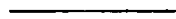


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OF THE

THIRTY-FOURTH SESSION

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REPORT OF THE COMMISSION TO THE COUNCIL

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VI.A. MANDATES ✓
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PERMANENT MANDATES COMMISSION

MINUTES OF THE THIRTY-FOURTH SESSION

Held at Geneva from June 8th to 23rd, 1938.

The following members of the Commission took part in the work of the session :¹

M. ORTS (*Chairman*) ;
M. RAPPARD (*Vice-Chairman*) ;
Baron VAN ASBECK ;
Mlle. DANNEVIG ;
M. GIRAUD ;
Lord HAILEY ;
M. PALACIOS ;
Count DE PENHA GARCIA ;
M. SAKENOBÉ.

Expert of the International Labour Organisation : Mr. C. W. H. WEAVER.

Secretary : M. E. DE HALLER, Director of the Mandates Section.

M. RAPPARD (*Vice-Chairman*) acted as Chairman for part of the last meeting.

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

For *Palestine and Transjordan* :

Sir John SHUCKBURGH, K.C.M.G., C.B., Deputy Under-Secretary of State for the Colonies ;
Mr. Sydney MOODY, O.B.E., Deputy Chief Secretary, Government of Palestine ;
Mr. A. S. KIRKBRIDE, O.B.E., M.C., District Commissioner, Galilee and Acre District, Palestine.

For *Tanganyika Territory* :

Mr. H. C. D. C. MACKENZIE-KENNEDY, C.M.G., Chief Secretary to the Government of the Territory ;
Mr. G. K. WHITLAMSMITH, Officer in the Secretariat, Tanganyika Territory.

For *Togoland under French mandate* :

M. M. BESSON, Director of the "Agence économique de l'Afrique-Occidentale française", Paris ;
assisted by
M. THÉBAULT, "Conseiller à la Cour d'appel", former "Procureur de la République", in Lomé.

For *Nauru* :

Major O. C. W. FUHRMAN, O.B.E.

For *New Guinea* :

Major O. C. W. FUHRMAN, O.B.E.

For *South West Africa* :

Mr. C. T. TE WATER, High Commissioner for the Union of South Africa in London ;
Mr. H. T. ANDREWS, Accredited Representative of the Union of South Africa to the League of Nations.

* * *

The Commission also gave a hearing to M. Robert DE CAIX, Accredited Representative of the Government of the French Republic, concerning the mandatory Power's request that the examination of the annual report on the situation in Syria and Lebanon during 1937 should be postponed until the autumn session, and concerning the petitions relating to that territory.

* * *

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

¹ *Absence of the members* : M. ORTS (*Chairman*) : part of the last meeting ; M. RAPPARD (*Vice-Chairman*) : fourth and twentieth meetings ; Mlle. DANNEVIG : last fourteen meetings ; Lord HAILEY : first seven and tenth meetings ; M. SAKENOBÉ : first four and last two meetings.

FIRST MEETING.

Held on Wednesday, June 8th, 1938, at 11 a.m.

Opening Speech by the Chairman : Tribute to the Marquis Alberto Theodoli : Appointment of M. de Haller as Director of the Mandates Section.

The CHAIRMAN spoke as follows :

I have the honour to declare open the thirty-fourth session of the Permanent Mandates Commission.

All the members of the Commission will take part in the session which opens to-day ; but Lord Hailey and M. Sakenobe will be prevented by circumstances from reaching Geneva for some days.

The Commission learned with great regret of the resignation, some months ago, of the Marquis Alberto Theodoli, who was the distinguished Chairman of the Commission for many years. We shall retain the happiest recollections of our work in common with this colleague, whose clear-sightedness we have always appreciated.

Before we begin our work, I shall, in accordance with custom, review briefly the discussions and decisions with regard to mandates which have taken place since our last session.

On January 28th last, the Council examined the report on the work of the thirty-third session of the Commission. Our Vice-Chairman, M. Rappard, was present ; but he had no occasion to speak, as the report and draft resolution submitted by the representative of Roumania (with which the Commission is no doubt acquainted) were adopted without discussion by the Council.

The Council invited the Governments of the mandatory Powers concerned to give effect to the observations of the Commission. It further approved the Commission's conclusions in the matter of the petitions submitted for its consideration.

The annual report on the administration of the Cameroons under French mandate should normally come up for consideration at the present session ; but, as it has been materially impossible for the mandatory Power to communicate the report before our meeting, I can only propose that the Commission should postpone consideration of the report to its autumn session. The disadvantages of such a step are in some measure mitigated by the fact that the report on Togoland under French mandate, which, in recent years, has come up for consideration by the Commission in autumn, appears on the agenda of the present session.

My colleagues will have gathered from the letter dated May 31st, 1938,¹ from the French Government that the latter asks for postponement till the autumn session of the Commission of the consideration of the annual report on Syria and Lebanon for 1937, in view of the disadvantages which the mandatory Power considers would attach to discussion of the report at a moment when the territories concerned are in process of political evolution under circumstances which call for delicate handling. My colleagues will, I am sure, agree with me in regarding such postponement as very regrettable. I shall make proposals for the discussion of this subject at one of our earliest meetings.

M. RAPPARD expressed the general satisfaction of the Commission at the return of M. Orts to the Chair.

The CHAIRMAN thanked M. Rappard for his kind remarks. He had been able to appreciate, from the Minutes of the thirty-third session and such echoes of the discussions as had reached him, that the work of the Commission had not in any way suffered from the involuntary absence of the Chairman. He thanked M. Rappard for having taken the chair with his usual distinction on the occasion of the session in question.

The Commission would remember that, since the last session, M. de Haller had been appointed Director of the Mandates Section. He had already acted in that capacity for some time past ; and the members of the Commission had been able to appreciate the wideness of his knowledge and the soundness of his judgment. He was sure all his colleagues were glad that the direction of the Mandates Section had been placed in such experienced hands.

Statement by the Director of the Mandates Section.

M. DE HALLER made the following statement :

Since the Commission's last session, the Mandates Section has pursued its normal tasks in connection with mandates.

The Minutes and the report of the Commission on the work of its thirty-third session were printed under the Section's supervision and circulated to the Council and to the States Members of the League on January 8th, 1938.

¹ Document C.P.M. 2029.

The members of the Commission have been kept in touch with the essential political, economic and social facts relating to the mandated territories through the regular distribution of information from official sources and selected Press extracts.

The Minutes of the Council meeting held on January 28th, 1938, at which the report of the Commission on the work of its thirty-third session was examined, were communicated to the members of the Commission on February 14th, 1938.

As usual, a list of official documents transmitted by the mandatory Powers has been drawn up for each of the territories the administration of which is to be examined at the present session (Annex 1).

The annual reports reached the Secretariat on the following dates :

Territory	Administrative period	Date of reception
New Guinea	1936/37	May 2nd, 1938
Nauru	1937	May 23rd, 1938
South West Africa	1937	May 23rd, 1938
Palestine and Trans-Jordan	1937	June 1st, 1938
Tanganyika Territory	1937	June 3rd, 1938
Togoland under French Mandate	1937	June 7th, 1938

In conclusion, M. de Haller recalled that steps were being taken at the moment to hold the first elections in the Sanjak of Alexandretta under the supervision of a Commission appointed in accordance with Article 15 of the Fundamental Law adopted by the Council on May 29th, 1937. ¹ The regulations ² for these elections were finally fixed in March last, in accordance with the procedure laid down in the Council resolution of January 31st, 1938. ³ The text of these decisions of the Council was communicated at the time to the Mandates Commission by the Secretariat.

**Question of the Delay in the Presentation of Certain Annual Reports by Mandatory Powers :
Question of the Re-distribution of the Annual Reports between the Two Ordinary Sessions
of the Commission.**

The CHAIRMAN said that the Governments concerned had apologised for the delay in the communication of certain of the annual reports. The reports on Tanganyika and Togoland under French mandate in particular, which were transmitted on June 3rd and June 7th respectively, could only be distributed to the members of the Commission after their arrival at Geneva. The delay made it very difficult to consider these reports, inasmuch as all the members of the Commission were fully occupied with the work of the session. The Commission might desire to express its regret at the delay in the receipt of the two reports in question.

M. RAPPARD wished also to express his regret at the delay in the receipt of certain reports. There might be reasons for the delay, of which the Commission knew nothing ; but the fact remained, as the Chairman had said, that the fulfilment by the Commission of its duties in the matter suffered seriously thereby. The consideration of the reports in question, which was one of the principal duties of the Commission, was bound to be hasty under the circumstances, and such relaxation of the supervision which it was the Commission's duty to exercise, which must inevitably ensue, could not be other than regrettable.

M. VAN ASBECK also regretted the delay in the submission of two of the reports. He wondered whether the Commission would not be well advised to draw the special attention of the Council to the point, and to urge the latter to inform the mandatory Powers concerned of the difficulties occasioned by such delays, and ask them to make every effort to ensure that the Commission would receive the reports by the date fixed by the rules of procedure, which had been approved by the Council. It was very desirable that the Commission's regrets in this matter should not merely be mentioned in the Minutes, but should be brought before the Council in a more official form.

For the last six or seven years, if he were not mistaken, the reports on Togoland and the Cameroons under French mandate had been examined at the same session and in conjunction with the reports on the territories of West Africa under British mandate. The breach in the unity of the four reports in question was regrettable. It was obviously desirable that they should all four be considered at the same session, not only because they dealt with neighbouring territories, but also because the districts concerned were similar in themselves, and had similar populations and similar social and economic conditions. M. van Asbeck suggested that, in future, the unity in question should be maintained intact. He might go still further and express the wish that unity should be established also between the two reports on East Africa and the four reports on the Pacific Islands ; that was, however, a wish to which it might be difficult to give satisfaction, though it must be recognised that such a combination would facilitate the work of the Commission.

¹ See *Official Journal*, May-June 1937, pages 331 and 588.

² Document C.103.M.56.1938 ; Ser. L.O.N. P. 1938. 1 (See also *Official Journal*, July 1938).

³ See *Official Journal*, February 1938, page 115.

The CHAIRMAN recalled that, under the rules of procedure, the reports on Togoland and the Cameroons under French mandate were examined at the spring session, while the reports on Togoland and the Cameroons under British mandate were examined at the autumn session. An effort had been made in 1938 to observe the rules once again by dealing with the reports relating to the two territories under French mandate at the spring session ; but material circumstances had prevented the printing of the report on the Cameroons under French mandate in time. It was clear that the Commission could alter its rules of procedure and regroup the reports on territories with very similar conditions for consideration at one or other of its two sessions. The departure from the rule, to which he had referred, was a development of recent years.

Count DE PENHA GARCIA asked that the rule should be observed. If the two reports on Togoland and the two reports on the Cameroons were to be considered at one and the same session, that would deprive the session of much of its variety and interest.

Mlle. DANNEVIG agreed with M. van Asbeck. It would seem to her to be better to have the opportunity of considering the two reports on Togoland and the two reports on the Cameroons at one and the same session. However, she did not know if it was possible to alter the rule accordingly.

The CHAIRMAN said the matter would be considered again.

Syria and Lebanon : Question of the Adjournment to the Autumn Session of the Examination of the Annual Report for 1937 : Petitions.

M. RAPPARD, referring to the letter received from the French Government¹, observed that there would be an opportunity for reconsideration of the matter, as the Chairman had pointed out in his opening speech. He had not himself any information on the subject of the missing report other than what was to be found in the letter from the French Government of May 31st. The arguments put forward in the latter communication, although very well put, had not convinced him. It was perfectly obvious that Syria and Lebanon, like the neighbouring countries to the south, were in process of full evolution, but there was no reason to suppose that this evolution would be arrested or suspended within a few months. On the contrary, precisely because very important decisions were being considered, and sometimes taken, it was particularly regrettable that the Mandates Commission, and the League of Nations, should be deprived of the opportunity of learning something of that evolution, and of submitting to the mandatory Power, any reflections to which their examination of the situation might lead.

The CHAIRMAN pointed out that the French Government, in its letter, did not formally refuse to consider the situation in Syria on the present occasion : it merely asked that the matter should be postponed till the autumn. The Commission could therefore consider the point. The French Government had put forward arguments in support of its suggestion ; the Commission could decide to keep to the rule whereby the report on the States of the Levant was to be examined at the summer session, or it could accept the contentions put forward.

Election of the Chairman and Vice-Chairman for the Year 1938/39.

M. ORTS was elected Chairman, and M. RAPPARD was elected Vice-Chairman for the year 1938/39.

Adoption of the Agenda and Programme of Work.

The Commission examined its draft agenda and programme of work.

M. RAPPARD observed that it was proposed to hold fewer meetings at the beginning of the session and more at the end. Experience showed that it was towards the end of the session, after the members of the Commission had had the opportunity of questioning the accredited representatives on the petitions, that they most needed leisure to draft their observations. He would be glad if—at any rate in the future—more meetings could be held at the beginning of the session.

Those members of the Commission, in particular, who would have to report on the petitions from Syria would find it difficult to prepare their reports, if they had had no possibility of conversations with the accredited representative. Would it be too much to ask the accredited representative to appear before the Commission in the course of the present session ? If the Commission had no opportunity of discussing with the accredited representative the mandates for the States of the Levant, the consideration of the petitions relating thereto would have to be adjourned. The Commission would have great difficulty in expressing opinions of any value, if it had before it only the grievances of the petitioners and the observations—often summary—of the mandatory Power.

¹ Document C.P.M. 2020.

The CHAIRMAN recalled that the Commission had still to consider whether it would comply with the French Government's request. In any case, there was nothing to prevent the Commission asking the accredited representative to attend the meetings for the consideration of the petitions from Syria. It seemed to him essential not to postpone the consideration of petitions, from whatever source.

M. VAN ASBECK, referring to the programme of work, said that, in recent years, the Commission had always devoted more than two meetings to consideration of the reports on New Guinea and Tanganyika. That was not surprising in view of the fact that New Guinea was a territory in process of evolution, in regard to which serious issues arose, while Tanganyika was one of the most interesting of all the territories under the sovereignty or authorities of the British Empire, and in which experiments of every kind were in progress. He asked that more time should be allowed for the consideration, if necessary, of the two reports in question.

The CHAIRMAN observed that the programme of work was always sufficiently elastic to allow of the Commission devoting the necessary time to consideration of the different reports, with due regard to the exigencies of the accredited representatives.

Count DE PENHA GARCIA observed that he would be obliged to leave Geneva on June 22nd.

M. VAN ASBECK again urged that haste or over-crowding of the agenda should be avoided. The Commission's work was sufficiently important to justify the allocation of the necessary time for its satisfactory accomplishment.

The agenda (Annex 2) and programme of work were adopted.

(The Commission went into private session.)

Syria and Lebanon : Question of the Adjournment to the Autumn Session of the Examination of the Annual Report for 1937 (continuation) : Petitions (continuation).

The CHAIRMAN asked the Commission to express its opinion on the French Government's request to adjourn the examination of the annual report on Syria and Lebanon till next autumn. In his letter, the French Minister for Foreign Affairs made the following observation :

“ This method of work, satisfactory as I find it in normal times, would seem to me to present serious disadvantages this year, when the countries concerned are in the middle of a process of political evolution calling for delicate adjustments which will, there is reason to hope, be effected. To address the Mandates Commission with less than the customary precision would be to depart from the policy followed by the French Government, a policy it desires to maintain, but to do so in a statement and in replies shortly afterwards to be published in the Minutes of the session would be to run the risk of making the work of the mandate as well as of the Syrian Government even more difficult in view of certain tendencies—of which you are aware—that must be taken into account.”

Such were the reasons in support of the request that the examination of the report on the mandate for Syria and Lebanon should be withdrawn from the agenda of the present session.

There might obviously be a certain justification for this request, but it was for each one to do his duty, and, for his part, the Chairman thought it would be regrettable to postpone the examination of the report on Syria until the autumn.

Count DE PENHA GARCIA did not see how the Commission could ask to examine the report if it were not ready.

The CHAIRMAN pointed out that the French Government did not say that the report was not ready. It had not in fact been communicated to the Commission, as it should have been. The question was whether the Commission must bow to the request, without pointing out that it regretted such an adjournment.

M. RAPPARD asked whether it was possible to obtain more information regarding the reasons for the request.

M. DE HALLER said that he had no other information, either officially or semi-officially, than that contained in the French Government's letter. He only knew that M. de Caix had at first anticipated a certain delay in the despatch of the report for reasons connected with the printing. Subsequently, the French Government's letter of May 31st was received. As soon as that letter was received, M. de Haller pointed out semi-officially in Paris that the fact of requesting the adjournment did not exempt the mandatory Power, at any rate legally, from despatching its report ; this was, in theory, an obligation of which the Commission could not relieve the mandatory Power ; he therefore hoped that the report would reach the Commission, and that the latter would pronounce on the request for adjournment after seeing

the report. He had also had a conversation with the Chairman, whose impression was the same as his own and who instructed him to ask for confirmation in Paris on his behalf. He then learned that M. de Caix, in view of the request for adjournment, had not pressed on with the printing of the report ; this was explicable, since, if the report were not to be examined until the autumn, it was advisable not to publish it at present, in order to avoid having to supplement it before the autumn session.

Nevertheless, the competent department at the Ministry for Foreign Affairs had seemed struck by the observations submitted to it and had stated that it would notify M. de Caix thereof on his return.

COUNT DE PENHA GARCIA recalled that it was not the first time that a mandatory Power had not sent its report. In the present case, the French Government's letter seemed to him to be convincing as regards the request for adjournment. If the mandatory Power responsible for order in the territory said that it considered the moment unsuitable for examining the report, with the consequences entailed by such examination, he thought the Commission could not but accept that opinion, and that there would be no disadvantage in doing so. The mandatory Power was entitled to make such a request, and Count de Penha Garcia saw no reason why the Commission should insist.

M. GIRAUD thought it advisable to lay stress on the character of the arguments put forward by the French Government in its letter asking for the postponement, until the autumn session, of the discussion on the report concerning Syria and Lebanon. He thought that those arguments were worthy of his colleagues' attention.

Mlle. DANNEVIG presumed that, during the discussion with the accredited representative, the Commission might receive interesting information. She would be in favour of obtaining such information.

M. VAN ASBECK added that, during this discussion, a number of questions would arise which were not directly connected with the political situation.

M. PALACIOS supported the observations made by Count de Penha Garcia and M. Giraud ; he agreed that the Commission should defer to the French Government's request. There was, however, the question of petitions, which had been raised by M. Rappard. He thought that, when the petitions were examined, the accredited representative might be requested to appear and be asked for information regarding the position in Syria.

The CHAIRMAN understood that the Commission was in favour of requesting M. de Caix to come to Geneva to reply to various questions relating to the petitions. In the absence of the annual report, the Commission would also express the desire that the accredited representative might explain the present position in Syria and give the causes and circumstances which had made the French Government decide to request the adjournment of the examination of the report.

M. DE HALLER asked if this meant a decision by the Commission in accordance with the French Government's request.

The CHAIRMAN replied in the affirmative. The Commission did not insist that the report should be deposited at the present session. On the other hand, it wished the accredited representative to place himself at the disposal of the Commission under the conditions mentioned.

M. DE HALLER pointed out that the step proposed should take the form of a letter which the Commission would request the Secretary-General to address to the French Government in reply to its request for adjournment ; the terms of that letter should indicate the trend of the Commission's discussions. Moreover, the Commission could not request M. de Caix to appear before he had been appointed accredited representative by the mandatory Power.

M. VAN ASBECK agreed with the proposals made, on the understanding that the adjournment till the autumn should not recur, and that, even if the state of affairs had not improved in the meantime, there should be no further postponement.

The CHAIRMAN said this would be made clear to M. de Caix. A whole year could not pass without a report on Syria.

Palestine : Question of Jewish Immigration and the Economic Absorptive Capacity of the Country.

The CHAIRMAN wished to consult his colleagues on the advisability of raising a question regarding Palestine. He recalled the statements made by Mr. Ormsby-Gore at the thirty-second (extraordinary) session of the Mandates Commission, and by Mr. Eden in the Council, regarding the suspension of the application of the principle hitherto admitted—namely, that the volume of Jewish immigration authorised was determined by the economic absorptive

capacity of the country. The new rule adopted by the mandatory Government brought the number of Jewish immigrants to be admitted to the territory up to 1,000 per month, and was to be applied until March 31st, 1938. The Commission had noted this decision on the part of the mandatory Power and, in its observations to the Council, had not failed to point out that it was an exceptional and provisional measure. The United Kingdom Government had recognised this dual character of the decision and, at the meeting of the Council on September 14th, 1937, when M. Orts had represented the Mandates Commission, Mr. Eden had made the following observations¹ :

“ There was one point, however, to which reference should be made—namely, the important question of Jewish immigration in accordance with the terms of Article 6 of the mandate. The Mandates Commission had drawn attention to the reduction of Jewish immigration to a total of 8,000 persons in the next eight months. That, as the Commission recognised, was a purely temporary measure designed to meet temporary and exceptional conditions. If, as the Commission said, it were a departure from a principle sanctioned by the Council on a former occasion, Mr. Eden’s colleagues on the Council would, he was sure, appreciate the special circumstances in which that decision had been taken.

“ What was to happen at the end of the period of eight months—that was to say, after March 31st, 1938—must necessarily depend upon the progress made in the meanwhile with the partition scheme. If the scheme had, by that time, reached a stage of provisional acceptance, the whole question of immigration, as affecting both the Arab and the Jewish areas, would clearly have to be considered on a fresh basis. The matter was obviously an urgent one, and strengthened the desire of His Majesty’s Government to obtain the general authority of the Council to proceed on the lines he had already indicated.”

It was therefore anticipated that, at that time, the partition would be an accomplished fact and that the entire question of immigration would have to be reopened. But events had not borne out that anticipation. There was still some uncertainty, and the application of the principle of absorptive capacity had not been restored.

It should also be remembered that, on September 16th, 1937, the Council had adopted a resolution—which had to some extent perhaps been brought about by the representative of the Mandates Commission—concluding as follows :²

“ The Council . . .

“ Recalling the assurances given in that connection by the representative of the United Kingdom on the subject of immigration ;

“ And, while pointing out that the mandate of July 24th, 1922, remains in force until such time as it may be otherwise decided, defers consideration of the substance of the question until the Council is in a position to deal with it as a whole, and in the meantime entirely reserves its opinion and its decision.”

The Council accordingly endorsed two observations by the Mandates Commission—namely (1) that the restrictions on immigration were exceptional and provisional ; (2) that it must always be borne in mind that, so long as the mandate had not been modified or replaced by another, the present mandate continued, with all that that implied, in particular, in respect of the rules regarding immigration.

Since the application of those rules had not been restored, the question of expediency on which the Chairman wished to consult his colleagues was whether it should not be pointed out that those rules should be re-established. No doubt the mandatory Power could reply that the circumstances which had determined the suspension of the application of the rules still remained, but such a position might continue indefinitely. In any case, if the Commission raised the question, that would be a means of compelling the accredited representative to make a statement on the whole problem.

M. PALACIOS thought the question of immigration was the crucial point of the mandate for Palestine, and it was this problem that made the present mandate definitely unworkable, as stated by the Government of the United Kingdom.

The CHAIRMAN agreed, but wondered whether the Commission should not point out that the mandate continued to apply, with all its consequences.

Mlle. DANNEVIG thought the accredited representative might maintain that, under present circumstances, the economic absorptive capacity of the country was not such as to permit of increased Jewish immigration. Under these circumstances, the Commission might point out that the terms of the mandate nevertheless existed, and that it was its duty to ascertain whether the principle was maintained.

¹ See *Official Journal*, December 1937, page 902.

² *Ibid.*, page 907.

M. VAN ASBECK thought the problem was of an even more general nature. It was clear that the Royal Commission supposed that the decisions regarding partition would be enforced at a fairly early date, and it had recommended a whole series of provisional measures. But what had actually happened was well known. The period now reached was not the transitional one mentioned by the Royal Commission, but a period of uncertainty and suspension, during which the mandate was not being fully applied and the partition plan had not been adopted. In those circumstances, it was difficult to give an opinion on the administration of the mandate on the basis of the report. It would therefore be necessary to raise, as it were, a preliminary question and ask the representative of the mandatory Power what the latter proposed to do during the present period of uncertainty and suspension.

The present period was likely to last for a long time to come. A second commission had just been sent out in order to prepare a technical report; that report would then have to be studied in London, a proposal would have to be made by the mandatory Government and studied by the Mandates Commission, and, lastly, the Council would have to take a decision. What was important, therefore, was to endeavour to ascertain the intentions of the mandatory Power during the present period.

The CHAIRMAN said the question which he proposed to raise would give an opportunity of asking for explanations of that kind, and he requested his colleagues to say whether they thought it advisable to put the question in the following manner: The mandate continued; as regards immigration, in particular, the rules hitherto applied were confirmed; the mandatory Power had asked to suspend them as an exceptional measure, while making the statements known to the Commission which it had been unable to keep; the decisions which it had taken were valid until March 31st, 1938; the Mandates Commission expected the necessary explanations from the mandatory Power. Whatever reply was given, the essential point for the Commission was not to allow a repudiation of the mandate, with all its consequences, to pass without notice.

M. PALACIOS agreed as to the question to be put, but not as to the observation to be made subsequently; it was unnecessary to anticipate on that point.

Count DE PENHA GARCIA said that there was obviously no harm in putting this question, but the Commission should not give the impression that it was unaware of what was happening. At the present moment, the mandate was in force, but only in respect of the authority of the mandatory Power, with certain restrictions of a provisional character.

Mlle. DANNEVIG thought it might perhaps be possible to put the question in the following way: the first duty of the mandatory Power was to maintain order; in spite of police and military intervention, no appeasement was noticeable in many districts. Under those circumstances, what could be done to improve the situation? For some time past, the number of troops had been decreased; the disturbances, however, had continued and, lately, the Arab terrorists were killing moderate Arabs as well as Jews.

The CHAIRMAN said the Commission would approach the question in a spirit free from any preconceived idea, would hear the explanations furnished, and would then see if it had any observations to make, in particular, as regards the point raised by Mlle. Dannevig. For the moment, the Commission reserved its opinion.

SECOND MEETING.

Held on Wednesday, June 8th, 1938, at 4 p.m.

Nauru: Examination of the Annual Report for 1937.

Major Fuhrman, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed the accredited representative, with whom the Commission was glad to have a further opportunity of collaborating in the examination of the annual report.

COMMUNICATION TO THE COMMISSION OF AN ALBUM OF PHOTOGRAPHS.

The CHAIRMAN asked the accredited representative whether he had any general observations to make.

Major FUHRMAN thanked the Chairman for his welcome and said that he did not desire to make any general statement, but he wished to lodge with the Commission an album of photographs which he had received from the Administrator. The photographs depicted many phases of life on Nauru, and from them could be gathered an excellent impression of the natives and of their happiness, prosperity and general advancement. He suggested that it might be appropriate if members of the Commission could find time to look at the photographs during the course of the examination of the report. They would be found most interesting, and might well be regarded as a valuable supplement to the report.

FORM OF ANNUAL REPORT.

M. GIRAUD asked whether more explicit references to previous reports could not be given, so as to facilitate the study of particular subjects.

Major FURHMAN noted this request.

ADVISORY COUNCIL OF CHIEFS : QUESTION OF THE TRAINING OF NAURUANS WITH A VIEW TO THEIR PARTICIPATION IN THE ADMINISTRATION OF THE NAURUAN ROYALTY TRUST FUND AND IN OTHER ADMINISTRATIVE ACTIVITIES.

M. VAN ASBECK was grateful for the information furnished on page 51 of the annual report with regard to the Advisory Council of Chiefs, which met regularly to discuss matters affecting the welfare of the native community.

He noted that the Nauruans, however, did not share in the administration of the Nauruan Royalty Trust Fund. On the other hand, a young Nauruan man who had been educated in Australia was a member of the newly formed Native Education Committee (page 33 of the report). If there were some Nauruans sufficiently advanced to receive education in Australia, could not such educated natives participate more fully—even if only in an *advisory* capacity—in the administration of the territory, particularly in financial matters, including the administration of the Trust Fund? Discussion of matters concerning general welfare only became concrete and realistic, it seemed, when put into the frame of finance.

Major FUHRMAN did not think the young Nauruan, who was educated in Australia, would be sufficiently mature or have the necessary technical knowledge or training to be entrusted with the administration of public funds. Nauruans were gradually being placed in subordinate administrative posts, as they became educated and fitted for the acceptance of responsibility. The time was not ripe, however, for them to act in an administrative advisory capacity. Account would doubtless be taken of any recommendations put forward by the Advisory Council of Chiefs concerning the administration of the Trust Fund.

Mlle. DANNEVIG thought that the possibility of utilising the services of young educated Nauruans in the manner suggested would depend on the type of education provided. According to pages 7 and 17 of the report, they went to the technical school, Geelong, for special training, but perhaps did not continue their general education.

Major FUHRMAN thought the curriculum included some academic work, but the main object in sending Nauruan boys to a technical school was to teach them handicrafts and to fit them for occupations which they would normally follow on return to the island. It would be unwise to lay down for the youth of Nauru a course of study for scholastic or clerical careers, when sufficient suitable openings in those capacities were not available. Rather than concentrate on the teaching of subjects of a more or less academic nature, it appeared more practical, at this juncture, to give them a sound technical training.

M. VAN ASBECK asked whether the expression "welfare of the community" could be taken to cover financial matters (page 51 of the report).

Major FUHRMAN replied that the term would include social, moral and material welfare—not specifically financial matters.

M. VAN ASBECK asked if information could be supplied in the next report as to the type of education provided for Nauruans in Australia, the part played by the Advisory Council of Chiefs in financial affairs and the effect on the administration of the Trust Fund of opinions expressed in the Council.

THE AGREEMENT BETWEEN THE NAURUAN LANDOWNERS AND THE BRITISH PHOSPHATE COMMISSIONERS : RELATIONS BETWEEN THE VARIOUS ELEMENTS RESIDING IN THE TERRITORY : QUESTION OF A REGULAR SYSTEM OF INSPECTION.

M. VAN ASBECK and M. RAPPARD drew attention to an article in the *Pacific Islands Monthly*, of April 22nd, 1938, entitled "Pleasant Island".

Major FURHMAN said that the attention of the mandatory Power had been drawn to the allegations contained in the article mentioned. He proposed to deal seriatim with those charges. In the first place, the present Agreement between the Nauruan landowners and the British Phosphate Commissioners, which was concluded in 1927, provided for the payment of a royalty of $7\frac{1}{2}d.$ per ton of phosphate exported. Fourpence of that sum was paid to the Nauruan landowners concerned, $1\frac{1}{2}d.$ per ton to the Administration to be used solely for the benefit of the Nauruans, and $2d.$ per ton to the Administration to be held in trust for the landowners and invested. The Agreement provided that the rates should have effect for a period not exceeding twenty years from July 1st, 1927, but the royalty of $4d.$ —that was to say, the portion of the $7\frac{1}{2}d.$ paid direct to the Nauruan landowners—should be adjusted every five years by increasing or decreasing it *pro rata* to any increase or decrease in the f.o.b. price of Nauru phosphate. In accordance with that provision, the royalty payable to the Nauruan landowners from July 1st, 1937, was $1\frac{3}{4}d.$ per ton, but the British Phosphate Commissioners, His Majesty's Government in the Commonwealth of Australia and the Administration did not consider that an equitable payment. The British Phosphate Commissioners intimated a willingness to agree to a variation of the Agreement, which would provide for its extension from 1947 to 1967 and for the payment of a minimum royalty of $4d.$ per ton and a maximum royalty of $6d.$ per ton. That proposal was not acceptable to the Nauruans, who asked for $4d.$ per ton for the first ten years and $6d.$ per ton thereafter, with certain other additional payments. Major Fuhman said that his latest despatch from Australia was dated May 23rd, when he was advised that a basis of agreement had not then been reached. Discussions were, however, proceeding, with a view to arriving at a solution acceptable to all parties concerned.

With regard to the second series of allegations in the article under notice, His Majesty's Government in the Commonwealth of Australia had not received any evidence that would support the statement of friction existing at Nauru between officers of the Administration and the British Phosphate Commissioners' staff, or between Europeans and the native inhabitants of the island. The Administrator had informed the responsible Minister of the Australian Government that, with the exception of certain internal differences between himself and two European officers of the Administration staff, excellent relations existed between all parties on the island, the affairs of which were perfectly satisfactory.

M. RAPPARD presumed the next report would contain fuller information about the negotiations between the local population and the Phosphate Commissioners—a matter of fundamental importance for the future of the island.

He found it difficult to reconcile the statement that the Nauruans were not sufficiently advanced to share, even in an advisory capacity, in the local administration of the territory with the fact that they were negotiating about the amount of royalty payable ten to fifteen years hence.

As to friction inside the Administration, the effect would be more disastrous in a small territory like Nauru than in a territory with a large administrative staff. If the Administrator himself thought the matter of sufficient importance to be mentioned in despatches, the situation surely called for a remedy.

Major FUHRMAN assured the Commission that the differences between the Administrator and the two European officers of the administrative staff were purely internal. In the interests of discipline, an endeavour would naturally be made to confine the knowledge of those differences to a very limited number of persons. The subordinate officers concerned were no longer in the service of the Administration.

The fact that the Nauruan landowners were pressing for a higher royalty might seem inconsistent with his statement—which he still maintained—that the Nauruans were not sufficiently advanced to share in the administration of the Trust Fund, but an explanation would be found in the fact that each landowner was personally concerned about the amount of the royalty which, as an individual, he would receive, and his vision was naturally limited to his own prospective financial position. The collective view of the Nauruan landowners, in their negotiations with the British Phosphate Commissioners, would be expressed by the Administrator, who would act for and on their behalf.

M. VAN ASBECK asked whether the objections of the Nauruans to the present royalty agreement had been voiced in the Advisory Council of Chiefs.

Major FUHRMAN had no direct information on that point ; but as the question was one of prime importance to every Nauruan, it doubtless would be discussed. He presumed the present negotiations would be conducted by the Administrator, with the advice of the Advisory Council of Chiefs on the one hand, and the British Phosphate Commissioners, on the other.

M. GIRAUD asked whether the mandatory Power did not exercise any supervision over the administration of the island by means, in particular, of inspectors or special officials. If so, would it not have seemed indicated to send someone to the island to investigate the causes of friction in the Administration ?

Major FUHRMAN said that this was a question of policy upon which he had not been instructed. He did not think, however, that, as a matter of policy or routine, regular visits of inspection to a small and inaccessible island like Nauru would be considered necessary or practicable.

Referring to the incident under notice, Major Fuhrman said that to have sent an investigating authority to Nauru specifically for the purpose of enquiring into and, if possible, settling what was only a minor departmental difference between the Administrator and two of his subordinates might conceivably have lessened the Administrator's prestige and authority on the island. The matter had been verbally reported by the Administrator to the responsible Minister of the mandatory Power, which, apparently, had not considered the incident sufficiently important to justify an examination on the spot.

The CHAIRMAN asked whether the administration of the island was never inspected on the spot ; such inspections took place in nearly all colonial territories.

Major FUHRMAN said the affairs of Nauru had followed such an even course since the inception of the mandate that the necessity for supervision by means of inspection had never arisen. So far as Nauru was concerned, the mandatory Power did not consider a regular system of inspection either necessary or practicable.

PERIOD OF SERVICE OF OFFICIALS IN THE TERRITORY.

The CHAIRMAN asked whether there was a fixed period of service for officials of the Administration.

Major FUHRMAN said the first Administrator—General Griffiths—stayed six years. The present Administrator had been in the Territory since 1933, and with the concurrence of the partner Governments his appointment had been prolonged to June 1938, and would be prolonged further to August.

The CHAIRMAN presumed the officials returned to their own country from time to time.

Major FUHRMAN thought they did, though not, as a matter of course, every year.

The CHAIRMAN felt that an uninterrupted stay within the confined limits of the island, which was small and isolated, must, in the end, be prejudicial to those who had to live there.

Major FUHRMAN believed that the climate was equable and that conditions of life on the island were very pleasant.

PROBABLE DURATION OF THE PHOSPHATE DEPOSITS : QUESTION OF CULTIVATING WORKED-OUT LAND : DEVELOPMENT OF THE FOOD SUPPLY.

M. RAPPARD pointed out that the Commission had asked in 1937¹ for an estimate of the duration of the phosphate deposits. It was stated in the report (page 50) that " A re-survey of the island has disclosed that its area is 5,263 acres (not 5,400, as previously recorded), of which 3,542 acres are classed as phosphate-bearing land, 985 acres as coco-nut land, and 736 acres as other land ". But that was not the point. What was wanted was an estimate of how long the deposits would last at the present rate of extraction. The question had a direct and immediate bearing on the financial administration. The policy was, he took it, to accumulate individual and public savings for the benefit of the natives, so that they would be provided for when the deposits were exhausted.

Major FUHRMAN said he thought that any attempt to estimate the life of the phosphate deposits would be pure speculation. Such calculations, even if possible, would have to take account of two unknown and indeterminable factors—namely, the depth of the deposits and the future demand for this commodity.

¹ See Minutes of the Thirty-first Session of the Commission, pages 50 and 51.

In 1928, a former Administrator, basing his calculations on the output of phosphates in that year, when the area of phosphate-bearing land was thought to be 4,200 acres, estimated the life of the deposits at 300 years. In 1937, a re-survey of the island disclosed that only 3,542 acres could be classed as phosphate-bearing. If the calculations in 1928 were accepted as correct and allowing for a 16% error in acreage of the phosphate fields at that time, it might be assumed that the life of the deposits would be from 230 to 240 years.

M. RAPPARD imagined that the Nauruans, who had become accustomed to a certain standard of comfort, would be reduced to extreme poverty if the deposits gave out, or if chemical research led to the discovery of substitutes. Everything was to be gained by accumulating savings which could be invested—and would therefore not be lost—to meet all possible contingencies.

Major FUHRMAN said he would deal later with the question of the Nauruans' prospective means of subsistence in the future. Every effort was made to conserve revenue, and it was a matter of satisfaction to the mandatory Power that funds totalling £54,509 had been accumulated since the inception of the mandate; 46% of the indigenous population, as compared with 42½% in 1936, were savings bank depositors with credits amounting to £19,434. This represented a *per capita* deposit of £25 8s. 9d.

M. VAN ASBECK noted from page 12 of the report that exports of phosphates were steadily increasing year by year. What was the total acreage of worked-out land? It would be easier to form some idea of the approximate duration of the phosphates, if the total area of already worked-out land could be compared with the yearly output of phosphates.

Major FUHRMAN said that 110 acres of phosphate deposits had been entirely worked out and the land returned to native owners. On December 31st, 1937, 1,002 acres were held under lease by the British Phosphate Commissioners and, of those 1,002 acres, 237 acres had been worked out but had not yet been returned to the natives. The actual acreage being worked at the moment was 765 acres.

Mlle. DANNEVIG asked whether worked-out land could be used for the cultivation of coco-nuts, etc.

Major FUHRMAN said he did not think the land could be so used at present. The phosphate area was waterless, uninhabited and little used by the Nauruans. The mining of this area was therefore of the greatest benefit to the Nauruans, providing them with a valuable insurance in regard to the future of their race—an insurance which increased in direct proportion to any increase in the rate of mining.

The CHAIRMAN asked whether worked-out land was permanently unsuited for cultivation of any kind.

Major FUHRMAN said his information on that point was not very recent, but he was informed about two years ago that it had not been found practicable, at that time, to attempt to put the worked-out fields in a fit state for agriculture. That would probably come about in the course of time by plant recolonisation—a process which, he understood, was in progress.

M. VAN ASBECK, referring to information given on page 50 of the report, asked whether any steps were being taken to speed up the process of recolonisation by plant life by artificial means. Imports of provisions were so high that the matter would seem to be urgent, as had already been hinted at the thirty-first session of the Commission. ¹

Major FUHRMAN, in replying to M. van Asbeck and an earlier question by M. Rappard, said there was no danger of the natives being deprived of their means of existence if and when the phosphate deposits became exhausted, and he gave the Commission information concerning the main prospective means of subsistence in the near future. He explained that, on an island where there was no permanent water and a most uncertain rainfall and where the soil was most unfavourable to cultivation, the production of food crops, as the term was usually understood, was practically impossible. Attempts had been made, within the past few years, to produce sweet potatoes; but those attempts had not been encouraging. The planting of fruit gardens for the raising of paw paw, citrus, pineapple and banana was possible, and was encouraged for the specific purpose of furthering the health of the natives, as those fruits were considered most beneficial.

¹ See Minutes of the Thirty-first Session of the Commission, page 51.

Major Fuhrman then dealt with the natural food supplies—namely, the growing of coconuts and of the pandanus palm, fishing, the raising of pigs and poultry and the growing of bread fruit, mangoes, etc.

With regard to the growing of the coco-nut, he explained that, on Nauru, there was ample acreage of coco-nut land to provide Ekarawe and coco-nut meat for a far larger population than at present on the island, and for the provision of a fair surplus of coconuts for feeding pigs and for export as copra. In connection with the latter commodity, there was an export some few years previously, under unscientific methods of cultivation, of 383 tons of high-quality copra in one year. There could be no doubt that, with the growing of coconuts on scientific lines, which was gradually being introduced, the export of copra could be increased considerably. The pandanus palm was a most valuable food plant which flourished in Nauru, and an extensive planting plan of that palm was in progress.

Major Fuhrman then referred to fish, which he understood was a staple article of native diet. There had been a great revival in fishing in the last few years—a revival which had brought about an increase in the number of canoes, and which had stimulated the enthusiasm of the young boys to take part in fishing. He understood that fish, of proved scientific value as food, abounded in the vicinity of Nauru at different seasons of the year. Furthermore, it had been found desirable to encourage increased fishing, owing to the heavy demand, and good prices paid by the Chinese labourers, for that article of diet. He pointed out that the absence of the Chinese, if and when the phosphate fields were worked out, would leave an abundance of fish at most periods of the year for consumption by the native population.

Pigs and poultry were supported by the coco-nut belt and formed a valuable addition to the native diet, as did also bread fruit and mango, the planting of which played an important part in the agricultural policy of the Administration.

COUNT DE PENHA GARCIA thought the situation could be summed up more or less as follows. Nauru was a small island, almost unknown, with a native population living in a savage state but nevertheless able to provide for its needs. Phosphate deposits were then discovered: whereupon a number of foreigners arrived—in larger numbers perhaps than the native population—upsetting the balance as between population and food supply. The natives were deprived of some of their territory; and twice the original population had to be fed from the natural resources of the island.

Only one-fifth of the land was at present devoted to the phosphate industry. There remained four-fifths, which might, at least in part, be made more productive. Indeed, the mandatory Power was now considering means of improving agricultural production, encouraging poultry breeding, fishing and so on.

How was the non-phosphate-bearing land allotted to the natives?

Major FUHRMAN said that the term "savage" would be misapplied if used to describe the Nauruans at the time when the mandatory Power assumed control of Nauru. It was admitted that they were a backward race in 1920, but to-day could well be regarded as a highly intelligent native community whose social, moral and material welfare was being advanced with the passing of every year. It was true that the discovery of phosphate led to an importation of foreign labour, which did not, as Count de Penha Garcia suggested, outnumber the indigenous population. The figures to-day were: total Nauruan population, 1,658; total Chinese—the foreign labour referred to—1,261. Never, at any time, had the Chinese exceeded the Nauruans in number. The arrival of the Chinese did not, as was stated, upset the balance as between indigenous population and the food supply. Furthermore, the natives were not deprived of territory which was of any use to them, nor had twice the original population to be fed from the natural resources of the island. These were misapprehensions which it appeared desirable to correct.

The facts were that the food supply for the imported Chinese labour—namely, rice (including beans), meat or fish (fresh or preserved) and vegetables, either fresh or preserved—was imported and supplied free to those labourers by the British Phosphate Commission. The possible exception to the import of the foods mentioned might be fresh fish, which abounded in the vicinity of Nauru and which were caught by the Nauruans and sold to the Chinese. The catching of fish could not be regarded as depleting the natural food resources of the island. With the mining of the phosphate deposits, the natives were not deprived of territory that was of any use to them, for the phosphate area was waterless, uninhabited and little used by the Nauruans. Major Fuhrman was afraid Count de Penha Garcia was in error in saying that one-fifth of the island was devoted to the phosphate industry and that there remained four-fifths which might be made more productive. The area of the island was 5,263 acres, of which 3,542 were phosphate-bearing land; 985 acres, coco-nut land; and 736 acres, comprising slopes towards the interior and the high area of the island, which were not cultivable.

Major Fuhrman said that the Nauruans were immeasurably more prosperous to-day than they were twenty years ago. He had, he thought, made that clear when, in a reply to Mlle. Dannevig, he pointed out that the mining of the phosphate area was of the greatest benefit

to the Nauruans, providing them with a valuable insurance in regard to the future of their race—an insurance which increased in direct proportion to any increase in the rate of mining.

In reply to Count de Penha Garcia's last question concerning the allocation of non-phosphate-bearing land to natives, he said that the system of land tenure was governed by old tribal customs dating back very many years. Some time ago a Lands Committee, consisting of the Deputy Head Chief and four of the older chiefs, investigated matters relating to boundaries and ownership of land. The island had been surveyed, and certificates of title issued to the owner of each portion of land defining the boundaries and affording documentary proof of ownership.

Count DE PENHA GARCIA said the position was still a little vague. The report did not state whether all phosphate-bearing land could be used for agricultural purposes or not. On a former occasion, the Commission was told that there were no forests in the strict sense, but many trees; and that, indeed, was clear from the photographs shown to the Commission. It therefore seemed possible to plant trees to increase the food supply. Would it not be desirable for the Administration to intervene, in order to increase the productivity of the land? Certain colonial Powers had had to take steps to increase the food supply of natives, advising or even ordering them to cultivate certain crops. It seemed to him that there might be defects in the land-tenure system which called for consideration. For example, very large quantities of preserved foods were imported, and, while that might be satisfactory to exporters, the welfare of the natives from the economic and health aspects should also be borne in mind.

Major FUHRMAN said everything possible was being done to induce the natives to embark on an agricultural policy. It was still an open question whether worked-out land could be made fit for cultivation.

The agricultural policy described on page 18 of the present report, and on the same pages in the reports for 1935 and 1936, showed that a great deal was being done in the direction of ensuring a future supply of natural food.

Count DE PENHA GARCIA said that the main object of his remarks was to draw the mandatory Power's attention to the importance of the question.

IMPORTS AND EXPORTS.

M. GIRAUD noted that the general economic situation was satisfactory. Exports of phosphates had increased considerably. Indeed, every year proved to be a record year.

He asked for an explanation of the difference between shipments of phosphates, 1,007,990 tons (page 37 of the report), and exports, 688,900 tons (page 12), which would seem to be too great, even allowing for the fact that shipments were for the year ended June 30th, 1937, and exports for the calendar year 1937.

Major FUHRMAN pointed out that shipments covered both Nauru and Ocean Island. The export of phosphate from both those islands was under the control of the same Commissioners.

M. GIRAUD asked why imports had fallen steadily from 1935 to 1937, when exports were continually on the increase.

Major FUHRMAN pointed out that the figures for imports had no relation to the administrative finance figures, except in so far as import duty was paid. The drop of roughly £10,000 in imports during 1937 was due almost entirely to a reduction in the import of hardware and machinery.

It would be noticed also that imports of coal and coke had fallen from £13,384 in 1936 to £3,767 in 1937, while at the same time imports of oil fuel had increased from £6,204 to £14,589 (page 11 of the report). He was informed that the variation in these figures was due to a change-over from coal- to oil-burning machinery. The machinery was imported in some previous year, and this might possibly account for the drop in imports of hardware and machinery in 1937.

M. GIRAUD noted that, although the accredited representative had referred to the possibility of increasing copra exports, no copra was exported during the year under review.

Major FUHRMAN said his information was that the natives were not very interested in the production of copra at the moment, but the Administration had under consideration the possibility of stimulating that interest.

JUDICIAL ORGANISATION.

M. VAN ASBECK asked whether the accredited representative had any comments to make on the increase in the total number of convictions in 1937, especially for breaches of the Cleaning of Lands and Leprosy Suppression Ordinances.

Major FUHRMAN said that serious crime was unknown in Nauru. In consequence, no importance was attached to variations in minor crime from year to year and in the convictions recorded for petty offences. In 1937, it was found that a number of natives were becoming careless in regard to attendance at the Leper Clinic. The same indifference was being shown by a number in attending school and in regard to cleaning of land. A general tightening up of discipline in respect of such matters led to an increase of convictions for those and other minor offences. He drew the attention of the Commission to the fact that no cases were brought before the Central Court, which was an indication of the absence of serious crime.

WELL-BEING AND SOCIAL DEVELOPMENT OF THE NATIVES : EMPLOYMENT OF EDUCATED NATIVES IN THE ADMINISTRATION OF NATIVE AFFAIRS.

Mlle. DANNEVIG said it was difficult to form any idea as to the social condition of the natives. On the one hand, economic conditions were favourable, and the island was very rich. On the other hand, the health of the population was unsatisfactory. The death rate was higher in 1937 than for many years past. The infant mortality rate, in particular, was very high. The Mandates Commission was told that enough food could be produced on the island, and that a Commission had been set up to study the food supply ; yet large quantities of artificial food had to be imported.

Major FUHRMAN said the Administration was of opinion that, while the natural food supply might be sufficient, it was possible to improve the nutritive value of the food consumed. The high infant mortality rate was a matter of very deep regret to the mandatory Power and to the Administration ; but he would point out that of the nineteen infants who died during the year, four deaths were due to pneumonia, two to premature birth, one to severe burns and nine to beri-beri, a most difficult disease to eradicate.

Mlle. DANNEVIG said it was also difficult to form any idea as to the part played by the natives in the life of the island. They were said to be backward, and yet an elaborate educational system was provided, some Nauruans even going to Australia to complete their education. What was the routine of their daily lives ? What work did they do ? Her own impression was that they led " butterfly lives ", so to speak. The post-primary education provided for girls (page 37 of the report) was most elaborate, covering social studies and elementary physiology and hygiene. What was the ultimate result ?

Major FUHRMAN said that many of the Nauruan women were doubtless engaged in household duties. Of the 864 males, about 600 would be adults, some of whom would be too old to work. No doubt the remainder followed the ordinary occupations of the island, such as fishing and farming, coco-nut-growing, tending vegetable crops, poultry raising, pig-farming and so on. Fishing was becoming an important industry on account of the demand by the Chinese for fish, for which good prices were paid.

M. PALACIOS pointed out that the chapter entitled " Labour and Industry " (page 19 of the report) did not deal with native labour ; it only referred to the employment of foreigners, chiefly Chinese, imported into the territory. Certain comments made by M. Rappard and Major Fuhrman also gave the impression that the natives did not work and that in so far as they voluntarily engaged in activities of an economic character, they did so—being apparently in no need of employment—as a hobby. Were there no natives of the territory who worked either for their own account or for a wage ?

Major FUHRMAN said that, as pointed out by M. Rappard in 1936, there was really no need for the natives to work at all. They received a very substantial income by way of rent for phosphate-bearing land and their future was assured in consequence of a percentage of that income being held in trust for the landowner by the Administrator and being invested for twenty years at compound interest.

In no case was a Nauruan forced to work. When Nauruans undertook employment, they were employed by the day, week or month, as the case might be, and were paid for their services at recognised rates. The natives were encouraged to accept employment if, in the opinion of the Administration, the work was suitable. The usual rate of wage for Nauruans

employed on unskilled work, other than domestic service, ranged from £3 to £4 per month without food and lodging; for skilled and semi-skilled labour, considerably higher rates were paid—the minimum being £5 per month. For domestic service, approximately £3 per month was paid.

Comparatively important posts held by natives were: fifteen Chiefs of Districts with certain delegated powers; on the Administration Secretariat—two on accounts, one on secretarial duties, one storekeeper and one interpreter; all senior non-commissioned officers of police were Nauruans; there were three Nauruan medical assistants; a wireless operator; a postmaster and assistant; one survey draftsman and five head teachers.

MISSIONS.

M. PALACIOS was grateful for the information concerning the missions and their activities in the territory given on pages 33, 34 and 51 of the report.

The information was, however, somewhat summary. It did not cover the question of the influence of the missions. It was stated on page 33 that the enrolment at the Sacred Heart school was 53.7. What was meant by that figure? Was the syllabus at the Sacred Heart school the same as the syllabus of the other primary schools in the territory, or did it contain special features due to the connection of the school with the mission? Were many pupils educated there?

Major FUHRMAN said that until 1923 secular education was conducted by two missionary societies—the London Missionary Society and the Mission of the Sacred Heart. They provided education in small schools to a limited number of pupils. In 1923, the Administration formulated a free and compulsory education policy; and when, in 1923, the Administration opened Government schools, all secular education was, with the consent of both missions, conducted in those schools. Recently, the Mission of the Sacred Heart had applied for permission to reopen a school, and to that request the Administration had agreed. That school was a registered school and was governed by the Compulsory Education Ordinance, which applied to all registered schools in the territory.

Major Fuhrman had no details as to the staff of the school and was unable to explain the figure 53.7 on page 33 of the report.

EDUCATION.

Mlle. DANNEVIG had read with the greatest interest the report of Mr. Groves, Director of Education, on the revision of the educational programme (pages 33-37 of the report). She asked whether she was right in assuming that the new programme would be at least partially applied as from the present year (see Conclusion, page 37 of the report)?

Major FUHRMAN replied in the affirmative.

Mlle. DANNEVIG noted that the salaries of native teachers were rather modest. She presumed that they were sufficient to allow the teachers to devote themselves entirely to their vocation, and were not so low as to necessitate supplementary work.

She asked what were the Nauruan "string figures" referred to on page 17 of the report, which were said to be the best in the world.

Major FUHRMAN said he had no information as to what Nauruan "string figures" were, but he would ask for particulars to be included in the next report.

LABOUR.

The CHAIRMAN, speaking on behalf of Mr. Weaver, who was detained at the International Labour Conference, noted that information about the Chinese labour situation was given on pages 19 and 20 of the report and also on pages 51 and 52, which contained replies to questions asked at the thirty-first session of the Commission. The Commission would no doubt wish to thank the mandatory Power for those replies.

He desired, in the first place, to call attention to the "Specimen list of offences and punishments during the year 1937" on page 51. Criminal penalties for various labour offences were, of course, provided for in the Chinese and Native Labour Ordinance, 1922. The punishments inflicted, however, seemed in some cases to be very heavy. It would be interesting to know whether, for instance, such punishments as hard labour for fourteen days for absence from work without permission and disobedience of orders were inflicted on first offenders or only on labourers who had repeatedly offended, and whether the court dealt more leniently with first offenders.

Major FUHRMAN said he felt sure that, in sentencing Chinese labourers for breaches of the Labour Ordinance, the court took into consideration all relevant factors such as, for example, first offences. Furthermore, he thought that, in the majority of cases, overseers would doubtless

have previously cautioned offenders before bringing them to court. He pointed out that, in the handling of a foreign male labour community of 1,245 on a small and isolated island like Nauru, where there was an indigenous adult male population, including old people, of about 500 and where there was no military garrison and a police force of only thirty-five or so, disciplinary measures, when such were necessary, had to be taken promptly and, in their severity, had to be effective deterrents to the further commission of offences. It would not otherwise be possible to maintain discipline.

The CHAIRMAN said that paragraph (c) on page 52 of the report contained interesting information about accidents. It was gratifying to note that provision was made for accident compensation. The amount of compensation paid (a) to labourers whose incapacity as the result of accidents was such that they were unable to resume work and (b) to the families of labourers who lost their lives as a result of accidents while at work was, in both cases, a sum equal to wages for one year. That sum, however, was much lower than was usually provided for in either European or colonial workmen's compensation laws; and he would be glad to know on what principle the amount paid was fixed at wages for one year, and whether any consideration had been given to the question of increasing the amount in cases of total incapacity or death.

Major FUHRMAN said he had no knowledge of the considerations which determined the amount of compensation to be paid in the case of incapacity or death of a Chinese labourer. He would ask for the information to be included in the next report, if that course were agreeable to Mr. Weaver.

The CHAIRMAN said Mr. Weaver was grateful for the information on wages given in paragraph (d) on page 52, of the report, and was glad to note that the labourers were able to save a substantial proportion of their wages, as was seen from the large sum remitted to families in China—namely, over £22,000 in 1937.

CO-OPERATIVE SOCIETIES.

M. PALACIOS observed that the only allusion to the natives of Nauru in the chapter on "Labour" was at the top of page 20 of the report, where a reference was made to the Native Co-operative Societies Ordinance, 1935. The work done in that connection seemed to be satisfactory, but it appeared that the natives took part in the Nauru Co-operative Society in the guise of consumers rather than producers. Was that really the position?

Major FUHRMAN said the Nauru Co-operative Society was founded in 1922 with a capital of £800 subscribed entirely by Nauruans. It was administered by a Committee appointed periodically by the Nauruan Advisory Council from its own members, with a European adviser—a member of the Administration Staff appointed by the Administrator to act as liaison officer between the Administrator and the society. The duties of the Adviser included the training of chiefs and of the staff of the society in business management and policy.

The ideal of the society was service to the Nauruan people, and that ideal was being realised, directly and indirectly, in many ways, but in particular by retailing, through the society's general store, certain essential commodities at practically cost price; by the retailing generally of goods, at the lowest possible price; by purchasing copra from the Nauruans, when it was available for purchase, at the highest possible rates; by making free issues of certain commodities to aged and infirm Nauruans; and also by apportioning part of the yearly profits for native works or services for the collective benefit of the Nauruan population. Each member of the society's staff was a Nauruan, and a portion of the yearly profits from the concern was allocated to a Trust Fund for the purpose of sending Nauruan boys to Australia for business training.

M. PALACIOS thanked the accredited representative for this interesting information.

ALCOHOL AND SPIRITS.

The CHAIRMAN noted that the import duty on spirits and drink in general had been reduced considerably as from July 1st, 1937 (page 20 of the report); he asked what was the reason for that reduction.

Was it the reduction in import duties that had led to an increase in imports by comparison with previous years?

Major FUHRMAN said that, with regard to the reduction in duty on spirits and alcoholic liquors, it was considered that the general prosperity of the territory justified a reduction in the duty on those commodities. He was unable to say whether the increase in imports was due to that reduction. He would obtain information with regard to the Chairman's other questions.

PUBLIC HEALTH.

Count DE PENHA GARCIA noted that the report contained a very interesting account of the studies of the expert appointed by the mandatory Power to consider the very serious public health problems of the territory (pages 13 and 27 of the report). This expert—Professor Harvey Sutton—had made many suggestions and observations ; but they must be taken only as a starting-point. The results of his visit could not be estimated as yet. At the same time, despite the mandatory Power's efforts, the death rate (including the infant mortality rate) had increased considerably. It must not be forgotten, of course, that, as the figures were low, their absolute importance might not be very significant. Yet, even so, the increase seemed large, since the figures for 1928, 1929 and 1930 were only 18, 26 and 29, as compared with 48, 46 and 50 in recent years (page 33 of the report). It seemed that the greater the attention given to health problems, the greater the increase in the death rate.

Count de Penha Garcia did not propose to ask the accredited representative for any explanations, since the question was being examined. He would like full information in the next report, however, as to what measures were being taken to give effect to Professor Harvey Sutton's advice and suggestions, and what measures were being taken to improve the health condition of the natives, especially in the matter of tuberculosis, the death rate for which was very high, in spite of the improved knowledge in recent years as to the treatment of the disease.

Mlle. DANNEVIG asked whether the difficulties of obtaining fresh water and fruit had been solved.

Major FUHRMAN replied that the rainfall in 1937 was 50.88 inches, as compared with 81.30 in 1936 (page 22 of the report). Those figures spoke for themselves as regards rain-water. The Administration had, however, taken adequate steps to provide catchment sheds and cisterns for the conservation of such rain-water as was available and to provide against a possible shortage. In 1937, £400 was spent on the erection of catchment sheds and cisterns.

He had already given full particulars concerning the food supply, which included fruit.¹

Mlle. DANNEVIG had been surprised that there was no mention of water in the expert's report. The lack of fresh water was mentioned in previous reports as a cause of the high infant mortality. Was not that correct ?

Major FUHRMAN was unable to answer this question.

The CHAIRMAN asked the accredited representative to see that the question was put to the medical authorities.

LAND TENURE.

M. VAN ASBECK asked whether the statement on page 54 of the Minutes of the Thirty-first Session of the Commission that, under the Lands Ordinance of 1921, the consent of the Administrator had to be obtained before land was transferred, also applied to the transfer of land from native to native.

Major FUHRMAN replied in the affirmative.

DEMOGRAPHIC STATISTICS.

M. RAPPARD noted that the death rate of the Nauruans was higher than that of the Chinese and other inhabitants, (page 21 of the report), as was to be expected, since they normally spent their whole life in the territory.

He asked whether there had been any special epidemic or exceptional cause of death in the territory in 1937.

Major FUHRMAN knew of no special circumstances in 1937. It would be remembered, however, that there had been an epidemic of pneumonic influenza a few years previously, when there were 331 fatal cases, and that this epidemic was followed by an increase in cases of leprosy.

No doubt the ravages of influenza had weakened some of the older people and had left in its train a predisposition to pulmonary diseases, which, as would be seen from the report, accounted for roughly 40% of the deaths in 1937 (page 32 of the report).

¹ See pages 20 and 21.

CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representative for his co-operation in the examination of the report.

Major Fuhrman withdrew.

Petitions : Rapporteurs and Committee of Rapporteurs.

The CHAIRMAN said that, in distributing the petitions, he had taken into account the experience of his colleagues. An up-to-date list of the petitions appearing in the agenda of the session would be distributed, together with indications as to which members of the Commission had undertaken to act as rapporteurs in respect of each of them.

As regards the group of petitions of a general character relating to Palestine, the Chairman had thought it wise to adopt a similar procedure to that followed last summer,¹ and to ask M. Rappard, Count de Penha Garcia and M. van Asbeck to form a Committee of Rapporteurs.

THIRD MEETING.

Held on Thursday, June 9th, 1938, at 10 a.m.

Palestine : Examination of the Annual Report for 1937.

Sir John Shuckburgh, K.C.M.G., C.B., Deputy Under-Secretary of State for the Colonies, Mr. S. Moody, O.B.E., Deputy Chief Secretary to the Government of Palestine, and Mr. A. S. Kirkbride, O.B.E., M.C., District Commissioner, Galilee and Acre District, accredited representatives of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVES.

The CHAIRMAN welcomed the accredited representatives in the name of the Commission. He recalled that Sir John Shuckburgh had already appeared before the Commission as accredited representative at its eleventh session, in 1927. Mr. Moody had appeared in 1932 and 1935 and Mr. Kirkbride in 1936. The Commission was grateful to the mandatory Power for sending these distinguished officials to represent it.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Sir John SHUCKBURGH made the following statement :

May I say, in the first instance, how much pleasure it affords me, after an interval of some eleven years, to appear once more before the Permanent Mandates Commission at Geneva.

I hardly think it necessary on the present occasion to make a preliminary statement of such length, or in such detail, as has been made by accredited representatives on some previous occasions. The reason will be clear to you. As you will not need to be reminded, the whole ground was covered, the question of the position of Palestine and of the policy of the mandatory Government was examined with great thoroughness, at the extraordinary session of last July and August, which the former Secretary of State for the Colonies, Mr. Ormsby-Gore, attended as accredited representative of the mandatory Government. Following upon your report on that session and upon the subsequent discussion and resolution by the Council of the League of Nations, the mandatory Government found itself free to proceed with preliminary investigations with a view to working out a detailed scheme of partition. A technical Commission has been appointed for this purpose and is at present in Palestine conducting its enquiry. That means that, so far as major questions of policy are concerned, matters are now *sub judice*, and their further discussion at the present stage would perhaps be out of place ; meanwhile, owing to the unfavourable conditions of public security and of finance (to which I shall refer in a moment), there have, during the past eighteen months, been few important changes in the field of ordinary administration.

I should like at this point to say a word about the situation as it was left last summer and the action which has since been taken by the mandatory Government. I am anxious in this connection to deal with two criticisms, of which a good deal has been heard. The first is that there has been undue delay on the part of the mandatory Government and the second that

¹ See Minutes of the Thirty-first Session of the Commission, page 175.

its policy has been lacking in definiteness. I would venture to put to you that neither suggestion is justified. Let us recall the sequence of events. It was not until the middle of September 1937 that the Council of the League of Nations had pronounced its *nihil obstat*, without which the further examination of the possibilities of partition could not be proceeded with. In that same month the campaign of terrorism, which had unfortunately revived in Palestine, culminated in the assassination, in circumstances of a peculiarly dastardly character, of a British District Commissioner and his police escort at Nazareth. The Government had to act firmly. Prompt use was made of the emergency powers conferred by the Defence Order-in-Council. The Arab Higher Committee, which was regarded as morally responsible for the outrages, was outlawed. Those of its members on whom hands could be laid were arrested and deported. The Mufti of Jerusalem was deprived of the special offices from which he had derived his outstanding and dangerous power. All the forces at the Government's command were devoted to the task of suppressing disorder. It was clearly no time for a Commission of Enquiry to begin its investigations. By the early spring, although the disorders had by no means ceased, it appeared that the position had become sufficiently stabilised to justify the appointment of the Commission; and a Commission was accordingly appointed, though its departure from England was delayed for a few weeks to enable the new High Commissioner first to take over the administration. The Commission finally left London for Jerusalem on April 21st, 1938. As I have already mentioned, it is now engaged upon its investigations.

Meanwhile, I should not like it to be supposed that time had been altogether lost. On the contrary, certain essential enquiries—essential, that is, as preliminaries to the work of the Commission—had already been set on foot in Palestine. In particular, important hydrographic surveys, necessarily a task of many months, had been begun in the southern district and the Jordan valley, with a view to collecting evidence as to the possibilities of irrigation and development in these regions.

That is what I have to say on the charge of dilatoriness. There remains the other criticism—that the policy of the mandatory Government is lacking in definiteness. I venture to think that this criticism implies a misunderstanding of the present position. There must necessarily be uncertainty as to the shape and form of partition, and indeed as to its practical adoption as a solution, until we know for certain that the Commission has found it possible to recommend a scheme of partition that can be regarded as equitable and practicable. Equitable and practicable—those are the words used in the despatch of December 23rd, 1937, of which copies have been circulated to you. But on the question of principle, there is no uncertainty or indefiniteness. The view that partition offers, in principle, the best and most hopeful solution of the Palestine deadlock remains, as it has already been declared, the definite opinion of the mandatory Government. It was the opinion expressed by the mandatory Government when it issued its Statement of Policy of July 1937. It has been reaffirmed more recently in the British House of Commons, and you will accordingly realise that there has been no modification of policy in this respect.

The decision that the investigation into the possibilities of partition should be proceeded with has affected one important field of administration in Palestine. I mean the control of immigration. I do not propose to deal at any length with this subject in the course of my preliminary statement. There will be opportunities for its discussion in connection with the relevant sections of the report. Here, I will only say that the present system of control is admittedly arbitrary and temporary; but the mandatory Government does not regard it as in any way inconsistent with its obligations under the mandate. I would emphasise the word "temporary". His Majesty's Government in the United Kingdom has made it clear that it is its intention, once the boundaries of the various areas under an equitable and practicable scheme of partition have been defined and so long as the existing mandate continues in operation, that the entry of Jewish immigrants shall be regulated, so far as concerns the non-Arab areas, by the principle of economic absorptive capacity.

I turn now to the question of administration in general. The principal task of the Palestine Government, absorbing much of its energies and much of its financial resources, has been that of maintaining public security and waging incessant war—I am afraid that the word "war" is scarcely an exaggerated description—against terrorism, lawlessness and intimidation. The unhappy record of 1937 is set out in the annual report. During the first five months of the present year, as a result of the sustained efforts of the Administration and of action by the military and police forces, the state of public security in the Jerusalem and southern districts has, on the whole, shown a marked improvement. But conditions are still disturbed in the Galilee and Haifa—Samaria districts, where the nature of the country is peculiarly favourable to guerilla tactics. The armed gangs have on several occasions been successfully engaged by troops and police, and a considerable number of casualties have been inflicted upon them. In general, terrorist activities have taken the form of isolated acts of violence and attacks by armed bands; and, latterly, attacks have been concentrated against Arabs who are believed to be supporting the Government or giving information against the gangs.

Every effort has been made to assist villagers who have not taken part in anti-Government activity by affording them adequate protection. Arab supernumerary police have been recruited and mobile columns of troops and police are constantly in operation in the areas affected. Additional measures have been initiated to prevent arms smuggling and illegal entry of undesirable characters from neighbouring countries. The northern frontier is now constantly

patrolled and a barbed-wire fence, covering the whole of the northern and part of the north-eastern frontier, is in the course of erection.

Among other measures under active consideration is the formation of a force of rural mounted police.

The forces of the Crown engaged in combating terrorism have been subjected to a constant stream of vilification in newspaper articles and pamphlets widely circulated outside Palestine. For the most part, the charges brought against the troops and police are sufficiently discredited by their own obvious extravagance. I would only quote as an instance the "torn Koran", which is a regular feature of such propaganda and is simply manufactured evidence intended to provoke religious feeling. Police searches of villages are in charge of British police-officers and are conducted according to prescribed regulations. Military searches are conducted according to a similarly regulated routine. In all cases of complaint, enquiries are instituted promptly by the civil or military authorities under a senior British officer. I can assure you that the result of such enquiries has been to confirm that troops and police, under great provocation, are behaving in accordance with their traditions and with a tolerance and forbearance which, I am glad to say, are generously admitted by a large section of the public.

Meanwhile, the disturbed state of the country and the inevitable political uncertainty have been reflected in a distinct reduction of economic activity. Government revenues have been seriously affected—at the very moment when heavy additional expenditure is being incurred on special security measures. The large surpluses of recent years have been transformed into deficits and the territory's surplus balance, which stood at £6,200,000 at April 1st, 1936, had, by the same date in the present year, been reduced to £2,300,000. I should perhaps explain that this decrease is not quite so great as it looks. Part of it is due to the removal from the balance-sheet, under a new accounting procedure, of certain items (particularly advances in anticipation of the proposed "guaranteed loan") which cannot properly be regarded as assets.

Nevertheless, the financial situation can only be regarded as serious. The accumulated resources of Palestine are in process of rapid exhaustion. The position is receiving the most careful consideration by the mandatory Government. It has been agreed, subject to Parliamentary approval, that Palestine should be entirely relieved, both this year and next, from all contribution towards the cost of the military forces and Royal Air Force stationed in that country for purposes of internal security. The amount paid under this head during the year ended March 31st, 1937, was no less than £1,297,000; and although the liability during the current year is not expected to be quite so large, you will appreciate that the contribution to be made by the taxpayers of the United Kingdom towards the expenses of Palestine will be a very substantial one. I hope that I may be pardoned if I lay some emphasis on this point. You will realise, I am sure, that the demands upon the British taxpayers in other directions are not exactly negligible.

As you are aware, Mr. Chairman, there has been a change of High Commissioner during the past year. Towards the end of 1937, Sir Arthur Wauchope found himself obliged, on grounds of health, to ask that he might be relieved of his appointment. This is not the time for passing his six-year administration under review or for attempting any general estimate of his eminent career. But there is just one point that I should like to make. Throughout his service in Palestine, Sir Arthur Wauchope devoted himself with single-minded sincerity to the task of appeasement and conciliation of the various elements in the country. The unhappy events of the last two years must have come as a special disappointment to one who had worked so hard for the interests of Arabs and Jews alike and for the growth of a spirit of co-operation between the two races. These events will not, I am confident, efface the memory of his very great personal contribution to the upbuilding of that better and happier Palestine which we all hope to see when the present storms have passed.

Sir Arthur has been succeeded as High Commissioner by Sir Harold MacMichael, formerly Governor of Tanganyika Territory. Sir Harold is no stranger to this Commission. His career is well known to you, as are the outstanding abilities and the distinguished record that qualify him so admirably for a post which must always be one of the most difficult of all the appointments in the gift of the British Crown.

I need not say that I shall be most ready to answer to the best of my ability any questions which you may wish to put to me arising out of this preliminary statement or out of the annual report for 1937; but I would venture to suggest that it might be most convenient that replies on details of the general administration should be left to my two colleagues—Mr. Moody and Mr. Kirkbride. Neither of these gentlemen needs any introduction to the Permanent Mandates Commission. Mr. Moody is Deputy Chief Secretary in Palestine, while Mr. Kirkbride (who now holds the very difficult and responsible post of District Commissioner at Nazareth) was till quite recently assistant to the British Resident in Trans-Jordan.

There is just one further word that I should like to say in conclusion. Will you let me assure you, Sir, speaking in the name of His Majesty's Government in the United Kingdom,

of the satisfaction and encouragement that it derived from the very generous tribute paid by the Permanent Mandates Commission in its report last summer to the conduct and record of the mandatory Power. The task of administering the Palestine mandate, a task that is never easy and often thankless, is sensibly lightened by the knowledge that the mandatory Power enjoys the support and sympathy of the Permanent Mandates Commission.

TRIBUTE TO SIR ARTHUR WAUCHOPE.

The CHAIRMAN thanked the accredited representative for his interesting statement. He suggested that the statement should not be discussed as a whole, but that the various points on which members of the Commission might wish to comment should be raised in their proper order as and when the successive chapters of the annual report were examined.

Divergent opinions had been expressed as to the lines along which Sir Arthur Wauchope had conducted the administration of Palestine. It could not be otherwise in an atmosphere so deeply divided by clashes of interests and so charged with violently opposed feelings. But every impartial observer could not but admire the *sang-froid* Sir Arthur had always displayed in the most trying circumstances, his indefatigable perseverance in pursuing a policy of conciliation, and the scrupulous impartiality of his every action. The Chairman asked Sir John Shuckburgh to convey the Commission's tribute to Sir Arthur Wauchope.

Palestine and Trans-Jordan : Form of Annual Report : Statistical Information regarding Territories under Mandate.

The CHAIRMAN said that the Commission was grateful to the mandatory Power for having inserted in the annual report various important documents, including the Statement of Policy published in July 1937, and a number of regulations issued under the Palestine (Defence) Order-in-Council, 1937 (pages 41 to 49 of the report).

In pursuance of a request made during the thirty-second session of the Commission,¹ the annual report now included statistical tables relating to trade, public finance and population in Palestine and Trans-Jordan (pages 215, 244 and 375). The Commission was grateful to the mandatory Power for having added those tables, which would undoubtedly prove of great value.

The statistical table on page 375, dealing with Trans-Jordan, covered the years 1932 to 1937. As the statistical table given on page 6 of document C.565.M.272.1933.VI only went as far as 1930 (calendar year) and 1930/31 (financial year), it would be useful if the next report might contain some information relating to 1931 (calendar year) and 1931/32 (financial year).

Sir John SHUCKBURGH took note of this request.

Palestine : Question of the Application of the Mandate Charter : Jewish Immigration : Plan of Partition of the Territory : Jewish National Home : Possibility of Collaboration between Arabs and Jews : Carrying-out of Various Recommendations of the Royal Commission : Development of Self-governing Institutions.

The CHAIRMAN wished to give the accredited representative an opportunity of expressing his views on a matter which the Chairman himself considered to be of paramount importance. It was desirable, if possible, to remove the impression obtained from a perusal of the report—and the accredited representative's preliminary statement had not contributed towards removing it—that there was a considerable divergence between the present *de facto* situation and the *de jure* situation in Palestine.

The *de jure* situation could be summed up in a word—namely, that the mandate was still in force. It should remain in force until such time as it was replaced by another mandate, or a new, extra-mandatory status was conferred on Palestine.

It was clear, however, that the mandate had ceased to operate normally : the present state of affairs was characterised by actions or abstentions from action that departed from the spirit in which the mandate had always been interpreted, ignored some of its definite provisions, or carried it out by methods differing from those hitherto employed.

The most striking example was furnished by the new immigration regulations. Since August 1937, immigration had ceased to be graduated in accordance with the principle of economic absorptive capacity, a principle converted by a Council decision into a rule to which the mandatory Power must conform. Mr. Ormsby-Gore had told the Mandates Commission² and Mr. Eden³ had told the Council that the departure from this rule, owing to unusual circumstances, was to be quite provisional. Nevertheless, the principle of absorptive capacity had been suspended beyond the date fixed, this time for an indefinite period. Hence, authorised

¹ See Minutes of the Thirty-second (Extraordinary) Session of the Commission, page 119.

² *Ibid.*, pages 188 and 189.

³ See *Official Journal*, December 1937, page 902.

Jewish immigration was reduced to very small proportions, and it was not too much to say that Articles 2 and 6 of the mandate were no longer applied.

The Chairman would be glad if the accredited representative would be good enough to describe clearly the present state of affairs from the point of view of the mandate and its obligations.

Sir John SHUCKBURGH said that the Royal Commission had contemplated a transitional period between the adoption of its proposals and the end of the mandate—that was to say, the creation of two separate States. It had not, however, made provision for the interval that must necessarily elapse between the publication of its report and the adoption in a concrete form of a scheme of partition.

It followed that there were two transitional periods, of which the first, the period existing at the moment, would last until the definite adoption of a concrete scheme of partition, while the second would run thereafter until the end of the mandate and the actual creation of the partition States.

The Chairman had rightly observed that, of the various issues affected by the transitional character of the present situation, immigration was of outstanding importance. As soon as the second transitional period began—after the adoption of a scheme, but before the termination of the mandate—immigration into the non-Arab areas would revert to the principle of “economic absorptive capacity”, the principle which had prevailed until 1937. When the third stage was reached—that was to say, when the mandate had ceased and the new status of Palestine had taken concrete shape—control of immigration would cease altogether in the Jewish areas, except in so far as the Jews themselves chose to impose restrictions. They would, at all events, be entirely free in the matter.

This went far to meet the criticism that, under the programme proposed, the Jews would lose rather than gain during the transitional period, seeing that the principle of “economic absorptive capacity” would apply only to a limited area and not, as heretofore, to the whole country. The answer was that, in the final stage, there would be a definite gain from the Jewish standpoint, since they would be released from all form of control or restriction in respect of the area which would then become the Jewish State.

The CHAIRMAN noted that partition was the solution chosen by the mandatory Power. There could be no further doubt, therefore, on that score.

It appeared from the accredited representative's statement, on the other hand, that a transitional period was beginning in Palestine between that in which the mandate was applied in its entirety and the transitional period envisaged by the Royal Commission. The mandate was still in force, but it was not being applied on the same lines as since 1922.

Such a situation was bound to lead to confusion and to pave the way for arbitrary acts. It would be for the Mandates Commission to decide whether circumstances rendered it inevitable.

Sir John SHUCKBURGH said that he was far from desiring to raise controversial issues, of which there were far too many already. He could not, however, entirely accept the view that there was at present only a partial application of the mandate itself. It would be more correct to say that the policy of the mandatory Power under the mandate, as approved by the Commission and the Council, had, in consequence of altered circumstances, undergone a temporary modification. The principle of “economic absorptive capacity” furnished an illustration of that situation: it was not a principle enshrined in the mandate itself, but a principle which had formed part of the mandatory Power's policy, and which now, owing to certain events, could not be fully applied.

M. PALACIOS recalled that the “Statement of Policy” of the United Kingdom Government, published in July 1937, approved, in principle, the proposals contained in the Royal Commission's report, and asked the Mandates Commission, and in due course the Council, for “freedom to give effect to a scheme of partition to which they earnestly hoped that it might be possible to secure an effective measure of consent on the part of the communities concerned”. The representative of the mandatory Power was now expressing himself as if his Government had definitely accepted partition, and as if the moment had already come to realise it. Command Paper No. 5634, entitled “Policy in Palestine” and presented to Parliament by the Secretary of State in January 1938, contained the terms of reference of the technical commission sent to Jerusalem, which was usually referred to as the Partition Commission. Had the required measure of consent been secured? Had the hope of securing that consent become greater in the last twelve months, or less? In short, was there anything, apart from Press reports and private information, which justified the mandatory Power in hoping that it would secure from the two parties concerned—namely, from the Arabs and the Jews—effective collaboration in support of the policy proclaimed?

Sir John SHUCKBURGH feared that he could not give a very encouraging answer. Official Jewry, at a Congress held in Zurich last year, had expressed its willingness to explore the possibilities of partition. The Arabs, on the contrary, had rejected the proposal outright. The new Commission was at present collecting evidence in Palestine; but so far only Jews had come forward; the Arabs had abstained, and there were few signs that their attitude of abstention was likely to be modified.

M. VAN ASBECK had listened with close attention to the Chairman's question and the accredited representative's reply. The point was of paramount importance, and he was not yet entirely satisfied in his own mind by what had been said. It had to be expected that two transitional periods would elapse between 1936 and the full application of a new status of Palestine and Trans-Jordan. It might perhaps obviate confusion if the present transitional period were styled the "interim period" (a term which, indeed, was used by the United Kingdom Government in its despatch of March 10th, 1938), and if the term "transitional" were reserved for the period contemplated by the Royal Commission between the definite adoption of a concrete scheme and the end of the present mandate.

It was essential to obtain as much clarity as possible in respect of the policy to be followed during the interim period. That period, which had already run for some months, might eventually prove extremely long, as the Partition Commission still had to complete its work and submit a report, after which the mandatory Power, and in due course the Council assisted by the Mandates Commission, would have to reach a decision. The Chairman had already observed that it was a period of uncertainty as to the execution of the mandatory Power's obligations under the mandate, which was still in force. To make the point clear, M. van Asbeck would give one or two examples.

The Royal Commission had criticised the application in the past of the principle of close settlement of the Jews on the land; it had submitted certain proposals in its report. Were those proposals now being applied? Again, the Royal Commission had submitted criticisms and proposals in relation to local autonomy. Was it the mandatory Power's intention to implement those proposals as far as possible during the present interim period? There was the question of education for Arabs: the Royal Commission had declared that, in its view, expenditure on education should take precedence over all other expenditure except that on public security. Was that principle to be put into force during the present lengthy interim period? Or, on the contrary, were all these matters to be left in suspense? The grave danger involved was that of holding up the development of the country, and M. van Asbeck therefore desired to ask whether the mandatory Power intended to proceed with such reforms in spite of the present uncertainties, or not?

Sir John SHUCKBURGH agreed that the point raised was one of great importance. He feared that his reply would of necessity lack precision. M. van Asbeck had spoken of a holding-up of the development of Palestine as a grave danger. He agreed. The mandatory Power deplored the present situation, and, as he need hardly say, had no desire to prolong the period of uncertainty and transition a moment longer than was necessary. But so long as such conditions continued to prevail, a certain slowing-up in various directions was inevitable.

In the matter of education, the Royal Commission's proposals had been carefully examined; and last year the budget included a number of credits designed to give effect to some of those proposals. This year, however, funds had proved too limited to allow the policy of expansion to continue. The process was in the nature of a vicious circle. Disturbances occurred, and available funds had to be diverted to defence purposes. In consequence, social services suffered, and further discontent ensued. The mandatory Power was doing its best to break the circle; but he feared that, in present circumstances, it could do no more. He asked the Chairman to allow Mr. Moody to give a more detailed reply on the question of land settlement.

Mr. MOODY reminded M. van Asbeck that the proposals to which he had referred appeared in Part II of the Royal Commission's report and were there described as palliatives to be put into operation if the mandate were continued. Partition, on the other hand, appeared in Part III of the report and was put forward as a radical solution of the Palestine problem. Nevertheless, the mandatory Power had, wherever practicable, endeavoured, as a matter of good administration, to give effect to the palliative proposals of the Royal Commission. The annual report for 1937, which the Commission would shortly examine, dealt with all the points mentioned by M. van Asbeck. The United Kingdom Government's despatch of March 10th, 1938 (see Annex 3), dealt only with the question of immigration. As regards closer settlement, the annual report showed that Jews were still buying land and that the Administration was still prospecting for water in the Jordan valley and in the Beersheba sub-district. It was also stated in the annual report that the mandatory Power accepted the Royal Commission's recommendations regarding the expansion of Arab education, and had done all that the financial position allowed to give effect to them.

M. VAN ASBECK wished to make it clear that he had had no intention of criticising the mandatory Power, but had merely desired to obtain a clear picture of the situation.

Sir John SHUCKBURGH assured M. van Asbeck that he had taken the latter's remarks in that light.

M. VAN ASBECK added that, if certain proposals were described in the Royal Commission's report as mere "palliatives", that term had to be viewed in the light of partition and the deadlock in the country. Those proposals nevertheless remained constituent elements of a good policy in Palestine; and he was glad to have the assurance that they were being implemented in so far as circumstances permitted.

The accredited representative had rightly observed that the very existence of an interim period was the consequence of a deadlock; that deadlock revealed itself as between Jews and Arabs, on the one hand, and between certain sections of the Arab population and the Administration, on the other hand. There were, however, a number of measures and reforms which applied exclusively to the Arabs or exclusively to the Jews, in relation to which the deadlock therefore seemed immaterial. He would be glad, therefore, in view of the probable great length of the interim period, to have an assurance that, in those directions, development would continue to the utmost possible extent. He had in mind all the points of good policy (changes in administrative methods, etc.) recommended by the Royal Commission.

Sir John SHUCKBURGH would put it that the deadlock to which reference had been made had been the direct cause of the change of policy which the mandatory Power had had to contemplate, and that that change of policy had in its turn necessarily brought about the existence of an interim period. Every effort would be made during that interim period—which, however, the Commission must remember would be a period of severe financial stringency—to carry through all practicable measures calculated to improve the conditions either of Arabs or of Jews.

Mlle. DANNEVIG thought that, since a large part of the Arab population was hostile to the policy of terrorism, some of them must be prepared to collaborate with the Government. She asked whether the numbers of the moderates were increasing, and what proportion of the total Arab population they represented.

In the second place, she asked whether any steps had been taken by the Administration to influence public opinion and to mitigate antagonism.

Sir John SHUCKBURGH recalled a saying of the late Lord Morley that, in times of excitement, "moderates are always at a discount". The situation in Palestine was unhappily one in which extremists held the limelight and moderates had little influence.

Mr. KIRKBRIDE explained that there were a certain number of moderate Arabs who were prepared to co-operate to secure good administration, although this did not necessarily mean that they agreed with the mandatory Power's policy. It was, however, impossible to form an estimate of their numbers, as they were naturally disinclined to come into the open.

Mr. MOODY, replying to Mlle. Dannevig's second question, said that the Administration accepted the Royal Commission's view that a deadlock had arisen. They would be glad to influence opinion in favour of a peaceful solution; but the circumstances were such that it was very doubtful whether any direct action of the kind contemplated by Mlle. Dannevig in schools or elsewhere would yield any favourable results. The main task of the Administration at present was that of suppressing disturbances: as Sir John Shuckburgh had rightly observed, the Administration was at war with lawlessness.

The whole object of partition was of course to resolve the deadlock; and it was for that reason that the Partition Commission was now in Palestine. Therein lay the best hope of attaining the end desired by Mlle. Dannevig.

The CHAIRMAN thought that the general situation had now been made clear. He invited the Commission to examine the annual report for 1937 in detail.

M. PALACIOS pointed out that, as usual, the question of the "Jewish National Home" raised the whole problem of the mandate and of what was to be done, not only in order to create the National Home, but also to ensure the functioning of self-governing institutions and the safeguarding of the civil and religious rights of all the inhabitants of Palestine. On other occasions, M. Palacios generally submitted questions relating to the practical measures taken by the Administration to reconcile highly conflicting aims. But it seemed futile, on the present occasion, to enquire as to the results obtained by means of collaboration between Arabs and Jews. Numerous efforts had been made to solve a problem which now no longer appeared merely difficult, but virtually insoluble. Would it be true to say that the endeavours made to secure a modification of the Arab attitude by persuasion and peaceful methods had been abandoned entirely?

Sir John SHUCKBURGH replied that everything possible had been done to bring the Arabs into line and to induce them to co-operate. If nothing had been attempted in the nature of a "Round Table Conference" with a view to resolving the differences between Arabs and Jews, the reason was that at no time were the circumstances such as to give any ground for hope that such a conference had any chance of success.

M. PALACIOS said that disregard of the last part of Article 2 of the mandate was not a new factor. In spite of the mandatory Power's efforts, nowhere had demands in the matter of self-government been satisfied. For that reason, it seemed to him useless, in the present circumstances, to ask whether those efforts had been renewed. He considered that the temporary suspension of Article 2 had never been more fully justified than at present, in view of the impossibility of applying it, provided, however, that the suspension was applied uniformly to all the parties to the conflict.

Sir John SHUCKBURGH added that failure has not been due to lack of efforts. As early as 1922, detailed plans for setting up a legislative council had been drawn up and the procedure for elections laid down. That effort had broken down, owing to the action of the Arabs in boycotting the elections. As recently as 1935, again a further proposal to create a legislative council had been advanced. On that occasion, the main opposition came from other quarters ; but in any case, the Government had felt itself compelled to drop the proposal.

Count DE PENHA GARCIA paid a tribute to the Chairman's admirable conduct of the debate, thanks to which the true nature of the problem was gradually emerging.

In the matter of the Jewish National Home, the position was that the scheme for partition aimed at the modification of the existing geographical limits, with a view to implementing Article 2 of the mandate and overcoming the difficulties which had hitherto opposed its execution. It had been found impossible to set up a representative organisation or administration in which Jews and Arabs would work in common. Hence the mandatory Power had proposed to restrict the Jewish National Home to one part of Palestine which would be made an independent State and to create an Arab State composed of the rest of Palestine together with Trans-Jordan. Until that proposal was put into effect, the Jewish National Home would be very restricted from the point of view of immigration, and, when it took concrete shape, it would be found to be geographically limited.

Count de Penha Garcia then pointed out that the great disadvantage of the present difficult situation was that the United Kingdom Government was now proposing a plan which it regarded as the best and most hopeful solution, but for which all the preparatory work had still to be done, and the essential data to be collected. The longer that preparatory period lasted, the more difficult it would prove to apply the solution. There could be no doubt that, had some steps been taken in advance—for example, had Jews been allowed to settle in certain districts only—the present position would be far less difficult.

Mlle. DANNEVIG observed that there were moderates on both sides. There were some Jews, such as Dr. Magnes, the President of the Jewish University, who were prepared to come to an arrangement with the Arabs and to continue the existing mandate. Had Dr. Magnes many followers, and what was his position in the eyes of the Jews and of the Administration ?

Sir John SHUCKBURGH explained that there were three phases of Jewish opinion of which account had to be taken—namely : (1) that of the main body of Zionists represented by the official organisation with which the Administration dealt—that was to say, the Jewish Agency ; (2) that of the New Zionists, who might be described as an " extreme " element, putting the Jewish claim at its highest ; and (3) that of a comparatively small section, of whom Dr. Magnes was a distinguished spokesman, who were prepared to come to a settlement with the Arabs on terms which certainly would not be acceptable to the two other bodies. He desired to speak of this section, and of Dr. Magnes personally, with the highest respect ; but he feared that their influence was insufficient to provide a decisive factor in the solution of the problem.

M. PALACIOS understood the Arab attitude to be one, not of opposition to the creation of a Jewish National Home as such, but to the notion, which might quite soon be given concrete form, of setting up a Jewish State, either throughout Palestine or in a part of the country. The Arabs were opposed, in the latter eventuality, to any transfer of their territories, and, in the former eventuality, they feared that intensive immigration would, after a few years, reduce them to a minority on their own soil.

Sir John SHUCKBURGH agreed that what the Arabs feared was Jewish domination. But their claim went rather further than M. Palacios had suggested. They desired to " crystallise " the existing position. There were already 400,000 Jews in the country. The Arabs held that this number should not be further increased, and that Jewish immigration should cease. In exchange, they were prepared to promise fair treatment for the Jewish minority—a considerable one—within an Arab State. The Jews met this claim with an absolute refusal. They regarded it as tantamount to setting up what had been called a " permanent Ghetto " in Palestine. The consent of the Arabs might no doubt be obtainable to some solution on the lines of a fixed proportion—say 40%—of Jews in an Arab State ; but it was certain that such a solution would never be acceptable to the great majority of Zionists.

MUNICIPAL AND LOCAL COUNCILS.

M. PALACIOS noted (page 56, paragraph 14 of the annual report) that the municipal corporations had, in general, displayed a fair sense of financial responsibility, and that the marked improvement which had been observed in the working of the municipalities since the enactment of the Municipal Corporations Ordinance, 1934, still continued.

He also noted (page 55, paragraph 12) the statement that, as a result of the deportation of the Arab Mayor of Jerusalem, together with other members of the Arab Higher Committee, the Jewish Deputy Mayor had been appointed by the High Commissioner to perform the duties assigned to the Mayor. Could the accredited representative state whether this Deputy Mayor still held his post, and whether the appointment had given rise to any difficulty?

Mr. MOODY explained that, in accordance with established precedent, the Jewish Deputy Mayor had taken office as Acting Mayor, and that so far the municipal work had continued tolerably well. The former Mayor was an Arab, and was now in the Seychelles. There was a second Deputy Mayor, who was also an Arab. His own view was that the present situation would not long persist, as certain difficulties had arisen quite recently.

Mr. Moody added that the numbers of Jewish and Arab municipal voters in Jerusalem were roughly equal; but that did not mean that the numbers of the Jewish and Arab populations were equal.

Count DE PENHA GARCIA was glad to observe that autonomous administration was making progress. Was that progress more marked where the Arabs, or where the Jews, predominated? Had the disturbances affected the working of the local Arab Councils and other local administrations?

Mr. MOODY said that the Haifa municipality, which was a mixed one, had ceased to function, as had those of Ramallah and Hebron, which were both Arab. The disturbances had therefore had the effect of suspending the work of certain local bodies.

He added that all the municipal budgets for 1938/39, except those for Jaffa and Tel Aviv, had been approved before April 1st (the beginning of the financial year); that was an encouraging sign.

SCHEME FOR THE TRAINING OF OFFICIALS.

Mlle. DANNEVIG drew attention to paragraph 9 on page 5 of the report referring to the training of officers for service in Palestine, and asked whether any decision had been reached concerning that scheme.

Sir John SHUCKBURGH replied that unfortunately the Administration had been too preoccupied with other urgent issues to make progress in the matter.

QUESTION OF THE LOYALTY OF JEWISH AND ARAB OFFICIALS.

Mlle. DANNEVIG asked whether any officials had, to any appreciable extent, adopted a partisan attitude, and whether they were punished when they did. She had in mind various cases concerning Arab officials in the judiciary, which had been reported in 1936.

Sir John SHUCKBURGH said that a few Arab officials had been dismissed on these grounds, and there had been a number of replacements of municipal officials and of Sharia and Awqaf officials.

Mlle. DANNEVIG explained that she had a wider issue in mind. Had there been any individual or collective action revealing partiality among Arab, or Jewish, officials? There had been cases of very lenient treatment in 1936; and it was clear that one of the Administration's difficulties in that year lay in the fact that certain Government officials were in sympathy with the terrorists and either sheltered them or failed to assist the Administration in its efforts to suppress them.

Mr. MOODY said that there had been no cases of disloyalty to Government for political reasons among the Jewish officials. As for the Arab officials, there was no doubt that everyone of them held strong political opinions. At the same time, they had, on the whole, proved loyal and trustworthy, the only exceptions being the cases already mentioned.

PUBLIC SECURITY : TERRORIST BANDS.

Mlle. DANNEVIG was well aware of the fact that a number of Arab officials had lost their lives as a result of their complete loyalty. At the same time, it was a common occurrence for a terrorist gang to disappear into thin air. How was this possible? How could the United Kingdom Government, with every resource at its disposal, fail to track down those armed bands of murderers in a comparatively small country?

Sir John SHUCKBURGH readily admitted that the position was highly unsatisfactory, and sympathised with Mlle. Dannevig's view. It should be remembered, however, that the large organised bands of terrorists had now been put down. There remained small and highly mobile gangs, whose capture was very much less easy to effect. The country was difficult and, especially in the northern districts, the Administration was faced with a population which, generally speaking, did nothing to assist it. Experience of disturbances in other countries showed very clearly that it was those small, highly mobile bands which were the most difficult to put down, especially in circumstances where they could rely, if not on the active assistance of the local population, at least upon their passive sympathy.

The difficulties had been increased owing to the existence of an open frontier to the north and north-east, across which the bands readily effected their escape, and arms and ammunition could filter through into Palestine. In this connection, a marked improvement was hoped for from the erection of the barbed-wire fence to which he had made reference in his opening statement.

FOURTH MEETING.

Held on Thursday, June 9th, 1938, at 4 p.m.

Palestine : Examination of the Annual Report for 1937 (continuation).

Sir John Shuckburgh, Mr. Moody and Mr. Kirkbride, accredited representatives of the mandatory Power, came to the table of the Commission.

PUBLIC SECURITY (*continuation*) : TERRORIST BANDS (*continuation*) : FRONTIER CONTROL.

Mr. KIRKBRIDE said that, although he was primarily there to answer questions relating to Trans-Jordan, he had been asked to deal with the question of armed gangs in Palestine, because for the last eight months he had been directing operations against such gangs in the most disturbed part of Palestine.

The report gave no idea—indeed, there was no space for the purpose—of the efforts that were being made to cope with these bodies of men.

The tactics adopted by both the armed forces of the Government and the gangs had been changed constantly as success and failure had been registered.

Terrorism in Palestine had taken two forms—viz., gangs of armed men in the more inaccessible parts of the country and individual terrorists in the towns. He would deal first with terrorism in rural areas.

When the present phase of disorder started, large gangs of armed men, sometimes several hundreds strong, consisting of local recruits gathered round a nucleus of Arabs from adjacent countries, were "out" in the hilly parts of the Galilee and Samaria districts. Mobile columns of troops and police were formed to deal with them and actually fought a series of pitched battles in which large numbers of gangsters and many of their leaders were killed. The bands did not lack arms and ammunition and occasionally showed courage of a very high order, albeit in an evil cause. It would be difficult for anyone who had not been over the country to form any idea of the natural obstacles present in the areas frequented by the bands. For instance, infantry making a great effort could only advance a mile an hour on an average. To anyone who had been a soldier, that fact was significant.

Following on a series of defeats at the hands of the mobile columns, the gangs changed their tactics and formed into small parties of from ten to twenty men, who hid their arms during the daytime, resumed a normal life as villagers and cultivators, and met again at night at some pre-arranged point to indulge in sniping, the ambushing of police-patrols and sabotage—in fact, any form of outrage or disorder which circumstances permitted. They disappeared before daylight and, when the police and armed columns arrived on the scene, they found only a number of apparently peaceful villagers.

As a result of this change in tactics, the mobile columns of police and troops could find no objective at which to strike, particularly as the Arab inhabitants of the country, either from sympathy with the gangs or fear of reprisals, refused to give information even when offered large sums of money.

A typical example was given by a case of which he had personal knowledge. A police-patrol had been fired on between Nazareth and Tiberias. A police-dog was taken out in the morning and followed the scent of the empty cartridges left on the scene of the firing to a house in a village some eight or ten kilometres away. The owner of the house first strenuously denied having had any visitors during the night. He eventually admitted that there had been visitors but refused to say who they were, even if his refusal led to his own death. He was interned in Acre for refusing to co-operate with the police, but the gang was not caught.

The dispositions of the armed forces of the Government had recently been changed in an endeavour to deal with the new position. In place of the large mobile columns, parties of police and troops occupied villages, and numerous ambushes were put out at night at spots where gangs were likely to attempt sabotage or sniping. These ambushes had had considerable success. A number of people had been killed *in flagrante*, and several armed men had been captured and had paid for their crime on the scaffold. It was too early to say whether the new tactics would be completely successful: that would inevitably be a matter of time in the circumstances, especially with an Arab population which, if not rebellious, was sullen and resentful.

Individual assassins in the large towns constituted an even more difficult problem. There were a number of fearless and masterless men who, although certain of execution if caught, showed extraordinary patience in stalking-down their victims. They followed the man they had been ordered to murder until a propitious moment arrived; then he would be found shot down in the street, and no one would be willing to give any evidence whatever.

In one instance, the head-man of a village near Safad was shot dead in the street in the middle of the day; the police were on the spot in time to put their hands on fifteen people who were standing within a few yards of the murdered man. Although it was a manifest absurdity, these fifteen witnesses insisted through thick and thin that they had seen nothing and heard nothing. They were detained for a time and were offered rewards and police protection if they would give evidence; but nothing would move them from their original testimony, which was palpably false.

In another case, which happened only a month previously, one of the few Arab notables who had co-operated with the accredited representative in the administration of his district was shot at Acre. He had a large following in the district and a number of very able sons. The sons admitted that they knew who was the murderer, but would give no information; they said they did not intend to take any action for the moment, but would avenge their father's blood when the time came.

A murder organisation of that type need not be large—in fact, the smaller it was the more effective, as leakages were less likely to occur.

A murder gang in Jerusalem had been stamped out; but there was another in existence at Haifa, with which it was hoped to deal in time. It was very difficult, however, if not impossible, to obtain evidence that would secure a conviction before the courts.

Similar situations had no doubt arisen in the past in other countries, and some of them had been solved successfully; but in every case, success was only attained after considerable expenditure of energy over a long period of time.

Mr. Kirkbride had endeavoured to give the Commission a picture of the position. He felt that any suggestion that the police or the troops in Palestine were not doing their best to cope with the situation was a wholly undeserved criticism on an overworked body of men, many of whom spent the whole of their lives under the continual threat of murder.

The CHAIRMAN felt convinced that everyone realised the difficulties that stood in the way of repression. But he could not readily understand why repressive action still failed, after so long a time, to produce results. It was well known that the terrorist campaign in Palestine, and the powers of resistance shown by the armed bands, had been able to persist solely owing to assistance received from outside in the shape of arms, ammunition, money, men, and even sometimes leaders.

But it would seem easy to supervise the frontier of the territory along most of its length—namely, the sea-coast and the Trans-Jordan border, where the same mandatory Power was in charge on both sides. There only remained the 130 or 140 kilometres of the Syrian frontier. Was it across that stretch that all the assistance extended to the Palestine rebels had come?

If such were really the case, the Chairman would like some information on the steps taken to guard the Syrian frontier, and to know why those steps had proved so ineffective. It was to be presumed that the mandatory Power could, in that connection, count on the assistance of the Power responsible for the Syrian mandate.

Mr. KIRKBRIDE thought that little or nothing came over the sea frontier or the Trans-Jordan frontier. The Trans-Jordan authorities were doing their utmost to prevent illicit traffic in men and arms across their territory. They were finding the task just as difficult as had the Palestine authorities, but had had some success. They had recently seized, for example, a large consignment of arms and ammunition of Syrian origin inside the Trans-Jordan frontier.

The Syrian frontier was far from easy to control. A separate organisation of police-posts, men and armoured cars was set up for the purpose, and a special frontier-road was constructed ; but, even so, control had not been effective, the reason being that men did not cross over in large bodies which could easily be seen on either side of the frontier. They came in groups of four or five during the hours of darkness and crawled through the very broken country to within 300 or 400 metres of the road, waited until the patrol had crossed, and passed across the road themselves immediately afterwards. They were then in equally broken country inhabited by Arabs who were sympathetically disposed towards them and gave them hospitality and sanctuary.

Throughout his period of office in the Galilee-Acre district, he had been in close contact with the French officers on the other side of the frontier. He had no doubt whatever that they and all the officers of the mandatory Power in Syria had done all they could to assist. The whole of the Arab population in Syria and Lebanon was, however, in sympathy with the Arabs of Palestine, and gangsters and arms smugglers crossing the frontier had always had the assistance of the Arab population of the country they were leaving. In fact, the mandatory Power in Syria experienced much the same difficulty as the mandatory Power in Palestine had met with in controlling frontier-traffic of this kind.

Control by police-patrols along the northern frontier was clearly insufficient ; and Sir Charles Tegart, who came to Palestine to advise the Palestine Government on questions of police organisation, supported a suggestion that a barbed-wire fence should be constructed, not necessarily along the actual line of the frontier, but along a suitable alignment adjacent to the frontier-road. This fence was not intended to afford protection to any particular area or areas, but to ensure more effective control of the frontier generally.

The type of barbed-wire fence selected for the purpose was 6 metres in depth and 2 metres high with two bays in the centre about a metre high. The uprights of the fences and bays were interconnected with rigid wire ; but the really effective check was provided by quantities of loose coils of barbed wire draped over the centre of the fence. Experimental sections of fence had shown that a rigid wire fence was easily passed, even without the use of cutters : an infantryman with a rifle and ammunition had succeeded in getting through in a minute and thirty seconds. The same man tried the fence including loose wire and was not only unable to get through but could not extricate himself without assistance from the loose wire, which wrapped itself round him.

Of course, no wire fence, however formidable, was impassable, if left untended : sooner or later it would be broken through. The proposed fence would, therefore, be patrolled by armoured cars each with a small searchlight having a range of 700 or 800 metres. Nine block-houses provided with searchlights and machine-guns were being erected at strategic points, and eight police posts to take thirty to forty men would be constructed at intervals along the length of the frontier-road. Gates would be provided near the posts and blockhouses to enable cultivators to pass through the fence on their legitimate affairs. Personally, he believed that, when the fence had been completed, the frontier would be effectively controlled.

Sir John SHUCKBURGH added that the fence was expected to be completed by about the first week in August.

M. VAN ASBECK asked whether it would be electrified.

Mr. KIRKBRIDE replied in the negative.

The CHAIRMAN observed that although those details were of interest, they did not entirely meet the point he had made.

Mr. Kirkbride had revealed clearly all the difficulties which the French authorities, like the British, encountered in their efforts to supervise the frontier district. Did the French authorities, however, in Mr. Kirkbride's opinion, exercise a sufficient control over the traffic in and transport of arms and ammunition within the country, over the movements of the leaders of the rebellion who entered and left the district, and particularly over the political refugees who had found shelter there ?

Sir John SHUCKBURGH said the Chairman had raised a very delicate question. People on one side of any frontier were always apt to feel that the neighbouring country might show a little more energy. Speaking quite frankly, he thought that, in the circumstances, the French authorities had done all that could be expected of them. As Mr. Kirkbride had pointed out, they were faced with the same difficulty as the British authorities—namely, what had been described as a " conspiracy of silence " on the part of the population.

The question of political refugees was very important. As the Commission was aware, there was at the present time one refugee in Syria who was believed to be still responsible for a great deal of the trouble in Palestine. On this point, he would prefer to say no more than that the United Kingdom and French Governments were in close consultation on the subject.

The CHAIRMAN thought that his questions were justified, since Palestine and Syria were countries between which many links existed. Both were administered under League mandates. The common source of the authorities under which they were governed resulted in the existence of mutual obligations. It was inconceivable that one of the two countries should harbour the mainspring of a movement of resistance to the application of the mandate in the other.

Sir John SHUCKBURGH said that he fully appreciated the force of that consideration. He felt sure that it was constantly present in the minds of both the United Kingdom and French Governments.

JEWISH AGENCY : QUESTION OF AN OFFICIAL ARAB ORGANISATION TO MAINTAIN CONTACT WITH THE MANDATORY AUTHORITIES.

Count DE PENHA GARCIA noted that three pages in the report (pages 56 to 58) were devoted to the position of the Jewish Agency which formed part of the machinery of the mandate and put forward representations on certain matters.

Did not the fact that this body had an official position under the mandate, and even assisted to maintain order, render the pacification of the Arabs more difficult? From the beginning, the Jewish Agency had collaborated with the mandatory Power in accordance with Article 4 of the mandate; but there was no provision for Arab co-operation on similar lines.

Sir John SHUCKBURGH said that, quite apart from the recent disturbances, it had long been felt to be a matter for regret that the Arabs had no regular official channel of communication with the mandatory authorities on the same lines as the Jews.

It would be remembered, however, that, after the breakdown of the first proposals for setting up a Legislative Council, the mandatory Power offered to set up an Arab Agency on the same footing as the Jewish Agency. That offer was rejected because the Arabs were determined to do nothing that would involve recognition of the mandate. It followed that, if the Arabs had no official agency through which to approach the mandatory authorities, they had nobody to blame but themselves.

He thought it right to add that, despite the absence of an official agency, representations made by the Arabs to the High Commissioner had always received the fullest possible consideration; prominent Arabs in Palestine had access to the Government in much the same way as officials of the Jewish Agency. No doubt the Arabs had always felt, apart from any question of an agency in Palestine, that the Jews derived an undue advantage from their world-wide ramifications, from the presence of prominent Jews in London who could approach the Secretary of State direct and so forth. There might be force in this argument; but he did not see how it could be helped. The advantage was one which the Jews must inevitably derive from their superior wealth, organisation and knowledge of the world. It had been the constant endeavour of the mandatory Government to hold the balance equally.

