigations might lead to satisfactory practical results. He enquired, in connection with the works for the laying of the Syrian section of the Iraq Petroleum Company's pipe-line (page 28), what were the conditions of labour.

¹ See Minutes of the Twenty-second Session of the Commission, page 287.

M. DE CAIX replied that he had not seen the labour yards, but he thought that the number of workers employed was about 3,000. They were, for the most part, people belonging to the country. The work was done, as the line advanced, by gangs who moved east with the laying of the pipe. From what he had been told in Syria, the wages would be about fifteen francs a day.

He did not think that the Iraq Petroleum Company would employ much labour in Syria once the laying of the pipe was completed.

Mr. WEAVER asked that information should be given in the next report. He further enquired whether the accredited representative could give any information concerning the strikes and incidents at Aleppo.

M. PALACIOS supported Mr. Weaver's observations, and would be glad to find in the next report further details, and, above all, an indication that progress had been made in the regulation of labour in Syria and the Lebanon.

M. DE CAIX replied that what was for the time being called a "strike" in Syria was usually the closing of the bazaar — in reality merely a political demonstration. Such a demonstration, moreover, was not always to the interest of those who indulged in it, nor was it welcomed by the majority, who were frequently induced by example or even intimidation to take steps which involved them in material losses.

DRUGS.

COUNT DE PENHA GARCIA observed that the situation remained unchanged as regards the question of hashish (page 49). The mandatory Power said that it was doing its utmost to prevent the growing of Indian hemp, but every year Palestine and Egypt complained of the effects of drugs smuggled in from Syria.

Count de Penha Garcia knew that crops had been destroyed in 1929, but, seeing that the neighbouring countries said they were still receiving hashish from Syria, he wondered whether the mandatory Power was experiencing difficulty in enforcing the prohibition.

M. DE CAIX replied that countries were everywhere accusing their neighbours, but, in fact, the cultivation of hashish had been suppressed in Syria and the Lebanon. The accredited representative had obtained information through an official responsible for its suppression, who had explained to him how it had been carried out. While it was difficult to prevent traffic in hashish, the cultivation of this Indian hemp could very readily be detected and it was easy to destroy the crops. The official in question was of opinion that the hashish of which Palestine was still complaining came from countries other than Syria and the Lebanon.

M. de Caix pointed out that whenever a hashish field was discovered it was completely ploughed up, under the instructions of the Administration.

He added that he could show the Commission strict regulations, not only applying to the destruction of the crops, but also enacting heavy penalties against those responsible and against anyone carrying on the cultivation of or traffic in hashish.

COUNT DE PENHA GARCIA thought that it was important to obtain information as to the actual origin of the hashish which was alleged to be of Syrian origin, and requested M. de Caix to be good enough to give him that information, if possible, later.

EDUCATION.

Mlle. DANNEVIG said that the great difficulty in the mandated territory as regards elementary education appeared to be to train enough teachers to supply the heavy demand; she enquired whether there were sufficient candidates. She had understood that there was an increasing demand for education, even of girls, particularly in the towns.

M. DE CAIX replied in the affirmative, but said that those candidates were often insufficiently equipped, and that many were rejected; now that the training was better, a higher standard was required.

Mlle. DANNEVIG pointed out that the school attendance was now very high, and suggested that the classes must be very large. On page 102 was given the number of teachers and pupils for the Sandjak of Alexandretta (primary schools), from which it appeared that there were about forty pupils per teacher. It would be interesting to know the number of teachers for the other parts of the territory also. On pages 81 and 82, it was said that there were 3,765 new pupils in Syria and twenty-one new teachers, an average of 155 pupils per teacher.

M. DE CAIX replied that he would obtain information on the subject; he had not had that same impression.

Mlle. DANNEVIG asked for information concerning the development of technical education. She had noticed that the number of law students was decreasing.

M. DE CAIX replied that it was difficult to extend that particular form of education, owing to the feeling — very widespread among the population — that the liberal professions and commerce were well above the level of the trades. Such a state of mind was very regrettable, especially as the few technical schools had never had any difficulty in finding posts for the pupils they had trained.

The High Commissioner's adviser on public education was endeavouring to divert a certain number of secondary-school pupils in the direction of technical education by enabling them to obtain a diploma before their studies were completed and by directing them towards a technical education. However, as experience at the agricultural centre at Buka, where excellent technical training was given, had shown, it was difficult to overcome the dislike of families and young people for technical training, however good, which involved a certain amount of manual labour.

Mlle. DANNEVIG said that she had noticed that there were very few agricultural schools in the country, which was essentially agricultural in character; that served to corroborate M. de Caix's explanation. She hoped it would be possible to create among the population a better understanding of the importance of agricultural education as a means of improving the economic conditions of the country.

M. DE CAIX agreed.

Mlle. DANNEVIG, referring to the paragraph concerning elementary education in the Lebanon, on page 143 of the report, noted that, owing to budgetary difficulties, it had been necessary to make a very considerable cut in the expenditure on elementary education, and that that had prevented the opening of new schools, despite the very urgent applications received from a number of places, particularly in South Lebanon, and despite the need for new posts in the existing schools resulting from the increase in attendance to which she had referred.

M. DE CAIX said that it must not be forgotten that official public education in the Lebanon only supplemented the private education given in numbers of small private schools, either foreign or established by the religious communities in the country, and in which the teaching was satisfactory.

Mlle. DANNEVIG pointed out that Jews, who were well informed on educational matters, mostly sent their children to the private schools; which seemed to show that they were well satisfied with the education given there. But the private schools perhaps were not gratuitous and mostly schools for religious or national minorities and therefore not available for everybody.

M. DE CAIX added that the Universal Israelite Alliance School at Beirut was an excellent establishment.

PUBLIC HEALTH.

M. RUPPEL said that, in the previous year,¹ he had pointed out that only 2 per cent of the total expenditure under the budget of the mandated territory was devoted to public health. The present report gave the following percentage figures for the different States and Governments: Syria, 4.25; Jebel Druze, 4.96; Latakia, 4.4; Lebanon, 3.46.

In calculating those percentages, no account had been taken of the expenditure under the management account of the joint services. A comparison of the total for all kinds of expenditure in 1932 (estimates, page 165) — namely, 508 millions of francs — with the total expended on public health, hygiene and relief — 12 millions (page 170) — gave a percentage of 2.3. Even taking into account the private voluntary organisations which existed practically everywhere, greater efforts should, he thought, be made by the different Administrations in a sphere of such essential importance to the country.

M. DE CAIX replied that he had consulted the Director of Public Health, who was very anxious to improve the health and public assistance services, and who had pointed out that everything depended on how the figures were interpreted. The actual cost of a doctor in the mandated territories might be lower than in one of the neighbouring countries. Indeed, very often army doctors held a civil post, for which they merely received an additional allowance. Above all, however, there were in Syria and the Lebanon a good many native doctors who had received an excellent training and cost less than foreign doctors. Even at Beirut, where there were European doctors, the native doctors were coming more and more to the fore. At the same time, it should be noted that it was still difficult to find doctors who were prepared to practise in the country districts inland, especially in the desert. For that reason, the medical treatment of the Bedouins — which involved a fairly rough life and a good deal of moving about the desert — was in the hands of French army doctors.

Briefly, M. de Caix had never heard it said that Syria and the Lebanon were worse off, as regards the development of public assistance, than the neighbouring countries.

M. RUPPEL enquired what measures had been taken to cope with the small epidemic of plague reported at Beirut (page 153).

M. DE CAIX replied that plague was endemic at Beirut, but that there were only a few cases every year. As regards the event in question, it was hardly correct to talk of an epidemic, as there had only been forty-three cases.

M. RAPPARD asked what degrees were required for the practice of medicine in Syria.

¹ See Minutes of the Twenty-second Session of the Commission, page 290.

M. DE CAIX replied that doctors holding the degrees of the French universities could practise without restriction, as could doctors holding the degrees of the American and French universities at Beirut and the Syrian university at Damascus. Doctors from elsewhere were required to undergo probation, but, in point of fact, the question only arose in theory, as, with very few exceptions, no foreigners came to practise in the country, which already produced more doctors than were needed.

M. RAPPARD enquired whether it was the policy of the country to discourage foreign doctors.

M. DE CAIX replied that there might perhaps be such a tendency on the part of the native authorities, but that it would apply to Frenchmen as well as to other foreigners ; the mandatory Power, on the other hand, was inclined to oppose that tendency.

Mlle. DANNEVIG referred to a passage on page 148 to the effect that the pupils in an anti-tuberculosis social hygiene dispensary were recruited from among midwives. She wondered whether the term " nurses " was not meant.

M. DE CAIX replied that Mlle. Dannevig must be right ; there was no connection between the two professions. It might, however, be advisable to train midwives to take part in the anti-tuberculosis campaign. They were able to enter the homes of the people and could give them useful hints about health.

Mlle. DANNEVIG said that she had noticed, however, that there had been a considerable increase in the number of midwives. Was that right ?

The CHAIRMAN pointed out that that was explained by the fact that midwives were able to enter Moslem homes.

PUBLIC FINANCE.

M. RAPPARD thanked the mandatory Power for arranging its comments on public finance in a more convenient form. He thought, however, that they might be made still clearer. He would be glad if this chapter could be prepared on the same lines as the British reports, the totals and other figures being arranged together without too much detail, so that the Commission could more easily grasp and follow the movement of receipts and expenditure.

M. DE CAIX noted this observation and took the opportunity to congratulate the financial services of the High Commissioner on the readiness with which they had supplied the information for which the Commission asked.

M. RAPPARD, referring to the general situation, said that it seemed to him that the economic depression was making itself felt in the mandated territory, as elsewhere, though not very acutely.

He asked for an explanation of the following passage from page 163 of the report :

" The increase in Customs revenue at the end of the year was regarded as a consequence of the new duties levied on imports, which increased temporarily in view of the need for building up stocks that were almost exhausted, rather than as a sign of a permanent improvement in the situation."

M. DE CAIX explained that, as stocks had fallen, it had been necessary to import further supplies.

M. RAPPARD, referring to page 164, noted that the French franc had been adopted as the unit for accounting purposes throughout the report. He believed the sole reason for this step was to make it easier for the Commission to appreciate the figures.

M. DE CAIX replied that that was so. The currency unit of the mandated territories was the Lebanese-Syrian pound, which was worth twenty French francs, but it had been thought that the Commission would find it more convenient if the figures were given in a currency with which it was more familiar. The change would be made in all the chapters of the report.

M. RAPPARD, referring to page 168, desired additional explanations on the following sentence :

" The decline has been greatest in the revenue from Customs duties and the various direct taxes, particularly agricultural taxes."

M. DE CAIX replied that the situation with regard to Customs duties was clear. The revenue had fallen as economic activities diminished. If agricultural taxes had produced less, that was because farmers had not been able to pay owing to the depression and because they had had difficulty in disposing of their products.

M. RAPPARD would be glad if, in such cases, explanations of that kind, to which the Commission attached great importance, could be given in the report.

M. DE CAIX, referring to M. Rappard's optimistic view of the financial situation, said that, at the same time, it should be noted that reserves derived from the surpluses of the preceding financial periods, and particularly from the liberated funds of the Ottoman debt, had decreased

and that the local budgets would have increasingly to depend on annual revenue, which the economic depression had reduced appreciably.

M. RAPPARD referred to the following passage on page 174 :

“ With regard to the reserve-fund budgets, Syria has included receipts amounting to twelve million francs from the High Commissioner's reserve fund without previously obtaining his approval. Doubtless nothing would be done in the matter.”

He asked whether the Syrian Parliament could dispose of these funds without informing the High Commissioner.

M. DE CAIX replied in the negative. In point of fact, the Syrian Parliament could not dispose of them because they were not in the Syrian Government's possession. These funds were kept by the High Commissioner to be allocated between the local governments in a certain proportion according to their requirements. The Parliaments of the States could consider themselves entitled to a particular sum, even beyond that set aside for the State they represented, but such decisions were merely formal in character.

M. RAPPARD asked for an explanation of the following passage on page 179 of the report :

“ As, for the most part, foreigners established in the territories of the States and Governments under mandate had, during 1932, settled finally their position *vis-à-vis* the *Sûreté générale* in respect of identity cards, which represent their residence permits, the previous estimates for this item had had to be reduced by 490,000 francs.”

M. DE CAIX explained that foreigners paid a tax in return for an identity card, but, as most of them had now obtained cards, the estimated receipts must be reduced.

M. RAPPARD desired, in conclusion, to ask one general question : What observations had the mandatory Power to make with regard to the ability of the Syrian Government and Parliament to administer the finances of their territory ? Would it be possible to rely on their being able to collect the taxes satisfactorily ?

M. DE CAIX said that it was very difficult to reply to this question. He could only give his personal opinion. However, he thought he might say that these States had been created recently and, moreover, had been placed under guardianship so that they were unable to embark on excessive expenditure. It was to be feared that they might meet with some surprises when they were left to themselves. The resistance of certain circles might, for instance, reduce the yield from direct taxation.

M. de Caix did not desire in any way to criticise the intelligence of the Syrians and Lebanese, and did not doubt that they were capable of acquiring technical knowledge ; but when one saw what great difficulties the European nations encountered in handling their own finances, when faced with claims which the Governments found it so difficult to withstand, it might be feared that countries still without experience or the necessary staffs would be in an even more difficult situation.

M. RAPPARD was of the same opinion, but would be glad to know whether the Financial Adviser raised objections to excessive expenditure and collected the taxes, and whether or not he acted with the local authorities.

M. DE CAIX replied that the Financial Adviser intervened and the High Commissioner supported him. His intervention sometimes led, of course, to friction between the mandatory Power and the local governments, who had behind them the elected assemblies. That was one of the difficulties with a mandate of the type exercised in Syria and the Lebanon. It was to a great extent in order to safeguard public finance by introducing economies that the High Commissioner had suspended the Lebanese Constitution.

M. RUPPEL, referring to page 176 of the report, pointed out that 5,850,000 francs was shown in Chapter VI (“ Railways ”) as expenditure to make good the deficit of the D.H.P. Railway. He believed that, before the war, that company had had no guarantee.

M. DE CAIX replied that, under the Turkish regime, this company had had a kilometric guarantee, and, under the Treaty of Lausanne, concessionary contracts had been revised. The kilometric guarantee had been replaced by an obligation to make good the deficit on the operation of the railway. Surpluses had to be, and were, paid, when they existed, to the common account. The present time, as the report explained, was a period of deficit for the reasons given.

M. RUPPEL, referring to a passage on page 181 concerning the service of the Ottoman Public Debt, asked how it was that the mandated territories had apparently been able in five years to discharge a debt the payment of which had originally been spread over eighty-six years as from 1929.

M. DE CAIX explained that the debt could be redeemed by buying back shares, which had been done on very favourable terms, owing to the fall in the rate of exchange.

FREEDOM OF CONSCIENCE. RELIGIOUS CONVERSIONS IN THE GOVERNMENT OF
LATAKIA¹.

M. ORTS asked, in connection with certain petitions from the Alaouites with regard to Jesuit propaganda,¹ whether the accredited representative was familiar with a statement of the Mandates Commission's views on this matter which would be found in its report to the Council on the work of its third session (1923), the conclusions of which the Council had approved.² M. Orts read the following paragraphs from that document :

“ It [the Permanent Mandates Commission] did not consider, however, that it should abstain from announcing the criterion which it would adopt, should necessity arise, in judging the legitimate character of any regulations which might, even indirectly, affect freedom of conscience. The Commission therefore drew attention to the fact that the mandate makes the free exercise of religion subject to the condition that it should not be prejudicial to public order, and that, in this connection, the mandate gives to the Mandatory the right to exercise such control as may be necessary for the maintenance of public order. The maintenance of order is the first duty of the Governor, and order is a necessary condition for the full development of all freedom, not excepting freedom of religion.

“ Any regulations, therefore, arising out of the necessity for the maintenance of order will, if such order be genuinely endangered, be free from criticism, even should such regulations have the effect of restricting, in some measure, the free exercise of religion. On the other hand, any regulations on this subject which were to go beyond what is required for the maintenance of order, any measure of a vexatious nature or such as might have the effect of restricting the activities of the missions of any particular religious denomination, would be contrary to the terms of the mandate.”

M. Orts thought that the mandatory Power might possibly not have brought this statement to the notice of its representative in Syria, as it related to B mandates, but the rules outlined were equally applicable to the other mandates.

M. DE CAIX replied that he was not familiar with the statement, but that the policy therein described was that followed by the mandatory Power.

ANTIQUITIES.

COUNT DE PENHA GARCIA noted that the sums allocated for the work of the antiquities department in 1932 had been much smaller than usual. Could not the mandatory Power make grants to this department? It even seemed to him that it was required by the mandate to do so.

M. DE CAIX replied that the mandatory Power contributed towards the expenditure on archæology in Syria and the Lebanon. Part of the sums expended on excavations came from France; for instance, the Louvre Museum and the Institute contributed towards some of them.

COUNT DE PENHA GARCIA observed that the Louvre Museum was interested in the work because it retained some of the antiquities discovered.

M. DE CAIX pointed out that the local museums also benefited from discoveries, as they shared the objects discovered with the institution that had carried out the excavation work. Many of these institutions were not French. The mandatory Government encouraged missions from all countries to visit Syria and the Lebanon to make archæological researches. In the past few years, some of them had achieved results which were very important to ancient history.

COUNT DE PENHA GARCIA thought, nevertheless, that the mandatory Power itself might intervene somewhat more effectively, seeing that the excavations and creation of museums were matters of public interest.

M. DE CAIX said he would communicate Count de Penha Garcia's observation to his Government.

CLOSE OF THE HEARING.

The CHAIRMAN thanked M. de Caix for his friendly co-operation.

M. DE CAIX thanked the Chairman and the members of the Commission for their friendly welcome. He had done his best to reply to their questions, and hoped that the next report would contain the information which they had expressed the desire, during the session, to find in it.

The CHAIRMAN asked M. de Caix to transmit the Commission's good wishes to M. Ponsot, whom it hoped to have the pleasure of seeing at the November session.

M. DE CAIX replied that he would do so. He was aware that M. Ponsot greatly regretted his inability to appear before the Commission. He had asked M. de Caix to inform the Commission of this and to say that he hoped to attend the autumn session.

M. de Caix withdrew.

¹ See page 131.

² See *Official Journal*, November 1923, page 1380.

Syria and the Lebanon : Procedure to be adopted for submitting the Commission's Observations to the Council.

The CHAIRMAN asked the members of the Commission whether they wished to submit forthwith their observations to the Council on the report on Syria and the Lebanon, or whether they preferred to wait until they had heard the High Commissioner in November.

After an exchange of views, from which it appeared that the Commission had no special or urgent observations to submit for the moment, *the Commission decided not to transmit its observations on the report until the autumn session, but that a sentence should be inserted in its report on the present session, stating the reasons for that special procedure.*

Syria and the Lebanon : Petition dated May 1st, 1933, from M. Ibrahim Hanano.

The Commission adopted the conclusions of M. Orts's report (Annex 14).

South West Africa : Observations of the Commission.

After an exchange of views, and certain formal amendments, *the Commission adopted its observations on South West Africa (Annex 23).*

Syria and the Lebanon : Petitions : (1) dated November 24th, 1932, from Mme. Sagiati ; (2) dated January 26th, 1933, from M. Nasri A. Dallal (continuation).

M. RAPPARD said that, after the discussion which had taken place on that matter, he did not see any reason to amend his first conclusion. As regards the second conclusion, which dealt with the question whether the mandatory Power was open to criticism, he was greatly embarrassed because, if the Koranic law had been amended earlier, Mme. Sagiati would in all probability still have been unable to share in the inheritance, so far as he could make out. He admitted, however, that it was difficult for him to be quite sure about that second point. In any case, the considerations, as amended, no longer referred to the principles of the mandate.

The CHAIRMAN thought that, apart from the decision on the petition proper, the Commission should express the desire that means might one day be found of enabling all women, not only foreigners but also Syrian women, to enjoy rights which were normal rights. In support of that opinion, the Commission might adduce the fact that eminent judges had taken the same view.

M. RAPPARD pointed out that, though judges might have asserted that the judgment given was not in accordance with the modern idea of justice, the Mandates Commission had to deal with the matter in accordance with the mandate, and unfortunately he could not find anything in the mandate which specifically required the mandatory Power to treat both sexes on an equal footing.

COUNT DE PENHA GARCIA did not see what would be the advantage to the petitioner of a decision by the Mandates Commission to the effect that the mandatory Power ought to have amended the Koranic law sooner, since the Commission was obliged to reject the petition as inadmissible in view of the fact that a final judgment had been given.

The CHAIRMAN agreed that, *jure condito*, the petition was not receivable, but thought that the Commission had nevertheless a legitimate point to bring out.

M. RAPPARD wished to explain his attitude. When he had drawn up his report, he had believed that the case had been tried under a law which was inconsistent with the mandate. He had subsequently realised that on one point — namely, the inequality between foreigners and nationals — the judgment was not in accordance with the principles of the mandate, but the law had been amended on that point. He had also found that, as the petitioner was a woman, it would have made no difference if the law had been amended sooner. He repeated that there was nothing in the mandate which specifically required the mandatory Power to place the two sexes on an equal footing.

M. VAN REES observed that the accredited representative had referred to an institution which would enable the parties, by means of an agreement concluded at the time of marriage, to declare themselves bound by a new optional law applicable in the event of death. He thought that the mandatory Power might be urged to establish such an institution. In his view, that was the only observation the Commission should make.

M. RUPPEL asked whether there was any provision in the mandate justifying such action.

M. VAN REES explained that the mandate did not contain anything positive on the matter, but he suggested that the Commission should recommend the mandatory Power to establish an optional institution with a view to improving the law.

The CHAIRMAN explained that the position was not quite what M. Van Rees supposed, as the persons concerned were Christians and not Moslems. If Christian heirs agreed to do so, they could go before the Patriarch ; otherwise the Koranic law was applied to them. He did not wish to blame the mandatory Power, but, in his opinion, the Commission should state that it was desirable that, in the twentieth century, women should be treated on a footing of equality with men in regard to the right of inheritance.

M. RAPPARD, in reply to M. Van Rees, said that it would be hard to apply his proposal in practice ; the heirs would always find it difficult to agree upon the choice of legislation, since what was to one person's advantage would be prejudicial to another.

Mlle. DANNEVIG said that the rule excluding women from inheritance could be explained by the fact that formerly women were unable to earn anything themselves. But that had been changed by modern civilisation, and she supposed also among Christians in Syria. With reference to her own country, she said that, in Norway, until 1852 a brother had inherited twice as much as a sister ; they now had the same rights. Consequently, if under the Koranic law a woman had not the right to inherit in the same way as a man, the Commission might consider whether, under the mandate, it was possible for them both to enjoy the same rights.

M. ORTS thought that the difficulty experienced by the Commission was due to a confusion of two different questions.

The Commission had to pronounce upon two separate points : the actual petition, and the possible advisability of requesting the mandatory Power to give effect to Article 6 of the mandate.

As regards the actual petition, it appeared that the petitioner objected to the final judgment of the Aleppo Court, dated May 4th, 1931, that she requested the cancellation of the second award of the Court of Cassation and the restoration of the parties to the situation prior thereto ; lastly, she objected to the intervention of the High Commissioner. The Commission could not support the first two requests, since those judgments had been rendered in accordance with a normal judicial procedure, which was unimpeachable. To hold that, as soon as social progress and intellectual development necessitated the revision of a law, the new law should have retroactive effect would be to create hopeless confusion. Neither could the Commission consider that the High Commissioner had abused his powers, as the Public Prosecutor was normally bound to conform to the instructions of the High Commissioner.

There was therefore no doubt that the Mandates Commission should reject the petition.

There remained the second question. During the discussion, some very sound opinions had been expressed as to the consequences of the application of the Koranic law. Without connecting the two questions, the Commission might — not in regard to the petition, but in its observations to the Council on Syria — express the hope that, whenever the mandatory Power considered it expedient, it would carry out the provisions of Article 6. That was an important question, which should not be raised in connection with a simple petition, of which it exceeded the scope.

M. Orts did not intend in any way to criticise the mandatory Power for having delayed the institution of this reform, which might, in the present state of opinion, have met with strong opposition and thus have aggravated the already troubled situation of the country. Moreover, if the Commission were to blame the mandatory Power on this point, it might be told that it had itself never raised the question.

M. MERLIN was also of opinion that the question far exceeded the scope of the petition. It should form the subject of a general observation.

COUNT DE PENHA GARCIA commended M. Orts's statement. He wished, however, to draw attention to the fact that the Commission was not very familiar with the Koranic law. It might perhaps be unwise to express any opinion without a sufficient knowledge of the facts. The Commission should carefully refrain from interfering with Koranic law in a Moslem country, until the whole matter had been gone into very thoroughly.

M. RAPPARD then proposed, in order to express the views of the Commission, to amend the second paragraph of the preamble to the resolution as follows, the first paragraph being left as it stood :

“ Considering that the law enforced and admitted by the highest judicial authorities in the mandated territory as enforceable has been denounced by judges as contrary to the modern idea of justice.”

The CHAIRMAN wished to sum up briefly his opinion as to the subject of the petition. In accordance with Article 6 of the mandate, the mandatory Power had undertaken to guarantee respect for the personal status of the various peoples living in Syria, and, in accordance with Article 8, to ensure equality of treatment as between those peoples. He therefore wondered whether the mandatory Power, in the case in question, had done all that the mandate implied.

In Turkey, the Koranic law used to constitute a civil, religious and political code. It represented the ordinary law, and consequently its civil provisions were applicable not only to Moslems but also to all subjects of the Ottoman Empire. As a result of the separation of Syria from Turkey, the Koranic law had lost its universal character in Syria and had once again become a special religious law, applicable solely to Syrian Moslem subjects and not to Syrian subjects of other creeds. The Koranic law was an archaic law, and even Turkey had abrogated it in order to replace it by the Swiss Civil Code. The mandatory Power in Syria, on the contrary, had retained it for ten years after the commencement of the mandate, not

only as regards Moslems, but also in the case of Christians, whereas one of its first duties should, he thought, have been to put an end to that state of affairs as the United Kingdom had done in Palestine and as had also been done by contemporary Turkey, which was essentially a Moslem country.

Since the end of Turkish domination over Syria, the Koranic law had ceased to constitute the ordinary law, and consequently the mandatory Power should, in accordance with the mandate, recognise the legal impossibility of applying the Koranic law to Syrian Christians and should choose between the two following solutions : either to apply to Greek Catholics the Byzantine canonic law or to promulgate on their behalf special provisions in regard to inheritance based on the civil law.

He could therefore accept M. Rappard's conclusions in principle.

M. VAN REES observed that M. Orts had proposed to deal with that question in the observations submitted on the annual report. However, as the Commission had decided not to draw up observations on the report during the present session, its observations on this matter also would therefore have to be postponed.

He added that he did not agree with M. Orts that the Commission should express its opinion on the basis of Article 6 of the mandate. He thought that this article referred to procedure rather than to substantive law. No one — neither the members of the Commission nor M. de Caix himself — was able to give a precise enough interpretation of that article. M. Van Rees, therefore, preferred M. Rappard's formula, because it did not refer to the articles of the mandate and did not lay the Commission open to the reproach that its criticism was based on insufficient grounds.

M. RAPPARD proposed to draw up and submit at a later meeting a new text which would meet the wishes of the Commission.

NINETEENTH MEETING

Held on Friday, June 30th, 1933, at 5 p.m.

Palestine: Observations of the Commission.

After an exchange of views, the Commission adopted its observations on Palestine (Annex 23).

Tables of Bilateral Conventions applicable to Territories under Mandate.

The Commission adopted the text proposed by M. Orts (Annex 23).

South West Africa: Petition, dated July 3rd, 1932, from M. Jacobus Beukes, Rehoboth.

The Commission adopted the conclusions of Mlle. Dannevig's report, subject to a few drafting changes (Annex 21).

Syria and the Lebanon: Petition, undated (received on September 14th, 1932), from the "Association des Etudiants arabes de Toulouse".

The Commission adopted the conclusions of M. Orts's report (Annex 9).

Syria and the Lebanon: Petitions: (1) (undated) from Law and Medical Students at Damascus; (2) (undated) from Alaouites of Tripoli; (3) (undated) from Alaouites of Homs.

The Commission adopted the conclusions of M. Orts's report (Annex 16).

Syria and the Lebanon: Petition, dated March 20th, 1932, from M. Ibrahim Hanano and his Fellow-Candidates of Aleppo.

The Commission adopted the conclusions of M. Orts's report (Annex 11).

Syria and the Lebanon: Observations of the Commission.

The Commission agreed upon the text intended to explain the reasons for adjourning until the autumn session the preparation of its observations (Annex 23).

Syria and the Lebanon: Petitions: (1) dated November 24th, 1932, from Mme. Sagiati; (2) dated January 26th, 1933, from M. Nasri A. Dallal (continuation).

After an exchange of views, the Commission adopted the conclusions of M. Rappard's report, subject to certain amendments (Annex 15).

TWENTIETH MEETING

Held on Saturday, July 1st, 1933, at 10.30 a.m.

Adoption of the List of Annexes to the Minutes of the Session.

The list of annexes was adopted.

Representation of the Mandates Commission at the Council.

The CHAIRMAN said that he would not be able to attend the September session of the Council, at which the Commission's report would be examined, and that the Vice-Chairman, M. Van Rees, would also not be able to come to Geneva at that time. He would therefore request M. Rappard to represent the Commission at that session of the Council.

The Chairman's proposal was adopted.

Examination of the Draft Report to the Council.

The Commission adopted its draft report to the Council on the work of the twenty-third session, subject to a few drafting amendments (Annex 23).

Close of the Session.

After the usual thanks, the CHAIRMAN declared the session closed.

ANNEX 1.

C.P.M.1395(1).

LIST OF DOCUMENTS ^{1 2} FORWARDED TO THE SECRETARIAT
BY THE MANDATORY POWERS SINCE THE LAST EXAMINATION OF
THE REPORTS RELATING TO THE FOLLOWING TERRITORIES :

- | | |
|----------------------------------|------------------------------|
| A. <i>Palestine.</i> | D. <i>Nauru.</i> |
| B. <i>Syria and the Lebanon.</i> | E. <i>New Guinea.</i> |
| C. <i>Tanganyika.</i> | F. <i>South West Africa.</i> |

A. PALESTINE AND TRANSJORDAN.

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 Transjordan for the Year 1932.
2. Ordinances, Annual Volume for 1932.
Proclamations, Rules, etc., Annual Volume for 1932.
3. Legislation enacted in Transjordan during 1932 (English translation).

Various Official Publications.

1. Staff List of the Government of Palestine showing Appointments and Stations on September 30th, 1932, with an Appendix containing the Names of Officers in the Royal Air Force and Military Officers serving in Palestine and Transjordan. ³
2. Staff List of the Government of Palestine showing Appointments and Stations on March 31st, 1933, with an Appendix containing the Names of Officers of the Royal Air Force and Military Officers serving in Palestine and Transjordan.
3. Palestine Police and Prisons, Annual Report for 1931. ³
4. Census of Palestine, 1931. Volume I, Part I : Report. Volume II, Part II : Tables.
5. Parcel Post revised Agreement between Egypt and Palestine, September to October 1932. ³
6. Parcel Post Agreement between Germany and Palestine, January 10th /23rd, 1933, and Regulations made thereunder.
7. Parcel Post Agreement for Exchange of Parcels between Palestine and Cyprus, December 13th /22nd, 1932.
8. *Official Gazette* of the Government of Palestine. ³

B. SYRIA AND THE LEBANON.

Annual Report and Legislation.

Report to the League of Nations on the Situation in Syria and the Lebanon (1932).

Various Official Publications.

1. *Bulletin* of the Administrative Acts of the High Commission of the French Republic. ³
2. *Official Journal* of the Syrian Republic. ³
3. *Official Journal* of the Lebanese Republic. ³
4. *Official Journal* of the Government of Latakia. ³

¹ Documents received by the Secretariat primarily for any of the technical organisations (*e.g.*, Advisory Committee on Traffic in Opium and Other Dangerous Drugs) or other sections of the Secretariat (*e.g.*, Treaty Registration) are not included in this list. Unless otherwise indicated, the members of the Permanent Mandates Commission should have received copies of all the documents mentioned in this list.

The annual reports and copies of laws, etc., are available only in the language in which they have been published by the mandatory Powers.

The communications forwarded in reply to the observations of the Permanent Mandates Commission and certain other documents have been translated by the Secretariat and are available in both official languages. The titles of these documents are followed by the official number under which they have been circulated.

² The petitions forwarded by the mandatory Powers, together with their observations on those petitions and on the petitions communicated to them by the Chairman of the Permanent Mandates Commission in accordance with the Rules of Procedure in force, are not mentioned in the present list. These documents are enumerated in the agenda of the Commission's session.

³ Kept in the archives of the Secretariat.

5. *Quarterly Economic Bulletin* of the Territories under French Mandate (State of Syria, Lebanese Republic, State of the Alaouites, State of the Jebel Druse).¹
6. *Annual Medical Bulletin*. Department of Public Health and Assistance. State of Syria. Years 1927 and 1928-29.¹
7. Maps of the States in the Levant under French Mandate :¹
 - (a) Mining and industrial map ;
 - (b) Hydraulic system for irrigation and forestry ;
 - (c) Map showing the roadside cultivation of oranges, figs, walnuts and liquorice ;
 - (d) Map showing cultivation of mulberries and sericulture, tobacco, cotton, hemp, flax and odoriferous plants ;
 - (e) Map showing roadside cultivation of olives and vines ;
 - (f) Map of cereal-growing areas ;
 - (g) Map showing fruit-growing, apricots, almonds, apples, pistachios ;
 - (i) Map showing stockbreeding ;
 - (j) Map showing roads and communications.

C. TANGANYIKA.

Annual Report and Legislation.

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of the Tanganyika Territory for the Year 1932.
2. Ordinances, Proclamations, Rules, etc., 1932.

Various Official Publications.

1. Geological Survey, Annual Report, 1931.
2. Annual Report of the Department of Veterinary Science and Animal Husbandry, 1931.
3. Annual Reports of the Provincial Commissioners on Native Administration for the Year 1931.
4. Railways and Ports Services, Annual Report for the Year ended March 31st, 1932.
5. Annual Report on the Administration of the Police, 1931.
6. Annual Report by the Treasurer for the Financial Year 1931-32.
7. Department of Agriculture, Annual Report, 1931.
8. Annual Report of the Education Department, 1931.
9. Eleventh Annual Report of the Forest Department, Tanganyika Territory, 1931.
10. Annual Report of the Posts and Telegraphs Department, 1931.
11. Report by Mr. Roger Gibb on Railway Rates and Finance in Kenya, Uganda and Tanganyika Territory, September 1932 (Cmd. 4235).
12. Report by Sir Sydney Armitage-Smith, K.B.E., C.B., on a Financial Mission to Tanganyika, September 20th, 1932 (Cmd. 4182).
13. Plague in Tanganyika Territory, 1931.
14. Memorandum on Recruitment, Employment and Care of Government Labour in Tanganyika Territory, Trade Report for the Year 1932.
15. Minutes of the Meetings of the Legislative Council of Tanganyika Territory held on May 11th, October 25th, November 2nd, 3rd, 4th, 5th, 7th, 1932 ; March 14th, 1933.
16. *Tanganyika Territory Gazette*.¹

D. NAURU.

Annual Report and Legislation.

Report to the Council of the League of Nations on the Administration of Nauru during the Year 1932 (Legislation in annex).

Various Official Publications.

1. Nauru Administration : Course of Study for the Native Schools prepared by the Director of Education.
2. Nauru Administration : Educational Series prepared by the Administrator :
 - (1) The League of Nations ;
 - (2) The Mandate for Nauru ;
 - (3) Nauru Agreements ;
 - (4) Public Services ;
 - (5) The Laws of Nauru ;
 - (6) The Phosphate Deposits of Nauru.

¹ Kept in the archives of the Secretariat.

E. NEW GUINEA.

Annual Report and Legislation.

Report to the Council of the League of Nations on the Administration of the Territory of New Guinea from July 1st, 1931, to June 30th, 1932.

Legislation handed in by the Accredited Representative during the Second Meeting of the Session on June 19th, 1933.

- (a) Ordinance No. 12, 1932, to amend the Superannuation Ordinance 1928-1932. ¹
- (b) Ordinance No. 22, 1932, to amend the Public Service Ordinance 1922-1930. ¹
- (c) Regulations under the Public Service Ordinance 1922-1932. ¹
- (d) Ordinance No. 3 to amend the Superannuation Ordinance 1928-1932. ¹
- (e) Classification of the Public Service under Section 21 of the Public Service Ordinance 1922-1930. ¹

Various Documents.

Copy of a Sentence against Mr. Larkin, Planter, who beat a Native to Death, and whose Case was discussed at the House of Representatives of Australia on September 15th, 1932, and November 2nd, 1932, handed in by the Accredited Representative to the Commission at its Third Meeting of the Twenty-third Session on June 20th, 1933. ¹

F. SOUTH WEST AFRICA.

Annual Report and Legislation.

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 1932.

Various Official Publications.

1. Accounts of the Administration of South West Africa for the Financial Year 1931-32, together with the Report of the Controller and Auditor-General thereon.
2. *Official Gazette* of South West Africa ¹.

Various Documents.

Memorandum on the Subject of the Security of Navigation along the Coast of South West Africa, drawn up in Reply to Questions raised at the Twenty-second Session of the Permanent Mandates Commission.

ANNEX 2.

C.P.M.1384(2).

AGENDA OF THE TWENTY-THIRD 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 1933-34.
- III. Examination of the Annual Reports of the Mandatory Powers: ²
 - Palestine, 1932.
 - Syria and the Lebanon, 1932.
 - Tanganyika Territory, 1932.
 - Nauru, 1932.
 - New Guinea, 1931-32.
 - South West Africa, 1932.

¹ Kept in the archives of the Secretariat.

² In agreement with the Chairman and the mandatory Power concerned, the examination of the annual reports on Togoland and the Cameroons under French mandate was adjourned until the autumn session in order to lighten the agenda of the present session.

IV. General Questions :

- A. The Use of the Cinematograph in view of the Diversity of Mentalities and Civilisations.
- B. Statistical Information regarding the Territories under Mandate.
- C. Bilateral Conventions applied to Territories under Mandate.
(Rapporteur : M. Orts.)

V. Special Question :

Question for a Closer Administrative, Customs and Fiscal Union of the Mandated Territory of Tanganyika with the Neighbouring British Possessions of Kenya and Uganda.
(Rapporteur : M. Palacios.)

VI. Petitions :

- A. Petitions rejected as not deserving the Commission's attention (document C.P.M. 1391).
(Report by the Chairman.)

B. Petitions to be examined :

1. Palestine :

- (a) Petition, dated August 14th, 1932, from M. Wadie M. Attalah, forwarded on April 8th, 1933, by the Government of the United Kingdom, with its Observations (document C.P.M.1380).
(Rapporteur : M. Ruppel.)
- (b) Petition, dated March 29th, 1933, from the International Alliance of Women for Suffrage and Equal Citizenship, London (document C.P.M.1382).
Observations of the Government of the United Kingdom, dated June 15th, 1933 (document C.P.M.1397).
(Rapporteur : M. Sakenobe.)
- (c) Petition, dated April 2nd, 1933, from Mr. I. Capsouto, forwarded on May 25th, 1933, by the Government of the United Kingdom, with its Observations (document C.P.M.1388).
(Rapporteur : M. Sakenobe.)
- (d) Memorandum on the Development of the National Jewish Home in Palestine for 1932, accompanied by a Letter, dated April 10th, 1933, from the President of the Jewish Agency for Palestine and forwarded on June 16th, 1933, by the United Kingdom Government, with its Observations (document C.P.M. 1403).
(Rapporteur : Count de Penha Garcia.)
- (e) Memoranda by the Executive of the General Council (Vaad Leumi) of the Jewish Community of Palestine, dated May 1933, by the Chief Rabbinate of Palestine, dated April 9th, 1933, and by the Central Agudath Israël, dated May 11th, 1933, forwarded on June 15th, 1933, by the United Kingdom Government (document C.P.M.1402).¹
(Rapporteur : M. Ruppel.)

2. Syria and the Lebanon :

- (a) Petition undated (received on September 14th, 1932) from the " Association des Etudiants arabes de Toulouse " (document C.P.M.1312).
Observations of the French Government, dated November 28th, 1932 (document C.P.M.1346).
(Rapporteur : M. Orts.)
- (b) Petition, dated December 22nd, 1931, from the " Association de la Jeunesse musulmane ", Beirut, forwarded on November 30th, 1932, by the French Government (document C.P.M.1351).
(Rapporteur : M. Ruppel.)
- (c) Petition, dated March 20th, 1932, from M. Ibrahim Hanano, and his Fellow Candidates of Aleppo, forwarded on November 30th, 1932, by the French Government, with its Observations (document C.P.M.1350).
(Rapporteur : M. Orts.)
- (d) Petition, dated January 29th, 1933, from the " Association des Etudiants arabes de Toulouse " (document C.P.M.1374).
Observations of the French Government, dated June 14th, 1933 (document C.P.M.1396).
(Rapporteur : Count de Penha Garcia.)
- (e) Petition, dated January 22nd, 1933, from M. Cesar Eddé, forwarded on June 20th, 1933, by the French Government, with its Observations (document C.P.M.1405).
(Rapporteur : M. Sakenobe.)

¹ The examination of this petition has been postponed to the Twenty-fourth Session of the Commission (see Minutes, pages 223-224, and Annex 8).

- (f) Petition, dated May 1st, 1933, from M. Ibrahim Hanano, forwarded on June 16th, 1933, by the French Government, with its Observations (document C.P.M.1400).
(Rapporteur : M. Orts.)
- (g) Petitions : (1) dated November 24th, 1932, from Mme. Marguerite Sagiati ; (2) dated January 26th, 1933, from M. Nasri A. Dallal, forwarded on June 15th, 1933, by the French Government, with its Observations (document C.P.M.1398).
(Rapporteur : M. Rappard.)
- (h) Petitions (undated) from Students of Medicine and Law of Damascus, from Alaouites of Tripoli, and from Alaouites of Homs, forwarded on June 19th, 1933, by the French Government with its Observations (document C.P.M. 1404).
(Rapporteur : M. Orts.)
3. Cameroons under French Mandate :
- (a) Petition, dated June 19th, 1931, from M. V. Ganty, forwarded on March 25th, 1933, by the French Government, with its Observations (document C.P.M. 1379).
(Rapporteur : Count de Penha Garcia.)
- (b) Petition, dated August 14th, 1931, from M. V. Ganty, Délégué en Europe des citoyens nègres camerounais, forwarded on March 10th, 1933, by the French Government, with its Observations (document C.P.M.1377).
(Rapporteur : Count de Penha Garcia.)
- (c) Petition, dated August 21st, 1931, from M. V. Ganty, Délégué en Europe des citoyens nègres camerounais, forwarded on March 13th, 1933, by the French Government, with its Observations (document C.P.M. 1378).
(Rapporteur : Count de Penha Garcia.)
- (d) Petition, dated November 10th, 1932, from M. V. Ganty, forwarded on December 21st, 1932, by the French Government, with its Observations (document C.P.M.1368).
(Rapporteur : Count de Penha Garcia.)
4. Tanganyika Territory :
- (a) Petition, dated September 19th, 1932, from the Indian Association, Dar-es-Salaam, forwarded on March 8th, 1933, by the Government of the United Kingdom, with its Observations (document C.P.M.1376).
(Rapporteur : M. Rappard.)
- (b) Petition, dated January 22nd, 1933, from the Chairman of the Koloniale Reichsarbeitsgemeinschaft, Berlin (document C.P.M.1375).
Observations of the Government of the United Kingdom, dated April 26th, 1933 (document C.P.M.1381).
(Rapporteur : M. Rappard.)
5. Islands under Japanese Mandate :
- Petition, dated September 3rd, 1931, from M. Kashichiro Masakiyo, acting for M. Wan Cablera, forwarded on November 9th, 1931, by the Japanese Government, with its Observations (document C.P.M.1271), and supplementary Petition, dated April 28th, 1932, forwarded on September 5th, 1932, by the Japanese Government, with its Observations (document C.P.M.1297).
(Rapporteur : M. Van Rees.)
6. South West Africa :
- (a) 1) Petitions, dated October 25th and 28th, 1932, from Mr. E. J. E. Lange, Cape Town, forwarded on December 7th, 1932, by the Government of the Union of South Africa, with its Observations (document C.P.M.1369).
2) Petition, dated October 3rd, 1932, from Mr. E. J. E. Lange, Cape Town, forwarded on January 4th, 1933, by the Government of the Union of South Africa, with its Observations (document C.P.M.1372).
(Rapporteur : Lord Lugard.)
- (b) Petition, dated July 3rd, 1932, from Mr. Jacobus Beukes, Rehoboth, forwarded on November 29th, 1932, by the Government of the Union of South Africa, with its Observations (document C.P.M.1370).
(Rapporteur : Mlle. Dannevig.)
- (c) (i) Petition, dated December 31st, 1932, from Mr. W. Eichhoff, Okamatangara, forwarded on April 18th, 1933, by the Government of the Union of South Africa, with its Observations (document C.P.M.1383).
(ii) Supplementary Petition, dated February 18th, 1933, from Mr. W. Eichhoff, forwarded on May 3rd, 1933, by the Government of the Union of South Africa, with its Observations (document C.P.M.1390).
(Rapporteur : Lord Lugard.)

ANNEX 3.

C.P.M.1391.

PETITIONS REJECTED UNDER ARTICLE 3 OF THE RULES
OF PROCEDURE IN REGARD TO PETITIONS.

REPORT BY THE CHAIRMAN.

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 ordinary session and which, in my opinion, cannot be considered by the Commission.

I. Syria and the Lebanon.

PETITION, DATED FEBRUARY 10TH, 1933, FROM M. LOUIS GHALEB.

The author of this communication asks for compensation in respect of losses which he professes to have incurred in Serbia during the war. As regards the merits of his application, he adduces no new material particulars and confines himself to renewing the claims which he previously addressed to the League of Nations and with which the Mandates Commission, at its thirteenth session, declared itself incompetent to deal.

II. Tanganyika Territory.

COMMUNICATIONS, DATED APRIL 21ST AND MAY 27TH, 1933, FROM M. KARL NEU.

The subject of the petitioner's request, being unconnected with the administration of the mandated territories, does not come within the Commission's competence.

III. South West Africa.

(a) PETITION (UNDATED) RECEIVED ON SEPTEMBER 13TH, 1932, FROM MR. E. J. E. LANGE.

Mr. Lange asks that the petitions which he has addressed to the League of Nations should be referred to an arbitral authority. The subject of this request falls completely outside the Mandates Commission's competence.

(b) PETITIONS, DATED OCTOBER 19TH AND 25TH, 1932, FROM MR. E. J. E. LANGE.

These petitions, which relate to Mr. Lange's various grievances against the mandatory authorities, adduce no new material particulars with regard to the questions dealt with in his previous communications.

ANNEX 4.

C.P.M.1413.

PALESTINE.

PETITION, DATED AUGUST 14TH, 1932, FROM M. WADIE M. ATTALAH.

REPORT BY M. RUPPEL.

The petitioner, who claims to have obtained the Legal Diploma of *licencié en droit* of the French Law School (*Faculté Française de Droit*) at Beirut (Lebanon), makes complaints against the existing legislation in Palestine relating to the admission of persons to practice as barristers. He wishes the law to be modified on two points, providing for the unconditional admission of Palestinian barristers and the non-admission of foreign barristers.

The United Kingdom Government transmitted the petition in a letter dated April 8th, 1933, together with their observations of the same date.

Referring to the relevant provisions of the decrees and regulations in force, the mandatory Power states that it would be undesirable in the interests of the public that these legal provisions should be modified in the sense suggested by the petitioner in his first point. There is no special observation on the second point.

Decree No. 13 of 1922, relating to barristers, contains no stipulations as to the nationality of an applicant for a licence to practice as a barrister in Palestine. Any person resident in the country may apply. This provision is strictly in accordance with the spirit of the Mandate. The petitioner's contention that the admission of foreigners involves unfair competition with Palestinian barristers cannot be accepted.

The provision that the holder of a foreign legal diploma, even if he is a Palestinian citizen, must also have passed an examination in Palestinian law and procedure to the satisfaction of a body known as the Legal Board seems to be quite reasonable, since, as the mandatory Power points out, its object is to ensure that the barrister possesses a knowledge of the actual system of law and procedure under which he is to practice and a foreign degree would afford no guarantee in the matter. The Legal Board has, moreover, the power to exempt applicants who are holders of the Diploma of a Syrian School of Law from this examination.

I therefore propose that the Commission should adopt the following conclusion :

“ The Commission considers that no action need be taken on this petition.”

ANNEX 5.

C.P.M.1419(1).

PALESTINE.

PETITION, DATED MARCH 29TH, 1933, FROM THE INTERNATIONAL ALLIANCE
OF WOMEN FOR SUFFRAGE AND EQUAL CITIZENSHIP, LONDON.

REPORT BY M. N. SAKENOBE.

The President of the International Alliance of Women for Suffrage and Equal Citizenship addressed a letter to the Director of the Mandates Section of the League of Nations, dated March 29th, 1933, forwarding the text of a resolution on woman suffrage in Palestine adopted at a special conference of representatives of the societies affiliated to this Alliance, held in Marseilles in March 1933.

In this resolution, it is pointed out that the new Municipal Ordinance to be promulgated shortly in Palestine limits suffrage to the male sex and withdraws from Jewish women the municipal franchise right which they have hitherto enjoyed, leaving it to the discretion of the High Commissioner to re-extend this right to women or to withhold it. The Conference demands that the Government should maintain the franchise right of women in all municipalities and local councils where it has been granted to them up to the present and that legislation should be enacted to that effect.

In its observation, dated June 15th, 1933, the Government of the United Kingdom points out that, in Palestine, Jewish women generally have not enjoyed the right to vote and stand for election at municipal elections ; the right was confined to men. But, in local councils of the purely Jewish township of Tel-Aviv and certain Jewish villages which are not municipalities, regulations have been passed by the High Commissioner permitting women to vote and stand for election. It further points out that the preliminary draft of the new Local Government Ordinance follows existing municipal franchise legislation, limiting voting and membership to men, but goes further than that legislation in that it gives the High Commissioner discretion to extend to women the right to vote and to women voters the right to be councillors.

* * *

From the above statement of the mandatory Government, it appears that the petitioners were under the impression that Jewish women had enjoyed the franchise at municipal elections. According to the statement of the mandatory Government, however, they have never enjoyed such right, but now the way is to be made open to them by the provisions of the new Local Government Ordinance.

Under the circumstances, I propose that the Commission should adopt the following conclusion :

“ The Commission, having examined the petition dated March 29th, 1933, from the International Alliance of Women for Suffrage and Equal Citizenship and the relevant observations of the United Kingdom Government, considers that no action need be taken on this petition.”

ANNEX 6.

C.P.M.1418(1).

PALESTINE.

PETITION, DATED APRIL 2ND, 1933, FROM MR. I. CAPSOUTO.

REPORT BY M. N. SAKENOBE.

The petitioner, in his petition dated April 2nd, 1933, states that he was an officer of the Customs Department, Palestine, but was discharged as the result of slanders and intrigues against him in the department.

His chief complaints are : that he was employed and discharged several times at the caprice of the director of the department ; that he was subsequently transferred to the Dead Sea post by some malicious intent of his chief ; that there was another intrigue there to involve him in serious official trouble ; and that he was finally discharged without any reason.

He demands the League's intervention to restore him to his former post or to obtain a gratification for his four years' service, or a good certificate of service.

In its observations dated May 25th, 1933, the Government of the United Kingdom states that the petitioner was employed as a daily paid officer of the Customs and Excise Department, Palestine, on several occasions during 1926-27, and in November 1927 was appointed a regular officer to the established service of the department. But when the headquarters of the Customs and Excise Department were transferred from Jerusalem to Haifa in June 1929, the petitioner was not willing to leave Jerusalem, and so he was posted to the Dead Sea Salt Company's works as excise officer.

The mandatory Government points out that, while serving at that station, the petitioner seized an amount of contraband salt and in defiance of the regulations handed it over to the company, by which it was disposed of. When the case was brought before the court, the petitioner produced other salt as evidence ; this was discovered and led to the loss of the case and incidentally brought the Department of Customs and Excise into disrepute. The director of the department was nevertheless desirous of finding some suitable post for him in other branches of the department ; but, finding it impracticable and, on the other hand, seeing that the petitioner gave no signs of becoming an efficient officer, he was in 1930 obliged to recommend his discharge, which was approved by the High Commissioner.

The mandatory Government disclaims the petitioner's allegation that his discharge was the result of slanders and intrigues against him in the department. It adds also that, in 1932, the Secretary of State for the Colonies considered a petition in a similar sense addressed to him by Mr. Capsouto, but saw no reason for intervention.

I propose that the following conclusion be adopted by the Permanent Mandates Commission :

“ The Commission, having examined the petition dated April 2nd, 1933, from Mr. Capsouto, in the light of the observations of the United Kingdom Government, considers that no action need be taken on this petition.”

ANNEX 7.

C.P.M.1432(1).

PALESTINE.

MEMORANDUM ON THE DEVELOPMENT OF THE JEWISH NATIONAL HOME IN PALESTINE IN THE YEAR 1932 ACCOMPANIED BY A LETTER, DATED APRIL 10TH, 1933, FROM THE PRESIDENT OF THE JEWISH AGENCY FOR PALESTINE.

REPORT BY COUNT DE PENHA GARCIA.

The memorandum of the Jewish Agency this year covers only the period from September 12th, 1932, to April 10th, 1933, as a result of the Permanent Mandates Commission having, as an exceptional measure, held only one session in 1932 instead of the usual two sessions.

The memorandum therefore repeats certain observations from the last report.

Taken as a whole, the memorandum contains very important information on the development of Jewish colonisation in Palestine. It is still proceeding briskly and the institutions set up to promote it are proving active and useful. In its letter of June 16th, 1933, the mandatory Power makes certain comments on the observations and requests contained in the letter from the President of the Jewish Agency which accompanied the memorandum. These requests deal mainly with emigration and other cognate questions. The Agency hopes that the admission of Jewish emigrants to Palestine will be extended, bearing in mind that in certain countries the Jews are at present in difficulties and that the economic situation of Palestine would seem to permit of such a measure. The mandatory Power has already made certain concessions and seems disposed to consider the matter in the light of future possibilities. The mandatory Power has complied to some extent with the Jewish Agency's requests, by slightly increasing its grants-in-aid of the educational and health services of the Jewish community in Palestine. On the other hand, it has decided, in accordance with the views of a committee appointed to consider the matter, that it would be premature to introduce legislation providing for compulsory health insurance, as desired by the Jewish Agency.

As regards the other questions raised in the memorandum, the mandatory Power is studying them in accordance with the terms of the mandate, under which it is required to do all in its power to promote the establishment of the Jewish National Home.

In the circumstances, I propose that the Commission adopt the following resolution :

“ The Commission, having taken cognisance of the Jewish Agency's memorandum and of the accompanying documents, does not consider that they call for any recommendation to the Council.”

ANNEX 8.

C.P.M.1417.

PALESTINE.

MEMORANDA BY THE EXECUTIVE OF THE GENERAL COUNCIL (VAAD LEUMI) OF THE JEWISH COMMUNITY OF PALESTINE, DATED MAY 1933, BY THE CHIEF RABBINATE OF PALESTINE, DATED APRIL 9TH, 1933, AND BY THE CENTRAL AGUDATH ISRAEL, DATED MAY 11TH, 1933.

REPORT BY M. RUPPEL.¹

The British Government has, by a letter dated June 15th, 1933, transmitted the following documents :

1. A letter, dated May 1933, from the Executive of the General Council (Vaad Leumi) of the Jews of Palestine to the Government of Palestine, to which a memorandum from the same source is attached ;
2. A memorandum, dated April 9th, 1933, from the Chief Rabbinate of Palestine ;
3. A memorandum, dated May 11th, 1933, from the Central Agudath Israel, Jerusalem.

The first document deals with two matters which, as it is submitted, are related to each other :

- (a) Discrimination against the Rabbinical Courts of the Jewish Community ;
- (b) The claim of Agudath Israel to be recognised as a separate community.

The two other memoranda relate only to the second question. This was the object of the petition by the Central Agudath Israel dated November 8th, 1931, which was examined by the Commission during its twenty-second session. In its conclusions, the Commission recommended that the mandatory Power should be invited to furnish certain supplementary explanations on the subject.²

The mandatory Power states in its letter :

Ad (a). — That, as the financial position of the Rabbinical courts is still receiving the close attention of the Government of Palestine, the mandatory Power's views could only be communicated later.

¹ This report has not been discussed by the Commission (see Minutes, page 131).

² See Minutes of the Twenty-second Session, page 370.

Ad (b). — That the difficult and complicated question of a separate Jewish community is still being examined by the Government of Palestine, which much regrets that it will not be able to furnish the mandatory Power with its views in time for any final statement to be made at the present session of the Permanent Mandates Commission by the accredited representative of His Majesty's Government.

Under these circumstances I recommend the Commission to adjourn the examination of the petition till the next session.

ANNEX 9.

C.P.M.1430.

SYRIA AND THE LEBANON.

PETITION, UNDATED (RECEIVED ON SEPTEMBER 14TH, 1932), FROM THE ASSOCIATION DES ETUDIANTS ARABES DE TOULOUSE.

REPORT BY M. ORTS.

The President of the Council of the League of Nations received on September 14th, 1932, a petition from the Toulouse Association of Arab Students. The petition was communicated to the French Government, which did not feel called upon to make any observations, because, "being couched in very general terms, the petition merely reproduces allegations which have already been made by other petitioners and on which the Government of the mandatory Power has submitted such observations as it deemed desirable".

In point of fact, the petitioners do not adduce any definite fact in support of their protest against the situation in Syria, apart from certain allusions to the legislative elections, in which the Syrian nation took part "despite the violence and threats of the High Commissariat to falsify them and deprive a large number of Syrians of their sacred right to vote" and to certain arbitrary measures which the mandatory authorities are alleged to have taken to cope with the general state of excitement which the elections are said to have caused at Aleppo.

In view of the vagueness of these complaints, and as, moreover, the elections — as the Commission is aware — have been unanimously validated by the Syrian Chamber, I propose that the following conclusion should be submitted to the Council:

"The Commission, having noted the petition from the Association des Etudiants arabes de Toulouse, received on September 14th, 1932, and the observations of the French Government thereon, considers that it does not call for any recommendation to the Council."

ANNEX 10.

C.P.M.1422.

SYRIA AND THE LEBANON.

PETITION, DATED DECEMBER 22ND, 1931, FROM THE ASSOCIATION DE LA JEUNESSE MUSULMANE, BEIRUT.

REPORT BY M. RUPPEL.

In this petition the League of Nations is asked to examine the question of the regime of the Hejaz Railway "with a view to restoring to the Mohammedan world the whole of this railway, so as to enable its administration to be concentrated in the hands of one board representing its real owners".

The French Government, which forwarded this petition in a letter dated November 30th, 1932, states that it does not think it need submit any observations, as the petition merely reiterates claims already made by other petitioners.

The Commission has, in fact, received two petitions on the same subject: one, dated November 5th, 1928, from the Emir Chekib Arslan (document C.P.M.825), and another, dated November 6th, 1929, submitted by the same person and by M. Ihsan el Djabri (document C.P.M.990). In both cases the British and French Governments presented observations (documents C.P.M.841, 879 and 1010, 1039). In accordance with the reports submitted by

M. Kastl (document C.P.M.902 (1) and by Count de Penha Garcia (document 1051), the Commission considered that no action was called for on these two petitions. ¹

Since the present petition adduces no fresh fact regarding the regime of the Hejaz Railway, I think the Commission should not re-open the question. I therefore suggest inserting in the report to the Council the following conclusion :

“ The Commission, having examined the petition dated December 22nd, 1931, from the Association de la Jeunesse musulmane and the French Government's observations thereon, considers that no recommendation need be made to the Council on this petition.”

ANNEX 11.

C.P.M.1429.

SYRIA AND THE LEBANON.

PETITION, DATED MARCH 20TH, 1932, FROM M. IBRAHIM BEY HANANO AND HIS FELLOW-CANDIDATES OF ALEPPO, CONCERNING THE 1931-32 ELECTIONS IN THAT TOWN.

REPORT BY M. ORTS.

On behalf of his fellow-candidates on the national list, M. Ibrahim Hanano sent to the President of the Council League of Nations, through the High Commissioner of the French Republic for Syria and the Lebanon, a memorandum, dated March 20th, 1932, relating to the elections at Aleppo and the events which occurred in that town during the electoral period (December 1931 and January 1932). This document was transmitted to the League in a letter from the mandatory Government dated November 30th, 1932, to which was attached a note replying to the various points raised therein.

In this memorandum, the petitioners recount in succession various incidents which took place prior to the electoral period, on the eve of the election, on the day of the ballot and on the following days. They accuse the mandatory authorities of exploiting for the benefit of their opponents' list the religious prejudices of the Christian community and of having thus sown hatred among the followers of the different religions who, they state, have been on friendly terms for centuries. They also accuse those authorities of having for that same purpose repeatedly infringed individual and public liberty and violated a number of provisions of the electoral law.

In conclusion, the petitioners request the despatch of a League Commission to Syria to enquire into the general situation of the country and the grounds of the complaints which “ Syria constantly brings before the League but which are glossed over and stifled by the French representative ”.

In this petition, the general policy of the mandatory Power in Syria is only dealt with incidentally so far as is necessary to bring out the motives by which the mandatory authorities were actuated in connection with the Aleppo elections. Its chief object is to denounce official pressure and a number of fraudulent practices which it is asserted vitiated the result of those elections.

Its object is therefore the same as that of other petitions upon which the Commission took a decision during its twenty-second session and on which it did not feel called upon to take any action in view of the assurance it received that the validity of the Aleppo elections had been unanimously confirmed by the Syrian Chamber. ²

At the Commission's request, the accredited representative of the mandatory Power laid before the Commission an account of the meeting of the Chamber on June 14th, 1932, from which it appears that the validity of the elections in all the electoral districts of Syria — including that of Aleppo — was unanimously confirmed, the opposition having taken part in the vote. By a special decision, the Chamber approved a proposal to the effect that it should be expressly mentioned in the Minutes that this vote was unanimous.

In these circumstances, the Commission will doubtless consider that it is unnecessary to go into this petition any further and that it is not called upon to examine the request made by the petitioners for an enquiry by the League.

I propose that the Commission should submit the following conclusion to the Council :

“ The Commission, having examined the petition, dated March 20th, 1932, from M. Ibrahim Hanano and associates, together with the observations of the French Government, considers that this petition does not call for any recommendation to the Council.”

¹ See Minutes of the Fifteenth Session, page 296 ; and of the Eighteenth Session, page 205.

² See Annex 23, Minutes of the Twenty-second Session.

ANNEX 12.

C.P.M.1408(1).

SYRIA AND THE LEBANON.

PETITION FROM THE ASSOCIATION DES ETUDIANTS ARABES DE TOULOUSE,
DATED JANUARY 29TH, 1933.

REPORT BY COUNT DE PENHA GARCIA.

The petition of the Association of Arab Students of Toulouse, dated January 29th, 1933 (document C.P.M.1374), was communicated to the mandatory Power, whose observations were despatched to the Permanent Mandates Commission on June 14th, 1933 (document C.P.M.1396). The petition complains of the suspension of the newspaper *El-Nida*, of Beirut, which was ordered by the President of the Lebanese Republic, and which the petitioners regard as a violent and arbitrary proceeding. According to the mandatory Power's observations, the paper was suspended for reasons of public policy. The paper had defended an assault on a judge, the President of the Court of Appeal.

The incident led to great public excitement on account of the standing of those concerned and also because they were members of different sects. The mandatory Power even suggests that there was a serious risk of religious disorders. In any case, the measure was withdrawn two months later when the feeling caused by the incident had died down.

Such being the case, I venture to propose to the Commission the following conclusion :

“ The Commission, having examined the petition, dated January 29th, 1933, of the Arab Students of Toulouse, and the observations of the French Government thereon, considers that no action need be taken on this petition.”

ANNEX 13.

C.P.M.1420(1).

SYRIA AND THE LEBANON.

PETITION, DATED JANUARY 22ND, 1933, FROM M. CÉSAR EDDÉ.

REPORT BY M. N. SAKENOBE.

The petition of M. C. Eddé, ex-Judge, of the Court of First Instance of the Lebanon, is dated January 22nd, 1933. He complains of the administrative measures taken against him by the Government authorities of the Lebanon.

The French Government, transmitting the petition in a letter dated June 20th, 1933, has submitted the following documents relevant to the petition :

(1) A letter from the President of the Republic of the Lebanon to the delegate of the High Commissioner explaining the procedure taken in the matter ;

(2) A text of the judgment given by the Chamber of Administrative Disputes of the Beirut Court of Cassation in regard to the petitioner's right of pension.

It states that these documents seem to be so explicit that no further explanations ought to be needed and that they should be regarded as constituting the French Government's observations on the subject.

The petition refers to two cases ; the first concerns the taxes in arrears. The petitioner protests against the measures adopted by the financial authorities against him in recovering the taxes in arrears which amount to 5.338,40 frs. He appealed to the Court of Appeal and Cassation, which is acting as the Council of State, against the administrative decision rejecting his application for the refund of the above-mentioned sum, but no decision has yet been taken by the Court.

The second concerns the petitioner's right of pension. It appears that he served in 1899 as a member of the Court of First Instance at Damascus and that he relinquished this office six months later. Subsequently, after twenty years' interval, he was appointed judge in the

Lebanon, a post which he held from January 1919 to March 1931. In conformity with Article 4 of the Lebanese Pension Law, he thought that the period during which he was on *leave* (without pay), that is — from 1899 to 1919 — should, up to the term of six years, be taken into account in fixing his pension, which would bring his term of service up to over fifteen years and would entitle him to a retiring pension.

The Pension Commission, however, did not take the same view and, when he retired, the length of his service was counted as twelve years and seven months, and he was granted a retiring allowance, instead of a retiring pension. The Pension Commission rejected his application to reverse its former decision and to grant a retiring pension. In April 1932, he made a final appeal to the Court of Appeal and Cassation acting as Council of State ; the Court passed a unanimous judgment and rejected the petitioner's appeal with costs.

It appears from Article 4 of the Lebanese Pension Law that periods of unpaid leave up to a maximum of six years should be added to the period of active service, and, according to the text of judgment of the Court of Cassation, the Court declared that, in order to benefit by this article, all officials must have been granted leave in accordance with the law and must not have resigned. The petitioner seems, however — as he does not contest on this point — to have resigned of his own accord, and not to have been granted leave.

With regard to the petitioner's first complaint, the case is still pending before the Court, and under the circumstances there is no occasion, I think, for the Permanent Mandates Commission to pronounce on the matter. As to the petitioner's right of pension, the matter was duly considered first by the administrative authorities and then by the judicial authorities whose decision on the point in dispute seems to leave no room for doubt.

Under the circumstances, I propose that the Commission should adopt the following conclusion :

“ The Commission, having examined the petition, dated January 22nd, 1933, from M. César Eddé, and the relevant documents submitted by the French Government, considers that no action need be taken on this petition.”

ANNEX 14.

C.P.M.1424.

SYRIA AND THE LEBANON.

PETITION, DATED MAY 1st, 1933, FROM M. IBRAHIM HANANO.

REPORT BY M. ORTS.

The League of Nations has received through the mandatory Power in Syria a petition from M. Ibrahim Hanano, dated Aleppo, May 1st, 1933. This petition is accompanied by a letter, dated June 16th, 1933, containing the French Government's observations.

On comparing these two documents, I find that the events described by the signatory of the petition can be reduced to the following proportions :

The petitioner is a politician of Aleppo who was unsuccessful at the last legislative elections. On his return from a trip to Damascus, where he had taken part in a political meeting, he arranged with his supporters for a demonstration to be held on his entry into Aleppo, in which connection certain measures had to be taken by the authorities for the maintenance of order.

The proposed demonstration was forbidden. Those who attempted to take part in it in spite of this prohibition were dispersed, M. Hanano's procession was broken up and his carriage was escorted by the police as far as his residence.

Contrary to the petitioner's assertions, the mandatory authority states that the police were not obliged to use their weapons.

In short, this is one of those street incidents which are particularly frequent in Syria, where certain political circles neglect no opportunity of drawing attention to themselves and which, while they call for vigilance on the part of the guardians of public order, have no importance save in the eyes of those who are the centre of interest.

This being the case, an appeal to the League constitutes an abuse of the right of petition. I propose that the Commission adopt the following conclusion for submission to the Council :

“ The Commission, having examined the petition, dated May 1st, 1933, from M. Ibrahim Hanano, together with the observations of the French Government, considers that it does not call for any recommendation to the Council.”

ANNEX 15.

C.P.M.1416(2).

SYRIA AND THE LEBANON.

PETITIONS : (1) DATED NOVEMBER 24TH, 1932, FROM MME. MARGUERITE SAGIATI, (2) DATED JANUARY 26TH, 1933, FROM M. NASRI A. DALLAL, TRANSMITTED BY THE FRENCH GOVERNMENT IN ITS LETTER OF JUNE 15TH, 1933, WITH ITS OBSERVATIONS.

REPORT BY M. RAPPARD.

On November 24th, 1932, Madame Marguerite Sagiati, an Italian subject, domiciled at Aleppo, submitted a petition to the League of Nations through the mandatory Power. With regard to this petition, to which was attached another petition, dated January 26th, 1933, from a nephew of Madame Sagiati, M. Nasri A. Dallal, a British subject, also domiciled at Aleppo, the French Government submitted observations which were forwarded in a letter dated June 15th, 1933. The mandatory Power attached to its letter several annexes contained in the dossier.

According to this documentation, the essential facts which gave rise to the protests of the petitioners are as follows :

On March 15th, 1926, Riscallah Gazale, a banker, died at Aleppo without issue. His estate is estimated by Madame Sagiati, his niece, at some thirty million francs. The persons who, as surviving relatives, might lay claim to this inheritance were the widow of Gazale, three nephews, the issue of his brother, Fat Allah Gazale, who had died before him ; and nephews the issue of the sisters of the deceased. Madame Sagiati alleged that, by an act of " disguised donation ", Gazale had bequeathed the whole of his fortune to two of his nephews with the exception of the usufruct of a dwelling-house with its furniture and the income from a capital sum, which she bequeathed to his widow.

She stated that the widow disputed the will and secured from the Aleppo Court of First Instance, by a judgment dated April 6th, 1927, the transfer of a quarter of the inheritance ; the remaining three-quarters were then assigned to the three nephews of the deceased who were the issue of his brother. The other claimants, among whom was Madame Sagiati, were debarred from the inheritance in virtue of Koran Law on two grounds. Under Koran Law, he was excluded from the inheritance both as being a woman and a foreigner.

An appeal was lodged against the judgment of the Aleppo Court of First Instance, and the Aleppo Court of Appeal annulled the judgment and decided, by its judgment of June 25th, 1927, that Gazale having died a Christian of the Greek Church, his inheritance should be assigned according to the law of his personal religious status, which is the Byzantine Law of the Novels of Justinian. According to the terms of this law, all the nephews and nieces of the deceased were entitled to share in the inheritance.

At the instance of the High Commissioner, the case was brought before the Court of Cassation of Damascus which, by its award of September 22nd, 1927, quashed the judgment of the Aleppo Court of Appeal and referred the case back to the same court.

The latter, in two judgments, maintained its original decision. The case was once more brought before the Damascus Court of Cassation, which quashed the second award on appeal and referred the case back once more to the same court. On this occasion, the court pronounced a final judgment, dated May 4th, 1931, recognising that the law applicable to the liquidation of M. Gazale's inheritance should be Koran law and not the Byzantine law.

It is against the latter judgment and against the action of the Syrian High Commissioner that the petitioner complains. She petitions for the annulment of the second cassation award and the restoration of the parties to the situation prior thereto.

The French Government repudiates the allegations and insinuations of the petitioner and justifies the High Commissioner's intervention in the case. Furthermore, the mandatory Power considers that the law applicable to the Gazale inheritance should in fact be Koran law, which was still in force when the inheritance was opened. The abrogation of Ottoman legislation, effected by an act of the High Commissioner, dated February 6th, 1930, took place subsequent to the opening of this inheritance and cannot accordingly be invoked in the case.

If the case thus summarised was to be examined solely in the light of the petitioner's assertions and arguments and of the mandatory Power's observations, I think that the Mandates Commission would have to regard itself as without competence. The question seems to be a purely judicial one, the solution of which after long proceedings before the highest courts of the mandated territory seems to have acquired force of law.

The case, however, has another aspect. The question is whether the Koran law recognised as applicable to the dispute by the Damascus Court of Cassation and in its last judgment by

the Aleppo Court of Appeal was legitimately in force. In this connection, it may be well to recall two texts. In the first place, Article 6 of the mandate for Syria reads as follows :

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

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

Secondly, the following is an extract from the final judgment of the Aleppo Court of Appeal, dated May 4th, 1931, which the mandatory Power has annexed to its observations on these petitions :

“ A mere comparison of the two cases brings into relief the special nature of the arguments on which each is based, the first relying on historical grounds and the second on purely legal methods.

“ If the consequences which each argument entails respectively be considered, it will be understood why the former, in spite of its obvious incompatibility with strict law, has also obtained defenders in the person of distinguished counsel, politicians, professors and magistrates, who were doubtless impressed by the result which the contrary argument would involve — namely, that women would be precluded from transmitting any successional right, with resultant inequality between persons who stand in exactly the same relationship to the deceased, in spite of the absence of any testamentary provision against them.

“ This result appears to be particularly deplorable in a country, formerly part of the Ottoman Empire, which has, with the friendly and beneficial assistance of the mandatory Power, reached a high degree of civilisation, and has seen the Turkish Republic reject those laws which are still in force in Syria and adopt a body of law based on one of the codes of Europe, that are all, to a greater or lesser degree, indebted to the genius of France.

“ It is contrary to the trend of all modern legislation, which, recognising the mental and spiritual qualities of woman, aims at placing her on a footing of equality with man in all respects, whereas the Koran law still regards the testimony of a woman as equal to half that of a man and the price of a woman's blood as half that of a man, and precludes a woman from transmitting any successional right.”

In reading these texts, I cannot but share in the regrets and recommendations of the judges of the Aleppo Court of Appeal.

The Koran law is, indeed, contrary to legal equality as between both nationals and foreigners and the two sexes. It would therefore appear to be contrary to equity, particularly in so far as Christian litigants are concerned. If, however, the mandatory Power had amended this law, as it would appear, in equity, that it should have done, and as has been done elsewhere, the inequality of treatment of which the petitioners complain would not have occurred.

Can or should the Mandates Commission judge the case in the light of this new consideration?

To reply to this question I think we should refer to the Commission's rules of procedure of 1927,¹ setting forth the principles by which the Commission is to be guided with regard to petitions. The relevant provisions of these rules are the following :

“ The Permanent Mandates Commission is also guided by the following principles in determining its competence in regard to petitions :

“ (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).

“ (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.

“ (c) It may happen that, in a legal action, the plaintiff against whom the decision has been given may be duly entitled to appeal to the Commission to ask it to determine, not whether the courts whose decision has gone against him have correctly interpreted the legislation of the mandatory Power, but whether this legislation itself is in conformity with the principles of the Covenant and of the mandate.

“ (d) It is also possible that the absence of legislation on a given matter may render a petition admissible if the principles of the Covenant and of the mandate called for such legislation and if the Mandatory's failure to legislate on this point may have the result of depriving a petitioner of rights which he could legitimately claim under the terms of the Covenant or the mandate.”

At first sight, this seems indeed to be a petition laying before the Commission a decision regularly pronounced by a properly constituted court. On this basis, the petition should be recognised as inadmissible.

If the petitioner, relying upon paragraph (b) above, had protested against the High Commissioner's intervention in the case on the ground that it did not fall within the jurisdiction of a court but was contrary to the terms of Article 22 of the Covenant, the Commission would

¹ Document C.545.M.194.1927, page 176.

have had to consider that intervention from that point of view. True, the petitioner objects to the High Commissioner's intervention, but she does not herself explicitly assert — and the Commission will doubtless not consider — that that intervention is to be regarded as an act contrary to Article 22 of the Covenant.

What is the position with regard to the application of paragraph (c) of the above regulations? It seems clear that the Gazale case is one in which the legislation in force under the authority of the mandatory Power, though not, perhaps, contrary to the specific provisions, of the mandate, was, in any case, not in conformity with the principles of the "sacred trust of civilisation" which the Covenant placed in the hands of the mandatory Power.

The Commission is thus called upon to pronounce upon a highly complex and delicate question. There seems to be no doubt that the petitioner is a victim of the fact that the assignment of the Gazale estate has been settled in accordance with a law which the mandatory Power would have done well to change earlier and more thoroughly.

On the other hand, the petitioner defends her interests with arguments that the Commission would seem bound to reject.

I do not think the Commission has ever had to decide such a question as arises out of this state of affairs. Ought it to be guided by the example of courts of justice, which, under most codes of procedure, are required to judge the disputes that come before them according to the law, and are not limited in their judgment by the arguments adduced by the plaintiffs, or ought it to adhere to the letter of the petition and reject it on the ground that it adduces no acceptable arguments?

For my own part, I do not see how the Commission can grant the petitioner's request. Unless it breaks its own rules, it cannot ask for the annulment of a judgment regularly rendered and not considered by the petitioner to be contrary to the mandate. Nor, I think, can it recommend the Council to ask the mandatory Power to compensate the petitioner.

A further point is that the Commission has devoted attention to the law in force in this matter in Syria down to 1930, and has found that, contrary to the modern idea of justice, it has had the indirect effect of depriving the petitioner and her nephew of a share in the estate of the late Gazale. In these circumstances, I do not see how the Commission can ignore or fail to mention this really serious matter. Accordingly, if the Commission agrees, it might express its views by adopting a resolution in the following terms for transmission to the Council:

"The Commission,

"Having examined the petitions from Mme. Sagiati and M. Dallal, together with the observations of the mandatory Power and the documents appended thereto;

"Considering that the petitioners object to judgments regularly rendered by the highest judicial authorities of the mandated territory, and that the Commission cannot comply with their request in that respect;

"Considering also that the Koran law, which was still fully in force in Syria when the Gazale succession was opened, was partly abrogated for the benefit of foreigners during the case brought in connection with this estate:

"Is of opinion that:

"(1) The petition of the petitioners should be rejected as non-receivable;

"(2) The attention of the Council should be called to the fact that the law enforced and admitted by the highest judicial authority in the mandated territory as enforceable would appear to be clearly contrary to the principle of equality of rights."

ANNEX 16.

C.P.M.1425(1).

SYRIA AND THE LEBANON.

- (1) PETITION (UNDATED) FROM STUDENTS OF MEDICINE AND LAW OF DAMASCUS.
- (2) PETITION (UNDATED) FROM ALAOUITES OF TRIPOLI.
- (3) PETITION (UNDATED) FROM ALAOUITES OF HOMS.

REPORT BY M. ORTS.

I have been instructed to report on three petitions on the same subject, transmitted by the mandatory Power, from a group of students of medicine and law at Damascus; a group of Alaouites of Tripoli; and a group of Alaouites of Homs.

They are accompanied by a letter from the French Government, dated June 19th, 1933, supplying explanations of the facts regarding which the petitioners complain.

According to this document, the facts may be summarised as follows :

Since 1930, a centre of conversion to Catholicism has developed in the south of the Government of Latakia, in consequence of dissensions that have arisen in the Reslan tribe. The conversions have taken place in one of the rival parties — the least numerous — and are said to have been mainly due to the desire to escape from the authority of certain chiefs by entering a community presumed to be capable of securing from the civil authorities effective protection for the new converts against those chiefs. So far, 211 persons have been converted — nineteen of whom have returned to their former religion — out of 210,000 Alaouites in the Government of Latakia.

This movement, which is favoured by the Jesuit fathers, has been sufficient to arouse uneasiness among the Alaouite population, and has given rise to the petitions with which we are dealing.

It should be noted that the petitioners in no way blame the mandatory authorities for the attitude they have taken up in the matter. They ask them to take steps to put an end to this proselytising, which, they say, is contrary to their faith, the interests of the country and public order.

As the mandatory Power rightly observes, the question is a peculiarly difficult one.

While one of the reasons given by the petitioners in justification of their protests is the respect due to their religious beliefs — in other words, freedom of conscience and worship — under Article 8 of the mandate for Syria, respect for that same freedom might also prevent the mandatory Power from taking steps in the sense suggested, since Article 10 of the mandate imposes upon it the duty of not restricting in any way the activities of the religious missions.

On a previous occasion — I will not call it an analogous case — the Permanent Mandates Commission found it proper to express its view of how the principle of freedom of conscience should be applied in mandated territories, and to specify the means at the disposal of the mandatory Powers for checking any excesses to which religious zeal might lead.

It did so in the following terms :

“ . . . The mandate makes the free exercise of religion subject to the condition that it should not be prejudicial to public order, and in this connection the mandate gives to the Mandatory the right to exercise such control as may be necessary for the maintenance of public order. The maintenance of order is the first duty (of the Mandatory), and order is a necessary condition for the full development of all freedom, not excepting freedom of religion.”

The Commission added :

“ Any regulations, therefore, arising out of the necessity for the maintenance of order will, if such order be genuinely endangered, be free from criticism, even should such regulations have the effect of restricting in some measures the free exercise of religion. On the other hand, any regulations on this subject which were to go beyond what is required for the maintenance of order, any measure of a vexatious nature . . . would be contrary to the terms of the mandate.”

The Council of the League of Nations associated itself with this opinion of the Commission and caused the expression of its approval to be conveyed to the mandatory Powers. ¹

Article 10 of the mandate for Syria states :

“ The supervision exercised by the Mandatory over religious missions in Syria and the Lebanon shall be limited to the maintenance of public order . . . ”

This provision would give the mandatory authority an opening to intervene — if that were necessary — in the case of any religious activity likely to disturb public order.

Do the facts mentioned by the petitioners possess this character ? It is for the mandatory Power to judge, and the comments with which it has accompanied the petitions suggest that it does not attribute any real gravity to those facts. The mandatory authorities are therefore only to be congratulated on having hitherto restricted their intervention to “ appeasing public opinion by giving counsels of prudence to both parties ”.

Should the mandatory Power be reminded that the mandate, interpreted in a manner which has received the approval of the Council, furnishes it with means of suppressing any excessive proselytising ? I think this is unnecessary. On the other hand, I think that no particular recommendation need be made to the Council regarding the three above-mentioned petitions.

I therefore propose that the Commission adopt the following conclusion :

“ The Commission, having examined the petitions from a group of students of medicine and law of Damascus, a group of Alaouites of Tripoli, and a group of Alaouites of Homs, together with the observations of the mandatory Power thereon, considers that those petitions do not call for any recommendation on its part to the Council.”

¹ See *Official Journal* of the League of Nations, fifth year, No. 2, Minutes of the Twenty-seventh Session of the Council, page 337, and the Report by the Permanent Mandates Commission on its Third Session (document C.622(1)M.307 1923. VI, page 385).

ANNEX 17.

C.P.M.1410.

CAMEROONS UNDER FRENCH MANDATE.

PETITIONS, DATED JUNE 19TH, AUGUST 14TH AND 21ST, 1931, AND NOVEMBER 10TH, 1932, FROM M. VINCENT GANTY, DELEGATE IN EUROPE OF THE CAMEROONS NEGRO CITIZENS.

REPORT BY COUNT DE PENHA GARCIA.

In this report I shall deal one by one with the various communications received from the same petitioner, viz. :

(a) Document C.P.M.1377 : petition, dated August 14th, 1931, from M. V. Ganty, delegate in Europe of the Cameroons citizens, forwarded by the French Government, with its observations, on March 10th, 1933.

This petition contains a number of miscellaneous complaints regarding past events and the present situation. According to the petitioner, the mandatory Power has, in the past, committed acts of violence against the chief, whom he calls " King Akwa ", and his son and heir, " Bétoté Akwa ". He adds that the mandatory Power is compelling the natives to perform forced labour, allowing native children to be maltreated in the schools and not punishing acts of violence committed by officials upon native women and girls. The mandatory Power replies to these allegations by endorsing the information given by the accredited representative which proves that the petitioner's statements are exaggerated or unfounded, and gives an assurance that, whenever a European has behaved improperly towards a native, the offender has been brought before the courts.

(b) Document C.P.M.1379 : petition, dated June 19th, 1931, from the same writer, forwarded by the French Government, with its observations, on March 25th, 1933.

This petition relates to complaints, dated May 18th and 19th and June 19th, 1931, regarding malpractices on the part of certain officials and of a Protestant missionary, and repeats earlier complaints against the sentences passed on the two " Akwa " chiefs. The other subjects dealt with in this communication exceed the scope of the right of petition, inasmuch as they constitute a criticism of the origins of the mandate and call for its withdrawal.

(c) Document C.P.M.1378 : petition, dated August 21st, 1931, from the same writer, accompanied by a memorandum dated December 12th, 1930, signed by chiefs and notables of Akwa, Bell, and Deido, forwarded by the French Government, with its observations, on March 13th, 1933.

In this communication the petitioner demands an enquiry into the administration of the mandatory Power, solicits the withdrawal of all proceedings against those who have been charged with complicity in the plot reported in the complaint of May 18th, 1931 (see document C.P.M.1185), and asks that the people of the Cameroons may be permitted to give " effective financial support to their official delegate in Europe " — *i.e.*, the petitioner. This communication is accompanied by a memorandum, sixty-six pages long, containing criticisms of the methods of the Administration in the Cameroons and vague statements in support of the petitioner's case. A large part of the memorandum is devoted to an attempt to prove the illegality of the mandate and the legal existence of a kingdom of the Cameroons, recognised by the treaty of 1884 with Germany. The latter part of the document concerns the demand for the restoration of the kingdom of the Cameroons under the ægis of the League of Nations. It is to be observed that the mandatory Power, in its observations, holds that the petition is manifestly non-receivable.

(d) Document C.P.M.1368 : letter from the French Government, dated December 21st, 1932, forwarding a communication from M. V. Ganty, dated November 10th, 1932, together with a document dated September 7th, 1932, signed by a number of chiefs and notables of the Cameroons.

As this is merely a letter whereby fifty-four chiefs, notables and common people of Duala confer on M. V. Ganty the title of " sole agent in Europe " to conduct their affairs in general, it cannot be regarded as a petition. In any case, the mandatory Power holds that it is non-receivable, basing this opinion on a resolution passed by the Mandates Commission at its twenty-first session (Minutes of the Twenty-first Session of the Permanent Mandates Commission, pages 142, 143, 172 and 204).

Petitions (a) and (b) concern complaints that have already been examined by the Mandates Commission at its twenty-first session. Petitions (c) and (d) are really non-receivable,

as the first exceeds the scope of petitions because it demands the withdrawal of the mandate, while the second is a document of no legal validity either in substance or in form.

I must add, however, that the petitioner's memorandum (document C.P.M.1378) is a curious document, full of contradictions, in which the authors seek to prove the inevitable racial antagonism of white and black as a justification for the constitution of an African State whose evolution is to follow native conceptions. This document is an interesting evidence of the reactions of the natives to contact with our civilisation.

At the twenty-first session of the Mandates Commission, the accredited representative of the mandatory Power, replying to questions put by the Rapporteur regarding a petition from this same V. Ganty, made the following statement :

“ The individual in question was an ex-Customs official who, as it happened, was not a native of the Cameroons, but of Guiana. He had played upon the credulity of the negroes in one of the districts in the Cameroons by means of wonders and pseudo-miracles. The Administration had put a stop to his activities by expelling him under an Order in Council. Since then this individual had constituted himself the ‘ defender of the oppressed negro race ’ and had undertaken to uphold the ‘ interests ’ of the ‘ Cameroons natives ’ in Europe. For that he charged fees in the form of subscriptions. He had lately endeavoured to set up a Cameroons Republic on paper, and had had cards printed bearing subscription forms on the back. The court had taken up the matter. . . . The average tax levied on the credulity of the Duala population still amounted to about 100,000 francs per annum.” (See Minutes of the Twenty-first Session of the Permanent Mandates Commission, pages 142 and 143).

In my view, no action need be taken on these petitions. I therefore propose that the following conclusion be adopted :

“ The Commission, having considered the four petitions, dated June 19th, August 14th and 21st, 1931, and November 10th, 1932, from M. V. Ganty and the observations of the mandatory Power thereon, considers that there is no need to take any special action in the matter.”

ANNEX 18.

C.P.M.1415(1).

TANGANYIKA.

PETITIONS : (a) FROM THE INDIAN ASSOCIATION, DAR-ES-SALAAM, DATED SEPTEMBER 19TH, 1932, AND (b) FROM THE PRESIDENT OF THE KOLONIALE REICHSARBEITSGEMEINSCHAFT, BERLIN, DATED JANUARY 22ND, 1933, REGARDING THE UNIFICATION OF THE POSTS AND TELEGRAPHS DEPARTMENTS OF TANGANYIKA AND OF KENYA AND UGANDA.

REPORT BY M. RAPPARD.

I.

The Mandates Commission has received two petitions regarding the Unification of the Posts and Telegraphs Departments of Tanganyika and of the two neighbouring British territories.

The first, dated September 19th, 1932, was from the Indian Association at Dar-es-Salaam, stated by the petitioners to represent fifty-four local Indian groups established in various parts of the mandated territory of Tanganyika. To this petition were attached a letter from the same Association to the British Secretary of State for the Colonies, dated September 9th, 1932, and the observations of His Britannic Majesty's Government, dated September 19th, 1932, regarding this memorandum.

The second petition, dated January 22nd, 1933, addressed to the Chairman of the Commission by the Koloniale Reichsarbeitsgemeinschaft, of Berlin, was accompanied by a resolution adopted on January 16th, 1933, by that association, which, according to the statement in the petition itself, includes all the colonial associations in Germany. This second petition, which was submitted to His Britannic Majesty's Government, was referred by the letter to the Secretary-General of the League of Nations in a letter of April 26th, 1933, in which the Government merely referred to the observations submitted in connection with the above-mentioned petition from the Indian Association.

I propose, in the first place, to analyse the contents of the two petitions, then to refer to the observations made by the mandatory Power and, lastly, to consider the question in the light of these various opinions and of the mandate for East Africa. My conclusions will take the form of a draft resolution to be submitted for the approval of the Commission.

II.

A. *Complaints made by the Indian Association.*

1. The unification of the postal services is regarded by the petitioners of the Indian Association as the partial and provisional outcome of a whole process of political evolution which they deplore. This evolution, in the view of the petitioners, tends to subordinate the interests of the inhabitants of the mandated territory to those of the predominant elements in Kenya and to impede the duty of supervision falling on the League of Nations and the Mandates Commission. The petitioners assert that the Customs and railway agreements previously concluded have already involved Tanganyika in very substantial financial losses.

2. With regard to the unification of the Posts and Telegraphs Department, which forms the principal subject of their complaints, they take objection, in the first place, to the fact that it was concluded under conditions of secrecy and haste which inspired suspicion in Tanganyika.

3. The petitioners state that the postal and telegraphic personnel of Kenya is better paid than that of Tanganyika, and that the officials brought in from the United Kingdom occupy a more important position than those in corresponding positions in Tanganyika. They consider that, far from making for economy, the result of the unification will be to increase the financial burdens of Tanganyika and to reduce the positions hitherto reserved to officials of Asiatic origin, who, they state, occupied half of these posts before the reform took place.

4. The petitioners are also afraid that the transfer of the headquarters of the postal services from Dar-es-Salaam to Nairobi will tend to convert the latter locality, which is outside the territory, into an important centre not only from the administrative point of view but also from the economic and political points of view, and that this will take place at the expense of the capital of the mandated territory.

5. Lastly, the petitioners request the Commission to invite a representative of their Association to be present at the meetings of the Commission at which these questions are discussed in the presence of the representatives of the mandatory Power.

B. *Protest of the « Koloniale Reichsarbeitsgemeinschaft ».*

The petition of the Koloniale Reichsarbeitsgemeinschaft is as concise as that of the Indian Association is long drawn out. The signatory, ex-Governor Schnee, President of the Association, simply declares that the unification in question is " incompatible with the letter and spirit of Article 22 of the Covenant of the League of Nations, which furnishes the sole guiding principle for the administration of the mandated territory of Tanganyika ". In the resolution of the petitioners, attached to their letter, it is added that the measure under discussion constitutes " a unilateral modification of the mandates system and hence an infringement of Germany's rights ".

III. *Observations of the Mandatory Power.*

The questions dealt with in these petitions were commented upon by the mandatory Power, not only in the letter addressed to the Mandates Commission in reply to the petition of the Indian Association, dated September 19th, but also in two passages (page 115 and page 127) of the report on the administration of the mandated territory for the year 1932. Those observations were, moreover, confirmed and supplemented by statements made by the accredited representative when he appeared before the Commission at the present session.

1. The mandatory Power states that the unification scheme, which was discussed in April 1932 and drawn up that same year by the Postmaster-General of Kenya and Uganda, and by the Acting Postmaster-General of Tanganyika, was published when the budget for 1933 came before the Executive Council.

2. The mandatory Power considers that the unification thus brought about will result in an improvement in the service, a financial saving and administrative facilities.

3. It maintains that the unification of the postal service bears not the slightest relation to the question of political rapprochement between the territories. It denies that it will mean an infringement of the autonomy of the mandated territory, since the union still leaves to Tanganyika financial control over her expenditure and can, moreover, be revoked at any time at the request of that territory. It points out, in this connection, that the unification which has existed for a number of years between Kenya and Uganda has not lessened the autonomy of those two territories either from a financial standpoint or from that of the recruiting of personnel.

IV. *Critical Examination of the Petitions and of the Observations of the Mandatory Power.*

1. Before examining the contradictory statements summarised above, it may be noted that the request of the Indian Association to be represented at a meeting of the Commission cannot be complied with. In virtue of its Rules of Procedure and of its traditions, from which

it has neither the desire nor the right to depart in the present case, the Commission cannot summon before it a representative of the petitioners.

2. The question of the unification of the postal services and the vaster question of the relations between Tanganyika and the neighbouring territories have been discussed by the Commission at some length on several occasions, more particularly at the present session. My colleagues will understand then if, while not omitting to mention those discussions, I simply examine the problem of the postal union as concisely as possible. As regards the general question of relations between Tanganyika and the neighbouring territories, I think that it would be desirable and sufficient to direct the petitioners' attention to those debates and to the conclusions arrived at therein.

3. As regards postal unification, this is governed entirely by Article 10 of the mandate for Tanganyika, the text of which reads 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 his own sovereignty or control ; provided always that the measures adopted to that end do not infringe the provisions of this mandate.”

There seems no doubt that the postal services are administrative services and that a postal union is therefore an administrative union. Such a union is therefore expressly authorised under the terms of Article 10, provided always that its constitution does not involve measures that “ infringe the provisions of this mandate ”.

No one disputes the fact that “ the provisions of this mandate ” include those in virtue of which “ the mandatory shall be responsible for the . . . order and a good government of the territory, and shall undertake to promote to the utmost the material and moral well-being and social progress of its inhabitants ” (Article 3).

These provisions make it incumbent upon the Mandatory to give the territories the best possible form of government from the standpoint both of efficiency and of cost.

4. The mandatory Power declares that the unification thus brought about will mean a technical improvement in the services. Although it gives neither proofs nor examples in support of this statement, it seems reasonable to admit the latter, simply on the grounds of common sense. Without claiming that a postal service improves in proportion to the area covered, it seems obvious that, at a time of great technical progress in the sphere of aerial navigation and wireless telegraphy, an administration on a larger scale may enjoy certain advantages not possessed by a smaller, and hence a poorer, administration. It is obvious, moreover, that the Commission cannot at once place on record progress resulting from a change which occurred only on January 1st, 1933.

5. As regards the saving which, according to the mandatory Power, would result from the unification which has been carried out, I also think that the Commission cannot at present express any opinion.

On the one hand there can be no doubt, according to the information supplied to it by the mandatory Power, that the postal budget of the territory for 1933 involves expenditure if not greater than that of the previous financial period, at any rate greater than that of the last financial period for which results have been communicated to it. It is also certain, according to the same information, that one of the first results of unification is an increase in certain salaries paid to officials already in the service of the Administration. The petitioners also fear a general increase in the salaries of the postal administration of Tanganyika as a result of unification with the Kenya service, the officials of which they state to be better remunerated. On the other hand, the mandatory Power expressly states that unification will mean an immediate economy of £8,000 sterling for the mandated territory in 1933.

This information is manifestly too fragmentary and too conjectural for the Commission to be able to pronounce forthwith on the financial consequences of the modification which has been effected. Indeed, it is not at all certain that it will be able to pronounce on this point after several years' experience. The deficits in the postal and telegraph department, which have hitherto been the rule, may in future be due to costly improvements in the technique of the service, and, on the other hand, an increase in receipts may result from a return to prosperity. Even if causes unconnected with unification may thus influence the financial results of this department in the future and make it difficult to determine the exact effect of unification, it will be the Commission's duty in years to come to follow the progress of this department with special attention from that point of view.

6. Will the unification of the postal service have the effect of Europeanising this service, as the petitioners of the Indian Association fear ? If so, would this be contrary to the provisions of the mandate ? Here again are two questions on which it seems to me very difficult for the Mandates Commission to pronounce, at any rate for the moment. On the basis of the detailed information with which the mandatory Power will certainly not refuse to provide it, it may in years to come be called upon to judge any modifications which the unification may have brought about in the recruitment of postal staff. But nothing in the mandate obliges the mandatory Power to give preference in this recruitment to the natives, or even less to Asiatic immigrants. All that can be expected is that no modification of this kind should be made in the present position except to improve the efficiency of the service. A Europeanisation of the service, which would no doubt lead to an increase in the average salary of the officials, would in any case only be justified if it led to a reduction in the number of officials or a more than proportional increase in their efficiency.

7. Taken in itself the removal of the headquarters of the postal and telegraph department from Dar-es-Salaam to Nairobi must no doubt be viewed with regret by the Mandates Commission. It is a change which will have the consequence both of relatively diminishing the importance of the capital of the territory under mandate and of placing the headquarters of the department at a greater distance from the customers of that territory. On having this objection placed before him, the accredited representative of the mandatory Power stated that, on the one hand, this removal was only accidental and provisional, and that, on the other hand, the presence of a deputy postmaster at Dar-es-Salaam and the rapid communications between Nairobi and Dar-es-Salaam would attenuate, if it did not remove, this drawback. Here again the Mandates Commission, without expressing a definite judgment forthwith, will have to follow the development of the situation. In particular, it will have to note whether the headquarters of the postal department are permanently established in Kenya, or whether — as the accredited representative's statements seem to show — its provisional establishment there is only due to a personal reason, the Kenya Postmaster-General appearing to be best qualified to become the head of the unified department.

8. It remains to examine the question of principle put in summary terms and on the legal plane by the German petition, and developed by more historical arguments in the petition from the Indian Association.

That the German petitioners are mistaken in saying that Article 22 of the Covenant is the only standard by which the Mandates Commission can judge of the legitimacy of the unification in question is not open to doubt. In the case in point, we must turn much more to the mandate, and in particular to Article 10. In the view of certain members of the Commission, that article gives a clearly and indisputably affirmative reply to the question whether such unification is legitimate. Others hold a contrary view. In the course of the discussion that took place on the subject, two members flatly denied its legitimacy. The other members have not yet expressed any categorical opinion on the point, but consider that the interpretation of Article 10 presents real difficulties. Several of them express the opinion that the reservation set down at the end of that article had the effect of reducing within very narrow limits the possibility of uniting the mandated territory with the neighbouring possessions of the mandatory Power. These members hold that the limitations in question derive not merely from the actual text of the mandate, considered as a constitutional charter, but also from the provisions of Article 22 of the Covenant and from the general character of the institution of the mandate as therein defined.

All the members of the Commission would doubtless be at one in condemning any administrative unification which, even though it did not involve a flagrant breach of any particular provision in the mandate, might have the effect of rendering illusory the supervision that should be exercised by the League of Nations over the administration of the territories held in its name by mandatory Powers. On the other hand, nobody would maintain that the mandate is incompatible with any kind of union or federation. To do so would plainly be to misunderstand Article 10 of the mandate, which cannot legitimately be interpreted in a sense that would deprive its provisions of all meaning. The juridical truth in the light of which the Mandates Commission must pronounce upon the question submitted to its judgment must therefore lie somewhere between these two extremes.

This consideration, and all the others to which I have already referred, lead me to submit the following draft resolution by way of conclusion to my report.

V.

“ The Commission,

“ Being called upon to consider the question of the unification of the Tanganyika postal services with those of Kenya and Uganda, which was put into effect on January 1st, 1933 ;

“ Referring to the petition of September 19th, 1932, from the Indian Association and to that of January 22nd, 1933, from the Koloniale Reichsarbeitsgemeinschaft, which dispute the legitimacy of that unification and deplore its probable consequences ;

“ Having regard to the observations of the mandatory Power, which asserts that the step taken is legitimate and anticipates that it will prove to be to the advantage of the territory ;

“ Having regard to the provisions of Article 10 of the mandate, which explicitly authorises the constitution of administrative unions or federations, such as the postal union under discussion, provided that the steps taken to put them into practice do not “ infringe the provisions of this mandate ” ; and,

“ In view of the difference of opinion that has come to light in the Commission, both as to the interpretation of Article 10 in general and, in particular, as to the juridical legitimacy and the probable advantages and disadvantages of the unification of the postal services ;

“ Decides :

“ (1) To call the particular attention of the Council to the action that has been taken and the controversy to which it has given rise in the Commission ;

“ (2) To adopt as conclusions on these petitions the observations included in the report to the Council under the heading ‘ Amalgamation of the Postal Services of Tanganyika on the one hand and of Kenya and Uganda on the other.’ ”

ANNEX 19.

C.P.M.1411.

ISLANDS UNDER JAPANESE MANDATE.

PETITIONS, DATED SEPTEMBER 3RD, 1931, AND APRIL 28TH, 1932, PRESENTED BY M. KASHICHIRO MASAKIYO ON BEHALF OF M. WAN CABLERA, AN INHABITANT OF SAIPAN ISLAND.

REPORT BY M. VAN REES.

Both these petitions concern the claim which was submitted on November 25th, 1929, for the recovery of certain lands in Saipan Island, full ownership in which, according to the petitioner, was vested in M. Cablera and of which he had been unlawfully deprived by the administration of the islands under Japanese mandate. The last-named petition was examined, at the nineteenth session of the Permanent Mandates Commission, in the light of a detailed report by our colleague, M. Palacios. The Commission's conclusion was that it could not deal with the petition, as the petitioner had not yet exhausted the legal means open to him.¹

* * *

This conclusion having been approved by the Council of the League of Nations and communicated to the petitioner, the latter submitted, in his petition of September 3rd, 1931, that M. Cablera's case comes logically within the competence of an administrative tribunal, that no such tribunal exists in the territory, and that consequently it only remains for him to apply to the League of Nations in order to obtain redress for the injury suffered by his client.

In his second petition of April 28th, 1932, M. Masakiyo contests the statement of one of the Japanese officials on the spot to the effect that the land in question had become public property failing insistence by M. Cablera, within the time-limit, on the right of ownership.

Commenting on these two petitions, the Director of the Japanese League of Nations Bureau states, in his letters of November 9th, 1931, and September 5th, 1932, that, according to the Japanese Government, M. Masakiyo's claim comes within the jurisdiction of the ordinary courts, concerning as it does the recognition of a right over landed property, and that, in consequence, it should be brought before the civil court.

The second of these two letters is, however, more explicit, in that it is accompanied by a supplementary statement of the Japanese Government's point of view, whereby the land claimed "was already regarded as public property under the German administration and, no change having occurred since the occupation, the Japanese Government has continued to regard it as possessing the same character as before".

Lastly, a final document appears in the file, in the form of a letter dated May 31st, 1933, from M. Ito,² forwarding certain particulars in reply to various questions put to him in his capacity as accredited representative of the Japanese Government, at the twenty-second session of the Mandates Commission.³ That letter affirms that the land in question was regarded by the German authorities at the time of the operation as State property, M. Cablera "having been deemed to have no right over the land in question", and, further, that "the Japanese authorities hold the view, after inspecting the archives, that no abuse of power was committed by the German authorities in the matter and that everything took place in a perfectly regular manner".

* * *

According to this information, M. Masakiyo would appear to have taken steps for the recovery of land to which his client had no right. Further, the fact of regarding that land as State property would appear to be due, not to the Japanese Government, but to the German Government, which preceded it and which, moreover, acted perfectly correctly in the matter, as may be seen by reference to the archives.

It would, however, seem difficult to reconcile the foregoing conclusions with the contents of certain documents communicated by the petitioner as an annex to his first petition of November 25th, 1929, and enumerated in the above-mentioned report of M. Palacios,⁴ more particularly the document which appears under No. 6 of that report: "Letter dated June 26th,

¹ See Minutes of Nineteenth Session, pages 69 and 70, 198, 199 and 213.

² Document C.P.M.1389.

³ See Minutes of the Twenty-second Session, page 118.

⁴ See Minutes of the Nineteenth Session, page 198.

1929, to the petitioner from the German Embassy in Japan, confirming his full private ownership of the said land (that is the land claimed) while the island was under German rule — namely, from 1899 ”.

It is certainly not for the Mandates Commission to give an opinion on this contradictory point.

In the circumstances, it seems to me that the Permanent Mandates Commission cannot arrive at any conclusion until it has received information enlightening it on the point in question.

I propose, accordingly, that the Commission should confine itself to submitting to the Council the following statement :

“ The Commission,

“ Having examined the petitions dated September 3rd, 1931, and April 28th, 1932, submitted by M. Kashichiro Masakiyo on behalf of M. Wan Cablera, together with the observations of the Japanese Government on those petitions ;

“ Having noted a contradiction between certain comments on the petitions and a document submitted previously by the petitioner :

“ Would be glad if the mandatory Power would be good enough to give it further information concerning this contradiction.”

ANNEX 20.

C.P.M.1407(1).

SOUTH WEST AFRICA.

PETITIONS, DATED OCTOBER 3RD, 25TH AND 28TH, 1932, FROM Mr. E. J. LANGE

REPORT BY LORD LUGARD.

1. At the fourth session of the Permanent Mandates Commission, a petition submitted by Mr. E. J. Lange was examined and rejected by the Commission on July 3rd, 1924.

2. At our sixth session, July 1st, 1925, a further letter of protest was again rejected on the grounds that the subject-matter was justiciable by the courts.

3. At our seventh session, October 1925, further papers dated August 11th, 1925, were ruled as inadmissible on the same grounds.

4. At the twelfth session, on November 9th, 1927, a further petition, dated September 1927, was rejected on the grounds that no new fact was adduced.

5. At the thirteenth session, June 28th, 1928, it is recorded that a petition from Mr. Lange to His Majesty The King (transmitted to the League) had no concern with the Mandates Commission.

6. At the nineteenth session, as Rapporteur, I recommended that a new petition, dated July 27th, 1930, should be rejected for the same reason as No. 2 above.

7. At our last session (the twenty-second) in November 1932, *nine* petitions of different dates were received from this person and rejected by the Chairman under Article 3 as “ not meriting the consideration of the Commission ”.

8. Mr. Lange now submits copies of four petitions sent by him to the Union Parliament and complains that he can no longer obtain legal remedies ; that he has been refused documents necessary for his lawsuit, and he alleges that “ judges, advocates, Government officials and C.I.D. officials ” are in conspiracy against him.

With the petitions to the Union Parliament, the Mandates Commission has nothing to do. The separate petition covers, with attachments, some fifty-eight pages of foolscap, much of it in Portuguese, referring to the subjects which have already been dealt with by the Commission — viz., as the Mandatory expresses it, “ a crop of actions in the Union courts for damages or alleged breaches of contract ” including charges against the late administrators of South West Africa. As to the documents of which copies have been refused to him, it is pointed out that he can issue a subpoena calling for their production and the court will decide whether they should be produced or not.

I recommend that the following conclusion should be adopted with regard to the petition :

“ The Commission is of opinion that the petitioner should again be informed that, since the matters in question are justiciable in the courts, they are not matters to be dealt with by the Permanent Mandates Commission, which is not a judicial appellate court.”¹

¹ For the original draft Conclusions, see Minutes, p. 75.

ANNEX 21.

C.P.M.1426(1).

SOUTH WEST AFRICA.

PETITION, DATED JULY 3RD, 1932, FROM MR. JACOBUS BEUKES.

REPORT BY M^LLE. DANNEVIG.

This petition is signed by Jacobus Beukes, who was among the signatories of the previous petitions to the League from members of the Rehoboth Community. He claims to write on behalf of the "vast majority" of that community, but gives no proof of any mandate to do so, and no other names are found under the petition.

The petition is dated July 3rd, 1932 — *i.e.*, only two weeks later than the petition from the Rehoboth burghers of June 17th, 1932, which was examined at our last session. Its main object is also the same as that of the latter petition — namely, the question whether an election of the Advisory Board should be held under the ancient laws of the community, or under Proclamation No. 9 of 1928. The petitioner states that the majority has decided to hold an election in accordance with their ancient laws, and to discuss afterwards with the Administrator the question of co-operation. But the Administrator wished the election to be held under Proclamation No. 9 of 1928, which the community does not recognise. This brought great disappointment to the whole community.

The position in Rehoboth is said to be such that many people might die of hunger. The cause of this situation is also said to be that the community do not wish to adopt Proclamation No. 9 of 1928. The petitioner further states that, in spite of the fact that the Agreement of 1923 has not been adopted by the community, laws are proclaimed for Rehoboth. He finally complains that the Rehobothers are "accused on all sides", especially by the German Government and the "present Government" (of the Union).

In a letter dated November 29th, 1932, transmitting the petition, the Government of the mandatory Power has referred to their observations on the last petition from Rehoboth (document C.P.M.1316), where it is stated that the fraction of burghers who wish to co-operate with the Administration had now become the majority party. It is added that a further thirty-two persons have now joined that party, and that the petitioner is to-day a man of no standing and of no influence whatsoever.

As to the economic difficulties of the community, the accredited representative has informed the Commission that these difficulties are not greater in Rehoboth than elsewhere in the territory, and that the proximity of the Rehoboth district to the capital places it in rather a better position than other more distant areas.

* * *

With regard to the constitutional difficulties in Rehoboth, we were informed last year that the Administrator of the territory had made the formal proposal to the community that all sections of the community should participate in the election of a new Advisory Board according to Proclamation No. 9 of 1928. The acceptance of this proposal would not be regarded as implying recognition of the Agreement of 1923. A period of probation would be imposed under the existing constitutional system "before any extension of powers can be considered". The Agreement of 1923 and the question of the enjoyment of wider powers would then be discussed between the Administrator and the community.

In a letter to the Administrator of August 15th, 1932, the burghers replied that they wished to give effect to the proposal of the Administrator; but, as they did not all agree, they wanted to see "whether the community could become unanimous on this point" (document C.P.M.1316, page 20).

It seems from this petition and the information given by the mandatory Power that progress has been made towards the realisation of the desire for unanimity among the burghers, and that the petitioner only speaks on behalf of an insignificant number of the Rehoboth Community.

I think my colleagues will agree with me in recommending that complete unanimity must soon be obtained among the burghers, so that an effective co-operation between them and the Administration may be possible on the basis proposed by the Administrator and accepted by the majority of them.

As to the petitioner's other complaints, they are only vague allegations on which the Commission cannot pronounce any opinion.

In these circumstances, I propose that the following conclusion should be adopted with regard to the petition :

“ The Commission, having examined the petition of July 3rd, 1932, from Mr. Jacobus Beukes, and the observations of the mandatory Power thereon, referring to the conclusions on previous petitions adopted by the Commission in 1926 and 1932, approved by the Council and also favourably received by the majority of the Rehoboth Community, again expresses the hope that the group of which the petitioner is a member will collaborate with the Administration, participate in the election of a Rehoboth Advisory Board and accept the Administrator's proposal that the 1923 Agreement be discussed.”

ANNEX 22.

C.P.M.1409.

SOUTH WEST AFRICA.

PETITIONS, DATED DECEMBER 31ST, 1932, AND FEBRUARY 18TH, 1933,
FROM MR. W. EICHHOFF.

REPORT BY LORD LUGARD.

The petitioner came to South West Africa in 1904, and in 1910 was manager of a farm on the borders of the Sandvelt for a company which became bankrupt in 1922. He bought the farm himself in that year, and his complaints began in the following year. He states that he has lost 910 cattle (value £3,640) and 132 sheep and donkeys (value £60). These losses he attributes partly to theft by Bushmen, since no bones or hides could be found, and partly to poisoning by Hereros, who wished to oust him and acquire his farm which adjoins their reserve. His further complaint is that Bushmen hunted the eland (of which there were many thousands on his land) and drove them against his fences, which were broken down. On this account he claims £1,900 for damages, £1,120 for extra staff to control the game, and £1,600 for grazing fees of 4,000 eland. The Bushmen, he says, threatened to murder him, and his frequent appeals for protection against Hereros, Bushmen, and eland (which being Royal game he is not allowed to kill) have not led to any effective action.

He claims compensation from the Government for loss of stock by Hereros or Bushmen, and for damage done to his fences by protected game (eland).

The Government of South West Africa replies that his losses are in the main due to “ lame-sickness ”, which is very prevalent in the district, and Mr. Eichhoff himself says that, prior to his acquisition of the farm, the company had failed largely because of this disease. As regards the poisoning by Hereros (and possibly by Bushmen), it is pointed out that a veterinary surgeon was sent to investigate on three occasions and could find nothing to confirm this charge. It is not denied that Bushmen are cattle thieves, but it is pointed out that the Liebig estate which adjoins this farm is on good terms with the Bushmen and have made no complaints. Doubts are thrown on the statement that these nomads have recently encamped on Mr. Eichhoff's land. In reply to the alleged damage by eland, the Government point out that from time to time permission was given to shoot a few, and in 1931 and 1932 permission was given to shoot without restriction.

The Administrator points out that a farmer so situated must expect stock losses, but believes that the bulk of his losses were due to disease and to the straying of cattle through the damaged fences. It is pointed out that where eland were so numerous Bushmen would be unlikely to steal a great many cattle. It is further stated that, on two separate occasions, special police patrols have made visits, and that a reliable detective was sent to carry out detailed investigation, but was unable to get any information from the natives in Mr. Eichhoff's employ, except that losses had occurred as the result of cattle eating grass on which poison for locusts had been sprayed.

Mr. Eichhoff does not improve his case by charging the Government with being “ inimically disposed towards the interests of the country ” and that “ for political reasons it takes no measures to put an end to robbery ”, nor will the Mandates Commission be shocked to hear that “ the Administrator wants to see the natives better off than during the German regime ”.

That the petitioner has, in fact, suffered from stock-thefts, and from the damage done by eland both by grazing on land already insufficient to support his cattle and by breaking

fences, seems probable and is not, I understand, denied. The real question at issue is whether or not the Government of South West Africa can be held responsible for such losses and damage.

Mr. Eichhoff acquired the farm in full knowledge of conditions which had compelled the previous owners (whose manager he had been for ten or twelve years) to go into liquidation. It was a frontier farm facing the Sandvelt. He had already, in 1914, discussed the question of protection with the German Governor, which shows that, prior to the mandate, these grievances existed to some extent.

The Administrator points out that, in order to give effective protection, "it would be necessary to establish a cordon of police posts on the border, and the financial position of the territory does not permit of this".

The second document from Mr. Eichhoff is not, in fact, a separate petition, but is described by him as supplementary proof of the conditions described in his petition of December 31st, 1932. It contains a more circumstantial account of the alleged surrounding of his farm by Bushmen "werfs" with an accompanying diagram. The petitioner states that, shortly before the arrival of the police patrol, the Bushmen deserted these "werfs" because they had been warned — he infers by the police. They returned later, when five were arrested by the police and detained for four weeks without trial, when they were released. He states that the Government denied that the "werfs" had been occupied or that cattle had been stolen. He suggests that the motive of the Government in not affording him proper protection was because it was desired to oust him, since he is a German. Reference is made to a police report which has not been transmitted.

The Mandatory makes no further reply except that the statement regarding the five Bushmen is incorrect, since they were tried and sentenced.

The allegation that the police denied that the "werfs" had been occupied or cattle stolen seems to be contradicted by the fact that they arrested five Bushmen, who were tried and punished. The suggestion that the police instigated the Bushmen and that the Administration denied protection because he was a German of whom they wished to be rid — a suggestion based in part on the statement of a drunken man — is purely hypothetical.

In view of the circumstances described, I recommend that the following conclusions should be adopted :

"The Commission, having considered these petitions, is of opinion :

"1. That no proof is given that the petitioner's alleged losses of stock were all due to the causes to which they are ascribed ;

"2. That there is nothing to show that he asked for or obtained any promise of special protection when he acquired the farm ;

"3. That having, with full knowledge of the conditions, acquired a farm on the borders of the Sandvelt and of the Hereros Reserve, it must be presumed that he was ready to face the risks of which he was well aware ;

"4. That, in the circumstances, the claim for compensation is not tenable.

"The Commission further requests the Council to invite the attention of the mandatory Powers to the statement by Mr. Eichhoff (page 7 of letter of August 12th, 1932) that, in July 1927, His Highness the Administrator had stated that a deputation of Hereros had asked for Mr. Eichhoff's farm as an extension of their reserve, and that His Honour had proposed to give Mr. Eichhoff other land in exchange for it. And also to the statement at the end of this letter that Mr. Eichhoff is willing to sell all or a part of the farm.

"The Commission hopes that, in the interest alike of the petitioner and of the Hereros, the mandatory Power may find it possible to purchase the farm for the purpose stated."

ANNEX 23.

I.

REPORT TO THE COUNCIL ON THE WORK OF THE SESSION

The Permanent Mandates Commission met at Geneva from June 19th to July 1st, 1933, for its twenty-third session and held twenty meetings, part of the first of which was public.

The annual reports¹ were considered in the following order, with the assistance of the representatives of the mandatory Powers.

New Guinea, 1931-32.

Accredited Representative :

Mr. J. G. McLAREN, M.C., C.M.G., Official Secretary of the Commonwealth of Australia in the United Kingdom.

¹ The examination of the annual reports on Togoland and the Cameroons under French mandate has been postponed to the autumn session.

Nauru, 1932.

Accredited Representative :

Mr. J. G. McLAREN, M.C., C.M.G., Official Secretary of the Commonwealth of Australia in the United Kingdom.

Tanganyika Territory, 1932.

Accredited Representatives :

Lt.-Col. Sir G. Stewart SYMES, K.C.M.G., K.B.E., D.S.O., Governor of the Tanganyika Territory ;

Mr. G. F. SEEL, Colonial Office ;

Mr. G. C. SAYERS, Assistant Secretary in the Tanganyika Secretariat.

South West Africa, 1932.

Accredited Representatives :

Mr. Charles T. TE WATER, High Commissioner of the Union of South Africa in London ;

Major F. F. PIENAAR, D.T.D., O.B.E., Accredited Representative of the Union of South Africa to the League of Nations.

Palestine, 1932.

Accredited Representative :

Mr. M. A. YOUNG, C.M.G., Chief Secretary to the Government of Palestine.

Syria and the Lebanon, 1932 :

Accredited Representative :

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

A. GENERAL QUESTIONS. ¹

I. THE USE OF THE CINEMATOGRAH IN VIEW OF THE DIVERSITY OF MENTALITIES AND CIVILISATIONS (pages 14-16, 75).

The resolution adopted by the Council on January 26th, 1933, concerning the suggestions embodied in the report of the Governing Body of the International Educational Cinematographic Institute for the financial year 1931-32 contained the following passage :

“ The Council draws the attention of the Permanent Mandates Commission to the recommendation made by the Governing Body of the Institute concerning the use of the cinematograph in view of the diversity of mentalities and civilisations, and requests that Commission to consider whether it would not be advisable for the Council to recommend the mandatory Powers to communicate any data, based on facts brought to light in the mandated territories, which might be of value from the point of view of the enquiry undertaken by the Institute.”

After discussing the matter, the Permanent Mandates Commission decided to submit the following conclusions to the Council :

The Commission, which, in view of its functions, exercises on behalf of the Council supervision over the measures designed to increase the moral welfare of the inhabitants of the mandated territories, is of opinion that this problem should receive the closest attention of the mandatory Powers.

Basing its opinion on the evidence that such races are greatly attracted by cinema displays, which, if of the right kind and prepared by persons who have personal knowledge of the mentality and aptitudes of such races, can have a very useful educative influence, and, on the other hand, if unsuitable, may constitute an international menace, it informs the Council that the Permanent Mandates Commission endorses the proposal that the mandatory Powers should be invited to submit the required data.

II. STATISTICAL INFORMATION REGARDING THE TERRITORIES UNDER MANDATE (pages 13, 127).

The Commission recommends the Council to decide to publish and circulate to Members of the League the document containing the revised edition of the tables on the trade, public finances and movements of population of the mandated territories.

¹ The page numbers following each title are those of the Minutes of the session.

III. TABLES OF BILATERAL CONVENTIONS APPLIED TO TERRITORIES UNDER MANDATE
(pages 14, 159).

To the question put by the Mandates Commission, the mandatory Powers have unanimously replied that they see no objection to the publication of the revised version of the tables of bilateral Conventions applied in mandated territories.

That being so, it would have been proper for the Commission to recommend the Council to decide to publish that document, the value of which is obvious.

In view of the present circumstances, however, the Commission thinks that there can be no serious objection to suspending its publication, which would entail considerable expense. The tables of Conventions would provisionally retain the character of documents reserved for the Mandates Commission's internal use.

B. SPECIAL QUESTION.

QUESTION OF A CLOSER ADMINISTRATIVE, CUSTOMS, AND FISCAL UNION OF THE MANDATED TERRITORY OF TANGANYIKA WITH THE NEIGHBOURING BRITISH POSSESSIONS OF KENYA AND UGANDA (pages 14, 35-43, 45-52, 64-74, 77-80, 120-124).¹

(a) *Conclusions of the Commission.*

The Permanent Mandates Commission has taken note of the letter from the United Kingdom Government, dated September 2nd, 1932, communicating its decision on the question of "closer union" between Tanganyika and certain neighbouring British territories.

In that letter, and in the statements of its accredited representative :

(1) The United Kingdom Government endorses the opinion expressed by the Select Committee of both Houses of Parliament that the time is not yet ripe for the introduction of closer political or constitutional union ;

(2) It also adopts the said Select Committee's recommendation that the Conference of the Governors of the different territories of East Africa should be increasingly utilised for the purpose of ensuring the closest co-operation and co-ordination in all matters of common interest to those territories.

Having examined the official documentation accompanying the letter from the United Kingdom Government, the Permanent Mandates Commission :

(1) Thanks the mandatory Power for the admirable documentation it has sent, and fully appreciates the lofty motives to which that documentation bears witness ;

(2) Takes note that the Government of the United Kingdom has no intention of putting into operation any scheme of "closer union" between the mandated territory of Tanganyika and the neighbouring British territories, which would involve the creation of a political or constitutional union, with the effect of destroying or endangering for the future the existence of the mandated territory as a distinct entity in international law.

With reference to the expression "the time is not yet ripe", the Commission considers that a political or constitutional union of the mandated territory with the neighbouring territories cannot be carried out as long as the present mandate is in force.

It also considers, due regard being had to the provisions of Article 10 of the mandate,² that any measures tending during that period towards the *de facto* establishment of such a "closer union" should be avoided ;³

(3) Notes that the Conference of the Governors of Tanganyika, Kenya and Uganda is a permanent advisory organ for co-operation and the co-ordination of the common interests of those territories, with its Secretariat at the capital of Kenya.

Desires to give expression to the particular interest which it takes in that body. It recognises the value, in the interests of the mandated territory itself, of pooling experience acquired in neighbouring territories.

On the other hand, it considers that such a body should not assume executive responsibilities which would unduly restrict the necessary autonomy of the mandated territory.³

For this reason the Commission will follow with special interest the work and policy of that body.³

(4) Asks the mandatory Power to continue to furnish complete and detailed information regarding the Customs system and to supplement the information regarding transport, postal and telegraph services and any other co-ordinated services.

¹ The page numbers given are those of the Minutes of the session.

² *Note by the Secretariat :*

Article 10 of the mandate on the Tanganyika Territory (document C.449(1)(a).M.345(a).1922.VI) reads 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 his own sovereignty or control ; provided always that the measures adopted to that end do not infringe the provisions of this mandate."

³ M. Van Rees, Lord Lugard, M. Merlin and M. Orts do not agree to these passages, for the reasons given by them in the note appended to these conclusions.

(b) *Note by the Minority of the Commission.*

M. Van Rees, Vice-Chairman, Lord Lugard, M. Merlin and M. Orts were unable to associate themselves with certain of the conclusions adopted by the majority, for the following reasons :

Since paragraph 3 of the second conclusion is intended to formulate certain views expressed by several members in the course of the discussion on this subject, the minority finds it necessary to record its dissent to a text which seems to throw doubt upon the exercise of the rights given to the mandatory Power under Article 10 of the mandate, and which seems to infer that the mandatory Power would, in any circumstances, be capable of enforcing by circuitous methods a decision which it had formally promised not to put into effect without previous reference to the Permanent Mandates Commission — namely, a political and constitutional union between the territory under mandate and its neighbours.

The minority also considers that the third conclusion should be omitted. It is of opinion that the Governors' Conference affords a valuable and necessary means of consultation between the Governors, in the interest of their respective territories. It takes cognisance of the fact that the Conference is "purely advisory", that full liberty of action is reserved to each governor and his Legislative and Executive Councils. The minority therefore cannot conceive how it could be feared that a conference so constituted could possibly exercise executive powers, or endanger the political individuality of the mandated territory.

For a proper understanding of the reasons for these reservations, reference should be made to the Minutes of the Twenty-third Session, pages 39, 40, 51-52, 65-68, 73, 74, 77-80, 120-122, 124.

C. 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. ¹

TERRITORIES UNDER " A " MANDATE.

!Palestine.

1. *Haifa Harbour Works.*

The Commission has noted that it appears from the annual report (page 55) that the construction of Haifa Harbour is being carried out by a Government Department. It would be glad to find detailed information on this subject in the next report (pages 106-107, 159).

2. *Application of Imperial Preference to Palestine.*

The Commission has learnt that, owing to certain difficulties, the mandatory Power could not apply Imperial Preference to Palestine. It hopes that the mandatory Power will give exact particulars of the nature of these difficulties (pages 99, 159).

3. *Land Development Scheme.*

The Commission has noted that the mandatory Power is now examining the reports on the Land Development Scheme. It would be glad to be kept informed of the progress made in putting this scheme into effect (pages 101, 159).

4. *Frontier between Syria and Palestine.*

The Commission would like to know what action has been taken on the declarations made by the representatives of France and the United Kingdom at the meeting of the Council of the League of Nations held on January 30th, 1932, regarding the western section of the frontier between Syria and Palestine (pages 111, 159).

¹ The page numbers following each observation are those of the Minutes of the session.

Note concerning Syria and the Lebanon.

*During the present session, the Commission has examined the annual report on the administration of Syria and the Lebanon for 1932. It reserves the right to make its observations at its next session, after hearing the statements of the High Commissioner, as proposed by the mandatory Power.*¹

TERRITORY UNDER " B " MANDATE.

Tanganyika.

1. *Customs Agreement between Tanganyika on the One Hand and Kenya and Uganda on the Other.*

The Commission thanks the mandatory Power for the information contained in the annual report with regard to the effects of the Customs Agreement existing between Tanganyika on the one hand and Kenya and Uganda on the other. Without prejudging its opinion on the general question of closer union, it notes that steps have been taken to remedy the drawbacks which might arise out of the situation created by this agreement.

The Commission would be glad to be kept informed of developments in Customs policy (pages 37-40, 53-54, 126-127).

2. *Amalgamation of the Postal Services of Tanganyika on the One Hand and Kenya and Uganda on the Other.*

The Commission took note of the particulars on this question in the annual report, which were communicated to it at its request.

It calls the special attention of the Council to the action that has been taken and the conflicting views which the Commission, during its examination of this question, expressed as to its compatibility with the terms of the mandate and the protection of the interests of the territory.

It suggests that the mandatory Power be requested to furnish the League of Nations with the documents referring to this amalgamation and any other information that may help the Commission to judge from year to year of the actual effects of the step that has been taken on the efficiency of the postal service, the finances of the territory [and its autonomy. The Commission has decided to suspend any further judgment on this unification until fuller experience has enabled it to form a more reliable opinion thereon].² It will watch with special interest such direct and indirect effects as may result, both as regards the administrative efficiency and cost of the unified service [and as regards the autonomy of the mandated territory]² (pages 37-40, 47-52, 69-71, 124-127, 179-182).

3. *Railways.*

The Commission noted the accredited representative's statement that Mr. Roger Gibb's report on the problem of railway tariffs and of the financial situation of the railways of Kenya, Uganda and Tanganyika is still under examination. It would be glad to find, in the annual reports, detailed particulars as to the steps which the mandatory Power may take with regard to the mandated territory on the basis of the suggestions contained in that report (pages 54, 126-127).

TERRITORIES UNDER " C " MANDATE.

Nauru.

No observations (page 97).

New Guinea.

1. *General Administration.*

The Commission has noted the creation of the Legislative Council and Executive Council of the territory. It would like to find in the next report detailed particulars as to their operation and their functions.

The Commission would further like to be informed as to the measures taken to safeguard the interests of the natives in these bodies (pages 19-20, 97).

¹ See pages 17-18, 31, 134-157, 160.

² M. Orts, M. Merlin and M. Van Rees voted against the passages in this paragraph enclosed between brackets (see pages 126-127).

2. *Public Finance.*

The Commission hopes to find in the next report a detailed account of the origin, organisation and operation of the various "trust funds" (pages 22, 97).

3. *Education.*

The Commission hopes that the next report will give detailed information regarding the mission schools (pages 28-29, 97).

4. *Labour.*

The Commission would very much like to find in the next report detailed information as to the mortality of the workers in the Morobe district (pages 27, 97).

South West Africa.

1. *Finance.*

The Commission has been seriously alarmed by the grave state of the finances, due largely to the service of the territory's debts, which constitutes a very heavy burden. It hopes that the mandatory Power will succeed in re-establishing the financial equilibrium of the territory (pages 85-87, 157).

The Commission would like to find in the next report information as to the work of the Committee set up to examine certain questions which are still pending with regard to Customs tariffs and railway rates, and the financial relations between the mandatory Power and the territory (pages 84, 157).

2. *Public Health.*

The Commission hopes that the Administration will be able to combat successfully the epidemic of plague which has broken out in Ovamboland (pages 95, 157).

D. OBSERVATIONS ON PETITIONS. ¹

At its twenty-third session, the Commission considered the petitions mentioned below, together with the observations with regard thereto furnished by the mandatory Powers. Each of the petitions was reported on in writing by a member of the Commission. After discussion, the following conclusions were adopted by the Commission. The texts of the reports submitted to the Commission are attached to the Minutes. ²

Palestine.

- (a) *Petition, dated August 14th, 1932, from M. Wadie M. Attalah* (document C.P.M.1380) (pages 76, 166-167).

Observations of the United Kingdom Government, dated April 8th, 1933 (document C.P.M.1380).

Report (see Minutes, Annex 4).

CONCLUSIONS.

The Commission considers that no action need be taken on this petition.

- (b) *Petition, dated March 29th, 1933, from the International Alliance of Women for Suffrage and Equal Citizenship, London* (document C.P.M.1382) (pages 100, 131, 167).

Observations of the United Kingdom Government, dated June 15th, 1933 (document C.P.M.1397).

Report (see Minutes, Annex 5).

CONCLUSIONS.

The Commission, having examined the petition, dated March 29th, 1933, from the International Alliance of Women for Suffrage and Equal Citizenship, and the relevant observations of the United Kingdom Government, considers that no action need be taken on this petition.

- (c) *Petition, dated April 2nd, 1933, from Mr. Capsouto* (document C.P.M.1388) (pages 131, 168).

Observations of the United Kingdom Government, dated May 25th, 1933 (document C.P.M.1388).

Report (see Minutes, Annex 6).

¹ The page numbers given at the end of each title are those of the Minutes of the session.

² As the Commission has not thought it necessary to annex the texts of the petitions and the mandatory Powers' observations thereon to the Minutes, and consequently to transmit them to the Council, it recommends that copies of those documents should be deposited in the League of Nations Library and thus placed at the disposal of persons wishing to consult them.

CONCLUSIONS.

The Commission, having examined the petition, dated April 2nd, 1933, from Mr. Capsouto, in the light of the observations of the United Kingdom Government considers that no action need be taken on this petition.

- (d) *Memorandum on the development of the Jewish National Home in Palestine in the year 1932, accompanied by a letter, dated April 10th, 1933, from the President of the Jewish Agency for Palestine* (document C.P.M.1403) (pages 132, 168-169).

Observations of the United Kingdom Government, dated June 16th, 1933 (document C.P.M.1403).

Report (see Minutes, Annex 7).

CONCLUSIONS.

The Commission, having taken cognisance of the Jewish Agency's memorandum and of the accompanying documents, does not consider that they call for any recommendation to the Council.

Syria and the Lebanon.

- (a) *Petition, undated (received on September 14th, 1932), from the Association des Etudiants arabes de Toulouse* (document C.P.M.1312) (pages 130-131, 144, 159, 170).

Observations of the French Government, dated November 28th, 1932 (document C.P.M.1346).

Report (see Minutes, Annex 9).

CONCLUSIONS.

The Commission, having noted the petition from the Association des Etudiants arabes de Toulouse, received on September 14th, 1932, and the observations of the French Government thereon, considers that it does not call for any recommendation to the Council.

- (b) *Petition, dated December 22nd, 1931, from the Association de la Jeunesse musulmane, Beirut* (document C.P.M.1351) (pages 131, 170-171).

Observations of the French Government, dated November 30th, 1932 (document C.P.M.1351).

Report (see Minutes, Annex 10).

CONCLUSIONS.

The Commission, having examined the petition, dated December 22nd, 1931, from the Association de la Jeunesse musulmane, and the French Government's observations thereon, considers that no recommendation need be made to the Council on this petition.

- (c) *Petition, dated March 20th, 1932, from M. Ibrahim Hanano, and his fellow candidates of Aleppo* (document C.P.M.1350) (pages 130-131, 144, 159, 171).

Observations of the French Government, dated November 30th, 1932 (document C.P.M.1350).

Report (see Minutes, Annex 11).

CONCLUSIONS.

The Commission, having examined the petition, dated March 20th, 1932, from M. Ibrahim Hanano and associates, together with the observations of the French Government, considers that this petition does not call for any recommendation to the Council.

- (d) *Petition, dated January 29th, 1933, from the Association des Etudiants arabes de Toulouse* (document C.P.M.1374) (pages 76, 172).

Observations of the French Government, dated June 14th, 1933 (document C.P.M.1396).

Report (see Minutes, Annex 12).

CONCLUSIONS.

The Commission, having examined the petition, dated January 29th, 1933, of the Arab Students of Toulouse, and the observations of the French Government thereon, considers that no action need be taken on this petition.

- (e) *Petition, dated January 22nd, 1933, from M. César Eddé* (document C.P.M.1405) (pages 131, 172-173).

Observations of the French Government, dated June 20th, 1933 (document C.P.M.1405).
Report (see Minutes, Annex 13).

CONCLUSIONS.

The Commission, having examined the petition, dated January 22nd, 1933, from M. César Eddé, and the relevant documents submitted by the French Government, considers that no action need be taken on this petition.

- (f) *Petition, dated May 1st, 1933, from M. Ibrahim Hanano* (document C.P.M.1400) (pages 157, 173).

Observations of the French Government, dated June 16th, 1933 (document C.P.M.1400).
Report (see Minutes, Annex 14).

CONCLUSIONS.

The Commission, having examined the petition, dated May 1st, 1933, from M. Ibrahim Hanano, together with the observations of the French Government, considers that it does not call for any recommendation to the Council.

- (g) *Petitions: (1) dated November 24th, 1932, from Mme. Marguerite Sagiati; (2) dated January 26th, 1933, from M. Nasri A. Dallal* (document C.P.M.1398) (pages 128-130, 132-133, 142-144, 157-159, 160, 174-176).

Observations of the French Government, dated June 15th, 1933 (document C.P.M.1398).
Report (see Minutes, Annex 15).

CONCLUSIONS.

The Commission,
Having examined the petitions from Mme. Sagiati and M. Dallal, together with the observations of the mandatory Power and the documents appended thereto;

Considering that the petitioners object to judgments regularly rendered by the highest judicial authorities of the mandated territory, and that the Commission cannot comply with their request in that respect;

Considering also that the Koran Law, which was still fully in force in Syria when the Gazale succession was opened, was partly abrogated for the benefit of foreigners during the case brought in connection with this estate;

Is of opinion that :

- (1) The request of the petitioners should be rejected as non-receivable;
 - (2) The attention of the Council should be called to the fact that the law enforced and admitted by the highest judicial authority in the mandated territory as enforceable would appear to be clearly contrary to the principle of equality of rights.
- (h) 1. *Petition (undated) from Students of Medicine and Law of Damascus* (document C.P.M. 1404) (pages 131, 156, 159, 176-177).
2. *Petition (undated) from Alaouites of Tripoli* (document C.P.M.1404) (pages 131, 156, 159, 176-177).
3. *Petition (undated) from Alaouites of Homs* (document C.P.M.1404) (pages 131, 156, 159, 176-177).

Observations of the French Government, dated June 19th, 1933 (document C.P.M.1404).
Report (see Minutes, Annex 16).

CONCLUSIONS.

The Commission, having examined the petitions from a group of students of medicine and law of Damascus, a group of Alaouites of Tripoli, and a group of Alaouites of Homs, together with the observations of the mandatory Power thereon, considers that those petitions do not call for any recommendation on its part to the Council.

Cameroons under French Mandate.

Petitions from M. V. Ganty, " Delegate in Europe of the Cameroons Negro Citizens " :

- (a) *Dated June 19th, 1931* (document C.P.M.1379) (pages 76, 178-179).
Observations of the French Government, dated March 25th, 1933 (document C.P.M.1379).
- (b) *Dated August 14th, 1931* (document C.P.M.1377) (pages 76, 178-179).
Observations of the French Government, dated March 10th, 1933 (document C.P.M.1377).
- (c) *Dated August 21st, 1931* (document C.P.M.1378) (pages 76, 178-179).
Observations of the French Government, dated March 13th, 1933 (document C.P.M.1378).
- (d) *Dated November 10th, 1932* (document C.P.M.1368) (pages 76, 178-179).
Observations of the French Government, dated December 21st, 1932 (document C.P.M. 1368).
Report (see Minutes, Annex 17).

CONCLUSIONS.

The Commission, having considered the four petitions, dated June 19th, August 14th and 21st, 1931, and November 10th, 1932, from M. V. Ganty, and the observations of the mandatory Power thereon, considers that there is no need to take any special action in the matter.

Tanganyika.

- (a) *Petition, dated September 19th, 1932, from the Indian Association, Dar-es-Salaam* (document C.P.M.1376).

Observations of the United Kingdom Government, dated March 8th, 1933 (document C.P.M.1376).

- (b) *Petition, dated January 22nd, 1933, from the President of the Koloniale Reichsarbeitsgemeinschaft, Berlin* (document C.P.M.1375).

Observations of the United Kingdom Government, dated April 26th, 1933 (document C.P.M.1381).

Report (see Minutes, Annex 18).

(Pages 37-40, 47-52, 69-71, 124-127, 179-182.)

CONCLUSIONS.

The Commission,

Being called upon to consider the question of the unification of the Tanganyika postal services with those of Kenya and Uganda, which was put into effect on January 1st, 1933 ;

Referring to the petition of September 19th, 1932, from the Indian Association and to that of January 22nd, 1933, from the Koloniale Reichsarbeitsgemeinschaft, which dispute the legitimacy of that unification and deplore its probable consequences ;

Having regard to the observations of the mandatory Power, which asserts that the step taken is legitimate and anticipates that it will prove to be to the advantage of the territory ;

Having regard to the provisions of Article 10 of the mandate, which explicitly authorises the constitution of administrative unions or federations, such as the postal union under discussion, provided that the steps taken to put them into practice do not "infringe the provisions of this mandate" ;

And in view of the difference of opinion that has come to light in the Commission, both as to the interpretation of Article 10 in general, and, in particular, as to the juridical legitimacy and the probable advantages and disadvantages of the unification of the postal services :

Decides :

(1) To call the particular attention of the Council to the action that has been taken and the controversy to which it has given rise in the Commission itself ;

(2) To adopt as conclusion on these petitions the observations included in the report to the Council under the heading "Amalgamation of the postal services of Tanganyika, on the one hand, and of Kenya and Uganda, on the other".

Islands under Japanese Mandate.

Petitions, dated September 3rd, 1931, and April 28th, 1932, from M. Kashichiro Masakiyo, acting for M. Wan Cablera (documents C.P.M.1271 and 1297) (pages 76, 183-184).

Observations of the Japanese Government, dated November 9th, 1931, and September 5th, 1932 (documents C.P.M.1271 and 1297).

Report (see Minutes, Annex 19).

CONCLUSIONS.

The Commission, having examined the petitions, dated September 3rd, 1931, and April 28th, 1932, submitted by M. Kashichiro Masakiyo on behalf of M. Wan Cablera, together with the observations of the Japanese Government on those petitions ; having noted a contradiction between certain comments on the petitions and a document submitted previously by the petitioner, would be glad if the mandatory Power would be good enough to give it further information concerning this contradiction.

South West Africa.

- (a) *Petitions, dated October 3rd, 25th and 28th, 1932, from Mr. E. J. E. Lange* (documents C.P.M.1372 and 1369) (pages 75-76, 184).

Observations of the Government of the Union of South Africa, dated January 4th, 1933, and December 7th, 1932 (documents C.P.M.1372 and 1369).

Report (see Minutes, Annex 20).

CONCLUSIONS.

The Commission is of opinion that the petitioner should again be informed that, since the matters in question are justiciable in the courts, they are not matters to be dealt with by the Permanent Mandates Commission, which is not a judicial appellate court.

- (b) *Petition, dated July 3rd, 1932, from Mr. Jacobus Beukes, Rehoboth* (document C.P.M.1370) pages 159, 185-186).

Observations of the Government of the Union of South Africa, dated November 29th, 1932 (document C.P.M.1370).

Report (see Minutes, Annex 21).

CONCLUSIONS.

The Commission, having examined the petition of July 3rd, 1932, from Mr. Jacobus Beukes, and the observations of the mandatory Power thereon, referring to the conclusions on previous petitions adopted by the Commission in 1926 and 1932, approved by the Council and also favourably received by the majority of the Rehoboth community, again expresses the hope that the group of which the petitioner is a member will collaborate with the Administration, participate in the election of a Rehoboth Advisory Board, and accept the Administrator's proposal that the 1923 Agreement be discussed.

- (c) *Petitions, dated December 31st, 1932, and February 18th, 1933, from Mr. W. Eichhoff* (documents C.P.M.1383 and 1390) (pages 76, 186-187).

Observations of the Government of the Union of South Africa, dated April 18th and May 3rd, 1933 (documents C.P.M.1383 and 1390).

Report (see Minutes, Annex 22).

CONCLUSIONS.

The Commission, having considered these petitions, is of opinion :

1. That no proof is given that the petitioner's alleged losses of stock were all due to the causes to which they are ascribed ;
2. That there is nothing to show that he asked for or obtained any promise of special protection when he acquired the farm ;
3. That having, with full knowledge of the conditions, acquired a farm on the borders of the Sandvelt and of the Hereros reserve, it must be presumed that he was ready to face the risks, of which he was well aware ;
4. That, in the circumstances, the claim for compensation is not tenable.

The Commission further requests the Council to invite the attention of the mandatory Power to the statement by Mr. Eichhoff (page 7 of letter of August 12th, 1932) that, in July 1927, His Honour the Administrator had stated that a deputation of Hereros had asked for Mr. Eichhoff's farm as an extension of their reserve, and that His Honour had proposed to give Mr. Eichhoff other land in exchange for it, and also to the statement at the end of this letter that Mr. Eichhoff is willing to sell all or a part of the farm.

The Commission hopes that, in the interest alike of the petitioner and of the Hereros, the mandatory Power may find it possible to purchase the farm for the purpose stated.

II.

COMMENTS OF THE ACCREDITED REPRESENTATIVES
SUBMITTED IN ACCORDANCE WITH SECTION (e)
OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION

The accredited representatives for New Guinea, Nauru, Tanganyika, South West Africa, Palestine, ~~and Syria and the Lebanon~~ have stated that they have no comments to make on the observations contained in the report of the Permanent Mandates Commission.

LEAGUE OF NATIONS

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Abbreviations :		
Conf. = Conference	Kgd. = Kingdom	P. M. C. = Permanent Mandates Commission
Cttee. = Committee	Memo = Memorandum	Resol. = Resolution
Govt. = Government		

<p>Administration Purchase of Material by, <i>see under</i> Economic equality <i>See also under the territories concerned</i></p> <p>Annual Reports of Mandatory Powers <i>See under</i> Mandatory Powers</p> <p>Assyrians <i>See</i> Iraq, Assyrians</p> <p>Cameroons under French Mandate Annual report : postponement of examination 13 Petitions from M. Vincent Ganty, June 19, Aug. 14 and 21, 1931, and Nov. 10, 1932 Observations of Mandatory Power 194 P. M. C. 179, 195 Rejected 178-9 Report of Count de Penha Garcia 76, 178-9</p> <p>Catastini, V. (Director of Mandates Section) Statement on work of Section 13-14</p> <p>Cinematograph Influence of films on peoples of different mentality and civilisation : data to be communicated by mandatory Powers Discussion 14, 14-16 Resol. of Council, Jan. 26, 1933, allusion to 13, 14 Sub-Cttee. <i>re</i> study of question Appointment 15, 16 Draft " opinion " 75, 188</p> <p>Closer Administrative, Customs and Fiscal Union between Tanganyika, Kenya and Uganda <i>See</i> Tanganyika, Union, etc.</p> <p>Commission, Permanent Mandates Conclusions and opinions of P. M. C. noted by Council 12, 13 Liaison with Advisory Commission for Protection and Welfare of Children, etc., suggestion <i>re</i> Proposal of Chairman 76-7 Members Present at 23rd session : list 11 Observations on administration of territories and on petitions Comments of accredited representatives Communication to mandatory Powers of observations <i>re</i> annual reports and petitions examined at 22nd session 12, 13 Text 190-6 <i>See also under</i> Annual reports and Petitions <i>under the territories concerned</i> President Election 14 Speech at opening of session (survey of decisions, etc., <i>re</i> mandates questions since 22nd session) 12-13 Proposal to grant Commission the right to express definite opinion with regard to certain questions 12 Rapporteurs : appointment 43, 75 Reports, <i>see below under</i> 22nd Session and 23rd Session Representation before Council 160</p>	<p>Commission, Permanent Mandates (continued) Representatives accredited to, <i>see</i> Representatives etc. Vice-president : election 14 22nd Session Minutes : date of publication ; tribute to Secretariat 13, 14 Report on work : examination by Council and decisions <i>re</i> 12-13 23rd Session Agenda Provisional : adopted 14 Text 163-5 Close of session 160 Members : list 11 Minutes, <i>see below under</i> Records Opening of session : speech by President 12-13 Privacy of meetings 11 Programme of work 14 Records Annexes 160, 161-96 Minutes 11-160 Date of publication 132 Report to Council on work 187-96 Adoption 160 Date of publication 132 24th Session : date of 132</p> <p>Conventions applied to Mandated Territories Tables relating to bilateral conventions : replies of accredited representatives <i>re</i> and question of publication 14, 159, 189</p> <p>Council of League Work as regards Mandates 12-13, 14</p> <p>Documents and Publications concerning Mandates Diffusion : work of Mandates Section 13 List of documents forwarded to Secretariat by mandatory Powers 13, 45, 161-3</p> <p>Economic Equality Purchase of material by administrations of territories under A and B Mandates Conclusions of P. M. C. approved by Council 12 Opinion expressed by German and Italian representatives to Council 12</p> <p>Education Cinematograph in relation to, <i>see</i> Cinematograph, etc. <i>See also under the different territories</i></p> <p>Frontiers Right to express definite opinion <i>re</i> delimitation : request to Council 12 <i>See also under the territories concerned</i></p> <p>Ipumbu, Chief <i>See</i> South West Africa, Natives, Chief Ipumbu</p> <p>Iraq Assyrians Administrative autonomy, question of 12 Petitions, <i>see below</i> Petitions Settlement of landless 12</p>
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Genève,

SOCIÉTÉ DES NATIONS

COMMISSION PERMANENTE DES MANDATS

Procès-verbal de la
VINGT-TROISIÈME SESSION
tenue à Genève du 19 juin au 1er juillet 1933.

page 51, lignes 35, 36 et 37, lire:

M. ORTS ne prend la parole que parce que les appréhensions manifestées par certains de ses collègues à l'égard de l'établissement de l'unification postale et de la Conférence des gouverneurs pourraient être interprétées comme l'expression du sentiment général de la Commission.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

Minutes of the
TWENTY-THIRD SESSION
held at Geneva from June 19th to July 1st, 1933.

Page 51, lines 35, 36 and 37, read:

M. ORTS only spoke on this subject because the apprehensions voiced by certain of his colleagues concerning the establishment of postal amalgamation and the Conference of Governors were liable to be interpreted as representing the general feeling of the Commission.

Genève, le 5 octobre 1933.

SOCIÉTÉ DES NATIONS

MANDATS

RENSEIGNEMENTS STATISTIQUES
relatifs aux territoires sous mandat¹

Note du Secrétaire général.

Les renseignements contenus dans le présent document, concernant le commerce, les finances publiques et le mouvement démographique des territoires sous mandat, sont publiés conformément à la proposition de la Commission permanente des mandats, approuvée par le Conseil dans sa séance du 29 septembre 1933.

Ces tableaux ont été préparés par le Secrétariat sur la base des renseignements fournis par les Puissances mandataires² conformément à la résolution du Conseil du 25 janvier 1932.

Les notes explicatives ont été traduites par le Secrétariat.

¹ Pour le premier document contenant des renseignements statistiques, voir document C.143.M.34.1928.VI — C.P.M. 698 —, du 21 mai 1928.

² Les Puissances mandataires ont fourni les renseignements aux dates ci-après: Palestine-Transjordanie, 7 février 1933; Syrie et Liban, 22 mars 1933; Cameroun sous mandat britannique, 7 février 1933; Cameroun sous mandat français, 9 janvier 1933; Ruanda-Urundi, Rapport annuel pour 1931, page 231; Tanganyika, 7 février 1933; Togo sous mandat britannique, 7 février 1933; Togo sous mandat français, 9 janvier 1933; Iles du Pacifique sous mandat japonais, 15 novembre 1932; Nauru, 30 novembre 1932; Nouvelle-Guinée, 16 juin 1932; Samoa occidentale, Rapport annuel pour 1931-32, page 25; Sud-Ouest africain, 16 juin 1932.

Geneva, October 5th, 1933.

LEAGUE OF NATIONS

MANDATES

STATISTICAL INFORMATION
regarding Territories under Mandate¹

Note by the Secretary-General.

The data in the present document regarding the trade, public finances and vital statistics of the mandated territory are published in accordance with the proposal made by the Permanent Mandates Commission and approved by the Council at its meeting on September 29th, 1933.

These tables have been compiled by the Secretariat on the basis of information supplied by the mandatory Powers² in conformity with the Council's resolution of January 25th, 1932.

The explanatory notes have been translated by the Secretariat.

¹ For the first document containing statistical data, see document C.143.M.34.1928.VI — C.P.M.698 — dated May 21st, 1928.

² The mandatory Powers supplied information on the dates hereunder: Palestine - Trans-Jordan, February 7th, 1933; Syria and Lebanon, March 22nd, 1933; Cameroons under British Mandate, February 7th, 1933; Cameroons under French Mandate, January 9th, 1933; Ruanda-Urundi, Annual Report for 1931, page 231; Tanganyika, February 7th, 1933; Togoland under British Mandate, February 7th, 1933; Togoland under French Mandate, January 9th, 1933; Islands under Japanese Mandate, November 15th, 1932; Nauru, November 30th, 1932; New Guinea, June 16th, 1932; Western Samoa, Annual Report for 1931-32, page 25; South West Africa, June 16th, 1932.

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Mandats A. — A Mandates.

PALESTINE ET TRANSJORDANIE. — PALESTINE AND TRANS-JORDAN.

A. PALESTINE (la Transjordanie non comprise). — PALESTINE (excluding Trans-Jordan).

Superficie: 23.336 km² (9.010 milles carrés). — Area: 9,010 sq. miles (23,336 km²).

Année civile Calendar year	POPULATION	COMMERCE* — TRADE*										Année civile Calendar year
		Importations — Imports		Exportations Exports		Réexportations Re-exports		Transit à destination de Syrie Transit to Syria		Transit en provenance de Syrie Transit from Syria		
		Marchandises Merchandise	Espèces Specie	Marchandises Merchandise	Espèces Specie	Marchandises Merchandise	Espèces Specie	Marchandises Merchandise	Espèces Specie	Marchandises Merchandise	Espèces Specie	
		£E	£E	£E	£E	£E	£E	£E	£E	£E	£E	
1920	673.193	5.409.987	—	1.318.620	—	—	—	—	—	—	—	1920
1921	761.796	5.871.878	—	1.416.368	—	82.868	—	141.689	—	3.736	—	1921
1922	757.182	5.471.667	109.465	1.070.171	283.197	187.328	1.512	347.699	—	47.807	2.208	1922
1923	—	4.025.185	110.080	1.143.234	411.496	233.973	—	189.680	—	45.415	192	1923
1924	681.245	5.266.349	187.222	1.200.812	717.275	141.842	24	136.138	—	61.002	—	1924
1925	—	7.338.491	193.656	1.297.559	102.145	139.701	12	71.776	—	48.752	2.370	1925
1926	887.000	6.429.245	10.835	1.275.625	13.356	175.129	115	73.251	500	33.811	9	1926
		£P	£P	£P	£P	£P	£P	£P	£P	£P	£P	
1927	890.000	6.184.454	262.659	1.899.759	3.430	246.592	—	131.029	—	—	—	1927
1928	900.000	6.770.818	17.949	1.487.207	22.254	177.802	90	177.447	—	—	—	1928
1929	920.000	7.166.593	12.310	1.554.262	212.667	179.671	—	265.501	—	—	—	1929
1930	946.000	6.985.258	3.229	1.896.095	1.654	182.222	58	155.385	2.485	—	—	1930
1931	1.035.154	5.940.000	2.025	1.572.061	226.467	251.338	—	177.162	—	—	—	1931

(Recensement: chiffre provisoire)
(Census: Provisional figure)

* Chiffres libellés en livres égyptiennes et palestiniennes: £E1 = £1,01571 sterling au pair. £P1 = £1.

* Figures are in Egyptian and Palestinian pounds: £E1 = £1.01571 sterling at par. £1P = £1.

Exercice financier ou administratif Financial or administrative year	DETTE PUBLIQUE PUBLIC DEBT	FINANCES PUBLIQUES* . — PUBLIC FINANCE*						Exercice financier ou administratif Financial or administrative year	
		RECETTES PROVENANT DE SOURCES EXTÉRIEURES REVENUE FROM EXTERNAL SOURCES		Recettes autres que les recettes provenant de sources extérieures Revenue other than from external sources	SOMMES DÉPENSÉES POUR: AMOUNT SPENT ON:				
		Prêts et avances Loans and advances	Subsides non remboursables Non-recoverable grants		Instruction Education	Agriculture	Hygiène publique Public health		Travaux publics Public works
	£P	£P	£P	£P	£P	£P	£P		
1920-21**	—	Nil	—	1.135.884	50.079	31.046	121.272	157.600	1920-21**
1921-22	—	»	—	2.371.531	90.418	46.337	146.596	104.394	1921-22
1922-23	—	»	295.000	1.809.831	91.520	38.610	117.074	219.385	1922-23
1923-24	—	»	240.622	1.675.788	99.772	36.530	93.698	147.566	1923-24
1924-25	—	»	195.126	1.959.820	102.666	35.691	84.440	154.354	1924-25
1925-26	—	»	204.878	2.604.446	103.992	37.089	85.411	217.074	1925-26
1926-27	—	»	86.476	2.364.889	116.810	65.312	91.676	311.131	1926-27
Avril-Déc. April-Dec.									Avril-Déc. April-Dec.
1927	4.475.000	»	30.345	1.709.035	100.039	52.490	73.858	502.628†	1927
1928	4.475.000	»	35.797	2.548.520	137.115	72.360	98.581	342.714	1928
1929	4.475.000	»	24.523	2.299.049	139.789	76.714	101.864	300.947	1929
1930	4.475.000	»	41.286	2.348.260	143.555	102.518	105.481	382.982	1930
1931	4.475.000	»	222.909	2.110.986	146.988	81.227	105.918	334.352	1931

* Chiffres libellés en livres égyptiennes et palestiniennes: £E1 = £1,01571 sterling au pair. £P1 = £1.

** Du 1^{er} juillet 1920 au 31 mars 1921 seulement.

† Y compris un ajustement de £P 202.921, pour divers travaux entrepris au cours d'années antérieures et imputé à des fonds d'emprunts.

* Figures are in Egyptian and Palestinian pounds: £E1 = £1.01571 sterling at par. £P1 = £1.

** From July 1st, 1920, to March 31st, 1921, only.

† Includes an adjustment of £P202,921 in respect of various works undertaken in previous years and charged to Loan Funds.

B. TRANSJORDANIE. — TRANS-JORDAN.

Superficie: 40.000 km² (15.444 milles carrés). — Area: 15,444 sq. miles (40,000 km²).

Année civile Calendar year	POPULATION (évaluation) (estimated)	Exercice financier ou administratif Financial or administrative year	COMMERCE* TRADE*		FINANCES PUBLIQUES* — PUBLIC FINANCE*								Exercice financier ou administratif Financial or administrative year
			Importations Imports	Exportations Exports	Dette publique Public debt	RECETTES PROVENANT DE SOURCES EXTÉRIEURES REVENUE FROM EXTERNAL SOURCES		Recettes autres que les recettes provenant de sources extérieures Revenue other than from external sources	SOMMES DÉPENSÉES POUR: AMOUNT SPENT ON:				
						Prêts et avances Loans and advances	Subsides non remboursables Non-recoverable grants		Instruction des indigènes Native education	Agriculture	Hygiène publique Public health	Travaux publics Public works	
	—	1924-25	—	—	—	—	77.572	203.101	12.124	1.397	5.120	8.746	1924-25
	—	1925-26	—	—	—	—	103.957	178.502	14.671	1.499	7.113	22.611	1925-26
1926	305.584	1926-27	—	—	—	—	66.000	236.520	18.232	3.609	9.426	33.316	1926-27
1927	»	1927-28	—	—	—	20.000	45.000	237.073	19.738	6.338	10.612	32.985	1927-28
1928	»	1928-29	—	—	20.000	—	67.644	239.911	21.094	8.090	11.268	29.020	1928-29
1929	»	1929-30	—	—	18.000	—	76.975	239.172	21.463	5.418	11.106	31.781	1929-30
1930	»	1930-31	—	—	16.000	—	108.695	260.361	22.000	5.900	11.018	26.560	1930-31

* Chiffres indiqués en livres palestiniennes: £P1 = £1.

* Figures are given in Palestine pounds: £P1 = £1.

SYRIE ET LIBAN. — SYRIA AND LEBANON.

Superficie: 161.000 km² (62.163 milles carrés) (a). — Area: 62,163 sq. miles (161,000 km²) (a).

Exercice financier ou administratif Financial or administrative year	POPULATION	COMMERCE* — TRADE*		FINANCES PUBLIQUES* — PUBLIC FINANCE*							Exercice financier ou administratif Financial or administrative year
		Importations Imports	Exportations (réexportations incluses) Exports (including re-exports)	RECETTES PROVENANT DE SOURCES EXTÉRIEURES REVENUE FROM EXTERNAL SOURCES		Recettes autres que les recettes provenant de sources extérieures Revenu local Revenue other than from external sources. Local revenue	SOMMES DÉPENSÉES POUR: AMOUNT SPENT ON:				
				Prêts et avances Loans and advances	Subsides non remboursables Non-recoverable grants		Instruction des indigènes Native education	Agriculture	Hygiène publique Public health	Travaux publics Public works	
1920 (b)		627.078.800	54.990.800	7.440.000 (b, c)	---	91.517.680	4.156.440	891.140	5.925.060	31.107.380	1920
1921		601.656.900	68.500.382	30.728.000 (c)	—	205.873.000	9.786.960	2.906.940	10.592.900	15.005.200	1921
1922		526.253.630	114.303.150	—	—	211.144.000	10.227.380	2.969.000	8.805.820	17.581.680	1922
1923		560.477.380	246.841.240	—	—	221.675.000	10.571.280	2.124.000	7.612.420	20.808.540	1923
1924		796.634.760	339.933.660	—	—	283.391.000	11.247.080	3.263.200	6.641.500	29.745.100	1924
1925		975.598.200	459.191.020	—	—	291.040.000	13.358.300	3.799.160	7.836.540	30.643.200	1925
1926		1.284.927.740	548.133.160	—	—	425.458.000	21.234.960	6.025.760	9.148.740	65.035.260	1926
1927		1.277.252.200	545.511.900	—	—	492.846.000	23.632.500	8.257.578	10.039.610	50.120.925	1927
1928		1.320.040.227	534.834.112	—	—	468.351.000	27.209.600	9.746.260	11.380.820	69.447.260	1928
1929	2.656.596	1.459.968.023	684.750.459	—	—	521.263.000	28.842.620	10.978.020	11.691.680	101.821.100	1929
1930		1.270.526.168	612.321.671	—	—	476.503.000	28.629.940	19.270.940	10.856.920	97.749.500	1930
1931 (d)		1.159.372.940	417.833.322	—	—	478.201.000	28.249.420	12.568.740	9.899.620	79.711.020	1931

Dette publique 1929: Lt. or 10.870.000 e). — Public debt, 1929: £ T. 10,870,000 (gold) e).

* Tous les chiffres sont indiqués en francs français.

a) Ce chiffre n'est pas définitif.

b) Les renseignements donnés pour l'année 1920 se rapportent uniquement aux territoires de l'ancienne « Zone Ouest des Territoires ennemis occupés » (Grand-Liban, Territoire des Alaouites, Sandjak d'Alexandrette).

c) Ces deux montants représentent des subventions du Haut Commissariat aux budgets locaux.

d) Les chiffres fournis pour l'année 1931 sont approximatifs, les comptes d'exercice n'ayant pas encore été présentés à l'approbation du Haut Commissaire.

e) Cette somme ne représente que le montant théorique et nominal de la Dette. Le règlement en quatre-vingt-six annuités, prévu par l'Accord du 19 janvier 1929, en réduit considérablement la valeur réelle.

* All figures are in French francs.

(a) This figure is not final.

(b) The particulars given for 1920 refer only to the territories of the former "Western zone of occupied enemy territories" (Grand Lebanon, Territory of the Alaouites, Sanjak of Alexandretta).

(c) These two sums represent grants by the High Commissariat to the local budgets.

(d) The figures for the year 1931 are approximate, the accounts of the "exercice" not yet having been submitted to the High Commissioner for approval.

(e) This sum only represents the theoretical and nominal value of the debt. The settlement in eighty-six annual instalments provided for in the agreement of January 19th, 1929, considerably reduces its real value.

Mandats B. — B Mandates.

CAMEROUN SOUS MANDAT BRITANNIQUE. — CAMEROONS UNDER BRITISH MANDATE.

Superficie: 88.671 km² (34.236 milles carrés). — Area: 34,236 sq. miles (88,671 km²).

Année civile Calendar year	POPULATION		COMMERCE* TRADE*		FINANCES PUBLIQUES* — PUBLIC FINANCE*													Année civile Calendar year
	Indigène Native	Non indigène Non-native	(a)		Exercice financier ou administratif Financial or administrative year (b)	RECETTES PROVENANT DE SOURCES EXTÉRIEURES REVENUE FROM EXTERNAL SOURCES		RECETTES AUTRES QUE LES RECETTES PROVENANT DE SOURCES EXTÉRIEURES REVENUE OTHER THAN FROM EXTERNAL SOURCES		SOMMES DÉPENSÉES POUR: — AMOUNT SPENT ON:								
			Importations Imports	Exportations Exports		Prêts et avances Loans and advances	Subsides non remboursables Non-recoverable grants (c) (d)	Gouvernement Government (d)	Admin. indigène Native admin. (e)	Instruction Education		Agriculture		Hygiène publique Public health		Travaux publics Public works		
										Gouvernement Government	Admin. indigène Native admin.	Gouvernement Government	Admin. indigène Native admin.	Gouvernement Government	Admin. indigène Native admin.	Gouvernement Government	Admin. indigène Native admin.	
1921	645.174	55	80.514	40.025	1920	Nil	12.296	57.832	—	907	—	3.177	—	5.872	—	2.785	—	1920
1922	551.321	91	52.172	140.424	Janv.-Mars 1921	»	16.589	6.102	—	425	—	973	—	1.610	—	4.186	—	1921
1923	632.303	85	57.869	74.363	1921-22	»	50.630	51.574	13.178	1.936	—	4.423	—	7.321	—	19.023	—	1922
1924	660.024	77	45.945	112.195	1922-23	»	50.057	56.299	27.098	2.923	1.271	1.001	—	9.244	21	15.410	2.786	1923
1925	687.375	183	238.636	126.668	1923-24	»	53.338	66.324	21.055	4.224	1.866	459	14	13.159	278	13.689	2.711	1924
1926	666.841	220	275.443	220.740	1924-25	»	58.201	71.507	34.257	4.850	2.143	813	14	10.124	364	16.351	3.662	1925
1927	700.050	258	318.457	303.747	1925-26	»	30.770	85.153	38.654	4.472	3.016	1.157	16	10.886	578	16.642	5.075	1926
1928	718.864	292	320.605	386.460	1926-27	»	36.082	90.224	43.937	5.660	2.897	—(f)	15	12.354	639	20.076	7.660	1927
1929	738.178	273	214.620	307.607	1927-28	»	28.404	107.922	46.731	7.062	3.449	—(f)	17	12.759	841	22.608	12.619	1928
1930	773.840	281	177.206	279.039	1928-29	»	61.495	88.904	47.433	8.307	3.752	3.247	205	12.620	1.029	32.050	15.688	1929
1931	774.585	278	103.866	154.552	1929-30	»	64.493	82.590	48.856	9.409	4.635	4.321	237	15.953	1.237	24.872	19.365	1930
					1930-31	»	68.007	81.945	51.071	10.033	3.395	4.761	786(g)	16.224	1.029	22.815	13.170	1931

Dette publique: néant. — Public debt: Nil.

* Tous les chiffres sont indiqués en livres sterling.

a) Y compris les espèces passant par les postes de douane. Les chiffres ci-dessus ne comprennent pas les importations et les exportations qui s'effectuent par la frontière entre le Nigéria et le Cameroun britannique. On ne dispose, au sujet de ce commerce, d'aucune évaluation digne de foi.

b) En 1921, l'année financière, qui coïncidait antérieurement avec l'année civile, a été modifiée et est devenue la période allant du 1^{er} avril au 31 mars.

c) Les subsides non recouvrables sont les évaluations des déficits annuels auxquels il est fait face au moyen des recettes générales du Nigéria.

d) Dans le calcul des subsides non recouvrables et des recettes de l'Etat pour les années antérieures à 1923-24, il n'a pas été tenu compte des faibles recettes de l'Etat en provenance du Cameroun septentrional. Le montant de ce revenu, qui ne peut pas être rigoureusement calculé, a été plus que contrebalancé par les dépenses de l'Etat. A partir de 1923-24, les chiffres correspondent à ceux de l'annexe I aux rapports annuels.

e) Les Trésoreries indigènes du Cameroun septentrional n'ayant pas été entièrement organisées avant 1921-22, on ne dispose pas de chiffres afférents à la période antérieure au 1^{er} avril 1921. Les Trésoreries indigènes de la Province du Cameroun n'ont été constituées que le 1^{er} avril 1922.

f) Les dépenses afférentes aux jardins botaniques de Victoria figurent à présent sous la rubrique « Sylviculture »: elles s'élevaient en 1926-27 à £1.039, en 1927-28, à £994, en 1928-29, à £3.426 et en 1929-30 à £3.190.

g) Sylviculture et agriculture.

* All figures are in £ sterling.

(a) Including specie, through Customs stations. The figures given above do not include imports and exports across the frontier between Nigeria and the British Cameroons. No reliable estimate of this trade is available.

(b) In 1921, the financial year which had previously coincided with the calendar year was altered to the period April 1st to March 31st.

(c) The non-recoverable grants are the estimated annual deficits which are met from the general revenue of Nigeria.

(d) In calculating the non-recoverable grants and the Government revenue for the years preceding 1923-24, no account has been taken of the small Government revenue arising from the Northern Cameroons. The amount of such revenue, which cannot be accurately computed, was more than counter-balanced by Government expenditure. From 1923-24 onwards, the figures correspond with those in Appendix I to the annual reports.

(e) As the Native Treasuries in the Northern Cameroons were not fully organised before 1921-22, no figures are available for the period prior to April 1st, 1921. The native Treasuries in the Cameroons Province were not constituted until April 1st, 1922.

(f) Expenditure on the Botanical Gardens, Victoria, is now shown under "Forestry" and in 1926-27 was £1,039, in 1927-28 was £994, in 1928-29 was £3,426, and in 1929-30, £3,190.

(g) Forestry and Agriculture.

Superficie: 429.750 km² (165.928 milles carrés). — Area: 165,928 sq. miles (429,750 km²).

Année civile Calendar year	POPULATION		COMMERCE* — TRADE*		FINANCES PUBLIQUES* — PUBLIC FINANCES*						Année civile Calendar year	
	Indigène Native	Non indigène Non-native	Importations Imports	Exportations Exports (d)	RECETTES PROVENANT DE SOURCES EXTÉRIEURES REVENUE FROM EXTERNAL SOURCES		Recettes autres que les recettes provenant de sources extérieures (e) (Recettes locales) Revenue other than from external sources (e) (local revenue)	SOMMES DÉPENSÉES POUR: AMOUNT SPENT ON:				
					Prêts et avances Loans and advances	Subsides non remboursables Non-recoverable grants		Instruction des indigènes Native education	Agriculture	Hygiène publique Public health		Travaux publics Public works
1920	—	—	47.242.438	49.245.085	Néant - Nil	Néant - Nil	14.035.606	117.540 (f)	—	740.631	—	1920
1921	2.830.000	—	33.581.277	21.498.353	»	»	13.284.790	242.200	106.830	889.015	—	1921
1922	—	722	33.427.960	25.236.660	»	»	14.463.450	411.400	175.643	1.452.121	9.386.313	1922
1923	2.755.326	—	54.430.524	42.305.003	»	»	21.072.720	387.655	163.360	1.435.446	8.295.000	1923
1924	2.771.132 (a)	—	73.947.426	66.955.692	»	»	17.160.000	455.427	237.324	2.211.000	8.900.000	1924
1925	Pas de recensement — No census	—	126.086.353	111.183.596	»	»	18.600.000	580.945	346.750	2.381.000	16.464.351 (i)	1925
1926	1.877.113 (b)	1.570	141.919.054	155.306.312	»	»	26.229.000	916.274	448.895	3.597.501	26.560.000 (j)	1926
1927	1.900.000 (c)	2.000 (c)	195.425.202	163.238.972	»	»	41.768.350	1.011.695	561.497	7.824.503 (g)	22.120.643 (k)	1927
1928	1.900.000	2.000	205.726.989	159.321.560	»	»	64.714.059	1.172.778	1.021.063	9.340.223 (h)	20.882.021 (l)	1928
1929	1.928.000	2.100	193.618.213	170.275.344	»	»	63.041.484	1.109.525	860.993	10.708.062 (h)	28.032.978 (m)	1929
1930	environ — approx. 2.186.015	1.998	172.852.000	136.794.000	»	»	76.290.574	1.525.471	1.326.361	14.591.776 (h)	39.551.223 (n)	1930

Dette publique: Emprunt Togo 1927: Fr. 5.000.000. — Public debt: (Loan from Togoland) 1927: Fr. 5,000,000.

* Tous les chiffres sont indiqués en francs français.

a) Recensement sommaire.

b) Voir rapport annuel 1926, page 49. Explication de l'apparente diminution de la population.

c) La population indigène augmente lentement, tandis que la population européenne s'accroît rapidement.

d) Exportations et réexportations.

e) Recettes effectives pour 1920-1923 (inclus), déduction faite des prélèvements sur la caisse de réserve et des reports des exercices antérieurs; prévisions pour 1924-1927.

f) Non compris les dépenses de matériel.

g) Budget spécial de la Santé publique et de l'Assistance indigène pour 1927.

h) Budget de la Santé publique en 1928, 1929, 1930.

i) Cette somme comprend: 1° budget spécial, 3.264.351 francs; 2° budget de la construction, 13.000.000 de francs; 3° budget de la Santé publique, 200.000 francs.

j) Ce chiffre comprend les dépenses figurant: 1° au budget spécial (4.600.000 fr.); 2° au budget annexe de la construction du chemin de fer (travaux en cours d'exécution: 21.500.000 fr.); 3° budget de la Santé publique (460.000 fr.).

k) Cette somme comprend: 1° budget spécial, 5.533.143 francs; 2° budget de la construction, 16.000.000 de francs; 3° budget de la Santé publique, 587.500 francs.

l) Ce chiffre comprend: Budget spécial: 20.270.271 francs. Santé publique: 611.750 francs.

m) Ce chiffre comprend: Budget spécial: 27.431.081 francs.

Santé publique: 601.897 »

n) Ce chiffre comprend: Budget spécial: 39.122.904 francs.

Santé publique: 428.319 »

* All figures are in French francs.

(a) Summary census.

(b) See report to the League 1926 (page 49) for explanation of the apparent decrease in the population.

(c) The native population is increasing slowly, while the European population is growing very rapidly.

(d) Exports and re-exports.

(e) For 1920-1923 (inclusive), actual receipts less sums taken from the Reserve Fund and carryover from the previous financial periods; for 1924-27, estimates only.

(f) Excluding expenditure on material.

(g) Special budget for public health and native relief for 1927.

(h) Public health budget in 1928, 1929, 1930.

(i) The sum includes (i) special budget, 3,264,351 francs; (ii) construction budget, 13,000,000 francs; (iii) public health budget, 200,000 francs.

(j) This total includes expenditure figuring in: (i) the special budget, 4,600,000 francs; (ii) supplementary railway construction budget (approved works in progress, 21,500,000 francs; (iii) the public health budget, 460,000 francs.

(k) This total includes: (i) special budget, 5,533,143 francs; (ii) construction budget, 16,000,000 francs; (iii) public health budget, 587,500 francs.

(l) This total includes: Special budget: 20,270,271 francs. Public health: 611,750 francs.

(m) This total includes: Special budget: 27,431,081 francs.

Public health: 601,897 francs.

(n) This total includes: Special budget: 39,122,904 francs.

Public health: 428,319 francs.

RUANDA-URUNDI

Superficie: 53.200 km² (20.541 milles carrés). — Area: 20,541 sq. miles (53,200 km²).

Exercice financier ou administratif Financial or administrative year	POPULATION		COMMERCE* — TRADE*		Dette publique Public Debt	FINANCES PUBLIQUES* — PUBLIC FINANCE* (c)							Exercice financier ou administratif Financial or administrative year
	Indigène Native (a)	Non indigène Non-native (a)	Importations Imports (b)	Exportations Exports (b)		RECETTES PROVENANT DE SOURCES EXTÉRIEURES REVENUE FROM EXTERNAL SOURCES		Recettes autres que les recettes provenant de sources extérieures (Recettes locales) Revenue other than from external sources (local revenue)	SOMMES DÉPENSÉES POUR: AMOUNT SPENT ON:				
						Prêts et avances Loans and advances	Subsides non remboursables Non-recoverable grants		Instruction des indigènes Native education	Agriculture	Hygiène publique Public health	Travaux publics Public works	
1920	—	172	1.074.818	617.424	—	1.500.000	—	—	—	—	—	—	1920
1921	—	482	1.676.486	551.532	—	1.500.000	—	—	—	—	—	—	1921
1922	4.000.000	465	3.800.000	1.617.450	—	1.000.000	—	2.931.241	—	326.235	81.871	433.168	1922
1923	3.000.000	524	7.828.000	6.019.649	—	1.200.000	—	3.424.793	151.526	205.936	122.000	624.162	1923
1924	5.000.000	605	10.269.304	9.523.686	—	1.200.000	—	5.084.318	168.286	61.914	441.399	355.715	1924
1925	5.000.000	675	14.990.164	9.953.199	—	3.400.000	—	7.044.555	301.911	179.145	985.026	421.098	1925
1926	5.000.000	675	9.289.827	13.388.346	—	5.300.000	—	10.548.091	694.101	447.265	1.350.335	1.344.821	1926
1927	5.000.000	837	30.087.322	19.575.346	—	5.700.000	—	15.381.689	923.245	350.534	1.903.722	1.666.878	1927
1928	3.750.000	1.029	45.913.298	18.746.629	—	4.000.000	—	23.842.013	1.008.246	521.914	3.117.075	1.666.533	1928
1929	3.450.000	1.551	58.476.384	14.553.581	—	11.873.334	—	26.157.073	1.682.088	1.067.153	4.650.562	2.977.992	1929
1930	3.450.000	1.650	57.533.815	14.317.204	6.500.000 (d)	11.704.369	—	30.946.848	2.120.384	1.563.229	6.396.806	3.549.337	1930
1931	3.450.000	1.501	60.533.128	14.985.359	35.000.000 (d)	18.438.830	—	34.277.256	2.607.082	1.867.338	7.157.472	4.637.826	1931

* Tous les chiffres sont indiqués en francs belges.

a) Estimations.

b) Ainsi qu'il est exposé dans le rapport annuel de la Puissance mandataire pour 1931 (IV^me partie, chapitre IV, titre VI), par suite de l'Union douanière existant entre le Ruanda-Urundi et le Congo belge, il n'est pas possible de donner une statistique tout à fait exacte du commerce extérieur du territoire sous mandat.

c) Il n'a pas été possible de fournir les renseignements demandés pour les années 1920 et 1921. Pour les exercices antérieurs à 1923, les documents financiers transmis par l'Administration d'Afrique n'ont pas été comptabilisés par l'Administration centrale par articles du budget. De plus, les budgets de ces exercices, établis en Afrique, confondraient dans un même article « Service territorial » les dépenses relatives à l'agriculture, au service vétérinaire, à l'hygiène, aux travaux publics, à la force publique et aux résidences. Les dépenses de ces divers services n'ont été clairement séparées qu'à partir de l'exercice 1926.

d) Montant des bons du Trésor en circulation au dernier jour de l'année.

* All figures are in Belgian francs.

(a) Estimates.

(b) As explained in the annual report of the mandatory Power for 1931 (Part IV, Chapter IV, Head VI), owing to the Customs Union existing between Ruanda-Urundi and the Belgian Congo, it is not possible to give absolutely accurate statistics of the foreign trade of the mandated territory.

(c) It has not been possible to furnish for 1920 and 1921 the particulars asked for. In respect of the financial periods previous to 1923, the financial documents forwarded by the administration in Africa were not divided by the Central Administration according to the items of the budget. Furthermore, the budgets of these periods, which were drawn up in Africa, place under the one heading "Territorial Service" all the expenses relating to agriculture, the veterinary service, health, public works, public forces and residencies. The expenditure on these different branches has only been clearly subdivided since the 1926 financial period onwards.

(d) Amount of Treasury bonds in circulation on last day of year.

TANGANYIKA.

Superficie: 968.871 km² (374.085 milles carrés). — Area: 374,085 sq. miles (968,871 km²).

Année civile Calendar year	POPULATION		COMMERCE* — TRADE* (a)			Année civile Calendar year	FINANCES PUBLIQUES* — PUBLIC FINANCE*							
	Indigène Native	Non indigène Non-native	Importations Imports	Exportations Exports	Transit		Exercice financier ou admini- stratif Financial or adminis- trative year	RECETTES PROVENANT DE SOURCES EXTÉRIEURES REVENUE FROM EXTERNAL SOURCES		Recettes autres que les recettes provenant de sources extérieures Revenue other than from external sources (b)	SOMMES DÉPENSÉES POUR: AMOUNT SPENT ON:			
								Prêts et avances Loans and advances	Subsides non rem- boursables Non-recover- able grants		Instruction Education (c)	Agriculture (d)	Hygiène publique Public health	Travaux publics Public works (e)
1919	4.000.000 (estimation) (estimated)	19.700 (estimation) (estimated)	1.737.640	1.994.016	144.591	1919-20	—	—	565.319	174	2.701	48.807	66.453	1919
1920	»	»	1.734.731	1.814.067	531.614	1920-21	—	316.000	790.467	3.106	11.061	90.787	166.131	1920
1921	4.107.000 (recensement) (census)	17.438 (recensement) (census)	1.426.125	1.246.870	142.764	1921-22	—	92.109	782.526	8.058	29.345	101.918	254.286	1921
1922	—	—	1.386.212	1.441.584	270.866	1922-23	—	—	1.001.040	9.359	32.180	89.999	240.427	1922
1923	—	—	1.799.038	1.733.229	266.598	1923-24	—	—	1.073.779	11.024	34.742	91.341	191.432	1923
1924	—	—	2.062.646	2.695.284	693.092	1924-25	—	—	1.240.054	15.724	41.112	106.127	319.031	1924
1925	4.319.000 (estimation) (estimated)	19.000 (estimation) (estimated)	2.863.917	3.007.879	1.355.602	1925-26	—	—	1.570.571	28.491	46.138	147.703	256.824	1925
1926	—	—	3.152.422	3.129.292	1.423.045	1926-27	3.135.446 (f) (total to 3.III.26)	—	1.691.762	45.923	51.465	183.811	280.170	1926
1927	4.319.000 (estimation) (estimated)	29.500 (estimation) (estimated)	3.672.064	3.440.576	1.493.010	1927-28	—	—	1.853.848	59.682	59.554	199.346	311.766	1927
1928	4.740.706 (recensement) (census)	—	3.737.358	4.050.594	2.061.078	1928-29	2.070.000 (g)	—	1.972.858	75.947	74.025	232.467	354.059	1928
1929	—	—	4.285.952	3.988.365	2.531.205	1929-30	—	—	1.992.675	89.829	114.248	248.233	446.695	1929
1930	—	30.778 (estimation) (estimated)	3.982.605	2.897.938	2.552.113	1930-31	—	—	1.749.478	111.302	90.844	261.519	414.772	1930
1931	5.022.640 (recensement) (census)	41.020	2.495.596	1.890.722	—	1931-32	3.000.000 (h)	—	1.522.368	122.666	88.678	222.343	181.073	1931

Dette publique 1931-32: £8.193.350. — Public debt 1931-32: £8,193,350.