Count DE PENHA GARCIA said his sole desire was to bring out a point which might have some bearing on the situation. It seemed to him that the increased co-operation of the Jews in police duties might be an additional cause for dissatisfaction in Arab circles. However, he did not want to press that point. It was a—perhaps inevitable—consequence of the form which the organisation of the mandate had assumed.

Palestine : Examination of Petitions : Letter, dated May 4th, 1938, from the President of the Jewish Agency for Palestine, accompanying a Memorandum on the Development of the Jewish National Home in Palestine in the Year 1937 (Rapporteur : Count de Penha Garcia).

JEWISH IMMIGRATION : DEPARTURE FROM THE PRINCIPLE OF ECONOMIC ABSORPTIVE CAPACITY.

Count DE PENHA GARCIA asked, in connection with the Jewish Agency's representations concerning immigration, whether the temporary suspension of the economic absorptive capacity principle would run for one year from March 31st, 1938 (pages 56 and 57 of the annual report).

Sir John SHUCKBURGH said that the High Commissioner had taken power to extend the regime of special control for a further period of one year from March 31st last, but had only actually extended it for six months. At the end of six months, he might or might not extend it for a further period. If at the end of a year any question arose of further extension, this could be effected only by fresh legislation.

Count DE PENHA GARCIA said the decision reached had some bearing on the idea that the delimitation of the Jewish area could not be terminated within a year. The Commission had been given to understand that, as soon as the area to be devoted to the Jews had been delimited, the economic absorptive capacity principle could once more be applied.

Sir John SHUCKBURGH said it certainly could and would be applied again ; but in providing for the future, it was always wise to allow a margin. It was considered best for the High Commissioner to take these powers for the full period of one year. For the moment, he had only exercised them for a period of six months. If before the expiry of six months the position had regularised by the acceptance of a definite scheme of partition, that fact would certainly be taken into consideration, and revised arrangements with regard to immigration would be introduced as soon as possible. He did not think that the power to make a change when the time came was in any way prejudiced.

MINIMUM CAPITAL OF BANKS.

Count DE PENHA GARCIA thought the mandatory Power had acted wisely in refusing to comply with the Jewish Agency's request that the minimum capital of banks should be reduced from £P.25,000 to £P.5,000 (page 57 of the report). Approval of that minimum capital would lead to the appearance of a number of small banks without sufficient financial backing.

Mr. MOODY said the effect of the existing legislation was to eliminate such small banks as did not possess the true characteristics of banks. The necessity for this legislation had been illustrated by the banking crisis in the autumn of 1935.

HULEH CONCESSION.

Count DE PENHA GARCIA noted that the mandatory Power did not feel able for the moment to deal with the question of the Huleh Concession, as it was bound up with the question of partition. This was another instance of the disadvantage of unduly prolonging the present state of affairs. The Huleh Concession question might well have important economic effects, and yet nothing could be done (page 57 of the report).

Mr. MOODY said that, apart from any question of principle, it would be impossible in the present circumstances to find from public funds the very large sum of money—about a quarter of a million pounds—which would be necessary to enable the Government to participate in the development of the Huleh area.

ECONOMIC SITUATION : IMPORTS AND EXPORTS : AGRICULTURE.

Count DE PENHA GARCIA said that, according to the official statistics, exports and imports increased in 1937, which should have been a good year (page 226 of the report). Yet the Jewish Agency claimed that the position with regard to agriculture—that was to say, the financial situation of the owners of citrus fruit plantations and those engaged in mixed farming, in both of which activities Arab and Jewish capital was invested—was far from satisfactory.

The Jewish Agency pressed for loans to municipalities, to owners and cultivators and for measures to create work. It also claimed that the industrial position was unsatisfactory.

On closer consideration, there might be some explanation for what appeared to be a paradox. His own view was that the chief export—oranges—was sold, not perhaps at a loss, but at a very low profit, and that, consequently, the results were not very satisfactory, even though exports had increased. The reason for the increase in imports might be that for want of funds and protection the Palestine industries were unable to produce the articles required, which had therefore to be imported.

Mr. MOODY said that, generally speaking, exports and imports had fallen since the peak year of 1935 on account of the disturbances in Palestine and the uncertain political future.

He thought that Count de Penha Garcia's explanation regarding the economic situation of the orange industry was correct. The large increase in the export of citrus fruits did not necessarily connote the greater prosperity of the industry. The industry had already a heavy burden of debt amounting to several million pounds, and the Orange Growers' Association had suggested that the Government should float a loan of one million pounds to pay off some of the debt. Apart from the financial position of Palestine at the present time, the Government did not consider that the addition of another million pounds' worth of debt would in fact solve the problem of the orange industry.

A similar situation existed in respect of mixed farming, where the suggestion was that the Government should lend £150,000 for the reduction of short-term debts and their conversion into long-term (ten-year) debts. The effect of such a measure would be to add to the annual burden of the farmers an amount greater than the amount they already paid.

As for the suggestion—it was a mere suggestion—that the Government should make loans to industries, it was not felt that a sufficiently good case had been made out to justify the lending of public moneys.

Generally speaking, the revenue of the Palestine Government had been falling since the peak year 1935/36, and expenditure had been mounting on account of defence and public security measures, so that (apart altogether from the merits of the Jewish Agency's suggestions, which had been carefully considered by the Administration) no money was available for such projects.

Count DE PENHA GARCIA thanked the accredited representative for his observations, from which he would draw his own conclusions.

The remarks of the accredited representative seemed to indicate that the situation in both industry and agriculture was not altogether satisfactory. The Jewish Agency naturally spoke on behalf of the Jewish community; but Arab cultivators were also involved. Indeed, from the economic standpoint, there could be no distinction between Jew and Arab as such. The economic situation of the country must be taken as a whole. He felt bound to point out that it was becoming worse, and that no solution seemed to be forthcoming. If and when partition were effected, it might prove to be partition of a country the economic value of which would have sunk to a very low state.

M. VAN ASBECK said he was not quite clear as to one point. According to paragraph 3 of the letter from the President of the Jewish Agency, "In spite of these adverse factors" (the factors described in paragraph 2) "the year under review revealed the strength and resilience of the Jewish economic structure". Further on, Dr. Weizmann stated that the export figure for 1937 was the highest yet recorded for Palestine.

Mr. MOODY said that, in point of fact, exports would appear to have been higher in 1937 than in any of the last five years. Imports, on the other hand, were higher than in 1936, but considerably lower than in 1935. M. van Asbeck would, no doubt, have noticed that orange exports represented nearly 80% of the whole figure.

The Government had done everything that was possible in the present financial circumstances to assist the orange industry and mixed farming. It had reduced the taxation on citrus land and it was continuing the ordinary economic measures of alleviation which were described in the annual reports of past years. For instance, a loan to hill cultivators of £50,000 was being issued (page 265 of the report).

As the same time, he thought it was true, as Count de Penha Garcia suggested, that there was at present no ground for optimism in respect of the economic situation in Palestine.

LOAN FOR THE CONSTRUCTION OF JEWISH SCHOOLS.

Count DE PENHA GARCIA asked whether any decision had been reached as to the request of the Jewish community for a loan for the construction of Jewish school-buildings by the Vaad Leumi (page 58 of the report).

Mr. MOODY said that, with the approval of the Government, the Vaad Leumi had been trying to float a loan from a private firm. The Palestine Government had participated in the negotiations, but unfortunately, on account of conditions in Palestine, and the uncertainty of the future, the negotiations had not been successful.

COMMERCIAL RELATIONS : QUESTION OF THE REVISION OF CUSTOMS AGREEMENTS.

Count DE PENHA GARCIA noted that the Jewish Agency had asked the mandatory Power to establish a protective tariff on a number of commodities and to arrange for the revision of the Syria-Palestine Customs Agreement (page 58 of the report).

In its observations on Dr. Weizmann's letter, the mandatory Power referred to the general lines which negotiations with Syria were likely to follow. Would the same considerations be applied to other products and countries?

Mr. MOODY said the Palestine Administration, with the agreement of the mandatory Government, recognised the need for the amendment of the Palestine-Syria Customs Agreement and also the Trans-Jordan-Syria Customs Agreement; and to that end the High Commissioner had already approached the French authorities in Syria.

The problem of tariffs in relation to other countries was entirely different. The Customs arrangements between Palestine and Syria and Trans-Jordan and Syria were of a special nature arising out of the fact that these territories were formerly integral parts of the Ottoman Empire. The peace treaties provided for a high degree of free trade between these countries ; and it was in order to secure some modification of that regime that the amendment of the two agreements was being taken up.

The modification of trade arrangements and Customs agreements between Palestine and other countries was a much larger problem and was bound up with other difficulties including the restrictive provisions of Article 18 of the mandate. It was receiving the careful consideration of the mandatory Government and the Palestine Administration.

Count DE PENHA GARCIA agreed that questions of principle were raised which would be difficult to settle.

QUESTION OF THE PURCHASE OF STORES LOCALLY BY THE GOVERNMENT.

Count DE PENHA GARCIA noted that the Jewish Agency had asked the Government of Palestine to purchase locally supplies for its own departments and for Government institutions. The mandatory Power was disposed to study the question ; but it seemed to lay down the rule that the price of the local product must not compare unfavourably with the quality and price of the same product if obtained from the United Kingdom through the Crown Agents for the Colonies. He noted that consideration was being given to the improvement of the local administrative machinery dealing with the local purchase of Government stores.

When a new system for local purchases was introduced, would purchases be effected by means of open contracts or would tenders be asked for ? For the purposes of the mandates system, the consequences of these two systems were different.

Mr. MOODY said the Administration accepted the principle of local purchase, subject of course to prices being not greater than those obtainable by the Crown Agents and the quality of the goods being more or less the same.

As regards the method of purchase, he believed the present system was purchase by tender. He did not think that method was inconsistent with mandatory obligations. In any case, the Commission could rest assured that no system contrary to the principles of the mandate would be allowed to operate.

Count DE PENHA GARCIA said that was the point he had in mind. He was glad to see that there was complete agreement about it.

Palestine : Petition, dated January 1938 (with Annex), from the Nessiut (Presidency) of the New Zionist Organisation, London (Rapporteur : M. Palacios).

M. PALACIOS said that, since the Jewish Agency had been mentioned, he would take the opportunity offered to put various questions concerning a petition submitted by the New Zionist Organisation. That petition was supported by a letter signed both M. Jabotinski, the President of the Organisation, and by M. Rosenheim, President of Agudath Israel, stressing the need for the summoning of a round-table conference to settle various problems of organisation and representation within the Jewish community.

The petitioning organisation concluded with the proposal that Article 4 of the mandate should be amended, or that the constitution and title of the Zionist Organisation should be so modified as to democratise the Agency. It claimed that the Agency should be an Assembly rather than a party, and for that reason it condemned the " Shekel ", or voting-card, (which was paid for annually at an average rate of a shilling per person) and demanded, on behalf of the Jewish people, the right to vote freely. The complaint was also made that the old Zionist organisation, which, it was alleged, only represented 20% of the electors, was permitted to exercise complete control over the material and historical interests of all the millions of Jews scattered over the world.

Above all, the petition raised the question whether the organisation favoured by the mandate was really the " appropriate " organisation, or whether the principle so far followed should be modified.

The fact that the observations of the mandatory Power were not yet available would enhance the interest attaching to the statement of the accredited representative.

Sir John SHUCKBURGH said the mandatory Power's observations were on the way : he regretted there had been some delay in forwarding them.

Taking the historical aspect first, he pointed out that Article 4 of the mandate contained the following passage :

" The Zionist organisation, so long as its organisation and constitution are in the opinion of the Mandatory appropriate, shall be recognised as such agency "—

that was to say, as the Jewish Agency for the purposes contemplated in the preceding paragraph.

That showed the limited extent to which the mandatory Power was entitled to interfere in the organisation of the Jewish Agency. It was no doubt entitled to say, if it chose, that the organisation and constitution were no longer appropriate and must be changed. But that was clearly an attitude that the mandatory Power could not adopt lightly or without the fullest consideration. It would have to be thoroughly satisfied that some really serious defect had been brought to light.

When the mandate was approved by the Council of the League, the Zionist organisation was generally regarded as clearly the most appropriate body to form the Jewish Agency for Palestine. Its claims were not seriously disputed. A few years later, the Agency took steps, with the approval of the mandatory Government and of the Council, to enlarge its scope, by enlisting the co-operation of certain non-Zionist Jews, more particularly from America. Later, a section of the Zionists within the agency seceded from the parent body and set up the independent organisation now known as the New Zionist Organisation.

The CHAIRMAN, intervening, said the mandatory Power's observations had just reached the Secretariat. Perhaps M. Palacios would ask for any supplementary information after reading them.

M. PALACIOS asked that the accredited representative might give now some additional explanations.

Sir John SHUCKBURGH believed that the reason for the New Zionist secession was dissatisfaction with the official policy of the Agency, whose views were not considered to be sufficiently advanced, and which was regarded as not pressing its claims with sufficient vigour, and as acquiescing too readily in restrictions imposed by the mandatory Power.

The mandatory Power did not accept the view that, because a particular section of the Agency had seceded of its own accord it was bound to examine the question whether the parent body was still "appropriate" under the terms of the mandate.

Personally, he would suggest that the question was a matter for the Jews rather than the mandatory Government. If, as the New Zionists were understood to claim, they represented a large part of world Jewry, the question would surely solve itself. They would find the means of making their wishes effective and of compelling the Agency to extend its frontiers.

M. PALACIOS said that he could arrive at no conclusion concerning the action to be taken on the petition until he had had leisure to study it thoroughly. For that purpose, the observations of the mandatory Power were essential. Nevertheless, two points occurred to him. In the first place, it was not at all certain that at the time when the mandate was drawn up the Zionist Organisation was considered as representing the whole, or even perhaps the majority, of world Jewish opinion regarding Palestine. He believed that many Jews were against the solution of the problem adopted at that time, and that satisfaction had to be given them in the Balfour Declaration itself in order to dissipate their fears.

His impression was that the strong nucleus of determined partisans of Zionism had, since 1917, attracted other scattered groups and parties of Jewry. He felt, in that connection, that the Zurich meeting of 1929 represented a well-merited tribute to the perseverance and enlightened convictions of Dr. Weizmann.

In the second place, M. Palacios considered that the mandatory Power's rôle under Article 4 was not purely passive; it was called upon to determine whether the organisation and constitution of official, accredited Zionism in Palestine was suitable and proper, in the light of the rights and privileges accorded to the movement.

The explanations of the accredited representative would be of the greatest value to him in studying the problem.

Sir John SHUCKBURGH would like to correct a small misunderstanding. He had not intended to suggest that at the time when the mandate was approved the Zionist Organisation was regarded as representing the whole of world Jewry: merely that it was regarded as the most appropriate body for the purpose of Palestine.

M. PALACIOS agreed.

M. VAN ASBECK asked by what test the mandatory Power would judge of the appropriateness of the Agency. Was the appropriate body the body that represented the largest or the most influential section of Jews?

What part of the organised Jewish world was in fact represented by the two organisations which had combined to present the petition—the New Zionist Organisation and Agudath Israel? Was it not strange that two organisations which seemed to be so divergent and to work on different planes should have combined for the purpose?

Sir John SHUCKBURGH suggested that it was not unusual for an extreme right and an extreme left party in politics to unite in criticising a centre party which happened to be in power.

Agudath Israel was a religious body, pure and simple. It held the view that the Zionist Organisation was too secular, too much concerned with material affairs, that the revival and maintenance of old religious traditions in Palestine was of greater importance than questions of land, industry, etc.

The New Zionist Organisation represented the extreme political claims of Jewry in respect of Palestine.

M. VAN ASBECK understood Agudath Israel was the most orthodox section of Jewry, and stood for a theocratic Jewish State. Why, then, was it interested in so worldly an institution as the Agency?

Sir John SHUCKBURGH thought its interest was primarily of a missionary character; it was anxious to convert others to its own way of thinking.

The CHAIRMAN asked whether the answer to M. van Asbeck's question should not be, that the "appropriate" organ was that organ which the mandatory Government, leaving aside any other factor, considered to be best qualified to fulfil the functions specified in Article 4 of the mandate.

Sir John SHUCKBURGH agreed. He reminded the Commission that, as a matter of history, the original Balfour Declaration took the form of a letter addressed to the then Lord Rothschild, as President of the Zionist Organisation at the time. The Organisation had always played a leading rôle from the start. So long as it could still be regarded as the best agency for the purposes of the mandate (and it was still so regarded by the mandatory Power) there appeared to be no case for calling upon it to modify its constitution.

Replying to M. van Asbeck's question, he thought that Agudath Israel was only a small section of world Jewry. The New Zionists sometimes claimed to represent a very considerable proportion; but he had no means of checking such figures as had been quoted to him. Probably a certain number of Jews wavered between one body and the other. It would be very difficult to make any exact estimate of their relative numerical strength.

Mlle. DANNEVIG had been under the impression that Agudath Israel co-operated with the Zionist Organisation, but that the New Zionists had completely seceded.

Sir John SHUCKBURGH did not think that the attitude of Agudath Israel had been one of active opposition. There had been some differences over the issue of labour certificates and so on.

M. PALACIOS added to his previous observations that account would have to be taken, in the matter of the Jewish Agency, of the experience gained in connection with the "broadened" Agency to which reference had already been made, and which, in 1929, had modified the original situation.

FIFTH MEETING.

Held on Friday, June 10th, 1938, at 10 a.m.

Palestine : Examination of the Annual Report for 1937 (continuation).

Sir John Shuckburgh, Mr. Moody and Mr. Kirkbride came to the table of the Commission.

ORIGINS OF, AND SUPPORT EXTENDED TO, THE TERRORIST MOVEMENT : QUESTION OF FOREIGN INFLUENCE : ARAB HIGHER COMMITTEE : ACTIVITIES OF THE EX-MUFTI.

M. VAN ASBECK said that he had been greatly impressed with Mr. Kirkbride's description of conditions in Northern Palestine and of the dangers and difficulties with which the Administration was faced. He desired to express his sincere admiration of the conduct of both the civil and military officials and subordinates.

For the Mandates Commission, it was evidently a most interesting task to trace back the terrorist movement to its exact origin. Could the accredited representative say anything about outside influences and about possible foreign support extended to the leaders of agitation?

Sir John SHUCKBURGH replied that there was clear evidence of assistance given by Arab neighbours. He was unable to say anything about help from further afield. There was no evidence that could be regarded as conclusive.

M. VAN ASBECK referred to page 20, paragraph 50, of the annual report (text of the official *communiqué* of October 1st, 1937, paragraph 5) and asked what grounds there were for supposing, as this paragraph seemed to do by the use of the word "therefore", that the Arab Higher Committee had played a part in the outbreak culminating in the murder of Mr. Andrews and that outrages and propaganda were conducted from the same centre.

Sir John SHUCKBURGH said that the paragraph must be read as a whole. Action against certain persons was taken because the conclusion had been reached that they must be regarded as morally responsible for the outrages. It was not claimed that this conclusion was based on legal evidence.

M. VAN ASBECK asked whether the ex-Mufti and the late Arab Higher Committee had ever explicitly and publicly condemned terrorist acts.

Sir John SHUCKBURGH replied that the ex-Mufti and the members of the Arab Higher Committee had published a statement in that sense immediately after the murder of Mr. Andrews.

M. PALACIOS was glad to hear that, as it threw much light on the situation. It should not be forgotten that, while condemning the outrages, the Arabs felt they should struggle to defend their land and that, to them, the men who were regarded by others as extremists and terrorists were patriots and heroes. In a communication he had received as a member of the Mandates Commission, the author of which would seem to belong to the Arab Higher Committee, it was said that, to stop extremist activities, it would suffice to remove the cause—that was to say, the invasion and the partition scheme; the author added that, in his opinion, there was not an honest man in the world who, in similar circumstances, would not defend his country, as the Arabs were doing.

Sir John SHUCKBURGH reminded the Commission that the Arab Higher Committee had had no recognised existence since September 1937.

M. VAN ASBECK, reverting to the official *communiqué* of October 1st (page 20 of the report), said that the expression "morally responsible" had been deeply resented by the Arab Higher Committee and a petition had been received protesting against those words. He would like to know whether the Arab Higher Committee had taken any definite action to discourage terrorist acts and outrages before the murder of Mr. Andrews or not.

Sir John SHUCKBURGH replied that the Committee might have publicly and ostensibly deprecated outrages, but that the Government had nevertheless reached the conclusion—a conclusion admittedly not based on legal evidence—that they were morally responsible.

Mlle. DANNEVIG felt that there must be some controlling power behind the armed bands. Since the Arab Higher Committee had been outlawed, who was this secret directing influence?

Sir John SHUCKBURGH said that it was not easy to give an answer to that question. It must be remembered that not all the members of the Arab Higher Committee had been arrested and deported; some, including the ex-Mufti himself, had escaped, in spite of every effort by the Administration to effect their capture.

M. VAN ASBECK said that the fact that the ex-Mufti was now in Beirut under the protection of the French and Syrian authorities might arouse some interest but could not usefully be discussed with the accredited representative for Palestine. The position of the Arab Higher Committee had been very fully discussed the previous year and it had now ceased to exist; he therefore did not wish to revert to that matter.

Mlle. DANNEVIG asked whether, in view of the fact that the Administration had found it impossible to track down the instigators of outrages within Palestine, it believed that the actual fomenters of disturbance were to be found outside the country? She thought the situation was most unsatisfactory.

She also wished to refer to a sentence of death recently passed on a small group of young Jews found carrying arms. While crimes of the same sort committed by Arabs went unpunished, because the latter could not be brought to justice or witnesses could not be brought against them, it was difficult not to hope that such sentences would be commuted into imprisonment.

Mr. MOODY explained that the great difficulty was to obtain evidence of incitement to commit outrages, of intimidation, provocation, etc. The Administration sought to guard against terrorism by detaining all suspects, of whom some 600 were now under guard under the emergency ordinances. Constant vigilance was necessary; and the Administration never hesitated to round up suspects.

Sir John SHUCKBURGH added that, whereas everybody must agree that the balance of criminality was overwhelmingly on the Arab side, there had nevertheless been cases of reprisals on the side of the Jews. The law had to be administered and punishment to be meted out impartially to whatever section of the population the accused person might belong. With regard to the case of the young Jews mentioned by Mlle. Dannevig, he had no knowledge of the details. He believed that two Jews had recently appeared before a military court on a charge of carrying arms.

The CHAIRMAN said that, in connection with the repression of terrorism, it was well known that a well-organised information service in an Arab country had considerable facilities for the accomplishment of its task. He was inclined to think that the Palestine authorities must be very well informed as to the instigators and leaders of the movement and that the whole of the difficulty in repressing terrorism was that prosecutions could not be carried through successfully because the witnesses disappeared.

Mr. MOODY confirmed that that was the position. Although it was true that information was normally easy to obtain in Arab countries, the position in Palestine, as the Royal Commission rightly stressed, had changed as a result of the disturbances; in the present circumstances, it was in fact impossible to secure definite evidence concerning crime. For that reason, acting under emergency powers, the Administration was now detaining suspects without trial, while certain crimes—*e.g.*, the carrying of arms—were tried by the military courts.

M. GIRAUD said that experience in all countries abundantly proved that, where there was sympathy, open or hidden, with law-breakers on the part of the population, the repression of crime became extremely difficult. After having examined all the circumstances, he fully realised the magnitude of the problem; he felt that the mandatory Power deserved a warm tribute for its conduct in the face of extreme difficulties.

At the same time, the natural desire of the mass of the population in any country was undoubtedly to be able to go about its ordinary business. He would like to know, therefore, whether the extremists were not alienating such sympathy as the bulk of the Arabs might more or less openly have for them, by adopting terrorist methods calling for repression and thus profoundly disturbing the life of the inhabitants of Palestine.

Mr. MOODY replied that, although the general proposition was true, it had, unfortunately, no bearing on the existing situation in Palestine. Throughout that country, but especially in Galilee and Samaria, the position was that, either through fear of the consequences or through sympathy with the bands, the population was unwilling to help the authorities in putting down lawlessness and tracking down the authors of outrages.

Sir John SHUCKBURGH thought that it was generally true of any country and any age that, where a large majority of the population took up a line of violent hostility towards a particular policy or regime, people were very slow to come out into the open on the other side. No doubt many Palestinian Arabs desired to live in peace; but as matters stood, it was difficult for them to make their influence felt.

QUESTION OF THE INTERVENTION OF THE ARAB PRINCES.

The CHAIRMAN asked whether, apart from assistance by Arab sympathisers in adjacent territories, the Arab princes had themselves intervened again in Palestine affairs in 1937. The Commission discussed this question at its thirty-second session¹ and concluded that such intervention could only be regarded as highly improper.

M. RAPPARD added that some members of the Commission had on the previous occasion felt that the mandatory Power, by not deprecating or discouraging intervention by the princes, had opened the door to further intervention. He would also like to know whether such further intervention had in fact occurred.

¹ See Minutes of the Thirty-second (Extraordinary) Session of the Commission, pages 86 *et seq.*

Sir John SHUCKBURGH said that he would not reopen the question of the propriety of acquiescing in the intervention of the princes two years previously. He wished to state, however, that no action had since been taken by the Arab rulers which could be described as otherwise than perfectly regular. There had been notes and representations, but nothing that was not consistent with proper diplomatic procedure.

ATTITUDE OF THE PRESS.

M. VAN ASBECK asked for information about the position and attitude of the Press. Did the Administration feel that the position had improved ?

Mr. MOODY said that in that field at least the Press Ordinance was working fairly well. The attitude of the Press had improved considerably in recent months, but the Administration had in reserve a further draft Ordinance capable of instant application, should the need arise. As the new Ordinance involved a financial guarantee for good behaviour, its effect would probably be, if used, to put most of the local papers out of business.

GENERAL ATTITUDE OF THE YOUNG PEOPLE IN THE TERRITORY : QUESTION OF JUVENILE POLITICAL OFFENDERS.

M. VAN ASBECK, referring to the decline in the number of juvenile political offenders (page 155 of the report), asked whether the general attitude of the young had improved in comparison with 1936, in which year it had been very unsatisfactory.

Mr. MOODY said that there had been a marked improvement. Nearly all schools were functioning normally, and the juvenile offenders referred to in the report were probably guilty of no more than intimidation, incitement to truancy, unlawful procession, etc. There had certainly been no cases of outrages committed by them.

CRIMINAL INVESTIGATION DEPARTMENT.

M. VAN ASBECK recalled that the Commission had, in 1937,¹ discussed the situation of the Criminal Investigation Department and the bad effect which the disturbances had had on that body. The Royal Commission had also complained of the unreliability of the lower ranks. Had the situation changed since then ?

Mr. MOODY was glad to report that, with the advice and assistance of Sir Charles Tegart, a distinguished ex-officer of the Indian police, a thorough re-organisation and strengthening of the Department had been carried out. Effectives had been increased both in the higher and the lower ranks, British officers had come out to assist in reorganisation, complete control of all local branches had been secured, quarters had been improved. The fact that several Arabs in the ranks had lost their lives in the disturbances seemed to give proof of the loyalty of the lower ranks. He felt that most of them were now both loyal and competent.

APPOINTMENT OF TWO BRITISH CROWN COUNSEL.

M. VAN ASBECK referred to the appointment of two British Crown Counsel (page 91, paragraph 11, of the report) and asked whether this had led to the more effective prosecution of crime.

Sir John SHUCKBURGH replied in the affirmative ; he pointed out that, whereas the Royal Commission had recommended the appointment of one Crown Counsel only, two had, in fact, been appointed.

PUBLIC SECURITY (*continuation*) : DEFENCE OF THE TERRITORY : POLICE.

M. SAKENOBE observed that, although a part of the military garrison had been withdrawn from Palestine since 1936, there were still in the country two infantry brigades (six battalions), a flying corps and a police force which, in 1937, amounted to nearly 4,000 men, together with 1,000 supernumeraries, 3,800 reservists and the Trans-Jordan Frontier Force. In addition

¹ See Minutes of the Thirty-second (Extraordinary) Session of the Commission, pages 60 and 61.

to this very large armed force, the Administration had adopted drastic measures by setting up military courts, by dissolving the Arab Higher Committee and National Committees, by deporting or arresting considerable numbers of persons, by levying collective fines and by establishing punitive police-posts in a number of villages. In spite of all these measures, however, the situation still showed no improvement. It was, in fact, in some respects worse : the accredited representative's statement at the beginning of this discussion showed that, although during the early months of 1938 the situation had improved in Jerusalem and in the south (where it had never been critical), it was somewhat worse in the north.

It appeared, therefore, that punitive measures were not enough. There was some force behind the terrorists, who were themselves a new manifestation not native to the country. Did the Administration contemplate taking even more drastic steps to root out the evil at its source ?

Sir John SHUCKBURGH could only refer M. Sakenobe to the answer he had given to Mlle. Dannevig on the previous day.¹ There was no doubt that despite the resources at the disposal of the Administration, the complete restoration of order had not yet been effected. The Administration was quite determined to take whatever further measures might prove to be needed.

In reply to a further question, he stated that the withdrawal of one brigade of infantry since 1936 had not brought the Palestine garrison back to its peace-time level.

Mr. KIRKBRIDE stated that the punitive police-posts established in villages where lawlessness was rife had given good results : although the perpetrators of past outrages were not necessarily traced by this means, crime usually ceased while the post remained in the village. Those posts were established for varying periods according to the circumstances of each case.

Replying to a question of M. van Asbeck concerning the new northern frontier police division, Mr. Kirkbride said that the 128 Palestine constables were Jewish and Arab in roughly equal proportions. They were collaborating harmoniously under the direction of British non-commissioned officers.

COLLABORATION BETWEEN ARABS AND JEWS IN THE VARIOUS LOCAL AND OTHER OFFICIAL ORGANISATIONS.

M. VAN ASBECK observed (page 129, paragraph 18 of the report) that no mixed Arab-Jewish labour unions had been established during 1937. There had been, in 1936, a fair amount of co-operation both in the local councils and in the judiciary. He hoped that that collaboration had not entirely ceased.

Mr. MOODY replied that, although the labour unions had practically ceased to function, full collaboration was still to be found in the frontier control service—where a mixed force in about equal proportions worked with great zeal and in full harmony—and in the courts. Some of the mixed municipal councils were still working, while others had broken down.

ADMINISTRATION OF THE AWKAFS : APPOINTMENT OF A TEMPORARY COMMITTEE.

M. PALACIOS drew attention to the following passage in the report relating to the depriving of the ex-Mufti of Jerusalem of membership of the General Wakf Committee (page 21, paragraph 52) :

“ It has therefore become necessary to take immediate measures to safeguard the interests of the Moslem community by ensuring the continuance of Awkaf services. ”

As the Commission was aware, these were Moslem religious foundations administered by the Supreme Moslem Council, the General Wakf Committee, presided over by the former Mufti, or through local Mamours. For this purpose, a central Commission had been appointed provisionally. It consisted of three members—namely, two British members, one of whom was the Chairman, and one Moslem member.

M. Palacios would be glad to know, in the first place, whether the mandatory Power had had in mind a principle which was laid down in Article 13 of the mandate :

“ . . . *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.* ”

Assuming that that article had not been overlooked, how did the mandatory Power justify its action from the legal standpoint ?

¹ See page 45.

In the second place, he would be glad to know whether the members of the Moslem institutions could not have been replaced temporarily—it was doubtless necessary to replace them in the circumstances—by Moslems.

In the third place, he would be glad to know whether the Moslem member of the Commission—Sheikh Jarallah (page 22 of the report)—had taken up his duties and was still fulfilling them.

Lastly, he would be glad to know whether the new Commission had undertaken the necessary work of checking and auditing the accounts so as to ascertain whether the funds of the sacred shrines and religious foundations had been used by the administrators, who had been removed, for purposes for which they were not intended—for instance, for encouraging disturbances, for political campaigns and for other activities of the same kind.

Mr. MOODY replied that the Supreme Moslem Council was still in existence, although the ex-Mufti had been deprived of his office as President of the Council. The decision announced in the *communiqué* of October 16th, 1937, was to transfer the financial control previously exercised by the Council and the general Awkaf committee to a new commission, on which the Arab member was, in fact, participating effectively.

As regards the funds, the new commission's view was that it could not be established that money had actually been diverted to political uses. But appointments had generally been made on political grounds. Since the departure of the ex-Mufti, all the nine Awkaf local managers and the director-general had been replaced.

M. PALACIOS thought the accredited representative would have replied, as regards the question of principle, by quoting Article 16 of the mandate, which seemed to be contrary to Article 13, since it made the mandatory Power responsible for exercising such supervision over religious or eleemosynary bodies of all faiths as might be required for the maintenance of public order. Apart from the fact that Article 13—especially the words “nothing in this Mandate shall be construed . . .”—would seem to take precedence over Article 16, the latter itself again stressed the “non-intervention” obligation.

Mr. MOODY pointed out that the new commission, according to the official *communiqué*, was purely temporary in character. It would be kept in being until such time as the Moslem community could once more take over the complete control of the Awkaf funds.

There had been no violation of Article 16, since the first sentence specifically laid down that the mandatory Power should be responsible for exercising such supervision as might be required for the maintenance of public order and good government. That reservation qualified the principle of religious autonomy laid down in the latter part of the article and fully justified the appointment of the new commission.

JEWISH IMMIGRATION (*continuation*) : DEPARTURE FROM THE PRINCIPLE OF THE ECONOMIC ABSORPTIVE CAPACITY OF THE COUNTRY (*continuation*).

M. RAPPARD said that he did not feel happy about putting questions on the subject of immigration. While the disturbances continued in Palestine, he felt that over-worked and anxious officials might with justice resent questions of detail, which in the circumstances were bound to be somewhat unreal. At the same time, the Commission had to report to the Council and for that purpose the question must be discussed.

This was the first occasion on which the special exigencies of the mandate itself had compelled a mandatory Power to have recourse to force. That fact again made it difficult to proceed as if the case were a normal one.

In regard to immigration, it was admitted that the terms of the mandate were not being fully applied, that an interim period had intervened, and that special circumstances had compelled the mandatory Power to suspend the application of an obligation enshrined in the mandate.

The accredited representative had stated on the previous day that it was the policy of the mandatory Power, and not the application of the mandate itself, which had changed. But it must be remembered that even the principle of “economic absorptive capacity” was a restriction upon the full application of the mandate. The latter spoke of the obligation to “facilitate immigration”; and, although the qualification of “economic capacity” had been readily recognised as entirely reasonable, it clearly limited the original formula.

The latest event was a further restriction upon immigration—a measure described as transitional, but one which, it would seem, would have to continue until the end of the mandate and the creation of the partitioned States. The fact must be faced, therefore, that the mandatory Power had on two occasions declared its inability to give full effect to the actual terms of the mandate—namely, to facilitate immigration.

M. Rappard was far from intending to criticise. But he did desire to ask that everything possible should be done to bring the interim period to an early conclusion. The present situation was unfortunately illegal, and the disturbances were bound to continue until that illegality ceased. As soon as a definite decision of a concrete character had been taken, the overwhelming desire of the population to live in peace would reassert itself.

He did not feel that he could put detailed questions regarding immigration to the accredited representative in those circumstances. The mandate was not being fully applied;

he was fully aware of the reasons for that fact. All the Commission could do was to assist the mandatory Power in reaching a final solution as soon as possible—even a solution which might not be perfect—for it would still be infinitely preferable to a prolongation of the period of uncertainty.

Sir John SHUCKBURGH greatly appreciated the moderate and considerate manner in which M. Rappard had expressed himself on an issue on which he felt deeply. For his own part, he had said on the previous day, and he would repeat, that he was far from wishing to take up a controversial attitude on this or any other point.

He would therefore merely say that the United Kingdom Government had never accepted the view that its recent action in regard to immigration constituted an illegality under the terms of the mandate. A reference had been made to the obligation to "facilitate immigration". He quite recognised that, when the Council adopted the terms of the Palestine mandate, one of the documents before it was the document known as the Churchill White Paper, in which the phrase of "economic absorptive capacity" was used for the first time. It might be argued that the United Kingdom Government then intimated that this phrase represented the policy which it was its intention to pursue in respect of immigration, and that this intimation had been duly noted and approved by the Council. Admittedly there had been a departure from that policy within the last year and special restrictions upon immigration had been temporarily imposed. That might be a matter for regret; but it did not, he submitted, constitute an "illegality" in the sense of involving a breach of the terms of the mandate. The obligation imposed by the mandate was to "facilitate immigration under suitable conditions". The mandatory Power must reserve discretion to determine from time to time what conditions could be regarded as "suitable". The terms of the mandate were sufficiently wide to cover both the original policy as set out in the Churchill White Paper and the temporary modifications which circumstances had rendered necessary during recent months.

Palestine : Petitions.

The CHAIRMAN explained that, in view of the large number of petitions relating to Palestine, the Commission had decided to set up a Sub-Committee of three rapporteurs.¹ M. van Asbeck would ask the accredited representative certain questions on behalf of that Sub-Committee.

PETITIONS, DATED OCTOBER 26TH AND NOVEMBER 11TH AND 16TH, 1937, FROM HAMAD HILMY PASHA AND OTHER MEMBERS OF THE FORMER ARAB HIGHER COMMITTEE DEPORTED TO THE SEYCHELLES.

M. VAN ASBECK, referring to the petitions dated October 26th and November 11th and 16th, 1937, from Hamad Hilmy Pasha and other members of the former Arab Higher Committee deported to the Seychelles, asked for information concerning the alleged Jewish terrorist organisations.

Mr. MOODY said it was undeniable that some acts of terrorism had been committed by Jews by way of reprisal, but he doubted the existence of Jewish organisations to promote terrorism. He thought that the Jews, as well as the Arabs, were in possession of a considerable number of illegal arms; and that there did exist among the Jews secret organisations for self-defence. The Hagana was such an organisation, but it was extremely difficult to obtain any information about the organisation on which the Government could take action.

With reference to the allegation of illicit importation of arms by the Jews, the Administration and the police had been extremely active in putting down the illicit arms traffic. The annual report showed that they had had some success in this work. A large consignment of arms had been discovered at Tel Aviv just before the disturbance which broke out in 1933. It had never been definitely established whether those arms were intended for the Jews, but it was generally believed by the Arabs that they were so intended. There had been many seizures of arms since then, especially in 1936 and 1937.

M. VAN ASBECK noted that the Jews had sometimes been guilty of reprisals but never of first attacks. He felt that credit should be given them for their discipline and restraint. Had acts of reprisal been individual, or organised on a systematic basis?

Mr. MOODY replied that it was abundantly clear that all responsible Jewish bodies and officials strongly condemned acts of reprisal. Information in the possession of the Government indicated that acts of reprisal had been committed exclusively by persons who had no connection with the responsible Jewish authorities; he had no knowledge of the degree of organisation which lay behind them.

¹ See page 27.

M. RAPPARD said that it was clear that there had been infinitely more terrorism on one side than on the other. On both sides, the leaders denied any share in terrorist acts and asserted that they disapproved of such action. Nevertheless, it could not be maintained that there was an absolute parallel in the two cases, and he asked the accredited representative to confirm that the two cases were in fact dissimilar and the attitude of the respective leaders very different.

Mr. MOODY had no hesitation in saying that there was no parallel whatsoever. The fundamental fact was that the Arabs had rebelled against the mandate ; that fact must be kept in mind throughout.

Some acts of reprisal had been committed by Jews. Such acts were condemned by all right-minded persons. But it could not be denied that, on the whole, the Jews had displayed a high degree of patience and forbearance in the face of provocation and attacks continuing over a long period. The Administration had not failed to intern under the Emergency Regulations any Jews suspected of being concerned in acts of reprisal. It was extremely difficult to obtain information in these cases, and it was not possible to say to what extent the acts of reprisal committed by Jews were the work of a definite organisation.

M. VAN ASBECK referred to the complaints made in the same petition that the arrest of the members of the Arab Higher Committee had been carried out in a ruthless manner. It was alleged that the arrested persons were given no opportunity of settling their affairs before departure and that they had been removed to an unhealthy climate.

Sir John SHUCKBURGH replied that prompt action had been imperative. As it was, not all the members of the Committee had in fact been arrested ; several persons whom it was desired to apprehend had managed to escape. The Commission should remember that persons deemed, after due consideration, to be morally responsible for a series of outrages culminating in a peculiarly dastardly murder could hardly expect to be treated with special consideration. Their treatment had not been more "ruthless" than the circumstances rendered necessary. As to their health, good reports had been received from the medical officers in the Seychelles. There was no reason to believe that they were suffering in that respect.

M. VAN ASBECK asked whether any further progress had been made with the proposal to institute a new system of election to the Supreme Moslem Council. Circumstances might not be favourable at the moment ; but he would like to be assured that the mandatory Power would proceed with this proposal when an opportunity occurred.

Sir John SHUCKBURGH replied that the question was necessarily in abeyance for the moment, but that it would be considered when circumstances improved. If partition were carried out, the whole position would naturally be different.

M. RAPPARD, referring to the petitions of the Arab Higher Committee, said that it was obvious that any Government would have acted with despatch and decision against persons held by it to be morally responsible for a horrible crime. He asked whether since the deportation or departure of the members of the Arab Higher Committee there had been any modification in the mechanism of the terrorist campaign. Such a modification would, of course, afford some evidence of the complicity of the Higher Committee.

Sir John SHUCKBURGH felt unable to answer in the affirmative. Doubtless the torch of violence had been passed on to other hands. The character of the terrorist campaign had not greatly changed : but that did not modify the conviction of the mandatory Power as to the moral responsibility for the series of events leading to the murder of Mr. Andrews.

Mlle. DANNEVIG pointed out that some of the statements in the petitions from the Arab Higher Committee were so patently untrue that she felt unable to take any part of the document at its face value.

PETITION, DATED JULY 28TH, 1937, FROM MR. ASA WHITNEY, SARISBURY GREEN, HANTS, ENGLAND.

Sir John SHUCKBURGH, in reply to Count de Penha Garcia, stated that provisional maximum and minimum levels had been laid down for Lake Tiberias, concerning which a petition had been submitted by Mr. Asa Whitney ; but these had not yet been finally confirmed.

SIXTH MEETING.

Held on Friday, June 10th, 1938, at 3.30 p.m.

Palestine : Examination of the Annual Report for 1937 (continuation).

Sir John Shuckburgh, Mr. Moody and Mr. Kirkbride came to the table of the Commission.

IMMIGRATION (*continuation*) : DEPARTURE FROM THE PRINCIPLE OF THE ECONOMIC ABSORPTIVE CAPACITY OF THE COUNTRY (*continuation*) : UNEMPLOYMENT (*continuation*).

Sir John SHUCKBURGH continued his reply to M. Rappard regarding immigration. He was in agreement with M. Rappard's general conclusion as to the importance of regularising the position as soon as possible. Uncertainty inevitably led to political unrest.

He would describe the position in this way. The Royal Commission had looked forward to a period of transition which would elapse between the acceptance of a policy of partition and the actual setting up of States under the partition scheme. During this period, the proposal was that Jewish immigration should be regulated in accordance with the economic absorptive capacity of the Jewish area. The Royal Commission had not, however, made provision for an earlier period, which might be called the "interim" period. This was the period between the general acceptance of the idea of partition and the actual adoption of a partition scheme. It lay with the Commission now in Palestine to draw up such a definite scheme. During this interim period the Government's view was that it should be careful to do nothing that might materially alter the data on which the Commission had to frame its proposals. It was for this reason that the Government had adopted the purely temporary and arbitrary measures for the control of immigration which were set out in Mr. Ormsby-Gore's despatch. These measures had been imposed for a period of six months. The High Commissioner had taken legal powers to exercise a special control over immigration for a period of one year, but, in fact, the new regulations had been introduced in the first instance for six months only. They could be extended under the existing legislation for a further period of six months; but if at the end of the full year it was still desired to maintain a special control over immigration, this object could be effected only by the enactment of fresh legislation.

During the transition period which would follow the interim period the mandatory Government was pledged to revert to the principle of the economic absorptive capacity so far as it affected the non-Arab parts of Palestine. In the final period, if and when the partition scheme came into full operation, the Jews would have complete freedom of action in their own area. They might still apply the principle of economic absorptive capacity, but it would be applied in accordance with no other standard than their own. The policy of partition had been described by the Royal Commission as a surgical operation. He would remind those who had undergone a surgical operation that there was always a period before the operation actually took place during which sustenance was reduced to a minimum. This did not mean that arrears could not be made up after the operation was safely over. Whatever might be the restrictions upon immigration during the earlier stages, the final consummation of partition would undoubtedly mark a definite and distinct advance.

M. RAPPARD said the Commission had always considered that it was a duty of the mandatory Power to facilitate immigration, and the present practice had seemed to be a departure from the policy sanctioned by the Council.

Sir John SHUCKBURGH did not dissent. His point was that it was not contrary to any specific article of the mandate itself.

M. RAPPARD did not propose to discuss the instructions given by the Colonial Office to the High Commissioner, but was surprised that the number of immigrants of independent means, that was to say, with a capital of £1,000, should be restricted (page 65 of the report). He would have thought they were desirable immigrants.

Sir John SHUCKBURGH said that experience had shown that these "capitalists" tended not infrequently to drift into the labour market. But the matter was covered by the general consideration to which he had referred—viz., the desire of the mandatory Government not to alter materially the data upon which the Commission now in Palestine had to work.

M. RAPPARD assumed that this view would apply equally to the immigration of non-Jews—for instance, of Arabs—as such immigration would also be calculated to upset the data.

Sir John SHUCKBURGH said the number of non-Jewish immigrants was negligible.

Mr. MOODY added that the following numbers of non-Jewish immigrants were provided for in the next six months : Category A.1, persons of independent means, 20 ; category A.4, pensioners, 10 ; category B.1, orphans, 10 ; category B.2, religious occupations, 200 ; category C, workmen, 150 ; category D, dependants, other than wives and minor children, 50.

The CHAIRMAN observed that, according to the table on page 60 of the report, the number of non-Jews immigrating from Great Britain was about six times as great as the number of Jews. He presumed that soldiers and officials were not included in this figure.

Mr. MOODY replied that this number would be accounted for by the families of officials and soldiers, who were classed as immigrants.

M. VAN ASBECK asked whether the figure of 8,000 Jewish immigrants from August 1937 to April 1938 had been found in practice to be sufficient, or whether it was now considered that a larger number could have been admitted without undesirable consequences.

Sir John SHUCKBURGH found it difficult to furnish a specific reply to a question of this nature. His general view was that the number had been about right.

M. RAPPARD noted from the table on page 59 of the report that 64,740 Arabs returned after a period not exceeding one year and that 66,737 Arabs left for a period not exceeding one year. Had these Arabs such passports that they could be identified ? He presumed they were seasonal workers.

Mr. MOODY replied that these persons would undoubtedly have travel documents. There was a good deal of traffic between Palestine and Syria, Egypt and Iraq. In addition, there was a seasonal migration of persons who were not in the same category as those mentioned in the table on page 59. They were mainly Transjordanians, who did not require passports to enter Palestine.

Mlle. DANNEVIG thought it must be a great disappointment for the Jewish population that the number of immigrants was again restricted. Would the Jews subsequently be able to make up for those losses by increased immigration ? Would they be allowed to immigrate into the part retained under a British mandate.

Sir John SHUCKBURGH said that if and when the partition scheme came into full operation the Jews would have their own territory, within which they could make their own arrangements. In such areas as might still be retained under British mandate immigration would no doubt be permitted, though a certain control might be exercised. So far as related to the Arab area, the matter would be one for the Arab State. He saw no reason why the Jews should not be able to make up for the temporary reduction of immigration by the increased freedom that they would acquire hereafter in respect of their own area. That area would be small, as compared with the whole of Palestine ; but it would be subject to no external restrictions whatever.

M. VAN ASBECK asked for closer definition of the expression " to do nothing that might materially alter the data " on which the Technical Commission had to work.

Sir John SHUCKBURGH hoped that the expression would not be regarded as a term of art. It had no high authority, having been coined by himself on the previous day. What he had in mind was this. There was actually in existence a certain situation and a certain balance of interests which formed the basis on which the Commission would have to draw up an equitable scheme of partition. His view was that this balance ought, so far as might be practicable, to be maintained until a decision had been reached.

M. VAN ASBECK presumed that the expression " political high level " had the same meaning.

Sir John SHUCKBURGH said that under the " political high level " the Royal Commission had contemplated an immigration of 12,000 a year for a period of five years, if the existing mandate were continued. The present temporary and arbitrary arrangements were of quite a different character.

M. VAN ASBECK observed that the same rate—namely, 1,000 *per mensem*, was adopted by the Government for the period ending March 31st. With regard to actions which might " upset the data " for the Commission, he asked whether this would include the movement of Jews inside the country and the colonisation in areas up till now Arab.

Sir John SHUCKBURGH said there were no restrictions on such movements.

M. VAN ASBECK asked what was the criterion on which the figure of 1,000 immigrants a month was based.

Sir John SHUCKBURGH pointed out that this figure applied to the eight months ending March 31st, 1938, but not to the arrangements adopted since that date. It was an arbitrary figure : its adoption was probably affected in some measure by the figure quoted in Part II of the Royal Commission's report.

Count DE PENHA GARCIA observed that there was considerable unemployment in Palestine in 1937 (pages 125 and 126 of the report).

Mr. MOODY said the unemployment figures quoted in the report were the best estimates that could be made at present. There was considerable unemployment in 1937, and it had increased in 1938.

Count DE PENHA GARCIA observed that this increase in unemployment would obviously affect the economic absorptive capacity of the country.

Mr. MOODY said that the account on pages 30 and 31 of the report indicated that the economic position was not good and was not improving. Since the end of the year he had made a further enquiry and the figure of 13,000 unemployed Jews had been reached at the end of March. The numbers of unemployed according to the Annual Report were 21,000 Arabs and 12,000 Jews at the end of 1937.

M. VAN ASBECK asked what evil consequences were expected by the Government if a larger number of immigrants were admitted.

Mr. MOODY said he had nothing to add to the reasons for the restrictions of immigration given by Sir John Shuckburgh.

M. VAN ASBECK, referring to the accredited representative's definite assertion, given in his introductory statement, from which it appeared that the limitation of immigration was not in opposition to the mandate, wished to raise the question whether the Churchill White Paper had not to be taken into account together with the mandate itself. For, in 1922, the Council of the League had allocated the mandate to Great Britain after having taken note of the White Paper which, in its final part, contained the United Kingdom Government's authentic interpretation of the immigration clause of the mandate. It was on the basis of that interpretation that the mandate was granted. He ventured to think that, in contradistinction to continental systems, it was a principle of English law not to stick to the words of the law only, but to take account of a situation and of all the instruments pertaining thereto. Therefore, in conclusion, M. van Asbeck asked whether the White Paper must not be considered as an annex to the mandate, having the same legal force.

Sir John SHUCKBURGH said that he was not a lawyer and did not feel competent to argue the legal aspect of this question. No doubt it might be possible to distinguish between the principles of law and those of equity as bearing upon a matter of this kind. He did not propose to go into that. The case was simple enough. The policy laid down in the Churchill White Paper was one which the United Kingdom Government had done its best to carry out for fifteen years. Then circumstances had become too strong and the Government had been obliged temporarily to adopt another course.

The CHAIRMAN asked whether proposals had not been made by Jewish organisations possessing ample capital to carry out public works which would give employment to a large number of people and might justify the admission of a larger number of immigrants.

Sir John SHUCKBURGH had no knowledge of any such proposals.

LAND TENURE : QUESTION OF LANDLESS ARABS.

M. VAN ASBECK was glad to see that the Government had accepted the recommendation of the Royal Commission that land settlement should be accelerated (page 72 of the report). Last year, the Agricultural Survey had covered 10% of the area. What was the present proportion ?

Mr. MOODY said the figures were given in the table on page 72 of the report. The Government had not only accepted the Royal Commission's recommendation, but had increased the number of working parties. He thought the effect of the increase would, however, not be felt until the current year.

M. VAN ASBECK noted that the figures on page 72 were expressed in dunums and asked what was the total area of Palestine in dunums.

Mr. MOODY said the aggregate area of all the land taxed under the 1935 Ordinance was 13½ million dunums. A dunum was equal to one-tenth of a hectare, or about a quarter of an acre in English measure.

M. VAN ASBECK asked whether Jews had bought much land in territories which were not yet settled.

Mr. MOODY said they tended generally to buy land in the areas already settled, but there were also cases of purchase of land in the north in areas which were not yet settled,—e.g. at Hanita and in certain parts of the Jordan valley.

M. van ASBECK asked what happened to the Arabs in the north who sold their land to Jews.

Mr. MOODY could not say. He thought that in view of the rapid industrialisation of the country most of the Arabs who were displaced from the land found occupation in industry and commerce. They probably became labourers in the large towns.

M. VAN ASBECK asked whether land was sold by absentee landlords.

Mr. MOODY observed that the same question has been put in the previous year¹ and an attempt had been made to supply an answer in the Annual Report (paragraph 46, page 76). It was, however, difficult to distinguish from the Records of the Land Registrars between fellaheen and absentee landlords. He thought quite as much land had been sold by the fellaheen as by absentee landlords. The latter had sold large tracts in the earlier years of the Administration. But that stage was now at an end.

In reply to a further question, Mr. Moody could not say whether the Arab vendors showed any reluctance to sell.

M. VAN ASBECK asked whether the Jews could buy land freely even in the Arab area.

Sir John SHUCKBURGH explained that, pending the adoption of a partition scheme, no "Arab area", as distinct from the rest of Palestine could be said to exist. There was no geographical restriction upon the sale of land.

M. SAKENOBE asked whether there was not an ordinance by which Arabs were not allowed to sell all their land.

Mr. MOODY replied in the negative, but said there was the Protection of Cultivators Ordinance which effectively prevented Arab cultivators from being expelled from the land against their will.

Mlle. DANNEVIG observed that six registered landless Arabs had been settled during the year and that no further claims had been submitted for registration (page 80, paragraph 75, of the report).

Mr. MOODY thought the resettlement of "landless Arabs" as strictly defined was no longer a serious problem. But he quoted the following passage from the Royal Commission's report regarding the limited meaning of that term: "The official total of landless Arabs is often misunderstood by those who are unaware of the limited definition of the term. It should be clear that this total can be regarded as representing only a portion of the displacement of Arab population resulting from Jewish land purchases." (Paragraph 59, page 240, of the Royal Commission's report.)

M. RAPPARD noted a considerable increase in the amount of land transferred. Would not this also "alter the data" on which the Technical Commission would report? Would not there have been the same grounds for limiting the transfer of land as for restricting immigration?

¹ See Minutes of the Thirty-second (Extraordinary) Session of the Commission, page 116.

Sir John SHUCKBURGH thought that it would have been a very strong measure to prohibit further sales of land. Land sales were ordinary commercial transactions to which the Arab vendor was a consenting party. Immigration, which could at least be represented as a policy imposed on the Arab population against its will, stood in quite a different category.

M. RAPPARD said the mandate laid down a specific obligation to facilitate immigration.

The CHAIRMAN asked for an explanation of the eagerness still shown by the Arabs to sell their land to the Jews, at the very moment when the Arab opposition to the settlement of the Jews was described as more irreducible than ever.

Sir John SHUCKBURGH said that there was the obvious motive of money.

The CHAIRMAN asked whether most of the land sold did not belong to Arabs who were absent.

Sir John SHUCKBURGH did not think this was any longer the case.

The CHAIRMAN thought that fact might throw some doubt on the intensity or general extent of the Arab opposition to Jewish immigration.

FORESTS.

M. SAKENOBE observed that in 1936 the Department of Forests had been created with the essential task of reforestation with a view to preventing land erosion and conserving the water supply. This was important work which called for heavy expenditure. He noted, however, that the amount assigned to this purpose in the budget was very small (page 205 of the report). Could any information be given regarding the plan of work ?

Mr. MOODY replied that a long-term forest policy had been formulated in 1936, but in the view of the High Commissioner the responsibility for carrying into effect such a policy should be delegated to local rural organisations. At present there were no such organisations, and in existing circumstances it was impossible to create them. The matter was, however, receiving attention. To some extent the policy of afforestation depended for its success on the existence of land belonging to the Government, the area of which was still small. With the progress of settlement the position would improve in this respect.

M. SAKENOBE asked what was the difference between the forest reservations and the State domain lands referred to on page 277 of the report.

Mr. MOODY replied that when land came into the possession of the Government it became a State domain. If it were suitable for forests it would be planted and would then become a forest reserve.

NATIONALITY.

M. PALACIOS asked two questions. He noted from page 83, paragraph 3, of the annual report that the number of applications for naturalisation had increased considerably since 1936. Indeed, in round figures there were about 12,000 in 1937 and only 5,000 in 1936. According to the report (page 83, paragraph 4,) the increase was due to a campaign by Jewish organisations to encourage naturalisation, and to the number of persons who had acquired the requisite residential qualifications entitling them to apply for naturalisation. Had the number of applications for naturalisation continued to increase ?

M. Palacios also pointed out that, in reply to an observation to the Council made by the Mandates Commission in 1937,¹ the annual report stated (page 85, paragraph 13) that consideration was being given by the Government to the amendment of the Palestine Citizenship Order-in-Council, 1925-1931, with a view to giving effect to the recommendation of the Royal Commission in regard to the position of Arabs born in the mandated territory and resident abroad who had been unable to acquire Palestinian nationality. Had this examination led to any results ?

Mr. MOODY said that as regards the first question he had no recent figures.

Sir John SHUCKBURGH, replying to the second question, said that no decision had yet been taken, but proposals had been submitted to the Secretary of State which were under consideration in London.

¹ See Minutes of the Thirty-second (Extraordinary) Session of the Commission, page 233.

ECONOMIC EQUALITY: NEGOTIATION OF SPECIAL AGREEMENTS WITH CERTAIN STATES :
IRAQ PETROLEUM COMPANY.

Count DE PENHA GARCIA said that, at several sessions of the Commission, there had been complaints from the Jewish Agency regarding difficulties in industry caused by the fact that the principle of economic equality made it impossible to conclude arrangements with the countries which needed Palestinian products. The Government of the mandatory Power was aware of the position and it had been studied by the Royal Commission, which had proposed either the amendment or the elimination of Article 18 of the mandate. The Mandates Commission had been informed that that recommendation was under consideration by the Government (page 34 of the report). He asked if any progress had been made or whether the position was still stationary.

Sir John SHUCKBURGH said this was a very thorny question, as the mandated territory of Palestine was required under Article 18 to accord equal treatment to all States Members of the League and to the United States of America under a special agreement. This undoubtedly deprived the Palestinian Government of bargaining power. Various proposals had been made for removing the handicap; one was the introduction of two tariffs, the more favourable one to be applied to countries which were good customers of Palestine. Clearly, such a proposal was open to the objection that it would involve a reversal of the principle of economic equality. Other suggestions involved similar difficulties. He could only say that the whole matter was under careful consideration but that the position was at present stationary. Meanwhile the United Kingdom Government was doing what it could to safeguard the economic interests of Palestine. For example, in negotiating new commercial treaties, every endeavour was made to include Palestine on the same basis as British possessions. Short of a reversal of Article 18, which would clearly be a very far-reaching step, he did not see what more could be done. He hoped that, if and when partition became operative, the independent States thereby created would enjoy complete economic liberty.

Count DE PENHA GARCIA agreed that the United Kingdom Government had tried by other means to give protection to the agriculture and industry of Palestine by clauses in treaties with other countries. He was glad to see that in Canada most-favoured-nation treatment was extended to Palestine. He observed that negotiations were being carried on with Turkey and Brazil (page 34 of the report), and asked what result had been obtained.

Even if the partition scheme were put into effect on the lines suggested by the Royal Commission, a part of Palestine would still be under mandate, and the question of economic equality would be of importance for that part of the country.

Sir John SHUCKBURGH understood that the arrangement with Brazil had now been completed. In addition to Canada, the Union of South Africa had also granted most-favoured-nation rights to Palestine.

M. RAPPARD assumed that as the Government, including the army and the air force, imported large quantities of material, this gave the Government a certain bargaining power in dealing with States refusing imports from Palestine.

He wished to raise the question of the privileges granted to the Iraq Petroleum Company. He was not making any criticism, but he enquired how those privileges were brought into harmony with the economic equality clause. The Iraq Petroleum Company was a national of a State Member of the League. How could privileges be granted to that State which were denied to other States Members?

Sir John SHUCKBURGH said that, to the best of his recollection, the agreement with the Iraq Petroleum Company, which he had no doubt was reported to the Mandates Commission at the time, was based on the consideration that the Company was entitled to favourable treatment, having regard to the advantages in the way of increased trade, employment, etc., which it was bringing to the country.

If any other company was in a position to bring oil through Palestine it would receive similar treatment.

M. RAPPARD, after looking into the matter, found that the Mandates Commission had had a long discussion with the French accredited representative on the subject of the Iraq Petroleum Company in 1931.¹ This gave rise to a lengthy discussion in the Council, in the course of which Lord Cecil, on behalf of the United Kingdom Government, declared that his Government was satisfied that the pipe-line contracts were just and fair. M. Flandin associated himself with Lord Cecil's remarks, in spite of certain criticisms made by M. Grandi, on behalf of Italy. Finally, the Council adopted a resolution which he thought could be taken as the League's final decision in the matter:²

¹ See Minutes of the Twentieth Session of the Mandates Commission, page 230.

² See *Official Journal*, November 1931, page 2056.

“ The Council takes note of the Mandates Commission’s discussions on the agreements concluded between the Iraq Petroleum Company and the British High Commissioner in Palestine of the one part, and the Government of the Lebanon and Syria of the other part, in view of the construction of the pipe-lines which will link the Mosul oilfields with the Mediterranean.

“ The Council also takes note of the statement made before the Mandates Commission by the accredited representatives of the mandatory Powers concerned to the effect that the exceptional facilities granted to the Iraq Petroleum Company would be extended to any other concern which might desire to construct a pipe-line through the territories of Palestine, Syria and Lebanon for the purpose of conveying petrol from Iraq to the Mediterranean coast.”

M. Rappard noted the statement on page 232 of the annual report that certain goods were supplied free of duty to His Majesty’s Forces, etc., “ and other institutions ”. What were those institutions ?

Sir John SHUCKBURGH believed that the expression included certain Jewish colonisation organisations importing goods for their work. It might also include religious institutions, the Hebrew university and other non-profit-making organisations.

ECONOMIC SITUATION : IMPORTS AND EXPORTS : AGRICULTURE.

M. GIRAUD said that during the discussion certain views which had been expressed with regard to the economic situation of Palestine in 1937 had somewhat surprised him, because he had formed the impression on reading the report that, though not good from all points of view, it was more satisfactory than might have been expected.

It was difficult to sum up briefly the situation of the territory as a whole, because many different factors had to be taken into account in so advanced a country, which was passing through a difficult period. Perhaps the best method would be to pass rapidly under review the various general activities.

In agriculture, the year 1937 had been excellent. The main products were cereals and fruit (particularly citrus fruit). The production of wheat, barley and durra (page 264 of the report), which represented nine-tenths of the total cereal production, was 110,000 tons higher than the 1936 harvests, and 44,000 tons (20%) higher than the average. The figures for fruit (especially citrus fruit) were no less favourable. Exports of citrus fruit (11,904,000 boxes of oranges and grape-fruit (page 236 of the report)) reached a record figure—twice as high as three years previously. Unfortunately, prices had not been remunerative, and the Government had had to take various fiscal measures to assist fruit production, for which it was absolutely essential to find suitable markets. It was reassuring for the future of fruit production, however,—which had made such rapid strides as to be perhaps somewhat haphazard—that the area planted had fallen from 28,000 dunums in 1935 to 20,000 in 1936, and 1,500 in 1937 (page 30 of the report).

Generally speaking, industry had suffered in 1937 from the prevailing uneasiness and uncertainty. Unemployment had increased considerably by the end of the year. There had been a decline in building activity (page 236 of the report). At the same time, it was interesting to note that very definite progress had been made in the oil industry, which had handled 30,000 tons of imported oil seed as compared with 22,000 tons in 1936 (page 235) and had exported edible oil (other than olive oil) valued at £P112,000 as compared with £P51,000 in 1936 (page 239). Exports of potash and bromine had increased from £P168,000 to £P223,000 (page 240), and the production of wine by 50% (page 133 of the report).

With regard to foreign trade, he first thanked the mandatory Power for including in the 1937 report a table showing all articles of export (pages 239 *et seq* of the report.) The statistics gave a very favourable general impression. Imports had increased by 15% (pages 30 and 236) and exports by 60% (pages 30 and 239), a record figure. And he was glad to see that the steady expansion of exports was tending to make the trade balance less passive every year. The relation between exports and imports had risen from 20% in 1934 to 24% in 1935, 26% in 1936, and 36% in 1937.

Customs revenue, which reflected the movement of trade, had slightly increased (by about 6%) in 1937 after a sharp fall in 1936 (page 227 of the report).

While tonnage discharged in the various ports was about the same (992,000 tons as compared with 919,000 in 1936), tonnage loaded had increased considerably from 282,000 tons to 475,000 tons (nearly 70%) (page 227 of the report). It should be noted in this connection that the new port of Tel Aviv had already assumed considerable importance in foreign trade, and 124,000 tons of products and commodities, or 9% of the total trade, were handled there in 1937.

The kilometric tonnage transported on the railways was 1,102,000, as compared with 1,009,000 in 1936 (page 287), though the increase was due solely to citrus fruit ; if this product were deducted, there was a drop of about 7%. Railway receipts in respect of both goods and passengers had fallen considerably.

There had been considerable activity in postal, telegraphic and telephonic communications, receipts being up by about 12% (page 258 of the report). But the report pointed out that this increase was due to the presence of the military forces in Palestine (page 175 of the report).

Sales of electric current had increased from 70 million to 77 million kwt. hours.

Industrial and commercial difficulties had led to voluntary liquidation in 27 cases (as compared with 17 in 1936) and 57 bankruptcies (as compared with 33) (page 31 of the report).

It would be seen from a study of public finance that for the first time since 1932, the budget revealed a deficit (page 173), and that was not surprising in view of the heavy expenditure on military and police forces.

Currency circulation had fallen considerably (by 22% in 21 months), while capital investment and the movement of bank deposits had slowed down (page 202 of the report).

To sum up, agricultural production had been exceptionally good, but some of the advantage had been lost because of the low prices of citrus fruit. Industrial activity had suffered generally from the political situation (with unemployment increasing at the end of the year), though some products had made progress. Foreign trade had expanded considerably, and the trade balance showed a distinct improvement. Internal trade showed some signs of having slowed down a little. Public finance showed a considerable deficit, owing to the disturbed state of the country, and private finance seemed to reveal more timidity. These were the main features of the economic situation of Palestine in 1937.

While some of these features were not favourable, the general impression was that during a particularly difficult period Palestine had shown unusual power of resistance. From the figures quoted, it might be affirmed that when all the country's activities could be carried on in normal circumstances, that was to say, in an atmosphere of peace, order and security, it would be very prosperous.

M. Giraud noted from the table on page 239 of the report that exports of rice amounted to £P57,573 in 1937, as compared with £P4,288 in 1936 and *nil* in previous years. There was no mention of rice as a local product of Palestine in the documents furnished to the Royal Commission, and it was not included in the list of major crops on page 264 of the annual report. Was it a new product, or was it imported in a rough state and re-exported after decortication?

Mr. MOODY said rice was imported from Iraq and subsequently re-exported. Exports had risen because a new rice factory had been opened.

M. GIRAUD asked whether the accredited representative could offer any explanation of the striking increase in the export of undressed hides and skins, the largest export in value after citrus fruit, since 1937 (page 240 of the report).

Sir John SHUCKBURGH pointed out that the increase had been progressive, but could offer no full explanation at the moment. The point would be looked into.

M. GIRAUD was glad to find a table of re-exports on page 247 of the report, in response to the Commission's request. He hoped a similar table would appear each year, as it threw an interesting light on one aspect of trade in Palestine.

Sir John SHUCKBURGH took note of this suggestion and assured M. Giraud that the points raised in the course of his statement would be carefully studied.

M. RAPPARD said that he, like M. Giraud, had been impressed by the figures for commerce and industry in 1937. They were the figures of an exceptionally prosperous country and he doubted whether they were paralleled in any other country.

He found the statement that "there was an expansion in the export trade resulting in increased production" (page 235) somewhat curious. It was true that industries could not develop without markets, but the striking thing was that production had increased and new industries had been established. The textile industry had made great strides, especially in yarn and piece goods for export (page 240 of the report). He presumed the wire-netting industry had profited greatly from the scheme to fence the territory.

Mr. KIRKBRIDE pointed out that the fence would consist of barbed wire, not of wire netting. As far as he was aware, barbed wire was not manufactured in Palestine.

M. RAPPARD said he had been struck by the increased imports of iron bars, angles, rods, girders and pipes (page 237 of the report). This led him to believe that an internal industry in those articles might develop in course of time. Presumably barbed wire was iron wire.

Mr. KIRKBRIDE said nearly all the barbed wire for the fence was being imported, as the stores available in Palestine when the contract was signed were extremely small.

WATER SUPPLY.

M. GIRAUD observed that the water supply was of fundamental importance in increasing agricultural production in a so small and already densely populated country. There seemed to be plenty of springs, at any rate in some parts of the territory. But the Royal Commission had pointed out in its 1937 report that under Ottoman Law, which was still applied, spring water was the property of private persons who could sell it as they pleased. The Commission had expressed the view that the revision of this law was both necessary and urgent (paragraphs 99 and 100, page 252 of the Royal Commission's report). Had consideration been given to this suggestion?

Mr. MOODY said the Administration had drafted two Bills, one for the control of surface waters and the other for the control of underground waters. Before they could be passed as ordinances, however, ownership of all public waters would have to be vested in the High Commissioner by an amendment of the Palestine Order-in-Council, so that he could regulate their economic and beneficial use by the inhabitants of Palestine.

Sir John SHUCKBURGH added that the amendment had been communicated to the Colonial Office and referred back to the Palestine authorities on one or two points of detail.

CO-OPERATIVE SOCIETIES.

M. GIRAUD was interested to note that sixty new co-operative societies had been formed in Arab villages in 1937 (making 120 in all with 5,121 members), and that loans to the extent of over £P 71,000 had been granted down to the end of 1937 (page 290 of the report).

He asked whether the Government's efforts to promote co-operation had met with a favourable reception from the Arabs and whether there were grounds for hoping that the movement would develop considerably, even if not to the same extent as among the Jews.

Mr. MOODY was of opinion that as conditions became normal there would be a considerable extension of the co-operative movement among the Arabs.

HOLY PLACES : BASILICA OF THE HOLY SEPULCHRE, JERUSALEM : BASILICA OF THE NATIVITY, BETHLEHEM.

M. PALACIOS said the information furnished in the report was in general interesting (pages 102 *et seq* of the report), but there was one piece of information which was more important than all the rest and should retain the attention of the Commission. The latter had already dealt with the matter on various occasions. The Press had sounded the alarm. Finally, it had become painfully topical through a recent account which had attracted great attention and had been published in a book. Two well-known writers, in a work entitled *Alerte en Syrie* (pages 111 and 112), wrote, among other statements about which M. Palacios thought there was some doubt—for instance, that concerning a commission which was to be presided over by King Albert—that the Basilica of the Holy Sepulchre would collapse when least expected. This would show the Moslem world that Christians were not even sufficiently united to support the House of their God.

While some allowance must be made for literary licence, this passage of the book in question nevertheless had some foundation in fact—a fact that the Commission itself had considered in connection with the report of the architect, Mr. Harvey, and the mandatory Power had itself reported on pages 102 and 103 of the annual report, where it issued a warning that if the necessary funds were not forthcoming in the near future, the Basilica would have to be closed to the public before Easter 1938. Doubtless it had already been closed. The matter was serious, because it concerned not only the worshippers who might be killed by the collapse of the dome, but also because it affected the higher, spiritual interests of Christendom. In the absence of the Commission on Holy Places provided for under Article 14 of the mandate, the mandatory Power should surely take the necessary steps to solve the problem.

Sir John SHUCKBURGH said that the Holy Sepulchre was in fact closed during Easter Week 1938. The trouble dated back to the earthquake of 1927, which upset the internal structure of the church. It was patched up, but suffered from another earthquake in 1937.

There had been considerable correspondence with the Latin, Orthodox and Armenian Patriarchates as to how the recommendations of the expert, Mr. Harvey, should be carried out and how the expenses should be met. He was given to understand that the Latin and

Armenian Patriarchates were ready to pay their share and, indeed, claimed the privilege of doing so; but there had been some difficulty in coming to an understanding with the Orthodox Patriarchate. The matter was obviously a delicate one. Great care had to be taken not to offend the susceptibilities of the different Christian communities concerned with the affairs of the Holy Sepulchre.

M. PALACIOS said the building was of so unique a character that in his view steps should be taken immediately to prevent a serious collapse. He thought the whole Commission would agree with him there.

Mr. MOODY said the Administration realised that action could not be postponed until the religious communities had reached agreement on financial and technical points. The Public Works Department was therefore preparing a plan for bracing the church temporarily, pending radical reconstruction.

M. PALACIOS noted from paragraph 1, page 102, of the Annual Report that the Orthodox, Latin and Armenian communities had been requested to contribute equal shares towards the cost of the repairs to the roof of the Basilica of the Nativity at Bethlehem. The Latin and Armenian communities had paid their respective shares, while the Orthodox community had protested, claiming the right to pay the whole cost. Did that mean that it had not paid anything at all?

Mr. MOODY said he thought that the Orthodox community had paid the whole amount and the Government had put the surplus into a suspense account.

M. SAKENOBE asked to whom the Basilica of the Holy Sepulchre belonged.

Mr. MOODY said that the ownership of the Basilica of the Holy Sepulchre in Jerusalem was divided between the three principal Christian communities—the Orthodox, the Latin and the Armenian.

The ownership of the Basilica of the Nativity at Bethlehem was in dispute and that was the reason for the difficulty to which M. Palacios had referred.

M. SAKENOBE said it was very difficult in view of Mr. Moody's reply, to understand why funds were not forthcoming for the Basilica of the Holy Sepulchre. He felt sure the necessary sum would be obtained within twenty-four hours if the facts were made known to all the Catholics of the world. Something might be done to make publicity on the actual state of the Basilica.

Sir John SHUCKBURGH said it was not so much a matter of money as of rivalry between communities. It was exceedingly difficult to arrive at agreement upon a specific programme.

Mlle. DANNEVIG presumed the question was one of prestige rather than money. She asked whether the right to preserve the *status quo* conferred by the mandate had accentuated the difficulty.

Sir John SHUCKBURGH did not think that the position had become more difficult in consequence of the mandate.

Mlle. DANNEVIG said that visitors to the Holy Places were much distressed at the dissension among the Christian communities in Jerusalem and Bethlehem. Would a round table conference be of any help? If Christian churches could not agree on such a question, how could one expect peaceful settlements on other matters?

Sir John SHUCKBURGH saw little hope that the difficulty, which arose out of age-long sentiment, could be solved in the manner suggested.

FUNDAMENTAL LAW OF THE ORTHODOX PATRIARCHATE OF JERUSALEM.

M. PALACIOS drew attention to the statement on page 106, paragraph 4, of the report, that the Government had under consideration a draft Ordinance to amend the Fundamental Law of the Orthodox Patriarchate of Jerusalem. The accredited representative had referred to that possibility at the Commission's thirty-second session.¹ In particular, he had expressed the fear that there was no hope of getting complete agreement between the laity and the Patriarchate, but he thought the differences had been so narrowed down that the Government could legislate with good hope of obtaining, if not the full concordance, at least the acquiescence of both sides. Had the Fundamental Law been amended, and if so, what attitude had those concerned adopted towards the new text?

¹ See Minutes of the Thirty-second (Extraordinary) Session of the Commission, page 122.

Sir John SHUCKBURGH said that the difficulty was that the Orthodox Church in Palestine fell into two sections—the clergy, who were Greeks and Greek-speaking, and the laity, who were Arabs and spoke Arabic. There had been a good deal of controversy between the two : the laity felt that they did not have sufficient say. In the interests of public order, which was the only ground on which he could concern himself in the matter, the High Commissioner had tried to induce the clergy to make adequate concession to the lay point of view. After some discussion, an ordinance was drafted to deal with the point, which it was hoped would shortly be enacted, with the acquiescence, if not the enthusiastic support, of the parties concerned.

NEGOTIATIONS BETWEEN THE VAAD LEUMI AND AGUDATH ISRAEL.

M. PALACIOS pointed out that the annual report for 1936 stated on page 43 that the negotiations between the Vaad Leumi and Agudath Israel, begun in 1935 with a view to meeting the legitimate claims of Agudath Israel, had been discontinued during 1936 owing to the disturbances. Had these negotiations been resumed since the disturbances ?

Mr. MOODY said the position was the same as in 1935 : no progress had been made.

SEVENTH MEETING.

Held on Saturday, June 11th, 1938, at 10.30 a.m.

Palestine : Examination of the Annual Report for 1937 (continuation).

Sir John Shuckburgh, Mr. Moody and Mr. Kirkbride came to the table of the Commission.

DEFENCE OF THE TERRITORY : POLICE (*continuation*) : CRIMINAL INVESTIGATION DEPARTMENT (*continuation*).

M. SAKENOBÉ observed (page 193 of the report) that there had been an increase of £P 1,000,000 in Palestine's contribution towards the excess cost of the Royal Air Force and army units stationed in Palestine and Trans-Jordan, as between 1935/36 and 1936/37. What was the amount provided in the budget for 1937/38 ?

Sir John SHUCKBURGH replied that the amount in the estimates representing Palestine's contribution to defence in 1937/38 was £P 789,000, approximately. The Commission would remember, however, that it had been decided to relieve Palestine of this burden for the two years 1938/39 and 1939/40.

M. SAKENOBÉ observed (page 106 of the report) that there had been an increase of over £P 200,000 in the cost of the police force and prison services in 1937 as compared with 1936. The report went on to show that there had been a corresponding increase in effectives, but that the additional cost was mainly due to the formation of a special force to control the Syrian frontier and the establishment of British police reserves in three large towns (page 108 of the report). It was further stated that the Trans-Jordan Frontier Force had remained substantially unchanged.

Could the accredited representative state whether those increased police forces had proved sufficient to carry out the duties assigned to them, or had further increases become necessary since 1937 ?

Mr. MOODY replied that there had recently been a steady increase in the effectives, and an even heavier increase in the cost of the police forces, due to increased travelling and transport, to improvements and additions in material, and to some extent to the reorganisation of the Criminal Investigation Department.

The Special Frontier Division had not been able to close the frontier entirely to the passage of men and arms, and it was for that reason that a continuous barbed-wire fence was, as already reported, being erected.

ARMS AND AMMUNITION : ARMS SMUGGLING.

M. SAKENOBÉ referred to the traffic in arms (pages 131 and 132 of the report). Seizures had increased considerably, as had the number of licences to carry firearms for self-protection. At the same time, convictions for the carriage of firearms had also increased, and military

courts had been set up to deal with a number of offences, of which that of carrying firearms involved the death penalty (page 22 of the report).

Had the measures taken to prevent the carriage of firearms proved satisfactory? To whom had licences been granted to carry firearms? Could it be taken that the persons involved in smuggling had mainly been Arabs?

Mr. MOODY replied that, although the new military courts had been in action since November 1937, it was difficult to determine the exact effect of the new defence regulations of which they formed part. The Administration's belief was that the courts had had a deterrent effect in urban and sub urban areas, although terrorist bands were still extremely active in rural areas. The position would no doubt be worse if there were no military courts. One serious difficulty up to the present had been the ease with which terrorists could cross into Syria and thus escape.

Mr. KIRKBRIDE, in reply to a further question as to the origin of seized arms, said that practically all the rifles were of war-time patterns, mostly German Mausers dated 1917; others were British army rifles which had remained in hiding since the war. Occasionally, French weapons dating from about 1924/25 had been found; these had doubtless been imported from Syria after the disturbances there. The ammunition was usually old and unreliable, but recently there had been both in Syria and in Palestine cases of seizure of small quantities of new ammunition of German origin. As to revolvers and automatic pistols, those seized came from a great variety of countries.

LABOUR : UNEMPLOYMENT (*continuation*).

Mr. WEAVER said that the labour section of the report (pages 124-131) contained welcome information concerning the development of labour statistics. He hoped that the Administration would soon be able to expand the unemployment statistics, which were still disappointing, especially as regards Arab unemployment. Although no estimate of Arab unemployment was given, it was evident that there had recently been an increase. While the Jewish unemployed were effectively assisted by means of the unemployment fund of the General Federation of Jewish Labour, Arab workers were almost completely unorganised and therefore received no assistance. Had the Government been able to do something to help them?

Sir John SHUCKBURGH agreed that the statistics of unemployment left something to be desired. The Government was anxious to improve them. As regards the number of unemployed, he quoted the figures given in Mr. Ormsby-Gore's despatch of March 10th, 1938. More recent data indicated that there had been some increase in the number of Arab unemployed. With regard to Mr. Weaver's last question, assistance had been given in the form of grants to the district authorities to enable them to undertake public works such as road-building, etc. It must be remembered that, unlike Jews, many Arabs, when unemployed, could go back to the land. The grants for relief works had certainly had some beneficial effect, but he was not prepared to say that there was no substantial distress among the Arab unemployed.

Mr. MOODY, replying to Mr. Weaver on the fall in wage rates, noted in the report (page 128), and on the prospects of introducing minimum wages, said that the Administration was making every effort to obtain more reliable information on the prevailing wage rates, and that the possibility of introducing minimum wages, with which little progress had been made in the past, would be reconsidered when conditions became more favourable.

Mr. WEAVER was sorry to see that there had been no further progress with the development of labour legislation. The draft Ordinances published in 1935 were still not on the statute book. Had the accredited representative any information to suggest the existence of any efforts to equip Palestine with an adequate code of labour legislation? If the country was going to be partitioned, a Labour Code would be particularly essential if the new States resulting from the partition were to start on sound lines.

Mr. MOODY replied that the 1935 draft Ordinances were now under consideration by a Committee on Labour Legislation.

Sir John SHUCKBURGH added that he shared Mr. Weaver's hopes in the matter of an adequate Labour Code. The problem of labour legislation was very much to the fore in all British dependencies; and he thought that Mr. Weaver might rest assured it would not be overlooked in Palestine.

JUDICIAL ORGANISATION : QUESTION OF THE APPLICABILITY OF THE OLD OTTOMAN LAW
WITH REGARD TO THE BREAKING OF THE FAST OF RAMADAN.

M. VAN ASBECK wished to raise, in connection with a matter already discussed last year,¹ a point of constitutional importance. A magistrates' court at Nablus had discharged a Moslem accused of disregarding the Fast of Ramadan, on the ground that the obligation embodied in an Ottoman imperial irade to observe the Fast was repugnant to Article 15 of the mandate. The Appeal Court reversed that judgment, and fined the accused on the ground that, as the mandate had not been made part of the legislation of Palestine, the irade was still in full force. Finally, the Supreme Court ruled that, since the former Ottoman Law had not, by the Palestine Order-in-Council (Article 46), been limited in its operation where it ran counter to the mandate, it remained in force even where it was in conflict with the provisions of the mandate. It therefore upheld the Appeal Court's decision.

The position was anomalous, for it appeared that, while the High Commissioner was expressly prohibited from legislating in a sense repugnant to the mandate, pre-existing legislation, even when inconsistent with the mandate, remained operative and had to be enforced by the courts because they were prohibited from testing that legislation as against the mandate. Such a situation might involve difficulties, particularly in connection with land tenure, which was still mainly governed by Ottoman law.

Sir John SHUCKBURGH was not familiar with the details of the specific case mentioned by M. van Asbeck ; but he believed that the general legal position had been correctly stated. He could only undertake to note what had been said, so that the whole question might be examined and dealt with in the 1938 report.

In reply to a further question, he also undertook that some reference should be made in the next report to the position arising out of the extension in 1935 to all inhabitants without restriction of the privilege of electing for trial before a British magistrate or a British majority in the district and supreme courts.

M. VAN ASBECK asked whether the work of the Supreme Court was still in arrears — as the Royal Commission had said — and whether the accumulation of appeals had been reduced.

Mr. MOODY replied that the annual report for 1937 (pages 90 *et seq*) showed that there had been a great improvement as regards arrears of cases in all the courts of Palestine. The situation as regards arrears was now practically normal. In connection with land cases, a Bill was now ready, and would soon be promulgated, providing for the constitution of land courts, to consist of one judge or chief magistrate or magistrate, in accordance with the value of the immovable property involved.

M. VAN ASBECK observed that the ordinance setting up juvenile courts had not come into force, as arrangements for segregating young offenders from adult prisoners while awaiting trial in custody had not been completed (page 155 of the report). He asked whether this obstacle could not be overcome.

He also noted that the number of escapes from reformatory schools appeared to be very high (page 109 of the report). Were there special reformatories for girl offenders ?

Sir John SHUCKBURGH said that the question how far the work of juvenile courts could be carried out, despite the lack of facilities for segregating young offenders, would be considered. As to the existence of special institutions or reformatories for young female offenders, he was not quite sure of the facts ; but he believed that the " probation " services were very active on behalf of girls who came before the courts, and there were women officers to look after them.

Mr. MOODY said that boys in reformatories were encouraged to work in the open, and this doubtless made escape more easy. The report showed that most of the escaped inmates had either been recaptured or had returned voluntarily.

Replying to Mlle. Dannevig, he added that the number of girl offenders was certainly very much lower than that of delinquent youths.

¹ See Minutes of the Thirty-second (Extraordinary) Session of the Commission, page 122.

ANTIQUITIES.

COUNT DE PENHA GARCIA said that he had read this section of the report with much interest (pages 121 to 123 of the report), and that he was much impressed with the excellent work carried out by the Administration in expanding the museum at Jerusalem, editing a new catalogue in Arabic and Hebrew, and carrying on with a number of excavations in spite of the disturbed condition of the country. Had the disturbances interfered with antiquarian research or with the preservation of antiquities ?

Mr. MOODY replied that, generally speaking, it had proved possible to pursue archæological work without appreciable hindrance.

HOLY DAYS.

Mlle. DANNEVIG asked if it would be possible to add the corresponding Christian dates to the tables of holy days at the end of the report (pages 407 and 408).

Sir John SHUCKBURGH promised that this should be done in future.

ALCOHOL AND SPIRITS : DRUGS.

M. SAKENOBE observed that although there had been an increase in the output and import of wines (page 133 of the report), and a slight increase in drunkenness (page 133), the position could not be regarded as abnormal in view of the expansion of the population and the rise in the standard of living. The 1936 report had stated that, owing to the disturbances and the institution of curfew, it had not been possible adequately to measure the practical effects of the Sale of Intoxicating Liquor Ordinance of 1935 (see page 146 of the report for 1936). Was any information available on that point now ?

Sir John SHUCKBURGH took note of this question, and promised that the matter should be dealt with in the next report. He agreed with M. Sakenobe that the position in regard to drunkenness could not be considered as abnormal.

M. SAKENOBE, turning to the question of drugs, observed that there had been a considerable increase in seizures and in prosecutions (page 135 of the report, paragraph 13). There was no doubt that traffickers were endeavouring to take advantage of the disturbances to use Palestine as a dumping-ground. Was the Administration ready to take special measures to meet this danger and, in particular, was it proposed to increase the penalties ?

Sir John SHUCKBURGH referred to the information given in paragraph 14 on page 135 of the report. It was not thought that further special measures were called for. The increase in the number of seizures and of prosecutions was a measure of the activity displayed in combating the drug menace. He believed that very severe penalties had been inflicted in a number of cases.

In reply to subsequent questions, he undertook to make further enquiry into two points of detail—viz : (1) the appearance of codeine as an appreciable import into Palestine in 1936 (page 134, paragraph 10 of the report), and (2) the question whether there had been any contraventions during 1937 of the Merchandise Marks Ordinance of 1929, in particular as far as wines and spirits were concerned (page 133, paragraph 6, of the report).

EDUCATION.

Mlle. DANNEVIG was glad to note that this subject was dealt with fully in the report (pages 136 *et seq.*). She was bound, however, to conclude that the situation as regards Arab education left much to be desired, and that progress was slow. She emphasised the recommendations of the Royal Commission's report with regard to Arab education. There seemed even to be a danger that illiteracy was no longer on the decline among Arab children.

She observed (page 144 of the annual report) that many schools had been closed and subsequently occupied by the military. What had been the attitude of masters and pupils when faced with that situation ? Did education cease altogether in those circumstances ?

Again (page 149 of the report), it appeared that in the Arab public education system there were no secondary schools whatever for girls. In the light of that fact, how was it possible to recruit students for Arab training colleges for women ?

Mr. MOODY agreed that the situation was not satisfactory. He could, however, assure Mlle. Dannevig that the Administration fully accepted the Royal Commission's view that Arab elementary education should rank second only to public security from the financial standpoint. The Mandates Commission would, however, appreciate that, in the present circumstances, a disproportionate amount of the resources of the country was being employed in the maintenance of order ; it followed that surplus funds for educational reforms and other

social services were extremely restricted. All the Administration could do at present was to endeavour to preserve existing standards and not permit retrogression.

In reply to further questions by Mlle. Dannevig, he explained that in 1936 practically all the schools and colleges for Arabs had gone on strike. It had not been unreasonable, therefore, to quarter the troops which reached the country in considerable numbers at that time in the empty school-buildings. Everything had been done, however, to find fresh quarters for the troops as rapidly as possible; and all schools had, in fact, been evacuated, although in the central and northern districts, he believed, there had been a few cases of re-occupation of school buildings by the military in connection with recent operations.

Mr. Moody did not think that village education necessarily ceased by reason of a school-building's being occupied by troops. Classes probably continued elsewhere.

Arab girls were trained to become teachers in the Women's Training College, a Government institution. He undertook to provide further details on this subject in the next report.

PUBLIC HEALTH. TOWN PLANNING AND BUILDING ACTIVITIES.

COUNT DE PENHA GARCIA said the public health section of the report (pages 156 *et seq.*) showed that the mandatory Power was doing its best to improve health conditions in Palestine.

He asked whether there was still a surplus of doctors, dentists and other medical practitioners, owing to the effects of Jewish immigration?

MR. MOODY said the High Commissioner fixed a quota for medical practitioners from amongst persons acquiring Palestine citizenship after December 1st, 1935—namely fifty in 1936, thirty in 1937 and thirty in 1938. Persons who had acquired Palestine citizenship before December 1st, 1935, could become medical practitioners, if qualified, without limit of numbers.

COUNT DE PENHA GARCIA enquired whether the increase in typhoid fever referred to in paragraph 1, page 156 of the report, had been arrested?

MR. MOODY replied in the affirmative.

COUNT DE PENHA GARCIA said the increase in typhoid indicated the need for continuing the health work. Pure water was essential, and steps should, of course, be taken to see that houses were kept clean. Sanitation in both villages and towns required constant attention. No doubt the town-planning activities would be reflected in better health conditions. What was the nature of the district town planning meetings referred to in paragraph 32, page 172 of the report?

MR. MOODY said the town planning of Palestine as a whole was under the control of the Town Planning Adviser. When town plans in relation to smaller areas such as districts had to be considered, the Town Planning Adviser, together with the District Commissioner concerned and the officials of the health and other departments, constituted local town planning committees to deal with local problems. These committees were official, but they took account of the advice and views of private persons whose property was involved.

COUNT DE PENHA GARCIA noted from paragraph 30, page 172, that sufficient local technical staff was not available.

MR. MOODY said this was a matter which could only be remedied in course of time. The staff referred to were the officials of municipal councils; and it must be remembered that in Palestine institutions had not reached the same stage of development as in Europe.

The situation would, he thought, be greatly improved as the Town Planning Adviser continued to work with the local commissions. As far as he was aware, there was no intention of appointing additional local technical staff: indeed, the municipalities would be unable to afford it.

COUNT DE PENHA GARCIA asked whether there was any law on the expropriation of property for town planning purposes.

MR. MOODY understood that there was a law for expropriating land for public purposes; but it was not likely to be used for the promotion of extensive town planning schemes.

COUNT DE PENHA GARCIA observed that, in the absence of an expropriation law, town planning work would inevitably be limited.

Mr. MOODY said it was still more limited by the lack of funds. Even when land was expropriated, it had to be paid for at market prices.

Count DE PENHA GARCIA noticed from paragraphs 33 and 34, pages 172 and 173, of the report, that building activity had slowed down. This was a further effect of uncertainty as to the ultimate future of Palestine on the general position in the country.

PUBLIC FINANCE.

M. RAPPARD congratulated those responsible for the chapter on public finance, which was very well presented (pages 173 *et seq.* of the report).

The figures down to March 31st, 1937, were somewhat disquieting; but since then the situation had improved. He noticed a striking reduction in Customs revenue amounting to £P731,767 (page 173 of the report). The adverse effect on trade of the strike and disturbances in the first six months of the financial year was said to be reflected in a fall in the total value of imports (paragraph 3, page 173). On page 236, however, imports for home consumption were said to have increased by £P1,924,643 as compared with the preceding year. Of course, the figures related to different periods. The strike had subsided; but the disturbances had grown worse. It was interesting to note these fluctuations; and fortunately the situation had improved during the course of the year 1937. He presumed an increase in revenue could be expected in the next fiscal year, which would contain nine months of 1937. It was fortunate that the country had such large surplus funds to draw upon.

M. Rappard noted that revenue from interest had increased from £P141,279 in 1935/36 to £P150,730 in 1936/37 (page 176 of the report).

Reference was made on page 211 of the report to the Police Fines Fund of £P3,459. He presumed fines levied by the police were not regarded as annual revenue, but were paid to a capital fund.

Mr. MOODY thought the explanation of the increase of £P2,000,000 in imports was that stocks depleted during the strike were replenished during 1937.

Police fines were paid into revenue, but were used for specific purposes laid down in an ordinance or by regulations. A special account was kept of these funds.

Trans-Jordan : Examination of the Annual Report for 1937.

ELECTIONS TO THE LEGISLATIVE COUNCIL.

M. PALACIOS referred to the statement on page 302, paragraph 15, of the report, to the effect that the elections for the fourth Legislative Council were keenly contested and that the first session of the new Council was opened by the Amir on November 1st. Were there any disorders during the elections? Could the next report contain information on the composition of the new Legislative Council according to parties?

Mr. KIRKBRIDE said that there had been no disorder whatever during the course of the elections.

MUNICIPAL COUNCILS.

M. PALACIOS observed that in page 311 of the report, paragraph 2, it was stated that a new municipal law was passed by the Legislative Council in December 1937 and would come into force on April 1st, 1938, with regard to the working of the Municipal Councils.

BEDOUIN POPULATION AND SETTLEMENT.

M. VAN ASBECK said the Commission had been informed about two years previously¹ that there were 30,000 Bedouin in Trans-Jordan. What were their numbers at the present time?

Mr. KIRKBRIDE said that the figure of 30,000 had been an estimate. He had no reason to suppose there had been any appreciable increase since then.

M. VAN ASBECK asked whether the settlement of the Bedouin was proceeding. The 1936 report had referred to the difficulty of accustoming them to a regular life.

Mr. KIRKBRIDE said that the scheme for settling the Bedouin on the land was proceeding, though not rapidly.

¹ See Minutes of the Twenty-ninth Session of the Commission, page 77.

LAND TENURE : QUESTION OF INCREASING THE AREA OF CULTIVABLE LAND BY MEANS OF IRRIGATION.

M. VAN ASBECK asked whether the partition of Masha'a Land was proceeding (page 313 of the report).

Mr. KIRKBRIDE replied in the affirmative, and added that a grant had been made from the Colonial Development Fund for the acceleration of land partition and settlement.

M. VAN ASBECK asked how the Land Settlement Court was composed.

Mr. KIRKBRIDE said it consisted of a single Arab judge.

Mlle. DANNEVIG asked whether additional land could not be made available by irrigation and the sinking of wells.

Mr. KIRKBRIDE said an investigation was being made into the water resources of Trans-Jordan and the possibility of bringing additional land under cultivation through irrigation.

VILLAGE COUNCILS.

M. VAN ASBECK did not understand the reference to village councils on page 305 (paragraph 18) of the report. In 1936, the accredited representative said there were no village councils because they would be foreign to the administration inherited from the Ottoman Government.¹

Mr. KIRKBRIDE said that the village councils in question had no legal standing or powers : they consisted of mukhtars and village elders.

NATURALISATION.

M. PALACIOS said that at the thirty-second session of the Commission,² the accredited representative was asked for information with regard to the refusal of applications for naturalisation. It was stated on page 321 of the annual report for 1937 that applications for naturalisation were refused in three cases in 1936. What was the previous nationality of the persons acquiring Trans-Jordan nationality referred to on the same page ?

Mr. KIRKBRIDE said this information would be provided in the next report.

JUDICIAL ORGANISATION : TRIBAL COURTS.

M. VAN ASBECK noted that justice was administered more satisfactorily by the tribal courts (paragraph 25, page 307 of the report), but important cases (such as cases of compensation for blood, honour and horse partnership) went to the Government courts. Was not that a disadvantage for the good administration of justice ?

Mr. KIRKBRIDE said that, in any event, the tribal courts only dealt with cases concerning certain specific tribes named in the Tribal Courts Law. Cases of compensation for blood, honour and horse partnership were referred to the tribal courts when the agreement had been reduced to writing, in circumstances where the mutessarrif was of opinion that the parties, by ancient custom, followed tribal procedure, if such cases occurred between members of nomadic and non-nomadic tribes or between members of non-nomadic tribes.

M. VAN ASBECK asked whether the magistrates in the magistrates' court were Trans-Jordanians.

Mr. KIRKBRIDE replied in the affirmative.

M. VAN ASBECK asked where they received their training.

Mr. KIRKBRIDE said some had trained in the Law School, Damascus, some had passed through the Government Law Classes at Jerusalem, and others had acquired their training in actual practice, having begun their careers as clerks in the courts.

¹ See Minutes of the Twenty-ninth Session of the Commission, page 78.

² See Minutes of the Thirty-second (Extraordinary) Session of the Commission, page 131.

REACTION IN TRANS-JORDAN TO THE PALESTINE DISTURBANCES : QUESTION OF PUBLIC SECURITY.

The CHAIRMAN drew attention to the chapter on public security (pages 298 to 300 of the report); this matter formed the subject of an observation by the Commission at its thirty-second session.¹

ECONOMIC EQUALITY : AGREEMENT BETWEEN HIS BRITANNIC MAJESTY AND HIS HIGHNESS THE AMIR.

Count DE PENHA GARCIA presumed that the information given in paragraph 3, page 335 of the report, was intended to assure the Commission that the principle of economic equality would be respected.

Mr. KIRKBRIDE said that provision was made in the Agreement between His Majesty the King and His Highness the Amir for the tendering of advice to His Highness, in order to enable His Majesty's Government to carry out its international obligations, whatever they might be.

ECONOMIC SITUATION : IMPORTS AND EXPORTS.

M. GIRAUD noted from the statistics that the economic situation was favourable. Crops amounted to three times the production in the previous year in some cases. Exports of cereals had trebled (page 382 of the report), and exports in general were more than doubled (page 382). Imports also had increased (page 376 of the report). In the table on page 384 of the report, no figures were given for exports to Nejd, and it was stated that there were no figures for that trade. On the other hand, the same table gave statistics of imports from Nejd. How was it possible that there should be statistics of imports from that country and no statistics of exports thereto? Were there Customs posts where the principal caravan routes could be controlled?

Mr. KIRKBRIDE pointed out that the table referred to covered both imports and exports. Customs posts were maintained on all the principal trade routes to and from Trans-Jordan. There was a gap in the Statistics Office records in so far as part of the trade between Trans-Jordan and Nejd was concerned; but it would no doubt be remedied in time.

M. GIRAUD asked why there had been so great an increase in exports to Syria since 1937; they had increased in value from £P29,781 to £P106,861 (page 379 of the report).

Mr. KIRKBRIDE said trade between Syria and Trans-Jordan had increased considerably in 1936 because of the disturbed state of the Palestine market. The commercial ties formed during that period were not all broken when Palestine returned to a more normal state of affairs.

MISSIONS.

M. PALACIOS said a list of missions working in Trans-Jordan was given on page 347, paragraph 7, of the annual report for 1936. At the thirty-second session, the accredited representative had been asked to be good enough to give in the next report information about the approximate strength of each type of mission.² It appeared from page 337, paragraph 7, of the report for 1937 that the number of foreign adults in these missions was sixty-six.

Could it be assumed that there had been no change in the number of missions in 1937, and were persons of Trans-Jordanian nationality also members of the foreign missions?

Mr. KIRKBRIDE knew of no appreciable change in the number of missions. As the report stated that the numbers given represented *foreign* adults in the missions, he presumed that Trans-Jordanians were excluded.

ARAB LEGION.

M. SAKENOBE noted that provision was made in 1937 for an increase in the strength of the Arab Legion (page 337 of the report). What was the reason for the increase, and would it be maintained?

Mr. KIRKBRIDE said the principal reason was the importance of controlling the frontiers at a time when the neighbouring territory of Palestine was in a troubled state. He could not say whether the increase would be maintained.

¹ See Minutes of the Thirty-second (Extraordinary) Session of the Commission, pages 129 and 233.

² See Minutes of the Thirty-second (Extraordinary) Session of the Commission, page 133.

ARMS AND AMMUNITION.

M. SAKENOBÉ asked why permission was given to manufacture blasting-powder under Government supervision and control during the recent disturbances in Palestine (page 349 of the report). Was it manufactured for the Government ?

Mr. KIRKBRIDE said the blasting-powder manufactured in Trans-Jordan was for ordinary quarry work.

HOLY DAYS.

M. PALACIOS said that at the thirty-second session of the Commission,¹ the accredited representative had been asked a question about holy days in Trans-Jordan. While he was unable to give a definite reply, he said he thought the only official holy days in Trans-Jordan were those observed by the Moslems. On page 310, paragraph 43, of the annual report for 1937 would be found a list of holy days in Trans-Jordan. Among them were the Anniversary of Arab Revolt and Independence Day. M. Palacios believed the origin of the former was the revolt against the Turks, the revolt in the desert, about which there was a well-known book ; but what was the origin of the other ?

Mr. KIRKBRIDE said the Anniversary of Arab Revolt was the anniversary of the rise of the Sherif of Mecca (afterwards King Hussein) against the Turks. Independence Day was the day on which Trans-Jordan enacted its Organic Law after the conclusion of the agreement between His Majesty the King and His Highness the Amir.

LABOUR.

M. PALACIOS noted that the general idea of labour legislation promoted by the International Labour Organisation was viewed with sympathy, but was not regarded as applicable to Trans-Jordan in its present state (page 348 of the report). Nevertheless, reference was made on the same page to certain undertakings given by certain factory owners in regard to the employment of children. Did these undertakings really indicate a wish to comply with the spirit of international provisions ? He thought the industries that were growing up were rather carried on in the home.

Mr. KIRKBRIDE said the undertakings in question related to two tobacco and cigarette factories at Amman which had been found to be employing children under the minimum age provided for in Labour Conventions. The Government made representations to the factory owners, who readily undertook not to employ children below the prescribed minimum age.

ECONOMIC REPERCUSSION OF THE STRICTER CONTROL OF IMMIGRATION INTO PALESTINE.

M. VAN ASBECK asked what were the means of subsistence of tribes from Trans-Jordan who were deprived of their source of livelihood by the stricter control over immigration now exercised by the Palestine Administration (page 312).

Mr. KIRKBRIDE said they lived on what work they could find in Trans-Jordan, mainly agricultural work.

ALCOHOL AND SPIRITS.

M. SAKENOBÉ drew attention to the discrepancy between the quantities of certain liquors manufactured by distillers as stated in the reports for 1936 and 1937 (pages 350, paragraph 7 and 384, Table C, of the report for 1937 ; and page 359, paragraph 7, of the report for 1936).

Mr. KIRKBRIDE said this discrepancy had been brought to his notice. He would look into the matter.

DRUGS.

M. SAKENOBÉ noted that there had been an increase in seizures of dangerous drugs (paragraph 5, page 350 of the report). Were these drugs employed by the Trans-Jordanians or re-exported ?

¹ See Minutes of the Thirty-second (Extraordinary) Session of the Commission, page 133.

Mr. KIRKBRIDE said there was little addiction to drugs among native Trans-Jordanians. Any consumption of drugs in the country was due to residents of other origins ; Egyptians were the main offenders in respect of hashish. He was unable to say whether there was any re-export of drugs smuggled into Trans-Jordan.

EDUCATION.

Mlle. DANNEVIG asked whether many applications for education had to be refused, and what steps were taken to improve the situation.

Mr. KIRKBRIDE said that a good many applications for the admission of children to schools still had to be refused. Everything was done, as far as the financial situation permitted, to improve matters. A municipal education rate had been introduced in Amman and Es Salt ; and, as a result, several new schools had been opened.

Mlle. DANNEVIG asked whether a similar rate would be introduced elsewhere.

Mr. KIRKBRIDE said that the Government intended to encourage other municipalities to introduce a similar rate as and when circumstances permitted. The imposition of this additional taxation had not aroused opposition ; in fact, the contrary was the case in so far as fathers of families were concerned.

Mlle. DANNEVIG asked whether the attitude of pupils and teachers during the disturbances continued to be satisfactory.

Mr. KIRKBRIDE replied in the affirmative.

PUBLIC HEALTH.

Count DE PENHA GARCIA asked for information in the next report about the nationality of the health personnel referred to in paragraph 1, page 357 of the report.

Mr. KIRKBRIDE took note of this request.

Count DE PENHA GARCIA asked whether there was still a dearth of medical practitioners.

Mr. KIRKBRIDE said the profession was not overcrowded, but the needs of the country were reasonably met.

Count DE PENHA GARCIA asked whether the Desert Mobile Health Unit (paragraph 19, page 363 of the report) had proved a success and whether other units would be formed.

Mr. KIRKBRIDE said that it had been successful, but that there was no intention of forming other similar units at the moment.

Count DE PENHA GARCIA would welcome further information in the next report.

PUBLIC FINANCE.

M. RAPPARD pointed out that Trans-Jordan enjoyed moral and psychological independence side by side with financial dependence on the British taxpayer. He wondered whether the inhabitants fully realised their situation, and what would happen if they pressed their claims to independence to a point at which the British taxpayer lost patience.

Sir John SHUCKBURGH hoped that such a contingency would not arise.

M. RAPPARD enquired what was the difference between " estimates " and " forecasts " in the report.

Mr. KIRKBRIDE said estimates were made before the beginning of the financial year to which the figures referred ; forecasts were made part way through the year, when it was possible to anticipate with some accuracy the final position.

CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representatives for their co-operation and for the patience and goodwill they had displayed in answering the numerous questions put to them.

Sir John SHUCKBURGH was grateful for the Chairman's remarks. The accredited representatives had greatly appreciated the courtesy and consideration shown to them.

It was important and, indeed, essential that the two bodies represented on these occasions—the Permanent Mandates Commission and the accredited representatives of the mandatory Power—should meet as colleagues and not disputants; and that their joint efforts should be directed towards improving the administration of the mandated territories and overcoming serious difficulties, such as had arisen in the case of Palestine.

The CHAIRMAN said the accredited representatives would not fail to have observed that the Commission had conducted its examination of the annual report with due regard to the very difficult situation in Palestine.

Sir John SHUCKBURGH cordially agreed; that was precisely what he had intended to convey in his remarks.

Sir John Shuckburgh, Mr. Moody and Mr. Kirkbride withdrew.

Syria and Lebanon : Date of Examination, in the Presence of the Accredited Representative of the Mandatory Power, of Petitions : Communication to the Commission of Proofs of the Annual Report for 1937.

The CHAIRMAN informed the Commission that M. de Caix would be available on June 14th, when they would have an opportunity of putting to him any questions relating to petitions from Syria and also to the request by the French Government that the consideration of the annual report be postponed.

The report would be communicated to them in proof form, which would assist them in preparing their questions. They would, of course, receive the final report in time for the autumn session.

EIGHTH MEETING.

Held on Monday, June 13th, 1938, at 10.30 a.m.

South West Africa. Examination of the Annual Report for 1937.