* Tous les chiffres sont indiqués en livres sterling.

a) Non compris les lingots et espèces, mais y compris les importations du Gouvernement dont les montants sont indiqués séparément dans certains des rapports.

b) Recettes ordinaires, non compris les chemins de fer.

c) Dépenses totales pour l'instruction: des chiffres séparés ne sont pas indiqués en ce qui concerne les indigènes.

d) Service de l'Agriculture et Forêts.

e) Service des Travaux publics, dépenses permanentes et extraordinaires pour les travaux publics.

f) Avances de l'« Exchequer » impérial ou subventions à titre d'avances.

g) Emis à Londres en juin 1928.

h) Avance du Trésor impérial, juin 1931.

* All figures are in £ sterling.

(a) Excluding bullion and specie, but including Government imports, the amount of which is given separately in some of the reports.

(b) Ordinary revenue — excluding railways.

(c) Total expenditure on education. Separate figures for native education not given.

(d) Agricultural and Forestry Department.

(e) Public Works Department, recurrent and extraordinary expenditure for public works.

(f) Imperial Exchequer Loans or Loan Grants-in-aid.

(g) Raised in London, June 1928.

(h) Imperial Treasury Loan, June 1931.

TOGO SOUS MANDAT BRITANNIQUE. — TOGOLAND UNDER BRITISH MANDATE.

Superficie: 34.292 km² (13.240 milles carrés) approximativement. — Area: 13,240 sq. miles (34,292 km²) approximately.

POPULATION		Année civile Calendar year	COMMERCE* — TRADE* (a)		Exercice financier ou administratif Financial or administrative year	FINANCES PUBLIQUES* — PUBLIC FINANCE*						
Indigène Native	Non indigène Non-native		Importations Imports	Exportations Exports		RECETTES PROVENANT DE SOURCES EXTÉRIEURES REVENUE FROM EXTERNAL SOURCES		Recettes autres que les recettes provenant de sources extérieures Revenue other than from external sources	SOMMES DÉPENSÉES POUR: AMOUNT SPENT ON:			
						Prêts et avances Loans and advances	Subsides non remboursables Non-recoverable grants		Instruction des indigènes Native education	Agriculture	Hygiène publique Public health	Travaux publics Public works
187.939 (recensement 1921) (1921 census)	20	1921	—	—	1921	Néant — Nil	22.541	1.849	2.880	573	1.528	16.369
		1922	32.382	98.304	1922	»	22.537	2.700	2.631	524	1.396	14.956
		1923	33.499	108.676	1923-24 (b)	»	29.288	20.081	4.389	2.392	2.420	13.136
		1924	32.593	136.768	1924-25 (b)	»	56.986	36.015	5.222	3.551	4.244	17.695
		1925	37.617	157.328	1925-26 (b)	»	62.528	41.010	5.810	3.349	5.118	14.082
		1926	43.527	150.855	1926-27 (b)	»	30.140	50.651	5.366	3.936	5.512	6.212
		1927	50.832	193.824	1927-28 (b)	»	Néant — Nil	135.676	5.618	3.658	7.347	4.132
		1928	63.106	212.333	1928-29 (b)	»	219	70.986	5.004	4.860	9.345	5.740
293.671 (recensement 1931) (1931 census)	43	1929	55.511	191.141	1929 (c)	»	26.270	59.708	7.785	6.536	9.115	13.546
		1930	41.066	129.250	1930	»	55.095	38.941	9.697	6.267	9.627	14.484
		1931	19.391	125.535	1931	»	49.283	31.670	8.365	7.745	9.772	4.707

Dette publique: Néant. — Public debt: Nil.

* Tous les chiffres sont indiqués en livres sterling.

a) Les statistiques commerciales sont afférentes à l'année civile et comprennent les marchandises exemptes de droits, importées et exportées par la frontière, mais ne comprennent pas les espèces.

b) Pour la période allant du 1^{er} avril au 31 mars de l'année suivante.

c) Du 1^{er} janvier au 31 décembre.

* All figures are in £ sterling.

(a) The trade figures relate to the calendar year and include articles imported and exported across the frontier free of duty, but are exclusive of specie.

(b) For the period April 1st to March 31st of the following year.

(c) For the period January 1st to December 31st.

TOGO SOUS MANDAT FRANÇAIS — TOGOLAND UNDER FRENCH MANDATE

Superficie: 52.000 km² (20.077 milles carrés). — Area: 20,077 sq. miles (52,000 km²).

Année civile Calendar year	POPULATION		COMMERCE * — TRADE *		FINANCES PUBLIQUES* — PUBLIC FINANCE*							Année civile Calendar year
	Indigène Native	Non indigène Non-native	Importations Imports	Exportations Exports	RECETTES PROVENANT DE SOURCES EXTÉRIEURES REVENUE FROM EXTERNAL SOURCES		Recettes autres que les recettes provenant de sources extérieures (recettes locales) Revenue other than from external sources (local revenue) (b)	SOMMES DÉPENSÉES POUR: AMOUNT SPENT ON (estimates):				
					Prêts et avances Loans and advances (a)	Subsides non rem- boursables Non- recoverable grants		Instruction des indigènes Native education	Agriculture	Hygiène publique Public health (d)	Travaux publics Public works (d)	
1920	—	—	26.111.670	22.758.091	Néant — Nil	Néant — Nil	2.556.322	—	—	—	125.358	1920
1921	698.130	210	11.247.953	6.775.371	»	»	4.333.335	—	—	—	375.000	1921
1922	730.544	263	10.107.453	17.197.281	40.119	»	4.301.047	247.550	80.497	334.780	435.000	1922
1923	761.944	264	31.426.622	24.159.424	70.286	»	13.400.068	361.874	109.345	617.017	690.000	1923
1924	747.144	293	54.925.943	61.171.420	367.796	»	15.470.001	502.939	150.867	732.484	934.000	1924
1925	747.150	360	76.318.503	61.576.782	119.074	»	20.432.515	690.097	443.695	818.053	1.460.000	1925
1926	742.428	380	99.047.677	79.377.154	345.074	»	28.094.347	785.963	749.831	1.626.278	2.839.500	1926
1927	750.000	497	100.775.688	82.242.712	785.074	»	30.788.802	1.369.172	1.059.696 (c)	4.744.000	3.400.000	1927
1928	750.000	545	89.792.132	86.035.947	765.296	»	32.882.505	1.701.577	3.192.083 (c)	6.200.000	4.234.000	1928
1929	730.027	546	102.415.761	83.741.174			31.645.202	1.992.636	1.655.986 (c)	6.287.000	3.335.000	1929
1930	725.580	563	100.982.044	83.230.031			31.779.010	2.261.500	2.201.000	5.598.000	3.964.500	1930

Dette publique: Néant. — Public debt: Nil.

* Tous les chiffres sont indiqués en francs français.

(a) Intérêts des fonds placés, y compris ceux provenant du prêt de 5.000.000 de francs consentis au Cameroun et remboursé en 1928.

(b) Recettes ordinaires permanentes effectuées.

(c) Y compris les prévisions inscrites aux « Dépenses extraordinaires ».

(d) Non compris les crédits inscrits aux « Dépenses extraordinaires ».

* All figures are in French francs.

(a) Interest on funds invested, including those derived from the loan of 5,000,000 francs granted to the Cameroons and refunded in 1928.

(b) Actual permanent ordinary receipts.

(c) Including the estimates entered as "Extraordinary Expenditure".

(d) Excluding the credits entered as "Extraordinary Expenditure".

Mandats C. — C Mandates.

ILES SOUS MANDAT JAPONAIS. — ISLANDS UNDER JAPANESE MANDATE.

Superficie: 2.149 km² (830 milles carrés). — Area: 830 sq. miles (2,149 km²).

Année civile Calendar year	POPULATION*		COMMERCE** — TRADE**		FINANCES PUBLIQUES** — PUBLIC FINANCE**							Année civile Calendar year	
	Indigène Native	Non indigène Non-native	Importations Imports	Exportations Exports	RECETTES PROVENANT DE SOURCES EXTÉRIEURES REVENUE FROM EXTERNAL SOURCES		Recettes autres que les recettes provenant de sources extérieures Revenue other than from external sources	SOMMES DÉPENSÉES POUR: — AMOUNT SPENT ON:					
					Prêts et avances Loans and advances	Subsides non remboursables Non-recoverable grants		Instruction — Education		Agriculture (<i>b</i>)	Hygiène publique Public health		Travaux publics Public works
								des indigènes Native	des non- indigènes Non-native				
1920	48.505	3.717	972.764	2.179.613	Néant — Nil	?	363.903	45.929 (<i>a</i>)		?	41.292	?	1920
1921	48.494	3.248	690.756	2.111.395	»	?	?	?	?	?	?	?	1921
1922	48.487	3.470	1.831.719	1.769.818	»	5.239.960	1.300.548	144.212	16.427	226.459	234.650	260.752	1922
1923	47.916	4.090	2.454.114	2.344.414	»	3.000.000	2.540.863	112.267	15.520	181.217	251.320	211.673	1923
1924	49.328	5.097	2.513.385	3.535.463	»	2.780.203	3.479.624	138.539	27.443	249.074	253.104	459.341	1924
1925	48.798	7.496	3.647.895	5.864.534	»	1.800.000	4.608.753	149.103	24.976	299.988	239.702	453.507	1925
1926	—	—	4.301.895	6.262.887	»	1.800.000	5.208.329	165.987	37.162	322.269	240.472	397.395	1926
1927	—	—	3.814.511	8.221.546	»	1.800.000	5.798.981	169.770	40.249	397.421	249.501	753.692	1927
1928	—	—	4.782.589	8.178.816	»	1.800.000	5.828.882	183.411	45.927	423.139	244.274	335.533	1928
1929	—	—	7.122.479	7.638.069	»	1.500.000	5.946.116	177.589	59.925	683.916	249.018	214.559	1929
1930	49.695	19.931	5.718.925	10.690.002	»	1.000.000	6.367.412	205.134	158.136	674.148	253.596	367.880	1930
1931	50.038	22.989	2.911.709 (Janvier-Juin 1931)	8.806.881 (Jan.-June 1931)	»	272.459	4.599.389 (estimation — estimate)	429.275 (estimation — estimate)		—	319.088 (estimation — estimate)	398.060 (estimation — estimate)	1931

Dette publique: Néant. — Public debt: Nil.

* Chiffres au 30 juin (en 1920: octobre).

** Les chiffres sont indiqués en yen.

* The figures given are as at June 30th (in 1920: October).

** All figures are in yen.

OBSERVATION GÉNÉRALE.

Les points d'interrogation indiquent que les chiffres afférents aux années en question n'ont pu être fournis, étant donné qu'ils se rapportent à une période antérieure à la création du Bureau des Iles de la mer du Sud.

(*a*) Ce chiffre comprend les dépenses afférentes à l'instruction des indigènes ainsi qu'à celle des non-indigènes.

(*b*) Les rubriques suivantes sont comprises sous cet en-tête: Station d'expériences, subvention pour la culture sucrière, subvention pour la plantation de palmiers, élevage, subvention pour la culture de légumes.

GENERAL NOTE.

The question marks indicate that the figures with reference to the years in question could not be supplied inasmuch as they refer to a period anterior to the creation of the Bureau of the South Sea Islands.

(*a*) This figure includes expenses for both native and non-native education.

(*b*) The following items are included under this heading: Experimental Station, Sugar cultivation subsidy, Subsidy for planting palm trees, Stock farming, Subsidy for cultivation of vegetables.

NAURU

Superficie: 21,83 km² (8,43 milles carrés). — Area: 8.43 sq. miles (21.83 km²).

Année civile Calendar year	POPULATION		COMMERCE* — TRADE*		FINANCES PUBLIQUES* — PUBLIC FINANCE*								Année civile Calendar year
	Indigène Native	Non indigène Non-native	Importations Imports	Exportations Exports	RECETTES PROVENANT DE SOURCES EXTÉRIEURES REVENUE FROM EXTERNAL SOURCES		Recettes autres que les recettes provenant de sources extérieures Revenue other than from external sources		SOMMES DÉPENSÉES POUR: AMOUNT SPENT ON:				
					Prêts et avances Loans and advances	Subsides non remboursables Non-recoverable grants	Recettes générales General revenue	«Royalty Trust Fund» de Nauru Nauru Royalty Trust Fund	Instruction des indigènes Native education	Agriculture	Hygiène publique Public health	Travaux publics Public works	
1922	1.113	1.106	78.236	275.115	Néant - Nil	Néant - Nil	11.181	—	—	—	1.050	1.444	1922
1923	1.164	903	53.684	520.870	»	»	11.837	445	441	—	1.497	1.254	1923
1924	1.189	931	100.253	429.345	»	»	18.199	1.110	730	—	2.249	3.229	1924
1925	1.220	954	63.575	339.790	»	»	15.174	1.108	762	—	2.881	3.597	1925
1926	1.251	966	104.117	412.402	»	»	16.424	881	1.246	—	3.042	1.969	1926
1927	1.266	897	82.650	438.149	»	»	17.041	1.419	1.313	—	3.504	3.396	1927
1928	1.297	1.202	240.229	362.112	»	»	19.903	1.940	1.581	—	3.622	4.813	1928
1929	1.365	1.249	101.691	346.052	»	»	19.936	2.141	1.375	—	3.322	4.602	1929
1930	1.411	1.273	143.416	270.091	»	»	18.992	1.838	1.630	—	2.936	4.046	1930
1931	1.426	1.266	108.729	239.777	»	»	16.440	1.519	1.993	—	3.038	3.134	1931

Dette publique: Néant. — Public debt: Nil.

* Tous les chiffres sont indiqués en livres sterling.

* All figures are in £ sterling.

NOUVELLE-GUINÉE. — NEW GUINEA

Superficie: 240.864 km² (93.000 milles carrés). — Area: 93,000 sq. miles (240,864 km²).

Exercice financier ou administratif Financial or administrative year	POPULATION		COMMERCE* TRADE*		FINANCES PUBLIQUES* — PUBLIC FINANCE*								Exercice financier ou administratif Financial or administrative year	
	Indigène Native	Non indigène Non-native	Importations Imports	Exportations Exports	Dette publique à la fin de l'exercice Public debt at close of year	RECETTES PROVENANT DE SOURCES EXTÉRIEURES REVENUE FROM EXTERNAL SOURCE		Recettes autres que les recettes provenant de sources extérieures (Recettes intérieures) Revenue other than from external sources (Internal revenue) (d)		SOMMES DÉPENSÉES POUR: AMOUNT SPENT ON:				
						Prêts et avances Loans and advances (c)	Subsides non remboursables Non-recoverable grants	Ordinaires Ordinary	Caisse autonome de l'instruction publique des indigènes Native Education Trust Fund	Instruction des indigènes Native education	Agriculture (e)	Hygiène publique Public health (e)		Travaux publics Public works
1920-21	(a)	3.173 (b)	661.441	673.992	—	—	—	193.957	—	—	5.500	25.000	15.100	1920-21
1921-22	251.017	2.927	468.711	499.197	—	—	—	257.506	5.325	12	6.719	30.474	28.922	1921-22
1922-23	335.258	2.979	516.455	630.892	—	—	10.000	249.286	16.358	8.067	5.690	41.254	20.107	1922-23
1923-24	378.512	2.944	485.634	718.535	23.925	23.925	—	248.744	5.092	18.955	7.533	43.123	47.754	1923-24
1924-25	378.701	3.045	537.940	858.990	23.465	2.000	—	242.755	8.512	9.171	7.987	52.556	33.656	1924-25
1925-26	417.918	3.132	568.339	1.105.158	24.113	2.000	10.000	259.018	10.914	6.486	9.761	52.906	22.771	1925-26
1926-27	427.069	3.399	660.753	1.079.855	52.919	29.417	10.000	282.605	11.426	9.350	7.880	56.099	47.567	1926-27
1927-28	436.434	3.751	811.832	1.471.026	66.775	14.595	10.000	364.581	9.925	10.057	8.551	64.196	58.866	1927-28
1928-29	456.941	3.928	869.514	1.146.112	103.999	40.000	10.000	350.968	12.402	7.432	10.480	67.726	89.659	1928-29
1929-30	491.255	4.155	878.450	997.335	97.900	—	10.000	339.643	7.109	7.698	13.968	68.761	84.331	1929-30
1930-31	392.816 (f)	4.142	750.130	919.431	101.740	7.000	5.000	290.234	6.044	6.949	12.332	63.220	29.350	1930-31

* Tous les chiffres sont indiqués en livres sterling

* All figures are in £ sterling.

(a) On ne dispose pas de chiffres.

(b) Recensement (1921, 4 avril; pour les années ultérieures, 30 juin).

(c) Le montant total avancé à l'administration au 30 juin 1930 s'élevait à £118.937. Sur cette somme, £93.937 ont été avancées par le Gouvernement du Commonwealth d'Australie et £ 20.000 ont été avancées par prélèvement sur les caisses autonomes du territoire.

	£	s.	d.
(i) Au Gouvernement du Commonwealth	11.197	2	2*
(ii) Aux Caisses autonomes du Territoire	6.000	0	0
	17.197	2	2

(d) Les recettes figurant sous la rubrique « Crédits d'exercices antérieurs » sont comprises dans les chiffres des « Recettes ordinaires ». Il convient d'expliquer que les recettes figurant sous la rubrique « Crédits d'exercices antérieurs » sont constituées par des remboursements aux recettes de dépenses faites au cours d'exercices antérieurs. Les montants ainsi remboursés, ayant figuré sous la rubrique des dépenses pour les exercices antérieurs, il est nécessaire de les comprendre dans les chiffres des recettes des exercices ultérieurs, afin d'établir une balance exacte entre les recettes et les dépenses.

(e) En raison du système de classement des dépenses en vigueur pendant l'exercice financier 1920-1921, il n'est pas possible de fournir des chiffres exacts en ce qui concerne les dépenses pour les services agricoles et médicaux de cette année. Le personnel employé à ces services pendant l'exercice 1920-1921 ayant été pratiquement identique à celui qui a été employé l'année suivante, on a adopté pour les services agricoles et médicaux de 1920-1921, des chiffres approximatifs de dépenses, calculés d'après les dépenses de 1921-1922.

(f) Population dénombrée seulement. Les statistiques afférentes aux années antérieures comprenaient une évaluation de la population de régions parcourues par des patrouilles, mais ne se trouvant pas encore sous l'entier contrôle de l'administration. En raison de l'inexactitude de ces chiffres, on a cessé de préparer ces évaluations.

* Y compris la somme de £ 2.996 0s. 1d. payée au tribunal des prises pour le compte du territoire. En 1929-1930, le Gouvernement du Commonwealth a renoncé au remboursement de cette somme pour le territoire.

(a) Figures not available.

(b) Census (1921, April 4th; subsequent years, June 30th).

(c) The total amount loaned to the Administration to June 30th, 1930, was £118,937. Of that amount, £93,937 was loaned by the Government of the Commonwealth of Australia and £20,000 was loaned from the Trust Funds of the territory.

	£	s.	d.
To June 30th, 1931, the following repayments had been made:			
(i) To the Commonwealth Government	11,197	2	2*
(ii) To the Trust Funds of the territory	6,000	0	0
	£17,197	2	2

(d) Revenue under the head of "Appropriation of former years" has been included in the figures shown for "Ordinary Revenue". It may be explained that revenue under the head of "Appropriation of former years" represents repayments to revenue of expenditure met in previous years. As the amounts so repaid were shown as expenditure in former years, it is necessary that they be included in the revenue figures of subsequent years in order that a true balance between revenue and expenditure may be struck.

(e) Owing to the system of classification of expenditure in force during the financial year 1920-21, it is not possible to furnish exact figures in respect of expenditure on account of agricultural and medical services in that year. As the staff engaged on those services during the year 1920-21 was practically identical with that employed in the succeeding year, approximate expenditure figures for the agricultural and medical services have been adopted for 1920-21 based on the expenditure of 1921-22.

(f) Counted population only. Statistics for previous years included an estimate of the population of areas patrolled but not under complete control. Owing to the inadequacy of the data, the preparation of such an estimate has been discontinued.

* Includes the amount of £2,996 0s. 1d., which was paid to the Prize Court on behalf of the territory. Repayment of the amount by the territory was waived by the Commonwealth Government during 1929-30.

SAMOA (OCCIDENTAL). — SAMOA (WESTERN).

Superficie: 2.934 km² (1.133 milles carrés). — Area: 1,133 sq. miles (2,934 km²).

Exercice financier ou administratif Financial or administrative year	POPULATION* (Années civiles) (Calendar years) (1920-1931)		COMMERCE** — TRADE** (Années civiles) (Calendar years) (1920-1931)		FINANCES PUBLIQUES** — PUBLIC FINANCE**							Exercice financier ou administratif Financial or administrative year
	Indigène Native	Non indigène (a) Non-native (a)	Importations Imports	Exportations Exports	RECETTES PROVENANT DE SOURCES EXTÉRIEURES REVENUE FROM EXTERNAL SOURCES		Recettes autres que les recettes provenant de sources extérieures Revenue other than from external sources	SOMMES DÉPENSÉES POUR (prévisions): AMOUNT SPENT ON:				
					Prêts et avances Loans and advances	Subsides non remboursables Non-recoverable grants		Instruction des indigènes Native education	Agriculture	Hygiène publique Public health	Travaux publics Public works	
1920-21	32.479		561.153	386.587	44.336	(c)	149.027	3.176	5.405	15.840	13.796	Au 31-III-1921
1921-22	32.601	3.821	408.892	241.539	49.229	16.000	119.569	5.237	4.444	22.690	15.418	1921-22
1922-23	33.685	3.717	282.939	365.610	20.777	16.000	115.250	6.846	3.787	25.715	12.549	1922-23
1923-24	33.800	3.299	268.881	288.774	5.658	24.000	109.917	6.556	5.748	23.995	21.191	1923-24
1924-25	34.817	3.048	274.803	361.418	—	19.140	111.774	7.609	3.030	24.425	24.737	1924-25
1925-26	36.688	3.543	345.989	379.388	5.000	21.400	128.638	9.131	3.187	25.761	26.555	1925-26
1926-27	38.003	3.657	324.940	320.783	31.000	20.000	113.812	9.688	3.760	25.911	20.016	1926-27
1927-28	39.215	3.650 (a)	304.369	335.978	16.500	20.000	106.038	10.222	4.990	25.597	16.842	1927-28
1928-29	39.878	3.884	326.553	422.175	25.700	20.000	121.904	7.738	4.285	24.367	13.606	1928-29
1929-30	40.722	3.849	288.849	293.938	—	39.448	131.416	6.955	(d)	18.016	17.005	1929-30
1930-31	41.668	3.867	275.355	284.515	—	21.000	130.385	7.439	(d)	18.224	15.726	1930-31
1931-32	42.296	3.727	164.950	194.447	6.000 (b)	—	109.040	6.794	(d)	17.824	15.797	1931-32

Total. . . £204.200

Déduction faite du montant d'une avance ultérieurement considérée comme un don consenti par le Gouvernement néo-zélandais (don non afférent à une année déterminée). — Less amount of loan subsequently treated as a gift by New Zealand Government (not in respect of any specific year)	£25.000	
Déduction faite du remboursement de capital, effectué en 1928-29. — Less repayment of principal made in 1928-29.	£8.000	£33.000
Dette publique. — Public debt.		£171.200

* Des recensements ont eu lieu le 17 avril 1921 et le 31 décembre 1925; tous les autres chiffres de population sont d'après les prévisions au 31 décembre.

** Tous les chiffres sont indiqués en livres sterling.

(a) La diminution progressive de la population non indigène s'explique par le fait que, depuis le début de 1921, le nombre des ouvriers immigrés a constamment diminué. Le 17 avril 1921, le nombre total des ouvriers immigrés s'élevait à 1.755 et s'était, le 31 décembre 1924, réduit à 919.

(b) Avance temporaire, remboursée en mai 1932.

(c) La somme de £25.000 figurant à cet endroit dans le document C.143.M.34.1928.VI est la même que celle qui est indiquée au-dessous de la colonne précédente « Don du Gouvernement néo-zélandais ».

(d) Inspection des territoires indigènes faisant partie de l'administration indigène et inspection des produits pour l'exportation faisant partie du service des douanes. Les traitements des fonctionnaires de ces services s'élèvent à £1.200 environ.

* Censuses were held on April 17th, 1921, and on December 31st, 1925; all other population figures are estimates as on December 31st.

** All figures are in £ sterling.

(a) The gradual decline in the non-native population is explained by the fact that, since the beginning of 1921, the number of imported labourers has been steadily decreased. On April 17th, 1921, the total number of imported labourers was 1,755, whereas at December 31st, 1924, this number has been reduced to 919.

(b) Temporary advance repaid in May 1932.

(c) The amount of £25,000 shown in this space in document C.143.M.34.1928.VI is the same as that shown below the preceding column "Gift by New Zealand Government".

(d) Inspection of native lands absorbed into Native Department and of produce for export into Customs Department. The salaries involved in these services amount to approximately £1,200.

SUD-OUEST AFRICAIN (le Caprivi Zipfel non compris). — SOUTH WEST AFRICA (not including the Caprivi Zipfel).

Superficie: 834.990 km² (322.393 milles carrés). — Area: 322,393 sq. miles (834,990 km²).

Année civile Calendar year	POPULATION (a)			COMMERCE* — TRADE*		Exercice financier ou adminis- tratif Financial or admini- strative year	FINANCES PUBLIQUES* (b) — PUBLIC FINANCE* (b)									Année civile Calendar year	
	Indigène Native	De couleur Coloured	Européenne European	Importations Imports	Exportations Exports		RECETTES PROVE- NANT DE SOURCES EXTÉRIEURES REVENUE FROM EXTERNAL SOURCES		Recettes autres que les recettes prove- nant de sources extérieures Revenue other than from external sources	SOMMES DÉPENSÉES POUR: AMOUNT SPENT ON:							
							Prêts et avances Loans and advances (b)	Subsides non rembour- sables Non- recover- able grants		Instruc- tion Educa- tion (c)	Agriculture (d)	Hygiène publique Public health	Travaux publics Public Works (e)				
	Dépenses ordi- naires Ordinary expen- diture	Dépenses de capital extraord. Capital extraord. expen- diture	Total														
1920	—	—	—	2.180.183	5.401.385	—	—	—	—	—	—	—	—	—	—	—	1920
1921	177.462	30.845	19.432	1.211.364	1.587.305	1920-21	—	—	1.601.216	34.901	288.240	16.521	138.590	18.299	156.889	—	1921
1922	190.298	25.161	20.000	1.147.637	1.247.229	1921-22	—	—	870.931	46.154	481.530	18.494	101.041	41.270	142.311	—	1922
1923	—	—	—	1.301.304	2.672.094	1922-23	—	—	853.808	58.658	232.733	16.235	92.491	26.796	119.287	—	1923
1924	—	—	—	1.777.164	2.851.473	1923-24	—	—	849.238	72.587	236.311	15.094	93.456	21.476	114.932	—	1924
1925	186.175	—	24.468	2.189.851	2.690.021	1924-25	—	—	{ 13.029** 652.115 }	85.321	230.661	15.405	75.125	33.892	109.017	—	1925
1926	234.790	—	24.115	2.507.625	3.292.986	1925-26	11.000	—	772.569	99.943	252.857	16.824	73.234	20.820	94.054	—	1926
1927	247.571†	—	25.132	2.505.016	3.589.561	1926-27	54.500	—	909.468	118.620	257.282	18.938	61.603	11.762	73.365	—	1927
1928	261.117†	—	27.922	2.881.562	3.335.937	1927-28	170.400	—	733.064	120.520	297.621	21.048	78.961	24.623	104.584	—	1928
1929	237.701†	—	30.404	3.081.848	3.595.313	1928-29	564.000	—	834.462	129.978	472.548	23.077	111.132	14.881	126.013	—	1929
1930	243.936†	—	31.586	2.120.282	2.617.127	1929-30	400.000	—	867.524	138.646	529.373	24.470	122.738	20.338	143.076	—	1930
1931	237.647††	—	32.840	1.631.021	1.438.992	1930-31	536.000	—	632.368	144.765	456.625	23.794	71.162	20.125	91.287	—	1931
1932	242.290	—	—	884.132	1.149.996	1931-32	650.000	—	528.582	132.973	335.424	22.917	62.109	15.249	77.358	—	1932

Dette publique au 31.III.1932: £1.824.715.

* Tous les chiffres sont indiqués en livres sterling.

** Chiffre ne figurant pas dans le relevé antérieur (document C.143.M.34.1928.VI).

† Ces chiffres comprennent les indigènes de la partie orientale du Caprivi Zipfel.

†† Ces chiffres comprennent les indigènes de tout le Caprivi Zipfel.

(a), (b), (c), (d), (e). Voir notes à la page suivante.

Public debt as at 31.III.1932: £1,824,715.

* All figures are in £ sterling.

** Omitted from previous statement (document C.143.M.34.1928.VI).

† These figures include the natives of the eastern portion of the Caprivi Strip.

†† These figures include the natives of the whole of the Caprivi Strip.

(a), (b), (c), (d), (e). See notes on following page.

NOTES EXPLICATIVES.

(a) *Population.* — Lors du dernier recensement, en 1926, la population européenne du Territoire comprenait 24.115 personnes. Aucun recensement effectif n'a eu lieu ultérieurement, et les chiffres communiqués depuis cette date représentent l'évaluation de la population moyenne européenne, fournie par le «Department of Census and Statistics».

Ainsi qu'on l'a indiqué à plusieurs reprises dans le Rapport annuel, il n'y a jamais eu de recensement effectif de la population indigène ou de la population de couleur. Les chiffres indiqués pour cette catégorie reposent sur des estimations établies aussi exactement que possible par les divers fonctionnaires de district de l'Administration, c'est-à-dire les magistrats, les commissaires aux affaires indigènes et les surintendants des réserves indigènes.

(b) *Finances.* — La somme due par le Territoire au Gouvernement de l'Union, pour les emprunts contractés, s'élevait, le 31 mars 1932, à £1.845.900.

Toutefois, ce chiffre comprend une somme de £180.000, que l'administration a prêtée, à son tour, à des autorités locales qui ne pouvaient obtenir d'emprunts de sources extérieures, ainsi qu'une somme de £846.000, avancée à la Land and Agricultural Bank.

Les dépenses de capital, pendant les années 1925 à 1930, ont été grossies d'une somme de £500.000, avancée par le Gouvernement de l'Union pour l'établissement des agriculteurs de l'Angola dans le Territoire. L'Administration n'est pas responsable de cet avance et joue simplement le rôle d'agent du Gouvernement de l'Union pour la répartition de ces fonds et pour l'encaissement des remboursements d'avances faites à ces colons. Un fonds spécial a été créé, en ce qui concerne cette somme, par la loi N° 34 de 1930 (Union) et par l'ordonnance N° 2 de 1931 (Sud-Ouest africain).

(c) Les montants figurant sous la rubrique «Instruction» représentent les dépenses totales afférentes à l'instruction des Européens, des indigènes et de la population de couleur, pendant les années en question.

L'instruction des enfants de couleur et indigènes a fait, pour la première fois, l'objet d'une subvention dans l'exercice financier 1922-23, et les dépenses ont été les suivantes:

1922-23	£431	1927-28	£8.802
1923-24	£3.668	1928-29	£9.480
1924-25	£4.709	1929-30	£11.013
1925-26	£5.450	1930-31	£12.103
1926-27	£7.765	1931-32	£12.699

(d) Agriculture, irrigation, lois, actes juridiques et relevés topographiques, avances concernant la colonisation agricole et prêts à la Land and Agricultural Bank.

(e) En ce qui concerne les Travaux publics, les renseignements contenus dans le tableau sont actuellement complétés par le montant dépensé pour des travaux importants, représentant une dépense de capital ou une dépense extraordinaire.

On trouvera ce renseignement aux pages suivantes des rapports du contrôleur et vérificateur général des comptes:

Exercice	Dépenses ordinaires	Dépenses extraordinaires	Exercice	Dépenses ordinaires	Dépenses extraordinaires
1920-21	Page 412	Page 422	1926-27	Page 22	Page 24
1921-22	» 449	» 453	1927-28	» 30	» 32
1922-23	» 391	» 395	1928-29	» 31	» 37
1923-24	» 383	» 384	1929-30	» 22	» 36
1924-25	» 405	» 405	1930-31	» 27	» 43
1925-26	» 20	» 21	1931-32	» 28	» 45

En 1924-25, les travaux importants, qui figuraient autrefois sous la rubrique des dépenses de capital ou des dépenses extraordinaires, ont été compris dans les dépenses ordinaires. Les dépenses afférentes à ces objets s'élevaient à £33.892 4s. 0d., et le rapport du contrôleur et vérificateur général des comptes donne des détails complets à ce sujet. Aux fins de comparaison avec les années antérieures, les montants qui figuraient autrefois sous la rubrique des dépenses ordinaires et des dépenses de capital, respectivement, ont été séparés dans le relevé.

EXPLANATORY NOTES.

(a) *Population.* — At the last census, taken in 1926, the European population of the territory was 24,115. Since then no actual census has been taken, and the figures given since that date represent the estimated European mean population furnished by the Department of Census and Statistics.

As explained from time to time in the Annual Report, no actual census of the native or coloured population has ever been taken. The figures given under these heads are based upon estimates, which are made as accurately as possible by the various district officers of the Administration viz., Magistrates, Native Commissioners and Superintendents of Native Reserves.

(b) *Finances.* — The territory was indebted on March 31st, 1932, to the Union Government in the sum of £1,845,900 in respect of loans raised.

The above-mentioned figure, however, includes an amount of £180,000 which the Administration has in turn loaned to local authorities which were unable to obtain loans from outside sources, and £846,000 advanced to the Land and Agricultural Bank.

The capital expenditure during the years 1925 to 1930 was swelled by a sum of £500,000 advanced by the Union Government for the purpose of settling the Angola farmers in this territory. The Administration is not liable for this advance, but is merely acting as the agent of the Union Government in the distribution of these funds and the collection of repayments of advances made to these settlers. By Act No. 34 of 1930 (Union) and Ordinance No. 2 of 1931 (South West Africa) a special fund was created in respect of this amount.

(c) The amounts shown under "Education" represent the total expenditure on education — European, native and coloured — during the years mentioned.

The education of coloured and native pupils was first subsidised in the financial year 1922-23 and the expenditure has been as follows:

1922-23	£431	1927-28	£8,802
1923-24	£3,668	1928-29	£9,480
1924-25	£4,709	1929-30	£11,013
1925-26	£5,450	1930-31	£12,103
1926-27	£7,765	1931-32	£12,699

(d) Agriculture, Irrigation, Laws, Deeds and Surveys, advances in connection with Land Settlement, and Loans to Land and Agricultural Bank.

(e) With regard to Public Works, the information contained in the schedule is now supplemented by the amount spent on major works representing capital or extraordinary expenditure.

This information will be found on the following pages of the Controller and Auditor-General's reports:

Year	Ordinary expenditure	Extraordinary expenditure	Year	Ordinary expenditure	Extraordinary expenditure
1920-21	Page 412	Page 422	1926-27	Page 22	Page 24
1921-22	» 449	» 453	1927-28	» 30	» 32
1922-23	» 391	» 395	1928-29	» 31	» 37
1923-24	» 383	» 384	1929-30	» 22	» 36
1924-25	» 405	» 405	1930-31	» 27	» 43
1925-26	» 20	» 21	1931-32	» 28	» 45

In 1924-25, major works which were formerly shown as capital or extraordinary expenditure were included in ordinary expenditure. The expenditure thereon amounted to £33,892 4s. 0d. and the Controller and Auditor-General's report gives full details thereof. For purposes of comparison with previous years, the amounts which formerly were shown as ordinary and capital expenditure respectively have been split in the return.

[Communicated to the Council and
the Members of the League.]

Official No. : C. 619. M. 292. 1933. VI

Geneva, November 4th, 1933.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

MINUTES

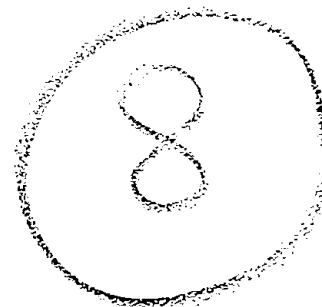
OF THE

TWENTY-FOURTH SESSION

Held at Geneva from October 23rd to November 4th, 1933

including the

REPORT OF THE COMMISSION TO THE COUNCIL



Series of League of Nations Publications

VIA. MANDATES ✓
1933. VI.A. 3.

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PERMANENT MANDATES COMMISSION

MINUTES OF THE TWENTY-FOURTH SESSION

Held at Geneva from October 23rd to November 4th, 1933.

The following members of the Commission took part in the work of the twenty-fourth session :

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

Also present : Mr. C. W. H. WEAVER, Representative of the International Labour Organisation.

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

M. Ruppel was not present at the session. The following members were unable to attend certain meetings : M. Merlin, the eleventh meeting ; M. Palacios, the first two meetings ; Count de Penha Garcia, the eleventh meeting ; M. Rappard, the first meeting ; Marquis Theodoli, part of the fourth and the eleventh and twelfth meetings.

In the absence of the Marquis Theodoli, M. VAN REES (*Vice-Chairman*) acted as Chairman during part of the fourth and during the eleventh and twelfth meetings.

The following accredited representatives attended certain meetings of the Commission :

Captain Vyvyan HOLT, Oriental Secretary to the United Kingdom Embassy, Bagdad ;
M. R. DE CAIX, former Secretary-General of the High Commissariat of the French Republic in Syria and the Lebanon ;
M. M. BESSON, Chief of the First Bureau of the Political Department at the French Ministry of the Colonies ;
Captain W. BUCHANAN-SMITH, C.M.G., M.C., Lieutenant-Governor, Southern Provinces, Nigeria ;
Mr. A. W. CARDINALL, late District Commissioner, Gold Coast ;
M. HALEWYCK DE HEUSCH, Director-General at the Belgian Ministry of the Colonies ;
Sir Thomas Mason WILFORD, K.C.M.G., K.C., High Commissioner of New Zealand in London ;
M. N. ITO, Deputy Director of the Japanese Bureau accredited to the League of Nations.

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

FIRST MEETING.

Held on Monday, October 23rd, 1933, at 11 a.m.

Opening Speech by the Chairman.

The CHAIRMAN spoke as follows :

I have the honour to declare the twenty-fourth session of the Permanent Mandates Commission open.

Before proposing that we proceed to the agenda, I should like to refer briefly to the recent deliberations and decisions of the Council and Assembly on the subject of mandates.

On September 28th, 1933, the Council considered the report on the work of the twenty-third session of the Permanent Mandates Commission. In accordance with the decision reached last June, M. Rappard kindly undertook to represent the Commission at the Council's meeting, and for this I desire sincerely to thank him.

You will all doubtless have read the Minutes of that meeting, which contain a detailed report by the representative of Czechoslovakia, acting as Rapporteur, and a record of the discussion to which it gave rise.

I will merely observe that the Council, after noting certain observations by some of its members on the subject of the scheme for closer union between Tanganyika and the adjacent British possessions, and on cognate questions, as also on Syrian legislation dealing with rights of succession, adopted the draft resolution submitted by the Rapporteur. In so doing, the Council endorsed the conclusions of the Mandates Commission with regard to the use of the cinematograph in view of the diversity of mentalities and civilisations, and with regard to the tables of bilateral conventions applied to territories under mandate ; it decided to publish the document containing the revised edition of the statistical tables of the trade, public finances and population of the mandated territories. The Council also directed the attention of the mandatory Power concerned to the considerations set forth in the opinion of the Commission on the question of a closer administrative, Customs and fiscal union of Tanganyika territory with the neighbouring possessions of Kenya and Uganda, and asked that Power to accede to the Commission's request for information on the subject.

Further, the Secretary-General was requested to communicate to the Governments of the mandatory Powers concerned the Commission's observations on the annual reports, and to ask those Governments to take such action as the Commission desired. The conclusions formulated by the Commission regarding the petitions examined by it received the Council's approval.

A few days later, the Sixth Committee of the Assembly devoted one of its meetings, as usual, to questions relating to mandates. On this occasion, the questions of closer union, the purchase of material by the mandatory Powers, the frontier between Iraq and Syria, and the Jewish National Home in Palestine were successively discussed. On October 7th, 1933, a resolution was passed by the Assembly in plenary session. In this resolution, the Assembly took note of the work accomplished by the mandatory Powers, the Council and the Permanent Mandates Commission. It also renewed its expression of confidence in the Commission, and expressed its appreciation of the results secured and its hope that the native populations of the mandated territories might to the utmost possible extent be spared the consequences of the economic depression.

Statement by the Director of the Mandates Section.

M. CATASTINI made the following statement :

The Mandates Section has pursued its work under normal conditions since the last session of the Commission.

The Minutes and the Commission's report on its twenty-third session, which closed on July 1st, 1933, were published and distributed on August 18th, 1933. The index to the Minutes was distributed on September 3rd, 1933.

The Mandates Section has, as usual, arranged for the supply of documents to the members of the Commission, and has kept them informed of important developments in the political, economic and social life of the mandated territories. Accounts of the discussions which have taken place on the subject of mandates in the Council or in the Assembly have been sent to the individual members of the Commission.

A list of official documents (Annex 1) submitted by the mandatory Powers has been drawn up in accordance with the usual practice for each of the territories the administration of which is to come under review during the present session. The list will be distributed immediately to the members of the Commission.

The annual reports of the mandatory Powers reached the Secretariat in the following order :

Territory	Administrative period	Date of receipt
Islands under Japanese mandate ..	1932	August 9th, 1933
Western Samoa	1932-33	August 23rd, 1933
Ruanda-Urundi	1932	September 5th, 1933

Territory	Administrative period	Date of receipt
Togo under French mandate	1932	September 11th, 1933
Cameroons under French mandate..	1932	September 11th, 1933
Togo under British mandate	1932	September 27th, 1933
Cameroons under British mandate..	1932	October 2nd, 1933
Iraq	January-October 1932	October 2nd, 1933

Members of the Commission will remember that the consideration of the annual reports on Togo and the Cameroons under French mandate, which would ordinarily have come under review in the course of the last session, was postponed to the present session as the result of an agreement reached between the Chairman and the French Government.

In accordance with the decision taken by the Council on the recommendation of the Commission, the Secretariat has published and distributed to Members of the League the document containing the revised edition of the tables relating to the trade, public finances and vital statistics of the populations of mandated territories.

Adoption of the Agenda and Programme of Work.

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

Absence of M. Ruppel.

The CHAIRMAN read the following letter from M. Ruppel, dated October 20th, 1933.

[*Translation.*]

“ To my great regret, I have the honour to state that I cannot take part in the work of the session of the Mandates Commission which opens next Monday.

(Signed) RUPPEL.”

Under these circumstances, the Chairman said that he would put to the accredited representatives the questions it was M. Ruppel's usual duty to ask. In addition, the Commission must consider a fresh distribution of the petitions among its members.

Question of the Examination by the Commission of the United Kingdom Government's Report on the Administration of Iraq for the Period January 1st to October 3rd, 1932.

The CHAIRMAN recalled that the Commission had considered whether it should discuss the United Kingdom Government's report on Iraq, and in what manner it would proceed to this discussion. In consequence, he asked for his colleagues' views on the subject. He added that Captain Holt, Secretary to the United Kingdom Embassy at Bagdad, had already been appointed accredited representative of the United Kingdom Government.

M. VAN REES thought the usual procedure should not be applied and that the members of the Commission should be given entire liberty to put to Mr. Holt any questions which they thought fit.

Procedure to be adopted in respect of Petitions.

The CHAIRMAN opened the discussion on his note concerning the procedure in respect of petitions (Annex 4).

M. ORTS said he was one of those who had asked for an extension of powers under which the Chairman would be entitled to exclude certain petitions. The reason was that too often the Commission received petitions which, when their purpose was not, for local political reasons, to attract attention to incidents of no real importance, were nothing but personal advertisement or were futile in character. M. Orts referred, in particular, to petitions from inhabitants of the territories under mandate, with regard to which the Chairman had at present no powers whatever. To prepare a report on some of these petitions, to discuss them in meetings and mention them in the reports to the Council, was to give them undeserved importance and publicity. M. Orts was therefore of opinion that the Chairman's powers should be extended so that he could, so to speak, stop petitions of this kind, a right which he already possessed in the case of petitions from persons who were not inhabitants of the territories under mandate. He hoped that the Commission would consider the possibility of attaining this result without it being necessary to change the rules drawn up by the Council on January 31st, 1923.

COUNT DE PENHA GARCIA, while appreciating M. Orts' point of view, preferred the proposal put forward by the Chairman in his note. It was not without reason that the rules of procedure in this matter drew a definite distinction between petitioners living in the territories under mandate and others. It was comprehensible that, as far as the latter were concerned, the Chairman should have the right to exclude their petitions; but the matter was much more complicated in the case of petitions from inhabitants of the territories, especially as the right of petition was a safety-valve which guaranteed that, if the exercise of the mandate by the mandatory Power was not quite satisfactory, there would always be a means, however slight, of avoiding malpractices. It was therefore necessary to be cautious. There was no doubt that

all the members of the Commission had confidence in their Chairman, but was there not a danger that the new procedure proposed would produce a bad impression on public opinion?

The method suggested by the Chairman would satisfy Count de Penha Garcia, since it would involve no change in the regulations, while it would enable delays and useless discussions to be avoided.

M. VAN REES said that, for the reasons just given by Count de Penha Garcia, he was definitely opposed to any change in the regulations. Moreover, M. Orts's proposal could easily be harmonised with the regulations. There was no reason why the Chairman should not—he would not say reject—but propose to reject the petitions in question. In this way, trivial petitions would be rejected by the Commission and not by the Chairman in accordance with Rule 5 of the Rules of Procedure, so that it would be unnecessary to make any change in those rules. The procedure would therefore be as follows: after examining petitions received from inhabitants of the mandated territories, as well as the accompanying observations of the mandatory Power, the Chairman, if he considered that some of them were trivial or futile and for that reason did not merit being brought to the attention of the Council, would propose that the Commission should reject them and the latter would take a decision.

Lord LUGARD pointed out that, hitherto, the petitions rejected by the Chairman had never been distributed to the members of the Commission. The proposal of M. Orts and M. Van Rees would imply that petitions from persons residing in the territory which the Chairman proposed to disallow would be distributed, and members would have to read them in order to say whether they agreed with the Chairman or not. In effect, there would be no real difference from the present procedure, in which the Rapporteur could propose that the petition should be rejected, and the Commission was asked whether it agreed with his proposal. Lord Lugard thought a distinction should be drawn between petitions which were inadmissible because the complaint was justiciable by the local courts, or because they conflicted with the mandate, and petitions which should be rejected because they were trivial or futile. If the Chairman rejected petitions from inhabitants of the territory as being definitely inadmissible for the former reasons, the members of the Commission had no need to see them and it was unnecessary to transmit them to it. If, on the other hand, the Chairman thought no action should be taken on the petitions because, in his opinion, they were futile, Lord Lugard thought that the members should have an opportunity of saying that they agreed with the Chairman. Otherwise, it might be thought that the right of petition was being curtailed.

M. ORTS asked, then, that the Chairman should be authorised to act in the same way in respect of petitions from persons not living in the territory, since many of these petitions also were futile and without any foundation. If no means were provided for excluding them, they engendered, as had already happened in some cases, voluminous documentation, references in the Minutes, etc., while in many cases they came from people who were endeavouring to make themselves conspicuous for political or other reasons.

Lord LUGARD gave an example of what he meant by "futile" petitions: he would regard as futile a petition which repeated the substance of a petition already examined by the Commission and which added nothing new. Such cases were of frequent occurrence. He would suggest that no report should be made on a petition regarded by the Chairman as futile or trivial, but that it should be merely circulated for the concurrence of the members, and listed as "rejected".

M. MERLIN associated himself with M. Orts' last proposal. The Mandates Commission, and *a fortiori* the Council, should not give undue publicity to futile petitions which always made a stir somewhere or other and which, from the mere fact of having been examined by the Commission, acquired unmerited importance and gave their authors an entirely unjustified authority.

On the other hand, the considerations put forward by Count de Penha Garcia deserved consideration. Changes in the procedure already adopted should, if possible, be avoided. While adhering to the Chairman's proposal, M. Merlin suggested changing it in such a way that the Chairman would, as it were, be the permanent Rapporteur for such petitions. Obviously, any member who thought a certain petition should not be excluded could make a proposal to that effect.

COUNT DE PENHA GARCIA still thought that the Chairman's proposal was the best suited to the object which the Commission had in view. In particular, the rights of petitioners must be safeguarded, and it was therefore well to continue to appoint a member of the Commission as Rapporteur, who, if he found that the petition which he had to examine should be deemed inadmissible, would propose its exclusion.

M. MERLIN thought that, for matters of this kind, the obvious permanent Rapporteur would be the Chairman, since he possessed more authority than the other members of the Commission. There was no danger that a petition which deserved consideration by the Commission would be excluded, since, in any case, if a member wished to draw his colleagues' attention to any petition, he was still at liberty to do so. Once again, the Chairman alone had complete competence in this matter.

Mlle. DANNEVIG said that, whatever solution was adopted, the only matter of importance in her view was that it was the right and the duty of the members of the Commission to take cognisance of such petitions. The Commission must not exclude them without having seen them.

M. VAN REES proposed that the Secretariat, taking into account the present discussion, should prepare on the basis thereof a new mode of procedure to be embodied in two or three very short articles which the Commission might discuss later.

Count DE PENHA GARCIA repeated that the Chairman's note was perfectly clear and entirely satisfied him. In his opinion, it was not advisable that the Chairman should act as "permanent Rapporteur", since a member of the Commission might sometimes not agree with his conclusions and it would create a bad effect if the Chairman's authority were often challenged. The best course was therefore merely to adopt the proposal which the Chairman had made in his note, since it did not raise the question of his authority. Proposals for the rejection of petitions must come from a member of the Commission and not from the Chairman.

The CHAIRMAN proposed to appoint a sub-committee to study the question and draw up a very short text which would be submitted to the Commission for consideration.

The Sub-Committee was composed as follows : M. VAN REES, M. PALACIOS and M. RAPPARD.

SECOND MEETING.

Held on Monday, October 23rd, 1933, at 4 p.m.

Cameroons under British Mandate : Examination of the Annual Report for 1932.

Captain W. Buchanan-Smith, C.M.G., M.C., Lieutenant-Governor, Southern Provinces, Nigeria, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed the accredited representative and expressed the Commission's appreciation of the opportunity given it by the mandatory Power of collaborating with a high official of the mandated territory for the examination of the annual report.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Captain BUCHANAN-SMITH.—The first observation I should like to make is with regard to the depression in trade. You will find it referred to in many parts of the report, and it has, of course, coloured the whole situation and hampered progress to a most lamentable extent. From the purely native point of view, however, it has had in many ways a surprisingly small effect. In 1931, when I visited the Cameroons, Nigeria was suffering very severely from the slump, but there were hardly any traces of it in the Cameroons as far as Africans were concerned. When, however, I went there again in 1932, demands for the reduction of taxation were general throughout the territory, and it was obvious that the natives had been severely hit ; the difficulty was, however, due to lack of cash—there was no distress.

There are two features of the situation which account for this : (1) the fall in the prices of economic products has been accompanied by a heavy fall in the prices of foodstuffs, so that the native has never felt the effect of the reduction of his income ; (2) the Cameroonian native is self-supporting so far as food is concerned, and anything else which he may require can be acquired by barter. Therefore he has come out of the depression so far much better than could be expected. A curious point connected with this is that the native employee on a fixed salary is considerably better off than he was before, owing to the fall in the cost of living. That applies to the clerical class, and accounts for the present anxiety of the natives up country that their sons should be educated and become clerks.

To turn to another subject. I think that perhaps the report has taken it too much for granted that the Permanent Mandates Commission is already fully acquainted with the method and object of the re-organisation in the Cameroons Province, and I will endeavour so far as possible to fill in some of the details for the assistance of the Commission.

When the present system of indirect rule was first introduced, the Northern Province model was copied somewhat slavishly without sufficient regard being paid to the circumstances of the Cameroons, and one of the first things to be done there was to appoint district heads to look after certain defined areas. These men were not always fitted for their posts, and often had little right to any special position, either by inheritance or native custom. Not unnaturally they abused that position, and we are now trying to introduce a system of administration which will be in accordance with native custom.

To achieve this object, administrative officers have been directed to investigate fully the customs and the administrative practice of the natives in the Cameroons Province prior to the advent of Europeans. As a result of the investigation, it has been found that, while we have

been administrating there with district heads (or in some places with a native court as a native authority), the people have retained to a great extent their old system of settling their affairs through their village and clan councils, and it is on those councils that we are trying to base our new administration.

The scheme is more or less as follows : Both administratively and judicially the village headman and his council, who are usually the heads of families, form the first unit. They give all lawful orders within the village, collect the taxes and settle village disputes. The second unit is usually the clan, consisting of a number of villages related by descent from a common ancestor. The council consists, in theory, of the head of the clan and his council, which includes all the members of the village councils ; but, in practice, it usually consists of the headman of the clan and the heads of the villages making up the clan, or their representatives. This council sits as a native court and hears all disputes within the clan or between members of the same village, where they are unable to accept the decision of the village council. Administratively, the council manages the affairs of the clan and this includes its treasury.

At present, there are not many clans capable of looking after a fully organised treasury, but there are some. The more primitive villages or clans usually agree to share their treasury with other clans, and, in any case, where such agreement has not been reached, the accounts of each clan are kept separately in the present existing treasury. However, amongst the more primitive clans, all salaries and other payments which have to be paid to the clan council are paid in a lump sum, and the clan council distributes it in accordance with custom. That is a very small beginning, which will lead gradually to the assumption of greater responsibilities. In some cases, a number of clans are already agreeing to join together in a larger treasury.

The essence of the scheme is consent. No village is forced to join a clan council, nor is a clan council forced to join up with other clan councils. Before any re-organisation of this nature can take place, each clan council must give an assurance that it will accept the orders of the native administration it proposes to join. If it will not do so, and if it is large enough, it can have a treasury of its own, or it can be administered directly by the district officer until the time comes when it is prepared to join up with other units and form a larger native administration. There are not many instances of the latter alternative. By such means, it is believed that a system of administration will be built up, which will be based on common consent and common interest, and which will have the sanction of native custom. Even in the earlier stages, the system will implant a sense of financial responsibility, which at the moment is entirely lacking.

There is also one other feature. There is little room for the Christian or educated members of the community under the existing scheme. Under the new scheme which we are introducing, they would come in under the council of their own village, and so would have an opportunity of becoming members of the higher councils ; they would thus have a reasonable share in the management of the affairs of their people. At first it may appear that this system is one of chaotic decentralisation, but it is believed that it will not be long before the units will, in their own interest, combine to form much larger administrative bodies. All these arrangements are, as will probably be realised, the outcome of much hard work on the part of the Administrative Officer, residents, district officers and assistant district officers.

There is another matter which has previously been mentioned before this Commission—namely, the difficulties which have arisen from time to time between the Mandatory's officers and the Missions. I am glad to say, from personal experience, that these difficulties have largely disappeared owing, in no small measure, to the active intervention of the head of the Roman Catholic Mission, Monseigneur Rogan.

I have been given a paper to read on the subject of the position of women in the Cameroons. I agree that more can be done for women, and I know that the Governor is deeply interested in the question, but I think that there has been a certain amount of misconception, and it is a question in regard to which one must move very carefully. I shall do my best to answer any questions which Mlle. Dannevig may like to ask me, and to assist the Commission in any way I can in the matter.

The members of the Commission will, I think, find that such of their questions as were unanswered at the last session have now received replies, and, in some instances, legislation has implemented undertakings made by the mandatory Power.

NATIVE ADMINISTRATION.

Lord LUGARD thanked the accredited representative for the full information concerning the system of decentralisation, under which the village would, he had said, be the first and the clan the second administrative and judicial unit. Lord Lugard remarked, however, that the village had no statutory judicial position, and enquired whether there would not be so large a number of clan councils as to make supervision very difficult.

Captain BUCHANAN-SMITH replied that the village council would not necessarily have statutory recognition, except that, in some cases, it might be a subordinate native authority. A clan council would probably be a native authority, or, if it were a member of a council in which many clans were represented, it would be a subordinate native authority. There would be, to begin with, a good many more councils or rather statutory native authorities than there were at the present moment.

Lord LUGARD suggested that difficulties might occur in the case of a tribe living partly in the British and partly in the French Cameroons, the new British policy of extreme decentralisation being just the opposite of the policy adopted by the French Administration.

Captain BUCHANAN-SMITH said that the areas of the native councils and courts would probably be readjusted, so as to obviate such difficulties—at any rate, as far as Nigeria and the Cameroons were concerned. He explained that the ultimate purpose of the British authorities was to build up strong native administrations, based on consent and starting from the bottom. Ultimately there would be much less extreme decentralisation.

Lord LUGARD enquired whether competent men could be found to administer the large number of new councils and treasuries.

Captain BUCHANAN-SMITH replied that the treasuries would at first be on very simple lines; the Councils, aided by boys who had been at school, could deal with the sums of money received and the money to be paid out by the Councils. Larger treasuries would come into being gradually, and to staff them there would probably be a sufficient supply of educated natives. At present, in most areas, the best that could be done was to give as much financial responsibility as was possible, and, for the rest, to keep separate accounts for each native authority in the existing treasury.

Replying to a question by Lord Lugard concerning the difficulties with the Missions—now being composed—he stated that some members of the Roman Catholic Missions had not thought it proper that Christians should come within the jurisdiction of the native courts; the chief difficulty had been in connection with marriage.

Count DE PENHA GARCIA said that it was quite comprehensible, in view of the varying degree of civilisation among the native tribes, that no definite general rule could be laid down as to the best form of local administration. He enquired whether the mandatory Power considered that the future system should be on a basis of village administration or on some wider basis. Past efforts to associate groups of villages had not always proved successful.

Captain BUCHANAN-SMITH said that, in the past, the village heads and councils had been operating, without the Administration having been aware of that fact; clan councils, too, had settled questions on which the village councils had been unable to arrive at a decision. That system had been going on in the background, and the Administration hoped to develop it into something more satisfactory, so that the various clans would eventually join up, by consent, to form strong native administrations.

M. ORTS observed that, at the twenty-second session,¹ Sir Donald Cameron had said that it did not seem desirable that the pagan population should be governed by Moslem Emirs. While not condemning the practice established by the previous Administration, he had felt that steps should be taken to bring a larger proportion of the pagan population under direct administration. In the case of Dikwa, with a population of close on 200,000, the administrative staff was reduced to one official and one clerk, probably a native. This was a rather small administrative staff in the circumstances. Would it not be possible for the Administration to make the policy of direct administration more effective? Was the present arrangement to be merely considered as a step in that direction?

Captain BUCHANAN-SMITH replied that Sir Donald Cameron desired to develop the system of direct administration in cases where pagans were not in a position to start their own native administrations, but was hampered by the Nigerian financial situation, which made it very difficult to secure extra staff; in fact, staff had had to be reduced.

Lord LUGARD, referring to paragraph 48 of the report, noted that a large pagan population was under a Moslem Lamido, whom there had been no one to replace when he had fallen sick. As these officers were chosen by the people and not appointed by the Government, would it not be possible to cause a pagan to be appointed instead of a Moslem?

Captain BUCHANAN-SMITH replied that that was the official British policy, but the process must be gradual. One reason was that usually pagans were split up into small groups with small chiefs and it would be difficult to find straight away anyone who could take the place of such men as the Lamido. The policy was being given effect first in the south, but it was also being applied gradually and generally to the pagan areas of the north.

M. ORTS observed that the report made no mention of officials in the Adamawa districts. Were these districts administered in the ordinary way?

Captain BUCHANAN-SMITH replied that they were administered in the ordinary way. He would ask for the figures.

¹ See Minutes of the Twenty-second Session, page 161.

M. SAKENOBÉ noted that the mandatory Power was endeavouring to revive, by granting them statutory powers, the provincial village councils and clan councils which had previously existed, but had fallen into disuse. What were the causes of the decline? Was it sufficient to give them statutory powers to revive them?

Captain BUCHANAN-SMITH said he had mentioned this point in his opening address. The councils had been in existence before Europeans arrived and, in spite of all, direct rule had continued to exist. The Administration was endeavouring to replace all that was artificial by something more in keeping with the natural native practice.

M. SAKENOBÉ noted that the district of Kentu had been separated from the Gashaka District and incorporated in the Benue Province as stated on page 16.

He asked if he was right in saying that Kentu had always existed as a part of Adamawa Division, but was only administered by the British authority who was in charge of Benue Province.

Captain BUCHANAN-SMITH said that, at the beginning, it had been under Bamenda. About 1926, it had been taken away from Bamenda, but it had been thought that it would be more easily supervised from Benue than it could be either from Adamawa or from Bamenda.

INSPECTION OF THE BAMENDA DIVISION BY THE LIEUTENANT-GOVERNOR OF THE SOUTHERN PROVINCES.

Count DE PENHA GARCIA noted (paragraph 19) that the Lieutenant-Governor's visit to the stations in the Province in the early part of the year had been the first occasion that the Bamenda Division had been visited by a Lieutenant-Governor; he asked whether that had been due to special circumstances.

Captain BUCHANAN-SMITH replied that it was simply owing to the fact that he, being rather younger, had been able to get about better than his predecessors on a journey which involved trekking over 300 miles on foot.

APPLICATION TO THE TERRITORY UNDER MANDATE OF CERTAIN ORDINANCES PROMULGATED IN NIGERIA.

Count DE PENHA GARCIA referred to the enactment—the Criminal Code (Amendment) Ordinance 1932—increasing the maximum penalties for slave-dealing offences; he enquired whether that measure had been found necessary despite the considerable efforts already made by the Administration to suppress such offences.

Captain BUCHANAN-SMITH said that the Ordinance, which was applicable both in Nigeria and in the Cameroons, had chiefly been rendered necessary by the activities of certain communities in the former territory.

Count DE PENHA GARCIA said that the Commission would be glad to have details in the next report as to the way in which the Native Children (Custody and Reformation) (Amendment) Ordinance 1932 had been applied and the results achieved.

Captain BUCHANAN-SMITH stated that that Ordinance, though applicable also to the mandated territory, had been necessitated chiefly by the situation in Nigeria, where juvenile offenders, chiefly thieves, had become too common, especially in Lagos, where boys from the Northern Provinces were responsible for a good deal of crime. Corporal punishment had been found to have very little effect, and it had been decided that children below a certain age should be handed over to a reformatory or to the Salvation Army. The main reason for this policy was to prevent juveniles from associating with confirmed criminals in the prisons.

Count DE PENHA GARCIA enquired whether there had been a great industrial development in the Cameroons under British mandate; he noted that four international labour Conventions had been made applicable to the territory.

Captain BUCHANAN-SMITH replied in the negative. He explained, further, that certain ordinances were applied in practice in Nigeria only, but were ready for use when the situation should demand it in the Cameroons.

M. VAN REES asked whether the incorporation of the Administration with Nigeria meant that all Nigerian legislation applied automatically to the mandated territory, except where otherwise stated, or whether a special proclamation was necessary in each case to make legislation apply to the mandated territory.

Captain BUCHANAN-SMITH replied that, whenever it was intended that an ordinance should apply to the mandated territory, that fact was stated in the text of the ordinance itself.

SITUATION OF WOMEN IN THE TERRITORY.

Mlle. DANNEVIG observed that it appeared from various sources that the situation of women in Central Africa, and especially in the Cameroons under French and British mandate, was very unsatisfactory. The reports on the subject differed considerably according to

whether they came from the Administration or from the Missions. During the examination of the report for 1931 concerning Cameroons under French mandate, the accredited representative had said the previous year¹ that the position of women was not as bad as was stated, and that native widows, for instance, could buy themselves free. That statement was not in accordance with the description in *The Catholic Citizen* (October 15th, 1933), according to which women were unable to work and earn enough to purchase their freedom. How was the position in the British Cameroons?

Captain BUCHANAN-SMITH thought that the author of the article in question had been under a misapprehension as to the true situation. A woman in the mandated territory had a definite place in the family, but was not the property of the family. She had a financial position separate from that of her husband, and the latter could not interfere with the disposal of her money; the woman was quite often richer than her husband. All women in Nigeria and the Cameroons had husbands, and if the husband died the widow had no one to guard her except her family; she went to them for protection. A widow generally married again, and any woman whose dowry was poor would be the first to resent the fact. Many divorce actions initiated by the wife had their origin in the dissatisfaction felt by the woman on account of an inadequate dowry. The larger the dowry, the more a woman thought her husband cared for her.

Mlle. DANNEVIG observed that that was the reply given by M. Marchand the previous year; she could not understand how such different views came to be expressed by the Administration and by the missionaries. She thought that a woman who became a Christian was still judged by native custom or the Moslem Statute; she felt that that might lead to difficulties in practice, even though the position might be sound in theory. Was there a statute for the women who had become Christians?

Captain BUCHANAN-SMITH explained that a Marriage Ordinance existed dealing with Christian marriage in Nigeria. Under that Ordinance it was not generally the wife but the husband who suffered, since, if the former chose to run away—as often happened—he could not get back her dowry under the Ordinance.

Mlle. DANNEVIG asked whether it was the considered opinion of the accredited representative that everything was done to safeguard the position of women and that the husband was the real sufferer.

Captain BUCHANAN-SMITH replied in the negative, but stressed the importance of the Marriage Ordinance as safeguarding the position of Christian marriage.

Mlle. DANNEVIG asked whether, in Mohammedan districts, women experienced greater hardships than in pagan districts. Most of the answers which had been given applied to pagan districts and not to Mohammedan districts. Had the Administration any plans for looking into the question of ameliorating the status of women?

Captain BUCHANAN-SMITH said that it was easier to take such action as might occasionally seem desirable in the pagan districts than in the Mohammedan districts where interference would cause trouble. He doubted if the Archbishop had had much experience in the Moslem areas, as Moslems were very rarely converted to Christianity.

Sir Donald Cameron had the question very much at heart, and as an experiment had proposed to appoint a travelling lady doctor in one heavily populated Nigerian area—Owerri. She would provide medical treatment and endeavour to get into touch with the women and to find out their views and whether they had any complaints which they had not dared to express. This would be a beginning; but, like everything else, it depended on the financial situation.

He had been in Nigeria for twenty-five years and had many friends among missionaries. There was a Catholic school at Bonjongo run by nuns, who had not brought to his notice any serious difficulties regarding the position of women. At Obuniki, in Nigeria, and at Onitsha there were excellent girls' schools run by the ladies of the Church Missionary Society and the Catholic Mission respectively. The ladies concerned had also never, as far as he knew, expressed any serious misgivings regarding the treatment of women. On the other hand, it was true that there had been some trouble in Nigeria, though not in the Cameroons, as manifested by the Aba riots.

He could assure the Mandates Commission that it was part of Sir Donald Cameron's settled policy to improve the position of women, and he felt that the experiment of appointing an independent lady doctor was a start along the right lines to ascertain the real feelings of the women.

Lord LUGARD said that Mlle. Dannevig's point was that missionaries had expressed a great many grievances regarding the general status of women and alleged that the Administration was apathetic. Would it not be desirable for the Nigerian Government to ask the missionaries to formulate their complaints clearly and distinctly and also to put forward practical suggestions as to what could be done? It might then be possible for the Administration to give them an answer.

Captain BUCHANAN-SMITH considered this an excellent idea.

¹ See Minutes of the Twenty-second Session, page 213.

FRONTIER BETWEEN THE CAMEROONS UNDER BRITISH MANDATE AND THE CAMEROONS UNDER FRENCH MANDATE.

In reply to a question by M. Orts, Captain BUCHANAN-SMITH said that the delimitation of the frontier between the British and French spheres (paragraph 9) had been postponed in deference to the wishes of the French Government on account, he understood, of the expense.

PUBLIC FINANCE : TAXATION.

M. RAPPARD referred to paragraph 70 and to the words :

“ Similarly, on the revenue side, sums of £10,000 and £1,300 had been added to the Customs import and export duties, respectively, to represent the amount of duty paid at Nigerian ports on imports and exports which have entered and left the mandated territory by the Nigerian land frontier.”

Was this a mere calculation or had it some surer basis?

Captain BUCHANAN-SMITH said that the amounts could be accurately calculated, because these referred to imports and exports from such ports as Calabar going to or coming from the mandated territory.

M. RAPPARD asked why the deficit was quoted as from the period 1916 (paragraph 71). Did this mean that there was any debt to be settled on the mandated territory?

Captain BUCHANAN-SMITH replied in the negative. The period 1916-1931 had merely been quoted for the purpose of general information.

M. RAPPARD noted that native treasuries depended to a very large extent on the fines paid to courts. Owing to the crisis, there was less litigation, and so there were fewer fines. The Administration therefore considered that the estimate of £1,600 was “ still too optimistic ” (paragraph 76).

Captain BUCHANAN-SMITH said that “ too optimistic ” was the wrong term. Naturally, the Administration was more satisfied if fines diminished and fees increased, and this fact was frequently emphasised.

Lord LUGARD, referring to page 112, noted that, in the northern provinces, the interest on investments had nearly doubled as compared with the previous year. In the southern provinces, though there was a considerable balance in the Treasury, no interest was mentioned at all.

Captain BUCHANAN-SMITH explained that, in the northern provinces, the native administration had been in operation considerably longer than in the southern provinces, so that prosperity was greater in the north. The southern provinces had always had to lead a hand-to-mouth existence, and had never had large sums at their disposal for investment.

Lord LUGARD could not see how the question of prosperous or unprosperous years could make any difference to interest on investments.

Captain BUCHANAN-SMITH regretted that he had misunderstood Lord Lugard's question. He would enquire how it came about that the northern administration had been able to add so greatly to their investments.

Lord LUGARD noted that the jangali tax was levied on nomad herds, the village stock going into the lump sum assessment. Where there was a flat rate, was no jangali tax paid at all?

Captain BUCHANAN-SMITH replied that this was so in the southern provinces.

Lord LUGARD said that, in paragraph 83, it was stated that jangali tax was only levied in “ grazing areas ”. He asked how “ grazing areas ” were defined.

Captain BUCHANAN-SMITH said that grazing land was the land on which one would normally expect to find herds of Fulani cattle. The tax would not be applied to village areas on the coast, where the dwarf cattle often flourished.

Lord LUGARD asked whether the reduction was permanent or temporary.

Captain BUCHANAN-SMITH replied that it was temporary until the position improved. He would not be surprised if a demand for increased taxation came from the natives themselves. Later on they would want some development carried out and would have no money with which to finance it and would call for increased taxation.

M. RAPPARD asked, with regard to Lord Lugard's question in connection with paragraph 84, whether the lump-sum assessment was not merely a sum calculated to correspond with what would be due as a poll tax.

Captain BUCHANAN-SMITH replied that this was not entirely the case. In certain areas it would include the jangali tax in those places where there were no grazing lands.

M. RAPPARD wondered whether the lump-sum assessment would prove satisfactory. It had been tried elsewhere without success. It often led to arbitrary taxation of individuals if those individuals were unpopular.

Captain BUCHANAN-SMITH agreed that it was by no means always ideal, but it should be regarded as temporary pending such time as the natives would be able themselves to adopt more satisfactory methods.

M. RAPPARD asked whether the possibility of commuting taxes to labour was excluded. What happened, for instance, when taxes were not forthcoming?

Captain BUCHANAN-SMITH replied that when taxes were not forthcoming for good cause they were wiped out. The Administration never asked for labour, since such requests might lead to very undesirable practices.

CUSTOMS DUTIES : ECONOMIC EQUALITY.

M. ORTS said he had in his possession the "Regulations made under the Minerals Ordinance", Chapter 93 (Nigeria, No. 16 of 1932), which, amending the General Minerals Regulations, levied a duty of 50 per cent on exports of tin ore. Nevertheless, this duty was not to be levied when the exporter furnished proof that the mineral exported would be treated in the United Kingdom or in a British possession. It was stated that the provision in question was applicable to the Cameroons under British mandate.

M. Orts asked the representative if he could give some explanations on the text which, at first sight, did not seem to be in conformity with the principle of economic equality. Although tin ore did not appear in the list of principal exports from the territory under mandate, the question seemed justified with a view to the observance of the principle in question.

Captain BUCHANAN-SMITH pointed out that there were no mines in the Cameroons, so that the regulation did not apply.

M. ORTS said that he knew there were no mines in the Cameroons at present, but there might be, and in any case he wished to ask whether this procedure was in keeping with the principle of equality of treatment for all the Members of the League.

M. Orts, referring to certain facilities that had been granted for the direct export and import of foodstuffs, recalled that, at the twenty-second session,¹ it had been stated that this system might be extended if desired by the population. Had any new steps been taken in that direction?

Captain BUCHANAN-SMITH replied that the arrangements referred to were merely those taken along the frontier of the territory under French mandate in order to allow the local natives to continue their usual mode of life without being hindered by Customs restrictions.

In reply to a question by Count de Penha Garcia, the accredited representative said that the abolition in this area of duty on palm-kernel oil, etc. (paragraph 98), was part of the policy referred to above of assisting native tribes living near, or on both sides of, the frontier.

IMPORTS AND EXPORTS.

M. MERLIN, referring to the tables on pages 27 *et seq.*, noted that, on page 32, exports were described by weight, later by countries of destination, and on page 27 by value in pounds sterling. It would be very helpful if, in the first table, weights as well as values could be given.

Captain BUCHANAN-SMITH said he would note this request.

In reply to a further question by M. Merlin, the accredited representative said that the increase in exports in 1932 over 1931 was due to the development of the banana trade.

M. MERLIN noted the considerable place taken by German exports and imports. What was the cause of this?

Captain BUCHANAN-SMITH replied that the great majority of the former German estates had been bought by Germans. Very few estates were held by Englishmen. Nearly all the produce of these German estates went to Germany, and their owners naturally bought goods from Germany in return.

M. SAKENOBE asked to what extent, if any, the northern parts of the mandated territory participated in the export trade or was that trade confined to the Victorian Division.

Captain BUCHANAN-SMITH said that the trade of the northern territories tended to pass down the Benue to the Niger. A good deal of this trade would be included under the trade of the port of Forcados.

M. SAKENOBE, referring to paragraph 101, asked whether the amount collected at the twelve preventive stations represented the total amount of frontier trade with Nigeria.

Captain BUCHANAN-SMITH replied in the negative. A great deal of trading went on over other parts of the frontier.

¹ See Minutes of the Twenty-second Session, page 164.

ECONOMIC SITUATION.

M. MERLIN, referring to paragraph 118, asked why there should be any "difficulty of obtaining cash". Could not the Administration provide a remedy for this?

Captain BUCHANAN-SMITH said that, formerly, the Bamenda people found plenty of work outside their own district, and, when they returned, brought back with them a considerable amount of cash. Now, owing to the crisis, there was less work and consequently they could not obtain cash. It was difficult to see how the situation could be improved by the Administration, because neither Europeans nor coast natives were buying what the Bamendas had to sell. They were therefore short, and Bamenda natives, buying from each other, had accordingly to resort to barter.

M. SAKENOBE thought that one principal cause of want of cash in Bamenda Division was that it had no economic outlet. Referring to the statement made at a previous session¹ by Sir Donald Cameron that an effort would be made to provide an economic outlet for the Bamenda Division, which it at present lacked, by constructing a road from Bamenda to Manekewe, M. Sakenobe understood that the completion of this work had been postponed. He asked whether any further steps had been taken in this connection.

Captain BUCHANAN-SMITH said that, before he had left Nigeria, funds for beginning the construction of this road had been included in the Nigerian budget. He believed that this item had been retained in the budget, but was not sure, as there had been further financial embarrassment since he left in April.

FOREST RESERVES.

M. MERLIN, referring to paragraph 341, asked why the natives objected so strongly to the establishment and delimitation of forestry reserves.

Captain BUCHANAN-SMITH replied that those reserves were unpopular, because their establishment imposed restrictions on the natives from the point of view of felling trees.

In reply to a further question by M. Merlin, the accredited representative explained that the authorities felt that it would be unwise to make any attempt to proceed further with these particular reserves at present.

In reply to a question by Lord Lugard, the accredited representative explained that the timber concessions mentioned in the report (paragraph 346) were mostly granted to Frenchmen coming from the Cameroons under French mandate to cut mahogany, etc.

ESTABLISHMENT OF A FISHING INDUSTRY.

Lord LUGARD observed (paragraph 104) that very large quantities of fish were imported from Germany, Norway and the Spanish possessions, which meant, he supposed, Fernando Po. As the fisheries of Fernando Po were in adjacent waters and seemed to be successful, would it not be possible to create a fishing industry in the Cameroons?

Captain BUCHANAN-SMITH said he was under the impression that the fish-curing industry in Fernando Po was in the hands of an extensive European population. He had recently heard that one enlightened Nigerian chief was endeavouring to start a fish-drying industry at Bonny. If this experiment succeeded, others in Nigeria and the Cameroons would doubtless follow his example. In any case, efforts in this direction would be encouraged by the Administration.

Mlle. DANNEVIG observed that M. Ruppel had stated at a previous session that the German authorities had endeavoured without success—owing to climatic conditions—to establish a fish-drying industry.

ARMS AND AMMUNITION.

M. SAKENOBE, referring to paragraph 193, noted the considerable increase in the importation of arms and ammunition, and asked the reason for this.

Captain BUCHANAN-SMITH said he would have to make enquiries.

JUDICIAL ORGANISATION.

M. SAKENOBE asked what was the difference between alkali courts or district heads' courts and native courts (page 46).

Captain BUCHANAN-SMITH replied that native courts were usually the courts of pagan chiefs, whereas the alkali court was Mohammedan.

In reply to a further question of M. Sakenobe, the accredited representative explained that the Gwoza and Ashigashiya courts were the only courts in the Dikwa Division where Moslems had jurisdiction over non-Moslem tribes. Even in this case, however, pagan representatives were present in the court.

¹ See Minutes of the Twenty-second Session, page 161.

Lord LUGARD, referring to paragraph 131, noted that native courts were to cease to exercise executive functions. What did that mean?

Captain BUCHANAN-SMITH replied that, in the southern provinces, many native courts had in the past also been native executive authorities of the locality. This would now cease.

Lord LUGARD, with reference to paragraph 151, asked why it was that the present native courts failed to appeal to the people.

Captain BUCHANAN-SMITH said that native courts in the south had not always in the past been organised on lines approved by native custom and practice; the members of the court had therefore often been exceedingly unpopular. The organisation of the courts on lines more in agreement with the native views and forms of the past had not long been taken in hand. He was sure, however, that the courts would now increase in respect and success.

THIRD MEETING.

Held on Tuesday, October 24th, 1933, at 10.30 a.m.

Cameroons under British Mandate: Examination of the Annual Report for 1932 (continuation).

Captain Buchanan-Smith came to the table of the Commission.

SLAVERY.

Lord LUGARD, referring to the statement in paragraph 214 of the report that the recent shortage of food in Mandara in the territory under French mandate had tended to give an impetus to slave-traffic, enquired whether the French authorities had been asked for their co-operation.

Captain BUCHANAN-SMITH said that he had not the slightest doubt that the French and British authorities were in correspondence on the subject.

LABOUR.

Lord LUGARD noted that a large number of plantation companies were members of the Planters' Union. Mention was made on page 68 of two European dressers, and paragraph 308 referred to "the medical practitioner of the Planters' Union". Was one doctor adequate for the number of labourers? On an average, 1,885 labourers were engaged by the West African Plantation Company alone, and the aggregate number employed by the Planters' Union was very large.

Captain BUCHANAN-SMITH said that the Director of Medical Services had made representations with a view to more doctors being provided, especially in the outlying plantations. Some plantations, however, already found it difficult to pay for the doctors that they were required to provide. While the number of natives on certain outlying estates was not very great, it was difficult for one doctor to get round continuously. He was, however, assisted, when required, by the Government doctor and Doctor Graff.

Lord LUGARD thought that a scale should be enforced of one doctor per so many natives. He hoped that the Government would compel the plantations to employ a sufficient number of doctors.

Lord Lugard observed that figures were given (paragraph 234 of the report) for the number of porters engaged by the Government and by the Native Administrations. He enquired whether porters were not employed by private persons also and whether the employment of porters was prohibited when wheeled traffic was available?

Captain BUCHANAN-SMITH said that it would be impossible to obtain an accurate figure for natives employed as porters by casual Europeans and Africans; it would be difficult, for instance, to ascertain how many porters were employed by a missionary travelling from place to place. To the second part of Lord Lugard's question, he replied in the negative.

The CHAIRMAN directed attention to convictions for refusal to carry loads (paragraph 237 of the report).

Lord LUGARD observed that the convictions listed in paragraph 236 were for "refusal to perform customary communal labour". He had understood that the principle in Nigeria and the Cameroons was that no forced labour by chiefs was allowed, and that the line taken by Sir Donald Cameron was that the tax liberated the native from all "tribute and service".

Captain BUCHANAN-SMITH agreed that a chief who received a salary could not demand forced labour for himself. In the past, the task of keeping the village and roads leading from it clean had always been done by certain age-grades, and refusal to carry out such work had been punished. Sir Donald Cameron now proposed that the only communal labour allowed in connection with roads should be the labour required for cleaning the paths in the village and its immediate vicinity, such as washing-places and wells. Many of the prosecutions referred to concerned the keeping open of roads leading to main roads, and such labour would in future have to be paid for.

Lord LUGARD observed that the Native Labour Committee, of which he had been a member, had made a distinction between social services, such as keeping the ground clean in the immediate vicinity of the hut, burying the dead, and so on, and labour such as road-cleaning. The information that that labour was now to be paid for was entirely satisfactory.

Mr. WEAVER noted that wages had fallen considerably in the Mamfe Division, where labour could be obtained easily at the rate of 4*d.* a day, as compared with previous offers of 9*d.* and 1*s.* a day, while the table at the end of the report—of which he expressed his appreciation—gave rates for other districts as low as 3*d.* to 6*d.* and 2½*d.* to 5½*d.* He felt that there might be some connection between the wage position and the shortage of cash referred to in one division on the previous day. He suggested that such low wages might be detrimental to the general economy of the territory, in that they reduced the purchasing power of the natives.

Captain BUCHANAN-SMITH said that there was very little employment in the territory at present and that the natives would work for almost any wage. To fix a minimum wage would be putting temptation in the way of employers when employment increased. In the case of porters engaged by the Government, it was laid down in regulations, which were altered from time to time, what the wage was to be, but that applied to the Government and not to private employers.

Mr. WEAVER asked if the mandatory Power intended to make use of the new permissive powers under the wage-fixing Ordinance. He doubted whether the fixing of minimum wage rates would have the effect suggested by the accredited representative. If and when the demand for labour again increased, workers would go to the employer who offered the best wages, and that movement would not be prevented by the existence of a minimum wage. On the other hand, in the absence of a minimum wage, rates had fallen to very low levels, so that it was very difficult for the people to pay their taxes and pay for imported goods.

Captain BUCHANAN-SMITH said that Mr. Weaver's views would be brought up before the Government. He did not know yet what the latter's intentions were in regard to the fixing of a minimum wage.

Mr. WEAVER referred to the increase in larceny on plantations by unemployed strangers (paragraph 135 of the report). He enquired whether any action had been taken to relieve distress in the case of unemployment among natives who had settled in labour areas.

Captain BUCHANAN-SMITH replied that in Lagos such persons were often sent back to their countries. In the Victoria Division, they lived in strangers' settlements, where, by planting maize and other foodstuffs, they could live quite adequately. There was no system of relief, and the persons concerned had no wish to be repatriated.

Mr. WEAVER said that he had been interested to read that the inhabitants of the Mambilla Plateau in Gashaka District were naturally gifted and keen craftsmen. He asked whether anything had been done to promote the marketing of the products of those people.

Captain BUCHANAN-SMITH said that in such cases examples of basket-work, brass-work or iron-work were usually sent to the local headquarters and that the administrative officers took steps to make it known to the outside public.

Mr. WEAVER asked that information might be given in the next report concerning the labour conditions and the method of obtaining labour in the timber concessions of Kumba Division.

MISSIONS.

M. PALACIOS observed that the Commission had spoken the previous year¹ of difficulties between the Catholic Missions and the local native authorities and had noticed that there were no missionary activities in some of the northern districts of the territory. He gathered from the reference to be found in the report (paragraph 244) that the differences of opinion between certain missions and the Administration had now ceased. On the other hand, the north was not yet much in favour with the missions (paragraph 247).

Captain BUCHANAN-SMITH explained that the difficulties had been in the southern part of the territory. Certain priests had had difficulties with the native courts and refused to recognise that their followers were under the jurisdiction of those courts; Monseigneur Rogan had been instrumental in adjusting the situation.

¹ See Minutes of the Twenty-second Session, page 167.

Shortage of funds was, he suspected, one of the chief difficulties so far as the establishment of missions to pagans in the north was concerned, and care had to be taken in establishing missions near Mohammedan centres. Neither the Roman Catholic nor any other communities appeared to be establishing missions at present in the northern part of the territory.

EDUCATION.

Mlle. DANNEVIG said that, in spite of the interesting and elaborate statements contained in the report, it was difficult to get a general view of the position as regards education in the territory under mandate; no figures were given for the actual expenditure and only the proportional expenditure, as compared with Nigeria, was stated. It seemed clear, however, that there had been a decrease in the number both of teachers and of pupils in Government schools in the Cameroons Province.

It was stated in paragraph 16 of the report that the small proportion of natives in the mandated territory on the clerical staff was due to the fact that the schools in the territory had not yet reached the standard of the Nigerian schools, which turned out boys fitted for the clerical services. It was further stated that there were no means in the mandated territory of teaching the natives trades such as were required by the Public Works and Marine Departments, except by sending them to Lagos, and that it was doubtful whether that would be in their own interests. She enquired whether the mandatory Power was considering the possibility of providing educational facilities for those purposes in the territory itself.

Captain BUCHANAN-SMITH replied that no such measures were at present feasible, but pointed out that natives were being trained for other departments where—as the report stated—the training could be done in the territory.

He stated, in reply to further questions by Mlle. Dannevig, that of the three Europeans working in the Education Department in the Cameroons, one was in charge of the normal classes for the training of teachers.

Mlle. DANNEVIG, commenting on the statement that most of the boys in the territory were anxious for clerical education, pointed out that, according to the table of occupations of ex-standard VI schoolboys, there appeared to be fifty-nine teachers and only eight clerks.

Captain BUCHANAN-SMITH explained that, although most boys would probably like to become clerks, it was impossible to provide them all with clerical posts and that they had to take such employment as was available.

Mlle. DANNEVIG deplored the introduction of school fees, which had, she observed, led to a decrease in the number of pupils at one of the six Government elementary schools (paragraph 255).

Captain BUCHANAN-SMITH said that he personally had not been in favour of the introduction of fees at present and that he understood the Education Department had come round to the same view.

He explained further, in reply to a question by Mlle. Dannevig, that the native administration schools were essentially elementary and were meant particularly to help where no mission schools existed; children could go on from them to the mission schools.

Mlle. DANNEVIG noted the active co-operation of the sheikh and his Council as a factor in the success of the Dikwa school, a situation which, as stated in the report, fostered in the boys “ a proper respect for native authority and institutions ” (paragraph 280); that was entirely in keeping with the proper fulfilment of the mandate.

Lord LUGARD observed that he had already commented on the apparently advanced syllabus in the elementary school at Dikwa, where “ literary work ” was mentioned. He urged the importance of real elementary teaching on agricultural lines, and hoped that, as in the Gwoza school, it would be recognised that “ at present the chief need is to popularise school by passing as many pupils as possible through it and not to insist on too high a standard of efficiency either in literary or manual work ” (paragraph 290).

Captain BUCHANAN-SMITH agreed, and said that that was the policy which was being pursued in the South Cameroons.

He stated, in reply to a question by Lord Lugard, that he would ask that the next report should contain information as to the progress that had been made in getting into touch with the Koranic schools.

Lord LUGARD, referring to paragraph 197, said he was surprised to hear that the rural elementary schools “ tacked on a fraction of a middle-school training ”, and he asked what were the subjects now to be omitted? On the other hand, the reference to “ the whole elementary school syllabus ” including history and geography (paragraphs 280 and 286) in the new second-year syllabus in the Dikwa school seemed to go far beyond the simple agriculture and village crafts to which he thought it had been the policy to limit the rural elementary schools.

Captain BUCHANAN-SMITH replied that it was chiefly the teaching of English that would be omitted and that elementary education would be as far as possible on agricultural and practical lines.

CINEMATOGRAPH.

Lord LUGARD asked whether cinema films were exhibited in the territory and what was the policy in regard to educational films.

Captain BUCHANAN-SMITH replied that suitable films were being exhibited, though he was not sure whether those of educational value were ready. Under the Ordinance governing cinemas, a censor was appointed to see that films were suitable for native consumption.

APPLICATION OF THE UNDESIRABLE ADVERTISEMENTS ORDINANCE, 1932.

Lord LUGARD hoped that a certain class of pictorial advertisements of whisky and other spirits which appeared in the local African papers would be dealt with under the "Undesirable Advertisements Ordinance, 1932".

Captain BUCHANAN-SMITH pointed out that the Ordinance had been introduced with a view in the main to preventing advertisements of undesirable medicines. He agreed that the other advertisements referred to by Lord Lugard might well be included.

ALCOHOL AND SPIRITS.