Mr. C. T. te Water, High Commissioner for the Union of South Africa in London, and Mr. H. T. Andrews, Permanent Delegate of the Union of South Africa to the League of Nations, 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 Mr. Andrews. They had both appeared on several occasions before the Commission. He thanked the mandatory Power for its very elaborate and complete report.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Mr. TE WATER made the following statement :

Mr. President, may I first of all thank you for your words of welcome to my colleague and myself. For our part, it is always a great pleasure and privilege to appear before this important body, and it is my desire, as it is the desire of my Government, to give the Commission as much information as is possible.

I have no formal statement to make, but there are one or two observations which I think might be valuable to the Commission in anticipation of questions which may be put to me.

First of all, on examination of the report on the period under review, it can be said generally that it was a prosperous period. The South West African territory was fortunate in having good rains; and that is all-important from the point of view of the welfare of both European and native populations.

The report shows a period of higher prices and, from the point of view of the native, better wages and better crops. It is to be observed that the territory itself has been opened up considerably by the building of new roads, and that motor transport has been extended in a territory which depends so much upon transport. That particular form of transportation has been characterised as great boon to the territory.

The finances of the period under review show an unusual buoyancy. But, as always happens when revenues are buoyant, there is to be observed an increase of expenditure, and I have no doubt that members of the Commission will have some questions to put on that point. Nevertheless, it did become necessary to borrow to the amount of £135,000 from the mandatory Power in order to balance the 1936/37 budget; but henceforward, as is known to the Commission, the Administration will be relieved for an indefinite period from budgeting for interest on and redemption of this debt, which will in future be debited to a suspense account by the Union Government.

The year 1937/38, which has just concluded, proved an even more buoyant year from the point of view of revenue. Indeed, it is one of the best financial years that the Administration has experienced. An anticipated deficit was turned into a small surplus for the first time for many years, while all minor debts which had been outstanding against the Administration have been cleared, and the only debt with which the Administration is now faced is that which it owes to the Union on its borrowed moneys.

It might interest the Commission to know that the budgetary statement for this year, 1938/39, has also been issued by the Administrator, who sounds a note of caution therein. It appears that the diamond market suffered a considerable setback at the beginning of this year, and the anticipation is that the receipts from the Diamond Tax will fall off very considerably. The Administrator also drew attention to signs of a slowing-down of the forward economic movement in the territory itself, a slowing-down process which, he believes, will run concurrently with a similar tendency in the Union. For these reasons he sounds a note of caution.

In his budgetary statement the Administrator informed the Legislative Assembly this year that it will be very necessary for the citizens of South West Africa to be both thrifty and self-helping, while it will be the part of the Administration itself to proceed with greater caution than it has done in the past.

I now turn to questions of politics, which I know are always of great interest to the members of this Commission. The Administrator has informed me that the political "temperature" of South West Africa is at the moment more "normal" than it has been for some time. The Union Government itself has, I think, stated the whole question very clearly in this report, which says in its last paragraph (page 152) that the Government has every confidence that the mellowing influence of time and the necessity to co-operate in the promotion of common interests will gradually exercise their beneficial effects. That, of course, is a hope; it may be a pious hope, but it is nevertheless a hope which both the mandatory Power and the Administration express.

In this regard I should say that the co-operation between the two sections of the territory, a co-operation which was so much emphasised by members of this Commission at the last hearing,¹ is hampered to a considerable extent by the inherent uncertainty of the political future of the territory. That is a constant factor in the political situation in South West Africa which makes government difficult. It is a factor of which every member of the Commission is aware. If one remembers the different crises through which Europe has passed during the last year, it can be readily appreciated how the territory reacted immediately to those crises, and how those reactions made the situation difficult from the point of view of government. But in spite of these difficulties, which, as I have said, are inherent in the political situation of the territory, the Administrator does report that the atmosphere has been clearer and that government has been easier during the last few months.

I have no desire to elaborate my opening statement to any great extent, but I think I am justified in saying that the report for 1937 is a demonstration of the Administration's vigilance in regard to the interests of the natives. I am inclined to think that of all the reports which I have studied since 1930, this one can be most aptly described as a report on native affairs. It can, I think, be described as a very genuine effort to meet the Commission's explicit position (which was referred to at the last hearing by members of the Commission and particularly by its Chairman)² under Article 22 of the Covenant. In a sense, the emphasis placed on native affairs may be said to be a departure from the normal standard of our reports; but, whether that is so or not, I am sure it represents a practice which the Commission will commend. It is a practice which is in the spirit of the trust which has been placed upon the mandatory Power—a practice, the continuance of which I myself will press upon the Administration.

The CHAIRMAN thanked Mr. de Water for his statement, and expressed the Commission's appreciation of the mandatory Power's efforts to make the annual report meet the suggestions previously advanced by the Commission.

¹ See Minutes of the Thirty-first Session of the Commission, page 192.

² *Ibid.*, page 124.

GENERAL ADMINISTRATION : QUESTION OF THE INCORPORATION OF SOUTH WEST AFRICA IN THE UNION AS A FIFTH PROVINCE : RELATIONS BETWEEN THE VARIOUS EUROPEAN ELEMENTS IN THE TERRITORY : RESTRICTION OF THE ACTIVITIES OF POLITICAL ORGANISATIONS (PROCLAMATION No. 51 OF 1937) : ACTIVITIES OF THE GERMAN PARTY : QUESTION OF TRANSFERRING TO THE LEGISLATIVE ASSEMBLY THE POWER TO MAKE ORDINANCES.

The CHAIRMAN said that he had been much struck by the accredited representative's words concerning what he called the uncertainty as to the political future of the territory. Surely such uncertainty could only exist among the ill-informed and not in official circles?

Mr. TE WATER replied that there was constant controversy about the future of mandated territories; in the case of South West Africa that controversy was being kept alive by a section of the population. At the same time, the policy of the Government of the Union of South Africa had been and remained perfectly clear: it did not intend to surrender the mandate.

M. PALACIOS said that was true, but perhaps the Government had not entirely removed all doubt as to the incompatibility of the Fifth Province with the mandate. And, with special emphasis on the character of the questions raised by the Chairman, he drew attention to the discussion in the Commission in 1937 about the status of the territory, and to the Commission's observations to the Council on this subject at its thirty-first session.¹

The mandatory Power had replied to these observations on pages 151 and 152, paragraph 833, of the report for 1937. It had also communicated the *Official Gazette*, No. 707, with Proclamation No. 51 of 1937.

At the end of the mandatory Power's reply (page 152 of the report) would be found the following conclusion:

" . . . it can be stated that some improvement in the political atmosphere in the Territory has become evident since the issue of Proclamation No. 51 of 1937, which regulates and restricts the participation of non-British subjects in the public and political life of the Territory. The Union Government feels, however, that legislation, no matter in what form it may be devised, never can nor will rectify a state of affairs which has for its root cause the lack of mental affinity and purpose between the various elements of the European population in the territory. It has, however, every confidence that the mellowing influence of time and the necessity to co-operate in the promotion of common interests will gradually exercise their beneficial effects."

M. Palacios had some hesitation in believing that the policy of prohibiting non-British subjects from joining political organisations such as the *Deutscher Bund*, the *Deutscher Südwest Bund*, etc., would have a mellowing influence on the European population of the territory, as the Government of the mandatory Power hoped. Was not the contrary, perhaps, to be feared as a result of the ban? Nationalist and other movements might, as everyone was aware, smoulder underground for a long time, in spite of prohibition, and emerge suddenly, even violently. There were already signs of this. The following passage occurred, for example, in the *Deutsche Allgemeine Zeitung*, Berlin, of March 28th, 1938:

" On March 26th, 1938, there was a discussion at Windhoek between the representatives of the *Deutscher Südwest Bund* from all parts of the territory and the five German deputies.

" During this discussion the whole political situation was discussed fully. The following resolution was unanimously adopted against the annexationist policy of the United National South West Party as expressed at the meeting held at Windhoek on February 17th:

" " The *Deutscher Südwest Bund* protests most strongly against the annexationist aspirations of the United National South West Party and against any attempt to change the mandatory character of the territory. The Bund regrets that such propaganda will inevitably lead to further disturbances of the peace among the population of the South West.

" " Against such aspirations the *Deutscher Südwest Bund* declares that in the future, as hitherto, it will strongly support the maintenance of the mandatory character of the country, having faith in this country's future, until an equitable settlement has been reached of the German demands for colonies."

According to paragraph 10, page 4 of the report, the *Deutscher Südwest Bund* was declared to be a political organisation as from December 15th, 1937. More than three months after that date, the representatives of the organisation, which non-British members could no longer join, passed resolutions of a somewhat political character.

Could the accredited representative give the Commission any information on that subject?

¹ See Minutes of the Thirty-first Session of the Commission, page 192.

What had in fact happened at the meeting of the United National South West Party referred to in the resolution of the Deutscher Südwest Bund ?

M. Palacios desired, in particular, to point out that the latter organisation fully supported the mandate against those who were anxious to change its character constitutionally.

Mr. TE WATER said that the question raised the whole issue of policy. The Union Government's attitude had been made perfectly clear at the thirty-first session of the Commission. In the words of the annual report for 1936 (page 4) :

“ The Union Government was of the opinion that to administer the territory as a fifth province of the Union, subject to the terms of the mandate, would not be in conflict with the terms of the mandate itself ; yet it felt that sufficient grounds had not been adduced for taking such a step.”

It followed that the Union Government's policy was not of an annexationist character. It was clear that one section of the population, namely a part of the German community, found in vigorous opposition to a supposed annexationist policy a useful method of furthering its own ends, which were to effect re-union with Germany. Conflict and friction had resulted, and the Administration had been compelled to take action. Although the policy of limiting the activities of political associations might be thought wrong, yet he would ask the Commission to believe that there had been no possible alternative, in view of the tension then prevailing. There had in fact been some improvement in the situation since the decision indicated on page 4, paragraph 10, of the report of 1936.

Mr. te Water wished to make it clear not only that the purpose of Proclamation No. 51 of 1937 had been to limit membership of political associations to British or naturalised subjects, but also that the former Deutscher Bund had been voluntarily wound up in June 1937, and that it was at the request of its own members that the new Deutscher Südwest Bund had been declared a political organisation in December 1937.

M. PALACIOS said that the following organisations had been declared political as from July 1st, 1937 (see *Official Gazette* of April 17th, 1937) :

The Deutscher Bund, afterwards transformed ; the United National South West Party ; the Economic League of South West Africa.

Was the last-mentioned organisation regarded as political in spite of the word “ economic ” ?

Mr. TE WATER confirmed that the Economic League of South West Africa had in fact political objects.

M. SAKENOBE asked whether there had been any convictions for offences against Proclamation No. 51 of 1937 concerning political organisations, and whether there had been violation of the immigration regulations governing the admission of certain aliens to the territory.

Mr. TE WATER believed that there had been no violations of Proclamation No. 51. He undertook to enquire as to violations of the immigration laws.

M. VAN ASBECK regretted that the constitutional issue, which was of great importance, should have been dealt with at the very end of the report. He appreciated, however, that the Mandates Commission's observations were only made available late in the year, when the bulk of the annual report had already been printed.

He drew attention to a debate held on April 5th, 1938, in the Legislative Assembly of the Territory of South West Africa, at which it had been proposed to request the Union Government to transfer to that Assembly power to make ordinances in regard to various matters, of which the most important was the control of the police. The report of that debate made it clear that there was very bitter feeling concerning both the constitutional issue and the activities of the German Party. One speaker felt that matters had gone so far that it would be preferable to abolish the Legislative Assembly of South West Africa altogether. The debate was not a good example of the “ mellowing influence of time ” in which the mandatory Power placed so much hope.

Mr. TE WATER said that, although he had no official cognisance of the matter, he had read reports of the debate and been struck by its bitter character. The incident was unfortunately not unusual ; but he pointed out that it had occurred at a moment of great tension in Europe. As he had already suggested, conflict and tension in South West Africa were in direct proportion to the state of uncertainty and apprehension prevailing on the European continent. Reaction to European developments was automatic and immediate.

M. VAN ASBECK asked whether external influences were still at work. It was well known from the petition of Dr. Hirsekorn, which had been discussed during the thirty-third session,¹ and from information given by the mandatory Power, that the old Deutscher Bund had been in close touch with the German National Socialist Party, and it was often reported in the African and British Press that this latter party was extremely active throughout South Africa, giving propaganda lectures, organising youth movements, etc. He did not, of course, wish to raise the question of political agitation in parts of South Africa other than the mandated territory, except in so far as they affected the situation within the territory, but would like to know whether National Socialist activities perhaps spread from the Union to the territory under mandate, where they would find a favourable field.

Mr. TE WATER replied that since the new Deutscher Südwest Bund had been declared a political organisation, its activities had been pursued with greater caution than formerly. No doubt the extremer German elements, who had been described as being driven underground, were still in existence ; but the Administration felt no special concern on that score. In the Union, political expression was free. There was doubtless a link between agitation within South West Africa and political movement in the Union ; but he felt convinced that, if there were any, it was not a case of agitation filtering into the mandated territory from the Union, but rather the reverse.

In reply to a further question, Mr. te Water said that evidence of intimidation of naturalised Germans from outside had at one period caused great anxiety, and had been one of the reasons justifying the measures taken in regard to political organisations. In recent months, he believed, there had been no direct evidence of intimidation. It could be accepted that the Administration would deal effectively with any cases which might arise. The Union Government had declared its attitude very clearly on that point.

QUESTION OF THE RECOGNITION OF GERMAN AS A THIRD OFFICIAL LANGUAGE.

M. VAN ASBECK referred to a discussion at the thirty-third session of the Commission² on the subject of the recognition of German as an official language, and asked if anything further had been done in the matter.

Mr. TE WATER replied that there was no change in the situation, and that the declared policy of the Government stood unaltered.

NATURALISATION.

M. VAN ASBECK asked whether Proclamation No. 51 of 1937, concerning political organisations and their members, had led to an increase in the number of naturalisations. Was it a fact, as reported by Union newspapers, that the act of applying for naturalisation was commonly represented among Germans as treachery to the Fatherland ?

Mr. TE WATER said that he understood there had been no increase in the number of naturalisations as a result of the Proclamation. The attitude towards naturalisation to which M. van Asbeck had drawn attention was current among the German elements of the population ; but he was not in a position to draw the conclusion that it amounted to intimidation.

INTERNATIONAL CONVENTIONS.

Count DE PENHA GARCIA expressed appreciation of the mandatory Power's action in giving in the report a full list of all the international instruments applicable to South West Africa (pages 4 and 146 of the report). He would like the list to be kept up to date and reproduced in subsequent reports, and suggested that it might be divided, for convenience, into three sections : (1) general treaties and agreements ; (2) extradition treaties ; (3) economic and commercial instruments.

Mr. TE WATER said that he would not fail to put that suggestion to the Union Government.

PROCLAMATIONS RELATING TO EDUCATION PROMULGATED DURING 1937.

Mlle. DANNEVIG asked for information concerning Proclamations 14, 16 and 36 (page 2 of the Report).

Mr. ANDREWS said that Proclamation 14 related to the payment of various allowances to non-European teachers, with particular regard to local allowance and travelling and subsistence allowance. The other Proclamations touched upon minor matters in respect of the grant of bursaries to students, and maintenance grants to physically disabled children.

¹ See Minutes of the Thirty-third Session of the Commission, pages 139 *et seq.*

² *Ibid.*, page 148.

ADMINISTRATIVE ORGANISATION : RECRUITMENT AND TRAINING OF OFFICIALS.

M. VAN ASBECK thanked the mandatory Power for giving a very complete picture of organisation and establishment. The report contained a particularly valuable table of the administrative mechanism (page 144 of the report).

Little was, however, said concerning the recruitment of officials. At the thirty-first session of the Commission,¹ it had been shown that there was little keenness in the Union of South Africa to enter the administration of the territory, which suffered from an undue proportion of temporary officials.

Mr. TE WATER expressed his regret at having failed to make sure that the question was fully dealt with in the 1937 report. He would, however, request that the defect be made good in the following report.

As regards the treatment of officials, he drew attention (page 14, paragraph 63, of the report) to the fact that the salary reductions imposed upon all officials in 1932/33 had been refunded in 1936/37.

Lord HAILEY recalled that the Commission had discussed at its thirty-first session the desirability of giving special training in native affairs to officials intending to join the South West Africa Administration. Was the Union Government still opposed to that suggestion ?

Mr. TE WATER said that the Government was far from desiring to discourage the acquisition of special knowledge (the Bantu languages, anthropology, etc.) by young officials. There were courses at the universities in native languages and anthropology, and officials generally began or continued such studies after they had taken up their posts, in order to secure promotion. Some knowledge of native affairs, languages and customs was common among South Africans, and this would perhaps explain why the Government had not considered it necessary to make such studies compulsory.

M. SAKENOBE observed that the number of higher officials in the territory was extremely small in relation to the work to be carried out, that the number of native commissioners appeared to be inadequate, and that it seemed a matter for regret that in seventeen districts the magistrates of the courts should be compelled to carry out administrative work (pages 44-46 of the report).

Mr. TE WATER pointed out that apart from the question of expense, which was an important one, account should be taken of the fact that the Administration was deliberately conducted in accordance with a system based on experience in other parts of the Union of South Africa. There were, in addition to the officials mentioned by M. Sakenobe, a number of native Welfare Officers, both in the native reserves and in the mining districts.

The principle of entrusting magistrates with administrative as well as judicial functions was common throughout the Union. It had worked exceedingly well over a long period, and was unlikely to be given up.

M. SAKENOBE noted that all the magistrates were drawn from the Department of Justice of the Union. Were they able to acquire experience in native affairs ?

He found that the total number of native Welfare Officers was only nine (see table, page 144 of the report). They had to attend more than twenty native reserves. That tended to confirm his impression that native affairs were perhaps not as effectively dealt with as they might be.

Mr. TE WATER said that the magistrates drawn from the Department of Justice had opportunities of acquiring experience in native affairs. Here again, the system was of long standing and was believed to work well. As regards the simultaneous exercise of administrative and judicial functions, he could assure the Commission that the local magistrates were greatly respected by the natives and had proved excellent administrators.

The number of native Welfare Officers was admittedly small ; but efforts were constantly being made, in so far as means permitted, to increase it.

Mr. te Water could not agree with the suggestion that native interests were neglected by the Administration. His own contact in 1937 with the two South African officials who had appeared before the Mandates Commission on the last occasion for the examination of the 1936 report on South West Africa had, on the contrary, convinced him that the natives' interests were the very close concern of the Government and of the officials. The natives themselves, moreover, had constantly expressed their appreciation of what was being done for them.

¹ See Minutes of the Thirty-first Session of the Commission, page 118.

WELL-BEING AND SOCIAL DEVELOPMENT OF THE NATIVES : IMPROVEMENT OF NATIVE RESERVES.

Lord HAILEY, referring to native administration in general, said that most members of the Commission would agree with Mr. te Water that the Union Government had given proof of its concern for native interests in South West Africa. At the same time, he desired, for his part, to repeat the view expressed by some members during the examination of the 1936 report¹ that the administrative staff, which had to provide for the material as well as the social welfare of the natives, was small and needed expansion.

He also felt some concern on reading (page 51, paragraph 305, of the report) that it was now the Administration's definite policy to discontinue spending substantial sums out of general revenue for development purposes. At a time when the United Kingdom Government was spending large sums in other territories—for example, £114,000 for water supplies in Bechuanaland and £208,000 for tsetse control and £57,000 for improving water supplies in Tanganyika—in the interests of the natives, it was very difficult to accept the view that in South West Africa it was preferable at this stage to teach the natives to depend on themselves. It was not reasonable to tell natives who were in the position of those in South West Africa that they should begin to save up money to improve their water supply and the like. It should be the guiding principle of the Administration to spend as much as possible for those purposes, in the certain knowledge that such a course represented a wise investment.

M. SAKENOBE drew attention to the Commission's recommendation in 1937² in favour of direct assistance by the mandatory Power to the territory with a view to the further improvement of conditions in the native reserves. Paragraph 305 on page 51 of the report showed that the view that more money should be spent was shared by the Constitutional Commission. It was evident that the natives were not yet in a position to stand by themselves.

M. TE WATER appreciated the fact that the Mandates Commission as a whole shared the views which had just been expressed. The policy of the Administration, expressed in paragraph 305 (a), that it would be unfair to burden the European population with further taxes for native development when the whole of the native contribution to revenue was handed over to trust funds for expenditure on the natives, was based on the reason given in paragraph 302, namely, that it was the considered opinion of the Administration that it would be unwise to accelerate the development of the native races unduly.

The policy had previously been to spend considerable sums on those purposes ; but a point had been reached where it was felt that the development of the reserves should be borne by the Trust Reserve Funds and perhaps at a slower tempo than the Commission might desire. Experience had definitely shown that the pace of development should not be forced.

At the same time the authorities would not disregard the Commission's opinion ; and he would himself urge that close attention should be given to it.

Lord HAILEY observed that paragraph 302 dealt with social improvements (education, etc.), while paragraph 305 was concerned with material development in the shape of water supplies, health services and so forth. There could be no question of tempo in the matter of water supplies or health measures, especially in a territory in which drought was a periodic affliction. A policy of asking the natives to wait patiently until they could themselves provide essential services was not really consistent with the mandatory Power's own past record as a guardian of native interests in South West Africa. He added that his object was not so much to criticise as to encourage the mandatory Power to do everything in its power to improve native conditions.

The CHAIRMAN said that Lord Hailey had actually repeated an opinion which was general among the members of the Commission ; at the same time, the Commission as a whole was not bound by every word spoken by Lord Hailey. He would give Mr. te Water an opportunity of replying at the beginning of the following meeting.

¹ See Minutes of the Thirty-first Session of the Commission, pages 119 and 121.

² *Ibid.*, page 192.

NINTH MEETING.

Held on Monday, June 13th, 1938, at 3.30 p.m.

South West Africa : Examination of the Annual Report for 1937 (continuation).

Mr. te Water and Mr. Andrews came to the table of the Commission.

WELL-BEING AND SOCIAL DEVELOPMENT OF THE NATIVES (*continuation*) : IMPROVEMENT OF NATIVE RESERVES (*continuation*) : QUESTION OF THE APPORTIONMENT OF THE BUDGETARY RESOURCES OF THE TERRITORY.

The CHAIRMAN said that paragraph 305, page 51, of the report again contained indications of a conception with which he had been at pains to disagree in 1937¹—the conception, namely, that a distinction should be drawn between revenue derived from European taxpayers and revenue derived from native taxpayers, with the implication that the natives were strictly entitled to benefit from budget appropriations only in proportion to their contributions to general revenue. Such a conception, wherever held, would prevent any social legislation to improve the position of the lower classes from being adopted. It was bound, in the Territory, to keep alive in the European section of the population the presumption that any appropriation in the budget to ameliorate the condition of the natives represented not an obligation, but an act of generosity from which the Administration was free to refrain. Such a presumption should be discouraged, and it would be a matter for regret if the Administration itself were to show signs of holding such a view.

Mr. TE WATER said he would bring the Chairman's remarks to the notice of the Administration. No doubt they would be dealt with fully in the next report.

In the meantime, he drew attention to what Mr. Courtney Clarke had said at the thirty-first session in reply to the Chairman's observations :¹ " He had only intended to convey that the Administration could not spend disproportionate sums out of the budget for the benefit of the natives when the Europeans were the principal taxpayers."

The policy of the Administration was to set aside native tax receipts in trust funds to be used for the benefit of the natives. Considerable sums were also spent on native welfare and development from European tax receipts.

In reply to the questions put by Lord Hailey and M. Sakenobe at the preceding meeting,² Mr. te Water said that the Administration was not opposed to grants for the development of reserves ; but it was of opinion that the process should not be unduly accelerated. It was felt that there was a stage at which the natives needed to be taught self-reliance and independence. The point at issue between the Commission and the Administration was the tempo of expenditure in the interests of the natives.

He recalled the conditions prior to Union occupation and the inception of the mandate. At that time there was no policy of territorial segregation. The tribes were scattered, and moved about in search of rains and pastures. They were not allowed to own large numbers of stock. They were extremely poor. Labour conditions were such as would not be tolerated at the present time.

With the inception of a native policy in 1920, 2½ million hectares of land were set aside as native reserves, whereas now 16 million hectares had been allocated. By 1924 the framework of a native policy similar to that of the Union had been evolved, and officers responsible for native welfare were appointed. That entailed considerable expense, all of which was borne by the European taxpayer.

Between 1920 and 1934 the Hereros were brought together in the Northern Reserves, and the Hottentot tribes were, at their request, moved to the south—a not inconsiderable undertaking. Water-boring was carried out, and water supplies were provided. Of the £33,000 spent on boreholes during this period, only £7,000 came from native funds. A number of dams were erected ; many hundreds of miles of fencing were put up ; and over 1,200 miles of road were completed in Ovamboland.

As a result of the measures taken by the Administration, the spectre of famine was conquered, as was proved by the great famine in 1930, 1931 and 1932, when, contrary to what would have happened under aboriginal conditions, not a single native life was lost.

Great strides had been made in farming methods. The employment system had been improved, and, when better times came to the Territory, the natives benefited from employment (if they wished to do so) at higher wages than before.

¹ See Minutes of the Thirty-first Session of the Commission, page 127.

² See page 78.

The low mortality and morbidity statistics testified to the improvement in native health.

The Administration watched very closely over the interests of the natives ; and, in face of the above facts, its statement that it did not desire to accelerate development at too great a pace must be accepted as a *bona fide* one.

M. RAPPARD hoped it was clear to the Administration that the Commission's efforts to encourage a generous native policy were not aimed at Europeanising the natives, as paragraph 302, page 50 of the report, would appear to imply, but at teaching them to stand on their own feet,

Some of the natives were said to be very backward, and the Commission was fully aware of that. But the more backward they were, the less self-reliance could be expected of them.

The most disquieting feature was that there seemed to be a change of policy. For years the Commission had urged the Administration to do more for the natives. The Constitutional Commission had endorsed the Commission's views. The Administration now pointed out that it had spent considerable sums on the natives in the early years, but did not see fit to continue that policy. Such a construction could at any rate be put on paragraph 305, page 51 of the report. He hoped it was not the right construction.

M. VAN ASBECK endorsed the remarks of his colleagues on this very fundamental problem of the administration of South West Africa.

Paragraph 305 of the report gave him the impression that a turning-point had been reached in native welfare policy. But the Hereros and other tribes might be likened to persons in a state of convalescence ; and that was hardly the time to tell them to stand on their own feet.

The Administration could hardly be expected to precipitate developments in such a country ; but, as would be seen from the Minutes of the thirty-first session,¹ Lord Hailey had advocated a concerted programme over a number of years, covering both education and material welfare.

The natives were in great need of guidance. Yet the supply of European officers was very meagre in Ovamboland (page 44 of the Report) ; and communications were almost impossible in the rainy season (according to page 121 of the Minutes of the Thirty-first Session of the Commission), when the natives were apparently left to their own devices and deprived of the much-needed advice of Europeans.

Did the Administration intend to increase the number of officials in the north, where more than half the population was living ?

M. van Asbeck was doubtful of the wisdom of encouraging the natives to go out to work in European enterprises and factories, in order to provide the money required by the reserves (paragraph 305, page 51 of the report).

Did the natives pay general taxes as well as taxes to the Native Administration Fund, and was expenditure on native reserves taken from native tax receipts ?

According to the table on page 20 of the report, nothing had been spent on irrigation for the benefit of the natives since 1933. Was that a satisfactory state of affairs ?

Mr. TE WATER was sure the Administration had not misconstrued the Commission's opinion. In using the word "Europeanise", it had had in mind certain observations of the Constitutional Commission.

As to the training of backward races in self-reliance, Mr. Courtney Clarke and Major Hahn had made it quite clear at the thirty-first session of the Commission² that, in view of the vastly different stages of civilisation reached by different races, the territory presented a highly complicated problem. The "gap in civilisation" between the Hereros and the Damaras was as great as that between the Damaras and the Bushmen. The teaching of self-reliance was therefore a relative matter. The Ovamboland, having lived under settled conditions for hundreds of years, were easier to teach than the Bushmen or Damaras. The Bushmen were almost unteachable ; and one of the great difficulties with which the Administration was faced was how to preserve this very interesting race. The best method, in all probability would be that suggested at the thirty-first session³—their absorption into other tribes.

The Commission seemed to be under some misconception. The Administration had no intention of departing from its former policy ; but it did not wish to accelerate expenditure beyond the point at which the natives could appreciate what was being done for them.

¹ See Minutes of the Thirty-first Session of the Commission, pages 136 and 137.

² *Ibid.*, page 138.

³ *Ibid.*, page 123.

Account would certainly be taken of the Commission's strictures, which would, he hoped, be fully met in the next report.

The Administration would no doubt agree, in principle, that the number of European Welfare Officers in the north of Ovamboland should be increased. It would be seen from the report that a station was to be opened south of the Kunene at Ohopuho, where an aerodrome was being constructed. M. van Asbeck's suggestion would be placed before the Administration, and, if the financial situation permitted, additional officials would no doubt be appointed.

The table on page 20 of the report related to expenditure on natives out of the finances of the Administration, which had risen from £32,646 in 1933 to £57,467 in 1938. Boring still continued; but the expense was met out of the Trust Funds.

With regard to M. van Asbeck's remarks about the policy of encouraging the natives to go out to work, Mr. te Water pointed out that territorial segregation was not at the same time economic segregation. The natives left the reserves in both the Union and the Territory to earn money to assist them in their life in the reserves, and incidentally the money they brought back with them assisted in building up the Reserve Funds. No doubt as they became self-supporting, they would have less desire to leave the reserves. In the meantime, they had two means of improving their economic position—firstly by growing crops in their reserves (in which case the work was usually done by the women), and raising stock and, secondly, by hiring out their labour to farms and industries. There was no likelihood of any reversal of this state of affairs within measurable time.

M. RAPPARD said it was difficult to square Mr. te Water's statement with the statement in paragraph 305, page 51 of the report, to the effect that the Administration was of opinion that to continue its former policy would not be in the interests of the native population. The statement in paragraph 305 clearly seemed to announce that the Administration intended to change its policy.

Prices had risen and the financial situation had improved. Consequently there was a greater demand for labour on farms and in industrial enterprises. The report even went so far as to say that there was a considerable shortage of agricultural labour, necessitating the importation of native labour from outside the Police Zone, and that some adjustment in wages might be required (paragraphs 78 and 79, pages 20 and 21 of the report). On the other hand, the policy of making grants for native affairs was to be discontinued.

M. Rappard could not help fearing that the motive underlying this change might be the desire to prevent an undue rise in wages by increasing the supply of labour. Such a conclusion might at least be drawn by persons reading the report with preconceived ideas; and that might be politically unfortunate.

Mr. TE WATER again emphasised that the Administration was not opposed to grants, but to undue acceleration of development. He had never heard of any such suggestion as that put forward by M. Rappard. The passages referred to merely stated facts. There was certainly no deeply laid plot to prevent the natives from sharing in the improved economic conditions of the Territory.

He only regretted that it was not possible for the Commission to visit South West Africa. He was sure the members would find there a state of affairs which would impress them as much as it had impressed their former Chairman, M. Theodoli.

M. RAPPARD did not intend to suggest that the policy was to prevent natives from sharing in the improved economic condition of the Territory. His point was that to discontinue grants was one way of ensuring that the increased demand for labour would be met.

Mr. TE WATER said there was no justification for imputing such a motive to the Administration.

M. RAPPARD was glad to have elicited this gratifying declaration.

Mlle. DANNEVIG asked how the natives could develop, if the Administration withheld grants. They were poor and their wages were low. They had very little stock beyond a few goats. The men left the reserves to work and depended on the women for support.

Mr. TE WATER said this raised in a slightly different form the very question which he had tried to meet. Mlle. Dannevig was under some misapprehension. It was customary for the women to work in the fields: such work was never done by the men. Native races, such of them as were not debased—the Ovamboland in the Territory, for instance, or the

natives of the Transkeian territories in the Union—led very happy lives. That did not mean that nothing should be done to improve their condition. There was always room for improvement, as there was room for improvement in European countries.

Mlle. DANNEVIG found it difficult to understand the accredited representative's remarks. They seemed to suggest that all was for the best in the best of all possible worlds. She was well aware of the position of native women, but wanted to suggest that it was difficult, not to say impossible, for the natives to develop if they were left to their own resources and the wages of the men were left exceedingly low because the women could support themselves and their children.

Mr. TE WATER asked to be permitted to digress a little in order to illustrate his point. He would remind the Commission that the millions living in the slums of the great cities of Europe led an infinitely more miserable life than the natives. If this were still the state of affairs in Europe after hundreds of years of effort to improve the social condition of its peoples, how could it be expected of the Administration of the mandated territory, which was faced with an intricate and difficult problem, to produce better results in so short a period of time ?

DEMARCATIION OF RESERVES FOR THE BUSHMEN.

M. VAN ASBECK, referring to paragraph 305, page 51 of the report, expressed the hope that the next report would contain information with regard to the steps taken to demarcate reserves for the Bushmen.

REHOBOTH COMMUNITY.

M. VAN ASBECK noted from page 1 of the report (C. Proclamations by the Administration) that under Proclamation No. 1 with regard to the survey and registration of immovable property belonging to members of the Rehoboth Baster Community, the agreement concluded between the Administrator and the Captain of the Rehoboth Community and the members of the Raad of the said Community had been amended. Was it legally possible to amend the Agreement by a one-sided proclamation ?

Mr. TE WATER drew attention to Proclamation No. 28 of 1923 and said the Administration had power, under the 1923 Agreement, to extend any law in force in the territory to the Rehoboth Community, if expedient and desirable. Before such action was taken, the Rehoboth Community was consulted through its Raad, as was provided for in the terms of the Agreement.

SQUATTING.

Lord HAILEY, referring to paragraph 288, page 46 of the report, would welcome fuller information in the next report about the steps taken to deal with squatting on European land. The practice was clearly a potential source of great injury to the natives, many of whom had, as the Report showed, no lands to which to return when turned out in times of depression. That seemed to be an additional ground for pressing on with the development of the reserves.

Mr. TE WATER said that the Administration would be happy to place all the information available at the disposal of the Commission in the next report.

QUESTION OF OVERCROWDING IN URBAN LOCATIONS.

Lord HAILEY said the old South African problem of the urban native arose in connection with paragraph 291, page 47 of the report. He would be glad of fuller information on the application of the measures now being taken to prevent overcrowding in urban locations, and a reference to the law which was being applied.

Mr. TE WATER took note of this request.

ADMINISTRATION OF THE KAUKAUVELD AND OF THE WALVIS BAY DISTRICT.

M. SAKENOBE asked how the Kaukauveld was administered.

Mr. TE WATER had no information on the point.

M. SAKENOBE asked what was the position of the district round Walvis Bay.

Mr. TE WATER said Walvis Bay formed part of the Union, to which it had belonged even in the time of the German occupation of South West Africa. For administrative purposes it came under South West Africa—*vide* Section 43 of the South West Africa Constitution Act of 1925.

MUNICIPALITIES.

M. VAN ASBECK, referring to the statistics of municipalities on page 141, asked whether it would be possible to devote a chapter in future reports to the work and progress of municipalities and other local bodies ; it seemed to him that the information on municipalities and other local areas was not consistent throughout the report. Different terms were used to describe similar areas. He would be glad of information in the next report as to the composition and powers of lower councils. He would be particularly glad to know whether these councils were helpful in promoting a better understanding between different sections of the white population, as perhaps their being engaged on technical activities ensured greater collaboration.

Mr. TE WATER took note of this request.

MAP OF THE TERRITORY : FORM OF ANNUAL REPORT.

M. SAKENOBE thanked the mandatory Power for attaching a map to the annual report for 1937.

M. GIRAUD endorsed M. Sakenobe's appreciation of the map, for which he himself had asked at the thirty-first session of the Commission.¹

He suggested that, when references were given in the report, they should be as precise as possible, to facilitate the study of particular subjects.

COMPENDIUM OF NATIVE LAWS.

M. VAN ASBECK asked whether there was any Compendium of Native Laws for the use of administrative officers. If so, could the Commission be furnished with a copy ?

Mr. TE WATER knew of no such Compendium, but said he would make enquiries.

PUBLIC FINANCE : ADMINISTRATION OF NATIVE TRUST FUNDS.

M. RAPPARD noted that the financial situation was at last becoming more satisfactory. Revenue under nearly all heads except land revenue and rent of Government property had risen (page 13 of the report).

It was stated in paragraph 170, page 31 of the report, that the unabsorbed working costs of the Consolidated Diamond Mines had been reduced. He was not clear as to the position. The mines had been in a very difficult financial position, and matters had improved owing to a rise in prices and an expansion in the market. But what was the meaning of the passage to the effect that, if there had been no deductions for unabsorbed working costs, the Administration would receive profits tax in addition to export tax ?

Mr. ANDREWS said the question of unabsorbed working costs was regulated by the Diamonds Tax Proclamation, No. 29, of 1931, which provided first for a diamonds export duty of 10 % on diamonds produced, and secondly for a diamonds profits tax assessed on the basis of 60 % of the proceeds from the diamonds less 70 % of the working costs. Section 8 (I) of the Proclamation provided that, if 70 % of the working costs exceeded 60 % of the proceeds of the Diamonds a proportion of the unabsorbed working costs defined in the Section should be carried forward to the next year. During the period of depression the unabsorbed working costs had accumulated, but were now being liquidated.

M. RAPPARD asked who was the creditor.

Mr. ANDREWS said the matter was under the control of a Diamonds Board which consisted of representatives of the Administration and the producers.

M. RAPPARD gathered that it was a question of technical arrangements having no direct bearing on the public finances of the territory.

¹ See Minutes of the Thirty-first Session of the Commission, page 145.

Mr. ANDREWS added that the refund of Diamond Tax, (paragraph 62 of the report) referred to by M. Rappard, arose out of adjustments of tax assessment, which was regulated by Section 18 of the Diamond Tax Proclamation.

M. RAPPARD noted that, though revenue was in excess of expenditure, the Territory was obliged to borrow; and the service of the debt, interest and sinking fund was added to the expenditure—which accounted for the excess expenditure.

In the interests of the Territory an operation of that kind should not involve a burden due to an excess of the rate of interest charged on the debt over that gained on savings. That depended on the rates of interest paid by the Territory to the Union. He was unable to ascertain what those rates were. At the beginning of the year the amount due by the Administration to the Union Government was £2,606,390, the net decrease for the year being £36,124, leaving the public debt as at March 31st, 1937, at £2,570,266. The amount paid as interest was £152,066, which included interest at various rates. The average worked out at about 6%; but the Union could hardly, he presumed, be charging the Territory 6%.

Mr. TE WATER said the rates of interest were the same as those paid by the Union Government. The rates of interest on loan expenditure and on the deficit in the Revenue fund were set out at page 7 of the report of the Auditor-General. Fuller information would be given in the next report.

M. RAPPARD expressed the hope that the method of redemption of the debt, when redemption involved new borrowing, was not such as to increase the total debt.

He noted from paragraph 285, page 46 of the report, that "the accounts of the trust funds are kept in the head office at Windhoek". The present balances were shown in paragraphs 409 and 410, page 68 of the report, and he noted with satisfaction that they had increased. But there was no indication as to how, and for what purpose, the expenditure was effected. The report only said (paragraph 285, page 46 of the report) that "These funds are expended under the authority of the Chief Native Commissioner on works for the benefit of the residents of the reserve after consultation with the natives through the local Reserve Boards".

Could the accredited representative perhaps give further information regarding this expenditure?

Mr. TE WATER said, speaking from general knowledge, that it would be for boring, road-making, fencing and other services in the reserves.

M. RAPPARD found it difficult to understand the situation with regard to boring. Boring appeared to have taken place in native areas; but no expenditure was shown for the last five years in the table on page 20 of the report. At the same time, Table 2 (Loan, Capital or Extraordinary Expenditure), page 14, contained an item "Water-boring", showing expenditure of £3,132 in 1932/33, £307 in 1933/34, £30 in 1934/35, £12 in 1935/36 and nil in 1936/37.

Mr. TE WATER answered that expenditure out of trust funds would not be shown in this particular form.

M. RAPPARD thought it striking that expenditure on boring should be reduced at a time when the financial situation was satisfactory.

Mr. ANDREWS said the report showed that boring on European farms was now undertaken by the settlers themselves or by private contract.

Lord HAILEY noted that up to 1935 there were 1,457 boreholes in South West Africa, most of them on European farms. The authorities provided everything except labour. That applied only to European farms, however, and not to reserves.

M. RAPPARD congratulated the mandatory Power on the improved financial situation, and expressed the hope that it would not deteriorate, in spite of indications to the contrary in recent months.

M. SAKENOBE drew attention to the credit balances in the Native Reserves Administration Funds as compared with expenditure, mentioning in particular the Aminuis, Berseba and Waterberg Reserves (paragraph 408, page 67 of the report). The figures gave him the impression that, while the natives were able to earn money, they did not know how to spend it usefully.

Mr. TE WATER said the expenditure of trust moneys was within the discretion of the Reserve Boards. That point was brought out in paragraph 305 of the report. M. Sakenobe's suggestion that expenditure was over conservative would be brought to the notice of the Administration, who would no doubt throw some light on the matter in the next report.

M. VAN ASBECK asked what was meant by Native Reserve Fund Fees (paragraph 62 page 14 of the report), amounting in 1937 to £10,428.

Mr. TE WATER said this sum represented collections in native territories subsequently paid over by the Administration to the Reserve Funds.

M. VAN ASBECK pointed out that in that case these collections ought to appear as well under expenditure as under revenue, which was not the case. He therefore requested that fuller information might be given in the next report.

LABOUR.

Mr. WEAVER said that, although it was still necessary to look in various parts of the report for information on the native labour situation, he had noted with much appreciation that it contained a short separate chapter on "Native Labour" (page 86) which he hoped would be developed in future reports. He expressed thanks for the table on wage rates on page 136, for the return of the number of natives working on farms on page 138, and for the table relating to convictions under the Master and Servants Act on page 7.

The table on page 7 was perhaps not as clear as it might be. In particular, it was not evident why there should be 40 European accused persons under the heading "Desertion". There seemed to be some confusion. Could the table perhaps be made clearer in the next report?

It was stated in paragraphs 78 and 79 (pages 20 and 21 of the report) that some adjustment of the wages of both European and native workers might be necessary as a consequence of the rise in prices. He also noticed in a summary of a memorandum attributed to Mr. Courtney Clarke and published in the *Rhodesia Herald* of September 3rd, 1937, that Mr. Clarke was reported to have stated that the wages of native farm labourers in the Union of South Africa were considerably higher than in the mandated territory. Had the Administration taken any action to secure an increase in wages in agriculture or mining?

Mr. ANDREWS pointed out that rights and obligations under the Master and Servants Act were mutual as between master and servant. In all probability the figure 40 referred to infringements, other than desertion, on the part of the employers. The matter would be clarified in subsequent Reports.

With regard to the adjustment of wages, paragraph 270, page 44 of the report, revealed that there had been a general increase in wages, owing to the increased demand for labour. No administrative action was involved; the interplay of economic forces in relation to supply and demand had regulated the position. He called attention, as an example to the statement in paragraph 320, page 55 of the report, to the effect that the demand for labour was strong, and the rates of wages paid by farmers had improved in the Berseba Reserve since the recovery from the depression.

Mr. WEAVER asked if that referred to only one area.

Mr. ANDREWS replied in the affirmative, but said that in general there would appear to have been wage increases in the territory.

Mr. WEAVER said he would be glad of information in the next report as to the Government policy in this connection.

He noted the general account in paragraph 288, pages 46 and 47 of the report, of the measures taken to regulate the supply of native labour for employment on farms. In this connection, he drew attention to the two following paragraphs in the *Rhodesia Herald* of September 3rd, 1937, which purported to be a summary of Mr. Courtney Clarke's memorandum:

"Native affairs officers were posted to all the principal reserves, and it became their duty to see that there was no loafing in these reserves. If the residents who were not required for the work of looking after the stock did not go out to work, then they were to be employed on the building up and improvement of the reserves in the general interest of the local community.

“ Under the system of grazing-fees in operation in the reserves, which in actual fact involves the payment of much heavier sums than under the Union native taxation system, the natives are compelled to obtain cash to meet the fees either by sale of their stock or by working or sending members of their families out to work.”

From the second of these paragraphs, it seemed difficult to avoid the conclusion that definite compulsion by means of taxation was applied to natives in the reserves to induce them to go out to work. Were those statements correct, and, if so, had this policy also been found necessary because, as Mr. Courtney Clarke was reported to have stated in the same memorandum, “ farm labour is definitely unpopular, and it should be a matter of concern to the farming community to see that this is remedied ” ?

Mr. ANDREWS said that the terms employed in the article were certainly imprecise, and consequently liable to misinterpretation. But there was no question of grazing-fee taxation being utilised as a means of creating a forced labour supply. The system of grazing-fees aimed predominantly at raising funds for the development of the reserves, and, being a tax based on the number of cattle possessed by stock-owners, was a natural tax on wealth. It was not heavy in its incidence.

As to the “ posting ” of native officers to all the principal reserves, that, of course, related to normal appointments of Welfare Officers for ordinary purposes of administration.

Mr. WEAVER said the wording would be open to the interpretation that there was at least some degree of indirect compulsion. Had the accredited representative the same impression ?

Mr. ANDREWS agreed that misinterpretation was quite possible. He had, however, no official cognisance of the memorandum in question.

As to the statement regarding payment of “ much heavier sums ” in South West Africa than under the Union native taxation system, it was the case that in South West Africa grazing-fees were charged on the number of head of cattle owned by the native. Consequently, the more cattle he had, the higher the fees. That seemed more equitable than the Union system, which was based on a poll-tax irrespective of the number of cattle owned by individual natives. But in any case, the fees were not exorbitant.

Mr. WEAVER said the wording was open to another interpretation. However, as the memorandum was not official, he would make no further reference to it.

He noted from page 77 of the report that the death-rate at the Tsumeb mines was 44.81 per thousand, and that influenza and pneumonia were the principal causes of death. Were any further steps being taken to prevent the very heavy incidence of these diseases ?

Mr. ANDREWS said this question was dealt with in paragraph 438, page 72 of the report, which stated that during the early spring there had been “ an epidemic of influenza, mainly among the natives. The infection was of a fairly virulent character, and respiratory complications were common. Where hospital treatment was available, the death rate had not been high ; it was otherwise where there were no facilities for treatment, *e.g.*, on the smaller mines, where the death rate was unpleasantly high.”

The epidemic mainly affected new natives coming down from the north.

Mr. WEAVER asked whether any further consideration had been given to the need for preventive measures in connection with new recruits. The Tsumeb mines were not among the smaller mines.

Mr. ANDREWS said that apart from mines there had been a similar epidemic and many deaths in Ovamboland. Further information would be given in the next report.

Mr. WEAVER said the figures of natives in employment (paragraph 557, page 86 of the report) showed a considerable increase over 1936 (30,931 in 1936 as compared with an estimate of 43,509 for 1937). In this connection, he desired to refer again to the position in some of the reserves about which he had asked questions at the thirty-first session.¹ It was the declared policy of the Administration to develop the native reserves so that they might absorb natives

¹ See Minutes of the Thirty-first Session of the Commission, page 139.

who had completed contracts of service or who had been unemployed in periods of depression (paragraph 288, page 47 of the report). Yet the number of natives who were away from the reserves seemed to have been considerable. According to the summary of Mr. Courtney Clarke's memorandum, "at the end of last year, of 40,500 adult native males in the Police Zone, only 6,000 were in reserves, of which a great number are either too old or otherwise unable to work, and the able-bodied natives are either taking a well-earned rest or are required for running the reserves". How was it possible to reconcile these two policies? On the one hand, natives were to be sent back to the reserves, which were to be developed in order to absorb them in time of depression. On the other hand, when there was a considerable demand for native labour, the reserves were almost depleted of their adult male able-bodied natives.

Mr. ANDREWS said the exodus of natives was a reflection of the prosperity of the territory. They were naturally willing to sell their labour in good times with a view to accumulating cash reserves. There was no conflict in that with the policy of the Administration of improving the reserves and making them more habitable for the future. Any additional resources accumulated by the natives as a result of their labour in the mines and elsewhere would be a contribution to that policy.

Mr. WEAVER found it difficult to understand how the reserves could be developed when such large numbers of natives were absent.

Mr. ANDREWS said it would be a policy of compulsion to attempt to keep them inside the reserves when there was a great demand for labour. There was, in consequence a dearth of man-power in the reserves at the moment, but the monetary resources accruing to them from labour outside would be available for raising the standard of living and for development ultimately within the reserves.

ECONOMIC SITUATION : IMPORTS AND EXPORTS : AGRICULTURE : CATTLE : MINES : RAILWAYS.

M. GIRAUD noted that the economic situation had again improved in 1937. Public finance showed a definite improvement in the financial year 1936/37. This was due to an increase of over 20 % in ordinary receipts on account of Customs duty, mining royalties, and licences. Conditions in agriculture and cattle-rearing had been favourable. The number of big cattle had increased by 120,000, and that of small stock by nearly 800,000, including 430,000 karakul sheep. Exports of karakul pelts had increased in quantity by 46 %. The quality of the butter produced had improved. The mines had been fairly active, and diamond and vanadium production showed an upward trend. The Tsumeb mine had resumed operations. The figures for gold showed a slight setback; but gold was only a minor product of the South West Africa mining industry.

In foreign trade, exports had increased by 19 % and imports by 23 % (page 119 of the report). Traffic in the ports had increased by 50 % and railway traffic had made even greater progress, the tonnage handled having increased by over 80 %. All branches of the postal and telegraph service had been more active. Savings bank deposits had increased by nearly 20 %. There was no unemployment: on the contrary, the heavy demand for agricultural labour on the farms had been met by the employment of natives from outside the Police Zone. These various indices, taken as a whole, undoubtedly made a satisfactory impression as to the year 1937; but it should be added that in 1938 economic activity was expected to slow down.

M. Giraud pointed out that, in 1937, imports from the Union amounted to £935,000 and exports to £604,607 (page 124 of the report). This was worthy of attention since, if trade between the Territory and the Union for the past five years (1932 to 1936) were balanced, it would be found that imports from the Union to the Territory amounted to £2,750,000 in all, while exports from the Territory to the Union amounted to £2,813,000. On the whole, therefore, the balance was in favour of the Territory. The situation had completely changed in 1937. Was there not some danger that that would make it more difficult for the Territory to repay its debt to the Union?

Mr. TE WATER said that if the ability to repay its debt to the Union rested solely on the considerations mentioned by M. Giraud, the answer to the question would be in the affirmative; but that, of course, was not the position.

He presumed that M. Giraud had noticed the actual total trade balance, as shown in paragraph 761, page 119 of the report, which was very much in favour of the Territory. It was the general trade balance and, finally, the position of its balance of payments which would affect a country's debt position.

M. GIRAUD drew attention to the measures taken by the Union Meat Control Board to introduce a strict quota for the import of sheep and goats from South West Africa for slaughter. It had been pointed out on a previous occasion that these measures were prejudicial to the farmers in the south of the Territory who had specialised in rearing sheep for slaughter and

found an important market closed to them. It was said on page 26 of the report, paragraph 112, that the quota had been reduced in 1937, but the figures on page 25, paragraph 111, nevertheless showed that exports to the Union were higher than in 1936. What was the explanation ?

Mr. TE WATER was unable to explain this contradiction, which he had noted himself.

M. GIRAUD asked whether there was also a quota for large stock. The number of cattle exported to the Union had actually fallen from 95,700 in 1936 to 48,257 in 1937 (paragraph 86, page 21 of the report).

Mr. TE WATER was not aware of any quota. He would ask for a clearer exposition of the position with regard to cattle exports in the next report.

M. GIRAUD noted that exports of mining products in 1937 amounted to £1,421,784, only £123,257.13s. 8d being paid to the Administration in the form of taxes (paragraph 168, page 30 of the report). Most of the profit from this industry went to the Union and overseas countries. It was difficult, perhaps, to say what share of this profit remained in the Territory in the form of wages, etc. ; but he gathered it was mainly the Union which profited from both the trade balance and the mining industry of the Territory. He merely drew attention to the fact, which was no doubt likely to have some influence on the economic structure and finances of the Territory in the future.

M. GIRAUD added that there was some discrepancy in the figures for mining exports, which were given as £1,640,885 in all paragraph in 169, page 31 of the report, and £1,421,784 in paragraph 773, page 122 of the report. Perhaps the explanation was that the former figure included sales as well as exports.

Mr. TE WATER thought that most of the capital employed in mineral production in South West Africa was held by overseas, rather than Union, holders. He did not know whether the Administration would be able to obtain the information, the details of which were known only to the companies.

There might be something in the suggestion that there was a difference between sales and exports, but he suggested that the real difference between the figures in paragraphs 169 and 773 was that the former were estimates.

M. GIRAUD presumed in that case that the actual figures were those given paragraph 773 of the report.

Turning to railway traffic, he pointed out that in 1937¹ the accredited representative, while not anticipating that revenue and expenditure would balance in the near future, had expressed the hope that, with the re-opening of the Tsumeb mines, the deficit would be appreciably reduced. He now noted that, as foreseen, the deficit, which amounted to £181,659 in the financial year 1935/36, had fallen to £144,215 in 1936/37 (page 116 of the report). Was this improvement expected to continue, and was it anticipated that the activities of the Tsumeb mine would be maintained or even expanded ? Was not railway traffic adversely affected by the restrictions on cattle imports into the Union ?

Mr. TE WATER said there could be no doubt that these restrictions did affect the railways adversely.

It was impossible to say how long the price of copper would remain profitable and, therefore, how long the mines would be able to continue working. In his budget speech, the Administrator, when issuing a warning against undue optimism, pointed out that the price of copper had suffered a serious reduction since the Tsumeb mine had decided to re-open. The mines were probably working at a loss at the present moment ; but, according to the Administrator, they did not intend to close for the time being.

M. GIRAUD seemed to remember that the agreement between the mining company and the Railway Administration for reduced railway rates was based on an annual production of 70,000 tons. That was far above the present rate of production (see report for 1936, page 29, paragraph 149).

Mr. TE WATER had no information on this subject, and could only draw attention to the following passage on page 133 of the Minutes of the thirty-first session of the Commission :

“ Recent negotiations, under which the mine had obtained great reductions from the railways, amounting to about £22,000 per annum, together with the increased price of copper, had enabled it to re-open.”

He was not aware of any reference to a minimum tonnage, but that would seem a normal stipulation.

¹ See Minutes of the Thirty-first Session of the Commission, page 133.

TENTH MEETING.

Held on Tuesday, June 14th, 1938, at 10 a.m.

South West Africa : Examination of the Annual Report for 1937 (continuation).

Mr. te Water and Mr. Andrews came to the table of the Commission.

JUDICIAL ORGANISATION.

M. VAN ASBECK, referring to paragraph 29 of the report (page 6), noted the increase in convictions during 1937, and asked whether the accredited representative had any comment to make on that increase.

Mr. TE WATER said that the reply given last year still applied.¹ He thought the increase in convictions was due to the increased prosperity of the territory. He hoped that the incidence of crime would gradually diminish, though not as a result of a decreasing prosperity.

M. VAN ASBECK noted that the report contained no information on the work of the native courts and hoped such information would be given in the next report.

He asked what law was applicable in the reserves.

Mr. TE WATER said that the law applied was native customary law, so long, of course, as it was not *contra bonos mores* ; explanations had been given in a previous report.

M. VAN ASBECK was glad to note the statement in paragraph 279, page 45, of the report, that under native custom many crimes were regarded as torts rather than crimes and were settled by payment of damages in the form of money or stock. This helped to keep offenders out of prison. He presumed that the paragraph in question referred only to Ovamboland. Could the same be said of all the reserves ?

Mr. TE WATER replied in the affirmative.

POLICE.

M. SAKENOBE observed from paragraph 58, page 13 of the report, that great difficulty was experienced in keeping the police-force at its normal strength, as large numbers of resignations had taken place through members of the police-force being attracted to other walks of life. He asked what was the level of salaries paid to members of the police-force in comparison with the general level of salaries in the territory.

Mr. TE WATER said the scale was the same as in the Union, with certain additional territorial allowances. From that point of view, the police-force was as attractive as that in the Union, but the conditions of service were more severe.

M. SAKENOBE asked whether the Administration had considered the possibility of attracting more capable men by improving the terms of service in respect of pensions, etc.

Mr. TE WATER said that suggestion would be considered. He pointed out that the estimates for 1938/39 provided for eight additional non-commissioned officers and six native guards.

M. SAKENOBE was glad to hear that. He noted that there had only been eight recruits in the previous year, while in the year under review there were twenty-one.

Mr. TE WATER said difficulties were being experienced ; but the force was being kept up to strength.

¹ See Minutes of the Thirty-first Session of the Commission, page 134.

ARMS AND AMMUNITION.

M. SAKENOBE noted the statement in paragraph 55, page 12, of the report, that the Administration was considering the question of taking a census of the arms. The possession of arms was controlled by permit and registered. He therefore presumed that the census merely consisted in looking up the register.

Mr. TE WATER replied that, as stated in paragraph 54 of the report (page 12), the number of arms had been over-estimated. The census would show whether the register was correctly kept and whether there was any illegal possession of arms.

EDUCATION.

Mlle. DANNEVIG noted that the expenditure on coloured and native scholars decreased from £16,950 in 1935/36 to £15,075 in 1936/37, and that the number of coloured scholars decreased from 1,138 to 801 (page 39 of the report). What was the reason for the decrease ?

Mr. TE WATER said this might have been due to the considerable exodus of natives to work in another part of the territory.

Mlle. DANNEVIG noted from paragraph 259, page 43, of the report, that there was still a dearth of properly trained and qualified teachers who were conversant with the various native languages. It was stated in paragraph 261, on the same page, that the apparent failure of the Department to find young student teachers was mainly due to the attitude of the parents, who maintained that their sons had reached an age when they should be contributing towards the support of the family.

Would it not be possible to enhance the interest of the parents in training their children to be teachers ? Perhaps this could be done by paying higher grants to the native teachers, so that they could help their parents. Did not the fact that a teacher was in a better situation than an agricultural worker influence the minds of the natives ?

Mr. TE WATER referred to paragraphs 263 to 266, page 43, of the report, which showed that inducements in the form of financial grants were being held out to make the teaching profession more interesting to the natives.

Mlle. DANNEVIG thought this could be done in other parts of the territory than Ovamboland.

Mr. TE WATER hoped the system of grants would achieve the desired results.

Mlle. DANNEVIG said that she had asked a question in the previous year¹ as to how the money set aside for education was spent and how it was divided between the Government and mission schools. She noticed that the expenditure was again given in a lump sum also in the report (page 42) under review.

She asked for an explanation of the expression "total revenue from education" in paragraph 241, page 39 of the report.

Mr. TE WATER said this revenue was derived from Government hostels—that was to say, entirely from Europeans.

Mlle. DANNEVIG asked why the Government Industrial School at Rehoboth had to be closed at the beginning of 1937 (paragraph 253, page 42, of the report).

Mr. TE WATER said it was due to lack of support on the part of parents in not sending their children to the school.

Mlle. DANNEVIG would like to know the reason for this unwillingness to send the children to school.

She noted that a coloured school at Luderitz had to be classified as a native school (paragraph 254, page 42, of the report). Did that imply that the school would be less efficient ?

Mr. TE WATER said it did not. The reason for reclassification was given in paragraph 254 of the report.

At the previous session,² M. van Asbeck had asked for a report on the Inter-Departmental Commission of Native Education. In 1936, the Union Native Affairs Commission had issued

¹ See Minutes of the Thirty-first Session of the Commission, page 128.

² *Ibid.*, page 129.

its annual report and made comments on it. The comments were of interest, as the Native Affairs Commission as a body advised Government on its policy regarding native education. He undertook to supply copies of these official documents.

Mlle. DANNEVIG noted a reference to native female nurses in the territory (page 49, paragraph 296). She supposed such nurses had first to receive a general education.

M. VAN ASBECK noted from paragraph 313, page 54, of the report, that there was only one Government school in the reserves. He asked how this experiment was working and whether the Government proposed to extend the system of Government schools.

Mr. TE WATER said there was only one Government school, in the nature of an experiment which was being closely observed, but there were many mission schools which were very active inside the police zone. Statistics in regard to these schools were shown in paragraph 811 of the report (page 137). The Government took a keen interest in the mission schools, as would be seen by the report of the Rhenish mission in paragraph 413 (page 68 of the report), where it was said that the mission schools might more appropriately be called Government schools.

Mlle. DANNEVIG thought that the Government schools perhaps gave too literary an education. They were very expensive and had not developed a practical side, so far as she could see.

Mr. TE WATER agreed that the education in both the Government and mission schools was much too clerical, and they had been, in his opinion, validly criticised on that account.

M. VAN ASBECK referred to the previous year's report and asked whether any effect had been given to the suggestion that the Administration should take over the training of native teachers.¹

Mr. TE WATER said the answer last year had been that the Government could not do so. There was no change in that respect.

M. VAN ASBECK thought the present system represented a vicious circle in which there was no primary education because there were no teachers and no teachers because there was no primary education.

Paragraph 262 of the report (page 43) stated that additional teachers would become available during the year. What year was referred to ?

Mr. TE WATER assumed that the passage in question referred to the year under review—namely, 1937.

M. VAN ASBECK noted the reference in paragraph 259, page 43, of the report, to the dearth of properly trained and qualified teachers who were conversant with the various native languages. On the other hand, the Rhenish mission's report referred to the provision of literature in the three most important native languages (page 69 of the annual report). If the missionaries could provide literature in the native languages, why should it be difficult to obtain teachers who were conversant with the languages ?

Mr. TE WATER replied that there was an obvious difference between a trained teacher who was conversant with native languages and persons who knew native languages but were not trained teachers. Moreover, the Rhenish mission's report stated that the creation of a literature in the native languages was considerably hindered by the fact that there were so many different languages, and that no single language was spoken by more than 30,000 natives.

M. VAN ASBECK observed that, in the previous report (page 35, paragraphs 192 to 194), there had been a statement regarding the effect of compulsory education. The present report contained no information on the subject, and he hoped that such information would be given regularly.

Mr. TE WATER agreed to see ~~ves~~ ^{it desirable to} were givs done.

M. VAN ASBECK had learned from the Press that subsidies had been withdrawn from German schools. This question was not mentioned in the report, and he asked whether it had been settled.

Mr. ANDREWS thought the position was the same as in the previous year, when Mr. Courtney Clarke had given an account of the true facts of the case.²

¹ See Minutes of the Thirty-first Session of the Commission, page 193.

² *Ibid.*, page 114.

MISSIONS : MEANS OF ENSURING CLOSER CO-OPERATION BETWEEN THE MISSIONS AND THE ADMINISTRATION : PRESERVATION OF TRIBAL CHARACTERISTICS AND OF THE TRIBAL SYSTEM : QUESTION OF THE SUPERVISION OF THE NATIVES OUTSIDE THE RESERVES : POLYGAMY.

M. PALACIOS observed that the report gave a good deal of information regarding missionary activities and also as regards the policy relating thereto. He noted on page 52, paragraph 308, of the report that missionary activity might create difficulties for the Administration by breaking down the tribal organisation. In other paragraphs, an account was given of these missionary activities and reference was made to the rivalries between the various denominations, which were doubtless due to the fact that they were over-zealous. He recalled that those questions had already been discussed last year.¹ In paragraph 309, page 52, of the report, it was stated, however, that, as a result of a conference held at Windhoek with representatives of the missions working in Ovamboland, it was hoped there would be closer co-operation in future between the officials of the Administration and the missionaries, etc.

Was the conference held at Windhoek the same as that referred to last year? Had that close co-operation shown any results?

Mr. TE WATER said the Conference was the same as that referred to in the previous year. As regards the result, paragraph 390 of the report (page 63) showed that an all-round improvement was already noticeable following upon the Conference.

M. PALACIOS noted (page 69, paragraph 413, of the report) that the Rhenish mission referred to the difficulties it had encountered in its work.

In sub-paragraph (a), it was stated that Moscow propaganda via America and Johannesburg in the form of inculcation of Bolshevist ideas, particularly in the towns, was encouraging the natives to give up Christian practices and culture, while in sub-paragraph (c) it was observed that the awakened national feeling in the Hereros had inspired them with the belief that they must return to the ideas, beliefs and customs of their forefathers in order to be real Herero. Even in those remote parts of Africa therefore, Bolshevism and nationalism appeared to be opposed to each other. Sub-paragraph (c) raised a delicate question. If as had previously been asserted, the Hereros felt more at home and behaved better under their old traditions, should not the situation be handled with the greatest tact and no attempt be made to destroy, through religious zeal, what the missions could obtain by other (humanitarian, etc.) means. So long as native religion did not constitute a social danger but was actually beneficial from a social standpoint, it might perhaps be better to leave it alone or, at any rate, to go slowly in making any changes.

Sub-paragraph (d) of the same paragraph mentioned the fall in the marriage rate, which was doubtless connected with the ancestral custom. Polygamy was possibly a highly important social factor for the Hereros, and M. Palacios suggested that monogamy should be introduced gradually as progress was made in social and economic questions in general. Naturally, he did not wish that the beneficial aspects of missionary activity—and they were many—should disappear.

Mr. TE WATER said that, as far as he knew, the mandatory Power was merely holding a watching brief and taking no active measures.

As regards Moscow propaganda, it would be observed that the Rhenish mission was the only one to draw attention to that subject, perhaps because it was a subject which interested them more than it interested the other missions. Whether the determining influence was the deteriorating effect of large towns on the raw native or political influences of the kind mentioned, the problem of native contacts with civilisation was the same. He had yet to learn that the Administration was alarmed about Moscow propaganda.

As regards the awakened national feeling of the Hereros, this was an extremely interesting trend and one which left room for a difference of opinion. Speaking personally, Mr. te Water did not agree with the missionaries' views. He thought there was nothing healthier or more hopeful than the return of the Bantu peoples to their original tribal lives, subject, of course, to proper and sympathetic control. The policy of the Administration was to encourage the natives to live in their reserves, to restore and repair their tribal system and to maintain their customs, so long as these did not conflict with the recognised morals of modern civilisation.

In this connection, he drew attention to that of Mr. Hahn on the Epatá system, described in paragraph 308, page 52, of the report. It was opposed by the missionaries.

M. PALACIOS was sure that the Administration was handling the situation with great tact. He personally agreed with the accredited representative regarding the desirability of a return by the Hereros to their old national feelings. But all these questions connected with native life were very complicated, and before any decision could be taken the situation must be carefully examined.

In paragraph 308, page 52, of the report, the Native Commissioner of Ovamboland stated that: "The Epatá consists of the descendants of a woman who existed in the dim mists of

¹ See Minutes of the Thirty-first Session of the Commission, page 141.

the past. In Ovamboland, blood relationship springs from the woman. A man is not a blood relation of his children . . .". One had only to consider the complex consequences arising from this principle to perceive the difficulty of making any reform, and the likelihood of disturbances following on any superficial or precipitate action.

Mr. TE WATER said this was one of the questions discussed at the Conference between the missionaries and the Administration, and the discussion had led to good results.

Mlle. DANNEVIG presumed that, as the areas in question were closed to foreigners, the propaganda could only reach them through natives leaving the area to work elsewhere and subsequently returning. It would be a pity if the missionaries and the Administration were on two different sides on such questions as those referred to in the report.

Mr. TE WATER said they were not on different sides, but there were undoubtedly differences of opinion between the missions and the Administration. These differences were, however, he thought, not so serious that they could not be overcome.

He agreed with Mlle. Dannevig regarding the danger to natives who left the territory to work elsewhere being affected by their new environment. The proper solution was a careful selection of the men in charge of native affairs, whose influence for good on the native in his reserves was vital to their well-being.

M. VAN ASBECK agreed with the accredited representative regarding the desirability of restoring the Hereros to their old national customs, provided such restoration was limited, as Mr. te Water had said, by the recognised morals of modern civilisation. It would seem to M. van Asbeck that on those morals the missions had their word to say, and indeed a very important one, because those morals were based on respect for the human value of our fellow-men. From that point, the Administration and the missions had to follow a common path, where all that was valuable in native customs might be sublimated into ethical values. He therefore wondered whether it would not be to the advantage of the missions and the Administration to hold regular conferences to discuss this common problem.

Mr. TE WATER thought this was a valuable suggestion. It would be noted by the Administration. He pointed out that the practice of the missions varied, in some cases approaching closely to the policy of the Government and in other cases being more remote from it. Those differences could no doubt be solved at such conferences.

ALCOHOL AND SPIRITS.

M. SAKENOBE noted that the imports and production of various kinds of liquor had increased considerably (paragraphs 45 to 50, pages 10 to 12 of the report), but the number of convictions for contraventions of the Liquor Law showed a slight decrease. That decrease was unfortunately only due to the fact that fewer offences had been committed by coloured people, while offences by natives had, on the contrary, been more frequent (paragraph 34, page 8 of the report).

Was this due to increased vigilance on the part of the authorities or to the increased consumption of alcohol ?

Mr. TE WATER thought the increase in the number of offences would be due to both causes. He had, however, observed that increased vigilance frequently led to a great change in the figures of crime.

M. SAKENOBE observed (paragraph 36, page 8, of the report) that the decrease in the number of coloured persons convicted for being in possession of Kaffir beer was attributed to the fact that they were now able to obtain a full or partial exemption from the magistrate. What was the reason for that exemption ?

Mr. TE WATER said that natives were given exemptions in certain municipal areas, and he imagined it had been thought desirable to give coloured people the same privileges as natives in regard to the consumption of beer.

M. SAKENOBE did not understand the expression "full or partial exemption". He would welcome details of the new system in the next report.

He read an extract from the *Windhoek Advertiser*, of April 2nd, 1938, on a debate in the House of Assembly, which disclosed some surprising facts in regard to the sale of beer to natives by the municipal authorities of Windhoek. It was stated, for instance, that the natives in the Windhoek Location were consuming beer supplied to them by the municipal authorities at the rate of 350,000 litres per annum. That had not resulted in any marked diminution of the quantity of beer brewed by the natives themselves.

Mr. TE WATER had not seen the statement in question; but he agreed to ask the Administration to report on it.

In reply to a further question, he said the alcoholic strength of the beer was 4%.

DRUGS.

M. SAKENOBE asked for an explanation of the increase from six to twenty-one in the number of convictions under the provisions of the Medical, Dental and Pharmacy Act (paragraph 38, page 8 of the report). Was that also due to increased vigilance?

Mr. TE WATER thought this might be connected with the growing of "dagga" (see paragraph 40), but had no detailed information on the subject. Prosecutions would be brought under that Act.

In reply to a further question, he said the quantities of drugs seized were reported to the League, but the information could in future also be included in the annual report.

PUBLIC HEALTH.

Count DE PENHA GARCIA was glad to see that, according to the report, health conditions were fairly good (paragraph 431, page 72 of the report).

He had seen an article in the *Manchester Guardian*, of February 21st, 1938, which reproduced extracts from a report by Dr. E. H. Cluver, Deputy Chief Health Officer of the Union, on the under-nourishment of the natives. Did that refer only to the native population of the Union or also to South West Africa?

Mr. TE WATER said Dr. Cluver was only concerned with the health of the Union.

Count DE PENHA GARCIA thought it would be valuable to instigate a similar enquiry into the nutrition of the native population in the mandated territory.

Mr. TE WATER agreed. In his opinion, nutrition was more important than education. The entire question was being actively studied in the Union; and those studies would no doubt have repercussions on the mandated territory.

Count DE PENHA GARCIA referred to the account of venereal disease given in paragraph 296 (page 49 of the report), and noted that the Administration was almost powerless to cope with that disease.

According to the *Windhoek Advertiser*, of April 2nd, 1938, there had been a debate in the Legislative Assembly, in which attention was drawn to the serious nature of the disease. Could further information on this discussion be given in the next report?

Mr. TE WATER agreed.

Count DE PENHA GARCIA noted (paragraph 429, page 72, of the report) that a number of districts in Windhoek had a tendency towards becoming slum areas. What was the reason?

Mr. TE WATER said it was due to over-crowding by itinerant natives who had no means of support.

Count DE PENHA GARCIA noted that the incidence of disease among natives employed in mines was higher than in previous years (paragraph 465, page 75, of the report). This was attributed to new arrivals; but, as the figures were given in percentages, they would still be relative. Was the increased incidence due to epidemics or to more general causes?

Mr. TE WATER thought influenza had had a wider range during the year. The opinion of the Administration was that the increase was due to new arrivals at the mines, as well as to the epidemic.

M. SAKENOBE thought there might have been some slackening in the medical examinations, since he noted (paragraph 463, page 75, of the report) that in the Okavango region the doctor was found to be unqualified.

Mr. ANDREWS explained that, as the doctor was not registerable under the Medical, Dental and Pharmacy Act, it was not possible for him to continue in practice. The qualifications necessary for registration were stipulated in the Act, which, apart from specifying what sort of medical training was necessary, also required reciprocity of recognition of South African medical diplomas by foreign countries.

Count DE PENHA GARCIA asked what would be the medical diploma held by a lady missionary referred to in paragraph 436, page 72, of the report ?

Mr. ANDREWS said it would depend upon where she had undergone her training. The report revealed no information on that point.

Count DE PENHA GARCIA observed (paragraphs 534 and 535, page 84, of the report) that there had been a considerable increase in cases of malaria as compared with the previous year. Had any progress been made in measures for combating that disease ?

Mr. TE WATER said the incidence of malaria depended on the season. In a rainy season, the incidence increased, and more active measures had to be taken. The character of the country made it extremely difficult to take effective measures.

LAND TENURE.

M. VAN ASBECK was grateful for the insertion of a chapter on land tenure (page 86 *et seq.* of the report).

He wished to ask certain questions to which replies might be given in next year's report.

The account on page 93 *et seq.* did not refer to respect for native rights of possession in the transfer of land, and he would like information on that point.

He would also like to know what land was included in the category of Government land referred to in paragraph 617, page 96, of the report. How did this differ from the land for settlement mentioned in paragraph 594, page 93, of the report ?

Mr. ANDREWS said Government land was identical with Crown land ; the land mentioned in paragraph 617 was mostly non-agricultural of the nature of township properties, whilst land indicated in paragraph 594 was for agricultural settlement.

M. VAN ASBECK would also like to have some information in the next report regarding native rights to land in reserves. Did they own the land, or had they only the right to use it ?

He observed (paragraph 162, page 29, of the report) that most of the land suitable for settlement had been disposed of. Did this mean that there was any danger of invading the native reserves ?

Mr. ANDREWS referred to the figures in paragraph 625 (6) (page 98 of the report), which showed that there were still 21,100,000 hectares of unalienated Crown lands. Whilst that area was not considerable compared with the enormous size of the territory, yet it was a sufficient balance to remove any danger of the native reserves' being invaded.

Count DE PENHA GARCIA asked whether there was any forest reserve in the territory.

Mr. ANDREWS replied in the negative.

Count DE PENHA GARCIA referred to paragraph 208 of the report, page 35, and asked that the next report might contain information on the results obtained from drilling.

Mr. TE WATER took note of the request.

Count DE PENHA GARCIA asked if the second memoir referred to in paragraph 238 of the report (page 38) regarding a geological survey had been published.

Mr. TE WATER did not know, but promised to supply copies of the memoir as soon as it appeared.

DEMOGRAPHIC STATISTICS.

M. RAPPARD had noted that the immigration of persons for permanent residence was not very considerable. There had been 127 persons entering the territory by sea for this purpose, and of those 119 were Germans (page 126 of the report).

He drew attention to an error in the tables on page 128, which should refer to persons leaving (and not entering) the territory.

Mlle. DANNEVIG referred to the table on page 131 showing the number of men, women and children, and observed that the number of children was smaller than that of the women, except in the case of the Hottentots. The table on page 61, however, showed that there were twice as many children as women.

Mr. ANDREWS said the figures on page 61 referred to the population outside the police zone, and those on page 131 to the population in urban areas, in reserves and in rural areas.

Mlle. DANNEVIG asked if the explanation was that the proportion in the reserves was normal, and that there were few children outside the reserves.

She noted from the table on page 61 of the report that there were certainly a larger number of men than women in the reserves. It was, however, stated on page 65 that the ratio of women to men was at least two to one.

Mr. ANDREWS explained that this ratio was based upon the assumptions and deductions mentioned in the preceding paragraphs on page 61, as, for example, the fact that men marry much later in life than do the womenfolk.

CLOSE OF THE HEARING.

The CHAIRMAN thanked Mr. de Water and Mr. Andrews for their co-operation with the Commission. He was particularly grateful to Mr. de Water for having met the Commission's wish by prolonging his stay at Geneva.

Mr. TE WATER said he wished again to emphasise how much his Government and the Administration valued the advice and assistance of the Mandates Commission.

He and his colleague, Mr. Andrews, were most appreciative of the patience and courtesy which the members of the Commission had once again extended to them.

Mr. de Water and Mr. Andrews withdrew.

Memorandum by Mlle. Dannevig on Native Education and the Social Services in African and South Seas Mandated Territories : (document C.P.M.2073).

The CHAIRMAN had received from Mlle. Dannevig a memorandum in which she summarised her observations on the organisation of education in the territories under mandate and her conclusions drawn from those observations. Mlle. Dannevig's document would be distributed to the members of the Commission and examined by the latter on a later occasion.

Syria and Lebanon : Adjournment to the Autumn Session of the Examination of the Annual Report for 1937 (continuation) : Question of Petitions.

M. de Caix, accredited representative of the mandatory Power, came to the table of the Commission.

The CHAIRMAN thanked M. de Caix for having been good enough to respond to the invitation to come to Geneva to give the Commission certain explanations.

He recalled, in the first place, that, on May 31st, 1938, the Minister for Foreign Affairs of the French Republic sent a letter to the Secretary-General, asking him to arrange for the adjournment till the autumn session of the examination by the Mandates Commission of the annual report on Syria and Lebanon.

The French Government had explained that it did not want to depart from the usual practice, by which the mandatory Power not only described the events of the year under review, but also gave a summary of the situation at the time of the examination and information as to how the situation would be developed. The French Government thought that, in view of the circumstances, this method would present certain disadvantages this year.

At the Commission's request, the Secretary-General replied to the French Government that the Commission did not insist on the examination of the report at the present session. He added that the Commission hoped, nevertheless, that an accredited representative of the French Government would make a statement with regard to the reasons which had led to the request for adjournment of the examination of the annual report for 1937. Lastly, the French Government was informed that the Commission intended to examine, with the assistance of the same representative, the petitions concerning Syria which were on its agenda.

The Chairman recalled that, in the meantime, the French Government had arranged for each member of the Commission to receive a proof of the annual report for 1937.

In those circumstances, the Commission would be glad if M. de Caix would be good enough to explain more fully the reasons for the French Government's request for an adjournment, and then give explanations on certain points raised in the petitions concerning Syria and Lebanon, which were particularly numerous that year.

M. DE CAIX made the following statement :

I am anxious that you should clearly understand in what spirit and circumstances the French Government formulated its request for an adjournment, about which the Commission desires explanations.

The mandatory Government had no idea, and had no reason to have any idea, of evading its duty to produce an annual report for submission to the League. At the same time it felt, in view of the current practice of the Commission and the accredited representative in the matter of discussion, that it would be preferable, in existing circumstances, to adjourn the examination of the annual report because of the difficulty of confining the discussion to past events as set forth in that report.

The report could have been submitted in proof in the form in which it is now before you—that is to say, with certain gaps. The reason for these gaps lies in the fact, that, since the beginning of 1937, the Syrian Government has been free—as part of the process of preparation for the full application of the treaty policy—to act in less close contact with the mandatory officials, who had therefore not been in a position to obtain with the same promptitude and directness as in previous years, the particulars required for the preparation of the report. When you were invited to adjourn the examination of the report, it seemed inadvisable to communicate the report until all the usual sections were complete. In other words, the delay in its completion was the effect, and not the cause, of the French Government's request.

That request, which it is difficult to discuss without giving freer rein to the speculations of a highly sensitive public opinion, does not imply that the policy which has been put before you on several occasions in recent years, and which led up to the conclusion of the treaties at the end of 1936, has been abandoned. But the treaty policy has been the subject of heated discussion in various circles. Delicate adjustments are necessary if it is to be carried through in the presence of criticisms to which it would be highly undesirable to add any fresh fuel. For that reason, it seemed better to ask the Commission this year to adjourn a form of examination which has come to be in the nature of a political review, not only of events during the period to be covered by the report, but also of more recent developments and even of the future.

That being so, the Commission, after years of contact with Syrian affairs, will readily understand the difficulties the French Government had in mind in putting forward its request.

I should make it clear, however, that the mandatory Power has by no means lost sight of its duty to lay an annual report before the League, and it is well aware that the adjournment could not go beyond the session of the Commission to be held in the autumn. It ventures to hope, however, that before then matters will have developed, and ideas will have been adjusted, in such a way as to enable the report to be examined, without inconvenience, as fully and freely as in past years—and that, with reference (as I said just now) not only to past policy, but also to the future development of the policy adopted in the mandated territories.

The CHAIRMAN said he had some difficulty in sharing M. de Caix's optimism and his hope that in four months time matters would have developed in such a way that less discretion need be exercised than at the present time. Four months seemed a short time in the evolution of a state of affairs that had already lasted for nearly two years—from the time when the Franco-Syrian and Franco-Lebanese Treaties had been initialled. The Chairman feared that, at the autumn session, the circumstances would be the same as at present. nevertheless, the examination of the annual report could not be adjourned a second time;

M. DE CAIX explained that, when he suggested that in four months time the position would be so much clearer that he would be able to speak more fully, he had no intention of avoiding any questions the Commission might desire to ask immediately. It would be easy for him to answer enquiries as to past events. As for development in progress, he fully expected that, by November, they would have reached a stage at which it would be possible to make the examination as free and extensive as in the past.

M. RAPPARD said that the arguments in favour of discretion, coming from such a man as M. de Caix, were certainly impressive. But to the members of the Mandates Commission, they could not be otherwise than embarrassing in the extreme. In the view of the Commission, the administration of Syria and Lebanon was passing through a critical period. A treaty had been concluded between the mandatory Power and the Syrian Government. At the time it was signed, the understanding was that it would come into force three years after ratification by the two parties. The Syrian Government had ratified it. France had not. At the same time, France had been applying it *de facto* for a year and a half, so that to all intents and purposes the three years were already running, and there was only a year and a half to go before the termination of the mandate. The problem with which he was faced was how to reconcile his anxiety to meet the wishes of M. de Caix and the mandatory Power, on the one hand, and his own sense of responsibility as a member of the Mandates Commission on the other.

M. RAPPARD's primary concern was for the future of the minorities. At the beginning of the mandatory Power's report, communicated in proof to the Commission, a distinction of a somewhat subtle character was drawn between the responsibilities of the mandatory Power and the prerogatives of the Syrian Government. Between the responsibilities of the one and the prerogatives of the other, there would not appear to be any very definite safeguards for the rights of the minorities. Was the protection of the minorities a responsibility of the mandatory Power or a prerogative of the Syrian Government ?

M. DE CAIX replied that the French Government would retain some responsibility for minorities under the treaty regime ; otherwise several of the annexes to the treaty would be meaningless. But the provision and application of safeguards for the minorities would call for very careful handling, in view of the susceptibilities of the Syrian majority, which must be considered.

M. RAPPARD pointed out that, for the moment, the Syrian Government was not sovereign.

M. DE CAIX replied that, in his opinion, the question was mainly one for the future. The French Government was not abandoning any of its responsibility as mandatory Power, but was exercising it in a new setting—in accordance, namely, with the policy of giving effect to the treaty before it officially came into force. That policy, moreover, was readily comprehensible in view of the impossibility of an abrupt transition by Syria and Lebanon from the status of territories under mandate to the status of a country governing itself freely. An intermediate period of adaptation and probation was necessary. M. de Caix laid stress on the word “ probation ”, since, at the end of the trial period of three years, the League of Nations was to be free to express its opinion on the termination of the mandate within the setting of the application of the Franco-Syrian Treaty. Moreover, it must not be overlooked that events calculated to disturb the order which the French Government and the Commission were concerned to maintain in Syria might occur—had indeed occurred—under the mandatory regime pure and simple as well as under the treaty regime.

M. PALACIOS had observed, during the Commission's discussion of the request for adjournment,¹ that he saw no objection to acceding, purely and simply, to the mandatory Power's request. Nevertheless, although he agreed with the Chairman and M. Rappard that four months would not make much difference, he thought it was better for the Commission to know what was happening in Syria than to waste time in discussions. Everyone was aware of the manifestations in favour of and against the ratification of the treaties. Some of them, of an academic nature, which had taken place in France had caused a great stir. M. de Caix himself had appeared to hint at a possible modification of the treaty. Was it a question of changes in the Treaty, or was it a question of adapting the forms of its application to meet the situation ?

M. DE CAIX answered that there was no question of changes in the treaty. But the treaty provided for certain annexes and exchanges of notes, which had still to be drafted in agreement with the Syrian Government ; and, after that, a whole series of arrangements would be required to give effect, with security, to those instruments. The policy followed over a number of years, which culminated in the decisions at the end of 1936, was not in process of change, but in process of application.

ELEVENTH MEETING.

Held on Tuesday, June 14th, 1938, at 4 p.m.

Syria and Lebanon : Adjournment to the Autumn Session of the Examination of the Annual Report for 1937 (continuation) : Examination of Petitions (continuation).

M. de Caix came to the table of the Commission.

The CHAIRMAN informed M. de Caix that the exchange of views begun that morning on the basis of his statement would not be continued for the moment, but would be resumed later. For the time being, he asked the accredited representative to hear the questions to be put by the Rapporteurs on petitions from Syria and Lebanon.

PETITION, DATED NOVEMBER 5TH, 1937, FROM M. ABDEL KADER AND M. FOUAD GHANDOUR, BEIRUT (*Rapporteur*: Count DE PENHA GARCIA).

Count DE PENHA GARCIA had the impression, from a study of the petitions under examination, that there was little change since the time when the views now held by the Government were held by the Opposition. The opponents had changed, but not the grounds of opposition !

¹ See page 14.

The point at issue in this particular case was the construction of the Beirut aerodrome. The mandatory Power stated that the proceedings were taken under an Order of the High Commissioner. The position was unsatisfactory, seeing it was not till after a fairly large sum had been spent that the land originally chosen was found to be unsuitable, and expropriation became necessary. It was the expropriated parties, and M. Abdel Kader in particular, who had petitioned the mandatory Power. The latter's reply was to the effect that the proceedings were in order. The Court of Cassation had also non-suited the plaintiffs. It would appear from the documents that the main argument invoked by the principal plaintiff was very much weakened by the fact that, in order to evade taxation, he had registered his property in the Land Register at a very much lower value than that fixed by the experts; such behaviour on his part could in no circumstances be justified. Was the price of 10 francs per square metre fixed by the experts normal in view of the position of the land? The petitioner, he repeated, had no case at law. He claimed that his land was worth 240 francs per square metre. As far as the Order was concerned, the only question that arose was whether the work in question (though admittedly for military purposes) was to be regarded as a public enterprise, in view of the fact that the aerodrome was to be exploited by a private concessionary company. The land would appear to be near the Residency of the High Commissioner. What was to be said in regard to the difference between the sum claimed by the plaintiff and the price fixed by the experts?

M. DE CAIX replied that the land was not very near the Residency of the High Commissioner and was well outside the town. It consisted of sand-dunes with no vegetation; no road had been laid out, and the soil had had to be covered with asphalt, so that aircraft could land and take off. He was unable to say what the land was worth.

Count DE PENHA GARCIA noted that the procedure adopted was correct, except for some slight doubt as to the High Commissioner's Order. For the rest, the plaintiff had only himself to thank in view of his action in registering his land in the Land Register as worth 6 francs per square metre.

PETITION, DATED DECEMBER 27TH, 1937, FROM M. MICHEL SAYUR, ROME, AND OTHER HEIRS OF THE LATE ANTOUN YOUSSEF SAYUR, SUBMITTED TO THE PERMANENT MANDATES COMMISSION THROUGH THE INTERMEDIARY OF ME EMILE ZALZAL, ADVOCATE, BEIRUT
(*Rapporteur*: Lord HAILEY).

Lord HAILEY asked whether there were legal obstacles to prevent the petitioners from appealing once again to a legal authority for an interpretation of a judgment dating from as far back as 1933. Had any limitations come into play?

M. DE CAIX replied that, as the covering letter explained, the time-limit for making an appeal would only begin to run from the date on which notice of the judgment was served—a step which the Sayur heirs had so far failed to take with the Druzes. They could very well institute appeal proceedings by endeavouring to obtain execution of the judgment, thus exhausting the rights of the other party. In fact, however, they did not seem very keen to have recourse to the law.

M. RAPPARD asked whether they sought a compromise.

M. DE CAIX answered that there was no evidence of any steps having been taken by the Sayur heirs in that sense. Conceivably, their action in petitioning the League was, however, designed to bring pressure to bear on the Administration to the same end.

Lord HAILEY observed that, in 1933, the heirs secured a judgment from the court, against which there was no appeal. There still remained, however, the fact that the land over which rights were given to them included the cemetery of the Druzes. The Druzes had turned for help to the Executive, which appeared to have replied that they need have no anxiety, since the judgment would in no circumstances and at no time be carried out. It was the view of the Executive that the judgment could not be applied without provoking serious trouble. One solution, of course, might be to expropriate the ground in question for reasons of public utility, of course paying full compensation, and subsequently to hand it over to the Community concerned. But all that the Mandates Commission could do was to make sure that the legal channel was still open. Could the Commission conclude that all possibility of appeal had not been exhausted?

M. DE CAIX replied that that was the position, as the covering letter showed. If the 1933 judgment had remained a dead letter, the reason was that, in that quarter of Beirut, claims to land were so involved, and in some cases imprecise, that it had proved impossible to give concrete effect on the actual ground to the decision taken. An interpretative judgment was therefore necessary, but the Sayur heirs had not wished for that. Their attacks upon the High Commissioner were unjustified: the latter had never said that the Sayur heirs would not obtain justice, but simply that the Druzes would not lose their cemetery. In accordance

with the procedure suggested by Lord Hailey and, in the event of a final judgment against the Druzes, it was intended to expropriate the land, while doing justice to the rights of the Sayur heirs at the expense of the State.

M. RAPPARD observed that, in that case, the Sayur heirs would duly obtain payment. For the time being, however, they had neither their money nor their land. Did not the comments just made by M. de Caix amount to a criticism of the mandatory's jurisdiction in the matter ?

M. DE CAIX repeated that, when an attempt was made to apply the judgment on the land itself, it had been found impossible to do so. That was due to the confused character of land legislation at the period in which the rights advanced by the parties concerned were said to have originated. The question could only be resolved by means of an interpretative judgment.

M. RAPPARD objected that the heirs had secured a judgment on appeal which put them entirely in the right.

M. DE CAIX stated that it had proved impossible to apply the judgment on the land itself and that the parties concerned still had means of recourse to the law. As to the question of substance, it might well be asked whether the 1933 judgment had taken into account the uncertain and confused nature of the rights existing at the time when the plaintiffs claimed to have obtained those which they desired to exercise.

Lord HAILEY only wished to make it clear that, in his opinion, it was difficult for the Executive to review the merits of a case in which a decision had been reached by the highest court of the country. There were extra-legal remedies open to it, such as legislation, but it could not properly go behind the legal position created by such a judgment.

M. DE CAIX repeated that, in order to settle the matter finally, an interpretative judgment had become necessary. Such a judgment, as the covering letter showed, had not been sought by the parties. The covering letter also drew attention to the existence of forms of legal action which still remained open to them.

Lord HAILEY suggested that it was for the Executive to apply for such an interpretative judgment, and not the plaintiffs, who had the decree (whatever its merits might be) on their side.

M. DE CAIX preferred not to enter into a discussion of the obligations which, in such a case, would rest upon the plaintiffs and the public authorities. The fact remained, however, that legal means still remained open for the parties who, since 1933, had refrained from having recourse to them.

PETITION, DATED SEPTEMBER 25TH, 1937, FROM M. KASSEM MOUSTAPHA,
M. KHALED HAMAD-EL-KHATIB AND OTHER SIGNATORIES OF THE EL ARKOUB DISTRICT
(*Rapporteur*: M. PALACIOS).

M. PALACIOS asked what was meant by "Jeunesse arnéliote" ? He imagined it meant young people from the Jebel Arnel. What was the political significance of their organisation, and its strength ? According to the mandatory Power, the incident described in the petition was largely personal in character. The young people who signed the petition described themselves as "Liberals".

M. DE CAIX replied that the term "Liberals" was one which the petitioners applied to themselves. They represented a reaction by the local youth against the influence of the older notables and, in particular, the religious leaders. The Jebel Arnel was mainly a Shiah district with fairly strong particularist leanings. Under the Lebanese regime, the Shiahs had obtained some satisfaction on matters on which they had been unable to obtain it before—for instance, the appointment of Cadis of their own cult. The youth in question, who wanted to get rid of the elder members of the community, looked to the Syrian Nationalists for support, which explained their unitary demonstrations against Lebanon.

PETITION, DATED OCTOBER 24TH, 1937, FROM M. SAMI SLIM, TRIPOLI
(*Rapporteur*: M. SAKENOBE).

M. SAKENOBE explained that the petition related to the elections to the new Lebanese Parliament. At the end would be found the following sentence : "The murder you have taken as a pretext for prohibiting assemblies was due to a dispute between the murderer, who is the right hand of the President of the Lebanese Cabinet, and the victim about a certain sum of money advanced by the former to the latter for buying votes for Government candidates." There would seem to have been a riot during the elections. Did the accredited representative accept the allegation contained in the sentence quoted ?

M. DE CAIX said that, as far as he could remember, the murder was not committed during the elections, but before. Consequently, it was not really an electoral incident. Furthermore, he could not say that there was no ground for criticism of the manner in which the Lebanese authority had conducted the elections.

PETITIONS (FIVE IN NUMBER), DATED SEPTEMBER 25TH, AND DECEMBER 10TH, 14TH, AND 15TH, 1937, AND JANUARY 9TH, 1938, FROM INHABITANTS OF DAMASCUS AND HOMS
(*Rapporteur*: Count DE PENHA GARCIA).

Count DE PENHA GARCIA said that these five petitions, all mainly political in content, called to mind (as did the preceding petitions) many other earlier petitions. They contained such expressions as "Anarchy prevails everywhere", "Personal life is in danger", "Personal freedom", "Freedom of the Press and of thought", "Domiciliary inviolability", "Under this reign of terror", etc. In its reply, the mandatory Power described all these petitions as unduly coloured by political feeling, and took the view that none of them deserved much attention. There was, of course, a struggle against the political *bloc* constituted by the present Government.

For his personal enlightenment, Count de Penha Garcia would like to know whether the present Opposition was as embarrassing as the former Opposition, in so far as the prospect in Syria and the responsibilities of the mandatory Power were concerned, or whether it was more conservative than the former Opposition, though equally unrestrained in utterance and violent in action.

M. DE CAIX replied that the members of the Opposition could not be described as more conservative than the Nationalist *bloc*. On the contrary, it was the more advanced elements who had formed an Opposition to the Nationalist *bloc* at present in power. This Opposition had taken over the old grievances of the *bloc*, which it now accused of being too ready to come to terms with the mandatory Power.

The present Opposition was certainly less powerful than the former, as it comprised only the most advanced section of the Nationalists, who were in opposition down to the time of the 1936 Agreement.

PETITION, DATED MARCH 1938, FROM M. KHALED DAGHESTANI, HOMS, AND OTHER CIRCASSIANS OF THE MOHAFAZATS OF HOMS AND HAMA (*Rapporteur*: M. SAKENOBE).

M. SAKENOBE asked how many Circassians there were in the Mohafazats of Homs and Hama. According to the petition, there were 30,000 in the whole of Syria, which seemed a very small number. There were presumably, therefore, still fewer in the two districts in question.

M. DE CAIX could not exactly say how many there were in the Homs and Hama district, where there were only a few Circassian villages. The covering letter explained that most of those villages were in the neighbourhood of Kouneitra and had a population of approximately 12,000.

M. SAKENOBE enquired as to their social and economic position in Syria.

M. DE CAIX replied that they were peasants of the same type as all the other peasants in the country. Their villages, crops and animals might, in certain respects, be slightly better cared for, as their ancestors came from a richer country. That seemed to be the case in the Kouneitra district. But it could not be said, on the whole, that there was any great difference, as regards their economic circumstances, between the Circassians and the rest of the rural population of Syria.

M. SAKENOBE recalled that the Circassians appeared to have been the victims of harsh treatment some five or six years ago. What was the present situation?

M. DE CAIX could not say that they were considered with greater favour. Some people criticised the Circassians for joining the squadrons which had faithfully assisted the French troops in the Levant, particularly during the disturbances in 1925/26. Furthermore, the Circassians desired to maintain their own language, although they were good Syrian citizens, which was contrary to the desire of the Syrian nationalists in power for unification and assimilation.

M. SAKENOBE observed that the petitioners had advanced eleven requests, including that of being entitled to representation in the Syrian Parliament and of taking a share in various branches of the Administration. Were those requests excessive, and could they be granted or not?

M. DE CAIX thought that only some of their requests were justifiable. Some of their demands ran counter to the fact that the minorities system related only to religious communities. The Circassians, being Sunnis like most of the Syrians, were not a religious minority. Apart from the provisions in the Syrian Constitution relating to freedom of language, linguistic minorities had no special rights.

The most reasonable request of the Circassians was for teaching in their own language in the schools of the villages of which they formed the population. They had undoubtedly a right to open private schools, and they availed themselves of it at Kouneitra, but their requests applied to the public school.

PETITIONS (FOUR IN NUMBER) RELATING TO SYRIAN UNITY (*Rapporteur*: M. SAKENOBE).

M. SAKENOBE observed that the petitions were rather old. Who were the petitioners? One of the petitions was signed by the President, Vice-President and members of the "Representative Council of the Government of Latakia". Were those persons officials of the Government of Latakia?

M. DE CAIX replied that none of the petitioners were officials: they were members of the Council set up to assist the Government of Latakia to administer the district. The Council was elected under rules very similar to those adopted in the Syrian and Lebanese elections. A few members of the Council were appointed by the Government.

M. SAKENOBE asked what was their present position. Were they still in touch with the local Mohafazats? Were they still autonomists?

M. DE CAIX replied that the petitioners were still members of the Representative Council. It was stipulated in 1936, when the Government of Latakia was incorporated in Syria, that the Representative Council, which then became the Mohafazat Administrative Council, would be maintained until the term of office of its members expired.

M. SAKENOBE asked whether the petitioners still pressed for Latakian independence, as would appear from the petitions.

M. DE CAIX replied that some of them, in particular M. Ibrahim Elkinj, would much prefer to see established an autonomous Government of Latakia. The least autonomistically minded of the Alawites were in favour of maintaining the special status of the Mohafazats. Some of them had been led to support the incorporation of the province in Syria because of personal favours shown them by the Damascus Government.

PETITIONS CONCERNING THE LEGISLATIVE ELECTIONS HELD IN THE MOHAFAZAT OF LATAKIA IN OCTOBER 1937 (*Rapporteur*: M. PALACIOS).

M. PALACIOS said that most of the petitioners protested against the use of terrorism, as evidenced particularly in the activities of the "Iron Shirts". Was this a Fascist organisation in the pay of the Syrian Government? The petition revealed that there was both support for and opposition to the National Government; there had doubtless been defections, and also complaints alleging that France had abandoned her faithful friends.

M. DE CAIX replied that the organisation in question was composed of young Nationalist Syrians who wished to bring pressure to bear upon those they considered too moderate. They styled themselves "Iron Shirts", as others elsewhere styled themselves "Black Shirts" or "Brown Shirts"; but they certainly did not wear armour! He believed that the list of misdeeds given in the petition was somewhat exaggerated, although there might well have been, in one or two places, a few disturbances provoked by those youths. It could not be denied, however, that administrative pressure had been brought to bear on the autonomists, though by means having little to do with the activities of the "Iron Shirts". No doubt the authorities made themselves felt during the Latakia elections—but in that Syria was no exception to a rule which, it must be admitted, existed in many other countries. Since it had had control of the Mohafazats, the Syrian Government had sought to discourage the opponents of unity.

PETITIONS, DATED DECEMBER 2ND AND 15TH, 1937, FROM M. RACHID YOUSSEF BEIDOUN, M. IBRAHIM FAYAD AND OTHER SIGNATORIES, BEIRUT (*Rapporteur*: M. PALACIOS).

M. PALACIOS said that, according to the petition, the Shiah did not appear to enjoy much favour so far as securing posts in the Administration was concerned. In Lebanon, moreover, they appeared to be a not inconsiderable community.

M. DE CAIX replied that they were not inconsiderable as to numbers, since there were probably 80,000 in Lebanon, whereas there were only a few thousands in Syria. They had no ground for complaint against the Lebanon regime as regards their community rights, since their cult had been given legal recognition by the Lebanese Government and since, under the mandates system, they had their own cadis. Their treatment was therefore the same as that of the other communities, as was the case throughout Lebanon.

Their complaint was that their share in the public services was not commensurate with their numbers. That was a never-ending grievance in the country. As the covering letter pointed out, the Shiah district of Southern Lebanon was still one of the least developed in the Lebanese Republic. For that reason, it was difficult to allocate many posts to Shiahs, who would hold practically none if the Administration recruited candidates by competition. Nevertheless, an effort had been made to appoint Shiah officials, and it would be increasingly easy to do so now that public schools had been opened in Shiah districts. Education alone—in regard to which the Christians were far ahead—could remove inequality between the communities.

PETITION, DATED NOVEMBER 25TH, 1937, FROM M. MOHAMMED ADIB KHALED AND OTHER SIGNATORIES, TRIPOLI (*Rapporteur*: M. SAKENOBE).

M. SAKENOBE found that the petitioners complained of certain irregularities in distributing the subsidies to schools of the Christian communities, alleging that those grants were made without the approval of the Lebanon Parliament. Was such approval necessary?

M. DE CAIX thought not. He did not know the exact situation in Lebanon; but in France a block credit was allocated for a certain purpose and was distributed by the Administration as it thought best in the light of the objects to be safeguarded.

M. SAKENOBE did not gather that the petitioners were complaining of the amounts granted to each school, so much as of the irregular procedure followed in allocating the grants.

M. DE CAIX had no information on the subject, and could not say whether the petitioners were justified in complaining of the procedure followed. He did not think it had been irregular, however. Moreover, there was no doubt that the grants had been allocated to the communities in the same proportion as in past years.

PETITIONS (FIFTEEN IN NUMBER) FROM INHABITANTS OF THE UPPER JEZIREH (*Rapporteur*: M. SAKENOBE).

M. SAKENOBE explained that most of those petitions were consequent upon petitions examined by the Commission at its last session. Accordingly, they dealt with the same questions. In two of them, however, the petitioners asked the League of Nations to intervene to secure the payment of compensation to certain inhabitants of Amouda, whose property had been destroyed. Had the mandatory Power the intention of making any payment to those persons in order to assist them in one way or another?

M. DE CAIX said that he had asked for special information on this matter. The answer had been that, from the legal standpoint, no compensation was due by the Syrian Government. He knew, however, that the troops which had occupied the district in question had to some extent endeavoured to make compensation for the damage done.

M. SAKENOBE pointed out that, according to the petitioners' statements, which conflicted with the Government's information, no officials had been dismissed.

M. DE CAIX replied that, in any event, following upon the earlier difficulties at Hassetché, one whole section of officials had been recalled from Jezireh.

M. SAKENOBE observed that, according to the petitioners, the officials were not dismissed, but rewarded.

M. DE CAIX had heard nothing of the kind, though there was no doubt that these officials had met with no marked hostility from their political and religious affiliates in Damascus.

PETITIONS, DATED AUGUST 14TH AND OCTOBER 27TH, 1937, FROM DR. ANTOINE CHALFOUN, BEIRUT (*Rapporteur*: M. PALACIOS).

M. PALACIOS noted that the petitioner boasted of his ability to collect up to 60,000 signatures in support of a request for the maintenance, in a direct and absolute form, of the French mandate, on the ground that the country was "now on the edge of an abyss".

In its covering letter, the mandatory Power observed that there were no grounds whatever for thinking that the petitioner had collected such a number of signatures, and closed with the statement that, "although the petitioner's good intentions could not be questioned, it was nevertheless the fact that his influence within the country was one that should be discouraged". Could the accredited representative explain why the mandatory Power appeared to be looking with disfavour upon an individual who was anxious to uphold the mandate and the full authority of France?

M. DE CAIX said that the petitioner was no doubt exaggerating when he said he could collect 60,000 signatures. There was no doubt that in non-political circles in Lebanon there was a movement in favour of a Government regime very different from the present regime and far less complex and costly, in which French authority would make itself felt directly. Lebanon seemed to waver between a craving for parliamentary institutions, whenever restrictions were placed on them, and a desire for a more simple and direct form of Government when the parliamentary system had been functioning for a time, with all its complications, including ministerial crises. It would be difficult for the Government to follow these variations and to encourage tendencies towards a return to the direct administration of the mandate, which had been abandoned for a long time. There could be no question of abandoning the Treaty policy, which would, moreover, lead to movements in the opposite sense. Reform and simplification could be recommended, but not imposed.

PETITIONS, DATED NOVEMBER 9TH, 13TH AND 16TH, 1937, AND JANUARY 4TH, 1938, FROM CHAKER NIMET BEY EL CHAABANI, BEIRUT (*Rapporteur*: Count DE PENHA GARCIA).

Count DE PENHA GARCIA said that these petitions deserved the attention of the Commission. He thought that the conclusion would be justified that little heed was paid to the freedom of the Press in the mandated territory. He summarised the subject-matter of the petition. The editor of the prohibited newspaper complained of having been the victim of a whole series of aggressions. A further serious factor was that the Press offence mentioned in the petition had been dealt with, not under the Press Law of 1930, but under an Order of 1922. Doubtless, that Order could apply to Press offences in the absence of a special Press law; but, in the particular case, the application of the Order was, if not illegal, at any rate too drastic. The proof of that was the fact that the President of the court had refused to accept the findings of the court and had attached a record of his own dissent from the sentence. In addition, the accused had immediately been imprisoned without even awaiting the result of his appeal. Lastly, Count de Penha Garcia had been struck by the fact that the petition came from a man possessing a certain political position, who concluded his petition with a number of vigorous complaints; a qualified representative of an opposition party had therefore raised grievances which went very much farther than had been the case hitherto. It was a matter for regret that an unfortunate impression should be given in regard to the respect at present shown in Syria for the freedom of the Press, and even for the freedom of the person. He feared that the Syrian Government had become somewhat too authoritarian.

In its covering letter, the mandatory Power confined itself to the comment that, according to the Syrian Government, the newspaper *Al Ahali* had published material "likely to disturb public opinion and public order". Count de Penha Garcia asked the accredited representative whether he did not think it unfortunate that neither the mandatory Power nor the petitioner should have forwarded the text of the newspaper article in question, so as to make it possible to obtain a more complete view of the affair. For his own part, he felt that the mandatory Power's observations did not go to the root of the question. The petition and the various grounds put forward gave the impression that various irregular and illegal activities were at present taking place in Syria.

M. DE CAIX replied that he was bound to admit that, to his way of thinking, the Governments of the States under mandate—which were far more dictatorial on Press affairs than the representatives of the mandate had ever been—were unwilling to allow opposition to be expressed in the newspapers and tended to regard and treat it as seditious.

As for the application of the High Commissioner's Order concerning public order, there would seem to have been some tendency to abuse it. He had heard that view expressed in Damascus during his last visit to Syria.

M. de Caix had asked for a translation of the article, so that some light might be thrown on the matter for the Commission.

Count DE PENHA GARCIA observed that the petitioner had sent the article, with a translation in French, to the High Commissioner.

The CHAIRMAN asked what was the general attitude of the newspaper.

M. DE CAIX replied that its attitude was very definitely that of the Opposition, but he did not think the petitioner—given his character and relations—held very violent views. He found it difficult to believe that the petitioner had gone so far as to threaten public order, which would have justified the application of the High Commissioner's Order.

The CHAIRMAN observed that he was struck by the detached tone of the observations of the mandatory Power. The latter seemed content merely to act as an intermediary between the Mandates Commission and the Syrian Government, and to have no opinion of its own. Yet it was to the mandatory Power that the Commission addressed itself as the authority responsible in Syria to the League of Nations.

M. DE CAIX understood the Chairman's point. The attitude he had described was the outcome of the policy followed since the signature of the Treaty. As M. de Caix had just said, he did not think the Syrian authorities allowed sufficient freedom for criticism. As for the

attacks on the editor of the newspaper, it was not likely that those involved had wished to kill him, but merely to give him a lesson and intimidate him. They were to be blamed, of course, but their act must be attributed not to the Government but to the political organisations which were inflamed by party spirit.

M. RAPPARD asked whether the mandatory Power still felt responsible for defending the principle of the freedom of the Press. It seemed, as the Chairman had observed, that the mandatory Power, now that it had handed over the reins, appeared to be content to transmit to the Commission the explanations furnished by the Government of the mandated territory.

M. DE CAIX admitted that the covering letters might appear to manifest a somewhat detached attitude, but before any opinion was formed on that score, the incriminated articles must be examined. The view taken of the severity of the Syrian Government must depend on the tone and the conclusions of the articles.

The CHAIRMAN asked the Rapporteur for his opinion.

Count DE PENHA GARCIA said that he was still in doubt. For the moment, and in the absence of further information, he proposed to make in the conclusion of his report an observation to the Council.

The CHAIRMAN asked the Rapporteur whether one issue only of the newspaper would be sufficient for his purposes. There appeared to have been repeated offences.

Count DE PENHA GARCIA replied that he would have to have a translation of the article in question.

M. DE HALLER asked whether the Commission would not prefer to adjourn its announcement of its conclusions until the autumn session, when it would examine the annual report on Syria.

Mr. DE CAIX added that, if the Rapporteur wished to have the document, a request in that sense would be forwarded to Beirut at once, in support of his own to the same effect.

Count DE PENHA GARCIA agreed to that suggestion. *The examination of the petition was adjourned to the autumn session.*

PETITION, DATED NOVEMBER 22ND, 1937, FROM M. IBRAHIM AHDAB AND OTHER SIGNATORIES.

PETITION, UNDATED, FROM M. HENRI JABBOUR AND OTHER SIGNATORIES INHABITING VILLAGES IN THE DJEBEIL DISTRICT.

PETITIONS, DATED DECEMBER 4TH AND 5TH, 1937, FROM M. CHARLES ASFAR, DAMASCUS, AND M. KHALED SEBAHI, HOMS.

PETITIONS (TEN IN NUMBER) CONCERNING THE SUSPENSION OF THE LEBANESE NEWSPAPER, "SAOUT EL-CHAAB".

M. DE HALLER pointed out that all four petitions reached the Secretariat after the opening of the session. At its twenty-third session,¹ the Commission had decided, once for all, that in such cases the Chairman should not appoint Rapporteurs, but should adjourn the discussion until the following session, except in urgent cases.

The CHAIRMAN ruled that examination of the above petitions should be adjourned until the following session.

Syria and Lebanon : Adjournment to the Autumn Session of the Examination of the Annual Report for 1937 (continuation).

The CHAIRMAN, reverting to the French Government's request for the adjournment of the examination of the annual report, recalled that, although the discussions had often gone outside the field covered by the annual reports and dealt with the whole question of the present position of the territory, it had nevertheless always been understood that the accredited representative was entitled to refuse to engage in any discussion of events occurring after the end of the period under review. In the present case, it would have been open to the accredited representative to invoke that understanding, in which case the Commission would have confined its examination to the contents of the report.

In those circumstances, the reasons given by the accredited representative in support of his Government's request had not convinced the Commission of the alleged disadvantages attaching to the examination of the 1937 report at the present session. The Commission could

¹ See Minutes of the Twenty-third Session of the Commission, page 132.

only express its regret at the adjournment, to which it had agreed in deference to the wishes of the mandatory Government and because the belated arrival of the document, when the Commission had already begun its session, ruled out any possibility of examining it at that session.

M. DE CAIX observed that the report would have been forwarded as it stood, despite the gaps in its contents, if the request for adjournment had not been submitted by the French Government at the very moment when the report was being finally completed.

Continuing to speak on behalf of the Commission, the CHAIRMAN repeated that it desired to draw attention to its constant concern to safeguard the future of minorities of race, language and religion in territories now under mandate which were about to be called upon to lead an entirely independent existence. The Commission had given expression to its concern in this connection on different occasions, the first occasion being that on which it was invited by the Council to lay down the conditions entitling a mandated territory to be recognised as fully independent. In those circumstances, the Commission thought that it would be useful for the mandatory Power to know, for its own information, that the Commission did not propose to recommend to the Council of the League any solution of the minorities problem—which had not been referred to it in good time—which, in its opinion, would not effectively safeguard the future of those minorities.

M. DE CAIX wished to recall that his Government was so well aware of the Commission's rights as regards its conclusions to be drawn at the time when the question of the termination of the mandate arose, that he had been careful to point out, during the examination of the Franco-Syrian and Franco-Lebanese Treaties at the session held in the autumn of 1937,¹ that those rights, and those of the League of Nations in general, could not be exhausted owing to the fact that the mandatory Power had laid down certain guarantees for the minorities. He had no doubt, he said at the time, that the provisions of the Franco-Syrian Treaty and its annexes were sufficiently comprehensive to cover all the interests that had to be protected; but, he added, the Mandates Commission was not bound by those considerations and was entitled, when the time came, to express its own views and make its own demands. There was no inconsistency, therefore, between the point of view of the Commission, as stated by the Chairman, and that of the mandatory Power.

**Syria and Lebanon : Possibility of Assistance from Syria during the Disturbances in Palestine :
Question of the Supervision of the Activities of the ex-Mufti.**

The CHAIRMAN was anxious to take advantage of the accredited representative's presence to draw his attention to a matter about which some members of the Commission were somewhat concerned.

A neighbouring territory was the scene of serious events, which were well known to everybody. A large section of public opinion held that the insurrectionary movement in Palestine was to a large extent maintained and supported by consignments of arms from Syria, the supply of recruits, singly or in groups, from Syria, and instructions issued by leaders dwelling in Syria, who directed and co-ordinated the movement. The question had arisen during the examination, only just completed by the Commission, of the annual report for Palestine for 1937.² As M. de Caix would see from the Minutes, the accredited representatives for Palestine of the United Kingdom Government had been at pains to make it clear that the responsible French authorities in Syria and Lebanon had done all that lay within their power to put an end, as far as possible, to the influx of assistance to the Palestine insurgents.

Some of the members of the Commission had been particularly concerned to learn that the individual who was considered to be at the head of the insurrection, and who was now a refugee in Lebanon, was continuing, according to certain information, to engage in political activities and was in touch, through intermediaries, with the leaders on the spot of resistance to the mandatory authorities of Palestine. The Chairman desired to offer the accredited representative the opportunity of giving certain explanations on the subject. Syria, Lebanon and Palestine were not countries entirely foreign to one another, all three being administered under mandates from the League. As he had already observed, it was inconceivable that one of those territories should tolerate a focus of resistance to the exercise of the mandate in a neighbouring territory.

In brief, he would ask the accredited representative to say whether the ex-Mufti of Jerusalem was subject to a sufficient degree of surveillance to guarantee his inability to engage in any political activity in the country which had given him refuge.

M. DE CAIX had no difficulty in replying : he was convinced that it was possible for arms and recruits to cross the frontier in small quantities. In a country where disguise was easy, such leakages could not be entirely prevented, especially when the mass of the population were instinctively in sympathy with the participants in what they regarded as a holy war. But any help that might reach the Palestine insurgents reached them in defiance of the desires of the mandatory Power, which was doing its utmost to prevent these leakages, toleration of which would be contrary to its obligations towards the neighbouring mandate. During his last visit to the Levant, at the beginning of the year, he had himself seen something of

¹ See Minutes of the Thirty-third Session of the Commission, page 21.

² Pages 37-38, 44-45.

the arrest of arms-smugglers by the efforts of the Sûreté générale. While, therefore, repressive measures were very difficult to apply, there was a genuine and unquestioned desire to apply them.

Apart from any considerations of the correct attitude to be observed in relations with the neighbouring mandate, the two mandates had a common interest in the maintenance of order. While they were not both in the same position, since the mandatory Power in Syria was not faced with any problem similar to that of Zionist colonisation, there was nevertheless, and of necessity, a community of interests between the responsible authorities of both territories.

As for the ex-Mufti of Jerusalem, it would be very difficult to forbid him to discuss politics with persons who came to see him. But he lived in an environment which lent itself as little as possible to intrigues. He was at Djouni, in Lebanese territory, about 20 kilometres from Beirut, a place with a purely Christian population, which had no desire whatever to assist in the formation of bands for Palestine.

M. de Caix knew that the necessary surveillance was being exercised over the ex-Mufti. It might be, however, that this personage, on whom events had conferred symbolic significance, was not so important a factor as was commonly supposed. He received visitors, no doubt, who came to talk politics with him; but he was still required to observe the rules of hospitality incumbent on a political refugee. There was nothing to show that he was a leader of belligerents; nor was there any reason to suppose that the political banditry—the guerrilla warfare—in Palestine needed any general leadership from outside. It must be easy to find men on the spot in all parts of Palestine, capable of organising and leading raids, without any necessity for the guidance from a distance of the ex-Mufti.

M. de Caix did not, in short, think the ex-Mufti played the part attributed to him. On the other hand, as far as the activities of refugees and consignments of arms were concerned, the mandatory Power was doing its utmost to assist the authorities of the neighbouring mandate.

The CHAIRMAN asked whether the place of residence of the ex-Mufti in Lebanon was his own choice or had been assigned to him by the French mandatory authorities.

M. DE CAIX was not sure; but he seemed to remember that Djouni had been chosen for the ex-Mufti as a place of residence by the mandatory authority, or that he had chosen it himself from a list drawn up by the mandatory authority. There was no reason why he should have fixed on a Lebanese Christian town. He would have found a more sympathetic environment in other larger centres in the French mandated territories, where there were more Moslems, and the comings and goings associated with his presence would more easily pass unobserved. His choice must therefore have been inspired from some outside quarter.

TWELFTH MEETING.

Held on Wednesday, June 15th, 1938, at 10 a.m.

Togoland under French Mandate: Examination of the Annual Report for 1937.

M. Besson, Director of the Economic Agency of French West Africa, accredited representative of the mandatory Power, and M. Thébaud came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed M. Besson and M. Thébaud. The latter was Counsellor to the Court of Appeal and formerly Public Prosecutor of the Republic at Lomé. He had made a special study of native customs in Togoland and would be able to give valuable information on a matter of particular interest to the Commission.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

M. BESSON made the following statement:

I thank you, Mr. Chairman, for your appreciative remarks addressed to M. Thébaud and myself. Following the usual practice, I propose to make a rapid general survey of the situation in Togoland in 1937.

The economic situation in Togoland, as in every other part of West Africa, largely depends on the results of the harvest. In 1937, the weather was not particularly favourable; and certain crops, such as the oleaginous plants grown in the southern districts, were much smaller than in the previous year. But, thanks to the efforts made by the native provident societies and to the goodwill shown by the natives, who, at the suggestion of the former, had increased

considerably the area under cultivation, the general results were fairly good. In the case of certain products such as coffee and maize, the crops were even large enough to allow of increased exports.

For these reasons, there was a large increase in the money values of the trade figures, which rose from 91 million francs in 1936 to 156 million francs in 1937; but this increase in values was not accompanied by a similar increase in quantities. The volume of trade in general declined—namely, from 82,000 tons in 1936 to 76,000 tons in 1937. The decrease was due, in the case of imports, to the large stocks accumulated in 1936, and, in the case of exports, to the poor crop of oleaginous plants to which I have already referred. As compared with 1936, exports of palm nuts, for instance, showed a decrease of 9,000 tons; palm oil, of 523 tons; and copra, of 2,611 tons. On the other hand, exports of coffee increased to 405 tons as against 163 tons, and maize exports were doubled (from 7,000 tons to over 14,000 tons).

The work of the native provident societies, the number of which has increased during the year from three to nine—corresponding to the number of administrative sub-divisions—has been extended along the lines indicated for the year 1936. In 1937, in particular, they distributed a considerable amount of processing machinery to their members, including six mechanised crushers for palm-nuts, a ground-nut decorticator and sorter and three coffee decorticators. They also distributed a large number of selected palm, cocoa and coffee plants. In this latter connection, a committee for the technical study of coffee in Togoland has been organised to investigate all questions peculiar to the territory concerning the cultivation, preparation and packing of coffee.

Lastly, the efforts which were begun in 1936 to increase the cultivation of ground-nuts, particularly in the northern districts, have been continued; valuable assistance has been afforded by the native provident societies which distributed seed. Unfortunately, the results in the case of ground-nuts, and other products such as manioc, have not come up to expectations, owing to the lack of rain. As regards cotton production, which showed a slight increase in 1937, efforts are chiefly directed towards the improvement of the product by the selection of the best varieties and the most appropriate methods of cultivation.

Traffic on the various railways in Togoland has suffered comparatively little from the falling-off in production. Although there was a decrease of 6,000 tons in the goods traffic in 1937 as compared with 1936, the passenger traffic has increased considerably, rising from 675,000 units to over a million units, while the total receipts are 800,000 francs higher.

There was a similar improvement in the financial situation. Customs receipts in 1937 amounted to 23 million francs, representing an increase of 7 millions over the previous year (1936) and 6 millions as compared with the budgetary estimates. Similarly, the budget as a whole for 1937 clearly showed, at the end of the financial year, that the economic activity of the territory continues to be very satisfactory, since there is an excess of receipts amounting to 9 million francs, which, as usual, has been transferred to the Reserve Fund.

Before concluding this survey, I should like to give particulars regarding the administrative reform of the territory, as to which the Commission expressed apprehensions last year.¹ The Commission was alarmed by these successive reforms; but I can assure it that the process is now slowing down. The object of the reforms was, in the first place, to cope with the financial difficulties of the territory at a time when we were faced with an unhealthy budget showing a deficit, and, secondly, to promote the economic and social development of Togoland to the fullest possible extent with the help of the technical services of the Government of French West Africa. The experience of the last few years has shown that it was in the interest of the population of the territory that the Governor-General should become High Commissioner for Togoland and that the Chief Administrator should be reinstated as Commissioner of the Republic of Lomé, under the Decree of July 20th, 1937. I would add that we are gradually reverting to the former arrangements, and that the financial and administrative autonomy of the territory is being fully re-established. For instance, not only was the General Treasury re-established by a Decree of May 6th, 1937, but the services common to Dahomey and Togoland are gradually being eliminated. I have just received a cable informing me that the Education, Posts and Telegraph Departments were re-established in Togoland on January 15th, 1938, and the Public Works and Transport Departments on January 28th. There are now only two heads of common departments—namely, the medical officer who is director of the Public Health Services; and the veterinary surgeon who is in charge of the Veterinary Service both in Togoland and in Dahomey.

Before terminating, I would add that, at the request of the Governor-General and by direct action of the Governor, M. Montagné, considerable efforts have been made to increase the collaboration of native elements with the local administration.

In short, the material and moral situation of the territory is as satisfactory as it could be, while the general economy of the country is making good progress. My impression is that the population is enjoying steadily increasing prosperity.

The CHAIRMAN thanked the accredited representative for his statement.

¹ See Minutes of the Thirty-third Session of the Commission, page 176.

FORM OF ANNUAL REPORT.

The CHAIRMAN said that, at the thirty-third session of the Commission,¹ M. van Asbeck thanked the mandatory Power for communicating to the Commission an "anthology" of the questions put by the Mandates Commission, and expressed the hope that this "anthology" would appear in future reports and would be kept up to date. He was gratified to note that the mandatory Power had attached the "anthology" in question to the present report. Would it be possible to add to each question the year and session of the Mandates Commission at which the question was put ?

M. BESSON took note of the request.

The CHAIRMAN said that the report (Chapter IV, pages 135 to 138) contained "Replies to the Observations of the Members of the Permanent Mandates Commission". These included (a) the replies to the observations made by the Commission and (b) the replies to questions put by individual members of the Commission. Would it not be possible for the report to separate the two, or at any rate to alter the heading of the chapter to prevent misunderstanding ?

M. BESSON took note of the request.

STATISTICAL INFORMATION REGARDING TERRITORIES UNDER MANDATE.

The CHAIRMAN drew the attention of the accredited representative to the following passage in the Minutes of the thirty-third session :¹

"The CHAIRMAN recalled that M. Orts had said in 1936 that the Commission would be grateful if the mandatory Power would insert in the report each year a table similar to the table which would be found in the document containing statistical tables relating to public finance, trade and demographic movements in the territories under mandate."

No such table was included in the report for 1937. He presumed the request had been overlooked.

M. BESSON answered that the request had not been overlooked ; but the necessary information had reached the author of the report too late for inclusion. He would see that the table was prepared and sent to individual members of the Commission as soon as it was printed.

ADMINISTRATIVE ORGANISATION OF THE TERRITORY : SUPPRESSION OF CERTAIN MEASURES INTRODUCED FOR REASONS OF ECONOMY : DECREE OF JULY 20TH, 1937.

The CHAIRMAN noted with satisfaction the various cases in which posts of Heads of Departments had ceased to be common to the mandated territory and the neighbouring French colony (page 11 of the report). It followed that the mandated territory was gradually resuming the external aspects of administrative autonomy, which had to some extent been affected by measures taken for reasons of economy.

M. BESSON said that the system in force at the present time had behind it two years of experience. Not only had the territory resumed its former administrative aspect, but definite progress had been made, since, with the retention by the Governor-General of French West Africa of the title of High Commissioner for Togoland, it had become possible to apply to the technical services of the Governor-General for help when expert knowledge of some particular subject was required in Togoland. In M. Besson's opinion, there was no longer any need for changes in the present regime.

M. PALACIOS wished to emphasise what had just been said by the Chairman. The Mandates Commission could not but welcome the administrative reform effected by the Decree of July 20th, 1937, which modified the reform brought about by the Decree of September 19th, 1936, in certain important respects set out both in the report and in M. Besson's statement. In a general observation submitted to the Council at the end of its thirty-third session,² the Commission stated that it :

"... was gratified to learn that there had been substantial improvement in the financial situation of the territory. It would be glad to know whether this improvement is likely to induce the mandatory Power to cancel the administrative measures taken on grounds of economy during recent years."

¹ See Minutes of the Thirty-third Session of the Commission, page 104.

² *Ibid.*, page 176.

It appeared from the report (page 11) and from the accredited representative's statement that the functions allocated to the Commissioner of the Republic were now transferred to the High Commissioner for the territory; that the list of departments shared in common by Togoland and Dahomey had been reduced; and that the separate Finance Department of Togoland had been re-established at Lomé. As a direct consequence of the reform also, the contribution paid by Togoland to Dahomey had lapsed. Finally, at the end of the year, the principle of the transfer back to Lomé of the Post Office, Education, Public Works, and Railways Departments had been admitted, and the consequent reforms were now on the point of completion.

The relevant passages in the report and in the statement seemed to indicate that the mandatory Power intended to reverse entirely the recent administrative reform of the territory. Little remained of that reform, and the administrative organisation was reverting to the *status quo ante*.

M. BESSON replied that it was sufficient to refer to the results achieved as the outcome of the administrative reform, to which he had drawn attention in answer to the Chairman's remarks.

Count DE PENHA GARCIA observed that the report said the population had expressed their joy at the return to the former situation (page 11 of the report). He would like to know in what form their joy had been manifested.

M. BESSON replied that the natives were proud to have as their chief a High Commissioner of the Republic. That was a very intelligible feeling.

Count DE PENHA GARCIA gathered that the Administration had reverted to an arrangement of divisions or areas more in accordance with the geography and ethnography of the country, and that a larger number of native officials were being included in the administrative staff. Was that because previous measures were now thought to have been premature, or was it a case of continuation of the former policy?

M. BESSON replied that the mandatory Administration had always been concerned to increase native participation in the work of administration. Thus, the Veterinary Services now included native officials (page 12 of the report). Togoland had benefited from the existence of a Veterinary School in French West Africa, a fact which demonstrated the practical benefits of collaboration between the territory and the adjacent Federation.

Lord HAILEY asked whether the Head of the Agricultural Services was in West Africa or in Togoland.

M. BESSON explained that there had never been any common agricultural service for West Africa and Togoland. There was a local agricultural service for Togoland. In the case of the veterinary services, the chief veterinary surgeon of Dahomey was still the chief veterinary surgeon for Togoland. Full particulars on the subject would be found on page 73 of the report.

He added, in reply to a question by M. van Asbeck, that the Head of the Agricultural Service for Togoland was an agricultural expert residing at Lomé.

M. VAN ASBECK asked whether the new reform, based on the Decree of September 19th, 1936, had been satisfactory from the financial standpoint. The decree said:

"The Commissioner of the Republic and the heads of Departments may appoint, at the expense of Togoland, a small secretariat to deal specially with questions concerning Togoland."

Did this entail heavy expenditure for Togoland?

M. BESSON replied in the negative. The expenditure involved did not exceed 50,000 French francs.

Lord HAILEY asked whether the Decree of January 6th, 1937, providing for the organisation of an inspectorate of Administrative Affairs in oversea territories, promulgated in Togoland by Order No. 84 (page 141 of the report), modified the existing state of affairs or carried on the former policy.

M. BESSON replied that there was no colony or territory under French mandate where there was not a Chief Administrator, whose duty it was to examine and inspect certain services, and to undertake necessary enquires under instruction from the Governments. The advantage of the system introduced by the decree was that the Inspector for Togoland, although he was under the authority of the Governor-General, was appointed by the Minister for the Colonies, which gave him a more independent standing. It was the fact of appointment by the Minister which was new under the decree.

M. VAN ASBECK noted, from page 12 of the report, that the division into administrative areas, which had been modified in September 1935 by the union of several zones, had again been revised by the Order of June 7th, 1937, re-establishing the former zone of Mango. The

question was raised by the Commission at the time¹ whether the Order of September 1935 would not make access to the offices of the chief towns more difficult for the natives. No change appeared to have been made in the administrative sub-divisions of the southern region. Did that mean that the position in the southern region was regarded as satisfactory, or was it considered advisable to go back to the state of affairs existing prior to the Order of September 4th, 1935 ?

M. BESSON replied that the Administration had not come to any final decision in regard to this matter ; but the general policy was not to increase the number of zones unnecessarily, so as not to increase the number of officials. He had the impression that the situation was likely to be left as it was.

BOUNDARY POSTS ON THE FRONTIER BETWEEN TOGOLAND UNDER FRENCH MANDATE AND TOGOLAND UNDER BRITISH MANDATE : PETITION, DATED AUGUST 9TH, 1937, FROM M. JOHANN A. AGBOKA, PRESIDENT OF THE "BUND DER DEUTSCH TOGOLANDER", ACCRA.

Count DE PENHA GARCIA noted (page 50 of the report) that some of the boundary posts had split or crumbled in the Aflao sector. With the exception of an old German post, no boundary posts had been torn up. The District Commissioner for Keta and the Commander of the southern zone visited the spot to decide what steps should be taken with a view to replacing the posts which were in bad condition.

As regards the petition, Count de Penha Garcia observed that it appeared from its text that, in one part of the frontier district, there had been trouble between members of the Akposos and Buem tribes. There had even been bloodshed. The question had been brought before the courts. It was stated that the competent British court of first instance had allowed the claim of one of the parties to the dispute. The decision of the British court was not, of course, valid outside the area of its own jurisdiction. If the two Administrations had been able to settle the question between themselves, the solution would have been final. Logically, there was no reason why they should not have done so, since the dispute had administrative as well as juridical aspects, relating as it did to the tenure of the land by the several parties concerned. It might be that an administrative solution at the present juncture would be premature : but there was some ground for apprehension in the prospect of a new judicial decision by the Judicial Committee of the Privy Council, with which an appeal was pending. It was not impossible that the decision of the Privy Council might be the occasion of fresh incidents. Count de Penha Garcia hoped the attention of the responsible authorities in Togoland under French mandate would be drawn to the possibility of further disturbances and to the necessity of taking precautions to cope with them, should they occur.

M. BESSON said he would not fail to draw the attention of the Administration of Togoland under French mandate to the risk of incidents in the connection to which Count de Penha Garcia had just referred.

INTERNATIONAL CONVENTIONS : APPLICATION TO TOGOLAND OF A TRADE AGREEMENT CONCLUDED BETWEEN THE MANDATORY POWER AND GERMANY.

Count DE PENHA GARCIA noted (page 51 of the report) that a trade agreement concluded between the mandatory Power and Germany had been extended to Togoland in 1937. Had it been borne in mind that Germany was no longer a member of the League of Nations ?

M. BESSON said that, so far as he knew, there had been no change in the previous position ; the next report would contain full information on the point.

Count DE PENHA GARCIA would be glad to find in the report each year a list of Conventions in force in the territory.

M. BESSON took note of the request, at the same time remarking that many of the Conventions were of very slight interest.

CLASSIFICATION AND APPOINTMENT OF CHIEFS.

M. VAN ASBECK was grateful for the information furnished in the report regarding chiefs of quarters (page 12). Was the chief of a canton simply the official responsible for the administration of the village, or had he some ethnical standing ?

¹ See Minutes of the Thirtieth Session of the Commission, page 71.

M. THÉBAULT explained that the policy was, as far as possible, to make the cantons coincide with ethnical groups, or at any rate with the extent of the customary powers of a chief. For instance, the Order of August 5th, 1937, reproduced on page 145 of the report, creating the cantons of Vogan and Tabligbo (southern zone, sub-division of Anecho), established areas based on the ethnical map of the region.

M. VAN ASBECK concluded that the chief of a canton was not merely an official of the mandatory Power, but also, and primarily, a native leader of the people, who maintained contact between them and the mandatory Power.

M. THÉBAULT confirmed that interpretation of the situation.

M. BESSON said that the chiefs of cantons might be compared to the mayors of villages in France, inasmuch as they were chosen from among the local inhabitants and were not transferred from one canton to another.

Lord HAILEY wished to know whether, in the mandated territory, the chiefs of cantons were, to use the stock phrases, "recognised" or "appointed" by the Administration.

M. THÉBAULT explained that the Administration always endeavoured to appoint the ethnical chief as chief of a canton, and simply backed up his traditional authority by giving him administrative authority. The system gave complete satisfaction.

Lord HAILEY explained that what he had in mind in putting his question was a certain very well-known circular issued by M. Brévié. Were there still ex-officials, such as non-commissioned officers of the native troops, who had been given the rank of chief?

M. THÉBAULT said he could give Lord Hailey the assurance that there were no chiefs in Togoland, whether of major or minor importance, who were ex-tirailleurs appointed as such to chieftainships.

M. VAN ASBECK asked for information as to the procedure for replacing a cantonal chief. Was the ethnical group consulted? Decree No. 171 of May 6th, 1936, stated that village chiefs were nominated by a majority of the members of the village, whereas the cantonal chiefs were nominated by the Commissioner of the Republic after their names had been proposed by the Administrator.

M. BESSON explained that, before submitting his proposal, the Administrator called a "palaver", in order to find out the wishes of the population, and then proposed the name which seemed to him to be the most popular.

ADMINISTRATION OF "COMMUNES MIXTES".

M. VAN ASBECK said that, since 1934, the annual reports no longer contained any information in regard to "communes mixtes". He would like to know if progress was still being made with the admission of natives to a share in the administration of these communes.

M. BESSON replied that, as he had already had occasion to state, the administration of the "commune mixte" of Lomé was working well. As for the other communes, there might be applied to them the maxim that a happy people had no history, and infer from the silence of recent reports on the point that these communes were being governed to the general satisfaction. The policy followed was to give as much scope as possible to the native.

M. VAN ASBECK would nevertheless welcome information in one of the next reports on the question of the collaboration of natives in the administration of the "communes mixtes".

M. BESSON noted the request.

PUBLIC FINANCE : TAXATION.

M. RAPPARD congratulated the mandatory Power on the improvement in the financial position of the territory and on the reform of the system of direct taxation. Reference to page 39 of the report showed that the total revenue and expenditure from 1926 to 1936 reflected fairly well the course of economic developments. Revenue and expenditure tended to be lower

during a period of crisis and higher during a period of prosperity. It was instructive to note that expenditure was no higher in 1936 than in 1926: indeed, if the devaluation of the French franc were taken into account, it was rather lower in 1936.

M. RAPPARD regretted that it had been thought fit to effect certain retrenchments which had had the effect of reducing the salaries of officials and, possibly, the efficiency of the administration.

He pointed out that the graph on page 38 of the report called for explanations and corrections.

M. BESSON said that, in future, graphs of the kind in question would be carefully checked and more clearly explained.

M. RAPPARD mentioned that on page 15 of the report it was said, in connection with the simplification of the system of direct taxation, that "the general aim has been to counter-balance the benefits accorded to the masses by corresponding sacrifices on the part of the wealthier portion of the population". That statement was difficult to understand when taken in conjunction with the statement on page 30 of the report to the effect that "the surplus, which is made up principally of taxes levied on persons with an income of less than 10,000 francs . . ."

M. BESSON answered that the two passages were not really contradictory, seeing that the basis of assessment for taxation had been extended. The reforms had been welcomed because of the abolition of the Health and Medical Assistance Tax, of which the natives could not see the use. It had been found that taxpayers with an income of more than 10,000 francs included a number of well-to-do natives. Such natives now had to pay higher taxes as a result of the reforms; but they were reconciled to the prospect, believing it to be only fair that they should pay more.

M. RAPPARD did not suggest that the natives were too heavily taxed; but he thought it inaccurate to speak of "advantages accorded to the masses" (the phrase used on page 15 of the report), when the taxpayers with incomes of less than 10,000 francs were hardest hit.

M. BESSON replied that the advantages referred to were general advantages—that was to say, all the advantages which could be made available for the native population, and not specially those resulting from a reduction in taxation.

M. RAPPARD maintained his view that sacrifices had been demanded of the masses. He did not, however, complain, because he did not think they had been subjected to excessive demands. He observed, moreover, that the abolition or reduction of various duties had been offset by taxes levied on the floating population. That arrangement was perfectly fair and should offer considerable advantages from an administrative and statistical point of view.

M. BESSON said that there were also advantages from the point of view of health control.

M. RAPPARD said that the table on page 19 of the report showed that the prosperity which characterised the years 1934, 1935 and 1936 was reflected in an increase in the yield of indirect taxes; he imagined that, after a certain time-lag, the direct taxes would show the same tendency as the indirect taxes.

He wished to know why the estimates of expenditure relating to claims outstanding (page 21 of the report) had been increased by some 500,000 francs.

M. BESSON noted the question, but was unable to reply at the moment.

M. RAPPARD pointed out that the comparative table on page 22 of the report showed a surplus of revenue over expenditure of more than three million francs. That was a point which might well be dealt with in any reply to the question on claims outstanding.

The report spoke again and again (see, in particular, page 31) of material acquired by means of "*prestations*". What did that mean?

M. BESSON replied that they were deliveries in kind by Germany, which had been sent from France to Togoland.

M. RAPPARD was surprised that such "*prestations*" should exist at the time mentioned. He observed that the item 1,000,000 francs for miscellaneous expenditure (page 32 of the report) seemed rather high.

M. BESSON explained that provision was made for this miscellaneous expenditure in Chapters 14 and 15 (page 33 of the report). The sums in question were used, for the most part, to cover the cost of public festivities, cablegrams, the printing of the report to the League of Nations, etc.

Lord HAILEY thought there was a mistake in the table on page 18 of the report relating to the yield of direct taxation for the year 1937. The figure for redemption of contributions (*Rachat des prestations*) in 1937 seemed to be short by two million francs, and this sum had found its way into the total for the poll tax, which was accordingly two million francs above the normal.

M. BESSON explained that the reduction in the figure was a result of the policy of substituting tax increases for contributions in kind. The returns from the native poll tax had increased by more than three and a half million francs.

In reply to a further observation by Lord Hailey, he added that the mandatory Government was in no way opposed to the policy of redemption of contributions in kind. It would be a retrograde step to reverse that policy. But the contributions themselves were being replaced by lump-sum additions to the poll tax. The policy of the mandatory Power in the matter would be apparent from Articles 4 and 5 of Decree No. 29, of January 13th, 1937 (page 166 of the report).

M. GIRAUD observed (page 59 of the report) that in 1937 the receipts of the lighthouse had amounted to roughly 134,000 francs, against an expenditure of 43,000 francs. What was the origin of these relatively large receipts obtained by the lighthouse ?

M. BESSON replied that they represented a tax paid by vessels in addition to harbour dues.

ECONOMIC SITUATION : IMPORTS AND EXPORTS : SAVINGS BANK.

M. GIRAUD pointed out that the economic situation of colonial territories, especially in Africa, depended entirely upon the harvest. Cultivation in Togoland in 1937 had been affected by unfavourable atmospheric conditions (page 65 of the report). Generally speaking, the production of foodstuffs had nevertheless been satisfactory (page 66 of the report). Among exportable commodities, however, oil products, which were the chief wealth of the territory, had fallen by 35 % by weight (page 66 of the report) ; while cocoa (of which it must not be forgotten that four-fifths came, in fact, from Togoland under British mandate) had diminished by about a fifth. Substantial progress had, however, been made in the matter of coffee, maize, manioc flour and cotton. Commercial activity, on the basis of value, only appeared to have been greater than in 1936, but the report showed that this increase was only apparent, since the tonnage of imported goods and of exported products had both declined by 8 % (page 84 of the report). While the railways showed a slight decline in goods traffic, there had been a sharp increase in passenger traffic (page 57 of the report). The Savings Bank was only in its initial stage, but was making progress both in respect of the number of depositors and the total amount of the deposits (page 59 of the report). On the whole, therefore, the economic position of the territory appeared, in the circumstances, to be favourable.

According to the report (page 83), although in 1937 imports had exceeded exports by 1,253,500 francs, it had to be remembered that the statistical values given to exports were average values fixed twice a year, and that they could not always correspond to the exact prices of the products in question.

It appeared, therefore, that statistical values could quite well differ widely from real exports values. Were there not other reasons of an economic character which might explain the slight deficit in the commercial balance, and which would justify the expectation that an excess of imports would again occur in the present year ?

M. BESSON replied that there were no other reasons.

M. GIRAUD drew attention to the statement on page 85 of the report to the effect that " As usual, England is the first supplier of the territory. The predominating position which she occupies in our import trade, in view of her production, which is adapted to the tastes and needs of the consumers, was improved this year by the rise in the pound sterling ".

Was it not to be expected, on the contrary, that the rise in sterling should cause a reduction in British sales to the territory ?

M. BESSON explained that the mandatory Administration had difficulty in inducing French manufacturers to produce articles adapted to the tastes and needs of Togoland consumers. It was therefore necessary to apply to England for such articles ; in view of the rise in sterling, supplies from England occupied an important position in the trade of the territory.

CUSTOMS AGREEMENT BETWEEN TOGOLAND AND DAHOMEY.

M. GIRAUD recalled that, during the thirty-third session, in 1937,¹ the accredited representative had been asked whether the new Customs agreements between Dahomey and Togoland had worked in favour of the latter territory. The present report (page 137)

¹ See Minutes of the Thirty-third Session of the Commission, page 111.

replied to this question with the statement that : " It was impossible, in the first year in which the system arising out of the denunciation of the Convention of June 14th, 1898, was applied in practice, to give definite indications as to the respective advantages of the former and present system."

Was the accredited representative in a position to give the Commission further information in the light of results obtained up to the present ?

M. BESSON replied that the information available at present indicated that the Customs arrangement had not appreciably affected the revenue of the territory.

NATIVE PROVIDENT SOCIETIES.

In reply to a question by M. Giraud regarding the valuable results obtained by the native provident societies, M. BESSON explained the special interest attaching to these societies as a means of developing the export of Togoland produce to France. These societies should make it possible to bring producers and purchasers into touch, and to facilitate the marketing of products by improvements in make-up.

JUDICIAL ORGANISATION : STUDY BY M. THÉBAULT OF THE JURIDICAL CUSTOMS OF THE TRIBES OF TOGOLAND.

M. THÉBAULT, at the Chairman's request, made a statement on native custom in Togoland.

Native custom played a very great part in Togoland, as in all colonies, since it was the basis of the current judicial system. The mandatory Power, in doing justice to the natives, applied the customary law, both in criminal and civil matters. So far as civil matters, at any rate, were concerned, any other rule of law was out of the question. Marriages and land tenure, in particular, were determined by custom.

As regards land tenure, for instance, the laws in force were only valid subject to the rules of native law. Decree No. 49316, of July 24th, 1906, organising the land-tenure system in the colonies and territories coming under the Governor-General of French West Africa, contained the following provision (Article 19) :

" The provisions of the Civil Code and of French laws are applicable in general to registered landed property and to the rights *in rem* relating thereto, and, in particular, if such property and rights *in rem* are in the possession of natives, the rules of local customary law relating to the status of persons and the transfer of successions are applicable in as far as such provisions and rules are not contrary to the present decree, subject to the following modifications."

This decree was made applicable to Togoland by a Decree of December 23rd, 1922, which took account of the position created by German legislation from 1894 to 1914. The Germans had created a land system in Togoland which was satisfactory and merely required to be brought into line with French legislation by the mandatory Power.

M. Thébault was aware that certain apprehensions had been expressed in the previous year in the Mandates Commission¹ regarding dispossessions to which the natives might be subjected by foreclosures of mortgages.

He was able to give the most complete assurances on that point. During the five years which he had spent in Togoland in the midst of the economic depression, only one native expropriation had occurred. The Europeans did not try to acquire land in Togoland. When a cocoa-nut plantation of thirty hectares, divided into several lots, was put up for sale, not a single European appeared at the sale and the lots were acquire solely by natives. The system of mortgage guarantees was excellent from the point of view of the natives. In practice, what happened was as follows. An advanced native—that was to say, a man who had received a certain education—would, on leaving school, obtain experience for ten years in a business firm, after which he would desire to set up on his own account. Not having any capital of his own, he would apply to the director of a trading station for a credit of, say, 50,000 francs in goods, against a guarantee given by his father on his landed property to the value of say, 10,000 to 15,000 francs. The credit would enable the young man to set up in business, contribute to the commercial development of the country and earn a good living for himself.

M. Thébault then explained the way in which the customary law of Togoland had been studied by the mandatory Administration. The study of customary law in the Territory had encountered extreme difficulty. Togoland was a net-work of tribes speaking no less than twenty-five languages differing greatly from each other. This state of things was a consequence of migratory movements coming from North, South, East and West, which crossed one another in the territory. In an area no larger than the zone, there might be seven to nine different races. There were therefore a large number of small tribes in Togoland under small chieftains

¹ See Minutes of the Thirty-third Session of the Commission, page 118.

with no education, tradition or culture. In view of that position, the Germans had never attempted to draw up a statement of general customary law; and one of their most distinguished jurists had established the customary law for each separate zone instead.

M. Thébault himself had been instructed by the French Administration to study the customary laws of Togoland. He had taken account of the work done by his German predecessors, though the conclusions of the latter should not, for a variety of reasons, be accepted without further enquiry. A general study presented great difficulties; and he would certainly never have undertaken it, if the Mandates Commission had not expressed a desire for a digest of the customary law of Togoland. It was indeed no easy task to obtain information—much of it more or less inconsistent—from so many tribes and to collate the information thus obtained, especially when the work had to be done rapidly and in addition to the ordinary work of the official to whom it was entrusted. The study which he now submitted was incomplete, only one of the three parts of which it was to consist having been finished.

M. Thébault's method had been to travel widely in the country in a motor-car and make his enquiries on an ethnical basis. He had asked the headmen of the village or canton to collect their notables and the chief authority on customary law of the tribe. The latter was generally an old man acquainted with the traditions, to whom the chief turned, when necessary, during a trial to know how custom dealt with any particular point. He had then called together the advanced people in the tribe, including the native teachers, whose assistance (M. Thébault must say) had been invaluable. He had questioned the gathering of advanced people according to a pre-established and uniform plan. After that, he had tried to get five or six persons, differing from each other as widely as possible, to write what they knew of the customary law. Sometimes he would leave a detailed questionnaire with the chief, who had it filled in.

In short, by one means or another, he had procured documents on customary law of a total weight of not less than 300 kilogrammes. He had examined those papers and checked and cross-checked them. He had consulted the white missionaries and the native missionaries of all denominations; and to them also he owed sincere thanks.

Having thus collected a certain amount of information, M. Thébault had endeavoured to collate it. This involved the greatest difficulty; for the native had no conception of synthesis, and was quite unable to express a general idea. A rule could only be elicited by putting concrete cases to the natives. When the conclusions had been drawn, they were submitted to the advanced natives for confirmation.

Once the synthesis had been established, the chief Administrator had sent it to all the zones. The Administrators had studied it, convoked the chiefs and notables, and sent it back to M. Thébault with their notes. At Lomé, the discussions raised by the text had lasted no less than two days. Finally, the work, corrected in this manner and revised once more by himself, was submitted to the Togoland Commission for the Study of Native Customs, which included highly qualified European and native members. The Commission had suggested certain changes in detail, and then approved the work in its present form.

The CHAIRMAN thanked M. Thébault for his extremely interesting statement of the native customs of the mandated territory.

THIRTEENTH MEETING.

Held on Thursday, June 16th, 1938, at 10 a.m.

Togoland under French Mandate : Examination of the Annual Report for 1937 (continuation).

M. Besson and M. Thébault came to the table of the Commission.

JUDICIAL ORGANISATION (*continuation*) : STUDY BY M. THÉBAULT OF THE JURIDICAL CUSTOMS OF THE TRIBES IN TOGOLAND (*continuation*) : RÔLE OF THE ADVANCED NATIVES AND THEIR POSITION IN THE TRIBE : SITUATION OF WOMEN.

The CHAIRMAN congratulated M. Thébault on his interesting statement of the previous day. He hoped that the work mentioned might be published so that the Administrations of other colonial territories might be able to benefit from it. The study of native customs, the hold they still had on the population, the desirability of preserving them and the extent to which they might have to be modified aroused keen interest in all colonial countries.

M. BESSON thanked the Chairman. He would certainly point out to the Ministry for the Colonies and the Government-General of French West Africa the interest taken by the Commission in the work, with a view to asking that steps should be taken to promote its publication.

M. VAN ASBECK, having associated himself with the Chairman's complimentary references to M. Thébault, said he wished to ask a few additional questions, in order to be clear about the position. Had M. Thébault, in the course of his work, encountered the same difficulties as others working in the same field in the Netherlands Indies—namely, that of ridding themselves of legal concepts derived from the Western system which they brought with them to the colonies? Native law should not be considered as a system existing independently of the community, but as a body of rules within which the life of the native society manifested itself directly. The difficulty was an entirely practical one. There should be no attempt, therefore, to apply Western systems or legal terms to native customary law. For instance, had the distinction between *jus in rem* and *jus in personam*, which did not exist in native law in the Indies, cropped up in connection with the work in Togoland, and also the distinction, which was so clearly drawn in the West, between civil and criminal law?

Then there was the question of the sanctions applicable to offences and infringements of native law. Such sanctions were, for the most part, religious or "magical" in character. The penal system of the West, with punishments such as imprisonment, appeared to be unsuitable for inculcating in the native a respect for the rules he broke. To understand native laws regarding land tenure in the Indies, for instance, it was necessary to remember that the native practice was not based on the notion of private property as in Western codes, but on the idea that the right of disposal was vested in the native community. What was the position in Togoland?

In short, he wished to know whether difficulties of the kind he had described had been met with in the course of the work begun in French Togoland. Such difficulties were, so to speak, racial in character; they were inherent in the legal training of Europeans, which was based almost entirely on Roman law and which it was necessary to discard completely if native law were to be properly understood.

M. THÉBAULT said that such difficulties scarcely existed in Togoland. Legal questions should not, in his view, be separated from a general ethnographical study of the tribes. The juridical life of a tribe was only one of the aspects of its life as a whole. For the past four years, he had been studying, not only the tribes' legal customs, but their mode of existence, religious customs, daily life, etc. In addressing the Commission, he had confined himself to legal customs, because that was the only aspect of the problem with which it was concerned; but he had not disregarded the other questions. He agreed with M. van Asbeck that the principles taught at the Ecole de Droit, Roman Law conceptions of property, etc., must be set aside. M. Thébault was not acquainted with customary law in the Netherlands Indies; but in Togoland there was a clear distinction between actual property and possession. The latter was called not possession but enjoyment, and such enjoyment was understood to be surrounded by certain legal guarantees.

As regards the criminal system in Togoland, the commonest conception was obviously that of civil reparation for offences committed. For instance, if a man killed another, the criminal's family would owe the victim's family pecuniary reparation, and even, in the majority of cases, reparation in the form of a human being. Frequently, the murderer's family was bound to give a girl in marriage to the victim's family.

If one were forewarned, it was fairly easy to discard the theoretical ideas which were taught in the law schools, and to arrive at an understanding of native customs. Further, there were certain more highly developed natives, who formed a kind of link between the native mentality and that of Europeans. Such persons were, of course, in touch with both European and native circles, and thus collaborated effectively with the mandatory Power.

M. VAN ASBECK explained that, in his opinion, the difficulty lay, not in native customary law as a whole, but in the mentality of the Europeans working in the colonies.

Count DE PENHA GARCIA had been very glad to hear M. Thébault say that, if a sound policy for the development of the native population were to be followed, it was essential to have, as it were, a foot in either camp. The policy of assimilation was to-day almost universally condemned; it was regarded as valuable in only a small number of cases. However, a policy of quasi-isolation would be just as bad. It must be realised that natives had their own souls, lives and tradition; but the problem was complicated by the fact that there were also white populations in the colonies. Relations would have to be based on a compromise between two conceptions. In certain cases, where there were no white populations, but only a few administrators and officials, it was possible to go far as regards respect for and preservation of tribal customs. When, however, the white element began to develop in the territories in question, it would be a mistake to ignore the fact; a policy aimed at obtaining concessions from both sides would then be necessary.

M. THÉBAULT explained that the expression he had used when referring to more highly developed natives who had access to both European and native circles simply meant that there were natives who, owing to their development and education, formed a link between the natives and the Europeans. He had often been enabled to understand some act, or penetrate the native mind in connection with some given matter, by the help of a superior type of native who, through his antecedents and his atavism, was particularly well acquainted with native customs.

Count DE PENHA GARCIA asked whether the mandatory administration could not, by placing half-castes among Europeans, find useful intermediaries between itself and the native population of the kind mentioned by M. Thébault.

M. BESSON replied that that was a different problem. There might be half-castes in villages situated very far from the coast who were quite uncultured, while "hundred per cent" natives might be extremely educated. Some of the latter had risen to important posts, whereas some of the uncultured half-castes would always remain too firmly rooted in native life to be able to serve as links.

M. VAN ASBECK said that, while M. Thébault had spoken of the difficulties of really understanding customary law and of the assistance which advanced natives could give to the authorities, Count de Penha Garcia was thinking of a mixed society of whites and natives, which was an entirely different question.

M. van Asbeck desired to know whether natives could be found in the territory who were capable of taking law courses in France and whether the mandatory Power encouraged such natives to go to France for that purpose.

M. THÉBAULT said that he was very glad that M. van Asbeck had made that remark, as it gave him an opportunity of speaking in more detail of the advanced natives. To give one instance, he knew a "hundred per cent" native in Togoland who had obtained the degree of doctor of medicine at a German university and had married a Parisian. He was remarkably gifted and one of M. Thébault's best friends. When he was in any difficulty or did not understand some point of native custom, he used to go to that young man, who, of course, always did everything in his power to assist him. There were three young Togolese in Paris at the present time: one of them would be presenting his thesis for the degree of Doctor of Law next November, the second was sitting for his licentiate to-day and the third had obtained it some months ago. He had just returned to Togoland, where he was to be attached to the Public Prosecutor's Office at the court of Lomé.

Obviously, young people who followed the courses at faculties of French universities, who passed the same examinations and obtained the same diplomas as French people and who, apart from that, were distinguished from the point of view of general culture and level of intelligence, were first-class instruments for the representatives of the mandatory Power in Togoland. Moreover, they placed their services at the disposal of the French officials and would talk quite openly when they had their confidence and felt that they were dealing with friends and not with masters.

M. Thébault would give a few examples of very highly developed natives. In 1933, a police and criminal investigation organisation had been set up in Togoland. This organisation had been slightly altered this year, but was still entrusted with the police work of the whole territory. The whole police work of Togoland—and that fact showed how peaceful the country was—was carried out by four officials, one of whom was a native of the country, who had taken French nationality. When those officials were recruited, the young native in question had applied and passed first. He was consequently occupying an extremely important post. Another native was head clerk in the Public Works Office and, as everyone was aware, to have charge of the accounts of the territory could be no trifling matter. Another was a post-master, and hence also in a very responsible position, as millions of money passed through his hands in the course of a year.

A European school had been founded at Lomé, which could take forty to fifty children. It was under the management of a European mistress, but her assistant was a black schoolmaster. M. Thébault's own children had been taught by a black schoolmaster, whose treatment of them had been unexceptionable. Finally, several assistant doctors were natives, and had always carried out their duties in a fully satisfactory manner.

He had mentioned those details in order to show that, not only had the Togolese access to posts usually reserved for natives, but they could also be entrusted with duties which were normally carried out by Frenchmen.

M. RAPPARD asked if the people referred to in the cases quoted by M. Thébault were pure-blooded blacks.

M. THÉBAULT replied in the affirmative. Apart from the clerk he had mentioned, who was a half-caste, all the other examples he had quoted referred to "hundred per cent" blacks.

Count DE PENHA GARCIA asked if the advanced natives were still living under the ordinary native regime.

M. THÉBAULT replied that some of them had acquired French nationality. Those continued to lead their native life, at least in part. True, they wore European clothes; they spoke French excellently and very often two or three languages. They ate the same food and lived in the same sort of houses as French people and had given up nearly all the fetishist practices, as most of them were Catholics or Protestants. Nevertheless, they were still obliged to follow certain tribal customs.

Count DE PENHA GARCIA asked whether the advanced natives remained under the authority of the chief of the tribe and whether they continued to participate in the life of their community.

M. THÉBAULT admitted that they gradually disassociated themselves from their milieu, but said that they nevertheless participated in the important decisions of the tribe and, in principle, recognised the collective rule of the community. The conception of the family in its broader sense was gradually giving way to that of the family in the limited sense of the term. Nevertheless, the chief remained the counsellor and guide, and the natives, even when advanced, continued to accord him respect. For instance, when they desired to marry their daughters, they did not, strictly speaking, ask his consent, but approached him on the subject as a matter of courtesy. In fact, they paid him much the same respect as was paid to grandfathers in European families.

M. RAPPARD quite understood that replies to questions concerning the mode of life of the natives might be more or less vague as the case required, but there was one field in which replies must be quite definite, and that was the legal field. Under what system of law did advanced natives live ?

M. THÉBAULT replied that when a native was naturalised, he was subject to French law ; otherwise, he was amenable to the native court, whatever his degree of development.

The CHAIRMAN asked whether M. Thébault was of opinion that an advanced native was likely to transmit his stage of development to his descendants ; in other words, did he think that a new social class was arising and would be able to preserve its individuality ?

He himself, had some doubts in regards to married women. It seemed that, in those countries, women could not attain the same degree of development. Everyone knew the importance of the part played by the mother of a family, and if she were not so highly developed as her husband, how could her husband's standard be passed on to the children ?

M. THÉBAULT said that the Chairman had touched upon one of the most serious problems which arose. All the advanced natives endeavoured to perpetuate their education in their families. They wanted their children to have degrees and, if possible, higher ones than their own, and there was no doubt that their great difficulty was to find wives having their own level of education.

M. Thébault had met several people at Geneva who were interested in women's questions and had, in fact, mentioned that problem, which was, in his opinion, one of the most difficult of all. There were very few highly developed women in the territory. Moreover, they did not hold high positions, nor were they usually possessed of very much education. Nevertheless, Catholic Sisters and Protestant ladies were doing their utmost to educate and train the girls. At Anecho, for instance, the missionary Sisters had founded a boarding-school for girls ; but, generally speaking, the number of boys attending the schools was greater than that of the girls.

M. BESSON desired to add something to the explanations which had been given. An important wedding had recently taken place in the Southern territories of Algeria between the daughter of a very well-known Arab chief and a young Arab. The young man was an agricultural expert and was very advanced and very French, while the girl, who came of a very good family, was a licenciante of science. There were two wedding ceremonies : A European ceremony, at which the girl was not veiled, and an Arab wedding, at which she had resumed her veils and at which the native customs were observed.

M. Besson thought that that was the type of family which would be founded by highly developed natives, even in Togoland.

Count DE PENHA GARCIA said that it was not possible to lay down any general rule ; account must be taken of the development and state of the particular native community.

In the case of a fairly highly developed community, it was possible to arrive at certain general conclusions, but those conclusions did not apply to more backward communities. As regards the situation of women, it might be assumed that, in areas where there were schools, the problem of the social development of girls would be easier to solve than in districts where no such institutions for girls existed.

M. VAN ASBECK recalled what had been said on the previous day regarding the importance of the punishment of criminal offences against native law, as opposed to the compensation system.

M. THÉBAULT said that, while referring to compensation, he had also mentioned the existence of sanctions such as imprisonment, fines and, formerly, even the death penalty. The severest form of penalty, however, was that provided by the compensation system.

M. VAN ASBECK thought that imprisonment was, from the psychological point of view, the worst kind of punishment for backward natives. Had the mandatory Power already considered returning, to a greater extent than had hitherto been the case, to native procedure for the punishment of crime, as it had already done in the case of civil disputes by means of conciliation (*i.e.*, compensation and fines as penalties for civil offences), and avoiding imprisonment as far as possible ?

M. THÉBAULT said that, in any case, offences could not be allowed to go unpunished, and it was not enough to say that compensation would be an adequate penalty, especially as compensation now existed only among completely primitive tribes and was constantly losing ground among those that were more enlightened. Although compensation existed in ancient Germanic law and very ancient French law, it no longer found a place in any modern civilisation. It was, moreover, a completely ineffective penalty.

M. VAN ASBECK hoped that, in future reports, a yearly account would be given of the developments connected with this most important colonial problem.

M. BESSON willingly took note of the request, but did not see how information could be furnished yearly concerning a process of evolution which was not taking place so rapidly. Perhaps it would be sufficient to indicate special developments from time to time, and avoid tiresome repetition.

POLICE.

M. SAKENOBE noted (page 47 of the report) that the general organisation of the police forces had not been changed. The strength was practically the same as in previous years. At the end of 1937, however, the detachment of militia stationed at Anecho had been transferred to Lomé with the rest of the company. He believed that the situation at Anecho had been somewhat precarious for some years past, and that was why it had been necessary to station a detachment of militia there. Had the position improved?

M. BESSON replied that there had been no trouble at Anecho. The military authorities had merely considered that the whole of the militia company should be together. The means of transport available would make it possible to move it easily, if necessary.

M. SAKENOBE drew attention to Decree No. 444 concerning the formation and organisation of police headquarters (page 145 of the report). He would like to know the character of the change made in the police organisation. The various sections were already in existence. Had there been special reasons—of economy, for instance—for grouping all the police under the same directing body and in a single department?

M. BESSON replied that the measure had been intended merely to secure better co-ordination. The directing body was in any case not very large, as it consisted of only four officials.

EVOLUTION AND METHOD OF APPOINTMENT OF THE NATIVE CHIEFS : RELATIONS BETWEEN THE CHIEFS AND FRENCH OFFICIALS.

The CHAIRMAN asked M. Thébault to be good enough to inform the Commission of the results of his enquiries concerning the evolution of the native chiefs.

M. THÉBAULT said he would like to speak on that subject as a man who had lived for nearly five years among the natives and had a deep affection for them. He would therefore ask the Commission to regard what he was going to say as reflecting, not the opinion of an official of the mandatory Power, but that of a friend of the natives.

In Togoland, all the chiefs of cantons and villages were, without exception, ethnical chiefs who were freely chosen by the natives, in accordance with extremely hard-and-fast customary rules, from which the mandatory Power had not caused any departure. The chiefs were invested in accordance with traditional forms, were crowned with the customary ceremonies and were then granted by the mandatory Power a part of its own authority, surrounded by a certain amount of prestige and treated with a measure of special consideration. Moreover, they were all members of the Managing Board of the Welfare Society, members or assessors of the native courts, members of the Councils of Notables and often members of the Grand Economic and Financial Councils.

When the chief of a tribe died, his throne remained vacant for one or two years; during that period, the authority of the chief was vested in a kind of delegate called "the holder of the royal baton". At the end of the period fixed by custom, the elders and notables of the tribe held several meetings which were, of course, attended by a representative of the mandatory Power, as the authorities were naturally unable to allow such meetings, which might have some political importance, to be held without reference to them; but the Zone Commandant, who represented the mandatory Power, usually did not intervene. He did so only if, for instance, he suspected that intrigues were being carried on for the purpose of unfairly ousting a candidate. A chief was chosen, who was then enthroned, the enthronement taking place in accordance with local custom.

Some time ago, the chief of a very important tribe in Togoland—the Minas—was replaced. A young man of 35 or 36 years was chosen, who spoke French, English, German and two or

three native languages fluently, which showed how advanced he was. When he was chosen, he had to submit to the fetish ceremony, which consisted, more particularly, in being sprinkled with the blood of a ram, sacrificed by the fetishist high-priest. Although so advanced, the young man submitted to the ceremony. The mandatory Power was, of course, represented. It was represented at all ceremonies of that nature, and the authorities often sent members of the militia to add brilliance to the ceremonies, which were usually followed by a banquet. On the strength of that enthronement, the Governor issued an Order appointing the chief in question to be, for example, chief of a canton or of a village or member of this or that Council, etc.

M. Thébault mentioned three cases in point and added that all the chiefs entertained the most cordial and even affectionate relations with the representatives of the mandatory Power: indeed, French officials, including M. Thébault himself, were in the habit of inviting them to meals and accepting their invitations.

Count de Penha Garcia had asked the day before how it had been possible to ascertain that the natives of Togoland had been glad that the Commissioner of the Republic had been reinstated in Togoland.¹ There had been no public demonstration, but a number of native notables had called on the representatives of the mandatory Power in order to express their satisfaction, and the French officials preferred those personal expressions of sympathy to public demonstrations.

M. Thébault desired to say once more that the French authorities did really apply their principle of respect for native traditions, while at the same time entertaining relations of confidence and friendship with the population. The members of the Commission had probably read in the report that there were two Franco-Togolese clubs. Some Europeans might perhaps be rather surprised at that, but those clubs constituted a very effective method of collaboration between the representatives of the mandatory Power and the natives. It was quite a common thing to see native notables and some high official of the colony sitting at the same bridge-table about 6 o'clock in the evening.

NATIVE MIGRATION TO NEIGHBOURING TERRITORIES.

Lord HAILEY said that the report contained two or three allusions (page 109 of the report) to the emigration of large numbers of natives to the neighbouring British territory. Was that movement over, and how could it be explained?

M. BESSON replied that the reason was not far to seek: the movement was mainly due to the rise in the pound sterling. There was no reason but the economic one.

Lord HAILEY asked if the authorities could not, themselves, organise a system of cultivation which would allow the natives to support themselves without being obliged to go to British territory to earn money.

M. BESSON replied that the number of cases of emigration was not considerable; it was confined to a few natives, who went to British territory to do seasonal work and then returned to Togoland under French mandate.

LABOUR.

The CHAIRMAN requested the accredited representative to excuse the absence of Mr. Weaver, who was at present detained at the International Labour Conference. Mr. Weaver had informed him, however, that he had nothing to ask regarding labour questions.

Lord HAILEY noted that there was now a minimum wage for natives (page 109 of the report) and asked if those were the wages indicated on page 12 of the report.

M. BESSON replied in the affirmative. Table No. 3 on page 110 of the report gave the scale of wages, which had gone up, in the case of labourers, from a minimum of 30 francs in 1934 to from 120 to 300 francs in 1937. According to information which had reached him, wages were still tending to rise.

Lord HAILEY said that the table in question contained only general indications, and he would like to know if there was a compulsory minimum wage.

M. BESSON said that, on page 109 of the report, it was stated that: "the minimum wages shown in table No. 3 were given only at the beginning of contracts, etc. . . ." The minimum wage was the first wage paid.

Lord HAILEY asked if those minimum wages had been fixed by "arrêté".

M. BESSON said that, in such cases, Orders were always issued by the Governor.

¹ See page 110.

Lord HAILEY said that that Order did not appear in the present report.

M. BESSON replied that it would be reproduced in the next report.

Lord HAILEY also noted (page 109 of the report) that a Committee for fixing minimum wages had again been appointed for 1938. That was a point of great interest to the Mandates Commission. How did the Committee function? He believed that Togoland under French mandate was the only mandated territory where such a system was in force.

M. BESSON said that information on the subject would be given in the next reports.

Lord HAILEY said that, during the thirty-third session,¹ the accredited representative had stated that all the labour regulations were being revised. Was that work of revision finished or were fresh regulations in force?

M. BESSON replied in the affirmative. The 1938 report would contain very full information on developments in social reform.

Lord HAILEY asked whether, in these developments, the minimum wage included food or not. The report for 1937 contained no information on that essential point.

M. BESSON said that the minimum wage never included food.

Lord HAILEY mentioned that it was stated on page 228 of the report that, by Administrative Decree No. 559, the Geneva Convention on Forced or Compulsory Labour had been put into force in Togoland. Had the reservations made in 1937 by France in her own case been retained in regard to her accession to that Convention in respect of the mandated territory?

M. BESSON replied in the affirmative.

Lord HAILEY said that, from the Commission's point of view, the important point was whether the pressure applied to natives to increase the cultivation of certain products as an "educational" process was to be regarded as compulsory labour.

M. BESSON did not desire to reopen the lengthy debate on forced and compulsory labour. The reservations made by the French Government referred to "prestations", military recruiting (a question which did not arise in the case of mandated territory) and the cultivation of certain cereals for educational and not economic purposes.

PROVIDENT SOCIETIES.

Lord HAILEY noted that the report contained, on page 66 *et seq.*, very complete information on the work of the "provident societies". To what extent was the participation of the natives in those societies voluntary or compulsory? Administrative Decree No. 552 (page 195 of the report) showed that the contributions "were recovered as if they were 'centimes additionnels' to the *per capita* tax".

M. BESSON said participation was voluntary. The setting-up of native provident societies had been one of the happiest steps taken on behalf of the natives, who now regarded them as an indispensable factor in their economic life.

Lord HAILEY entirely agreed that the societies did good work; it was only necessary to see them on the spot to realise the value of the system. The voluntary nature or otherwise of the participation of the natives in the mandated territory was, however, frequently discussed in works dealing with co-operation, and it was on that point that he would like information. In particular, he would like to know the scope of Article 2 of the decree in question, which referred to cultivators or stock-raisers "faisant obligatoirement partie des sociétés indigènes de prévoyance" (who were compulsory members of native provident societies) (page 194 of the report).

M. BESSON replied that Europeans and naturalised persons could not be admitted to the provident societies.

M. RAPPARD understood that the natives were compelled to be members of the societies.

M. GIRAUD said that in West Africa native farmers were compelled to be members of those societies.

¹ See Minutes of the Thirty-third Session of the Commission, page 114.

M. RAPPARD said that, in that case, participation was compulsory and not voluntary.

M. BESSON replied that participation was only compulsory for one category of the population—namely, native planters, who, moreover, derived great benefit from the societies.

Lord HAILEY said he had raised the question only because it was discussed by people interested in the theory of co-operation. He, himself, held it to be of little importance, at this particular stage, whether participation in the societies was compulsory or optional. From Articles 2 and 11 of the decree in respect of subscriptions, it was to be inferred, not only that membership was compulsory, but that the societies were State organisations. The chiefs and the representatives of the persons concerned were called upon to discuss the budget of the societies, but the actual execution of the budget was entirely in the hands of the Administration.

M. BESSON pointed out that it was not unimportant to retain the expression "co-operative societies", since it was in accordance with that idea that the societies could purchase grain, seed, agricultural machinery, etc., co-operatively and individually. That was the meaning to be given to the word "co-operative".

Lord HAILEY repeated that he did not contest the value of the societies, but they should be described as joint purchasing societies rather than as "co-operative".

M. RAPPARD pointed out that the decree did not refer to "co-operative societies", but only to provident societies.

M. BESSON said they were provident and mutual loan societies.

M. GIRAUD added that their aim was, in particular, to teach co-operation to the natives. That was really an educational work.

MISSIONS.

M. PALACIOS recalled that he had asked last year¹ what grants had been made to the various missions in 1936. The accredited representative had replied that he would furnish a complete list next year. He had added that, in any case, he could inform the Commission that the grants, which had been reduced during the depression, had recently been increased.

Information regarding this question was, in fact, supplied in the present report—Section I, Chapter II (Public Finance, Grants charged against the 1937 Credits) (page 36 of the report). The report also stated (page 107) that the Administration was on excellent terms with the missions and gave them valuable support in their work of social assistance. Lastly, the educational activities of the missions were described in the tables on page 114 *et seq.* of the report and were, M. Palacios thought, quite satisfactory.

He would be grateful, however, if this information could be supplemented by a brief general survey of the work done by the missions and their future prospects.

M. THÉBAULT said the Catholic and Protestant missions enjoyed great favour with the mandatory Power, which maintained a very obvious neutrality towards them, and did not favour one more than the other. The two missions had complete freedom of action, and almost all the missionaries were, in fact, exempt from tax. Moreover, land was granted on exceptional conditions for building their schools, chapels, etc. In short, the most cordial relations had never ceased to exist between the representatives of the Republic and the heads of the missions, who, moreover, got on very well together.

M. PALACIOS asked what were the relations between the missions and the tribes, in particular, from the point of view of respect for native customs.

M. THÉBAULT said that this problem, which related to Catholic natives and the law applicable to them, was a very delicate one. The question had not yet been settled, but was being studied in all the French colonies. He was sure that the conversion of a native to Christianity—Protestantism or Catholicism—should entail a certain change in the customary rules applicable to him, but no law as yet existed confirming that position. The mandatory Power was doing its best, and endeavoured to solve each particular case on grounds of equity, while taking into account the interests of the parties concerned. He wished to state that disputes in that respect were not very frequent in Togoland, but the problem would have to be solved once for all.

¹ See Minutes of the Thirty-third Session of the Commission, page 114.

COUNT DE PENHA GARCIA asked whether the missions established native Christian villages, as was done in various other territories.

M. THÉBAULT replied in the negative.

EDUCATION.

The CHAIRMAN, in Mlle. Dannevig's absence, and referring to the reply given to a question she had asked during the thirty-third session of the Commission,¹ recalled that the accredited representative had said that the Domestic Economy School at Anecho had doubtless had to be closed, and that information would be furnished in the next report.

Particulars were in fact given on pages 137 and 138 of the report for 1937. It appeared that the headmistress of the said school having retired in 1935, the head of the Anecho District School had been made responsible for both schools and had divided the girls among the forms for boys. It was also said that those arrangements had not had the results anticipated, and that the school was to be reopened in 1937. What were the difficulties that had arisen?

M. BESSON, while unable to give details, was under the impression that the position was of a temporary nature and would no doubt be settled in the following year, when a new headmistress would be appointed. There had certainly been no serious difficulties.

The CHAIRMAN, speaking on behalf of Mlle. Dannevig, recalled that, in 1937, the accredited representative had promised full information in the next report as to the number of young Togolandese who had been sent to Dahomey to attend the Porto Novo school for training as assistants.¹

The 1937 report contained information on the subject (page 112): the object of the Porto Novo school was to provide theoretical and practical training for farmers who would later take charge of industrial undertakings, and also for any candidates for posts as local officers in the agricultural service. The number of pupils, all of whom had scholarships, seemed to be increasing since the opening of the Togoland section of the school. What possibilities had young Togolandese holding the school certificate of finding work?

M. BESSON replied that work was found for nearly all the young people who left the school; no difficulty was experienced.

The CHAIRMAN asked whether any of these young people were without posts.

M. BESSON replied in the negative.

The CHAIRMAN pointed out, again, on behalf of Mlle. Dannevig, that an interesting step had been taken in the matter of education; popular evening classes had been begun on February 16th, 1937 (page 112 of the report). They seemed to have had increasing success, and classes had already been opened here and there throughout the territory. According to the report (page 113), "these classes were remedying the effects of the age-limits as far as possible". It should be noted that the maximum age of admission to the schools had been reduced by one year by an Order, dated February 4th, 1937. The report added that nothing more could be done in that direction.

M. BESSON said that he had recently received supplementary information showing that the evening classes had met with considerable success among the natives and that there was a demand for more. They seemed to afford a very important means of spreading education.

M. SAKENOBÉ understood there were Moslems in the northern districts. Had they schools of their own? If so, he would be glad to have particulars in the next report.

M. BESSON replied that there were no special schools for Moslems; the same system was in force throughout the territory.

M. GIRAUD asked whether there were no Koran schools.

M. THÉBAULT explained that there were no real Moslems in Togoland. He, himself, had never come across a single Koran in the territory.

M. GIRAUD said that, nevertheless, there were Koran schools for the Islamised population in the Cameroons, under the French mandate, for instance.

¹ See Minutes of the Thirty-third Session of the Commission, page 115.

M. THÉBAULT had no doubt that was the case, but most of the children could not read Arabic, and a few Arabs taught them orally Mohammedan prayers. That was all.

M. SAKENOBE noted that the educational activities of the missions in the northern districts were very restricted. There was only one school, which was at Sokodé. Were the people in that part of the territory Moslems, or were there any special difficulties in the way of educational work ?

M. BESSON replied that there were no Moslems in the north. There were no schools, because those areas were less densely populated and the people were more backward.

M. SAKENOBE noted that there were twelve or thirteen official schools, but no mission schools.

M. BESSON replied that it was for the missions to decide where to exercise their activities. As a matter of fact, they proposed to establish schools in the northern part of the territory.

ALCOHOL AND SPIRITS.

M. SAKENOBE pointed out that at the thirtieth session, ¹ Count de Penha Garcia had asked whether the studies undertaken by the Administration as to the possibility of encouraging the controlled import of mildly alcoholic beverages had led to any practical conclusions.

In 1937, ² the accredited representative stated that a new decree would be promulgated very shortly to put a stop to alcoholism among the natives. The 1937 report contained the text of the Decree of May 12th, 1937, prohibiting the possession and circulation of stills (page 235). Could the accredited representative give any information on the question asked by Count de Penha Garcia at the thirtieth session of the Commission ?

M. BESSON replied that, according to his information, the application of the decree was proceeding normally. He was under the impression that it was a useful measure and would gradually reduce alcoholism among the natives.

M. SAKENOBE asked whether the Commission was to understand that the Administration's studies had been dropped after the promulgation of the decree prohibiting the possession and circulation of stills.

M. BESSON replied that the Administration had for a long time pursued its policy of preventing the manufacture of alcohol by the natives.

M. SAKENOBE pointed out that the Administration had studied the possibility of encouraging the introduction into the territory of mildly alcoholic beverages for the natives, in the hope of doing away with alcoholism altogether.

M. BESSON said the present Governor was trying to make this policy a success, but a financial question arose : the native must be able to buy the beverages. In any event, the main—the real object—of the Administration was to prevent the manufacture of native alcohol.

M. SAKENOBE noted that the report contained statistics of imports of various alcoholic beverages, which had considerably increased (pages 128 and 129) ; imports of beer were more than twice as high (page 131 of the report). Was that due to the prosperity of the European population ?

M. BESSON replied that the natives were beginning to like beer. The European population had not increased much, nor had its capacity to consume alcoholic beverages.

M. SAKENOBE asked whether there were any distilleries and breweries in the territory. The report contained no information on that subject.

M. BESSON replied that there were no breweries as yet in Togoland. There were no distilleries, except for the illicit manufacture of palm wine by the natives. The local authorities exercised very strict supervision in that connection.

¹ See Minutes of the Thirtieth Session of the Commission, page 74.

² See Minutes of the Thirty-third Session of the Commission, page 115.

PUBLIC HEALTH.

Count DE PENHA GARCIA noted (page 121 of the report) that, although the position with regard to health was, on the whole, not unsatisfactory, there were certain dark shadows in the picture. Malaria, for instance, was widely prevalent in the territory and was increasing. Cases of leprosy were to be counted by tens of thousands (page 122 of the report). The mandatory Power had adopted certain measures and even built a number of establishments but, in view of the large number of lepers, what had been done was inadequate. He wished to know whether new measures were contemplated, and whether difficulty was experienced in finding the lepers and isolating them.

M. BESSON replied that the question had just been receiving the attention of the new Minister for the Colonies, M. Mandel, who had recently sent a mission to Togoland to study health problems there. Additional information could, therefore, be given in the next report.

Count DE PENHA GARCIA was glad to hear M. Besson's statement, in view of the impression given by the report that the number of lepers was on the increase.

With regard to syphilis, the report said, on page 122, "that there could be no preventive treatment of syphilis, in view of the mentality and carelessness of the natives". He would like to have some explanation on that point.

M. BESSON was not in a position to provide detailed information on the question.

Count DE PENHA GARCIA said that the disease was a veritable scourge in South West Africa, where it had assumed serious proportions. Such measures as compulsory house-to-house visits should therefore be adopted; this was one of the most effective means of preventing the disease from spreading.

M. BESSON thought that the establishment of the system of social workers, which he had described to the Commission, would perhaps facilitate the campaign against the disease and, in particular, help the doctors in their task.

Count DE PENHA GARCIA mentioned another serious disease: sleeping sickness. The position in July 1937 had been much better than in the previous year. He wondered, however, whether all possible steps had been taken to combat the scourge in question; in particular, in connection with the destruction of flies.

M. BESSON thought that everything possible was being done.

Count DE PENHA GARCIA saw, from the appendix (page 187 of the report), that some of the decisions taken appeared to be connected with health problems, especially the decisions to hold a "Water Conference" and to appoint a Committee on the sinking of wells. He assumed that that referred, in particular, to the drinking-water supply.

Further, the Decree of November 19th, 1937, established a corps of polyvalent colonial nurses. Could the latter be natives?

M. BESSON replied that that depended on circumstances. For the moment, the staff was still composed of Europeans, but the mandatory Power's intention was, with the assistance of the present staff, to start schools on the spot for training and recruiting native nurses.

LAND TENURE: SYSTEM OF MORTGAGES: EXPROPRIATION OF NATIVE LANDS.

Lord HAILEY, referring to the account of registration and the land system on page 81 of the report, asked whether the system known as "constatation des droits indigènes" had been abandoned.

M. BESSON said that it had certainly not been abandoned.

Lord HAILEY said he had not been able to find any information on the subject in the report.

M. RAPPARD recalled that M. Thébault, in his statement on the previous day,¹ had declared that there had been only one case, in the past five years, of expropriation for failure to redeem a mortgage. What purpose could mortgages serve in the territory? They might be of some value if they enabled bankruptcy to be avoided, but if, in practice, Europeans were anxious not to take over land, and mortgages did not, in practice, result in any change of ownership, the land system would presumably soon cease to derive any advantage from mortgage credit.

¹ See page 115.

M. THÉBAULT explained that commercial firms, for instance, which asked for mortgage guarantees, laid great store by such guarantees. It should, however, be noted that the native, in order to avoid losing the mortgaged property, adhered faithfully to the agreement; and, rather than allow his property to be taken over, his family and friends would arrange to meet his obligations.

M. RAPPARD said that the value of a mortgage guarantee therefore lay in the threat of execution. If that threat were never carried out in practice, mortgages were of no value.

M. THÉBAULT said that the native fully realised that the threat could be carried out. Further, the lawyers would warn natives of the dangers of default. The latter thereupon, through fear of being evicted, arranged to meet their obligations.

M. VAN ASBECK said that the chapter on the domain system and the land system included several tables (pages 79 to 81 of the report), but did not give information regarding the number of the cases in which native property rights were established, a matter to which Lord Hailey had referred. Had there been no such cases in 1937?

M. BESSON thought that if there had been they would have been mentioned in the report; but he could not be positive.

M. VAN ASBECK said that M. Thébault had, in his statement on the previous day, touched on a point which was of the greatest interest to the Commission—namely, that of intervention by the Administration in cases where mortgages were executed.¹ M. Thébault had said that there had been only one case of execution in five years. That was very reassuring from the Commission's point of view, for cases of execution meant the transfer of native property rights to non-natives. But it was not merely a question of practice—the legal system and the facilities it afforded for transfers were also of importance. As appeared from the table showing the number of mortgages registered, the creditors were always non-natives (page 81 of the report). In the separate annex to the report, containing the replies of the mandatory Power's representative to questions asked by members of the Commission, details were given regarding the exercise by the Administration of the control provided for in Article 5, paragraph 2, of the mandate, in particular in relation to the establishment of mortgages. With regard to intervention by public authorities, the following statement was made (pages 9 and 10):

“Control by the public authorities only takes place when the mortgage is agreed to in a document under private signature. In such cases, the document contains a written statement by the mayor or representative of the French authorities, assisted, if necessary, by an interpreter, certifying the identity of the parties, their free consent and the authenticity of their signatures.

“The signature of the certifying official is, in its turn, submitted for legalisation to the President of the court (Article 107).

“Unless the above essential formality has been carried out, the Land Registrar refuses to register the mortgage.

“In view of the formal procedure relating to judicial mortgages and mortgages signed before a notary, the legislative authorities considered it unnecessary to render them subject to the administrative visa described above.”

It appeared, therefore, that the French administrative authority responsible for the execution of the mandate exercised control over one type of mortgage but not over the other types.

He was also interested in the question of what happened when a mortgage was executed by a non-native creditor. It was at that crucial moment—that was to say, when the property was about to be transferred—that the question of Article 5 of the mandate again arose. Would there, at that stage, be some form of control or intervention by the administrative authorities for the purpose of authorising and legally ratifying the transfer? That was a completely different question from that of intervention by the authorities when the mortgage was created. Or did intervention when the mortgage was created cover the transfer which might eventually take place if and when the mortgage was executed? But, if that were so, in the case of two out of the three types of mortgage provided for by the law, there was again no intervention in the event of foreclosure.

M. THÉBAULT said that the fact that there had been only one case of forced execution in five years was due, not to any action on the part of the authorities, but simply to the fact that commercial firms had not prosecuted their debtors. It had been asked what action the authorities took in the event of execution. If the immovable property were registered, it was seized under French law, which was applicable because a European creditor was involved. That was the system of seizure pure and simple as practised in France, the property being sold by auction either before the European court or before the Notary Registrar (*greffier notaire*). The whole procedure was thus supervised by the court itself. If there were any weighty reasons for intervening on behalf of the debtor, the Attorney-General of the Republic did not fail to do so.

¹ See page 115.

M. Thébault recalled that certain French legislative provisions applicable to France, such as Article 1244 of the Civil Code, in which provision was made for a period of grace to be accorded to debtors in hard cases, had been recently extended to the colonies. In order to reassure the Commission, he would take the case of a European merchant desiring to foreclose upon a native, who had registered his premises and had accorded the merchant a mortgage on those premises : it would be sufficient for that native to go to the European court, show that his business had been bad either on account of the depression or for any other reason, and ask for a period of grace under the terms of Article 1244 of the Civil Code, which would be immediately granted to him if he were acting in good faith and if his ill-fortune were due to circumstances beyond his control.

M. VAN ASBECK would like to have more detailed information. Certainly, judicial intervention was possible under the relevant provisions of French law, but was that the intention of Article 5 of the mandate ? A judicial act in application of the law was not subject to the supervision of the League of Nations, and in particular of the Mandates Commission. It was postulated in the procedure of the Commission that it was not the Commission's business to take cognisance of judicial decisions reached in accordance with the law in force : it could take note of that law, weigh it up and form a judgment upon it, but it had nothing to say as to its enforcement by the courts.

On the other hand, it was the intention of Article 5 of the mandate that the mandatory Power itself should intervene in the transfer of landed property from a native to a non-native. So far as M. van Asbeck knew, the legislation in force—that was to say, French legislation—contained no provisions relating to such administrative intervention as affecting the transfer of landed property to a non-native creditor as a result of forced execution.

M. RAPPARD, taking the same line, said that the Commission quite understood the system, which was the French system. If the Administration authorised a mortgage, it could obviously not prohibit foreclosure. That was why provision was made in the mandate for the approval of the administrative authorities as regarded both the creation of a mortgage and its foreclosure. If such approval were postulated for the creation of a real right, it was also postulated for its enforcement. Was there any provision for intervention by the authorities in respect of such enforcement ?

M. THÉBAULT pointed out that the present question related to unregistered native land.

M. RAPPARD replied that the mandate made no distinction on the point, simply speaking of " native land ".

M. THÉBAULT said he had already shown the Commission that it need not concern itself with that point. From a legal point of view, M. Rappard would like intervention by the authorities to be necessary before a mortgage could be foreclosed, whereas M. Thébault considered that that would be rendering the natives a very ill service, as it would amount to depriving them of all credit from Europeans. Consequently, M. Rappard's purely academic and platonic remedy would have the tangible and in no way platonic result that all the commercial houses would be obliged to withhold all credit from the natives.

M. RAPPARD considered that, either the authorities should decide to authorise the possible foreclosure of a mortgage, and to this end accord their approval in the matter of the creation of the real right ; or else, if the mandatory Power desired to avoid that issue—that was to say, the transfer of native land to a non-native as a result of foreclosure—it ought to forbid the procedure altogether, as it was not possible to authorise the establishment of mortgages while at the same time reserving the right to forbid their foreclosure.

The mandate was quite explicit : it provided that no real right over native land could be created in favour of a European without the consent of the mandatory Power.

M. THÉBAULT pointed out that the system of land tenure at present in force gave entire satisfaction both to the Europeans and to the natives.

M. RAPPARD said that it was nevertheless not in accordance with the mandate.

M. BESSON was of opinion that the question as now raised was somewhat outside M. Thébault's province, and belonged rather to his own. The question was whether the mandatory Power was, or was not, applying the terms of the mandate. The Mandates Commission considered that it was not, while the mandatory Power considered that what it was doing was not opposed to the mandate. That was a difficult and delicate point.

M. RAPPARD said that the accredited representative's argument was that there was no objection to the procedure at present followed ; but the fact remained that that procedure was at variance with Article 5 of the mandate.

M. BESSON replied that that procedure had one advantage—that it corresponded to French law. As for M. Rappard's view that it was an infringement of the mandate, M. Besson agreed to a certain extent, but desired to state that the mandatory Power was only showing respect for what was one of its own *raisons d'être*: the principle of the protection and welfare of the natives. Moreover, what M. Thébault had just told the Commission went to show that, if effect were given to its view, the result would be that, by abolishing the procedure described, the protection and welfare of the natives would be jeopardised.

M. RAPPARD said that, logically, the mandatory Power ought to propose an amendment to the mandate, as the present procedure was a breach of the terms of the present mandate. Whether it was in the interests of the natives was not the question. The question as it stood at present appeared to be perfectly simple: the law should be altered or else obeyed.

M. BESSON said he understood that, in M. Rappard's view, the mandatory Power ought to adopt a text substantially corresponding to that of Article 5 of the mandate. M. Besson would submit that question to his Government and draw its attention to the desirability of adopting such a text; indeed, he thought it might be well to introduce a similar text for the Cameroons under French mandate, so that there should not be different systems in force in the two territories. He could not promise that his Government would adopt his suggestion, but he now understood more or less what the wishes and intentions of the Commission were. He then referred to Article 5 of the mandate for Togoland, which read as follows:

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

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

“ The Mandatory shall promulgate strict regulations against usury.”

M. Besson and M. Thébault maintained that the expression “ native land ” did not include registered land.

M. THÉBAULT thought that there was a misunderstanding. There were two kinds of property: (a) native property governed by the native statute and (b) land which had been europeanised by registration, that was to say, subjected to a special regime, which was, in fact, the regime of registration.

Native land could not be registered without the permission of the authorities, and mortgages could only be taken out on registered properties and never on unregistered properties. Consequently, there had never been a case of foreclosure on a native property.

M. RAPPARD pointed out that the mandate made no distinction, but simply spoke of native land.

M. THÉBAULT said he disagreed with M. Rappard. Article 5 said “ no native land ”; it did not say “ no land belonging to natives ”.

The CHAIRMAN pointed out that such discrimination hardly appeared to be in accordance with the preoccupation that had clearly been the origin of the provision contained in Article 5 of the mandate. The object of that article, which appeared in all B mandates, was to prevent the natives being deprived of their land rights for the benefit of Europeans. To that end, it had been desired that any transaction which might have that consequence should be submitted to the control of the mandatory Power. Article 5 only established one of the methods by which the European authority exercised its guardianship of the native, who *a priori* was considered to be unable to defend his rights.

M. VAN ASBECK said that he had, from time to time, expressed his doubts about registration, which might, he thought, have the effect of withdrawing native land from the sphere of operation of the very definite provisions of Article 5 of the mandate.

He could not agree with M. Thébault that, directly land was registered and became European property by French law, it could be withdrawn from the sphere of operation of the very definite provisions of Article 5. The mandate provided that, before native property could be separated from native patrimony as a whole, the approval of the Administration was required at some stage or other.

COUNT DE PENHA GARCIA thought that the terms of the mandate were categorical, but that no difficulties had arisen in regard to Togoland. Mortgages were no doubt less valuable, owing to the fact that only a limited number of persons could foreclose them. Only natives could acquire property in the event of the foreclosure of a mortgage; that was not excluded by the mandate, as the property would then remain native.

M. RAPPARD pointed out that, in the mandated territory, creditors always appeared to be non-natives—commercial firms, or the like.

Count DE PENHA GARCIA thought he was right in saying that was not always the case. According to M. Thébault, the law applied might be European law, but only natives were in a position to keep the property, and he seemed to remember M. Thébault's saying that there had only been one case in which the property had been purchased by a non-native.

Lord HAILEY asked whether there was any particular reason why the same procedure should not be adopted as that prevailing in some parts of British West Africa, where no encumbrance for more than a fixed period (usually three years) was valid without the assent of the Government. He thought that was a good system, and might easily be applied in the mandated territory. It would also have the advantage of being in practical accordance with the terms of the mandate.

M. BESSON replied that that system was incompatible with the Civil Code.

Lord HAILEY said that the question was which was the more important ; he could not himself believe that the Civil Code was more important than the mandate. Incidentally, the Civil Code had not been applied *in toto* in the mandated territories ; it applied with a number of modifications.

M. BESSON said that the mandatory Power had a perfect right to apply the legislation of, for instance, the West African colony.

M. RAPPARD said that that should be subject to the provisions of the mandate.

The CHAIRMAN recalled that the mandate was the constitutional law of the territories under mandate, operating under the peculiar circumstance that it had arisen out of an international Convention. As a consequence, all the special legislative provisions and regulations should remain within the general framework of the mandate. Perhaps M. Thébault could now give the Commission some information.

M. THÉBAULT said that it was a purely academic discussion. In point of fact, since the beginning of the mandate—that was to say, since 1919—there had not been a single attempt of any kind by a European to lay hands on native property.

The CHAIRMAN insisted on the fact that the mandatory authority, in not regarding registered property as "native property", introduced, as between the landed properties belonging to the natives, a distinction which was not recognised in the mandate.

M. THÉBAULT still thought that the term "native land" should be understood as contrasted with "registered property."

M. RAPPARD said that the object of the text was to protect the natives ; they would not be protected if it were to be laid down that all land belonging to natives was to be registered.

M. BESSON thought that the question had already been amply discussed. He had been extremely interested in the observations made by members of the Commission, and had also learnt a great deal from what M. Thébault had told them. He thought the best thing would be to allow him to discuss with his Government whether it was, in its opinion, desirable, or not, to supplement the local legislation of Togoland in the light of the spirit and letter of the mandate. To pursue the present discussion further would not serve any useful purpose. The sole aim of the Commission and of the mandatory Power was to protect the natives. He asked the Commission to show its confidence in the Mandatory, as it had so often done in the past, and said that he would endeavour once more to bring the two points of view into harmony.

The CHAIRMAN said that the Commission had every confidence in M. Besson. He wished, however, to point out to M. Thébault that it would be an error to suppose that the matter was only of purely academic interest. For those who were familiar with the conditions existing in Togoland the problem might present itself in that light so far as that territory was concerned. Nevertheless, the mandate should be respected, both in the spirit and in the letter.

As the Chairman had already pointed out, the provisions of Article 5 appeared in other mandates, and it was the Commission's duty, as guardian of the mandate system, to see that no fissure occurred therein.

M. VAN ASBECK agreed that that question, which appeared for the moment to be purely academic, might, in the near future, involve decisions of a practical nature.

He desired to avail himself of the opportunity afforded by M. Thébault's presence to discuss the expropriation of native rights. The annexes included (page 204 of the report) an Administrative Order promulgating the Decree of February 14th, 1937, regulating expropriation for reasons of public utility in Togoland under French mandate. That decree applied to private owners, and indeed private property was the idea underlying throughout the provisions of the decree relating to expropriation for constructional work of public utility.

What happened when an engineer or anyone else entrusted with work of that kind found, on his site or line of advance, native rights, not of ownership, but of user or of some other kind?

M. THÉBAULT said that he knew of no case of the provisions of that decree being applied in Togoland; but if they were, the same thing would happen as happened in France in the case of expropriation which injured the rights of an owner and a tenant: both would be compensated.

M. VAN ASBECK said he had not found anything in the decree relating to compensation in such cases. Moreover, the text of the decree appeared to refer solely to rights established by the Civil Code.

M. BESSON said that it would be necessary to review the whole of the legislation on expropriation for reasons of public utility, which was extremely voluminous.

M. THÉBAULT referred M. van Asbeck to Article 23 of the decree in question, which he read.

M. VAN ASBECK said that that article referred merely to rights arising out of the Civil Code, and not to the native rights of which he had spoken.

M. BESSON pointed out that paragraph 1 of Article 23 contained the following passage: "Servitudes arising out of the owner's actual title *or other deeds*." If there were any procedure that was complete and absolute, it was that of expropriation for reasons of public utility.

Lord HAILEY thought that the mandatory Power had not yet delimited the "vacant" lands in the territory. That being so, how did it determine what land was available for public utilities, in the sense that it had no rights subsisting over it?

M. THÉBAULT said that, in the matter of vacant lands, it might be thought that the authorities desired to lay hands on some of them; but there, again, what they were doing was really only to protect the natives. The relevant provision was simply designed to prevent natives who were more enterprising than others from taking lands which they thought would probably acquire a certain value later. The Administration had taken possession of those lands, which could only be distributed under its supervision. If it owned no vacant lands, how could it ensure the transfer of thousands of inhabitants from the district of the Kabrese, where they had suffered the ravages of sleeping-sickness, to those same vacant lands?

The CHAIRMAN observed that Lord Hailey had asked whether the vacant lands in the territory had been delimited.

M. THÉBAULT replied that they had not; that would mean surveying the whole territory.

M. BESSON said that even French West Africa had not been surveyed.

Lord HAILEY said that he had not meant to imply any criticism of the mandatory Power on account of the vacant lands not having been delimited. His point was a different one; all vacant lands were regarded as belonging to the State; in that respect, the law simply reproduced, for the territory of Togoland, the provisions of French law, and even of Roman law; but when any question of alienation arose, it was the business of the local official to decide upon the rights of any native who might claim a right of occupation, grazing, hunting, etc., over these lands. What Lord Hailey wished to know was the procedure adopted in enquiring regarding rights claimed in such cases, as the areas involved were considerable. He pointed out that, in the Congo, the Belgians considered that the most equitable manner of settling the question was to allow an independent assessor to sit with the official responsible for enquiring into each particular case.

In short, all Lord Hailey wanted to know was the procedure whereby it was decided that this or that land was "vacant" land—that was to say, not only without native ownership but without any rights of user or grazing or other rights whatever.

M. BESSON said that, as there was no delimitation, there could be no procedure of delimitation.

M. THÉBAULT said that there had never been any disputes on the matter. The natives who had the use of land continued to have the use of it.

Lord HAILEY said that that was not the question. He was merely endeavouring to clear up a highly important question as to the procedure adopted before an alienation of "vacant" land was allowed. The Germans, for instance, had set up Land Commissions which followed a prescribed procedure. What was the procedure in Togoland now? It must be realised that any land over which a native had not got a registered title was liable, in strict point of law, to be considered as "vacant land".

M. BESSON thought it would be sufficient to read the text of the Administrative Order, which was very comprehensive—even on the question of expropriation.

M. THÉBAULT repeated that, during the five years he had spent in the territory, he had never known the question to arise.

M. RAPPARD said he would give an instance. The Commission had just been told that the authorities had been carrying out a vast scheme for shifting native populations in their own interests. Before settling them elsewhere, the Administration must have satisfied itself that the land contemplated for their settlement was not encumbered by any other native rights.

M. BESSON replied that the procedure had been determined by the officials on the spot.

Lord HAILEY asked whether there was any provision for appeal to the courts or to the Commissaire de la République in difficult cases.

M. BESSON replied that the procedure was governed by administrative measures.

Lord HAILEY asked whether the authorities had allocated to natives the large quantities of land involved in "resettlement" proceedings merely by an *ad hoc* procedure.

M. BESSON said that the authorities were not in the habit of acting in such an irresponsible manner. The next report might contain detailed information on the question.

Lord HAILEY repeated that he was merely asking for a copy of the rules laying down the procedure. He had no reason to doubt that the arrangements made had been excellent. Nevertheless, in view of the importance of the question from the point of view of the Mandates Commission, he wished to know whether it would be possible to state in the next report what administrative instructions had been given to the officials who had to decide such cases. Such instructions existed in all colonies, and must certainly exist in Togoland under French Mandate.

M. THÉBAULT said that there was a Decree of March 13th, 1926, and an Administrative Order of April 1st, 1927, relating to vacant lands.

Lord HAILEY said that those enactments did not contain the information for which he was asking. The instructions issued by Lord Lugard for Nigeria, and which were often quoted, were typical of the class of orders to which he was referring.

The CHAIRMAN, speaking in the name of the Commission, asked for information concerning the practical instructions given to the competent officials. Personally, he did not know of any African territory where the conditions were analogous to those prevailing in Togoland, in which all the vacant lands had been delimited: indeed, that would be practically impossible. In general, when it was proposed to give to third parties a real right over land presumed to be vacant, an enquiry was instituted which would enable the natives, if necessary, to claim their rights. If, as a result of the enquiry, it were decided that the lands were vacant, and should the State, as owner, decide to give away or transfer them to third parties, only then would the lands be delimited. What the Commission desired to know, in view of the importance it attached to the preservation of the land rights of the natives, was what procedure was adopted to safeguard those rights.

M. BESSON replied that the procedure was indicated in the Decree of 1926.

M. VAN ASBECK requested that the next report should state what was meant by "vacant lands" from the point of view of the various native rights—both those of user and others—and also what happened to customary land rights in the event of expropriation on grounds of public utility.

The CHAIRMAN said that the next report might contain replies to those various questions.

FORESTS.

Count DE PENHA GARCIA referred to the following passage from the chapter relating to forests and reforestation (page 73 of the report) :

“ Efforts are being made to protect forests, especially in the subdivision of Palimé, where the wooded parts are more extensive. Combined measures are taken for the supervision of deforestation and the development of the cultivation of the coffee-bean.”

He asked that the next report might contain detailed information on that question.

M. BESSON noted his request.

CLOSE OF THE HEARING.

The CHAIRMAN thanked M. Besson for his assistance, and again thanked M. Thébault, on behalf of the Commission, for his statement concerning the results of his work on the codification of native customs.

FOURTEENTH MEETING.

Held on Friday, June 17th, 1938, at 10.30 a.m.

Tanganyika Territory : Examination of the Annual Report for 1937.

Mr. H. C. D. C. Mackenzie-Kennedy, C.M.G., Chief Secretary to the Government of the Territory, and Mr. Whitlamsmith, of the Secretariat of the Government of the Territory, accredited representatives of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVES.

The CHAIRMAN welcomed the accredited representatives in the name of the Commission and expressed his pleasure at being able to examine the report of the mandatory Power with two high officials so intimately acquainted with Tanganyika.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Mr. MACKENZIE-KENNEDY made the following statement :

I wish to spare you the weariness of having to listen to a general statement ; but I would like to express, on behalf of my colleague and myself, our very cordial thanks for the welcome which you have accorded to us.

A picture of Tanganyika was drawn by Sir Harold Macmichael in 1935 ; and the picture is the same in form to-day, although, of course, the details vary from year to year.

We have tried in the report for 1937 to give you as complete a story as possible, and particularly to refer to those matters in which the Mandates Commission has, from time to time, shown special interest. If there are any gaps in the report, and we can help you during your examination of it to fill those gaps, we are very much at your disposal.

STATISTICAL INFORMATION REGARDING TERRITORIES UNDER MANDATE.

The CHAIRMAN, before turning to the detailed examination of the report, wished to make a general comment on its form. At the thirty-first session,¹ the Commission had expressed a wish to find each year in the report a table similar to that included in the statistical document on public finance, trade and population movements. Such tables were inserted as a matter of course in a number of reports on other mandated territories. He noticed, however, that the desired table did not appear in the 1937 report on Tanganyika Territory.

Mr. MACKENZIE-KENNEDY said that the table had been inadvertently omitted. He expressed his regret, and undertook to make sure that the omission would not occur again.

¹ See Minutes of the Thirty-first Session of the Commission, page 49.

DOCUMENTATION SUBMITTED TO THE COMMISSION.

Count DE PENHA GARCIA congratulated the Administration of Tanganyika on the excellent reports and publications submitted on the administration of Tanganyika. They were of the highest interest both to the Commission and to all students of colonial affairs.

TRANSPORT POLICY : RHODES-ROBINS AGREEMENT.

M. PALACIOS thanked the mandatory Power for the information furnished in the report in reply to the questions put by him in 1937, and asked whether the accredited representative had anything to add to the particulars of transport policy contained in the report (paragraphs 43 and 44, pages 25 and 26, of the report).

Mr. MACKENZIE-KENNEDY replied that the effect of the Rhodes-Robins Agreement was that a percentage of the net railway profits, after deduction of operation costs, was now to be allotted to each territory. Rates on each railway to and from terminal points on Lake Victoria were the same, and the effects of competition would be modified by a provision for sharing out profits. The agreement was for a definite term of years and was of benefit to all concerned.

QUESTION OF REFERRING TO THE MANDATE IN ORDERS-IN-COUNCIL.

M. PALACIOS said that, on March 31st, 1938, the United Kingdom Government had communicated to the Mandates Commission a letter on the subject of the wording of the preamble to Orders-in-Council applied to Tanganyika (Annex 4).

The mandatory Power pointed out that, in its letter of January 12th, 1928, it was stated that steps would be taken to ensure that reference to the mandate would be made in any future Order-in-Council dealing with the Territory and that this assurance had been given in view of a remark by the Mandates Commission on the annual report on Tanganyika for 1926.¹ The mandatory Power added that while the suggestion of the Mandates Commission referred only to important Acts, the assurance given in the above-mentioned letter from the Foreign Office applied to all future Orders-in-Council. This wording was—the letter stated—inadvertent, and Lord Halifax had been advised that it had given rise to practical difficulties, since, in amending Orders of an unimportant character, it was usually unnecessary to refer in the preamble to anything but the existence of the principal Order. His Majesty's Government stated that it intended, in future, to conform to the suggestion made by the Mandates Commission in the observation referred to above, and only to insert a reference to the mandate in important Orders-in-Council.

What were the difficulties referred to in the letter from the United Kingdom Government ?

Mr. MACKENZIE-KENNEDY said that it sometimes happened that an Order-in-Council required some slight modification—for example, where the title or description of some official was changed—for which purpose a short amending Order was issued. It was incongruous in such cases to insert a lengthy preamble at the head of the Order. The fact that this was not being done involved no question of principle, but was merely a matter of convenience in legal drafting.

M. PALACIOS observed that two or three words would be sufficient to do justice to the existence of the mandates. However, he accepted the accredited representative's explanation.

CONFERENCE OF EAST AFRICAN GOVERNORS.

M. PALACIOS recalled that, in its report to the Council on the work of its twenty-seventh session,² the Mandates Commission had submitted the following observation on the subject of the Conference of East African Governors :

“ The Commission, while appreciating the information supplied to it with regard to the work of the Conference of East African Governors, wishes to emphasise the importance which it attaches to the discussions which concern the mandated territory, directly or indirectly.”

The annual report for 1937 (page 24, paragraph 42), gave some details regarding the Conference of Governors held in 1937. It stated that the main questions discussed by it were :

¹ See Minutes of the Eleventh Session of the Commission, page 202.

² See Minutes of the Twenty-seventh Session of the Commission, page 228.

co-ordination of research, yellow fever and aircraft, corporal punishment, native divorce legislation, terms of service in the Administration and training of Africans in forestry.

Could the accredited representative inform the Commission which of the proposals made by the Conference of Governors had been adopted by the Government of Tanganyika ?

Mr. MACKENZIE-KENNEDY replied that, in the matter of the co-ordination of research, the proposals put before the Governors' Conference had been somewhat nebulous. Final proposals were not yet forthcoming : but the subject was constantly under review, and progress would no doubt be made in the near future.

With regard to yellow fever and aircraft, the Director of Medical Services of the Territory had just completed a journey in West Africa, and on receipt of his report the question of sanitary aerodromes would be further studied by the Administration.

Corporal punishment of members of the police and prison personnel had now been abolished for all categories except buglers, who were young boys.

As for divorce, Mr. Mackenzie-Kennedy had nothing to add for the present to the information contained in the report.

The proposals relating to conditions of service in the Administration dealt with matters of detail such as leave and allowances.

As to the training of Africans in forestry, a conference of forestry conservators had recently been held at Entebbe, as a result of which concrete proposals had been put before the competent authorities. Some progress might therefore be expected in that direction as soon as the financial repercussions of the proposals were clearer.

JOHANNESBURG CONFERENCE.

M. VAN ASBECK asked whether there had been any further contacts in 1937 between Governors of British, Portuguese and Belgian colonies and territories, who had met in 1936 at the Johannesburg Conference.¹

Mr. MACKENZIE-KENNEDY replied that the Governor of Tanganyika Territory had not attended any such conference in 1937. There was, however, a continuous exchange of views between the various territories and colonies and the South African Government, especially on points of interest to technical officers of the Government.

LEGISLATIVE COUNCIL.

M. VAN ASBECK referred to the appointment of unofficial members of the Legislative Council (page 7, paragraph 10, of the report), where it was said that unofficial members were nominated without regard to representation of particular races, interests or public bodies ; he asked whether it must be assumed, in view of the fact that members of the Council were required to take an oath of loyalty to the King, that the above-mentioned passage had to be read subject to the qualifications that, in any case, members had to be British subjects.

Mr. MACKENZIE-KENNEDY said that the intention of that passage in the report was to convey that the Governor, in selecting unofficial members, disregarded the private interests or the representational character of the persons selected. In other words, any person likely, in the Governor's judgment, to be of assistance as a member of the Council could be selected. The oath of allegiance had to be taken by all members.

M. VAN ASBECK observed that such a position would be unexceptionable in a British colony ; but he wondered whether it did not call for special scrutiny in the case of a mandated territory which was not under His Majesty's sovereignty and which had its own identity. In his mind, the question had arisen whether there were not arguments in favour of representation of settlers, even of foreign origin, who contributed to the Territory's welfare and who had lived for a prolonged period in the Territory ? Instead of taking an oath of loyalty to the King, they might be required to swear to further the interests of the Territory, somewhat on the lines of the undertaking which, after federation in India, would have to be given by Indians who were subjects of Indian States.

The CHAIRMAN wished to make it clear that the Commission had not discussed the question, and had therefore no collective view thereon.

M. VAN ASBECK said he did not intend to press the matter any further just now. He asked whether seats were reserved for Indians on the Legislative Council.

Mr. MACKENZIE-KENNEDY said that, although no number was laid down, in practice, there had been not fewer than three Indians on the Council for some years.

¹ See Minutes of the Thirty-first Session of the Commission, page 19.

QUESTION OF GERMAN PROPAGANDA : NATURALISATION.

M. VAN ASBECK raised the question of German propaganda. He had read in the papers—and the question had been discussed in the British House of Commons—that there was some evidence of German propaganda within the Territory. If one were to believe the *African World* of September 11th, 1937, the Hitler Youth Movement was active in Tanganyika ; and there had been some curious happenings at a German school at Mweka, including a frankly National-Socialist demonstration. Was there any truth in those allegations and what was the extent, if any, of Nazi propaganda in the Territory ?

Mr. MACKENZIE-KENNEDY replied that he had been throughout convinced that the allegations repeated in certain Press organs were without justification. A group of small boys with three masters had organised a camp for about ten days and cleared a sports ground. This instantly led to a rumour that they were digging trenches ! The Swastika had been flown ; but the Union Jack was flown alongside. The National-Socialist salute was given by all Germans in the Territory, even sometimes to officials of the mandatory Administration. He had himself, during his term as Acting Governor, visited Arusha shortly afterwards and had satisfied himself that the " competent observers " of the Press had, in fact, obtained most unreliable information. Another holiday camp had been held shortly afterwards at which British and German boys fraternised together in complete harmony.

Lord HAILEY asked whether there was now in Tanganyika any open or active propaganda by Germans in favour of the return of the Territory to Germany.

Mr. MACKENZIE-KENNEDY replied categorically that there had been no reliable evidence of open or active propaganda up to the time of his departure from the Territory. There was no doubt a natural feeling on the part of individual members of the German colony in favour of return to the German flag. But all Germans were most anxious, and had given evidence of their anxiety, to refrain from engaging in any type of overt propaganda. He considered that they had been most tactful and law abiding in that respect.

The CHAIRMAN asked whether there was any evidence or trace of underground action designed to influence the natives generally, or any particular groups of natives.

Mr. MACKENZIE-KENNEDY replied that the native population was naturally not unaffected by Press rumours. The policy of the Administration was to give the widest publicity to the answers to unfounded rumours. There was no reliable evidence that undue influence was being brought to bear upon the natives. The Administration's only anxieties had been in connection with inaccurate reports. Every effort was constantly being made to dispel rumours and conjectures.

INTERNATIONAL CONVENTIONS.

Count DE PENHA GARCIA was glad to observe that the international Convention for the Protection of the Fauna and Flora of Africa had been applied to the Territory (see page 7 of the report).

He would ask for one further slight improvement in the table of Conventions and treaties applying to the Territory (pages 3 to 7 of the report)—namely, the addition of the date of accession to each instrument.

Mr. MACKENZIE-KENNEDY said the year of accession could no doubt be shown without difficulty.

FRONTIER BETWEEN TANGANYIKA AND RUANDA-URUNDI.

Count DE PENHA GARCIA referred to the Treaty of November 22nd, 1934, concerning the frontier between Tanganyika and Ruanda-Urundi. At the thirty-third session of the Commission, ¹ M. Halewyck de Heusch, replying to a question as to the stage reached in the matter, stated that the parliamentary procedure for the approval of the Convention in Belgium had gone through all its stages, but that the consent of the United States of America was required before the treaty could come into effect. Had that consent now been given ?

Mr. WHITLAMSMITH replied that the United States Government had taken note of the treaty, which had subsequently been ratified by an exchange of notes between His Majesty's Government and the Belgian Government in May 1938.

¹ See Minutes of the Thirty-third Session of the Commission, page 83.

FRONTIER BETWEEN TANGANYIKA AND MOZAMBIQUE.

Count DE PENHA GARCIA referred to the agreement between the United Kingdom and Portugal concerning the frontier between Tanganyika and Mozambique, which had been approved by the Council of the League in September 1937.¹ Had that agreement been put into force since the drafting of the 1937 report ?

Mr. MACKENZIE-KENNEDY said that the agreement came into force with effect from February 1st, 1938. The formal consent of the United States Government was being invited in that case also.

ECONOMIC EQUALITY : MOST-FAVOURLED-NATION CLAUSE : CASE OF STATES NON MEMBERS OF THE LEAGUE OF NATIONS.

Count DE PENHA GARCIA paid a tribute to the mandatory Power's policy in securing most-favoured-nation treatment for Tanganyika products from a large number of countries (page 6, paragraph 7, of the report).

On page 28, paragraph 46, the mandatory Power, referring to an observation of the Commission,² stated that, in its opinion, although States not members of the League could not claim economic equality for their goods imported into Tanganyika, either under the terms of the mandate or under Article 22 of the Covenant, there were nevertheless some cases in which a claim might be justified under other instruments applicable to Tanganyika.

Could the accredited representative state to what other instruments the passage referred ?