Count DE PENHA GARCIA observed that, at first sight, the statistics given in the report (page 87) would seem to point to a decrease in the consumption of liquor; the Government had increased the import duties and had made it more difficult to obtain licences. The previous year,¹ however, the Commission had learnt that, despite the infliction of heavier penalties, illicit distilling—of palm-wine in particular—was causing grave anxiety. The question that now arose was whether the imposition of steadily higher import duties had yielded satisfactory results or whether it might not be better to reduce those duties, so that the natives might be able to obtain liquor, at all events of good quality, and thus be discouraged from drinking their own pernicious products. He enquired whether the Government contemplated lowering the duties on imported alcohol and spirits.

Captain BUCHANAN-SMITH said that there was a considerable amount of illicit distilling in the south, where many distillers had left Calabar Province and had taken to the low-lying swampy areas in the mandated territory, a fact which rendered police action very difficult. Nevertheless, many offenders had been caught. The Administration had done all it could to prevent natives from obtaining tubing.

With regard to the question of reducing the duties on gin, etc., this matter had been considered, but no decision had been reached. No action along these lines could be taken without careful reflection; it would be realised that a great deal of trouble might be caused by lack of appreciation of the true objects of such legislation.

Count DE PENHA GARCIA hoped that the next report would contain a statement of the policy which the Government contemplated following in this connection.

PUBLIC HEALTH.

The CHAIRMAN, referring to the statement in paragraph 317, that "malaria is still prevalent in all districts", asked whether the Administration was taking suitable steps to combat this evil. Was there a shortage of funds or of medical officers?

Captain BUCHANAN-SMITH pointed out that, in West African countries where mosquitoes abound, the problem of combating malaria was largely one of clearing stations and villages. Most stations had now been cleared and much work had been carried out in many parts of the country in draining swamps in the neighbourhood of towns and villages. This work had done much to improve the malaria situation.

The CHAIRMAN pointed out that, in the Cameroons under French mandate, the authorities were taking this question very seriously. They were devoting their attention not so much to mosquito eradication—which was almost impossible in Africa—as to the treatment of the malaria patients themselves. He did not, however, wish to press this point.

Lord LUGARD, referring to the implication in paragraph 324 (leprosy) that the segregation system was not proving a success, said that he understood that the latest practice was to segregate adults only in the infective stage, and to take the children of lepers from their infected parents.

Captain BUCHANAN-SMITH replied that the paragraph was not very clear. The authorities were in fact following exactly the methods referred to by Lord Lugard. The object of the

¹ See Minutes of the Twenty-second Session, page 168.

station was to encourage the infective lepers to come in. They were then also encouraged to work for themselves and to provide their own foodstuffs.

Mlle. DANNEVIG noted (paragraph 324), in connection with the leper camp at Bulu, in the Victoria Division, that, although seventeen houses and a dispensary had been erected and farm land made available, so far the scheme had not been a success, because, at present, there were only four inmates who had been attended by the medical officer at Buea. Was there no way of compelling suitable cases to come to the camp? She asked this because some fifty or sixty years ago there had been nearly 2,000 lepers in Norway. As a result of compulsory treatment, there were next to none now. She wondered, therefore, whether some measure of compulsion to enforce segregation of infective cases could not be adopted in the mandated territory.

Captain BUCHANAN-SMITH thought that compulsory segregation would be a very difficult matter at present, owing to the opposition of the natives. The mentality of the natives was still centuries behind the Norwegian mentality of even sixty years ago.

Mlle. DANNEVIG observed that the measures taken had been very unpopular in Norway at the time.

M. SAKENOBE, referring to the prevalence of yaws, noted that preventive action had only been undertaken in Bamenda and Mamfe.

Captain BUCHANAN-SMITH replied that the work was being undertaken experimentally in these two districts. If the experiment were successful, the action would, he was sure, be extended to the rest of the territory as soon as the financial position improved.

M. SAKENOBE, referring to paragraph 322 (smallpox), noted that 666 deaths had occurred among an estimated population of 55,000. As 14,000 vaccinations had been carried out by the end of the year, was the situation now under control?

Captain BUCHANAN-SMITH replied that it was.

M. SAKENOBE noted that the northern areas seemed to be ill supplied with medical officers. There were no medical stations in Dikwa or Adamawa. The need was obvious from the fact that 30,000 persons had been attended to by one single dispensary. Would it not be possible to increase the number of dispensaries or appoint a medical officer?

Captain BUCHANAN-SMITH referred to paragraph 331, which said that "a travelling medical officer had been posted to Adamawa Province whose duty includes touring the mandated territory". This medical officer was constantly touring the country.

M. SAKENOBE was not satisfied that this medical officer could adequately serve so vast an area. He hoped that more medical officers would be forthcoming as soon as circumstances allowed.

LAND TENURE.

Lord LUGARD, referring to paragraph 339, was glad to note—since this point had several times been raised by the Commission—that extra land had now been provided for natives in the congested districts near the estates.

APPLICATION OF THE LEGISLATION RELATING TO MARRIAGE.

Count DE PENHA GARCIA said that it was not at all clear from an examination of the statistics for native court cases what the position was in regard to adultery and marriage. In some areas—Adamawa and Bamenda, for instance—adultery was definitely regarded as a criminal offence, but in other districts that was not the case. Civil cases in regard to adultery, however, were brought before the district courts—a fact which seemed to indicate a special juridical system in connection with this matter. He would be interested to know what the position was in the various large divisions of the territory.

Captain BUCHANAN-SMITH said that under the native courts in some areas and in Mahomedan centres adultery was still regarded as a criminal offence, but that it was now generally realised, in the south at any rate, that it should not come within that category. As regards marriage contracted according to native custom, questions of dowry, divorce and similar matters could be more suitably dealt with in the native courts than in the European courts. Cases covered by the Marriage Ordinance—applicable to Christian marriages—were tried in the European courts.

Count DE PENHA GARCIA said that he would be glad to know what difference was made, in regard to procedure, between adultery, from the civil standpoint, and other civil cases.

DEMOGRAPHIC STATISTICS.

M. RAPPARD noted that although in most areas there were more women than men, in Victoria there were nearly twice as many men as women.

Captain BUCHANAN-SMITH said that this was mainly because the Victoria Province contained a large population of labourers who came from other parts of the territory, many of whom were unaccompanied by their wives.

CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representative for his replies to the Commission's enquiries. He hoped that Captain Buchanan-Smith would be able to secure that answers to outstanding questions should be forthcoming in the next report.

Captain BUCHANAN-SMITH said that he would endeavour to do so, and thanked the members of the Commission for their courtesy.

Captain Buchanan-Smith withdrew.

Iraq : Procedure to be followed in connection with the Examination of the Report by the ex-Mandatory Power for the Period January to October 1932.

M. PALACIOS wished to ask the Chairman to be good enough to state what steps had been taken as a result of the opinion expressed in the previous year by the Mandates Commission with regard to the petitions from the Assyrian community in Iraq received before the termination of the mandatory regime in that country.

The CHAIRMAN replied that, if he rightly understood M. Palacios's question, M. Palacios desired that he should explain to the Commission what had occurred in the case of the Assyrian petitions subsequent to the Commission's session held in November-December 1932.

His colleagues would remember that, on opening the last session¹ in June 1933, he had briefly explained what had happened at the Council meetings on December 5th and December 15th, 1932. On that occasion, he had said how active a part M. Orts had played as the Commission's representative during the negotiations between the Committee of the Council and the Iraqi Government which had occupied the period intervening between the two said meetings of the Council.

Moreover, the members of the Commission had regularly received all the documents concerning the question. He thought his best course was to ask M. Orts, who had been closely concerned in all these discussions, to state what had happened in connection with the opinion which the Commission had expressed to the Council at the latter's request on November 14th, 1932. Before calling on M. Orts to speak, he wished, however, as a matter of accuracy, to draw particular attention to the fact that the Commission's jurisdiction in respect to the Assyrian community in Iraq had come to an end when it had communicated its opinion to the Council. He would add his personal view that events had seemed fully to justify the Commission's fears regarding the future position of the Christian minorities.

COUNT DE PENHA GARCIA said that the question was a very delicate one. The fact that the ex-mandatory Power had sent in a report showed clearly that the Commission was entitled to discuss the events which had occurred up to the termination of the mandate. The delicacy of the situation was increased by the fact that several members of the Commission, and particularly M. Rappard, had expressed an opinion, in spite of all the assertions of the representatives of the United Kingdom, that they did not regard Iraq as being yet quite mature to assume all the responsibilities of independent government with so many complicated problems outstanding, particularly those relating to minorities. Facts had later shown that the anxiety of the Commission was not excessive. He wished to make this statement in order that there should at least be no doubt as to the anxiety and personal feelings of certain members of the Commission.

M. ORTS explained the way in which the Chairman and himself had carried out the mission before the Council entrusted to them by the Commission.

The Chairman of the Mandates Commission and he had been summoned to a public meeting of the Council on December 5th, 1932. The Chairman had explained the Commission's reasons for its apprehensions as to the future of the Assyrians; he had strongly emphasised the dangers that threatened that community and recalled the disappointments it had suffered. The Chairman of the Commission having proposed that M. Orts should explain the conclusions reached in the report of the Commission, the President of the Council had suggested that the public debate should be closed, and that a sub-committee should be appointed, in which M. Orts could speak. The Sub-Committee had met on the same day, and M. Orts had explained to it, in the spirit of the discussions that had taken place in the Mandates Commission, the latter's anxieties and the justifications for the conclusion it had reached.

Iraq, now a Member of the League, was represented for this matter, both in the Council and Sub-Committee by Nuri Pacha, Minister for Foreign Affairs, who, speaking after M. Orts, had said that the Mandates Commission's conclusions to the effect that the only remedy was to secure for the Assyrians "a settlement in a homogeneous group which would conform to their traditions and satisfy their economic needs" should be rejected. Nuri Pasha had given reasons of various kinds, but the chief of them had been that there was not enough land in Iraq upon which to settle the Assyrians in a homogeneous group.

¹ See Minutes of the Twenty-third Session, page 12.

M. Orts had observed that the official documentation placed at the disposal of the Mandates Commission gave cause for certain doubts in that respect and that, moreover, the fact was formally contested. The representative of Iraq had maintained that land in sufficient quantities was not available, and the same opinion was held by the representative of the United Kingdom.

The discussion had led therefore towards a search for another solution. Invited to adopt the same method, M. Orts had thought it his duty to refuse. As representative of the Mandates Commission, he could not accept, in the name of that Commission, another solution from that which the Commission had recommended. His mission was merely to support and justify the reasons for the decision taken by the Commission, of which he was the representative.

M. Orts had limited to the above duty his contribution to the discussions of the Subcommittee. The representatives of the Commission to the Council had therefore confined themselves exclusively to justifying the solutions recommended by the Commission, and had not in any way given their adhesion to a procedure the result of which would be to set on one side that solution. More recently, in July 1933, had occurred the events which had drawn the attention of public opinion to the Assyrian problem and had led the Council to examine the question afresh. Those events, which had occurred after the admission of Iraq to the League, were not within the competence of the Mandates Commission.

M. PALACIOS said that he was entirely satisfied by M. Orts's explanations, and congratulated him and the Chairman on their attitude before the Council. The greatest caution was advisable in examining questions affecting Iraq. Since Iraq had become a Member of the League, the Mandates Commission was no longer competent to deal with it. All the Commission could do was to embody the statements that had just been made in the Minutes, and to take it that the question was closed as far as the Commission was concerned.

M. ORTS thought that he was correctly interpreting M. Palacios's statement by saying that, if the Commission's competence had come to an end when Iraq had been emancipated, it was nevertheless its duty to examine the last report of the ex-mandatory Power, in which the latter rendered an account of its stewardship up to the expiry of the mandate—namely, to October 3rd, 1932. That report contained a section dealing with minorities, two paragraphs of which were devoted to the Assyrians and the old Bahai affair. Since the ex-mandatory Power had been good enough to send a representative to Geneva, and since, moreover, the Assyrian question was at the moment much in the public eye, it would seem strange that the Mandates Commission should affect ignorance of what had taken place. If the accredited representative, in accordance with custom, made a general statement on the situation in Iraq, he might voluntarily refer to the Assyrian question, failing which, the Commission would ask whether he had any objection to speaking of it. If he stated that he had nothing to say on the subject, it would be better not to insist. There was nothing indiscreet in such a question, addressed to an ex-mandatory Power which had recommended the admission of Iraq to the League, and had thereby accepted a moral responsibility which outlived the mandate.

The Bahai affair was different: the event had occurred during the period of the mandatory regime, the responsibility of the ex-mandatory Power was involved and there was reason to expect that the latter should render an account of the action it had taken, before relinquishing the mandate, to ensure the honourable settlement of the matter.

This was the last occasion for the Commission to insist that the recommendations of the Council in this matter should not remain without result. For that reason, M. Orts considered that the Commission should ask the accredited representative, with a view to the observations on the report which the Commission would submit to the Council, whether he could give the assurance that the Bahai question would be satisfactorily settled without further delay. It was important to take into account the fact that if, as a result of the dilatory attitude adopted by the Iraqi Government in this matter, even though of secondary importance, the recommendations of the Council could be ignored, any subsequent intervention which the latter might feel itself in a position to institute for the benefit of other minorities would be prejudiced in advance. If, on this matter, the last word did not rest with the Council of the League of Nations, all the minorities in Iraq would have one additional reason for anxiety as to the fate which the future might hold in store for them.

M. PALACIOS said that M. Orts had correctly interpreted his views. He had always thought that the mandatory Power ought to make a report covering the whole period down to the expiry of the mandate. He also agreed with M. Orts that the Commission was entitled to ask the accredited representative questions bearing on the last report. Any doubts he had were concerned with the policy that the Commission ought to follow in asking those questions. The difficulties were those attendant upon the transition from one regime to another. If the accredited representative, in his statement, referred to the Assyrians, it would be difficult for the Commission to say nothing. Was it, however, still competent to express any opinion? In any event, its competence would only be retrospective in character. That was a problem which showed how awkward it would be for the Commission to ask questions that might entail observations on its part to the Council. It must not be forgotten that the Council had already come to a decision, in consequence of which the question was now out of the hands of the Mandates Commission. He would like nevertheless to know what other members felt on that point, before forming a final opinion.

M. ORTS admitted that the apprehension expressed by M. Palacios did not trouble him much. With regard to the Bahai, he was almost certain that the accredited representative would say that the question would be satisfactorily settled, so that the Commission would be

able to say in its observations to the Council that it had been happy to learn that the matter was progressing favourably. There remained the question of the Assyrians. When it had heard the accredited representative's answer, the Commission could decide whether the question should be mentioned in its report. It might have nothing to say to the Council, but, at all events, its Minutes would prove that it had not regarded the question with indifference.

M. PALACIOS said that the accredited representative would be perfectly entitled to intimate politely to the Commission that the Assyrian question no longer concerned it, because it had been taken in hand by the Council and was being followed by a special Committee.

M. ORTS agreed that the accredited representative might give such an answer about the Assyrians, but not about the Bahai.

M. RAPPARD saw two dangers in this awkward situation. He was afraid that the Commission might exceed its powers—a danger that it ought to be the first to think of, because he did not consider that the Commission need fear any reproaches from the ex-mandatory Power or the representatives of Iraq. It was the Commission's own business to see that it did not exceed its powers, but he was sure that it could rely on M. Orts to prevent that.

The other danger was that the Commission might appear to the general public as a bureaucracy expressing humanitarian sentiments as long as it was legally permitted to do so, and displaying the most utter indifference as soon as it was no longer competent. If the Commission realised those two dangers, it could show wisdom and caution, both in putting questions to the accredited representative and in making its observations to the Council. One thing was certain—that, for technical reasons of competence, the Commission could not express its wishes, hopes and fears as it would like to do.

The CHAIRMAN understood, from the second part of his statement, that M. Rappard hoped the Commission would find something to say to show that its mission had come to an end. If that were so, he entirely agreed. It ought at all events to be made clear that, although the Commission had no longer anything to do with Iraq, it realised that nothing had as yet been done for the Bahais. The accredited representative would, of course, be entitled to say that the Commission was not concerned with events that had taken place in Iraq after October 3rd, 1932, but the Chairman wished to say that he had received from an authoritative source certain information which might justify optimism. He felt himself called upon to communicate the following information to the Commission, acting in a purely unofficial capacity :

The new Iraqi coalition cabinet, and more particularly the late King Faisal, had been all in favour of carrying out the settlement plan concluded between the Iraqi Government and the Bahais. The King had given to the representatives of this community, whom the Commission knew, his word of honour that the agreed plan would be carried through. He had renewed this assurance in the presence of Nury Pasha, his Minister for Foreign Affairs, who had subsequently confirmed it himself. The plan agreed upon involved the execution of a new town-planning scheme of which the Bahai houses were to form part. King Faisal had given the assurance that, even if this plan were not carried out, the houses would none the less be expropriated by the Government in connection with the building of a new bridge to replace or supplement the present so-called North Bridge across the River Tigris. His Majesty had been quite emphatic that in this way the settlement of the Bahai case would be carried through as agreed, whether the town-planning scheme became effective or not. The King had further declared that the money necessary for the expropriation of the houses would be appropriated at the session of Parliament to be held in the spring of 1934. His Majesty had left no doubt in the minds of those concerned that their mission had been well repaid and that the new State of Iraq was prepared to fulfil the execution of the settlement agreed upon.

Since that time had intervened the untimely and tragic death of King Faisal. Since that sad event, however, Nury Pasha es Sa'id, still Foreign Minister of Iraq, has confirmed these promises of His late Majesty in the presence of His Excellency Yassim Pasha al Hashimi, Minister of Finance for Iraq. In addition, the interested parties had noted with gratification that the present Government of Iraq had officially announced its intention to carry out the policies inaugurated by His late Majesty.

Count DE PENHA GARCIA observed that the ex-mandatory Power's report was the latest document available dealing with the position in Iraq when that country, so to speak, came of age. What the Commission ought to do was either simply to note that document or to ask the accredited representative for further information. Anything that might have happened after October 3rd, 1932, on which date Iraq had joined the League, was no longer within the sphere of the Mandates Commission.

M. PALACIOS insisted on the fact that Iraq was now an independent State, Member of the League of Nations, and that in consequence the greatest discretion was necessary. To make a will, it was necessary to be alive, and the Mandates Commission, so far as Iraq was concerned, had already ceased to exist in October 1932.

FOURTH MEETING

Held on Tuesday, October 24th, 1933, at 3.30 p.m.

Iraq : Examination of the Report for the Period from January to October 1932.

Captain Vyvyan Holt, Oriental Secretary of the United Kingdom Embassy at Baghdad, accredited representative of the ex-mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed Captain Holt, who had been appointed by the ex-mandatory Power in Iraq to assist the Mandates Commission in examining the report for the period January 1st to October 3rd, 1932.

Before his colleagues submitted such questions as they might wish to ask, he would enquire whether Captain Holt, according to custom, desired to make any preliminary statement.

STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Captain HOLT.—I should like, first of all, to thank the Chairman for his welcome to me.

As regards an opening statement, perhaps I may be permitted to say a few words of explanation.

I realise, as the Chairman has pointed out, that it has been the custom in the past for the accredited representative to supplement the information contained in the report by an opening statement, in which, generally, he has endeavoured to bring the narrative of events up to date, in its principal aspects, at any rate ; and also to complete the account of any incidents which may have begun, but which were not closed, during the preceding calendar year.

In the present circumstances, I think it would be difficult for me to follow that practice. It is hardly necessary for me to remind the Commission that Iraq, for over a year, has been an independent State Member of the League of Nations, and, although I am authorised to give any explanations I can in reply to questions concerning events covered by the report which is now before the Commission, it hardly falls within my province to offer remarks on the work of the Iraqi Government during the period of the independence of the Iraqi State. In these circumstances, and with the concurrence of the Mandates Commission, perhaps it would be better to dispense with an opening statement, and that I should put myself at the disposal of the Commission to answer questions.

THE BARZAN OPERATIONS.

M. ORTS said he would be greatly obliged if the accredited representative could give him some further information on certain points in the chapter in the report devoted to internal affairs. In connection with chapter 2, page 2, "The Barzan Operations", what had occasioned the disorders mentioned therein ? Was the population Arab or did it form part of a racial or religious minority ?

Captain HOLT replied that the Barzanis were entirely Kurd, and a branch of the Zibar tribe. Their chief Sheik, Ahmad, who had three times in his experience claimed divine powers, had been the cause of the trouble, the prelude to which had been described in Section 9, page 13, of the 1931 report.

M. ORTS asked whether this rising was symptomatic of dissatisfaction among the whole of the Kurdish population.

Captain HOLT replied that the answer was most definitely in the negative. The trouble had been entirely local and had no repercussions among other Kurdish tribes. The Kurdish areas in the north of Mosul were, from a cultural point of view, less highly developed than those of the Suleimanyah and Erbil districts, where Kurdish sentiment was stronger and whence the petitions had emanated, which had been considered by the Commission at some of its previous sessions.

M. ORTS had the impression that the mandatory Power was averse to allowing the Royal Air Force to co-operate in the repression of movements arising within the country. In this case, however, the Royal Air Force had taken rather energetic action : in fact, its intervention had decided the course of events.

Captain HOLT did not know on what documents M. Orts based his interpretation of British policy with regard to the use of the Royal Air Force. Before all else, he felt that a distinction should be drawn between the maintenance of order on the one hand and repressive action on the other.

The mandatory Power had felt that, so long as the United Kingdom Government had special responsibilities, prior to the admission of Iraq as a Member of the League, it also shared the responsibility for the maintenance of internal order. The policy pursued in Iraq had been to allow the Iraqi Government to shoulder as much responsibility as possible and only co-operate

with British forces when a situation developed which it was felt that the Iraqi army might not be able to deal with successfully without assistance.

At the beginning of these operations, as would be seen from the report, the Royal Air Force had played a restricted rôle, its activities being limited to reconnaissance and army co-operation work. On April 3rd, however, the Iraqi forces had met with a very decided check, and with the agreement of the Iraqi Government a wider rôle had been assigned to the Royal Air Force, which undertook intensive operations with a view to hastening the submission of the insurgent tribesmen.

M. ORTS thanked the accredited representative for his explanations. He asked if the " Assyrian levies " had been employed in this expedition.

Captain HOLT replied in the negative.

INCIDENTS IN CONNECTION WITH THE MAJAWIR TRIBE AND THE KURDISH SURCHI TRIBE OF AQRA.

With regard to section 3, page 4, " Minor Tribal Disturbances ", M. ORTS asked whether this also referred to Kurds.

Captain HOLT explained that the incidents at Diwaniyah were a mere tribal affray between Arabs. The affair of Shaikh Shahab had occurred in the extreme north of Iraq and was also a tribal quarrel. In a country consisting largely of a tribal population, such incidents were almost inevitable from time to time, and their occurrence should not in any way be regarded as reflecting a state of general disorder or unrest throughout the country.

THE YAZIDIS.

M. ORTS, passing to section 5, page 5, " The Yazidis ", observed that there had also been restlessness amongst these people. Could the accredited representative dispel the impression left by the report that the year had been rather an agitated one in Iraq, at any rate in the north. It was known, in fact, that there had been a certain restlessness among other sections of the population as well.

Captain HOLT explained that the paragraph concerning the Yazidis had been inserted in the report as a matter of general interest, with a view to throwing a little light on the peculiar conditions existing among this picturesque community. The problem was a religious and domestic one and could not in any sense be regarded as symptomatic of widespread disorders. All the occurrences referred to in this and other sections had arisen from entirely separate causes and were not in any way connected.

THE ASSYRIAN COMMUNITY.

M. ORTS then referred to section 6, page 6, " Assyrians ", which contained an account of events up to October 1932. These facts were well known to the Commission, which had considered this situation last autumn in connection with the Assyrian petitions. The accredited representative knew how deeply interested the Commission was in the question of the Assyrians and, generally speaking, the future of minorities in Iraq. The United Kingdom Government had, of course, only been able to refer to the period covered by the mandate. That being understood, would it be possible for the accredited representative to add, for the information of the Commission, anything to the facts mentioned in the report ?

Captain HOLT, though reluctant to give a negative reply, felt bound to ask the Mandates Commission whether it would be in order for him to discuss with it a question which was already being examined by the Council.

M. ORTS explained that he was not seeking to satisfy any idle curiosity nor to listen to a recapitulation of events which were in everyone's mind ; nor did he wish to intervene in a question which had been discussed elsewhere and which was no longer within the jurisdiction of the Commission. He wished, in view of the interest which the Commission had taken for several years in the Assyrian question, to provide the accredited representative with an opportunity, if he so desired, of submitting to the Commission certain considerations which might warrant the assumption that these questions would be settled in an equitable manner, and that the future of the Assyrian people was not gravely compromised. If the United Kingdom representative thought it undesirable to reply, he would not insist.

Captain HOLT said he had never for a moment supposed that M. Orts was raising this point in a spirit of mere curiosity. He quite understood that the Mandates Commission, having been closely associated with this problem for so many years, still felt a keen interest in the future of the Assyrians and other minorities. With regard to M. Orts's desire to be assured that the future of the Assyrians would be safeguarded, and the question dealt with in an equitable manner, he could only say that the whole matter was in the hands of the Council of the League.

He felt, however, that it was not for him to decide whether he could discuss with the Commission a question which was pending before the Council. Before proceeding further, he would ask the Chairman to be good enough to give a ruling on the point.

The CHAIRMAN (M. Van Rees) agreed with M. Orts that it would not be wise to insist. The Commission realised the very delicate position of the accredited representative at the

present time. He would be very grateful to him if he felt that he could give some supplementary information, but would not insist and would leave the matter to the accredited representative's judgment.

Captain HOLT said that his reluctance to enter into this discussion should not be taken to imply that he had anything to conceal. He was indeed, as the Chairman had pointed out, in a very delicate position. In the circumstances, he did not think it fair that the Mandates Commission, consisting as it did of so many distinguished jurists, should ask him to decide so complex a problem of order and procedure.

He would be happy, however, in private conversation, speaking as an individual and in an informal capacity, to give to individual members such further information as he might be in a position to supply. Moreover, he would remind the Commission that the fullest account of all that had occurred concerning the Assyrians since the termination of the mandate was contained in the documents which had recently been before the Council, and no doubt any member of the Mandates Commission could examine these documents if he wished.

M. ORTS repeated that he did not insist. Surely, however, the accredited representative would have been the first to be surprised if the Commission, seeing that the report contained a chapter on the Assyrians, had not stressed for the last time the importance it attached to the necessity of safeguarding the destinies of this people, as of all the minorities in Iraq.

M. RAPPARD hoped that the accredited representative would not feel that the Commission had shown any lack of courtesy in this connection. The members of the Commission must obviously—even though unofficially—feel an interest in the matter, since their hopes had been disappointed and their fears confirmed. When dealing with other territories subsequently, the Mandates Commission would be bound to remember what had happened in Iraq.

Mlle. DANNEVIG wished to ask a question in connection with the Assyrians which she thought would be quite in order. On page 9 of the report, paragraph 5, she noted that, although there was no vacant land suitable for Assyrian settlement in the Zakho or Aqra qadhas, "land had been found in several villages in the Dohuk and Amadiya qadhas . . .", and also that ". . . families could be settled in the Dashtazi area if the water supply could be improved . . .". Could the accredited representative state what kind of land this was and whether it was suitable for the settlement of Assyrians? She had always understood that the Assyrians were best settled in mountainous country.

Captain HOLT said that, in the first place, the land mentioned was part of a scheme for the settlement of those Assyrians who had not yet been settled. The Council had taken note of this scheme in its resolution of December 15th, 1932, and had encouraged the Iraqi Government to proceed with the settlement. Details of these settlement proposals had been included among the documents on the Assyrian petitions which the Mandates Commission had examined at its session in November 1932. The lands were not malarial at present, though what might happen if rice came to be cultivated he could not say. The ground was fertile, and climatic and water conditions were good. It was, however, difficult to say whether anything would come of this scheme under present circumstances.

THE BAHAI CASE.

M. ORTS noted that section 7, page 10, "The Bahai Houses", dealt with a question that had constantly occupied the attention of the Commission for five years. In 1929, the Council, following on a report of the Commission, based on observations submitted by the mandatory Power, had made certain recommendations for the settlement of this matter in a way which would compensate the consequences of the denial of justice suffered by the Bahais. He was grateful to the mandatory Power for the details on this subject given in the report, but felt that the Commission would be obliged to point out to the Council that, in actual fact, the Council's recommendations had not produced any result at the time when the mandatory regime came to an end. If the Commission found itself bound to mention this fact, he would be glad if it were also found possible to add that the accredited representative had confirmed what was said in the report—namely, that an arrangement was in sight which would be acceptable to the Bahais and that it might be hoped that the Iraqi Government would take the recommendations of the Council into account and would endeavour to apply this solution in the near future. Although he had not insisted on his previous question, he felt bound to insist upon this one, because it had arisen in the course of the mandatory regime and ought to have been settled long before the expiration of that regime.

Captain HOLT said that, up to the time of the termination of the mandate, the representatives of the mandatory Power had kept in the closest touch with the question. The position with regard to the Bahai houses at the time of the termination of the mandate had been described by Mr. Flood at the twenty-second session of the Commission.¹ Since then, direct conversations—which could hardly be called negotiations—had taken place between the Bahai representative and the Iraqi Government. It was difficult for him to give any account of what had passed at these conversations, because no representatives of the United Kingdom Government had participated in them. As far as he was aware, however, the Iraqi Government fully intended to carry out the arrangement reached, but not executed, before the expiry of the mandate. The whole question had now become one of town planning. The

¹ See Minutes of the Twenty-second Session, page 42.

idea was that the Bahai houses should form a small square and that the roads should pass round them. The buildings themselves would be adapted for public use, probably as a dispensary.

M. ORTS referred to the sentence in section 7: "a solution acceptable to the Bahai had been found". Did that mean that this solution should be regarded as having been, in fact, accepted by the Bahai?

Captain HOLT said that the solution described to the Mandates Commission at the twenty-second session had been accepted by the Bahai representative. He did not know if it had been modified subsequently in its details, but the Iraqi Government was bound by its pledge to carry out the general lines of the plan reached under the auspices of the mandatory regime.

M. RAPPARD said that the Mandates Commission had found itself in a situation of great difficulty in the matter of the Assyrians and these Bahai houses. The Iraqi Government, when under the mandatory regime, had contracted a moral debt. Now that Iraq had been emancipated, the Commission had been deprived of its right to press the claim, but that fact had not suppressed the debt.

Captain HOLT said that M. Rappard's metaphor might be extended still further, in that the duty of collecting the debt had passed to another body.

PUBLIC FINANCE.

M. RAPPARD, referring to page 20 of the report, section 21, and to the phrase "included in these additional credits was a sum of £7,500 paid to Imperial Airways, Ltd., in refund of Customs duty charged in the past, and from which they were exempt by agreement". He supposed that this payment was not in the ordinary course of Customs affairs, but referred to some past mistake which had been cleared up.

Captain HOLT replied that M. Rappard's assumption was correct. By the agreement under which it operated, Imperial Airways obtained certain Customs immunities. In the early days, however, orders had not been issued to this effect to certain responsible Customs officials. Subsequently, the Iraqi Government had accepted Imperial Airways' claim for a refund and had made that refund.

JUDICIAL ORGANISATION.

M. SAKENOBE, referring to page 11, section 8, asked whether all the British judges had now been appointed.

Captain HOLT replied in the affirmative.

FRONTIER BETWEEN IRAQ AND TRANS-JORDAN.

M. SAKENOBE, referring to page 17, asked whether the exchange of notes mentioned implied any change in the frontier and subsequent demarcation on the spot.

Captain HOLT replied that these notes merely defined more precisely the frontier already existing between the two countries. It had not yet been demarcated. The territory traversed by the frontier was a complete wilderness, and there was, therefore, no urgent need for it to be demarcated on the ground.

EDUCATION.

Mlle. DANNEVIG, referring to section 10, page 11, wished to congratulate the mandatory Power and the Iraqi authorities on the progress described in the final report. She was glad to note that education in Iraq had been directed into more practical channels, and that fifty new elementary schools had been opened. The advice given by the American Commission and the Teachers' Conference, attended by 70 per cent of the Iraqi teaching profession under the patronage of His late Majesty King Feisal, would be sure to have a happy influence on the education of the rising generation in Iraq.

CLOSE OF THE HEARING.

The CHAIRMAN (Marquis Theodoli) thanked the accredited representative for the explanations he had given and the United Kingdom Government for having been good enough to send him to Geneva to assist the Commission in its work.

Cameroons under French Mandate : Examination of the Annual Report for 1932.

M. Besson, Chief of the First Bureau of the Political Department at the French Ministry of the Colonies, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN was glad to welcome once more, in the name of the Commission, M. Besson, accredited representative of the mandatory Power.

M. Besson's collaboration had been of great assistance to the Commission. He had always shown great consideration and a desire to facilitate to the utmost the Commission's work. For that, the Chairman thanked him.

STATEMENT BY THE ACCREDITED REPRESENTATIVE.

M. BESSON.—With your permission, and in order to facilitate the Commission's task, I will give you a brief account of the situation in the Cameroons in 1932.

I should like, first of all, to thank the Chairman and the Mandates Commission for the tributes they have been kind enough to pay me.

I am sorry I could not come here with my friend Governor Bonnacarrère, who is detained by the duties of his office in the Cameroons. This high official is engaged in most valuable work there, as you will have observed in reading the annual report.

The mandatory Power has pleasure in informing the Mandates Commission that the budget of the territory for 1932 shows a surplus of 2,700,000 francs, according to the latest information, which it was not possible to include in the annual report. The final results show for the special budget a surplus of 2,700,000 francs, and for the railway budget a surplus of 730,000 francs. Moreover, the reserve fund represents liquid assets amounting to 7,300,000 francs. Those are the figures given in the Decree of August 22nd, 1933, fixing the final accounts for the financial year 1932.

The revenue obtained amounted to 56 millions, and expenditure to 53 millions. I would remind you that the financial year 1931 closed with a deficit of 3,725,000 francs, so that the 1932 budget has provided a most favourable result. This result is particularly noteworthy, because, in respect of the revenue for 1932, there was a decrease of more than 500,000 francs on the capitation tax, of more than 4 millions in taxes levied principally in respect of Customs duty on imports and exports, and of more than 700,000 francs on the proceeds of industrial undertakings, the total loss amounting roughly to 6 million francs. Notwithstanding this loss, the territory has succeeded, not only in establishing a financial balance, but in paying into the reserve a surplus amounting to more than 2 millions. This result has not been obtained by increases in taxation. M. Bonnacarrère and the mandatory Power were too solicitous of the interest of the natives to add to the taxes already imposed upon the inhabitants of the Cameroons, at a time when the natives were experiencing a severe crisis. These results are, above all, the outcome of stringent economies. Economies have been effected in the staff of the general administration, in the staff of the financial services—that is to say, the posts and telegraphs and public works—in the expenditure on material, and in miscellaneous expenditure, such as the travelling expenses of staff within the territory and of the colonial staff to France.

It should be noted in passing that, in spite of the economy of 100,000 francs effected on the printing of the annual report, the French Government has succeeded in preparing what will be found, we hope, to be a sufficiently complete report.

The mandatory Power, however, thinks that it is impossible to go further in the way of economy. The administrative staff in the territory consists of only 78 European administrators and 108 European civil agents, while allowance has to be made for leave of absence. Consequently, it seems very difficult to do more in the way of reductions in the budget, as far as the general staff is concerned.

A notable decrease has been effected in certain transfer taxes on a very large number of products. For example, the circulation tax on cocoa has been reduced from 150 to 50 francs. Export duties have been reduced by 20 per cent for palm kernels and by 50 per cent for palm oil. Railway rates have been reduced, and this reduction has led to an increase in traffic. This consequence is remarkable, and supplies an argument for certain discussions in the home country.

The joint efforts of the local administration, under the auspices of the Governor Bonnacarrère, and of the producers of the Cameroons have enabled us to hold our own despite the crisis. More, a comparison of the general trade figure for 1932 with that for 1931 proves that actual progress has been made. I will quote a few figures: in 1931, imports amounted to 30,000 tons and exports to 89,000 tons; in 1932, imports rose to 31,000 tons and exports to 99,000 tons. Thus, the tonnage in 1932 exceeds that of 1931 by more than 11,000 tons. Unfortunately, there has been a setback, not in the tonnage, as I have just explained, but in the value of the goods. Prices of colonial products, as you know better than I do, have fallen to such an extent that the value of imports and that of exports have naturally decreased very considerably. The drop amounts to some 30 million francs as compared with 1931. Nevertheless, the figure for commercial transactions, which was adverse in 1931, is favourable in 1932 to the extent of more than 10 millions. In this connection it is interesting to note that, from 1931 to 1932, the production of cocoa increased from 10 to 13 millions, and of palmettos from 33 to 41 millions. The main reasons for this increase are, firstly, that natives are engaging more and more in the cultivation of cocoa, particularly as they have none of those labour costs which European planters have to bear. Furthermore, the natives are making fresh efforts in the cultivation of coffee, which is increasing in importance as a native product. A few months ago Europeans started banana-growing, with apparently very satisfactory results.

In order to facilitate the development of European agriculture, particularly planting, which has been badly hit by the crisis, Governor Bonnacarrère authorised, by a Decree of December 4th, 1932, the formation of agricultural syndicates. In France, the law on syndicates is that of 1881. It allows groups to form syndicates having civil personality, and consequently possessing effective means of action. Without the formation of legally recognised syndicates, no such means of action would be available. The main provisions of the law of 1881 have therefore been extended to the territory of the Cameroons, so that the planters can now form syndicates. This policy assists them in many ways, and particularly in marketing their produce.

At the end of 1931, an Agricultural Mutual Credit Bank was established. It does not yet possess very large funds, but it is a first step. It will certainly help planters in their efforts.

You are aware that the Government asked the French Parliament to vote a loan of 150 millions. You also know that this proposal was discussed, and that the Senate would not agree to a loan of that amount. The figure was reduced to 25 millions, a sum representing solely the repayment to the Reserve Fund of the advances made for large-scale works, the payment to the same fund of a sum intended to facilitate the operation of the clearing account for bananas and rubber, and the provision of the 5 millions required by the Agricultural Credit Bank with which to start business. The French Senate voted this loan of 25 millions in July; but just as the Chamber of Deputies was, in its turn, about to reach a decision, its session came suddenly to a close. The Chamber has now once more had this Bill, already approved by the Senate, laid before it.

The annual report contains an error which I must rectify verbally. I know how carefully the Mandates Commission follows the question of subsidies. The material error to which I wish to call your attention is this: on page 55 there is a lengthy list of subsidies, whereas last year a promise was given that the figure of 25,000 francs for the Cameroons would not be exceeded—in fact, it has not been exceeded.

As regards native policy, it may interest you to know that M. Bonnacarrère has been engaged ever since his arrival upon a very intricate piece of work—the codification of native customs. He hopes to produce a clear and precise code of native customs.

Also in the matter of native policy, the second question with which M. Bonnacarrère and the mandatory Power are occupied is the re-organisation of the system of native authority—a delicate and important question.

Lastly, M. Bonnacarrère has been engaged in an enquiry with a view to the improvement of public health. Mme. Bonnacarrère has recently founded—with equal zeal and success—the *Berceau africain* in the Cameroons, just as she founded it in Togoland.

At the beginning of the report for 1932, you will find a number of pages referring to the period 1922 to 1932. They form a brief retrospect of the efforts made by the mandatory Power. Last year's report on Togoland contained a similar survey, so that it was logical and natural that this year the report for the Cameroons for 1932 should follow suit.

I should not like to close this very rapid account of the budgetary and economic situation of the Cameroons without saying that that situation is due very largely to the efforts of Governor Bonnacarrère and his officials, who have consented, in the higher interests of the territory, to drastic reductions of salary, and cuts in allowances by as much as 20 per cent.

The CHAIRMAN thanked M. Besson for his statement; he also thanked the mandatory Power for having inserted at the beginning of the report a short historical survey of the ten years of the mandate.

PLAN FOR THE CODIFICATION OF NATIVE CUSTOMS.

M. ORTS asked the accredited representative whether he was in favour of the scheme for codifying native customs.

M. BESSON replied that the matter was still under examination. The intention of the higher authority was to provide its agents who had to dispense justice in the courts of the "first category"—and even in those of the "second category"—with a solid and sufficiently homogeneous ground work in order to attain a more or less stable legal practice.

M. ORTS supposed that, in so vast a territory, customs varied very greatly. Was it the intention to unify these customs?

M. BESSON replied in the negative. Liberal account would be taken of the differences in customs. The idea was to prepare a sort of *vade mecum* for administrators in the dispensation of justice and the general supervision of the region under their jurisdiction.

Lord LUGARD observed that native customary law was not static. It was constantly being adapted to change of conditions. This was more than ever the case at present, in consequence of contact with Europeans. Moreover, there was the great difficulty of thoroughly understanding the real motive and meaning of customs and sanctions which were often due to beliefs which the natives were not willing to disclose. Personally, for these reasons, he had always regarded it as inadvisable to attempt to codify native law and custom.

M. BESSON explained that the French colonial administration had already codified Malgache and Annamite customary law, without any intention of establishing an immutable code. As stated in the report, it was thought that a codification of civil customs would enhance the stability of the conventions and safeguard them. That did not connote immutability.

Mlle. DANNEVIG noted (on page 211) that a circular dated October 11th, 1932, addressed to the heads of districts, referred to the codification of customs. She asked whether these heads of districts would be capable of answering so detailed a questionnaire.

M. BESSON replied that the heads of districts in question were white officials and not natives.

Count DE PENHA GARCIA thought that the preparatory work in connection with the proposed codification should make it possible to obtain the information required in order to enable the authorities accurately to gauge the degree of social and mental development of the natives. Personally, he felt that, in an undertaking of this kind, there was some danger of confining the enquiry within too narrowly legal limits. The enquiry should be comprehensive and should be an attempt to fathom the native mind. This was the method which would be adopted in Portuguese territories, where the enquiry would be allowed to transcend the narrow limits of juridical relations. Certain administrators would make enquiries on these points, but other specially qualified officials would endeavour to gain a knowledge of native thought and life and, above all, religious beliefs and practices—a very important point. The work of these officials would be partly based on the results obtained by the administrators.

There seemed to be a certain contradiction in the procedure which would be followed in the Cameroons under French mandate; according to the statement of the accredited representative, the administrators to whom he had referred, who were admittedly not yet fully acquainted with native customs, would themselves be responsible for carrying out this work of codification.

M. BESSON replied that the French administration, which had experience in this matter, was not unaware of the difficulties. In the first place, the enquiry would not be conducted by young colonial officials fresh from the "Ecole coloniale", but by district officers of long colonial experience and well acquainted with native mentality. The work would take far longer than seemed to be thought. The information would be collected by a committee on codification of customs, and that task in itself would certainly take a long time. Then the Governor or the Commissioner of the Republic would submit this work to the central authorities in Paris, who would take a final decision. The undertaking was a highly important one, which would not be hurried or scamped in any way.

Count DE PENHA GARCIA insisted that the scope of the enquiry should not be too restricted and should include an investigation of native social life and an endeavour to comprehend the native outlook. The text of the circular did not seem to indicate an investigation on these lines, but he had been reassured by the explanations of the accredited representative.

M. BESSON added that the Administration of the territory was conducting a parallel enquiry into the organisation of native society and, in particular, the native hierarchical system, which would allow M. Bonnacarrère to form an accurate opinion of the working of the system and to decide whether the framework of the native community was or was not solid both in the more predominantly Islamised north or in the more definitely collectivised south.

Mlle. DANNEVIG asked whether the officials who would conduct the enquiry were sufficiently well acquainted with the native languages to be able to dispense with interpreters.

M. BESSON replied that most of these administrators had a sufficient knowledge of the native languages, which were, moreover, rudimentary.

M. MERLIN agreed that M. Bonnacarrère, with his legal training, was the person best qualified to carry through an undertaking of this kind. Personally, he had always hesitated in face of the difficulties of compiling a collection of customary laws and usages. These difficulties were particularly great in the Cameroons owing to the differences between the nomad Islamised peoples of the north and the forest pagan peoples of the south. Such peoples possessed practically no common traits. Another danger of a collection of customary laws, to which he would draw the attention of the local authorities, was that when once a custom had been committed to writing it tended to become extreme, formalistic and adjetival, if not at once, at any rate later. If the collection of customs and usages were intended to serve as a guide for administrators there was nothing to be said, but if it were to be something more than that it might become dangerous in that it would stabilise native society at a given time, a condition from which the people would later find it difficult to emerge. This danger was all the greater in a young country where, owing to the presence of white men and the tendency to imitate, native customs were likely to undergo evolution. Colonial law was in a state of perpetual flux: if it were to be a living law, it ought not to be crystallised.

Lord LUGARD said that he was glad to hear that an administrator of such great experience as M. Merlin expressed an opinion identical with his own.

M. RAPPARD, though he quite understood the dangers of codification mentioned by M. Merlin, observed that without some written documentation it would be very difficult for French administrators, who were constantly changing, to get their bearings in the matter of native customs. Naturally, steps would be taken to ensure that existing custom should not conflict with codification, but a *vade mecum*, as described by M. Besson, would probably free administrators from the necessity of relying exclusively on the statements of pleaders.

M. BESSON confirmed M. Rappard's observations. He drew attention to the passage on page 63 of the report which mentioned the importance of this undertaking in connection with the punishment of crime. Further, he took note of M. Merlin's remarks.

M. PALACIOS thought it would be useful to carry out the proposed enquiry which would form a supplement to previous investigations made by lawyers and sociologists, by the Germans in particular, who, even after the loss of their colonies, had recently published a book on native law in their former possessions. The enquiry should, as Count de Penha Garcia suggested, include an investigation of native social life. This enquiry would be interesting sociologically and would also possess great juridical weight. In fact, he thought that M. Bonnacarrère's circular of October 11th, 1932, was quite justified.

NATIVE ADMINISTRATION : QUESTION OF THE PARTICIPATION OF THE NATIVES IN THE ADMINISTRATION OF THE TERRITORY.

Lord LUGARD said that the statements on page 73 of the report seemed to show that there was a certain restlessness among the educated classes of the Duala. What future lay in store for this category of the population? Did the mandatory Power intend to accord it a share in the administration of the country?

M. BESSON replied that that was the whole problem of the evolution of colonial peoples ; to what extent should they participate in the administrative and political management of the country? The Administration was fully aware that the greatest prudence must be exercised in this domain. Natives were gradually being given opportunities ; they were being admitted to the administrative council and Councils of Notables, but the problem was a delicate one. In order to avoid raising unrealisable hopes, or dashing realisable hopes to the ground, it would be preferable to avoid a discussion of this subject before the Commission.

Lord LUGARD thought that the future of the Europeanised African, and the part he should play in the future of tropical Africa, was perhaps the most difficult problem which confronted the European Governments. He would have been glad to have had some general indication of French policy in this connection, but he fully appreciated the reasons for M. Besson's reticence.

M. BESSON said he would not wish to commit his Government by expressing a personal opinion.

Lord LUGARD noted on page 71 the statement that the lamidos and sultans retained practically all their traditional authority, but he found no mention of the councils of native chiefs, a very important and truly democratic institution in this part of Africa. What position did the French authorities accord to village councils and the councils of important chiefs?

M. BESSON asked Lord Lugard whether he referred to Councils of Notables.

Lord LUGARD said no. The Councils of Notables consisted of persons chosen by the Government ; he was referring to councils chosen by the people themselves in accordance with native custom.

M. BESSON replied that it should not be forgotten that the Cameroons was a territory under direct administration ; the situation was not the same as in British territories.

Lord LUGARD noted that the sons or successors of chiefs were very rightly being educated with a view to fitting them for their future duties. Was there not, however, a danger lest by giving them a literary education, and separating them from other pupils, they might lose touch and influence with their people, and become merely Europeanised agents?

M. BESSON replied that this was an inevitable result of the continual penetration of the Administration throughout the territory and of the tendency of young men to come to the centres. In this way, they increasingly lost touch with the tribal surroundings. That was a fact which ought to be taken into account and was a form of evolution which could not be retarded.

Lord LUGARD explained that he was referring, not to the migration of these young men, but to the schools in which they received a European education outside their normal orbit of life.

M. BESSON explained that these were not special schools for the sons of chiefs, but high schools which any native could attend.

ADMINISTRATION OF THE KIRDIS.

Lord LUGARD congratulated the mandatory Power on the success of its efforts to induce the pagan hill tribes to settle in the plains as farmers. It would seem, however, that in some cases Moslem chiefs had been appointed over these pagan tribes. He presumed that the mandatory Power did not wish to Islamise these tribes?

M. BESSON explained that the Kirdis from the mountains could quite well live side by side with the more developed Foulbés of the plains. That was why they had been placed under Moslem chiefs. The latter were themselves under the control of the Administration, which, in territory under French mandate, was the real chief. In this particular case, the aim of the Administration was not to place the Kirdis under Moslem rule, but simply to enable them to gain a livelihood.

DEVELOPMENT OF THE NATIVE POPULATIONS : RÔLE OF THE MISSIONS.

Mlle. DANNEVIG noted (page 72) that the missions were continuing their campaign against polygamy. On the same page of the report, however, it was said :

“ Thus, polygamous families are tending to disappear and, with them, the authority of the tribal chief, which weakly totters when the women—those perpetual minors under customary law—become emancipated ” ;

and, further :

“ The younger generation, mostly converts, have also partly lost their respect for the traditional chief, who does exactly what they have been taught not to do ” ;

and, again :

“ The immediate effect of the conversion of the chief himself is to discredit him in the eyes of those watchful guardians of customary tradition, the notables, and to deprive him of the support of these notables, who ought normally to be his staunchest supporters.”

Could the accredited representative give any further information on this subject ? Did he think that the missions were pushing ahead too fast, in view of the present stage of development of the inhabitants—a fact which might perhaps explain these passages in the report ? Did the authorities contemplate taking any steps with a view to avoiding these dangers ?

M. BESSON replied that doubtless Christianity, by developing an individual conscience, might affect native customs and undermine the authority of the chiefs. The question was, whether it was better to have a Christian population, less respectful of its chiefs, or a population submissive to its chiefs but uninfluenced by the Catholic or Protestant churches.

Mlle. DANNEVIG had the impression that difficulties of this kind were more noticeable in the territory under French mandate than in the neighbouring territories under British mandate. Perhaps this was connected in some way with the type of education given. Might not the sons of chiefs lose contact with the tribe which they would come back to govern later ? Conditions of life in Africa were very different from those in Europe. Would not the natives need leaders with respect for their own native customs and what was valuable in their moral traditions ? The aim, she thought, should be to make them good Africans, and not caricatures of Europeans.

M. BESSON believed that the problem was a wider one—namely, whether, after felling the old tree of antiquated customs, it would be possible to implant sufficiently quickly a new civilisation in its place.

Mlle. DANNEVIG thought that the education provided by missionaries might bridge the gap between the past and the future, and facilitate the change.

M. BESSON said that the mandatory Power relied greatly on the missions to aid it in its task, but there was a financial problem : the missions, at any rate in the French Cameroons, had not sufficient resources to allow them to develop as they would like.

Mlle. DANNEVIG asked whether the missions could not be granted more assistance by the Administration, as was the case in the Cameroons under British mandate ? The sum of 63,000 French francs did not seem much for such a large population.

M. BESSON drew Mlle. Dannevig's attention to the considerable amount of money granted to the missions. In addition to the 63,000 francs mentioned on page 139, there was a whole series of bonuses for good work. The comparison between the two territories under mandate, to be complete, should perhaps take account of the non-denominational education provided in each territory.

RELATIONS BETWEEN THE DUALAS AND THE ADMINISTRATION : MANGA BELL PETITION.

M. RAPPARD, as Rapporteur for the Manga Bell Petition, asked for explanations concerning the following passage on page 73 of the annual report :

“ Commonsense has triumphed at last. *There is no longer any response to the incessant demands from abroad for money.* The Duala have squandered considerable sums in pursuit of their illusions, without the slightest result. They regard the experiment as closed.”

M. BESSON explained that shady lawyers outside the territory had been obtaining considerable sums from the Duala in order to uphold flimsy claims against the Administration. As the Duala had stopped sending money, the shady lawyers gave no further sign of life.

M. RAPPARD was surprised that not a word had been said on this subject for the last two years ; did that mean that the interested parties had received satisfaction, or that they had lost hope ?

M. BESSON explained that the petitions did not really emanate from the Duala, but from lawyers like Manga Bell. These latter, the manna having ceased to fall into their hands, no longer approached the mandatory authorities. The problem was not a new one for the French Administration, since it had occurred in other colonies.

M. RAPPARD said that, in order to form an opinion on the question, the most decisive factor was, he thought, in the present very rudimentary state of the documentation at the Commission's disposal, the fact that the accredited representative was able to state that the distribution of land was being continued, with the co-operation of those inhabitants who had formerly actively resisted this policy.

M. BESSON said that the allocation of land was proceeding quite satisfactorily.

The CHAIRMAN asked the accredited representative whether he thought that complaints on this subject were now likely to cease.

M. BESSON replied in the affirmative.

ECONOMIC EQUALITY.

M. VAN REES drew attention to the following passage on page 25 of the report :

*“ Export Bounties.—*The Cameroons benefit, like the colonies, under the laws promulgated to safeguard the cultivation of coffee, india-rubber, bananas and manioc. These products receive export bounties paid from the portion allocated to the territory from the yield of the special tax levied in the home country on their importation.”

As long as this measure applied indiscriminately to all producers of these products—as was at present the case—nothing need be said. Nevertheless, a new Law of August 6th, 1933, rounding off this system of bounties, laid down in its first article, which was applicable to the territories of Togoland and the Cameroons under French mandate :

“ The right to the bounty instituted by the Law of March 31st, 1931, and the subsequent laws is conditional, in the case of traffic served directly or indirectly by a French line, upon transport under the French flag of the colonial products benefiting by the bounty.”

There could be no doubt that, by making the grant of bounties subject to the proviso that the raw materials mentioned in this law must be transported in French bottoms, none of the producers could contemplate causing his goods to be carried by foreign lines. If, in point of fact, the Government granted to producers, as long as the present crisis lasted, certain bounties intended to safeguard their means of livelihood, provided they sent their goods in French bottoms, foreign lines would in practice be excluded. It was true that Article 2 of the Law of August 6th, 1933, permitted certain exceptions to the rule laid down in Article 1, but these exceptions were only allowed in certain specifically defined cases, so that they did not amount to an attenuation of the tendency shown in Article 1 to accord preferential treatment to French shipping.

How could this tendency be reconciled with Article 6 of the mandate for Togoland and the Cameroons, which laid down, *inter alia*, that the mandatory Power must “ 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 ” ?

Following on a remark by M. Rappard, M. Van Rees then explained the working of the system which amounted to the levy, at the time of importation, in the home country, of a special tax which was then refunded to the territory for the benefit of exporters.

M. BESSON explained that, owing to the fall in the prices of raw materials in the colonies, the French Government had adopted a policy intended to protect these raw materials. There were two possible ways of doing this. Export duties could have been reduced, but that would have contributed to the collapse of the budget. The other method was to ask home consumers to make a sacrifice by which colonial producers would be saved. On a series of given products, the French Customs levied a duty of a few centimes. The sums thus obtained did not go to swell the French budget but were paid into a fund from which subsidies were granted to colonial producers in proportion to the amount of these products exported. The French Government felt that it should extend to the mandated territories the benefits of this measure, the burden of which was borne by home consumers.

The system operated as follows : In the territory, local committees apportioned part of the sums among the producers, whatever their nationality might be, another part being reserved for the purpose of agricultural improvement. As a set-off to this burden and in order to facilitate the arrival of these products in France, shipping companies had been asked to make special arrangements which were necessary for the transport of cocoa, bananas, etc. Moreover, it should be remembered that only French companies applied the eight-hour day. Finally, they were obliged to quote very low transport rates.

The question whether this measure adversely affected the interests of the territory had been very carefully considered. The conclusion had been reached that, on the contrary, such measures were in harmony with the spirit of the mandate and, without contradicting the principle of economic equality, was both equitable and in conformity with the interests of the

territory under mandate and its producers. It should further be noted that Belgium had adopted the same methods in the case of certain products coming from the Congo Basin, which was also subject to an international regime of economic equality. Finally, the relatively sound economic position of the Cameroons with its favourable trade balance was the result of these bounties.

M. VAN REES pointed out that the Commission had not to consider whether such a system applied to the part of Equatorial Africa governed by the Treaty of St. Germain : it was only concerned with territories under mandate. Without in the least denying that the bounty system might be good for the mandated territory, he still felt that, if the Cameroons producer were promised a bounty provided he loaded his goods in French bottoms, that amounted to a preferential treatment of the French merchant marine to the detriment of other marines. It would be seen, moreover, that this was the aim pursued if reference were had to the opinion expressed on behalf of the merchant marine committee of the French Chamber on the Bill submitted by M. Henri Tasson, which showed that the Bill was intended to protect national shipping as well as colonial production. From the point of view of equity, it might perhaps be argued that the French taxpayer who paid for the bounty was entitled to compensation, but that was not a point of view which could be shared by the Commission, whose duty it was to ensure the strict observance of mandates law.

The CHAIRMAN asked whether, supposing the vessels of a foreign shipping company possessed the same equipment as the French vessels, the mandatory Power could refuse it the same advantages without laying itself open to the reproach formulated by M. Van Rees?

M. BESSON maintained that the French Government did not see in this measure any real infringement of the principle of economic equality. On the contrary, it regarded it as a measure taken in the interests of the welfare of the inhabitants of the territory.

M. RAPPARD could admit that bounties be granted solely on products exported to France ; but to go further and to require that these products be exported in French bottoms was quite another matter. In these circumstances, the provision of cold storage, the observance of an eight-hour day, etc., seemed to him to be beside the point. What remained of the principle of economic equality if the French Government, which could always tax its nationals in order to encourage national transport or shipbuilding enterprises, made the payment of a bounty subject to the utilisation of French transport? Vessels not flying a French flag could not compete on equal terms. In this instance, in fact, it looked as though the mandated territory was made to benefit French interests to the detriment of foreign competition.

The CHAIRMAN quoted, as a hypothesis, the case of a Dutch vessel proceeding from the Cameroons to Marseilles. This vessel would practically be prevented from transporting Cameroons products, owing to the fact that the goods it transported would not obtain the bounty.

FIFTH MEETING

Held on Wednesday, October 25th, 1933, at 10.15 a.m.

Cameroons under French Mandate : Examination of the Annual Report for 1932 (continuation).

M. Besson came to the table of the Commission.

ECONOMIC EQUALITY (*continuation*).

Count DE PENHA GARCIA said that it was essential to know whether the measures taken by the mandatory Power in the matter of exports and export bounties affected the principle of economic equality. If those measures had the effect of creating a privileged situation in the territory, the question of economic equality was at stake. Could a country other than the mandatory Power also grant a bounty to producers and enjoy the privilege of transporting products, like the mandatory Power?

M. BESSON stated that the law contained no provisions to that effect.

The CHAIRMAN thought it would be useful if the accredited representative would draw the attention of the mandatory Power to the necessity of finding a solution, so that goods transported in vessels not flying the French flag might enjoy the same advantages. He thought that the law under discussion admitted the possibility of exceptions. If provision were, in fact, made for exceptions, it was to be hoped that a solution would be found without it being necessary to change the law.

The Commission might express a hope that the French Government will take the necessary steps to ensure the principle of economic equality being respected in regard to the Cameroons and Togoland under French mandate.

M. RAPPARD agreed.

M. BESSON said that he would report to his Government the various points of view expressed by members of the Commission on this subject.

ASSISTANCE TO CHILDREN OF FAMINE-STRICKEN KIRDI TRIBES.

Lord LUGARD referred to *La Mission d'Assistance* described in the last four paragraphs on page 124. This consisted in the handing over to Fulbe (Moslem) heads of families children whom their parents had been forced to abandon on account of the famine among the Kirdi (pagan) tribes. It was precisely in this way, in times of famine, that the Fulbes had obtained children in the old slave-dealing days, and he feared that the action of the Government would be misunderstood both by the Fulbes and the pagan peoples as helping the former to obtain children-slaves. It was obvious that they would not be anxious to receive them unless they hoped to utilise them as formerly. Lord Lugard asked whether it was not possible to place them under a Governmental guardian or in some institution till the famine was over, and then restore them to their parents.

M. BESSON said he could reassure Lord Lugard. The European officials carefully supervised this system of finding homes for children. It had been adopted in order to save abandoned children from suffering want.

PUBLIC FINANCE.

M. RAPPARD thanked the mandatory Power for the excellent work which it had done in drawing up a retrospective table of the financial position since 1922, but said that he had not understood everything in the table (page 7). All the figures given under the heading "*section ordinaire*" were exactly reproduced under the heading "*balance*".

M. BESSON explained that the "*section ordinaire*" was the normal budget; the balance given in the second half of the table was that of this budget. The column relating to the credit balance at the end of the financial period referred to the amount available in the Reserve Fund. The next report would contain information on the accountancy system.

M. RAPPARD observed that, while the first paragraph on page 41 showed that expenditure and receipts did not balance, the summarised table of accounts showed that they did, a condition which he was unable to understand.

M. BESSON said that an attempt would be made in the next report to be clearer and to give a fuller summary of the financial position. He admitted that the form of the report might be simplified.

M. RAPPARD congratulated the mandatory Power on having succeeded, under such difficult circumstances, in maintaining the budget balance of the territory, thanks to rigorous measures of economy.

M. BESSON said that the mandatory Power had gone as far as it possibly could in the direction of economy and could not safely go any further.

M. VAN REES referred to a passage on page 55 relating to the balance of the Reserve Fund, about one-fifth of which was tied up by the purchase of shares of the Bank of West Africa. As that was not the first purchase, he wished to know why only shares in this bank were purchased, whenever it was a question of investing part of the surplus of the Reserve Fund.

M. ORTS asked what was the scope of the Convention concluded between the Bank and the French Government and if the Convention did not limit the business authorised by the statutes of the Bank.

M. BESSON replied that the agreements concluded in 1929 and 1932 between the French Government and the West African Bank of Issue embodied rules governing the security for notes issued by the West African Bank and the utilisation of the dues paid by the Bank on the said notes. All the countries to which the Bank's privilege extended, including Togoland and the Cameroons, were concerned. He would give the necessary details in the next report.

EXPORTS.

M. MERLIN noted that exports of palm oil were greater than in previous years (pages 113-114). To what could that increase—achieved in spite of the fall in prices—be attributed?

M. BESSON replied that the same question might be asked in the case of other products. Generally speaking, native production had increased, thanks to the propaganda carried on by the Administration and to the desire of the local producers to make up for loss of value by more intensive production.

FISHERIES.

Lord LUGARD made the same suggestion with regard to the Cameroons under French mandate as he had made in the case of the Cameroons under British mandate: Could not the fisheries be so improved as to make it possible to reduce imports of fish, which amounted to 500 tons last year? Had the Decree issued for the purpose of encouraging big-scale sea-fisheries (page 226 of the report) produced any results?

M. BESSON said that the fisheries were making steady progress in the Cameroons under French mandate, and thought he could say that the Governor would make further efforts in that direction. There had been an interesting article on that subject in the *Revue du Cameroun*.

CATTLE.

M. SAKENOBE asked that the next report should contain statistics relating to live-stock and show the proportion of such live-stock which had been inoculated against cattle plague.

M. BESSON noted M. Sakenobe's request.

JUDICIAL ORGANISATION : PRISONS.

Count DE PENHA GARCIA asked what was meant by persons held in administrative custody (*détenus administratifs*) (table on page 68).

M. BESSON explained that administrators possessed a disciplinary power conferred on them by the Native Code and applicable in case of offences of a very limited and unimportant character (vagrancy, abandonment of village, etc.). The Code in force was that of French West Africa.

Count DE PENHA GARCIA asked what was the difference between the regime of the penitentiary establishment and the Mokolo prison (page 66). He would be glad if the next report could give information regarding the organisation of this prison.

SLAVE TRADE.

Count DE PENHA GARCIA observed that, on page 133, there were statistics of slave-traffic cases and that one of the headings was "Total days' imprisonment". He noted that the report for 1932 again spoke of days and not years. Was the imprisonment in question pending trial or after sentence?

M. BESSON replied that it was imprisonment after sentence.

Count DE PENHA GARCIA found that, in three years, there had been 167 sentences in respect of 88 cases. He would be glad if explanations could be given on this point next year. Furthermore, the average number of years' sentence in 1930 had been 8½ years; in 1931, 5 years; and, in 1932, 6 years. He would have thought that, on the contrary, the average would have become greater instead of declining. This, too, was a point which deserved explanation.

Lastly, the report for the Cameroons under British mandate stated on page 63 that seventeen girls from the Mandara district—in territory under French mandate—had been kidnapped by traffickers, who had endeavoured, although without success, to bring them into territory under British mandate. Had the Administration considered any special measures to prevent this development in the traffic, which was disquieting? To what was this increase to be attributed? Was there an extradition convention between the two territories?

M. BESSON replied, as regards this latter point, that the general extradition convention between France and the United Kingdom was applied by magistrates who were well acquainted with the procedure.

Lord LUGARD thanked the mandatory Power for having replied to his question on the sentences inflicted on slave traffickers (page 173).

DEFENCE OF THE TERRITORY.

M. SAKENOBE thanked the mandatory Power for the explanations contained in the annexes on pages 212 and 213. He had no question to ask regarding the militia.

ARMS AND AMMUNITION.

M. SAKENOBE enquired the reasons for the considerable increase in the number of arms in the territory (page 70), and also why licences had been issued to the natives only at Yaoundé.

M. BESSON replied that he would ask for detailed information on this point, but he thought that the only reason was the extension of game-shooting among the natives. The reason that ninety-five game licences had been issued to the natives of Yaoundé was that, in that locality, there was a population of minor native officials who were sufficiently well-to-do to pay for these licences.

M. RAPPARD noted that the Administration felt obliged to put a check to the number of requests for the purchase of sporting guns. What was the reason? Did it wish to discourage game-shooting?

M. BESSON replied that this was simply a precautionary measure. The Administration did not wish to discourage game-shooting but the carrying of arms.

RELATIONS BETWEEN THE ADMINISTRATION AND THE NATIVE POPULATIONS.

Lord LUGARD said he had read with great interest the very important circular of October 28th, 1932, on page 197 and expressed satisfaction at the new regulations encouraging officials to make tours in the country, to learn the native language, etc.

He hoped that the next report would contain information on the codification of native law and custom, to which reference had already been made at the previous meeting. Reports were to be sent to Governments by July 1st of this year.

M. BESSON replied that a note would be prepared on this subject.

Lord LUGARD observed that, in the penultimate paragraph of page 72, it was said that, thanks to education, illiterate chiefs whose power depended solely on fetish and the witch-doctor's assistance would soon be a thing of the past. He asked on what the authority of the new chiefs would in future be founded, so as to command the allegiance of the people.

M. BESSON replied that the administrators made proposals for appointments of chiefs on the basis of the character and abilities of individuals. It was, indeed, by their choice that good administrators were judged.

STATUS OF WOMEN : MARRIAGE : POLYGAMY.

Lord LUGARD observed that, on page 173, mention was made of a Decree of December 26th, 1922, under which no marriage was valid without the consent of the woman. What influence had this Decree had on native life? What measures did the Government propose to take to ensure its execution?

M. BESSON replied that it was hoped to bring about a gradual evolution of the native mentality. The Administration was endeavouring to introduce a civil register, and any marriage to which the woman had not given her consent would not be regarded as valid. In any case, it hoped to succeed by persuasion rather than by legal action.

Mlle. DANNEVIG asked what steps the Administration took with regard to native polygamous officials. She had heard, for instance, that one native sick-attendant in the territory had forty-six wives.

M. BESSON replied that the Administration preferred not to interfere in questions of polygamy. It selected its officials on their merits and had not up to the present noticed that the fact that any official happened to be polygamous in any way affected his capacity for work or his honesty.

M. VAN REES asked if there was not reason to fear that they did not carry out their duties with all desirable conscientiousness.

M. BESSON did not think so.

Mlle. DANNEVIG noted on page 124 (second paragraph) and page 173 (under 12(d)) two passages concerning dowries, and she asked what were the consequences of this state of affairs. The Catholic missions had informed her that the number of marriages was declining to a considerable extent owing to the fact that many young men were unable to pay the dowry, and that might have an influence on the number of the population.

M. BESSON replied that this question raised the whole problem of the marriage of natives and that of dowries. It was a very delicate matter in the present state of affairs to make any change in this custom. This was a question of adaptation, which could only be settled with the lapse of time.

Mlle. DANNEVIG, referring to the Decree of October 11th, 1928, on the position of widows after ten or fifteen years' marriage, asked whether the women knew about these decrees.

M. BESSON said that the native population was well aware of the advantages it could derive from the law. If there was any need to go before the courts, there was nothing to prevent the women concerned from doing so. All these problems would gradually be solved by a slow evolution of customs. It was not a narrow legislation which would bring about a change, but the passage of time, persuasion and general progress.

Mlle. DANNEVIG said she was told it was very difficult for the women to present themselves at the courts. There seemed to be two statutes for women—one in the Animist and the other in the Moslem regions. Was there a statute for Christian women?

M. BESSON replied that no statute existed—it was merely a matter of custom. Obviously Christian women obtained the benefit of Christian customs. He would draw the attention of his Government to this point.

LABOUR.

Mr. WEAVER asked whether the Decree of June 2nd, 1932, referred to on page 129, had been promulgated owing to the frequency of the offence of misappropriation of advances.

M. BESSON explained that the problem had arisen mainly in Madagascar and in French Equatorial Africa. The Commissioner of the territory had pointed out the desirability of extending this legislation to the Cameroons.

Mr. WEAVER asked whether French law limited the amount of the advances which might be granted.

M. BESSON believed that this was so and referred the Commission to the text of the Decree itself. In the next report, the Government would state the number of cases which had occurred.

Mr. WEAVER asked whether it would be possible to have a summary of the reports drawn up by the inspectors after their tours. These might be set out on the lines of the table summarising the results of inspection tours given in an annex to the report on the Cameroons under British mandate.

M. BESSON said he would note this suggestion.

Lord LUGARD asked whether the text of the Decree appointing an inspector of labour and defining his powers and duties was available.

M. BESSON said that this Decree would be published in the next report.

In reply to Mr. Weaver, he explained the efforts which had been made to counteract unemployment. The Administration was planning a number of public works in order to provide occupation for the unemployed, and had adopted a policy of sending labourers back to their tribes—that is to say, a sort of “back to the land” policy.

Mr. WEAVER noted (page 131 *et passim*) that wages had fallen considerably in such a way as practically to counterbalance the fall in prices. Nevertheless, the table on page 132 estimated at 1 franc 65 centimes the cost of an average workman's daily food bill. As in many cases workmen only earned one franc a day, their wages were not, it would seem, sufficient even to provide food.

M. BESSON explained that unindented labourers earned much higher wages. Though some contract labourers might be paid only one franc a day, they were housed, fed, etc., so that they were comparatively well off.

Mr. WEAVER nevertheless observed in the second column of page 131 a statement to the effect that unskilled labourers earned from one to two francs a day. It was not said that they were fed.

M. BESSON replied that the details would be given in the next report.

FREEDOM OF CONSCIENCE.

M. PALACIOS said that the *Journal officiel* of the French Republic of April 3rd and 4th, 1933, contained a decree regulating the various forms of worship in the Cameroons.

He would be glad if the accredited representative could give more detailed information concerning this decree, and, in particular, whether the missions had been consulted in its preparation and whether all the missions were in agreement regarding the benefits which these legislative provisions would confer on their work.

M. BESSON explained that the Decree had been published too late for inclusion in the report. In any case, it had been drawn up in agreement with the representatives of the Catholic and Protestant missions (Monsignor Le Houzec and Pastor Allegret), so that M. Palacios need feel no anxiety on that score. The text of the Decree would be published in the next report.

EDUCATION.

Mlle. DANNEVIG noted that the number of candidates for the *Ecole supérieure* had been limited. Could not the economy thus effected be used for the development of elementary teaching?

M. BESSON explained that certain economies were absolutely necessary: students leaving the higher schools were finding it less and less easy to obtain employment. The object in view, as in France, was to avoid a glut of unemployed “intellectuals” or “semi-intellectuals”.

Mlle. DANNEVIG asked whether higher education could not be used to train chiefs for the native population.

M. BESSON said the teaching in question had not been conceived for that purpose; it was intended to train either local officials or employees for business firms. As most of the business firms had closed down, it was undesirable to increase the number of workless employees. The creation of schools for chiefs raised the delicate question of the formation of a native élite—a question which the mandatory Power was at present examining with great care.

Mlle. DANNEVIG was sorry to note that the Administration had little hope of developing domestic training for girls. It would surely be desirable to train young girls to become the wives of educated chiefs.

M. BESSON admitted that this would be desirable, but pointed out that the native mentality was an obstacle to its realisation.

CINEMATOGRAPH.

Lord LUGARD asked for information regarding the cinematograph and educational films.

M. BESSON explained that the French Government had studied the question of educational films in the colonies. The enquiry showed that natives preferred American cowboy, etc., stories to educational films. Nevertheless, the *Ecole supérieure* at Yaoundé possessed a cinema and sometimes showed educational films. It should be remembered that these films were very expensive. The Government was endeavouring at present to organise a central service for the distribution of educational films in the colonies. Finally, the Governor had, by decree, prohibited the showing of immoral films, so that a real censorship might be said to exist.

ALCOHOL AND SPIRITS.

Count DE PENHA GARCIA noted, on page 155, certain reassuring information concerning the consumption of spirituous liquors. The situation had improved. Nevertheless, on the Administration's own admission, there was still a certain amount of smuggling of alcohol which it was difficult to suppress. The attention of the mandatory Power should be drawn to this point, particularly if the increase in import duties and the cost of licences was likely to encourage smuggling.

Finally, in the next report, it would be desirable to state the reasons for which the mandatory Power had promulgated, on July 8th, 1933, a new decree amending the 1931 Alcohol Regulations in the Cameroons. It was to be feared that the responsible officials might lose their bearings amid the plethora of legislative texts enumerated in the introductory clauses.

M. BESSON replied that he would transmit this observation to the proper quarter.

PUBLIC HEALTH.

Lord LUGARD noted, on page 272, a decree fixing, *inter alia*, the daily charge for the maintenance of persons suffering from sleeping sickness, which varied from 75 centimes to 1 franc 50 centimes per day. How could such native patients manage to meet the cost of a long spell in hospital? Did it not make them unable to seek treatment? On page 277, there was a decree creating a special ward for native notables. There was no mention in the decree of the charges made to notables.

M. BESSON explained that the decree mentioned on page 272 applied only to natives of means who were able to pay taxes. Naturally, notables would pay hospital charges at the same rate as officials.

The CHAIRMAN noted that, on page 31, numerous details were given regarding the mandatory Power's campaign against sleeping-sickness, a disease which seemed on the whole to be decreasing. As, however, in some districts it had apparently not yet been possible to conduct even a preliminary survey, no exact idea could yet be formed of the incidence of this disease throughout the entire territory. In these circumstances, was it not premature to have abolished the prophylaxis mission? Did the prophylaxis service, which had replaced it, possess the means to fulfil its task adequately?

M. BESSON explained that this was not a retrograde step, but a measure of co-ordination with a view to more effective action.

The CHAIRMAN noted, in the *Journal officiel* of the French Republic of July 29th, 1933, a law to the effect that no person could practise medicine or dentistry in French colonies or mandated territories unless he were (1) in possession of the French State doctor of medicine diploma or the dental surgeon's diploma issued by the French Government, or (2) a French citizen or subject or an inhabitant (*ressortissant*) of a country under French protectorate or administered under French mandate.

As its nineteenth session, the Commission had, however, approved and adopted the conclusions of a report¹ which laid down that the mandatory Powers should facilitate the admission of medical practitioners possessing diplomas of recognised universities regardless of nationality. These conclusions² had been approved by the Council. Could the accredited representative give any explanations regarding this law, which was not in consonance with the wishes expressed by the Council?

M. BESSON replied that the question had been discussed at great length by the French Government. It had been recognised that independent medical practitioners did not render very effective services and that many of them were soon obliged to abandon medicine for trade, etc. The Administration could therefore only rely on colonial military doctors. It had consequently become necessary, for reasons of security and in order to maintain tranquillity throughout the territory, to extend to the colonies the law enforced in the home country. There was no need to feel any anxiety regarding health conditions in the territory: the Government had decided to increase in the present year the number of military doctors to nine

¹ See Minutes of the Nineteenth Session, pages 166 to 169 and page 205.

² See *Official Journal*, February 1931, page 183.

hundred, so that the two territories of the Cameroons and Togoland would obtain the benefit of a greater number of medical practitioners.

Lord LUGARD expressed his appreciation of the Decree concerning the work of the Cameroons native crèche (page 264).

Mlle. DANNEVIG congratulated the Administration on its excellent work on behalf of infants and child welfare in general.

LAND TENURE.

M. VAN REES noted (pages 107 and 108) the interesting Decree, dated July 21st, 1932, which allowed "native landowners, according to the rules of local custom, to acquire ownership rights with all the prerogatives attaching thereto under French law, subject only to the restrictions of custom in the matter of the right of disposal and the rules of devolution". Further, it was said that "property thus constituted either to the benefit of an individual or of a community shall remain subject to the rules of customary law".

He desired to know whether property established under this decree could be mortgaged. The decree did not state this.

M. BESSON explained that this decree was an improvement on the decree of 1927, in that a native might become an owner, subject solely to observance of the rules of allocation and inheritance laid down by local custom. The third stage of this evolution of land tenure would be the registration of the land, which would regulate, in accordance with the most modern ideas, the system of land tenure.

In reply to another question by M. Van Rees, concerning the decree published on page 185, M. Besson explained that any one member of a community might ask for partition if he so desired. The community also might ask for the application of the law in the same way as an individual owner.

M. VAN REES pointed out that the Decree of 1920 mentioned on page 22 of the report had been amended for Togoland by the Decree of March 13th, 1926, in order to make it clear at law once and for all that the State lands and vacant and unoccupied land belonged to the territory of Togoland. That step had not yet been taken in respect of the Cameroons, although the 1925 report on this territory stated (page 17) that such action would be taken. Were there any reasons which prevented the realisation of this promise?

M. BESSON said that he hoped to be more successful than his predecessors in this respect.

MINES.

M. VAN REES observed that, according to the *Economiste colonial*, Paris, July 17th, 1933, large quantities of tin had been exported from the Cameroons. Reference was further made to the importance of the mining industry in the territory. Could the accredited representative give any information on this subject?

M. BESSON had the impression that the author of the article was better informed in the matter than himself.

DEMOGRAPHIC STATISTICS.

M. RAPPARD congratulated the mandatory Power on the progress achieved in connection with the civil register, but was bound to admit that the demographic data would only be of value when the civil register covered the whole territory.

CLOSE OF THE HEARING.

The CHAIRMAN thanked M. Besson for his valuable help and the courtesy with which he had replied to all the questions raised.

M. BESSON thanked the Chairman and members of the Commission for their indulgence and the manner in which they had facilitated his task.

SIXTH MEETING

Held on Wednesday, October 25th, 1933, at 4 p.m.

Palestine : Petition from the General Secretary of the Arab Independence Party, Jerusalem : Appointment of a Rapporteur.

On the proposal of the CHAIRMAN, M. PALACIOS, in the absence of M. Ruppel, was appointed to act as Rapporteur for the petition from the General Secretary of the Arab Independence Party, Jerusalem (document C.P.M.1434).

Togoland under British Mandate : Examination of the Annual Report for 1932.

Mr. A.W. Cardinall, late District Commissioner, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN extended a welcome to Mr. Cardinall, who had been appointed accredited representative of the mandatory Power—a position which he had held the previous year—for the examination of the annual report on Togoland under British mandate.

OPENING OBSERVATIONS BY THE ACCREDITED REPRESENTATIVE.

Mr. CARDINALL.—I thank you, Mr. Chairman, for your kind words of welcome, and I should like to convey to you my deep appreciation of appearing once more before you. I trust that in my capacity of accredited representative I shall be of assistance to you.

I do not think it will be necessary for me to make any preliminary remarks with regard to the year under review, because, during 1932, the regime outlined in earlier reports has been inaugurated, so that, so far, there is little to mention, whilst appendices on the regime regulations will be found at the end of the report. The putting into force of those regulations, in so far as the southern section is concerned, has been postponed until 1933.

I should like to mention one or two errata in the report, which were unwittingly included.

Paragraph 2, line 2 : “ 0° 7' W. ” should read “ 0° 27' W. ”.

Paragraph 15, line 7 : “ Na of Yendi ” should read “ Na of Mamprussi ”.

Paragraph 83, line 14 : “ people ” should read “ police ”.

In paragraph 62, sub-sections (b) and (c), there seems a certain irreconcilability. The explanation had not reached London when I left.

STATUS OF THE TERRITORY.

M. PALACIOS said that he had already remarked, at previous sessions¹ of the Commission, that, in official documents, the territory had often been called “ British Sphere of Togoland ”.

In the laws the texts of which were annexed to the annual report, such as the Native Administration Ordinance 1932 (page 91) and the Native Administration Amendment Ordinance (page 112), this incorrect title was again used. The official description of the territory was “ Togoland under British Mandate ”. Had the mandatory Power taken the necessary measures to ensure that in official documents the territory would always be described as “ Togoland under British Mandate ”?

Mr. CARDINALL said that the Ordinance giving effect to the title “ Togoland under British Mandate ”, being dated July 1932, was subsequent to the two Native Administration Ordinances in question, which were enacted in May and June respectively.

ADMINISTRATIVE RE-ORGANISATION OF THE TERRITORY.

M. VAN REES, referring to the information on page 6 and following of the report, according to which the northern section of Togoland under British mandate, the Kusasi, Southern Mamprussi, Eastern Dagomba and Krachi districts had been re-organised in such a way that their boundaries now coincided with those of the three native States of Mamprussi, Dagomba and Gonja, and to the further statement that that re-organisation had enabled the administrative officers to lay the foundations on which it was hoped to rebuild the States in question, enquired what was the meaning of this re-organisation. If it were merely a question of entrusting the three native States with the administration of certain neighbouring portions of the mandated territory, there could be no objection; but if, as might be inferred, the re-organisation had rather the character of a re-instatement of certain parts of the territory under mandate in the native political entities of the Gold Coast in order to reconstitute these entities in the form in which they had existed before the delimitation of the frontier between the Gold Coast and German Togoland, there was risk that such a step might infringe the territorial integrity of the territory under mandate the maintenance of which was one of the fundamental principles of the mandates system.

Mr. CARDINALL replied that there was no question of political administration—if by political administration was meant European administration. Those areas which were included in the administration of the three native States would still, from a political standpoint, be quite separate. Even if any question of political administration had been involved, the territorial gain would be on the side of the territory under mandate, as reference to the map would show.

¹ See Minutes of the Twenty-second Session, page 170.

M. VAN REES did not contest the fact that the re-organisation might be of benefit to the inhabitants of the northern part of the territory under mandate. But, in the event of the emancipation of this territory, how could that be achieved without dismembering again the three native States, if in reality the regions which were or would be united thereto formed an integral part of those States? That was a point which struck at the very roots of the mandates institution and which had led M. Van Rees to ask for further explanations.

Mr. CARDINALL said that he would refer the question, which was hypothetical, to the Government, in order that the position might be clarified.

M. SAKENOBE noted that it had not yet been found possible to evolve for the Krachi Division a constitution which met with acceptance by all the subordinate chiefs, and that the head chief exercised little control over his people. He enquired whether it would not be possible to appoint as a native authority over that area the chief of the Kete Krachi, under whose leadership the people had formerly grouped themselves for purposes of protection.

Mr. CARDINALL said that he had lived in the locality for many years. The chief of the Krachi had been misinterpreted to the British—and to the Germans—as a true political chief. Although he had been treated as such for years, whereas he had been in reality the Fetish head of a large confederation which had been formed to protect the settlers from the Ashanti and which stretched far into the mountains to what was now territory under French mandate. The difficulty at present was to find out what was the recognised political constitution.

M. RAPPARD asked how it could be that the real chief should not have made his claims known.

Mr. CARDINALL explained that many of the villages in the Krachi Division were originally simply migratory and hunting outposts, of which the political chiefs might be living at some considerable distance.

M. SAKENOBE, referring to the amalgamation of the three northern States with non-mandated areas, enquired how inhabitants of the mandated territory were distinguished from other members of the population.

Mr. CARDINALL replied that no distinction was made.

APPLICATION IN THE TERRITORY UNDER MANDATE OF LEGISLATION PROMULGATED IN THE GOLD COAST AND ASHANTI, AND NORTHERN TERRITORIES.

Lord LUGARD enquired which of the Gold Coast and Ashanti laws were operative in Togoland, and asked that the next report might contain an entire list of the Ordinances which did—or alternatively did not—apply to north or south Togoland.

Mr. CARDINALL stated that, as the southern section was treated as an integral part of the eastern portion of the Gold Coast, all Gold Coast Ordinances applied to it automatically, except such as were specifically excluded by the Governor; the northern section similarly had the Ordinances of the northern territories applied to it.

JUDICIAL ORGANISATION.

Lord LUGARD, referring to a statement in the report that native tribunals had been appointed "in each of the divisions which is a member of a State" (paragraph 31), enquired whether, in the event of a division not being a member of a State, it had no native tribunal at all.

Mr. CARDINALL said that the Ordinance under which that provision was established had only come into force in February 1933. An explanation of the position would be given in the next report.

Lord LUGARD commented on the statement that there was nothing to prevent any case, "whatever may be the amount or issue involved", reaching the Privy Council (paragraph 31); that seemed to allow of any amount of appeals—the bugbear of the Gold Coast.

Mr. CARDINALL said that it would be difficult to take away the right of appeal, even in land cases.

Lord LUGARD pointed out that, in Nigeria, disputes regarding tribal boundaries were, he understood, now settled by the executive officer with an appeal to the Governor, as head of the Executive, and not to the courts.

He asked what powers the native councils possessed to impose rates and make by-laws.

Mr. CARDINALL referred the Commission to Part II, Section 8, of the Native Administration Ordinance of 1932, which specified the powers of the native authority. Section 12 defined the means by which judgments could be enforced.

CONCESSIONS.

Lord LUGARD enquired if the Concessions Ordinance and Minerals Ordinance applied to the southern part of the mandated territory. He pointed out that, in the Gold Coast, which was singular among British possessions, the minerals were possessed by the natives. Was the mineral ownership vested in the natives in Togoland?

Mr. CARDINALL replied that ownership was vested in the people.

Lord LUGARD asked whether the position was the same for lands, and whether the chiefs in Togoland could grant concessions of land or minerals to concessionaires.

Mr. CARDINALL answered the first question in the affirmative, and stated in reply to the second that concessions could only be granted through the operation of the Concessions Ordinance, under which, in the interests of the natives, applications were referred to the Supreme Court. He would ask for a fuller statement to be included in the 1933 report.

Lord LUGARD enquired whether, under the Concessions Ordinance, the Government had the right to exact royalties or whether royalties were payable to the chiefs. The Government, he understood, levied 5 per cent on profits, and charged licence fees for prospecting and mining.

Mr. CARDINALL said that, in the Gold Coast, there was an export duty on gold and diamonds.

He stated, in reply to a further question by Lord Lugard, that there were as yet no minerals of any value known in the southern part of the territory and that there was now no mining of any sort, though gold had been found in small quantities some years ago. The Mining Concessions Ordinance applied to the northern part, but no mining activities were being carried on there at present.

Lord LUGARD asked that information might be given in the next report stating whether, in the event of minerals being found, the royalties would go to the native chiefs or to the finances of the territory.

PUBLIC FINANCE.

M. RAPPARD noted that the finances of the territory under mandate were bound up with those of the neighbouring territory and was glad to learn once again (paragraph 60 of the report) that the continued deficit in the accounts was covered by the Gold Coast and that the subsidies granted by the latter were treated as grants-in-aid which it was not the intention of the Gold Coast Government to recover. That would preclude any notion that the deficit was a repayable debt on the mandated territory.

He enquired whether the form of administration adopted had had the effect of transferring outside the mandated territory posts and administrative services, and whether that would mean a loss of revenue for the territory (posts and telegraphs, legal fees, etc.).

Mr. CARDINALL said that the situation would remain unchanged. The new division of the territory had not involved any change in the District Commissioners' courts or in the post offices and did not imply any diminution of revenue.

M. RAPPARD observed that direct taxation had not yet been introduced, but pointed out that a levy on the salaries of civil servants might be regarded as coming within that category.

Mr. CARDINALL agreed that this was so.

TRADE : DEVELOPMENT OF TRANSPORT BY ROAD.

M. MERLIN directed attention to the fact that goods which were formerly purchased in the French zone were being obtained in increasing quantities in the Gold Coast (paragraph 65 of the report). He asked how that had come about, and enquired whether roads were being used instead of railways.

Mr. CARDINALL said that the position was due to the uneconomical manner—uneconomical from the standpoint of the mandated territory—in which lorries were run by the African owners, whose petrol costs were often only 4½*d.* per ton-mile, and who could compete with any railway running down to Lomé. The situation was that goods that used to come by rail now—temporarily—came by road.

M. SAKENOBE asked for further information concerning the marketing of the products of the Jasikan-Ahamansu cacao belt ; he noted that the main part of that cacao area was as yet unopened by any official road system (paragraph 193).

Mr. CARDINALL referred to the map and pointed out that it was impossible in the present state of the country's finances to extend in that region the main road running north and south. When the country's finances improved, each part of the territory would be dealt with in turn, and the cacao-producing region would naturally be given due consideration.

CATTLE.

M. SAKENOBE congratulated the mandatory Power on having immunised in-contact cattle against rinderpest (page 73). He asked that statistics of cattle might be given in the next report.

ARMS AND AMMUNITION.

M. SAKENOBE said that he could not reconcile the statistics for the number of shot-guns (182) licensed during 1931 in the southern section with the statement that "the Commissioner in charge of the southern section may, in his discretion, grant a total of twenty-four permits each year" (paragraphs 91 and 92).

Mr. CARDINALL explained that shot-guns were licensed annually. The figure of 182 would include renewals granted in 1931, together with new licences, which might not exceed twenty-four in any one year. There would thus be an ascending figure for each successive year. Flintlocks, on the contrary, had a life licence.

Lord LUGARD commented on the increased sale of gunpowder, which, according to the report, was regarded as an indication that the people had had more money to spend; that was hardly borne out by the reference to the severe effects of the trade depression (paragraph 97).

MORAL CONDITIONS OF THE NATIVES.

Mlle. DANNEVIG felt that something should be done to remedy the deplorable moral situation evidenced by the statement in the report that "at present it is not uncommon for a man to countenance repeated acts of adultery in order to enrich himself with the fines which are imposed on the offender". She enquired by whom the fines, varying according to the husband's rank from 7s. 6d. to £2, were imposed (paragraph 99). She noted that there was no definite rule as to the number of times a husband might claim the adultery fee before the wife was classed as a prostitute, but that popular opinion placed it at six. That appeared to be quite contrary to normal standards of morality.