Mr. WHITLAMSMITH said that the instruments in question were :

- (1) The Treaty St. Germain, 1919, to which Italy, the United States of America and Japan were parties ;
- (2) The Agreement of February 10th, 1925, between the United Kingdom and the United States of America, granting to the nationals of the latter country the same economic rights in Tanganyika as those possessed by nationals of League Members ; and
- (3) Various bilateral trade agreements between the United Kingdom and other countries according them most-favoured-nation treatment in Tanganyika (namely, the countries enumerated on page 6, paragraph 7, of the report).

Count DE PENHA GARCIA had a feeling that there was a contradiction between the principle enshrined in the mandate and some of the agreements to which reference had just been made. The mandatory Power's statement, which he had just summarised, seemed to him, in the circumstances, to be somewhat too categorical, although he was prepared to admit that, since Tanganyika stood to gain as a result of being granted most-favoured-nation treatment, departure from the rigid principle in question might be justified.

Lord HAILEY wished to put a hypothetical question. If it should be thought advantageous, from Tanganyika's standpoint, to impose a duty on Japanese goods entering the Territory, would the mandatory Power consider itself debarred from taking that course by reason of a Commercial Treaty between the United Kingdom and Japan ? In other words, was the Mandatory bound by the terms of a general treaty entered into by it in regard to its own territories, but without special reference to the mandated territories ?

Mr. MACKENZIE-KENNEDY said that Lord Hailey would appreciate that it was impossible for him to reply without legal advice. The question would be referred to the mandatory Power, and an answer given to it in the report for 1938.

M. RAPPARD observed that, while the commercial treatment accorded to Tanganyika by a number of countries was extremely gratifying, few products of the Territory competed with those of other countries. There had probably been little hesitation on the part of the countries concerned in granting favourable treatment. The only raw product which might conceivably count as an element of competition with other countries seemed to have been sisal.

He referred to the list of Government Ordinances on page 74 of the report. He wondered whether Government Notice No. 140, 1937, prohibiting exports of certain chemicals to Spain, was not discriminatory. Was it justified by the policy of non-intervention. Also, what was the object of Notice No. 166 prohibiting the import of handkerchiefs bearing impressions of currency notes ?

¹ See *Official Journal*, December 1937, page 898.

² See Minutes of the Thirty-first Session of the Commission, page 189.

Mr. MACKENZIE-KENNEDY undertook to deal with Government Notice No. 140 at a later stage.¹ The reason for Government Notice No. 166 had been a sudden influx of cheap handkerchiefs carrying a reproduction of a ten-shilling note, which—as many of the natives were still very gullible—were thought to be undesirable.

REORGANISATION OF THE CENTRAL ADMINISTRATION.

M. VAN ASBECK said that the reform of the Central Administration recently carried out was of great interest (page 24 of the report). What were the powers of the new Financial Secretary ?

Mr. MACKENZIE-KENNEDY explained that it had been necessary to separate financial and economic affairs, which were of growing importance in the Territory, from the other questions with which the Chief Secretary had to deal. The new Financial Secretary would now deal, in the first place, with all such questions, keeping in close contact with the Chief Secretary and submitting, in conjunction with the latter, his proposals to the Government and the Legislative Council. The Government remained free, however, to override the Financial Secretary if it saw fit, though, as a matter of practice, a conflict of views was unlikely to occur.

In reply to M. Sakenobe, who enquired as to the functions of the new Administrative Secretary (page 24 of the report), he added that the latter official was to be the deputy of, and assistant to, the Chief Secretary in all administrative matters. He would not overlap with the Financial Secretary, though always in close touch with him, but would assist the Chief Secretary in matters of general administration.

DIRECT AND INDIRECT ADMINISTRATION : PROPORTION OF EUROPEANS, ASIANS AND AFRICANS IN THE ADMINISTRATION : PARTICIPATION OF THE EDUCATED NATIVES IN THE ADMINISTRATION OF THE TERRITORY : AMALGAMATION OF CERTAIN DISTRICTS AND OF NATIVE TREASURIES.

M. VAN ASBECK referred to the list (Appendix I, page 184 of the report) of the Europeans, Asiatics and Africans in the Administration. This list gave a very useful picture of the part played by natives in the Administration ; he noted that the number of Africans employed had increased by eighty-eight in the course of the year.

He wished to ask whether it was the mandatory Power's intention to encourage the participation of educated Africans, not only in subordinate posts and in technical services, but also in the general Administration—that was to say, in responsible posts in which their education would prove useful. The problem was common to all African territories ; and it was desirable that useful and responsible functions should be given to educated detribalised natives, as the future of native education largely depended upon the use that could be made of it.

Mr. MACKENZIE-KENNEDY replied that it was the firmly settled policy of the mandatory Power to employ Africans in any posts for which their capacities fitted them. The number of Africans so employed was increased wherever possible. The Commission must remember, however, that there was also a considerable Asiatic population—persons born in the Territory, who had never seen, and never would see, Asia—for whom places had to be kept.

The Administration desired to reduce the number of Europeans in its ranks—and that, not only for financial reasons, however important. In that connection, the Commission might be interested to learn that a Conference was now being held in London to examine the possibility of setting up a provident fund for the purpose of providing pensions for African and Indian members of the Administration. At the same time, the number of educated Africans fit to take on even subordinate administrative functions was not sufficient : the demand was very much greater than the supply.

M. VAN ASBECK referred to a passage in the Governor's address at the recent opening of the Legislative Council in which His Excellency said that the majority of the Native Administrations had done good work during the year, and had again demonstrated the essential soundness of the policy framed and put into effect by Sir Donald Cameron. The Governor had gone on to refer to the two chief difficulties in the way of wider participation by natives in the Administration, which had revealed itself in some parts of the Territory—namely, inertia on the part of tribal authority and a tendency towards unreality in the attitude of the natives (page 198 of the report).

It seemed, therefore, that a prime requisite for success in indirect rule was a sufficient amount of guidance and advice by European officials. He had learnt from some of the Provincial Commissioner's annual reports that, during the wet season, the roads were, in some

districts, impassable ; and he wondered whether, at such times, local native officials were abandoned to their own resources and lost all contact with the Provincial Commissioners. Had the accredited representative any commentary to furnish on that point ?

Mr. MACKENZIE-KENNEDY said that it was true that during the rains many earth roads became impassable ; but the district officers generally managed to get through on foot. The difficulty was not so much the state of the roads as the burden of office work which the district Officers had to carry. The Administration was making every effort to reduce the amount of paper work, so as to allow the officials concerned to travel more and to keep in still closer touch with native authorities. As for road improvement, that clearly depended upon finances.

M. VAN ASBECK noted that the report spoke in several places of amalgamations of districts, treasuries, etc. No doubt that was often advantageous. But he observed that, in one case (page 10 of the report), experience had shown that a merger had not increased the efficiency of administration, and had had to be cancelled. Had there been, in that case perhaps, as was also the case in some colonial empires, some over-haste in the desire to simplify the administration, and had the natives' interest been overlooked ?

Mr. MACKENZIE-KENNEDY replied that, in that particular case, it had been hoped, as a result of the merger, to set certain officials free to travel and to keep in closer touch with the natives. In the event, however, it had been found that reports relating to the Pangani district having to go through another officer to the Provincial Commissioner meant undue waste of time.

The policy of amalgamation did not affect the natives in the sense feared. Its object was to reduce the number of offices, not the number of officials. The latter were, on the contrary, relieved of office work as a result of amalgamation, and had more time to devote to actual contact with natives.

M. SAKENOBE drew attention to the fact that Pangani district was separated from Tanga district, which, he understood, was under direct administration, and asked whether the separation in this case did not involve some change in the system of administration of the district concerned.

Mr. MACKENZIE-KENNEDY replied that that was not so. Within certain districts, there were areas under direct administration and areas administered by the natives. Changes in, or mergers of, districts did not affect the position. The situation in regard to direct and indirect administration was constantly changing, the tendency being to switch over from the former to the latter, wherever possible. It would not be easy, just because of these constant changes, to give an exact picture of the general extent of indirect administration ; but provincial commissioners would be instructed to make the position as clear as they could in further reports.

M. VAN ASBECK was glad to obtain this reassurance. In many colonies, there was constant administrative reshuffling, to the great detriment of native interests.

It appeared from the report that, in many cases, the number of native treasuries was very much lower than the number of native chiefs in the same area, for example, in the Dodoma province (page 5 of the Reports of the Provincial Commissioners).

Was the position that the chiefs took little interest in finance, and that the treasuries were wholly in the hands of European officers ? Might not the amalgamation of treasuries lead to undermining the interest of the chiefs ?

Mr. WHITLAMSMITH replied that, in primitive areas, the part played by European officers was naturally much greater. In no case, however, would the estimates be drawn up by district officers without consultation with the native chiefs on the subject of social services, improvements, etc.

M. VAN ASBECK said that he had always understood that, in areas where indirect administration was the rule, the principle should be to teach the natives sound finance by allowing them to manage their own treasuries. As the number of native treasuries seemed in some cases on the small side, he asked how that state of affairs was to be reconciled with the proved aims of the system of indirect rule.

Lord HAILEY added that, as a result of fusion and federation there were now only seventy-seven native treasuries in the whole Territory.

Mr. MACKENZIE-KENNEDY entirely agreed that the natives should be encouraged to manage their financial affairs. Some tribes were, however, still very primitive and in need of support and advice. It could also happen, of course, that a district officer gave too much advice. In such cases, the Administration warned him that greater latitude should be allowed to the natives. The rate of progress was bound to differ widely from district to district.

M. VAN ASBECK asked for information concerning the 1937 estimate of £155,200 for "native administrations," shown on page 42 of the report.

Mr. MACKENZIE-KENNEDY explained that this was merely an accounting device. The whole of the yield of the native tax was entered on the revenue side ; and this figure represented for 1937 the proportion of the tax refunded to the natives, plus a few small grants and miscellaneous refunds. Roughly, a quarter of the native tax was returned to the natives.

ORGANISATION OF MUNICIPALITIES : TOWNSHIPS : MINOR SETTLEMENTS.

M. VAN ASBECK asked how, in view of the administrative reforms carried out at Dar-es-Salaam (see page 9 of the report), native interests came into the framework of local government, since the non-statutory native advisory council had ceased to exist. Were natives represented on the Township Authority ?

Mr. MACKENZIE-KENNEDY explained that the Township Authority (page 10 of the report) had been in existence for some years. It consisted of the Municipal Secretary and a number of residents, and dealt with domestic expenditure on roads, drainage, etc. Up to 1937, the Municipal Secretary had also been an assistant district officer. But with a native population of 23,000, this had been felt to be unsatisfactory. The two functions were therefore now in separate hands. There were township authorities in a number of other towns : they all had advisory functions and dealt with both native and European affairs. They received grants from the Government. There were no local rates, except in a few cases where a small sanitary rate was levied. The natives were very seldom directly represented ; but their interests were in the hands of the District Officer, who was also in close touch with non-statutory native advisory councils or native authorities.

But the whole system of municipal administration was in its infancy. He undertook to deal more fully with the subject in the 1938 report.

M. VAN ASBECK asked for information on the Minor Settlements, which, according to the report (page 73), charged sanitary fees in certain centres.

Mr. MACKENZIE-KENNEDY explained that Minor Settlements were small villages which could not yet rank as constituted townships. The object of the fees was to enable some control to be exercised over cleanliness and the habits of the natives. The sanitary authorities were appointed either by the Government or by the District Officers, and collaborated with the native representative bodies.

DISTURBANCES IN THE MOSHI AND BUKOBA DISTRICTS.

M. VAN ASBECK referred to the disturbances in the coffee-producing areas, concerning which the report gave full and satisfactory explanations (pages 11, 12 and 206-216 of the report). He noted the statement that "the chiefs themselves were largely to blame for failing to explain the (coffee) rules to the people" (page 12 of the report). He understood that the rules had been framed by the Agricultural Department, in order to improve the quality of the coffee. Had there been any consultation, before those rules were promulgated, with the District Officers concerned ? Or were technical services empowered to deal directly with the native authority ?

Mr. MACKENZIE-KENNEDY explained that such consultation was a matter of course, since the rules had to be issued by the native chiefs after discussion with the District Officers in Bukoba. It was an invariable rule for the technical services of the territory that they should not issue regulations without previous consultation with the District Officers, although the technical authorities were encouraged to discuss freely with the natives and native authorities on matters of interest to each, in order to obtain a clear idea of the actual situation with which they were called upon to deal. In other words, decisions were only taken after full consideration by the whole hierarchy of the Administration.

In this particular instance, he had no doubt whatever that the single cause of the disturbances in Bukoba had been the sin of omission at the last stage—that was to say, the failure of the local chiefs properly to explain to the people rules which they themselves had promulgated after consultation with British officers.

M. VAN ASBECK was glad to see that the report contained in an appendix a very full account of the disturbances in the Moshi District of the Northern Province (page 206 *et seq.* of the report). He observed that, in his speech to the Legislative Council, the Governor

congratulated the local chiefs on their exemplary behaviour in the emergency (page 198 of the report) and wished to underline that the Royal Air Force had not used bombs as a coercive measure (page 213 of the report).

The report (page 213) spoke of deportations and other measures taken to deal with the rioters. He understood that thirteen natives had been removed to other districts within the Territory, and that court proceedings were taken against 120 persons, of whom 103 were convicted.

Could the accredited representative state whether any other persons involved had been deported, and what were the penalties inflicted on the 103 convicted persons. Also, what was the present situation in the districts concerned ?

FIFTEENTH MEETING.

Held on Friday, June 17th, 1938, at 3.30 p.m.

Tanganyika Territory : Examination of the Annual Report for 1937 (continuation).

Mr. Mackenzie-Kennedy and Mr. Whitlamsmith came to the table of the Commission.

TSETSE RECLAMATION.

M. SAKENOBE noted that the Administration had done a good deal of work in connection with tsetse reclamation, and that extensive details were given regarding the Central Province, the Western Province, the Lake Province and the Northern Province (page 18 *et seq.* of the report). A substantial measure of success seemed to have been achieved. He would like to know what measures had been taken in other Provinces. Were they included in the general programme of tsetse reclamation, or were the measures concentrated on the Provinces just mentioned ?

Mr. MACKENZIE-KENNEDY said investigations were being made in the South and in the district near Kilimanjaro, as reported on page 29 of the report. Mr. Swinnerton, who had unfortunately died recently, had drawn up a seven-year programme, financed by the Imperial Exchequer, which included the Southern districts. It was, however, true that the tsetse reclamation work had mainly been concentrated on the districts mentioned.

DISTURBANCES IN THE MOSHI AND BUKOBA DISTRICTS (*continuation*).

M. VAN ASBECK asked for a reply to his question at the end of the previous meeting, regarding the serious disorders at Moshi and Bukoba. ¹

Mr. MACKENZIE-KENNEDY said that no further deportations had taken place : the other persons involved had been subjected to fines and imprisonment, or either of these penalties, the terms of imprisonment being from one to six months or one year. At the present time there was peace and quiet on Kilimanjaro. The people who instituted the suit against the Chagga Chiefs had been non-suited, but following on appeal were reinstating the suit. The matter was of merely academic interest, as the Government had taken control of the coffee industry and passed the necessary legislation, so that the Chiefs had no longer need to intervene in economic matters.

INSPECTION OF THE ADMINISTRATION OF THE TERRITORY.

M. GIRAUD asked how the Governor exercised control over the territory. Was there any particular organisation which had to inspect various parts of the territory periodically ?

Mr. MACKENZIE-KENNEDY said the Governor himself was continually inspecting the administration in the territory, and this was also part of the duties of the Chief Secretary. The Provincial Commissioners were directly responsible to the Governor through the Chief Secretary, and were themselves inspectors in their own district. Every departmental head was encouraged to travel about the territory and inspect his own officers and discuss matters with the Provincial officers.

¹ See page 140.

PUBLIC FINANCE : TAXATION : PLURAL WIVES TAX.

M. RAPPARD congratulated the mandatory Power on the successful results of the financial year (page 35 *et seq.* of the report). He noted that the improvement in the previous year had been continued. Last year, the Commission had asked whether measures had been taken to associate the natives with the increased prosperity.¹ The report answered the question in general terms, which were, however, quite satisfactory to him.

He noted that the prosperity of the public finances was such that a reserve fund of £100,000 had been established, and that it was proposed to set aside a further £100,000 for this fund (pages 36 and 38 of the report). The revenue from the fund, together with previous savings, gave an income of some £50,000 a year. At the same time, however, the interest charges on the Territory's public debt were still increasing. M. Rappard would like to have some information regarding the relationship between the following four factors : (1) the amount of the debt, (2) the interest charges, (3) the amount of savings, (4) the amount of revenue from those savings.

The interest payable on the loans was about 4½ %, which was undoubtedly a higher rate than could be obtained on the savings (pages 46 to 48 of the report). Was there any way of reducing the debt charges ? Even a reduction of 1 % would amount to about £55,000 a year. It was obviously unsatisfactory to pay 4½ % and to receive only about 3 %.

Mr. MACKENZIE-KENNEDY said that, fundamentally, the only way would be to accelerate the rate of redemption of the loan, but there was no provision for that.

▲ M. RAPPARD asked whether the loans were quoted on the Stock Exchange ? If so, the Administration could purchase the bonds, unless they were considerably above par.

Mr. MACKENZIE-KENNEDY said the loans were publicly issued, and he presumed they were above par.

M. RAPPARD thought the matter was of great importance to the finances of the Territory. Loans of this kind brought in, say, £5,000,000 at one time, of which only a portion could be used. Could not some other method be found to avoid paying interest on the unused amount ?

Mr. MACKENZIE-KENNEDY said it was not proposed to raise money until it was actually required for remunerative work. No loans would be raised at all where expenditure could properly be covered by revenue, except where the loan would be reproductive.

A discussion was taking place at present with the Treasury, in which the General Manager of the railways, the Financial Secretary and himself, were participating, in the matter of loans and funding of the Exchequer debt.

M. RAPPARD said the Administration had been unfortunate, since it had borrowed at a time when money was dear, and had built up a reserve when money was cheap. He did not wish to give advice, but if money had to be borrowed in bad times, it would seem the wisest course to borrow for the shortest possible time.

Lord HAILEY said that in India, rather than issue long-term loans in unfavourable circumstances, the Government had preferred to raise money on 5-year or 10-year bonds, even at a high rate of interest.

M. RAPPARD welcomed the note in Appendix III (page 199 of the report) on the subject of income tax. He was not quite convinced by the arguments set forth. He understood that the Administration showed no alacrity to introduce an income tax, in view of the high cost of assessment and collection and the small amount of revenue that would be obtainable. He was not sure, however, that it was wise to base the discussion so exclusively on the precedent of Kenya. Kenya and Tanganyika were very different territories, and he thought that if an attempt had been made to draft an income tax law adapted to the requirements of Tanganyika, a different conclusion might be reached.

He noted the statement on page 200 of the report that there were few large and prosperous companies operating in the Territory, and that such as existed were nearly all directed from Kenya, maintaining branch offices only in the Territory. In those cases did the entire revenue go to Kenya ?

¹ See Minutes of the Thirty-first Session of the Commission, page 189.

Mr. MACKENZIE-KENNEDY said no revenue was obtained from such companies operating in Tanganyika, since the non-native poll tax was a tax on individuals.

M. RAPPARD thought it was a serious matter that the absence of income tax deprived the Administration of revenue from firms making profits in the Territory, but having their head office for fiscal purposes outside. Would it not be possible to introduce a special tax for this purpose?

Mr. MACKENZIE-KENNEDY said very few big outside companies worked in Tanganyika, with the exception of the gold companies, which were subject to royalties. It would hardly be worth while to introduce special measures for the other firms. The point had, however, been noted.

M. RAPPARD noted a passage on page 200 of the report to the effect that one objection to income tax was the difference in the situation of the white colonists, who had to send their children to Europe, and the Asiatic colonists, whose children could remain in the Territory. He did not know of any financial system in which such an objection would be taken into account. It was a very legitimate feeling on the part of the white colonists, but he wondered whether it was not such considerations that led the Administration to reject the idea of income tax.

Mr. MACKENZIE-KENNEDY said the suggestion in question had not been made by the white settlers; the idea originated with the Administration.

The Tanganyika Administration fully realised the unscientific nature of the present system of taxation. Its view was merely that the time had not yet arrived to introduce an income tax, on account of the difficulty of collection and the small revenue which would be obtained. He must make it clear that His Majesty's Government in the United Kingdom held the view that the income tax system provided the only fair form of taxation, and it was part of His Majesty's Government's financial policy to introduce it wherever it was found expedient.

M. RAPPARD said he had not spoken in a critical spirit. He paid a tribute to the clear and enlightening chapter on public finance.

Lord HAILEY asked for information regarding the item "Subventions", on page 43 of the report.

Mr. MACKENZIE-KENNEDY said that this item was formerly included under miscellaneous services. It consisted of a large number of grants for agriculture, entomological research, meteorology, tropical diseases, etc. These items had now been grouped together under the one heading "Subventions".

Lord HAILEY asked how much of this amount went to Europe, and how much was devoted to objects in the Territory?

Mr. MACKENZIE-KENNEDY said naturally a good deal went out of the Territory, but he hoped it came back in some other form.

Lord HAILEY asked whether any decision had been reached with regard to the removal of the taxation on Plural Wives.

Mr. MACKENZIE-KENNEDY said the plural wives tax had been abolished in the Western Province and in several other districts. The Government had issued instructions that the tax was to be abolished all over the Territory as soon as the provincial Commissioners could make other arrangements without undue loss of revenue.

Lord HAILEY thought the Commission could be satisfied so long as the Government was adopting the right principle.

M. RAPPARD asked what was the objection to the plural wives tax. He realised it was not scientific, but surely it was some indication of the taxpayer's capacity.

Lord HAILEY suggested that the case against the plural tax was that wives could in some circumstances constitute a liability rather than an asset. If a man had a number of young wives who could work for him, they might constitute an asset, but if he inherited a number of aged widows, they would be a liability. Again, with the growth of modern methods, such as ploughing, less use was made of women's labour.

Mr. MACKENZIE-KENNEDY had never been able to see any valid argument in favour of the plural wives tax. He was familiar with the argument that wives were an index of wealth, but did not agree with that view in most cases. Wives made demands on their husbands in modern times for clothes, adornment, extra houses and so on. Furthermore, the native resented his wife being regarded as a taxable chattel.

Lord HAILEY pointed out that according to a domestic budget given in one of the Provincial Commissioner's Reports for 1937, the taxes would appear to be in some cases out of all proportion to income, for instance, 10s. on a family income of 26s. Did the accredited representative accept those figures as at all normal, and if so, what was to be done about it ?

Mr. MACKENZIE-KENNEDY did not altogether accept Lord Hailey's figures. At the same time, the present system of taxation was unsound, and had very little relation to the individual taxpayer's capacity, It was being replaced, by way of experiment, in one or two selected areas, by a system of assessment carried out by the natives themselves under the supervision of the District Officers. The Administration hoped to be able to report in 1939 or 1940 that the experiment had been successful. It would then be extended to other districts.

Lord HAILEY thought the Commission would be glad to know that the Administration was experimenting with improved methods.

ECONOMIC SITUATION : IMPORTS AND EXPORTS : AGRICULTURE.

M. GIRAUD expressed satisfaction at the very full and interesting information furnished not only in the general report but also in the large number of other special reports communicated to the Commission. These various reports constituted highly valuable documentary material, and it would be a good thing if many more of them were available from mandated territories.

As regards the economic situation, it should be remembered that the wealth of the country was based mainly on agriculture, since the production of gold only accounted for about a tenth of the value of exports (page 67 of the report). Owing to the diversity of climatic zones, atmospheric conditions in general in Tanganyika varied in different districts, and from the point of view of the crops, these conditions were rarely satisfactory everywhere at the same time (page 158 of the report). In 1937, therefore, agricultural production was more or less flourishing according to the district, but in general the position was satisfactory, and progress had been made as compared with the preceding year. Exports of agricultural products increased in weight by 8%, mainly owing to sisal of which 10,000 tons more had been exported in 1937 than in 1936 (page 66 of the report). Prices had been favourable during the first six months ; they had unfortunately declined in later months in the case of all products except grain and tea (page 27 of the report). Sufficient foodstuffs had been produced to meet the needs of the natives. But the health condition of live-stock, particularly in the South and in Lake Province, left much to be desired (pages 27, 164 and 165 of the report).

As regards industrial production, there had been an increase in weight of 8% in exports of gold, as well as an increase in mineral exports, but exports of tin showed a slight decline. Important rope factories having been closed during the year, exports of rope had been reduced by over three-quarters. The figures for foreign trade were the highest ever recorded. Imports had increased by over 18% (page 27 of the report) and exports by over 10%, so that the visible trade balance was still just as favourable. There had been increased activity on the railways and in shipping, posts and telegraphs. The savings banks had more depositors and higher deposits.

The situation in 1937 was therefore very favourable on the whole. On the other hand, the report stated that, at the time of drafting, the economic outlook appeared to be less favourable ; there was even some fear of a famine in the Lake Province (page 28 of the report) and, furthermore, prices were inclined to fall.

M. Giraud was grateful for the information regarding the rope factories (page 72 of the report) and the sugar production (page 163 of the report), in reply to his questions at a previous session.¹

He noted that according to the table on page 56 of the report, the imports from Kenya and Uganda amounted to £363,000, while according to Annex V (page 203), the same imports amounted to £290,817. As regards the exports to Kenya and Uganda, the table on page 62 gave the figure of £794,000, while the total given in Annex V only amounted to £207,317

¹ See Minutes of the Thirty-first Session of the Commission, pages 23 and 24.

(page 204 of the report). He wondered whether the considerable differences between these two sets of figures might be explained by the fact that the figures in the Annex referred only to local products obtained in Kenya and Uganda, and goods actually consumed in those territories, and took no account of commodities passing through in transit.

Mr. MACKENZIE-KENNEDY observed that the table on page 204 of the report was stated to be incomplete, owing to the omission of small miscellaneous items. He was not in a position to confirm M. Giraud's suggestion as to the reason for the difference, but would obtain the necessary information. The two sets of tables seemed to have been prepared at different times.

M. GIRAUD referred to the tables on pages 66 and 67 of the report, showing the main exports in quantity and value for the past five years. There were other products which were perhaps of sufficient importance to be included in those tables. For instance, tea, sugar and ivory. He asked whether it would be possible to include these articles in the tables in question in future.

Mr. MACKENZIE-KENNEDY took note of the suggestion.

M. GIRAUD noted the steady increase in exports of rice (page 66 of the report), which went mostly to Kenya (page 62 of the report). It would seem very desirable, *a priori*, to develop rice production on account of the potential market for this commodity in the neighbouring colony.

Mr. MACKENZIE-KENNEDY said the question of developing rice production was under continuous consideration by the Director of Agriculture. The road under construction from Kilosa to Ifakara was intended—*inter alia*—to facilitate the export of rice (page 179 of the report).

M. GIRAUD recalled that attention had been drawn in the previous year¹ to the inadequacy, from the point of view of the purchasing power of the natives, of imported goods on sale in the stores. According to page 27 of the report, the situation would appear to have improved in 1937. Had there, in fact, been an appreciable improvement?

Mr. MACKENZIE-KENNEDY said the improvement in question was very slight. He had been severely criticised for speaking so freely. He still thought, however, that greater progress in this respect could be made in the future.

M. GIRAUD noted that, in 1936 (see page 54 of the 1936 report), motor spirit had been imported from Roumania to the extent of £2,771. In 1937, there were no imports of motor spirit from Roumania, but increased quantities had been imported from Iran (page 59 of the report). Was there any special reason for this change in the source of supply?

Mr. MACKENZIE-KENNEDY did not know the reason. It was certainly not due to any Government action. He hoped to give further information in the next report.

M. GIRAUD repeated that some anxiety was expressed in the report regarding the future economic situation. Was there any later information to confirm that impression?

Mr. MACKENZIE-KENNEDY said that according to information just received the position was now more hopeful. The crops were likely to be satisfactory, though not so good as the previous year. He could say nothing as to future prices.

JUDICIAL ORGANISATION: PRISONS.

M. VAN ASBECK noted the reference in the Governor's address (page 198 of the report) to means of obviating unnecessary delays in the administration of justice. Had those measures been successful?

Mr. WHITLAMSMITH said there had not yet been time to judge of the effect of the changes.

M. VAN ASBECK asked who were the members of the subordinate courts (pages 17, 76 to 78 of the report).

Mr. WHITLAMSMITH said that subordinate courts were held by British officers, with or without assessors.

In reply to a question regarding native subordinate courts, he said these were presided over by native magistrates and assisted sometimes by native elders.

¹ See Minutes of the Thirty-first Session of the Commission, page 20.

M. VAN ASBECK noted with satisfaction the measures taken to deplete the prisons (pages 79 and 80 of the report). He was grateful for the information in the report concerning the option given to prisoners to undertake unpaid work outside the prison.

He also observed that the training in agriculture of long-sentence first offenders was being continued and that the experiment appeared to be successful (page 79 of the report).

Juvenile offenders were apparently sent to approved schools for training (page 77 of the report). Was the training of an agricultural nature ?

Mr. WHITLAMSMITH said that the training consisted mainly of handwork, such as joinery.

Mr. MACKENZIE-KENNEDY said there was also a prison garden where the youths could learn agricultural work.

M. VAN ASBECK asked whether it was the custom of native courts to treat offences rather as torts, and as far as possible not to sentence persons to imprisonment (page 76 of the report).

Mr. WHITLAMSMITH said the tendency of native courts was to treat offences as civil cases, applying compensation and not penal sanctions.

M. VAN ASBECK observed that it appeared from the annual report of the Judicial Department for 1937 that there were sixty-eight capital sentences during the year.

Mr. MACKENZIE-KENNEDY said this number, out of a total population of 5 millions, might be considered high or low according to the view held. There were, however, one or two tribes which regarded murder as a pastime.

M. VAN ASBECK asked whether in cases of murder compensation was applied in addition to penal sanctions.

Mr. MACKENZIE-KENNEDY replied that murder cases were tried by British courts which did not provide for compensation.

M. VAN ASBECK observed that in South West Africa compensation was given in order to keep within the framework of native custom.

Mr. MACKENZIE-KENNEDY said that, in certain cases where natives were acquitted of murder, the native courts had taken action and given compensation to the relatives of the deceased.

M. VAN ASBECK noted that, according to the report (page 79) the Blue Book for 1937 contained further detailed criminal statistics. This document had unfortunately not been received. Moreover, the reports of the Provincial Commissioners had only reached him a few days ago. Would it be possible to obtain those publications earlier ?

Mr. MACKENZIE-KENNEDY said there was considerable difficulty in printing the Blue Book before the third quarter, but there should be no difficulty in supplying the Provincial Commissioner's reports earlier.

POLICE.

M. SAKENOBE noted that the establishment of the Police Force was the same in 1937 as in 1936, except that the native detective staff, who were previously regarded as a separate unit, were now included as regular members of the Force (page 83, paragraph 100, of the report). What was the reason for the change ?

Mr. MACKENZIE-KENNEDY said the change was effected in order to bring the activity of the police and allied forces under the closer control of the Commissioner and his immediate staff.

M. SAKENOBE noted, in reply to a question asked last year,¹ that progress in raising the standard of literacy had been slow on account of the difficulty of securing the services of suitable teachers (page 85, paragraph 102, of the report).

¹ See Minutes of the Thirty-first Session of the Commission, page 37.

Mr. MACKENZIE-KENNEDY said it was still very difficult to obtain teachers, but the difficulty was gradually disappearing.

M. SAKENOBE hoped that in due course the education of the police would be improved in the manner described in paragraph 102. He noted from paragraph 101, page 84, and paragraph 20, page 12, that the police and military police had been employed in connection with cattle raids by the Masai and kindred tribes, and that the police and air forces were employed during the disturbances in the coffee-producing areas at Moshi and Bukoba. He was glad to see from the report that the African police behaved with commendable discipline and restraint (page 11 of the report). Had the police and troops been employed on any other occasion ?

Mr. MACKENZIE-KENNEDY desired to correct a misunderstanding implied in the question. There were no military police in Tanganyika but only a civil police force and a military force. The Civil police force was used at Bukoba and Moshi. Small outbreaks of lawlessness following upon beer-drinkings and occasions of that kind were always settled by the civil police. These little local disturbances were not considered worthy of mention in the report : they were part of the ordinary life of the people.

M. SAKENOBE noted from page 42 (Expenditure) that there had been no substantial increase in expenditure on Police, whereas expenditure on Military, which amounted to £94,984 in 1936, was estimated at £102,579 in 1937. Was this because the brigade had moved about more during the year ? He noted that a brigade camp of exercise had been held for the first time since the Southern Brigade was formed in Tanganyika (page 86, paragraph 104, of the report).

Mr. MACKENZIE-KENNEDY said the movement of the brigade accounted for a small part of the increased expenditure. Most of the increase was due to reorganisation and the replacement of equipment, modernisation and so on.

M. SAKENOBE asked whether Lord Hailey's suggestion that the Administration might consider the alternative policy—which had been followed elsewhere—of substituting armed police for some part of the military forces had received attention.¹

Mr. MACKENZIE-KENNEDY said the Government had given and would always give, the fullest possible consideration to this suggestion, but no action had yet been taken on it, nor could he guarantee that action would be taken at the present time.

LAND TENURE : ALIENATION OF LAND.

Lord HAILEY asked if it would be possible to give in a future report up-to-date figures of total alienations in the Territory, including freehold alienations by the Germans and the subsequent leasehold alienations by the mandatory administration.

Mr. MACKENZIE-KENNEDY took note of this request.

LABOUR : CONDITIONS IN THE LUPA GOLDFIELDS.

Lord HAILEY did not wish to encroach on Mr. Weaver's subject, but was glad to note that a Committee had been appointed to make an enquiry into labour conditions in the Territory—none too soon, in his opinion (page 88 of the report). It had been found that the Administration required machinery for exercising greater control over the labour situation in the Territory.

How far could conditions in the Lupa Area be taken as an indication of the way in which welfare labour questions had been handled elsewhere in the Territory ? He recognised that important steps had now been taken to improve sanitary and similar conditions there. Could the accredited representative tell the Commission from his personal knowledge what had happened under the new arrangements in the Lupa Area (pages 96 to 98 of the report).

Mr. MACKENZIE-KENNEDY said there was some misconception as to the Lupa Goldfield. Contrary to press reports, it was not a gathering ground for every conceivable kind of ne'er-do-well. Like any other alluvial goldfield, it had its black spots and " bad hats ". But taking it by and large, it was a community of law-abiding people who were most anxious to do the right thing. From the nature of their occupation, they were not always able to do the right

¹ See Minutes of the Thirty-first Session of the Commission, page 37.

thing at the right time, however. They were very often helped to postpone the day of payment or the improvement of conditions by the attitude of the employee himself, who was a gambler, anxious to participate in the rather interesting and amusing work of alluvial gold washing, content to take his bonus in good times and to wait for his pay in bad times. Generally speaking, the alluvial peripatetic digger—for he was not referring to the mining companies established on leasehold properties, of whom there was no cause for criticism—was a very ordinary person, who wandered round accompanied by twenty or thirty boys, looking for gold.

Assisted by a Control Board (page 29 *et seq.* of the report) consisting of representative diggers, the Government was doing its best to clean up the field and to remove its worst and most criticisable features. The Control Board had been working very well during the past year, owing to the renewed activity of the Board itself. As the Commission was aware, the Board had certain functions (pages 30 and 31 of the report) : it had power to recommend and effect the removal from the field of any person considered to be undesirable. It had very wisely seen for itself that to expel a digger who owed money to his labour was not the best way of getting that labour paid. The digger was therefore given a chance : his name was put on a list, and he was made to pay up as money came to him. This money was then distributed to the persons to whom it was owing. Successful attempts by Government to carry out effective sanitary measures were being supported, and, indeed, in some cases anticipated, by those diggers who had been able to settle down on an alluvial lease, and there was a growing feeling that a concerted effort must be made to remove all grounds for criticism.

Mr. Mackenzie-Kennedy himself had been much impressed by the keenness, willingness and effective co-operation of the diggers in their attempts to make the field something more than a dumping ground for undesirables.

He could assure the Commission that the Government had realised the need for taking such steps as were possible and desirable : the results would be found in the report.

Mr. WEAVER said the impression that everything was not right in the Lupa Goldfield was derived not only from the public press and private writers, but also from the previous reports of the mandatory Power. He himself, and, he thought, the members of the Commission, were under the impression that the steps taken by the Government to control the area, particularly in regard to medical arrangements, sanitation, etc., occurred at a somewhat late stage. He was glad to see from the present report, however, that the situation had improved considerably (page 97 of the report).

Was the accredited representative satisfied that the medical and sanitary arrangements were now as they should be ? Were they of such a nature, for instance, as to prevent those outbreaks of diseases, such as scurvy, which were brought to the Commission's notice at the last session ? He had read in a report by the Provincial Commissioner for Northern Rhodesia in 1936 that there was a great deal of scurvy among the returning Northern Rhodesian natives who had been employed on the Lupa Goldfield.

Mr. MACKENZIE-KENNEDY said the Government was not satisfied yet. There was still much to be done before it could be at all complacent about the labour areas, including the Lupa. Further progress towards the goal would be attained every year as means allowed and opportunity served.

Mr. WEAVER was glad that the Government was now fully alive to the dangers of the situation and was doing all it could. He did not think he would be justified in pressing his point further.

It was very gratifying that increased measures were being taken for the recovery of unpaid wages, but he noticed in a statement in the *Crown Colonist* of October 1937 that, while in the aggregate a considerable sum known to the authorities was due and unpaid in 1937, responsible men on the field were inclined to think large unknown sums were owing. Was there any truth in that suggestion ?

Mr. MACKENZIE-KENNEDY thought there was very little truth in it. The Labour Officer on the Lupa was by now so well known to every native working in that rather limited area that unless a native wilfully left with money owing to him, it was most unlikely that the amounts owing were unknown. The officer in question, who was peripatetic, had the confidence of the natives and kept what he called a "subscribers' list" of defaulting wage-payers.

Mr. WEAVER said that in his report the Provincial Commissioner for the Southern Highlands Province admitted that cases did occur, and offered the explanation that, in spite of repeated advice, labourers had not reported the non-payment of wages. Some of them preferred to go home and to come back later for the money, when the employers were able to pay. Some even accepted I.O.U.'s.

Mr. MACKENZIE-KENNEDY said what he had had in mind was large sums unknown to the Government.

Mr. WEAVER noted from the bottom of page 96 of the report that the labour camps at Lupa Market and Mwambani were completed early in the year. Were those camps utilised to any great extent by labourers proceeding to the goldfield ?

Mr. MACKENZIE-KENNEDY said the figures were given in Appendix IV (page 202 of the report).

Mr. WEAVER asked whether medical inspection was carried out in these camps.

Mr. MACKENZIE-KENNEDY said a dresser was attached to each camp and a peripatetic medical officer covered the whole field.

Mr. WEAVER asked whether any attempt was made to secure the medical examination of the natives before they began work, in order to ensure that they were reasonably fit for the kind of work they were going to do.

Mr. MACKENZIE-KENNEDY said most of the alluvial labourers were voluntary workers, who first obtained permits and then looked for work themselves. There would be great difficulty in arranging for medical examination until such time as the diggers could be anchored to alluvial leases. There was no arrangement which could be called satisfactory at the present time.

Mr. WEAVER said that was the reason for his previous question about the camps. Could not arrangements be made for some form of medical inspection when the labourers came through the camps ?

Mr. MACKENZIE-KENNEDY said it would be easy to arrange for some sort of medical examination. Owing to the number of labourers, on the one hand, and to the shortage of European medical staff on the other, however, it would be somewhat cursory, probably by African dressers, and there would be no guarantee that, after the examination, the rejected voluntary labourer would not still engage himself, behind everyone's back, to work for an employer. That was the difficulty in a field of this kind.

The CHAIRMAN remarked that, according to the accredited representative, it would be easier to organise more satisfactory medical inspection of labour if the miners could be given regular concessions. What prevented that from being done ?

Mr. MACKENZIE-KENNEDY said the obstacle was the digger himself. The Government was anxious that he should confine himself to a specified area for a certain period, and should use improved scientific methods. At the present time, however, he preferred to prospect from one place to another, day by day. He might be in one place one day, for instance, and twenty miles away the next. Some diggers were now settled in one place, and the Government hoped their numbers would increase.

The CHAIRMAN concluded from this that the sole difficulty in the way of organising effective control was that in this country the mines were exploited by wandering gold diggers, working alone on rule of thumb methods.

Mr. MACKENZIE-KENNEDY agreed. The prospector was a useful advance guard and had grown up with Africa during the last thirty or forty years.

Mr. WEAVER had been about to make much the same remark as the Chairman. There seemed to be a definite lack of control over both employers and workers throughout the area. He did not know how it could be remedied, except by the gradual process described by the accredited representative. However, in so far as the health and welfare of the workers was affected, he hoped that it would be found possible, in the course of time, to clean up the situation to a somewhat greater extent than had hitherto been possible.

Mr. MACKENZIE-KENNEDY said there had been an enforced lack of control, to use a contradictory expression. However, the Commission would be relieved to hear that control was being tightened up very rapidly by energetic administrative officers whose number had been increased. It was hoped to appoint another Inspector of Labour on the Lupa Goldfield in the near future to reinforce the excellent staff already there.

It was comforting to think that only 8% of the whole area had been worked by the diggers, so that although this area looked big on the map the problem was really somewhat limited.

M. RAPPARD desired, as he had made statements that might have hurt the feelings of the diggers, to say that he had no preconceived prejudices against them. In raising the question in 1937,¹ he had in mind that here was an area of a kind that was apt to attract persons not gainfully employed elsewhere and that, in spite of the efforts of the Administration, the situation left much to be desired. He had drawn the conclusion that this form of making a living did not attract the most desirable elements and was one cause of grave difficulty. He now heard that most of these people were law abiding. It was perhaps a mistake to speak in derogatory terms of a whole community: it was always a matter of proportion.

M. Rappard hoped the vigilant correspondent of the Rhodesian newspaper concerned would not imagine that the Mandates Commission or any of its members cherished any preconceived hostility towards any group in the Territory.

The CHAIRMAN drew the accredited representative's attention to certain criticisms in the newspaper *East Africa and Rhodesia* on January 6th, 1938. One of these criticisms read:

"Another requirement is improved service by the Mines Department, and, in particular, better provision for proper inspection of beacons. It is no exaggeration to say that the position in that respect is absolutely chaotic on the Lupa at present, and has been for years."

The writer then complained of a lack of foresight and business acumen on the part of the Administration.

A second criticism related to the insanitary conditions said to exist in and around Chunya, and to entail a grave risk of the spread of disease, against which the diggers were said to have protested repeatedly.

Mr. MACKENZIE-KENNEDY thought the writer of the letter could not have had any very recent personal connection with the Lupa Goldfield. It was quite true that the sanitary conditions in the neighbourhood of Chunya were disgraceful at one time. That was when there was no township at all, however, but only an agglomeration of buildings. During the last year, the township had been laid out and a sanitary officer had been put in charge. Conditions, though not completely satisfactory, would very shortly be very much better. Thus, there was a basis for these charges if the time factor were ignored.

The first criticism was rather confused, if he might say so. In the sentence "The small reef miners had been greatly hampered in the past by the Administration's lack of foresight and business acumen in not rendering efficient financial help for the development of good propositions", the writer was really suggesting that the Administration should gamble with public revenue in order to assist persons who had nothing but prospects. It was not true that the service by the Mines Department was chaotic. It was most efficient, as was acknowledged by the mining community.

It was natural that the Commission should form impressions, which had to be corrected, from letters of the kind published in *East Africa and Rhodesia*, which on a basis of truth gave a rather distorted picture of the situation.

Mr. WEAVER expressed his appreciation of the very full and frank chapter on Labour (page 88 *et seq.* of the report). The Commission had also before it the report of the Committee appointed to undertake a comprehensive examination of the problem how best to correlate labour supply with demand (paragraph 107, page 88). He had one or two questions to ask on the Committee's report, and in doing so would refer, for simplicity's sake, to the summary of recommendations (Chapter X, page 38).

The Committee recommended that minimum wage-fixing machinery should be established by law, and the Commission was told on page 106 of the annual report that this recommendation, together with others, was under consideration. Had the accredited representative any further information on that point?

Mr. Weaver must make a reservation with regard to the statement that "Pending the introduction of any legislation, Government is not in a position to intervene in connection

¹ See Minutes of the Thirty-first Session of the Commission, page 45.

with wages : nor indeed is there any present necessity for it to do so since, generally speaking, the African is not economically dependent on wage-earning, as are most members of an industrial community." He had had occasion to refer, on a previous occasion, to the basis of native labour wages. It did not seem to him right to base them on the consideration that the labourers had some private means of their own. What was the present position with regard to a minimum wage-fixing machinery ?

Mr. MACKENZIE-KENNEDY said the Law Officers of the Tanganyika Territory Government were drafting labour legislation at present. In that legislation would be found eventually an enabling ordinance giving the Governor statutory power to make orders. It was desired to bring all the new labour legislation on to the table of the Legislative Council at the same time.

Mr. WEAVER asked whether the accredited representative's statement covered the whole question of the new labour legislation.

Mr. MACKENZIE-KENNEDY replied in the affirmative.

Mr. WEAVER said he did not intend to refer to contract proposals, because as far as he was concerned that question was under discussion. He saw that various recommendations had been made for tightening up control over recruiting, however, and that it would be one of the functions of the new Chief Inspector of Labour to co-ordinate by advice the recruiting activities of the employers' organisations. What was meant by " advice " ? Were the functions of the new Inspector to be purely advisory, or was he to have some definite executive authority ?

Mr. MACKENZIE-KENNEDY said the new Labour Inspector would certainly have executive powers with regard to recruiting. The word " advice " had been stressed all through the report because of the very marked desire among employers of labour to get together and adopt methods acceptable to the Government, methods in accordance with modern practice and opinion. It was felt that the Chief Inspector would do very much more to begin with by tendering advice than by bringing the iron hand down on persons who might be entirely ignorant of what they should do.

Mr. WEAVER said that met his next question to some extent.

He had been struck by the phrase " employers' organisations ", because as far as he was aware there were no employers' recruiting organisations at the present time. He noted that 114 permits to recruit were issued during the year (page 99 of the report). It was certainly the opinion of some people with experience of conditions in the mandated territory that a good deal of trouble with regard to recruiting had arisen because there were so many recruiters and no central organisations. Was it the policy of the Administration to encourage the formation of responsible employers' recruiting organisations to replace the professional recruiter—the man who lived to some extent on buying and selling labour, to put it in a rather extreme way ?

Mr. MACKENZIE-KENNEDY said that was emphatically the Government's policy.

Mr. WEAVER was glad to hear this.

He asked whether any steps had yet been taken to introduce legislation dealing with the situation in ginneries. The Labour Committee had made strong comments on the situation of these cotton ginneries, and he would be interested to know whether the matter was regarded as urgent.

Mr. MACKENZIE-KENNEDY said it was regarded as urgent.

Mr. WEAVER said that also was very satisfactory.

After the accredited representative's remarks, it would be ungracious of him to stress the situation in the Morogoro area (paragraph 109, page 89, of the report). As a result of a great shortage of labour, employers had apparently recruited large numbers of men from the other end of the territory without any kind of supervision. In their anxiety to obtain men, Haya, Ha, Rundi and Nyaruanda were recruited during the early months of the year, people who were unaccustomed to the conditions in the Morogoro area, people with whom the employers themselves were unaccustomed to deal. As a result, those people soon fell victims to nutritional diarrhoea and other dietetic diseases, and there was a very heavy death rate and considerable sickness. The measures subsequently taken were described, and he had nothing to add about them. They did show, however, the importance of control over recruiting. Was the situation now completely cleared up ?

Mr. MACKENZIE-KENNEDY said the situation at Morogoro had been completely and satisfactorily cleared up, according to his latest information, with the full co-operation of all the employers. The latter had themselves welcomed the tightening of control over recruiting, and had, indeed, been the chief complainants.

Mr. WEAVER said there seemed to have been some sickness as a result of the slackening of recruiting regulations in another area (paragraph 114, page 94, of the report). The Kigoma district, which was closed to recruiting owing to an outbreak of cerebro-spinal meningitis, was partly reopened to recruiting agents in March, and fully opened (subject to certain restrictions) in May. Those restrictions, which also applied to the rest of the province, were connected with local quarantine and other measures intended to prevent the spread of sleeping sickness. It was reported, however, that many Ha managed to evade all restrictions and made their own contracts with employers. The total number of recruits attested in the province during the year was 8,800. Why, in view of the need for continuing with the restrictions, was the area opened to recruiting at all? Was not that a case in which the limitation of recruiting should have been continued for a longer period, in order to prevent evasion of the modified restrictions?

Mr. MACKENZIE-KENNEDY said the complete closing of the Western part of the Province to recruiting led to the almost complete evasion of all regulations. There was a very long frontier, and once recruiters were withdrawn, the natives—who were fond of work—went across themselves to look for work, struggling and starving, and taking their diseases with them. It was therefore thought better to let in some reputable recruiters and to allow a certain amount of recruiting. The difficulty then arose that controlled recruiting was accompanied by a medical examination, but the rejected labourer promptly went twenty miles away and struggled through, just the same, to an area where he was not known, to engage himself as a voluntary labourer.

Mr. WEAVER presumed labourers who evaded the recruiters and restrictions did not follow the usual routes.

Mr. MACKENZIE-KENNEDY agreed. They went across the marshy country north of the railway, and other desert routes.

Mr. WEAVER asked whether they could be collected anywhere on the other side. The Tanganyika authorities had always tried to canalise labour along certain routes, and camps were provided to receive them.

Mr. MACKENZIE-KENNEDY said that would be very difficult, because by the time they reached the centres of employment, they would have lost their identity as natives from the restricted area. In his opinion, controlled recruiting was the only answer.

M. VAN ASBECK asked whether the Government had power, under the existing legislation, to warn recruiters whose activities had proved unsatisfactory, and eventually to suspend their permits.

Mr. MACKENZIE-KENNEDY said the usual permit was for a year, or for such period as the issuing officer determined, sometimes three months. Permits had been issued to certain recruiters for this limited period, with a warning that if their habits did not improve, they would not obtain another permit.

M. VAN ASBECK asked whether a year was the maximum period.

Mr. MACKENZIE-KENNEDY replied in the affirmative.

WATER LEVEL OF LAKE TANGANYIKA.

The CHAIRMAN presumed the accredited representative was aware that a hitherto unexplained physical phenomenon was taking place in Tanganyika—a rise in the water level of Lake Tanganyika.

Since the discovery of Tanganyika, the water level had gradually fallen, leaving dry fairly large stretches of land formerly under water, as the explorer Cameron had observed. The site of "Livingstone's tree" at Ujiji, formerly on the side of the lake, was later found to be some distance away.

For the past few years, the water level had risen steadily. It already covered certain cultivated lands and inhabited areas.

Had a similar situation arisen on the west side of the lake? Had the use of certain ports been hampered, or had native villages had to be evacuated?

Mr. MACKENZIE-KENNEDY said no such consequences had been brought to the attention of the central Government by the Provincial Commissioner of the Western Province during the last two years, the only period of which he himself had personal knowledge.

He had heard of the phenomena, but had no scientific papers with him to which he could refer. It might interest the Chairman to know that Lake Nyasa had been behaving in the same way. The rise in the level of the water had led to the abandonment of certain offices and a hospital at Port Mwaya at the northern end of Nyasa during the last two years.

SIXTEENTH MEETING.

Held on Saturday, June 18th, 1938, at 10.30 a.m.

Tanganyika Territory : Examination of the Annual Report for 1937 (continuation).

Mr. Mackenzie-Kennedy and Mr. Whitlamsmith came to the table of the Commission.

MISSIONS.

M. PALACIOS said that the report dealt on page 119, paragraph 138, with the question of missions. It contained a list of missionary societies working in the Territory, the number of which was the same as in 1936. It was stated that relations between the missions and the population had continued to be good. The report referred for additional information to the Tanganyika Blue Book for 1936 (Section 16) and, as far as educational and medical work was concerned, to the relevant chapters of the annual report.

It was to be noted that the Blue Book for 1937 had not yet been received and it was therefore not possible to judge the situation in the year under examination.

In Section 16 of the Blue Book for 1936 (pages 130-132) the returns of the estimated total number of followers of each mission were given, and, in addition, the names and situation of churches or chapels and the amount of assistance given to missions from public funds, as well as various other information contained in the column headed "Remarks". It appeared that several missionary societies had not received any assistance from public funds.

What was the reason for the fact that no assistance was given to them ?

Mr. MACKENZIE-KENNEDY replied that there was no discrimination or favour shown to missions, except in so far as they could produce a type of teacher equal to, or better than, that which the Government considered to be the minimum standard. The criterion was therefore educational, and not of a confessional character.

It was not to be assumed, however, that missions which received no subsidies did not engage in educational activities. Some of them did not attain the minimum standard.

M. PALACIOS said that, in 1937,¹ reference was made to a dispute between a body of natives in the Bukoba district and the Missionary Society as to the ownership of a large tract of land. The accredited representative had stated that he was under the impression that the dispute had been settled, but that mention would be made in the next report. As the report for 1937 contained no information on this particular point, could the accredited representative confirm what had been said last year ? Had the dispute now been settled, and did it bear any relation to the disturbances which, according to the report (pages 11 and 15), had occurred in that district ?

Mr. MACKENZIE-KENNEDY said that the dispute had recently been settled by the High Court in favour of the mission. The Bukoba disturbances had no relation to that dispute and were due to the factors which he had set out at an earlier meeting.² The two chiefs who, as stated in the report, had been deposed, were in fact unsatisfactory individuals, and their deposition was not related to the dispute with the mission.

M. VAN ASBECK recalled that in other Territories the complaint was sometimes made that missionary activities tended to be disruptive of native customs. Was that tendency marked in Tanganyika ? Did the missionaries understand the nature of the conflict between Western and native thought ? Did they receive some training in anthropology ?

¹ See Minutes of the Thirty-first Session of the Commission, pages 46 and 47.

² See page 140.

Mr. MACKENZIE-KENNEDY replied that there was nothing more in that sense than the normal impact of Western influence, though some young missionaries might occasionally be a little over-enthusiastic. Relations between the missions and the natives were harmonious and entirely normal. Some missionaries had considerable knowledge of anthropology, but he did not know if they received training in that science. He thought that the missionary societies in Tanganyika were thoroughly aware of all the problems facing them in the Territory.

EDUCATION.

The CHAIRMAN submitted the following observations and questions on behalf of Mlle. Dannevig, who had been obliged to leave Geneva before the end of the session.

The first related to the small proportion of children of school-age who attended the registered schools, and the still smaller proportion who attained a standard enabling them to become vernacular teachers or artisans (page 124 of the report). Although the sums spent on education were slowly increasing, they still constituted only a small fraction of the total revenue. According to the report (page 123), the amount spent on native education was actually decreasing. What were the reasons for that decrease? Did the accredited representative consider that a sum of 3*d.* per head per annum spent on the education of the African population represented the maximum that could be done?

Mr. WHITLAMSMITH replied that that average was all that the Administration could afford in view of the claims of other public services.

Mr. MACKENZIE-KENNEDY added that a reconstruction of the budget had recently been carried out in order to obtain a large reserve within the budget itself. This had had the effect of widening the gap between revenue and expenditure. But the figures for 1938 did not completely represent the intentions of the Government in the matter of education. As a footnote on page 123 of the report indicated, there was a good deal of technical training carried out by the police, agriculture, posts, prisons and other departments. The exact cost of that training could not easily be determined.

Lord HAILEY referred to a recent recommendation by a Committee sent out by the Colonial Office that a University should be created in Uganda for the dual purpose of granting general degrees and of providing pre-vocational training. Was Tanganyika participating in that scheme?

Mr. MACKENZIE-KENNEDY replied that Tanganyika was contributing £100,000 to the Endowment Fund. The details of the organisation of the proposed college were still under discussion between the various parties, including a delegate from the Territory. Excluding the college in the Union of South Africa, this would be the only institution in the southern half of the Continent which would grant degrees.

The CHAIRMAN recalled that in reply to an observation by M. van Asbeck,¹ it had been said that the standard of education of the natives did not qualify them for posts in the Administration. The opening of the new college would no doubt lead to a change in the situation.

Mr. MACKENZIE-KENNEDY concurred.

M. RAPPARD said that he had been struck by the wording of the opening sentence of paragraph 145 (page 124) of the report concerning the small number of children of school-age who attended the registered schools or mission schools. The proportion attending Government schools was less than 3%—a situation which could not be considered satisfactory. No doubt financial considerations weighed heavily, but in view of the proposal to create a reserve fund of £100,000 a year, they could not be considered as decisive. Was some question of personnel perhaps involved? What was the mandatory Power's opinion concerning the future of primary education?

Mr. MACKENZIE-KENNEDY said that he wished to be perfectly clear about the intentions of the mandatory Power. The Education Department had only been in existence for about twelve years, which included several years of economic depression. Advance was sought on two fronts: the general front or mass schooling, and the restricted front or training of selected apt pupils. The second type of education was designed to provide teachers, but there were not nearly enough as yet, and the Administration was accordingly concentrating its efforts in that

¹ See page 138.

direction. The Government was, however, inclined to agree with the dictum that for every pound spent on education at least ten pounds should be spent on the improvement of the living conditions of the natives. There was a definite trend towards raising the community's standards of life, of which education in the narrow sense of schooling, only formed one part. It was also the policy of the mandatory Power to make full use of the facilities afforded by the mission schools, and not to attempt to replace them by Government schools, though Government schools there must be.

The CHAIRMAN pointed out that paragraph 154 (page 129) of the report dealt with the development of girls' schools, which was frustrated by the lack of trained African women teachers, while the system of pupil-teachers had been adopted as a merely temporary arrangement. Was it intended to introduce a better system by creating Government training schools or by increasing the subsidies paid to mission training schools ?

Mr. MACKENZIE-KENNEDY replied that it was not intended to adhere to one single system, at any rate until the new supervisor of female education—for whom provision was made for the first time in the current budget—had had time to study the position and to recommend improvements in a system which was admittedly imperfect.

The CHAIRMAN referred to paragraph 160 (page 135) of the report, dealing with Indian education, and asked whether the increased number of assisted Indian schools now afforded sufficient facilities for Indian children in need of education ?

Mr. MACKENZIE-KENNEDY replied in the negative, but added that the existing facilities represented a fair share of the available resources.

M. SAKENOBE observed that the report (page 135) spoke of language difficulties in the teaching of Indians, due to the fact that Urdu parents would not allow their children to be taught in Gujarati. Did not further difficulties arise owing to the fact that Moslems and Hindus were taught in the same schools ? Did not the difficulty of training teachers prove particularly acute in that connection ?

Mr. MACKENZIE-KENNEDY said that a distinction must be made between the two types of Moslems—namely, the Ismailia, who had their own separate schools, and the other Moslems, who in some cases shared schools with the Hindus. The language difficulty was real but there was no religious conflict as far as he knew.

As for the training of teachers for African schools, there was a training school at Mpwapwa, and a new college was being built at Mwanza in the North.

ALCOHOL AND SPIRITS.

M. SAKENOBE congratulated the mandatory Power on the really remarkable progress achieved under this heading (pages 138 to 140 of the report). He recalled that the Commission had, at its thirty-first session,¹ submitted an observation to the Council hoping that future annual reports would give particulars of the results of the measures taken to control the importation of methylated spirits. He was glad to observe that, according to the 1937 report, those results had proved entirely successful.

He asked for information as to the " native authority " which had taken 165 gallons of methylated spirits (page 139 of the report).

Mr. WHITLAMSMITH replied that the quantity in question had been used by native authority dispensaries and hospitals for medical purposes, and also by the mission hospitals.

M. SAKENOBE said that the number of cases brought before the subordinate courts under the Native Liquor Ordinance and the number of convictions during 1937 indicated a normal situation. There appeared, however, to have been an increase (page 140 of the report) in the importation of alcoholic liquors and (page 71) in the production of beer.

Mr. MACKENZIE-KENNEDY noted that imports of gin had fallen, while imports of beer and cider had increased (page 140 of the report). He thought that the moderate increase in consumption was due to the enhanced prosperity of the European and Asiatic communities.

¹ See Minutes of the Thirty-first Session of the Commission, page 190.

DRUGS.

M. SAKENOBE observed (page 141, paragraph 167, of the report) that there had been an appreciable increase in the number of persons convicted under the Dangerous Drugs Ordinance during 1937. To which class did the natives charged under the Ordinance belong? Could the natives be said to be generally addicted to drugs? Had there been many abuses under the Drugs and Poisons Ordinance, now replaced by the Pharmacy and Poisons Ordinance?

Mr. MACKENZIE-KENNEDY thought that the persons convicted belonged to the floating ne'er-do-wells in the larger towns. The natives were, generally speaking, not given to the consumption of drugs, although they had a few opiates of their own such as b'hang. Under the former Drugs and Poisons Ordinance, it had been found that a number of unregistered or unqualified persons were selling various patent remedies which were worthless, and, in some cases, dangerous. The new Ordinance provided for a greater measure of control and was designed to put a stop to this practice.

PUBLIC HEALTH.

Count DE PENHA GARCIA was grateful for the replies to two questions he had raised at the thirty-first session (pages 142 and 143 of the report).¹ As regards the first, he agreed that the number of consultations at clinics was not so important as the number of admissions; but both appeared to him to be still far too low in relation to the total population of the territory. With regard to native medical auxiliaries, would it not be possible, in future reports, to give a list with details as to numbers, etc., although those auxiliaries were not qualified to practise as doctors? Such data would complete the picture of the medical work carried out by the mandatory Power.

Mr. MACKENZIE-KENNEDY pointed out that a figure was given on page 186 of the report, but agreed to collate the information in the chapter devoted to public health.

Count DE PENHA GARCIA enquired as to the constitution of the Missionary Medical Committee referred to on page 142 of the report.

Mr. MACKENZIE-KENNEDY replied that he believed that all missions in receipt of Government medical grants had been at liberty to send representatives to meet Government officials on the Committee.

Count DE PENHA GARCIA referred to the nutrition enquiry, the results of which had been mentioned in the Legislative Council. Under-nourishment was so frequent among native populations that the question was of the greatest interest, and he observed that a reference to the enquiry appeared in the Governor's speech to the Legislative Council (page 195 of the report). Had any action been taken as a result of that enquiry?

Mr. WHITLAMSMITH said that the report was still being considered. Further information would be given in the 1938 report.

Count DE PENHA GARCIA referred to the Governor's statement that approximately 11% of the ordinary receipts of the territory were expended on health and medical services (page 195 of the report)—a fact which demonstrated the mandatory Power's concern for the welfare of the natives. Those efforts could clearly not be relaxed, for the disease statistics showed that tuberculosis was still prevalent, that venereal diseases, though diminishing, were still considerable, that malaria was still taking a heavy toll in spite of the considerable expenditure on land reclamation, and that plague had again been conspicuous in 1937.

Had the accredited representative anything to say on the subject of sleeping-sickness and meningitis?

Mr. MACKENZIE-KENNEDY said that much had been done against sleeping-sickness by combating the fly menace, deforestation, and the shifting of the population away from dangerous areas. He would submit next year to the Commission a full report on all the recent work, which had largely been carried out by Mr. Bagshawe, Provincial Commissioner.

With regard to meningitis, this disease was thought to be brought by labourers recruited in Ruanda-Urundi across the frontier. There was now a movable laboratory which visited the employment centres and concentrated its efforts on aggregates of population, although it was not of course exclusively reserved for recruited labour.

¹ See Minutes of the Thirty-first Session of the Commission, pages 48 and 49.

M. SAKENOBE recalled that there had been an epidemic of meningitis in 1935. The 1937 report was somewhat alarming ; the disease seemed to be gaining ground and mortality was now very high (page 146 of the report).

Mr. MACKENZIE-KENNEDY said that when he left the Territory in April 1938, the situation was distinctly better than it had been in 1937. The difficulty in that case lay in the influx of wanderers from other territories, against whom measures of control had so far proved useless. The Director of Medical Services of the Territory had been in touch with the authorities in adjacent territories, especially in Uganda, on the subject.

SOIL EROSION.

M. VAN ASBECK was grateful for the report on the control of national waters. It would, he thought, assist the Commission in following up, in subsequent years, the policy adopted as regards the water supply.

He took note of the interesting information contained on page 164 of the report and in Appendix VIII (page 217) on soil erosion. He was particularly interested to see that a meeting of the heads of the technical departments concerned and certain Provincial Commissioners was held to review the subject. He hoped the Government would be successful in dealing with this menace in East Africa.

LAND TENURE (*continuation*) : LAND ALIENATION (*continuation*) : CHESHAM SCHEME FOR EUROPEAN SETTLEMENT : SLEEPING-SICKNESS CONCENTRATIONS.

M. VAN ASBECK, referring to the statement on page 25 of the Provincial Commissioner's reports to the effect that it was essential for the natives to be assured of security of tenure for both cultivated fields and fallow and grazing lands, asked what was the legal position.

It was said in the annual report of the Land Department, 1934, that under the Land Ordinance, 1923, all the lands of the territory were public lands, under Government control, held for the benefit of the natives. There would, of course, be no invasion of native rights by the Administration, but was the Governor nevertheless legally empowered to dispose of lands held by natives under customary law, when disposal seemed to be to the advantage of the territory as a whole, or would he only select land suitable for alienation where no native customary rights were involved ? Would he be entitled to dispose of land without compensation, or were native rights of the same legal force as rights under European title ?

Mr. MACKENZIE-KENNEDY said that natives in occupation of tribal lands or lands not already alienated by deed to specific holders would have equal rights with other landholders to remain there : they had a right of occupancy, although no document was issued.

No native could be removed from any land of which he was in occupation without the prior approval of the Governor, and that approval would not be given until the Governor was satisfied that the native holding the land had been amply compensated, not only for the surrender of his rights but for the disturbance caused him, that the removal was in the public interest, and that the native agreed to being removed. The most strict executive instructions were issued to all administrative officials in the mandated territory. Consolidated instructions had now been drafted, and as soon as they were printed, copies would be sent to the members of the Commission.

M. VAN ASBECK understood that the situation was covered not by a law but by Government instructions.

Mr. MACKENZIE-KENNEDY said it was covered by a combination of both.

Lord HAILEY pointed out that the relevant legislation provided that the only title was that of occupancy, apart from freehold titles given by the Germans. Lord Lugard had suggested in the Mandates Commission that this cut at the root of native rights, because a valid title of occupancy could only be given by Government, and it had not given this title to natives, individually or communally. Indeed, it would be difficult to do this, unless Government was prepared to survey all the land and register all the rights. The Tanganyika Government had replied that occupation by customary tenure was regarded as legally equivalent to a right of occupancy, and therefore the Governor would have no right to disturb a native who held land under customary tenure.

Mr. MACKENZIE-KENNEDY confirmed that statement and said that the position was safeguarded against any abuse by executive instructions.

M. VAN ASBECK had read in Sir Alan Pim's report on Kenya that native custom there, so far as land tenure was concerned, appeared to be in a state of flux. Was that also true of land tenure in the mandated territory, and was there any tendency towards individualisation of native tenure ?

Mr. MACKENZIE-KENNEDY said there was indubitably a tendency, especially among the more advanced peoples in Kilimanjaro and the neighbourhood of Lake Victoria, towards individualisation as compared with tribal right to the land occupied. The process was slow but perceptible.

Lord HAILEY emphasised that Sir Alan Pim was referring to the Kikuyu reserves in Kenya, where the natives were very much more advanced and bought and sold their rights.

M. VAN ASBECK asked whether it would be possible to give further information on individualisation in the next report.

Mr. MACKENZIE-KENNEDY hoped it would be possible to comply with the request.

M. VAN ASBECK, referring to the Chesham Scheme,¹ asked in what district were settled the 278 natives who had been moved (page 148 of the report)—on receipt of compensation assessed by the Administrative Officer—and whether they voluntarily accepted the amount awarded.

Mr. MACKENZIE-KENNEDY said the natives concerned were informed of the application under the Chesham Scheme by a specially detailed officer, Mr. Bruce Hutt, who had previously been in control of the Hehe people for some years. This officer put the position fairly and squarely before the natives and made sure that they thoroughly understood what the application would involve if they agreed to entertain it. He assessed the amount of compensation in respect of each individual, should they decide to move off the land. He then asked their wishes, and they agreed, without any pressure, to move on receipt of compensation for disturbance and for the surrender of such usufructory rights as they possessed. They received full compensation and moved into an adjacent area of the Hehe tribal lands, where they still were. One or two had gone back to work on the land as employees of the Chesham Properties.

It would also be of interest to the Commission that on that occasion—for the first time he believed—a formal document was printed and signed by the representatives of the families concerned and attested and certified by the District Officer. It was in some such form as "I hereby certify that, the situation having been fully explained to the above-named natives, they have voluntarily agreed to remove themselves from the land in return for the compensation stated . . ." Before any natives were moved or any compensation was paid, these agreements were submitted to the Governor for his approval. That was now the standard practice in all such cases.

M. VAN ASBECK asked whether the Commission could take it that natives removed because of the Chesham scheme had not become landless and gone to European areas ?

Mr. MACKENZIE-KENNEDY confirmed that that was the position. The Governor would not look at any application for the removal of natives unless he were satisfied that adequate land was available to which to move them.

M. VAN ASBECK asked whether white settlement, as under the Chesham scheme, was only an incident, or whether it was the fixed policy of the Government to encourage such settlement.

Mr. MACKENZIE-KENNEDY said the Government had not felt it necessary to make any pronouncement as to policy. Applicants for land who were of good character and had sufficient resources were not discouraged from taking it up when it was not required for other purposes. That only applied, of course, to certain definite areas ; a number of provinces had been closed to alienation.

Lord HAILEY was under the impression that the Commission had received the reports on the basis of which a number of districts had been closed.

¹ See Minutes of the Thirty-first Session of the Commission, page 190.

Mr. MACKENZIE-KENNEDY thought the Commission would do better to read a short pamphlet issued in 1937 by the Central Government. On his return to Tanganyika he would have it revised and brought up to date, so that it could go into the permanent records of the Commission.

Lord HAILEY said that there were thirty-nine sleeping-sickness concentrations in the mandated territory (page 144 of the report), some of which involved moving a very large number of natives from one area to another. Did any trouble arise between new arrivals and the original occupiers of land, whether for cultivation or grazing? Was the consent of the people who had grazing or similar rights over the land obtained? The Commission had recently heard something about how these matters were arranged in Togoland, and it would be interesting to know what was done in Tanganyika.

Mr. MACKENZIE-KENNEDY understood that where natives were in occupancy of land to be taken up as a cleared space, Mr. Bagshawe had, by persuasion, argument, persistence and educational methods, conveyed to them the reasons for concentration, and was able to effect all these population movements without any serious friction between the various elements of the population. He had had to use all his powers of eloquence to persuade the scattered bush-dwellers to go into the concentrations, and no formal documents had passed. The bush-dwellers were spreading, every year, the sleeping-sickness which the concentrations were intended to prevent and eradicate. The success achieved was due, he thought, to the personality of the officer rather than to any legal or other instrument. If the Administration were required to undertake population movements all over the Territory on a very large scale, it would be confronted with great difficulties.

FORESTS.

Count DE PENHA GARCIA noted that steps had been taken to conserve and increase the timber resources of the Territory (pages 28, 150 to 152 of the report). What system was adopted to regulate felling?

Mr. MACKENZIE-KENNEDY said that felling was regulated by the native authorities' forest guard in some areas, and by the forestry officers in others. The Administration was not satisfied that there was sufficient watch and ward over the forests. The Commission would see from the next report, in 1939, that a large sum would be spent on a forestry programme during the coming ten years.

Count DE PENHA GARCIA asked what was the nature of the demonstrations to the Masai tribe on grass burning (page 151 of the report).

Mr. MACKENZIE-KENNEDY said these demonstrations were designed to show the Masai how easy it was to prevent the indiscriminate burning of forests. They carried out the demonstrations themselves, under the instructions of a forestry officer.

Count DE PENHA GARCIA asked how the school of forestry for young Africans was run (page 152 of the report). Did a competent agricultural or other official give instruction, or were teachers attached to the school?

Mr. MACKENZIE-KENNEDY said the school had only been opened for a year. It was run by a forestry officer who, with his trained forest guards, gave the boys instruction in forestry.

Count DE PENHA GARCIA had thought that must be the case, as he saw from paragraph 196 that it was hoped to institute an inter-territorial forestry training school, as a part of the suggested Higher College of Uganda (Makerere College) to provide higher forestry education for Africans in Uganda, Kenya and Tanganyika Territory. Had any steps been taken to give effect to the scheme?

Mr. MACKENZIE-KENNEDY said nothing had been done, because the Higher College had not yet materialised.

M. GIRAUD asked whether, in subsequent reports, exports of forestry products, such as gum arabic and timber, could be included in the tables given on pages 66 and 67 of the report for 1937; those two pages would then contain a complete picture of the exports of the Territory.

Mr. MACKENZIE-KENNEDY pointed out that a very full trade report was published at the end of every year, in which a complete picture was given of the export and import trade. He would deprecate any proposal to quote large extracts from the trade report in the annual report.

M. GIRAUD said the Commission had been informed on a previous occasion that the reason for a considerable drop in the exports of gum arabic was that the natives were no longer collecting that product, as they found the work too tiring. In 1937, there was a considerable improvement, however, which might be due to an increase in the price (page 151 of the report).

Mr. MACKENZIE-KENNEDY said that the native fell back on the collection of gum arabic whenever he was in need of financial resources which he could not obtain by other means. If he was having a profitable year with ground nuts, cotton or sesame, he did not worry about gum, but if his crops failed and he was anxious to reinforce his financial position, he turned to gum.

M. GIRAUD asked whether the export to the Union of South Africa, during the year, of timber valued at £2,560 (page 62 of the report) represented the beginning of a new current of trade that might assume larger proportions.

Mr. MACKENZIE-KENNEDY said he hoped that was so, but there had been a setback in 1938 in that a concessionary company working timber in the Usumbara mountains had slackened off and would probably pass into other hands. That would inevitably entail a drop in production in 1938.

The Administration was not very anxious to develop an export industry until the services of a utilisation officer who was being engaged that year were available and a very much more comprehensive survey than had hitherto been possible had been made of the timber resources of the Territory.

MINES.

Count DE PENHA GARCIA noted that there were not so many concessions of mining rights for prospecting in 1937 as in 1936 (page 153 of the report). Was that due to the introduction and enforcement of new and more severe regulations ?

Mr. MACKENZIE-KENNEDY replied in the affirmative, and added that it was also due to the stricter enforcement of existing regulations.

Count DE PENHA GARCIA asked whether there had been any considerable change since 1936 with regard to the number of non-natives of different nationalities in the Lupa Area.

Mr. MACKENZIE-KENNEDY did not think there had been any change in the proportion of nationalities.

EXPORTS TO SPAIN AND SPANISH POSSESSIONS.

The CHAIRMAN invited the accredited representative to reply to a question asked on the previous day¹ with regard to the prohibition to export certain products to Spain and Spanish possessions.

Mr. MACKENZIE-KENNEDY said the Government notice prohibiting the export of certain commodities such as mustard gas was issued, in conformity with the general policy of the mandatory Power in respect of those territories over which it had control, in connection with the non-intervention policy.

PETITION, DATED SEPTEMBER 30TH, 1937, FROM MR. S. V. COOKE, MOMBASA (KENYA).

M. PALACIOS desired to have additional information with regard to a petition dated September 30th, 1937, from Mr. S. V. Cooke, Mombasa. What was the substance of the question which had caused the quarrel and what was the real issue at present ? The Press had devoted a good deal of space to the petition, and the matter had been the subject of a speech in the House of Commons.

¹ See page 137.

Mr. MACKENZIE-KENNEDY said Mr. Cooke saw fit to bring certain charges against the Administration and the methods adopted by the police force. The charges were unsubstantiated, and after an enquiry Mr. Cooke was informed that there was no justification for a special enquiry into the conduct of the police force. He must add that—excellent officer as he was—Mr. Cooke was disinclined to accept the opinion of others on any subject on which he had himself expressed an opinion. There was no foundation for the suggestion made in certain places that the executive had attempted to interfere with the administration of justice in the Territory. Indeed, members would appreciate the fact that the initial move in calling Mr. Cooke to account was made by the Acting Chief Justice himself.

Lord HAILEY asked how the Acting Chief Justice came into the matter. Had he taken cognisance of a judicial or extra-judicial act by Mr. Cooke ?

Mr. MACKENZIE-KENNEDY said the Acting Chief Justice saw fit to suggest to Mr. Cooke that certain remarks made by him from the Bench in his capacity as a magistrate might well be withdrawn.

DOCUMENTATION PRESENTED TO THE COMMISSION (*continuation*).

The CHAIRMAN had wished to associate himself with the appreciative remarks of several of his colleagues concerning the quality of the report for 1937 relating to Tanganyika Territory.

He had before him a list of documents communicated by the mandatory Power during the year. It contained not only the reports of the different departments and services of the Administration, but also documents such as the report of the Colonial Office Committee on High Education in East Africa, the report on the supply and demand of labour and welfare, three medical pamphlets, and, as usual, the Minutes of the Legislative Council, as well as the *Official Gazette*.

No other mandated territory placed so much material at the disposal of the Commission. A study of those documents gave the impression that the Administration was vigilant and anxious to go fully into the problems facing it and steadily to perfect its methods.

The Commission also noted with appreciation the obvious desire of the Administration of Tanganyika Territory to assist it to follow closely the evolution of the country.

CLOSE OF THE HEARING.

The CHAIRMAN thanked both accredited representatives for their valuable collaboration in the examination of the report, and hoped it was not the last time the Commission would have the benefit of Mr. Mackenzie-Kennedy's assistance.

Mr. MACKENZIE-KENNEDY thanked the Chairman for his friendly remarks.

The Administration hoped to send at least one accredited representative from the Territory every year.

SEVENTEENTH MEETING.

Held on Monday, June 20th, 1938, at 10.30 a.m.

New Guinea: Examination of the Annual Report for 1936/37.

Major O. C. W. Fuhrman, O.B.E., accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN, on behalf of the Commission, welcomed Major Fuhrman, who had already appeared before the Commission in another capacity and whom the members were very glad to see once again.

Major FUHRMAN thanked the Chairman.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Major FUHRMAN said he did not wish to make any general statement, but he thought a summary of the report might be of interest to the Commission.

The report indicated that the year 1936/37, though marred by serious volcanic disturbances which occurred at Rabaul on May 29th, 1937, and the following days, was generally a satisfactory and prosperous year for the Territory.

Administration.

The total number of persons in the employment of the Administration was increased during the year from 370 to 407. The policy of peaceful penetration by Administration Patrols was continued actively. The total area under control was increased from 33,546 square miles to 34,656 square miles. The enumerated native population at June 30th, 1937, was 542,394, as compared with 500,040 at June 30th, 1936.

Education.

European, Chinese and Native schools were maintained during the year. 2,389 schools, including 2,144 village schools, were maintained by the several religious missions operating in the Territory.

Public Health.

The expenditure of the Department of Public Health totalled £87,531 as compared with £80,062 during 1935/6. European cases treated numbered 1,792, native in-patients 13,989, and native out-patients 12,066. The campaign against frambæsia was actively continued, 51,259 injections of novarsenobillon being given. Medical patrols were maintained in all districts. Infant and maternal welfare formed an important branch of the Department's activities. The number of lepers at the close of the year was 509, as compared with 567 at the beginning of the year. The number of medical tultuls increased from 3,385 at the beginning of the year to 3,564 at the close of the year.

Agriculture.

Plant diseases investigations, plantation inspections and advice to planters were among the principal activities of the Department of Agriculture. At the close of the year, plantations numbered 462, as compared with 439 at July 1st, 1936, the total areas being respectively 197,230 hectares and 196,017 hectares.

Native Labour.

Conditions were satisfactory during the year. At the end of the year, 40,259 natives were employed under indenture as compared with 36,916 at the beginning of the year. Of those whose contracts expired during the year, 6,330 signed contracts for re-engagement for terms of from one to three years. A decline was shown in the death rate of labourers, to 1.2%.

Trade and Commerce.

The external trade of the Territory amounted to £4,731,329 as compared with £3,864,039 in the previous year, exports of gold totalling £2,020,667 as compared with £1,704,498 during 1935/36. Increased prices obtained for copra and increased production resulted in the value of exports of copra totalling £1,231,309, as compared with the previous year's figure of £761,309. Imports totalled £1,311,623 as compared with £1,290,758 during 1935/36.

Finance.

The year closed with a surplus of £61,906 as compared with £40,954 at the close of the previous year. Revenue and expenditure were respectively £481,070 and £460,118 as compared with the previous year's figures of £419,920 and £425,794 respectively. At the close of the year territorial currency in circulation was of a total value of £133,008.

The Public Debt was reduced by £7,831 to £39,379.

Major Fuhrman thought the *résumé*, which he had given the Commission, of the year's operations in the Territory would be helpful in arriving at an appreciation of the work of the Administration.

The CHAIRMAN thanked the accredited representative for his valuable summary.

GENERAL POLICY OF THE ADMINISTRATION : PENETRATION AND CONTROL OF THE TERRITORY :
CONDITIONS FOR THE ISSUE OF PERMITS TO ENTER UNCONTROLLED AREAS : PATROLS : MAP
OF THE NORTH-WESTERN DISTRICT OF THE TERRITORY.

M. RAPPARD said that he wished to put a very general and perhaps unusual question. The 1937 report on New Guinea was fuller than earlier reports and made it perhaps clearer than other reports on mandated territories that the Administration was engaged in opening up absolutely untouched territory. In doing so, and owing to the character of the country and the natives, it met with considerable difficulties. His question was accordingly whether the mandatory Power would not find it useful, not so much for the enlightenment of the Mandates Commission as for the guidance of the New Guinea Administration, to formulate a general policy indicating the objects, both material, social and humanitarian, of its policy towards the Territory—in other words, a philosophy of its colonial administration.

Major FUHRMAN said that he was quite prepared to give a general answer to that question forthwith.

The Administration of New Guinea had involved problems that would have taxed the resources of a country old in experience of tropical Government, and Australia had had to formulate and put into operation a policy for the advancement of the most primitive type of native of a mentality almost infantile in development. The civil administration of New Guinea began with little in its favour, without a trained service, with little money, without forced labour but with the heavy obligation of replacing savage warfare with work. The policy of the Administration had 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. The welfare of the natives rather than the economic exploitation of the territory was the Administration's first consideration and excellent progress in that direction had been made. At the same time, the economic prosperity of the Territory was not being neglected and some figures in that respect were not without interest :

	1914	1920/21	1931/32	1936/37
		(In £ sterling)		
Imports	416,072	661,441	779,397	1,311,623
Exports	893,404	673,992	1,108,619	3,389,072

Major Fuhrman added that the suggestion had been made occasionally by the Mandates Commission that the mandated territory might be brought under control more rapidly by speeding up the work of penetration, and he desired to point out that, since the inception of the mandate, some hundreds of thousands of natives in villages had been brought under control and had been recorded in the census. He stated that in 1914, 152,075 natives appeared on the census rolls. In 1932, that number had increased to 389,931, while in 1937 it had grown to 542,394. It would be seen from the comparative figures he quoted that the Administration, faced with a very great and not always fully appreciated difficulty of having to proceed far into the hinterland for the purpose of bringing people under control, had, in fact, achieved remarkable results in opening up the Territory.

There was abundant proof that the Australian Government was administering the Territory in the spirit and letter of the mandate.

M. RAPPARD thanked the accredited representative for an extremely illuminating statement.

Lord HAILEY desired to put two additional and more concrete questions.

In the first place, of the half-million natives now enrolled in the census, some 300,000 were said to be adherents of Christian missions. Was it the policy of the mandatory Power to open areas to missionaries as soon as they came under the Administration's control, or was it the policy to allow some interval to elapse between the establishment of administrative control and the admission of the missionaries ?

Secondly, was it the mandatory Power's policy to open newly-controlled territory to mining enterprise forthwith ? In some colonies and territories a waiting period had been imposed.

Major FUHRMAN replied that after a new area had been patrolled and had come under administrative control, it was the Administration's policy to allow a certain interval to elapse, in order that the natives might accustom themselves to Governmental authority, after which the missionaries were permitted to enter the area and begin their work. There were, of course, some areas where, owing to the dangerous and warlike character of the population, a fairly long period elapsed between the area being brought under control and the entry of mission services.

As " uncontrolled areas " had been mentioned, he would like to inform the Commission accurately as to the policy in regard to those areas.

There were many uncontrolled villages in the Territory, some of them within areas which had been penetrated and some of them within areas which had not been penetrated.

As it had been the policy of the Administration to proclaim, under the Uncontrolled Areas Ordinance, only the areas threatened with a rush of miners or other Europeans, many uncontrolled villages lay in areas not proclaimed.

Until 1925, Europeans had the unrestricted right of movement in any part of the Territory. During 1925, however, a "gold rush" occurred in one of the many parts of the Morobe District which was not then under complete control, and, as it was considered imperative for purposes of administration, public health and the interests of the natives generally to exercise a definite control over any Europeans desiring to rush into those areas, the Uncontrolled Areas Ordinance of 1925 was introduced.

By that Ordinance, the Administrator was empowered to proclaim any part of the Territory to be an "uncontrolled area" within the meaning of the Uncontrolled Areas Ordinance and the immediate effect of such a proclamation was that no one excepting :

Natives (modified by Regulation 128, Native Administration Regulations, which made it an offence for natives who had been ordered to remain in any district, area or place to leave without the permission in writing of the Administrator) ;

Officers of the Administration ; or
persons holding a permit under the Ordinance

might enter any proclaimed area. Certain officers were empowered to issue those permits as delegates of the Administrator, subject to the conditions prescribed, which were set out in a general way in Form 629 (a copy of which Major Fuhrman lodged with the Commission).

The general effect of that control over the various areas of the Territory was that any "rush" of Europeans, prospectors, missionaries or others into proclaimed areas could be controlled. Following the introduction of the Uncontrolled Areas Ordinance a number of areas were proclaimed as "uncontrolled areas".

Between 1925 and 1935 it was the policy of the Administration to grant permits to certain miners, missionaries and other Europeans to enter any of the proclaimed areas and, in fact, several miners and missionaries applied for and were issued such permits.

The Commission would remember that, in 1935,¹ two missionaries were killed in the Chimbu area and certain miners committed offences in the area south of the Sepik River, both of which places were outside the area of practicable supervision from a Government post. The Administrator then decided not to grant any further permits for Europeans to enter proclaimed areas until they were under a certain degree of Governmental control. The areas specially affected in that way were the areas lying between Bena Bena and Mount Hagen, and the area south of the Sepik River.

Europeans already in those areas, however, were permitted to remain and carry on their operations. That was mentioned in the report for 1935/36 (page 25). They were formally prohibited from extending operations beyond the posts already held until such time as the degree of Government control had been sufficiently established to allow them to undertake further expansion.

When the restrictions were imposed in 1935, the following European organisations were operating in the uncontrolled areas between the Upper Ramu (Kainantu station) and Mount Hagen :

Mount Hagen District :

Roman Catholic Mission, Mogeï ;
M. Leahy, miner, Mogeï ;
Lutheran Mission, Ogelbeng.

Chimbu District :

Lutheran Mission, Kerowahgi ;
Roman Catholic Mission, Guguru ;
Roman Catholic Mission, Dengaragu ;
Lutheran Mission, Ega.

The organisations mentioned were operating in the Mount Hagen and Chimbu Districts when the restrictions were imposed in 1935 and were permitted to remain there. No new organisations had since been established.

At the present time, in the Ramu Bena Bena area the following Europeans were operating :

Ramu (Kainantu) :

Lutheran Mission ;
Seventh Day Adventist Mission ;
about half a dozen miners (most of whom had been there since 1932).

¹ See Minutes of the Twenty-ninth Session of the Commission, page 14.

Finintegu Post :

Nil.

Bena Bena Post :

Lutheran Mission ;
Seventh Day Adventist Mission.

In actual fact, therefore, the only new establishments which had been made in the uncontrolled areas since the date of the restrictions in 1935 were the posts of the Lutheran Mission and the Seventh Day Adventists' Mission, Bena Bena, and the area they had entered was now considered to be under reasonably adequate supervision from the Government post at Bena Bena.

Major Fuhrman added that the work of the Administration in bringing the country under control could not be adequately estimated in terms of superficial area visited and unvisited. He pointed out that a very large proportion of the unvisited area consisted of wild, rugged mountain masses which had been flown over and which were known to be uninhabited. It was probable, therefore, that a large part of the so-called uncontrolled area would never be visited by Government officers. If there were no people there, there was no reason for it to be patrolled. Furthermore, the time of all officials would be fully taken up in the regions known to be populated.

Major Fuhrman handed in a map of the North-Western District, which he thought would prove of interest in view of his remarks.

The CHAIRMAN thought that the exploration of the uninhabited areas was not without interest from the standpoint of general knowledge of the country and of its resources. He understood, however, that it was the Administration's policy to give priority to the extension of its control over the inhabited areas.

Major FUHRMAN agreed that uninhabited areas were of interest. Aerial reconnaissance was carried out to discover whether given areas were inhabited. The experience of the Administration was that the natives welcomed the advent of white control.

He informed the Commission that, in March 1938, an Administration Patrol commenced an extensive patrol of the Mount Hagen-Sepik Area—the object of the patrol being to explore the unknown country extending from Mount Hagen westward to the Dutch border, and northward toward the southern tributaries of the Sepik River. He was informed that communication was maintained with the Patrol by wireless and, on April 6th, 1938, the Patrol was reported to be camped at the junction of the Lagaip and Kera Rivers. The natives encountered were of a different type from those in other areas. They evinced no desire for steel, trade or shells, but were very intelligent, very friendly and showed great interest in the Patrol party. In the main range there were indications of a large population, living at a height of 9,000 feet above sea level. It was expected that the Patrol would be absent from six months to a year, and that it would survey and map an area of approximately 20,000 square miles.

Lord HAILEY suggested that if the mandatory Power had had a definite philosophy in regard to the territory, as M. Rappard had urged, its attitude might not necessarily be the same. Its criterion appeared to be now whether a given area would prove healthy for missionaries and mining engineers. It might be better to ask oneself whether, in any given area, missionaries and mining engineers should be admitted at once, or only after some intervening period, the length of which would be determined by the circumstances in each case.

Major FUHRMAN said Lord Hailey would doubtless recall some earlier remarks of his which were to the effect that the mandatory Power's policy was to interfere as little as possible with native customs and to further the welfare of the natives rather than exploit the commercial possibilities of the territory.

M. VAN ASBECK congratulated the accredited representative on his opening statement.

He asked whether it was the Administration's practice, in uncontrolled areas where there was a danger (on account of the presence of gold) of an inrush of non-natives, to prohibit the entrance of outsiders into that area. Could it be laid down as a general rule that, where there was no penetration or patrolling, the entry of strangers was forbidden ?

Major FUHRMAN replied that as a general rule that was so. Naturally, entry to "penetrated" areas was forbidden where there was an element of danger or where the attitude of the natives was known to be hostile.

In reply to a further question, he said it had not been thought necessary to make further reference in the 1937 report to the two Regulations of May 18th, 1936, and February 9th, 1937, concerning which the Commission had forwarded an observation to the Council on the last occasion.¹ He thought the statement he had made in 1937² was perfectly clear : the

¹ See Minutes of the Thirty-first Session of the Commission, page 193.

² *Ibid.*, page 155.

Administrator was empowered to declare any area to be an area in which any native, not being a native born in the area, should not reside, except in a village or place in which there resided a European who had immediate control over the natives. That was the gist of the 1936 Regulation to which the 1937 Regulation merely provided exceptions in certain specified circumstances.

The attitude of the Administration was one of extreme vigilance, and he mentioned three cases in which permits to search for oil in the area South of the Sepik had been refused. Furthermore, several mining syndicates and various scientific expeditions had been refused permission to enter that particular area. All applications for permits were carefully scrutinised and they were granted only if the area was considered entirely safe, and if the presence of "whites" was not likely to cause unrest among the natives.

In reply to a further question by M. van Asbeck, Major Fuhrman said he was unable to give any figures relating to the area of "uncontrolled areas" as the uncontrolled areas and uninhabited country had not been, and was not likely to be, surveyed—at all events, for very many years to come. A rough estimate might perhaps be included in the next report, but he was not able to commit the Administration to furnish those figures.

M. SAKENOBE gathered from certain Press reports that prospectors, although allowed to enter certain uncontrolled areas, were generally prohibited from extending their activities beyond specified limits. There appeared, however, to have been some infractions of the rule.

Major FUHRMAN said that he had no knowledge of those Press reports. The policy, until 1925, had been to grant permits both to missionaries and to mining engineers to enter areas, which in the light of experience, might now be classed as uncontrolled. Certain troubles had arisen and that policy had been restricted. Europeans already in those areas were permitted to remain.

M. VAN ASBECK understood the accredited representative to have said that Europeans were allowed to remain in non-controlled areas after the sporadic troubles of 1935. He had seen, however, complaints by certain missions to the effect that they had been removed.

Major FUHRMAN explained that, in the majority of cases, they had been allowed to remain, but there were instances when Europeans, for justifiable reasons, had been directed to leave certain districts.

In reply to a further question, he said he had no information concerning the murder of a recruiter mentioned on page 35, paragraph 65, of the report. He would ascertain whether the incident occurred in a controlled or an uncontrolled area.

The CHAIRMAN had the impression that the uncontrolled regions were wrapped in complete mystery so long as the reconnoitring patrols had not penetrated there; it seemed that, until then, nothing was known of the populations living in those regions. In other countries where conditions were similar to those existing in New Guinea the natives did not, in general, remain closely confined to their dwelling places; they showed a tendency to wander, to leave them one by one, urged on by the desire to exchange their goods for others of which they stood in need, or by sheer curiosity to see the white men, of whose arrival in the territory they had heard. Were the natives of New Guinea afraid *a priori* of the white man, or did they remain at home because they feared the hostility existing between the tribes?

Major FUHRMAN said the policy was for the Administration to go to the natives rather than the tendency to exist for the natives voluntarily to come to the Administration. The native population could be classed as non-migratory. The Commission would remember Mr. Chinnery describing journeys upon which he had met whole tribes which were completely unaware of the presence of white men in the country. Probably fear of meeting hostile tribes might also be responsible for their non-migratory habits.

DEVELOPMENT OF A ROAD SYSTEM.

COUNT DE PENHA GARCIA observed (paragraph 68, page 36, of the report) that only eight miles of new roads had been built, although a different impression was given on page 122. This seemed to him meagre.

Major FUHRMAN said that the Administration was of the opinion that road development in New Guinea was keeping pace with economic requirements and was consistent with the financial position of the territory. The only fair comparison of road construction and development in the Mandated Territory would be with road development in the related territories of the British Solomons, Papua and Dutch New Guinea over, say, the last sixteen years—the period of civil administration in New Guinea. In a territory where the country was rough and broken and consisted, in the main, of chains of mountains, dense tropical jungle and miasmatic swamps, road construction, as it was generally understood, was practically

impossible. That was the settled opinion of the Administration. In any case, the majority of the natives of New Guinea did not require to dispose of their produce in the world's markets, and the administration of the great masses of people in New Guinea could be carried out adequately, and the people themselves kept in more intimate contact with European officials, through the present system of bridle tracks, which required every village to be visited on foot. Budgetary provision was made for the upkeep of made roads; bridges were the responsibility of the Administration, but bridle paths were kept in order by the natives. The maintenance of roads was provided for by the "Roads Maintenance Ordinance", which required every owner, lessee or occupier of land abutting on a track or road to maintain, at his own expense, the adjacent half width of the road or track.

M. GIRAUD pointed out that, according to the report (page 109), expenditure on road development was even lower in 1936/37 than in 1935/36 (£14,417 against £18,329). As the Commission would remember, a considerable reduction in expenditure on roads had already been made last year, as compared with 1934/35, when it amounted to £21,656.¹ Consequently, the amount allocated to road development had fallen by one-third in the last two years. Was not that somewhat paradoxical in a country where the road system was still embryonic?

Major FUHRMAN explained that the roads in the Territory were generally formed by simply cutting down the scrub and roughly forming the surface. Coral was found to make, without metalling, a surface suitable for vehicles. Most of the roads in the Territory were, however, unsuitable for vehicles as the rivers were numerous and, in many cases, the expense of bridging was not warranted at this stage of the economic development of the Territory.

The reason for the drop in the budgetary allocation was probably to be found in the fact that such roads as were needed at the moment—as distinct from bridle paths—had, generally speaking, been built and that money was budgeted for a limited extension of the existing system and for maintenance.

M. VAN ASBECK was gratified to note that there had been an increase of 350 miles in the bridle-path mileage in 1937 (paragraph 68, page 36, of the report), as compared with an increase of only 450 miles in the five years 1931-1936. As to the extension of the road system, he had been somewhat surprised by the accredited representative's statement to the effect that road extension was conditioned by economic requirements and financial possibilities. Should not the extension of the system be determined by the requirements of a sound administration, as well as—if not more than—by economic requirements? Secondly, he would draw attention to the statement by the accredited representative to the effect that it was not proposed to build any further motor-traffic roads in 1938/39, although the total mileage of such roads in a huge territory was only 639 miles.

Had the mandatory Power no long-term road-building programme? What criterion did the Administration propose to apply for the extension of the road system?

Major FUHRMAN suggested that the Commission should leave the Administration to be the best judge in the matter of road extension. The question was under constant review by the Administration and as much as possible was being done. Persons who had not visited the Territory could not appreciate the difficulties of road construction and, more particularly, road maintenance. In default of constant attention even well-built roads in the hinterland were liable to be overgrown by jungle in a few weeks. If there existed no long-term road-building programme the reason was that circumstances made it impossible to adopt more than a purely empirical year-to-year policy.

VOLCANIC ERUPTIONS OF MAY 29TH, AND 30TH, 1937 : VULCANOLOGICAL AND SEISMOLOGICAL INVESTIGATIONS AT RABAU : MEASURES TO BE TAKEN IN THE EVENT OF ERUPTIONS : QUESTION OF A NEW SITE FOR THE CAPITAL CITY OF RABAU.

The CHAIRMAN referred to the annex to the report (pages 149 to 158) containing an interesting study undertaken after the disastrous volcanic eruption of 1937. On page 158 of the report, it was suggested that it might be advisable to move the capital and to evacuate Rabaul. What action had been taken on that proposal?

Major FUHRMAN said he was advised that His Majesty's Government in the Commonwealth of Australia had decided that the administrative headquarters of the mandated territory must be removed from Rabaul. Following consideration of a report, the mandatory Power appointed a committee under Brigadier-General T. Griffiths, C.M.G., C.B.E., D.S.O.—formerly Administrator of New Guinea—to investigate and report on the question of the selection of a new site for the administrative headquarters. That committee left Australia for New Guinea on February 12th of this year and returned on April 21st. The report of its

¹ See Minutes of the Thirty-first Session of the Commission, page 153.

investigations was at present the subject of consideration by the mandatory Power. Major Fuhrman understood that the Australian Minister in charge of Territories, Mr. Hughes, had visited the Territory within recent weeks and that a decision would not, of course, be taken as to the selection of a site until his return to Australia.

M. SAKENOBE, referring to the annex to the report on vulcanological and seismological investigations at Rabaul by Dr. Stehn and Mr. Woolnough, asked whether any action had been taken on the other recommendations mentioned in their report, for instance, immediate removal of the whole of the buildings at Rapindik, immediate evacuation of the population on Matupi Island, an organisation for rapid and effective warning, etc. Was it true that over four hundred natives had been missing as a result of the 1937 eruption? He asked also how the relief measures taken were financed and to what extent the mandatory Power participated in the relief.

Major FUHRMAN replied that he had no definite information as regards the Committee's proposals, but he was sure they were receiving every consideration. He added that the Government Geologist was transferred from the Morobe District in November 1937 to observe and record general volcanic phenomena. Reports by that officer had been submitted at regular intervals.

With regard to any further outbreak of volcanic activity and the phenomena which might precede such an outbreak, Major Fuhrman said that an official statement of the measures to be taken in that event had been published in the local Press and circularised among the residents, and he lodged with the Commission a copy of the notice in question. He understood that plans had been made for the provision of dumps of stores, camp equipment and medical supplies outside the recognised danger zone, and that roads leading from the area were being maintained constantly in good condition. Furthermore, an emergency wireless transmitting set had been installed at Government House, and arrangements had been made for an official emergency warning in the form of a fire bell and siren.

As to the victims of the recent eruption, Major Fuhrman said that it had been found most difficult to check the native population in the area affected by the volcanic eruptions and to ascertain the number who had lost their lives. An exhaustive check was unable to account for a total of 424 natives, comprising adults and children of both sexes. The enquiries made were as complete as possible, and the Administration was forced regretfully to the conclusion that the majority of natives unaccounted for had lost their lives. The remote possibility existed, however, that some of them had fled to distant places in the Territory and would eventually be located. The missing natives were from the villages of Valaur (186), Tavaua (104), Letlet (25), and Rapolla (22), which were the four nearest villages to the eruption on Vulcan Island, and from twenty other villages to the north west. The Administrator had advised the mandatory Power that about 50 bodies had been recovered and buried and that the remainder of the natives not accounted for were apparently overwhelmed and lay under many feet of volcanic ejecta. At the time of, and shortly after, the eruptions, when efforts were being made, in very difficult circumstances, to account for the indigenous population, it was known that many of the natives in the affected area had fled to Watom Island, the Bainings and other places some distance from Rabaul, and it was hoped that they would be found there or that they would return subsequently to Rabaul. These facts accounted for the delay in assuming that the missing natives had met their death. It must now be assumed that the total death roll of natives was the figure quoted, in addition to which he understood that fourteen indentured natives from other parts of the Territory could not be located and were also assumed to have been victims.

In reply to a further question by M. Sakenobe, Major Fuhrman said he did not think that any special relief fund was set up to compensate persons whose houses and plantations had been destroyed. The total expenditure arising out of the last volcanic eruption had been estimated at £49,430. He submitted to the Commission a detailed statement showing how that expenditure had been incurred.

It was proposed that this expenditure of £49,430 should be finally allocated as follows:

Commonwealth Government	£13,974 11s. 6d.
New Guinea Administration	£35,455 9s. 3d.

Claims by persons whose livelihood had been affected were now under consideration, but a reliable estimate of the expenditure involved in that connection was at present impossible.

ANTHROPOLOGICAL RESEARCH.

M. PALACIOS was interested to note that several anthropological investigations had been carried out in the Territory in the course of the year (paragraph 30, page 26, of the report).

Would the results of those investigations be published, and, if so, when? The Commission would no doubt be glad to take note of them. He would also like to know whether a report had been drawn up on the anthropological researches which had doubtless been carried out by Mr. Chinnery, Director of the District Services and Native Affairs and Government Anthropologist in the Territory, during the expeditions he had undertaken in the year in question (paragraph 49, pages 31 and 32, of the report). M. Palacios attached the utmost importance both to that type of work and to any other researches carried out by Mr. Chinnery. The Commission had received no information of an anthropological character for some years past.

Major FUHRMAN undertook to convey that request to the mandatory Power. While on the question of native affairs, he desired to inform the Commission that an interesting article on anthropological research in New Guinea and Melanesia had been contributed to a publication known as *Oceania*, by a Mr. A. P. Elkin. Major Fuhrman lodged a copy of that journal for the information of the Commission.

UNREST AT BUKA.

M. VAN ASBECK asked whether the disturbances that had occurred at Buka (page 162 of the report) had had any consequences, and whether there had been any other waves of "emotionalism"?

Major FUHRMAN said that, so far as he knew, there had been no further unrest after the Buka incidents.

TRAINING OF CADETS : USE OF THE VERNACULAR.

M. VAN ASBECK drew attention to the increase in the village councils and to the fact (paragraph 48, page 31, of the report) that the records of meetings of the native councils were drafted in the vernacular. Had that caused any difficulty, since he believed that District Officers had much difficulty in mastering the multiplicity of local languages in the territory?

Finally, had the five cadets who had taken courses at Sydney, Australia, proved to be good officials (paragraph 12, page 11, of the report)?

Major FUHRMAN thought District Officers were able to understand the records, drafted in the vernacular, of meetings of the native councils. He said it should be assumed that as the cadets trained at Sydney were still in the service of the Administration, they had proved to be efficient officers.

JUDICIAL ORGANISATION : CRIME.

M. RAPPARD said that he had been astonished to read (page 20 of the report) that, in 1937, there had been twenty-six cases of rape of white women by natives as compared with only six in the previous year. With a total number of two thousand white women, this meant that one in eighty had been assaulted. He assumed that white women were only found in the larger centres.

Major FUHRMAN had also noticed that fact. He had asked for further information, but a reply had not yet reached him. So far as he knew, there were no white women in isolated areas.

The mandatory Power had noticed with regret the increase in prosecutions and convictions for various crimes, as enumerated on pages 20 to 26 of the report, but the increase should be regarded as a normal fluctuation in crime, due in part to there being a larger number of indentured labourers, and to the fact that more natives had been brought under control and, consequently, within the scope of the law of the Territory. It should not be assumed that the increase in crime represented a wave of lawlessness; it was due to the reasons mentioned, and to the consequent tightening up of police supervision. He would ask for the inclusion of fuller information in the next report.

MISSIONS.

Major FUHRMAN said, in reply to a question by M. Sakenobe, that he had no information concerning the alleged criticism in Australian circles of the conduct of Lutheran German ministers in the Territory.

TRADE RELATIONS : TREATIES ACCORDING MOST-FAVOURLED-NATION TREATMENT : IMPORTS AND EXPORTS.

Count DE PENHA GARCIA asked whether any favourable repercussions had been observed as a result of the considerable number of treaties with foreign countries guaranteeing most-favoured-nation treatment to New Guinea products (page 133 of the report). He noticed

that according to the tables of imports (pages 91 to 98 of the report) and exports (pages 98 to 100 of the report) only two countries granting such treatment—namely, China and Germany, actually traded with the territory. Perhaps the 1938 report might indicate in greater detail what trade was actually done with countries having signed that type of treaty.

Major FUHRMAN said that benefit would doubtless accrue as a result of application to the territory of "most-favoured-nation" treatment. In addition to the trade with China and Germany, there were exports to "unspecified European ports" during 1936/7 totalling £257,462 (paragraph 270, page 100, of the report).

FRONTIER BETWEEN THE MANDATED TERRITORY AND NETHERLANDS NEW GUINEA.

Count DE PENHA GARCIA observed that the exact line of the frontier between the mandated territory and Netherlands New Guinea was to be determined through joint inspection by officials of the two countries (page 116). Had that now been done? There clearly ought to be an exact frontier between the two territories.

Major FUHRMAN replied in the negative. He said he understood that the survey had reached the limits of the friendly districts. From its present position to the Dutch border, it would be in dangerous country and any party working there would be required to be protected by a well organised escort. It was not practicable, at present, to allot suitable officers from the District Staff to undertake that work, but should necessity arise to ascertain whether any position was in the mandated territory or in the territory of Papua special parties would be detailed to carry out that particular phase of the survey of the boundary.

PUBLIC FINANCE : TAXATION.

M. RAPPARD said that the great improvement in the financial situation of the territory, due to economic expansion, and particularly to the yield of the gold royalties, was highly gratifying. The surplus accumulated over recent years was now a good deal larger (£61,000) (paragraph 281, page 102, of the report) than the territory's debt towards the Commonwealth (£27,000) (paragraph 288, page 112, of the report). Was it intended to pay off that debt or to put the surplus to reserve?

Major FUHRMAN replied that the Administration was of the opinion that, since the Territory's financial position had improved and was sound, there existed a moral obligation to repay, at the earliest possible moment, non-interest bearing loans due to the mandatory Power. The policy of the Administration was to meet its obligations and then, if possible, to constitute a reserve fund. The liquidation of the debt to the Australian Government would be proceeded with as the financial position of the Territory improved.

M. RAPPARD asked whether, in the light of the satisfactory finances, it was thought wise to levy in full the native poll-tax, which brought in approximately £20,000 annually (paragraph 285, page 104, of the report). The levying of such a tax might perhaps be justified by a disciplinary effect on the natives. He also asked why the mandatory Power had thought it expedient to create a special currency or coinage for the territory (paragraph 283, page 103, of the report).

Major FUHRMAN replied that the levying of the native tax was considered to have an educative effect on the natives and fostered a sense of responsibility.

He was unaware of the exact reasons which prompted the Administration to put into circulation a special coinage. The state of development of the Territory would doubtless influence the coinage policy; while, of course, there was the question of profit to be considered and the matter of providing a coin convenient for the natives to carry. The new coinage had a central hole through which a string could be passed. The Coinage Trust Fund was in credit to the extent of £58,742 and, in addition, bullion to a face value of £48,527 had been minted and was held available for circulation (paragraph 283, page 103, of the report).

M. GIRAUD recalled that last year he had drawn attention to the considerable burden on natives of a flat poll-tax of 10 shillings per head.¹ In the 1937 report (page 163) it was stated that the tax in question was levied only on natives who were capable of paying it without hardship. It was therefore a tax levied solely on natives who were already, as it were, comfortably off, or who at any rate had considerable resources. According to the table on page 37 of the report (amount of tax collected in 1936/37), it was paid by about 8% of all

¹ See Minutes of the Thirty-first Session of the Commission, page 161.

the natives. But on examining, in the same table, the distribution of native taxpayers by districts, he noticed that one of the districts with the lowest proportion of taxpayers was the district of Morobé (less than 5%), where, however, the most important placers were situated. In 1936/37, their output had amounted to nearly 2 million pounds worth of gold. Did not that seem, on the face of it, somewhat singular? Did the natives benefit hardly at all from the presence in their district of such wealth?

EIGHTEENTH MEETING.

Held on Monday, June 20th, 1938, at 3.30 p.m.

New Guinea : Examination of the Annual Report for 1936/37 (continuation).

Major Fuhrman came to the table of the Commission.

PUBLIC FINANCE (continuation) : TAXATION (continuation).

Major FUHRMAN said that the question raised by M. Giraud was one to which a general answer could not be given. The system of taxation operating in the territory envisaged the collection of a head tax from all able-bodied natives under Government control, with the exception of indentured labourers and certain other categories whom he would enumerate. Head tax was collected only from natives upon whom no hardship would thereby be inflicted, and a native who was physically unfit for work would, for example, naturally be exempted. No definite age was prescribed at which a native should pay taxes, but it was considered that, if he were fit to work, he should be able to pay the small tax of 10s. per year. It was prescribed that the tax should be paid in money, except in cases where the Administrator considered it desirable to permit a native to pay in kind or by labour. There was a good deal of flexibility about the collection of the head tax—a flexibility which, in view of the peculiar circumstances of New Guinea, was considered imperative by the Administration. Numbers of natives were exempted from taxation, such as, for example, members of the native police; natives who were under contract under the Native Labour Ordinance to work for the whole of the financial year or whose period of engagement expired during the year; natives unfit for work; any native who was the father of not less than four living children by one wife; any luluai, tultul or other native on the Administration staff; and such other natives as the Administrator might prescribe by regulation.

The Administration held the view that it was a sound policy to levy taxation on natives who were able to bear it, not only from the point of view of benefiting the revenue of the territory but also with the object of imbuing the native mind with some sense of responsibility and recognition of his own status as a citizen.

M. Giraud had mentioned the Morobe district and the fact that only £3,324 had been collected by way of head tax during 1936/37. He had also mentioned that the Morobe district was the centre of the gold-mining activities of the territory and that it was a reasonable assumption that the natives there were concentrated in number and were well able to pay head tax. Major Fuhrman pointed out that native labour employed on gold-mining operations was "indentured labour"—exempt from taxation. In the Morobe district, there were nearly 13,000 such labourers. Furthermore, the Morobe district comprised the Huon Peninsula, the Upper Ramu, Markham Valley, Salamaua and the hinterland and Waria. He agreed that, in the district referred to, the total adult population was 72,608, but the Commission would remember that much of that country could be said to have been recently brought under control—for example, the Ramu. Flexibility in the matter of collecting native taxes was imperative if the territory was to be brought under control without friction. It would be a short-sighted policy on the part of the Administration to endeavour to exact taxation from natives until those natives fully understood the implications of Governmental control and were financially able to meet a demand for payment of head tax.

M. GIRAUD asked why indentured labourers were exempt from head tax. They had assured means and, *a priori*, it would seem reasonable that they should pay the tax.

Major FUHRMAN said these natives were living away from home, and although they received rations and accommodation, they had to make provision for their families in distant villages. A 10s. tax would impose a heavy burden on them.

ECONOMIC SITUATION : AGRICULTURE : IMPORTS AND EXPORTS.

M. GIRAUD noted that, on the whole, the economic situation was still very favourable. Public finance had improved considerably, revenue being up by about 15 %, while the budget, which had shown a deficit last year, now showed a surplus (paragraph 281, page 102, of the report). The agricultural situation was good ; the natives nearly everywhere appeared to have had sufficient food and in some cases even more than they required. The production of copra, which, together with gold, formed the basis of the territory's wealth, was increasing ; exports had reached a new record figure (76,409 tons), which was nearly 10,000 tons higher than last year's figure (paragraph 217, page 80, of the report), while, notwithstanding certain fluctuations, average prices were appreciably higher than in 1935/36 (£16 2s. per ton instead of £11 4s.) (paragraph 264, page 99, of the report). Mining activities had also progressed, as shown by the increase of 22 % in weight of the gold produced. These factors had naturally contributed to a further expansion of foreign trade, which had been steadily increasing for some years past. Imports and exports showed record figures (paragraph 259, page 90, of the report). It was interesting to note that the increase in the former was due solely to larger purchases of foodstuffs. The trade balance was becoming more and more favourable, and the excess of exports over imports amounted to nearly 160 %.

The report contained much interesting information on agriculture (pages 79 to 89 of the report) and the work of the various stations, backed up by very full statistics. He noted, in particular, that rice cultivation was being carried on in certain areas, mainly on Rook Island (district of New Britain) and in the Madang district (paragraph 236, pages 83 and 84, of the report). The development of local rice production appeared to be of very great importance in New Guinea, seeing that, according to the statistics on pages 91 to 97 of the report, this product came first of all imported products from the point of view of value (£89,461) (page 91). Had any steps been taken to encourage rice cultivation or was it proposed to take any such action ?

Major FUHRMAN said the mandatory Power would be grateful to M. Giraud for his admirable appreciation of the sound economic position of the territory.

With regard to agriculture, to which M. Giraud had referred, he said that the Commission had doubtless read with interest paragraphs 237 to 255 of the report (pages 84 to 89), which dealt with the demonstration plantation conducted by the New Guinea Department of Agriculture on the Keravat river—28 miles from Rabaul—where low country products, such as coco-nuts, oil, palm, cacao, coffee of various lowland types, tropical fruits, vegetables, native foods and cover plants were under cultivation. Major Fuhrman understood that the various main crops were grown on a scale large enough to demonstrate their commercial possibilities and the correct methods of cultivation. He was informed that the plantation supplied seeds and plants in sufficient quantities to be of practical use to planters and that selected natives were being trained in modern methods of agriculture, so that, on return to their villages, they might disseminate the knowledge thus acquired. The shifting cultivating system, common to all primitive races, had been responsible for incalculable harm to the territory, and, at the Keravat plantation, natives were instructed in the defects of that system and in the benefits of crop rotation. Major Fuhrman lodged with the Commission a sketch plan of the demonstration plantation to which he referred, from which could be seen exactly how the plantation was laid out and what crops were under cultivation. He felt sure the Commission would appreciate the long-sighted policy being adopted by the Administration in regard to agriculture.

Major Fuhrman had little information with regard to the production of rice, but would ask for fuller particulars to be included in the next report.

In reply to a further question by M. Giraud, he added that he understood the Mission of the Holy Ghost had taken up rice cultivation at Sepik Harbour. Although the product was considered satisfactory at the time, the mission had had to abandon its efforts, as the natives developed malaria and tropical sores. The mission authorities were convinced, however, that rice could be grown successfully in New Guinea, and had recently taken up 1,000 hectares on the Sepik river for that purpose.

M. GIRAUD noted that exports of fresh coco-nuts fell from 198 tons in 1935/36 to 71 tons in 1936/37 and exports of desiccated coconut also dropped slightly (from 1,647 tons to 1,632 tons), but that the value of coconut exports increased from £594 to £710 and exports of desiccated coconut from £65,880 to £86,930 (paragraph 268, page 99, of the report). In view of the considerable increase in value revealed by those figures, how was it that the quantities exported had declined ? On what basis was the statistical value of the exported products computed ?

Major FUHRMAN said the figures were taken from accurately compiled statistics, such as, for example, those of the Customs Department.

M. GIRAUD pointed out that the statistics could be compiled either from market price lists periodically revised and based on commercial quotations, or from Customs declarations.

Major FUHRMAN was unable to say which method was employed.

M. GIRAUD noted that exports of cocoa beans had increased from 127 tons to 132 tons—by 5 tons only—(paragraph 268, page 99, of the report), but that the export bounty had increased in a much higher proportion—namely, from £1,165 in 1935/36 to £1,285 in 1936/37 (paragraph 224, page 80, of the report). What was the explanation?

Major FUHRMAN was unable to offer any explanation. The export bounty on cocoa beans was still 1½*d.* a lb. He would enquire whether particulars could be furnished in the next report.

M. GIRAUD asked what was the reason for the promulgation of Ordinance No. 11, of 1937, re-enacting the necessity for natives to obtain a licence for the purpose of engaging in the business of buying or selling copra and coco-nuts (page 18 of the report)?

Major FUHRMAN said the amendment of the Licences Ordinance in 1936 relieved native traders of the necessity to be licensed to trade. It was found, however, that certain advanced natives had actively engaged in trading in nuts to an extent beyond the requirements of ordinary trading for native purposes, and had entered into active competition with licensed traders in general mercantile trading. It was considered desirable that natives engaged in the general business of trading as distinct from the normal form of native trading should be subject to the same control and restrictions as non-native traders.

M. RAPPARD noted that exports had exceeded imports for several years, roughly by the amount of gold exported. There were only two possible explanations: (1) that the inhabitants were accumulating credit abroad or (2)—and this he thought was the case in New Guinea—that sales were, for the most part, for the account of individuals or companies not domiciled in the territory, profits being placed to the credit of companies whose stockholders lived abroad.

Major FUHRMAN had no knowledge of this question.

INTERNAL AND OVERSEAS SHIPPING : SHIPPING ORDINANCE, 1936.

M. GIRAUD asked whether the accredited representative was in a position to reply to a question he had asked in 1937 with regard to the advantages derived from the Shipping Ordinance, 1936, and the reasons for the opposition manifested in the territory on the announcement of the promulgation of the ordinance.¹

Major FUHRMAN said the advantage derived from the operation of the Shipping Ordinance was that a greater share of the internal shipping trade of the territory was assured to local vessels, thus resulting in the encouragement of local industry and enterprise.

Local vessels were manned largely by native crews, and their operation rendered necessary the maintenance in the territory of accessory organisations—for example, workshops. Profits arising out of the internal shipping under the ordinance accrued to a greater extent to locally established persons and organisations.

The opposition manifested in the territory on the promulgation of the ordinance was caused partly by the fact that from some persons were withdrawn the advantages and facilities previously available to them when overseas vessels were permitted to engage in the internal shipping trade. Another cause for the opposition was that some feared that, with the withdrawal from the internal shipping trade of overseas vessels, those organisations controlling the local shipping would exploit the public in the absence of the competition from ships from outside.

Since the commencement of the ordinance, a new vessel—*m.v. Muliana*—had been built by Burns, Philip and Co., Ltd., and, he understood, was a marked improvement on the type of vessel previously engaged in the internal shipping of the territory.

Internal freight rates had not increased since the introduction of the Shipping Ordinance to the same extent as had overseas freight rates.

M. GIRAUD noted from the table on page 101 of the report the comparatively large share of the shipping trade falling to the Japanese flag on account of a new monthly service between Japan and New Zealand. The number of Japanese ships calling at the territory had increased from four to fifteen. Would it be possible in the future to supplement the table in question by stating, in respect of each flag, not only the number of ships with their tonnage, but also the tonnage unloaded and loaded?

¹ See Minutes of the Thirty-first Session of the Commission, pages 163 and 164.

Major FUHRMAN did not think this possible. Goods were bulked and stored at the harbour side to await the arrival of the different vessels, and the administrative services were already too fully occupied and numerically inadequate to cope with the compilation of additional statistics.

M. GIRAUD replied that shipping trade statistics usually included information of that kind. However, he did not want to make the work of the services concerned more complicated and would therefore not press the point.

Major FUHRMAN said he would make representations on the subject.

POSTAL SERVICES.

M. GIRAUD said the report contained very little information about the work of the postal services (paragraphs 277 and 278, page 102, of the report.) Yet statistics with regard to posts, telegraphs and telephones were a valuable index to the fluctuations in the economic situation. Would it not be possible to insert, at any rate, a few brief particulars of those services in future reports ?

Major FUHRMAN said that the staff of the administrative services was numerically small and could undertake only a limited amount of work of this nature. The compilation of existing statistics already imposed a heavy clerical burden on the Administration.

TOURIST TRAFFIC.

M. GIRAUD said that he had read with much interest the very complete and well-prepared guide which had just been published for the use of tourists wishing to visit the territory. Was it thought likely that the tourist traffic would develop on a large scale in New Guinea ?

Major FUHRMAN said that Australians were taking an increasing interest in the mandated territory, which was reflected in the growth of a considerable tourist traffic, especially in the winter months. At the moment, the seasonal traffic was taxing to the utmost the capacity of the vessels available.

M. GIRAUD took note of this very interesting statement.

JUDICIAL ORGANISATION.

M. VAN ASBECK asked whether there were any native courts administering justice among the natives.

Major FUHRMAN replied in the negative.

M. VAN ASBECK asked whether the chiefs settled disputes between natives.

Major FUHRMAN said disputes were frequently settled in this way at, what he might term, "palavers", in the presence of district officers.

He added that Chief Justice Wanliss was retiring after many years' service in the territory and would be replaced by Judge Phillips, for whom a successor was now being selected.

M. RAPPARD noted from the table on page 23 of the report that two natives had been convicted, under the Insanity Ordinance, of being of unsound mind.

He also noted from the table on page 21 of the report that a European had been convicted of permitting an unmarried female to reside in his house. Would a missionary with an unmarried daughter be liable to a penalty ?

Major FUHRMAN could give no information with regard to the first offence.

He said the second offence related to a contravention of an ordinance which prohibited the employment of unmarried women.

Mr. WEAVER added that a native woman might only be indentured by a European female.

M. VAN ASBECK recalled that, last year,¹ he had referred to an article in the *Pacific Islands Monthly*, of October 20th, 1936, criticising the New Guinea Legislative Council. The accredited representative had said that he would bring the statements made in the paper in question to the notice of the mandatory Power.

Major FUHRMAN communicated to the Commission the remarks and observations to which the article in the *Pacific Islands Monthly* had given rise on the part of the Australian Government.

M. VAN ASBECK proposed that the Commission should declare itself satisfied with the explanations given by the mandatory Power.

The Commission accepted M. van Asbeck's proposal.

QUESTION OF THE ESCAPE OF PRISONERS AT THE TIME OF THE VOLCANIC ERUPTIONS OF 1937.

M. SAKENOBE asked whether the prisoners who were allowed to escape when the town of Rabaul was evacuated were subsequently collected.

Major FUHRMAN was unable to say whether they had, in fact, escaped. The evacuation was orderly, and doubtless appropriate measures were taken with regard to prisoners.

ARMS AND AMMUNITION.

M. SAKENOBE noted from paragraph 99, page 42, of the report, that imports of revolvers and pistols rose from 57 in 1935/36 to 113 in 1936/37 and rifles from 139 to 206. The number of registered rifles had fallen from 530 to 527 and the number of registered revolvers and pistols from 397 to 350 (paragraph 100, page 43, of the report). What was the explanation of that fall? What had become of the arms not registered?

Major FUHRMAN said that no special significance should be attached to the increased import of arms and ammunition. He was unable to explain the discrepancy between imports and fire-arms registered. Arms were perhaps imported and held in bond to be issued for trade purposes as required. A person to whom fire-arms were issued had to obtain a certificate of registration and, if necessary, a permit to carry such arms.

He pointed out that there was a considerable fall in prosecutions for offences against the Arms Ordinance (paragraph 101, page 43, of the report).

M. SAKENOBE suggested that some of the revolvers, pistols and shot-guns not accounted for might be worn out.

Major FUHRMAN thought that might apply to revolvers and pistols. Some of the holders of fire-arms might be in the interior and have failed to take out licences by the due date.

POLICE : FIRE BRIGADE.

M. SAKENOBE asked whether the fire brigade was part of, or separate from, the police force (page 126 of the report).

Major FUHRMAN said there was a fire brigade already in existence manned by members of the police force. It was highly unlikely that requirements would necessitate the establishment of a permanent fire brigade.

In reply to a further question from M. Sakenobe, he said he understood that Rabaul was the only area with an established fire brigade, but the object of the Fire Brigades Ordinance was to provide for an extension of the fire-fighting services where necessary.

SOCIAL AND MATERIAL DEVELOPMENT OF THE NATIVES : QUESTION OF EMPLOYING EDUCATED NATIVES IN THE ADMINISTRATION.

Lord HAILEY remarked that the Administration of the territory was very costly, because even subordinate posts, such as those of carpenter and the like, had to be filled from Australia. This naturally reduced the amount of money available for the social services. Was there any prospect that natives would be able to fill those subordinate posts in the future?

¹ See Minutes of the Thirty-first Session of the Commission, page 149.

Major FUHRMAN said it would take many decades to bring the indigenous population of the mandated territory to a point when the mentality and physical condition of the natives would be comparable with Western ideals. While it could not be claimed that advancement had reached the same standard in all parts of the territory, there were districts in which progress by the natives along European lines had been most marked in the last year or so. The Gazelle Peninsula, of the New Britain district, was an interesting example. The desire of the natives on that peninsula to shed their primitive ideas and customs and to raise themselves gradually to the material prosperity of the white man could be dated back to the time when, several years ago, a motor-car was first purchased by a Matupi native. Major Fuhrman was informed that, since then, many of the natives had acquired lorries and kiln driers ; they made and marketed their own copra ; there were one or two retail stores and at least one enterprising native had opened a tea-room ; quite a number had banking accounts with substantial credit balances. It had been noticed, too, that there was an increasing demand for permission to indenture " foreign " natives, all of which was indicative to the Administration of the trend of the native mind in that area and showed clearly the progressive influence of the economic aspect of the invading culture.

Major Fuhrman said that such mental and material progress brought in its train many administrative problems, but those problems were inevitable and were more or less welcomed by the Administration, which felt that, in the course of time, the economic prosperity of the natives and the problems connected therewith would resolve themselves.

He thought that eventually—if not perhaps in the near future—natives would be able to fill subordinate posts. He said that some of them were already fairly skilled artisans.

LABOUR : PROFESSIONAL RECRUITING : QUESTION OF THE PERCENTAGE OF NATIVE MALE LABOUR FROM THE VILLAGES.

Mr. WEAVER thanked the mandatory Power for the replies to the questions he had asked in 1937 (page 163 of the report). He noted with particular interest the statement on page 164 regarding the special observation on labour in the report to the Council on the work of the thirty-first session of the Commission. ¹ He specially welcomed the statement that " particular care is taken to ensure that nothing is done by recruiting that would endanger the economic and social life of the native communities. This phase of native labour administration and control is constantly under the review of the Administration officials."

He also noted, however, that the total number of indentured labourers continued to increase. It was 40,259 on June 30th, 1937, as compared with 36,927 on June 30th, 1936 (paragraph 88, page 40, of the report). A document, by the Rev. G. Pilhofer, of the Lutheran Mission, with regard to recruiting in the mandated territory, had been distributed to the members of the Commission, and it gave a very disturbing picture of the situation in the territory. It seemed to show that a very large number of labourers were being recruited, particularly in certain areas, and it drew certain conclusions as to the effect on the social and economic life of the population. Had the accredited representative any observations to make on the memorandum ?

Major FUHRMAN said the article in question had been brought to the notice of the Administration. It was arranged in three parts : In Part 1, which dealt with the position brought about by the discovery of gold, Mr. Pilhofer presented certain statements and figures regarding conditions in the Morobe district, based on his interpretation of the relevant tables in the annual reports for 1925 and 1935.

Mr. Pilhofer evidently misunderstood those reports and tables ; for instance, he was not correct in stating (paragraph 2) : " During the last decade no areas of any importance have been opened up . . . The old districts, which had all along supplied the necessary contract labour, have therefore to be called upon for greater supplies."

Comparative figures were :

Year	Enumerated population in villages	Native labourers absent from villages
1921	187,517	27,726
1925	257,551	23,421
1935	444,693	33,993
1936	463,113	36,927

Those figures indicated that, although there were 10,572 more labourers in 1935 than in 1925 (the period quoted by Mr. Pilhofer), the officers of the Administration had put on the census during that period an additional 197,714 natives, mostly by bringing districts under

¹ See Minutes of the Thirty-first Session of the Commission, page 193.

control. Further, in that regard, it was interesting to note that, while in 1925 8% of the enumerated population, being 21% of the adult males, were absent from the villages on indentured service, in 1935 the absentees were only 7% of the enumerated population—21% of its adult males. Mr. Pilhofer again fell into error when he stated (paragraph 3) “ that the Morobe district alone had to meet the annually increasing demand for labourers for the goldfield ”. Major Fuhrman lodged with the Commission a comparative table of figures, from which it would be seen that, in paragraph 3 of his treaties, Mr. Pilhofer had again misunderstood the tables in the annual reports, where the figures 943 and 11,695 respectively represented the number of labourers from all districts actually working on the goldfields in 1925 and 1935, not the number of Morobe natives, which in the years quoted were 840 and 5,616, not 943 and 11,695.

Mr. Pilhofer (paragraph 4) had also misunderstood the proportion of the Sepik and Morobe populations engaged on indentured service in the territory on June 30th, 1935. The Sepik labourers were 8,742, out of a counted population of 108,243, or 8%—not 1.06%, as stated by Mr. Pilhofer. In Morobe, on the other hand, only 6,028 were recruited from a counted population of 105,378—5.7%, not 11.8%, as stated by Mr. Pilhofer. In this instance, the figures quoted by Mr. Pilhofer—1,051 and 11,695 respectively—represented the total labourers working in the Sepik and Morobe districts respectively, not the labourers recruited from those districts, as assumed by him.

Mr. Pilhofer again misunderstood in stating (paragraph 5) that the natives recruited in the Morobe district during 1935 represented 23.6% of the male population of that district. The male population of the Morobe district during that year numbered 54,627. Of that number, 6,028 were working—that was to say, 11%, not 23.6%, as stated.

The proportion of the male population of the Sepik district, absent under indenture during the same period, was 14% (60,298 males, of whom 8,742 were absent on indentured service).

In conclusion, Major Fuhrman dealt with Mr. Pilhofer's proposals.

The first suggestion was that all recruiting should be in the hands of the Government and that every able-bodied young man should be compelled by law to serve for a period with Europeans. That would require the establishment of a special official labour bureau and an amendment of the New Guinea Act to permit compulsory labour for all the requirements of the territory. Such a policy, if efficiently operated, should fulfil the labour requirements of industry with the smallest possible strain on the native community, but its weakness was that compulsory labour was fundamentally opposed to the spirit of the mandate and the New Guinea Act.

The second suggestion was to meet the increasing requirements of labour by opening up new districts and distributing the recruiting over a larger area, so that it would not fall too heavily on one district. That, in fact, had been the policy of the Administration, and its success to date was clearly revealed by the figures representing enumerated populations of 1921, 187,517, and 1936, 500,040; an increase of 312,523 in fifteen years, during which period the native labourers employed in the territory increased from 27,726 to 36,927, an addition of 9,201. Administrative activities directed towards the consolidation of penetrated districts in Morobe, Sepik, New Britain and Kieta were bringing more natives under control each year, and those natives in turn would be drawn upon to meet the labour requirements of the territory.

As to the third suggestion, which dealt with the reduction and removal of taxation, it would undoubtedly affect recruiting and lessen the strain on the villages, but, before action on those lines could be considered seriously, the effects of such a step on the requirements of the industrial organisations employing native labourers would have to be carefully studied and alternative methods of keeping up the supply of native labour be provided for.

Mr. WEAVER thanked the accredited representative for his statement. He had not gone fully into the figures for recruiting, but, with regard to the Sepik district, he found that some 27% of the adult males were indentured, the greater number of whom were employed outside the district. His attention had also been called to the following statement in a report by Mr. William C. Groves on “ Native Education and Culture-contact in New Guinea ”, issued in 1936: “ In certain villages along the east coast of New Ireland, for instance, nearly 40% of the adult males are absent working on contracts of service with Europeans or Asiatics ”. Was any information available regarding the existence of recruiting on that scale? It seemed to Mr. Weaver to go beyond anything that would be permissible in application of the principles set out in the last paragraph on page 164 of the report.

Major FUHRMAN was unable to deny or confirm the accuracy of Mr. Groves' figures.

With regard to the general question of recruiting, he said the Administration found considerable difficulty in fixing a definite figure as an indication of the number of native labourers which, in its opinion, a community could afford to lose by recruitment. Mr. Weaver

would doubtless remember that the matter was discussed on a previous occasion¹ by the Commission, and that Mr. Chinnery had also given the Commission certain information on the subject.² The Administrator had gone into this question very thoroughly and had made an analysis of the percentage of adult males absent as labourers in a number of colonies. That analysis showed wide variations in the percentage.

Major Fuhrman was informed that, in the Belgian Congo, a Commission which enquired as to what proportion of men could be employed at a distance from their homes without detriment to native life estimated that the proportion which could safely be allowed to leave their homes to work at a distance—by which was implied the conclusion of a contract usually for two years—was 5% of able-bodied males. Over and above that number, another 5% was estimated to be available for employment at not more than two days' distance and a further 15% in the immediate neighbourhood for such work as the compulsory production of foodstuffs, or as occasional wage labourers. He understood that, in another territory, one basis on which the available labour supply was calculated was four-fifths of the adult male population, although he did not know how that percentage was arrived at. He was informed that in 1927, in the territory to which he referred, the proportion actually in employment at any given time was estimated at about 39%.

Major Fuhrman repeated that the Administration of New Guinea found difficulty in fixing a definite figure, but it regarded 25% adult male absentees as an indication of danger. Many factors which complicated the question had to be taken into consideration, such as, for example, sex ratios, distance of place of employment from their villages, marriage, state of development of a village, etc., and he did not think the Administration felt it could be committed to expressing any opinion as to the percentage of adult male native labourers which could safely be permitted to leave their homes for work in other parts of the territory. Major Fuhrman assured the Commission that the question of over-recruitment was never overlooked by the Administration, and that the figures of natives recruited for work outside their own districts were constantly under review.

Mr. WEAVER realised the difficulty of fixing a percentage and that account would have to be taken of particular circumstances and of such factors as length of contract, distance from home, the possibility of re-engagement, etc.

There were a few remarks in Mr. Pilhofer's memorandum to which Major Fuhrman had made no reference. Mr. Pilhofer referred to the number of labourers in the Morobe district who signed re-engagement contracts. He stated that some had made two, three, and even four or six contracts; the percentage of men who had been away for six, nine, and twelve to eighteen years was also given. Mr. Weaver had not attempted to check the figures, and did not know how far the percentages given could be regarded as correct, but they indicated that the problem of re-engagement was an important factor in the social life of the natives of the territory.

The memorandum also drew attention to the effect of the absence of men on the life of the women and girls of the villages. It asserted that, as a result of the absence of the men, the women had to do much heavier work than would normally be their lot, and that the result was a very heavy increase in mortality among girls at the age of puberty. In general, the health and strength of the female population was adversely affected. Had the accredited representative any comments to make?

Major FUHRMAN had no information about the statement that 10% of the natives were away for six, nine, or twelve to eighteen years. The memorandum in question contained so many inaccuracies that he would hesitate to accept any figures quoted in it.

He was unable to say whether the absence of the male population had the effect described on women and girls. He could only say that in New Guinea, as in many other tropical countries, women usually did the manual work, such as tilling the soil, etc. He would ask for fuller information in the next report on that point.

Mr. WEAVER said he would be particularly glad of such information, as he had raised the same point in 1937,³ with regard to the observations of the Lutheran Mission.

M. VAN ASBECK asked at what age males were considered old enough to leave their villages on contract labour. He had been told it was 12, but that seemed rather low.

¹ See Minutes of the Thirty-first Session of the Commission, pages 167 to 169.

² See Minutes of the Twenty-fifth Session of the Commission, page 47.

³ See Minutes of the Thirty-first Session of the Commission, page 168.

Major FUHRMAN said he would obtain information.

M. VAN ASBECK pointed out that the duration of contracts in several British colonies was only one year, not three years as in the mandated territory.

Major FUHRMAN said many reasons could doubtless be advanced in support of shorter contracts, but, so far as New Guinea was concerned, the whole problem of native labour contracts had from time to time been given careful consideration by the Administration, which at present saw no adequate reason for reducing the period from three years.

M. VAN ASBECK pointed out that no native in Papua was allowed to work more than 40 miles away from his home.

Major FUHRMAN was not familiar with the laws of Papua, but labour and other conditions in Papua were vastly different from those in the mandated territory.

Mr. WEAVER noted that the number of recruiting licences had increased in the year under review (paragraph 86, page 39, of the report). Was there any particular reason ?

Major FUHRMAN said that the increase in recruiting licences was due to employers taking advantage, under the 1935 Ordinance, of better conditions and reduced fees where holders of licences recruited natives only for employment in their own service or in the service of their employer ; also, large firms obtained licences for individual plantation managers and, in the case of Asiatics, that type of licensee recruited for employment in businesses in which many of them were occupied—for example, storekeeping and planting. Major Fuhrman pointed out that the number of professional recruiting licences had dropped from fifteen in 1935/36 to ten in 1936/37 (paragraph 86, page 39, of the report).

Mr. WEAVER noted that approximately 1,378 married women accompanied their husbands to their places of employment, as they were now permitted to do under the Native Labour Ordinance, 1935-1937 (page 41 of the report).

What was the policy of the mandatory Power with regard to workers being accompanied by their families ? Was it proposed to promote this practice where labourers signed on for longer periods ?

Major FUHRMAN said that the Native Labour Ordinance provided for the recruiting of labourers with their wives and families, and, generally speaking, this was encouraged by district officers. Its success depended, however, in the first place, on the wishes of the labourers and their families, who, in most cases, were opposed to it. It also depended on the employers of labour, some of whom were agreeable to support wives and families whether the wives were indentured or not, but most of whom were not in a position financially to pay the transport fees and support and maintain unproductive natives in their labour lines.

In the hope of reducing the periods of absence of husbands, district officers had been requested to encourage married labourers to return to their villages on the completion of their contracts.

Mr. WEAVER said that Major Fuhrman's last statement was very welcome, in view of the large number of labourers who signed contracts.

He had not found any information in the report about the employment of non-indentured labour, a matter referred to some years previously. Had there been any increase in the number of non-indentured labourers ?

Major FUHRMAN explained that the Administration was experiencing some difficulty in obtaining thoroughly reliable figures of natives employed in non-indentured labour—especially in large settlements like Rabaul. The system of recording those figures was, perhaps, at the moment, slightly imperfect, but would improve as time went on. So far as he knew, in the districts of Kieta, Madang, Manus, Morobe, New Britain, New Ireland and the Sepik, there were approximately 2,400 non-indentured labourers working during the year under review. In the New Britain district, the occupations followed by those labourers included domestic work, stevedoring, mechanical work, plantation labour and general labour consisting of aerodrome constructional work, etc. He was informed that, in most instances, the wages paid to this type of labourer were higher than in the case of those working under indenture.

In the New Ireland district, the non-indentured labourers were employed in plantation work, domestic labour, pit sawing and as boats-crews; in mining, commerce, road work, painting and wharf construction; in the Manus district, on general work and in trocas fishing; while, in the Sepik, a large number was employed by miners in carrying cargo from the coast to their claims. In Madang and Morobe, those natives were employed as general labourers and, in the latter district, as miners and carriers and in plantation work. Major Fuhrman added that a considerable amount of Government work was carried out by non-indentured labour.

Mr. WEAVER noticed that there were still a good many convictions for desertion (paragraph 89, page 40, and page 24, of the report). Was there any particular reason, except that more workers were employed?

Major FUHRMAN said that the figures for desertion were not, in fact, high. Some explanation could, however, be given in respect of four districts for the year under review. In New Britain, the increase of desertion in that district was attributed to the volcanic eruption and to the consequent dislocation of general conditions which had not been restored by the end of the financial year. In the Sepik, the majority of deserters were natives employed in mining and carrying, and were recruited from villages in the hinterland for work in Morobe. When their employers left the Morobe district and began operations in the Sepik, a number of the labourers yielded to the temptation to run away to their villages, from which they had been absent some time. In the Morobe district, a number of desertions were accounted for by natives failing to return from leave after entering into new contracts, and in Kieta, desertion among the mining labourers was induced by the wet and cold weather and the necessarily rough living conditions in the Kupei mining districts.

Mr. WEAVER noted from page 58 of the report that there had been 271 cases of "New Guinea mouth", nearly all of them occurring in the Morobe goldfield. Was this an occupational disease?

Major FUHRMAN explained that "New Guinea mouth" was an ulcerated condition of the mouth which appeared to be a form of scurvy. It was also known as "sore mouth". The mildest cases showed only some slight ulceration around the teeth. Later on, it extended over the gums, and the teeth became loose. In more severe cases, the ulceration extended to the inner surface of the cheek and to the tongue. In extreme untreated cases, it might eat through to the face, causing extensive destruction of the face and resulting in death.

Mr. WEAVER asked whether it was a nutritional disease and, if so, what steps were being taken to deal with it.

Major FUHRMAN understood the disease was caused largely by the absence of fresh vegetable and fresh green food. He was unable to say what steps were being taken to combat it.

M. VAN ASBECK drew attention to a complaint, on page 4 of the report, of the Lutheran Mission, Finschhafen, with regard to the payment of wages to indentured labourers. In the past, they returned to their homes, according to this report, with a relatively large sum of money. Under the Native Labour Ordinance, 1935-1938, however, they were paid half their wages at the end of the month. Having money in their possession, they were naturally tempted to spend it and purchased articles that were of little use to them, returning home at the end of their contract with hardly any money. This was said to make it difficult for them to pay their taxes, with the result that, instead of returning home, many of them signed on for a further period.

Major FUHRMAN said he was advised that the relevant section of the Native Labour Ordinance—Section 57 (5)—was designed in the interests of native welfare in the territory; first, for the educative influence on the natives in the handling of money; secondly, to ensure the native labourer against improvidence by providing for half the wages to be deferred until the completion of his contract; and, thirdly, for the purpose of minimising petty pilfering between labourers themselves—pilfering which hitherto had been practised by natives who, in the absence of regular payment, stole small things which they were unable to purchase because they had no money. Major Fuhrman added that the missions were apt to take a somewhat narrow view of certain questions.

M. VAN ASBECK pointed out that missions were in such close contact with the natives that they might sometimes be expected to observe points that would escape the attention of others.

Major FUHRMAN said that, no doubt, advantage was sometimes taken of natives; but the same thing happened to Europeans.

MISSIONS (*continuation*) : POLYGAMY.

M. PALACIOS said that, in 1937¹ he had expressed the desire that, in the next report, the mandatory Power, while continuing to provide the Commission with ample information on the activities of the missions, should give a general survey, making it possible to obviate the confusion sometimes resulting from scattered, obscure or contradictory information, and clearly indicating the guiding-lines of the policy followed by it in this connection. As there had perhaps not been time to comply with his desire in the present report, could the accredited representative inform the Commission what action, if any, would be taken in the future to meet his suggestion ?

He would explain what he had in mind. The mandatory Power really furnished a good deal of information about the activities of the missions. It did so, not only in the annual report, pages 124 to 126 of which contained very interesting information, but also by sending the members of the Commission the annual reports of the missions themselves. The reports received that year contained ample information on the religious, educational, agricultural and medical work of the missions and on their industrial and even commercial activities. But it was not easy to form a comprehensive picture. Some passages of those reports seemed to indicate that the relations between the missions and the Administration were not always satisfactory, any more than the relations between the missions themselves, and between the missions and the natives. This was even brought out very clearly in some passages. The Vunapope Catholic Mission complained that it did not receive sufficient support and consideration from the Administration. The Kieta Marist Mission made the same remark. Its report was particularly specific in this connection and referred to a decision, doubtless due to trade requirements, under which the wife and children of a native who failed to return to his home were left to the charity of the mission. This mission also said that undue enthusiasm frequently led to friction between the native missionaries of the new camps. But it defended itself against the charge that it traded with the natives, a state of affairs which had been severely criticised in the missions. It also said : " Polygamy here has always been confined to the chiefs. Thinking that the mission had unduly discouraged it among the lower classes, the Administration set out to encourage it, leaving these classes quite puzzled. Ex-police are the greater destroyers of natives' customs in this matter, holding that the Administration approves. Of course it does not, I know, but there have been patrol officers who have so stated to the surprised natives."

The report of the Finschhafen Lutheran Mission, communicated by Mr. G. Pilhofer, was also very interesting, and so was the report of the Seventh Day Adventist Mission. M. Palacios would like to draw special attention to the work of this mission (mentioned in the report) among the indentured labourers recruited from all parts of the world and to the use of pidgin English. An example would be found in the prayers drawn up in that language.

From these reports, M. Palacios obtained a very distinct impression that the statements made by the missionaries were clear in some cases but obscure in others. Could the Commission not be told what the mandatory Power really thought of them and what policy it adopted towards them, in as far as it had one ?

He also noted from page 126 of the report that the territory owned and cultivated by the missionaries had increased slightly as compared with 1936 (page 98 of the report for 1935/36). The total area at June 30th, 1937, was 41,862 hectares.

Could the accredited representative explain briefly how and under what conditions the missions were able to acquire territory or would a reply to the question be given in the next report ?

Major FUHRMAN said it was thought that, by following commercial pursuits, the missions would be able to maintain closer relations with the population. They would have great difficulty in doing so if they confined themselves purely to religious activities. He had no direct knowledge of the Administration's policy, but it was not unknown for missions to be competitive in the matter of securing adherents. The missions sometimes recommended far-reaching changes in the conditions of life of the natives—recommendations which, in many cases, the Administration was unable to accept.

As M. Palacios had asked for a general statement of policy as to the relations between the Administration and the missions, he would bring that request to the notice of the mandatory Power.

Major Fuhrman thought that the form in which the reports of the missions were submitted was of particular value to the Commission. The Administration might, he thought, welcome a suggestion that these reports should be abridged and embodied in the annual reports, instead of being communicated in full.

M. PALACIOS hoped the Commission would continue to receive the reports of the missions, but would glad a half-page review of the position to be included in the annual report. He would also be glad of information on all the problems he had raised—what purpose the missions served as a civilising force, etc.

¹ See Minutes of the Thirty-first Session of the Commission, page 170.

M. VAN ASBECK pointed out that the competition between the missions in South West Africa had been very bitter; the mandatory Power had finally been obliged to limit their respective fields of action. The records of the Australian National Missionary Conference, 1937, contained some remarks on the race for supremacy, and expressed approval of Government action to deal with it. He would be glad to hear the views of the mandatory Power on this very vital question.

A joint Conference of Government officials and representatives of missionary societies had been held in South West Africa. Perhaps a similar conference in New Guinea might provide an opportunity for an exchange of views between missionaries and officials regarding native welfare, a question in which both categories were interested.

Major FUHRMAN pointed out that missionary organisations frequently held conflicting views on religion and on native customs and practice, and, in his opinion, a conference might not be in the best interests of the territory. Conditions in New Guinea were quite different from those in South West Africa.

The information asked for would be inserted in the next report. While on the subject of missions, Major Fuhrman desired to mention that, in connection with the honours conferred by His Majesty the King on members of the staff of the Catholic Mission of the Sacred Heart at Vunapope, special mention was made of the fact that, immediately following the eruptions the mission made all its resources available to assist refugees from Rabaul, and rendered invaluable service in the provision of a schooner, hospital accommodation, food and clothing.

EDUCATION.

The CHAIRMAN read the following notes prepared by Mlle. Dannevig :

"In 1936,¹ I asked for information on the work of the Committee appointed to examine native education. Last year's report contained some information on this question and stated that the Committee was granted further time to study the matter more fully before submitting any detailed recommendation. I therefore asked the accredited representative last year if he could state whether the Committee's recommendations had already been submitted to the Administration, and if it would be possible for the Committee's report to be communicated to the Mandates Commission.²

"The accredited representative replied that the Administration intended giving consideration to the proceedings and recommendations of the International Conference on the Education of Natives in countries and territories in the Pacific, which was held at Honolulu during July and August 1936. In the meantime, the Special Committee appointed by the Legislative Council had deferred the preparation of recommendations pending the arrival of reports of the proceedings of and recommendations reached by that Conference.

"There is only one short passage referring to the matter in the 1936/37 report (paragraph 115, page 45, of the report). I see from that passage that final consideration of proposals in connection with future developments in native education has again been deferred pending the receipt of the report of the Education Conference held at Honolulu during the year. The Committee appointed to deal with the matter was unable to continue deliberations owing to the absence from the territory of four of its members.

"I should be grateful to the accredited representative if he could give the Commission more information in respect of the further regrettable delay to which this very important matter has been subjected."

Major FUHRMAN said that the Administrator had received the report of the Honolulu Education Conference after the last meeting of the Legislative Council on February 10th, 1938.

The CHAIRMAN, on behalf of Mlle. Dannevig, made the following observation :

"Last year,³ I stated that it appeared from the report that the educational activities of the missions had increased during the year under review, as compared with the previous year. The report further stated that 'the Administration exercises no supervision over the mission schools, nor does it inspect the work done'. This, I pointed out, was most unfortunate and seemed to have been noted in the first findings of the Special Committee. As it was, very little information was available to the Commission regarding the state of educational activities in the territory, but this could scarcely be regarded as satisfactory in a mandated territory.

"I consequently asked whether the mandatory Power contemplated any immediate action in this connection.

"The accredited representative replied that, in the light of the decisions of the Honolulu Conference, this was one of the points which he thought might find a place in the Special Committee's report.

¹ See Minutes of the Twenty-ninth Session of the Commission, page 28.

² See Minutes of the Thirty-first Session of the Commission, pages 170 and 171.

³ *Ibid.*, page 171.

“ I regret to state that, as will be seen from page 45 of the report under review, the issue of the report of the Special Committee has been subject to a prolonged delay.

“ At the same time, I would point out that, according to the annual report, the educational activities of the missions have increased, as compared with the previous year (see page 46, paragraph 123, of the 1936/37 report, and page 37, paragraph 110, of the 1935/36 report).”

Major FUHRMAN said no definite policy with regard to educational matters could be formulated until the Legislative Council had had an opportunity of considering the Special Committee's report.

The CHAIRMAN, on behalf of Mlle. Dannevig, put the following question :

“ It is said on page 37, paragraph 79, of the report, that no education tax was levied under the Natives Taxes Ordinance, 1921-1933, during the year ended June 30th, 1937.

“ Was not this tax entirely abolished in 1933 ? On page 114, paragraph 292, of the report, comparative figures for expenditure on native education are given for the years 1921-1937. They show a considerable general decrease, especially after the Native Education Tax was abolished. It was then said that native education would not suffer, as it would be paid for out of revenue. What has prevented this plan from being carried out ? ”

Major FUHRMAN had no information on the subject. Particulars would be furnished in the next report.

The CHAIRMAN, on behalf of Mlle. Dannevig, put the following question :

“ I note on page 45, paragraph 115, of the report the following passage : ‘ The course of instruction in the art and practice of teaching and super-primary instruction in subjects to be taught in these primary village schools will be of two years' duration. Progress, however, must be very slow, as development of any scheme is entirely dependent on the supply of suitably trained natives. This supply is itself dependent on natives desirous of becoming teachers and capable of being trained.’

“ Does this passage mean that there is a shortage of such available natives ? What are the reasons for this shortage ? ”

Major FUHRMAN thought the wording of the paragraph in question implied that there was a shortage, but was unable to offer any explanation beyond saying that the natives of New Guinea were most primitive. Considerable time must elapse before they could be regarded as sufficiently educated and stable to take their place as teachers in the educational service.

M. VAN ASBECK asked whether there were any native teachers in mission schools.

Major FUHRMAN said he understood there were many natives who were elementary teachers. He pointed out that in the report there was a mention of two native teachers at Chimbu (paragraph 115, page 45).

The CHAIRMAN, still speaking on behalf of Mlle. Dannevig, put the following question :

“ The report states that the Administration subsidizes the Roman Catholic Mission of the Most Sacred Heart of Jesus in respect of its school for European children at Kokopo by making a *per capita* payment at the rate of £10 per annum for children attending the school (paragraph 119, page 46, of the report). Are similar subsidies paid to other missions ? I cannot find any indication as to those subsidies in the table on page 112 of the report.”

Major FUHRMAN replied in the negative.

M. SAKENOBE asked whether the school referred to in paragraph 109, (page 45 of the report) was the same as that referred to in paragraph 119 (page 46).

Major FUHRMAN said there was only one school. Paragraph 109 commented generally on the educational policy, and paragraph 119 referred specifically to future developments.

NINETEENTH MEETING.

Held on Tuesday, June 21st, 1938, at 10.30 a.m.

New Guinea : Examination of the Annual Report for 1936/37 (continuation).

Major Fuhrman came to the table of the Commission.

ALCOHOL AND SPIRITS.

M. SAKENOBE drew attention to the increase in the number of convictions for offences relating to intoxicating liquor (paragraph 103, page 43, of the report). Was that increase due to greater vigilance on the part of the police or to heavier consumption of alcohol ?

Major FUHRMAN reminded the Commission that he had already referred to the general increase in crime in the territory,¹ which he had ascribed to the increase in the number both of indentured labourers and of natives coming under the control of the Administration. Police supervision had also become stricter. He did not think that the increase in offences of this nature indicated any abnormal situation.

PUBLIC HEALTH.

Count DE PENHA GARCIA paid a tribute to the remarkable care with which this section of the report was now drafted (pages 47 to 79). It was still, however, a little difficult to appreciate the general health situation, since all the statistics were divided into three parts corresponding to the European, Asiatic and native populations respectively.

He observed that the mortality figures relating to pneumonia and tuberculosis were remarkably high, although the morbidity seemed to be normal. This was all the more remarkable in that there appeared to be practically no influenza among the natives, although elsewhere that disease was very common.

Major FUHRMAN regretted that he had no additional information concerning those two diseases and undertook to see that special reference was made to them in the next report. The high mortality was due perhaps to the fact that among primitive people little notice was taken of disease until they were stricken down. Pneumonia frequently developed without dangerous symptoms manifesting themselves until the patient was critically ill. Tuberculosis was a disease which could remain latent for years and then develop suddenly with uncontrollable rapidity.

Count DE PENHA GARCIA expressed the hope that every effort would be made by the Administration to prevent the spread of gonorrhoea, which was so highly contagious that it often became a veritable epidemic among native populations.

He had read with interest the passage in the report (page 54) relating to the medical work of the Administration patrols. How often, on the average, was a native village visited by a patrol ? The report made it clear that one of the main medical objects of the patrols was to supervise the work of the medical tultuls. In that connection, the report (paragraph 140, page 55) pointed to some dissatisfaction with the working of the tultul system. What alternatives to that system did the Administration contemplate, and could the subject of its reform be dealt with fully in the next report ?

Major FUHRMAN said that, in view of the pressure on the patrol officers' time, no fixed programme of village inspections could be adhered to. The medical situation in any given area was, however, under the constant supervision of the medical authorities, and patrol visits were arranged with little delay whenever the need arose.

In connection with the incidence of gonorrhoea he observed that the number of cases treated was 282 out of a total adult population of 330,660. This represented only 0.01 % of the total cases treated for all diseases and only 0.004 % of the total population. At the same time, he would bring Count de Penha Garcia's fears to the notice of the Administration.

He would ask that a suitable reference to the reform of the tultul system should be made in the next report.

¹ See page 169.

Count DE PENHA GARCIA drew attention to the new system instituted (page 56 of the report) to obtain accurate statistics on infant mortality. Were the statistics furnished by the special station established at Maprik to be considered as more accurate than those supplied by the missions ?

He noticed that the Administration had found a higher infant mortality rate in the Baining area, which was still operating under the patrol system. The report suggested that this might be due to the high incidence of leprosy in that area. There was no doubt that the prevalence of any particular disease in a given district was invariably reflected in the infant mortality rate.

Major FUHRMAN agreed. He considered that the figures obtained by the new research station at Maprik should be regarded as more accurate than mission statistics.

Count DE PENHA GARCIA was surprised to find (paragraph 151, page 66, of the report), that relatively high charges were made for the removal of refuse from private dwellings. He recognised that the health expenditure of the Administration already amounted to 19% of the normal revenue—a fact which was greatly to the credit of the Administration—but he nevertheless considered that disposal of refuse should be paid for out of the public funds. The number of persons benefiting from that service appeared to be very low and he assumed that it only applied to European dwellings.

Major FUHRMAN did not think it would be advisable to abolish the special charge for sanitary services and refuse disposal. The service was extended to any dwelling—the owners of which paid the charges in question, whether Europeans, Asiatics or natives—in so far as the latter dwelt in houses. The Administration had made every effort to combat dysentery, and notices had been issued throughout the territory urging that proper sanitary precautions should be taken. So far as he knew, even in highly westernised countries, there was a charge, either direct or indirect, for sanitary services.

Count DE PENHA GARCIA, on behalf of Mlle. Dannevig, asked the accredited representative whether he considered that one qualified doctor was sufficient to supervise the twenty-five hospitals of the Catholic Mission of the Sacred Heart (page 125 of the report).

Major FUHRMAN replied that, in addition to the qualified doctor, there was an adequate number of competent medical assistants.

LAND TENURE.

M. VAN ASBECK noted that there had been a small increase in the total area of native reserves (paragraph 80, page 38, of the report), but regretted that he could find no reply in the report to his question on the previous occasion as to the possibility of having a general survey of the conditions of land tenure by the native tribes. He had also asked the year before whether there was any need for native reserves in a country with so much unoccupied land.¹

Lord HAILEY said that he was also puzzled about the meaning of the native reserves referred to on page 163 of the report. Were they of the same class as the reserves elsewhere, as, for instance, South or East Africa ?

Major FUHRMAN said that a description of native reserves would be included in the next report. Briefly, the position was that prior to the establishment of the present Administration extensive areas of land had been alienated and freehold titles had been granted in respect of such land. In some instances communities of natives had their villages and gardens on the areas alienated. In certain cases, the titles were endorsed with an encumbrance to the effect that the native inhabitants could live on and use the lands occupied by them at the time of alienation but that, on the death of those natives, the land would revert to the registered owners. The over-alienation of land and the effect upon the native communities concerned was investigated by the Administration and, where it was found that the natives had not sufficient land for their present and future needs, steps were taken to excise from the alienated areas sufficient land to meet the requirements of the natives. The areas excised were vested in the Commissioner of Native Affairs as "Native Reserves". In addition to native reserves, there were extensive areas of land in the territory that were owned by the natives.

Lord HAILEY would like to find in the next report a precise definition of what was meant by native-owned areas (apart from the native reserves just mentioned) and a description of the basis of ownership, whether, for instance, there was a recorded title, and if so, individual or communal.

Major FUHRMAN undertook to see that this was done.

¹ See Minutes of the Thirty-first Session of the Commission, page 173.

FORESTS.

Count DE PENHA GARCIA was glad to observe (page 99 of the report) that there had been an appreciable increase in the exports of timber from the territory. Would it not be possible to make public Mr. Lane Poole's report of 1935 on the forest areas? He would be glad to know whether there was here an economic factor capable of development.

MINING.

Count DE PENHA GARCIA, referring to mines, observed with satisfaction that the inspectorate had been further strengthened. In paragraph 302, page 117, of the report, reference was made to concessions granted to a number of companies to search for oil. What progress had been made by the firm "Oil Search Limited"? While the concession to search remained valid, the Company exercised certain privileges and was able to prevent any other undertaking from attempting to exploit what might prove to be a considerable source of wealth to the territory.

Major FUHRMAN pointed out that the undertaking in question was a private company and that its affairs were therefore confidential to the directorate and shareholders of that company. It was doubtless conducting its search for oil with diligence, since heavy fees were payable for concessions.

Count DE PENHA GARCIA appreciated that point. The report indicated, however, that the Company was still engaged in geological research. He would be glad to know at what moment actual drilling or boring for oil began.

The CHAIRMAN explained that there was no question here of enquiring into matters which a commercial undertaking was quite properly entitled to keep secret. The Commission did not desire to know what success had attended the Company's efforts, how much oil and of what quality was being obtained, etc. But as a concession of this type involved a restriction upon any enterprise or development by others, it would be interesting to know that it was being properly used and that the search for oil was being actively prosecuted.

Major FUHRMAN pointed out that the preliminary operations of that type of undertaking had of necessity to be kept secret. If it were known prematurely that a certain company had found oil in payable quantities, very many undesirable repercussions might follow. He assured the Commission that the companies to which concessions had been granted were active and not dormant companies. He would endeavour to ascertain whether "Oil Search Limited" was still conducting geological research or was actively boring for oil, but he could give no assurance that the information could or would, in fact, be furnished in the next report.

DEMOGRAPHIC STATISTICS : INDENTURED LABOUR : NON-INDIGENOUS POPULATION.

M. RAPPARD noted from Table I on page 138 of the report (Enumerated Native Population, June 30th, 1937) that, out of a total of 138,435 male adults, 40,259 were indentured labourers—that was to say, nearly 29%. Was not that percentage too high?

Major FUHRMAN said he had explained the Administration's views on the over-recruitment of labour at the previous meeting.¹ The Administration had experienced various difficulties in fixing the figure for indentured labour.

M. RAPPARD observed that it was not surprising that the natives were unwilling to be enumerated if the chances of their being indentured were one in three.

Major FUHRMAN said that, as a general rule, the indenture system was not regarded unfavourably by the natives.

M. RAPPARD thought that depended on whether the natives were removed from their home district and on the length of their contracts. Those two factors should be carefully borne in mind when the indenture system was considered.

¹ See page 177.

Major FUHRMAN explained that, owing to the very primitive social conditions of the natives, the "indenture system" was at present the most beneficial for them. It afforded them a measure of protection, and they entered willingly into the contract, which was for three years. There were cases when they were re-engaged for a further period. It was true, however, that desertions for reasons which he had mentioned earlier¹ in the examination sometimes occurred. Desertions were inevitable.

M. RAPPARD thought, on the contrary, that primitive natives would suffer more when taken out of their usual environment for three years than more advanced natives, as the psychological effect on them would be more serious.

Major FUHRMAN said that native labour was one of the big problems of the territory.

M. RAPPARD asked whether there had been a slight excess of emigration over immigration among the non-indigenous population. Paragraph 347 of the report (page 128) stated that there had been a net decrease of thirty in the non-indigenous population.

Major FUHRMAN pointed out that the figures had remained stationary during the last two or three years. The small decrease might be due to the fact that persons in transit would be included. New Guinea was not a region that attracted many whites.

M. RAPPARD said he would have expected the mining prosperity mentioned in the report to have attracted a certain number of whites.

Major FUHRMAN explained that the mines only employed a limited number of whites. Other white people who might be attracted to the territory would be prospectors and, perhaps, traders.

M. RAPPARD asked whether the Vulcan Island eruption of May 29th, 1937, might not have affected the number of the white population.

Major FUHRMAN thought this probable.

CLOSE OF THE HEARING.

The CHAIRMAN thanked Major Fuhrman. The Commission greatly appreciated the trouble he had taken in order to supply it with all useful explanations concerning the matters which were of particular interest to it.

Palestine and Trans-Jordan : Observations of the Commission.

The Commission began its examination of its observations concerning Palestine and Trans-Jordan. After an exchange of views, it *decided* to proceed with the preparation of its observations, on the basis of a text to be drawn up in accordance with the opinions expressed by its members.

TWENTIETH MEETING.

Held on Tuesday, June 21st, 1938, at 6 p.m.

South West Africa : Observations of the Commission.

After an exchange of views, *the Commission adopted the text of its observations concerning South West Africa (Annex 31).*

Nauru : Observations of the Commission.

After an exchange of views, *the Commission adopted the text of its observations concerning Nauru (Annex 31).*

¹ See page 180.

TWENTY-FIRST MEETING.

Held on Wednesday, June 22nd, 1938, at 10.30 a.m.

Togoland under French Mandate : Observations of the Commission.

After an exchange of views, *the Commission adopted the text of its observations concerning Togoland under French mandate (Annex 31).*

Syria and Lebanon : Observations of the Commission.

After an exchange of views, *the Commission adopted the text of its observations concerning Syria and Lebanon (Annex 31).*

M. DE HALLER said there appeared to be an absence of any logical connection between the Commission's decision to postpone the examination of the administration of Syria until its autumn session and the formulation of an observation on one aspect of that administration. As the future of the minorities was not the only problem with which the Commission was called upon to deal, would it not be advisable for it to explain why it had thought fit to limit its observations to that question ?

The CHAIRMAN took note of M. de Haller's remark, but pointed out that the main preoccupation of the Commission had always been the protection of the minorities after the termination of the mandate in Syria. Furthermore, this was a question in which the Commission might make its influence felt with some possibility of success and, by making an observation with regard to minorities, it could not but strengthen the mandatory Power's action in that connection.

Tanganyika : Observations of the Commission.

After an exchange of views, *the Commission adopted part of its observations concerning Tanganyika (Annex 31).*

Late Arrival of the Annual Reports on Certain Territories.

The Commission, referring to the decision taken at its opening meeting¹ to draw the Council's attention to the inconvenience caused by the late arrival of the annual reports on Tanganyika, Palestine and Togoland under French mandate, considered it sufficient to request the Secretary-General to call the attention of the mandatory Powers concerned to that matter when sending them notice of the next session.

Date of the Next Session of the Commission.

The Commission decided, in principle, that its thirty-fifth session should open on Monday, October 24th, 1938.

Syria and Lebanon.

PETITIONS (EIGHT IN NUMBER) CONCERNING THE 1936 ELECTIONS IN THE SANJAK
OF ALEXANDRETTA.

After an exchange of views, *the Commission adopted the conclusions of Mlle. Dannevig's report (Annex 14).*

PETITION, DATED NOVEMBER 25TH, 1937, FROM M. MOHAMMED ADIB KHALED AND OTHER
SIGNATORIES, TRIPOLI.

After an exchange of views, *the Commission adopted the conclusions of M. Sakenobe's report (Annex 25).*

PETITION, DATED OCTOBER 24TH, 1937, FROM M. SAMI SLIM, TRIPOLI.

After an exchange of views, *the Commission adopted the conclusions of M. Sakenobe's report (Annex 18).*

¹ See pages 10 and 11.

PETITIONS (FIFTEEN IN NUMBER) FROM INHABITANTS OF UPPER JEZIREH.

After an exchange of views, *the Commission adopted the conclusions of M. Sakenobe's report* (Annex 26).

PETITION, DATED MARCH 1938, FROM M. KHALED DAGHESTANI, HOMS, AND OTHER CIRCASSIANS OF THE MOHAFAZATS OF HOMS AND HAMA.

After an exchange of views, *the Commission adopted the conclusions of M. Sakenobe's report* (Annex 20).

PETITIONS (FOUR IN NUMBER) RELATING TO SYRIAN UNITY AND CONCERNING THE STATUT OF LATAKIA.

After an exchange of views, *the Commission decided to adjourn the examination of this petition until such time as it had before it the whole of the Statute of Syria.*

Palestine.

PETITION, DATED FEBRUARY 25TH, 1937, FROM THE NATIVE RACES AND THE LIQUOR TRAFFIC UNITED COMMITTEE, LONDON.

After an exchange of views, *the Commission adopted the conclusions of M. Sakenobe's report* (Annex 8).

LETTER, DATED AUGUST 12TH, 1937, FROM M. MOHAMMAD AMIN HUSSEINI, FORMER PRESIDENT OF THE SUPREME ARAB COMMITTEE, JERUSALEM.

After an exchange of views, *the Commission adopted the conclusions of Mlle. Dannevig's report* (Annex 10).

Tanganyika.

PETITION, CONSISTING OF TWO RESOLUTIONS PASSED ON SEPTEMBER 25TH, 1937, AT A MEETING OF THE INDIANS AT DAR-ES-SALAAM (HELD UNDER THE AUSPICES OF THE INDIAN ASSOCIATION).

After an exchange of views, *the Commission adopted the conclusions of M. Giraud's report* (Annex 29).

Petitions rejected in virtue of Article 3 of the Rules of Procedure in respect of Petitions : Report by the Chairman.

The Commission noted the Chairman's report (Annex 5).

Palestine : Communications from Private Sources received on the Occasion of the Examination of the Problem of the Status of Palestine.

The CHAIRMAN said he had drawn up a supplementary list of communications from private sources received on the occasion of the examination of the problem of the status of Palestine (Annex 6) ; this was an addition to the three lists submitted to the Commission during the thirty-second (extraordinary) and thirty-third sessions.¹ The document would be distributed to the Commission and, in accordance with precedent, communicated to the accredited representative of the mandatory Power.

The communications in question were not petitions in the strict sense, but texts the authors of which expressed their point of view in the Palestine affair. The communications had been placed in a file which was at the disposal of the members of the Commission.

Syria and Lebanon : Question of the Competence of the Mandates Commission regarding the Sanjak of Alexandretta.

M. RAPPARD said the Press contained a fair number of articles with regard to the discussions in progress on the future regime of the Sanjak of Alexandretta. The Sanjak was part of a mandated territory, and the public might be surprised, when there was a question of modifying its political status, that the Mandates Commission refrained from examining

¹ See Minutes of the Commission : Thirty-second (Extraordinary) Session, pages 137, 206 and 222-225 ; and Thirty-third Session, pages 138-139 and 172.

the administration of this region. In those circumstances, he would be glad to know why the Mandates Commission was not considered competent to deal with the question of the Sanjak of Alexandretta.

M. DE HALLER, at the Chairman's request, briefly outlined the history of the question :

In December 1936, the League Council was seized, in virtue of Article 11 of the Covenant, of a dispute between Turkey and France relating to the regime of the Sanjak of Alexandretta. As the outcome of negotiations and enquiries with which, in point of fact the Mandates Commission had not been associated, the Council, on May 29th, 1937,¹ adopted a special Statute for the Sanjak, and provided the latter with a Fundamental Law. Those texts came into force on November 29th, 1937, and, in accordance with the Council resolution, it would rest with France, until the termination of the mandate, to bring the new regime into operation as far as was compatible with the exercise of her mandate. As the Chairman had observed at the Commission's thirty-first session² a new regime had thus been introduced by the Council for part of the territory under mandate in virtue of a decision having the same authority as the mandate itself.

No one, so far as M. de Haller was aware, had at that time disputed the fact that the Mandates Commission was competent to supervise the application of that regime, as it was its duty to supervise the application of all the other provisions of the mandate for Syria and Lebanon. Moreover, in the report of the mandatory Power for 1937, which the members of the Commission had received in proof, a paragraph was devoted to the administration of the Sanjak under the new regime. It was clear from the above that it was not true to say that the Mandates Commission was not concerned with the supervision of the administration of the Sanjak of Alexandretta under Council decisions.

TWENTY-SECOND MEETING.

Held on Wednesday, June 22nd, 1938, at 3.30 p.m.

Tanganyika Territory : Observations of the Commission (continuation).

After an exchange of views, *the Commission adopted the text of its observations concerning Tanganyika Territory (Annex 31).*

Palestine.

PETITION, DATED JANUARY 1938, FROM THE "NESSIUT" (PRESIDENCY) OF THE NEW ZIONIST ORGANISATION, LONDON, TRANSMITTED ON JANUARY 18TH, 1938, BY MR. A. ABRAHAMS, POLITICAL SECRETARY.

After an exchange of views, *the Commission adopted the conclusions of M. Palacios' report (Annex 11).*

LETTER, DATED MAY 4TH, 1938, FROM THE PRESIDENT OF THE JEWISH AGENCY FOR PALESTINE, ACCOMPANYING A MEMORANDUM ON THE DEVELOPMENT OF THE JEWISH NATIONAL HOME IN 1937.

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report (Annex 12).*

PETITION, DATED JULY 1936, FROM THE "NESSIUT" (PRESIDENCY) OF THE NEW ZIONIST ORGANISATION, LONDON, FORWARDED ON AUGUST 14TH, 1936, BY DR. H. LÉVI, MEMBER OF THE "NESSIUT".

After an exchange of views, *the Commission adopted the conclusions of M. Rappard's report (Annex 7).*

PETITION, DATED JULY 28TH, 1937, FROM MR. ASA WHITNEY, SARISBURY GREEN (HANTS), ENGLAND.

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report (Annex 9).*

¹ See *Official Journal*, May-June 1937, pages 329, 580 and 587.

² See Minutes of the Thirty-first Session of the Commission, page 182.

Syria and Lebanon.

PETITION, DATED DECEMBER 27TH, 1937, FROM M. MICHEL SAYUR, ROME, AND OTHER HEIRS OF THE LATE ANTOUN YOUSSEF SAYUR, SUBMITTED THROUGH THE AGENCY OF MAITRE EMILE ZALZAL, ADVOCATE, BEIRUT.

After an exchange of views, *the Commission adopted the conclusions of Lord Hailey's report (Annex 16).*

PETITION, DATED NOVEMBER 5TH, 1937, FROM M. ABDEL KADER AND M. FOUAD GHANDOUR, BEIRUT.

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report (Annex 15).*

PETITION, DATED SEPTEMBER 25TH, 1937, FROM M. KASSEM MOUSTAPHA, M. KHALED HAMAD EL-KHATIB AND OTHER SIGNATORIES OF THE EL-ARKOUB DISTRICT.

After an exchange of views, *the Commission adopted the conclusions of M. Palacios' report (Annex 17).*

PETITIONS (FIVE IN NUMBER) DATED SEPTEMBER 25TH, DECEMBER 10TH, 14TH AND 15TH, 1937, AND JANUARY 9TH, 1938, FROM INHABITANTS OF DAMASCUS AND HOMS.

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report (Annex 19).*

PETITIONS RELATING TO THE LEGISLATIVE ELECTIONS WHICH TOOK PLACE IN THE MOHAFAZAT OF LATAKIA IN OCTOBER 1937.

After an exchange of views, *the Commission adopted the conclusions of M. Palacios' report (Annex 21).*

PETITIONS (SIXTEEN IN NUMBER) CONCERNING THE SANJAK OF ALEXANDRETTA.

The Commission decided to adjourn to its autumn session the announcement of its conclusions on these petitions, seeing that they dealt with facts that would necessarily be mentioned during the examination of the report for 1937.

PETITIONS, DATED DECEMBER 2ND AND 15TH, 1937, FROM M. RACHID YOUSSEF BEIDOUN, FROM M. IBRAHIM FAYAD AND OTHER SIGNATORIES, BEIRUT.

After an exchange of views, *the Commission adopted the conclusions of M. Palacios' report (Annex 22).*

PETITION, DATED NOVEMBER 10TH, 1937, FROM FATHER JIRJI DOUNA, HOMS.

After an exchange of views, *the Commission adopted the conclusions of Mlle. Dannevig's report (Annex 23).*

PETITION, DATED NOVEMBER 12TH, 1937, FROM M. ELIAS EL-YOUSSEF AND M. ATTIE ET-TAHER, DAMASCUS.

After an exchange of views, *the Commission adopted the conclusions of M. van Asbeck's report (Annex 24).*

PETITIONS DATED AUGUST 14TH AND OCTOBER 27TH, 1937, FROM DR. ANTOINE CHALFOUN, BEIRUT.

After an exchange of views, *the Commission adopted the conclusions of M. Palacios' report (Annex 27).*

Togoland under British Mandate : Petition, dated August 9th, 1937, from M. Johann A. Agboka, President of the " Bund der Deutsch Togoländer ", Accra.

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report* (Annex 30).

During the discussion, Count DE PENHA GARCIA pointed out that on a previous occasion¹ the Commission decided, in view of the observations of the French Government, to regard a petition from the " Bund der Deutsch Togoländer " as anonymous. It should be noted, in the case of the present petition, on the other hand, that the United Kingdom Government had recognised the existence of this body, whose headquarters were at Accra, that was to say, in the Gold Coast.

TWENTY-THIRD MEETING. •

Held on Thursday, June 23rd, 1938, at 10.30 a.m.

Palestine : Petitions (continuation) : Report of the Sub-Committee on Petitions concerning the Plan for the Partition of Palestine, the General Policy of the Mandatory Power and the Suppression of the Disturbances in 1937 and subsequently.

After an exchange of views, *the Commission adopted the conclusions of the Sub-Committee's report* (Annex 13).

Palestine and Trans-Jordan : Observations of the Commission (continuation).

After an exchange of views, *the Commission drew up the text of its observations concerning Palestine* (Annex 31).

TWENTY-FOURTH MEETING.

Held on Thursday, June 23rd, 1938, at 3.30 p.m.

New Guinea : Observations of the Commission.

After an exchange of views, *the Commission adopted the text of its observations concerning New Guinea* (Annex 31).

Procedure in the Council for hearing the Representatives of Committees.

M. DE HALLER pointed out that the Council had slightly modified the procedure hitherto adopted for hearing the representatives of Committees. In future, they would not, as a general rule, be called upon *ex officio* to come to the Council table, but only when the Rapporteur of the Council, for special reasons, made such a request to the Secretary-General.

The CHAIRMAN hoped a decision would not be left to the last minute and that the representative of the Commission would be spared an unnecessary journey.

He regretted that he was obliged to leave before the end of the meeting ; before doing so, he wished most sincerely to thank his colleagues and the Director and members of the Mandates Section for their assistance.

M. RAPPARD, on behalf of his colleagues, thanked and congratulated the Chairman on the decision, tact and composure with which he had presided over the Commission's discussions.

¹ See Minutes of the Twenty-fifth Session of the Commission, page 147.

Representation of the Commission at the Session of the Council in September 1938.

The Commission decided that should it be invited to be represented at the Council session opening on September 9th, 1938, that duty would be fulfilled by the Chairman or, failing him, by the Vice-Chairman.

(M. Rappard, Vice-Chairman, took the Chair.)

Tanganyika Territory : Petition, dated September 30th, 1937, from Mr. S. V. Cooke, Mombasa (Kenya).

After an exchange of views, the Commission adopted the conclusions of M. Palacios' report (Annex 28).

Adoption of the List of Annexes to the Minutes of the Session.

The list of annexes was adopted.

Examination of the Draft Report of the Commission to the Council.

After an exchange of views, the Commission adopted the text of its report to the Council on the work of its thirty-fourth session (Annex 31).

Programme of Work for the Next Session of the Commission.

The Commission decided to instruct the Director of the Mandates Section to consult the Chairman by letter.

Close of the Session.

The CHAIRMAN, after endorsing M. Orts' expression of thanks, declared the session closed,

ANNEX I.

LIST OF DOCUMENTS¹ FORWARDED TO THE SECRETARIAT BY THE MANDATORY POWERS SINCE THE LAST EXAMINATION OF THE REPORTS RELATING TO THE FOLLOWING TERRITORIES :

- | | |
|--|------------------------------|
| A. <i>Palestine and Trans-Jordan.</i> | D. <i>Nauru.</i> |
| B. <i>Tanganyika Territory.</i> | E. <i>New Guinea.</i> |
| C. <i>Togoland under French Mandate.</i> | F. <i>South West Africa.</i> |

A. PALESTINE AND TRANS-JORDAN.

Annual Report and Legislation.

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Palestine and Trans-Jordan for the Year 1937.
2. Ordinances, Regulations, Rules, Orders and Notices ; Annual Volume for 1937.
Volume I : Ordinances ;
Volumes II and III : Regulations, Rules, Orders and Notices.
3. Legislation enacted in Trans-Jordan during 1937 (English translation from the Arabic) (with index for years 1918-1937).

Various Official Publications and Documents.

1. The Quarterly Report of the Department of Antiquities in Palestine² :
Volume V, Index ;
Volume VI, 3, 4, Index ;
Volume VII.
2. Agreement between the Post Office of Palestine and the Post Office of Yugoslavia for the exchange of parcels by parcel post.²
3. Department of Migration. Annual Report, 1937.²
4. Letter, dated March 17th, 1938, from the United Kingdom Government communicating a Despatch from the Secretary of State for the Colonies to the High Commissioner for Palestine, concerning the Control of Immigration into Palestine for the Six Months following March 31st, 1938 (document C.P.M.2014) (Annex 3 of the present Minutes).
5. Palestine Official Gazette.²

B. TANGANYIKA TERRITORY.

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 1937.
2. Ordinances enacted during the Year 1937.

Various Official Publications and Documents.

1. Blue Book for the Year ended December 31st, 1936.
2. Department of Agriculture : Annual Report, 1936.
3. Annual Report of the Education Department, 1936.
4. Sixteenth Annual Report of the Forest Department, 1936.
5. Game Preservation Department : Annual Report, 1936.
6. Annual Reports of the Judicial Department, 1936, 1937.

¹ (a) The documents mentioned in this list have been sent to the Secretariat for the use of the Permanent Mandates Commission. Unless otherwise indicated, the Members of the Commission should have received a copy of all these documents.

The annual reports and copies of laws, etc., are available only in the language in which they have been published by the mandatory Powers.

(b) The petitions forwarded by the mandatory Powers, together with their observations on those petitions and on the petitions communicated to them by the Chairman of the Permanent Mandates Commission in accordance with the Rules of Procedure in force, are not mentioned in the present list. These documents are enumerated in the agenda of the Commission's session.

² Kept in the archives of the Secretariat.

7. Department of Lands and Mines : Annual Report, 1936.
8. Annual Reports of the Provincial Commissioners on Native Administration, 1937.
9. Annual Report on the Administration of the Police, 1936.
10. Annual Report on the Administration of the Prisons, 1936.
11. Annual Report of the Public Works Department, 1936.
12. Annual Report of the Post and Telegraphs Department of Kenya, Uganda and Tanganyika Territory, 1936.
13. Report of the General Manager on the Administration of the Railways and Ports Services for the Year ended December 31st, 1936.
14. Report on the Audit of the Accounts of the Tanganyika Railways and Ports Services for the Year ended December 31st, 1936.
15. Annual Report by the Treasurer for the Financial Year ended December 31st, 1936.
16. Annual Report on the Audit of the Accounts of the Treasurer for the Year ended December 31st, 1936.
17. Annual Report of the Department of the Veterinary Science and Animal Husbandry, 1936.
18. Ninth Annual Report of the East African Agricultural Research Station, Amani, 1936/37.
19. Annual Medical and Sanitary Report for the Years ended December 31st, 1935 and 1936, including the Annual Reports of the Medical Laboratory, Dar-es-Salaam.
20. Higher Education in East Africa. Report of the Commission appointed by the Secretary of State for the Colonies, September 1937.
21. Report of the Committee appointed to consider and advise on Questions relating to the Supply and Welfare of Native Labour in the Tanganyika Territory.
22. Report on the Control of the Natural Waters of Tanganyika and the Framework of a Water Law on which Such Control should be based, by F. E. Kanthack, C.M.G., M.Inst.C.E., M.I.Mech.E., F.R.S. (S.A.), Consulting Engineer.
23. Tanganyika Notes and Records—Nos. 3 and 4, 1937.
24. Three medical pamphlets.
25. Minutes of Meetings of the Legislative Council of Tanganyika Territory held on April 18th, October 18th, 19th, 20th, 21st, 22nd and 23rd, November 23rd, 24th and 26th, and December 4th, 9th and 10th, 1937, and March 29th, 1938.
26. Letter, dated March 31st, 1938, from the United Kingdom Government to the Secretary-General of the League of Nations on the Subject of the Wording of the Preamble to Orders-in-Council applied to Tanganyika (document C.P.M. 2018) (Annex 4 of the present Minutes).
27. The Tanganyika Territory Gazette.¹

C. TOGOLAND UNDER FRENCH MANDATE.

Annual Report and Legislation.

Annual Report by the French Government to the Council of the League of Nations on the Administration under Mandate of the Territory of Togoland for the Year 1937 (legislation annexed hereto).

Various Official Publications.

1. Local Budget.
Annexed Budget for Railways Operations and Wharves.
Annexed Budget from Loan Funds :
Financial Year 1937.
2. Official Gazette of the Territory of Togoland under French Mandate.¹

D. NAURU.

Annual Report and Legislation.

Report to the Council of the League of Nations on the Administration of Nauru during the Year 1937 (legislation annexed hereto).

Various Official Publications :

- Official Gazette of Nauru.¹

¹ Kept in the archives of the Secretariat.

E. 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, 1936, to June 30th, 1937.
2. Laws of the Territory of New Guinea : Volume XIII : Years 1934, 1935 and 1936.
3. Ordinances Nos. 24-32, 1937.

Various Official Publications.

1. Copies of the Reports in respect of the Year 1936/37 that have been submitted to the Administrator of New Guinea by the Following Religious Missions operating in the Territory :
 - (a) Catholic Mission of the Divine Word, Central New Guinea ;
 - (b) Catholic Mission of Vunapope, Rabaul ;
 - (c) Marist Mission, Kieta ;
 - (d) Lutheran Mission, Finschhafen ;
 - (e) Methodist Missionary Society of New Zealand ;
 - (f) Methodist Missionary Society of Australasia ;
 - (g) Mission of Seventh-Day Adventists ;
 - (h) Anglican Mission, District of Au Gasmata ;
 - (i) Liebenzell Mission.
2. Sketch Plan of the Demonstration Plantation at Keravat (*cf.* Report on the Administration of the Territory of New Guinea, 1936/37, Sections 237-255).¹
3. Map showing Route followed by Patrol Officer L. G. Vial (*cf.* Report on the Administration of the Territory of New Guinea, 1936/37, pages 143-146).¹
4. The New Guinea Agricultural Gazette : Volumes 1 to 4, Years 1935-1938.¹
5. Report on the Forest Resources of the Territories of Papua and New Guinea, by C. E. Lane-Poole, 1925.¹
6. Recruiting in the Mandated Territory of New Guinea and its Influence on the National Life of the Natives, by G. Pilhofer.
7. Reply to Pilhofer's Treatise. Tables of Comparative Statistics : Birthplace of Labourers working on the Morob Goldfield from 1925 to 1936.
8. Public Notice referring to Measures of Safety to be taken in case of an Expected Outbreak of Volcanic Activity.
9. Official Gazette of New Guinea.¹

*Document handed in by the Accredited Representative to the Commission at the Seventeenth Meeting of its Thirty-fourth Session on June 20th, 1938.*¹

Anthropological Research in Australia and the Western Pacific, 1927-1937, by A. P. Elkin.

F. 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 1937.
2. The Laws of South West Africa, 1936.

Various Official Publications.

1. Accounts of the Administration of South West Africa for the Financial Year 1936/37, together with the Report of the Controller and Auditor-General thereon.
2. Estimates of the Revenue to be collected and of the Expenditure to be defrayed from Revenues and Loan Funds during the Year ending March 31st, 1939.
3. Report of the Board of Management of the Land and Agricultural Bank of South West Africa for the Year ended December 31st, 1937.
4. Map of the Territory 1 : 800,000 ; Native Reserves.¹
5. Official Gazette of South West Africa.¹

¹ Kept in the archives of the Secretariat.

ANNEX 2.

AGENDA OF THE THIRTY-FOURTH 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 1938/39.
- III. Examination of the Annual Reports of the Mandatory Powers :¹
 - Palestine and Trans-Jordan, 1937.
 - Syria and Lebanon, 1937.²
 - Tanganyika Territory, 1937.
 - Togoland under French Mandate, 1937.
 - Nauru, 1937.
 - New Guinea, 1936/37.
 - South West Africa, 1937.
- IV. Petitions :
 - A. Petitions rejected by the Chairman as not deserving the Commission's attention :
Report by the Chairman (document C.P.M.2076 (1)).
 - B. Petitions to be examined :
 - i. Palestine.
 - (a) Petition, dated July 1936, from the "Nessiut" (Presidency) of the New Zionist Organisation, London, forwarded on August 14th, 1936, by Dr. H. Levi, Member of the "Nessiut" (document C.P.M.1839).
Observations of the United Kingdom Government, dated April 30th, 1937, and March 18th, 1938 (documents C.P.M.1892 and 2016).
(Rapporteur : M. Rappard.)
 - (b) Petition, dated February 25th, 1937, from the Native Races and the Liquor Traffic United Committee, London (document C.P.M.1890).
Observations of the United Kingdom Government, dated October 12th, 1937 (document C.P.M.1947).
(Rapporteur : M. Sakenobe.)
 - (c) Petition, dated July 28th, 1937, from M. Asa Whitney, Sarisbury Green (Hants), England (document C.P.M.1930).
Observations of the United Kingdom Government, dated February 15th, 1938 (document C.P.M.2013).
(Rapporteur : Count de Penha Garcia.)
 - (d) Letter, dated August 12th, 1937, from M. Mohammad Amin Husseini, former President of the Supreme Arab Committee, Jerusalem, transmitted on October 27th, 1937, by the United Kingdom Government with its observations (document C.P.M.1965).
(Rapporteur : Mlle. Dannevig.)
 - (e) Petition, dated January 1938, from the "Nessiut" (Presidency) of the New Zionist Organisation, London, transmitted on January 18th, 1938, by Mr. A. Abrahams, Political Secretary (document C.P.M.2012).
Observations of the United Kingdom Government, dated June 3rd, 1938 (document C.P.M.2047).
(Rapporteur : M. Palacios.)
 - (f) Letter, dated May 4th, 1938, from the President of the Jewish Agency for Palestine, accompanying a Memorandum on the Development of the Jewish National Home in Palestine, in 1937, transmitted on May 27th, 1938, by the United Kingdom Government with its observations (document C.P.M.2028).
(Rapporteur : Count de Penha Garcia.)

¹ The examination of the annual report on the Cameroons under French mandate has been deferred to the autumn session.

² The examination of the report on the situation in Syria and Lebanon in 1937 has been deferred to the autumn session : see pages 14.

- (g) Petition, dated July 27th, 1937, from M. Justin Godart, Chairman of the Committee for the Defence of the Rights of Jews in Central and Eastern Europe, Paris (document C.P.M.1925).¹
Observations of the United Kingdom Government, dated October 11th, 1937 (document C.P.M.1946).
- (h) Petition, dated July 29th, 1937, from M. Shukry Eff-Taji, Chairman of the Arab Committee of the Citrus Fruits Industry, Jaffa, transmitted on August 25th, 1937, by the United Kingdom Government (document C.P.M.1940).
Observations of the United Kingdom Government, dated November 15th, 1937 (document C.P.M.1999).
- (i) Petitions, dated July 13th, 1937 :
(1) From the Arab Women's Committee, Jerusalem ;
(2) From the Jerusalem National Committee ;
transmitted on August 14th, 1937, by the United Kingdom Government (document C.P.M.1941).
- (j) Petition, dated July 18th, 1937, from Mgr. Gregorius Hajjar, Metropolitan of Acre, Haifa and Nazareth, Haifa, transmitted on October 5th, 1937, by the United Kingdom Government (document C.P.M.1943).
- (k) Telegram, dated September 13th, 1937, from the Arab Higher Committee, Jerusalem, transmitted on September 16th, 1937, by the United Kingdom Government (document C.P.M.1944).
- (l) Petition, dated October 2nd, 1937, from M. Dahter, Secretary-General of the " Comité syro-palestinien ", Cairo (document C.P.M.1949).
Observations of the United Kingdom Government, dated December 9th, 1937 (document C.P.M.2004).
- (m) Petition, dated July 14th, 1937, from the Arab Chamber of Commerce, Jerusalem, transmitted on November 1st, 1937, by the United Kingdom Government with its observations (document C.P.M.1966).
- (n) Petitions, dated :
(1) July 10th, 1937, from the President of the Arab Committee, Jaffa ;
(2) June 14th, 1937, from Ahmad Effendi Shuqair, Acre ;
(3) July 21st, 1937, from M. Mohammad Al-Hadi Al-Yasharti, Acre ;
transmitted on October 21st, 1937, by the United Kingdom Government with its observations (document C.P.M.1967).
- (o) Petition, dated July 21st, 1937, from M. Attia Jweid, Hulah Area (Northern Palestine), transmitted on November 3rd, 1937, by the United Kingdom Government with its observations (document C.P.M.1976).
- (p) Petition (undated) from M. Kamel Husein Yousef and other signatories, Hulah Area (Northern Palestine), transmitted on November 17th, 1937, by the United Kingdom Government with its observations (document C.P.M.2001).
- (q) Petition (undated) from M. Naf'i Deeb Missilya, and other Inhabitants of villages in the Jenin sub-district, transmitted on November 18th, 1937, by the United Kingdom Government with its observations (document C.P.M.2002).
- (r) Petition, dated November 2nd, 1937, from Ragheb Bey Nashashibi, President of the National Defence Party, Jerusalem, transmitted on January 5th, 1938, by the United Kingdom Government with its observations (document C.P.M.2005).
- (s) Petition, dated August 21st, 1937, from M. Anton Yacoub Al-'Ama, Bethlehem, transmitted on January 8th, 1938, by the United Kingdom Government with its observations (document C.P.M.2007).
- (t) Petition, dated November 15th, 1937, from Ragheb Bey Nashashibi, President of the National Defence Party, Jerusalem, transmitted on January 26th, 1938, by the United Kingdom Government with its observations (document C.P.M.2008).

¹ The petitions (g) to (w) inclusive were entrusted for examination to a Sub-Committee composed of M. van Asbeck, M. Rappard and Count de Penha Garcia (see Minutes, pages 27).

- (u) Petitions, dated October 26th, November 11th and 16th, 1937, from Hamad Hilmy Pasha and other members of the former Arab Higher Committee, now in the Seychelles, transmitted on January 27th, 1938, by the United Kingdom Government with its observations (documents C.P.M. 2011 and 2011(a)).
Supplementary observations of the United Kingdom Government, dated April 20th, 1938 (document C.P.M.2019).
- (v) Petitions, dated :
(1) February 17th, 1938, from the Arab Women's Committee, Jerusalem ;
(2) February 5th, 1938, from a delegation of Arab Ladies of Jerusalem, transmitted on April 28th, 1938, by the United Kingdom Government with its observations (document C.P.M.2020).
- (w) Petition, dated August 15th, 1937, from M. Jacob H. Salavan, Bnei-Brak, transmitted on May 18th, 1938, by the United Kingdom Government with its observations (document C.P.M.2024).
(Rapporteurs : M. van Asbeck, M. Rappard, Count de Penha Garcia.)

2. Syria and Lebanon.

- (a) Petitions (eight in number) concerning the Sanjak of Alexandretta, transmitted on November 6th, 1937, by the French Government with its observations (document C.P.M.1972).¹
(Rapporteur : Mlle. Dannevig.)
- (b) Petitions (four in number) relating to the question of Syrian Unity, transmitted on November 6th, 1937, by the French Government with its observations (document C.P.M.1973).²
(Rapporteur : M. Sakenobe.)
- (c) Petition, dated November 5th, 1937, from M. Abdel Kader and M. Fouad Ghandour, Beirut, transmitted in December 1937 by the French Government with its observations (document C.P.M.2003).
(Rapporteur : Count de Penha Garcia.)
- (d) Petition, dated December 27th, 1937, from M. Michel Sayur, Rome, and other Heirs of the late Antoun Youssef Sayur, submitted through the Agency of Maître Emile Zalzal, Advocate, Beirut (document C.P.M. 2010).
Observations of the French Government dated June 4th, 1938 (document C.P.M.2033).
(Rapporteur : Lord Hailey.)
- (e) Petition, dated September 25th, 1937, from M. Kassem Moustapha, M. Khaled Hamad El-Khatib and other signatories of the El-Arkoub district, transmitted on May 24th, 1938, by the French Government with its observations (document C.P.M.2025).
(Rapporteur : M. Palacios.)
- (f) Petition, dated October 24th, 1937, from M. Sami Slim, Tripoli, transmitted on May 24th, 1938, by the French Government with its observations (document C.P.M.2026).
(Rapporteur : M. Sakenobe.)
- (g) Petitions (five in number) dated September 25th, December 10th, 14th and 15th, 1937, and January 9th, 1938; from Inhabitants of Damascus and Homs, transmitted on May 27th, 1938, by the French Government with its observations (document C.P.M.2027).
(Rapporteur : Count de Penha Garcia.)
- (h) Petition, dated March 1938, from M. Khaled Daghestani, Homs, and other Circassians of the Mohafazats of Homs and Hama, transmitted on May 31st, 1938, by the French Government with its observations (document C.P.M.2030).
(Rapporteur : M. Sakenobe.)
- (i) Petitions relating to the legislative elections which took place in the Mohafazat of Latakia in October 1937, transmitted on May 30th, 1938, by the French Government with its observations (document C.P.M.2031).
(Rapporteur : M. Palacios.)

¹ See Minutes of the Thirty-third Session of the Commission, page 138.

² The examination of this petition has been postponed (see Minutes, page 189).

- (j) Petitions (sixteen in number) concerning the Sanjak of Alexandretta, transmitted on May 31st, 1938, by the French Government with its observations (document C.P.M.2032).¹
(Rapporteur : Mlle. Dannevig.)
- (k) Petitions, dated December 2nd and 15th, 1937, from M. Rachid Youssef Beidoun, from M. Ibrahim Fayad and other signatories, Beirut, transmitted on June 2nd, 1938, by the French Government with its observations (document C.P.M.2034).
(Rapporteur : M. Palacios.)
- (l) Petition, dated November 10th, 1937, from Father Jirji Douna, Homs, transmitted on June 2nd, 1938, by the French Government with its observations (document C.P.M.2035).
(Rapporteur : Mlle. Dannevig.)
- (m) Petition, dated November 12th, 1937, from M. Elias El-Youssef and Attie Et-Taher, Damascus, transmitted on June 2nd, 1938, by the French Government with its observations (document C.P.M.2036).
(Rapporteur : M. van Asbeck.)
- (n) Petition, dated November 25th, 1937, from M. Mohammed Adib Khaled and other signatories, Tripoli, transmitted on June 2nd, 1938, by the French Government with its observations (document C.P.M.2037).
(Rapporteur : M. Sakenobe.)
- (o) Petitions (fifteen in number) from Inhabitants of Upper Jezireh, transmitted on June 2nd, 1938, by the French Government with its observations (document C.P.M.2038).
(Rapporteur : M. Sakenobe.)
- (p) Petitions (four in number) from Chaker Nimet Bey El Chaabani, Beirut, transmitted on June 3rd, 1938, by the French Government with its observations (document C.P.M.2039).¹
(Rapporteur : Count de Penha Garcia.)
- (q) Petitions, dated August 14th and October 27th, 1937, from Dr. Antoine Chalfoun, Beirut, transmitted on June 7th, 1938, by the French Government with its observations (document C.P.M.2041).
(Rapporteur : M. Palacios.)

3. Tanganyika Territory.

- (a) Petition, dated September 30th, 1937, from Mr. S. V. Cooke, Mombasa (Kenya) (document C.P.M.2006).
Observations of the United Kingdom Government, dated May 2nd, 1938 (document C.P.M.2021).
(Rapporteur : M. Palacios.)
- (b) Petition, consisting of two resolutions passed on September 25th, 1937, at a meeting of the Indians at Dar-es-Salaam, (held under the auspices of the Indian Association), transmitted on April 4th, 1938, by the United Kingdom Government with its observations (document C.P.M.2017).
(Rapporteur : M. Giraud.)

4. Togoland under British Mandate.

- Petition, dated August 9th, 1937, from M. Johann A. Agboka, President of the "Bund der Deutsch Togoländer", Accra, transmitted on April 29th, 1938, by the United Kingdom Government with its observations (document C.P.M.2022).
(Rapporteur : Count de Penha Garcia.)

¹ The examination of this petition has been postponed (see Minutes, page 191).

ANNEX 3.

PALESTINE.

DESPATCH FROM THE SECRETARY OF STATE FOR THE COLONIES TO THE HIGH COMMISSIONER FOR PALESTINE, CONCERNING THE CONTROL OF IMMIGRATION INTO PALESTINE FOR THE SIX MONTHS FOLLOWING MARCH 31ST, 1938.

LETTER, DATED MARCH 17TH, 1938, FROM THE UNITED KINGDOM GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

I am directed by Viscount Halifax to transmit to you, for communication to the Permanent Mandates Commission, the accompanying copy of a despatch from the Secretary of State for the Colonies to the High Commissioner for Palestine, conveying the decision of His Majesty's Government with regard to the control of immigration into Palestine for the six months following March 31st, 1938.

(Signed) LACY BAGGALLAY.

* * *

London, 10th March, 1938.

To the High Commissioner for Palestine,
Sir Harold MacMichael, K.C.M.G., D.S.O.,
Jerusalem.

I have the honour to inform you that His Majesty's Government have recently had under consideration the question of the procedure to be adopted for the regulation of Jewish immigration into Palestine on the expiry of the special restrictions which have been imposed for the eight months period August 1937 to March 1938, in accordance with the terms of paragraph 6 of the Statement of Policy of July last (Cmd.5513).

2. I desire, in the first place, to explain the grounds on which His Majesty's Government felt it necessary to propose, in the Statement of Policy, that Jewish immigration during the eight months period August 1937 to March 1938 should be subject to an overriding maximum of 8,000. You will be aware that in Part II (Chapter X) of their report, the Royal Commission recommended that a "political high level" of Jewish immigration should be laid down by His Majesty's Government and that the high level for the next five years should be fixed at 12,000 per annum. But Part II of the report presupposed the continuance in operation of the existing mandate and its major recommendations have not yet been adopted by His Majesty's Government, who came to the conclusion that the best and most hopeful solution lay in a scheme of partition on the lines recommended in Part III of the Royal Commission's report.

3. It was clear that the decision of His Majesty's Government in favour of the policy of partition could not be translated into action until after a further period of investigation and preparation, and it became necessary to consider the question of the steps to be taken to regulate Jewish immigration during the interim period. In Chapter XXII of their report, the Commission dealt with the transition period "in the immediate future if it should be agreed to terminate the mandate and establish a treaty system on a basis of partition". For this period the Commission proposed that, instead of the "political high level", there should be a territorial restriction on Jewish immigration. "No Jewish immigration into the Arab area should be permitted . . . The volume of Jewish immigration should be determined by the economic absorptive capacity of Palestine less the Arab area."

4. The Commission had not, however, made any recommendation with regard to the control of immigration during the immediate interim period between the issue of the Statement of Policy and a final decision with regard to partition. As the prospective boundaries of the Arab and Jewish areas could not be predicted and must remain uncertain until a decision has been taken on the report of the new Commission which will shortly visit Palestine, it was not practicable to adopt the procedure recommended by the Royal Commission in respect of the "transition period" to which they refer in Chapter XXII of their report.

5. Seeing that the declared object of their policy, as set out in the White Paper of July last, was a scheme of partition under which Jewish immigration would be confined to a limited area, His Majesty's Government felt that it was impossible, during the interim period of preparatory investigation, to allow immigration to be determined by the economic absorptive capacity of the whole of Palestine, and that a temporary and admittedly arbitrary restriction

of immigration was inevitable. It was in accordance with this view that an overriding limit of 8,000 immigrants was laid down for the eight months August 1937 to March 1938, and powers for this purpose were conferred upon the High Commissioner by the addition of a new section (5 A) to the Immigration Ordinance.

6. Section 5 A of the Immigration Ordinance, which empowers the High Commissioner to prescribe the maximum aggregate number of foreigners to be admitted to Palestine as immigrants during any specified period, to prescribe categories and to fix the maximum number of persons to be admitted in respect of each category, expires on March 31st, 1938, "or on such later date as the High Commissioner in Council, with the approval of the Secretary of State, by notice in the *Gazette* may appoint". After full consideration, His Majesty's Government have decided that there has been no such change in the situation since August as would justify withdrawal from the High Commissioner of the powers of prescription conferred upon him by Section 5 A, and that the validity of this section should be extended for a further period of twelve months. If, at the end of that period, it is still considered essential that the High Commissioner should retain these additional powers, the necessary legislation will be enacted. At the same time, His Majesty's Government desire to make it known that it is their intention, once the boundaries of the various areas under an equitable and practicable scheme of partition have been defined and so long as the existing mandate continues in operation, that the entry of Jewish immigrants shall be regulated, so far as concerns the non-Arab areas, by the principle of economic absorptive capacity.

7. Consideration has also been given to the question of the specific application after March 31st next of the powers conferred by Section 5 A of the Immigration Ordinance. This section is purely permissive, and His Majesty's Government have decided that, in the first instance, the power of prescription should be exercised by the High Commissioner for a period of six months only—from April to September 1938—leaving open for later consideration the procedure to be adopted after that date.

8. As regards the restrictions to be imposed, the attention of His Majesty's Government has been drawn to various representations received from the Jewish Agency and from other sources; and they realise that there is considerable force in the contentions which have been submitted in favour of the more generous admission, on economic grounds, of persons of independent means and, on grounds of humanity, of the class of dependant defined in Section 2 (1) of the Immigration Ordinance—that is to say, wives and children of immigrants.

9. With these considerations in mind, and with a view to diminishing to some extent the element of arbitrariness which is involved under present temporary arrangements while at the same time avoiding any considerable change in the total rate of immigration in the immediate interim period, His Majesty's Government have decided that the following procedure shall be adopted for the six months period April-September 1938 :

(a) *Persons of Independent Means* (Category A (i) — capital of £1,000).

His Majesty's Government have decided that 2,000 shall be fixed as the maximum number of immigrants of this category. There will, however, be no objection to the admission, if you see fit, within this quota, of ten pensioners (Category A (iv)) and twenty agricultural settlers with capital of not less than £500 (Category A (v)), whose admission was recommended by your predecessor. Categories A (ii) (members of professions with capital of £500) and A (iii) (persons skilled in trades or crafts with capital of £250) will remain closed.

(b) *Students* (Category B (iii)).

Students as defined in Category B (iii)—that is to say, "any student whose admission to an educational institution in Palestine and whose maintenance is assured until such time as he is able to support himself", will be admitted without numerical restriction, subject to compliance with the conditions imposed in the Immigration Regulations. Categories B (i) (orphans) and B (ii) (persons of religious occupation) will remain closed.

(c) *Labour Immigrants* (Category C).

I understand that, according to estimates prepared by the Government of Palestine Arab unemployment in seven selected towns amounted to 21,000, and Jewish unemployment (combining whole and part time unemployment) amounted to 12,000 on December 31st last. In the circumstances, it is obvious that at the present time the admission of additional immigrants of the labour class is not justifiable. His Majesty's Government have, however, approved of your fixing a quota of 1,000 for this category, on the understanding that it will be left to you to decide, in the light of economic circumstances, whether any labour immigration shall be permitted during the six months period, and if so, when and to what extent.

(d) *Dependants* (Category D).

Near dependants, as defined in Section 2 (1) of the Immigration Ordinance—that is to say, wives and children, both of new immigrants and of immigrants who have already entered the country legally—will be admitted without numerical restriction, subject to proper enquiry and investigation. As regards other dependants (parents, etc.), a quota of 200 will be allowed in order to meet individual cases of exceptional hardship.

10. I shall be obliged if you will take such legal and administrative action as is necessary to give effect to these decisions. You may furnish the Jewish Agency with a copy of this despatch, which should also be published in the *Gazette*.

(Signed) W. ORMSBY-GORE.

C.P.M.2018.

ANNEX 4.

TANGANYIKA TERRITORY.

LETTER, DATED MARCH 31ST, 1938, FROM THE UNITED KINGDOM GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS ON THE SUBJECT OF THE WORDING OF THE PREAMBLE TO ORDERS-IN-COUNCIL APPLIED TO TANGANYIKA.

I am directed by Viscount Halifax to refer to the letter from this department No. W 170/170/98 of January 12th, 1928,¹ on the subject of the wording of the preamble to Orders-in-Council applied to Tanganyika.

2. In this letter, it was stated that steps would be taken to ensure that reference to the mandate would be made in any future Order-in-Council dealing with the Territory. This assurance was given in view of the following remark by the Permanent Mandates Commission included in their "General Observations" on the annual report of Tanganyika of 1926²:

"The preamble to the 'Tanganyika (Legislative Council) Order-in-Council 1926' refers specifically (as enabling His Britannic Majesty to make such an Order) to the stipulation in the Foreign Jurisdiction Act, 1890, which provides that His Majesty's jurisdiction may be exercised in a foreign country 'in the same and as ample a manner as if His Majesty had acquired that jurisdiction by the cession or conquest of territory'. Reference is also made in the same preamble to the power and jurisdiction which His Majesty has 'by treaty, grant, usage, sufferance, and other lawful means'. The Commission ventures to suggest that specific mention in important Acts of this kind of the fact that the territory is governed under mandate on behalf of the League of Nations would make its status and the basis of the jurisdiction of the mandatory Power therein clearer."

3. It will be observed that while the suggestion of the Commission referred only to important Acts, the assurance given in the letter from this department under reference applied to all future Orders-in-Council. This wording was inadvertent, and Lord Halifax is advised that it has given rise to practical difficulties, since in amending Orders of an unimportant character it is usually unnecessary to refer in the preamble to anything but the existence of the principal Order. His Majesty's Government therefore intend in future to conform to the suggestion made by the Permanent Mandates Commission in the observations quoted above, and only to insert a reference to the mandate in important Orders-in-Council.

4. Lord Halifax would be grateful if the foregoing observations could be brought to the notice of the Members of the Permanent Mandates Commission.

(Signed) D. F. HOWARD.

Notes by the Secretariat of the League of Nations:

¹ See *Official Journal*, IXth Year, No. 3, March 1928, page 329.

² See Minutes of the Eleventh Session of the Commission (document C.348.M.122.1927.VI, page 202).

ANNEX 5.

PETITIONS REJECTED UNDER ARTICLE 3 OF THE RULES OF
PROCEDURE IN RESPECT OF PETITIONS.

REPORT BY THE CHAIRMAN.

I have the honour, in conformity with the terms of Article 3 of the Rules of Procedure, to submit the following report on petitions received since our thirty-third session which I do not regard as satisfying the conditions of admissibility required by the Rules of Procedure in respect of petitions concerning mandated territories :

PALESTINE AND TRANS-JORDAN.

1. Letter, dated October 23rd, 1937, from M. Randerer, General Secretary of the Young Muslim Debating Society, Durban (South Africa).
2. Letter, dated December 11th, 1937, from Hamad El Bassel Pasha, Deputy in the Egyptian Parliament, transmitting copy of a letter, dated November 21st, 1937, signed by fifty-nine Egyptian Deputies and addressed to the British Ambassador, Cairo ;
3. Telegram, dated December 28th, 1937, from the Women's Arab League, Highlandpark (United States of America).

These communications, which relate to the measures taken against Arab organisations and chiefs in Palestine, merely reproduce a recent petition and do not contain any new information.

C.P.M.2074.

ANNEX 6. .

PALESTINE.

COMMUNICATIONS FROM PRIVATE SOURCES RECEIVED ON THE OCCASION
OF THE EXAMINATION OF THE PROBLEM OF THE STATUS OF PALESTINE.

*Third Supplementary List.*¹

1. M. Abraham Altabeb, former Rabbi, Sofia. — Letter dated September 27th, 1937.
2. M. Kaisum Haji N. Gidimaiz, Honorary Secretary-General of the All India Memon Conference, Dhoraji (India). — Letter dated November 9th, 1937.
3. M. David H. Asriel, Engineer, Belgrade. — Letter dated December 17th, 1937.
4. The President of the " Fédération sioniste de Grèce," Salonica. — Letter dated February 6th, 1938.
5. M. Natim Essir, Young Muslims Association, Baghdad. — Letter dated May 7th, 1938.
6. M. Mohammed Salih El Qizaz, Head of the Association of the Workers of Iraq, Baghdad. — Letter dated May 9th, 1938.

C.P.M.2082(1).

ANNEX 7.

PALESTINE.

PETITION, DATED JULY 1936, FROM THE " NESSIUT " (PRESIDENCY) OF THE
NEW ZIONIST ORGANISATION, LONDON, FORWARDED ON AUGUST 14TH, 1936,
BY DR. H. LEVI, MEMBER OF THE " NESSIUT ".

REPORT BY M. RAPPARD.

This petition was communicated on August 14th, 1936, to the Chairman of the Mandates Commission in a letter from Dr. H. Levi, a member of the Presidency of the New Zionist Organisation. The petition, declared to be admissible after the Chairman of the Mandates

¹ For the previous lists, see Minutes of the Thirty-second (Extraordinary) Session of the Commission, pages 222-225, and Minutes of the Thirty-third Session, page 172.

Commission had consulted his colleagues, was communicated to the Government of the mandatory Power on November 18th, 1936. On April 30th, 1937, the United Kingdom Government informed the Secretary-General of the League that it would prefer not to offer any observations until it had received and considered the report of the Royal Commission on Palestine. On March 18th, 1938, the United Kingdom Government informed the Secretary-General that it did not think it necessary to offer any observations on this petition in view of its previous statements of its policy in Palestine.

The petition comprises : (a) A letter (thirteen pages) from Dr. H. Levi to the Chairman of the Commission, and (b) A memorandum (thirty-four pages) entitled " The Meaning of the Palestine Mandate ", designed to prove that the intention of the authors of the Palestine mandate and the Balfour Declaration could only have been to prepare for the establishment of a Jewish State.

In his letter, Dr. Levi attempts first of all to demonstrate that, in rejecting the previous petitions from Mr. Weinshall, the Mandates Commission made a mistake and stultified itself. He then lays stress upon the importance which, in his view, attaches to the question of the correct interpretation of the fundamental principle of the Palestine mandate, and seeks to show that the only interpretation that can be held correct is that it was always intended that the mandated territory should become a Jewish State. His reasoning on this point amounts to the following syllogism :

Either the mandate must go on indefinitely, or it must sooner or later come to an end ; when it comes to an end, it can be replaced only by an Arab State or a Jewish State. Now, nobody can maintain either that the mandate ought to go on indefinitely or that it was meant to prepare the way for the establishment of an Arab State.

Ergo, the purpose of the mandate can only be held to be the creation of a Jewish State.

The petitioner's memorandum itself takes the form of a plea on historical and legal grounds in favour of the same thesis.

I see no object in going through these two documents point by point. In the first place, I do not feel called upon to defend the Commission against the criticisms in the earlier part of Dr. Levi's letter. What the Commission has to judge is not its own procedure and previous decisions, but only the policy of the mandatory Power.

As to that policy, it is obviously passing through a process of evolution ; but neither under the mandatory regime as conducted before the mandatory Power decided, in consequence of the Royal Commission's report, to consider partition, nor since, has the Council of the League ever accepted the petitioner's view of the interpretation of the mandate. On the contrary, it has always unanimously endorsed the interpretation that, while the mandate was intended to facilitate the establishment of a Jewish National Home in Palestine, it did not make it incumbent on the mandatory Power to establish a Jewish State there. Now, since the Government of the mandatory Power, which issued the Balfour Declaration, and the Council, which decided the terms of the mandate, have always been at one in rejecting the interpretation of their intentions which the petitioners uphold, further discussion of the point seems superfluous ; for it is surely evident that, even had the terms of the Balfour Declaration and the mandate been in themselves more favourable to the petitioner's thesis than they actually are, the responsible authors of those public acts are themselves the best judges of their interpretation.

If my colleagues agree with this view, they might signify the fact by adopting the following conclusion :

" The Commission,
" Having considered the letter, dated August 14th, 1936, from Dr. H. Levi, and the petition, dated July 1936, from the Presidency of the New Zionist Organisation, London, in the light of the Balfour Declaration, the terms of the mandate, the decisions of the mandatory Power and the Council concerning the Palestine mandate, and the special observations of the mandatory Power :

" Does not feel that any further action need be taken on this petition."

C.P.M.2067(1).

ANNEX 8.

PALESTINE.

PETITION, DATED FEBRUARY 25TH, 1937, FROM THE NATIVE RACES AND THE LIQUOR TRAFFIC UNITED COMMITTEE, LONDON.

REPORT BY M. SAKENOBE.