Mr. CARDINALL said that the fines were imposed by the native courts. Section 47 (2) of the Native Administration Ordinance of 1932 was aimed partly at ameliorating the existing state of affairs, and Section 56 enabled the District Commissioner to exercise control. In those matters, it was hoped eventually to build up a common law practice of precedents and stated cases such as obtained in the United Kingdom. Thus customary law, which was naturally elastic, would be formed along lines accepted generally by civilised nations. The whole matter was one of education, and in actual practice a fine could not now be enforced if a woman were guilty of a sixth adultery offence.

CINEMATOGRAPH.

Lord LUGARD enquired whether cinematograph films were being exhibited in the territory, whether special measures had been taken to regulate the use of the cinematograph among the population, and whether films of educative value were being shown to the natives.

Mr. CARDINALL replied that he knew of no cinemas operating in the north and said that he would make enquiries in regard to the south. A Cinematograph Ordinance controlled the industry and the censorship imposed thereby was considered satisfactory.

LABOUR.

Mr. WEAVER expressed his thanks for the description of the manner in which road work was divided up among the villages (paragraph 48 of the report). He asked whether there was any Government control in the case of a road being constructed against the advice of the District Commissioner.

Mr. CARDINALL said that in such cases the work was so purely voluntary that it would be impossible to regulate it; more likely than not, the road was not even economically wanted.

Mr. WEAVER noted that minor communal services were apportioned among the people according to their fitness to perform them and that the men undertook the heavier work. As regards the maintenance of roads linking their villages with the main-road system, he observed that in the Cameroons such work was no longer classed amongst minor communal services but was paid compulsory labour.

Mr. CARDINALL said that the Administration was trying to go on those same lines in Togoland, and referred the Commission to the statement (paragraph 114 of the report) that a draft Ordinance would shortly be enacted giving full effect to the requirements of the Forced Labour Convention.

Mr. WEAVER asked whether any natives were employed in the Ashanti goldfields. It would be interesting to know whether there was any movement of labour out of the territory.

Mr. CARDINALL was unable to give any information on the subject. There was, he said, a tribal occupational tendency, one tribe, for instance, being chiefly interested in plate-laying on the railways; the choice was quite voluntary.

Mr. WEAVER congratulated the mandatory Power on the success of the co-operative system in connection with cacao, and hoped that the system would in course of time prove equally successful for cotton. He suggested that co-operation on the lines of the "Better Living Societies" in India might help towards the solution of the problem of excessive expenditure and the consumption of liquor at funeral ceremonies, etc.

EDUCATION.

Mlle. DANNEVIG observed that progress seemed to have been made in education in the southern section of the territory; parents, she noted, were ready to pay school fees, notwithstanding the economic depression. Very little was said, however, about education in the northern section (paragraph 142 of the report), which comprised a population of 170,000; no Government schools existed and, in 1932, there was only one mission school—at Kete Krachi, the most southerly district. The Roman Catholic Mission, it was stated, proposed to open another school near the boundary between the northern and southern sections.

She enquired whether the mandatory Power was considering the possibility of creating schools in the northern part of the territory. It was stated that there was little demand there for education, though a number of children whose homes were in the mandated territory attended schools in the Gold Coast. The Commission would be interested to know the attitude of the chiefs in the matter.

Mr. CARDINALL replied that both financial and political issues were involved. Most of the northern territory had, until recently, been inhabited by people who used their bows and arrows on every occasion. There was a mission school at Yendi and children could also attend a school close to the frontier.

Great interest was taken in education in the southern section of the territory, where the school attendance was proportionately larger than in any other part of the Gold Coast administration.

ALCOHOL AND SPIRITS.

Count DE PENHA GARCIA felt that, so far as consumption was concerned, the brief but comprehensive account given in the report for 1932 showed little change in the liquor situation in the territory since the advent of the mandatory Power. Alcohol played an important part in the life of the people, from their birth to their death, and no ceremony, whether social or contractual, was complete without it. The mandatory Power had not been idle in the matter; it had taken steps to increase the licence fees for retail stores, to reduce the hours of sale, and to impose higher Customs tariffs on imported liquors. All those measures had, however, proved unavailing, and had had an unlooked-for effect in the form of an alarming increase in illicit distillation. Natives had become expert in the making of alembics—a full description was given in the report—and samples of liquor had been produced containing over 70 per cent of alcohol (paragraph 152). The Commission would be glad to know what measures had been taken, or were contemplated, by the Administration to combat that practice. It seemed preferable that the natives should have access to less deleterious beverages than those of their own distilling. He asked that information might be given in the next report as to whether, in the Mandatory's view, the increase in illicit distillation was the result of higher import duties and the increased charge for licences.

Mr. CARDINALL agreed that the problem was a most difficult one, and stated that public opinion was against the Government in police prosecutions and investigations.

PUBLIC HEALTH.

The CHAIRMAN said that, according to the report for 1931, there had been reason to think that sleeping-sickness was very widespread in the Dagomba District, in the north of the territory. The report for 1932 (paragraph 162) stated that it was also prevalent in the southern Mamprussi area. The main focus of the disease had, it appeared, been discovered. The Commission would be glad to know what measures the Administration had taken to cope with it.

The annual report for Togoland under French mandate (page 79) also spoke of a focus in that territory, close to the frontier of the territory under British mandate. Were the French and British authorities taking concerted action against the disease?

Mr. CARDINALL said that he would ask that full particulars should be given in the next report.

PETITIONS.

M. PALACIOS, in his capacity as Rapporteur, recalled that a petition had been received from the chief and inhabitants of Woamé in Togoland under French mandate, in which they claimed the right to land situated in the territory under British mandate and which the inhabitants of Honuta, in the latter territory, also claimed. The Government of the United Kingdom had not sent any observations on that petition.

The CHAIRMAN referred to a letter dated September 25th, 1932, from a certain Anku Satchie, President of the Natural Rulers' Society, of Togoland under British mandate, stating that, on the same date, he had sent a petition to the League through the intermediary of the mandatory Power. That petition had not yet reached the League.

CLOSE OF THE HEARING.

The CHAIRMAN expressed the Commission's thanks to Mr. Cardinall for his valuable co-operation in the examination of the annual report.

SEVENTH MEETING

Held on Thursday, October 26th, 1933, at 10.15 a.m.

Togoland under French Mandate : Examination of the Annual Report for 1932.

M. Besson, accredited representative of the mandatory Power, came to the table of the Commission.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

M. BESSON.—From an economic standpoint, and notwithstanding the world crisis, the mandated territory has managed to cope with the situation, which, though not particularly flourishing, is by no means desperate. As regards exports, there has been an increase in tonnage—in other words, production has, so far from diminishing, increased. As in the Cameroons, however, the "value" of these products has considerably decreased.

The French Government has sent to the League Secretariat a very complete report (Annex 13) on what have been described as the "Lomé incidents". The latter are bound up with the economic question and the fact that the authorities of the territory have been obliged to make budgetary cuts and certain fiscal adjustments, and even to create new sources of revenue.

The department is in possession of the fullest information regarding these events : circumstantial reports presented by the Commissioner of the Republic and enquiries made by the mission of inspection, which happened at the time to be touring Togoland.

The movement was undoubtedly directed by persons not belonging to the territory, the ringleaders being two individuals—Chartey, a small planter of Lomé and native of the Gold Coast, and Michael Johnson, a commercial employee and native of Dahomey. These individuals evidently took advantage of the natives' tendency to protest against any increase in taxation. They stirred up the population against the notables and wealthier inhabitants. This is confirmed by the fact that the house of one notable was set on fire.

There was no bloodshed, thanks admittedly to the admirable calm displayed by Governor de Guise and the authorities. The Governor had at his disposal only fifty-five militiamen, and it was logical and even desirable, in the interest of public safety, that he should call on troops from Dahomey. When the Governor of the latter colony asked that they should be sent back, they were replaced by a company of *tirailleurs* from the Ivory Coast. All those troops returned months ago to their respective garrisons.

Coloured people are quite frequently liable to sudden fits of madness, brought on by excessive sexual indulgence or by the abuse of narcotics. As you are aware, a regrettable and unfortunate incident of this kind occurred about the time to which we are referring. A *tirailleur* of the company from the Ivory Coast ran amok and killed eight persons and wounded two others before being himself shot down like a wild beast by two other *tirailleurs*. These figures are lower than those given in a certain complaint from Accra. The French Government will refer to the report it has submitted on this subject to the Secretariat of the League as its reply to any observations regarding these incidents.

PETITIONS CONCERNING LOMÉ INCIDENTS : QUESTION OF THE ORIGIN OF PETITIONS.

In reply to M. Orts, M. BESSON stated that the reinforcements left Lomé a few weeks after their arrival, that calm had been completely restored, and that there had been no further disorder since the incidents at the end of January 1933. He felt, however, that it would be necessary to strengthen the guards, whose numbers were too small considering the extent of the territory.

M. ORTS did not understand how the movement could have been directed against the notables, since, on the one hand, it was stated in the observations of the mandatory Power regarding the Accra petitions that, on January 18th, the Council of Notables had emphasised "the feeling that the imposition of the taxes would arouse among the population" and had asked to be received by the Commissioner; and since, further, the proposed fiscal measures would fall chiefly on the notables.

He enquired whether the "Young Togo Party" was an organised association.

M. BESSON replied that it was quite clear that the notables had protested against the increased taxation, but said that it was no less true that the elements opposed to them—namely, the persons affiliated to the "Young Togo Party"—had taken advantage of the situation in order to break down the influence of the notables, by persuading the population, not only that the former were not affected by the taxes, but that they had not done their duty in attempting to prevent the proposed increases.

It seemed somewhat exaggerated to describe the "Young Togo Party" as an organised association in the European sense of the word. Two years previously, elections had been held and two parties had sprung up—namely, the notables and the "Young Togo Party", as explained in the report for the previous year.

Just when the Chartey and Michael Johnson agitation was occurring, an illegal group had been formed which described itself as the "Lomé Local Town Council", and which had disappeared on the arrest of the two individuals in question. The Government even had in its possession letters signed "The Young Lomé Republic Party". That party was, in point of fact, of no importance.

M. ORTS, referring to the passage in the same observations of the mandatory Power :
". . . the District Commanding Officer imposed penalties of fifteen days' imprisonment and a fine of 100 francs for offences committed by the agitators (illegal assembly, constitution of non-authorized associations, seditious speech), asked whether the Divisional Officer was acting as the officer of a regular court.

M. BESSON replied in the affirmative. His rights were conferred under the Code of native status (*indigénat*) and practically amounted to the jurisdiction of a police magistrate.

M. ORTS, observing that Europeans had been called in, enquired whether the latter were armed, and whether they formed an auxiliary force which could be convened to maintain order in case of disturbances.

M. BESSON stated that there was no special provision in the matter, but that Governor de Guise, having only fifty-five militiamen at his disposal, had asked European women and children who were in danger to proceed to the Government buildings and had called upon French reserve officers and officials and traders to present themselves at the barracks, where they were provided with arms.

M. ORTS said that he would be glad to know what was meant by the "cleaning-up of the native quarter" referred to in the same document. Had this been done with the assistance of the troops, and had the troops been under immediate white command?

M. BESSON stated that the company of *tirailleurs* from Dahomey had first cleared the precincts of the Government buildings, the station and the streets in the European town, as the natives had started looting at several points. They had broken windows and thrown stones at most of the shop-fronts in the main street. Next day the native town had been patrolled and persons who had been seen throwing stones and those who had set fire to the house of one of the notables had been arrested.

He desired to pay a tribute to the officers, non-commissioned officers and men of the company which had carried out that operation; all of them had displayed admirable discipline, and private property had been scrupulously respected.

In reply to a question of M. Orts as to how native taxable incomes were assessed, M. Besson said that natives who had a certain taxable income filled in a declaration form as in the case of the French income tax. For natives with an income of less than 10,000 francs, the tax was fixed by the Administration on the basis of information supplied by the native authorities.

M. ORTS enquired whether the authorities had been aware, before the events referred to, of the constitution of the "Lomé Local Town Council", and whether measures had been taken to keep an eye on it or dissolve it. Was the fact of having taken part in this unauthorised organisation one of the grounds for the conviction of the two agitators, Chartey and Johnson?

M. BESSON replied that it was only at the last moment that the Governor had heard of the formation of this local council. It was on account of the illegal character of the council that the two principal agitators had been arrested.

M. ORTS enquired whether the two agitators, released under pressure from the crowd, had been rearrested.

M. BESSON replied that the Administration had had the last word.

M. ORTS, noting that the Governor had stated that the question of taxes was to be re-examined in Paris, asked whether that had been done, or whether the statement had simply been made in order to restore calm.

M. BESSON said that the Ministry of Colonies, when consulted, had decided that the taxes ought to be maintained. They were included in the 1933 budget. They had been levied since January that year and there had been no further protest. The Territory now possessed the funds required to ensure satisfactory local finances.

M. ORTS understood that the market due had been raised from 40 centimes to 75 centimes. Had not that increase coincided with a drop in the price of foodstuffs, which would mean that the burden of the new tax was in reality heavier than it appeared?

M. BESSON replied that this increase in the tax had not been maintained. It had not been annulled, but was not applied in practice.

Lord LUGARD observed that these events had formed the subject of articles in the West African Press. He drew M. Besson's attention to the following paragraph in a Gold Coast paper :

“ The Governor was compelled to agree to the unconditional withdrawal of the oppressive measures complained of, and the two prisoners were liberated at once. At a mass meeting the notables informed the people of the Governor's overtures, and later an official spoke to the people confirming the statement that the Governor had agreed to withdraw the objectionable measures.”

He did not in any way endorse these statements, but merely wished to give M. Besson an opportunity of refuting them in public, if he so desired, since they seemed to imply that the Governor had broken faith in that, having promised under pressure to withdraw these measures, he had promptly re-established them as soon as he had secured military aid.

M. BESSON stated that the Governor had at one time been obliged to yield a little under pressure of the crowd. Seeing, however, that disorders were breaking out afresh, it was his duty to re-establish order in the European and native towns, and he did so.

Governor de Guise had been mainly guided by his desire to avoid bloodshed at all costs, and to calm those who had been stirred up by foreign agitators.

M. ORTS noted that the League of Nations had sent back, owing to incorrectness of procedure, a first telegram from Denu (Gold Coast) with one signature ; it had subsequently received a second telegram, handed in at Accra, signed “ Deutsch Togo Bund ”, with a covering letter over three other signatures. The petitioners had given no information about themselves, nor had the observations of the mandatory Power supplied this omission. It would nevertheless be interesting to know who these correspondents were.

In this connection, he wished to make an entirely general observation : it was the duty of the Mandates Commission to examine very conscientiously all the petitions that reached it ; but, obviously, the value of a petition depended mainly on the standing of the persons who submitted it. He therefore hoped that, in future, observations on petitions would include some indication as to the personal status of the petitioners.

He would be glad to know whether the “ Jeunes Togolais ” and the “ Bund der Deutsch Togoländer ” were one and the same association, and whether, regarding this association, the accredited representative had anything to add to what was stated on page 144 of the 1930 report.

M. BESSON replied that, according to his information, Sosuvi was one of the leaders of the “ Bund der Deutsch Togoländer ” movement, a group which must not be confused with the “ Jeunes Togolais ” party. With regard to the Accra group—*i.e.*, the “ Bund der Deutsch Togoländer ”—he could only refer to what had been said in the 1930 report, but was prepared to send further information regarding Sosuvi.

M. PALACIOS admitted that it was important to have details concerning the personal character of petitioners. He always made enquiries regarding their standing, but it was still more important to know whether the facts related were correct, and if there were any legal grounds for complaint. That was the essence of petition law. Two and two still made four, even if the figures were added up by a scoundrel. In short, the subjective criterion should not be so absolute as to make the objective criterion inoperative.

M. ORTS noted that on every point the statements of the mandatory Power and of the petitioners were contradictory. In order to appreciate the value of the latter's statements, it was necessary to know something about the petitioners themselves. Were they honest folk? Had they been eye-witnesses of the occurrences they reported, or were they merely describing them by hearsay?

M. RAPPARD said that the question raised by M. Orts was very important, but the problem seemed to be insoluble. In such cases, in fact, the mandatory Power was both judge and party ; that was one of the fundamental defects of the right of petition.

Count DE PENHA GARCIA took the view that the Mandates Commission was neither a commission of enquiry nor a court of law. The petitions it received, and the observations of the mandatory Power, provided it with certain data ; moreover, the Commission was entitled to interrogate the accredited representative on any points which were still obscure. It could then draw the attention of the Council to a given situation ; there its responsibility ended.

M. RAPPARD agreed with Count de Penha Garcia. He observed that the Commission's opinion depended on the convictions of each of its members, and that such convictions could only be formed in the light of the information supplied.

M. BESSON was surprised—and he must confess rather hurt—that the Commission should appear to be setting on the same plane a document from the mandatory Power addressed to the League of Nations and a somewhat tendentious protest by persons who were themselves somewhat shady.

The CHAIRMAN assured M. Besson that the remarks made on this subject did not concern France in particular ; they might apply with equal force to all the mandatory Powers. What was really being criticised was one aspect of the system itself.

M. RAPPARD entirely agreed with this opinion, based as it was on twelve years' experience.

M. ORTS, for his part, desired to make it quite clear that, had he not attached particular importance to the statements of the mandatory Power, he would not have asked so many questions. His remarks should not be taken to imply that he mistrusted any statements that had been made.

M. BESSON thanked the previous speakers.

ECONOMIC EQUALITY.

The CHAIRMAN noted that the principle of economic equality had been observed in the territory (page 60 of the report). It was stated that, after calling for tenders, part of the new railway works had been handed over to certain private undertakings ; those firms, it appeared, belonged to different nationalities.

CUSTOMS RELATIONS BETWEEN TOGOLAND AND DAHOMEY.

The CHAIRMAN observed that, at its twenty-second session,¹ the Commission had dealt with the question of the agreement abolishing all Customs barriers between Togoland under French mandate and Dahomey, and had expressed the hope that their abolition would not be prejudicial to the interests of the mandated territory. It had further asked the mandatory Power to make a full statement on the question, to which it attached special importance. The Commission took due note of the information now given on the subject in the report (page 95).

NATIVE REPRISALS.

M. SAKENOBE noted the references to two cases (pages 37 and 38 of the report)—in the Daye Division and the sub-division of Bassari—in which the natives had attempted to avenge murders committed earlier. In the one case, the authorities, having been apprised of their intentions, had managed to intervene in time. In the sub-division of Bassari, however, reprisals had actually been carried out and a collective fine of 3,000 francs had had to be imposed. Both those cases concerned murders committed at an earlier date. Presumably, the murderers had been arrested and punished by the authorities. He enquired what was the meaning of such a spirit of vengeance. Did it imply mistrust on the part of the natives towards the judicial organisation of the mandatory administration?

M. BESSON replied that the acts in question were explained by native custom ; they were exactly on the lines of the Corsican vendetta.

PUBLIC FINANCE.

M. BESSON, in reply to M. Rappard's request, stated that a recapitulatory table concerning the personal taxes paid in Togoland by natives in 1932 and 1933 figured as an appendix to document C.P.M.1433 (Annex 13).

He added that M. de Guise, on arriving at Lomé, had encountered a rather difficult situation. On the one hand, it was necessary to maintain the level of revenue—a very difficult problem in view of the crisis—and, on the other, a certain standard of living. The following were the results of the financial year 1933 which had just been cabled to the Ministry of Colonies.

<i>Receipts :</i>	Francs
Local budget	24,446,666.70
Native medical relief	4,973,225.01
Railways	12,700,871.58
Total	42,120,763.29
<i>Expenditure :</i>	
Local budget	28,325,736.62
Native medical relief	4,340,905.96
Railways	11,802,225.26
Total	44,468,867.84

The budget deficit was therefore 2,348,104.55 francs—that was to say, 4.9 per cent of the estimates.

¹ See Minutes of the Twenty-second Session, page 182.

It had been possible to meet the deficit by drawing on the reserve fund. M. de Guise was of opinion, however, that budget deficits must be avoided. He had therefore thought that a new tax should be imposed, to be known as an "additional tax" and only levied on individuals whose income was more than 10,000 francs. The large masses of the population had therefore not been effected by this tax, which amounted to 3 per cent on incomes of 10,000 francs and 4 per cent on incomes up to 500,000 francs. The Government had also adjusted the rate of the personal tax according to the capacity of the natives of the various regions. It had also made certain adjustments in the medical relief tax and the compensatory payment in lieu of daily prestation labour, the number of days having been increased from four to six. The origin of the disorders had been an increase in the market dues from 40 to 75 centimes.

M. RAPPARD expressed his appreciation of the ample information given by the mandatory Power at the Commission's request. Despite the mass of information supplied, it was, however, difficult to obtain a clear idea of the financial situation as a whole, for the following reasons: the multiplicity of budgets, the sometimes sibylline French fiscal terminology, the number of operations "to order" and, lastly, the typographical setting out of certain information in the report itself. He trusted that the Administration would still supply the Commission with full details, but asked it to put itself in the place of non-French members of the Commission who preferred to have their documentary material in a more accessible form.

He congratulated the mandatory Power on its efforts to reduce the budgetary deficit. In that connection, he had to admit that the reserve fund, which had seemed to him unduly large, had been of great use during the critical period through which the territory was passing; it had indeed made it possible to avoid the over-drastic cutting down of expenditure and an unduly heavy increase in taxes.

Referring to the summary of the extraordinary budget expenditure (page 17 of the report), he noted the statement that "the liquidation of the expenses of the Colonial Exhibition will exceed the credits by close on 400,000 francs". That sum, presumably, would not fall only on Togoland under French mandate.

He observed that, during the examination of the report on the Cameroons, M. Besson had stated that the table of subsidies granted by the mandatory Power to various activities mentioned in the report applied in reality to Togoland. He noticed, however, that the figures did not tally, and would be glad to have some explanations.

M. BESSON replied that though M. Rappard's observation was perfectly correct, he maintained what he had said concerning the Cameroons—namely, that the total amount of subsidies for that territory did not exceed 25,000 francs. For Togoland, it had also been decided that these subsidies ought to be reduced. The competent department had, however, taken action too late when the Special Commission had already settled the matter. He desired, none the less, to direct attention to the fact that those subsidies had actually dropped and had amounted in 1932 only to 65,000 francs. He would endeavour to obtain a larger reduction in the future.

M. RAPPARD thanked the accredited representative and desired to insist on the desirability of presenting in a somewhat clearer form the part of the report relating to public finance.

IMPORTS AND EXPORTS.

M. MERLIN expressed his satisfaction that, despite the general depression, which had not spared Togoland, the movement of trade was improving, both imports and exports having increased. He trusted that that situation might continue—especially as there was at the moment a falling-off in imports of alcohol.

JUDICIAL ORGANISATION.

M. SAKENOBE observed that the accredited representative had referred to cases treated under the native status regime (*code de l'indigénat*). Explanatory notes had appeared in a previous report, but he would be glad to find in the annual report, under the heading of "Judicial Organisation", statistics of the cases dealt with under that regime.

M. BESSON replied that he would note the request.

SMUGGLING OF GUNPOWDER.

M. SAKENOBE directed attention to the statement (page 35) that smuggling of gunpowder was still going on between the Gold Coast and the mandated territory. He asked what measures were being taken by the Administration against smuggling.

M. BESSON replied that the Customs cordon had been strengthened.

M. SAKENOBE requested explanations concerning Table V "Quantity of Trade Powder sold" (page 36). He was struck by the special situation in the Sokode and Mango divisions. He understood that the natives of the said divisions manufactured the powder for their own use.

M. BESSON replied that the natives in those divisions managed to get hold of contraband powder. Clandestine factories existed, which evaded all control.

POLYGAMY.

Mlle. DANNEVIG, referring to page 62 and the following pages of the report, noted that, owing to the existence of polygamy, many men probably could not marry, unless of course there was a considerably higher proportion of women than men. She suggested that that might create a very difficult situation for unmarried natives and might explain the complaints of immorality among the women.

M. BESSON replied that the question was really one of polygamy in general. Though polygamy was gradually tending to disappear, it was impossible to take measures to remedy the existing situation.

LABOUR.

Mr. WEAVER congratulated the mandatory Power on its efforts to promote native agriculture by extending the existing crops and endeavouring to find new ones. He was happy to note that the natives had realised the importance of those efforts. He enquired whether their response to the propaganda of the Administration had been spontaneous, or whether it had been in any cases a result of pressure.

M. BESSON replied that there was certainly no question of pressure. The natives had been encouraged in that course and had realised its importance from their own standpoint.

Mr. WEAVER observed that there was a steady decline in wages, both in Togoland and in the Cameroons. In certain cases they had apparently fallen as low as 50 centimes a day. He understood, however, that, in such cases, rations were supplied.

M. BESSON replied that that was so, and added that the cost of living had dropped very considerably.

Mr. WEAVER pointed out that the native had none the less to pay his taxes, and that the latter had increased. He wished to know whether the mandatory Power was following a definite policy in the matter, or whether it intended to allow the drop to continue in accordance with the law of supply and demand.

M. BESSON replied that the mandatory Power had taken steps to deal with the matter. It had, for instance, proceeded as far as possible with public works in which labour was better paid. The Administration received many applications for work, but he did not think the number of unemployed was more than 500.

Mr. WEAVER regretted that it had been thought necessary to increase the number of days of prestation labour. He would have preferred a policy of reduction, though he realised the necessities arising out of the financial situation of the territory.

Lord LUGARD observed that M. Bonnacarrère, when he appeared before the Commission as accredited representative,¹ had said that more and more natives were redeeming their prestations by means of a cash payment. Was that tendency still apparent?

M. BESSON replied that, on the contrary, owing to the economic depression, the natives now preferred to perform their prestation labour service and not to redeem it.

EDUCATION.

Mlle. DANNEVIG directed attention to the attendance at the Catholic Mission Schools (page 76); it was stated that there were only 1,997 pupils in 1932, as compared with 3,051 in 1930. She enquired whether there were any special reasons to explain such a big falling-off in the number of pupils.

Again, in the tables concerning education credits for the years 1931 and 1932 (page 77), the expenditure for 1932 was under 1,500,000 francs, whereas, in 1931, it had amounted to 1,813,000 francs. She asked whether this marked decrease had not been prejudicial to the progress of education in the territory.

M. BESSON replied that it had been necessary to economise, owing to the crisis, but that an attempt had been made not to reduce the expenditure on staff, and to cut down expenditure on material—that was to say, on building and repairs to schools. It could not be said that the progress of education had been affected by the decrease in credits.

Mlle. DANNEVIG noted the statement (page 74 of the report) that the number of girls attending the schools was increasing every year. There was a great difference in that respect between the Cameroons and Togoland. She asked whether that increase meant that the natives were realising more and more the importance of educating girls.

M. BESSON replied that the idea was gradually making headway in the territory. As regards the difference between the Cameroons and Togoland, he pointed out that the population in Togoland had reached a higher stage of development than in the Cameroons.

¹ See Minutes of the Eighteenth Session, page 97.

Mlle. DANNEVIG asked whether the credits for free education (page 77 of the report) referred to the sums placed at the disposal of the mission schools. She noted that there was some reduction in the subsidies, and enquired whether that did not add to the difficulties of the work of the missions.

M. BESSON replied that the term free education was intended to apply to the mission schools. The reduction in the sums placed at their disposal undoubtedly added to the difficulties of their work, but that reduction had been necessitated by the existing circumstances.

ALCOHOL AND SPIRITS.

Count DE PENHA GARCIA thanked the mandatory Power for having taken account of the Commission's observations. He was particularly glad to find in the report a statement by the medical profession on the question of alcoholism (page 84 of the report). He hoped that that practice would be continued, as it was important for the Commission to know the opinion of doctors as well as that of the Administration on the question of alcohol.

He said he would confine his remarks to asking that the fullest possible information might be given in the next report on the distilling of alcohol by the natives, and the steps taken to counteract and punish these dangerous activities.

PUBLIC HEALTH.

Mlle. DANNEVIG, referring to the building of leper villages (page 86 of the report), observed that the policy followed by the mandatory Power seemed to have been very successful. She enquired whether the lepers were attracted to the villages by means of grants or whether they were obliged to come and live in them. She had noted the fact that some native tribes understood of their own accord that leprosy was contagious.

M. BESSON replied that the success of the policy of segregating lepers was due to the propaganda carried on in order to make the natives understand that leprosy was a contagious disease. Certain tribes realised that very readily, while others did not understand the risk of contagion.

The CHAIRMAN pointed out that no special service existed to arrest the spread of leprosy. The disease appeared, on the contrary, to be gaining ground, and segregation seemed to be the only method followed in order to cope with the scourge.

M. BESSON said that the report for 1931 contained considerable information on the subject of leprosy. The medical service was watching the situation very carefully, but it had to admit that the therapeutic treatment of the disease seemed to be unavailing.

Mlle. DANNEVIG stated that in Norway, where there had been over 2,000 lepers, the disease had been completely wiped out in the space of about fifty years.

M. BESSON replied that in Norway means were available which did not exist in Togoland.

Mlle. DANNEVIG asked for explanations concerning the decree authorising midwives to attend maternity cases in the patient's own home (page 178) and fixing the fee for the *accouchement* and subsequent attendance at 100 francs.

M. BESSON replied that the figure of 100 francs was a maximum. It had been fixed in order to avoid the exploitation of rich natives. Obviously, in the case of poor persons, there would be no question of their paying a fee to the midwife.

LAND TENURE.

M. VAN REES observed that, according to the information given on page 54 of the report, the decree of August 24th, 1926, had not produced the expected result; moreover, it was no longer in force. He enquired whether it would be replaced by provisions such as had been promulgated for the Cameroons under French mandate.

M. BESSON replied in the affirmative. A vast enquiry was being carried out simultaneously for all the French colonies and French mandated territories.

CINEMATOGRAPH.

M. BESSON said, with regard to the cinematograph, that the same enquiries had been carried out in Togoland as in the Cameroons, and with the same results. A censorship existed for films.

DEMOGRAPHIC STATISTICS.

M. RAPPARD thanked the mandatory Power for the very full information given on demographic statistics in the report. That information was of very great value from a sociological standpoint. He wondered, however, whether it was really requisite, in view of the expenditure involved, to supply in an administrative report certain necessarily fragmentary data which were of speculative rather than of practical interest.

M. BESSON admitted the justice of M. Rappard's observation, which would be borne in mind when the next report was prepared.

PETITION EMANATING FROM THE CHIEF AND INHABITANTS OF WOAMÉ.

M. PALACIOS said that a petition from certain natives of Woamé, concerning land in Togoland under British mandate, had been submitted for observations to the British Government and for information to the French Government. Could the accredited representative give the Commission any information on the subject?

M. BESSON replied that the question had formed the subject of an arrangement between the two territories. Information would be given in the next report.

CLOSE OF THE HEARING.

The CHAIRMAN, on behalf of the Commission, thanked the accredited representative for his valuable assistance.

EIGHTH MEETING

Held on Friday, October 27th, 1933, at 10.15 a.m.

Syria and the Lebanon : Procedure to be followed in examining the Annual Report for 1932 : Petitions.

The CHAIRMAN read a communication to his colleagues regarding the note he proposed to read to the accredited representative.

M. RAPPARD raised the question of the petitions, which were of a special character. They expressed contradictory desires regarding the future policy of the mandatory Power. The Alaouites, for instance, demanded that their autonomy be respected, whereas the Syrians urged the principle of unity. Moreover, the letter from the French Government, dated June 16th, 1933 (document C.P.M.1401), stated that the observations of the mandatory Power " would be forthcoming in the form of the general explanations which the High Commissioner of the mandatory Power in Syria and the Lebanon would, when the proper time came, supply to the Permanent Mandates Commission ".

As the mandatory Power, in its letter of September 25th, 1932 (document C.P.M.1442), announced that " M. de Caix, who represented France, would hold himself at the disposal of the Commission to give any further information it might desire on the subject, in particular regarding petitions of a political nature ", it would seem that the proper time had come.

The Commission, however, had never, up to the present, received petitions dealing, not with past facts, but with future policy. That was a new factor which rendered the situation delicate.

The CHAIRMAN observed that M. Rappard was entitled to ask any questions he liked in connection with the petitions.

M. ORTS pointed out that, up to the present, the object of every petition had been to ask for the redress of a wrong. The Commission had now before it an expression of the feelings of a section of the public regarding the present organisation of the territory. As the petitions in question were contradictory, some being in favour of unity and others in favour of autonomy, the Commission, if it examined these petitions as such, might be led to judge as between the petitioners and therefore to express an opinion either in favour of unity or autonomy, a course which would take it beyond the limits of its competence. Was the mandatory Power asking the Commission to take a decision in the matter?

M. RAPPARD thought that, by reading together the two letters from the French Government which he had quoted, it might be possible to conclude that the mandatory Power expected that the Commission would interrogate its accredited representative on these petitions.

M. PALACIOS thought that general questions should be asked and that the accredited representative should be requested to make a statement on the policy followed in the territory under mandate, on the treaties, the question of unity, the question of independence, the situation of the parties, evolution towards emancipation, etc. The petitions might help to fix and clarify, in connection with a particular case or a collective aspiration, certain points which still seemed rather indeterminate.

M. MERLIN wondered whether the time had really come to ask the accredited representative to make a general statement. He would be unable to make such a statement. As regards the past, M. Ponsot had made a statement last year. The negotiations he had been conducting in the hope of reaching an agreement with all parties concerned had been provisionally suspended. The new High Commissioner, after getting into touch with the personalities and events of the mandated territory, would certainly continue those negotiations.

But in what direction? Nobody could say, and M. de Caix least of all, because any reference on his part to the future might compromise the course of events, and possibly in a way that the present High Commissioner might not desire. The Commission itself would find some difficulty in discussing a future that was not yet sufficiently clear. If it did so, it might cause confusion and raise a number of debatable points, which were bound to hinder the mandatory Power in its delicate task of endeavouring to prepare a future organisation. Petitions were requests for the reparation of errors and the righting of wrongs. They could not be allowed to furnish ammunition for local discussions, for the claims of certain sections of the population and for the ambitions of certain persons. In its own interest, the Commission should avoid all semblance of embarking upon such a course, for the effect of unguarded expressions of opinion might be to substitute the responsibility of the Mandates Commission for that of the mandatory Power in the administration of the territory.

M. PALACIOS shared M. Merlin's views on this point—that was to say, the need for discretion. The Commission was, however, entitled to be informed of the *de facto* situation. It might therefore ask the accredited representative questions regarding that situation and its development and postpone questions of principle until the Commission came to examine its observations to the Council.

Lord LUGARD thought that the members of the Commission were free to ask the accredited representative any questions they thought they were entitled to ask. The accredited representative, for his part, was free to object to any question to which he felt he was not entitled to reply. This had been the procedure adopted with regard to Iraq.

The CHAIRMAN felt bound to remind the Commission of the Council's decision concerning the interpretation of the word "petition" (document C.545.M.194.1927.VI, extract No. 1) :

"The Permanent Mandates Commission has, with the approval of the Council, given an interpretation of the word 'petition' which makes it possible to include memorials and similar memoranda of every kind concerning the administration of the mandated territories."

COUNT DE PENHA GARCIA wished in the first place to emphasise the fact that the texts quoted showed that the mandatory Power had sent the accredited representative to reply to all questions, even political questions, which the members of the Commission might ask him. Moreover, the method the Chairman had outlined in his note concerning the right of members to ask questions seemed to him reasonable.

M. PALACIOS thought that the best starting point would be the last statements made by M. Ponsot, who had explained the degree of maturity reached by the territory and had added that different solutions were contemplated for the different parts of the country, with a view to their possible emancipation.

The CHAIRMAN thought the procedure to be followed might be summarised as follows. He would ask the accredited representative whether he had any statement to make; then all the members would be entitled to ask him questions.

The Commission agreed to this procedure.

Syria and the Lebanon : Examination of the Annual Report for 1932.

M. de Caix, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.—PROCEDURE TO BE FOLLOWED IN EXAMINING THE ANNUAL REPORT (*continuation*).

The CHAIRMAN was happy, on behalf of the Commission, to welcome M. de Caix, who had collaborated with it for so many years.

Before asking him to address the Commission, the Chairman thought it might be desirable to resume briefly the circumstances which had occasioned M. de Caix's presence at the Commission for a second time in one year.

Last year, at the end of its twenty-second session,¹ the Commission had inserted in its report to Council the following general observation regarding Syria and the Lebanon :

"The Commission thanks the mandatory Power for having, in accordance with the desire expressed by the Commission last year, kept it informed of the various phases of the contemplated evolution of Syria and the Lebanon and the stages leading up to the point at which those territories will no longer need the advice and assistance of the mandatory Power.

"It trusts that the mandatory Power will continue to keep it informed of the development of the situation in the territories under mandate, which it will attentively follow; but it considers that it would be premature at the present time to give any opinion on that situation, until the policy of the mandatory Power and the negotiations in progress have provided more detailed material on which to form a judgment."

¹ See Minutes of the Twenty-second Session, page 364.

When the Commission had met again in June last, the French Government had informed it that M. Ponsot, at that time High Commissioner in Syria and the Lebanon, would be unable, owing to the state of his health, to come to Geneva and explain the development of the political situation in the said territory since November 1932. The mandatory Power had then proposed, either that the examination of the exercise of the mandate for Syria and the Lebanon as a whole should be adjourned until the autumn session of the Commission, or that, at any rate, the political aspects of the examination should be so deferred. It added that M. Ponsot would explain the political situation at the present session of the Commission.

After discussion, the Commission decided¹ to examine, as from June 29th, with the assistance of M. de Caix, the annual report on the situation in Syria and the Lebanon for the year 1932 and to ask M. de Caix, as usual, every variety of question concerning the administration of the territory, and its political, social and economic evolution under the mandatory regime, but reserving until the present session the examination, with the assistance of M. Ponsot, of all questions which may remain open after its interview with M. de Caix. This decision was immediately communicated to the French Government by the Secretary-General.

In its report to the Council on the work of its last session, the Committee included the following passage:²

“ During the present session, the Commission has examined the annual report on the administration of Syria and the Lebanon for 1932. It reserves the right to make its observations at its next session, after hearing the statements of the High Commissioner, as proposed by the mandatory Power.”

As the Chairman had had the honour to point out at the present meeting, the French Government in its letter to the Secretary-General, dated September 14th, 1933, concerning the designation of its accredited representatives, had made the following declaration with regard to Syria and the Lebanon:

“ With regard to Syria and the Lebanon, the Mandates Commission will certainly realise that the new High Commissioner of the Republic, who will only just have assumed his official duties, will doubtless not yet be in a position to make the statements which were promised at a time when M. Ponsot's other nomination had not been foreseen. M. de Caix, however, who will represent France, will be at the Commission's disposal to give all explanations it may desire concerning the petitions of a political character, the examination of which was, at the request of the French Government, adjourned until the present session.”

The Chairman felt sure he was interpreting the unanimous sentiments of his colleagues in congratulating M. Ponsot on his restoration to health and his appointment to the important post of Resident-General in Morocco. He felt at the same time bound to express the Commission's regret at being thus deprived of an opportunity of again exchanging views with M. Ponsot before he left his post as High Commissioner in Syria and the Lebanon. Quite naturally, the mandatory Power could not send M. Ponsot's successor, M. de Martel, away from the mandated territory at the very moment when he was assuming office. As M. de Caix had been appointed to undertake the task which would originally have been reserved for the High Commissioner, the Chairman ventured, in the light of the texts he had just quoted, to explain how, in the view of the Commission, the hearing should be conducted.

There could be no question of entering again into the details of the examination of the annual report for 1932 with a view to bringing that examination up to date. On the other hand, it was obvious that the Commission, by consenting to a division of labour, had not renounced its right to question M. de Caix at the present time on certain points with a view to supplementing the data gathered at its previous session, even if the questions were not purely political in form.

As Chairman, therefore, he would merely see that there was no repetition of the questions to which full replies had already been given in June last.

STATEMENT BY THE ACCREDITED REPRESENTATIVE.

M. DE CAIX.—I regret that it is not possible for you to hear from the lips of the High Commissioner the promised statement which you are awaiting in order to conclude the examination begun by the Commission in June last; M. Ponsot has been promoted to a new post, which he has already been obliged to take up, and it is impossible for M. de Martel to interrupt, after less than three weeks, the contact which he has begun to establish with those countries where he is responsible for the execution of the mandate, in order to come here.

However, I hope to be able, on the basis of the statements contained for some years past in the reports and those which have been made to you by the High Commissioner or the accredited representative, to give you the explanations you desire.

I have nothing to add to the information given in the report on the political situation in 1932. On certain points, this has been supplemented by the replies given to the questions raised by the Commission in connection with the petitions. I will therefore merely reply to any new questions you may wish to put to me.

The report states that tranquillity continues to reign, particularly in the autonomous Governments and in the Sanjak of Alexandretta, and mentions as the only new facts of any

¹ See Minutes of the Twenty-third Session, pages 17-18 and 31.

² See Minutes of the Twenty-third Session, page 191.

importance : (1) the suspension of the Lebanese Constitution and (2) the split between the Nationalist extremists and the moderate members of their party, who were anxious to collaborate with the mandatory Power.

The reasons for the suspension of the Lebanese Constitution—an organisation which was too cumbersome for a small State and the operation of which led only too easily to political intrigue—were given in the penultimate report and in the statement made before the Commission by M. Ponsot a year ago.

The disagreement which has arisen between the two wings of the Nationalist Party is due partly to the rigid doctrinairism of some and partly to the ambitions of others who have been disappointed or who are eager to make a name for themselves. The failure at Aleppo of the unsuccessful candidates has, in all probability, made intransigence easier for them than for the successful candidates at Damascus. Like some young men, they have tended, being no doubt anxious to enter upon a political career, to complicate the mandatory's task and thus force it to hold new elections. This tendency appears to a large extent to explain the disturbances which have occurred on several occasions at Aleppo and of which you have been informed. Added to the intransigence of doctrinaires, it has led the Nationalists to refuse co-operation with the mandatory Power.

Thus, under the pressure of their party, the Nationalist Ministers who, on the morrow of the elections and notwithstanding the smallness of their Parliamentary group, were called upon to participate in the Government in order that the treaty negotiations might be conducted with a Coalition Cabinet, resigned at the end of April.

At that moment, the discussions which had been begun did not reveal any cause for rupture. Moreover, the resigning Ministers took care to inform the Press that their attitude was the result, not of a disagreement with the French negotiator, but of party discipline.

Following on their resignation, the Cabinet was reconstituted, with the collaboration of moderate elements belonging to the majority of the Assembly. The new Government subsequently obtained a vote of confidence from the Chamber, and was thus empowered to continue the work begun.

The policy which is being followed for this purpose is not a new one ; it has been more and more clearly defined since M. de Jouvenel traced its general outline in 1926. It consists in settling by agreement the relations of the mandatory Power with the national Government of the country, primarily for the period which still separates us from the termination of the mandate and which must be utilised to secure the purpose of the mandate by preparing the country for the complete exercise of its independence. That is the scope of the agreement contemplated in the provisional clauses of Article 116 of the Syrian Constitution. The treaty foreshadowed by the Mandatory's policy must also define the regime which is to follow the mandate, in pursuance as far as possible of the recommendations made by the Commission after examining the conditions for the termination of a mandate.

It was in application of the provisions of the mandate relating to the development of local autonomy that the mandatory Power set up, alongside the two States mentioned by name in that instrument, the autonomous Governments of Latakia and the Jebel Druse. The object of the constitution of those Governments was to encourage the evolution of the minorities inhabiting their territory, whose political education was insufficient to enable them to defend their rights in a larger community.

The results obtained during the last twelve years from the application of this measure have fully justified the mandatory Power's expectations. The latter could not relinquish the task it has undertaken without jeopardising those results. It cannot therefore contemplate the association of those Governments with a State with an international " vocation ", unless that State has given adequate proof of its capacity for self-government and the proper treatment of the minorities established within its territory.

In accordance with the doctrine formulated by M. de Jouvenel in 1926, when once this condition has been fulfilled, the association can be effected by agreement between the parties, subject to the full consent of all concerned.

This, then, is the policy of the mandatory Government, the development of which may be hampered or retarded by events, but the essential purpose of which has not varied since its inception, as is shown by the organisation, as long ago as 1921-22, of the Levant countries for which it was responsible. It considers that its own duties and the welfare of those countries require that their final organisation should be the result of joint study and agreements freely entered into and ensuring respect for the rights, wishes and interests of the whole population, as is expressly stipulated in the mandate.

The mandatory Government's programme has been fully justified by long experience. The fulfilment of this steadfast policy has been the task of each successive High Commissioner, who has pursued it while adapting it to circumstances. The time and manner of its application depend not so much upon the will of the Mandatory as upon the intentions of the interested parties. It can be retarded, but not altered, by the obstacles which may be encountered, and its progress will be in ratio to the degree of co-operation accorded to it in the country.

I will now reply, so far as lies in my power, having regard to the stage which the action of the mandatory Government has reached, to any questions which may be asked.

POLITICAL SITUATION, AND ATTITUDE OF THE POLITICAL PARTIES TOWARDS THE POLITICAL DEVELOPMENT OF THE TERRITORY : DEVELOPMENT OF THE ADMINISTRATIVE SUB-DIVISIONS OF THE TERRITORY.

The CHAIRMAN thanked M. de Caix for explaining, with his usual clearness and accuracy, the policy followed in Syria by the mandatory Power since M. de Jouvenel's term of office as

High Commissioner—a policy which, the accredited representative said, had never varied. It seemed, however, that, for some time past, the mandatory Power had made a distinction between the countries which its representative described as those with an international “vocation” and the others.¹ In other words, there were indications of a division of Syria and the Lebanon in a manner very different from that laid down in the mandate, which mentioned local autonomies and not several States.

Count DE PENHA GARCIA had noted in certain parts of the reports and in certain petitions the fact that the question of what might be called Syrian unity was one cause of disagreement between the mandatory Power and certain Syrian parties.

The mandatory Power, in assuming the mandate, had noted that an administrative separation of the territory was justified by the diversity of the stages of evolution of the various regions. It had therefore created certain autonomous bodies within Syrian territory. It might be asked whether these creations were really in harmony with the option accorded in Article I of the mandate. In point of fact, they had been in existence for a number of years, and there could be no doubt that the Jebel Druse and the Government of Latakia, for instance, were quite noticeably in a stage of development different from the rest of Syria.

He wondered whether it would be possible to discover the feelings of the peoples of these two Governments with regard to this question of unity. Was there any reliable means of ascertaining the opinion, if not of the whole of the population, at least of its most representative elements? That would, he thought, be an important piece of evidence in judging the policy of the mandatory Power.

He would also like to know the mandatory Power's views with regard to the situation in the Lebanon concerning a preparatory period, pending the possible termination of the mandate.

M. RAPPARD observed that, under the terms of the mandate, France was mandatory for Syria and the Lebanon. It was quite easy to conceive a policy of union or federation or of centralisation; but whenever reference was made to “countries with an international ‘vocation’”, there could be no question of anything but Syria and the Lebanon, apart from which there was no territory in the Levant under French mandate.

M. DE CAIX did not see how the use of the words “countries with an international ‘vocation’” could give rise to doubts in the minds of certain members of the Commission and what new element could be found in the policy of the mandatory Power. When M. Ponsot had referred to “countries with an international ‘vocation’”, he had given a legal definition and had not announced a new policy differing from that which the Mandatory had followed in conformity with the mandate, which mentioned two States by name and recommended the creation of local autonomy. He would, moreover, observe that to speak of countries with an international “vocation” was to indicate a qualification that could not become effective, as regarded the status of the various parts of the territory, until after the termination of the mandate. Did the Commission propose to open a discussion on that future, which did not call for any immediate decision and regarding which no details could be asked for or given? If so, he could only refer to his statement. The latter mentioned a preparatory period and described the principles which the Mandatory Government intended to apply in the process of evolution it had been called upon to direct. He must point out that it would be highly undesirable to enter into a premature discussion of certain questions, particularly in regard to a policy which had to be pursued in a Levantine atmosphere; if it did so, the Commission would become responsible and would substitute its own responsibility for that of the mandatory Power.

Count de Penha Garcia has asked whether the opinion of the population of the autonomous regions could be ascertained. This had already been manifested in the forms which were possible in such a *milieu*. It had been expressed by the votes of representative councils, petitions and, in some cases, by meetings. The Syrian opponents of autonomy had disputed the spontaneity and sincerity of those manifestations. The material and moral changes by which these people were benefiting provided, however, a number of perfectly cogent reasons why they should be truly attached to the regime that had conferred these benefits, and why their most representative elements should say so.

A question had been asked concerning the situation in the Lebanon. He could assure the Commission that, in its policy, the principles of which he had just defined, the mandatory Power made no distinction between the Lebanon and Syria.

Count DE PENHA GARCIA wished to make it quite clear that, in asking certain questions, his colleagues and he did not in any way seek to indicate a policy; they only wished to obtain information regarding the policy of the mandatory Power. In his previous question, he had merely asked whether any indications were available of the feelings of the peoples of the autonomous territories with regard to the question of unity. M. de Caix had just explained that certain notables had already expressed their views spontaneously. He would be glad to have further information on the subject in the next report.

M. DE CAIX pointed out, with regard to questions which might be asked, that the Commission was in much the same position as a family council which was called upon to enter upon a discussion, in the presence of an already adolescent minor, with a representative of his guardian.

The CHAIRMAN assured M. de Caix that the Commission was not indifferent to his perfectly justified observation. Naturally, the Mandates Commission had no intention of taking a

¹ See Minutes of the Twenty-second Session, page 263.

decision. It was, however, in duty bound to aid in preparing the evolution of the mandated territories.

It was true that Article 1 of the mandate provided for local autonomy ; but, if the country were divided into four states, as seemed to be indicated, the Chairman considered that there was a fundamental difference.

M. DE CAIX did not think that the autonomous regions created, any more than the way in which their relations with the other parts of the territory was envisaged in the statement he had just made, could be regarded as inconsonant with the obligations of the mandate.

M. RAPPARD insisted on the fact that the Commission had no charter on which to rely except the mandate. It would be very ill-advised to base its opinions on considerations devoid of a legal foundation. Under the law, the only territories in the Levant under French mandate were Syria and the Lebanon. Moreover, the mandate expressly provided for the principle of local autonomy and did not even exclude a policy of gradual emancipation of various autonomous regions at different times. If it were desired to tranquillise these territories, would it not be better to say that the law could not be discussed, that it provided for the integrity of Syria and the Lebanon, but that it did not in any way exclude local autonomy nor progressive emancipation by zones? But by allowing uncertainty to persist, would there not be a risk that the populations would be more irritated than tranquillised?

M. DE CAIX had no reason to contest M. Rappard's remarks regarding the law, and, in any event, he would not be inclined to prolong legal discussions which, interpreted as they might be in the country with which the Commission was dealing, would undoubtedly not tend to facilitate the task—in regard to which M. Rappard seemed to agree with him—of ensuring that the *de facto* situation—that was to say, the existing organisation—was only appraised in accordance with the principles set forth in the statement to which the Commission had listened.

M. PALACIOS wished to stress, not so much the question of local autonomy, which was related to that of unity, as that of independence, which arose in connection with Article 116 of the Syrian Constitution. At the present time, was the situation better or worse in Syria than previously? What was the present position in the Lebanon?

M. DE CAIX replied that it could not be said that there was as yet any appreciable change in the situation. The same tendencies as before were apparent. With regard to Syria, the same question always arose—namely, whether a man or group of men could be found courageous enough to conclude an agreement which, though marking the first realisation of their hopes, would not immediately satisfy all those claims which they declared they represented.

The CHAIRMAN pointed out that the Lebanese Constitution had been suspended since 1932. That being so, he wondered how the mandatory Power could carry out its task, which was primarily to prepare the country for independence.

The policy to be adopted in Syria was certainly not an easy one ; but, to revert to the simile used by M. de Caix, a guardian was not free to treat his ward as he liked. The Mandates Commission had to see that the policy of the mandatory Powers was in conformity with the texts for which it was the duty of the Mandates Commission to ensure respect.

M. DE CAIX replied that the suspension of the Lebanese Constitution did not in any way mean that the mandatory Power was unwilling to apply, in the Lebanon, the same policy as in Syria, as soon as public life in the Lebanon had managed to revert to the normal, and a Government existed capable of concluding a treaty.

He did not see how the way in which the guardian was fulfilling his duties was more open to criticism at the present time than formerly, or why a policy was now being contested which had never been criticised previously. The territorial status of the mandated countries was not an unknown quantity or a novelty. Established as far back as 1920, it had not been modified since 1924, the year when explanations regarding it had first been given to the Mandates Commission through the reports of the mandatory Power and the oral statements of its accredited representative. The status of the territories had been confirmed in the Organic Statute of May 1930, which had been communicated to the League of Nations, and which remained valid for the whole duration of the mandate. Was the Commission looking much farther ahead? Was it anxious as to the changes which might result from the termination of the mandate? That, as had been pointed out, was a question which had not yet arisen, and could not be discussed at present. But no one was entitled to suppose that the mandatory Power would be less likely to fulfil its obligations at some future date or in some given part of the territory than it had been careful to do up to the present.

M. RAPPARD observed that the only period that could be discussed was the mandatory period. Article 1 of the mandate was quite clear, and he could not see what objection there could be to referring to a principle of law. It was within those limits, which, moreover, were considerable, that solutions must be found.

M. DE CAIX was rather doubtful whether the definition of the law and its limits had much tranquillising effect on those who were little disposed to recognise the mandate that instituted that law.

M. RAPPARD pointed out that the mandatory Power was entitled to make independence conditional on the recognition, on a contractual basis, of local autonomy. In short, the problem was to discover means of concluding agreements between the different parts of the two territories under mandate.

M. DE CAIX replied that that was, indeed, one of the essential tasks which had to be accomplished before the termination of the mandate could be proposed ; but it was a task easier to define than to accomplish.

COUNT DE PENHA GARCIA laid stress on the fact that, in asking his questions, he was fully alive to the delicate nature of the mandatory Power's task. At present, negotiations were being conducted with a view to the conclusion of a treaty with Syria, apart from the existing autonomous regions. As yet, the question of the Lebanon did not arise. For the moment, therefore, the discussion turned on Syria alone. The problem, however, was very complex. The mandatory Power had only just sent a new High Commissioner to the country. It would therefore obviously be inopportune for the Commission to attempt any detailed examination of his policy. The Commission would be grateful if M. de Caix would merely explain the main outlines, and state, in particular, how the mandatory Power envisaged the problem of the protection of the rights of minorities. It was likely that the future treaty would follow more or less the lines of the Anglo-Iraqi treaty, but, in view of the special circumstances, the first task must be to prepare the co-operation of the populations living under the Syrian mandate while encouraging the evolution of the autonomous regions and the protection of the very considerable minorities scattered throughout Syria.

Was this the direction that French policy in Syria was taking ; and was the present situation, from the point of view of the High Commissioner's mission, more favourable than previously ? He understood the delicacy of the problem and how necessary it was to take into account the present political situation and the mentality of the inhabitants of the territory.

M. DE CAIX hoped that he had already given a sufficiently clear reply concerning the direction of French policy. Whether the High Commissioner's task would be complicated or lightened probably depended less on a change in the general elements of the problems to be solved than on the effects of certain circumstances or personal influences which it was difficult to judge from afar.

Count de Penha Garcia had recalled that there were scattered minorities in the territory. They were fairly numerous in Syria, particularly in the north. Owing to the fact that they were scattered, they could not be afforded territorial safeguards such as were enjoyed by the minorities living in compact groups in certain regions of the territory under French mandate, or such as the Commission would have desired for a minority which was not very happy in a neighbouring country. The problem must be solved otherwise. But the Commission could be sure that the mandatory Power, so long as it shouldered or had any share in the responsibility for the country, would never cease to watch over the rights of scattered minorities as vigorously as those of the other minorities.

M. RAPPARD thought that the peoples under mandate must understand that, so long as the Mandates Commission was not fully reassured as to the effective protection of the rights of the scattered minorities, and that respect was guaranteed for local autonomy whereby the compact minorities must be able to benefit, it would always oppose the termination of the mandate. The condition of emancipation must be respect for the rights of minorities and autonomy.

M. DE CAIX reminded the Commission that the whole policy of the mandatory Government aimed at the fulfilment of this just condition.

NINTH MEETING

Held on Friday, October 27th, 1933, at 4.45 p.m.

Syria and the Lebanon : Examination of the Annual Report for 1932 (continuation) : Petitions.

M. de Caix came to the table of the Commission.

PETITIONS IN FIVE SERIES, (TWENTY-TWO IN ALL) RELATING TO THE POLITICAL ORGANISATION OF SYRIA AND THE LEBANON.

M. RAPPARD said that he would deal in turn with the various petitions contained in document C.P.M.1401, and would ask the accredited representative for information on certain points.

In petition No. 4, in the first series, from electors of the second degree at Hama, dated February 8th, 1933, he directed attention to the following two sentences :

“ If the conclusion of the treaty is designed to guarantee the rights of both contracting parties in an atmosphere of good faith, we find no justifiable reason for surprising the country by declarations which threaten the dearest of our hopes. Tranquillity cannot reign in our hearts if these declarations are rejected.”

The last sentence seemed incomprehensible. Should it not read: "Tranquillity can *only* reign in our hearts if these declarations are rejected"?

M. DE CAIX replied that there was probably some material error, but thought that the general sense of the petition was clear.

M. RAPPARD, referring to petition No. 7 in the first series, which was headed "Summarised Translation", enquired by whom the summary had been made.

M. DE CAIX said that he had himself been struck by the heading. It was certainly a bad plan to summarise a petition. He thought, however, that that summary must have been made by an official of the High Commissariat, probably with the object of eliminating verbiage.

M. RAPPARD, referring to petition No. 1 of the second series ("Request containing the Desiderata formulated by the Leaders of the Tribe and by the Principal Alaouite Religious Leaders on the Conclusion of the Congress held by them at Latakia from February 13th to 19th"), asked for explanations concerning point No. 5: "Complete Suppression of Religious Propaganda Missions among the Alaouites". Such suppression appeared to him quite contrary to the provisions of the mandate regarding freedom of conscience.

M. DE CAIX replied that it was explained by the fears resulting from the conversion of Alaouites to which reference had been made at the last session of the Mandates Commission.¹ Those fears seemed, in point of fact, ill founded, as there had only been 211 conversions and several of the converts had subsequently reverted to their former faith.

M. RAPPARD pointed out that, in asking for the complete suppression of religious propaganda missions, the petitioners were acting in defiance of the terms of the mandate.

M. DE CAIX explained that, though religious propaganda was not restricted provided public order were not disturbed, the Alaouites had the less cause for complaint in that the mandatory Authority had moderated, far more than stimulated, the zeal of the proselytisers of which they complained.

M. RAPPARD next referred to petition No. 2 of the second series, in which the petitioners expressed themselves as follows:

"We have read, in the Minutes of the meeting of the Permanent Mandates Commission of the League of Nations, of the honourable attitude which you have adopted in favour of our autonomy, and of your defence of our independence, a defence which you have successfully conducted in the interests of the Alaouite people as a whole and of its attachment to a state of independence which it enjoyed throughout the Turkish regime. . . ."

The petitioners appeared to have somewhat relative ideas on the subject of independence.

M. DE CAIX pointed out that the petitioners did not possess very clearly defined ideas about the meaning of that word.

M. RAPPARD observed that, in the second text of the same petition, the petitioners claimed, under No. 3, a "distribution of public offices in proportion to the number of the Alaouites". He commented on the wisdom and moderation of that request. The inhabitants of these territories had so seldom shown proof of these virtues in stating their desires to the Commission, that he could not help wondering whether, in this case, the petition was entirely spontaneous.

M. DE CAIX replied that this attitude of docility had perhaps simply been suggested by the many refusals with which far less moderate demands had been met. It had been necessary to make many applicants realise that they were not capable of filling the offices to which they aspired. At the same time, many young Alaouites were at present attending Government or foreign schools and would soon provide the human material necessary to enable the Alaouites to take a larger share in the administration of their country.

M. RAPPARD, referring to petition No. 1 of the third series ("Petition of February 22nd opposing Union, from the Notables of the Latakia Orthodox Community"), noted the petitioners' statement "that the present regime is an assured safeguard for the maintenance of order, security and justice in the interests of the country's progress". He enquired whether the community was a large one.

M. DE CAIX replied that this community consisted of the most numerous and by far the wealthiest body of Christians in Latakia, who realised the advantages of the existing regime from their own standpoint.

PETITION, DATED JUNE 28TH, 1933, FROM THE "ASSOCIATION DES ETUDIANTS ARABES DE GENÈVE".

M. RAPPARD said that he would conclude his examination of the petitions for which he was Rapporteur by referring to the petition from the Arab students in Geneva (document C.P.M.1458).

The petitioners complained that the mandatory Power had followed a policy of repaying the Ottoman debt too rapidly. He was bound to admit that the French Government's

¹ See Minutes of the Twenty-third Session, page 131.

observations on the subject seemed to him to be entirely convincing. Moreover, he had made enquiries on the subject and had noted that, in Palestine, repayment was being made even more quickly.

PETITION (UNDATED) FROM MME. AMINE EL HALABI.

M. PALACIOS asked M. de Caix for information concerning the arrest of Farez el Malek. The members of the Commission were always very much alive to such incidents. He should add that the observations of the mandatory Power appeared to him quite adequate.

M. DE CAIX replied that he had been at Damascus at the time. Demonstrations frequently took place against Parliament and attempts were made to cause them to degenerate into riots. The police were obliged to take action and the arrest of the agitators was inevitable.

PETITION, DATED SEPTEMBER 1ST, 1933, FROM MME. HASIBA MAHOMET EL MOUSRI.

M. PALACIOS noted that the explanations given by the mandatory Power were very satisfactory. The important point was that the person who formed the subject of the petition was properly married and that the house in which she was "imprisoned" was the one in which the marriage had been contracted. Moreover, it seemed that the person in question and her relatives could have appealed to the judicial instances of the State, which they had not done.

M. DE CAIX said that he had before him the marriage act in question. It was obviously very difficult in a Moslem country to distinguish between seclusion and the customary confinement of a woman in the harem. Perhaps, in that particular case, the husband allowed his wife to go out even less than was usual in the country, but, in such cases, it was impossible to intervene unless a complaint was filed in Court.

Mlle. DANNEVIG asked whether the girl might have been forced into marriage or might have been married without realising it.

M. DE CAIX replied that, in Moslem life, the position as regards the girl's consent to the marriage was not the same as in Western countries at the present time. The husband and wife, it must be remembered, were not themselves present at the marriage ceremony, and the document was drawn up by witnesses representing them.

Mlle. DANNEVIG asked whether it was normal for such practices to continue under the mandatory regime.

M. DE CAIX replied that it was impossible for the authorities to ensure otherwise than by gradual stages a degree of emancipation for Moslem women which would place them on the same footing as European women. The social evolution was proceeding gradually.

PETITIONS : (a) DATED MAY 20TH AND JULY 31ST, 1933, FROM THE "ASSOCIATION SYRIENNE DE TOULOUSE"; (b) DATED FEBRUARY 11TH, 1933, FROM M. SAMI SLEEM; (c) DATED MAY 14TH, 1933, FROM M. MAHMOUD WEHBE, EDITOR OF THE NEWSPAPER "EL ITTIHAD".

Count DE PENHA GARCIA stated that the questions dealt with in the various petitions for which he was Rapporteur could be divided into three classes.

There were first general criticisms against the Administration. The mandatory Power's replies had been sufficient to enlighten the Rapporteur. Such complaints were on the whole not justified.

There were, secondly, individual questions and personal complaints against certain alleged abuses of the Administration. For instance, one petitioner, M. Sami Sleem, had been sentenced to fifteen days' imprisonment, but his complaint appeared to be ill founded, as the sentence was one which had been quite regularly imposed by the court.

M. DE CAIX added that the treatment of the petitioner in prison could not have been very severe, seeing that he had been allowed to send a telegram to the League of Nations.

Count DE PENHA GARCIA then asked for explanations concerning the case of M. Hamadé (document C.P.M.1399), who, according to the petition, had been threatened with expulsion by the Director of the French *Sûreté générale* after delivering a speech at Damascus on the subject of Syrian union and independence. He asked whether M. Hamadé had actually been deported and whether he had been expelled from the country.

M. DE CAIX replied that M. Hamadé had been summoned to the office of the Police Commissioner and had been given a warning such as was frequently given in Western countries. He had been threatened, not with expulsion from the country, but; with expulsion from Damascus. This had probably been done.

Count DE PENHA GARCIA then asked for explanations concerning the case of Dr. Raschid Maatouk, medical officer of the town of Duma (Lebanon), who had been dismissed for having affixed his signature to a petition demanding union.

M. DE CAIX replied that this was the case of an official who had been duly dismissed for having engaged in constant political agitation contrary to the regulations applicable to officials. The ordinary administrative provisions thus applied. Further, in the case under consideration, the dismissal had been pronounced, not by the High Commissariat, but by the Lebanese Government, which was responsible for the administration of the country.

Count DE PENHA GARCIA then went on to the third category of complaints appearing in the petitions for which he was Rapporteur—namely, the suspension of newspapers. He enquired whether the law concerning the liberty of the Press was still the same as two years before, or whether it had been amended.

M. DE CAIX replied that, so far as he was aware, no change had been made in the law. The suspension of newspapers might, generally speaking, be ordered in one of two ways. In the case of acts directed against public security, it was the High Commissioner who ordered the suspension; in the case of statements defamatory to the authorities, suspension was ordered by the local Governments, who, moreover, possessed a similar right in the first case also.

Count DE PENHA GARCIA enquired whether there was any limit under the law as regards the period of suspension.

M. DE CAIX replied in the negative; it was, he said, possible to order a suspension *sine die*. As a general rule, however, such suspension was inflicted only after a number of temporary suspensions. There was obviously a somewhat arbitrary element in decisions of that nature. At the same time, security lay in the fact that measures of suspension were only ordered after the parties concerned had been heard.

Count DE PENHA GARCIA asked whether the parties possessed any right of appeal. Such measures, it must be realised, also involved certain economic consequences, in view of the damage suffered by the newspaper proprietors.

M. DE CAIX replied that, so far as he was aware, no right of appeal existed. He would, however, send Count de Penha Garcia the legal texts governing the matter. As regards the economic aspect of the matter, the papers in question had a very small circulation and were not very prosperous undertakings.

SIX PETITIONS, DATED JANUARY 30TH AND 31ST AND FEBRUARY 3RD AND 5TH, 1933,
FROM INHABITANTS OF LATAKIA, HOMS, HAMA AND ALEPPO.

M. ORTS reminded the Commission of the petition relating to the incidents which had occurred at Latakia as the result of an insignificant occurrence, when an indiarubber ball thrown by a child had hit an Alaouite soldier. The mandatory Power, in its observations, had given a very vivid description of the occurrence and an explanation which seemed satisfactory. He wished to know, however, whether or not an enquiry had been held and whether punishment had been meted out; had there been any judicial action in the matter? It was clear that to leave the authors of such incidents unpunished would produce a bad effect.

M. DE CAIX said that he could not give the information requested by M. Orts. Probably a number of persons had been arrested and come up for judgment. He would make enquiries and inform the Rapporteur.

M. ORTS enquired whether nothing further had occurred at Latakia since then. The juxtaposition of Sunnis and Alaouites in the town appeared to create a somewhat dangerous situation.

M. DE CAIX replied that, so far as he knew, there had been no further incidents. The number of Alaouites living actually in the town—where they had not been allowed to reside previous to the mandate—was quite small—a few hundreds. The troops were mostly recruited among the Alaouites, who were the mountain people. But these troops were well disciplined, as was proved by the fact that the incident which formed the subject of the petition had in the end been of little consequence.

CLOSE OF THE HEARING.

The CHAIRMAN thanked M. de Caix for his courteous and valuable co-operation.

TENTH MEETING

Held on Saturday, October 28th, 1933, at 11 a.m.

Iraq : Observations of the Commission.

The Commission examined the following draft :

“ The Commission took note of the report submitted by the Government of the United Kingdom on the administration of Iraq during the period January 1st to October 3rd, 1932, on which date the mandatory regime in that territory came to an end and the country was admitted as a Member of the League. The representative whom the ex-mandatory Power had placed at the Commission's disposal gave further information verbally in reply to the questions put to him.

“ As last year, and for the same reasons, the Commission has refrained from submitting to the Council observations on the administration of Iraq during the first nine months of 1932. It merely calls the Council’s attention to the Minutes of the meetings at which this territory was dealt with.

“ Nevertheless, the Commission feels bound to point out to the Council *à toutes fins utiles* that, at the time of expiration of the mandatory regime in Iraq, the question of the reparation due to the community of the Bahai for the denial of justice of which it was the victim had not yet been actually settled, although the community concerned had reason to believe that an arrangement to which it had subscribed would be brought into application.”

COUNT DE PENHA GARCIA observed that, from the draft text of the observations, it appeared that the Commission had discussed only the Bahai question, which, in his view, did not merit more attention than certain other matters which arose in connection with the last report of the ex-mandatory Power just examined by the Commission. Consequently, it would be preferable merely to mention the Bahai problem in the body of the statement. The fact that the Council’s attention was drawn to the Minutes of the meetings at which Iraq had been discussed should suffice.

M. RAPPARD, supported by Lord Lugard, thought that the observations should state that various points had arisen, including that of the Bahai.

Mlle. DANNEVIG asked why, if the Commission referred to the Bahai problem, no mention was made of the Assyrian problem.

The CHAIRMAN replied that the situation with regard to the latter was different. The Commission had discussed the question of the Assyrians last November—that was to say, after the expiration of the mandatory regime in Iraq—in accordance with a request made by the Council in September 1932. Consequently, the Commission’s recommendations with regard to the Assyrians were subsequent to the termination of the mandatory regime.

M. ORTS admitted the soundness of this argument, but pointed out that the curious part of the case lay precisely in the fact that, in the previous year, the Commission had had to consider the Assyrian question after the proclamation of the independence of Iraq, because certain petitions, submitted previous to the termination of the mandate, though they had been received in time to be examined, had not been so examined. There had, therefore, been a sort of compromise between a moral obligation and strict law.

M. RAPPARD drew attention to the difference between the two cases : no international tribunal was any longer cognisant of the Bahai question, whereas the Council had the question of the Assyrians before it.

M. DE HALLER (Mandates Section) explained that the Commission had examined the petitions of the Assyrians after the termination of the mandate only because it had definitely been requested to do so by the Council. Had it not been so requested, it might be doubted whether the Commission would have had any power to examine them.

Mlle. DANNEVIG reminded the Commission of what had been said previously—namely, that the Commission ought to make a sort of testament from a humanitarian point of view, expressing its views on the Assyrian question. There was no need to push prudence so far as to remain entirely silent on the point.

Lord LUGARD thought that it was not sufficient merely to draw attention to the Minutes. The Minutes would be read, it was hoped, in any case ; but, in view of the still unfulfilled promise regarding the Bahai, he thought that mention should be made of that case. If the Commission said nothing about the Assyrians, that was because the problem was before the Council.

After an exchange of views, *the Commission adopted, with certain amendments, the final text to submitted to the Council (Annex 17).*

Procedure to be followed in respect of Petitions (continuation) : Formula proposed by the Sub-Committee.

The following text proposed by the Sub-Committee was read :

“ When a member appointed to report on a petition finds that the said petition is obviously inadmissible or trivial, he shall confine himself to proposing its rejection to the Commission in writing.

“ The cases in which the Commission has endorsed the Rapporteur’s proposal of rejection shall be enumerated under a special heading in the report to the Council.”

M. VAN REES explained that the Sub-Committee had been in agreement upon two points : in the first place, that there was no need at present to amend the existing rules, and, secondly, that there was no need to modify the present powers of the Chairman. The aim of the proposal submitted to the Commission was to simplify the work of members appointed Rapporteurs for petitions which were accompanied by the observations of the mandatory Power.

M. ORTS recalled that, in raising the question, his anxiety had not been to lighten the work of the Commission, but to avoid giving undue publicity to certain petitions the object of which was futile, or which were clearly intended for personal advertisement.

The CHAIRMAN observed that, in the present case, the procedure in question was one which the Commission alone was competent to settle.

The formula proposed by the Sub-Committee was adopted.

Petitions rejected in accordance with Article 3 of the Rules of Procedure concerning Petitions : Report by the Chairman.

The Commission noted the Chairman's report (Annex 3).

Cameroons under French Mandate : Petition, dated August 11th, 1929, from Ngaka Akwa, Theodore Lobe Bell, and Other Chiefs of Duala, and Petition, dated September 5th, 1930, signed by M. Manga Bell.

The Commission adopted the conclusions of M. Rappard's report (Annex 12).

ELEVENTH MEETING

Held on Sunday, October 29th, 1933, at 10.30 a.m.

Islands under Japanese Mandate : Petitions, dated September 3rd, 1931, and April 28th, 1932, from M. Kashishiro Masakiyo, acting on behalf of M. Wan Cablera.

The Commission adopted the conclusions of M. Van Rees's report (Annex 14).

South West Africa : Petitions, dated March 5th and June 8th, 1933, from M. W. Eichhoff, Okamatangara.

The Commission adopted the conclusions of Lord Lugard's report, subject to a slight drafting amendment (Annex 15).

South West Africa : Petition, dated April 24th, 1933, from M. A. Bergmann.

The Commission adopted the conclusions of Lord Lugard's report (Annex 16).

South West Africa : Petitions, dated March 29th and April 5th, 1933, from Certain Members of the Rehoboth Community.

On the proposal of Mlle. DANNEVIG, Rapporteur, seconded by Lord LUGARD, the Commission decided to adjourn the examination of these petitions to its next session.

Togoland under British Mandate : Observations of the Commission.

After an exchange of views, the Commission adopted its observations on Togoland under British mandate (Annex 17).

Cameroons under British Mandate : Observations of the Commission.

After an exchange of views, the Commission adopted its observations on the Cameroons under British mandate (Annex 17).

TWELFTH MEETING

Held on Monday, October 30th, 1933, at 10.30 a.m.

Ruanda-Urundi : Examination of the Annual Report for 1932.

M. Halewyck de Heusch, Director-General in the Belgian Ministry for the Colonies, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN (M. Van Rees) welcomed M. Halewyck de Heusch, who had been appointed accredited representative of the mandatory Power for the examination of the annual report. The Chairman asked whether the accredited representative wished to make a general statement on the situation in the mandated territory.

M. HALEWYCK DE HEUSCH replied that a very full statement of the policy of the Belgian Government had appeared at the beginning of the report for 1930. Furthermore, he had himself in the previous year given a general survey of native policy. He did not therefore think it would be useful to make a new general statement, as no considerable changes had taken place in the situation in 1932.

DELIMITATION AND RE-GROUPING OF TERRITORIAL DISTRICTS : DEPOSITION OF CHIEFS AND SUB-CHIEFS AND POLICY ADOPTED BY THE MANDATORY POWER IN REPLACING THEM.

M. PALACIOS asked if the accredited representative would explain the following passage in the report (page 18) :

“ An Ordinance of the Governor-General, dated March 17th, 1932, has modified the territorial organisation of Ruanda-Urundi by determining the various administrative districts and defining the frontier separating the two Residencies.”

M. HALEWYCK DE HEUSCH replied that, since the organisation of the mandatory regime, the frontiers of the various territorial districts had never been clearly defined by the Belgian Administration. Posts had been established without any exact delimitation of the territory under their authority. The experience now acquired had made it possible to carry out a very detailed delimitation in 1932. At the same time, the Administration had endeavoured to effect a more satisfactory division and grouping of the administrative districts. It had thereby been found possible to reduce their number from 20 to 17 by the fusion of certain territories, as stated in the report immediately after the passage quoted by M. Palacios.

Lord LUGARD observed that the report sometimes referred to “ provinces ” and sometimes to “ native provinces ”. Moreover, certain provinces were divided into chiefdoms (*chefferies*), while others were composed only of sub-chiefdoms (*sous-chefferies*).

M. HALEWYCK DE HEUSCH replied that, whenever provinces were mentioned in the report, the term always referred to native provinces, although the adjective had, in certain cases, been omitted. There existed no province, in the European sense of the word, within the mandated territory.

In certain provinces, there were not two or more chiefdoms, because native districts of the second category were not sufficiently important to be so characterised. It was for that reason that they were merely sub-chiefdoms, the whole native province forming one single chiefdom.

In reply to a further question by Lord Lugard, the accredited representative explained that the sub-chiefdoms were, in every case, under the direction of native notables.

Count DE PENHA GARCIA desired to obtain further information regarding the native policy of the mandatory Power. In the present report, it was said that the re-organisation had achieved the expected results. Had this re-organisation been carried out on the lines of the previously existing structure, or had important changes been made in the boundaries of the native territories?

M. HALEWYCK DE HEUSCH replied that an effort had been made to ensure that the new administrative districts of a European character coincided with the native provinces and chiefdoms. In the first place, however, the Administration had re-grouped these provinces and areas. It should be remembered that former Mwamis had endeavoured to divide up and apportion their fief lands in such a way that the vassals would find it difficult to concentrate their resources and gather together their men to attack their liege-lord. Frequently, a great feudal owner administered lands in three different extremities of the Sultanate. The mandatory Power had endeavoured to combat this splitting up of land. It had effected a concentration of estates and communities, in particular by the exchange of lands. The chiefs had willingly concurred in this operation, and it had been found possible to bring together persons belonging to the same tribe. After this preliminary operation had been accomplished, the European administrative districts had been made to coincide with the re-organised native districts.

M. ORTS reminded the accredited representative that at its twenty-first session¹ the Commission had dealt with the question of the deposition of certain chiefs and petty chiefs. It had been struck by the considerable number of these depositions. The accredited representative had explained that the depositions were the corollary of a work of administrative organisation during which there had been a weeding-out process among the personnel and a re-grouping of districts. The annual report for 1932 showed that, in most of the provinces, the situation was in general satisfactory, but that there had still been a fairly large number of depositions, in spite of the fact that the re-organisation appeared to have been completed.

Were the new chiefs and sub-chiefs appointed to replace those deposed giving satisfaction?

M. HALEWYCK DE HEUSCH reminded the Commission that, at the time of the examination of the 1931 report, he had said that the situation would not be really stabilised before 1933, and had hinted that, as the territorial re-organisation would be continuing in 1932, a fairly considerable number of changes might be anticipated in that year. The report which the Commission was examining was precisely the report for 1932.

¹ See Minutes of the Twenty-first Session, page 17.

As regarded the new elements, the authorities were, generally speaking, satisfied with the choice made. Removals of these elements were a very rare occurrence. It was obviously impossible to decide that, under the new regime, no chief would ever be deposed. It was impossible to lay down a rule of irremovability, which would lead to abuses. The first experiments had, however, been very encouraging, and he thought that henceforth considerable stability might be hoped for as soon as the re-organisation was terminated.

M. ORTS asked whether the numerous removals in 1931—and even in 1932—had not embittered the persons thus affected, with the result that they had endeavoured to stir up part of the population?

M. HALEWYCK DE HEUSCH said it must be remembered that the non-permanency of the position of chiefs had been a feature of the previous regime. According to ancestral custom, chiefs could be deposed at the Mwami's will, and in fact the Mwami often exercised his power arbitrarily. The natives had therefore been accustomed to depositions, even without just cause. At the present time, a chief was only deposed after his case had been carefully considered; and on adequate grounds, so that public feeling was much less aroused. The deposed chiefs accepted their fate with resignation, now as in the past.

Lord LUGARD asked whether the new chiefs were imposed by the Administration or chosen by the natives in accordance with the usual procedure under the system of indirect government. Did the chiefs receive any salary?

M. HALEWYCK DE HEUSCH replied that the chiefs and sub-chiefs were appointed and deposed by the Mwami on the advice of the Government, which acted much in the same way as it would under a protectorate.

The native chiefs received an emolument in the form of 2½ per cent of the amount of the annual yield of the poll tax and cattle tax.

Count DE PENHA GARCIA asked whether the chiefs retained the sums due to them as emoluments out of the taxes they collected or whether they were paid by the Administration.

M. HALEWYCK DE HEUSCH replied that all the taxes were levied by the Administration, which then handed back certain sums to the chiefs, according to a pre-determined scale.

Count DE PENHA GARCIA asked what principles were applied in selecting new chiefs. Were they appointed according to tradition or were the individuals best fitted for the post selected irrespective of native custom?

M. HALEWYCK DE HEUSCH replied that every effort was made to conform to tradition. Tradition, however, was not very clear, owing to the arbitrariness with which former Mwamis had been able to select chiefs. In practice, when a chief had to be replaced, the authorities chose his successor, as often as possible, from among the members of the former chief's family; but it selected therefrom the person best fitted for the post.

Count DE PENHA GARCIA observed that the Administration regarded the chiefs essentially as its agents and that, in consequence, it judged them from that point of view. It thus held that the educated chiefs were the best. That was only natural, so far as the Administration was concerned, but were the natives satisfied that the best educated persons should be placed at their head, rather than the persons designated for such office by tradition?

M. HALEWYCK DE HEUSCH replied that the bulk of the population cared very little whether their chief was educated or not. What they wanted was that he should be of noble blood and should be selected from among those designated by tradition. The mandatory Power had organised at Nyanza a school for the sons of chiefs, so that it was possible—through this institution—to reconcile the interests of education and progress and those of tradition. The new chiefs were educated men. They thus satisfied the Administration's wishes, and, as they were also members of good families, the feelings of the population were respected.

In reply to a further question by Count de Penha Garcia, he stated that, as soon as the school was opened, the chiefs' sons had come forward of their own accord in considerable numbers. A point to be remembered was that the noble race of the Watutsi was, by nature, very intelligent. The young men of this race were fully aware of the object which the mandatory Power had in view and many of them realised the importance of education. No difficulty had been encountered in persuading them to attend the school.

Count DE PENHA GARCIA enquired whether the chiefs, and in particular the sub-chiefs, had really understood the importance of compulsory crops, and whether they were ready to serve the policy of the mandatory Government in the matter.

M. HALEWYCK DE HEUSCH replied that in this domain a certain amount of resistance had been encountered on the part of the older chiefs; this attitude, if persisted in without any hope of change, had led to their dismissal. The reason for this was that the Administration regarded action to prevent famine as a question affecting the very existence of the people. When, therefore, in this matter, it had encountered ill-will on the part of a chief, it was bound to act relentlessly. Young chiefs now realised the need to co-operate with the European authorities and assisted them unreservedly in carrying out their economic policy.

COUNT DE PENHA GARCIA enquired whether any collection of native customs existed and whether the chiefs intervened in minor disputes between natives.

M. HALEWYCK DE HEUSCH replied that there was no collection of native customs.

With regard to the second point, chiefs intervened unofficially in such disputes between natives as were not brought before the courts and gave advice; but it was known that, for many, advice from a chief was tantamount to a command.

LORD LUGARD observed that the course for chiefs' sons at the Nyanza school lasted six years and that they went on to a supplementary course, lasting two years, at Astrida. Was there not the danger that if these young men were kept away from their homes for so long they might become Europeanised and lose touch with their people and with native customs?

M. HALEWYCK DE HEUSCH pointed out that this question—the safeguarding and observance of native customs—had already been raised in the Commission.¹ The latter had asked whether it might not be well, in the schools for chiefs' sons, to provide for the teaching of custom. Such a course was at present being prepared; it would be given at the Astrida school. The fact that chiefs' sons remained away from their tribes would thus no longer be open to the same objections.

M. RAPPARD was struck by the lack of permanence of the chiefs. Many depositions were reported. In addition, several chiefs had asked to be relieved of their duties and one sub-chief had even given up his post to enter a seminary (page 62). He wondered whether this instability was explained by the intellectual development of the chiefs or whether the difficulties were due to the fact that they were not generally of the same race as those over whom they ruled.

M. HALEWYCK DE HEUSCH replied that, generally speaking, there was no question of race hostility. The population showed real veneration for the Watutsi nobles. The lower race recognised all the qualities of the higher race, which had—so historical research seemed to prove—entered and been received in the country peacefully.

The instability to which M. RAPPARD had referred was the outcome of mistakes committed by the former Mwamis. The territory had been dismembered arbitrarily and quite illogically by the Sultans, who, by the dispersion of the human and material resources of their vassals, hoped to protect themselves against the hostile action of potential rivals. The Administration had been obliged to effect territorial readjustments and regroupings, in the course of which ill-disposed or inefficient chiefs had been removed from office. Many of the former chiefs had been imbued with the idea of absolute power exercised exclusively for their own benefit, regardless of the rights and interests of their people. Consequently, they found the new regime irksome, based as it was on the principle of improving the condition of the natives. It had therefore been found necessary to dispense with their services. Many of those chiefs were mere parasites and rendered no service to the population.

M. RAPPARD pointed out that, none the less, in the Ruhengeri territory, the chiefs seemed to have encountered serious difficulties in the exercise of their office, nine of them having asked to be relieved of their duties.

Lastly, reference was made to difficulties between the chiefs of clans and the chiefs of sub-chiefdoms. This seemed difficult to reconcile with the feeling of veneration of which the accredited representative had spoken.

M. HALEWYCK DE HEUSCH pointed out that the Ruhengeri territory, to which M. RAPPARD had just referred, was a frontier area. It was one of the very few administrative districts in which there were races other than the Watutsi and the Bahutu, some parts of it being peopled by tribes, the Bahima, akin to those of Uganda. There were thus in this region several different ethnic groups, and that was largely the cause of the opposition and difficulties. It accounted also for the lassitude of certain chiefs.

M. RAPPARD then drew a parallel between the situation in Tanganyika and that in Ruanda-Urundi. Both territories were under a regime of indirect government, but the application of the principles seemed to him somewhat divergent. In Tanganyika, the chiefs became chiefs with the assent of those whom they governed, and were then recognised by the mandatory Power. In Ruanda-Urundi, on the contrary, they seemed to be appointed directly by the Administration and appeared to be simply the latter's agents. Could the accredited representative give some explanations on the subject?

M. HALEWYCK DE HEUSCH replied that, in Ruanda-Urundi, in the appointment of chiefs (which was a prerogative of the Sultans), the wishes of the population and tradition were taken into account as far as possible. The new chief was, in so far as that were feasible, chosen from the same family as the deceased or deposed chief. It should be added that in some cases it was difficult to discover and determine what the tradition was, because the absolute and arbitrary power wielded by the former Mwamis had considerably overclouded certain customary rules.

The chiefs were only the agents of the Administration in a certain sense. Every endeavour was made to ensure that they should conserve their customary powers and duties. In this respect, nothing had been changed, but it should always be remembered that, under the terms of the mandate itself, it was the Administration's duty to endeavour to improve the living conditions of the population. There could be no question of the Administration neglecting

¹ See Minutes of the Twenty-second Session, page 235.

this duty. It had therefore been obliged to issue instructions to the chiefs, both in political and in economic matters, in order that the latter might co-operate with it in fulfilling its important civilising mission.

M. ORTS did not view the situation in quite the same way as M. Rappard. The latter had contrasted the state of affairs in Tanganyika with that which existed in Ruanda-Urundi; but in the territory under Belgian mandate, it must be remembered, the only real chiefs were the two Mwamis, who were appointed by native custom, as was the case for the Tanganyika chiefs. The rest of the chiefs and sub-chiefs in Ruanda-Urundi were merely subordinates over whom the Mwamis exercised authority, subject to the supervision of the mandatory Power. In his view, there were thus in Ruanda-Urundi only two major chiefs, whose powers corresponded to those of the more numerous Tanganyika chiefs who generally ruled over a smaller number of subjects.

M. RAPPARD said that he was struck none the less by the lack of permanence which obtained in Ruanda-Urundi and of which no corresponding example could be found in Tanganyika. Moreover, it seemed to him that there was a considerable difference between the powers of the big chiefs in Ruanda-Urundi and those of the Tanganyika chiefs who had been likened to them. In Tanganyika, the powers of the chiefs were generally wielded over a far less extensive area.

Lord LUGARD said that, in the greater part of Tanganyika, there were no chiefs who exercised powers comparable to those of the Mwami, though the sultans of Nyamwezi and Usukuma, and the chiefs of Bukoba were important rulers. When a people had reached the "kingdom" stage, as in Uganda or Ruanda, it was an advantage to utilise the influence and prestige of the chiefs, and to allow them large discretion in the appointment of subordinate chiefs and headmen of districts. He thought Uganda offered a closer parallel than Tanganyika.

M. HALEWYCK DE HEUSCH thought that the opinion expressed by M. Orts was justified in theory, but that Lord Lugard's observations came much nearer to realities. There were in each of the sultanates of Ruanda-Urundi numerous chiefdoms and sub-chiefdoms which together formed one single, vast edifice, at the head of which was the Mwami. This organisation could be better compared with that in Uganda, where the same feudal system was in operation, rather than with that in Tanganyika Territory, where a number of chiefdoms existed side by side without any ties of allegiance towards a common overlord.

ACTIVITIES OF THE FORMER MWAMI MUSINGA AND DEVELOPMENT OF THE SULTANATE UNDER HIS SUCCESSOR.

M. ORTS observed that, on pages 60 and 61 of the report, where reference was made to the doings of the former Mwami, the possibility was mentioned of penalties if these acts were repeated. Could the accredited representative state whether the former Mwami had persisted in his attitude in 1933?

M. HALEWYCK DE HEUSCH replied that, since the receipt of the information given in the report, the Central Administration had received no further complaint concerning the doings of Musinga. He therefore concluded that all was well, but had no definite and official information on the subject.

M. ORTS noted that the report was very eulogistic regarding Musinga's successor. Could the accredited representative give any details concerning the new Mwami's personality?

M. HALEWYCK DE HEUSCH replied that the difference between the new and the former Mwami had been quite as marked in the political as in the economic sphere.

Musinga had taken absolutely no interest in his political duties and had adopted an entirely passive attitude. He had refused to fulfil his duties and had even neglected his mission as judge. After numerous efforts, Musinga had finally been persuaded to tour his sultanate in order to familiarise himself with the needs of the population. On his return, instead of proposing improvements or any measures on behalf of legitimate native interests, he had said that his tour had proved to him that his subjects were not rendering him sufficient services or paying him all the tribute to which he thought he was entitled.

The new Mwami, on the contrary, immediately on his accession to power, had begun to take a very active part in the administration. He had toured the whole of his sultanate and had given judicious instructions to the chiefs. He summoned the chiefs to his court, explained to them the art of administration and indicated the principles they should follow in dispensing true justice, the rules to be followed in collecting taxes, etc. In the matter of justice, more particularly, there had been formed a group of four counsellors, chiefs well known for their integrity, who assisted him in the exercise of his jurisdiction, and heard with the Mwami the cases which came up on appeal. Generally speaking, under the rule of the new Mwami, justice had been dispensed in accordance with the principles of equity. In short, unlike his predecessor, the new Mwami was discharging his duties in a remarkable manner.

From an economic point of view, the mandatory Power's chief aim had been to ward off the famines which in the past had so frequently devastated the country. In this respect also, the former Mwami had shown a very passive disposition. He did not carry out the orders received from the Administration, and had even secretly opposed the mandatory Power's policy. The new Mwami had, on the contrary, since his accession, issued instructions to all the chiefs to see that the compulsory food crops were grown regularly. He had developed the growing

of manioc, a very hardy plant. He had encouraged new coffee plantations, a form of agriculture which might bring considerable revenue to the population, and had stimulated the work of re-afforestation and drainage.

In short, both in the political and in the economic sphere, the new Mwami had shown very commendable energy, and the mandatory Power could not but congratulate itself on his attitude.

M. ORTS thanked M. Halewyck de Heusch for the very full and complete information he had supplied on this subject.

Lord LUGARD noted a statement on page 60 of the report to the effect that the deposed Mwami had not resigned himself to his deposition and was seeking to create trouble. Would it not be advisable to deport him to a more distant region?

M. HALEWYCK DE HEUSCH replied that the former Mwami had received several serious warnings. He had been told that, if his behaviour did not change, the authorities would be obliged to transfer him to another territory. Since then, he would seem to have been behaving himself better, since no new report concerning his doings had reached the Central Administration. If the former Mwami had not already been deported outside Ruanda, that was due to the pleadings in his favour of the new Mwami—his son. But, naturally, if, in spite of the warnings, Musinga continued his intrigues, he would have to be made to leave the territory over which he had exercised authority.

POWERS AND DUTIES OF THE COMMISSIONER-GENERAL.

The CHAIRMAN noted on page 17 of the report a reference to the Commissioner-General. What exactly were the powers and duties of this high official? Had he some special duties of inspection in the territory?

M. HALEWYCK DE HEUSCH replied that the Commissioner-General was the personal assistant of the Governor. He deputised for the Governor in the latter's unavoidable absence and assisted him in his ordinary duties. He dealt with current administrative questions, so that the Governor might be free to examine and settle major issues.

The ordinary duties of the Commissioner-General were not, therefore, those of inspection. Nevertheless, the recommendations of the Central Government, enjoining all officials, including the Governor, to make tours of inspection as frequently as possible, also applied to the Commissioner-General.

M. ORTS was glad to note that a definite appointment had now been made to the post of Commissioner-General. A few years ago the post was vacant. The Commissioner-General had an important part to fulfil, in that he ensured the continuity of Government action when the Governor himself was absent or prevented from attending to some matter.

TERMINOLOGY EMPLOYED TO DESIGNATE LAWS AND ADMINISTRATIVE ACTS.

The CHAIRMAN, referring to pages 22 and 23 of the report, noted the complexity of the terminology employed to designate the various laws and administrative acts. There were, in particular, "*arrêtés ministériels*", "*arrêtés du secrétaire d'Etat*", "*ordonnances simples*", and "*ordonnances-lois*". Could the accredited representative give some further explanation regarding the exact signification of these different terms—for instance, were the "*arrêtés ministériels*" the same as the "*arrêtés du secrétaire d'Etat*"?

M. HALEWYCK DE HEUSCH replied that these two categories of *arrêté* were not the same. The "*arrêtés ministériels*" were promulgated by the present Government, whereas the *arrêtés* known as "*arrêtés du secrétaire d'Etat*" dated from the period of the Congo Free State, of which the highest official—who might be described as the Minister—at Brussels was the Secretary of State. As was known, Ruanda-Urundi was able, through the decisions of its Governor, to derive its laws from the laws of the Congo. It thus happened that there were introduced into the official Acts of the mandated territory certain *arrêtés* of the former Secretary of State which were still valid in the Belgian Congo and the provisions of which still met current requirements.

With regard to the "*ordonnances*", two different kinds of enactments could be promulgated by the Governor-General under Congolese law: the first were legislative Acts known by usage as "*ordonnances-lois*"; the second were administrative Acts and were termed "*ordonnances*" pure and simple. For the purposes of his jurisdiction and for these purposes alone, the Governor of Ruanda-Urundi might sign either kind of "*ordonnance*".

Wherever in the report the word used was simply "*ordonnance*", this designated the Act of the Governor of Ruanda-Urundi; the Act of the superior authority was specified by the words "*ordonnance du gouverneur général*". This distinction was very carefully observed in the various texts of the laws and regulations annexed to the report. He could not, however, guarantee that in the text of the report itself the terminology had in every case been equally accurate.

CONVENTION RELATING TO THE EASTERN FRONTIER OF THE TERRITORY.

M. ORTS pointed out that, at the Commission's twenty-second session,¹ the accredited representative had announced that a Convention concerning the frontier between Ruanda-

¹ See Minutes of the Twenty-second Session, page 241.

Urundi and Tanganyika had been submitted to the Belgian and United Kingdom Governments for approval. He had added that, when this text had been definitely established, the Convention would be submitted to the League Council for approval, "as it would involve a slight change of the frontier".

On page 15 of the annual report for 1932 it was said that this draft Convention "would not modify the frontier line, but would regulate the use of the waterways forming the territorial boundary, the use of their tributaries and of the rivers rising in one country and flowing in to the other country".

Could the accredited representative state whether this Convention had been approved by the two Governments? Could he say whether it involved any modification of the frontier, as he had stated at the twenty-second session, and could he supply the Commission with a copy of the Convention?

M. HALEWYCK DE HEUSCH replied that the Convention to which he had previously referred had not yet been approved, as certain points were still being discussed by the two States concerned. In reality, there were two Conventions submitted for the approval of Belgium and the United Kingdom, one, which might be called the main Convention, determined the frontier in the Kagera region, while the other, an ancillary Convention, was intended to settle riparian rights along the watercourses which would be affected by the main Convention. When the definite texts of both these Conventions were ready, the Council of the League of Nations, to which the texts would be submitted for approval, would be required to take action.

M. RAPPARD asked whether the accredited representative could explain the sentence on page 15 of the report: "The draft Convention has been submitted to the Governments of Ruanda-Urundi and the Tanganyika Territory for examination". What exactly were these Governments, and by whom had the draft Convention been submitted to them?

M. HALEWYCK DE HEUSCH replied that the draft had been studied by the local authorities and submitted, with their observations, to the home Governments—*i.e.*, the Governments in London and Brussels. The local authorities examined questions of fact on the spot, but the conclusion of Conventions of this kind involved the solution of a certain number of questions of law which the home Governments had to settle.

FRONTIER TRIBUNALS.

M. RAPPARD observed that, on page 16 of the report, reference was made to frontier tribunals, some of which operated in respect of Ruanda-Urundi and the neighbouring mandated territory, while others operated between the two Residencies. What law was applied by such of these frontier tribunals as were international in character?

M. HALEWYCK DE HEUSCH replied that the disputes with which these tribunals dealt mainly concerned the ownership of live-stock and questions connected with family life (marriages, handing over of dowries, restitution of dowries, etc.). When a dispute arose, it was brought before a tribunal consisting of chiefs chosen in each of the two countries concerned. These tribunals gave decisions which were final and binding. The law they applied was native customary law, which was identical on both sides of the frontier, since the frontier separated peoples of the same race. These observations applied both to the tribunals which met along the frontier of the two Residencies and to those set up near the frontier of the two neighbouring countries.

Lord LUGARD asked whether these tribunals included European members.

M. HALEWYCK DE HEUSCH replied that they were composed exclusively of natives, but were supervised by officials of the European Administrations, who intervened if any decisions were reached contrary to justice and equity. In order to exercise more effective supervision, they often presided over the meetings. In most cases, moreover, the decisions were just. As far as he was aware, only one session of a frontier tribunal had been subject to serious criticism: he referred to a session held in 1931 by the Luvungi Tribunal operating on the frontier between the territory under mandate and the Belgian Congo, which had shown some partiality. A number of its decisions had had to be modified by the Administration.

M. RAPPARD thought it was fortunate that the case mentioned by the accredited representative had occurred as between two territories both under Belgian administration. There might have been difficulties if a similar case had arisen as between territory under Belgian mandate and the territory administered by another State.

M. HALEWYCK DE HEUSCH replied that, to his knowledge, no such case had occurred. If a case of that kind did arise, he did not think that there would be any difficulties, because the relations between the authorities of Ruanda-Urundi and those of the neighbouring foreign countries were excellent.

ECONOMIC EQUALITY.

M. ORTS reminded the accredited representative that, some time ago, the League Council had invited the Powers entrusted with A and B mandates to state the rules they observed in the matter of public works and for the purchase of supplies required by the public services. All these mandatory Powers had replied, and the Belgian Government, in its communication dated June 8th, 1929 (*League of Nations Official Journal*, September 1929, page 1344), had

stated that tenders were invited in the case of all purchases on the spot or works to be carried out whenever the estimated cost of such exceeded 3,000 francs. On page 226 of the 1932 report, however, was printed an Ordinance of September 7th, 1932, establishing certain rules for orders and the adjudication of works and supplies for the territory under mandate. Under this Ordinance, contracts for supplies, transport and works, the total cost of which did not exceed 10,000 francs, could be concluded by private contract. It would therefore seem that the figure of the minimum cost necessitating tenders had been modified. Could the accredited representative furnish any information on this subject?

M. HALEWYCK DE HEUSCH replied that the sum of 3,000 Belgian francs originally stipulated—which hardly amounted to 420 gold francs—had been found to be insufficient to allow the various departments to meet their current expenses. The figure had therefore been raised to 10,000 Belgian francs, or 1,400 gold francs. That was surely not an unreasonably high figure.

REGULATION OF FISHERY CONCESSIONS.

Lord LUGARD referred to the Ordinance of October 11th, 1932, by which the Decree promulgated on July 12th, 1932, and regulating fishery concessions (page 231), was rendered applicable to the territories of Ruanda-Urundi. Had this regulation formed the subject of an arrangement with Tanganyika Territory under British mandate? Moreover, did these concessions constitute a monopoly, and, if so, were the native rights duly safeguarded?

M. HALEWYCK DE HEUSCH said that the Ordinance of October 11th, 1932, only extended to Ruanda-Urundi a Decree promulgated for the Belgian Congo regulating the granting of fishery concessions to European enterprises. The application of this Decree prevented rivalry and disputes in connection with the choice of fishing-grounds. The Decree merely gave to the Governor of Ruanda-Urundi the power to grant concessions. As far as he knew, it had never yet been applied in practice. In any case, the rights of the natives were entirely safeguarded, as was shown by Chapter III of the Decree entitled "Respect of Native Rights".

M. Halewyck de Heusch added that this regulation had not necessitated any negotiations with the authorities of Tanganyika Territory, because it referred solely to fishery concessions in territorial waters, where, as was known, the riparian authority possessed unilateral and sovereign rights.

AGRICULTURAL DEVELOPMENT.

Mlle. DANNEVIG noted that the mandatory Power encouraged the development of peasant crops and that it encouraged also the growth of certain products, such as coffee, of which there was already over-production in the world. Was there not the danger that disappointment might await the producers?

M. HALEWYCK DE HEUSCH replied that Mlle. Dannevig was touching here upon a very complex question of general economy, which he felt the Mandates Commission was not called upon to decide. The question involved the whole economic position throughout the world, and it was not possible to assess one of the mandatory Power's undertakings in the light of temporary and exceptional circumstances obtaining in a time of crisis.

MEASURES TAKEN BY THE ADMINISTRATION TO PREVENT FAMINE.

The CHAIRMAN directed attention to the part of the report relating to measures for the prevention of famine in which the mandatory Power explained what had been done in that sphere. The report read as follows (page 102):

"During the past three years, considerable efforts have been expended, and the results are such that it is possible to state that, except in the event of an abnormally long general drought or some unforeseen cataclysm, all danger of famine or shortage is eliminated."

He desired, on behalf of the Commission, to congratulate the mandatory Power on its efforts and on the results achieved.

PUBLIC FINANCE.

M. RAPPARD pointed out that the financial situation of the territory was very bad. It had never been satisfactory, but now, as a result of the economic depression, it was becoming somewhat alarming. If he rightly understood the data given on pages 250-252 of the report, the floating debt, which had been 6,500,000 francs in 1930, had risen in 1931 to 35 million francs and, in 1932, to 103 million francs. Those were large amounts, even allowing for the fact that they were expressed in Belgian francs.

The mandated territory owed large sums to Belgium and to the Belgian Congo. It had accordingly been decided to conclude between the three parties a Convention, which, he remarked incidentally, had actually been concluded by two Belgian statesmen—the Minister of the Colonies, for the oversea territories, and the Minister of Finance, for the home country. Under the Convention, the creditors of the mandated territory had agreed to the sums due being refunded in Treasury bonds in lieu of cash. There had thus simply been a process of debt

conversion. The Treasury bonds would bear interest. During a period of eighteen years, however, Belgium and the Belgian Congo would be substituted for the mandated territory as regards the payment of part of the interest; the fraction paid by Ruanda-Urundi would gradually be increased until, in 1951, it reached the full amount of the interest. From 1951 onwards, Ruanda-Urundi would be responsible for the amortisation of the capital, the payment of the total interest and the refunding of the part of the interest advanced by Belgium and the Belgian Congo. The two creditors had renounced the right to demand from the mandated territory the payment of interest on the sums they had already paid in the form of interest. The burden, however, which would thus devolve upon the territory under mandate in 1951 seemed quite overwhelming.

M. HALEWYCK DE HEUSCH wished first to rectify M. Rappard's premises. It was quite correct to say that, at the end of 1931, the floating debt had amounted to 35 millions, and that, at the end of 1932, the Treasury bonds subscribed by the Belgian Congo had represented 96,500,000 francs; it must be remembered, however, that several of these bonds were in place of a former Belgian Congo loan which totalled 50 millions. That fact considerably diminished the abruptness of the rise. The debt of the territory must be regarded as a whole; only in the light of the total—floating debt and non-floating debt together—could it be said whether the Government of Ruanda-Urundi had or had not laid upon itself an excessive burden.

With regard to the Convention, he must remind the Commission that two years ago¹ it had been decided that the territory under mandate should contract a loan of 200 millions, to be used both for the conversion of all the old debts of the territory and to provide fresh money for new equipment works. The figure of 200 millions had been arrived at after a very detailed study of the resources and economic possibilities of the country. It was thought that, with temporary aid from Belgium and the Belgian Congo, the territory could discharge the service of the loan, which would enable it to develop its latent resources. Consequently, the representatives of Ruanda-Urundi, Belgium and the Congo had decided to sign the Convention of October 15th, 1932.

The loan should have been issued at the end of 1932 or the beginning of 1933. But the conditions of the money market were not favourable to an operation of this kind on behalf of the mandated territory. The Belgian Government had, therefore, against the deposit of Treasury bonds, made Ruanda-Urundi some provisional advances to be recuperated from the loan. The loan of 200 millions would cover the amount—approximately 125 millions—of the earlier debt, the remainder being used to continue the equipment of the country with adequate installations.

M. RAPPARD said that the situation was worse than if the total loan were fresh capital for the territory.

M. HALEWYCK DE HEUSCH did not share this view. In the hypothesis contemplated by M. Rappard, the old debts would remain. In reality, the Government of Ruanda-Urundi had carried out an operation of general consolidation and had, in addition, procured fresh money for new improvement works.

M. RAPPARD then asked for information concerning the rate of interest. Belgium, he observed, applied a rate of 6 per cent, while the Congo rate was only 2 per cent. Could the accredited representative say what interest would be charged on the Treasury bond of 26 million francs subscribed by Ruanda-Urundi?

M. HALEWYCK DE HEUSCH replied that the former loans made by Belgium and the Congo had been contracted at two different periods, which explained the difference in the rates of interest. Moreover, when the second of the two lenders in point of time—the Belgian Congo—had agreed to make its advances, it had only demanded the very low rate of 2 per cent interest, as an act of generosity to help Ruanda-Urundi. The rate of interest on the new Treasury bonds would vary according to market conditions. The bonds were renewable and the interest would be fixed period by period.

He stressed the fact that the Convention would considerably ease the financial situation of the mandated territory during a difficult period. The territory possessed great capacity for development; it contained numerous mining resources, and tin and even gold had been discovered. Further, great hopes were placed in the development of export crops. It was no exaggeration to say that, after a number of years, the territory would be able to meet its financial obligations.

M. RAPPARD persisted in his view that the situation was somewhat serious. For the time being, it was felt, the territory could not repay its debt or even ensure the service of interest. He was afraid that, when the time came for it to take over the total financial charges devolving upon it under the terms of the Convention, it might find itself, *vis-à-vis* Belgium, in a state of financial dependence such that it would entirely have lost its autonomy.

M. HALEWYCK DE HEUSCH pointed out that the periods accorded to the territory for the payment of a large part of the charges of the loan would allow time to develop the resources of the country. The Belgian Government was advancing capital on favourable terms and was, moreover, foregoing the interest which would normally be due on the annual grants from the Belgian and Congolese Treasuries respectively. That was equivalent to a gift of several millions. Moreover, those who were frightened by the size of the loan should remember that these 200 millions only amounted to 28 millions gold.

¹ See Minutes of the Nineteenth Session, pages 127 and 128.

M. RAPPARD observed that the mandatory Powers frequently granted the territories under mandate advances without making any provision for repayment or even, sometimes, for interest. No other mandated territory, except perhaps South West Africa, appeared to be so heavily indebted as Ruanda-Urundi.

M. HALEWYCK DE HEUSCH was not of this opinion. He observed that the debt of the Tanganyika Territory converted into Belgian money was about 360 million francs, and that of South West Africa more than 200 millions. The indebtedness of Ruanda-Urundi at the end of 1933 only amounted to 129,907,000 francs.

M. MERLIN shared M. Rappard's fears. He wondered whether the greater part of the loan of 200 millions to be contracted by Ruanda-Urundi would not be used to pay off the earlier debts. The proceeds of the loan would, in that case, not help towards the development of the resources of the territory. On the contrary, so heavy a financial burden, which might perhaps absorb all the country's fiscal resources, would probably be prejudicial to further development.

M. RAPPARD thought that M. Merlin erred on the side of optimism in supposing that during the period of eighteen years referred to in the Convention the territory would not contract any further loan. In any case, he was very much concerned, first, at the future position of the taxpayer in the territory, and, secondly—in the political sphere—at the damage from the point of view of autonomy.

THIRTEENTH MEETING

Held on Monday, October 30th, 1933, at 4 p.m.

Ruanda-Urundi : Examination of the Annual Report for 1932 (continuation).

M. Halewyck de Heusch came to the table of the Commission.

PUBLIC FINANCE (continuation).

M. HALEWYCK DE HEUSCH desired, following on the discussion at the previous meeting, to give some further details in connection with his remarks concerning the debts of other African mandated territories. He had found the document containing the results of his enquiries regarding the public debt of Tanganyika and of South West Africa. He had not been able to extend his investigations to the Togoland and Cameroons territories, for which his Government had not yet received the 1932 reports. For the two first territories, he noted in the reports for 1932 the following figures :

1. Tanganyika Territory :

Debt to the Imperial Treasury as at March 31st, 1932 £3,123,350
I.e., at the rate of exchange on October 26th, 1933 (115.50) Belgian francs 360,746,925

This sum did not include the indirect debt—namely, loans made by third parties which were specially earmarked for public works (roads, ports, railways, etc.) and which were guaranteed by the Imperial Treasury. This indirect debt amounted to £5,820,000.

Adding this indirect debt to the direct debt the total in Belgian francs was 1,032,956,604.

2. South West Africa :

Debt to the Government of the Union of South Africa £1,824,715
I.e., at the rate of exchange on October 26th, 1933 Belgian francs 210,754,582.50

It was therefore not accurate to state that the other mandated territories were less heavily indebted than Ruanda-Urundi, whose debt, at December 31st, 1932, stood at 129,907,000 Belgian francs.

M. RAPPARD, whilst thanking the accredited representative for the foregoing information, said he would not pursue the comparison. The Mandates Commission certainly felt serious anxiety about South West Africa. In regard to Tanganyika, it should be recognised that the situation was less serious, because the basis of taxation was much wider and the debt represented far more productive assets. In the case of Ruanda-Urundi, the disturbing feature was the rate at which the debt was increasing. That was a very grave problem and the responsibility for it fell more on the mandatory Power than on the Mandates Commission. M. Rappard would therefore not dwell further on that aspect of the question. He would merely express the hope that the search for minerals would be successful, for that alone would make it possible for the territory to overcome its difficulties.

M. ORTS pointed out that, though the greater part of the loan contracted by the territory had been expended, that was counterbalanced by the economic equipment, so that the country was not in the same situation as a few years previously. As M. Rappard had just pointed out,

the future of the country was bound up with its mining industry. Unless new mines were discovered, the financial situation of Ruanda-Urundi would be alarming.

In any case, it might be anticipated that expenditure on equipment would henceforth be less heavy. Moreover, the country now had a road system which was sufficiently developed to make the creation of a railway system almost unnecessary. If private efforts were successful in discovering large mineral deposits, Ruanda-Urundi would be saved from the financial point of view. If not, the situation might be considered as particularly serious.

Lord LUGARD pointed out that Tanganyika, a much larger country with a larger population, had incurred its debt largely for remunerative works—railways, which were not needed in Ruanda. There was all the difference between loans for remunerative works and loans for purposes which brought in no returns.

M. RAPPARD congratulated the authors of the financial part of the report on their very clear and complete statement (Chapter VI, pages 29 *et seq.*). He had to ask only a few questions on points of detail :

(1) Page 31.—Why was the estimated amount of receipts given in the aggregate, whereas receipts actually collected were shown in separate items?

(2) Page 33.—To what did item 35 refer (recoverable subsidies, not yielding interest, from Belgium and the Belgian Congo)?

(3) Pages 40 *et seq.*—On examining the very interesting table of receipts for the years 1930, 1931 and 1932—that was to say, receipts during the years of the crisis—it was surprising to note that the greatest sources of revenue (taxes falling on the non-native population) had declined very heavily, whereas the chief tax on the natives had not only maintained its yield but had even yielded more. What was the explanation?

(4) Page 47.—Had the credit granted to overcome the famine (item 5) been entirely used up? The expenditure column showed exactly the same figure as that for credits granted.

(5) Page 47.—How did it come about that there had been extraordinary receipts but no extraordinary expenditure?

(6) Page 50.—It was surprising to note that, in two of the chiefdoms, the number of taxpayers who had paid taxes exceeded that of the taxpayers recorded in the census. That difference was indeed explained at the bottom of page 50, but M. Rappard would like to have further information.

M. HALEWYCK DE HEUSCH answered the questions in the order in which they had been put.

(1) He would ask the competent department of the Ministry of the Colonies to give in future the details of the estimated receipts as well.

(2) This referred to the shares of Belgium and the Congo in the annual charges on the 200 million francs loan.

(3) He did not agree with M. Rappard ; the decline in revenue had also occurred from 1931 to 1932 in the case of taxes levied on the natives.

(4) It was to be presumed that, in point of fact, the expenditure had exceeded the credit and that the balance had been met out of another heading.

(5) The report for the previous year had contained a passage concerning the absence of a budget for extraordinary expenditure in 1931. As all the extraordinary budgets had been drawn up for five-year periods, the budgets of previous years had proved to be adequate to meet the extraordinary expenditure due for 1931.

(6) It had happened that, owing to their occupations or for some other reason, natives had emigrated to another territory, where they had paid the tax instead of paying it in the territory in which they had been counted in the census. Moreover, the table in the report showed that such cases were not very frequent, and no large surpluses were to be noted.

M. RAPPARD asked, in this connection, from what resources the natives were able to find the means of paying the tax.

M. HALEWYCK DE HEUSCH replied that the sources of their income were food crops, sales of skins and hides, labour contracts, etc. Finally, a very fair number of natives left the territory to work abroad, and these subsequently returned to the country with some savings.

M. VAN REES asked for explanations as to the extraordinary subsidy of 12 million francs mentioned on page 29, column 2.

M. HALEWYCK DE HEUSCH replied that the subsidy in question represented fresh assistance from the Belgian Government. It was a free subsidy in the sense that it bore no interest. As to its repayment, the Belgian Government had reserved the right to take a decision later.

Lord LUGARD asked what was the total amount of direct taxes paid by a native, including any labour services that might take the place of taxation.

M. HALEWYCK DE HEUSCH replied that the amount of the taxes varied with the district and with the prosperity of the various populations. The list of rates was given on page 50 of the report. As to customary labour service, the natives were required to do thirteen days' work per year, three of these being for the chief and ten for the sub-chief. There was no customary labour service for the benefit of the European Administration.

Up to the end of 1931, compulsory labour service had formerly been due to the Sultan, to the chief and to the sub-chief. In the current year, compulsory labour service for the Sultan had been replaced by a uniform tax of one franc per taxpayer.

In the fourth paragraph on page 88, reference was made to the wish of certain natives to substitute a money tax for the three days' compulsory labour service due to the provincial chief. The Administration had not acceded to that request, on the ground that it would be a mistake to push forward too fast. If that service were abolished, there would, in present circumstances, be a serious danger of relaxing the tie of subordination existing between the natives and their chief.

Mlle. DANNEVIG asked for details with regard to the polygamy tax (page 40), item 28 (page 36) and expenditure for the support of abandoned children (page 41).

M. HALEWYCK DE HEUSCH explained that, for the polygamy tax, 6 and 15 francs had been maintained as the minimum and maximum respectively; but that, between those limits, the taxes had been reduced according to the regions. Moreover, the tax of 50 francs levied on polygamists had been abolished in districts where polygamy was not the custom. There was no reason to believe that these reductions and annulments would in any way lead to an extension of polygamy, which was rather rare in the territory and showed no tendency to increase.

Referring to the "dowries for militiamen's wives", mentioned in item 28 of the budget for ordinary expenditure, M. Halewyck de Heusch explained that, when a soldier wished to marry, the Administration of the territory facilitated the marriage by helping him to get together the dowry due, according to custom, to the wife's family.

Finally, the credit for the relief of abandoned children was provided in the budget to meet any necessity that might arise, but he did not think that it had ever been utilised up to the present in Ruanda-Urundi.

Lord LUGARD noticed, with reference to page 130, that exports from the territory to the Belgian Congo amounted to approximately 5,250,000 francs, whereas imports from the Belgian Congo amounted only to half a million. In what form was the balance paid?

M. HALEWYCK DE HEUSCH replied that this payment was made as in all other countries—that is to say, in coin or by cheques, bills of exchange, etc.

CUSTOMS UNION.

M. RAPPARD thanked the mandatory Power for the interesting statement on the advantages of the Customs Union (page 249 of the report). As, however, that was a recent experiment, no final opinion could yet be formed and it would be well to add to future reports further analyses concerning the Customs Union and its effects on the financial and economic situation of the territory.

M. HALEWYCK DE HEUSCH said that he would ask that this should be done.

M. ORTS asked whether the public works programme was based on the need for facilitating trade between Ruanda-Urundi and the Belgian Congo. The map of the road system (page 105) showed that communications between the mandated territory and the colony were practically confined to the Usumbura road towards Uvira. Did not the mandatory Power think that trade would expand between those two countries if an effort were made on both sides to push on the road system up to the common frontier?

M. HALEWYCK DE HEUSCH replied that he would draw the special attention of the Administration concerned to this point. The Administration would certainly consider the possible importance, from the standpoint of the Customs Union, of opening up new means of communication between the Belgian Congo and Ruanda-Urundi.

AGRICULTURE (*continuation*) : PASTURAGE.

M. MERLIN referred, in connection with the chapter on the food crops (page 112), to a study on rations, which seemed to him to be ingenious, though perhaps somewhat artificial. In particular, he did not grasp the relation between the figure for daily rations, estimated at 720 millions, and that of the total population, which was not more than 3,450,000. How could the discrepancy between those two figures be explained? Similarly, in the chapter on the cultivation of industrial crops, it was stated that there had been an average yield of 90 or 46 kilogrammes of cotton per planter, according to the region. Was not that a somewhat speculative estimate?

M. HALEWYCK DE HEUSCH said he would request the service concerned to indicate in the next report the bases on which those figures had been established.

M. MERLIN was glad to note that the growth of industrial crops, and in particular cotton, was developing satisfactorily. In his opinion, it was right to encourage production, in spite of the fall in prices, as the present period must be regarded as abnormal.

He also mentioned some interesting statements on the cultivation of coffee on pages 113 and 121, and asked what were the characteristics of native coffee.

M. HALEWYCK DE HEUSCH replied that this was a coffee with very small beans and an excellent aroma, of the genus *arabica*, which had been discovered in the forest.

M. MERLIN drew attention to the fact that, before distributing the seed to the natives for sowing, it was well to explain to the men entrusted with the work what was expected of them, and carefully to select the land, so as to avoid all error.

He asked for information on "kikuyu grass".

M. HALEWYCK DE HEUSCH explained that this was a graminaceous plant with which the Administration had sought to establish artificial pasturage. The hope expressed on this subject in previous reports had unfortunately proved to be deceptive. Experiments had shown that kikuyu grass grew only at high altitudes and needed rich and properly prepared land. For the moment, the soya bean was the only pasturage plant that was giving satisfaction.

M. MERLIN asked why, instead of arranging for the accumulation of reserves of dried fodder, which was very dear, and was of only mediocre value for feeding cattle, the system was not adopted of transferring cattle from one pasture to another. The differences in altitude would make it easy to grow various kinds of forage at different heights and in different localities.

FORESTRY.

M. MERLIN asked how re-forestation was effected.

M. HALEWYCK DE HEUSCH replied that the natives were obliged to carry out re-forestation. The communities had to re-establish one hectare of forest per 300 taxpayers. They mainly planted eucalyptus.

M. MERLIN desired that the next report should contain further details on this question. In particular, he would like to know the species of trees used. It would be desirable to ascertain the views of the forestry services on that subject, because, in reconstituting the primeval forest, it was important that sound methods should be followed, not only in the matter of silviculture, but from a commercial and economic standpoint.

Count DE PENHA GARCIA said that there had been a question of cultivating the cork-oak. He would like the next report to contain information on the results obtained, as it was the first time he had heard of any scheme for acclimatising the cork-oak in that part of the world.

MEASURES TAKEN BY THE ADMINISTRATION TO PREVENT FAMINE (*continuation*).

Count DE PENHA GARCIA asked that the next report should contain exact information on the reserves constituted as a safeguard against famine.

M. HALEWYCK DE HEUSCH said he could reply now that there were barns in all the chiefs' areas, where natives were obliged by law to lay up reserves of foodstuffs and seed. The next report would contain further details.

M. SAKENOBE asked, in connection with the measures against famine, if the road-map on page 105 corresponded to the complete road-building programme contemplated after the famine in 1930. He noticed that the proportion of roads which remained to be constructed was extremely small.

M. HALEWYCK DE HEUSCH said that the map represented the programme which it was proposed to carry out.

M. SAKENOBE congratulated the mandatory Power on the work it had done in this matter.

CATTLE.

M. SAKENOBE asked for details on the position with regard to live-stock.

M. HALEWYCK DE HEUSCH said that, thanks to the sanitary cordon drawn between Ruanda-Urundi and Uganda and between Ruanda-Urundi and Tanganyika, the cattle had not, in 1932, contracted cattle plague. On the other hand, they had suffered heavily from the prolonged drought and the damage done to pasturages by locusts.

MINES.

M. MERLIN asked whether the tin-mines were now in a position to export.

M. HALEWYCK DE HEUSCH replied that these mines, which had suspended export in 1931, had begun to export again since the price of tin had risen in 1932.

IMPORTS.

M. SAKENOBE referred to the statistics, on page 103, of goods imported *via* Lake Tanganyika, and estimated at approximately 4 million kilogrammes. On page 125, it was stated that the total quantity imported was 3,700,000 kilogrammes. How was it that, as Lake Tanganyika was a part of the territory, the imports by that route were higher than the total imports?

M. HALEWYCK DE HEUSCH said that there must be a mistake on page 103. He would report the discrepancy and ask for an explanation.

JUDICIAL ORGANISATION : PRISONS.

Count DE PENHA GARCIA asked for information on the prisons now existing in the Territory.

M. HALEWYCK DE HEUSCH said there were four main gaols, situated at Usumbura, Kitega, Kigali and Astrida respectively, and a series of secondary prisons. Convicts were made to work inside and outside the prisons. Those undergoing sentence for less serious offences were given light work within the gaol precincts, while those imprisoned for more serious offences were given heavier work outside. All work was done for the account of the Administration, and was not allowed to benefit chiefs or private persons.

Count DE PENHA GARCIA asked for information on the two following items of the list of special native offences (page 27) : campaign against epidemic diseases, and extension of crops.

M. HALEWYCK DE HEUSCH said that the first offence consisted in the omission on the part of a native to visit a doctor and submit to treatment when there was proof that he had received a summons to do so and had not put in an appearance.

The second offence, which was punishable with a fine or imprisonment according to the seriousness of the case, consisted in having failed to fulfil the obligation to cultivate 35 ares with food crops and 15 ares with manioc.

Count DE PENHA GARCIA asked if the infliction of the lash provided for in the new Ordinance relating to disciplinary punishments in prisons (page 192) was really necessary.

M. HALEWYCK DE HEUSCH said it was considered necessary to retain this punishment in gaols. It was only administered in extreme cases and when every other punishment had failed to have an effect on a recalcitrant prisoner. It had been found useful in maintaining discipline among the convicts.

Mlle. DANNEVIG referred to the mention on page 190 of the chaining of certain criminals. A document drafted by a Danish mission, a passage from which she quoted, supplied startling details of sick chained prisoners coming to be treated at their hospital. She asked if it were really necessary to chain prisoners, and if they were chained inside the gaol. It seemed to her that the space allowed between two prisoners—1.25 metre—was distressing.

M. HALEWYCK DE HEUSCH said that men were not chained in the prisons but only outside, in order to prevent any danger of escape. The present Minister for the Colonies during his recent visit to the Congo had been struck by this practice and had given instructions to abolish chains, as an experiment, in four or five penitentiary institutions. If the results were satisfactory, chains would be abolished everywhere.

Mlle. DANNEVIG was very glad to hear it.

She was struck by the somewhat high statistics of sickness and mortality in prisons (page 74).

M. HALEWYCK DE HEUSCH was surprised at this remark because, in 1932, the mortality rate was only 0.5 per cent of the prisoners—a very small proportion. Formerly, it had been much higher, and the previous year's report had given it as 0.8 per cent, which in itself was very satisfactory.

Mlle. DANNEVIG pointed out that each convict spent a comparatively short time in gaol. It would appear from the figures that two-thirds of them had suffered from disease.

M. HALEWYCK DE HEUSCH replied that that entirely depended on what was meant by disease—there were such things as abscesses, colic, etc. From a strictly medical point of view, most of the natives were diseased from childhood, as they nearly all suffered from intestinal worms. But they seldom dreamed of undergoing treatment. It was only when they were under administrative control that doctors discovered the disease, which explained the high figure of the sickness statistics in the prisons. Those were not the figures to be examined when considering medical efficiency in gaols. The death-rate was the real test, and that was extremely low.

Mlle. DANNEVIG said that Article 17 of the Ordinance of October 15th, 1931, relating to the prison system (page 190) mentioned children. Were those children sent to prison with their parents ?

M. HALEWYCK DE HEUSCH said they were children who, having committed offences, were serving sentences. It was not possible to decide *a priori* the age at which a native child became *doli capax*, since there was no civil register to prove their age. The magistrate therefore enquired, in each case, whether the child could discriminate between right and wrong. In this connection, the decisions of the native magistrates need not cause anxiety, as they gave judgment under the constant supervision of the European authorities.

ORDINANCE REGULATING THE USE OF EXPLOSIVES IN FISHING.

Count DE PENHA GARCIA said that the new Ordinance on Fisheries (page 213) authorised in certain cases the use of explosives by whites. Was it wise in a new country which had a large

majority of natives to allow non-natives to employ such methods? Would not the natives be tempted to follow their example? Moreover, was not fishing with explosives undesirable in itself?

M. HALEWYCK DE HEUSCH said that the terms of the Ordinance were strictly limitative. The use of explosives was only allowed in exceptional cases under special permit, more particularly in order to procure food for the troops when the provision depôts could not be supplied by means of purchases on the market.

Count DE PENHA GARCIA still thought it a dangerous practice, and desired to draw the mandatory Power's attention to the point. He would be glad if the next report could contain information as to the manner in which the Ordinance had been applied.

POLICE.

M. SAKENOBE said that the police force of the territory, which had been found inefficient, was to be replaced by soldiers. It was stated in the report that, out of 272 men, the Administration had retained 194 in the municipal police (page 19). Had the Administration reversed its decision?

M. HALEWYCK DE HEUSCH replied that there had been no change of policy, but that the force had been gradually reduced. It was less politic to diminish the local police in the four big centres, where the men could be kept well in hand and where they were well officered, than in the outlying localities, where the authorities were unable to keep so close an eye on them, as in the larger centres.

DEFENCE OF THE TERRITORY.

M. SAKENOBE asked if the addition of forty men to the militia was due to the fact that it was intended to substitute it for the police.

M. HALEWYCK DE HEUSCH replied in the affirmative.

The CHAIRMAN mentioned a decision of December 19th, 1932 (page 242), giving force of law in the territory of Ruanda-Urundi to the Ordinance of June 29th, 1932, relating to the creation of European volunteer corps. What was the object of that Ordinance? Had it been made applicable to Ruanda-Urundi owing to the inadequate strength of the military or police forces?

M. HALEWYCK DE HEUSCH said that it was a measure of public safety. It was desirable that the Europeans should be organised on a military basis in order to be prepared for any surprise. The volunteer corps would only be used in case of disturbances or other unusual occurrence that troubled the peace of the territory.

M. SAKENOBE said that, although the number of soldiers had increased, the cost of their upkeep had fallen. Had there been a reduction in pay?

M. HALEWYCK DE HEUSCH said that the pay had not been reduced, but the provisions necessary for the feeding of the troops had fallen considerably in price, a fact which explained the said decrease in expenditure.

LABOUR.

Lord LUGARD said that, on page 96 of the report, it was stated that 3,650 men had left the Kamembe district in order to volunteer for piece-work in the Kivu district (the Congo). He understood that this system had also been introduced in the Kamembe district of Ruanda and an additional 3,000 men were employed in piece-work. On page 61, the conditions in this district were described as "excellent". Could the accredited representative give any details of this system, which appeared to be very popular with the natives?

M. HALEWYCK DE HEUSCH said that, for some months past, this system of labour had been gaining favour in the coffee plantations in the Belgian Congo, Kivu district. In this district, certain companies, instead of concluding hire-of-labour contracts for a given number of days or months, had preferred to divide up the ground into parcels. They then proposed to the natives that they should plough and look after these parcels at a fixed amount for each parcel they worked. The ground was divided into squares of equal size. The native, knowing that each square would bring him in a known, fixed amount, endeavoured to plough as many squares as possible, displaying great activity and winning more money than under the hire-of-labour system. The natives were very pleased with this method, by which they were able, not only to increase their earnings, but could themselves choose the times and days on which they would work, thus suiting their own convenience. The companies believed that, by this method, they obtained a better yield without increased cost. The disadvantage of the system was that it could not be applied to certain skilled work requiring great care, such as pruning.

The new method had caught on even in the Ruanda territory, where it was applied by two firms in the Kamembe district, who seemed to be satisfied with the results. Piece-work so suited the natives of Ruanda, who liked to devote part of their activities to their own ends, that some of them travelled even 100 km. to undertake this work in the Dendezi plantations.

Doubtless this experience would encourage other companies to adopt the same method. There had, it was true, been some opposition to this innovation at the outset, but it seemed to be dying down now.

Lord LUGARD said that there was reference on the same page to the fact that more than 12,000 men, or double the number given for last year, had gone to the neighbouring territories under British authority. What was the reason?

M. HALEWYCK DE HEUSCH replied that it was the result of the depression, which had had the effect of dispersing the men previously engaged in road-making. Those who did not seek work in the Belgian Congo were those who lived far away from that colony, and so found it easier to pass over the frontier into territories placed under British authority.

Lord LUGARD asked, with reference to the new rules regarding prestations, whether the peasants now cultivated the land for their own profit and owned the live-stock and ploughing implements.

M. HALEWYCK DE HEUSCH replied that there was no notion in native law of landed property in the strict sense of the term. The peasants, however, owned their cattle and ploughing instruments. The chief often handed over part of his live-stock to a native on deposit or on hire. The latter looked after the animals and received part of the natural increase in remuneration for his services.

Lord LUGARD said he was glad to see a great decrease in the number of porters employed, and asked if portage was forbidden on roads where wheeled transport was possible, as had been done in the Congo?

M. HALEWYCK DE HEUSCH said that this was so in the Belgian Congo, but he did not know whether the prohibition had been extended to Ruanda-Urundi. He would seek information on this point for the next report.

Mr. WEAVER asked what were the object and effects of the exceptions to the regulations regarding advances of money or goods made by the Ordinance of March 3rd, 1932.

M. HALEWYCK DE HEUSCH said that, in principle and in order to avoid abuses, the laws in question forbade the making to natives of advances which they would later have to repay in cash or in produce. Naturally, however, exceptions had to be allowed in cases, for instance, where industrialists gave their native buyers, employees and *capitas* the sums necessary for effecting purchases for the account of the firm employing them.

Mr. WEAVER asked if these exceptions applied also to workers engaged by contract. Mention of the work-book provided for by the Decree of March 16th, 1922, led him to suppose that to be the case.

M. HALEWYCK DE HEUSCH said that a worker engaged by contract often needed an advance. When a worker was in the permanent service of an employer, it was desirable that the latter should be in a position to meet that need. These advances were verified by entries in the booklet.

Mr. WEAVER would be glad to have more information on the subject in the next report. He asked what was the purpose of the Ordinance of May 19th, 1932, which permitted territorial administrators to visa labour contracts, except where such contracts were concluded under their direct supervision.

M. HALEWYCK DE HEUSCH first pointed out that the only object of this Ordinance was to make a former regulation concord with the new decision, reached in 1932 by the Governor-General, to hand over part of the District Commissioner's or Resident's powers to the territorial Administrator. Apart from this substitution of officials, the Ordinance did not in any way alter the former regulation.

In reply to Mr. Weaver, he said that the exception mentioned referred to cases in which territorial Administrators hired labourers on behalf of the Administration and were themselves parties to the contract.

Mr. WEAVER was glad to note on page 88 that the system of commuting customary labour services (prestations) by a money payment was being favourably received by the inhabitants.

He noted that wages had fallen greatly. It followed that natives must be finding it very difficult to pay their taxes. Had the authorities considered the fixing of minimum wages?

M. HALEWYCK DE HEUSCH replied in the negative. The Administration had not had to take any action, because the fall in wages had coincided with a fall in the cost of raw materials, foodstuffs, etc. Taxes had also been reduced, except in a few places where the people were well-to-do and where the taxes had even been slightly increased (see page 50).

Mr. WEAVER would like the next report to give particulars of the average wage received by the workers under the new system, operating in the Kivu district, which had been described by the accredited representative. He would also be glad to have details of the conditions of labour in the tin-mines.

M. HALEWYCK DE HEUSCH said that he would ask that this request should be complied with.

UNEMPLOYMENT.

Mr. WEAVER asked if there was an unemployment problem, especially in the extra tribal settlements, and whether any action had been necessary.

M. HALEWYCK DE HEUSCH replied that all the natives were agriculturists and so could keep themselves busy; that nevertheless some native labourers had moved into the neighbouring territory under British authority; in particular, Tanganyika, where they could still find employment.

M. ORTS noted that, on page 20, a third of the white population was shown as being "without occupation or work", and asked if there were really unemployment, or if these people were women and children.

M. HALEWYCK DE HEUSCH said that that item included women and children. There was no unemployment among the Europeans residing in Ruanda-Urundi, seeing that, when the whites could find no work, they returned to their country. This was confirmed by the fact that, in the reports covering periods of prosperity, the number of persons shown as "without occupation or work" was also very high.

Mlle. DANNEVIG pointed out that, in the table on the Asiatic and coloured population (page 21), two-thirds of that population were shown as being without occupation or work.

M. HALEWYCK DE HEUSCH replied that this too referred to women and children; mainly children, because all children born of relations between native women and Asiatics or coloured persons were included in the figure.

NATIVE INDUSTRIES.

M. MERLIN observed that the resuscitation of native industries seemed to him to be a retrograde step, as it was effected at the expense, not of European industry, but of progress, European manufactured products being of superior make and quality to those produced by native handicrafts.

M. HALEWYCK DE HEUSCH replied that the only advantage of this return to native industries was that it provided those engaged therein with a means of livelihood.

CINEMATOGRAPH.

Lord LUGARD asked whether the accredited representative could give any information about the following questions: (1) Are any films being exhibited in the territory? (2) Have any special measures been taken to regulate the use of the cinematograph among the population of the territory? (3) Are any films of educative value being shown to the natives?

M. HALEWYCK DE HEUSCH replied that, so far as he knew, there were no cinemas in Ruanda-Urundi.

EDUCATION.

Mlle. DANNEVIG noted that the normal schools were not yet organised and would only be organised when it "was practically possible" (page 81). Also that rural elementary schools were being re-organised so that no comparative statistics could be given as to the number of pupils. Could the accredited representative give some further explanations on these points?

M. HALEWYCK DE HEUSCH enlarged upon the reasons already given in the report. It had been necessary to differentiate between the schools, as, after the introduction of the system of grants-in-aid for education, all of them, even the least satisfactory, had claimed to be subsidised. It would not be right to conclude, from the fact that the number of schools recognised by the Government had thus decreased, that there had been any retrogression in education—there had simply been a readjustment. From the total number of children attending all schools without distinction, it would be seen that education had greatly developed, and that, in 1932, the number of pupils had exceeded 100,000.

Mlle. DANNEVIG wished to have in the next report an explanation of the meaning of the word "sections" (second table on page 82).

She asked why the training of midwives had been stopped in the territory. She hoped it would be possible to have some midwives; so far as she could see there were none in the country.

M. HALEWYCK DE HEUSCH replied to Mlle. Dannevig's latter point that the reason was that no candidates had come forward. The Administration had made an effort, but the native women had not responded. Perhaps the missions would be more successful than the official school.

Lord LUGARD would like to see in the next report a general description of the kind of teaching given in rural elementary schools, particularly on the following points: Was the curriculum confined to simple agriculture and village crafts or did it include any literary

subjects? Were these village schools entirely in the hands of the Missions, and were they inspected by Government? Were the teachers natives and was there an adequate number of qualified men?

M. HALEWYCK DE HEUSCH duly noted the request.

ALCOHOL AND SPIRITS. DRUGS.

COUNT DE PENHA GARCIA thanked the mandatory Power for the particulars given in the report on native beverages. He was, however, somewhat concerned to find that, in certain cases, the beverage could become as alcoholic as the strongest wine. Further, ninety-eight sentences had been passed for drunkenness (page 27) and the same page mentioned thirteen offences committed by natives for smoking hemp. Something should, it followed, be done to prevent a growth of these offences, particularly as the amounts of alcoholic liquors, wines and beers imported in 1932 and retained in the country were lower than the amounts imported and retained in 1931 (page 99)—a fact which produced a good impression.

Page 234 mentioned a Decree of July 25th, 1932, regulating alcoholic beverages. Why had these regulations been amended? Did the authorities think that the old system was not giving entirely satisfactory results? The next report might usefully give explanations on this point.

PUBLIC HEALTH.

The CHAIRMAN recalled the interest displayed by the Commission, in previous years, in the question of the number of European doctors and assistants in the territory. It had expressed a hope that the mandatory Power would try to give the territory a bigger medical force.

It appeared from page 67 of the report that, on December 31st, 1932, the European medical staff comprised seventeen doctors, ten sanitary inspectors, four civilian nursing sisters and two Sisters of Mercy; the native personnel amounted to twenty-two in all. Could the accredited representative say whether in the view of the authorities these numbers were sufficient for a population of about three and a-half millions and whether it proposed to increase them?

Were the holders of a foreign diploma allowed to exercise their profession in the territory? On page 223, there was a Decree of May 10th, 1932, on the art of healing. Could the accredited representative say whether this decree amended that of June 21st, 1930, on the admission of foreign doctors into the territory?

The Chairman was glad to see that the mandatory Power was still giving detailed particulars of the campaign against sleeping-sickness with which the Commission had also concerned itself in the past. It appeared from page 253 that the direct and permanent supervision exercised by the white personnel afforded every guarantee both as regards the detection of diseases and their diagnosis, as well as the application of treatment, and that the results sought for would certainly be obtained in the very near future. On the other hand, it appears from page 254 that the number of deaths in 1931 was 195 and, in 1932, 283, a rather marked increase. True, it was stated on the same page that most of the deaths were those of persons who had been suffering from disease for some time past but had previously eluded the investigations of the medical department. There was, nevertheless, a rise in the number of deaths.

M. HALEWYCK DE HEUSCH replied, as regarded the number of doctors, that the colonial authorities considered the present figure to be adequate. A great effort had been made; there had been four doctors in 1924, there were seventeen in 1932.

The new Decree of May 10th, 1932, enacted that all doctors must possess a diploma of doctor of medicine, a special diploma of tropical medicine and a certificate attesting to a trial-period, approved by the Belgian authorities, but foreigners who complied with these conditions were permitted, as before, to practise as doctors in the territory.

The CHAIRMAN thought that one doctor for 200,000 inhabitants was insufficient, and that the mandatory Power should try to increase the proportion.

M. HALEWYCK DE HEUSCH said it was the view of the African authorities that the present number of doctors was sufficient to meet the needs of the native population in so far as it was possible to meet those needs in a tropical land only recently opened up to civilisation. He was, however, quite ready to note the recommendation made by the Chairman, though he was not at all sure that effect could be given thereto.

In reply to the Chairman's observations concerning sleeping-sickness, the accredited representative observed that the first consideration in estimating the results of the campaign against this scourge was the number of new cases discovered in the course of periodical inspections. The table at the bottom of page 254 of the report showed that, apart from the new zone placed under observation in 1932, new cases did not exceed 1.6 per cent of the natives examined.

Lord LUGARD observed (page 68) that there had been a steady increase in the deaths of Europeans—nine in 1932 against only two in 1928. He asked if this was due to too prolonged residence in the country, and whether the deaths were more frequent in the higher or lower altitudes. There was, on the other hand, a decrease of about 10 per cent in the deaths of natives, though the numbers treated appeared to have increased by some 500 per cent.

M. HALEWYCK DE HEUSCH said he would ask that a reply should be given to this question in the next report.

LAND TENURE.

M. VAN REES noted on page 39 an item (74(b)) in the expenditure table allocating 13,000 francs in 1932 for "compensation to be paid to natives ceding their rights to land transferred free of charge to missions or ex-officials". Did this refer to land formerly the property of the natives and ceded by them against compensation and then transferred free of charge to missions or officials?

M. HALEWYCK DE HEUSCH explained, in the first place, that the present general framework of the Ruanda-Urundi budget was the same as that of the Belgian Congo budget, so that some of its items were primarily and mainly applicable to the colony.

Having stated this, he could say that when a mission desired to take up its abode in a given locality and when the land in that locality was subject to native rights, the Administration negotiated with the possessor of these rights for their cession against compensation.

His preliminary remark applied with particular force to the second part of the item referred to by M. Van Rees concerning compensation to be paid in the case of the cession of land to former officials. No such case had as yet arisen in Ruanda-Urundi; such cessions had only taken place in the Belgian Congo.

CLOSE OF THE HEARING

The CHAIRMAN thanked the accredited representative for the readiness with which he had replied to the questions put to him.

FOURTEENTH MEETING

Held on Tuesday, October 31st, 1933, at 10.30 a.m.

Islands under Japanese Mandate : Examination of the Annual Report for 1932.

M. Ito, Assistant Director of the Japanese Office accredited to the League of Nations, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed M. Ito, who had been appointed accredited representative of the Japanese Government for the examination of the annual report on the islands under Japanese mandate.

M. Ito was an old friend of the Commission, and its members would certainly be glad of the opportunity to collaborate again with him as accredited representative of the mandatory Power.

NUMBER OF INHABITED AND UNINHABITED ISLANDS.

M. RAPPARD asked how many islands were covered by the mandate entrusted to Japan and how many of them were inhabited.

M. ITO replied that there were 623 islands altogether (page 2 of the report). He did not know how many were inhabited and how many uninhabited, but would find out.

POWERS AND INFLUENCE OF THE CHIEFS.

M. SAKENOBE remarked that in the remote parts of the islands, where the mandatory Power had no representative, the big native chiefs were entrusted with certain primitive powers and there seemed to be no appeal against their decisions. He would like to know what supervision the Administration exercised over the acts of these chiefs.

M. ITO replied that, generally speaking, the islands where there were no Government representatives were unimportant and rather remote, so that it was materially difficult to send officials there. For the same material reason, the central Administration, in spite of the efforts it was making in this direction, found it rather difficult to supervise the conduct of the chiefs.

M. SAKENOBE asked whether it was correct that, in the island of Saipan, the great chiefs had no repressive power.

M. ITO said that was true. It should be borne in mind that the island of Saipan had a very large number of Japanese residents, so that the powers of chiefs had disappeared much more quickly than in the other islands. Also, in consequence of the presence of the Japanese authorities, there had been no need to maintain the traditional powers of the chiefs.

PUBLIC FINANCE.

M. RAPPARD noted that, from the financial standpoint, the islands under Japanese mandate were in a similar position to Nauru. Their chief resources were the working of phosphates and also the growing of sugar. The principal sources of revenue were port clearance dues and the sales of phosphates (page 51 of the report).

On page 50 of the report, M. Rappard noticed the use, on the second line, of the word "should". That was an unfortunate expression, as it seemed to mean that the budget estimates *should be* approved annually by the Imperial Diet. Was it a slip in drafting or had the word been used intentionally?

Lastly, M. Rappard was struck by the exactitude of the figures in the budget estimates. He took the opportunity of asking M. Ito for details of the method of framing the draft budget.

M. Ito replied in the affirmative as regards the use of the word "should". The budget *had to be* submitted annually for the Diet's approval.

As to the framing of the budget, when a budget estimate was supplied by one department only, it would be a round figure, as, for instance, in the case of sales of phosphates, the figure for which was supplied by the Angaur mine. When, on the other hand, heads of departments were asked to give their estimates, they would each ask their own subordinates for those estimates and the latter frequently gave exact figures. The head of department merely added up the figures supplied to him and this explained why some estimates were so exact.

M. RAPPARD asked for explanations of the credit given under the heading "Sinking Fund" on page 52 of the report. As it was little more than 4,000 yen, it was hard to imagine that this was really a sinking fund. Moreover, there was no indication elsewhere of a credit for any interest service.

M. ITO had also been struck by this item. He imagined that it was not a sinking fund, but an amount set aside to meet certain deficits in revenue. He would, however, ask for particulars on the subject.

M. RAPPARD asked for explanations of the communication works referred to on page 53. In the case of islands, he wondered what could be the purpose of such large credits.

M. ITO pointed out that some information on this subject was given on page 136 of the report. He thought they were public works for the improvement of communications, but would enquire as to the exact purpose of the credits in question.

M. RAPPARD remarked that, on page 56 of the report, the proceeds of the sales of phosphates and port clearance dues were treated as subsidies from the Japanese Government. That seemed to him rather strange, since this was a case of exploiting the natural wealth of islands on which the natives had lived since time immemorial.

M. ITO replied that, before the arrival of the mandatory Power, the natives derived no benefit from the working of the phosphates by a foreign company. The Japanese Government had bought the mines and the natives were now benefiting from their working in consequence of the taxes paid for the utilisation of this natural wealth.

M. RAPPARD thought that, if a native of the islands under mandate were speaking instead of M. Ito, he would not endorse the explanation given by the accredited representative.

EXPORTS AND IMPORTS.

M. MERLIN said that the figures given on page 147 regarding the territory's trade disclosed a fairly good commercial situation. In spite of the world crisis, the territory's exports had risen in value from 10,691,000 yen in 1930 to 12,800,000 in 1931 and 9,024,387 yen during the first six months of 1932 (page 149).

Whereas exports of phosphates and copra had fallen heavily in value—doubtless, mainly, because of the fall in prices—exports of sugar, on the other hand, which, in 1930, were 6,784,000 had reached the figure of 9,237,000 yen in 1931 (page 150). One noteworthy fact was the large increase in the exports of dried bonito—from 198,000 to 701,000 yen.

Imports were estimated at 5,958,000 yen in 1931, which meant a slight increase (page 149).

Copra being one of the chief items of export from the territory, it was rather surprising to find that a small amount was also imported (30,931 yen during the first six months of 1932) (page 157).

Could the accredited representative supply particulars on this subject?

M. ITO replied that bonito was a favourite article of consumption in Japan. The quantity of this fish caught off the Japanese coast was decreasing. Since fisheries had been started in the islands, exports were increasing very rapidly.

As regards copra, M. Ito mentioned the case of the Marshall Islands. The natives there produced copra of a certain quality, which they exported, but, for themselves, they needed copra of another kind, which they imported. Furthermore, they could obtain copra very cheap in the neighbouring islands.

INTRODUCTION OF THE SUGAR CANE IN ROTA ISLAND.

M. SAKENOBE recalled that the island of Rota had been found suitable for growing sugar cane. Preliminary work had been done with a view to introducing this crop. He would like to know the present position.

M. ITO had no other information than that given on page 95 of the report. He would ask his Government for particulars.

JUDICIAL ORGANISATION.

Count DE PENHA GARCIA asked for particulars of the use made of penal labour (page 48 of the report). He asked whether convicts were placed at the disposal of private individuals.

M. ITO did not think so. Penal labour was used mainly by the authorities.

Mlle. DANNEVIG said that page 24 of the report mentioned a tendency towards increased crime on the part both of the Japanese residents and the natives. This remark had struck her, as in previous reports the natives had always been described as very law-abiding. She would like to know whether the mandatory Power could not take steps to combat the tendency mentioned.

M. ITO pointed out that not all natives were law-abiding. The Kanakas of Yap, for instance, were savages whom it was rather difficult to keep in order.

Naturally, the Japanese authorities were combating the increase in criminality, but their efforts did not seem to have been successful.

The CHAIRMAN, referring to page 48 of the report, asked the accredited representative for information regarding sanitary conditions in the prisons.

M. ITO said that it should not be imagined that the prisons in these islands were modelled on Western lines. They were mere huts in which prisoners were confined so that they might not be able to move about as freely as persons not in gaol. In other respects, they lived like the rest of the population and no special sanitary regulations had been drawn up for prisons.

CINEMATOGRAPH.

Lord LUGARD put the following three questions to the accredited representative: (1) Were films exhibited in the territory? (2) Had any special measures been taken to regulate the use of the cinematograph among the population of the territory? (3) Were films of educative value being shown to the natives other than those mentioned on page 206 of the report as being designed to explain to the natives the dangers of tuberculosis?

M. ITO replied, as regards film exhibitions, that, so far as he knew, there were only two cinemas, one at Palau and the other at Saipan, both very small.

Cinema exhibitions, for which the natives showed great curiosity, were kept for holidays and formed a kind of general public reward.

At Angaur, the natives were sometimes shown educational films on health questions or working conditions in the mines.

Lord LUGARD asked whether, when the natives were shown medical films and magic lantern magnifications of microbes or insects were thrown on the screen, the audience realised that they were enlargements or whether they did not regard them as pictures of new beasts of prey which the Mandatory might introduce into the islands.

M. ITO undertook to obtain particulars of the impressions which educational films made on the natives.

PUBLIC HEALTH.

Mlle. DANNEVIG observed that the report (page 79) again contrasted Japanese pupils and native pupils, and that the statement was repeated that the native pupils were badly nourished and that disease was more frequent among them.

The report also enumerated on pages 203 and 204 the steps taken to counter depopulation, but page 52 mentioned only one sum of 5,000 yen for improving native customs and habits. This seemed a small amount if it was to pay for the efforts to improve the living conditions of the population.

M. ITO agreed that the comparison drawn between Japanese pupils and native pupils was a mistake in view of the ethnographical differences between them. He would ask for this passage to be recast in the next report.

The measures specified on pages 203 and 204 referred to the population of Yap. Lastly, the amount of 5,000 yen referred to by Mlle. Dannevig was a minimum amount to be used

for the natives' public feasts and ceremonies. He did not think it was the only amount devoted to improving the living conditions of the population.

Mlle. DANNEVIG stressed the fact that each year there was a reference to the malnutrition of the natives. Could nothing be done to remedy this situation?

M. ITO replied that underfeeding was a feature common to all the Pacific islands. He wondered also what exactly was meant by malnutrition. He had studied the question himself and found it a puzzling problem. To his mind, such malnutrition could only be remedied by improving the general living conditions of the natives.

Mlle. DANNEVIG was very glad to hear that M. Ito was taking a personal interest in this question, which she thought very important.

INVESTIGATION INTO NATIVE MANNERS AND CUSTOMS.

Lord LUGARD noticed on page 201 of the report a statement to the effect that investigation of the native manners and customs and their social circumstances had been going on since the South Seas Bureau was established. The report then gave some particulars of the manners and customs which seemed to have a greater or lesser effect on the depopulation of Yap.

Had investigations been made in other parts of the territory and, if so, would the results of those be published?

M. ITO replied in the affirmative.

DECREASE IN THE NATIVE POPULATION : JAPANESE IMMIGRATION AND INFLUENCE.

COUNT DE PENHA GARCIA said that a close examination of the demographic changes in the islands led to the inevitable conclusion that the aborigines were gradually dying out. He would like to know whether the experience acquired by the mandatory Power justified the belief that the social conditions of the natives could be modified quickly enough to prevent their complete disappearance.

M. ITO thought it would be very hard to reply in the affirmative. It was very difficult for the mandatory Power to interfere in the social life of the natives. All the investigations of depopulation made, either by Americans or Europeans, regarding the Pacific islands generally pointed to the conclusion that, if foreign interference were too abrupt, the results would be fatal. The same opinion had been expressed by the League of Nations Commission of Enquiry into Health Conditions in the Pacific Islands. The mandatory Power had therefore to proceed very cautiously. It only interfered when it was certain of obtaining good results; otherwise it was better to abstain.

COUNT DE PENHA GARCIA congratulated the mandatory Power on the careful study it had made of this question. He had, however, been struck by the results of the last census showing that the Japanese population of the islands had increased by 8,400 in one year, whereas the native population had increased by only 374 during the same period (page 169 of the report). The number of births was almost the same for Japanese as for natives, but the death rate of the latter was much higher.

The Japanese residents of the islands were thus increasing naturally and there was, besides, a strong influx of Japanese immigration. Many Japanese now came to the islands with their families, thus showing that they meant to make their homes there. The likelihood was therefore that, in the not far distant future, the natives would be entirely replaced by a Japanese population.

M. ITO replied that this question of the decrease of the native population was a very distressing problem. He himself had made a general study of the question which was not peculiar to the islands under Japanese mandate, but common to all the Pacific islands. These islands could be divided into four groups: Polynesia, Melanesia, Micronesia and Indonesia. Numberless surveys had been made for each group. As long ago as 1850, Americans had studied the question in the Hawaiian Islands. They had found the native population decreasing and had tried to ascertain the causes. Later, Australia and New Zealand had been forced to study the same problem, as the aborigines of Tasmania had completely disappeared. M. Ito also mentioned the case of the Maoris and the Tahitians. The problem was therefore a general one. All investigators agreed on the universal character of the phenomenon, although their views differed as to the methods used for taking a census of the populations.

Very many (about seventeen) reasons had been given for the decline of native populations. These reasons fell into two classes: (1) Those connected with the influence of and contact with Europeans; (2) causes inherent in the populations themselves. Students being therefore far from unanimous on the causes of the phenomenon, they disagreed on the remedies to be proposed. In 1927, a Commission of Enquiry of the League of Nations had studied the problem in Melanesia, but had not arrived at categorical conclusions.

The Japanese Government was continuing its investigations, the results of which were given in the annual reports. It had to be admitted that those results were rather meagre. The causes of depopulation were very diverse and the remedies very difficult to find and

usually ineffective. The mandatory Power was of course taking all the steps it thought suitable, but no guarantee could be given that it would achieve good results.

Count DE PENHA GARCIA wished nevertheless to stress the special character of the problem in the case of the islands under Japanese mandate. Japanese immigration into the islands was on an excessive scale and this influx of Japanese aggravated the trouble. If the rate of Japanese immigration were slowed down, that might perhaps be a partial remedy for the situation. He was not making a suggestion but merely emphasising one factor in the problem.

Mlle. DANNEVIG, referring to the number of Japanese that had settled in the islands, observed that there seemed to be no restrictions on immigration. She would like to know whether the islands could go on absorbing an unlimited number of immigrants.

M. ITO replied that the islands were not very large and therefore immigration would soon reach the limit imposed by geography itself. The present immigration movement was due to the fact that use had begun to be made of islands which had hitherto been unexploited. In Tinian, for instance, during the last four or five years, sugar-cane growing had been introduced and this made it possible to increase the number of immigrants, but the limit would probably soon be attained.

M. RAPPARD asked whether this progressive extinction of the race affected the morale of the natives or whether they were unconscious of it.

M. ITO, replying first to Count de Penha Garcia, said that Japanese immigration was confined mostly to the islands of Tinian and Saipan.

Depopulation was particularly marked in Yap. The problem was less acute in the other islands. During his visit to the islands, M. Ito had made a personal study of the social organisation of the natives. In Yap, where the population was very small, there were no less than ten classes of society, with very rigid customs, forming castes which were as exclusive as those in India. Such an organisation of society could not be touched, since the higher castes refused to give up the privileges, frequently unhygienic, which they possessed, and it was very difficult for the mandatory Power to interfere.

Psychologically, the natives were absolutely indifferent to the idea of their extinction as a race. They felt the death of an individual, but the disappearance of their racial group left them unmoved.

M. RAPPARD, referring to the particulars just given by M. Ito on the social organisation of the inhabitants of Yap Island, asked whether it was to be inferred that this situation led to numerous marriages between persons related by blood-ties.

M. ITO replied in the affirmative.

Mlle. DANNEVIG noticed that the report gave tuberculosis as the main reason for the decrease in the native population. This disease had been imported into the islands. She wondered whether the natives' liability to contract tuberculosis was not connected with the question of underfeeding referred to in all the mandatory Power's reports. Had any effort been made to change the native diet?

M. ITO replied that the food of the natives was very simple. They ate mostly bananas, taro, coco-nut milk, fish and fruit. There were pigs on the island, but no one knew whether they had always inhabited these territories or whether they had been imported. There was in any case no grazing, so that it was difficult to introduce cattle or sheep. It would seem to be difficult, therefore, to change the diet of the inhabitants.

Mlle. DANNEVIG urged that the mandatory Power should help the natives to combat tuberculosis. Even if their customary diet was sufficient in earlier years, perhaps it did not suffice after the tuberculosis bacillus had been introduced among them and they needed more strength to resist the contagion. Perhaps they could be provided with more fat, particularly cod-liver oil, which she supposed was made in Japan.

M. ITO replied that it was a very difficult problem, and he would be glad to note any suggestions which could be made on this point.

Mr. WEAVER asked whether the fact that Yap natives were recruited for work in the Island of Angaur had any effect on the decrease of the population.

M. ITO replied that the problem was one which had engaged the attention of the Japanese Government because the transfer of workers to other islands was one of the causes adduced for the decline in population. But this cause was not operative in the case of the decline in the Island of Yap. He referred in this connection to the information appearing on page 202 of the report. There were certain periods where the men, according to custom, were required to abstain from approaching their wives. These customs were very strictly observed. In these circumstances, the men themselves ask to be expatriated. As these periods often lasted for several months, and the journey to Angaur was not long, the transfer of natives from Yap to Angaur was not likely to stimulate the decrease of the population. Such, at any rate, were the conclusions at which the Japanese Government had at present arrived.

Lord LUGARD mentioned that the *Berliner Lokal Anzeiger*, of November 11th, 1932, had contained a report on the visit of a German lady to the South Sea islands. The article stated that the chief town of the Island of Ponape had several Japanese shops which displayed cheap goods of all kinds. Natives were thus encouraged to buy. Everything was supplied to them on credit, a temptation which they could not resist. In most cases, they could not pay the bill which was later sent them, and when they did not pay, their land was taken, or if they had no property, they were reduced to a kind of slavery. He did not attach great credence to these allegations, but would like to hear the accredited representative's view.

M. ITO replied that too much importance should not be attached to the hasty conclusions of a passing visit. Personally, when he visited the islands, he had not noticed that there were many shops. He would, in any case, enquire about the three questions raised by Lord Lugard's remarks—viz., (1) Did such shops exist? (2) Did natives contract debts and (3) Were defaulting debtors expropriated?

LABOUR.

Mr. WEAVER asked whether, in recruiting labour for Angaur, the state of health of the workers was ascertained beforehand and whether any preventive measures were taken.

M. ITO said he would draw his Government's attention to the point, and information would be given in the next report.

Mr. WEAVER drew attention to the prosecution of two Japanese for "desertion" in the table on page 25. Were these cases of Japanese, recruited under the conditions indicated on page 119, abandoning their work?

M. ITO said he was not in a position to reply offhand, but would obtain information.

M. VAN REES pointed out that, on page 120 of the report, it was stated that the Government did not resort to forced labour for the execution of public works, though it had the right to do so. This statement was confirmed by the table on page 146, which gave the amounts spent on the improvement or construction of roads. In the article in the *Berliner Lokal Anzeiger*, which Lord Lugard had quoted, it was said that, at Ponape, natives were compelled to work one week a month for the Japanese Government, and that they received no pay. He did not attach much importance to the statement; he merely wished to give the accredited representative an opportunity to deny it.

M. ITO replied that, as the article contained definite details of the locality, it would be easy to enquire, and the results would be brought to the knowledge of the Commission.

MISSIONS.

M. PALACIOS said that, if the table on page 89 of the 1932 report were compared with the table on page 79 of the 1931 report, it would be seen that the number of Catholics in the district of Saipan (Mariana Islands) had fallen from 3,602 in 1931 to 2,989 in 1932. During the same period, the number of Buddhists had increased from 1,560 to 2,730. In other districts of the territory, such as Yap and Palau, the number of Catholics had also largely decreased.

Could the accredited representative give information as to the reasons for this falling-off of Catholicism in the mandated territory?

M. ITO said he would ask his Government for information; but he was anxious to state that, since the Japanese restoration in 1868, religious questions had been excluded from politics in Japan by the Constitution itself. The Japanese Government maintained the same attitude in the islands under mandate. It was strictly neutral.

The increase of Buddhists was explained by the fact that many Japanese coming to settle in the islands were classed as Buddhists. That did not mean, however, that Buddhism was making headway in the mandated territory.

M. PALACIOS asked if the missions gave purely religious instruction or if they gave general education as well. He referred to the particulars on page 84 of the report.

M. ITO replied that the essence of the instruction given by the missions was religious, but, in order to prevent their pupils being compelled to attend the public schools, they were led also to give lay education.

M. PALACIOS asked if the missionaries engaged in medical work also.

M. ITO replied that they did.

EDUCATION.

Mlle. DANNEVIG noted that the tables on page 74 showed a continuous increase in the number of classes and pupils in the public schools in recent years; this increase was confirmed by the table on page 75, which showed the percentage of children attending public schools.

It was only the children educated in boarding schools whose number was diminishing, as would be seen from a comparison of the tables on page 76 with the table on page 67 of the report for 1931 (369 in 1931 as compared with 312 in 1932). Had the accredited representative any explanation of these figures?

M. ITO could only note the fact. He had no explanation to offer.

Mlle. DANNEVIG drew his attention to the paragraph at the top of page 75 of the report, which did not seem very clear.

M. ITO replied that the different percentages shown in the table on page 75 had been worked out at the request of the Commission, and arbitrary definitions had accordingly been made for the purpose of the statistics. He agreed that the text quoted by Mlle. Dannevig was not very clear. More exact information would be given next year.

Mlle. DANNEVIG wondered how the children could usefully be taught to speak and write Japanese, a highly difficult ideographic language, in the course of a period of instruction lasting three years.

M. ITO replied that the children learned the spoken language very rapidly.

As regards written Japanese, it was true that the Japanese language was very difficult. Even in Japan itself, attempts had been made to simplify the characters. An alphabet of forty-eight ideograms had been evolved, and it was this alphabet which was taught in the islands. The children appeared to learn it fairly easily. It gave the natives a common language. Their own dialects differed greatly from one another; that made it very difficult for them to communicate with one another. The common language was most useful for natives who had to perform public functions—for example, policemen.

ALCOHOL AND SPIRITS.

Count DE PENHA GARCIA said that, the report contained very clear information on the production of alcohol. There was only one distillery of any size in the islands, and most of the alcohol was not produced for local consumption but for export. In view of the increase in its production, the mandatory Power must of course be strictly on the watch against an increase in local consumption; but he understood that the native population mainly consumed native liquor.

He had been struck, however, by the fact that, before 1931, the only alcohol produced was potable. Since 1931, on the other hand, denaturalised alcohol had been produced. In the first year of production, 174,000 litres of denaturalised alcohol were consumed in the islands. Could the accredited representative give any information as to the use of this spirit?

M. ITO said he had no details on the point, but would produce them.

Count DE PENHA GARCIA said that according to the information on page 95, the only manufactures of sugar were at Tinian and Saipan. The sugar cane was cultivated in the other islands as well; but the cane was consumed locally. How could it be consumed if there was no manufacture of sugar? He feared that, as in other countries, the sugar cane was being used for distillation.

M. ITO replied that this was not the case. The production was extremely small, and, in all these countries, the natives consumed the sugar cane directly by sucking it. He did not believe that any alcohol was distilled from it.

Count DE PENHA GARCIA added that, according to the information on page 34 of the report, the number of persons engaged in the sale of spirituous liquors at the end of December 1931 was 186, as against 168 at the end of December 1930. In the district of Saipan, the number had increased from 87 to 103. He thought this somewhat excessive number might be explained by the fact that the liquor vendors sold also other goods, and that there was not the same specialisation in the sale of liquor as in other countries.

M. ITO confirmed Count de Penha Garcia's explanation.

PUBLIC HEALTH (*continuation*).

Mlle. DANNEVIG remarked that, on pages 80 and 81, the report gave particulars with regard to schoolchildren suffering from intestinal parasites and the treatment applied. The table on page 81 showed the results of the examination of cases of round-worm. It appeared that, of the children examined at the beginning of the school year, 50.80 per cent were suffering from this parasite, whereas the proportion was 52.34 per cent in the case of the pupils examined at the end of the year. It would seem then that the number of children infected was increasing. What was the explanation?

M. ITO replied that the statistics were not properly presented. The necessary corrections would be made.

Mlle. DANNEVIG added that intestinal parasites were very widespread amongst the natives, inasmuch as 90 per cent of the children attending school suffered from this affection. Was not this a part explanation of the underfeeding to which the report referred? It was obvious that the presence of these intestinal parasites interfered with normal digestion.

ORGANISATION OF THE PORT OF SAIPAN AND OTHER PORTS.

The CHAIRMAN thought that, in the light of the considerable efforts made by the Japanese Government to improve the port of Saipan and other ports, future reports would show a development of trade movements.

M. ITO was anxious in this connection to draw attention to the fact that an English journalist, an ex-officer, Major R. V. C. Bodley, had recently made a visit of enquiry to Japan and to the mandated islands, and had visited Saipan. He had published a number of articles in the *Japan Advertiser*, a paper published by the Americans residing in Japan and not suspect of partiality in favour of Japanese policy. In his articles, Major Bodley protested against the prejudices of strangers in regard to the alleged fortifications organised by the Government in the islands under mandate. He proposed to hand over these various articles from the pen of an impartial observer to the Secretariat.

CLOSE OF THE HEARING.

The CHAIRMAN thanked M. Ito for the information supplied to the Commission.

FIFTEENTH MEETING

Held on November 1st, 1933, at 10.30 a.m.

Western Samoa : Examination of the Annual Report for 1932-33.

Sir Thomas Wilford, High Commissioner for New Zealand in London, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed Sir Thomas Wilford on behalf of the Commission and asked whether he wished to make a statement.

STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Sir Thomas WILFORD.—I thank you, Mr. Chairman, for your welcome.

Largely owing to the suggestions made by the members of the Mandates Commission, the form of the report which is presented to you on this occasion has been remodelled, and it is hoped by my Government that it now meets the views of the members of the Commission, and may be found more helpful than in the past.

I wish to draw attention first of all to the introductory and other information given on page 2 of the report. While all this information is known to the members of the Commission, who have had an opportunity of reading the report, I feel that its value will thereby be enhanced to those members of the general public who are interested in the principle of mandates, though to some of the members of the Commission it may seem a work of supererogation. I suppose the only way in which I could get this part of the report embodied in the report of the Commission would be by reading the whole of it. As that is hardly possible, I should like to say that, in my opinion, it would be of advantage to the Commission, to the Government of New Zealand, and to the public generally if the largest possible proportion of the report could, in some way or other, be incorporated in my opening remarks.

You will notice first of all under the heading of "International Relations (b) Economic Equality" at the bottom of page 2 the following passage :

"Save as to the protection afforded to native Samoans in the inalienability of native land, and their exemption from personal tax, there are no derogations from the principle of economic equality as regards concessions, land tenure, or direct or indirect taxation ; the question of mining rights does not apply. There is a preference in Customs import duties of 7½ per cent in favour of British goods, but no restrictions as regards countries of origin of goods imported, export trade or shipping."

The point I wish to emphasise is that there are no derogations from the principle of economic equality as regards concessions, land tenure or direct or indirect taxation; as a matter of fact, I might add that, under the law as administered to-day in Samoa, no Samoan is subject to any direct taxation unless he has a salary of £200 or over. This may be seen by referring to page 8 of the report under the heading of "Direct Taxes", where it will be found that the three

items of direct taxation are set out in the schedule for 1931-32 and 1932-33, the three lines of which I propose to quote :

	Received	
	1932-33	1931-32
	£	£
(a) Personal tax of £1 5s. per annum payable by male adult Europeans	736	838
(b) Graduated salary-tax, from £1 on £200-£300, to £30 over £1,500	444	518
(c) Building-tax, 1 per cent per annum of capital value of European buildings	2,250	2,425

I will now pass to the general position of Western Samoa to-day. My Government claims that this report proves to the Commission that Western Samoa has weathered the financial and economic blizzard particularly well. During the year under review ending March 31st, 1933 (that is our financial year), the trade turnover, notwithstanding the tremendous world troubles and difficulties, showed a decrease of only 7 per cent as compared with a decrease of 35 per cent during the preceding year. Taking world conditions into consideration, my Government contends that the figures relating to imports and exports, as given on page 9 of the report, must be deemed to be more than satisfactory. The revenue collected exceeded the estimates by about £8,000 and the expenditure was a little short of the amount estimated. There is a surplus of £7,754, and this in spite of the fact that no subsidy has been given by the New Zealand Government this year. We claim with pride that this is to the credit of our country and that in comparison with any other country in the world it may be regarded as an unexpectedly happy result.

One of the indexes of success, so far as my country is concerned, has always been deemed to be the volume of deposits in the Post Office Savings Bank, not necessarily the floating or the fixed deposits in the big banks of the country, but the amounts deposited by artisans and working men in the Post Office Savings Bank. We find in New Zealand that a wonderful amount of cash is deposited by the ordinary working people of the country. In Samoa, the fact that the savings in the Post Office Savings Bank have exceeded the withdrawals for the first time in five years is proof of peace and stability.

I now wish to draw attention to a change which had been made at the suggestion of M. Rappard. He suggested that it would be well, both in the interests of my Government and this Commission, that all matters relating to finance should be included under one heading in the preparation of the report. The Commission will be pleased to see that this suggestion has been adopted, and now all questions regarding Samoan finances are grouped between pages 5 and 8 of the report.

I don't think that the individual items of revenue and expenditure call for comment, but, if information is desired, I will try to give it in response to any questions that may be asked.

I should like to draw the attention of the Commission to page 5 of the report, where it will be seen that under the heading "Expenditure (V)" the expenditure on health has gone up to £21,819, roughly an increase of £4,000 over last year's figures, which were £17,824.

Further, I wish to draw attention to the public debt of Samoa, which, at March 31st, 1932, stood at £171,200. This has been reduced by more than £32,000 during the year. I believe I am entitled to suggest that very few countries can point to such a proportion of public debt reduction in the last twelve months.

Before leaving the subject of finance, I would ask you to look at the second paragraph of the second heading, "Indirect Taxes", on page 8 of the report. This replies to a question by M. Merlin, who last year pointed out that in time of economic depression the import duties had been increased by a 2½ per cent *ad valorem* tax on all goods subject to that class of duty. I will read the paragraph to which I have referred :

"The increase of 5 per cent in import duties on January 1st, 1932, does not appear to have had an unduly restrictive effect on trade. Imports in 1932 were 82.4 per cent of the value of exports, as compared with 84.8 per cent in 1931. At the present time, when economic necessity for increased taxation is world-wide, it is an interesting comparison that a 5 per cent import duty and slightly increased shipping dues have been the only additional charges on the public to which the territory has had recourse in achieving a balanced budget."

Last year, Lord Lugard referred to the abandonment of the control of the copra market by the Government—a subject which was dealt with in the report under consideration that year. My Government thinks that there is little it can add to the information furnished last year on this subject, and wishes the Commission to know that the Administration constantly watches the margin between local and overseas prices, and is satisfied that, at present, it is reasonable.

I am selecting these particular points in order to show the members of the Commission that my Government wishes to reply when information is requested. To show how carefully

my Government goes into the slightest enquiry made by the Commission, I have only to refer you to page 9 of the report, where M. Rappard will have noticed that information requested with regard to the export duty on bananas is given.

My Government is pleased to report that there has been a further decrease in crime, and, in this connection, it will be noted that there has been a slight reduction in the police strength. A glance at the table in the report (page 10) referring to convictions arising from political agitation will indicate the extent of the operation of the Maintenance of Authority in Native Affairs Ordinance. It will be observed that the convictions for such offences show a decrease this year as compared with last year, as from sixty-two to eight, and the eight convictions were all in connection with one incident. I am reading from a document signed by the Acting Prime Minister, which states :

“ The latter figure relates to one incident in the territory, in May 1932 ; all the parties pleaded guilty, and during the remaining ten months there were no incidents at all.”

There is one point in connection with convictions that I should like to make clear. There has been an increase in the number of convictions for failure to pay personal taxes. This represents the collection of arrears of which £1,000 worth came to hand in the last twelve months under review.

I desire to point out, with regard to the consumption of alcoholic beverages in the territory, that ale, which forms the largest item, contains less than the percentage of alcohol accepted by the League of Nations for the definition of “ alcoholic liquor ”. It will be seen that the ales imported into Western Samoa, although subject to regulations under the Samoan Act of 1921, do not come within the definition of “ intoxicating beverages ” as accepted by the Mandates Commission.

My Government hopes that Mr. Weaver has obtained from the report the information he desired last year with regard to the conditions under which Samoans are working on the estates. My Government trusts that the information given will be found satisfactory. If not, and if any further information is desired, it will be happy to furnish it in the next report.

Last year, Mlle. Dannevig asked to be informed of the numbers of Europeans and natives employed in the schools, distinguishing Mission schools from others. My Government has carried out her suggestion of preparing separate tables, and if she will look at the second table on page 13 she will see that we have endeavoured to meet her wishes. The attendance figures for the Administration schools for the quarter ending March 31st show a considerable increase over the preceding quarters.

A great deal has been said in the three years I have been here with regard to the campaign against yaws. It is continuing, and with good results.

It will be observed that a note on mental defectives is now included in the Health Section (page 15). Any fears formerly entertained will be dissipated, as it will be seen that mental defectives are under the supervision of the local medical officer and not the prison authorities.

Last year, the question of infant mortality was raised. On page 16 of the report, I think, all the information required will be found ; there is also a paragraph dealing with the qualifications of native medical practitioners and the participation of the Missions in medical work.

The CHAIRMAN thanked Sir Thomas Wilford for his detailed replies to the various questions raised.

STATUS OF THE TERRITORY.

M. PALACIOS noted the expression on page 3 of the report :

“ The Executive Government of Western Samoa is vested in His Majesty the King in the same manner as if the territory were part of His Majesty’s Dominions.”

Did not the accredited representative think that there should be some reference to the mandate? Was not the Administration of Western Samoa bound by obligations arising under the mandate?

Sir Thomas WILFORD replied that obviously the administration of Western Samoa was bound by its obligations under the mandate. He could see no objection to mentioning the mandate in subsequent reports, but it was obviously impossible to make any change in the present printed document.

STATUS OF THE INHABITANTS.

M. VAN REES noted that British “ certificates of naturalisation ” had been granted to sixteen native Samoans and to fourteen others (page 2). This doubtless had been done in execution of the British Nationality and Status of Aliens Act of 1923. He enquired what nationality could be acquired in virtue of that legislation and added that he asked this question because, on May 3rd, 1933, in reply to Sir Cooper Rawson in the British House of Commons when discussing “ mandated territories (British naturalisation certificates) ”, the sense of Mr. Thomas’s reply had been that the question of extending the power of granting certificates of naturalisation, so as to cover persons resident in mandated territories, was still under

consideration. On July 19th, 1933, again, the reply of the Secretary of State for the Colonies to Sir Cooper Rawson seemed to imply that no further progress had been made in this matter.

The question therefore arose whether these naturalised persons were regarded only as citizens of New Zealand or whether this naturalisation conferred on them also the quality of British subjects in the United Kingdom.

Sir Thomas WILFORD replied that it was for the United Kingdom Government, not New Zealand, to decide if these persons would be regarded as British subjects in the United Kingdom, but as far as New Zealand was concerned they possessed all the rights of British citizenship that New Zealand could confer.

M. VAN REES assumed therefore that the "certificates of naturalisation" referred to in the report were something different from the "certificates of naturalisation" at present under consideration by the United Kingdom Government.

Sir Thomas WILFORD agreed and further explained that Western Samoa was an integral part of New Zealand from an administrative point of view, in virtue of Article 2 of the mandate.

Lord LUGARD assumed that the statement that "Western Samoa formed an integral part of New Zealand" only referred to the applicability of laws. Any interpretation on a wider basis would be tantamount to annexation. It was obvious, however, that New Zealand was not bound to apply all its laws to Samoa, but was entitled to apply to the territory such laws as it thought desirable.

M. ORTS asked whether, in New Zealand law, the naturalisation of foreigners was subject to the condition that they had resided for a specified number of years in New Zealand.

Sir Thomas WILFORD replied that anyone who had been resident in New Zealand for five years could apply for naturalisation. That did not mean that naturalisation would necessarily be granted.

M. ORTS asked whether residence in the territory under mandate was equivalent, for this purpose, to residence in New Zealand.

M. RAPPARD asked whether the fact of having resided for five years in Samoa would entitle a foreigner to apply for naturalisation in New Zealand.

Sir Thomas WILFORD replied in the affirmative. On the other hand, he believed Samoans could apply at any moment for British (New Zealand) nationality.

M. RAPPARD did not think that this was a very logical provision. It looked as if it might be possible gradually to convert all Samoans into New Zealanders by this process, and so virtually terminate the mandate.

Sir Thomas WILFORD reminded M. Rappard that the process he had indicated would depend on the will of the Samoans themselves and on no one else.

RELATIONS BETWEEN THE NATIVES AND THE ADMINISTRATION : ACTIVITIES OF THE MAU.

The CHAIRMAN asked whether the accredited representative could state whether there was still any restlessness among the population and whether the Mau movement was weaker. At the Commission's twenty-second session,¹ the accredited representative had stated that Mr. Nelson's period of banishment would terminate at the end of 1932. Had Mr. Nelson returned? Had the population continued to collaborate with the Administration and to what extent?

Sir Thomas WILFORD said he had received a cablegram on this subject from his Government on October 18th. It would be recollected that Messrs. Nelson and Gurr had been deported. Mr. Nelson had returned to the territory early in the year, and Mr. Gurr had died *en route*.

The Administration announced that lengthy negotiations had taken place with native groups in the hope that some good results might be obtained. Unfortunately, these negotiations had proved abortive.

M. PALACIOS enquired whether any of the Europeans in the territory still continued to be members of the Citizens' League and whether they were working with the Mau against the Administration.

Sir Thomas WILFORD replied that, so far as he knew, with one exception—Mr. Nelson—all the Europeans were helping the Administration.

M. PALACIOS, referring to Press propaganda, pointed out that the natives could read Mr. Nelson's newspaper, which was largely written in Samoan—perhaps even by Samoans—and must know at what he was aiming.

Sir Thomas WILFORD thought that much of the contents was probably prepared by Mr. Nelson himself and that the Samoans signed as his blind followers.

He added, in reply to a further question by M. Palacios, that the present position in the territory was not one of active trouble; everything was quiescent for the moment, but so long as Mr. Nelson was there he was not prepared to guarantee that things would remain quiet.

¹ See Minutes of the Twenty-second Session, page 75.

Replying to the Chairman, he stated that the Mau was not carrying on any political activity or levying taxes independently of the Administration.

M. PALACIOS observed, as regards Sir Thomas Wilford's second remark, that the same thing had been said when Mr. Nelson was not in the island.

M. VAN REES observed that in many publications by Samoans reference was continually being made to the Treaty of Berlin of 1889. A question on this matter had been asked in the House of Lords, and the Government's reply stated that that treaty had been cancelled by another treaty dated 1899. It appeared that the Samoans did not in any way take that fact into account and continued to invoke only the Treaty of 1889. Had the Administration of Samoa done nothing up to the present to persuade the Samoans of their error?

Sir Thomas WILFORD said that he was aware of the terms of the United Kingdom Government's reply. The position had already been explained to the Samoans, but he doubted whether the mentality of most of them was equal to an understanding of the position. He explained that they were simple people, and that some of them were easily influenced against the Administration.

Mlle. DANNEVIG asked whether the younger generation that was now growing up, and had received education in the schools, took an interest in political matters. The answer being in the negative, she asked at what age did the Samoans exhibit their evident political interest.

Sir Thomas WILFORD replied that life in Samoa was very simple. Sometimes the natives worked, and sometimes they did not. They took little interest in world affairs, and if Mlle. Dannevig were to visit Samoa she might remain for a month without hearing of the Mau.

ACTIVITIES OF THE LEGISLATIVE COUNCIL AND OF THE FONO OF FAIPULES AND RELATIONS BETWEEN THEM.

Lord LUGARD noted that there were two native members of the Legislative Council of Samoa, and enquired whether they were also members of the Fono. What were the relations between the Legislative Council and the Fono?

Sir Thomas WILFORD replied that the natives in question might be members of both bodies, though he did not know if that was actually the case. The position was perfectly plain: the Legislative Council dealt with legislation for the territory, whereas the Fono dealt with native matters and acted in an advisory capacity, talking over native questions with those in authority.

RECRUITMENT OF ADMINISTRATIVE STAFF.

Lord LUGARD enquired what method was employed for recruiting the white staff in Samoa, and, in particular, the administrative staff. He asked further who were included under the heading "Other Services", for which the figure of twenty-six Europeans was given (page 4 of the report).

He observed that, with only some 240 white Europeans in Samoa, including officials, there could be no nucleus from which to recruit.

Owing to the short terms of service, there appeared to be some lack of continuity of policy, and officials had little time to learn the language and the nature of the people.