In a letter, dated February 25th, 1937, to the Secretary-General of the League of Nations, the Native Races and the Liquor Traffic United Committee, London, called the attention of the Mandates Commission to the continued increase in the imports of intoxicating liquors to Palestine. After referring to a question asked in the House of Commons on the subject and also to a tabular statement submitted by the United Kingdom Government to the House

in that connection, the petitioner states that there was an increase in the importation from Syria into Palestine in 1935 of over one million litres as compared with the 1934 figures and that the amount of consumption per head in 1935 was double that of 1933. The petitioner further states that it views with great concern the introduction of Western drinking customs into a country where the majority of the inhabitants are enjoined by their religion to abstain from intoxicants.

In a letter, dated October 12th, 1937, the United Kingdom Government forwarded a memorandum containing its observations on the petition. The memorandum deals at some length with the whole question of importation, production and consumption of intoxicating liquors in Palestine. Three statistical tables are attached :

Table I. — Statistics showing the importation and the home production for local consumption of wine, spirits and beer in Palestine, 1929-1936, with consumption per head of total population, town population and non-Moslem population in each year ;

Table II. — Consumption of beer, wine and spirits per head of population in certain Western countries in the latest available periods ;

Table III. — Number of different persons convicted in Palestine for drunkenness, 1933-1936.

The mandatory Power first draws attention to the fact that Palestine being itself a relatively considerable producer of certain alcoholic liquors, the trend of consumption of alcoholic liquors in Palestine must necessarily be considered on the basis, not so much of the importation, but of the consumption per head of the population of the country. It points out also that it must be borne in mind that the age distribution of the population in Palestine is abnormal, as the result of heavy Jewish immigration in recent years, and that the countries from which many of the immigrants come are heavy consumers of alcoholic liquors, as is shown in Table II. Having taken into consideration all these factors and having compared the figures in the tables, the Mandatory Power comes to the conclusion that, in comparison with other countries of Europe, the per head consumption of intoxicating liquors in Palestine is relatively moderate, even on the assumption that the Moslem population consumed no alcoholic liquors whatever. Referring to the petitioner's statement concerning the increase of imports from Syria, the mandatory Power explains that this is due to the increase in the consumption of beer, which is most marked, the consumption of 0.65 litre per head in 1929 rising to 2.33 litres per head in 1936. These figures, however, it is stated, are still very far below those of the European countries whence the immigrants into Palestine have mainly come. The establishment of a brewery in Syria in 1933 led to a lowering of price in Palestine and to a great increase in the import of Syrian beer in the years 1934-1935. But the Palestine brewery began production in December 1935, and its products released for local consumption in 1936 rose to over 2 million litres, imports from Syria declining from 2,587,830 litres in 1935 to 96,019 litres in 1936. With regard to Moslem abstention from liquor, the mandatory Power states that this is contrary to facts, as is indicated by the fact that " Arak " is an Arabic word and that about half of the spirits consumed in Palestine is " Arak ". The statistics given in Table III also tend to show that this assumption is not justified by the facts.

Having thus examined the petition in the light of the mandatory Power's observations, I propose the adoption of the following conclusion :

" The Commission,

" Having examined the petition, dated February 25th, 1937, from the Native Races and the Liquor Traffic United Committee, London, and the observations of the mandatory Power thereon :

" Considers that no recommendation need be made to the Council in regard to the petition."

ANNEX 9.

C.P.M.2055(I).

PALESTINE.

PETITION, DATED JULY 28TH, 1937, FROM MR. ASA WHITNEY, SARISBURY GREEN (HANTS), ENGLAND.

REPORT BY COUNT DE PENHA GARCIA.

Mr. Asa Whitney submitted a petition to the League of Nations in July 1937, recapitulating the terms of a request addressed in 1934 by himself and six other signatories to the High Commissioner for Palestine and the Government of the United Kingdom. The complaints of the petitioners relate to works in process of erection by the Palestine Electric Corporation

on the Lake of Galilee, which are alleged to desecrate the lake, to impair its beauty and to cause damage to riparian property. The Government of Palestine appointed a Committee to study the question. The Committee found that the Company was empowered, under the terms of its concession, to use the lake as a reservoir for the storage of water for hydro-electrical purposes, on condition that the level of the water was maintained between maximum and minimum limits to be established by agreement with the High Commissioner. For the purpose of determining the two limits, agreed figures were taken as representing the approximate maximum and minimum level of the waters of the lake over a certain number of years. The agreed figures were not, however, to be final. As regards effective damage to riparian property, the petitioner stated that there was a clause in the concession requiring the Company to compensate those concerned. A number of documents in support of these contentions were attached to the petition.

The mandatory Power, in its observations, states that the works in question are works of public utility, and that the authorities have been concerned to safeguard, as far as possible, the natural beauties and religious associations of the Lake. Steps have further been taken to protect the legitimate interests of riparian property owners. Where such protection cannot be afforded, compensation is paid. It also appears from these observations, that the Palestine Government will continue, as far as possible, to take the petitioner's demands into account when the two levels of the lake come to be permanently adopted.

In these circumstances, I propose the adoption by the Commission of the following conclusion :

“ The Commission,
“ Having examined the petition, dated July 28th, 1937, from Mr. Asa Whitney, Sarisbury Green, and the observations of the mandatory Power thereon :
“ Is of opinion that this petition does not call for any special action.”

ANNEX 10.

C.P.M.2046(1).

PALESTINE.

LETTER, DATED AUGUST 12TH, 1937, FROM M. MOHAMMAD AMIN HUSSEINI, FORMER PRESIDENT OF THE SUPREME ARAB COMMITTEE, JERUSALEM.

REPORT BY Mlle. DANNEVIG.

The petition refers to an article published in the *Palestine Post*, Jerusalem, August 8th, 1937, reproduced in the annex to the petition, in which it is reported that Dr. Weizmann, in an address delivered at the Zionist Congress in Zurich, revealed that he had been consulted on the partition plan at a private meeting of the Royal Commission held in Jerusalem. The article adds that Dr. Weizmann had then gone to London, and on his return to Palestine one of the members of the Royal Commission had told him that the members of the Commission realised that the recommendations they would make in their report were not in accordance with the rightful demands of the Jews or the obligations of the United Kingdom towards them, but that the partition plan afforded great possibilities of expansion for the Jewish people. The petitioner complains of the partiality and prejudice shown by the Royal Commission in respect of the Arab point of view, especially because such views were expressed before Arab witnesses had explained Arab grievances and complaints. The petition concludes by saying that the Arabs would be “ justified in taking strong exception to this action ” of the Royal Commission and felt “ strongly aggrieved that their interests, national existence and rights in their country should have been sacrificed at all times by such actions ever since the issue of the Balfour Declaration up to this very moment ”.

The mandatory Power in its observations points out that the address referred to would appear to have been made by Dr. Weizmann, not at the Zionist Congress itself, but on the eve of that Congress, to the Confederation of General Zionists. The Royal Commissioners, it is observed, were clearly entitled to make any enquiry they might consider pertinent to their task, in private sessions and conversations of individual members. Whether Dr. Weizmann made the statement attributed to him or not the Government can neither confirm nor deny. It declares to be fully satisfied as to the complete impartiality of the Royal Commission.

As the utterances complained of are based on a newspaper report of what has been said in secret sessions or in private conversations and meetings, they cannot, in my opinion, be adduced in evidence of the partiality or impartiality of the Palestine Royal Commission.

If my colleagues agree, I propose the adoption of the following conclusion :

“ The Commission,
“ Having examined the petition, dated August 12th, 1937, from M. Mohammad Amin Hussein, former President of the Supreme Arab Committee, Jerusalem, and the observations of the mandatory Power thereon :
“ Considers that this petition does not call for any recommendation to the Council.”

ANNEX II.

PALESTINE.

PETITION, DATED JANUARY 1938, FROM THE "NESSIUT" (PRESIDENCY) OF THE NEW ZIONIST ORGANISATION, LONDON, TRANSMITTED ON JANUARY 18TH, 1938, BY MR. A. ABRAHAMS, POLITICAL SECRETARY.

REPORT BY M. PALACIOS.

The petition was forwarded to the Mandates Commission with a letter from the Political Secretary of the New Zionist Organisation, London, dated January 18th, 1938. The Chairman of the Commission considered it admissible in so far as it contained statements relating to the execution of the mandate. The mandatory Power submitted its observations on June 3rd, 1938. Moreover, the accredited representative of the mandatory Power gave the Commission at its present session¹ certain additional information on the subject dealt with in the petition.

The New Zionist Organisation claims that the "old" organisation, which had an almost complete monopoly of the Jewish Agency because it is explicitly mentioned in Article 4 of the mandate, is no longer qualified to represent the entire "Jewish people", which is recognised in the Preamble of the mandate as a unit endowed with certain rights in Palestine. It considers that the mandate, according to its actual wording, requires the mandatory Power to review the position in this respect from time to time, and that it confers on the various sections of the Jewish people the right to make requests in this connection. The petitioners take the view that, although the matter could be settled among the Jews themselves—and for this purpose they propose a round table conference, a suggestion on which they have the agreement of Agudath Israel—the final settlement must proceed from the mandatory Power and the League of Nations. In their opinion the announcement of the partition of Palestine does not form an obstacle to the settlement of the question, since the present mandate is still in force and might remain so for a considerable time. The petitioners assert, in substance, that the Jewish Agency for Palestine, as constituted and recognised by the mandatory Power in accordance with Article 4 of the mandate, is not sufficiently representative, and needs to be "democratised". In particular, they object to the present constitution of the Zionist Organisation, which gives the right to elect delegates to Zionist Congresses only to those Jews who have proclaimed their allegiance to the Zionist Movement by obtaining a "shekel" (membership card). According to the petitioners, such a membership card, which also serves as a voting-paper for the Jewish Congress, can be obtained by any adult Jew on payment of a small annual subscription (about one shilling). This method of buying a voting-paper, for however modest a sum, is in their view a grave infringement of the principles of democracy. It may be acceptable for a party, but not for an assembly. According to the petitioners' figures, the nineteenth Zionist Congress held in 1935 represented only 1,216,030 shekel holders, and the 1937 Congress far fewer; whereas, the petitioners add, there are millions of Jews who have a vital interest in the establishment of the National Home in Palestine—among these the members of the New Zionist Organisation, constituted by the Vienna Congress in 1935 by 713,000 voters. The petitioners consider that the requirement of such an annual subscription from voters is preventing large proportions of the Jewish people from taking part in the election of delegates to the Zionist Congresses, and so from influencing the future of the movement. It also has the effect of transforming the Jewish Agency into "a body of privileged élite of 'haves' as distinct from the overwhelming multitude of 'have nots'". As for the "non-Zionists", who share equally with the Zionist Organisation in the composition of the Jewish Agency, the petitioners deny them any representative character whatever, asserting that they are nominated by small groups of Jewish "notables" and are not in any sense democratically elected. Referring to Article 4 of the mandate (whereby "the Zionist Organisation, so long as its organisation and constitution are, in the opinion of the Mandatory, appropriate, shall be recognised . . ."), the petitioners complain that the mandatory Power has so far ignored all representations embodying the above criticisms of the constitution of the Jewish Agency. The latter's influence on immigration policy is also criticised. For these reasons, the petitioners, appealing to the spirit of Geneva, conclude by asking the Mandates Commission to make representations to the mandatory Power as to the need for a reorganisation of the Jewish Agency. It is proposed that the functions of the Agency should be vested in a World Jewish National Assembly elected on the basis of an equal and universal franchise for all adult Jews, whether affiliated to the Zionist Organisation or not, and without fee. To legalise this reform, it is asked that there should be a modification in the wording of Article 4 of the mandate or in the constitution and title of the Zionist Organisation mentioned therein.

¹ See Minutes of the present session of the Commission, pages 42-44.

The observations of the mandatory Power may be summarised as follows : Since its organisation and constitution were regarded as appropriate for the purposes indicated in the mandate, the Zionist Organisation was recognised as the Jewish Agency referred to in Article 4 of the mandate. In accordance with the terms of that article, the Zionist Organisation initiated negotiations directed towards "securing the co-operation of all Jews who were willing to assist in the establishment of the Jewish National Home". In January 1929, it informed the mandatory Power of the results of those negotiations, in consequence of which a new organisation was created, comprising both the Zionist Organisation and the non-Zionist Jewish communities. In a letter dated September 16th, 1929, the Zionist Organisation furnished the Colonial Office with full details of the constitution of this new body, and asked to be recognised for the purposes indicated in Article 4 of the mandate. This recognition was accorded in a letter from the Colonial Office to the Zionist Organisation dated August 6th, 1930. Copies of this correspondence were forwarded to the Secretary-General of the League from the Foreign Office on August 27th, 1930. It is clear from this correspondence that in 1930 the United Kingdom Government was satisfied to the steps which had been taken by the Zionist Organisation to secure the co-operation of such Jews as were willing to assist in the establishment of the Jewish National Home. No change has since taken place in the organisation and constitution of the Jewish Agency which would justify the revocation of the recognition accorded in 1930. Moreover, the petition submitted to the Commission comes from a body which promotes a policy contrary to the mandate (namely, the conversion of the whole of Palestine and Trans-Jordan into a Jewish State), and which has deliberately seceded from the Zionist Organisation. With reference to the complaint as to the distribution of immigration certificates by the Jewish Agency, these certificates are not the equivalent of visas, and the mandatory Power refers to the longstanding practice in this matter. It feels justified in leaving it to the Jewish Agency to decide the method of selection and the provenance of labour immigrants, so long as they fulfil the elementary conditions prescribed by regulations. In conclusion, the mandatory Power has no intention of conceding a similar privilege and responsibility to any other Jewish organisation.

In view of these categorical statements by the mandatory Power, whose authority in the matter is strictly based on Article 4 of the mandate ; since there can be no question of the Commission's advising the amendment of that article ; and realising that the question raised could be dealt with by friendly discussion and settlement between the Jewish organisations and populations concerned, I propose the adoption of the following conclusion :

" The Commission,

" Having examined the petition, dated January 1938, submitted, on January 18th, 1938, on behalf of the New Zionist Organisation, London, by Mr. A. Abrahams, Political Secretary, and the observations of the mandatory Power thereon :

" Considers that the petition calls for no special action."

C.P.M.2056(1).

ANNEX 12.

PALESTINE.

LETTER, DATED MAY 4TH, 1938, FROM THE PRESIDENT OF THE JEWISH AGENCY FOR PALESTINE, ACCOMPANYING A MEMORANDUM ON THE DEVELOPMENT OF THE JEWISH NATIONAL HOME IN PALESTINE IN 1937.

REPORT BY COUNT DE PENHA GARCIA.

The Jewish Agency's memorandum of May 4th, 1938, addressed to the High Commissioner for Palestine, contains, as usual, an account of the situation during the year 1937, together with statistics and other data. In his covering letter, Dr. Weizmann, President of the Jewish Agency, emphasises the prevailing uncertainty in Palestine and the renewal of terrorist activities. He points out, however, that, in spite of these adverse factors, the structure of the Jewish economic organisation has stood the strain. In agriculture, there has been an increase in the number of Jewish settlements and agricultural production has increased in a marked degree. In the industrial field, the expansion of the Palestine Electric Corporation, the improvements in the port of Tel Aviv, and the co-operation of Jews in commercial aviation are worthy of note. In regard both to agriculture and industry, however, the Jewish Agency appeals to the mandatory Power for certain credit facilities. It also asks for the conclusion of agreements with the neighbouring countries to protect Jewish production. The most important part of the memorandum is devoted to immigration questions. This is the Jewish Agency's chief subject of concern, and it complains of the considerable reduction in the number of Jews authorised to immigrate to Palestine by the mandatory Power ; this restriction, which the Agency considers to be contrary to the mandate, causes great hardship to those Jews

who are to-day being driven out of various countries, and whose only hope is settlement in Palestine. The Jewish Agency complains, not only of the restrictions on the immigration of Jewish workers, but also of those on the immigration of Jewish capitalists, who, by the introduction of new capital into Palestine, would be of very great assistance in overcoming the financial crisis. Lastly it complains of the small number of immigration permits granted to the relatives of Jews already settled in Palestine, from whom they are still separated.

In its observations, the mandatory Power agrees that the restrictions on immigration are of an arbitrary character, but maintains that such measures were temporarily necessary while the scheme for the partition of Palestine recommended by the Royal Commission was under consideration. It does not consider its decision in this matter to have been contrary to the mandate, and is of opinion that it will facilitate the solution of the problem of partition. As regards the requests for credit facilities, the mandatory Power cannot see its way to granting them, for agricultural purposes, but in so far as industry is concerned, it has the matter under consideration. It is also assisting municipalities in obtaining loans, and proposes to enter into negotiations with the Governments of Lebanon and Syria with a view to affording increased protection to local production. It is also clear from the memorandum that Jewish cultural and social institutions continue to make progress, and that the problem of Jewish education is well on the way to settlement.

In my opinion, the present disturbances, and the uncertainty as to the future of Palestine, obviously make the Jewish Agency's task a difficult one. It is nevertheless doing everything in its power to carry on and develop the work entrusted to it by the mandate, and to co-operate with the mandatory Power in maintaining the Jewish national home. Such being the case, I venture to propose to the Commission the adoption of the following conclusion :

“ The Commission,

“ Having examined the Jewish Agency's memorandum concerning the development of the Jewish National Home in 1937, accompanied by a letter, dated May 4th, 1938, from the President of the Jewish Agency, together with the mandatory Power's observations :

“ Is of opinion that this documentation does not call for any special action.”

C.P.M.2083(1).

ANNEX 13.

PALESTINE.

REPORT OF THE SUB-COMMITTEE ON PETITIONS CONCERNING THE PLAN FOR THE PARTITION OF PALESTINE, THE GENERAL POLICY OF THE MANDATORY POWER AND THE SUPPRESSION OF THE DISTURBANCES IN 1937 AND SUBSEQUENTLY.

1. Petition, dated July 27th, 1937, from M. Justin Godart, Chairman of the Committee for the Defence of the Rights of Jews in Central and Eastern Europe, Paris (documents C.P.M.1925 and 1946.)
2. Petition, dated July 29th, 1937, from M. Shukry Eff-Taji, Chairman of the Arab Committee of the Citrus Fruits Industry, Jaffa (documents C.P.M.1940 and 1999).
3. Petitions, dated July 13th, 1937 :
 - (a) From the Arab Women's Committee, Jerusalem ;
 - (b) From the Jerusalem National Committee (document C.P.M.1941).
4. Petition, dated July 18th, 1937, from Mgr. Gregorius Hajjar, Metropolitan of Acre, Haifa and Nazareth, Haifa (document C.P.M.1943).
5. Telegram, dated September 13th, 1937, from the Arab Higher Committee, Jerusalem (document C.P.M.1944).
6. Petition, dated October 2nd, 1937, from M. Dahter, Secretary-General of the "Comité syro-palestinien", Cairo (documents C.P.M.1949 and 2004).
7. Petition, dated July 14th, 1937, from the Arab Chamber of Commerce, Jerusalem (document C.P.M.1966).
8. Petitions, dated :
 - (a) July 10th, 1937, from the President of the Arab Committee, Jaffa ;
 - (b) June 14th, 1937, from Ahmad Effendi Shuqair, Acre ;
 - (c) July 21st, 1937, from M. Mohammad Al-Hadi Al-Yasharti, Acre (document C.P.M.1967).
9. Petition, dated July 21st, 1937, from M. Attia Jweid, Hulah Area (Northern Palestine) (document C.P.M.1976).
10. Petition (undated) from M. Kamel Husein Yousef and other signatories, Hulah Area (Northern Palestine) (document C.P.M.2001).
11. Petition (undated) from M. Naf'i Deeb, Missilya, and other inhabitants of villages in the Jenin Sub-district (document C.P.M.2002).

12. Petition, dated November 2nd, 1937, from Ragheb Bey Nashashibi, President of the National Defence Party, Jerusalem (document C.P.M.2005).
13. Petition, dated August 21st, 1937, from M. Anton Yacoub Al-'Ama, Bethlehem (document C.P.M. 2007).
14. Petition, dated November 15th, 1937, from Ragheb Bey Nashashibi, President of the National Defence Party, Jerusalem (document C.P.M.2008).
15. Petitions, dated October 26th, and November 11th and 16th, 1937, from Hamad Hilmy Pasha and other members of the former Arab Higher Committee, now in the Seychelles (documents C.P.M. 2011, 2011(a) and 2019).
16. Petitions dated :
 - (a) February 17th, 1938, from the Arab Women's Committee, Jerusalem ;
 - (b) February 5th, 1938, from a delegation of Arab Ladies of Jerusalem (document C.P.M. 2020).
17. Petition, dated August 15th, 1937, from M. Jacob H. Salavan, Bnei-Brak (document C.P.M.2024).

As was the case last year, the Commission finds on its agenda a large number of petitions relating to the report of the Royal Commission, the Statement of Policy of the United Kingdom Government and the future of Palestine in general. There are also several which relate to the measures taken by the mandatory Power to put down the disturbances in the country.

In many cases some doubt may be felt as to the admissibility of these petitions, because complaints, protests, suggestions and opinions are expressed on points or problems which do not lie within the ordinary scope of the Commission's work ; in other words, they relate not to the execution of the present mandate but to the future status of Palestine, the abolition of the mandate or various questions lying outside the mandate.

During its thirty-second session,¹ the Commission considered this same preliminary question of competence. The Sub-Committee is of opinion that, because no definite decision has since been taken as to the fate of the Royal Commission's proposals or the future of Palestine in general, the situation has undergone no change. The Royal Commission's report is still being examined by the mandatory Power, and is still on the agenda of the Mandates Commission. Hence the Mandates Commission necessarily considers itself competent to deal, not only with the petitions concerning the execution of the present mandate, but also with those relating to the Royal Commission's report and any question connected therewith.

In accordance with the precedent set at the thirty-second session of the Commission,² the Sub-Committee classified the petitions referred to it into various groups, in order to give a general view which will facilitate their examination. The Commission could deal with them in the following order :

A. Petitions against the Royal Commission's report or, more particularly, against the scheme of partition, but not containing any new factor or any positive suggestion in regard to the problem.

B. Petitions criticising the Royal Commission's report or the scheme of partition, and also suggesting a solution considered by the petitioners to be more in accordance with the circumstances or with justice.

C. Petitions concerning the measures taken by the mandatory Power to put down the disturbances in Palestine.

* * *

A. PETITIONS AGAINST THE ROYAL COMMISSION'S REPORT OR, MORE PARTICULARLY, AGAINST THE SCHEME OF PARTITION, BUT NOT CONTAINING ANY NEW FACTOR OR ANY POSITIVE SUGGESTION IN REGARD TO THE PROBLEM.

(Nos. 3, 4, 5, 7, 8, 10, 11, 12.)

These petitions sometimes merely voice indignation and sometimes contain more or less considered protests against the scheme of partition, against the idea of a forced transfer of population and against alleged violations of previous promises or of the Covenant. The mandatory Power deliberately refrains from comments or observations—an attitude that is very natural, since the scheme of partition is still only in its embryonic stage (*cf.* the letter from the mandatory Power, dated November 15th, 1937 (document C.P.M.1999), which relates to a petition coming under group B).

The Sub-Committee considers that, in view of the situation as regards the general body of problems relating to the future status of Palestine, the Commission should, following the example of the mandatory Power, confine itself to taking note of these petitions. The latter serve as a useful source of information in judging of the state of public opinion in Palestine.

In this connection, it is interesting to note that the petitions come from all sorts of groups and elements of the non-Jewish population of Palestine—the Arab Women's Committee, Jerusalem, the Christians of Northern Palestine, the inhabitants of the town and sub-district of Acre, the Shadiliyyeh sect, the inhabitants of the Hulah area, the National Defence Party, Jerusalem, etc.

¹ See Minutes of the Thirty-second (Extraordinary) Session of the Commission, pages 142-143, 148, 205, 211-218, 234.

² *Ibid.*, page 213.

Secondly, the Sub-Committee desires to draw attention to the fact that several petitioners are opposed to the scheme of partition for reasons based purely on the Islamic religion.

* * *

In conclusion, the Sub-Committee considers that, although some of these petitions contain interesting points, none of them call for special action on the part of the Council of the League.

B. PETITIONS CRITICISING THE ROYAL COMMISSION'S REPORT OR THE SCHEME OF PARTITION, AND ALSO SUGGESTING A SOLUTION CONSIDERED BY THE PETITIONERS TO BE MORE IN ACCORDANCE WITH THE CIRCUMSTANCES OR WITH JUSTICE.

(Nos. 1, 2, 9, 13, 14, 17.)

Petition No. 1.

In this petition from M. Justin Godart, submitted on behalf of the "Comité pour la Défense des Droits des Israélites en Europe Centrale et Orientale", certain measures are advocated as being calculated to provide a solution for the Palestine problem (numerical parity as between Jews and Arabs, round table conference, etc.).

The Commission will remember that the exchanges of views which took place with the accredited representatives of the mandatory Power last year also covered this petition.¹ In its final observations, dated October 11th, 1937 (document C.P.M.1946), the mandatory Power repeats that the settlement of the Palestine problem can no longer be sought on the basis of a unitary State and that there is little prospect of arriving at a solution by means of a round table conference, as the petitioner recommends. Moreover, during the present session of the Commission, it was unfortunately confirmed that there was no ground for optimism on that subject.²

Petition No. 2.

In this petition, the President of the Arab Committee of the Citrus Fruits Industry, Jaffa, studies the land problem in Palestine in the light of the Royal Commission's report and the scheme of partition. After giving a very interesting account of this complex problem, the petitioner concludes that the scheme of partition would take away almost all the cultivable land from the Arabs and hand it over to the Jewish State.

The mandatory Power, while pointing out in its observations that the United Kingdom Government does not regard itself as in any way committed to the scheme of partition proposed by the Royal Commission, concludes that it will be the duty of the new technical partition commission to take into account the representations of any interests likely to be affected by the partition scheme.

Petition No. 9.

The petitioner, M. Attia Jweid, speaking on his own behalf and on that of the inhabitants of the Arab area of Hulah, protests against the Royal Commission's report and requests that one or other of the following alternatives should be accepted: either the scheme of partition should be rejected or the Hulah area, the greater part of which was still held by the people of Lebanon, should be re-attached to the latter.

The mandatory Power makes no observations.

Petition No. 13.

The petition from M. Anton Yacoub Al-'Ama outlines, sometimes with rather curious details, a plan for the reunion of Jews and Arabs by a process of reciprocal obliteration of the past—a plan which appears to the Sub-Committee to be entirely illusory—and by the constitution of what he terms an "Esperantist State".

Again the mandatory Power makes no comments.

Petition No. 14.

The Arab National Defence Party reviews the political evolution of Palestine under the mandatory regime, and concludes by asking for the settlement of the Palestine problem on the same basis as that on which the problem of Iraq and Syria was solved.

The mandatory Power adopts the same attitude.

Petition No. 17.

The petitioner, M. Salavan, unlike the previous one, gives from the Jewish point of view an account of the past history of the Palestine question and concludes by asking for a definite decision that full effect be given to the mandate.

The mandatory Power takes the same attitude.

* * *

The conclusion which the Sub-Committee feels bound to adopt with regard to this group of petitions is the same as that proposed for group A.

¹ See Minutes of the Thirty-second (Extraordinary) Session of the Commission, pages 150-151, 173-174.

² See Minutes of the present session of the Commission, pages 33-34.

C. PETITIONS CONCERNING MEASURES TAKEN BY THE MANDATORY POWER TO PUT DOWN THE DISTURBANCES IN PALESTINE.

(Nos. 6, 15, 16.)

Petition No. 6.

The Secretary-General of the "Comité syro-palestinien", Cairo, submits a protest against the repressive measures taken by the mandatory Power on September 30th, 1937, and the following days.

The mandatory Power refers to the explanations contained in the annual report on Palestine for 1937.

Petition No. 15.

This petition emanates from Ahmad Hilmy Pasha and certain other members of the former Arab Higher Committee. It contains three documents, the first two of which are identical in subject-matter, and two letters from the mandatory Power containing its observations.

I. In the first and second of these petitions, dated October 26th and November 11th, 1937, the signatories—of whom all except one are members of the Arab Higher Committee, which has been dissolved since September 1937—submit complaints in connection with their deportation to the Seychelles Islands. Their protests are classified under four headings :

(a) The petitioners allege that their arrest preparatory to deportation was effected with unjustifiable harshness : they were arrested by the police and were immediately conveyed to a ship without being allowed to settle their affairs. They also complain of the climate of the island on which they are exiled and maintain that it is affecting their health.

(b) The petitioners protest against the charge that they were responsible for the violation of public order and that they organised the Palestine disturbances. To prove that their Arab Higher Committee was an authorised association, they adduce, *inter alia*, the official relations of Sir Arthur Wauchope, High Commissioner for Palestine, with the Committee, which, they state, was the only body representing the Palestine Arabs.

(c) They point to the serious financial consequences which may arise from the deportation of three of their number, who played a prominent part in Arab banking in Palestine.

(d) Lastly, they protest against the Jewish influence which, in their view, was strongly exercised in official circles in London.

In the last paragraph, the petitioners embody their conclusions, some of which summarise the allegations made in the petitions, while others take up again the well-known arguments of the Arab case as regards the future status of Palestine.

II. The third petition, dated November 16th, 1937, develops in greater detail some of the preceding complaints. More particularly it should be noted that the petitioners deal with the Palestine Government's charge that they were morally responsible for disturbances. They question whether a Government may properly override judicial proceedings and intern members of a representative committee—who, moreover, have strongly and publicly condemned acts of terrorism—without, as they allege, any proof of their guilt. On the contrary it is on the Government itself, they claim, that responsibility lies for the regrettable acts of terrorism and murder, since it is pursuing an unjust policy. On the other hand, the petitioners state that a Jewish terror exists, in the form of two organisations which are specifically named and which, they say, are acting in conjunction with, if not under the orders and instructions, of Jewish institutions. Moreover, the petitioners refer to illicit traffic in arms and ammunition by Jews and illicit Jewish immigration. They maintain that both these acts are breaches of peace and order, and that, moreover, the Government is aware of the activities of the Jewish organisations and nevertheless tolerates them. The petitioners add that peace cannot be restored by drastic measures, more especially since the Arab opposition constitutes a real national movement. Lastly, the petitioners complain of the regime applicable to them in Seychelles as regards their movements and their contact with the outer world. They attribute this regime to a spirit of vindictiveness on the part of the Palestine Government. In this connection, they complain more particularly of the censorship of their correspondence and the delays caused on this account from time to time.

III. The observations of the mandatory Power on these petitions were given both by letter and verbally by its accredited representatives during the present session¹ of the Commission. They may be summarised as follows in respect of each of the points raised by the petitioners :

¹ See Minutes of the present session of the Commission, pages 50, 51.

An arrest with a view to deportation had to be effected swiftly in order to be effective. Men whom the Government considered to be morally responsible for numerous crimes could hardly expect to be treated with special consideration. In order to remedy the inconveniences of rapid arrest, the Government subsequently made arrangements in conjunction with the families of deported persons to have adequate supplies of clothing and necessaries sent to them.

As regards the responsibility for disturbances, the mandatory Power declares that the former Arab Higher Committee was morally responsible for the campaign of murder and violence culminating at the time in the assassination of Mr. Andrews, a district commissioner in Palestine, and his escort. In addition, the accredited representative of the mandatory Power informed the Commission that the Government had reached the conclusion—a conclusion admittedly not based on legal evidence—that the deported members of the former Arab Higher Committee were morally responsible.¹

With reference to the unfavourable effect which the climate of the Seychelles Islands is alleged to have had on the health of the petitioners, the mandatory Power states that it appears from a report by the Senior Medical Officer that there had been no deterioration in their health (see the observations of the mandatory Power on the petition No. 16 (document C.P.M.2020)).

Very full explanations of the financial consequences of deportation are given to justify the view that the business of the banks in question has resumed its normal course.

The accredited representative made a statement to the Commission on the alleged Jewish influence and concluded that it had been the constant endeavour of the mandatory Power to hold the balance equally between the Jews and the Arabs.²

The accredited representative gave certain information on Jewish terrorism and violations of the rules governing the arms traffic and immigration which have been committed or tolerated by Jewish bodies. It appears therefrom that acts of terrorism had been committed by Jews by way of reprisal, but that it was doubtful whether there existed Jewish organisations to promote terrorism. The Jews as well as the Arabs were in possession of illegal arms. Secret organisations for self-defence existed among the Jews. As regards the allegations of illicit importation of arms by the Jews, the accredited representative stated that the Administration had been extremely active in putting down the illicit arms traffic.³

Lastly, the mandatory Power deals with the disciplinary measures applied to deportees during their exile. It explains that none but unavoidable measures of supervision and confinement were ordered and that these measures have been applied so as to cause the minimum of inconvenience to the parties concerned, and that the censorship arrangements are working smoothly.

* * *

Having thus summarised the petitioners' complaints in the light of the mandatory Power's observations, and taking into consideration the grave events that occurred in Palestine in 1937 as they were described by the accredited representatives of the Mandatory Power during the examination of the annual report for 1937, the Sub-Committee is of opinion that these petitions call for no special observation to the Council. It considers that the mandatory Power, whose first duty is to maintain order, has not, in the fulfilment of that duty, exceeded the limits of fully justified action appropriate to the circumstances.

Petition No. 16.

The second part of this petition from the Arab Women's Committee, Jerusalem, alone merits attention. Complaints are made of a number of measures to put down the Palestine disturbances: the effects of the climate of the Seychelles Islands on the health of the deportees, the ill-treatment of Arabs interned in the camp of Acre and the sanitary conditions therein, the excesses committed by the police, disrespectful treatment of women, etc.

The mandatory Power's observations with regard to the deportees in Seychelles have already been dealt with above. As regard the conditions in the detention camp at Acre, it is stated that improvements in sanitation have been made and that the health service maintains regular inspection. The charges brought regarding the conduct of the police are categorically denied. The mandatory Power regrets any instances of individual hardship or economic loss which may result from arrests under the Defence Regulations; it adds that the responsibility must lie with those whose subversive or terrorist activities render such detention essential in the public interest.

* * *

¹ See Minutes of the present session of the Commission, page 45.

² *Ibid.*, page 39.

³ *Ibid.*, page 50.

It appears from the information supplied by the accredited representatives that the measures taken to put down disturbances, though unavoidable, were being carried out with all the precautions that had been found possible in the circumstances.¹ The Sub-Committee therefore thinks that the Commission should confine itself to taking note of the written and verbal statements.

* * *

If the Commission approves the proposals set forth above in regard to each group of petitions, it might signify its approval by adopting the following conclusion :

“ The Commission,

“ Having considered, in the light of the documentary material supplied by the mandatory Power, the petitions classified as follows :

“ A. Petitions against the Royal Commission's report or, more particularly, against the scheme of partition, but not containing any new factor or positive suggestion in regard to the problem ;

“ B. Petitions criticising the Royal Commission's report or the scheme of partition, and also suggesting a solution considered by the petitioners to be more in accordance with the circumstances or with justice ;

“ C. Petitions concerning the measures taken by the mandatory Power to put down the disturbances in Palestine ;

“ In view of the fact that the petitions in groups A and B are concerned with the scheme of partition outlined by the Palestine Royal Commission, which is at present being examined by the mandatory Power :

“ Is of opinion that attention should be drawn to the importance of the accounts contained in some of these documents, but that no special observations need be made on them ;

“ And considers that, as regards the petitions in group C, no special recommendation to the Council is required.”

ANNEX 14.

C.P.M.2048(1).

SYRIA AND LEBANON.

PETITIONS (EIGHT IN NUMBER) CONCERNING THE SANJAK
OF ALEXANDRETTA.²

REPORT BY Mlle. DANNEVIG.

I. These petitions, which are all telegrams sent to the High Commissioner from Turkish inhabitants of different towns of Syria, protest against alleged illegal practices and undue pressure on electors during the elections in the Sanjak of Alexandretta in November 1936. Some petitioners also protest against the elections themselves, which are said to be held contrary to the desires of the population and to have accordingly been boycotted by the Turkish inhabitants of certain towns and villages. In the petitioners' opinion, therefore, the candidates nominated in the elections of the second degree do not represent the will of the population. In addition to this, the first two petitions protest against the alleged unjust expulsion of four young Turks from Antioch and two young Turks from Kirik-Khan, who, it is stated, have never disobeyed the laws.

II. The French Government in its observations explains that the young men who were expelled had agitated for the boycott of the elections and so disturbed public order. The French Government further observes that the investigations made by the High Commissioner have proved the non-existence of the alleged illegal practices. The authorities did their best to prevent boycotting and to ensure the liberty of the electors of the Sanjak, who were threatened on their way to the polling-stations and at the polling-stations themselves. The assertion that Turkish electors, especially in Kirik-Khan, abstained from voting is disproved, it is stated, by the fact that more than 51% of the Kirik-Khan electors voted—a greater percentage than in certain Arab districts in Syria. In view of these explanations, and as fresh elections are now being carried out in the Sanjak, I propose that the Commission adopts the following conclusion :

“ The Commission,

“ Having examined eight petitions from inhabitants of the Sanjak of Alexandretta relating to the elections in November 1936, and the mandatory Power's observations thereon :

“ Considers that these petitions do not call for any particular action.”

¹ See Minutes of the present session of the Commission, page 29.

² See Minutes of the Thirty-third Session of the Commission, page 138.

ANNEX 15.

SYRIA AND LEBANON.

PETITION, DATED NOVEMBER 5TH, 1937, FROM M. ABDEL KADER AND M. FOUAD GHANDOUR, BEIRUT.

REPORT BY COUNT DE PENHA GARCIA.

The French Government sent to the Secretary-General of the League of Nations, for transmission to the Permanent Mandates Commission, a petition, accompanied by annexes, from M. Abdel Kader and M. Fouad Ghandour, Beirut. The petitioners allege that they have suffered loss owing to the expropriation of their property, which was necessitated by the construction of the Beirut aerodrome. They complain, in particular, of the price of 10 francs per square metre paid them as compensation for expropriation, and add that this price at Beirut does not correspond to the real value of the land.

The mandatory Power points out that, according to the information furnished by the High Commissioner of the Republic in Syria and Lebanon, the procedure followed in regard to the persons concerned was perfectly correct, and the value of the land was duly fixed by experts. In the documents submitted by the petitioners, it is stated that the petitioners themselves had the value of their land entered in the register as 6.40 francs per square metre. The petitioners explain that this purchase value was given with a view to avoiding payment of the exorbitant duties levied in respect of sale or succession, and that in any case the increased value of the land, the fall in the franc, the interest on capital for eight years, and the total amount of the taxes paid on the land should be taken into consideration. The case was brought before the Court of Cassation, which dismissed the plaintiffs' claim. That being so, I propose that the Commission adopts the following conclusion :

“ The Commission,

“ Having examined the petition, dated November 5th, 1937, from M. Abdel Kader and M. Fouad Ghandour, Beirut, and the observations of the mandatory Power :

“ Is of opinion that no special action need be taken on this petition.”

ANNEX 16.

SYRIA AND LEBANON.

PETITION, DATED DECEMBER 27TH, 1937, FROM M. MICHEL SAYUR, ROME, AND OTHER HEIRS OF THE LATE ANTOUN YOUSSEF SAYUR, SUBMITTED THROUGH THE AGENCY OF MAITRE EMILE ZALZAL, ADVOCATE, BEIRUT.

REPORT BY LORD HAILEY.

This petition, dated December 27th, 1937, was addressed on January 24th, 1938, to the Permanent Mandates Commission by Maître Emile Zalzal, on behalf of the heirs of the late A. Y. Sayur. On January 29th, 1938, it was held by the President of the Commission to be admissible, and on June 2nd, 1938, the mandatory Power forwarded to the Commission its observations on the subject.

The petition relates to the claim of the heirs of the late A. Y. Sayur to a large parcel of land in the vicinity of Beirut. The land is said to have been of very little value until it came, at a comparatively recent date, within the scope of land speculation which followed the expansion of Beirut. The petition asserts that the late A. Y. Sayur acquired rights over the land now claimed by his heirs in a series of transactions which began in 1876. There was much litigation on the subject, and in 1933 his heirs obtained from the Court of Appeal in Beirut a decree which established their rights over a portion (amounting to 8,300 square *pics*) of the area over which the transactions had extended.

It is the action which has been taken, or alternatively has still to be taken, in regard to this decree which has given rise to the present petition. The area claimed by the heirs of A. Y. Sayur appears to extend over lands claimed by the Druses, and includes the Druse cemetery; over another part of the area a school and public garden, and a number of roads have been constructed. There are therefore some considerable difficulties of a public nature,

in executing the Decree of 1933; and there also appear to be some technical obstacles, in so far that the Land Department, on which falls the duty of giving effect to it, is unable to reconcile the measurements given in the decree with those existing in the land survey.

The Administration has entered into certain negotiations with a view to solving the difficulties arising in regard to the Druse cemetery. These have, however, proved unsuccessful. It has now been indicated to the decree holders that they should seek from the Court of Appeal an interpretation (which would in effect be a revision) of the terms of the decree which have given rise to the difficulties encountered by the Land Department.

It is not within the functions of the Permanent Mandates Commission to attempt to estimate the legal value of the claims put forward by the heirs of A. Y. Sayur, nor the merits of the judgment at which the Appeal Court arrived in 1933. From such material as is available—namely, the Mandatory Power's observations and the explanations given by the accredited representative¹—it would appear to be the case that the course indicated to the decree holders is in fact open to them, and to that extent the matter must be considered as potentially if not actually under judicial process.

I therefore recommend that the Commission adopts the following conclusion :

“ The Commission,

“ Having examined the petition, dated December 27th, 1937, addressed on January 24th, 1938, by Maître Emile Zalzal, on behalf of the heirs of the late A. Y. Sayur, and the mandatory Power's observations thereon :

“ Considers that no action need be taken on the part of the Commission with regard to this petition, in view of the fact that all legal remedies have not been exhausted.”

C.P.M.2081(1).

ANNEX 17.

SYRIA AND LEBANON.

PETITION, DATED SEPTEMBER 25TH, 1937, FROM M. KASSEM MOUSTAPHA, M. KHALED HAMAD EL-KHATIB AND OTHER SIGNATORIES OF THE EL-ARKOUB DISTRICT.

REPORT BY M. PALACIOS.

The petition, addressed to the High Commissioner, is dated September 25th, 1937, and was transmitted to the League of Nations by a letter from the French Government dated May 24th, 1938. The petition is signed by two members of the “ Jeunesse arnéliote ” who were arrested in the course of a brawl, during the Lebanese election campaign, between Ali Bizzi, leader of the Youth Party, and one of his opponents. There follow twelve other signatures. The petitioners merely protest that “ the Government allows certain supporters of the feudal chiefs to insult the free and noble youth of Jebel Arnel (South Lebanon) ”.

The mandatory Power, in its observations, explains that the incident had no other consequences, as the country has been calm since the elections.

I therefore propose that the Commission adopts the following conclusion :

“ The Commission,

“ Having examined the petition, dated September 25th, 1937, from M. Kassem Moustapha, M. Khaled Hamad El-Khatib and other signatories of the El-Arkoub district, in the light of the observations of the mandatory Power thereon :

“ Considers that no special action need be taken on this petition.”

¹ See Minutes of the present session of the Commission, pages 99-100.

ANNEX 18.

SYRIA AND LEBANON.

PETITION, DATED OCTOBER 24TH, 1937, FROM M. SAMI SLIM, TRIPOLI.

REPORT BY M. SAKENOBE.

M. Sami Slim, who appears to have failed to gain acceptance as a candidate at the new general elections to the Lebanese parliament, declares in his petition that the elections were falsified, as many witnesses could prove. He also states that the homicide taken as a pretext for prohibiting mass gatherings was the outcome of a dispute between one of the Government party and the victim regarding a certain sum of money advanced by the former to buy votes in favour of the Government candidates.

The mandatory Government, in its observations dated May 24th, 1938, simply states that the fact that the petitioner could not procure acceptance on any list of candidates showed what a low standing the petitioner had in political circles in Lebanon and that, in consequence of this fact and of the character of his previous petitions, he does not seem to be well qualified to denounce the attitude of the Lebanese authorities during the election.

Referring to the alleged cause of homicide, the accredited representative of the French Government, in reply to a question by the Rapporteur during the present session of the Commission, ¹ stated that, during the election, no case of homicide was reported.

At all events, it appears from the statement of the accredited representative of the French Government that the election took place in an atmosphere of comparative calm and order. In the circumstances, I propose that the Commission adopts the following conclusion :

- “ The Commission,
“ Having examined the petition, dated October 24th, 1937, from M. Sami Slim, Tripoli, together with the mandatory Power's observations thereon :
“ Considers that no action need be taken on this petition.”

C.P.M.2058(1).

ANNEX 19.

SYRIA AND LEBANON.

PETITIONS (FIVE IN NUMBER) DATED SEPTEMBER 25TH, DECEMBER 10TH, 14TH AND 15TH, 1937, AND JANUARY 9TH, 1938, FROM INHABITANTS OF DAMASCUS AND HOMS.

REPORT BY COUNT DE PENHA GARCIA.

A number of inhabitants of Damascus and Homs sent through the mandatory Power five petitions addressed to the Permanent Mandates Commission. The French Government transmitted them with its observations on May 27th, 1938. These petitions, which are quite short, are of a political character. The mandatory Power, in its observations, explains that they express the views of the opposition that has sprung up since the Nationalist Party came into power in Syria. The measures adopted by that party to protect itself from the opposition have created new grounds of discontent, and have provided its opponents with fresh arguments. In the opinion of the mandatory Power, the occurrences which gave rise to each of these petitions are not serious. Even the charges made in the fourth petition, in which it is asserted that the three signatories of this petition were deprived of food and of all communication with the outside world, are disputed by the mandatory Power.

In view of the very vague nature of these petitions, and their lack of precision in regard to any occurrences which would have justified the complaints, I propose to the Commission the following conclusion :

- “ The Commission,
“ Having examined the five petitions, dated September 25th, December 10th, 14th and 15th, 1937, and January 9th, 1938, from Inhabitants of Damascus and Homs, and the mandatory Power's observations thereon :
“ Is of opinion that these petitions do not call for any special action.”

¹ See Minutes of the present session of the Commission, pages 100-101.

ANNEX 20.

SYRIA AND LEBANON.

PETITION, DATED MARCH 1938, FROM M. KHALED DAGHESTANI, HOMS, AND OTHER CIRCASSIANS OF THE MOHAFAZATS OF HOMS AND HAMA.

REPORT BY M. SAKENOBE.

M. Khaled Daghestani and other signatories, representing the Circassians of the Mohafazats of Homs and Hama, have submitted a petition through the High Commissioner in Syria and Lebanon to the President of the Council of the League of Nations.

It is stated in the petition that there are some 30,000 Circassian refugees, who have been resident in Syria since 1870, when they were driven out of their ancestral home in the Caucasus by the Russians. In spite of their forced exodus and the lapse of time, they have retained their old traditions, language and customs, and through all the different regimes have remained loyal to the laws of the country. They further state that repeated requests have been made to the mandatory Government to recognise their social and political rights and also their minority status; and when the Franco-Syrian Treaty negotiations were opened they again appealed with a request to have their rights incorporated in the Treaty. After describing how, on several occasions since 1920, the Circassian people have been cruelly treated by the majority, the petitioners make a renewed appeal to the League of Nations and reiterate their desire to have their social and political rights guaranteed in the Treaty before its ratification by the mandatory Power.

In a letter dated May 31st, 1938, with which the mandatory Government transmitted the petition with its observations, it is explained that the Circassians, being Sunnite Moslems, are not a religious minority, but one of the rare linguistic minorities in Syria, and that their efforts to maintain their old traditions and language have not been received with favour by the majority, although they could not to any extent affect the unity of the Syrian nation.

The French Government further states that certain rights claimed by the petitioners are already recognised by the Constitution to every citizen in Syria, but the recognition of certain new rights, such as the Circassian representation in the Parliament or the use of their own language in the Government primary schools in the villages inhabited by Circassians, might encounter serious opposition from the majority in the Syrian Parliament.

I think it is not necessary to analyse here the petitioners' specific demands—eleven in number—enumerated in the petition, because what they want is, after all, the effective protection of their rights and interests.

The question of the protection of various minorities in Syria has been a constant subject of discussion in the Commission, particularly at the thirty-third session in connection with the examination of the Franco-Syrian Treaty. The Commission has clearly stated its attitude on the question in its observations on Syria and Lebanon submitted to the Council at its thirty-third session¹ and this is amplified at the present session² in its observations to the Council on Syria and Lebanon.

If reference is made to the above-mentioned observations of the Commission, it seems to me that no special recommendation to the Council is needed in regard to this petition.

I therefore propose the following conclusion to be adopted by the Commission :

“ The Commission,

“ Having examined the petition, dated March 1938, from M. Khaled Daghestani, Homs, and other Circassians of the Mohafazats of Homs and Hama, together with the mandatory Power's observations thereon ;

“ Referring to the Commission's observations on minorities, which are contained in the general observations on Syria and Lebanon submitted to the Council at the conclusion of its thirty-third and thirty-fourth sessions respectively^{1, 2} :

“ Considers that no special recommendation need be made to the Council in regard to this petition.”

¹ See Minutes of the Thirty-third Session of the Commission, page 175.

² See Minutes of the present session of the Commission, page 229.

ANNEX 21.

SYRIA AND LEBANON.

PETITIONS RELATING TO THE LEGISLATIVE ELECTIONS WHICH TOOK PLACE
IN THE MOHAFAZAT OF LATAKIA IN OCTOBER 1937.

REPORT BY M. PALACIOS.

The petitions, nineteen in number (sixteen, according to the French Government's numbering), consist of a series of telegrams sent to the High Commissioner during October and November 1937, protesting against the incidents that took place during the legislative elections in the Mohafazat of Latakia. The letter from the mandatory Power, dated May 30th, 1938, gives the following information : The elections in question had been decided upon by the Government of Damascus somewhat abruptly, after having been postponed for several months. The object was to provide for the representation of the Mohafazat in the Syrian Chamber, in order to give effect to the attachment of that province to Syria. The Sunnites, who are predominant in the towns of the littoral and who are in general opposed to the autonomous Government of Latakia, which has given a position of importance to the chiefs of the Alawite tribes, seem to have tried to take advantage of the occasion to remove these persons from power by defeating, partly with the help of the Administration, Ibrahim Agha el Kenje, who was considered to be the leader of the opposition, together with the candidates to whom he had given his patronage. In the course of the struggle, there were significant defections on the part of certain Alawite chiefs. In these circumstances, this opposition will hardly be in a position to find expression in the Syrian Chamber, although it can make itself felt in the Representative Council of Latakia and in the country.

The telegrams of protest of which the petitions consist mostly denounce the pressure brought to bear by the Government and the brute force exercised, the intervention of the " Iron Shirts " and the National Guard, and the terrible reprisals that have been taken. The petitioners affirm their love for France and protest against her withdrawal and her abandonment of them, against Syrian unity and against the attitude taken on this subject by the League of Nations. On the other hand, some of the telegrams—very few—approve the elections and support the National Government.

The petitioners' statements, which include denunciations of police attacks and operations—these are duly explained by the mandatory Power—may be regarded as providing useful information on the state of affairs in the country, which is known to be very complicated, during this period of transition. I do not consider, however, that the petitions are of sufficient importance to warrant special mention to the Council.

I therefore propose the adoption of the following conclusion :

" The Commission,

" Having examined the petitions relating to the legislative elections which took place in the Mohafazat of Latakia in October 1937 and the mandatory Power's observations thereon ;

" While considering that the particulars which they contain should be taken into account in judging the political situation in Syria :

" Is of opinion that no special action should be taken in regard to these petitions."

ANNEX 22.

SYRIA AND LEBANON.

PETITIONS, DATED DECEMBER 2ND AND 15TH, 1937, FROM
M. RACHID YOUSSEF BEIDOUN, FROM M. IBRAHIM FAYAD AND OTHER
SIGNATORIES, BEIRUT.

REPORT BY M. PALACIOS.

The petition consists of two telegrams from Beirut, dated respectively December 2nd and 15th, 1937, the first signed by the Lebanon deputy Rachid Youssef Beidoun, and the second by the merchants and notables of the Shiite community of Beirut. These state that in this way they are supporting their deputies, who have withdrawn from the Lebanon Parliament in protest against the usurpation of their rights, inasmuch as they have not been granted a number of public offices proportionate to their numerical strength. The covering letter from the mandatory Power, dated June 2nd, 1938, contains the French Government's observations on the facts set forth in the petition.

It appears that, in fact, the Shiites do not occupy in the Lebanon a number of public offices proportionate to the numerical strength of their group as compared with the total population of the country. In support of their claims, which are based on the exchange of letters No. 6 attached as an annex to the Franco-Lebanese Treaty of November 13th, 1936, the deputies of the community have temporarily withdrawn from the Legislative Chamber. The mandatory Power satisfactorily explains that, while recognising the right invoked by the petitioners, it is not possible, on account of existing conditions, to give full effect to that right, as this community is still in a somewhat backward condition and provides only a few persons possessing suitable qualifications for the functions in question. The situation of which the petitioners complain is being remedied through the opening of numerous schools by the public authorities, and also by the fact that the Lebanese Government is giving young Shiite graduates posts in the Administration as and when vacancies arise.

Consequently, I do not think that the petition merits the particular attention of the Commission. I therefore propose the adoption of the following conclusion :

“ The Commission,

“ Having examined the petitions, dated December 2nd and 15th, 1937, from M. Rachid Youssef Beidoun, M. Ibrahim Fayad and other signatories, Beirut, and the mandatory Power's observations thereon :

“ Considers that no special action should be taken in respect of these petitions.”

C.P.M.2054(1).

ANNEX 23.

SYRIA AND LEBANON.

PETITION, DATED NOVEMBER 10TH, 1937, FROM FATHER JIRJI DOUNA, HOMS.

REPORT BY Mlle. DANNEVIG.

The petition is in the form of a telegram complaining that the petitioner was unlawfully imprisoned by the Mohafez (of Homs) for two nights because he had entered “ the House of his Community ”. As a result of this treatment, he has been ill until the actual date of the petition.

The French Government, in its observations, explains the petition of Father Jirji Douna of Homs, which would otherwise be rather incomprehensible, by referring to internal dissensions which have prevailed for some years in the Greek Orthodox community of Syria, and which also led to a petition last year.

It is stated that a group of persons who belonged to the Greek Orthodox community, but who had refused obedience to the Patriarch, attacked the Greek Archbishop's palace at Homs, intending to occupy it by force. They were led by Father Jirji Douna.

The assailants in this attack wounded the “ Kawasse ” and insulted the patriarchal vicar ; the Patriarch's partisans then sent for the police, who questioned the aggressors, and among them Father Jirji Douna. The dossier was afterwards handed over to the courts of justice. It is further stated that the Mohafez of Homs asserts that no orders were given to arrest Father Jirji Douna, and that the petitioner was not imprisoned. The petition therefore appears to be without foundation.

As a result of these explanations, I am led to believe that there is no reason to consider Father Jirji Douna's experience to be incompatible with freedom of conscience or as a personal injustice inflicted on him, and beg to propose that the Commission adopts the following conclusion :

“ The Commission,

“ Having examined the petition, dated November 10th, 1937, from Father Jirji Douna, Homs, and the mandatory Power's observations thereon :

“ Considers that this petition does not call for any action.”

C.P.M.2078(1).

ANNEX 24.

SYRIA AND LEBANON.

PETITION, DATED NOVEMBER 12TH, 1937, FROM M. ELIAS EL-YOUSSEF AND M. ATTIE ET-TAHER, DAMASCUS.

REPORT BY M. VAN ASBECK.

In their petition the signatories, on behalf of the Christians of the Hauran, blame the Syrian authorities for the help they are alleged to have given to Moslems who have been guilty of aggressive acts against Christian women and girls, and they ask for their rights to be safeguarded and for help to be given them to secure the return of these women.

In its observations on the petition, the mandatory Government, summarising the facts, points out : (1) that the women concerned were not abducted at all, but are stated simply to have followed the Moslems in question of their own free will ; (2) that the Syrian police and administrative authorities did not fail to do their duty when complaint was made to them (two cases) ; (3) that the third case reported has not yet been brought before the judicial authorities.

It would seem that the incidents, regrettable from the point of view of the respect which young girls owe to their parents, were given all necessary attention by the Syrian authorities and that, consequently, the complaints are not such as to claim the attention of the organs of the League.

If my colleagues share this view, the Commission might adopt the following conclusion :

“ The Commission,

“ Having considered the petition, dated November 12th, 1937, from M. Elias El-Youssef and M. Attie Et-Taher, Damascus, and the mandatory Power's observations thereon :

“ Is of opinion that the petition does not call for any special action.”

C.P.M.2064(1).

ANNEX 25.

SYRIA AND LEBANON.

PETITION, DATED NOVEMBER 25TH, 1937, FROM M. MOHAMMED ADI BKHALED
AND OTHER SIGNATORIES, TRIPOLI.

REPORT BY M. SAKENOBE.

This petition, signed by some two hundred inhabitants of Tripoli, protests against the distribution of subsidies to various private schools without the approval of Parliament. It demands that this distribution should be cancelled and that the money should be used for the improvement of existing schools or for the opening of new ones wherever necessary.

The mandatory Government, in its observations dated June 2nd, 1938, recalls the petitions received from Moslems in Tripoli complaining that there were too few Government schools in their town, ¹ and states that the present petition seems to have been prompted by the same spirit as that of the former petitions, but to have especially in view the subsidies given to the schools of Christian communities.

The mandatory Government then draws attention to statistics on education in the annual reports on Syria and Lebanon and observes that a great majority of pupils in Government schools are Moslems, while a still greater number of young Christians are educated in mission schools or in the schools of their communities, and that the Government's contributions to these private schools are far less burdensome to the budget than are the Government schools.

It adds that the subsidies were distributed, not only to the Christian schools, but also to the Moslem schools. A copy of Decree No. 1460/E.C., authorising the subsidies together with a list of recipients and the sum allotted to each, is annexed to the mandatory Government's letter.

In the circumstances, I propose that the Commission should adopt the following conclusion :

“ The Commission,

“ Having examined the petition, dated November 25th, 1937, from M. Mohammed Adib Khaled and other signatories, Tripoli, in the light of the observations of the mandatory Government :

“ Considers that no special action need be taken on this petition.”

¹ See Minutes of the Thirtieth Session of the Commission, pages 192, 205-206 and 214.

ANNEX 26.

SYRIA AND LEBANON.

PETITIONS (FIFTEEN IN NUMBER) FROM INHABITANTS OF UPPER JEZIREH.

REPORT BY M. SAKENOBE.

During its thirty-third session, the Mandates Commission discussed the incidents which occurred in July and August 1937 in Upper Jezireh, and examined a series of petitions from the inhabitants of this region. ¹

The present petitions are to be considered as a continuation of the first series ; they are dated from September 1937 to April 1938, and are mostly in the form of telegrams, but many of them are dated November 1937, when the Mandates Commission was in session.

As in the case of the first series, most of the petitions demand the introduction of a special regime in Upper Jezireh under the protection of the mandatory Government, while a few of them draw attention to the distress of those inhabitants at Amoud who suffered the loss of their homes and properties at the hands of the nationalists and ask for the League's intervention to procure compensation.

The mandatory Government, in transmitting the petitions in a letter dated June 2nd, 1938, had nothing special to add to what had been stated in the letter accompanying the first series of petitions and the supplementary explanations given by its accredited representative during the thirty-third session of the Mandates Commission. ²

* * *

At its thirty-third session, the Commission, after having examined the incidents in Upper Jezireh, submitted the following observation to the Council : ³

“ The Commission has learnt with regret of the serious incidents which occurred recently in Upper Jezireh, necessitating the direct intervention of the mandatory Power. It notes that, in consequence of these incidents, the Central Government of Syria has made changes in the administrative personnel in that region.

“ The Commission would be glad to be informed of the steps taken to ensure fair treatment for the interests of the various sections of the heterogeneous population of that district.”

The Commission adopted the following conclusion regarding the aforesaid petitions on these incidents : ⁴

“ The Commission,

“ Having examined the petitions from inhabitants of Upper Jezireh in the light of the observations of the mandatory Government, the annual report on Syria and Lebanon for 1936 and the verbal explanations of its accredited representative :

“ Hopes that equality of treatment as between the inhabitants of Upper Jezireh, irrespective of race, religion and language, will be fully respected and that a spirit of mutual confidence and tolerance will thereby be created.”

* * *

In these circumstances, I think that no special recommendation is needed in this case in connection with the question of a special regime in Upper Jezireh.

I therefore propose that the Commission adopts the following conclusion :

“ The Commission,

“ Having examined the petitions (fifteen in number) from inhabitants of Upper Jezireh, together with the mandatory Power's observations thereon ;

¹ See Minutes of the Thirty-third Session of the Commission, pages 31-33, 150, 161 and 179.

² *Ibid.*, pages 31-33.

³ *Ibid.*, page 175.

⁴ *Ibid.*, page 179.

“ Referring to the special observation (No. 4 : Upper Jezireh) submitted by the Commission in its report to the Council on the work of its thirty-third session¹ and also to the conclusion adopted at the same session on the petitions (twelve in number) from inhabitants of Upper Jezireh :²

“ Considers that no special recommendation need be made on its part to the Council in regard to these petitions.”

C.P.M.2075(1).

ANNEX 27.

SYRIA AND LEBANON.

PETITIONS, DATED AUGUST 14TH AND OCTOBER 27TH, 1937,
FROM DR. A. CHALFOUN, BEIRUT.

REPORT BY M. PALACIOS.

These petitions, two in number, are dated August 14th and October 27th, 1937, respectively, and the mandatory Power's covering letter is dated June 7th, 1938.

Dr. Chalfoun, on behalf of a Committee which claims to represent 60,000 Lebanese, transmits a request and a manifesto asking that the Franco-Lebanese Treaty of 1936 should not be ratified, and explains for what reasons his very numerous co-signatories desire the French mandate to be maintained for a long time to come. The request outlines a whole programme of reforms, based on the principles of the strictest economy, the strengthening of the mandatory authority, and the purging of administration and justice. The manifesto justifies its emphatic demand for the restoration of the mandate by the necessity of recovering from the financial and moral crisis and of putting an end to an absurd and violent state of political instability. In the opinion of the petitioners, the country, which is already on the brink of the abyss, has not yet sufficient maturity to govern itself. They ask that they may continue to be governed by France, under a “ direct ” mandate, endowed with “ the essential absolute power ”.

The mandatory Power, in its observations, confines itself to replying that “ Dr. Chalfoun, in speaking of the widespread public support of the desiderata he puts forward, appears to exaggerate to some extent, although a certain number of Lebanese seem to share his ideas. In any case, there is no reason to believe that he has obtained the thousands of signatures mentioned in the attached documents, and while there can be no doubt of his good intentions, the action he is taking in the country ought not to be encouraged.”

For these reasons, and while considering that the information supplied and the attitude adopted by the parties concerned provide valuable material for judging the state of political relations in Lebanon, I propose that my colleagues adopt the following conclusion :

“ The Commission,

“ Having examined the petitions, dated August 14th and October 27th, 1937, from Dr. Antoine Chalfoun, Beirut, and the mandatory Power's observations thereon :

“ Considers that no special recommendation need be made to the Council regarding these petitions.”

C.P.M.2085(2).

ANNEX 28.

TANGANYIKA TERRITORY.

PETITION, DATED SEPTEMBER 30TH, 1937, FROM MR. S. V. COOKE,
MOMBASA (KENYA).

REPORT BY M. PALACIOS.

The petition, dated September 30th, 1937, was sent to the Mandates Commission from Mombasa (Kenya), where its author, Mr. Cooke, an ex-official of the Tanganyika Territory, is living. The petitioner enclosed with his petition a speech made in his favour by Mr. Pritt in the House of Commons on June 2nd, 1937, as well as an extract from a review and references to certain newspapers.

¹ See Minutes of the Thirty-third Session of the Commission, page 175.

² *Ibid.*, page 179.

The petition was considered admissible by the Chairman of the Mandates Commission, so far as it concerned the administration of the mandated territory.

The petition appears to deal with two questions : the petitioner's relations as a public servant with the Government in whose service he was employed, and the administration of the mandated territory.

It is to be noted that, although the petitioner draws attention to the fact that the subject matter of his petition relates to " the independence of the judiciary and the discipline of the police force " and declares that he has not been " guided by any desire for personal redress ", a considerable part of the petition deals with his own personal case.

As far as his personal case is concerned, the petitioner describes at length the measures taken against him as an official of the mandated territory, as a result of which he was removed from his post and subsequently retired on a pension of £520.

The mandatory Power, in its observations, deals at length with Mr. Cooke's personal case and expresses its considered view that the treatment which the petitioner has received has been strictly in accordance with the regulations of the service to which he belonged, and that the action taken in transferring Mr. Cooke from Tabora and in terminating his appointment, as soon as it became legally possible, was entirely justified in the public interest.

As regards the administration of the Territory, the petitioner's main allegations are that the independence of the Territory's judiciary is being undermined and that the police force of the Territory is in a state of grave indiscipline.

The mandatory Power examines point by point the allegations contained under these two headings, and concludes that there has been no interference with the independence of the judiciary and that the petitioner's charges regarding the indiscipline of the police force have been most thoroughly investigated and found to be without foundation.

* * *

Having examined the petitioner's complaints, in the light of the mandatory Power's observations—which in my opinion are fully satisfactory—they do not seem to me to call for any special attention on the Commission's part.

I therefore propose the adoption of the following conclusion :

“ The Commission,

“ Having examined the petition, dated September 30th, 1937, from Mr. S. V. Cooke, Mombasa (Kenya), together with the detailed observations of the mandatory Power thereon :

“ Is of opinion that this petition does not call for any special recommendation to the Council.”

C.P.M.2044(1).

ANNEX 29.

TANGANYIKA TERRITORY.

PETITION, CONSISTING OF TWO RESOLUTIONS PASSED ON SEPTEMBER 25TH, 1937, AT A MEETING OF THE INDIANS AT DAR-ES-SALAAM (HELD UNDER THE AUSPICES OF THE INDIAN ASSOCIATION).

REPORT BY M. GIRAUD.

This petition, which consists of two resolutions passed by the Indians at a meeting held at Dar-es-Salaam on September 25th, 1937, under the auspices of the Indian Association, was occasioned by the measures contemplated by the Government of Tanganyika Territory with a view to regulating the cultivation and preparation of and the trade in native produce ; the petitioners objected to the proposed provisions, asserting that the restriction of the free marketing of this produce which they would entail was calculated seriously to affect the legitimate interests of all merchants, and they urged that no decision should be taken until the question had been considered in all its aspects.

In its observations the mandatory Power states that the petitioners' protest was directed against the Native Produce (Control and Marketing) Bill, which was published during 1937 for public information and criticism. The object of the Bill was to regulate the native coffee industry in the Kilimanjaro area in the interests of the native producers, but the Bill was so drafted that its provisions could, if the need arose, be extended to crops other than coffee, with the approval of the Legislative Council. The Indian Association, while admitting that there appeared to be need for some control over the native coffee industry, was opposed to the Bill on the ground that it would give the Government unduly wide powers to restrict trade. The Bill was subsequently amended in the light of the criticisms made by the Indian Association

and others, and the Ordinance finally passed on October 23rd, 1937 (Native Coffee (Control and Marketing) Ordinance, 1937), gives the Government power to regulate only the native coffee industry. The mandatory Power adds that, as a result of these amendments, the Indian opposition was wholly withdrawn and the Indian representatives in the Legislative Council stated that the new Bill satisfied their requirements.

As the petition no longer has any object, the following conclusion might, I think, be adopted :

“ The Commission,

“ Having examined the petition, dated September 25th, 1937, from the Indians of Dar-es-Salaam, and the observations of the mandatory Power thereon :

“ Notes that, according to the information furnished by the mandatory Power, this petition no longer has any justification, the petitioners' requirements having been satisfied on October 23rd, 1937.”

C.P.M.2059(1).

ANNEX 30.

TOGOLAND UNDER BRITISH MANDATE.

PETITION, DATED AUGUST 9TH, 1937, FROM M. JOHANN A. AGBOKA, PRESIDENT OF THE “ BUND DER DEUTSCH TOGOLÄNDER ”, ACCRA.

REPORT BY COUNT DE PENHA GARCIA.

On August 9th, 1937, M. Johann A. Agboka, President of the “ Bund der Deutsch Togoländer ”, Accra (Gold Coast), sent through the mandatory Power a petition to the League of Nations concerning the division of the mandated territory of Togoland, part of which is under French mandate and part under British mandate. According to the petitioner, the lands belonging to the Akposo tribe and those belonging to the Buem tribe were clearly demarcated at the time when the territory was governed by the Germans. As a result of the fixing of the frontier between the two mandatory Governments—the United Kingdom and France—the Buem tribe under British mandate occupied certain lands belonging to the Akposo. This gave rise to legal proceedings and also to conflicts, during which natives were killed. The petitioner requests that a stop should be put to the acts of violence committed by the Buem.

The mandatory Power, in its observations, recognises the existence of the “ Bund der Deutsch Togoländer ”, a body having its headquarters at Accra and whose members are almost entirely natives of Togoland under French mandate.

It states that the frontier between the two mandated territories in the disputed area passed through unexplored territory which, since the delimitation, has been brought under cultivation. A number of the natives who cultivate these lands assert that they bought them from the chief of Akposo, who brought an action for the purpose of having these sales recognised. The chief of Buem entered a counter-claim. After a series of judgments, an appeal has now been made to the Privy Council.

The mandatory Power refers to the incidents, accompanied by bloodshed, which occurred in 1936, and which were not punished by the court owing to lack of evidence.

There has been no disturbance since those regrettable incidents, but the mandatory Power appears to be apprehensive of what may happen when the Privy Council has given its decision. It is to be presumed, however, that precautions will be taken to prevent any repetition of these incidents. The mandatory Power also refers to another land dispute, not mentioned in the petition, which appears to show that the land questions raised by the demarcation of the frontier might with advantage be settled by agreement between the Administrations of the two territories.

In these circumstances, I propose the adoption of the following conclusion :

“ The Commission,

“ Having examined the petition, dated August 9th, 1937, from M. Johann A. Agboka, President of the “ Bund der Deutsch Togoländer ”, Accra, and the observations of the mandatory Power thereon :

“ Is of opinion that no special action is called for on this petition.”

ANNEX 31.

I. REPORT TO THE COUNCIL ON THE WORK OF THE COMMISSION.

The Permanent Mandates Commission met at Geneva from June 8th to 23rd, 1938, for its thirty-fourth session, and held twenty-four meetings, part of the first of which was public.

The annual reports were considered in the following order, with the co-operation of the representatives of the mandatory Powers :

Nauru, 1937.

Accredited Representative :
Major O. C. W. FUHRMAN, O.B.E.

Palestine and Trans-Jordan, 1937.

Accredited Representatives :
Sir John SHUCKBURGH, K.C.M.G., C.B., Deputy Under-Secretary of State for the Colonies ;
Mr. Sydney MOODY, O.B.E., Deputy Chief Secretary, Government of Palestine ;
Mr. A. S. KIRKBRIDE, O.B.E., M.C., District Commissioner, Galilee and Acre District, Palestine.

South West Africa, 1937.

Accredited Representatives :
Mr. C. T. TE WATER, High Commissioner for the Union of South Africa in London ;
Mr. H. T. ANDREWS, Accredited Representative of the Union of South Africa to the League of Nations.

Togoland under French Mandate, 1937.

Accredited Representative :
M. Maurice BESSON, Director of the " Agence économique de l'Afrique-Occidentale française ", Paris ;
assisted by
M. THÉBAULT, " Conseiller à la Cour d'appel ", former " Procureur de la République " in Lomé.

Tanganyika Territory, 1937.

Accredited Representatives :
Mr. H. C. D. C. MACKENZIE-KENNEDY, C.M.G., Chief Secretary to the Government of the Territory ;
Mr. G. K. WHITLAMSMITH, Officer in the Secretariat, Tanganyika Territory.

New Guinea, 1936/37.

Accredited Representative :
Major O. C. W. FUHRMAN, O.B.E.

The Commission also gave a hearing to M. Robert DE CAIX, Accredited Representative of the Government of the French Republic, concerning the mandatory Power's request that the examination of the annual report on the situation in Syria and Lebanon during 1937 should be postponed until the autumn session, and concerning the petitions relating to that territory.

A. OBSERVATIONS ON THE ADMINISTRATION OF CERTAIN TERRITORIES UNDER MANDATE.

The following observations, which the Commission has the honour to submit to the Council, were adopted after consideration of the situation in each territory in the presence of the accredited representative to the mandatory Power concerned. In order to appreciate the full significance of these observations, reference should be made, as usual, to the Minutes of the meetings of the Commission at which the questions concerning the different territories were discussed.¹

¹ The page numbers following the observations concerning the B and C mandated territories are those of the Minutes of the session.

TERRITORIES UNDER "A" MANDATE.

Palestine.

An examination of the report for 1937 makes it clear that the political situation has not emerged from the deadlock which, in the words of the representative of the mandatory Power, characterised it a year ago.

Throughout the year, public order was continually disturbed by attacks on persons and by acts of intimidation and sabotage, which were conducted, as the report says, by Arabs, and on a few occasions provoked Jewish reprisals. This campaign of terrorism, in the course of which many Arabs fell victims to their own countrymen, seems to have increased in violence month by month and spread farther over the country.

More recently, however, order appears to have been established in the city of Jerusalem, and the disturbances have tended to be limited mainly to the northern part of the country.

The main concern of the mandatory authority was the restoration of order, and this was, of course, their primary duty. They applied themselves to this task with a determination for which every credit is due, even though the measure of success attained was not commensurate with the efforts expended or the sacrifices made.

The accredited representative did not hesitate to describe the situation which has developed in Palestine as a "state of war". In so doing, he made clear both the gravity of the attack on authority and also the extent of the resources called into play for the purpose of overcoming it. He also convinced the Commission of the exceptional difficulties this task involved, owing to the physical configuration of the country, the lack of co-operation on the part of the Arab population—whether because they are in sympathy with the insurgents or because they are terrorised by the threat of reprisals—and also owing to the fact that the insurrection is being helped from outside.

Measures for the restoration of order were a heavy financial burden on the country, and the effort which these measures necessitated inevitably interfered with ordinary administrative activities.

The accredited representative admitted that the events that have taken place have produced a transitional situation quite other than the transitional period which the Royal Commission expected to elapse between the adoption of the decisions it recommended and their practical application.¹

The Royal Commission considered that, during that period, the present mandate would continue to be the governing instrument of the administration of Palestine. In actual fact, however, the Mandates Commission cannot but recognise that the application of the mandate is partially suspended now, as events have prevented some of its essential objects from being pursued.¹

Thus, the mandatory Power has felt obliged to prolong the period during which Jewish immigration has been limited to a greater extent than would have been justified by the application of the principle of the economic absorptive capacity of the territory, which was approved by the Council. Similarly, the situation has been regarded as less favourable than ever for securing the development of the self-governing institutions referred to in Article 2 of the mandate.

The Commission observes that the mandatory Power has already introduced certain reforms urged by the Royal Commission as immediately necessary, and notes that it intends to pursue the same policy as far as circumstances permit.

Lastly, the Commission was informed that partition is still the solution which the mandatory Power considers to be the best and the most hopeful; the mandatory Power has instructed the technical Commission, of the appointment of which it has notified the Council, to pursue the study of this matter.

* * *

Needless to say, the situation revealed by the foregoing survey has caused the Mandates Commission the utmost concern, and it hopes that the period that elapses before a final decision is reached as to the future status of the territory will be made as short as possible. All the interests involved cannot but suffer still further from the continuance of the present state of uncertainty.

Syria and Lebanon.

The Commission should, in the ordinary course, have examined the annual report on Syria and Lebanon this session. Having heard the accredited representative's explanation of the reasons which led the mandatory Power to propose that the report should not be discussed until the next session, the Commission is of opinion that the examination at the present time of the administration of Syria and Lebanon during 1937 could have taken place without disadvantage. In the Commission's opinion, therefore, it would have been better not to depart from the established rule, and it only agreed to an adjournment in deference to the express desire of the mandatory Power, an adjournment which was also necessitated by the fact that the report did not reach it until after the session had opened.

¹ See on page 240 the comments of the accredited representative on this point.

On this occasion, the Commission has again given expression to the consideration which it has constantly kept in mind, that, in the mandated States of which it is proposed to recognise the complete independence, effective protection should be afforded to racial, linguistic and religious minorities. In this connection, it refers to its report of 1931 on the general conditions which must be fulfilled before the mandate regime can be brought to an end in respect of a country placed under that regime, to its observations to the Council on the work of its various sessions during which the problem of the future of such minorities was examined, and to the Minutes of its discussions on the same subject.

The Commission has the honour to observe here, so far as may be necessary, that the agreements between the mandatory Power and the Levant States under mandate cannot prejudge the question of the guarantees which the League of Nations might contemplate when it has to pronounce on the emancipation of Syria and Lebanon and their admission to the League. The Commission noted with satisfaction a further statement to this effect by the accredited representative.

TERRITORIES UNDER " B " MANDATE.

Tanganyika Territory.

I. *General Administration.*

The Commission regarded it as being to the credit of the operation of the system of indirect rule practised in the territory that, as appears from the annual report, the native authorities took action on their own motion for the restoration of order on the occasion of the disturbances which occurred in the district of Moshi, and that this result was achieved without it being necessary for the administration to resort to force (pages 140-141, 147, 188, 190, 240).¹

2. *Economic Equality.*

The Commission notes that the mandatory Power is of the opinion that States which are not members of the League of Nations cannot claim economic equality for their goods imported into Tanganyika, either under the terms of the mandate or under Article 22 of the Covenant, though in some cases a claim may be justified under other instruments which are applicable to the mandated territory. The accredited representative explained that these instruments were, on the one hand, the Treaty of Saint Germain of 1919 and, on the other hand, the agreement of 1925 granting the nationals of the United States of America the same economic rights in Tanganyika as those possessed by nationals of League Members, as well as the various bilateral trade agreements in which most-favoured-nation treatment in Tanganyika Territory was accorded to the countries which are mentioned on page 6, paragraph 7, of the annual report (pages 137, 188, 190).

3. *Public Finance.*

(a) The Commission noted that the financial situation of the Territory continued to be favourable during the year 1937. As regards the public debt, it would welcome in the next report full information as to the methods of refunding the loans, a question which it learnt from the accredited representative was being considered by the competent authorities (pages 142, 188, 190).¹

(b) The Commission noted that the whole question of the imposition of an income tax was still under consideration by the mandatory Power. It expresses again the hope that the objections raised to the imposition of such a tax in the Territory will not prove insuperable (pages 142-143, 188, 190).

4. *Labour.*

(a) *General.* — The Commission welcomes the statement of the accredited representative that the administration has reinstated the Labour Department and is promoting a policy for the improved organisation of the recruiting of workers. It hopes that, as a result, unsatisfactory health conditions such as those which attended the recruiting of labour for the Morogoro district in 1937 will not again prevail (pages 150-152, 188, 190).

(b) *Lupa Goldfields.* — The Commission notes that the measures taken for the improvement of conditions of labour on the Lupa goldfields have had a good effect, and hopes to receive, in the next annual report, information indicating that progress has been continued (pages 147-150, 188, 190).

5. *Liquor Traffic.*

The Commission notes the successful results of the measures taken with a view to controlling the manufacture and sale of methylated spirits (pages 155, 188, 190).

¹ See on page 240 the comments of the accredited representative on this point.

Togoland under French Mandate.

I. GENERAL OBSERVATION.

The Commission notes with satisfaction that, owing to the material improvement in the financial situation of the territory, it has been possible to modify certain administrative measures taken for reasons of economy in the last few years, and thus to make the territory once more autonomous in regard to the majority of its administrative services (pages 108, 109-110, 188).

II. SPECIAL OBSERVATIONS.

1. Social Condition of the Natives.

The Commission noted with interest the particulars supplied by the accredited representative regarding the social condition of the advanced elements of the native population.

It hopes to receive at frequent intervals detailed particulars of the progress made in this respect (pages 110, 115, 117-119, 120-121, 188).

2. Land Tenure.

(a) The Commission noted the explanations given by the accredited representative regarding the supervision exercised by the Administration with a view to safeguarding the native land tenures, particularly in so far as they are affected by cases of mortgage.

Although no abuses seem to have occurred, the Commission is still concerned at the risks inherent in the present system from the point of view of the safeguarding of native property, which is formally stipulated in Article 5, paragraph 2, of the mandate.

The Commission noted the accredited representative's statement that he would consult with his Government as to whether any addition should be made to the legislation in force in the territory with a view to complying with the spirit and the letter of the above-mentioned clause of the mandate (pages 115, 126-131, 188).

(b) The Commission would be glad to find in the next report definite information on the question of "vacant lands", and more particularly on those aspects which concern native rights in respect of the occupation of such lands. It would also like to be informed of the instructions given to administrative officers regarding the conditions under which such lands can be assigned (pages 131-132, 188).

TERRITORIES UNDER "C" MANDATE.

Nauru.

1. Education.

The Commission hopes to find in the next report further information regarding the opportunity of education of higher type provided for Nauruans (pages 17, 23, 187).

2. Public Health.

The Commission is concerned at the high death rate of the native population in general, as well as at the high rate of infantile mortality.

It will therefore follow with the greatest interest the results of investigations made on the island, with regard to questions of health in general as well as to nutrition and fresh-water supply. The Commission earnestly hopes to find in the next report further information on these subjects (pages 20-21, 23, 26, 187).

New Guinea.

1. General Administration.

The Commission would be glad to know the conclusion of the mandatory Power on the definite question whether, in their opinion, the welfare of the natives would be better secured by opening up the uncontrolled areas to European activities as soon as they are brought under control or by arranging for a transitional period which would enable the Administration to strengthen its authority and develop its activities (pages 163-166, 192).

2. Public Works.

While noting the explanations offered by the mandatory Power on the subject of road development, the Commission is nevertheless concerned to find that, in spite of the improved financial position of the territory, appropriations for road development have been reduced (pages 167, 192).

3. *Education.*

The Commission would be glad to find in the next report information on the work of the Committee appointed to examine questions relating to native education and, as far as possible, on the policy with regard to educational matters which will be formulated after the Legislative Council has been able to consider the Committee's report (pages 182-183, 192).

4. *Labour.*

The Commission notes the statements of the mandatory Power, in response to its observations on the work of its thirty-first session, that "the mandatory Power and the territorial Administration are at all times conscious of the obligation to safeguard and preserve the social well-being of the natives and particular care is taken to ensure that nothing is done by recruiting that would endanger the economic and social life of the native communities", and, further, that "this phase of native labour administration and control is constantly under the review of the Administration officials and is regulated by the power vested in the Administration to close areas to recruiting".

While appreciating the value of these statements, the Commission would be glad to be informed, in view of the increasing number and the high proportion of natives under indenture who are absent from their homes for periods of three years or even more, whether the mandatory Power does not consider it advisable to lower this proportion and shorten these periods (pages 176-179, 186-187, 192).

5. *Missions.*

The Commission was glad to receive from the mandatory Power information and reports from the missions, thus enabling it to follow the different aspects of their activities.

However, the Commission would welcome in the next report fuller information regarding the relations between the Administration and the missions, as well as between the missions themselves, as the situation appears somewhat complicated. This description, the Commission hopes, will also give some general information of the Administration's policy in regard to the missions and their activities (pages 181-182, 192).

6. *Land Tenure.*

The Commission would be glad to find in the next report a general survey of the conditions of land tenure by the native tribes, including a precise definition of the nature of the rights which they are considered to enjoy in the areas described as "native areas" (pages 185, 192).

South West Africa.

1. *General Administration.*

As regards the relations between the various sections of the European population of the territory, the Commission noted the statement in the annual report (page 152, paragraph 833), which reads as follows :

"The Union Government feels . . . that legislation, no matter in which form it may be devised, never can nor will rectify a state of affairs which has for its root cause the lack of mental affinity and purpose between the various elements of the European population in the territory. It has, however, every confidence that the mellowing influence of time and the necessity to co-operate in the promotion of common interests will gradually exercise their beneficial effects."

At the same time, the accredited representative of the mandatory Power informed the Commission that, in spite of the inherent difficulties of the political situation in the territory, the Administration reported that the atmosphere had improved and that the work of government had been easier in recent months. He recognised, however, that recent tendencies showed that there was still a marked divergence of feeling amongst the European community, but that this is due to external causes rather than to local factors (pages 73, 74-76, 187).

2. *Native Welfare.*

The Commission notes that, as shown in sections 305 and 305(a) of the report, the mandatory Power had decided not to continue its policy of spending sums out of general revenues on the improvement of the native reserves. The Commission is aware that the

Administration has stated that its present policy merely aims at avoiding the undue acceleration of the development of the reserves, as it considers it essential to convey to the natives the lesson that their improvement must depend on their own exertions. The Commission does not, however, feel that this consideration can justly apply to the grant of assistance to the natives in the matter of water supply or provision of medical facilities, since the natives are too indigent to provide these for themselves. The Commission continues therefore to hope that this consideration will not lead the Administration to withhold the assistance which is required in this respect and to which it called attention at its thirty-first session (pages 78-82, 187).

3. *Public Health.*

The Commission considers that it would be useful to initiate an enquiry into the problem of the nutrition conditions of the native population in the mandated territory (pages 94, 187).

4. *Missions.*

The Commission noted that, as already stated in the previous report, the Administration considers that the activities of the missions in some cases tended to undermine tribal law and custom, which it was the policy of the Administration to maintain.

It was, however, happy to learn that the results of a conference held with representatives of the missions seemed to afford promise of a better appreciation of the respective points of view of the officials and the missionaries (pages 92-93, 187).

5. *Education.*

The Commission hopes that, in the near future, it will be possible for the Administration to find a remedy for the dearth of properly trained and qualified teachers conversant with the various native languages (see paragraph 259 of the report, page 43). The Commission presumes that, if the system of grants to teachers used in Ovamboland proves to be successful, it will be extended to other parts of the territory (pages 90-91, 187).

6. *Land Tenure.*

The Commission would be glad to find in the next report information as to the rights which the natives are held to possess over land both inside and outside the reserves (pages 95, 187).

B. PETITIONS. ¹

At its thirty-fourth session, the Commission considered the petitions mentioned below, together with the observations made on each of them by the mandatory power concerned. Each of these petitions was reported on in writing by a member of the Commission. After discussion, the Commission adopted the conclusions set forth below. The texts of the reports submitted to the Commission are attached to the Minutes. ²

Palestine and Trans-Jordan.

- (a) PETITION, DATED JULY 1936, FROM THE "NESSIUT" (PRESIDENCY) OF THE NEW ZIONIST ORGANISATION, LONDON, TRANSMITTED ON AUGUST 14TH, 1936, BY DR. H. LEVI, MEMBER OF THE "NESSIUT" (document C.P.M.1839) (page 190).

Observations of the United Kingdom Government, dated April 30th, 1937, and March 18th, 1938 (documents C.P.M.1892 and 2016).

Report (see Minutes, Annex 7, pages 204-205).

Conclusions.

" The Commission,

" Having considered the letter, dated August 14th, 1936, from Dr. H. Levi, and the petition, dated July 1936, from the Presidency of the New Zionist Organisation, London, in the light of the Balfour Declaration, the terms of the mandate, the decisions of the mandatory Power and the Council concerning the Palestine mandate, and the special observations of the mandatory Power:

" Does not feel that any further action need be taken on this petition."

¹ The page numbers following each title are those of the Minutes of the session.

² The Commission recommends that copies of the petitions and the mandatory Powers' observations thereon should be deposited in the League of Nations Library and thus placed at the disposal of persons wishing to consult them.

- (b) PETITION, DATED FEBRUARY 25TH, 1937, FROM THE NATIVE RACES AND THE LIQUOR TRAFFIC UNITED COMMITTEE, LONDON (document C.P.M.1890) (page 189).

Observations of the United Kingdom Government, dated October 12th, 1937 (document C.P.M.1947).

Report (see Minutes, Annex 8, pages 205-206).

Conclusions.

“ The Commission,

“ Having examined the petition, dated February 25th, 1937, from the Native Races and the Liquor Traffic United Committee, London, and the observations of the mandatory Power thereon :

“ Considers that no recommendation need be made to the Council in regard to the petition.”

- (c) PETITION, DATED JULY 28TH, 1937, FROM MR. ASA WHITNEY, SARISBURY GREEN, HANTS, ENGLAND (document C.P.M.1930) (pages 51, 190).

Observations of the United Kingdom Government, dated February 15th, 1938 (document C.P.M.2013).

Report (see Minutes, Annex 9, pages 206-207).

Conclusions.

“ The Commission,

“ Having examined the petition, dated July 28th, 1937, from Mr. Asa Whitney, Sarisbury Green, and the observations of the mandatory Power thereon :

“ Is of opinion that this petition does not call for any special action.”

- (d) LETTER, DATED AUGUST 12TH, 1937, FROM M. MOHAMMAD AMIN HUSSEINI, FORMER PRESIDENT OF THE SUPREME ARAB COMMITTEE, JERUSALEM (document C.P.M.1965) (page 189).

Observations of the United Kingdom Government, dated October 27th, 1937 (document C.P.M.1965).

Report (see Minutes, Annex 10, page 207).

Conclusions.

“ The Commission,

“ Having examined the petition, dated August 12th, 1937, from M. Mohammad Amin Husseini, former President of the Supreme Arab Committee, Jerusalem, and the observations of the mandatory Power thereon :

“ Considers that this petition does not call for any recommendation to the Council.”

- (e) PETITION, DATED JANUARY 1938, FROM THE “ NESSIUT ” (PRESIDENCY) NEW ZIONIST ORGANISATION, LONDON, TRANSMITTED ON JANUARY 18TH, 1938, BY MR. A. ABRAHAMS, POLITICAL SECRETARY (document C.P.M.2012) (pages 42-44, 190).

Observations of the United Kingdom Government, dated June 3rd, 1938 (document C.P.M.2047).

Report (see Minutes, Annex 11, pages 208-209).

Conclusions.

“ The Commission,

“ Having examined the petition, dated January 1938, submitted, on January 18th, 1938, on behalf of the New Zionist Organisation, London, by Mr. A. Abrahams, Political Secretary, and the observations of the mandatory Power thereon :

“ Considers that the petition calls for no special action.”

- (f) LETTER, DATED MAY 4TH, 1938, FROM THE PRESIDENT OF THE JEWISH AGENCY FOR PALESTINE, LONDON, ACCOMPANYING A MEMORANDUM ON THE DEVELOPMENT OF THE JEWISH NATIONAL HOME IN PALESTINE IN 1937 (document C.P.M.2028) (pages 39-40, 190).

Observations of the United Kingdom Government, dated May 27th, 1938 (document C.P.M.2028).

Report (see Minutes, Annex 12, pages 209-210).

Conclusions.

“ The Commission,

“ Having examined the Jewish Agency's memorandum concerning the development of the Jewish National Home in 1937, accompanied by a letter, dated May 4th, 1938, from the President of the Jewish Agency, together with the mandatory Power's observations :

“ Is of opinion that this documentation does not call for any special action.”

- (g) (1) PETITION, DATED JULY 27TH, 1937, FROM M. JUSTIN GODART, CHAIRMAN OF THE COMMITTEE FOR THE DEFENCE OF THE RIGHTS OF JEWS IN CENTRAL AND EASTERN EUROPE, PARIS (document C.P.M.1925).
Observations of the United Kingdom Government, dated October 11th, 1937 (document C.P.M.1946).
- (2) PETITION, DATED JULY 29TH, 1937, FROM M. SHUKRY EFF-TAJI, CHAIRMAN OF THE ARAB COMMITTEE OF THE CITRUS FRUITS INDUSTRY, JAFFA (document C.P.M.1940).
Observations of the United Kingdom Government, dated November 15th, 1937 (document C.P.M.1999).
- (3) PETITIONS, DATED JULY 13TH, 1937 :
(a) From the Arab Women's Committee, Jerusalem ;
(b) From the Jerusalem National Committee (document C.P.M.1941).
Observations of the United Kingdom Government, dated August 14th, 1937 (document C.P.M.1941).
- (4) PETITION, DATED JULY 18TH, 1937, FROM MGR. GREGORIUS HAJJAR, METROPOLITAN OF ACRE, HAIFA AND NAZARETH, HAIFA (document C.P.M.1943).
Observations of the United Kingdom Government, dated October 5th, 1937 (document C.P.M.1943).
- (5) TELEGRAM, DATED SEPTEMBER 13TH, 1937, FROM THE ARAB HIGHER COMMITTEE, JERUSALEM (document C.P.M.1944).
Observations of the United Kingdom Government, dated September 16th, 1937 (document C.P.M.1944).
- (6) PETITION, DATED OCTOBER 2ND, 1937, FROM M. DAHTER, SECRETARY-GENERAL OF THE “ COMITÉ SYRO-PALESTINIEN ”, CAIRO (document C.P.M.1949).
Observations of the United Kingdom Government, dated December 9th, 1937 (document C.P.M.2004).
- (7) PETITION, DATED JULY 14TH, 1937, FROM THE ARAB CHAMBER OF COMMERCE, JERUSALEM (document C.P.M.1966).
Observations of the United Kingdom Government, dated November 1st, 1937 (document C.P.M.1966).
- (8) PETITIONS, DATED :
(a) JULY 10TH, 1937, FROM THE PRESIDENT OF THE ARAB NATIONAL COMMITTEE, JAFFA ;
(b) JUNE 14TH, 1937, FROM AHMED EFFENDI SHUQAIR, ACRE ;
(c) JULY 21ST, 1937, FROM M. MOHAMMED AL-HADI AL-YASHARTI, ACRE (document C.P.M.1967).
Observations of the United Kingdom Government, dated October 27th, 1937 (document C.P.M.1967).
- (9) PETITION, DATED JULY 21ST, 1937, FROM M. ATTIA JWEID, HULAH AREA (NORTHERN PALESTINE) (document C.P.M.1976).
Observations of the United Kingdom Government, dated November 3rd, 1937 (document C.P.M.1976).
- (10) PETITION (UNDATED), FROM M. KAMEL HUSEIN YOUSEF AND OTHER SIGNATORIES, HULAH AREA (NORTHERN PALESTINE) (document C.P.M.2001).
Observations of the United Kingdom Government, dated November 17th, 1937 (document C.P.M.2001).

- (11) PETITION (UNDATED), FROM M. NAF'I DEEB, MISSILYA, AND OTHER INHABITANTS OF VILLAGES IN THE JENIN SUB-DISTRICT (document C.P.M.2002).
Observations of the United Kingdom Government, dated November 18th, 1937 (document C.P.M.2002).
- (12) PETITION, DATED NOVEMBER 2ND, 1937, FROM RAGHEB BEY NASHASHIBI, PRESIDENT OF THE NATIONAL DEFENCE PARTY, JERUSALEM (document C.P.M.2005).
Observations of the United Kingdom Government, dated January 5th, 1938 (document C.P.M.2005).
- (13) PETITION, DATED AUGUST 21ST, 1937, FROM M. ANTON YACOB AL-'AMA, BETHLEHEM (document C.P.M.2007).
Observations of the United Kingdom Government, dated January 8th, 1938 (document C.P.M.2007).
- (14) PETITION, DATED NOVEMBER 15TH, 1937, FROM RAGHEB BEY NASHASHIBI, PRESIDENT OF THE NATIONAL DEFENCE PARTY, JERUSALEM (document C.P.M.2008).
Observations of the United Kingdom Government, dated January 26th, 1938 (document C.P.M.2008).
- (15) PETITIONS, DATED OCTOBER 26TH, NOVEMBER 11TH AND 16TH, 1937, FROM HAMAD HILMY PASHA AND OTHER MEMBERS OF THE FORMER ARAB HIGHER COMMITTEE, NOW IN THE SEYCHELLES (document C.P.M.2011) (pages 50-51).
Observations of the United Kingdom Government, dated January 27th, February 12th and April 20th, 1938 (documents C.P.M.2011, 2011(a) and 2019).
- (16) PETITIONS, DATED :
- (a) FEBRUARY 17TH, 1938, FROM THE ARAB WOMEN'S COMMITTEE, JERUSALEM ;
- (b) FEBRUARY 5TH, 1938, FROM A DELEGATION OF ARAB LADIES OF JERUSALEM (document C.P.M.2020).
Observations of the United Kingdom Government, dated April 28th, 1938 (document C.P.M.2020).
- (17) PETITION, DATED AUGUST 15TH, 1937, FROM M. JACOB H. SALAVAN, BNEI-BRAK (document C.P.M.2024).
Observations of the United Kingdom Government, dated May 18th, 1938 (document C.P.M.2024).
Report (see Minutes, Annex 13, pages 210-215).

Conclusions.

“ The Commission,

“ Having considered, in the light of the documentary material supplied by the mandatory Power, the petitions classified as follows :

“ A. Petitions against the Royal Commission's report or, more particularly, against the scheme of partition, but not containing any new factors or positive suggestions in regard to the problem ;

“ B. Petitions criticising the Royal Commission's report on the scheme of partition, and also suggesting a solution considered by the petitioners to be more in accordance with the circumstances or with justice ;

“ C. Petitions concerning the measures taken by the mandatory Power to put down the disturbances in Palestine ;

“ Considers :

“ In view of the fact that the petitions in groups A and B are concerned with the scheme of partition outlined by the Palestine Royal Commission, which is at present being examined by the mandatory Power :

“ Is of opinion that attention should be drawn to the importance of the accounts contained in some of these documents, but that no special observations need be made on them ;

“ And considers that, as regards the petitions in group C, no special recommendation to the Council is required.”

Syria and Lebanon.

- (a) PETITIONS (EIGHT IN NUMBER) CONCERNING THE SANJAK OF ALEXANDRETTA (document C.P.M.1972¹) (page 188).

Observations of the French Government, dated November 6th, 1937 (document C.P.M.1972).

Report (see Minutes, Annex 14, page 215).

Conclusions.

“ The Commission,

“ Having examined eight petitions from inhabitants of the Sanjak of Alexandretta, relating to the elections in November 1936 and the mandatory Power's observations thereon :

“ Considers that these petitions do not call for any particular action.”

- (b) PETITION, DATED NOVEMBER 5TH, 1937, FROM M. ABDEL KADER AND M. FOUAD GHANDOUR, BEIRUT (document C.P.M.2003) (pages 98-99, 191).

Observations of the French Government, of December 1937 (document C.P.M.2003).
Report (see Minutes, Annex 15, page 216).

Conclusions.

“ The Commission,

“ Having examined the petition, dated November 5th, 1937, from M. Abdel Kader and M. Fouad Ghandour, Beirut, and the observations of the mandatory Power :

“ Is of opinion that no special action need be taken on this petition.”

- (c) PETITION, DATED DECEMBER 27TH, 1937, FROM M. MICHEL SAYUR, ROME, AND OTHER HEIRS OF THE LATE ANTOUN YOUSSEF SAYUR, SUBMITTED THROUGH THE AGENCY OF MAÎTRE EMILE ZALZAL, ADVOCATE, BEIRUT (document C.P.M.2010) (pages 99-100, 191).

Observations of the French Government, dated June 2nd, 1938 (document C.P.M.2033).

Report (see Minutes, Annex 16, pages 216-217)

Conclusions.

“ The Commission,

“ Having examined the petition, dated December 27th, 1937, addressed on January 24th, 1938, by Maître Emile Zalzal, on behalf of the heirs of the late A. Y. Sayur, and the mandatory Power's observations thereon :

“ Considers that no action need be taken on the part of the Commission with regard to this petition, in view of the fact that all legal remedies have not been exhausted.”

- (d) PETITION, DATED SEPTEMBER 25TH, 1937, FROM M. KASSEM MOUSTAPHA, M. KHALED HAMAD EL-KHATIB AND OTHER SIGNATORIES OF THE EL-ARKOUB DISTRICT (document C.P.M.2025) (pages 100, 191).

Observations of the French Government, dated May 24th, 1938 (document C.P.M.2025).

Report (see Minutes, Annex 17, page 217).

Conclusions.

“ The Commission,

“ Having examined the petition, dated September 25th, 1937, from M. Kassem Moustapha, M. Khaled Hamad El-Khatib and other signatories of the El-Arkoub district, in the light of the observations of the mandatory Power thereon :

“ Considers that no special action need be taken on this petition.”

¹ See Minutes of the Thirty-third Session of the Commission, page 138.

- (e) PETITION, DATED OCTOBER 24TH, 1937, FROM M. SAMI SLIM, TRIPOLI (document C.P.M. 2026) (pages 100-101, 188).

Observations of the French Government, dated May 24th, 1938 (document C.P.M. 2026).

Report (see Minutes, Annex 18, page 218).

Conclusions.

“ The Commission,

“ Having examined the petition, dated October 24th, 1937, from M. Sami Slim, Tripoli, together with the mandatory Power's observations thereon :

“ Considers that no action need be taken on this petition.”

- (f) PETITIONS (FIVE IN NUMBER), DATED SEPTEMBER 25TH, DECEMBER 10TH, 14TH AND 15TH, 1937, AND JANUARY 9TH, 1938, FROM INHABITANTS OF DAMASCUS AND HOMS (document C.P.M.2027) (pages 101, 191).

Observations of the French Government, dated May 27th, 1938 (document C.P.M. 2027).

Report (see Minutes, Annex 19, page 218).

Conclusions.

“ The Commission,

“ Having examined the five petitions, dated September 25th, December 10th, 14th and 15th, 1937, and January 9th, 1938, from Inhabitants of Damascus and Homs, and the mandatory Power's observations thereon :

“ Is of opinion that these petitions do not call for any special action.”

- (g) PETITION, DATED MARCH 1938, FROM M. KHALED DAGHESTANI, HOMS, AND OTHER CIRCASSIANS OF THE MOHAFAZATS OF HOMS AND HAMA (document C.P.M.2030) (pages 101-102, 189).

Observations of the French Government, dated May 31st, 1938 (document C.P.M. 2030).

Report (see Minutes, Annex 20, page 219).

Conclusions.

“ The Commission,

“ Having examined the petition, dated March 1938, from M. Khaled Daghestani, Homs, and other Circassians of the Mohafazats of Homs and Hama, together with the mandatory Power's observations thereon ;

“ Referring to the Commission's observations on minorities, which are contained in the general observations on Syria and Lebanon submitted to the Council at the conclusion of its thirty-third and thirty-fourth sessions respectively :¹

“ Considers that no special recommendation need be made to the Council in regard to this petition.”

- (h) PETITIONS RELATING TO THE LEGISLATIVE ELECTIONS WHICH TOOK PLACE IN THE MOHAFAZAT OF LATAKIA IN OCTOBER 1937 (document C.P.M.2031) (pages 102, 191).

Observations of the French Government, dated May 30th, 1938 (document C.P.M. 2031).

Report (see Minutes, Annex 21, page 220).

Conclusions.

“ The Commission,

“ Having examined the petitions relating to the legislative elections which took place in the Mohafazat of Latakia in October 1937 and the mandatory Power's observations thereon ;

“ While considering that the particulars which they contain should be taken into account in judging the political situation in Syria :

“ Is of opinion that no special action should be taken in regard to these petitions.”

¹ See Minutes of the Thirty-third Session of the Commission, page 175, and page 229 of the present document.

- (i) PETITIONS, DATED DECEMBER 2ND AND 15TH, 1937, FROM M. RACHID YOUSSEF BEIDOUN, FROM M. IBRAHIM FAYAD AND OTHER SIGNATORIES, BEIRUT (document C.P.M.2034) (pages 102-103, 191).

Observations of the French Government, dated June 2nd, 1938 (document C.P.M. 2034).

Report (see Minutes, Annex 22, pages 220-221).

Conclusions.

“ The Commission,

“ Having examined the petitions, dated December 2nd and 15th, 1937, from M. Rachid Youssef Beidoun, M. Ibrahim Fayad and other signatories, Beirut, and the mandatory Power's observations thereon :

“ Considers that no special action should be taken in respect of these petitions.”

- (j) PETITION, DATED NOVEMBER 10TH, 1937, FROM FATHER JIRJI DOUNA, HOMS (document C.P.M.2035) (page 191).

Observations of the French Government, dated June 2nd, 1938 (document C.P.M. 2035).

Report (see Minutes, Annex 23, page 221).

Conclusions.

“ The Commission,

“ Having examined the petition, dated November 10th, 1937, from Father Jirji Douna, Homs, and the mandatory Power's observations thereon :

“ Considers that this petition does not call for any action.”

- (k) PETITION, DATED NOVEMBER 12TH, 1937, FROM M. ELIAS EL-YOUSSEF AND M. ATTIE ET-TAHER, DAMASCUS (document C.P.M.2036) (page 191).

Observations of the French Government, dated June 2nd, 1938 (document C.P.M. 2036).

Report (see Minutes, Annex 24, pages 221-222).

Conclusions.

“ The Commission,

“ Having considered the petition, dated November 12th, 1937, from M. Elias El-Youssef and M. Attie Et-Taher, Damascus, and the mandatory Power's observations thereon :

“ Is of opinion that the petition does not call for any special action.”

- (l) PETITION, DATED NOVEMBER 25TH, 1937, FROM M. MOHAMMED ADIB KHALED AND OTHER SIGNATORIES, TRIPOLI (document C.P.M.2037) (pages 103, 188).

Observations of the French Government, dated June 2nd, 1938 (document C.P.M. 2037).

Report (see Minutes, Annex 25, page 222).

Conclusions.

“ The Commission,

“ Having examined the petition, dated November 25th, 1937, from M. Mohammed Adib Khaled and other signatories, Tripoli, in the light of the observations of the mandatory Government :

“ Considers that no special action need be taken on this petition.”

- (m) PETITIONS (FIFTEEN IN NUMBER) FROM INHABITANTS OF UPPER JEZIREH (document C.P.M.2038) (pages 103, 189).

Observations of the French Government, dated June 2nd, 1938 (document C.P.M. 2038).

Report (see Minutes, Annex 26, pages 223-224).

Conclusions.

“ The Commission,

“ Having examined the petitions (fifteen in number) from inhabitants of Upper Jezireh, together with the mandatory Power's observations thereon ;

“ Referring to the special observation (No. 4 : Upper Jezireh) submitted by the Commission in its report to the Council on the work of its thirty-third session ¹ and also to the conclusion adopted at the same session on the petitions (twelve in number) from inhabitants of Upper Jezireh : ²

“ Considers that no special recommendation need be made on its part to the Council in regard to these petitions.”

- (n) PETITIONS, DATED AUGUST 14TH AND OCTOBER 27TH, 1937, FROM DR. ANTOINE CHALFOUN, BEIRUT (document C.P.M.2041) (pages 103-104, 191).

Observations of the French Government, dated June 7th, 1938 (document C.P.M.2041).

Report (see Minutes, Annex 27, page 224).

Conclusions.

“ The Commission,

“ Having examined the petitions, dated August 14th and October 27th, 1937, from Dr. Antoine Chalfoun, Beirut, and the mandatory Power's observations thereon :

“ Considers that no special recommendation need be made to the Council regarding these petitions.”

Tanganyika Territory.

- (a) PETITION, DATED SEPTEMBER 30TH, 1937, FROM MR. S. V. COOKE, MOMBASA (KENYA) (document C.P.M.2006) (pages 160-161, 193).

Observations of the United Kingdom Government, dated May 2nd, 1938 (document C.P.M.2021).

Report (see Minutes, Annex 28, pages 224-225).

Conclusions.

“ The Commission,

“ Having examined the petition, dated September 30th, 1937, from Mr. S. V. Cooke, Mombasa (Kenya), together with the detailed observations of the mandatory Power thereon :

“ Is of opinion that this petition does not call for any special recommendation to the Council.”

- (b) PETITION, CONSISTING OF TWO RESOLUTIONS PASSED ON SEPTEMBER 25TH, 1937, AT A MEETING OF THE INDIANS AT DAR-ES-SALAAM, HELD UNDER THE AUSPICES OF THE INDIAN ASSOCIATION (document C.P.M.2017) (page 189).

Observations of the United Kingdom Government, dated April 4th, 1938 (document C.P.M.2017).

Report (see Minutes, Annex 29, pages 225-226).

Conclusions.

“ The Commission,

“ Having examined the petition, dated September 25th, 1937, from the Indians of Dar-es-Salaam, and the observations of the mandatory Power thereon :

“ Notes, that according to the information furnished by the mandatory Power, this petition no longer has any justification, the petitioners' requirements having been satisfied on October 23rd, 1937.”

¹ See Minutes of the Thirty-third Session of the Commission, page 175.

² *Ibid.*, page 179.