Sir Thomas WILFORD replied that it was difficult to tell at a glance exactly how many white Europeans were employed in the Administration. He explained that, when specialists were required in Samoa, members of the New Zealand Civil Service were sent over either to do the work themselves or to train Samoan officials. No New Zealander could stand the climate of Samoa for a long period of years. Generally speaking, the number of half-castes in the Administration was increasing, while there was a reduction in the European staff.

SAMOA IMPORTATION AND EXPORTATION OF COINAGE ORDER, 1932.

Lord LUGARD enquired what was the object of the Samoa Importation and Exportation of Coinage Order, 1932.

Sir Thomas WILFORD said that the main purpose of the Order might be seen by reference to Clause 4, which read:

"No person shall import or attempt to import into Samoa, or export or attempt to export from Samoa any coined silver otherwise than in accordance with the provisions of this Order."

There was, he explained, an exchange difference for silver coins between New Zealand and the United Kingdom and anyone smuggling half-crowns from New Zealand into England would avoid the exchange. Such a case had recently occurred, when £50,000 worth of half-crowns had arrived in England from Tonga, dodging the exchange. The object of the Coinage Order was to prevent the export of silver to England with a view to dodging the exchange.

PUBLIC FINANCE.

M. RAPPARD expressed his appreciation of the way in which the information relating to public finance had been concentrated in convenient form in a single chapter of the report. Referring to the statement that budgetary equilibrium had been established and that there was actually a surplus of revenue over expenditure (excluding the repayment of a temporary loan of £6,000) (page 5), he observed that never had the surplus of revenue over expenditure been so great and never had the revenue been so small. The position was explained by the fact that expenditure had been very surprisingly reduced. The three main items of saving appeared to have been "Customs, taxes and marine"; the drop from £18,987 in 1931-32 to £4,008 in 1932-33 was, he supposed, due to some extent to the recasting of the items under other heads. He would be glad if details could be given in the next report concerning this reduction of some £14,000 of expenditure.

Referring to the revenue table (page 5), he enquired whether direct taxes were included under the heading "Treasury" or "Other Receipts".

Sir Thomas WILFORD replied that they probably came under both heads.

M. RAPPARD, referring to the debt repaid in the year under review, said that he could not reconcile the figures given on page 6 of the report ("repayment of principal (£26,155)" plus "repayment of advance (£6,000)") with the item under heading I of expenditure: "Permanent charges on public debt, including sinking fund payments, and repayment of £6,000 temporary advance from New Zealand Government (£17,113)".

Sir Thomas WILFORD did not think that there was any need to compare the two sets of figures. The £26,000 was, he thought, paid out of the Sinking Fund, an accumulated fund which represented savings extending over a period of years.

Lord LUGARD asked that particulars might be given in the next report of the accounts of the Sinking Fund.

He observed that the sum of £804 was charged under Item XII in the expenditure table (page 5), but that there was no corresponding entry in the revenue table, as far as he could see, of the sum of £1,216 representing the income of the Public Trust Office for 1932-33.

Sir Thomas WILFORD replied that the item in question might be included under the head of "Other Receipts", of which the Commission did not yet know the details.

He stated, in reply to a further question of Lord Lugard, that the Public Trust Office in New Zealand handled a large percentage of the wills made in New Zealand, the Public Trustee being named executor. The department had many and varied functions and responsibilities.

DIRECT TAXATION.

Lord LUGARD asked whether only Europeans paid direct taxes.

Sir Thomas WILFORD said that no taxes were levied now on natives except for salaries over £200; there was no head tax.

Lord LUGARD asked whether the Government had abolished the tax owing to the opposition of the Mau.

Sir Thomas WILFORD replied in the negative. The Government was still trying to collect arrears, and judicial convictions for non-payment came under that head.

EXPORTS.

M. RAPPARD noted that the banana export trade was a monopoly run by the Administration and marketed in New Zealand. It seemed to him strange to speak of imposing an export duty of 2s. 6d. "to protect the trade" (page 9). Perhaps the explanation was that, since the inauguration of that venture, private trade had also sprung up and something had had to be done to protect the Government enterprise.

Sir Thomas WILFORD replied that the entire credit for working up the banana trade was due to the Administration; the Government was perhaps entitled to some acknowledgment of that fact. Fuller particulars of the export duty would be given in the next report.

Lord LUGARD had heard that a system was in force in American Samoa under which the Government bought the copra and sold it by auction. He enquired whether anything was feasible on those lines in Western Samoa, where the price given for copra had caused so much trouble.

Sir Thomas WILFORD replied that there was no such system in Western Samoa, and said that the only trouble was the low price fetched by copra.

JUDICIAL ORGANISATION.

M. SAKENOBE said that the Commission would be glad if the figures for offences committed by Europeans and natives could be shown separately in the next report.

Sir Thomas WILFORD replied that that would be done.

ARMS AND AMMUNITION.

M. SAKENOBE enquired whether, under the Arms Ordinance of 1921, Europeans and natives were equal before the law. He asked that statistics might be given in the next report of the registered firearms already in the country. He enquired whether the statistics of ammunition imports included the amount held by the police.

Sir Thomas WILFORD replied in the affirmative to the question concerning the Arms Ordinance. He stated that in New Zealand no one might be in possession even of a revolver without having it registered. He thought that in all probability the figures for ammunition were inclusive of the amount held by the police, but said that he was unable to give a definite answer on that point.

SIXTEENTH MEETING

Held on Wednesday, November 1st, 1933, at 3.45 p.m.

Western Samoa : Examination of the Annual Report for 1932-33 (continuation).

Sir Thomas Wilford came to the table of the Commission.

FORM OF THE ANNUAL REPORT.

Lord LUGARD thanked the accredited representative for having complied with his suggestion that the report should follow the same headings in the same sequence as that adopted by the Commission.

CINEMATOGRAPH.

Lord LUGARD asked whether any films were produced in the territory. Had any special measures been taken to regulate the use of the cinematograph among the population? Were any films of educational value being shown?

Sir Thomas WILFORD replied that films were controlled in the territory as in New Zealand. The control amounted to a very strict censorship—far stricter than in most countries he had visited.

VAGRANCY.

Lord LUGARD referred to an Order-in-Council promulgated by the Governor-General of New Zealand giving effect to the Samoa Vagrancy Ordinance of 1931, applicable only to persons other than Samoans born in Samoa. He asked whether there were many such vagrants. Did the Ordinance apply to half-castes?

Sir Thomas WILFORD replied that there were a few vagrants. The Ordinance would apply to half-castes, who were regarded in this respect as whites.

LABOUR.

Mr. WEAVER thanked the accredited representative for the replies given in the report under discussion to questions he had asked last year. As regarded Samoan workers, he noted that no regulations had been made. He would not ask any question on that point because the economic pressure on Samoans to take wage-earning employment appeared to be slight, and it might be assumed that they would not work unless conditions were satisfactory.

With regard to Chinese labourers, he thought that the average term of service of five and a-half years was rather long (page 12), especially as the labourers came without their families. A recent article in the *Pacific Islands Monthly* seemed to suggest that time-expired labourers had to remain in the island for a considerable period after their contract was ended, owing to lack of repatriation facilities. Was difficulty really experienced in securing vessels to call at Apia to take off Chinese labourers?

Sir Thomas WILFORD replied that the transport difficulty was a very real one. Shipping facilities were irregular and sometimes entirely lacking for a considerable period. In some cases, of course, the Chinese preferred to remain in Samoa, owing to ties they had contracted or because, in some instances, they were too old to wish to return to their country. But the main problem was one of transport.

Mr. WEAVER was glad to note the explanation of the use of the Chinese Benevolent Fund (page 12). He would ask a question concerning the Overhead Fund and other provisions of the new Labour Ordinance in the following year. Meanwhile, would it be possible in the next report to have the accounts of the two funds? This should not be difficult, as he understood that these accounts were published.

EDUCATION.

Mlle. DANNEVIG thanked the accredited representative for the detailed information contained in the report, in particular concerning the mission schools, about which she had made various enquiries in the previous year. She understood that at present practically every Samoan was receiving education in the schools, some apparently in the vernacular only and some in English. In spite, however, of this widespread education, the accredited representative had seemed to imply that the Samoans, when it came to facts, were without the most elementary knowledge and were easily misled in political matters. Why was it that Samoans did not seem to trust and understand New Zealanders? Would it not be possible to ameliorate this situation by the education given in the schools? It was stated (page 13) that there were colleges frequented by persons up to the age of thirty.

From utterances by Samoans when discussing native politics with the Administration, from photographs, etc., she had gained a very strong impression that Samoans were rather more intelligent than other coloured people under mandate. Would it not be possible to counteract the alleged misleading influence, for instance, by a judicious instruction in elementary civics in the higher classes?

Sir Thomas WILFORD replied that even highly educated and intelligent persons were apt to be misled at times in matters of politics. Perhaps one of the best proofs of the natives' intelligence was that, when left alone, they took practically no interest in politics. They were much more interested in the discussion of domestic affairs.

Mlle. DANNEVIG asked what were the economies which had been effected in the matter of education.

Sir Thomas WILFORD said he could not give an authoritative statement regarding the separate items, but it should be remembered that, on page 8 of the report for the previous year, it had been said that three European teachers had returned to New Zealand. The saving on their salaries alone might be equal to £1,000.

ECONOMIC SITUATION.

Count DE PENHA GARCIA noted a passage in the report (page 11) reading :

“ The social system of the Samoan people is such that poverty cannot exist. All families are well endowed with land and, as the soil is very fertile, they have little difficulty in growing all food supplies required. Their wants in the way of clothing are few. . . . They are well and suitably housed.”

In addition, the economic depression had not greatly affected them.

“ The villages are clean and well cared for. . . . The people generally show no particular keenness in seeking employment outside their own style of living.”

Under these circumstances, Samoa would seem to be such a happy paradise that it was difficult to imagine what more the mandatory Power could do to improve the lot of the inhabitants.

Sir Thomas WILFORD said the statements referred to by Count de Penha Garcia were correct. On the other hand, the New Zealand Government felt it had not done all that yet could be done for the inhabitants of the territory when opportunity offered. In view of the very favourable conditions truly set out in the report, he had almost hoped that, on this occasion, the Mandates Commission would not have found it necessary to ask many questions.

ALCOHOL AND SPIRITS.

Count DE PENHA GARCIA thanked the mandatory Power for the information contained in the tables on liquor (page 14).

PUBLIC HEALTH.

The CHAIRMAN noted the statement on page 16 of the report that infantile mortality was serious, but showed no evidence of increase, and that the matter was engaging the earnest attention of the Administration. Could the accredited representative say what measures had been taken in this connection?

It would be seen from page 5 (Public Finance) that the expenditure on public health had increased during the year under consideration from £17,824 to £21,819—that was to say, by about £4,000. In what sphere of public health had these additional sums been expended?

Sir Thomas WILFORD said that, in the first place, there had been an intensive campaign against yaws. During the troubles of 1931 and 1932, a number of natives failed to report. It had been difficult to identify sufferers, and the natives in general had been unwilling to submit to treatment. It was now possible to reach practically the whole population, so that—very fortunately—more money had had to be spent on this campaign.

In reply to the question of infant mortality, he would draw the Commission's attention to the previous sentence on page 16 of the report that "during the years 1920 to 1930, notifications of births and deaths were neglected by the natives". This fact of previous non-registration made it almost impossible for the Administration to draw comparisons with previous years.

M. SAKENOBE asked to what extent the missions were co-operating.

Sir Thomas WILFORD drew M. Sakenobe's attention to the passage on page 16 of the report:

"All the missions of different denominations purchase stocks of drugs and dressings at the Apia hospital dispensary from time to time and use them in their schools."

To this, he could only add that all were co-operating in a most satisfactory and friendly manner.

In answer to a further question by M. Sakenobe, the accredited representative said that there had been a distinct improvement in the sanitary arrangements of schools and the health condition of children. A considerable amount of money had been spent on this task. The natives as a rule did not understand hygiene. Even in New Zealand, Maoris had first had to be trained in hygiene and then sent among their fellow people in order to initiate a health campaign. The school hygiene in Western Samoa was really up to date.

LAND TENURE.

M. VAN REES observed that the report contained no reference to the former German plantations which had been retained by the mandatory Power under Article 297 (paragraphs *b* and *c*) of the Treaty of Versailles, the estimated value of which had been placed to the reparation account. Thus, these plantations were "Crown lands" belonging, with full ownership rights, to New Zealand. They had been let and the rents paid to the Treasury of the mandated territory. But there was no mention of this payment in the budget.

Lord LUGARD understood that the Administration in Samoa had nothing whatever to do with the reparation estates.

Sir Thomas WILFORD explained that the exploitation of the former German estates was a question entirely separate from the administration of Western Samoa. Sums received from those estates went straight into the New Zealand Treasury.

M. VAN REES said that he had raised the point because, in the past, it had several times been stated to the Commission that the yield of the rents was paid, not to the New Zealand Government, but to the Treasury of the mandated territory. It appeared that this practice had been discontinued, but the Commission had never been informed of the fact.

Sir Thomas WILFORD replied that, in the early years, when the Administration had derived considerable profits from the rents, etc., of these estates, it had, of its own volition, helped the finances of the mandated territory. Since the Hague Agreement with relation to Samoa, and as the finances of Western Samoa now required no help from outside, he was sure that the Mandates Commission would see that the present position was not in the least the same as it had been in the early years after the war. If the Commission desired him to ask his Government to furnish it with an account of the reparation estates, he would do so, but he did not think that his Government should furnish such a report, for the matter lay entirely outside the jurisdiction of the Mandates Commission.

DEMOGRAPHIC STATISTICS.

M. RAPPARD said that the increase in population was most gratifying, because it constituted a final test of the welfare of the population. There was just one point that was not clear. The table on page 18 seemed to imply that about 700 natives had left the territory.

Sir Thomas WILFORD could assure M. Rappard that that was not correct. To his knowledge only a few persons had proceeded to New Zealand from Samoa in the course of the year. An explanation would be given in the next report.

CLOSE OF THE HEARING.

The CHAIRMAN thanked Sir Thomas Wilford for his co-operation. He understood that Sir Thomas Wilford would be relinquishing his post in London in order to return to his country. The members of the Mandates Commission regretted that they would not again have the pleasure of seeing Sir Thomas Wilford at their table.

Sir Thomas WILFORD thanked the Chairman. He was sure that the Mandates Commission would show to his successor the same unflinching consideration and courtesy which he himself had invariably experienced.

Sir Thomas Wilford withdrew.

Togoland and Cameroons under French Mandate : Observations of the Commission.

After an exchange of views, *the Commission adopted its observations on Togoland and Cameroons under French mandate* (Annex 17).

SEVENTEENTH MEETING

Held on Thursday, November 2nd, 1933, at 10.30 a.m.

Syria and the Lebanon : Spécial observations of the Commission.

After an exchange of views, *the Commission adopted its spécial observations concerning Syria and the Lebanon* (Annex 17).

Ruanda-Urundi : Observations of the Commission.

After an exchange of views, *the Commission adopted its observations concerning Ruanda-Urundi* (Annex 17).

Syria and the Lebanon : Petition, dated February 11th, 1933, from M. Sami Sleem (continuation).

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report* (Annex 9), *with certain drafting amendments.*

EIGHTEENTH MEETING

Held on Thursday, November 2nd, 1933, at 4 p.m.

Togoland under British Mandate : Petition, dated April 4th, 1933, emanating from the Chief and Inhabitants of Woamé (continuation).

M. PALACIOS explained that the inhabitants of Woamé (Klouto district, Togoland under French mandate), who had, on July 3rd, 1928, sent a previous petition¹ for which he had been Rapporteur and regarding which a favourable decision had been reached by the Commission and approved by the Council on September 28th, 1929, had submitted a further petition dated April 4th, 1933, requesting the League of Nations to defend the rights which they claimed. They asserted that these rights were not merely being disregarded, but were being violated by force and intimidation. They stated that a frontier line drawn between the cantons of Honuta and Woamé had deprived them of the possession of their lands. The inhabitants of the Honuta canton, strongly armed, were preventing them from enjoying these lands so that, robbed and humiliated, they were unable, not merely to utilise land which they alleged to belong to themselves, but even to keep it. They recapitulated the events to which their petition referred, and also submitted a general plan of the locality.

The mandatory Power had not offered any observations to the Commission, nor had anything been said by the accredited representative. The accredited representative of the French Government, however, when interrogated on this subject at the meeting on October 26th, 1933, had replied that an agreement had already been reached between the two territories; he had added that information would be given in the next report.

For these reasons, M. Palacios proposed that the Commission should adjourn its decision until it was in possession of all the data.

M. Palacios's proposal was adopted.

Syria and the Lebanon : Petitions, dated May 20th and July 31st, 1933, from the " Association syrienne de Toulouse " (continuation).

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report* (Annex 5).

Syria and the Lebanon : Petition, dated May 14th, 1933, from M. Mahmoud wehbe, Editor of the Newspaper " El Ittihad " (continuation).

COUNT DE PENHA GARCIA, Rapporteur, pointed out that the object of this petition had been brought to the Commission's notice by a petition from the " Association syrienne de Toulouse " on which he had already reported (Annex 5). He proposed that the petition should be rejected, in accordance with the procedure adopted by the Commission.

The proposal was adopted.

¹ See Minutes of the fifteenth session of the Commission, pages 205, 257-262 and 297.

Syria and the Lebanon : Petition, dated September 1st, 1933, from Mme. Hasiba Mahomet el Mousri (continuation).

After an exchange of views, *the Commission adopted the conclusions of M. Palacios's report (Annex 11).*

Togoland under French Mandate : Petitions concerning the Incidents which occurred at Lomé, January 1933 : (1) Petitions : from M. Sosuvi, Gold Coast (a) dated February 5th, 1933; (b) dated February 13th, 1933, (Annex 13(a)); (2) Petition, dated August 15th, 1933, from the " Bund der Deutsch Togoländer " (Annex 13(c)).

After an exchange of views, *the Commission adopted the conclusions of M. Orts's report (Annex 13(e)).*

Syria and the Lebanon : Petition, dated June 28th, 1933, from the President of the " Association des étudiants arabes de Genève ".

After an exchange of views, *the Commission adopted the conclusions of M. Rappard's report (Annex 8).*

Palestine and Trans-Jordan : Petition, dated May 25th, 1933, from M. Auni Abdul Hadi, Secretary-General of the Arab Independence Party.

M. PALACIOS explained that this petition, for which M. Ruppel was to have been Rapporteur, but for which he himself had been appointed Rapporteur in M. Ruppel's absence, was a letter from the Secretary-General of the Arab Independence Party, dated May 25th, 1933. Attached to it were also a memorandum, dated January 8th, 1933, and a covering letter by the mandatory Power, with certain pertinent observations, dated July 14th last.

As the memorandum, apart from the questions regarding which the Mandates Commission had already declared that it had no competence, constituted a commentary and criticism of the whole policy of the mandatory Power in Palestine with regard to Arab aspirations, and as the mandatory Power gave an account each year of its mandate at the summer session of the Commission during the hearing of the accredited representatives, M. Palacios proposed that consideration of the petition should be deferred until the next session.

M. Palacios' proposal was adopted.

Palestine and Trans-Jordan : Petition, dated May 18th, 1933, from M. D. Warwar, President of the " Sociedad palestino-arabe de Cuba ".

M. PALACIOS explained that this was a letter dated Havana, May 18th, 1933, protesting against the excessive immigration of Jews into Palestine. For the reasons stated in connection with the previous petition, and more especially because the present petition had not yet been commented upon by the mandatory Power, he proposed that the Commission should remove it from the agenda of the present session.

M. CATASTINI added that it was natural that the examination of this petition should be deferred, as the time-limit within which the mandatory Power could submit its observations had not yet expired.

M. Palacios's proposal was adopted.

Islands under Japanese Mandate : Observations of the Commission.

After an exchange of views, *the Commission adopted its observations concerning the islands under Japanese mandate (Annex 17).*

NINETEENTH MEETING

Held on Friday, November 3rd, 1933, at 10.30 a.m.

Syria and the Lebanon : Petitions, in Five Series (Twenty-two in all), relating to the Political Organisation of Syria and the Lebanon (continuation).

The CHAIRMAN opened the discussion on the following draft conclusion of M. Rappard's report (Annex 6) :

" The Commission,

" Having taken note of the petitions in five series relating to the general organisation of the territories of the Levant under French mandate transmitted by the French Government in its letter of June 16th, 1933 ;

" Having heard the accredited representative of the mandatory Power with regard to these petitions during the present session, and bearing in mind the statements made by the High Commissioner for Syria and the Lebanon at its twenty-second session :

“ Considers that the petitioners’ wishes for the creation in Syria of a unitary State, as well as their wish that France should grant independence to any part of the territory under mandate which is not Syria or the Lebanon, are contrary to the fundamental charter of the mandate ;

“ Wishes the mandatory Power all success in the difficult task in which it is engaged of reconciling the aspirations towards full independence of the populations placed under its tutelage with the guaranteeing of the rights and interests of the minorities among these populations.”

Lord LUGARD approved the principles enunciated by M. Rappard.

M. VAN REES asked what was the relationship between the sentence in the last paragraph but two of the report beginning with the words, “ The mandate, indeed, did not seem to exclude . . . ” and the third paragraph of the draft conclusions.

M. RAPPARD replied that the sentence of the report to which M. Van Rees referred should be read in conjunction with the subsequent one. These two sentences taken together showed that the process of emancipation might be gradual. Nevertheless, if Syria reached the threshold of final emancipation before the rest of the territory, she would have to wait.

M. VAN REES asked what, in those circumstances, became of paragraph 4 of Article 22 of the Covenant. Under this paragraph, if one of the “ communities ” was declared capable of self-government, it had the right to claim its immediate independence—that was to say, without waiting for the other communities which formed part of the same territory under mandate to have attained the degree of political development necessary for them to obtain their independence.

M. RAPPARD thought that the various religious communities in Syria could not be regarded as “ communities ” in the sense of Article 22. It was simply a question in this case of the inhabitants of a territory under mandate.

M. VAN REES admitted that, in the case of Syria, it would be almost inconceivable that, the rest of the territory being emancipated, the mandatory Power would be able to maintain its mandate over such insignificant portions as the Jebel Druse and the Alaouite country. He therefore agreed with M. Rappard’s conclusions.

M. MERLIN agreed with M. Rappard’s conclusions.

M. RAPPARD, reverting to the question raised by M. Van Rees, thought that the whole difficulty arose from the employment, in paragraph 4 of Article 22 of the Covenant, of the word “ communauté ”. If this expression were given its usual meaning in the East—namely, a religious community—absurd conclusions would be reached. This word had probably been used failing a better one. It must be remembered that the French text of Article 22 of the Covenant had been translated from the English. In English the word “ community ” meant a group of persons living in a given locality. The term was rather vague, but that was the interpretation which should be given to it. Consequently, it must be admitted that it applied to the inhabitants of the three territories of Palestine, Syria and the Lebanon, for each of which a mandate had been granted. It could not be said of these inhabitants, in 1919, that they were distinct peoples or nations, from whence probably arose the term “ communities ” translated “ communautés ”.

Lord LUGARD was of opinion that the word should not be interpreted in its ordinary sense of a “ community ” within a State; it was simply a synonym for the term “ people ”, which had been used in paragraph 1 of Article 22.

M. PALACIOS shared this opinion. If, in drafting the Covenant, different words—“ territories ”, “ peoples ”, “ communities ”—had been used which meant roughly the same thing, that had been merely in order to avoid repetition. The proof lay in the fact that, at the beginning of the mandate for Syria, the word “ territory ” was also used in the same sense.

The CHAIRMAN thought that, in any case, it was well that the Commission had noted this point, which merited attention.

He agreed with M. Rappard’s conclusions, but asked for explanations regarding the third paragraph.

M. RAPPARD explained that this paragraph meant that those of the petitioners who wished that any given part of the territories in the Levant under French mandate, which was neither Syria nor the Lebanon, should become an independent State, expressed a desire which was contrary to the mandate.

M. PALACIOS agreed.

M. SAKENOBE shared the Chairman’s anxiety. Could it be said that the establishment of a unitary State in Syria was contrary to the instructions of the mandate, which stipulated that the Mandatory should encourage local autonomy, as far as circumstances permitted? The obligation was not absolute.

M. RAPPARD replied that circumstances not only allowed, but even imposed, the existence of autonomous regions which should be respected, if it were desired that the protection of minorities should be assured.

M. MERLIN confirmed this explanation by observing that, under the very terms of the mandate, the creation of autonomous regions was essential, because the mandate said not that the mandatory Power could or should set up, but that it should “ encourage local autonomy, etc. ” For that reason, he fully agreed with M. Rappard’s conclusions.

The CHAIRMAN thought that, nevertheless, the point should be made clear by adding, for instance, after the words "unitary State" the words "apart from autonomous regions".

M. RAPPARD thought that such an addition would be tautologous. Juridically speaking, a unitary State was the exact opposite of a federative State.

The CHAIRMAN insisted that this passage should be made somewhat clearer, and proposed one or the other of the following texts: "Strictly unitary State, apart from autonomous regions" or, "Strictly unitary State, excluding the autonomous regions".

M. PALACIOS also thought that this passage should be made clearer.

M. RAPPARD accepted a modification taking into account the Chairman's suggestions, but proposed to introduce it in the form of an explanation: "Unitary State—that is to say, exclusive of autonomous regions".

He also proposed that the words, "France should grant independence", should be replaced by the words "full independence should be granted".

The Commission adopted the conclusions of M. Rappard's report as amended (Annex 17).

Syria and the Lebanon : Observations of the Commission (continuation).

The Commission examined the following draft observation on Syria and the Lebanon:

"The Commission has been informed, by the accredited representative of the mandatory Power, of the development of the political situation in Syria and the Lebanon during the last eleven months. It calls the Council's attention to the account, embodied in the Minutes, of the meetings devoted to this question. Without wishing to anticipate the opinion it will have to give when it has collected all the requisite data for that purpose, the Commission, anxious that the spirit of the provisions of the mandate shall be safeguarded, feels bound to emphasise now that the provisions to be adopted on behalf of those groups of the population which in Syria and the Lebanon differ from the majority in race, religion, language or customs must be compatible with that spirit."

M. PALACIOS would prefer another text; he proposed that the words "during the last eleven months" should be omitted. As M. Ponsot had in the past made a statement to the Commission, there was no need to limit the period in question. There still remained the declarations of the High Commissioner, in regard to which the Commission had not yet expressed that reasoned opinion which those declarations, in view of their importance, deserved. He referred to those dealing with union and the gradual emancipation of Syria and the Lebanon.

M. MERLIN pointed out that the accredited representative had explained the policy followed during these last eleven months, without, however, giving any account of the general policy; that was the task of the High Commissioner himself.

The CHAIRMAN thought that, in these circumstances, the logical consequence would be that the Commission should not express any opinion for the moment.

COUNT DE PENHA GARCIA reminded the Commission that the accredited representative had stated that it was not the High Commissioner who was responsible for the policy of the mandatory Power. He directed that policy in accordance with the instructions of the Government.

M. ORTS felt that the whole form of the general observation should be modified, so as to connect it with the previous discussions on the subject, while avoiding any appearance of taking up a position in the matter at the present stage. He therefore proposed that the present text of the general observation should be replaced by the following text:

"In a letter dated June 15th, 1933, the French Government informed the Secretary-General of the League of Nations that M. Ponsot, High Commissioner for Syria and the Lebanon, would make a statement to the Commission in October on the evolution brought about in the situation of the States under mandate. In the meantime, however, M. Ponsot was transferred to another post and the intention could not be carried out.

"M. Ponsot's successor, on the other hand, could not be expected to make such a statement at the very moment he had assumed the office of High Commissioner.

"In these circumstances, the French Government stated, in a letter dated September 14th, that it would be M. de Caix who would be called upon to give explanations to the Commission on the points held over at the time of his hearing in June last.

"The accredited representative has given certain indications as to the political situation in Syria and the Lebanon during the past months, although he felt obliged to maintain a greater reserve than would a High Commissioner when explaining his own policy. The Commission would refer the Council to the account of the meetings devoted to these questions to be found in the Minutes."

The CHAIRMAN agreed in principle with this text. It was essential that the Commission should reserve its opinion and maintain its freedom, particularly as it was at present unaware of the policy which the new High Commissioner would follow.

The Commission adopted the text proposed by M. Orts with certain drafting modifications (Annex 17).

Syria and the Lebanon : Petition (undated) from Mme. Amine el Halabi (continuation).

After an exchange of views, *the Commission adopted the conclusions of M. Palacios's report (Annex 10).*

Syria and the Lebanon : Six Petitions, dated January 30th and 31st, February 3rd and 5th, 1933, from Inhabitants of Latakia, Homs, Hama and Aleppo (continuation).

After an exchange of views, *the Commission adopted the conclusions of M. Orts's report (Annex 7).*

Western Samoa : Observations of the Commission.

After an exchange of views, *the Commission adopted its observations concerning Western Samoa (Annex 17).*

TWENTIETH MEETING

Held on Saturday, November 4th, 1933, at 11 a.m.

Examination of the Draft Report to the Council.

The Commission adopted its draft report to the Council on the work of its twenty-fourth session, subject to a few drafting amendments (Annex 17).

Adoption of the List of Annexes to the Minutes of the Session.

The list of annexes was adopted.

Representation of the Mandates Commission at the Council.

The CHAIRMAN said he hoped to be able to represent the Commission at the session of the Council to be held in January 1934, but if not, the Vice-Chairman, M. Van Rees, would replace him.

Date of the Publication of the Report and of the Minutes of the Twenty-fourth Session of the Commission.

M. CATASTINI reminded the Commission that, under the regulations laid down by the Assembly for the Advisory Commissions of the League, the reports and Minutes of these Commissions were distributed simultaneously to the Members of the League and were published when forwarded to the Council in their printed form, unless the Commission concerned decided otherwise.

The Commission had therefore to decide whether it wished, with regard to the report and Minutes of the present session, to make any exception to this rule.

The Commission decided that it was not necessary to make any exception to the rule.

Petitions rejected under Article 3 of the Rules of Procedure in regard to Petitions : Supplementary Report by the Chairman.

The Commission adopted the Chairman's report (Annex 3).

Date of the Next Session.

It was decided that the Chairman should convene the Commission towards the end of May or the beginning of June 1934.

Close of the Session.

The CHAIRMAN thanked his colleagues and the members of the Secretariat for their collaboration.

M. VAN REES concurred with the tribute paid by the Chairman. His colleagues and he had appreciated the courteous and tactful way in which the Chairman had supervised the discussions of the session at which the Commission had had to examine certain particularly delicate questions.

The CHAIRMAN thanked M. Van Rees and declared the session closed.

ANNEX 1.

LIST OF DOCUMENTS ¹ ² FORWARDED TO THE SECRETARIAT BY THE MANDATORY POWERS SINCE THE LAST EXAMINATION OF THE REPORTS RELATING TO THE FOLLOWING TERRITORIES :

- | | |
|--|---|
| A. <i>Iraq.</i> | F. <i>Togoland under British Mandate.</i> |
| B. <i>Syria and the Lebanon.</i> | G. <i>Togoland under French Mandate.</i> |
| C. <i>Cameroons under British Mandate.</i> | H. <i>Islands under Japanese Mandate.</i> |
| D. <i>Cameroons under French Mandate.</i> | I. <i>Samoa (Western).</i> |
| E. <i>Ruanda-Urundi.</i> | |

A. IRAQ.

Annual Report.

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 Period January to October 1932.

B. SYRIA AND THE LEBANON.

Legislation.

Series of the Administrative Acts of the High Commission of the French Republic in Syria (Volumes V to XIII).³

Various Official Publications.

1. Budget of the Government of the Jebel-Druse, Financial Year 1933.
2. Budget of the Government of Latakia, Financial Year 1933.
3. Budget of the Autonomous Sanjak of Alexandretta, Financial Year 1933.
4. Budget of the Syrian Republic, Financial Year 1933.
5. Budget of the Lebanese Republic, Financial Year 1933.
6. Extract from the Minutes of the Fourth Sitting of the Syrian Chamber of Deputies, June 14th, 1932, communicated by the Accredited Representative to the Permanent Mandates Commission at its Twenty-third Session (June 29th, 1933).³

C. CAMEROONS UNDER BRITISH MANDATE.

Annual Report and Legislation.

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of the Cameroons under British Mandate for the Year 1932.
2. Supplement to the Laws of Nigeria 1932.
3. Orders and Orders in Council 17, 18,³ 19-23 of 1932, 1-21, 29-33 of 1933.
4. Ordinances 1-34 of 1933.
5. Rules of Court (the Supreme Court Ordinances) of 1932, 1-3 of 1933.
6. Regulations 13 and 14,³ 15-31 of 1932, 1-21, 24-37 of 1933.
7. Rules 5,³ 6-10 of 1932, 1-10 of 1933.
8. Bye-laws No. 4 of 1932, 1 and 2 of 1933.
9. Table of Amendments which should be made in the 1932 Supplement in consequence of Legislation published between January 1932 and March 1933 (included).
10. Resolution and Order, 1 of 1933.

Various Official Publications.

*Nigeria Official Gazette.*³

¹ Documents received by the Secretariat primarily for any of the technical organisations (*e.g.*, Advisory Committee on Traffic in Opium and Other Dangerous Drugs) or other sections of the Secretariat (*e.g.*, Treaty Registration) are not included in this list. Unless otherwise indicated, the members of the Permanent Mandates Commission should have received copies of all the documents mentioned in this list.

The annual reports and copies of laws, etc., are available only in the language in which they have been published by the mandatory Powers.

The communications forwarded in reply to the observations of the Permanent Mandates Commission and certain other documents have been translated by the Secretariat and are available in both official languages. The titles of these documents are followed by the official number under which they have been circulated.

² The petitions forwarded by the mandatory Powers, together with their observations on those petitions and on the petitions communicated to them by the Chairman of the Permanent Mandates Commission in accordance with the Rules of Procedure in force, are not mentioned in the present list. These documents are enumerated in the agenda of the Commission's session.

³ Kept in the archives of the Secretariat.

D. CAMEROONS UNDER FRENCH MANDATE.

Annual Report and Legislation.

Annual Report addressed by the French Government to the Council of the League of Nations on the Administration under Mandate of the Cameroons Territory for the Year 1932 (Legislation annexed hereto).

Various Official Publications.

1. Special Budget and Annexed Budgets of the Cameroons (Financial Year 1933).
2. Budget of Large-scale Works and Sanitary Expenditure from Loan Funds in the Cameroons (Financial Year 1933).
3. Closed Account of the Special Budget and Annexed Budgets of the Cameroons (Financial Year 1933).
4. Rectifications to the Closed Account of the Special Budget and Annexed Budgets of the Cameroons (Financial Year 1930).
5. *Official Journal* of the Cameroons Territory under French Mandate.¹
6. Map of the Cameroons, Scale 1 : 2,000,000, 1933.
7. Map of the Cameroons Territory, Means of Communication, Scale 1 : 1,500,000, 1933.

E. RUANDA-URUNDI.

Annual Report and Legislation.

Report submitted by the Belgian Government to the Council of the League of Nations on the Administration of Ruanda-Urundi during 1932 (Legislation annexed hereto).

F. TOGOLAND UNDER BRITISH MANDATE.

Annual Report and Legislation.

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Togoland under British Mandate for the Year 1932.
2. Ordinances of the Gold Coast, Ashanti, Northern Territories and Togoland under British Mandate, 1932.

Various Official Publications.

*Gold Coast Official Gazette.*¹

G. TOGOLAND UNDER FRENCH MANDATE.

Annual Report and Legislation.

Annual Report addressed by the French Government to the Council of the League of Nations on the Administration under Mandate of the Territory of Togoland for the Year 1932 (Legislation annexed hereto).

Various Official Publications.

1. Local Budget and Annexed Budgets of Togoland, Financial Year 1931.
2. Final Accounts of the Local Budget and Annexed Budgets, Financial Year 1931.
3. *Official Journal* of the Territory of Togoland under French Mandate.¹

H. ISLANDS UNDER JAPANESE MANDATE.

Annual Report and Legislation.

Annual Report to the League of Nations on the Administration of the South Sea Islands under Japanese Mandate for the Year 1932 (Legislation annexed).

Various Documentation.

Numbers, dated May 17th, June 9th, 16th and 17th, 1933, from the newspaper *Japan Advertiser*, of Tokio, transmitted on November 10th, 1933, by the Accredited Representative to the Twenty-fourth Session of the Commission of the Imperial Japanese Government and mentioned by him during the Meeting of October 31st, 1933.^{1 2}

¹ Kept in the archives of the Secretariat.

² See Minutes, page 75.

I. SAMOA (WESTERN).

Annual Report and Legislation.

1. Thirteenth Report of the Government of New Zealand on the Administration of the Mandated Territory of Western Samoa for the Year ended March 31st, 1933.
2. The Stamp Duty Ordinance, 1932, No. 1, 1932.
3. The General Laws (No. 2) Ordinance, 1932, No. 2, 1932.
4. The Building Alignment Ordinance, 1932, No. 3, 1932.
5. The Port Control Ordinance, 1932, No. 4, 1932.
6. The Samoa Standard Time Ordinance, 1933, No. 1, 1933.
7. The General Laws (No. 3) Ordinance, 1933, No. 2, 1933.
8. The Labour Ordinance, 1933, No. 3, 1933.
9. Samoa Legislative Council (Elective Membership) Amendment Order, 1932.
10. The New Zealand Reparation Estates Amendment Order, 1932.
11. Samoa Importation and Exportation of Coinage Order, 1932.
12. The Samoa Treasury Regulations Amendment Order, 1933.
13. Samoa Post and Telegraph Amendment Order, 1933.

Various Official Publications.

1. Minutes of the Legislative Council Debates, Meetings of September 8th and 13th, 1932, March 23rd, April 11th, 1933.
2. Trade, Commerce and Shipping Report of Western Samoa for the Calendar Year 1932.
3. *The Western Samoa Gazette*.¹

C.P.M.1444(1).

ANNEX 2.

AGENDA OF THE TWENTY-FOURTH SESSION OF THE PERMANENT MANDATES COMMISSION.

- I. Opening of the Session.
- II. Examination of the Annual Reports of the Mandatory Powers :
 - Iraq, January-October 1932.
 - Syria and the Lebanon, 1932.²
 - Cameroons under French Mandate, 1932.
 - Cameroons under British Mandate, 1932.
 - Togoland under French Mandate, 1932.
 - Togoland under British Mandate, 1932.
 - Ruanda-Urundi, 1932.
 - Samoa (Western), 1932-33.
 - Islands under Japanese Mandate, 1932.
- III. Petitions.
 - A. Petitions rejected as not deserving the Commission's Attention.
 - Reports by the Chairman (documents C.P.M.1457 and 1457(a)).
 - B. Petitions to be examined :
 1. Palestine.
 - Petition, dated May 25th, 1933, from M. Auni Abdul Hadi, Secretary-General of the Arab Independence Party, Jerusalem, communicating a Memorandum dated January 8th, 1933, forwarded on July 14th, 1933, by the United Kingdom Government with, its Observations (document C.P.M.1434).³
(Rapporteur : M. Palacios.)
 2. Syria and the Lebanon.
 - (a) Petition, dated May 20th, 1933, from the "Association syrienne de Toulouse" (document C.P.M.1399).
Observations of the French Government, dated October 26th, 1933 (document C.P.M.1462).
(Rapporteur : Count de Penha Garcia.)
 - (b) Petition, dated July 31st, 1933, from the "Association syrienne de Toulouse" (document C.P.M.1440).
Observations of the French Government, dated October 26th, 1933 (document C.P.M.1462).
(Rapporteur : Count de Penha Garcia.)

¹ Kept in the archives of the Secretariat.

² Continuation of the examination which took place at the twenty-third session.

³ The examination of this petition has been postponed to the twenty-fifth session of the Commission (see Minutes, page 105).

- (c) Twenty-two Petitions (in Five Sets), forwarded on June 16th, 1933, by the French Government (document C.P.M.1401).
(Rapporteur : M. Rappard.)
- (d) Six Petitions, dated January 30th and 31st and February 3rd and 5th, 1933, from Inhabitants of Latakia, Homs, Hama and Aleppo, forwarded on June 19th, 1933, by the French Government, with its Observations (document C.P.M.1406).
(Rapporteur : M. Orts.)
- (e) Petition, dated June 28th, 1933, from the President of the "Association des étudiants arabes de Genève" (document C.P.M.1441).
Observations of the French Government, dated October 23rd, 1933 (document C.P.M.1458).
(Rapporteur : M. Rappard.)
- (f) Petition, comprising a Letter, dated February 11th, 1933, and Six Annexes, from M. Sami Sleem, forwarded on October 17th, 1933, by the French Government, with its Observations (document C.P.M.1450).
(Rapporteur : Count de Penha Garcia.)
- (g) Petition, undated, from Mme. Amine el Halabi, forwarded on October 18th, 1933, by the French Government, with its Observations (document C.P.M.1452).
(Rapporteur : M. Palacios.)
- (h) Petition, dated May 14th, 1933, from M. Mahmoud Wehbe, Editor of the Newspaper "El Ittihad", forwarded on October 18th, 1933, by the French Government, with its Observations (document C.P.M.1453).
(Rapporteur : Count de Penha Garcia.)
- (i) Petition, dated September 1st, 1933, from Mme. Hasiba Mahomet el Mousri, forwarded on October 19th, 1933, by the French Government, with its Observations (document C.P.M.1455).
(Rapporteur : M. Palacios.)
3. Cameroons under French Mandate.
Petition, dated August 11th, 1929, from Ngaka Akwa, Theodore Lobe Bell and other Duala Chiefs, and Petition, dated September 5th, 1930, signed by M. Manga Bell, both transmitted on June 5th, 1931, by the French Government, with its Observations (document C.P.M. 1186).
(Rapporteur : M. Rappard.)
4. Togoland under French Mandate.
(a) Petitions, dated February 5th and 13th, 1933, from M. Sosuvi, Denu, Gold Coast (document C.P.M.1385).
Observations of the French Government, dated July 10th, 1933 (document C.P.M.1433).
(Rapporteur : M. Orts.)
(b) Petition, dated August 15th, 1933, from the "Bund der Deutsch Togoländer", transmitted on October 11th, 1933, by the French Government, with its Observations (document C.P.M.1445).
(Rapporteur : M. Orts.)
5. Togoland under British Mandate.
Petition, dated April 4th, 1933, from the Chief and Inhabitants of Woamé, Togoland under French Mandate (document C.P.M.1386).¹
(Rapporteur : M. Palacios.)
6. Islands under Japanese Mandate.
(i) Petition, dated September 3rd, 1931, from M. Kashichiro Masakiyo, acting for M. Wan Cablera, forwarded on November 9th, 1931, by the Japanese Government, with its Observations (document C.P.M.1271).
(ii) Supplementary Petition, dated April 28th, 1932, forwarded on September 5th, 1932, by the Japanese Government, with its Observations (document C.P.M.1297).
(Rapporteur : M. Van Rees.)
7. South West Africa.
(a) Petitions, dated March 29th and April 5th, 1933, from Certain Members of the Rehoboth Community, forwarded on August 19th,

¹ The examination of this petition has been postponed to the twenty-fifth session of the Commission (see Minutes, page 104).

1933, by the Government of the Union of South Africa, with its Observations (document C.P.M.1436).¹

(Rapporteur : Mlle. Dannevig.)

- (b) Petitions, dated March 5th and June 8th, 1933, from Mr. W. Eichhoff, forwarded on May 19th and July 15th, 1933, respectively, by the Government of the Union of South Africa, with its Observations (documents C.P.M.1437 and 1438).

(Rapporteur : Lord Lugard.)

- (c) Petition, dated April 24th, 1933, from M. A. Bergmann, forwarded on July 18th, 1933, by the Government of the Union of South Africa, with its Observations (document C.P.M.1435).

(Rapporteur : Lord Lugard.)

C.P.M.1457(1) and 1457(a).

ANNEX 3.

PETITIONS REJECTED UNDER ARTICLE 3 OF THE RULES OF PROCEDURE IN REGARD TO PETITIONS.

REPORT BY THE CHAIRMAN.

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 ordinary session and which, in my opinion, cannot be considered by the Commission.

I. PALESTINE.

- (a) 1. *Petition, dated June 27th, 1933, from M. Sigmund Kalish.*
2. *Petition, dated October 3rd, 1933, from the Central Bureau of the Agudath Israel, Zurich.*
3. *Petition, dated October 18th, 1933, from the President of the "Central Bureau of the Autonomous Orthodox Israelite Confession in Hungary".*

Subject.—Recognition of the Orthodox Jews in Palestine as a separate religious community, a question dealt with in several petitions which have been or will be examined by the Commission.

These petitions contain no new information of importance.

- (b) *Petition, dated August 17th, 1933, from M. Suleman Cassum Haji Mitha.*

Subject.—Transmission of the text of resolutions adopted at a meeting of Moslems held at Bombay on August 15th, 1933.

Some of the protests contained in this document are incompatible with the Palestine mandate. It also contains allegations which are lacking in precision. Lastly, one of the resolutions calls for the enactment of a "Land Alienation Act to prevent poor Palestinian Arab Muslims and Christians alienating ancestral lands to the Jews"; this is a problem which the mandatory Power is at present studying and to which the Permanent Mandates Commission is giving its attention in connection with the examination of petitions concerning the same subject.

II. SYRIA AND THE LEBANON.

- (a) *Petition, dated September 9th, 1933, from the President of the Alaouite Society of Rio de Janeiro.*

Subject.—Religious propaganda among the Alaouites.

This petition only contains general protests and provides no new information on the question, which was the subject of several petitions examined by the Commission at its twenty-third session.

- (b) *Petition, dated August 10th, 1933, from M. Tarraff Kyock and M. F. A. Massoud.*

This communication contains complaints incompatible with the mandate for Syria and the Lebanon and makes allegations lacking in precision.

¹ The examination of these petitions has been postponed to the twenty-fifth session of the Commission (see Minutes, page 70).

(c) *Petitions, dated July 9th, August 21st, September 9th and 20th and October 7th and 28th, 1933, from M. Louis Ghaleb.*

The author of these communications, who is of Lebanese origin, asks to be compensated for damage, as he alleges, he suffered in Serbia during the war. In substance he only repeats, without adducing any important new facts, the claims which he has previously addressed to the League of Nations and with regard to which the Mandates Commission declared at its thirteenth session that it had no competence.

C.P.M.1448.

ANNEX 4.

PROCEDURE IN THE MATTER OF PETITIONS.

NOTE BY THE CHAIRMAN.

At our last meeting, two of my colleagues, rightly concerned at the increasing proportion of trivial petitions upon which the Commission is called upon to pronounce, put forward certain proposals with a view to remedying this situation.

A consideration of their suggestions has led me to the conclusion that they come under two distinct heads.

A.

If I have understood rightly, there is first a suggestion for the rejection without further consideration (*in limine*), by the Chairman of the Commission, of petitions transmitted by the mandatory Powers which must be deemed non-receivable.¹

Under the terms of the rules now in force, the Chairman is empowered to examine petitions received from a source other than that of the inhabitants of the mandated territories and to decide which, if any—"by reason of the nature of their contents or the authority or disinterestedness of their authors—should be regarded as claiming attention and which should be regarded as obviously trivial". In virtue of that provision of the procedure, the Secretariat submits to me regularly petitions which it receives from sources outside the mandated territories, and I decide, in each individual case, whether or not it is necessary to transmit the petition for observations to the mandatory Power concerned. At each of its sessions, the Commission takes note of the report that I present to it on the petitions with regard to which I have not thought it necessary to take such action.

The procedure does not provide for this preliminary examination by the Chairman for those petitions which are received from inhabitants of the mandated territories and which are in consequence transmitted by the mandatory Powers with their observations.

To extend to this category of petitions the sorting-out which devolves upon the Chairman for petitions received from sources outside the mandated territories would be equivalent to amending the Rules of Procedure sanctioned by the Council on January 31st, 1923. If that were the intention of the Commission, it would be necessary for the latter to submit to the Council a formal draft amendment to the Council resolution.

I suggest that, before contemplating any amendment properly speaking of the Rules of Procedure of the Commission, it might be preferable to seek, at all events by way of experiment, a solution which would fall within the framework of those rules.

It may not be superfluous to point out that a mandatory Power always possesses the right of contesting the receivability of a petition which it is transmitting to the Commission. When that is the case, it devolves upon the Commission to pronounce on such an *exceptio* after considering the arguments submitted by the mandatory Power. Cases coming within this category must then always be examined by the Commission itself and form the subject of formal conclusions.

As regards petitions of the same character transmitted by the mandatory Powers without objection as to their receivability, I think that the following procedure might be contemplated, at all events by way of experiment: any member of the Commission appointed as Rapporteur on a petition who might find that there was reason to decide on its non-receivability would simply propose that it be rejected without further examination (*in limine*). If the Commission accepted this negative point of view of the Rapporteur, the petition in question would be mentioned in a list which would appear as an annex to the Minutes of the session, as is already the case for petitions received from sources outside the mandated territories which have been rejected by the Chairman. The mandatory Powers and the petitioners concerned would naturally be informed by the Secretariat.

B.

The second suggestion put forward during the last session refers to the interpretation of the rule embodied in paragraph 5 of the Rules of Procedure.² Under the terms of that provision, it is for the Commission to distinguish between those petitions received with comments from

¹ See Minutes of the twenty-third session, page 76.

² See Minutes of the twenty-third session, page 131.

the mandatory Powers which can be communicated to the Council and the Members of the League, and the others. It was proposed by our Vice-Chairman, if I remember rightly, that fuller use should be made of the Commission's right not to communicate certain petitions to the Council and the Members of the League.

This rule has hitherto been interpreted to mean that the Commission shall, in its report to the Council, communicate its conclusions on all the petitions that it has examined, specifying in each instance whether or not the case is one on which action should be taken.

A large proportion of the petitions examined during the last few years have formed the subject of conclusions to the effect that no action was called for.

In my view, the Commission might contemplate, as an experiment, without in any way amending the existing procedure, a division into two groups of the part of its report devoted to petitions that it has examined. One of these groups might be devoted to petitions concerning which the Commission adopts conclusions embodying a recommendation to the Council, to the mandatory Power concerned, or to the petitioners themselves. The second group would simply contain an enumeration of the petitions which, after examination, the Commission considers do not call for any special action and which, in consequence, do not form the subject of a recommendation to the Council.

* * *

In submitting the foregoing statement, I do not claim to have exhausted the subject. My sole object has been to attempt to define a problem the study of which might, if my colleagues so desire, be entrusted to a Rapporteur or to a special sub-committee.

ANNEX 5.

C.P.M.1474.

SYRIA AND THE LEBANON.

PETITIONS, DATED RESPECTIVELY MAY 20TH AND JULY 31ST, 1933, FROM THE
"ASSOCIATION SYRIENNE DE TOULOUSE".

REPORT BY COUNT DE PENHA GARCIA.

The "Association syrienne de Toulouse" lodged with the Chairman of the Mandates Commission two petitions, dated respectively May 20th and July 31st, 1933.

According to our rules, these petitions were transmitted to the mandatory Power, which sent its observations on them, by letter dated October 26th. I had occasion to ask the representative of the mandatory Power for certain information on the facts in question at our meeting of October 27th.

The facts of which the petitioners complained were supposed to prove that the Syrians have no freedom to express their opinion when the latter is contrary to the High Commissioner's policy. The Press laws and the decrees regarding the right of assembly or of manifestation are, according to the petitioners, stifling all liberty.

The petitioners add that persons expressing views contrary to the policy of the High Commissioner are subject to persecution, and in that connection they cite two cases in support of their statement.

In its reply, the Government of the mandatory Power observes that the Press laws consist of the decrees issued by the High Commissioner or by the local governments, which are legitimate authorities, and that the same may be said of the decrees regulating the right of manifestation or of assembly. The object of these decrees is to prevent abuses of the right of criticism and acts or demonstrations liable to disturb public order. The newspapers suspended were five in number—namely, *El Kabaas*, *El Ayam*, *El Ittihad*, *El Djesirat* and *El Sayar*. The mandatory Power affirms that it was within its right in applying the law, since the articles published came within the scope of the provisions allowing the suspension of newspapers which publish articles calculated to disturb public order, to incite to non-payment of taxes, or to give rise to serious incidents. The editors of the papers in question had been warned before the penalty of suspension was applied. Two of the papers, *El Kabaas* and *El Ayam*, have already been authorised to reappear. As regards the two individual cases of Abdine Hamadé and Dr. Rachid Maâtouk, the representative of the mandatory Power observed that there had been no abuse of authority, and that Dr. Maâtouk could have availed himself of the administrative remedies.

To sum up, the two petitions represent an existing situation, the origin of which lies in the opposition to the actual principle of the mandate which has often been expressed in Syrian petitions and which the mandatory Power is endeavouring to allay. From the legal point of view, there is no reason for taking action upon the petitions. In these circumstances, I propose to the Commission the following resolution:

"The Commission, having examined the petitions of the 'Association syrienne de Toulouse' and the mandatory Power's observations, does not consider that any action should be taken on these petitions."

ANNEX 6.

SYRIA AND THE LEBANON.

TWENTY-TWO PETITIONS, IN FIVE SERIES, RELATING TO THE FUTURE DEVELOPMENT OF THE MANDATE FOR SYRIA.

REPORT BY M. RAPPARD.

I. *Preliminary Considerations.*

My colleagues will remember that, at the twenty-second session of the Mandates Commission, we had the privilege of hearing M. Henri Ponsot, then High Commissioner of the French Republic in Syria and the Lebanon, state the bases on which his Government proposed to found its future work in Syria.¹

In his preliminary statement M. Ponsot defined as follows the twofold task which he proposed to take up on his forthcoming return to Damascus :

“ To define immediately the situation as it will be when the mandate comes to an end and also to map out the programme and stages of the evolution of existing institutions in the various spheres in which active and cordial collaboration between the Syrian Government and the mandatory Power is still necessary to fulfil both at home and abroad the requisite conditions for the admission of Syria as a Member of the League, taking into account the general principles already laid down by the League for the termination of a mandatory regime.”²

When M. Ponsot's statement and the exchange of views to which it gave rise in the Mandates Commission were known in Syria, through the publication of our Minutes at the beginning of 1933, they appear to have aroused strong currents of opinion showing marked divergencies in the territories under French mandate in the Levant.

The petitions drawn up in the spring of 1933, on which I have been asked to submit a report, contain an echo of these anxieties.

They are of two characters, which clearly distinguish them from most of the petitions the Commission is usually called upon to consider. On the one hand, they do not voice the dissatisfaction aroused by a particular act of the mandatory Power or one of its agents, but they lay before us various desires and complaints in regard to its general policy. On the other hand, and in particular, they do not refer to past acts, but to the presumed intentions of the mandatory Power as regards the future.

This second characteristic of the petitions in question at once raises the problem of their receivability. Are they really petitions which the Commission is empowered and bound to consider with a view to making a recommendation to the Council of the League?

In order that we may be clear as to the answer to be given to this preliminary question, I will first remind you of two texts.

Under Article 22, paragraph 9, of the Covenant, our Commission is constituted “ to advise the Council on all matters relating to the observance of the mandates ”.

Further, according to the “ Summary of the procedure to be followed in the matter of petitions concerning mandated territories ”, “ the Permanent Mandates Commission has, with the approval of the Council, given an interpretation of the word ‘ petition ’, which makes it possible to include memorials and similar memoranda of every kind concerning the administration of the mandated territories ”.

These texts, it is true, do not seem to provide any decisive answer to the question whether the petitions under consideration are receivable. Is this a matter of the “ observance of the mandates ” or of the “ administration of the mandated territories ”? It certainly does not refer to observance or administration in the past, since we are asked to give an opinion only on hopes or fears regarding the future. Nevertheless, not only do the texts I have just quoted not expressly limit our competence to the examination of past facts, but it may, I think, be maintained that a public statement by a representative of a mandatory Power regarding the policy of that Power constitutes in itself a manifestation of administrative activity.

To begin with, therefore, I conclude on this point that there is no legal objection to the consideration of the petitions in question.

Further, I think there is one important circumstance which calls for our consideration of the petitions. The mandatory Power, through its High Commissioner, was good enough last year to explain to us the problem of the future evolution of the French mandate in the Levant and to show us in what spirit it proposed to solve that problem. Moreover, when the petitions in question were lodged with it, the French Government was good enough to communicate them to us on June 16th, 1933, by a letter, the second paragraph of which is worded as follows :

“ As the petitions in question refer, not to past facts, but to the presumed intentions of the mandatory Power regarding the development of the policy of emancipation for

¹ See Minutes of the twenty-second session, pages 259 *et seq.*

² See Minutes of the twenty-second session, page 263.

Syria, I did not feel bound, in transmitting them to the Commission, to submit to it any special observations upon them. These observations will be constituted by the general explanations which the High Commissioner of the mandatory Power in Syria and the Lebanon will give the Permanent Mandates Commission in due course."

Lastly, on September 14th, 1933, the French Government, when informing the Secretary-General of the League that, in the absence of M. Ponsot, who has been appointed to another post, M. de Caix would represent France, expressly stated that M. de Caix "would be at the Commission's disposal to give it any explanations it might desire, particularly in regard to political petitions, the consideration of which had, at the French Government's request, been adjourned until this session". Accordingly, M. de Caix, at the present session, has answered without hesitation the questions put to him regarding these petitions.

I conclude from all these facts that the Commission is not only empowered, but is bound to consider these petitions. To refuse to do so would be to disappoint the expectations, not only of the petitioners, but of the mandatory Power itself. It would at the same time mean the renunciation of the right to make, if necessary at the proper moment, critical recommendations to the Council on a policy which, when announced to us, had not given rise to any reservations on our part.

In view, however, of the intentions of the mandatory Power, which so far have only been outlined, and as their execution will undoubtedly depend largely on the attitude of the inhabitants of Syria, which it cannot exactly foresee, we must approach our task with much circumspection. That task is confined, I think, to the consideration of the petitions in the light of the provisions of the Covenant and of the mandate, which govern the whole matter.

II. *Petitions and Observations of the Mandatory Power.*

The petitions in question are twenty-two in number, and some of them are signed by several hundred petitioners. They have been submitted to us in five series. The first series, comprising seven petitions, emanates from signatories living in the State of Syria properly so called, and are all in favour of a policy of unity. The second series, comprising five petitions, emanates from Alaouites and Ismaliés living in the territory of the Government of Latakia. The authors of these petitions are hostile to unity and favour the autonomy or even the independence of their territory. The third series, comprising four petitions, emanates from Christians in the Government of Latakia. Two are hostile and two favourable to unity. Two of the three petitions of the fourth series come from Sunni Moslems of Latakia and of Jeblé and favour union with Syria. The third, signed by Ozman Zeidan in the name of Alaouite youth, is dated from Bagnas and expresses contrary aspirations. Lastly, the fifth series, comprising three petitions, shows even less homogeneity in the character of its signatories. The first, bearing more than 600 signatures, is dated from Tripoli; the second, coming from a Moslem of Beirut, is signed "For the youth of Beirut", but bears only one signature, which the mandatory Power tells us is that of the owner of a racing stable who has hitherto taken no part in politics. The last, dated from Beirut, bears the signatures of some fifty Moslem small traders, a few Druses and a few orthodox Greeks. These three petitions are in favour of unity.

In short, and without analysing them now or adverting to the various demands unconnected with the central problem of future policy, all these petitions contain the following characteristic: the petitioners from Syria, properly so called, the representatives of the Moslem minority in the Government of Latakia and a few other Christian or Moslem elements of Latakia and Beirut are in favour of unity with or without explicit mention of decentralisation. The Alaouites of the Government of Latakia and the Christians and Ismaliés of the same region are hostile to the policy of unity and in favour of autonomy or independence with or without the collaboration of France.

The mandatory Power, through the statements made by M. de Caix, which take the place of written observations, has not tried to define its attitude towards these petitions. On the contrary, it has been careful to reserve its final decision and to allow the greatest possible latitude to the High Commissioner who is carrying on in Syria the negotiations with the representatives of the population. It has, however, shown itself more favourable to a policy of autonomy than to a policy of unity by emphasising the necessity of safeguarding the interests of the minority in the Government of Latakia and of avoiding, in the interest of the majority in Syria properly so called, too complete a fusion with the Jebel-Druse.

III. *Conclusions.*

In order to form an opinion on the petitions, the Commission ought clearly to consider them in the light of the mandate for Syria and the Lebanon, which constitutes the fundamental charter of the French mandate in the Levant.

Must it also take into account the Organic Law of Syria and the Lebanon which was communicated to it in 1930? I do not think so. That organic law represents an act of the mandatory Power carried out in execution of the provisions of Article 1 of the mandate. Neither the Commission nor the Council have ever felt authorised to analyse it. They have simply taken note of it, expressing "the hope that, in the agreements preparing the way for the new regime in Syria and the Lebanon, the mandatory Power will endeavour to ensure

the maintenance of certain rights and interests, the safeguarding of which was specially entrusted to the Mandatory until the termination of the mandate".¹

It is true that a literal interpretation of Article 1 of the mandate might suggest a different view. That article reads as follows :

" The Mandatory shall frame, within a period of three years from the coming into force of this mandate, an organic law for Syria and the Lebanon. . . . Pending the coming into force of the organic law, the Government of Syria and the Lebanon shall be conducted in accordance with the spirit of this mandate. "

The view might thus be taken that the authors of the mandate contemplated the substitution of the organic law for it three years after its application. If such were the anticipations of the authors of the mandate, it must be realised that they have been belied by subsequent developments. In the first place, the organic statute was not brought into force three years after the coming into force of the mandate. It was not until 1930, eight years after the coming into force of the mandate, that the Constitutions of the Lebanese and Syrian Republics and the other four texts which together constitute the organic law were promulgated. And, secondly, in the view of the mandatory Power itself, these texts were in no way intended as substitutes for the mandate, nor had they that effect. As proof, we need only point to the following provision of Article 90 of the Constitution of the Lebanese Republic promulgated on May 23rd, 1926 :

" The powers established by the present Constitution shall be exercised subject to the rights and obligations of the mandatory Power as they result from Article 22 of the Covenant of the League of Nations and from the mandate. "

The same provision is contained word for word in Article 3, paragraph 1, of the Decree of the High Commissioner of the French Republic issued on May 14th, 1930, promulgating the Constitution of the State of Syria.

The Commission's task, as I conceive it in this matter, is simply to define the limits laid down in the mandate within which the mandatory Power has full freedom to organise the territories entrusted to its administration. All the wishes of the petitioners contrary to the provisions of the mandate must be set aside. The mandatory Power is free to satisfy any that are in accordance with the mandate.

The authority of the mandatory Power in the Levant extends to Syria and the Lebanon. The frontiers separating these two countries from their neighbours have been fixed by international conventions. This is not the case with the frontiers separating these territories from each other. All that may be affirmed in accordance with the Covenant and the mandate is that, within the region entrusted to the mandate of France in the Levant, all that is not Syria is the Lebanon, and all that is not the Lebanon is Syria.

Consequently, to ask for independence for a territory which is neither Syria nor the Lebanon, as do certain petitioners in the Government of Latakia, is to express a wish contrary to the mandate, if by independence the petitioners mean the breaking of all connection with Syria or the Lebanon.

Contrary to the mandate, too, would be the demand for the fusion of the Lebanon and Syria, since, according to Article 1 of the mandate, the mandatory Power must " enact measures to facilitate the progressive development of Syria and the Lebanon as independent States ".

Moreover, the mandate does not exclude—indeed, it actually calls for—the constitution of autonomous regions within the two mandated territories. The efforts of the mandatory Power to establish local autonomy therefore seem fully in accordance, not only with Article 1 of the mandate, in which the Mandatory is asked to " encourage local autonomy as far as circumstances permit ", but also with the protection of minorities, which it has to ensure under Article 8 of the mandate. The wishes of the petitioners, in so far as they relate to the establishment in Syria of a unitary State, thus seem as much contrary to the mandate as those of their opponents who would like independence to be granted to a territory which would be neither Syria nor the Lebanon.

The mandate, indeed, does not seem to exclude the possibility of the various parts of the two mandated territories being gradually emancipated from the guardianship of the Mandatory at different rates according to the varying degrees of their political maturity. All that the mandate seems to provide is that, as and when Syria and the Lebanon eventually attain complete political independence, both territories in doing so will enjoy complete territorial integrity.

The Commission has every reason to take the view that these wishes are in accordance with those of the mandatory Power. Indeed, in the actual statement in which M. Ponsot explained to the Commission last year the motives which had led him to grant a wide measure of autonomy to Latakia, to the Jebel-Druse and to the Sanjak of Alexandretta, he said : " Abroad, the Alaouites and Druses are described on their passports as ' Syrian subjects, nationals of the Government of Latakia or the Government of the Jebel-Druse '." And he added, in reply to a question by the Chairman regarding the Sanjak of Alexandretta, " Alexandretta is simply a Syrian province which enjoys a ' special administrative regime '." ²

¹ See Minutes of the sixty-fourth session of the Council (September 1931), *Official Journal*, November 1931, page 2179 (Report of the Permanent Mandates Commission to the Council on the Work of its Twentieth Session). See also page 2047, fifth paragraph.

² See Minutes of the twenty-second session, page 264.

If my colleagues share the views I have just had the honour to submit to them, they might signify this fact by adopting a resolution such as the following :

“ The Commission,

“ Having taken cognisance of the petitions in five series regarding the general organisation of the territories of the Levant under French mandate transmitted by the French Government in its letter of June 16th, 1933 ;

“ Having heard, on the subject of these petitions, the accredited representative of the mandatory Power at the present session, and bearing in mind the statements made by the High Commissioner for Syria and the Lebanon at its twenty-second session :

“ Considers that the petitioners' wishes for the creation in Syria of a unitary State as well as their wish that full independence should be granted to any part of the territory under mandate other than Syria or the Lebanon are contrary to the fundamental charter of the mandate ;

“ Wishes the mandatory Power all success in the difficult task in which it is engaged of reconciling the aspirations towards full independence of the populations placed under its tutelage with the guaranteeing of the rights and interests of the minorities among these populations.”

C.P.M.1480(1).

ANNEX 7.

SYRIA AND THE LEBANON.

SIX PETITIONS, DATED JANUARY 30TH AND 31ST AND FEBRUARY 3RD AND 5TH, 1933, FROM INHABITANTS OF LATAKIA, HOMS, HAMA AND ALEPPO.

REPORT BY M. ORTS.

On January 29th, 1933, the last day of the Feast of Bairam, a serious disturbance occurred at Latakia, when the Sunnite majority of the population came to blows with the Alaouites, both civilians and soldiers.

This event gave rise to six petitions addressed to the League of Nations through the French High Commissioner in Syria and the Lebanon :

- (1) From Alaouites of Latakia, dated January 30th, 1933 ;
- (2) From Alaouite merchants of Latakia, dated January 31st, 1933 ;
- (3) From religious leaders of Latakia, dated January 31st, 1933 ;
- (4) From a group of inhabitants of Homs, dated February 3rd, 1933 ;
- (5) From a group of inhabitants of Hama, dated February 3rd, 1933 ;
- (6) From a group of inhabitants of Aleppo, dated February 5th, 1933.

These petitions were forwarded to the Secretary-General of the League with a letter from the French Government, dated June 19th, 1933, containing its observations upon them.

* * *

The first three petitions give the Alaouite version of the events—apparently somewhat dramatised—and their authors seize the opportunity to express their attachment to the autonomous status now enjoyed by their country and to reject in advance any change in that status which might bring the Alaouites again under the domination of the Sunnites, or, in other words, of Damascus.

The remaining petitions are the Sunnite reply. In veiled terms they accuse the mandatory administration of plotting against the unity of Syria by taking advantage of minor incidents to re-awaken antipathies between the different communities that form the Syrian nation.

The observations of the mandatory Power, supplemented by the statements of its representative accredited to the Commission, reduce the event to what seem to have been its true proportions. In consequence of an unimportant incident at a fair, some of the spectators, soldiers of Alaouite race, suddenly came to blows with the Sunnites, who form the majority of the population of the town of Latakia. The affray, in which one person was killed and twenty-four injured, caused a panic, which rapidly spread through the whole town and out to the neighbouring villages. The citizens gathered at the city gates to repel any raid by the Alaouite country-folk ; while the latter, fearing an attack, organised themselves for defence. Most happily, the opposing parties did not come into collision.

Here we have one more instance of the impressionable nature of this population, among whom age-long sectarian or racial antipathies are always smouldering and may break out into violent demonstrations at the slightest provocation.

No doubt there is nothing illegitimate, so far as the mandate is concerned, in the aspiration of the Alaouite petitioners ; but it seems undesirable to examine in connection with petitions a question of general policy affecting the future development of the mandate.

As for the suspicions cast on the mandatory administration in the petitions from the other party, they are so absurd that we need not waste time upon them.

If the Commission shares this view, I propose that the following conclusions be submitted to the Council :

“ The Commission,

“ Having examined the petitions relating to the incident which occurred at Latakia on January 29th, 1933, and having taken cognisance of the mandatory Power's observations thereon ;

“ Does not consider that these petitions call for any special action on the part of the Council.”

C.P.M.1472.

ANNEX 8.

SYRIA AND THE LEBANON.

PETITION, DATED JUNE 28TH, 1933, FROM THE “ ASSOCIATION DES ÉTUDIANTS ARABES DE GENÈVE ”.

REPORT BY M. RAPPARD.

On June 28th, 1933, the “ Association des étudiants arabes de Genève ” sent to the Mandates Commission a petition regarding certain aspects of the mandatory Power's administration of Syria.

The second of the three complaints made by the petitioners was submitted on the instructions of the Chairman of the Mandates Commission to the mandatory Power ; the latter communicated its observations to the Commission on October 25th, 1933.

The petitioners complain that “ the mandatory Power is using the Customs revenue for the amortisation of the Ottoman debt ”. They state that “ the Syrian people urges the mandatory State to restore its regal privileges and desires to settle these debts itself in the same manner as they have been settled by the Ottoman State (Turkish Republic) ”.

The mandatory Power had no difficulty in proving that the method it has adopted for the amortisation of the portion of the Ottoman debt assigned to the mandated territory is to the latter's best interest. So long as Syria and the Lebanon are placed under the mandate of France, it is obviously the latter's duty to see that the international obligations of those territories are complied with. Moreover, in effecting the amortisation in advance and under particularly favourable conditions of the portion of the Ottoman public debt which the territory is called upon to cover, the mandatory Power has carried out an operation which certainly redounds to its credit.

If my colleagues share this view, they might signify their approval by adopting a resolution such as the following:

“ The Commission,

“ Having taken cognisance of the complaints contained in the second point of the petition, dated June 28th, 1933, from the ‘ Association des étudiants arabes de Genève ’, and in view of the observations which the mandatory Power has been good enough to communicate to it on the subject :

“ Regards the petition of the ‘ Association des étudiants arabes de Genève ’ as unfounded.”

C.P.M.1471(1).

ANNEX 9.

SYRIA AND THE LEBANON.

PETITION, DATED FEBRUARY 11TH, 1933, FROM M. SAMI SLEEM.

REPORT BY COUNT DE PENHA GARCIA.

The first document sent by the petitioner was a telegram addressed to the League Secretariat on January 5th last. The signatory, who was imprisoned in the Sables prison at Beirut, begged for the League's intervention.

On January 9th, he wrote a letter from prison to the Chairman of the Mandates Commission, in which, after making certain criticisms of the administration of the Government of the mandatory Power in Syria, he complained of having been imprisoned and sentenced to a fine of five Syrian pounds.

Having appealed to the competent court, he behaved in such a way as to incur a further penalty of fifteen days' imprisonment for insulting the magistrates. The mandatory Power notes that the court was very lenient and, to avoid applying the full rigour of the law, mitigating circumstances were allowed.

In accordance with our procedure, the petition should be declared inadmissible, as the decision was correctly rendered by a legally constituted court.

I accordingly propose that the Commission should adopt the following resolution :

“ The Commission, having considered the petition from M. Sami Sleem contained in his telegram of January 5th, 1933, and his letter of January 9th, 1933, together with the mandatory Power's observations thereon, dated October 17th, 1933, considers that the allegations contained in the petition do not warrant any recommendation to the Council.”

C.P.M.1481(I).

ANNEX 10.

SYRIA AND THE LEBANON.

PETITION FROM MME. AMINE EL HALABI.

REPORT BY M. PALACIOS.

This petition relates to the arrest of Fariz el Malek in a Damascus tramway-car during a public manifestation of traders on May 16th, 1933. The petitioner, Mme. Amine el Halabi, mother of the arrested man, sent a telegram to the High Commissioner and to the League of Nations. She asserts that her son was severely beaten, that she herself was insulted when she asked to see her son, and that she was refused permission to do so.

The Government of the mandatory Power states that Fariz el Malek had been apprehended among the agitators, that he succeeded in escaping and in hiding in the tram, where he was again arrested, and that he had already been sentenced for seditious outcries. As regards his mother, it appears from the enquiry made that she was in no way molested, but that it is true that she was not allowed to see her son when she came for that purpose on the day following the arrest.

For these reasons and in view of the fact that Fariz el Malek has been handed over to justice on the accusation of a breach of the Decree on the Maintenance of Order, and of inflicting blows and wounds on agents of the public authority in the exercise of their duties, I propose, as Rapporteur, the adoption of the following conclusion :

“ The Commission, having examined the petition from Mme. Amine el Halabi and the mandatory Power's observations thereon, considers that no action should be taken in regard to that petition.”

C.P.M.1478.

ANNEX 11.

SYRIA AND THE LEBANON.

PETITION, DATED SEPTEMBER 1ST, 1933, FROM
MME. HASIBA MAHOMET EL MOUSRI.

REPORT BY M. PALACIOS.

On September 1st, 1933, Mme. Hasiba Mahomet el Mousri, of Beirut, addressed to the League of Nations a petition, which was transmitted on October 19th, 1933, by the mandatory Government, with its observations thereon.

The petition states that Mme. Fatima Chafica el Mousri, who is the orphan sister of the petitioner and who is of full age (16 years), was arrested by the police. By order of the Mufti, the religious head of the Moslems, she was handed over to Hage Youssef Boshesali, who is keeping her prisoner, and as a slave, in his house. Up to the date of the petition, she had in vain endeavoured to escape and to regain her liberty.

The mandatory Power replies that the lady in question is duly married, and that the house in which it is claimed she is being held prisoner is the one in which she contracted marriage. Moreover, up to the present, neither the person concerned nor any of her relatives have complained to the judicial authorities of the State on the grounds of illegal detention or bad treatment.

This question evidently raises a delicate problem of Moslem law in a mandated territory. As, however, in scope and importance, it certainly goes beyond the limits of a petition of this kind, and as, moreover, in the circumstances, the means of legal recourse before the judicial authorities appear to be open to the petitioner, the victim and her family, I propose to the Commission the adoption of the following conclusion :

“ The Commission, having examined the petition from Mme. Hasiba Mahomet el Mousri, dated September 1st, 1933, and the mandatory Power's observations thereon, considers that no action should be taken in regard to it.”

C.P.M.1460.

ANNEX 12.

CAMEROONS UNDER FRENCH MANDATE.

PETITION, DATED AUGUST 11TH, 1929, SIGNED BY CERTAIN DUALA CHIEFS, INCLUDING NGAKA AKWA AND THEODORE LOBE BELL, AND PETITION, DATED SEPTEMBER 5TH, 1930, SIGNED BY R. MANGA BELL.

REPORT BY M. RAPPARD.

For several years past, during its consideration of the Cameroons under French mandate, the Commission has had to devote its attention to the subdivision of the Bali plateau into lots. The land of which the mandatory Power had, by Decree dated May 10th, 1929, determined the allocation, had been expropriated under the pre-mandatory regime for reasons of public utility.

This expropriation and the subsequent subdivision into lots have on several occasions been the subject of protests by petitioners claiming to have been expropriated or to be the legal representatives of persons expropriated.

On June 5th, 1931, the French Government transmitted its observations on two of these petitions to the Commission.

The French Government explained that it had merely approved the allocation of land which had been duly expropriated by the German Government and expressed the opinion that the petitions should be rejected. As these facts were not disputed and as, moreover, the Commission has learned during the present session that the hostility formerly shown towards the operations connected with the allocation had ceased, I consider that no action should be taken on the petitions relating thereto.

If my colleagues share this view, they might adopt the following resolution :

“ The Commission, having examined the various petitions relating to the allotment of land on the Bali plateau and the French Government's observations thereon, considers that, in view of these observations and of the fact that all opposition to the allotment of this land seems to have ceased, no action should be taken on these petitions.”

C.P.M.1385.

ANNEX 13.

TOGOLAND UNDER FRENCH MANDATE.

PETITIONS RELATING TO INCIDENTS AT LOMÉ IN JANUARY 1933.

(a) PETITION, DATED FEBRUARY 13TH, 1933, FROM M. SOSUVI, DENU, GOLD COAST.

Telegram from Denu, Gold Coast, dated February 13th, 1933. League of Nations, Geneva.—Military operation continued. Murderous fire opened on fourth February with result of fifteen death men women and children. Over four hundred men taken prisoner two died in cell. Commission of enquiry necessary.—SOSUVI.

C.P.M.1433.

(b) LETTER, DATED JULY 10TH, 1933, FROM THE FRENCH GOVERNMENT TO THE SECRETARY-GENERAL, FORWARDING ITS OBSERVATIONS ON THE PETITIONS OF M. SOSUVI, OF DENU (GOLD COAST).¹

[Translation.]

Paris, July 10th, 1933.

By a letter of May 29th last, you were good enough, in conformity with a decision taken by the Chairman of the Permanent Mandates Commission in virtue of the Rules of Procedure in the matter of petitions relating to the mandated territories, adopted by the Council of the League of Nations on January 31st, 1923, to send to me copies of two telegrams dated February 5th and 13th, 1933, respectively, from Denu (Gold Coast), concerning certain incidents which occurred at Lomé.¹

Although the first petition, dated February 5th last, calls for the termination of the French mandate and, by reason of that fact, appears to be non-receivable, I have the honour to transmit, with a request that you will be good enough to communicate it to the members of the Permanent Mandates Commission, a note, enclosed herewith, describing in detail the events of which the town of Lomé was the scene on January 24th and 25th, 1933.

For the Minister for Foreign Affairs
and by authorisation :

(Signed) R. MASSIGLI,
Minister Plenipotentiary,
Head of the French League of Nations Service.

* * *

[Translation.]

(a) *Incidents at Lomé on January 24th and 25th, 1933.*

FIRST SIGNS OF UNREST.

At the end of 1932, a certain unrest appeared in the Togoland centres (Anecho and Lomé) in regard to the imposition of new taxes and adjustments of the existing fiscal arrangements (see annexed note). This unrest was reflected, in particular, in the sending of petitions to M. de Guise, the Governor, by the people of Anecho. The Governor, in the course of a palaver, easily refuted the complaints set forth in those petitions, demonstrating the differences between the Togoland fiscal regime and that of Dahomey, the latter being unquestionably more burdensome.

At Lomé, the Council of Notables had, on December 1st, submitted a request of the same nature to M. de Guise, who, quoting the same arguments as he had put before the Anecho population, declared that the request was non-receivable.

Shortly afterwards, the French Commissioner received a further request from a new body not recognised by the authorities of the territory, which had assumed the name of "Local Council of the Town of Lomé". This document was signed "Ghartey" and reproduced the more or less subversive ideas of agitators affiliated to the "Young Togoland" party.

On January 18th, the Council of Notables met to examine the new taxes. The President, M. de Souza, and M. Olympio, M. Acolaste and M. Baeta emphasised the feeling that the imposition of those taxes would arouse in the population. The District Commanding Officer pointed out that the reform in question could not injure the prestige of the Council of Notables, that it hardly affected the less well-to-do part of the population and that, in requiring the richer native members to pay the supplementary tax and the land tax, the burden of taxation was being equitably distributed. As regards the market tax, that was still very low. Nevertheless, the Council of Notables insisted on being received by M. de Guise.

Did that assembly understand the real nature of the fiscal reorganisation? It is very unlikely, and it seems that the Notables, like the natives in general, thought that the whole population would be hard hit. The following table will show that such a fear was not justified.

Taxes payable by a Native liable to the Lowest Taxes.

In 1932	Francs	In 1933	Francs
Head tax	20	Personal tax	20
Medical assistance tax	12	Medical assistance tax	12
Compulsory service : four days redeemable at the rate of 2 francs per day	8	Compulsory service : six days redeemable at the rate of 3 francs per day	18
	—		—
	40		50

On the other hand, as a result of a kind of income tax which would in future apply to the wealthier members of the population, the Notables were affected by the reform, and there is reason to think that they may have favoured the movement of protest, more particularly among the women, regarding the raising of the market dues from 40 centimes to 75 centimes per day.

¹ See document C.P.M.1385.

Further, during the month of January, the Local Council of Lomé, directed by the "Young Togoland" party, under the leadership of Gharthey, brought charges against the Notables and created a certain unrest in the district.

The enquiry carried out on this occasion concerning the Local Council of Lomé led the Police Commissioner to send for the leaders of the group—namely, Michel Johnson, a clerk in a commercial firm and a native of Dahomey, and Gharthey, a small planter at Lomé and a native of the Gold Coast.

As a result of the information obtained in the course of their examination, the District Commanding Officer inflicted penalties of fifteen days' imprisonment and a fine of 100 francs for the offences committed by those agitators (illegal assembly, constitution of a non-authorized association, seditious speech). Johnson and Gharthey were arrested immediately, and imprisoned on January 24th at two p.m.

DEMONSTRATION ON JANUARY 24TH.

The two prisoners arrested at two o'clock by order of the District Commanding Officer had not been in the prison premises for half an hour when the offices of the District Commanding Officer were surrounded by a mob of about a thousand persons, consisting exclusively of women and children, demanding the release of Gharthey and Johnson. The militiamen present tried to keep back the crowd; then, after telephoning in vain, M. Bouquet, the District Commanding Officer, sent a message to the Chief of Police.

The mob, changing its attitude, then gathered together and made off in the direction of the Government Buildings. M. Bouquet sent word of this to the militia camp. One part of the militia endeavoured to cut off the procession and the other part tried to reach the Government Buildings. But the size of the crowd, consisting of upwards of 3,000 persons, continued to increase, and the body of thirty or more militiamen was broken up. A barrier was hastily erected in front of the steps leading to the Government offices.

M. de Guise in person directed the work of erecting the barrier and attempted to calm the natives; he appealed to the Notables, and, addressing them openly before the demonstrators, asked them to use their influence to disperse the crowd. The latter appeared to respect the authorities and to be ready to obey the admonition to remain quiet; but it was clear that troublesome elements were present, fomenters of disorder, natives suffering from the effects of drink and unruly boys.

The situation was very delicate, as M. de Guise had only fifty-five militiamen with him and was above all anxious to avoid bloodshed or any act that might prejudice the results achieved during a space of more than ten years by the mandatory Power. Accordingly, after consulting the chiefs of service and the inspector in charge of the mission, the Governor gave orders for Johnson and Gharthey to be released. It was close upon six o'clock. The crowd then dispersed.

IMMEDIATE RESULTS OF THE INCIDENTS ON THE AFTERNOON OF JANUARY 24TH.

Once the precincts of the Government Buildings were cleared, M. de Guise took various measures of security: he asked the Lieutenant-Governor of Dahomey for a section of *tirailleurs*; he ordered the chief of the Central Togoland building service to send down a number of units of his platoon of militiamen to Lomé and requisitioned the services of the Police Commandant and two sections of militiamen of Lomé.

At 7.30 p.m., the notable Savi, of Tove, came to ask for help and protection; his house had been sacked and his motor-car burnt. His family was placed in safety, Savi, accompanied by the Police Commandant and the Police Commissioner, returned home, and the quarter was patrolled. But no fresh incident occurred.

The Mission of Inspection dined at the Government Buildings and made preparations for setting out on its tour to Anecho the following morning.

INCIDENTS ON JANUARY 25TH.

A. *Unrest in the Amoutive Native Quarter and on the Market.*

The following day, January 25th, at 8 o'clock, the Amoutive quarter and the market exhibited signs of unrest; groups were assembled in front of the station armed with sticks to prevent sellers from alighting and going to the market on the arrival of the Anecho train.

M. de Guise was obliged to take further measures; he recalled the gangs of prisoners, appealed to the Europeans to place themselves at the disposal of the authorities and gave instructions that women and children were to be concentrated in the Government buildings.

B. *Demonstration in the Vicinity of the Station.*

The Police Commandant endeavoured to clear the approaches to the station; the persons on guard were pushed back to the barriers, and attempts were made to induce the station staff to desert.

C. *Demonstration on the Wharf.*

In the meantime, a crowd was making its way along the rue du Commerce, throwing stones at the windows, and 200 persons invaded the wharf, where the captain of the port did his best to keep them back. Though continually in danger of being thrown into the sea, he stood out against the crowd and refused to take refuge in a boat as was suggested. The workshops of the Public Works Department were invaded and the workmen were won over by the crowd and deserted.

D. *Further Demonstrations.*

Bands of young men armed with sticks then marched through the town and spread disorder. Patrol lorries pursued them, but could not prevent them at one moment from threatening the hospital and throwing stones at European motor-cars and cyclists.

At noon, a number of European patrols having made their appearance, the business part of the town, the administrative quarter and the smaller market were cleared. There was still some unrest of the Amoutive quarter and the native town.

At 5 o'clock, a detachment of guards from the Central Togoland building yards arrived. On the other hand, there was news of serious demonstrations to be held late in the evening. The defences of the Government buildings, the wharf and the railway were reinforced. The Treasury was "organised" by the chief of the Finance Service. Calm was restored, M. de Guise having informed the population that the question of taxes would be submitted to the Minister in Paris.

At 5.50 the first section of *tirailleurs* from Dahomey arrived in a lorry in charge of M. Cazaux, Inspector of the Colonies.

ACTION OF THE MISSION OF INSPECTION.

The mission of inspection which had set off in the morning for Anecho, having found some evidence of unrest on its way, had communicated with Lome by telephone and had decided to get into touch with the Governor of Dahomey in order to hasten the sending of troops and the departure of a second section of *tirailleurs*. The mission had waited at Anecho for the first detachment and had gone back with it to Lome.

END OF DEMONSTRATIONS.

The troops from Dahomey, who were shortly to be relieved by a company from the Ivory Coast, were placed at the danger points, and, as a result of the patrolling of the native town, the unrest rapidly died down. A service of surveillance was kept up all through the night. Next day everything was calm.

On January 27th, the clearing of the native town began, and the mayor-administrator proceeded to arrest natives who had been particularly aggressive.

The result of these events amounted finally to material damage assessed at 88,000 francs and, thanks to the coolness displayed by all, there was no bloodshed whatever.

A dramatic incident unfortunately occurred on the night of February 3rd-4th. A *tirailleur* of the Ivory Coast company suddenly went mad and, taking the rifle and cartridges of one of his comrades, went forth surreptitiously by night from his quarters and, wandering round the settlement, fired on those whom he encountered; in addition to two who were wounded, eight natives met their death at his hands. In order to prevent him from committing further murders, the *tirailleur* was surrounded, and he was shot down by two militiamen.

To sum up, it appears from the information received that the discontent which led to the events of January 24th and 25th last, in the Lome centre alone, was not of spontaneous origin, but was provoked by the wealthier native element, which was affected by the increase in the proportional taxes, a measure justified by their undoubted resources. Further, the militants, who, as the "Young Togoland Party", carry on opposition against the notables, took advantage of these incidents to stir up the population against the elected persons.

The situation is now calm again and the authorities have the population of Lome in hand. They are glad to report that no bloodshed has occurred.

(b) *Personal Taxes paid by the Natives of Togoland in 1932 and 1933.*

In addition to the personal tax, the medical assistance tax and contributions in kind, which were already in existence in 1932 and were merely adjusted in 1933, an additional tax levied on taxpayers in receipt of an income of more than 10,000 francs was created as from January 1st, 1933.

I. PERSONAL TAX.

Fixed Tax.

		1932	1933
		Francs	Francs
First category :	Incomes up to 4,000 francs.	Lome district	20
		Anecho district	20
		Klouto district	20
		Atakpame district	20-15-10
		Sokode district	10-5
	Mango district	7-5	7
		1932	1933
		Francs	Francs
Second category		30	Natives in receipt of :
Third category		40	
Fourth category		55	
Fifth category		80	
			110

In the first category, the increase chiefly affects the Mango and Sokode districts (annual increase 2 francs) ; the increase in the Atakpame district affects only the Adele (from 10 to 20 francs) and the Kpessis (from 15 to 20 francs) out of the six tribes of the district.

The former classification into the second, third, fourth and fifth categories made by the district commanding officers as regards taxpayers in receipt of more than the average income appears to be arbitrary. These categories have been reduced to two : incomes from 4,000 to 7,000 francs and from 7,000 to 10,000 francs.

II. ADDITIONAL TAX.

This is added to the personal tax in the case of all natives whose annual income exceeds 10,000 francs.

Rate : 3 per cent on incomes up to 10,000 francs ; 4 per cent over 10,000 and up to 500,000 francs.

This tax is levied only on the richer and more advanced portion of the population ; the new burden is not actually very heavy. In calculating the tax, the fraction of an income which does not exceed 10,000 francs is ignored, and the fraction between 10,000 and 20,000 is reckoned at one-tenth ; the fraction between 20,000 and 30,000 is reckoned at two-tenths, and so on, with an increase of one-tenth for every 10,000 francs up to 100,000.

Examples : the tax on an income of 30,000 francs will be 90 francs (225 in Dahomey) ; the tax on an income of 100,000 francs will be 1,050 francs (1,525 in Dahomey).

III. NATIVE MEDICAL ASSISTANCE TAX.

Half the fixed rate of the personal tax. In the case of natives with an income under 4,000 francs, the amount of the tax varied between 2 and 12 francs in 1932.

For 1933 the increases are as follows : the rate of the tax has been raised from 5 to 12 francs for the Cotolis and the Bassaris, and from 2, 3 and 4 francs to 5 francs for the Gabrais and Lossos. For the other tribes of the territory it remains unchanged.

IV. CONTRIBUTIONS IN KIND.

The number of days for 1932 is four and for 1933 six (in the neighbouring colony of Dahomey, the number of days is fixed at ten).

Rate of redemption of a day's labour :

	1932 Francs	1933 Francs
Lome district	2	3
Anecho district	2	3
Atakpame district	2	3
Klouto district	2	2
Sokode district	1.50	1
Mango district	1.50	1

Increase of 1 franc for three districts ; reduction of 50 centimes for two other districts. The contributions can always be furnished in kind.

RECAPITULATORY STATEMENT OF TAXES PAID IN TOGOLAND BY THE NATIVES IN 1932 AND 1933.

		Personal tax	Assistance tax	Redemption of contributions	Total	Difference
		Francs	Francs	Francs	Francs	
Taxpayers with an income of less than 4,000 francs (in a rich district : Lome)	in 1932.. .. .	20	12	$4 \times 2 = 8$	40	} 10 francs more
	in 1933.. .. .	20	12	$6 \times 3 = 18$	50	
Taxpayers with an income of less than 4,000 francs (in a poor district : Mango)	in 1932.. .. .	5	2	$4 \times 1.50 = 6$	13	} 5 francs more
	in 1933.. .. .	7	5	$6 \times 1 = 6$	18	
Taxpayers with an income of approximately 10,000 francs (all districts)	in 1932.. .. .	80	40	$4 \times 2 = 8$	128	} 55 francs more
	in 1933.. .. .	110	55	$6 \times 3 = 18$	183	
Taxpayers with an income of 30,000 francs (all districts)	in 1932.. .. .	200	100	$4 \times 2 = 8$	308	} 100 francs more
	in 1933 : Fixed tax + Addit. tax	200 } 90 } 290	100	$6 \times 3 = 18$	408	
Taxpayers with an income of 60,000 francs	in 1932.. .. .	200	100	$4 \times 2 = 8$	308	} 460 francs more
	in 1933 : Fixed tax + Addit. tax	200 } 450 } 650	100	$6 \times 3 = 18$	768	

C.P.M.1445.

(c) and (d) PETITION, DATED AUGUST 15TH, 1933, FROM THE "BUND DER DEUTSCH TOGOLÄNDER", COMMUNICATING THE TEXT OF A TELEGRAM DATED FEBRUARY 8TH, 1933, TRANSMITTED BY THE FRENCH GOVERNMENT ON OCTOBER 11TH, 1933, WITH ITS OBSERVATIONS.

I. *Letter from the French Government to the Secretary-General of the League of Nations.*

[*Translation.*]

Geneva, October 11th, 1933.

With further reference to a letter bearing the number 59 and the stamp of the French League of Nations Department and dated July 10th last,¹ I have the honour to attach, for transmission to the Permanent Mandates Commission, a petition, dated August 15th, 1933, accompanied by three photographs,² from the "Bund der Deutsch Togoländer" of Accra (Gold Coast).

The events referred to in this petition occurred at Lome on January 24th and 25th last and were dealt with in my previous communication. I assume that the photographs attached to the petition are those of the victims of the rifleman who suddenly went mad on the night of February 3rd-4th—a dramatic incident which is described in the note attached to my letter of July 10th last.

(Signed) R. MASSIGLI.

II. *Petition (transmitted by the French Government) to the League of Nations.*

Accra, August 15th, 1933.

We have the honour respectfully to acknowledge the receipt of your letter dated February 20th, 1933,³ referring us to the Minutes and Rules of Procedure of the Council of the League of Nations at Geneva.

We recognise and regret this mistake and have noted your observations.

In accordance with your instructions, we are sending a further cable, drawn up in French, to the League through the Commissioner of the French Republic in Togoland.

We have the honour, etc.

For and on behalf of the Chiefs and for the population of the territory of Togoland placed under French mandate :

(Signed) Johann A. AGBOKA, *President.*

(Signed) F. I. D'ALMEIDA, *Vice-President.*

(Signed) Cl. AMARTEY, *for the Secretary.*

Nota bene.—Three photographs of persons killed.²

III. *Text of the Telegram attached to the Petition.*

League of Nations, Geneva.—Increased taxation and bad treatment are causing revolution in Togoland at Lome. Seventeen natives, men, women and children, were killed by rifle shots by occupying Government. Additional troops have come from Dakar to continue movement against personal reasons. Situation critical. We ask for your compassion and for an improvement.—DEUTSCH TOGOBUND.

C.P.M.1477(1).

(e) REPORT BY M. ORTS.

The petitions concerning the incidents which occurred at Lome (Togoland) in January 1933 consist of (1) a telegram (document C.P.M.1385) handed in at Denu (Gold Coast) on February 5th, 1933, bearing a signature and addressed direct to the League of Nations; (2) a telegram (document C.P.M.1385) from the same source, dated February 13th, 1933, and addressed direct to the League of Nations; (3) a telegram signed "Deutsch Togobund", transmitted through the intermediary of the French Government, with a covering letter, dated Accra (Gold Coast), August 15th, 1933, and bearing four signatures of persons composing the bureau of an association entitled "Bund der Deutsch Togoländer" (document C.P.M.1445).

These documents were the subject of two letters, dated July 10th and October 11th, 1933, in which the French Government formulated its observations.

* * *

In accordance with the rules of procedure in respect of petitions, the first in date of these communications (document C.P.M.1385, of February 5th) is inadmissible because it contains a request for the withdrawal of the French mandate over Togoland.

¹ See document C.P.M.1433.

² These photographs are kept at the disposal of the members of the Commission in the archives of the Secretariat.

³ With this letter the Secretariat returned to the signatories the petition which they had sent to it direct, drawing their attention to the rules of procedure in force concerning petitions.

The other documents in the file constituting the petition call for the following observations :

The Commission has no information as to the petitioners and therefore as to the degree of credibility that should be accorded to assertions made by them. More particularly, it does not know whether they are inhabitants of the territory or persons not belonging to the country under mandate, whether they were witnesses of the facts or whether they have reported them in accordance with the way in which they were related to them by third parties or in accordance with information in the Press. As to the association "Bund der Deutsch Togoländer", the little the Commission knows of it makes it advisable to accept information from that source with caution.

In laconic form the telegrams from the petitioners contain only assertions which are not supported by any evidence. It is strange that, on repeating them after several months' interval, the petitioners did not think it advisable to supplement them by a statement of details and the first elements of proof.

* * *

In contrast with the laconic form of the petitions, the observations of the mandatory Power go into the most circumstantial details as to the origin of the incidents in question and as to the development they followed from the outset until calm was completely restored.

There is no single fact alleged by the petitioners which, in its note of observations or through its representative accredited to the Commission, the mandatory Power has not explicitly denied. Thus although, according to the petitioners, the suppression of the troubles caused the loss of seventeen lives, the mandatory Administration, whilst recognising the fact that after the disturbances had been put down there were eight victims due to a soldier who had gone mad, noted with satisfaction that it had been possible to restore order without any bloodshed. Everyone will share this satisfaction, although that result was achieved only at the cost of a momentary relaxation of authority in face of the disturbance.

The origin of the trouble is to be found in an increase of certain taxes and dues which the petitioners consider excessive. The Commission was careful to ascertain whether this complaint was well founded and was able to note that in that country the total amount of taxation in various forms remains extremely moderate. Subsequently it was decided to abandon the increase of the tax on markets, which was, perhaps, inopportune and which seems to have aroused particular irritation amongst certain elements of the native population.

* * *

I have the honour to propose that the Commission should adopt the following conclusions

" The Commission,

" Having examined the petition signed ' Sosuvi ' and dated at Denu (Gold Coast), February 13th, and the petition signed ' Agboka and others ', dated at Accra (Gold Coast), August 15th, 1933, together with the observations relating thereto forwarded by the mandatory Power ;

" After hearing the detailed account by the mandatory Power, both in writing and verbally, of the incidents which occurred at Lome in January 1933, their causes and the measures which were subsequently taken :

" Notes that, in the circumstances, the local authorities of the mandatory Power took such measures as the maintenance of public order in the territory seemed to render necessary ; and

" Considers that the above-mentioned petitions call for no special action on the part of the Council."

C.P.M.1461.

ANNEX 14.

ISLANDS UNDER JAPANESE MANDATE.

PETITIONS, DATED SEPTEMBER 3RD, 1931, AND APRIL 28TH, 1932, FROM
M. KASHICHIRO MASAKIYO, ON BEHALF OF M. WAN CABLERA,
AN INHABITANT OF SAIPAN ISLAND.

REPORT BY M. VAN REES.

At its twenty-third session, the Commission submitted to the Council the following observation on the two petitions on which I am asked to report :

" The Commission, having examined the petitions dated September 3rd, 1931, and April 28th, 1932, submitted by M. Kashichiro Masakiyo on behalf of M. Wan Cablera together with the observations of the Japanese Government on those petitions ; having noted a contradiction between certain comments on the petitions and a document submitted previously by the petitioner, would be glad if the mandatory Power would be good enough to give it further information concerning this contradiction."

These observations having been communicated to the mandatory Power in accordance with the Council's decision of September 28th, 1933, the accredited representative of the mandatory Power sent a letter to the Secretary-General on October 21st, 1933, which has been circulated to the Commission (document C.P.M.1456), and which contains the following statement :

“ The Japanese Government regards the land in question as part of the State lands, on the ground of the measures of disposal taken by the German authorities within the limits of their powers. The Imperial Government does not consider itself bound by the German Government's approval or disapproval of this measure of confiscation. Moreover, some of the natives agree that the land in question was confiscated by the German authorities.”

The point which was to be cleared up is stated in the report which I submitted to the Commission at its twenty-third session (Minutes, pages 183 and 184).

In view of the reply given by the accredited representative of the mandatory Power, it does not seem to me desirable again to ask the mandatory Power for further particulars on that point. In my opinion, such being the position, the Commission can only arrive at the same conclusion as it did at its nineteenth session on the basis of the detailed report of our colleague M. Palacios (Minutes of the Nineteenth Session, page 213).

I accordingly propose that the following conclusions be adopted with regard to these petitions :

“ The Commission,

“ Having examined the petitions of September 3rd, 1931, and April 28th, 1932, submitted by M. Kashichiro Masakiyo acting for M. Wan Cablera, together with the mandatory Power's observations thereon ;

“ Having no effective means at its disposal which would enable it to form an opinion on this controversy :

“ Considers that no action should be taken on the petitions, since the petitioner has not yet exhausted the legal remedies which are open to him.”

C.P.M.1467(1).

ANNEX 15.

SOUTH WEST AFRICA.

PETITIONS FROM M. W. EICHHOFF, DATED RESPECTIVELY MARCH 5TH AND JUNE 8TH, 1933.

REPORT BY LORD LUGARD.

I reported on a petition from M. Eichhoff in June last,¹ and the present petitions, dated March 5th and June 8th, are mainly repetitions and expansions which he then intimated would follow.

Some of the incidents referred to date back to 1918 and 1920, and are concerned with loss of stock due to the depredations of Bushmen, and of “ Royal Game ” against which he was not afforded protection, or the means of protecting himself. He complains also of the expense and trouble incurred by a summons which involved a journey of 300 miles, on a charge which was, he maintains, due to prejudice. Finally, he alleges that the Hereros were improperly called upon to subscribe to a testimonial to a retiring official.

It would appear that the grievance regarding the Bushmen was satisfactorily dealt with last January, and the mandatory admits that subscriptions were improperly called for by an official whose action was disapproved and the money returned to the donors. The real gravamen of the petition is, however, that the incidents complained of were all due to prejudice against him as a German, and the desire to expropriate him from his farm. If there is any truth in the statements he makes—which the Administrator considers to be “ of so trivial a nature ” as to be unworthy of comment—he would appear to have had some grounds for considering that there was a bias against him—whether due to racial or other reasons there is nothing to show.

In the circumstances, I can add nothing to the conclusions at which I arrived last June and I recommend the following reply to the petition :

“ The Commission, having examined the petition of M. Eichhoff dated March 5th, 1933, together with his supplementary letter of June 8th and the comments of the mandatory Power upon them, requests the Council to invite the attention of the mandatory again to the

¹ See Annex 22 to the Minutes of the Twenty-third Session, page 186 (document C.P.M.1409).

recommendation made by the Commission at its last session, and accepted by the Council, in regard to a similar petition from the same petitioner; and, in particular, to the hope expressed that, in view of the circumstances described, 'the mandatory Power may find it possible, in the interest alike of the petitioner and of the Hereros, to purchase the farm for the purpose stated'."

C.P.M.1468.

ANNEX 16.

SOUTH WEST AFRICA.

PETITION, DATED APRIL 24TH, 1933, FROM M. BERGMANN.

REPORT BY LORD LUGARD.

In the report on its twenty-second session, the Commission, on my recommendation as Rapporteur, informed the Council that it was satisfied that no action was called for on a previous petition from M. Bergmann.¹ In the discussion upon that petition,² the Vice-Chairman raised the question whether petitions such as the one under reference, which had no connection with the mandate, were worthy of a recommendation to the Council—a question which is now under consideration. The present petition, with its voluminous enclosures, is of the same character, and the mandatory Power calls attention to the fact that, for the past few years, Bergmann has sent annual petitions to the League making complaints against all and sundry.

The petitioner complains of discourtesy on the part of a magistrate, and promises a further instalment of instances of "favouritism" on his part when the Mandates Commission has finished investigating the present accusations, and intimates to his opponents that he intends to submit everything to the League of Nations. The vague charges which he makes are unsupported by proper evidence and are of a trivial nature unworthy of detailed examination. I therefore recommend as follows:

"The Commission, having examined the petition of M. Bergmann dated April 24th, 1933, and the observations of the mandatory Power thereon, considers that the petition does not call for any recommendation to the Council."

ANNEX 17.

I.

REPORT TO THE COUNCIL ON THE WORK OF THE SESSION.

The Permanent Mandates Commission met at Geneva from October 23rd to November 4th, 1933, for its twenty-fourth session and held twenty meetings. In accordance with the practice of the Commission, the public was admitted to the first part of the opening meeting.

The annual reports were considered in the following order with the co-operation of the representatives of the mandatory Powers:

Cameroons under British Mandate, 1932.

Accredited Representative:

Captain W. BUCHANAN-SMITH, C.M.G., M.C., Lieutenant-Governor, Southern Provinces,
Nigeria.

¹ See Minutes of the Twenty-second Session, pages 355 and 373.
² See Minutes of the Twenty-second Session, pages 178 and 179.

Iraq, January-October 1932.

Accredited Representative of the late Mandatory Power :

Captain Vyvyan HOLT, Oriental Secretary to the United Kingdom Embassy,
Bagdad.

Cameroons under French Mandate, 1932.

Accredited Representative :

M. M. BESSON, Chief of the First Bureau of the Political Department at the French
Ministry of the Colonies.

Togoland under British Mandate, 1932.

Accredited Representative :

Mr. A. W. CARDINALL, late District Commissioner, Gold Coast.

Togoland under French Mandate, 1932.

Accredited Representative :

M. M. BESSON, Chief of the First Bureau of the Political Department at the French
Ministry of the Colonies.

Syria and the Lebanon, 1932.¹

Accredited Representative :

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

Ruanda-Urundi, 1932.

Accredited Representative :

M. HALEWYCK DE HEUSCH, Director-General at the Belgian Ministry of the Colonies.

Islands under Japanese Mandate, 1932.

Accredited Representative :

M. N. ITO, Deputy Director of the Japanese Bureau accredited to the League of
Nations.

Western Samoa, 1932-33 :

Accredited Representative :

Sir Thomas Mason WILFORD, K.C.M.G., K.C., High Commissioner of New Zealand
in London.

¹ This report was considered at the twenty-third session (June 1933). The consideration of the report was completed at the present session by a further exchange of views with the accredited representative of the mandatory Power.

A. OBSERVATIONS ON THE ADMINISTRATION OF CERTAIN TERRITORIES UNDER MANDATE.

The following observations, which the Commission has the honour to submit to the Council, were adopted after consideration of the situation in each territory in the presence of the representatives accredited for the purpose by the Governments concerned. In order to appreciate the full significance of these observations, reference should be made as usual to the Minutes of the meetings of the Commission at which the questions concerning the different territories were discussed.¹

TERRITORIES UNDER " A " MANDATE.

Iraq.

The Commission took note of the report submitted by the Government of the United Kingdom on the administration of Iraq during the period January 1st-October 3rd, 1932, on which date the mandatory regime in that territory came to an end and Iraq was admitted as a Member of the League. The representative whom the ex-mandatory Power had accredited to the Commission gave further information verbally in reply to the questions put to him.

The Commission has refrained from submitting to the Council detailed observations on the administration of Iraq during the first nine months of 1932. It merely calls the Council's attention to the Minutes of the meetings at which this territory was dealt with for the last time, and, in particular, to the passages relating to the community of the Bahais (pages 12, 27-33, 68-69).

Syria and the Lebanon.

In June last, the French Government informed the Secretary-General of the League that M. Ponsot, High Commissioner for Syria and the Lebanon, would make a statement to the Commission in October on the evolution brought about in the political situation in those territories. In the meantime, however, M. Ponsot was transferred to another post and this intention could not be carried out.

M. Ponsot's successor, on the other hand, could not be expected to make such a statement at the very moment he had assumed the office of High Commissioner.

In these circumstances, the French Government stated, in a letter dated September 14th, that it would be M. de Caix who would be called upon to give explanations to the Commission on the points held over at the time of his hearing in June last.

The accredited representative has given certain indications as to the political situation in Syria and the Lebanon during the past months, although, in the circumstances, he felt obliged to maintain a certain reserve. The Commission would refer the Council to the account of the meetings devoted to these questions to be found in the Minutes (pages 59-65, 107).

SPECIAL OBSERVATIONS.²

1. *Administration in General.*

The Commission deplores the acts of corruption and of traffic in influence which have occurred in the Lebanon. It hopes that every effort will be made by the mandatory Power to put a stop to these acts (page 141).

2. *Equality before the Law and Freedom of Conscience.*

The Commission regretted to note that the application of Syrian legislation prescribing equality before the law is still sometimes impeded through the absence of a spirit of tolerance on the part of the autochthonous authorities (pages 135-139).

3. *Forestry.*

The Commission hopes that the measures taken for the preservation of forests and reafforestation will be intensified (page 149).

¹ The page numbers following each observation are those of the Minutes of the present session, except for the special observations concerning Syria and the Lebanon.

² These observations were suggested to the Commission by its examination of the matter at its twenty-third session, and the pages mentioned after each of them refer to the Minutes of the twenty-third session (document C.406.M.209.1933.VI). The Commission adopted them at the seventeenth meeting of the present session (page 104).

TERRITORIES UNDER " B " MANDATE.

Cameroons and Togoland under British Mandate.

OBSERVATION COMMON TO BOTH TERRITORIES.

Liquor Traffic.

The Commission noted with anxiety that the natives of the two territories were becoming increasingly addicted to illicit distilling. It would be glad to know in the next report what steps the mandatory Power contemplates taking to deal with this practice (pages 25, 51, 70).

Cameroons under British Mandate.

1. *Welfare of the Natives.*

The Commission noted with satisfaction the accredited representative's statement that it is the settled policy of the mandatory Power to improve the condition of women in the territory (pages 17-18, 70).

2. *Economic Equality.*

The Commission observes that, under a regulation of August 22nd, 1932, tin ore which is to be smelted in the United Kingdom or in a British possession will be exempted from the export duty otherwise levied on tin ore.

The question was raised whether this regulation could be considered compatible with the principle of economic equality, and the Commission hopes to be reassured on this point (pages 20, 70).

3. *Public Health.*

The Commission expresses the hope that the Administration will take steps to ensure adequate medical treatment for native labourers on European plantations. It also hopes that the northern area will be provided with a medical staff of its own (pages 22, 25-26, 70).

Togoland under British Mandate.

1. *Status of the Territory.*

The Commission noted the measures taken in order to re-incorporate in the three native " States " of Mamprussi, Dagomba and Gonja (which form a part of the Northern Territories of the Gold Coast) certain regions which were separated from those political entities when the boundaries were delimited between the Gold Coast and German Togoland and which now form an integral part of the territory under mandate. The Commission would be glad to receive an assurance that these measures will in no way jeopardise the territorial integrity of the territory under mandate (pages 47-48, 70).

2. *Legislation.*

The Commission would be glad to have a clear statement as to which ordinances of the Gold Coast apply to the northern and southern portions respectively of the territory under mandate (pages 48, 70).

3. *Public Finance.*

The Commission noted with satisfaction the statement contained in the annual report that the sums paid by the Gold Coast Colony to cover the deficits in the budget of the mandated territory were treated as grants-in-aid which it was not the intention of the mandatory Power to recover (pages 49, 70).

4. *Education.*

The Commission hopes that the mandatory Power will see its way to develop education in the Northern Section of the territory (pages 51, 70).

5. *Public Health.*

The Commission would be glad to know in the next report whether the result of the investigation into sleeping-sickness has called for any special measures by the Administration (pages 51, 70).

Cameroons and Togoland under French Mandate.

OBSERVATIONS COMMON TO BOTH TERRITORIES.

1. *Economic Equality.*

The Commission took note of a Law, dated August 6th, 1933, Article 1 of which provides that :

“ The right to the bounty instituted by the Law of March 31st, 1931, and the subsequent laws is conditional, in the case of traffic served directly or indirectly by a French line, upon transport under the French flag of the colonial products benefiting by the bounty.”

It considers that this obligation amounts to differential treatment in favour of the French merchant marine and may on that account infringe the provisions of Article 6 of the mandate. It hopes to receive full reassurances in the matter (pages 39-41, 104).

2. *Public Finances.*

The Commission, while recognising the effort made by the mandatory Power to explain to it the financial administration of the two territories, expresses the hope that the chapter of the reports dealing with the public finances will in future be simplified and presented in such a way as to make it easier to understand (pages 41, 51-56, 104).

3. *Cinematograph.*

The Commission, at its last session, interested itself in the question of the use of the cinematograph in view of the differences in mentalities and cultures. The Commission noted the statements made by the accredited representative regarding the measures contemplated by the mandatory Power to organise the distribution of educational films, and would like to be kept informed of the results obtained both by that service and by the service for the censorship of undesirable films (pages 45, 58, 104).

Cameroons under French Mandate.

Land Tenure.

The Commission noted with satisfaction the measures taken by the mandatory Power to determine the rights of the natives in respect of land and its intention to supplement those measures by a system of registration of the said rights (pages 46, 104).

Togoland under French Mandate.

Liquor Traffic.

The Commission hopes that a statement by the health authorities on the effects of alcoholism in the territory will continue to be inserted in future reports.

Moreover, the Commission would like to have further information as to the illicit distillation of alcohol by the natives (pages 58, 104).

Ruanda-Urundi.

1. *General Administration.*

The Commission noted the detailed statement given in the report (pages 60-64) on the organisation of the territory. It was gratified to note the declaration of the accredited representative to the effect that the re-organisation undertaken is ensuring administrative stability. The Commission will continue to follow with interest the progress made in this field (pages 71-74, 104).

2. *Public Finance.*

The Commission noted the detailed information (pages 250-252 of the report), communicated in reply to its request, concerning the financial relations between Ruanda-Urundi, Belgium and the Belgian Congo. It was concerned at the precarious financial situation of the territory, and, in particular, at the burden it will have to bear in the future. The Commission hopes that the mandatory Power will find effective means of dealing with this situation. It would be glad to have detailed information as to the financial policy which the mandatory Power proposes to follow (pages 77, 81, 104).

3. *Customs Union between Ruanda-Urundi and the Belgian Congo.*

The Commission thanks the mandatory Power for the detailed information contained in the annual report (page 249) concerning the effects of the Customs union with the Belgian Congo on the economic and financial situation of Ruanda-Urundi. It would be glad to be kept informed of the development of Customs policy and its repercussions on the territory (pages 81, 104).

4. *Welfare of the Natives.*

The Commission congratulates the mandatory Power on the measures taken to prevent famine and on the results obtained (pages 77, 82, 104).

5. *Labour.*

The Commission heard with interest the communication made by the accredited representative of the mandatory Power concerning the new system of labour—piece-work—which is being tried in the district of Kivu (Congo) and in the province of Kamemba, and which appears to have been favourably received by the natives of the territory. It will follow with interest the results of this new form of labour (pages 84-85, 104).

6. *Public Health.*

The Commission again expresses the hope that the mandatory Power will endeavour to increase the number of doctors in the territory.

With regard to the campaign against sleeping-sickness, the Commission was glad to note that measures have been taken which, in the opinion of the mandatory Power, will not fail to produce the desired results in the very near future (pages 87, 104).

TERRITORIES UNDER " C " MANDATE.

Islands under Japanese Mandate.

1. *Public Health.*

The Commission, noting the increasing frequency of tuberculosis, particularly in the Island of Yap, hopes that the mandatory Power will consider the possibility of combating this endemic disease by all appropriate means (pages 90-91, 92, 94, 105).

2. *Population.*

The Commission's attention was directed to the extent of Japanese immigration, which has increased considerably.

Moreover, the Commission was again concerned to note that the native population had remained stationary and had even declined in numbers in certain of the islands under mandate. It hopes that appropriate measures will be taken by the mandatory Power to remedy this situation (pages 91-92, 105).

Western Samoa.

1. *Status of Inhabitants.*

The Commission would be glad to find in the next report detailed information regarding the conditions under which the various categories of inhabitants (natives, half-castes and foreigners) of the territory under mandate can acquire New Zealand nationality (pages 97-98, 108).

2. *General Administration.*

The Commission hopes that the next reports will contain details as to the political situation, to which it continues to devote close attention (pages 98-99, 108).

3. *Public Health.*

The Commission has learned with satisfaction that, in the course of the year, larger appropriations have been made for public health (pages 102-103, 108).

B. **PETITIONS.**¹

I. PETITIONS ON WHICH CONCLUSIONS WERE REACHED.

At its twenty-fourth session, the Commission considered the petitions mentioned below, together with the mandatory Powers' observations thereon. Each of these petitions was reported on in writing by a member of the Commission. After discussion, the Commission adopted the conclusions set forth below. The texts of the reports submitted to the Commission are attached to the Minutes.²

Syria and the Lebanon.

- (a) *Petitions, dated May 20th and July 31st, 1933, from the " Association syrienne de Toulouse "* (documents C.P.M.1399 and 1440) (pages 67-68, 104, 115).
Observations of the French Government, dated October 26th, 1933 (document C.P.M.1462).
Report (see Minutes, Annex 5).

CONCLUSIONS.

The Commission, having examined the petitions of the " Association syrienne de Toulouse " and the mandatory Power's observations, does not consider that any action should be taken on these petitions.

- (b) *Twenty-two Petitions (in Five Series) regarding the Political Organisation of Syria and the Lebanon* (document C.P.M.1401) (pages 65-66, 105-107, 116-119).
Report (see Minutes, Annex 6).

CONCLUSIONS.

The Commission,

Having taken cognisance of the petitions in five series regarding the general organisation of the territories of the Levant under French mandate transmitted by the French Government in its letter of June 16th, 1933 ;

Having heard the accredited representative of the mandatory Power with regard to these petitions during the present session, and bearing in mind the statements made by the High Commissioner for Syria and the Lebanon at its twenty-second session :

Considers that the petitioners' wishes for the creation in Syria of a unitary State—*i.e.*, of a State in which no part enjoys local autonomy—as well as their wish that full independence should be granted to any part of the territory under mandate which is not Syria or the Lebanon, are contrary to the fundamental charter of the mandate ;

Wishes the mandatory Power every success in the difficult task in which it is engaged of reconciling the aspirations towards full independence of the populations placed under its tutelage with the guaranteeing of the rights and interests of the minorities among these populations.

- (c) *Six Petitions, dated January 30th and 31st, February 3rd and 5th, 1933, from Inhabitants of Latakia, Homs, Hama and Aleppo* (document C.P.M.1406) (pages 68, 108, 119-120).
Observations by the French Government, dated June 19th, 1933 (document C.P.M.1406).
Report (see Minutes, Annex 7).

CONCLUSIONS.

The Commission,

Having examined the petitions relating to the incident which occurred at Latakia on January 29th, 1933, and having taken cognisance of the mandatory Power's observations thereon :

Does not consider that these petitions call for any special action on the part of the Council.

¹ The page numbers following each title are those of the Minutes of the session.

² The Commission recommends that copies of those petitions and the mandatory Powers' observations thereon which it has not thought necessary to annex to its Minutes, and which consequently are not transmitted to the Council, should be deposited in the League of Nations Library and thus placed at the disposal of persons wishing to consult them.

- (d) *Petition, dated June 28th, 1933, from the President of the " Association des Etudiants arabes de Genève "* (document C.P.M.1441) (pages 66-67, 105, 120).
Observations by the French Government, October 23rd, 1933 (document C.P.M.1458).
Report (see Minutes, Annex 8).

CONCLUSIONS.

The Commission,

Having taken cognisance of the complaints contained in the second part of the petition, dated June 28th, 1933, from the " Association des Etudiants arabes de Genève ", and in view of the observations which the mandatory Power has been good enough to communicate to it on the subject :

Regards the petition of the " Association des Etudiants arabes de Genève " as unfounded

- (e) *Petition, dated February 11th, 1933, from M. Sami Sleem* (document C.P.M.1450) (pages 67, 104, 120-121).

Observations by the French Government, dated October 17th, 1933 (document C.P.M.1450).

Report (see Minutes, Annex 9).

CONCLUSIONS.

The Commission, having considered the petition from M. Sami Sleem contained in his telegram of January 5th, 1933, and his letter of January 9th, 1933, together with the mandatory Power's observations thereon, dated October 17th, 1933, considers that the allegations contained in the petition do not warrant any recommendation to the Council.

- (f) *Petition, undated, from Mme. Amine el Halabi* (document C.P.M.1452) (pages 67, 108-121).

Observations by the French Government, dated October 18th, 1933 (document C.P.M.1452).

Report (see Minutes, Annex 10).

CONCLUSIONS.

The Commission, having examined the petition from Mme. Amine el Halabi and the mandatory Power's observations thereon, considers that no action should be taken in regard to that petition.

- (g) *Petition, dated September 1st, 1933, from Mme. Hasiba Mahomet el Mousri* (document C.P.M.1455) (pages 67, 105, 121-122).

Observations by the French Government, dated October 19th, 1933 (document C.P.M.1455).

Report (see Minutes, Annex 11).

CONCLUSIONS.

The Commission, having examined the petition from Mme. Hasiba Mahomet el Mousri, dated September 1st, 1933, and the mandatory Power's observations thereon, considers that no action should be taken in regard to it.

Cameroons under French Mandate.

- Petition, dated August 11th, 1929, from Ngaka Akwa, Théodore Lobe Bell and Other Chiefs of Duala, and Petition, dated September 5th, 1930, signed by M. Manga Bell* (document C.P.M.1186) (pages 38-39, 70, 122).

Observations by the French Government, dated June 5th, 1931 (document C.P.M.1186).
Report (see Minutes, Annex 12).

CONCLUSIONS.

The Commission, having examined the various petitions relating to the allotment of land on the Bali plateau and the French Government's observations thereon, considers that, in view of these observations and of the fact that all opposition to the allotment of this land seems to have ceased, no action should be taken on these petitions.

Togoland under French Mandate.

- (a) *Petition, dated February 13th, 1933, from M. Sosuvi, of Denu* (Annex 13a, document C.P.M.1385) (pages 52-55, 105, 122, 127, 128-129).

Observations by the French Government, dated July 10th, 1933 (Annex 13b, document C.P.M.1433).

- (b) *Petition, dated August 15th, 1933, from the " Bund der Deutsch Togoländer " communicating the Text of a Telegram dated February 8th, 1933 (Annex 13c, document C.P.M.1445) (pages 52-55, 105, 128-129).*

Observations by the French Government, dated October 11th, 1933 (Annex 13d, document C.P.M.1445).

Report (see Minutes, Annex 13e).

CONCLUSIONS.

The Commission,

Having examined the petition signed Sosuvi and dated at Denu (Gold Coast) February 13th, 1933, and the petition signed Agboka and others and dated at Accra (Gold Coast) August 15th, 1933, together with the observations relating thereto forwarded by the mandatory Power;

After hearing the detailed account by the mandatory Power—both in writing and verbally—of the incidents which occurred at Lome in January 1933, their causes and the measures which were subsequently taken :

Notes that, in the circumstances, the local authorities of the mandatory Power took such measures as the maintenance of public order in the territory seemed to render necessary ;

Considers that the above-mentioned petitions call for no special action on the part of the Council.

Islands under Japanese Mandate.

Petitions, dated September 3rd, 1931, and April 28th, 1932, from M. Kashichiro Masakiyo, acting for M. Wan Cablera (documents C.P.M.1271 and 1297) (pages 70, 129-130).

Observations by the Japanese Government, dated November 9th, 1931, and September 5th, 1932 (documents C.P.M.1271 and 1297).

Report (see Minutes, Annex 14).

CONCLUSIONS.

The Commission,

Having examined the petitions of September 3rd, 1931, and April 28th, 1932, submitted by M. Kashichiro Masakiyo, acting for M. Wan Cablera, together with the mandatory Power's observations thereon ;

Having no effective means at its disposal which would enable it to form an opinion on this controversy :

Considers that no action should be taken on the petitions, since the petitioner has not yet exhausted the legal remedies which are open to him.

South West Africa.

- (a) *Petitions, dated March 5th and June 8th, 1933, from M. W. Eichhoff (documents C.P.M.1437 and 1438) (pages 70, 130-131).*

Observations by the Government of the Union of South Africa, dated May 19th and July 15th, 1933 (documents C.P.M.1437 and 1438).

Report (see Minutes, Annex 15).

CONCLUSIONS.

The Commission,

Having examined the petition of M. Eichhoff, dated March 5th, 1933, together with his supplementary letter of June 8th, 1933, and the comments of the mandatory Power upon them :

Requests the Council to invite the attention of the Mandatory again to the recommendation made by the Commission at its last session, and accepted by the Council, in regard to a similar petition from the same petitioner ; and, in particular, to the hope expressed that, in view of the circumstances described, " the mandatory Power may find it possible, in the interest alike of the petitioner and of the Hereros, to purchase the farm for the purpose stated ".

- (b) *Petition, dated April 24th, 1933, from M. A. Bergmann (document C.P.M.1435) (pages 70, 131).*

Observations by the Government of the Union of South Africa, dated July 18th, 1933 (document C.P.M.1435).

Report (see Minutes, Annex 16).

CONCLUSIONS.

The Commission, having examined the petition of M. Bergmann, dated April 24th, 1933, and the observations of the mandatory Power thereon, considers that the petition does not call for any recommendation to the Council.

II. PETITIONS REJECTED BY THE COMMISSION AS OBVIOUSLY
INADMISSIBLE OR TRIVIAL.

Syria and the Lebanon.

Petition, dated May 14th, 1933, from M. Mahmoud Wehbe, Editor of the Newspaper El Ittihad (document C.P.M. 1453) (see Minutes, pages 68, 104).

Togoland under French Mandate.

Petition, dated February 5th, 1933, from M. Sosuvi, of Denu (Gold Coast) (document C.P.M. 1386) (see Minutes, pages 105, 128).

II.

COMMENTS OF THE ACCREDITED REPRESENTATIVES SUBMITTED
IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION
OF THE PERMANENT MANDATES COMMISSION.

A. CAMEROONS UNDER BRITISH MANDATE.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED NOVEMBER 14TH, 1933.

I have the honour to acknowledge the receipt of your letter of November 8th, enclosing an advance copy of the observations of the Permanent Mandates Commission as a result of the report of the administration of the Cameroons under British mandate.

I have certain comments to make on those observations :

1. *Economic Equality.*

I think that I pointed out to the Commission that there are no tin mines in the Cameroons. I understand, however, that the question really refers to the policy of Government as regards the Nigerian mines. The question is therefore being submitted to Government for consideration.

2. *Liquor Traffic.*

I informed the Commission that the situation in regard to illicit distillation is regarded by Government with considerable anxiety, and that all steps at present possible are being taken to deal with the matter. I understood, however, that the view taken by the Commission is that the difficulty might be met by a reduction of the duties on imported spirits. As I promised, this view will be submitted to Government for consideration ; but the suggested solution is not without objections, and the duties would probably have to be very considerably reduced before the effect, if any, would be perceptible.

(Signed) W. BUCHANAN-SMITH.

B.

The accredited representatives for Iraq, Syria and the Lebanon, Cameroons and Togoland under French mandate, Togoland under British mandate, Ruanda-Urundi, the Islands under Japanese mandate and Western Samoa have stated that they have no comments to make on the observations contained in the report of the Permanent Mandates Commission.

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ABBREVIATIONS

Cttee. = Committee	Kgd. = Kingdom
Govt. = Government	Parag. = Paragraph
P.M.C. = Permanent Mandates Commission	

Administrations

Purchase of material by, *see that title*

Annual Reports of Mandatory Powers

See under Mandatory Powers

Assembly of League

Resol. Oct. 7, 1933 *re* work of P.M.C.,
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Geneva, November 4th, 1933.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

TWENTY-FOURTH SESSION OF THE COMMISSION

(Geneva, October 23rd - November 4th, 1933)



I.

REPORT TO THE COUNCIL ON THE WORK OF THE SESSION

The Permanent Mandates Commission met at Geneva from October 23rd to November 4th, 1933, for its twenty-fourth session and held twenty meetings. In accordance with the practice of the Commission, the public was admitted to the first part of the opening meeting.

The annual reports were considered in the following order with the co-operation of the representatives of the mandatory Powers :

Cameroons under British Mandate, 1932.

Accredited Representative :

Captain W. BUCHANAN-SMITH, C.M.G., M.C., Lieutenant-Governor, Southern Provinces, Nigeria.

Iraq, January-October 1932.

Accredited Representative of the late Mandatory Power :

Captain Vyvyan HOLT, Oriental Secretary to the United Kingdom Embassy, Bagdad.

Cameroons under French Mandate, 1932.

Accredited Representative :

M. M. BESSON, Chief of the First Bureau of the Political Department at the French Ministry of the Colonies.

Togoland under British Mandate, 1932.

Accredited Representative :

Mr. A. W. CARDINALL, late District Commissioner, Gold Coast.

Togoland under French Mandate, 1932.

Accredited Representative :

M. M. BESSON, Chief of the First Bureau of the Political Department at the French Ministry of the Colonies.

Syria and the Lebanon, 1932.¹

Accredited Representative :

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

¹ This report was considered at the twenty-third session (June 1933). The consideration of the report was completed at the present session by a further exchange of views with the accredited representative of the mandatory Power.

Ruanda-Urundi, 1932.

Accredited Representative :

M. HALEWYCK DE HEUSCH, Director-General at the Belgian Ministry of the Colonies.

Islands under Japanese Mandate, 1932.

Accredited Representative :

M. N. ITO, Deputy Director of the Japanese Bureau accredited to the League of Nations.

Western Samoa, 1932-33 :

Accredited Representative :

Sir Thomas Mason WILFORD, K.C.M.G., K.C., High Commissioner of New Zealand in London.

A. OBSERVATIONS ON THE ADMINISTRATION OF CERTAIN TERRITORIES UNDER MANDATE.

The following observations, which the Commission has the honour to submit to the Council, were adopted after consideration of the situation in each territory in the presence of the representatives accredited for the purpose by the Governments concerned. In order to appreciate the full significance of these observations, reference should be made as usual to the Minutes of the meetings of the Commission at which the questions concerning the different territories were discussed.¹

TERRITORIES UNDER " A " MANDATE.

Iraq.

The Commission took note of the report submitted by the Government of the United Kingdom on the administration of Iraq during the period January 1st-October 3rd, 1932, on which date the mandatory regime in that territory came to an end and Iraq was admitted as a Member of the League. The representative whom the ex-mandatory Power had accredited to the Commission gave further information verbally in reply to the questions put to him.

The Commission has refrained from submitting to the Council detailed observations on the administration of Iraq during the first nine months of 1932. It merely calls the Council's attention to the Minutes of the meetings at which this territory was dealt with for the last time, and, in particular, to the passages relating to the community of the Bahais (pages 12, 27-33, 68-69).

Syria and the Lebanon.

In June last, the French Government informed the Secretary-General of the League that M. Ponsot, High Commissioner for Syria and the Lebanon, would make a statement to the Commission in October on the evolution brought about in the political situation in those territories. In the meantime, however, M. Ponsot was transferred to another post and this intention could not be carried out.

M. Ponsot's successor, on the other hand, could not be expected to make such a statement at the very moment he had assumed the office of High Commissioner.

In these circumstances, the French Government stated, in a letter dated September 14th, that it would be M. de Caix who would be called upon to give explanations to the Commission on the points held over at the time of his hearing in June last.

The accredited representative has given certain indications as to the political situation in Syria and the Lebanon during the past months, although, in the circumstances, he felt obliged to maintain a certain reserve. The Commission would refer the Council to the account of the meetings devoted to these questions to be found in the Minutes (pages 59-65, 107).

SPECIAL OBSERVATIONS.²

1. *Administration in General.*

The Commission deplores the acts of corruption and of traffic in influence which have occurred in the Lebanon. It hopes that every effort will be made by the mandatory Power to put a stop to these acts (page 141).

2. *Equality before the Law and Freedom of Conscience.*

The Commission regretted to note that the application of Syrian legislation prescribing equality before the law is still sometimes impeded through the absence of a spirit of tolerance on the part of the autochthonous authorities (pages 135-139).

3. *Forestry.*

The Commission hopes that the measures taken for the preservation of forests and reafforestation will be intensified (page 149).

¹ The page numbers following each observation are those of the Minutes of the present session, except for the special observations concerning Syria and the Lebanon.

² These observations were suggested to the Commission by its examination of the matter at its twenty-third session, and the pages mentioned after each of them refer to the Minutes of the twenty-third session (document C.406.M.209.1933.VI). The Commission adopted them at the seventeenth meeting of the present session (page 104).

TERRITORIES UNDER " B " MANDATE.

Cameroons and Togoland under British Mandate.

OBSERVATION COMMON TO BOTH TERRITORIES.

Liquor Traffic.

The Commission noted with anxiety that the natives of the two territories were becoming increasingly addicted to illicit distilling. It would be glad to know in the next report what steps the mandatory Power contemplates taking to deal with this practice (pages 25, 51, 70).

Cameroons under British Mandate.

1. *Welfare of the Natives.*

The Commission noted with satisfaction the accredited representative's statement that it is the settled policy of the mandatory Power to improve the condition of women in the territory (pages 17-18, 70).

2. *Economic Equality.*

The Commission observes that, under a regulation of August 22nd, 1932, tin ore which is to be smelted in the United Kingdom or in a British possession will be exempted from the export duty otherwise levied on tin ore.

The question was raised whether this regulation could be considered compatible with the principle of economic equality, and the Commission hopes to be reassured on this point (pages 20, 70).

3. *Public Health.*

The Commission expresses the hope that the Administration will take steps to ensure adequate medical treatment for native labourers on European plantations. It also hopes that the northern area will be provided with a medical staff of its own (pages 22, 25-26, 70).

Togoland under British Mandate.

1. *Status of the Territory.*

The Commission noted the measures taken in order to re-incorporate in the three native " States " of Mamprussi, Dagomba and Gonja (which form a part of the Northern Territories of the Gold Coast) certain regions which were separated from those political entities when the boundaries were delimited between the Gold Coast and German Togoland and which now form an integral part of the territory under mandate. The Commission would be glad to receive an assurance that these measures will in no way jeopardise the territorial integrity of the territory under mandate (pages 47-48, 70).

2. *Legislation.*

The Commission would be glad to have a clear statement as to which ordinances of the Gold Coast apply to the northern and southern portions respectively of the territory under mandate (pages 48, 70).

3. *Public Finance.*

The Commission noted with satisfaction the statement contained in the annual report that the sums paid by the Gold Coast Colony to cover the deficits in the budget of the mandated territory were treated as grants-in-aid which it was not the intention of the mandatory Power to recover (pages 49, 70).

4. *Education.*

The Commission hopes that the mandatory Power will see its way to develop education in the Northern Section of the territory (pages 51, 70).

5. *Public Health.*

The Commission would be glad to know in the next report whether the result of the investigation into sleeping-sickness has called for any special measures by the Administration (pages 51, 70).

Cameroons and Togoland under French Mandate.

OBSERVATIONS COMMON TO BOTH TERRITORIES.

1. *Economic Equality.*

The Commission took note of a Law, dated August 6th, 1933, Article 1 of which provides that :

“ The right to the bounty instituted by the Law of March 31st, 1931, and the subsequent laws is conditional, in the case of traffic served directly or indirectly by a French line, upon transport under the French flag of the colonial products benefiting by the bounty.”

It considers that this obligation amounts to differential treatment in favour of the French merchant marine and may on that account infringe the provisions of Article 6 of the mandate. It hopes to receive full reassurances in the matter (pages 39-41, 104).

2. *Public Finances.*

The Commission, while recognising the effort made by the mandatory Power to explain to it the financial administration of the two territories, expresses the hope that the chapter of the reports dealing with the public finances will in future be simplified and presented in such a way as to make it easier to understand (pages 41, 51-56, 104).

3. *Cinematograph.*

The Commission, at its last session, interested itself in the question of the use of the cinematograph in view of the differences in mentalities and cultures. The Commission noted the statements made by the accredited representative regarding the measures contemplated by the mandatory Power to organise the distribution of educational films, and would like to be kept informed of the results obtained both by that service and by the service for the censorship of undesirable films (pages 45, 58, 104).

Cameroons under French Mandate.

Land Tenure.

The Commission noted with satisfaction the measures taken by the mandatory Power to determine the rights of the natives in respect of land and its intention to supplement those measures by a system of registration of the said rights (46, 104).

Togoland under French Mandate.

Liquor Traffic.

The Commission hopes that a statement by the health authorities on the effects of alcoholism in the territory will continue to be inserted in future reports.

Moreover, the Commission would like to have further information as to the illicit distillation of alcohol by the natives (pages 58, 104).

Ruanda-Urundi.

1. *General Administration.*

The Commission noted the detailed statement given in the report (pages 60-64) on the organisation of the territory. It was gratified to note the declaration of the accredited representative to the effect that the re-organisation undertaken is ensuring administrative stability. The Commission will continue to follow with interest the progress made in this field (pages 71-74, 104).

2. *Public Finance.*

The Commission noted the detailed information (pages 250 - 252 of the report), communicated in reply to its request, concerning the financial relations between Ruanda-Urundi, Belgium and the Belgian Congo. It was concerned at the precarious financial situation of the territory, and, in particular, at the burden it will have to bear in the future. The Commission hopes that the mandatory Power will find effective means of dealing with this situation. It would be glad to have detailed information as to the financial policy which the mandatory Power proposes to follow (pages 77, 81, 104).

3. *Customs Union between Ruanda-Urundi and the Belgian Congo.*

The Commission thanks the mandatory Power for the detailed information contained in the annual report (page 249) concerning the effects of the Customs union with the Belgian Congo on the economic and financial situation of Ruanda-Urundi. It would be glad to be kept informed of the development of Customs policy and its repercussions on the territory (pages 81, 104).

4. *Welfare of the Natives.*

The Commission congratulates the mandatory Power on the measures taken to prevent famine and on the results obtained (pages 77, 82, 104).

5. *Labour.*

The Commission heard with interest the communication made by the accredited representative of the mandatory Power concerning the new system of labour—piece-work—which is being tried in the district of Kivu (Congo) and in the province of Kamemba, and which appears to have been favourably received by the natives of the territory. It will follow with interest the results of this new form of labour (pages 84-85, 104).

6. *Public Health.*

The Commission again expresses the hope that the mandatory Power will endeavour to increase the number of doctors in the territory.

With regard to the campaign against sleeping-sickness, the Commission was glad to note that measures have been taken which, in the opinion of the mandatory Power, will not fail to produce the desired results in the very near future (pages 87, 104).

TERRITORIES UNDER " C " MANDATE.

Islands under Japanese Mandate.

1. *Public Health.*

The Commission, noting the increasing frequency of tuberculosis, particularly in the Island of Yap, hopes that the mandatory Power will consider the possibility of combating this endemic disease by all appropriate means (pages 90-91, 92, 94, 105).

2. *Population.*

The Commission's attention was directed to the extent of Japanese immigration, which has increased considerably.

Moreover, the Commission was again concerned to note that the native population had remained stationary and had even declined in numbers in certain of the islands under mandate. It hopes that appropriate measures will be taken by the mandatory Power to remedy this situation (pages 91-92, 105).

Western Samoa.

1. *Status of Inhabitants.*

The Commission would be glad to find in the next report detailed information regarding the conditions under which the various categories of inhabitants (natives, half-castes and foreigners) of the territory under mandate can acquire New Zealand nationality (pages 97-98, 108).

2. *General Administration.*

The Commission hopes that the next reports will contain details as to the political situation, to which it continues to devote close attention (pages 98-99, 108).

3. *Public Health.*

The Commission has learned with satisfaction that, in the course of the year, larger appropriations have been made for public health (pages 102-103, 108).

B. PETITIONS.¹

I. PETITIONS ON WHICH CONCLUSIONS WERE REACHED.

At its twenty-fourth session, the Commission considered the petitions mentioned below, together with the mandatory Powers' observations thereon. Each of these petitions was reported on in writing by a member of the Commission. After discussion, the Commission adopted the conclusions set forth below. The texts of the reports submitted to the Commission are attached to the Minutes.²

Syria and the Lebanon.

- (a) *Petitions, dated May 20th and July 31st, 1933, from the " Association syrienne de Toulouse "* (documents C.P.M.1399 and 1440) (pages 67-68, 104, 115).

Observations of the French Government, dated October 26th, 1933 (document C.P.M.1462).
Report (see Minutes, Annex 5).

CONCLUSIONS.

The Commission, having examined the petitions of the " Association syrienne de Toulouse " and the mandatory Power's observations, does not consider that any action should be taken on these petitions.

- (b) *Twenty-two Petitions (in Five Series) regarding the Political Organisation of Syria and the Lebanon* (document C.P.M.1401) (pages 65-66, 105-107, 116-119).

Report (see Minutes, Annex 6).

CONCLUSIONS.

The Commission,

Having taken cognisance of the petitions in five series regarding the general organisation of the territories of the Levant under French mandate transmitted by the French Government in its letter of June 16th, 1933 ;

Having heard the accredited representative of the mandatory Power with regard to these petitions during the present session, and bearing in mind the statements made by the High Commissioner for Syria and the Lebanon at its twenty-second session :

Considers that the petitioners' wishes for the creation in Syria of a unitary State—*i.e.*, of a State in which no part enjoys local autonomy—as well as their wish that full independence should be granted to any part of the territory under mandate which is not Syria or the Lebanon, are contrary to the fundamental charter of the mandate ;

Wishes the mandatory Power every success in the difficult task in which it is engaged of reconciling the aspirations towards full independence of the populations placed under its tutelage with the guaranteeing of the rights and interests of the minorities among these populations.

- (c) *Six Petitions, dated January 30th and 31st, February 3rd and 5th, 1933, from Inhabitants of Latakia, Homs, Hama and Aleppo* (document C.P.M.1406) (pages 68, 108, 119-120).

Observations by the French Government, dated June 19th, 1933 (document C.P.M.1406).
Report (see Minutes, Annex 7).

CONCLUSIONS.

The Commission,

Having examined the petitions relating to the incident which occurred at Latakia on January 29th, 1933, and having taken cognisance of the mandatory Power's observations thereon :

Does not consider that these petitions call for any special action on the part of the Council

¹ The page numbers following each title are those of the Minutes of the session.

² The Commission recommends that copies of those petitions and the mandatory Powers' observations thereon which it has not thought necessary to annex to its Minutes, and which consequently are not transmitted to the Council, should be deposited in the League of Nations Library and thus placed at the disposal of persons wishing to consult them.

- (d) *Petition, dated June 28th, 1933, from the President of the " Association des Etudiants arabes de Genève "* (document C.P.M.1441) (pages 66-67, 105, 120).
Observations by the French Government, October 23rd, 1933 (document C.P.M.1458).
Report (see Minutes, Annex 8).

CONCLUSIONS.

The Commission,
Having taken cognisance of the complaints contained in the second part of the petition, dated June 28th, 1933, from the " Association des Etudiants arabes de Genève ", and in view of the observations which the mandatory Power has been good enough to communicate to it on the subject :
Regards the petition of the " Association des Etudiants arabes de Genève " as unfounded.

- (e) *Petition, dated February 11th, 1933, from M. Sami Sleem* (document C.P.M.1450) (pages 67, 104, 120-121).

Observations by the French Government, dated October 17th, 1933 (document C.P.M.1450).

Report (see Minutes, Annex 9).

CONCLUSIONS.

The Commission, having considered the petition from M. Sami Sleem contained in his telegram of January 5th, 1933, and his letter of January 9th, 1933, together with the mandatory Power's observations thereon, dated October 17th, 1933, considers that the allegations contained in the petition do not warrant any recommendation to the Council.

- (f) *Petition, undated, from Mme. Amine el Halabi* (document C.P.M.1452) (pages 67, 108-121).

Observations by the French Government, dated October 18th, 1933 (document C.P.M.1452).

Report (see Minutes, Annex 10).

CONCLUSIONS.

The Commission, having examined the petition from Mme. Amine el Halabi and the mandatory Power's observations thereon, considers that no action should be taken in regard to that petition.

- (g) *Petition, dated September 1st, 1933, from Mme. Hasiba Mahomet el Mousri* (document C.P.M.1455) (pages 67, 105, 121-122).

Observations by the French Government, dated October 19th, 1933 (document C.P.M.1455).

Report (see Minutes, Annex 11).

CONCLUSIONS.

The Commission, having examined the petition from Mme. Hasiba Mahomet el Mousri, dated September 1st, 1933, and the mandatory Power's observations thereon, considers that no action should be taken in regard to it.

Cameroons under French Mandate.

Petition, dated August 11th, 1929, from Ngaka Akwa, Théodore Lobe Bell and Other Chiefs of Duala, and Petition, dated September 5th, 1930, signed by M. Manga Bell (document C.P.M.1186) (pages 38-39, 70, 122).

Observations by the French Government, dated June 5th, 1931 (document C.P.M.1186).
Report (see Minutes, Annex 12).

CONCLUSIONS.

The Commission, having examined the various petitions relating to the allotment of land on the Bali plateau and the French Government's observations thereon, considers that, in view of these observations and of the fact that all opposition to the allotment of this land seems to have ceased, no action should be taken on these petitions.

Togoland under French Mandate.

- (a) *Petition, dated February 13th, 1933, from M. Sosuvi, of Denu* (Annex 13a, document C.P.M.1385) (pages 52-55, 105, 122, 127, 128-129).

Observations by the French Government, dated July 10th, 1933 (Annex 13b, document C.P.M.1433).

- (b) *Petition, dated August 15th, 1933, from the " Bund der Deutsch Togoländer " communicating the Text of a Telegram dated February 8th, 1933 (Annex 13c, document C.P.M.1445) (pages 52-55, 105, 128-129).*

Observations by the French Government, dated October 11th, 1933 (Annex 13d, document C.P.M.1445).

Report (see Minutes, Annex 13e).

CONCLUSIONS.

The Commission,

Having examined the petition signed (Sosuvi and dated at Denu (Gold Coast) February 13th, 1933, and the petition signed Agboka and others and dated at Accra (Gold Coast) August 15th, 1933, together with the observations relating thereto forwarded by the mandatory Power ;

After hearing the detailed account by the mandatory Power—both in writing and verbally—of the incidents which occurred at Lome in January 1933, their causes and the measures which were subsequently taken :

Notes that, in the circumstances, the local authorities of the mandatory Power took such measures as the maintenance of public order in the territory seemed to render necessary ;

Considers that the above-mentioned petitions call for no special action on the part of the Council.

Islands under Japanese Mandate.

- Petitions, dated September 3rd, 1931, and April 28th, 1932, from M. Kashichiro Masakiyo, acting for M. Wan Cablera (documents C.P.M.1271 and 1297) (pages 70, 129-130).*

Observations by the Japanese Government, dated November 9th, 1931, and September 5th, 1932 (documents C.P.M.1271 and 1297).

Report (see Minutes, Annex 14).

CONCLUSIONS.

The Commission,

Having examined the petitions of September 3rd, 1931, and April 28th, 1932, submitted by M. Kashichiro Masakiyo, acting for M. Wan Cablera, together with the mandatory Power's observations thereon ;

Having no effective means at its disposal which would enable it to form an opinion on this controversy :

Considers that no action should be taken on the petitions, since the petitioner has not yet exhausted the legal remedies which are open to him.

South West Africa.

- (a) *Petitions, dated March 5th and June 8th, 1933, from M. W. Eichhoff (documents C.P.M.1437 and 1438) (pages 70, 130-131).*

Observations by the Government of the Union of South Africa, dated May 19th and July 15th, 1933 (documents C.P.M.1437 and 1438).

Report (see Minutes, Annex 15).

CONCLUSIONS.

The Commission,

Having examined the petition of M. Eichhoff, dated March 5th, 1933, together with his supplementary letter of June 8th, 1933, and the comments of the mandatory Power upon them :

Requests the Council to invite the attention of the Mandatory again to the recommendation made by the Commission at its last session, and accepted by the Council, in regard to a similar petition from the same petitioner ; and, in particular, to the hope expressed that, in view of the circumstances described, " the mandatory Power may find it possible, in the interest alike of the petitioner and of the Hereros, to purchase the farm for the purpose stated ".

- (b) *Petition, dated April 24th, 1933, from M. A. Bergmann (document C.P.M.1435) (pages 70, 131).*

Observations by the Government of the Union of South Africa, dated July 18th, 1933 (document C.P.M.1435).

Report (see Minutes, Annex 16).

CONCLUSIONS.

The Commission, having examined the petition of M. Bergmann, dated April 24th, 1933, and the observations of the mandatory Power thereon, considers that the petition does not call for any recommendation to the Council.

II. PETITIONS REJECTED BY THE COMMISSION AS OBVIOUSLY
INADMISSIBLE OR TRIVIAL.

Syria and the Lebanon.

Petition, dated May 14th, 1933, from M. Mahmoud Wehbe, Editor of the Newspaper El Ittihad (document C.P.M. 1453), (see Minutes, pages 68, 104).

Togoland under French Mandate.

Petition, dated February 5th, 1933, from M. Sosuvi, of Denu (Gold Coast) (document C.P.M. 1386), (see Minutes, pages 105, 128).

II.

COMMENTS OF THE ACCREDITED REPRESENTATIVES SUBMITTED
IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION
OF THE PERMANENT MANDATES COMMISSION.

A. CAMEROONS UNDER BRITISH MANDATE.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED NOVEMBER 14TH, 1933.

I have the honour to acknowledge the receipt of your letter of November 8th, enclosing an advance copy of the observations of the Permanent Mandates Commission as a result of the report of the administration of the Cameroons under British mandate.

I have certain comments to make on those observations :

1. *Economic Equality.*

I think that I pointed out to the Commission that there are no tin mines in the Cameroons. I understand, however, that the question really refers to the policy of Government as regards the Nigerian mines. The question is therefore being submitted to Government for consideration.

2. *Liquor Traffic.*

I informed the Commission that the situation in regard to illicit distillation is regarded by Government with considerable anxiety, and that all steps at present possible are being taken to deal with the matter. I understood, however, that the view taken by the Commission is that the difficulty might be met by a reduction of the duties on imported spirits. As I promised, this view will be submitted to Government for consideration ; but the suggested solution is not without objections, and the duties would probably have to be very considerably reduced before the effect, if any, would be perceptible.

(Signed) W. BUCHANAN-SMITH.

B.

The accredited representatives for Iraq, Syria and the Lebanon, Cameroons and Togoland under French mandate, Togoland under British mandate, Ruanda-Urundi, the Islands under Japanese mandate and Western Samoa have stated that they have no comments to make on the observations contained in the report of the Permanent Mandates Commission.

GENEVA, July 1st, 1933.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

TWENTY-THIRD SESSION OF THE COMMISSION
(Geneva, June 19th-July 1st, 1933.)

10

I.

REPORT TO THE COUNCIL ON THE WORK OF THE SESSION

The Permanent Mandates Commission met at Geneva from June 19th to July 1st, 1933, for its twenty-third session and held twenty meetings, part of the first of which was public.

The annual reports¹ were considered in the following order, with the assistance of the representatives of the mandatory Powers.

New Guinea, 1931-32.

Accredited Representative :

Mr. J. G. McLAREN, M.C., C.M.G., Official Secretary of the Commonwealth of Australia in the United Kingdom.

Nauru, 1932.

Accredited Representative :

Mr. J. G. McLAREN, M.C., C.M.G., Official Secretary of the Commonwealth of Australia in the United Kingdom.

Tanganyika Territory, 1932.

Accredited Representatives :

Lt.-Col. Sir G. Stewart SYMES, K.C.M.G., K.B.E., D.S.O., Governor of the Tanganyika Territory ;

Mr. G. F. SEEL, Colonial Office ;

Mr. G. C. SAYERS, Assistant Secretary in the Tanganyika Secretariat.

South West Africa, 1932.

Accredited Representatives :

Mr. Charles T. TE WATER, High Commissioner of the Union of South Africa in London ;
Major F. F. PIENAAR, D.T.D., O.B.E., Accredited Representative of the Union of South Africa to the League of Nations.

Palestine, 1932.

Accredited Representative :

Mr. M. A. YOUNG, C.M.G., Chief Secretary to the Governor of Palestine.

Syria and the Lebanon, 1932 :

Accredited Representative :

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

¹ The examination of the annual reports on Togoland and the Cameroons under French mandate has been postponed to the autumn session.

A. GENERAL QUESTIONS.¹

I. THE USE OF THE CINEMATOGRAPH IN VIEW OF THE DIVERSITY OF MENTALITIES AND CIVILISATIONS (pages 14-16; 75).

The resolution adopted by the Council on January 26th, 1933, concerning the suggestions embodied in the report of the Governing Body of the International Educational Cinematographic Instituté for the financial year 1931-32 contained the following passage :

“ The Council draws the attention of the Permanent Mandates Commission to the recommendation made by the Governing Body of the Institute concerning the use of the cinematograph in view of the diversity of mentalities and civilisations, and requests that Commission to consider whether it would not be advisable for the Council to recommend the mandatory Powers to communicate any data, based on facts brought to light in the mandated territories, which might be of value from the point of view of the enquiry undertaken by the Institute.”

After discussing the matter, the Permanent Mandates Commission decided to submit the following conclusions to the Council :

The Commission, which, in view of its functions, exercises on behalf of the Council supervision over the measures designed to increase the moral welfare of the inhabitants of the mandated territories, is of opinion that this problem should receive the closest attention of the mandatory Powers.

Basing its opinion on the evidence that such races are greatly attracted by cinema displays, which, if of the right kind and prepared by persons who have personal knowledge of the mentality and aptitudes of such races, can have a very useful educative influence, and, on the other hand, if unsuitable, may constitute an international menace, it informs the Council that the Permanent Mandates Commission endorses the proposal that the mandatory Powers should be invited to submit the required data.

II. STATISTICAL INFORMATION REGARDING THE TERRITORIES UNDER MANDATE (pages 13, 127).

The Commission recommends the Council to decide to publish and circulate to Members of the League the document containing the revised edition of the tables on the trade, public finances and movements of population of the mandated territories.

III. TABLES OF BILATERAL CONVENTIONS APPLIED TO TERRITORIES UNDER MANDATE (pages 14, 159).

To the question put by the Mandates Commission, the mandatory Powers have unanimously replied that they see no objection to the publication of the revised version of the tables of bilateral Conventions applied in mandated territories.

That being so, it would have been proper for the Commission to recommend the Council to decide to publish that document, the value of which is obvious.

In view of the present circumstances, however, the Commission thinks that there can be no serious objection to suspending its publication, which would entail considerable expense. The tables of Conventions would provisionally retain the character of documents reserved for the Mandates Commission's internal use.

B. SPECIAL QUESTION.

QUESTION OF A CLOSER ADMINISTRATIVE, CUSTOMS, AND FISCAL UNION OF THE MANDATED TERRITORY OF TANGANYIKA WITH THE NEIGHBOURING BRITISH POSSESSIONS OF KENYA AND UGANDA (pages 14, 35-43, 45-52, 64-74, 77-80, 120-124)².

(a) *Conclusions of the Commission.*

The Permanent Mandates Commission has taken note of the letter from the United Kingdom Government, dated September 2nd, 1932, communicating its decision on the question of “ closer union ” between Tanganyika and certain neighbouring British territories.

In that letter, and in the statements of its accredited representative :

(1) The United Kingdom Government endorses the opinion expressed by the Select Committee of both Houses of Parliament that the time is not yet ripe for the introduction of closer political or constitutional union ;

¹ The page numbers following each title are those of the Minutes of the session.

² The page numbers given are those of the Minutes of the session.

(2) It also adopts the said Select Committee's recommendation that the Conference of the Governors of the different territories of East Africa should be increasingly utilised for the purpose of ensuring the closest co-operation and co-ordination in all matters of common interest to those territories.

Having examined the official documentation accompanying the letter from the United Kingdom Government, the Permanent Mandates Commission :

(1) Thanks the mandatory Power for the admirable documentation it has sent, and fully appreciates the lofty motives to which that documentation bears witness ;

(2) Takes note that the Government of the United Kingdom has no intention of putting into operation any scheme of " closer union " between the mandated territory of Tanganyika and the neighbouring British territories, which would involve the creation of a political or constitutional union, with the effect of destroying or endangering for the future the existence of the mandated territory as a distinct entity in international law.

With reference to the expression " the time is not yet ripe ", the Commission considers that a political or constitutional union of the mandated territory with the neighbouring territories cannot be carried out as long as the present mandate is in force.

It also considers, due regard being had to the provisions of Article 10 of the mandate, ¹ that any measures tending during that period towards the *de facto* establishment of such a " closer union " should be avoided.

(3) Notes that the Conference of the Governors of Tanganyika, Kenya and Uganda is a permanent advisory organ for co-operation and the co-ordination of the common interests of those territories, with its Secretariat at the capital of Kenya.

Desires to give expression to the particular interest which it takes in that body. It recognises the value, in the interests of the mandated territory itself, of pooling experience acquired in neighbouring territories.

On the other hand, it considers that such a body should not assume executive responsibilities which would unduly restrict the necessary autonomy of the mandated territory. ²

For this reason the Commission will follow with special interest the work and policy of that body. ²

(4) Asks the mandatory Power to continue to furnish complete and detailed information regarding the Customs system and to supplement the information regarding transport, postal and telegraph services and any other co-ordinated services.

(b) *Note by the Minority of the Commission.*

M. Van Rees, Vice-Chairman, Lord Lugard, M. Merlin and M. Orts were unable to associate themselves with certain of the conclusions adopted by the majority, for the following reasons :

Since paragraph 3 of the second conclusion is intended to formulate certain views expressed by several members in the course of the discussion on this subject, the minority finds it necessary to record its dissent to a text which seems to throw doubt upon the exercise of the rights given to the mandatory Power under Article 10 of the mandate, and which seems to infer that the mandatory Power would, in any circumstances, be capable of enforcing by circuitous methods a decision which it had formally promised not to put into effect without previous reference to the Permanent Mandates Commission — namely, a political and constitutional union between the territory under mandate and its neighbours.

The minority also considers that the third conclusion should be omitted. It is of opinion that the Governors' Conference affords a valuable and necessary means of consultation between the Governors, in the interest of their respective territories. It takes cognisance of the fact that the Conference is " purely advisory ", that full liberty of action is reserved to each governor and his Legislative and Executive Councils. The minority therefore cannot conceive how it could be feared that a conference so constituted could possibly exercise executive powers, or endanger the political individuality of the mandated territory.

For a proper understanding of the reasons for these reservations, reference should be made to the Minutes of the Twenty-third Session, pages 39, 40, 51-52, 65-68, 73, 74, 77-80, 120-122, 124.

¹ *Note by the Secretariat :*

Article 10 of the mandate on the Tanganyika Territory (document C.449(1)(a).M.345(a).1922.VI) reads 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 his own sovereignty or control ; provided always that the measures adopted to that end do not infringe the provisions of this mandate. "

² M. Van Rees, Lord Lugard, M. Merlin and M. Orts do not agree to these passages, for the reasons given by them in the note appended to these conclusions.

C. 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.¹

TERRITORIES UNDER " A " MANDATE.

Palestine.

1. *Haifa Harbour Works.*

The Commission has noted that it appears from the annual report (page 55) that the construction of Haifa Harbour is being carried out by a Government Department. It would be glad to find detailed information on this subject in the next report (pages 106, 107, 159).

2. *Application of Imperial Preference to Palestine.*

The Commission has learnt that, owing to certain difficulties, the mandatory Power could not apply Imperial Preference to Palestine. It hopes that the mandatory Power will give exact particulars of the nature of these difficulties (pages 99, 159).

3. *Land Development Scheme.*

The Commission has noted that the mandatory Power is now examining the reports on the Land Development Scheme. It would be glad to be kept informed of the progress made in putting this scheme into effect (pages 101, 159).

4. *Frontier between Syria and Palestine.*

The Commission would like to know what action has been taken on the declarations made by the representatives of France and the United Kingdom at the meeting of the Council of the League of Nations held on January 30th, 1932, regarding the western section of the frontier between Syria and Palestine (pages 111, 159).

Note concerning Syria and the Lebanon.

During the present session, the Commission has examined the annual report on the administration of Syria and the Lebanon for 1932. It reserves the right to make its observations at its next session, after hearing the statements of the High Commissioner, as proposed by the mandatory Power.²

TERRITORY UNDER " B " MANDATE.

Tanganyika.

1. *Customs Agreement between Tanganyika on the One Hand and Kenya and Uganda on the Other.*

The Commission thanks the mandatory Power for the information contained in the annual report with regard to the effects of the Customs Agreement existing between Tanganyika on the one hand and Kenya and Uganda on the other. Without prejudging its opinion on the general question of closer union, it notes that steps have been taken to remedy the drawbacks which might arise out of the situation created by this agreement.

The Commission would be glad to be kept informed of developments in Customs policy (pages 37-40, 53-54, 126-127).

2. *Amalgamation of the Postal Services of Tanganyika on the One Hand and Kenya and Uganda on the Other.*

The Commission took note of the particulars on this question in the annual report, which were communicated to it at its request.

It calls the special attention of the Council to the action that has been taken and the conflicting views which the Commission, during its examination of this question, expressed as to its compatibility with the terms of the mandate and the protection of the interests of the territory.

¹ The page numbers following each observation are those of the Minutes of the session.

² See pages 17-18, 31, 134-157, 160.

It suggests that the mandatory Power be requested to furnish the League of Nations with the documents referring to this amalgamation and any other information that may help the Commission to judge from year to year of the actual effects of the step that has been taken on the efficiency of the postal service, the finances of the territory [and its autonomy. The Commission has decided to suspend any further judgment on this unification until fuller experience has enabled it to form a more reliable opinion thereon].¹ It will watch with special interest such direct and indirect effects as may result, both as regards the administrative efficiency and cost of the unified service [and as regards the autonomy of the mandated territory]¹ (pages 37-40, 47-52, 69-71, 124-127, 179-182).

3. Railways.

The Commission noted the accredited representative's statement that Mr. Roger Gibb's report on the problem of railway tariffs and of the financial situation of the railways of Kenya, Uganda and Tanganyika is still under examination. It would be glad to find, in the annual reports, detailed particulars as to the steps which the mandatory Power may take with regard to the mandated territory on the basis of the suggestions contained in that report (pages 54, 126-127).

TERRITORIES UNDER " C " MANDATES.

Nauru.

No observations (page 97).

New Guinea.

1. General Administration.

The Commission has noted the creation of the Legislative Council and Executive Council of the territory. It would like to find in the next report detailed particulars as to their operation and their functions.

The Commission would further like to be informed as to the measures taken to safeguard the interests of the natives in these bodies (pages 19-20, 97).

2. Public Finance.

The Commission hopes to find in the next report a detailed account of the origin, organisation and operation of the various " trust funds " (pages 22, 97).

3. Education.

The Commission hopes that the next report will give detailed information regarding the mission schools (pages 28-29, 97).

4. Labour.

The Commission would very much like to find in the next report detailed information as to the mortality of the workers in the Morobe district (pages 27, 97).

South West Africa.

1. Finance.

The Commission has been seriously alarmed by the grave state of the finances, due largely to the service of the territory's debts, which constitutes a very heavy burden. It hopes that the mandatory Power will succeed in re-establishing the financial equilibrium of the territory (pages 85-87, 157).

The Commission would like to find in the next report information as to the work of the Committee set up to examine certain questions which are still pending with regard to Customs tariffs and railway rates, and the financial relations between the mandatory Power and the territory (pages 84, 157).

2. Public Health.

The Commission hopes that the Administration will be able to combat successfully the epidemic of plague which has broken out in Ovamboland (pages 95, 157).

¹ M. Orts, M. Merlin and M. Van Rees voted against the passages on this paragraph enclosed between brackets (see pages 123-127).

D. OBSERVATIONS ON PETITIONS. ¹

At its twenty-third session, the Commission considered the petitions mentioned below, together with the observations with regard thereto furnished by the mandatory Powers. Each of the petitions was reported on in writing by a member of the Commission. After discussion, the following conclusions were adopted by the Commission. The texts of the reports submitted to the Commission are attached to the Minutes. ²

Palestine.

- (a) *Petition, dated August 14th, 1932, from M. Wadie M. Attalah* (document C.P.M.1380) (pages 76, 166-167).

Observations of the United Kingdom Government, dated April 8th, 1933 (document C.P.M.1380).

Report (see Minutes, Annex 4).

CONCLUSIONS.

The Commission considers that no action need be taken on this petition.

- (b) *Petition, dated March 29th, 1933, from the International Alliance of Women for Suffrage and Equal Citizenship, London* (document C.P.M.1382) (pages 100, 131, 167).

Observations of the United Kingdom Government, dated June 15th, 1933 (document C.P.M.1397).

Report (see Minutes, Annex 5).

CONCLUSIONS.

The Commission, having examined the petition, dated March 29th, 1933, from the International Alliance of Women for Suffrage and Equal Citizenship, and the relevant observations of the United Kingdom Government, considers that no action need be taken on this petition.

- (c) *Petition dated April 2nd, 1933, from Mr. Capsouto* (document C.P.M.1388) (pages 131, 168).

Observations of the United Kingdom Government, dated May 25th, 1933 (document C.P.M.1388).

Report (see Minutes, Annex 6).

CONCLUSIONS.

The Commission, having examined the petition, dated April 2nd, 1933, from Mr. Capsouto, in the light of the observations of the United Kingdom Government considers that no action need be taken on this petition.

- (d) *Memorandum on the development of the Jewish National Home in Palestine in the year 1932, accompanied by a letter, dated April 10th, 1933, from the President of the Jewish Agency for Palestine* (document C.P.M.1403) (pages 132, 168-169).

Observations of the United Kingdom Government, dated June 16th, 1933 (document C.P.M.1403).

Report (see Minutes, Annex 7).

CONCLUSIONS.

The Commission, having taken cognisance of the Jewish Agency's memorandum and of the accompanying documents, does not consider that they call for any recommendation to the Council.

Syria and the Lebanon.

- (a) *Petition, undated (received on September 14th, 1932), from the Association des Etudiants arabes de Toulouse* (document C.P.M.1312) (pages 130-131, 144, 159, 170).

Observations of the French Government, dated November 28th, 1932 (document C.P.M.1346).

Report (see Minutes, Annex 9).

CONCLUSIONS.

The Commission, having noted the petition from the Association des Etudiants arabes de Toulouse, received on September 14th, 1932, and the observations of the French Government thereon, considers that it does not call for any recommendation to the Council.

¹ The page numbers given at the end of each title are those of the Minutes of the session.

² As the Commission has not thought it necessary to annex the texts of the petitions and the mandatory Powers' observations thereon to the Minutes, and consequently to transmit them to the Council, it recommends that copies of those documents should be deposited in the League of Nations Library and thus placed at the disposal of persons wishing to consult them.

- (b) *Petition, dated December 22nd, 1931, from the Association de la Jeunesse musulmane, Beirut* (document C.P.M.1351) (pages 131, 170-171).

Observations of the French Government, dated November 30th, 1932 (document C.P.M. 1351).

Report (see Minutes, Annex 10).

CONCLUSIONS.

The Commission, having examined the petition, dated December 22nd, 1931, from the Association de la Jeunesse musulmane, and the French Government's observations thereon, considers that no recommendation need be made to the Council on this petition.

- (c) *Petition, dated March 20th, 1932, from M. Ibrahim Hanano, and his fellow candidates of Aleppo* (document C.P.M.1350) (pages 130-131, 144, 159, 171).

Observations of the French Government, dated November 30th, 1932 (document C.P.M. 1350).

Report (see Minutes, Annex 11).

CONCLUSIONS.

The Commission, having examined the petition, dated March 20th, 1932, from M. Ibrahim Hanano and associates, together with the observations of the French Government, considers that this petition does not call for any recommendation to the Council.

- (d) *Petition, dated January 29th, 1933, from the Association des Etudiants arabes de Toulouse* (document C.P.M.1374) (pages 76, 172).

Observations of the French Government, dated June 14th, 1933 (document C.P.M.1396).

Report (see Minutes, Annex 12).

CONCLUSIONS.

The Commission, having examined the petition, dated January 29th, 1933, of the Arab Students of Toulouse, and the observations of the French Government thereon, considers that no action need be taken on this petition.

- (e) *Petition, dated January 22nd, 1933, from M. César Eddé* (document C.P.M.1405) (pages 131, 172-173).

Observations of the French Government, dated June 20th, 1933 (document C.P.M.1405).

Report (see Minutes, Annex 13).

CONCLUSIONS.

The Commission, having examined the petition, dated January 22nd, 1933, from M. César Eddé, and the relevant documents submitted by the French Government, considers that no action need be taken on this petition.

- (f) *Petition, dated May 1st, 1933, from M. Ibrahim Hanano* (document C.P.M.1400) (pages 157, 173).

Observations of the French Government, dated June 16th, 1933 (document C.P.M.1400).

Report (see Minutes, Annex 14).

CONCLUSIONS.

The Commission, having examined the petition, dated May 1st, 1933, from M. Ibrahim Hanano, together with the observations of the French Government, considers that it does not call for any recommendation to the Council.

- (g) *Petitions: (1) dated November 24th, 1932, from Mme. Marguerite Sagiati; (2) dated January 26th, 1933, from M. Nasri A. Dallal* (document C.P.M.1398) (pages 128-130, 132-133, 142-144, 157-159, 160, 174-176).

Observations of the French Government, dated June 15th, 1933 (document C.P.M.1398).

Report (see Minutes, Annex 15).

CONCLUSIONS.

The Commission,
Having examined the petitions from Mme. Sagiati and M. Dallal, together with the observations of the mandatory Power and the documents appended thereto;

Considering that the petitioners object to judgments regularly rendered by the highest judicial authorities of the mandated territory, and that the Commission cannot comply with their request in that respect;

Considering also that the Koran Law, which was still fully in force in Syria when the Gazale succession was opened, was partly abrogated for the benefit of foreigners during the case brought in connection with this estate;

Is of opinion that :

- (1) The request of the petitioners should be rejected as non-receivable ;
 - (2) The attention of the Council should be called to the fact that the law enforced and admitted by the highest judicial authority in the mandated territory as enforceable would appear to be clearly contrary to the principle of equality of rights.
- (h) 1. *Petition (undated) from Students of Medicine and Law of Damascus* (document C.P.M. 1404) (pages 131, 156, 159, 176-177).
2. *Petition (undated) from Alaouites of Tripoli* (document C.P.M.1404) (pages 131, 156, 159, 176-177).
3. *Petition (undated) from Alaouites of Homs* (document C.P.M.1404) (pages 131, 156, 159, 176-177).

Observations of the French Government, dated June 19th, 1933 (document C.P.M.1404). Report (see Minutes, Annex 16).

CONCLUSIONS.

The Commission, having examined the petitions from a group of students of medicine and law of Damascus, a group of Alaouites of Tripoli, and a group of Alaouites of Homs, together with the observations of the mandatory Power thereon, considers that those petitions do not call for any recommendation on its part to the Council.

Cameroons under French Mandate.

Petitions from M. V. Ganty, " Delegate in Europe of the Cameroons Negro Citizens " :

- (a) *Dated June 19th, 1931* (document C.P.M.1379) (pages 76, 178-179).
Observations of the French Government, dated March 25th, 1933 (document C.P.M.1379).
- (b) *Dated August 14th, 1931* (document C.P.M.1377) (pages 76, 178-179).
Observations of the French Government, dated March 10th, 1933 (document C.P.M.1377).
- (c) *Dated August 21st, 1931* (document C.P.M.1378) (pages 76, 178-179).
Observations of the French Government, dated March 13th, 1933 (document C.P.M.1378).
- (d) *Dated November 10th, 1932* (document C.P.M.1368) (pages 76, 178-179).
Observations of the French Government, dated December 21st, 1932 (document C.P.M. 1368).
Report (see Minutes, Annex 17).

CONCLUSIONS.

The Commission, having considered the four petitions, dated June 19th, August 14th and 21st, 1931, and November 10th, 1932, from M. V. Ganty, and the observations of the mandatory Power thereon, considers that there is no need to take any special action in the matter.

Tanganyika.

- (a) *Petition, dated September 19th, 1932, from the Indian Association, Dar-es-Salaam* (document C.P.M.1376).
Observations of the United Kingdom Government, dated March 8th, 1933 (document C.P.M.1376).
- (b) *Petition, dated January 22nd, 1933, from the President of the Koloniale Reichsarbeitsgemeinschaft, Berlin* (document C.P.M.1375).
Observations of the United Kingdom Government, dated April 26th, 1933 (document C.P.M.1381).
Report (see Minutes, Annex 18).
(pages 37-40, 47-52, 69-71, 124-127, 179-182).

CONCLUSIONS.

The Commission,
Being called upon to consider the question of the unification of the Tanganyika postal services with those of Kenya and Uganda, which was put into effect on January 1st, 1933 ;
Referring to the petition of September 19th, 1932, from the Indian Association and to that of January 22nd, 1933, from the Koloniale Reichsarbeitsgemeinschaft, which dispute the legitimacy of that unification and deplore its probable consequences ;
Having regard to the observations of the mandatory Power, which asserts that the step taken is legitimate and anticipates that it will prove to be to the advantage of the territory ;

Having regard to the provisions of Article 10 of the mandate, which explicitly authorises the constitution of administrative unions or federations, such as the postal union under discussion, provided that the steps taken to put them into practice do not "infringe the provisions of this mandate";

And in view of the difference of opinion that has come to light in the Commission, both as to the interpretation of Article 10 in general, and, in particular, as to the juridical legitimacy and the probable advantages and disadvantages of the unification of the postal services :
Decides :

(1) To call the particular attention of the Council to the action that has been taken and the controversy to which it has given rise in the Commission itself ;

(2) To adopt as conclusion on these petitions the observations included in the report to the Council under the heading " Amalgamation of the postal services of Tanganyika, on the one hand, and of Kenya and Uganda, on the other ".

Islands under Japanese Mandate.

Petitions, dated September 3rd, 1931, and April 28th, 1932, from M. Kashichiro Masakiyo, acting for M. Wan Cablera (documents C.P.M.1271 and 1297) (pages 76, 183-184).

Observations of the Japanese Government, dated November 9th, 1931, and September 5th, 1932 (documents C.P.M.1271 and 1297).

Report (see Minutes, Annex 19).

CONCLUSIONS.

The Commission, having examined the petitions, dated September 3rd, 1931, and April 28th, 1932, submitted by M. Kashichiro Masakiyo on behalf of M. Wan Cablera, together with the observations of the Japanese Government on those petitions ; having noted a contradiction between certain comments on the petitions and a document submitted previously by the petitioner, would be glad if the mandatory Power would be good enough to give it further information concerning this contradiction.

South West Africa.

(a) *Petitions, dated October 3rd, 25th and 28th, 1932, from Mr. E. J. E. Lange (documents C.P.M.1372 and 1369) (pages 75-76, 184).*

Observations of the Government of the Union of South Africa, dated January 4th, 1933, and December 7th, 1932 (documents C.P.M.1372 and 1369).

Report (see Minutes, Annex 20).

CONCLUSIONS.

The Commission is of opinion that the petitioner should again be informed that, since the matters in question are justiciable in the courts, they are not matters to be dealt with by the Permanent Mandates Commission, which is not a judicial appellate court.

(b) *Petition, dated July 3rd, 1932, from Mr. Jacobus Beukes, Rehoboth (document C.P.M.1370) pages 159, 185-186).*

Observations of the Government of the Union of South Africa, dated November 29th, 1932 (document C.P.M.1370).

Report (see Minutes, Annex 21).

CONCLUSIONS.

The Commission, having examined the petition of July 3rd, 1932, from Mr. Jacobus Beukes, and the observations of the mandatory Power thereon, referring to the conclusions on previous petitions adopted by the Commission in 1926 and 1932, approved by the Council and also favourably received by the majority of the Rehoboth community, again expresses the hope that the group of which the petitioner is a member will collaborate with the Administration, participate in the election of a Rehoboth Advisory Board, and accept the Administrator's proposal that the 1923 Agreement be discussed.

(c) *Petitions dated December 31st, 1932, and February 18th, 1933, from Mr. W. Eichhoff (documents C.P.M.1383 and 1390) (pages 76, 186-187).*

Observations of the Government of the Union of South Africa, dated April 18th and May 3rd, 1933 (documents C.P.M.1383 and 1390).

Report (see Minutes, Annex 22).

CONCLUSIONS.

The Commission, having considered these petitions, is of opinion :

1. That no proof is given that the petitioner's alleged losses of stock were all due to the causes to which they are ascribed ;
2. That there is nothing to show that he asked for or obtained any promise of special protection when he acquired the farm ;
3. That having, with full knowledge of the conditions, acquired a farm on the borders of the Sandvelt and of the Hereros reserve, it must be presumed that he was ready to face the risks, of which he was well aware ;
4. That, in the circumstances, the claim for compensation is not tenable.

The Commission further requests the Council to invite the attention of the mandatory Power to the statement by Mr. Eichhoff (page 7 of letter of August 12th, 1932) that, in July 1927, His Honour the Administrator had stated that a deputation of Hereros had asked for Mr. Eichhoff's farm as an extension of their reserve, and that His Honour had proposed to give Mr. Eichhoff other land in exchange for it, and also to the statement at the end of this letter that Mr. Eichhoff is willing to sell all or a part of the farm.

The Commission hopes that, in the interest alike of the petitioner and of the Hereros, the mandatory Power may find it possible to purchase the farm for the purpose stated.

II.

COMMENTS OF THE ACCREDITED REPRESENTATIVES
SUBMITTED IN ACCORDANCE WITH SECTION (e)
OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION.

The accredited representatives for New Guinea, Nauru, Tanganyika, South West Africa, Palestine and Syria and the Lebanon, have stated that they have no comments to make on the observations contained in the report of the Permanent Mandates Commission.

SOCIÉTÉ DES NATIONS

Rapport de la Commission chargée
par le Conseil de l'étude de la
frontière entre l'Irak et la Syrie

JUILLET 1932

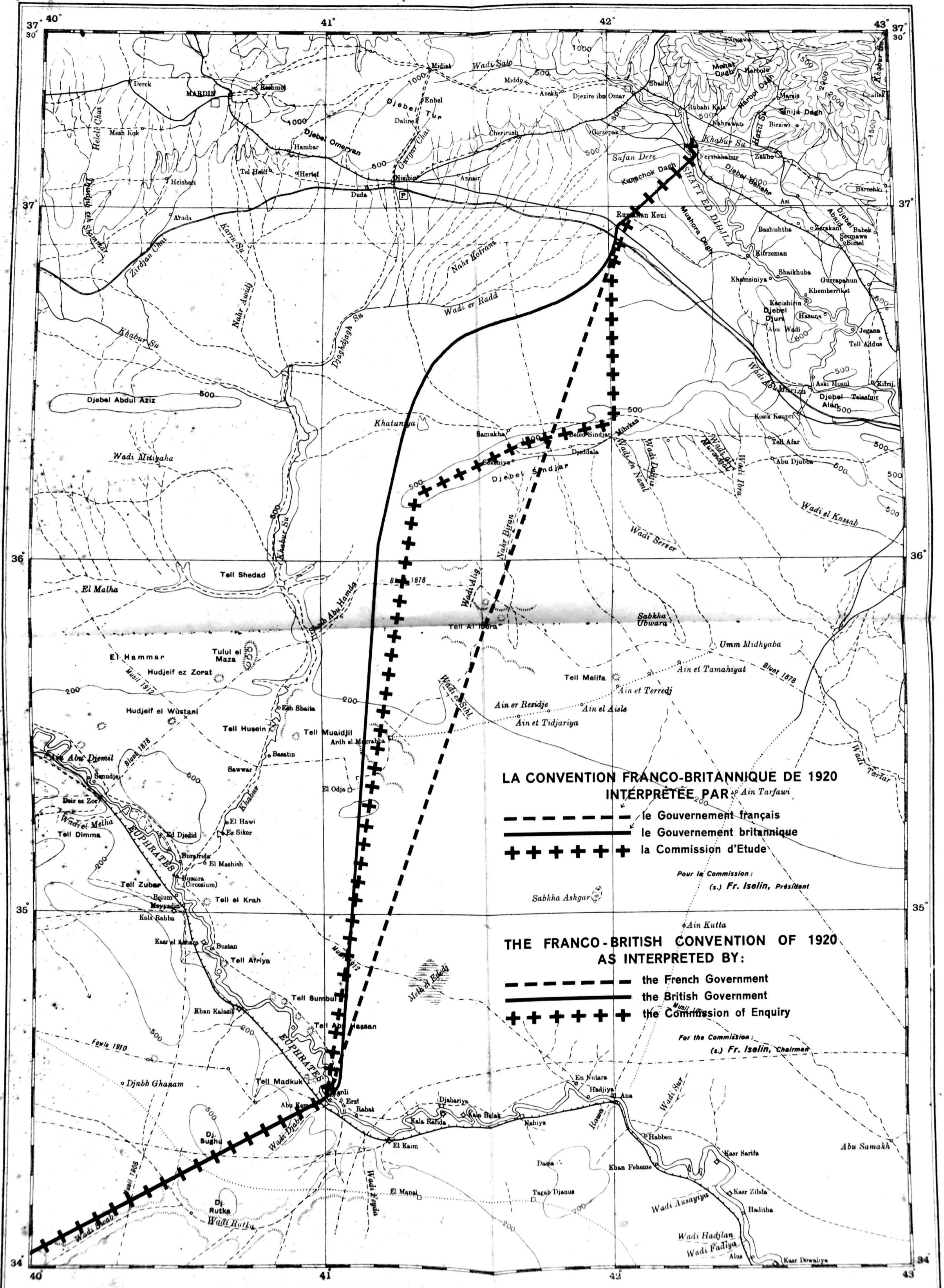
ANNEXE N° 1

LEAGUE OF NATIONS

*Report of the Commission set
up by the Council to examine the
frontier between Iraq and Syria*

JULY 1932

ANNEX No. 1



**LA CONVENTION FRANCO-BRITANNIQUE DE 1920
INTERPRETEE PAR**

- le Gouvernement français
- le Gouvernement britannique
- +++++ la Commission d'Etude

Pour la Commission:
(s.) Fr. Iselin, Président

**THE FRANCO-BRITISH CONVENTION OF 1920
AS INTERPRETED BY:**

- the French Government
- the British Government
- +++++ the Commission of Enquiry

For the Commission:
(s.) Fr. Iselin, Chairman

SOCIÉTÉ DES NATIONS

Rapport de la Commission chargée
par le Conseil de l'étude de la
frontière entre l'Irak et la Syrie

JUILLET 1932

ANNEXE N° 2

LEAGUE OF NATIONS

*Report of the Commission set
up by the Council to examine the
frontier between Iraq and Syria*

JULY 1932

ANNEX No. 2