Togoland under British Mandate.

PETITION, DATED AUGUST 9TH, 1937, FROM M. JOHANN A. AGBOKA, PRESIDENT OF THE "BUND DER DEUTSCH TOGOLAENDER", ACCRA (document C.P.M.2022) (pages III, 192).

Observations of the United Kingdom Government, dated April 29th, 1938 (document C.P.M.2022).

Report (see Minutes, Annex 30, page 226).

Conclusions.

"The Commission,

"Having examined the petition, dated August 9th, 1937, from M. Johann A. Agboka, President of the 'Bund der Deutsch Togoländer', Accra, and the observations of the mandatory Power thereon :

"Is of opinion that no special action is called for on this petition."

II. COMMENTS OF THE ACCREDITED REPRESENTATIVES SUBMITTED
IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION OF
THE PERMANENT MANDATES COMMISSION.

A. PALESTINE.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED JULY 26TH, 1938.

I have the honour to acknowledge the receipt of your letter of June 30th with which I received an advance copy of the observations of the Permanent Mandates Commission drawn up as a result of the examination, at its recent session, of the administration of Palestine and Trans-Jordan in 1937.

I would venture to point out that the seventh paragraph of these observations, regarding the present "transitional situation", seems to me to give not quite a clear expression of the view which I endeavoured to convey to the members of the Permanent Mandates Commission. I did not intend to say that the present "transitional situation" was the outcome of events that have occurred in Palestine. I merely wished to make the point that it is to be distinguished from the "transitional period" for which the Royal Commission made certain specific recommendations; the latter being the period which will elapse between the adoption of a definite plan of partition (no such definite plan has yet been adopted) and the actual introduction of the new regime.

With regard to the second sentence of paragraph 8 of the observations, I should explain that His Majesty's Government in the United Kingdom could not agree with the view that the present system of control of immigration represents a partial suspension of the mandate. They will take the opportunity of defining their attitude on this question when the observations of the Permanent Mandates Commission are considered at the forthcoming meeting of the Council of the League of Nations.

(Signed) J. E. SHUCKBURGH.

B. TANGANYIKA TERRITORY.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED JUNE 30TH, 1938.

I have the honour to return to you the observations of the Permanent Mandates Commission which were enclosed with your letter of June 28th.

I have only two comments to make :

2. In paragraph (1) the impression gained is that no force was used to quell the disorders on Kilimanjaro. The reports of the disorders shew that a measure of force had to be used (by the Police) in the Machame Chiefdom in order to disperse the rioters.

3. In paragraph (3), it is presumably the Exchequer loans which are referred to; the public loans and their method of refunding are set out in the Reports and Estimates.

(Signed) D. MACKENZIE-KENNEDY.

C.

The accredited representatives for Syria and Lebanon, Togoland under French Mandate, Nauru, New Guinea and South West Africa have stated that they have no comments to make on the observations contained in the report of the Permanent Mandates Commission.

INDEX

Abbreviations

Admin.	=	Administration
Cttee.	=	Committee
Comm.	=	Commission
Dept.	=	Department
Govt.	=	Government
Int.	=	International
Org.	=	Organisation
P.M.C.	=	Permanent Mandates Commission
Recomm.	=	Recommendation
Ref.	=	Reference

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Erratum to the Text of the Minutes.

On page 74, the words: "*Deutsche Allgemeine Zeitung, Berlin*" should read as follows: "*Allgemeine Zeitung, Windhoek*".

Geneva, June 23rd, 1938.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

THIRTY-FOURTH SESSION OF THE COMMISSION

(Geneva, June 8th-23rd, 1938)

24

I. REPORT TO THE COUNCIL ON THE WORK OF THE COMMISSION.

The Permanent Mandates Commission met at Geneva from June 8th to 23rd, 1938, for its thirty-fourth session, and held twenty-four meetings, part of the first of which was public.

The annual reports were considered in the following order, with the co-operation of the representatives of the mandatory Powers :

Nauru, 1937.

Accredited Representative :
Major O. C. W. FUHRMAN, O.B.E.

Palestine and Trans-Jordan, 1937.

Accredited Representatives :
Sir John SHUCKBURGH, K.C.M.G., C.B., Deputy Under-Secretary of State for the Colonies ;
Mr. Sydney MOODY, O.B.E., Deputy Chief Secretary, Government of Palestine ;
Mr. A. S. KIRKBRIDE, O.B.E., M.C., District Commissioner, Galilee and Acre District, Palestine.

South West Africa, 1937.

Accredited Representatives :
Mr. C. T. TE WATER, High Commissioner for the Union of South Africa in London ;
Mr. H. T. ANDREWS, Accredited Representative of the Union of South Africa to the League of Nations.

Togoland under French Mandate, 1937.

Accredited Representative :
M. Maurice BESSON, Director of the " Agence économique de l'Afrique-Occidentale française ", Paris ;
assisted by
M. THÉBAULT, " Conseiller à la Cour d'appel ", former " Procureur de la République " in Lomé.

Tanganyika Territory, 1937.

Accredited Representatives :
Mr. H. C. D. C. MACKENZIE-KENNEDY, C.M.G., Chief Secretary to the Government of the Territory ;
Mr. G. K. WHITLAMSMITH, Officer in the Secretariat, Tanganyika Territory.

New Guinea, 1936/37.

Accredited Representative :
Major O. C. W. FUHRMAN, O.B.E.

The Commission also gave a hearing to M. Robert DE CAIX, Accredited Representative of the Government of the French Republic, concerning the mandatory Power's request that the examination of the annual report on the situation in Syria and Lebanon during 1937 should be postponed until the autumn session, and concerning the petitions relating to that territory.

A. OBSERVATIONS ON THE ADMINISTRATION OF CERTAIN TERRITORIES UNDER MANDATE.

The following observations, which the Commission has the honour to submit to the Council, were adopted after consideration of the situation in each territory in the presence of the accredited representative to the mandatory Power concerned. In order to appreciate the full significance of these observations, reference should be made, as usual, to the Minutes of the meetings of the Commission at which the questions concerning the different territories were discussed.¹

TERRITORIES UNDER "A" MANDATE.

Palestine.

An examination of the report for 1937 makes it clear that the political situation has not emerged from the deadlock which, in the words of the representative of the mandatory Power, characterised it a year ago.

Throughout the year, public order was continually disturbed by attacks on persons and by acts of intimidation and sabotage, which were conducted, as the report says, by Arabs, and on a few occasions provoked Jewish reprisals. This campaign of terrorism, in the course of which many Arabs fell victims to their own countrymen, seems to have increased in violence month by month and spread farther over the country.

More recently, however, order appears to have been established in the city of Jerusalem, and the disturbances have tended to be limited mainly to the northern part of the country.

The main concern of the mandatory authority was the restoration of order, and this was, of course, their primary duty. They applied themselves to this task with a determination for which every credit is due, even though the measure of success attained was not commensurate with the efforts expended or the sacrifices made.

The accredited representative did not hesitate to describe the situation which has developed in Palestine as a "state of war". In so doing, he made clear both the gravity of the attack on authority and also the extent of the resources called into play for the purpose of overcoming it. He also convinced the Commission of the exceptional difficulties this task involved, owing to the physical configuration of the country, the lack of co-operation on the part of the Arab population—whether because they are in sympathy with the insurgents or because they are terrorised by the threat of reprisals—and also owing to the fact that the insurrection is being helped from outside.

Measures for the restoration of order were a heavy financial burden on the country, and the effort which these measures necessitated inevitably interfered with ordinary administrative activities.

The accredited representative admitted that the events that have taken place have produced a transitional situation quite other than the transitional period which the Royal Commission expected to elapse between the adoption of the decisions it recommended and their practical application.²

The Royal Commission considered that, during that period, the present mandate would continue to be the governing instrument of the administration of Palestine. In actual fact, however, the Mandates Commission cannot but recognise that the application of the mandate is partially suspended now, as events have prevented some of its essential objects from being pursued.²

Thus, the mandatory Power has felt obliged to prolong the period during which Jewish immigration has been limited to a greater extent than would have been justified by the application of the principle of the economic absorptive capacity of the territory, which was approved by the Council. Similarly, the situation has been regarded as less favourable than ever for securing the development of the self-governing institutions referred to in Article 2 of the mandate.

The Commission observes that the mandatory Power has already introduced certain reforms urged by the Royal Commission as immediately necessary, and notes that it intends to pursue the same policy as far as circumstances permit.

Lastly, the Commission was informed that partition is still the solution which the mandatory Power considers to be the best and the most hopeful; the mandatory Power has instructed the technical Commission, of the appointment of which it has notified the Council, to pursue the study of this matter.

* * *

Needless to say, the situation revealed by the foregoing survey has caused the Mandates Commission the utmost concern, and it hopes that the period that elapses before a final decision is reached as to the future status of the territory will be made as short as possible. All the interests involved cannot but suffer still further from the continuance of the present state of uncertainty.

¹ The page numbers following the observations concerning the B and C mandated territories are those of the Minutes of the session.

² See on page 14 the comments of the accredited representative on this point.

Syria and Lebanon.

The Commission should, in the ordinary course, have examined the annual report on Syria and Lebanon this session. Having heard the accredited representative's explanation of the reasons which led the mandatory Power to propose that the report should not be discussed until the next session, the Commission is of opinion that the examination at the present time of the administration of Syria and Lebanon during 1937 could have taken place without disadvantage. In the Commission's opinion, therefore, it would have been better not to depart from the established rule, and it only agreed to an adjournment in deference to the express desire of the mandatory Power, an adjournment which was also necessitated by the fact that the report did not reach it until after the session had opened.

On this occasion, the Commission has again given expression to the consideration which it has constantly kept in mind, that, in the mandated States of which it is proposed to recognise the complete independence, effective protection should be afforded to racial, linguistic and religious minorities. In this connection, it refers to its report of 1931 on the general conditions which must be fulfilled before the mandate regime can be brought to an end in respect of a country placed under that regime, to its observations to the Council on the work of its various sessions during which the problem of the future of such minorities was examined, and to the Minutes of its discussions on the same subject.

The Commission has the honour to observe here, so far as may be necessary, that the agreements between the mandatory Power and the Levant States under mandate cannot prejudice the question of the guarantees which the League of Nations might contemplate when it has to pronounce on the emancipation of Syria and Lebanon and their admission to the League. The Commission noted with satisfaction a further statement to this effect by the accredited representative.

TERRITORIES UNDER "B" MANDATE.

Tanganyika Territory.

1. *General Administration.*

The Commission regarded it as being to the credit of the operation of the system of indirect rule practised in the territory that, as appears from the annual report, the native authorities took action on their own motion for the restoration of order on the occasion of the disturbances which occurred in the district of Moshi, and that this result was achieved without it being necessary for the administration to resort to force (pages 140-141, 147, 188, 190, 240).¹

2. *Economic Equality.*

The Commission notes that the mandatory Power is of the opinion that States which are not members of the League of Nations cannot claim economic equality for their goods imported into Tanganyika, either under the terms of the mandate or under Article 22 of the Covenant, though in some cases a claim may be justified under other instruments which are applicable to the mandated territory. The accredited representative explained that these instruments were, on the one hand, the Treaty of Saint Germain of 1919 and, on the other hand, the agreement of 1925 granting the nationals of the United States of America the same economic rights in Tanganyika as those possessed by nationals of League Members, as well as the various bilateral trade agreements in which most-favoured-nation treatment in Tanganyika Territory was accorded to the countries which are mentioned on page 6, paragraph 7, of the annual report (pages 137, 188, 190).

3. *Public Finance.*

(a) The Commission noted that the financial situation of the Territory continued to be favourable during the year 1937. As regards the public debt, it would welcome in the next report full information as to the methods of refunding the loans, a question which it learnt from the accredited representative was being considered by the competent authorities (pages 142, 188, 190).¹

(b) The Commission noted that the whole question of the imposition of an income tax was still under consideration by the mandatory Power. It expresses again the hope that the objections raised to the imposition of such a tax in the Territory will not prove insuperable (pages 142-143, 188, 190).

4. *Labour.*

(a) *General.* — The Commission welcomes the statement of the accredited representative that the administration has reinstated the Labour Department and is promoting a policy for the improved organisation of the recruiting of workers. It hopes that, as a result, unsatisfactory health conditions such as those which attended the recruiting of labour for the Morogoro district in 1937 will not again prevail (pages 150-152, 188, 190).

¹ See on page 14 the comments of the accredited representative on this point.

(b) *Lupa Goldfields.* — The Commission notes that the measures taken for the improvement of conditions of labour on the Lupa goldfields have had a good effect, and hopes to receive, in the next annual report, information indicating that progress has been continued (pages 147-150, 188, 190).

5. *Liquor Traffic.*

The Commission notes the successful results of the measures taken with a view to controlling the manufacture and sale of methylated spirits (pages 155, 188, 190).

Togoland under French Mandate.

I. GENERAL OBSERVATION.

The Commission notes with satisfaction that, owing to the material improvement in the financial situation of the territory, it has been possible to modify certain administrative measures taken for reasons of economy in the last few years, and thus to make the territory once more autonomous in regard to the majority of its administrative services (pages 108, 109-110, 188).

II. SPECIAL OBSERVATIONS.

1. *Social Condition of the Natives.*

The Commission noted with interest the particulars supplied by the accredited representative regarding the social condition of the advanced elements of the native population.

It hopes to receive at frequent intervals detailed particulars of the progress made in this respect (pages 110, 115, 117-119, 120-121, 188).

2. *Land Tenure.*

(a) The Commission noted the explanations given by the accredited representative regarding the supervision exercised by the Administration with a view to safeguarding the native land tenures, particularly in so far as they are affected by cases of mortgage.

Although no abuses seem to have occurred, the Commission is still concerned at the risks inherent in the present system from the point of view of the safeguarding of native property, which is formally stipulated in Article 5, paragraph 2, of the mandate.

The Commission noted the accredited representative's statement that he would consult with his Government as to whether any addition should be made to the legislation in force in the territory with a view to complying with the spirit and the letter of the above-mentioned clause of the mandate (pages 115, 126-131, 188).

(b) The Commission would be glad to find in the next report definite information on the question of "vacant lands", and more particularly on those aspects which concern native rights in respect of the occupation of such lands. It would also like to be informed of the instructions given to administrative officers regarding the conditions under which such lands can be assigned (pages 131-132, 188).

TERRITORIES UNDER "C" MANDATE.

Nauru.

1. *Education.*

The Commission hopes to find in the next report further information regarding the opportunity of education of higher type provided for Nauruans (pages 17, 23, 187).

2. *Public Health.*

The Commission is concerned at the high death rate of the native population in general, as well as at the high rate of infantile mortality.

It will therefore follow with the greatest interest the results of investigations made on the island, with regard to questions of health in general as well as to nutrition and fresh-water supply. The Commission earnestly hopes to find in the next report further information on these subjects (pages 20-21, 23, 26, 187).

New Guinea.

1. *General Administration.*

The Commission would be glad to know the conclusion of the mandatory Power on the definite question whether, in their opinion, the welfare of the natives would be better secured by opening up the uncontrolled areas to European activities as soon as they are brought under control or by arranging for a transitional period which would enable the Administration to strengthen its authority and develop its activities (pages 163-166, 192).

2. *Public Works.*

While noting the explanations offered by the mandatory Power on the subject of road development, the Commission is nevertheless concerned to find that, in spite of the improved financial position of the territory, appropriations for road development have been reduced (pages 167, 192).

3. *Education.*

The Commission would be glad to find in the next report information on the work of the Committee appointed to examine questions relating to native education and, as far as possible, on the policy with regard to educational matters which will be formulated after the Legislative Council has been able to consider the Committee's report (pages 182-183, 192).

4. *Labour.*

The Commission notes the statements of the mandatory Power, in response to its observations on the work of its thirty-first session, that "the mandatory Power and the territorial Administration are at all times conscious of the obligation to safeguard and preserve the social well-being of the natives and particular care is taken to ensure that nothing is done by recruiting that would endanger the economic and social life of the native communities", and, further, that "this phase of native labour administration and control is constantly under the review of the Administration officials and is regulated by the power vested in the Administration to close areas to recruiting".

While appreciating the value of these statements, the Commission would be glad to be informed, in view of the increasing number and the high proportion of natives under indenture who are absent from their homes for periods of three years or even more, whether the mandatory Power does not consider it advisable to lower this proportion and shorten these periods (pages 176-179, 186-187, 192).

5. *Missions.*

The Commission was glad to receive from the mandatory Power information and reports from the missions, thus enabling it to follow the different aspects of their activities.

However, the Commission would welcome in the next report fuller information regarding the relations between the Administration and the missions, as well as between the missions themselves, as the situation appears somewhat complicated. This description, the Commission hopes, will also give some general information of the Administration's policy in regard to the missions and their activities (pages 181-182, 192).

6. *Land Tenure.*

The Commission would be glad to find in the next report a general survey of the conditions of land tenure by the native tribes, including a precise definition of the nature of the rights which they are considered to enjoy in the areas described as "native areas" (pages 185, 192).

South West Africa.

1. *General Administration.*

As regards the relations between the various sections of the European population of the territory, the Commission noted the statement in the annual report (page 152, paragraph 833), which reads as follows :

"The Union Government feels . . . that legislation, no matter in which form it may be devised, never can nor will rectify a state of affairs which has for its root cause the lack of mental affinity and purpose between the various elements of the European population in the territory. It has, however, every confidence that the mellowing influence of time and the necessity to co-operate in the promotion of common interests will gradually exercise their beneficial effects."

At the same time, the accredited representative of the mandatory Power informed the Commission that, in spite of the inherent difficulties of the political situation in the territory, the Administration reported that the atmosphere had improved and that the work of government had been easier in recent months. He recognised, however, that recent tendencies showed that there was still a marked divergence of feeling amongst the European community, but that this is due to external causes rather than to local factors (pages 73, 74-76, 187).

2. *Native Welfare.*

The Commission notes that, as shown in sections 305 and 305(a) of the report, the mandatory Power had decided not to continue its policy of spending sums out of general revenues on the improvement of the native reserves. The Commission is aware that the

Administration has stated that its present policy merely aims at avoiding the undue acceleration of the development of the reserves, as it considers it essential to convey to the natives the lesson that their improvement must depend on their own exertions. The Commission does not, however, feel that this consideration can justly apply to the grant of assistance to the natives in the matter of water supply or provision of medical facilities, since the natives are too indigent to provide these for themselves. The Commission continues therefore to hope that this consideration will not lead the Administration to withhold the assistance which is required in this respect and to which it called attention at its thirty-first session (pages 78-82, 187).

3. *Public Health.*

The Commission considers that it would be useful to initiate an enquiry into the problem of the nutrition conditions of the native population in the mandated territory (pages 94, 187).

4. *Missions.*

The Commission noted that, as already stated in the previous report, the Administration considers that the activities of the missions in some cases tended to undermine tribal law and custom, which it was the policy of the Administration to maintain.

It was, however, happy to learn that the results of a conference held with representatives of the missions seemed to afford promise of a better appreciation of the respective points of view of the officials and the missionaries (pages 92-93, 187).

5. *Education.*

The Commission hopes that, in the near future, it will be possible for the Administration to find a remedy for the dearth of properly trained and qualified teachers conversant with the various native languages (see paragraph 259 of the report, page 43). The Commission presumes that, if the system of grants to teachers used in Ovamboland proves to be successful, it will be extended to other parts of the territory (pages 90-91, 187).

6. *Land Tenure.*

The Commission would be glad to find in the next report information as to the rights which the natives are held to possess over land both inside and outside the reserves (pages 95, 187).

B. PETITIONS. ¹

At its thirty-fourth session, the Commission considered the petitions mentioned below, together with the observations made on each of them by the mandatory power concerned. Each of these petitions was reported on in writing by a member of the Commission. After discussion, the Commission adopted the conclusions set forth below. The texts of the reports submitted to the Commission are attached to the Minutes. ²

Palestine and Trans-Jordan.

- (a) PETITION, DATED JULY 1936, FROM THE "NESSIUT" (PRESIDENCY) OF THE NEW ZIONIST ORGANISATION, LONDON, TRANSMITTED ON AUGUST 14TH, 1936, BY DR. H. LEVI, MEMBER OF THE "NESSIUT" (document C.P.M.1839) (page 190).

Observations of the United Kingdom Government, dated April 30th, 1937, and March 18th, 1938 (documents C.P.M.1892 and 2016).

Report (see Minutes, Annex 7, pages 204-205).

Conclusions.

"The Commission,

"Having considered the letter, dated August 14th, 1936, from Dr. H. Levi, and the petition, dated July 1936, from the Presidency of the New Zionist Organisation, London, in the light of the Balfour Declaration, the terms of the mandate, the decisions of the mandatory Power and the Council concerning the Palestine mandate, and the special observations of the mandatory Power :

"Does not feel that any further action need be taken on this petition."

¹ The page numbers following each title are those of the Minutes of the session.

² The Commission recommends that copies of the petitions and the mandatory Powers' observations thereon should be deposited in the League of Nations Library and thus placed at the disposal of persons wishing to consult them.

- (b) PETITION, DATED FEBRUARY 25TH, 1937, FROM THE NATIVE RACES AND THE LIQUOR TRAFFIC UNITED COMMITTEE, LONDON (document C.P.M.1890) (page 189).

Observations of the United Kingdom Government, dated October 12th, 1937 (document C.P.M.1947).

Report (see Minutes, Annex 8, pages 205-206).

Conclusions.

“ The Commission,

“ Having examined the petition, dated February 25th, 1937, from the Native Races and the Liquor Traffic United Committee, London, and the observations of the mandatory Power thereon :

“ Considers that no recommendation need be made to the Council in regard to the petition.”

- (c) PETITION, DATED JULY 28TH, 1937, FROM MR. ASA WHITNEY, SARISBURY GREEN, HANTS, ENGLAND (document C.P.M.1930) (pages 51, 190).

Observations of the United Kingdom Government, dated February 15th, 1938 (document C.P.M.2013).

Report (see Minutes, Annex 9, pages 206-207).

Conclusions.

“ The Commission,

“ Having examined the petition, dated July 28th, 1937, from Mr. Asa Whitney, Sarisbury Green, and the observations of the mandatory Power thereon :

“ Is of opinion that this petition does not call for any special action.”

- (d) LETTER, DATED AUGUST 12TH, 1937, FROM M. MOHAMMAD AMIN HUSSEINI, FORMER PRESIDENT OF THE SUPREME ARAB COMMITTEE, JERUSALEM (document C.P.M. 1965) (page 189).

Observations of the United Kingdom Government, dated October 27th, 1937 (document C.P.M.1965).

Report (see Minutes, Annex 10, page 207).

Conclusions.

“ The Commission,

“ Having examined the petition, dated August 12th, 1937, from M. Mohammad Amin Husseini, former President of the Supreme Arab Committee, Jerusalem, and the observations of the mandatory Power thereon :

“ Considers that this petition does not call for any recommendation to the Council.”

- (e) PETITION, DATED JANUARY 1938, FROM THE “ NESSIUT ” (PRESIDENCY) NEW ZIONIST ORGANISATION, LONDON, TRANSMITTED ON JANUARY 18TH, 1938, BY MR. A. ABRAHAMS, POLITICAL SECRETARY (document C.P.M.2012) (pages 42-44, 190).

Observations of the United Kingdom Government, dated June 3rd, 1938 (document C.P.M.2047).

Report (see Minutes, Annex 11, pages 208-209).

Conclusions.

“ The Commission,

“ Having examined the petition, dated January 1938, submitted, on January 18th, 1938, on behalf of the New Zionist Organisation, London, by Mr. A. Abrahams, Political Secretary, and the observations of the mandatory Power thereon :

“ Considers that the petition calls for no special action.”

- (f) LETTER, DATED MAY 4TH, 1938, FROM THE PRESIDENT OF THE JEWISH AGENCY FOR PALESTINE, LONDON, ACCOMPANYING A MEMORANDUM ON THE DEVELOPMENT OF THE JEWISH NATIONAL HOME IN PALESTINE IN 1937 (document C.P.M.2028) (pages 39-40, 190).

Observations of the United Kingdom Government, dated May 27th, 1938 (document C.P.M.2028).

Report (see Minutes, Annex 12, pages 209-210).

Conclusions.

“ The Commission,

“ Having examined the Jewish Agency's memorandum concerning the development of the Jewish National Home in 1937, accompanied by a letter, dated May 4th, 1938, from the President of the Jewish Agency, together with the mandatory Power's observations :

“ Is of opinion that this documentation does not call for any special action.”

- (g) (1) PETITION, DATED JULY 27TH, 1937, FROM M. JUSTIN GODART, CHAIRMAN OF THE COMMITTEE FOR THE DEFENCE OF THE RIGHTS OF JEWS IN CENTRAL AND EASTERN EUROPE, PARIS (document C.P.M.1925).
Observations of the United Kingdom Government, dated October 11th, 1937 (document C.P.M.1946).
- (2) PETITION, DATED JULY 29TH, 1937, FROM M. SHUKRY EFF-TAJI, CHAIRMAN OF THE ARAB COMMITTEE OF THE CITRUS FRUITS INDUSTRY, JAFFA (document C.P.M.1940).
Observations of the United Kingdom Government, dated November 15th, 1937 (document C.P.M.1999).
- (3) PETITIONS, DATED JULY 13TH, 1937 :
(a) From the Arab Women's Committee, Jerusalem ;
(b) From the Jerusalem National Committee (document C.P.M.1941).
Observations of the United Kingdom Government, dated August 14th, 1937 (document C.P.M.1941).
- (4) PETITION, DATED JULY 18TH, 1937, FROM MGR. GREGORIUS HAJJAR, METROPOLITAN OF ACRE, HAIFA AND NAZARETH, HAIFA (document C.P.M.1943).
Observations of the United Kingdom Government, dated October 5th, 1937 (document C.P.M.1943).
- (5) TELEGRAM, DATED SEPTEMBER 13TH, 1937, FROM THE ARAB HIGHER COMMITTEE, JERUSALEM (document C.P.M.1944).
Observations of the United Kingdom Government, dated September 16th, 1937 (document C.P.M.1944).
- (6) PETITION, DATED OCTOBER 2ND, 1937, FROM M. DAHTER, SECRETARY-GENERAL OF THE "COMITÉ SYRO-PALESTINIEN", CAIRO (document C.P.M.1949).
Observations of the United Kingdom Government, dated December 9th, 1937 (document C.P.M.2004).
- (7) PETITION, DATED JULY 14TH, 1937, FROM THE ARAB CHAMBER OF COMMERCE, JERUSALEM (document C.P.M.1966).
Observations of the United Kingdom Government, dated November 1st, 1937 (document C.P.M.1966).
- (8) PETITIONS, DATED :
(a) JULY 10TH, 1937, FROM THE PRESIDENT OF THE ARAB NATIONAL COMMITTEE, JAFFA ;
(b) JUNE 14TH, 1937, FROM AHMED EFFENDI SHUQAIR, ACRE ;
(c) JULY 21ST, 1937, FROM M. MOHAMMED AL-HALI AL-YASHARTI, ACRE (document C.P.M.1967).
Observations of the United Kingdom Government, dated October 27th, 1937 (document C.P.M.1967).
- (9) PETITION, DATED JULY 21ST, 1937, FROM M. ATTIA JWEID, HULAH AREA (NORTHERN PALESTINE) (document C.P.M.1976).
Observations of the United Kingdom Government, dated November 3rd, 1937 (document C.P.M.1976).
- (10) PETITION (UNDATED), FROM M. KAMEL HUSEIN YOUSEF AND OTHER SIGNATORIES, HULAH AREA (NORTHERN PALESTINE) (document C.P.M.2001).
Observations of the United Kingdom Government, dated November 17th, 1937 (document C.P.M.2001).

- (11) PETITION (UNDATED), FROM M. NAF'I DEEB, MISSILYA, AND OTHER INHABITANTS OF VILLAGES IN THE JENIN SUB-DISTRICT (document C.P.M.2002).
Observations of the United Kingdom Government, dated November 18th, 1937 (document C.P.M.2002).
- (12) PETITION, DATED NOVEMBER 2ND, 1937, FROM RAGHEB BEY NASHASHIBI, PRESIDENT OF THE NATIONAL DEFENCE PARTY, JERUSALEM (document C.P.M.2005).
Observations of the United Kingdom Government, dated January 5th, 1938 (document C.P.M.2005).
- (13) PETITION, DATED AUGUST 21ST, 1937, FROM M. ANTON YACOUB AL-'AMA, BETHLEHEM (document C.P.M.2007).
Observations of the United Kingdom Government, dated January 8th, 1938 (document C.P.M.2007).
- (14) PETITION, DATED NOVEMBER 15TH, 1937, FROM RAGHEB BEY NASHASHIBI, PRESIDENT OF THE NATIONAL DEFENCE PARTY, JERUSALEM (document C.P.M.2008).
Observations of the United Kingdom Government, dated January 26th, 1938 (document C.P.M.2008).
- (15) PETITIONS, DATED OCTOBER 26TH, NOVEMBER 11TH AND 16TH, 1937, FROM HAMAD HILMY PASHA AND OTHER MEMBERS OF THE FORMER ARAB HIGHER COMMITTEE, NOW IN THE SEYCHELLES (document C.P.M.2011) (pages 50-51).
Observations of the United Kingdom Government, dated January 27th, February 12th and April 20th, 1938 (documents C.P.M.2011, 2011(a) and 2019).
- (16) PETITIONS, DATED :
(a) FEBRUARY 17TH, 1938, FROM THE ARAB WOMEN'S COMMITTEE, JERUSALEM ;
(b) FEBRUARY 5TH, 1938, FROM A DELEGATION OF ARAB LADIES OF JERUSALEM (document C.P.M.2020).
Observations of the United Kingdom Government, dated April 28th, 1938 (document C.P.M.2020).
- (17) PETITION, DATED AUGUST 15TH, 1937, FROM M. JACOB H. SALAVAN, BNEI-BRAK (document C.P.M.2024).
Observations of the United Kingdom Government, dated May 18th, 1938 (document C.P.M.2024).
Report (see Minutes, Annex 13, pages 210-215).

Conclusions.

" The Commission,

" Having considered, in the light of the documentary material supplied by the mandatory Power, the petitions classified as follows :

" A. Petitions against the Royal Commission's report or, more particularly, against the scheme of partition, but not containing any new factors or positive suggestions in regard to the problem ;

" B. Petitions criticising the Royal Commission's report on the scheme of partition, and also suggesting a solution considered by the petitioners to be more in accordance with the circumstances or with justice ;

" C. Petitions concerning the measures taken by the mandatory Power to put down the disturbances in Palestine ;

" Considers :

" In view of the fact that the petitions in groups A and B are concerned with the scheme of partition outlined by the Palestine Royal Commission, which is at present being examined by the mandatory Power :

" Is of opinion that attention should be drawn to the importance of the accounts contained in some of these documents, but that no special observations need be made on them ;

" And considers that, as regards the petitions in group C, no special recommendation to the Council is required."

Syria and Lebanon.

- (a) PETITIONS (EIGHT IN NUMBER) CONCERNING THE SANJAK OF ALEXANDRETTA (document C.P.M.1972¹) (page 188).

Observations of the French Government, dated November 6th, 1937 (document C.P.M.1972).

Report (see Minutes, Annex 14, page 215).

Conclusions.

“ The Commission,

“ Having examined eight petitions from inhabitants of the Sanjak of Alexandretta, relating to the elections in November 1936 and the mandatory Power's observations thereon :

“ Considers that these petitions do not call for any particular action.”

- (b) PETITION, DATED NOVEMBER 5TH, 1937, FROM M. ABDEL KADER AND M. FOUAD GHANDOUR, BEIRUT (document C.P.M.2003) (pages 98-99, 191).

Observations of the French Government, of December 1937 (document C.P.M.2003).

Report (see Minutes, Annex 15, page 216).

Conclusions.

“ The Commission,

“ Having examined the petition, dated November 5th, 1937, from M. Abdel Kader and M. Fouad Ghandour, Beirut, and the observations of the mandatory Power :

“ Is of opinion that no special action need be taken on this petition.”

- (c) PETITION, DATED DECEMBER 27TH, 1937, FROM M. MICHEL SAYUR, ROME, AND OTHER HEIRS OF THE LATE ANTOUN YOUSSEF SAYUR, SUBMITTED THROUGH THE AGENCY OF MAÎTRE EMILE ZALZAL, ADVOCATE, BEIRUT (document C.P.M.2010) (pages 99-100, 191).

Observations of the French Government, dated June 2nd, 1938 (document C.P.M.2033).

Report (see Minutes, Annex 16, pages 216-217)

Conclusions.

“ The Commission,

“ Having examined the petition, dated December 27th, 1937, addressed on January 24th, 1938, by Maître Emile Zalzal, on behalf of the heirs of the late A. Y. Sayur, and the mandatory Power's observations thereon :

“ Considers that no action need be taken on the part of the Commission with regard to this petition, in view of the fact that all legal remedies have not been exhausted.”

- (d) PETITION, DATED SEPTEMBER 25TH, 1937, FROM M. KASSEM MOUSTAPHA, M. KHALED HAMAD EL-KHATIB AND OTHER SIGNATORIES OF THE EL-ARKOUB DISTRICT (document C.P.M.2025) (pages 100, 191).

Observations of the French Government, dated May 24th, 1938 (document C.P.M.2025).

Report (see Minutes, Annex 17, page 217).

Conclusions.

“ The Commission,

“ Having examined the petition, dated September 25th, 1937, from M. Kassem Moustapha, M. Khaled Hamad El-Khatib and other signatories of the El-Arkoub district, in the light of the observations of the mandatory Power thereon :

“ Considers that no special action need be taken on this petition.”

¹ See Minutes of the Thirty-third Session of the Commission, page 138.

- (c) PETITION, DATED OCTOBER 24TH, 1937, FROM M. SAMI SLIM, TRIPOLI (document C.P.M. 2026) (pages 100-101, 188).

Observations of the French Government, dated May 24th, 1938 (document C.P.M. 2026).

Report (see Minutes, Annex 18, page 218).

Conclusions.

“ The Commission,

“ Having examined the petition, dated October 24th, 1937, from M. Sami Slim, Tripoli, together with the mandatory Power's observations thereon :

“ Considers that no action need be taken on this petition.”

- (f) PETITIONS (FIVE IN NUMBER), DATED SEPTEMBER 25TH, DECEMBER 10TH, 14TH AND 15TH, 1937, AND JANUARY 9TH, 1938, FROM INHABITANTS OF DAMASCUS AND HOMS (document C.P.M.2027) (pages 101, 191).

Observations of the French Government, dated May 27th, 1938 (document C.P.M. 2027).

Report (see Minutes, Annex 19, page 218).

Conclusions.

“ The Commission,

“ Having examined the five petitions, dated September 25th, December 10th, 14th and 15th, 1937, and January 9th, 1938, from Inhabitants of Damascus and Homs, and the mandatory Power's observations thereon :

“ Is of opinion that these petitions do not call for any special action.”

- (g) PETITION, DATED MARCH 1938, FROM M. KHALED DAGHESTANI, HOMS, AND OTHER CIRCASSIANS OF THE MOHAFAZATS OF HOMS AND HAMA (document C.P.M.2030) (pages 101-102, 189).

Observations of the French Government, dated May 31st, 1938 (document C.P.M. 2030).

Report (see Minutes, Annex 20, page 219).

Conclusions.

“ The Commission,

“ Having examined the petition, dated March 1938, from M. Khaled Daghestani, Homs, and other Circassians of the Mohafazats of Homs and Hama, together with the mandatory Power's observations thereon ;

“ Referring to the Commission's observations on minorities, which are contained in the general observations on Syria and Lebanon submitted to the Council at the conclusion of its thirty-third and thirty-fourth sessions respectively :

“ Considers that no special recommendation need be made to the Council in regard to this petition.”

- (h) PETITIONS RELATING TO THE LEGISLATIVE ELECTIONS WHICH TOOK PLACE IN THE MOHAFAZAT OF LATAKIA IN OCTOBER 1937 (document C.P.M.2031) (pages 102, 191).

Observations of the French Government, dated May 30th, 1938 (document C.P.M. 2031).

Report (see Minutes, Annex 21, page 220).

Conclusions.

“ The Commission,

“ Having examined the petitions relating to the legislative elections which took place in the Mohafazat of Latakia in October 1937 and the mandatory Power's observations thereon ;

“ While considering that the particulars which they contain should be taken into account in judging the political situation in Syria :

“ Is of opinion that no special action should be taken in regard to these petitions.”

¹ See Minutes of the Thirty-third Session of the Commission, page 175, and page 3 of the present documents.

- (i) PETITIONS, DATED DECEMBER 2ND AND 15TH, 1937, FROM M. RACHID YOUSSEF BEIDOUN, FROM M. IBRAHIM FAYAD AND OTHER SIGNATORIES, BEIRUT (document C.P.M.2034) (pages 102-103, 191).

Observations of the French Government, dated June 2nd, 1938 (document C.P.M. 2034).

Report (see Minutes, Annex 22, pages 220-221).

Conclusions.

"The Commission,

"Having examined the petitions, dated December 2nd and 15th, 1937, from M. Rachid Youssef Beidoun, M. Ibrahim Fayad and other signatories, Beirut, and the mandatory Power's observations thereon :

"Considers that no special action should be taken in respect of these petitions."

- (j) PETITION, DATED NOVEMBER 10TH, 1937, FROM FATHER JIRJI DOUNA, HOMS (document C.P.M.2035) (page 191).

Observations of the French Government, dated June 2nd, 1938 (document C.P.M. 2035).

Report (see Minutes, Annex 23, page 221).

Conclusions.

"The Commission,

"Having examined the petition, dated November 10th, 1937, from Father Jirji Douna, Homs, and the mandatory Power's observations thereon :

"Considers that this petition does not call for any action."

- (k) PETITION, DATED NOVEMBER 12TH, 1937, FROM M. ELIAS EL-YOUSSEF AND M. ATTIE ET-TAHER, DAMASCUS (document C.P.M.2036) (page 191).

Observations of the French Government, dated June 2nd, 1938 (document C.P.M. 2036).

Report (see Minutes, Annex 24, pages 221-222).

Conclusions.

"The Commission,

"Having considered the petition, dated November 12th, 1937, from M. Elias El-Youssef and M. Attie Et-Taher, Damascus, and the mandatory Power's observations thereon :

"Is of opinion that the petition does not call for any special action."

- (l) PETITION, DATED NOVEMBER 25TH, 1937, FROM M. MOHAMMED ADIB KHALED AND OTHER SIGNATORIES, TRIPOLI (document C.P.M.2037) (pages 103, 188).

Observations of the French Government, dated June 2nd, 1938 (document C.P.M. 2037).

Report (see Minutes, Annex 25, page 222).

Conclusions.

"The Commission,

"Having examined the petition, dated November 25th, 1937, from M. Mohammed Adib Khaled and other signatories, Tripoli, in the light of the observations of the mandatory Government :

"Considers that no special action need be taken on this petition."

- (m) PETITIONS (FIFTEEN IN NUMBER) FROM INHABITANTS OF UPPER JEZIREH (document C.P.M.2038) (pages 103, 189).

Observations of the French Government, dated June 2nd, 1938 (document C.P.M. 2038).

Report (see Minutes, Annex 26, pages 223-224).

Conclusions.

" The Commission,

" Having examined the petitions (fifteen in number) from inhabitants of Upper Jezireh, together with the mandatory Power's observations thereon ;

" Referring to the special observation (No. 4 : Upper Jezireh) submitted by the Commission in its report to the Council on the work of its thirty-third session ¹ and also to the conclusion adopted at the same session on the petitions (twelve in number) from inhabitants of Upper Jezireh : ²

" Considers that no special recommendation need be made on its part to the Council in regard to these petitions."

- (n) PETITIONS, DATED AUGUST 14TH AND OCTOBER 27TH, 1937, FROM DR. ANTOINE CHALFOUN, BEIRUT (document C.P.M.2041) (pages 103-104, 191).

Observations of the French Government, dated June 7th, 1938 (document C.P.M. 2041).

Report (see Minutes, Annex 27, page 224).

Conclusions.

" The Commission,

" Having examined the petitions, dated August 14th and October 27th, 1937, from Dr. Antoine Chalfoun, Beirut, and the mandatory Power's observations thereon :

" Considers that no special recommendation need be made to the Council regarding these petitions."

Tanganyika Territory.

- (a) PETITION, DATED SEPTEMBER 30TH, 1937, FROM MR. S. V. COOKE, MOMBASA (KENYA) (document C.P.M.2006) (pages 160-161, 193).

Observations of the United Kingdom Government, dated May 2nd, 1938 (document C.P.M.2021).

Report (see Minutes, Annex 28, pages 224-225).

Conclusions.

" The Commission,

" Having examined the petition, dated September 30th, 1937, from Mr. S. V. Cooke, Mombasa (Kenya), together with the detailed observations of the mandatory Power thereon :

" Is of opinion that this petition does not call for any special recommendation to the Council."

- (b) PETITION, CONSISTING OF TWO RESOLUTIONS PASSED ON SEPTEMBER 25TH, 1937, AT A MEETING OF THE INDIANS AT DAR-ES-SALAAM, HELD UNDER THE AUSPICES OF THE INDIAN ASSOCIATION (document C.P.M.2017) (page 189).

Observations of the United Kingdom Government, dated April 4th, 1938 (document C.P.M.2017).

Report (see Minutes, Annex 29, pages 225-226).

Conclusions.

" The Commission,

" Having examined the petition, dated September 25th, 1937, from the Indians of Dar-es-Salaam, and the observations of the mandatory Power thereon :

" Notes, that according to the information furnished by the mandatory Power, this petition no longer has any justification, the petitioners' requirements having been satisfied on October 23rd, 1937."

¹ See Minutes of the Thirty-third Session of the Commission, page 175.

² *Ibid.*, page 179.

Togoland under British Mandate.

PETITION, DATED AUGUST 9TH, 1937, FROM M. JOHANN A. AGBOKA, PRESIDENT OF THE "BUND DER DEUTSCH TOGOLÄNDER", ACCRA (document C.P.M.2022) (pages III, 192).

Observations of the United Kingdom Government, dated April 29th, 1938 (document C.P.M.2022).

Report (see Minutes, Annex 30, page 226).

Conclusions.

"The Commission,

"Having examined the petition, dated August 9th, 1937, from M. Johann A. Agboka, President of the 'Bund der Deutsch Togoländer', Accra, and the observations of the mandatory Power thereon :

"Is of opinion that no special action is called for on this petition."

II. COMMENTS OF THE ACCREDITED REPRESENTATIVES SUBMITTED
IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION OF
THE PERMANENT MANDATES COMMISSION.

A. PALESTINE.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED JULY 26TH, 1938.

I have the honour to acknowledge the receipt of your letter of June 30th with which I received an advance copy of the observations of the Permanent Mandates Commission drawn up as a result of the examination, at its recent session, of the administration of Palestine and Trans-Jordan in 1937.

I would venture to point out that the seventh paragraph of these observations, regarding the present "transitional situation", seems to me to give not quite a clear expression of the view which I endeavoured to convey to the members of the Permanent Mandates Commission. I did not intend to say that the present "transitional situation" was the outcome of events that have occurred in Palestine. I merely wished to make the point that it is to be distinguished from the "transitional period" for which the Royal Commission made certain specific recommendations; the latter being the period which will elapse between the adoption of a definite plan of partition (no such definite plan has yet been adopted) and the actual introduction of the new regime.

With regard to the second sentence of paragraph 8 of the observations, I should explain that His Majesty's Government in the United Kingdom could not agree with the view that the present system of control of immigration represents a partial suspension of the mandate. They will take the opportunity of defining their attitude on this question when the observations of the Permanent Mandates Commission are considered at the forthcoming meeting of the Council of the League of Nations.

(Signed) J. E. SHUCKBURGH.

B. TANGANYIKA TERRITORY.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED JUNE 30TH, 1938.

I have the honour to return to you the observations of the Permanent Mandates Commission which were enclosed with your letter of June 28th.

I have only two comments to make :

2. In paragraph (1) the impression gained is that no force was used to quell the disorders on Kilimanjaro. The reports of the disorders shew that a measure of force had to be used (by the Police) in the Machame Chiefdom in order to disperse the rioters.

3. In paragraph (3), it is presumably the Exchequer loans which are referred to; the public loans and their method of refunding are set out in the Reports and Estimates.

(Signed) D. MACKENZIE-KENNEDY.

C.

The accredited representatives for Syria and Lebanon, Togoland under French Mandate, Nauru, New Guinea and South West Africa have stated that they have no comments to make on the observations contained in the report of the Permanent Mandates Commission.

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

Official No.: **C. 418. M. 262.** 1938. VI.

Geneva, November 8th, 1938.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

MINUTES

OF THE

THIRTY-FIFTH SESSION

Held at Geneva from October 24th to November 8th, 1938

including the

REPORT OF THE COMMISSION TO THE COUNCIL

3

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PERMANENT MANDATES COMMISSION

MINUTES OF THE THIRTY-FIFTH SESSION

Held at Geneva from October 24th to November 8th, 1938.

The following members of the Commission took part in the work of the session :¹

M. ORIS (*Chairman*) ;
M. RAPPARD (*Vice-Chairman*) ;
Baron VAN ASBECK ;
Mlle. DANNEVIG ;
M. GIRAUD ;
Lord HAILEY ;
M. PALACIOS ;
Count DE PENHA GARCIA.

Expert of the International Labour Organisation : Mr. C. W. H. WEAVER.

Secretary : M. E. DE HALLEK, Director of the Mandates Section.

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

For *Syria and Lebanon* :

M. R. DE CAIX, former Secretary-General of the High Commissariat of the French Republic in Syria and Lebanon.

For *Cameroons under French mandate* :

M. M. BESSON, Director of the " Agence économique de l'Afrique-Occidentale française ".

For *Cameroons under British mandate* :

Mr. O. W. FIRTH, Senior Resident, Nigeria.

For *Togoland under British mandate* :

Captain C. C. LILLEY, O.B.E., District Commissioner, Gold Coast.

For *Ruanda-Urundi* :

M. HALEWYCK DE HEUSCH, Permanent Recruitment Secretary ; Former Director-General in the Belgian Colonial Ministry.

For *Western Samoa* :

Mr. R. M. CAMPBELL, M.A., LL.B., Ph.D., New Zealand Government's Economic Adviser in London.

* * *

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

¹ *Absence of the members* : Lord HAILEY : last meeting ; Count DE PENHA GARCIA : first seven meetings.

FIRST MEETING

Held on Monday, October 24th, 1938, at 11 a.m.

Opening Speech by the Chairman.

The CHAIRMAN spoke as follows :

I have the honour to declare the thirty-fifth session of the Permanent Mandates Commission open.

Before turning to the agenda, I shall, according to precedent, review briefly the discussions and decisions relating to mandates questions since our last session.

In pursuance of an invitation addressed to me at the request of the Rapporteur to the Council, I went to Geneva on September 12th. Having in the course of several interviews given all the information I was asked to furnish, I returned to Belgium on September 15th, in view of the postponement of the Council's meeting to an uncertain date. That meeting took place on September 17th, and the Vice-Chairman of the Commission, M. Rappard, was good enough to represent it there. I desire to thank him warmly on behalf of all the members.

My colleagues are doubtless acquainted with the contents of the report submitted by the Rapporteur, the representative of Roumania.¹

The Minutes of the meeting will also doubtless have informed them that the United Kingdom, Polish and Roumanian representatives, M. Rappard and the representative of Iran took part in the discussion.

The representative of the United Kingdom recalled that, on September 16th, 1937, the Council, while entirely reserving its own opinion and decision, agreed that the mandatory Power might proceed with the study of the problem of the status of Palestine while concentrating on a solution involving partition of the territory. He went on to state that His Majesty's Government in the United Kingdom before reaching a final decision on policy, was awaiting the report of the Commission which had been appointed under the Chairmanship of Sir John Woodhead, to examine the possibilities of partition.

The representative of the United Kingdom added that His Majesty's Government, while remaining of the opinion that partition offered in principle the best and most hopeful solution, was fully alive to the disadvantages of the present state of uncertainty, and that it would do all in its power to expedite its decision with regard to the future status of Palestine.

Referring to the measures taken to suppress terrorism and disorder in Palestine, the United Kingdom representative declared the conditions to be such that that task was not likely to be accomplished quickly, and that success might not be fully achieved until a final decision became possible on the main issue of policy.

Finally, he stated that there was one point arising out of the report on the work of the thirty-fourth session of the Mandates Commission on which his Government felt obliged to comment. The report stated² that the Commission could not but recognise that the application of the mandate was partially suspended, inasmuch as the mandatory Power had felt obliged to restrict Jewish immigration into Palestine to a greater extent than would have been justified by the principle of the economic absorptive capacity of the territory. His Majesty's Government realised, Mr. Butler added, that that observation had not been made by the Commission in any contentious spirit, and it was similarly not in any contentious spirit that he desired to record that the aforesaid observation entailed a different interpretation of the mandate from its own.

The representative of Poland, recalling that his Government had had frequent occasion to express its keen interest in the problem of Palestine, noted that that problem still awaited a solution. He added that, so long as it remained unsolved, any international settlement of the general problem of Jewish emigration must encounter serious difficulties. He expressed the hope that the mandatory Power would be able at as early a date as possible to abolish the existing restrictions on immigration, and that it would provide facilities for the immigration of Jews corresponding to the vital needs of countries from which large numbers of Jews emigrated.

M. Comnène, speaking as representative of Roumania and not as Rapporteur, emphasised that the problem of Jewish immigration, which was a special feature of the charter of the territory of Palestine, constituted one of the aspects—and not the least important—of the question of the search for outlets for the emigration of the Jewish populations of Central Europe. He reminded the Council that his Government intended to raise, at the appropriate time and place, the question of the action that should be taken so as to find a satisfactory rational, humanitarian and international solution to the problem. In conclusion, he expressed the hope that circumstances would soon permit the resumption of normal immigration into Palestine.

¹ See *Official Journal*, November 1938, page 846.

² See Minutes of the Thirty-fourth Session of the Commission, page 228.

The United Kingdom representative then observed that, in the view of his Government, the terms of the mandate contained nothing which precluded the mandatory Power from imposing at any time such limitations on immigration as might be suitable in view of any temporary conditions affecting the territory.

M. Rappard, speaking on behalf of the Mandates Commission, said that the essential and exclusive duty of the Commission was to inform the Council of anything occurring from year to year in a territory under mandate which affected the execution of the international obligations of which the Council was the guardian. It was in that capacity that the Commission had, in the previous year, felt obliged to point out that circumstances in Palestine had compelled the mandatory Power to impose exceptional and temporary restrictions on immigration. The matter having thus been raised in the Council, it had led to the statement of September 14th, 1937,¹ by the United Kingdom representative, from which it emerged that the mandatory Power's action was a purely temporary measure designed to meet temporary and exceptional conditions. M. Rappard explained that all that the Commission had wished to do was to inform the Council that the circumstances which had stood in the way of the application of the principle previously sanctioned by it still existed.

The Rapporteur then suggested, referring to the divergence of interpretation which had appeared in the course of the Council's discussion, that it would be sufficient for the latter to note the circumstances that had led to a temporary restriction of Jewish immigration into Palestine. He also suggested that the Council should take note of the various statements that had been made in the course of the discussion, and that it should associate itself with the general hope that the situation in Palestine might improve.

After the representative of Iran had expressed the hope that the legitimate rights of the Arabs who were natives of Palestine would be completely safeguarded, the Council adopted a resolution in which, *inter alia*, it requested the Governments of the mandatory Powers concerned to give effect to the Commission's observations, and in which it approved the conclusions of the Commission with regard to petitions.

* * *

In the course of the general discussion at the plenary meetings of the Assembly, the mandates question was referred to by the delegates of Egypt, Iran and Iraq. On the proposal of the General Committee of the Assembly, the chapter on mandates in the Secretary-General's report on the work of the League in 1937/38 was referred to the Sixth Committee. The latter body submitted a report and a resolution, which were adopted by the plenary Assembly on September 26th, 1938. Under the terms of that resolution, the Assembly renews the expression of its confidence in the mandatory Powers, the Mandates Commission and the Council concerning the application of the principles laid down in Article 22 of the Covenant and in the texts of the mandates, and pays a tribute to the results they have achieved. The Assembly further expresses the hope that the problems relating to Palestine might be solved in the near future, account being taken of all the legitimate interests at stake.

* * *

As my colleagues will have learnt from the Minutes of the meetings of the Council held on September 17th² and 30th,³ a point of procedure raised by the representative of China was the subject of explanations given by the Secretary-General after consultation with our Vice-Chairman, M. Rappard.

The point at issue arose out of the Chinese Government's communication of June 8th⁴ concerning the extension to the Pacific Islands under Japanese mandate of the Japanese National Mobilisation Bill, which had come into force on May 5th, 1938. Members of the Commission will recall that during our last session they were put in possession of this document, which was published on June 13th.

* * *

The Chairman added that M. Sakenobe had written that he could not take part in the work of the session.

Count de Penha Garcia, who had just returned from a voyage to Africa, would arrive a little later.

He asked his colleagues if they had any observations to make on his statement.

Palestine : Question of the Restriction of Jewish Immigration.

Lord HAILEY said he only wished to refer to one point which had attracted some attention in the United Kingdom. In the session of the Council, some differences of opinion would seem to have existed regarding the action taken by the mandatory Power in Palestine in so far as it had restricted Jewish immigration to an extent exceeding what the economic capacity of absorption of the territory would justify. The question at issue was whether, as the result of that action, the application of the mandate could justly be said to be partially suspended. Personally, Lord Hailey doubted whether the differences of opinion referred to were more than verbal differences ; but he gave notice that he proposed to revert to the question when the Palestine mandate next came up for consideration. It was a point which called for study on the basis of the documents on the subject.

¹ See *Official Journal*, December 1937, page 902.

² See *Official Journal*, November 1938, page 846.

³ *Ibid.*, page 876.

⁴ See *Official Journal*, July 1938, page 620.

The CHAIRMAN drew attention to the comments of the United Kingdom representative on the Council on the relevant passage in the report of the Commission on the work of its thirty-fourth session, in which it was stated that¹ "in actual fact, however, the Mandates Commission cannot but recognise that the application of the mandate is partially suspended now, as events have prevented some of its essential objects from being pursued". The representative of the Mandates Commission in his observations to the Council based his remarks entirely on the decision taken by the Commission as a whole.

M. VAN ASBECK was also in favour of considering the point.

Lord HAILEY agreed that the Commission itself had used the expression to which the Chairman had referred. He himself had only mentioned the point because it had been raised in certain newspapers—in particular, in the Jewish Press. He proposed to revert to the matter when the Palestine administration again came under discussion.

Islands under Japanese Mandate : Question of the Extension to the Islands of the Japanese National Mobilisation Bill, which entered into force on May 5th, 1938.

M. RAPPARD observed that the Chairman, at the end of his statement, had referred to the conversation M. Rappard had had with the Secretary-General on the subject of the point of procedure raised by the Chinese representative at the Council meetings of September 17th and 30th. What he said to the Secretary-General was that, unless and until the Mandates Commission received express instructions in the matter from the Council, it would not be under any obligation to consider the question. As, however, the administration of the islands under Japanese mandate was included in the agenda of the present session of the Commission, he imagined that the accredited representative of the mandatory Power could be asked to give further explanations.

Statement by the Director of the Mandates Section.

M. DE HALLER made the following statement :

Since the Commission's last session, the Mandates Section has pursued its normal task in connection with mandates.

The Minutes and the report of the Commission on the work of its thirty-fourth session were printed under the Section's supervision and circulated to the Council and to the States Members of the League on August 20th, 1938.

The members of the Commission have been kept in touch with the essential political, economic and social facts relating to the mandated territories through the regular distribution of information from official sources and selected Press extracts.

The Minutes of the Council meeting held on September 17th, 1938, at which the report of the Commission on the work of its thirty-fourth session was examined, were communicated to the members of the Commission on October 5th, 1938. It was at that same meeting of the Council that the representative of China raised the question of procedure to which the Chairman has just referred. The Minutes of the Council meeting on September 30th, at which this discussion was continued, were communicated to the members of the Commission on October 14th, 1938.

The members of the Commission have also received the report of the speeches delivered in the plenary Assembly by the delegates of Egypt, Iran and Iraq, certain passages of which relate to mandates questions.

The Sixth Committee's report to the Assembly containing the resolution adopted by the latter on September 26th, 1938, was sent to the members of the Mandates Commission on October 5th, 1938 ; the Minutes of the discussions in the Sixth Committee will also be communicated to them as soon as the final text is ready.

As usual, a list of official documents transmitted by the mandatory Powers has been drawn up for each of the territories the administration of which is to be examined at the present session (Annex 1).

The annual reports to be examined at this session reached the Secretariat on the following dates :

Territory	Administrative period	Date of reception
Cameroons under French mandate . . .	1937	August 20th, 1938
Western Samoa	1937/8	August 20th, 1938
Ruanda-Urundi	1937	September 1st, 1938
Syria and Lebanon	1937	September 5th, 1938
Islands under Japanese mandate . . .	1937	September 9th, 1938
Togoland under British mandate . . .	1937	September 21st, 1938
Cameroons under British mandate. . .	1937	September 28th, 1938

M. de Haller added that the Mandates Section had prepared a complete collection of all the observations made by the Commission in its reports to the Council concerning Syria and Lebanon, on the same lines as the similar collection made in the case of Palestine. The document in question would be distributed to the members of the Commission.

¹ See Minutes of the Thirty-fourth Session of the Commission, page 228.

Adoption of the Agenda and Programme of Work.

*The Commission adopted its agenda (Annex 2) and programme of work.
(The Commission went into private session.)*

Allocation of Petitions between the Members of the Commission.

The Commission allocated amongst the members present those petitions on which M. Sakenobe had undertaken to report.

**Islands under Japanese Mandate (continuation) : Examination of the Annual Report for 1937 :
Absence of the Accredited Representative of the Mandatory Power.**

The CHAIRMAN informed the Commission that he had received unofficial notice from M. Usami to the effect that the Tokyo Government would not be represented, as had at first been announced, at the consideration of the report on the administration of the Islands under Japanese mandate for 1937.

The report in question had been submitted in a regular manner, and had been distributed to the members of the Commission. Its examination had been placed on the agenda of the present session.

In view of the obligation imposed on the Commission under Article 22 of the Covenant, the Commission decided to consider the annual report of the Japanese Government in spite of the absence of any accredited representative of the mandatory Power.

SECOND MEETING

Held on Monday, October 24th, 1938, at 4 p.m.

Togoland under British Mandate : Examination of the Annual Report for 1937.

Captain C. C. Lilley, O.B.E., District Commissioner, Gold Coast, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE

The CHAIRMAN welcomed the accredited representative. As one of the few European officials permanently resident in Togoland under British mandate, his assistance during the examination by the Commission of the annual report would be particularly valuable.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE

Captain LILLEY made the following statement :

When Mr. Jones, Chief Commissioner of the Northern Territories of the Gold Coast, came before the Commission in June last year,¹ he asked that he might be excused if, in the course of his general observations, he referred more frequently to the Northern Section than to the Southern, and I propose to ask a similar indulgence—namely, that I may be excused if I refer, in the course of my few general remarks, more to the Southern Section, where I have worked for the past eighteen years, than to the Northern. In fact, I have only visited the Northern Section once, and that was when I, together with my French colleague, delimited on the ground, during the years 1927 to 1929, the frontier between the portions of Togoland under French and British mandates, as laid down in what is called the Milner-Simon Agreement of 1919.

Furthermore, most of the points raised at the thirty-first session of the Permanent Mandates Commission, and upon which further information was asked, dealt almost solely with the Southern Section. Mr. Jones was able to reply in more detail to the questions relating to the Northern Section.

The foreword to the present report now under consideration is an index to further information required on some points which arose at the examination of the 1936 report and, although dealt with in the present report, I propose, in my opening statement, to provide perhaps a few more details still, which I hope will be of assistance and make the points absolutely clear to the members of the Commission. I am, at the same time, keeping in mind some of the points raised at the examination of previous reports.

¹ See Minutes of the Thirty-first Session of the Commission, page 83.

Effect of the Delimitation of the Frontier between Togoland under British Mandate and Togoland under French Mandate: Position of the Ewe Tribe.

I propose therefore to start with the effect of the delimitation of the frontier between Togoland under British mandate and Togoland under French mandate and, of course, the position of the Ewe tribe. This question was raised at the thirty-first session of the Mandates Commission, page 91.

Some of my statement deals with history, as does the report for 1937 in paragraphs 8 to 15 (pages 2 to 4) and 270 to 275 (pages 77 and 78). I will, however, try to be as short as I can and to avoid repetition, though to make a connected statement, this may not always be possible. The historical portion will also be found to have a bearing on the amalgamation of divisions in the Southern Section, upon State Treasuries and taxation as well.

I have with me here two maps: (a) the first a German map, which shows the various clans or divisions to which I shall refer later; and (b) the second a Gold Coast survey map, 1 inch to 4 miles, which shows the same thing but is naturally more up to date.

I have brought these, as members of the Commission may care to look at them during the course of the examination of the report.

To start with, one has to go back a number of years, how many one cannot say, but the late Professor Rattray suggested that it might be 250 years ago, when all the Ewes, which, apart from most of the divisions in the Southern Section of Togoland under British mandate and in the southern part of Togoland under French mandate, includes the Pekis and Awunas of the Gold Coast, the Accras and, it is said, others, lived in the walled city of Nuatja, under the rulership of Chief Agokoli. I may add that I have been shown several portions of what the natives say was the wall, and I estimate the city to have been 2½ miles one way and about 2¼ miles the other. All the Ewes give the same history—namely, that, owing to the cruelty of their overlord, they broke down parts of the wall and migrated in various directions, chiefly westward. Another reason for the migration may have been that the area inside the original walled city became too small, as the natives speak of a second wall outside the first, and they will show one where it was situated.

The Ewes, all speaking more or less the same language, may have lived together in one quarter in Nuatja, and when they migrated they did so probably by clans or families, two or three or more families together. Some of these groups split up on the journey, some remained and others continued the march and split up again until they found a favourable place at which to stay. New villages were formed by members of the original clan or family, owing perhaps to squabbles and other causes.

The names of many of these families as they existed in Nuatja are unknown; they were possibly known by the name of the head of the family, but most of the names by which they are known to-day certainly bear no relation to residence within Nuatja. I will quote two examples, out of many of which I know, to show what I mean.

The division, as we call it to-day, of Honuta, situated near Kpedze, had wandered for many miles and one night rested at the base of a mountain called Agaga. The young men collected palm branches and laid them down for the family head or leader to sleep upon. At daybreak next morning, they removed the branches and all other traces of their camp, so that if there were people about they should not be followed and attacked; but on removing the palm branches, they found a hole in which was a python and on which the family head had slept. They took this to be a good omen, instead of going on with their march as intended, decided to settle there, and there they remain to this day. Now the name taken by or given to this family was Honuta, or Holuta. ("Ho", or "Holu", means in the Ewe language "a python" and "ta" means "on the top of or on account of".) Obviously, in freer surroundings this family grew, and farmed and hunted further afield, until it met some other family doing the same, and then very rough boundaries were fixed and each family had acquired a certain area of land. When I say boundaries, I do not mean boundaries as we know them. When hearing land disputes to-day, one division will often base its claim almost solely on the ground that "in olden times we used to hunt as far as that forest".

The other example I wish to give, as mention is made of it in the report for 1937, is the division of Gbi, in which lies the town of Hohoe. They "walked" from Nuatja with what are now called the Pekis, who live in the Gold Coast, and probably with the Accras. This party halted, for how long no one knows, at a place near where Hohoe is situated to-day. The Pekis and Accras tired of this place for some reason or other and suggested a move forward, but what are now called the Gbis or Peki Pons (as shown on the German map) said "no", they wished to remain behind in order to collect the bean crop which they had sown. They stayed and are there to-day, have grown and flourished. The others moved on. Curiously enough, the people on the other side of the river Volta and the Twi speakers, in the north

of the district, often refer to the Ewe-speaking peoples as Ayigbes ("Ayi" meaning "bean" and "Gbe" "speech"). (One hears similar stories regarding the migration from other divisions.)

About four or five years ago, the chief of Peki, on the Gold Coast, who has no political attachments of any sort with Gbi in the Southern Section, sent, as is often done between other divisions, a deputation of friendship to the latter chief. This party stayed a few days, met various sub-chiefs and elders and were entertained as a friend staying with another. I was introduced to the party and the journey from Nuatja was mentioned.

Once when I was staying with my French colleague, he took me to a small town called Petchi, situated to the north of Atakpamé. He told me that formerly they were connected with Peki, on the Gold Coast. When I returned home, I made enquiries and was told that history did mention it, but that there had never been any connection between the two within living memory.

Another example of the former connection of the Ewe-Anlos with the old walled city is the yearly sending of a deputation from Awuna country to the fetish at Nuatja.

Undoubtedly, most of the divisions in the southern portion of the French zone came from Nuatja in much the same manner.

In addition to this migration from Nuatja towards the west, there were several from the west to east. No date has ever been suggested when these took place.

There are the Haves, who came from Asini on the Gold Coast and are to-day to be found amongst the Ewes. They lost their original language altogether and now speak the latter.

There are also Nyagbos and the Logbas, who both speak Ewe, and in addition have languages of their own. Incidentally, the Logbas were in Nuatja. As far as I can remember, the former—that is, the Nyagbos—came from the west. Their name means "palaver has come".

The Awatimes, who call themselves Ewes, came from Ahanta, on the Gold Coast (Western provinces). Though they speak Ewe and call themselves Ewes, they still retain a language of their own and, curiously, were selected, by what I may call true Ewes, to be the group-leaders of the State which is now called Awatime.

The Agotimes speak the Ada language (Adangene) and Ewe. The Dakpas, in the extreme south, who speak Ewe, came from the river Volta.

I have only dealt with Ewes, though there are other divisions which migrated from west to east and settled in that hilly area between the main mountain range running through Togoland and the river Volta. These speak Twi, and each has a language of its own.

The Buems from Ashanti, who also dwelt in Nuatja ;
The Likpes, who came with the Buems ;
The Nkonyas, who came from the Fanti coast (Gold Coast);
The Bowiris, who also came from a different part of the Fanti coast ;
The Akpafus, who are possibly the remnants of the original dwellers on the land.

Until the middle of the nineteenth century, they do not appear to have been worried very much by outside attacks on a large scale. The clans themselves had what they called "wars" with each other and sometimes even now refer to them.

When the Ashanti invasion came along in about 1868, certainly many of the clans looked for help to Peki, who had, after their settlement there, become subject to Akwamu (Twi speakers) on the Volta, but had by then again become independent of Akwamu. Again, many of the clans looked to Awatime to protect them, or rather to give them shelter in the hills. (Practically all the Awatime villages are still on the mountain range, the height of the capital, Wane, being 1,600 ft. above sea-level, and that of Amedjofe, 2,600 ft. In a similar manner, some of the clans in our zone, and many in the French zone, took refuge on Mount Agu, 3,000 ft., where the people of Agu still live.)

Kpandu was a big trading centre, and many people from other clans used to go there and possibly used to ask the chief of Kpandu to settle matters for them. In the same way, Ho was one of the earliest mission stations ; Ho was also a market and perhaps the chief acquired a certain amount of importance and prestige in the same manner.

Speaking of mission stations, it is of interest to note that the early German missionaries chose the dialect spoken around Anloga or Awunaga, on the Gold Coast, for their mission textbooks, as they considered it to be the purest of all the dialects.

But one cannot find any trace whatever of the Ewe tribe—that is to say, as it existed in Nuatja—ever having been under one ruler or in any way united, except by a common language with dialectical differences, for the past 250 years. The tribe was split up immediately it left Nuatja.

I cannot say how many Ewe clans there are in the French zone—a large number—and it was when my French colleague and I started to delimitate on the ground the boundary given to us by M. Simon and Lord Milner, we decided that we would, as far as possible, keep

clans intact. We were allowed to make any minor adjustments we thought necessary, and this power we used. Naturally it was not always possible, but in the majority of cases it was.

It would not have made any difference to the Ewe tribe had the division, say, of Kuma been placed in the British zone or that of Leklebi in the French. They were both completely independent of each other and of anyone else.

I hope that the report and what I have said have clearly demonstrated that the international boundary has in no wise divided the Ewe-speaking peoples as a tribe.

Next, regarding emigration. The Ewe-speaking people in the Southern Section are a nice looking, well-behaved and very likeable people. With attributes such as these, they are liked by others, and if an opportunity of a job occurs in other places, it is natural that they would take it if offered, and I think it is very much to the credit of the race that they should be found from both the British and French zones all over the Gold Coast in various capacities, and in Nigeria and, I expect, in Dahomey also. They make good skilled workmen—for example, masons, carpenters, blacksmiths, drivers and mechanics, etc.

Both southern zones—I mean by that both British and French zones—are not rich, and never have been, in minerals, etc.; they grow foodstuffs, cocoa in patches, palm trees and a few other things.

In conclusion, I trust once again that, from what is stated in the report for 1937 and my remarks, it is clear to the members of the Mandates Commission that, though the Ewe-speaking people may have originally been a connected tribe, they never have been such since the exodus from Nuatja some 250 years ago, and that since that time they have been independent small clans as are found in the Southern Section, some rather larger, what we term States—for example, Peki, Awuna—at different stages of development.

Administration.

I am now going to try and show what the mandatory Power has done in the south to assist the people in that area towards local self government.

From what I have said, it will doubtless be understood that, having had no Paramount Chief or leader for so long, the clan, or divisional spirit, got deeper and deeper rooted and there is no doubt that it still prevails to-day, and this has to be remembered. In 1920, when the provisional frontier was made, there were no less than sixty-eight clans or divisions in the Ho district, who all claimed to be, and undoubtedly were, independent of each other, and had been so for years.

During the period 1914 to 1920, the people of the largest and richest area, Buem, to whom I will refer as Twi-speaking, as distinct from the Ewe-speaking clans, all joined together again to form one area and all serving one Paramount Chief. I will refer to this area later on. This left us with five Twi-speaking and sixty-three Ewe-speaking clans, all independent of one another. Some of them consisted of one village only and some had several villages. Many of them were on bad terms with each other, and the chiefs of the various divisions would not speak to each other except through a linguist, and always sat apart from each other when they met, which was seldom. Every head chief, as he was then called, had a so-called tribunal and so had every sub-chief. The head of a family who had left the parent village and founded a new one was permitted to style himself a sub-chief, so the net result was that we found ourselves with no less than approximately 234 so-called tribunals.

In 1921—I think it was but am not sure—an attempt was made at getting some of these smaller divisions to join up together, but this had no immediate effect. Later, many of the natives themselves began to feel that they would like to form some sort of union which might lead to an arrangement whereby they could have a greater share in running their own affairs. The Administration also was very keen on some sort of amalgamation and, having considered what form it should take, suggested, not that form which eventually took place in the Northern Section, north of the Krachi district, but that an attempt should be made to get clans within the Southern Section to join each other to form groups, so as to give the people a greater share in the administration of their own affairs. I will not go into too much detail, as it has been supplied in earlier reports.

All native communities are very conservative, and by this time the people of the Southern Section had advanced considerably owing to the opening-up of the roads to the Gold Coast, and it takes a lot to make a change of this nature.

I should not forget to mention that Peki claimed sovereignty over many of the Ewe clans, but though some of the clans admitted they "walked" with Peki in the Ashanti war and said they would like to join, they eventually said that they would not.

After much preaching, eventually three groups, or States as they were afterwards called, were formed by the natives themselves and recognised by the Administration, and the old wing system in the Buem State was revived. The clans were called "divisions", and in Buem there are four divisions, all still under the same head chief as formerly.

The matter of choosing their leader, or Paramount Chief, was left entirely to the people themselves. I wish to assure the members of the Commission that, throughout, amalgamation had been entirely voluntary and no pressure whatever has been brought to bear upon anyone. Agitators were hard at work, especially amongst the divisions which had not joined. It was, in a way, a big political upheaval.

The Administration was of the opinion that the time had now come to pass legislation to regularise what the people had done. Thus came into force the Native Administration (Southern Section) Ordinance No. 1, of 1932. The main points of this ordinance were :

(1) Though they had elected one of themselves to be leader—really a *primus inter pares*—the entity of each clan or division was preserved. A divisional council was formed, consisting of the head of the division and his sub-chiefs, to deal with constitutional matters arising within the division and to discuss matters of general interest, at which latter meetings literates, illiterates, Christians, pagans, the old men and the young men could be present if they chose, and a proper tribunal, with powers to deal with cases and to enforce its own judgments, was formed. The people of the division were asked to choose their own tribunal members. They then submitted the list to the District Commissioner, who made his recommendations to the Governor, who actually constitutes the tribunal and appoints the members.

(2) The head of the division was appointed a native authority within his division. With regard to the latter, the Governor of the Gold Coast, however, reserved to himself the right to appoint the native authority. Normally, it is the head chief, and he has never had to deviate from that up to the present. The Governor has also power to close tribunals which are inefficient.

(3) The heads of divisions, together with their leader, who incidentally is head of a division himself, were formed into what is known as a State Council. This Council hears cases which the Divisional Council cannot hear, and also appeals from the latter. The State Councils were also constituted as tribunals to deal with certain land cases. The reason for this was that those divisions which amalgamated stated that they did not mind their petty cases going direct on appeal to the tribunal over which the Paramount Chief presided, but that the bigger issues, like land, should go to the State Council. The State Councils meet at fairly frequent intervals to discuss matters of interest affecting the State.

The next work was to see that the policy of amalgamation and local self government was understood by everybody. I would especially draw attention to the fact that the ordinance to which I have referred excludes the District Commissioner as a direct ruler, except as an appeal court and in a case where a native authority gives a wrong order. There are one or two cases like perjury, with which the native tribunals cannot deal. The District Commissioner acts more as an adviser and is a safeguard to see that the provisions of the ordinances are not broken.

Each year brought more divisions into the States and to-day the position is that fifty-seven divisions are amalgamated and fourteen are not. Many of the latter would have joined, had they not internal disputes of their own.

I wish to refer to the Minutes of the twenty-fourth session of the Mandates Commission¹ concerning a petition from Anku Satchi, chief of the division of Ziavi. This was dealt with in paragraph 213 of the 1933 report. The substance of Satchi's letter was opposition to the amalgamation of divisions. It is therefore of interest to note, as is stated in paragraph 9 of the report for 1937 (page 2), that the divisions over which Satchi presides joined the Asogli State this year. I may mention also that other divisions who were also signatories to the petition to the Secretary of State have also joined States.

But what a difference amalgamation has made in the relations between the chiefs and peoples of these various divisions. They now meet frequently without formality, often feed together when attending meetings of State Councils, and it gives an opportunity for informal discussions between divisional chiefs to stop incidents arising in their various divisions.

I have with me here a photograph showing a meeting between the three Paramount Chiefs, or heads, of the three Ewe States in the Southern Section. This year is the first time that the three have met together for consultation.

It has taken some time, but the native mind moves slowly. I think that the history of the district during the last few years proves the efficacy of giving the people time to adjust themselves within the framework of administration approved by Government.

¹ See Minutes of the Twenty-fourth Session of the Commission, page 52.

All this had to be done before we could think of Native Treasuries, as I feel sure Members of the Commission will agree that it would have been impossible to have had sixty-eight Native Treasuries, one for each division. To my mind, in a matter of this sort, the thing must be done properly at the start. We cannot ever afford a failure, and it would have meant a very large staff to deal with revenue collection, native tribunals and the like.

State Treasuries.

By 1935, the Administration considered that the groups, or States, were big enough to start propaganda about Native Treasuries. The Southern Section is so long that, to get at the people who matter, one must visit nearly every division separately. This has been done. For some time, the prospect of establishing Treasuries for the Akpini and Awatime States was most hopeful. In 1936, the State Councils of both States discussed the matter and it seemed probable that Treasuries would be started.

In the same year—that is to say, in 1936—I was asked by the ten chiefs of the Awatime State to go to a central place and listen to proposals they had for establishing a State Treasury and the imposition of an annual tax or levy. This I did, but it was soon quite clear that the chiefs had not consulted their people. This very nearly led to the destoolment of the Paramount Chief, and the matter dragged on. The next report will, I hope, show a little progress as, when I left the country in July 1938, there were three State Treasuries going unofficially—that is to say, not constituted by by-law under the ordinance, and some are paying in court fines and fees. But I will not anticipate next year.

In the absence of mining royalties, etc., an annual levy of some sort would have to be collected before a State could hope for anything like a presentable revenue, and this necessitates the co-operation of all the divisions and of all the people in each division. I have laid stress on the clan spirit which prevails amongst the Ewes.

Taxation.

The subject of taxation in the Southern Section has been dealt with fully in paragraphs 22 to 32 (pages 6 to 8) of the report for 1937. The various objections by the natives to a direct tax are clearly stated, but having been so long in the Ho District has brought me into very close contact with the native and, apart from what I may term official meetings, I have naturally had the opportunity of discussing the question of taxation with many people privately.

The report for 1937 speaks of an occasional levy by divisions, but I also definitely know of two cases in two different divisions where a family in a village occasionally raises a levy. In these two cases, the levy was for no immediate specific purpose, but to supplement the funds which the head of the family held to be spent on what the family deemed necessary.

Several natives have said to me that the spending of an annual levy might be wholly out of their control, whereas the purpose of an occasional levy is known before it is imposed.

I was talking to a group of three or four people one day and telling them what had been done in the Northern Territories of the Gold Coast and said that I hoped we could do the same. I said that, after all, a tax of say 2s. a year was not much and everyone could surely afford to pay that. One of the men, who, I admit, was a personal servant to a Government official, and had seen receipts issued and money accounted for at the local Treasury, said he would not mind paying 2s. a year. The others all said, "No, perhaps not, but you have a good job". Another said that he did not like it at all, and the arguments given by him and the others who joined in the conversation, some of which are set out in paragraphs 22 to 32 of the report for 1937, are illuminating. I was informed that they already paid taxes to the Government and was given as examples the export tax on cocoa, tax on cover cloths, gun licences, tax on drink if they bought it, etc. One asked me how much cocoa was produced in a certain area, and I replied about 2,000 tons a year. He then replied: "Well, that is over £2,000 a year tax on that alone".

Between them they said that most of the Northern Territory people spent but little on clothes, had no cocoa, drink was not allowed, so they could not buy it, they were not allowed guns, etc., and so forth.

Another point which was brought up to me by an educated native was the question of land disputes, which are fairly common in the Southern Section, or anywhere where the land is suitable for cocoa. I was asked whether, if Treasuries were formed, they would be able to use the money in the Treasury to pay the necessary expenses in regard to litigation if the land of his division

was encroached by someone of another division. He said: " You know we sometimes make a levy throughout the division for this".

With the exception of the south of the Krachi district, I do not suppose there are many land disputes in the Northern Section as, in the same way in the Southern, there is hardly ever a land dispute over grassland where the crops are annual.

It may be well imagined that when one speaks to the native about the educative value of State Treasuries, they are but little impressed. It is therefore difficult in argument to convince the people of what additional benefits an annual levy will bring them. Many of the chiefs themselves are keen on an annual levy and State Treasuries, but the people are not keen on taxation.

Imports and Exports.

Trade to the West: Destination of Exports.

On page 99 of the Minutes of the thirty-first session of the Commission, information was asked regarding trade to the West. Reference to this is made in paragraph 65 (page 15) of the report for 1937.

For several years I have been trying to think out a possible scheme to obtain information of this nature, and I have reluctantly come to the conclusion that the only way to do it would be to have Customs stations down the frontier, as is now the case between the French and English zones. The expense of this would be enormous and out of the question. A glance at the map will show the number of roads and paths.

Most commercial houses in the Southern Section have their supply depots at Accra, and petty traders go down to Accra to obtain supplies as well. Then again, goods are transferred from the Southern Section to the Gold Coast and *vice versa*. What is stated in paragraph 70 (page 20) of the report for 1937 is very true. It is not only business houses but the many petty traders, both in lorries and on foot, that one has to take into account. Women, quite illiterate, bring in goods from the Gold Coast to sell, travelling from market to market and then often go back with some.

Trade on the Kpandu-Krachi road has increased very considerably, and there is no means of knowing if a lorry going up that road is (a) from the Gold Coast or the Southern Section or (b) whether its ultimate destination is, say, Keta, Krachi, Yendi in the Northern Section or Tamale or any other place in the Gold Coast.

As to the destination of exports, this is an impossible question to answer beyond saying that they either go into Togoland under French mandate, or to the Gold Coast, but, after their arrival at the sea-port, it would probably depend where the particular exporter at the port was told to send them. Prices, etc., might cause a sudden change of the original intention of the exporter.

Further, exports of foodstuffs like yams, etc., from the Northern Section may roughly be checked as destined for the Gold Coast, but they may be sold *en route*, and whether they come from, say, Tamale or Yendi is difficult to say, and whether they enter the Gold Coast down the dry weather road to Keta or over Senchi ferry is equally hard to know.

In the same way, the destination of fish from Keta, coming up the Ho-Denu road, is difficult to ascertain. A halt may be made at Ho, some sold and the rest taken into the Gold Coast again, or it may go up north into the mandated territory.

Arms and Ammunition.

The reply to the question asked last year¹ is to be found in paragraph 105 (page 31) of the report for 1937.

Land Tenure.

This is dealt with in paragraphs 201 to 218 (pages 57 to 62) of the report for 1937, and I think explains the situation more clearly. The question is now under the consideration of the Gold Coast Government whether it should be made an offence to transfer land without the previous sanction of the public authorities.

References to the sale of land would be better understood if they are taken to refer to surplus land.

In the report for the year 1931 (page 70), mention was made of the village of Ahamansu and the area around it. Ahamansu had at that time a population of fifty-one and owned a cocoa-growing area of very approximately 40 square miles, and one must remember that at least

¹ See Minutes of the Thirty-first Session of the Commission, page 101.

a third of these fifty-one people were females or children, according to proportionate figures for the whole district, so it does seem that this village had a good deal of surplus land. No village ever dreams of selling all its land.

The people of the village have their own cocoa farms and always keep free land adjacent for future cultivation. I would refer to the last part of paragraph 218 of the report for 1937, which reads as follows :

“ There is no need to stress the increased prosperity with the resultant improvement in housing, diet and clothing which has come to the cocoa-producing areas during the last few years, and to-day the comparison of these areas with non-cocoa-producing areas is most remarkable.”

I have one village in mind, in the north of the Southern Section. Walking along the main path through it in early 1921, one could have touched the grass roofs of the houses on each side with outstretched arms. To-day, one would not know the place. Large houses, one two-storey, some built with cement blocks, nearly all the houses decently built and with iron sheet roofs and very well laid out, and through the middle of the village runs a 40-foot motor road. I could quote many such examples.

Alcohol, Spirits and Drugs.

This subject is dealt with in paragraphs 157 to 164 (pages 44 to 46) of the report for 1937.

At the examination of the last report, it was stated on page 106 of the Minutes of the thirty-first session that there had been a considerable increase in the sale of liquor in general (from 318 gallons in 1935 to 2,476 gallons in 1936). I would like to point out that the figure given in the 1936 report was 1,318 and not 318.

There is, however, an increase both in spirits and beer for the year 1937. Apart from the reasons given in the report, I should like to mention one or two other points.

The first is illicit distillation.

In 1935, the number of prosecutions was 41 (page 50 of the 1935 report) ;
In 1936, the number of prosecutions was 21 (page 58 of the 1936 report) ;
In 1937, the number of prosecutions was 15 (page 46 of the 1937 report).

I think that this shows that, when the native can pay, he prefers imported spirit to their own harmful distillation.

Although it was said in the report for 1935 (paragraph 134) that it would be untrue to say that beer is ousting palm wine, my own experience during the last two years or so is that beer is now much more extensively used than it used to be, and I think that here again the native prefers a decent clean stable drink to a local brew of palm wine which may be adulterated and of which the alcoholic strength varies.

It is common enough now when a party of strangers come on a visit, for a present of, say, twenty-four bottles of beer and perhaps a couple of bottles of whisky to be sent to them by the host, instead of three pots of palm wine.

Again, drink is used in a way of which perhaps members of the Commission are not aware. As has been said elsewhere in the report for 1937, the history of the native of this district is one of petty feuds and disputes, and it is the custom of the country, when peace is made by arbitration, as opposed to taking the matter to the court or to the tribunal, for the party adjudged to be wrong to be asked to pacify the other party with a sheep and a bottle of gin.

In bigger issues this might be increased to, say, two sheep and a case (twelve bottles) of gin. This is not all drunk at the time. These “ palavers ” range from affairs connected with married life, trespass on land, ill-feeling between village elders, etc.

I have often wondered how much liquor is wasted when prayers are said to departed spirits during the performance of customs, be they customs of peace-making, or meeting of friends and the like. Whilst the prayer is being said (and they are usually fairly long), drink is poured on to the ground for the spirits of the departed and for the fetishes.

Just before I left Africa in July last, I stayed for one night in a village, and with two other natives went to call on the chief and say goodbye. The chief came out of his house and was presently joined by about six others. After everyone had shaken hands with everyone else several times (one would get up and go round, then another, and so on), two bottles of beer were produced by the chief. They were both opened and one glass filled. This was then given to an elderly man who, squatting down, said prayers and all the time poured the beer on the ground till the whole glass was wasted. The remaining three glassfuls were then given to those who cared to drink.

This sort of thing goes on all over the country. Very few natives will drink a glass of anything alcoholic at all without pouring some on the ground to begin with and leaving some in the glass to do the same at the end.

I am afraid I have been rather lengthy, but I thought it might interest the members of the Commission to know the part which drink plays in native life, and how much is wasted.

I have wandered far over the district and at all sorts of times watched customs being performed, and I can honestly say that I have seen very, very few cases of drunkenness.

Public Health.

Most of the questions asked under this head during the thirty-first session of the Mandates Commission¹ appear to have been answered.

The more educated the people become, the more sanitary.

As regards the Southern Section, the difference is simply amazing during the last eighteen years. Voluntary sanitation, if adequate, would be preferable to compulsory, if the former were up to the standard required by the authorities, which of course it never is. A lot, however, can be done to assist the voluntary side, and in this respect perhaps a little may be added.

When Government officers go on trek, and especially administrative officers, many natives go to see them. Most of our rest houses and preventive stations have been planted with shrubs, flowering trees, etc., as have the majority of school compounds, and it is gratifying to see that many natives have made attempts at doing the same in their own small compounds.

In addition, trees have been planted in many of the villages, and most of the others have copied the idea, even in the far bush. There are definite signs that this work, though it may seem unimportant, has sowed the seeds of an orderly mind in many. Better buildings, the opening-up of the country by roads, all tend to make the people more sanitary minded and, with the number of young men and women leaving school each year, I think conditions should improve.

Statistical Information.

The last request made at the previous session of the Mandates Commission² was for a statistical table dealing with public finance, trade, etc. The information asked for is to be found in Appendix XVI of the report for 1937 (page 125).

There are just one or two other points I should like to mention before concluding my opening statement.

I should like to draw attention to the increase in the amount of savings bank deposits. I will quote the amount for the last four years :

	£
1934	1,280
1935	2,254
1936	3,315
1937	5,209

The figures in themselves show an increase in saving. During the year 1937, approximately £2,000 more was deposited.

I personally know for a fact many people who have taken out savings books during the year.

Judicial Organisation.

The judicial organisation is dealt with on pages 22 to 29 of the report for 1937.

In the Southern Section we have, as will be seen, fifty tribunals. Many of these hear but few cases. I have spoken about the existence of the clan spirit amongst divisions, even though amalgamated. Each tribunal wishes to have its own tribunal registrar. For the last two years, the Administration has been endeavouring to impress on them the saving in expense, both to themselves and litigants, in sharing properly trained registrars. It is difficult with a progressing people for the administrative officers to deal with such a large number of registrars if these were to be one for every division. Our idea is to reduce the number of registrars and have a few, properly trained and properly paid. I am glad to say this is beginning to take effect. Chiefs can, of course, have their own clerks if they wish to do so, but as regards tribunal work, we are insisting that the registrars must understand the provisions of the ordinance and procedure.

¹ See Minutes of the Thirty-first Session of the Commission, pages 107 and 108.

² *Ibid.*, page 109.

The tribunals in the Northern Section are fewer and the people not so keen on litigation, so the administrative officers have not so many to deal with.

Earlier in my statement I mentioned the question of land disputes, and this year the number still remains at about eighty. Some of these finish in the tribunal and others drop out in the various appeal courts. We have one even pending now before the Privy Council. Those that generally go on are those in which the whole division is affected or interested—that is to say, inter-divisional disputes.

There is one small incident which I should like to mention.

We had been holding courses for these tribunal registrars and decided, first of all, to call in all those whom the chiefs had selected and then to eliminate some of them. We went through the various parts of the ordinances and rules with them and came to the rules embodied in the report for 1933 (page 76 *et seq.*), one of which, if I remember rightly, states that, in the case of poor or destitute persons, the tribunal fees may be reduced or may even be remitted altogether. When we had gone through that section, I asked the registrars, who are all educated men, whether any of them had any questions to ask. One jumped up and, referring to the section I have just mentioned—that is to say, that the fees might be remitted by the tribunal in the case of destitute persons—said he understood that everyone was equal in the eyes of the law and he could not understand the section at all; it did not seem fair.

When the general laughter provoked by his statement had subsided, I pointed out to him that the provisions might be useful to him one day, should he find himself penniless and destitute.

We are endeavouring to eliminate persons of his type and to engage only a few really first-class trained registrars who will travel round to the various tribunals.

Education.

From the report for 1937, it will be seen that the people of the territory are as keen as ever on education (page 37 *et seq.*) and it will be noted that the first Native Administration School actually situated in the mandated territory has been opened.

The subject of education has been dealt with very fully this year (pages 35 to 44) and needs but little comment from me.

I would, however, apologise for an error on page 39 of the report, which was not noticed until after printing had been completed, and it was therefore too late to correct. In paragraph 135, the years should be 1934, 1935, 1936 and 1937, instead of those as given.

In conclusion, I should like to thank the Chairman of the Mandates Commission for having given me the opportunity of making a statement. I have endeavoured to show a clearer picture of the Southern Section, where I have spent many years of my life, amongst a most likeable and progressive people and, moreover, a people who have helped themselves a very great deal. Twenty years ago, there was not a single permanent bridge in the Southern Section. To-day, there is only one on the main trade routes which is not permanent. This is only one of many improvements which have taken place. Each year it becomes more and more difficult to report progress in social, moral and material conditions of the people, without a certain amount of repetition. One can state in a more or less clear and concise form what public works have been erected, whether in the Southern Section or in the native administrations in the north; many statistics and figures can be quoted—improvements in police, prisons, agriculture, education, public health, etc., can be given, but of moral progress what can be said? In the gauge that calculates it, a decade would be a scarcely perceptible movement and a year wholly invisible. I do not think figures can ever help. Of social progress, one can say but little. It is, as in any other country, closely allied to material progress, and the latter is most conspicuous in areas where there is the most money. For a people whose minds move slowly, perhaps material progress has been a little too rapid.

The CHAIRMAN thanked the accredited representative for his statement. He suggested that any points arising out of that statement should be raised at the appropriate stage in the examination of the annual report, unless there was any general issue any member desired to raise forthwith.

HISTORY AND POSITION OF THE EWE TRIBE

Lord HAILEY said that he had been most interested in everything the accredited representative had said on the previous history of the Ewe people, and on the relations existing between different sections of them. Could the accredited representative give the Commission any information which would enable it to take a final view on the extent to which the Ewe people had been prejudiced by the division of Togoland into French and British mandated territories? The matter had been raised at the thirty-first session,¹ but there had in the past

¹ See Minutes of the Thirty-first Session of the Commission, page 92.

also been a number of protests and petitions on the subject ; it was, for instance, referred to in a representation made to Lord Milner in 1919, to President Wilson in 1922, and to Mr. Ormsby-Gore in 1926. Some writers had found the reason for the protest against the division of the Ewe in the fact that natives in the French mandated territory were taxed, while they were exempted from direct tax in the British mandated territory ; but this hardly seemed a sufficient explanation. Was there anything in the division which had affected the constitution and organisation of the Ewe tribes and the extent to which they could maintain their traditional customs and habits ? Had they in that sense suffered any prejudice whatsoever from the fact of partition ? Had there been undesirable social consequences, such as the disintegration of tribal life ?

Captain LILLEY replied that, politically speaking, the Ewe people had not been prejudiced in any way by the division of the territory. It should be remembered that, since the great migration 250 years ago, they had never been united under one single chief. Comparison of the 1905 and 1935 ethnological maps would show that tribal divisions were exactly the same at both those periods.

When the Anglo-French boundary was re-adjusted in 1927, particular care was taken—although the general principle was to base the boundary on natural features—to follow as closely as possible the various tribal boundaries. Thus, even where the watershed was the natural line to follow, it had been several times departed from to avoid placing a village belonging to a clan situated in the French mandated territory in the British mandated territory. The protocol to the boundary settlement stipulated expressly that all native rights should be respected.

Lord HAILEY believed that some time ago the French authorities had reported agitation and rioting on the subject of the boundary.

Captain LILLEY thought that this probably referred to a land dispute in the neighbourhood of Honuta as to the boundary between that division and the neighbouring division of Wuame in the French mandated territory. It would have made no difference whatever to the position of the Ewe tribe as a whole had the division of Honuta been placed in the French mandated territory, or *vice versa*, at the time of the delimitation of the frontier.

The CHAIRMAN concluded, from the observations of the accredited representative, that the Ewe tribe had ceased to be a political entity more than two centuries ago. It followed that the political boundary adopted twelve years previously could not have split up the tribe, as had been believed.

ECONOMIC EQUALITY : CASE OF STATES CEASING TO BE MEMBERS OF THE LEAGUE

M. RAPPARD observed, in connection with economic treatment from countries which had ceased to belong to the League, that the mandatory Power “ was satisfied that goods from a mandated territory entering the territory of States which are not members . . . receive at least equal treatment to that accorded to goods from other sources ” (paragraph 75, pages 21 and 22 of the report). The expression “ at least ” seemed to him rather puzzling. All that was required was surely full equality of treatment—unless, of course, any Power for reasons of its own gave more favourable treatment to a territory which had formerly been one of its own colonies.

Captain LILLEY said that the expression “ at least ” was misleading. As for M. Rappard’s hypothesis, it was not borne out by the facts.

M. VAN ASBECK suggested that in future reports it might be useful to insert the formal statement on this question made by the accredited representative in 1937.¹

Captain LILLEY agreed.

INTERNATIONAL CONVENTIONS

The CHAIRMAN, referring to the list of international Conventions applying to Togoland given on page 79 of the report, observed that Article 8 of the mandate stipulated that the mandatory Power would apply to the territory any general international Convention applying to the Gold Coast. The note at the head of the list implied, on the contrary, that such Conventions applied to the territory automatically. What was the actual procedure followed ?

¹ See Minutes of the Thirty-first Session of the Commission, page 83.

Captain LILLEY believed that for legal purposes the territory was considered as homogeneous with the Gold Coast colony. The application of international Conventions to the territory would therefore be automatic.

Convention for the Protection of African Fauna and Flora: Natural Reserves.

The CHAIRMAN said that questions had been put in the House of Commons on December 23rd, 1937, March 30th and May 4th, 1938, concerning the application to colonies and territories under British mandate of the Convention for the protection of African fauna and flora. Although the Convention appeared in the list of those applying to Togoland under British mandate, the Colonial Secretary did not mention that territory amongst those in which natural reserves were set aside. Could the accredited representative give any information on the application of that Convention in Togoland, and had any steps been taken to create natural reserves ?

Captain LILLEY said that the creation of a natural reserve to the north of Krachi had been discussed, but no action had yet been taken. There were already two game reserves in the Gold Coast quite close.

Convention of February 10th, 1938, concerning Refugees coming from Germany.

The CHAIRMAN referred to another question put in the House of Commons on May 18th, 1938, on the subject of the application to colonies and mandated territories of the Convention of February 10th, 1938, concerning refugees coming from Germany. The Colonial Secretary had replied that the Governors, etc., of the territories in question were to be consulted. Had any further action been taken ?

Captain LILLEY doubted whether anything could be done in Togoland under British mandate. It was a territory quite unsuited to permanent settlement by Europeans.

International Convention for the Suppression of Traffic in Women and Children.

Mlle. DANNEVIG asked why the Convention for the suppression of traffic in women and children applied (page 80 of the report) to the Southern Section of the territory only.

Captain LILLEY undertook to reply to this question in the next report.

STAGE OF DEVELOPMENT OF THE NORTHERN AND SOUTHERN SECTIONS OF THE TERRITORY.

M. VAN ASBECK said the Commission could congratulate itself on the alternate presence as accredited representatives of experts in questions affecting the Northern and Southern Sections respectively, who could alternatively enlighten the Commission on the divergent aspects of the two parts of the territory. There were doubtless great differences between the two regions, for instance, in the matter of land tenure, native treasuries, native justice, taxes. It might be useful if a subsequent report explained the cause of those differences. They were also of course noticeable in Togoland under French mandate and in the Cameroons.

Captain LILLEY referred to a statement by the accredited representative in 1937¹ on the subject of the differences between north and south. He undertook to suggest a more precise reference to the points of difference in a subsequent report. It was obvious that civilisation tended to spread gradually from the coast northwards. At the same time the two peoples, and their conditions of life, were completely different. In the Northern Section, for example, there were as yet no post offices and therefore no savings accounts.

Lord HAILEY said that the differences between the two sections were ascribed by some to physical conditions, which, in the north, had led to migration and militated against permanent settlement, and by others to the fact that the north had, in the past, been open to invasion from the Sudanic areas. Both views might explain the fact that native customary institutions were less solidly founded in the north and that administrative changes, such as native treasuries and the like, were accordingly easier to introduce.

¹ See Minutes of the Thirty-first Session of the Commission, page 97.

Mlle. DANNEVIG, referring to the differences between north and south, reminded the Commission that it had heard in 1937¹ of native women clad in leaves attending the schools and taking a keen interest in the education and treatment of the children. Did that give an indication of the degree of civilisation attained in the north ?

Captain LILLEY replied that, speaking generally, as regards clothing, which threw a certain light on the degree of civilisation, bunches of leaves were still current in the north. In the centre, north of Krachi, the natives wore chiefly homespun cotton garments ; and in the south, clothes made from imported cotton cloth and suits were worn by the natives.

CONSOLIDATION OF NATIVE ENTITIES : FUNCTIONS OF THE STATE COUNCILS AND OF THE UNOFFICIAL TREASURIES : ACTIVITIES OF THE CHIEFS

M. VAN ASBECK said that the Administration's policy in the south as well as in the north was clearly to consolidate native entities, to fortify their organisation and to extend their powers as far as would seem feasible. Clearly, this policy of native consolidation and training had been favoured by the re-uniting of native chiefdoms which formerly had been cut into two by international boundaries. Early reports concerning Togoland under British mandate had spoken of arbitrariness in the drawing of the 1887 boundaries, and the reports of the mandatory Power in more recent years had repeatedly alluded to the gratifying results of the re-unification policy introduced as a consequence of the mandate. M. van Asbeck felt that it would seem important to remember these facts in the present circumstances.

He asked whether any chiefs had been deposed in 1937, and what were the functions of the unofficial treasuries and the State Councils in the Southern Section.

Captain LILLEY said that there had been one resignation, but (he believed) no depositions of chiefs in 1937. The divisional chiefs were responsible for good order within their divisions, apart from their judicial functions. The State Council consisted of all the chiefs of divisions in the State. It had no executive powers, but was of great assistance to the Administration in that it discussed reforms and new measures, made them known, and thus facilitated the enforcement of administrative regulations.

Lord HAILEY observed that progress in the formation of State treasuries in the Southern Section (page 6, paragraph 28, of the report) was spoken of as very slow. Were there in fact any real native treasuries, as constituted in the north, in that Section ?

Captain LILLEY replied in the negative.

DIALECTS

Mlle. DANNEVIG referred to the existence of a great number of dialects among the Ewe people. Were the various tribes able to understand each other, and was all schooling given to the Ewe tribe in the same dialect ?

Captain LILLEY replied that many natives understood a fair number of Ewe dialects, but there were many who did not. Schooling was given in the language of the area—Twi in the north of the Southern Section, and Ewe in the south. As regards the Ewe dialects, however, there was a certain degree of unification as a result of efforts dating back to the days of the German Administration.

THIRD MEETING

Held on Tuesday, October 25th, 1938, at 10.30 a.m.

Togoland under British Mandate : Examination of the Annual Report for 1937 (continuation).

Captain Lilley came to the table of the Commission.

¹ See Minutes of the Thirty-first Session of the Commission, page 89.

DIRECT AND INDIRECT ADMINISTRATION : CONSTITUTION AND ADMINISTRATION OF
AMALGAMATED STATES : LEVIES : TAXATION : DUTIES AND REMUNERATION OF THE CHIEFS :
ORGANISATION OF NATIVE TREASURIES

M. VAN ASBECK felt it essential to emphasise the cardinal importance of any schemes which would ultimately qualify the native population for the exercise of self-government. This was of especial significance at a time when there was an increasing tendency to regard colonial territories as mere pawns, without even paying attention to their populations, which could be disposed of at will.

He pointed out that the system of native rule existing in the south showed a deviation from the classical system of indirect rule applied in other British territories. The sole fact, however, which was of interest to the Commission was whether the ruling chiefs governed to the satisfaction of the mandatory Power. Some appeared to take a close interest in public education (*cf.* the last sentence of paragraph 138 (page 40 of the report)), while others, apparently, were open to charges of "natural cupidity" (paragraph 204, page 58). Was sufficient control exercised to prevent the chiefs from abusing their authority? In particular, what steps were taken to control the annual levies referred to in paragraph 23 (page 6 of the report)? It would appear from the subsequent paragraphs on the same page that such levies were not popular in the southern section.

Captain LILLEY replied that there was no annual levy in the southern section and that, in the northern section, tax collection was closely supervised by the District Commissioners. Occasionally, a levy would be made in the southern section for some special purpose, such as the building of a school or public market. Such levies were organised, and contributed to, by the natives themselves on a purely voluntary basis. If the first collection proved insufficient, further appeals would be made. The proceeds were generally held by a trustee; never by the chief himself; and, in the case of the public market referred to, two literate natives had been appointed to audit the expenditure.

Lord HAILEY asked whether the Togoland authorities proposed to follow the example of the Gold Coast Government and insist on official permission's being secured before a levy was made.

Captain LILLEY did not think this would be necessary for the moment. It was hoped that, when markets were built, the natives would agree to some form of taxation.

Lord HAILEY wondered whether a system of taxation which had been found impossible in the south of the Gold Coast Colony could be enforced in Togoland.

Captain LILLEY hoped that the population would gradually realise the necessity of paying taxes as previously under the German regime. The situation, however, would require careful handling.

M. RAPPARD drew attention to the inconsistency between the statement in paragraph 23 (page 6 of the report) that "the idea of a general annual levy or tax is not popular" and that "a tax which has for its object the liquidation of a debt is significant" and the further statement in paragraph 25: "... but no records are in existence of any raising of such loans by a State or division". He could understand natives not objecting to taxation self-imposed for some immediate utility purpose, but resenting a levy by a more remote authority, such as an amalgamated State. Paragraph 25, however, seemed to imply that no debts existed at all. What was the explanation?

Captain LILLEY had no knowledge of any State having raised a loan, and, in the case of divisions, knew of only one instance in which a loan raised for a private purpose was repaid by a general whip-round. In Togoland, the levy was the system generally preferred. He had himself been asked to act as Treasurer in one case, and had seen from the number of small contributions that the collection was entirely voluntary.

M. GIRAUD had noted that, in order to encourage the collection of the direct tax by the native chiefs in the Dagomba district, it had been decided to give them a 10% rebate on amounts collected before December 15th and a 5% rebate on amounts collected before January 15th (page 14, paragraph 60, of the report). What was the result of that measure, and did the accredited representative think that, if it proved successful, it would be extended to other districts in the northern section?

Captain LILLEY said that a reply based on a study of a full year's operation of the measure would be given in the next report.

M. GIRAUD drew attention to the striking decrease in 1936/37 in the revenue earned by the Krachi native treasuries from the fees on fishing, kraals and caravanserais and canoe tolls (see pages 98 and 99 of the report). These were very much below both the 1935-36 revenue figures and the 1936-37 estimates.

M. RAPPARD pointed out that the new tribute tax introduced last year had brought in about £595, as compared with an original estimate of £275. Possibly that tax merged some of the older taxes.

The CHAIRMAN suggested that explanations on this point might be furnished in the next report.

M. VAN ASBECK asked how the chiefs were paid in the southern section.

Captain LILLEY said that part of the court fees accrued to the chiefs. They also derived a certain income from their food farms and cocoa plantations, some of which were even worked by the chiefs themselves.

Lord HAILEY inferred that a chief would be interested in the amount of the fine imposed by a native court.

Captain LILLEY pointed out that, first, an excessively large fine would be beyond a native's power to pay and, secondly, an appeal could always be lodged with the District Commissioner. The court records, moreover, were available for inspection. He himself knew of several cases in which such sentences had been altered and a refund of excessive fines ordered and paid.

The CHAIRMAN asked what was the idea underlying the levying of "court fees"—the defraying of the cost of the judicial system or the prevention of frivolous litigation? Did the fees vary with the amount of the claim, and were they paid by both parties or only by the loser?

Captain LILLEY replied that, in the courts of first instance, the fees were payable by the plaintiff and fixed in accordance with a Government scale. They were designed partly to meet the cost of the judiciary; partly to deter frivolous litigation.

M. VAN ASBECK asked whether the amalgamation of divisions into States was a voluntary process.

Captain LILLEY replied in the affirmative.

M. VAN ASBECK noted from paragraph 84 (page 27 of the report) that appeals from divisional tribunals lay to the tribunal of the paramount chief of the State. How was that to be understood?

Captain LILLEY explained that each division constituting an amalgamated State had its own tribunal. Similarly, the paramount chief of the amalgamated State had his tribunal, which had power to hear appeals from the divisional tribunals. Those paramount chiefs, of whom there were four, did not otherwise enjoy any special authority.

M. VAN ASBECK asked whether the paramount chief of an amalgamated State held executive or financial responsibility.

Captain LILLEY replied that the chief could issue orders, but had no control over finance.

M. VAN ASBECK assumed that, in the northern section, the chiefs were paid regular salaries and were no longer entitled to service in kind.

Captain LILLEY confirmed the assumption.

PUBLIC FINANCE : IMPORTS AND EXPORTS : ECONOMIC REGIME : COCOA PRICES

M. RAPPARD noted that, as in previous years, the revenue of the territory was computed on the basis of its exports, and that the deficit on the expenditure was met out of a non-recoverable grant. No debt was therefore accumulated, and the general accounts accordingly called for little comment.

He would be interested to know why cocoa producers were still holding up exports, even though the average price per ton in 1937 was £26, as compared with £20 in 1936 (page 20, paragraph 68 of the report). Had there been a heavy fall in prices at the end of 1937, to mitigate the effects of which growers had decided to hold up exports ?

Captain LILLEY could say from personal knowledge that, whereas, at the beginning of 1937 a load of cocoa cost 25s., the price for the new season's crop in October had dropped to 8s. 6d. Possibly the figure in the report was an average price obtained by taking the mean of the January and December quotations. The difference was so enormous that the native producers decided to hold up supplies.

Lord HAILEY said that cocoa prices had always been a very vexed problem in the Gold Coast area, owing to the fact that purchase was in the hands of a small number of exporting firms. It was popularly believed that they controlled the price, though this was in actual practice based on that of the New York market. In 1938, the chief exporting firms formed a combine to prevent local prices from being affected by competition in the local market. The Gold Coast producers retaliated by imposing a boycott on sales and burning a large quantity of stocks, and also by placing a ban on purchases of British and American imports. A compromise had since been arrived at ; but the Secretary of State for the Colonies had decided to send out a Commission to investigate the question of fluctuations in cocoa prices. The magnitude of these could be judged from the fact that between October 1936 and October 1938 world quotations had risen from £35 per ton to £58 and fallen again to about £28. Togoland had naturally suffered from the effects of the general world crisis.

Captain LILLEY confirmed that the Commission in question had visited the Gold Coast in March 1938 ; but he could not say whether its report had yet been issued. It was, of course, extremely difficult for the native to understand such enormous fluctuations in prices.

M. GIRAUD thought it desirable to draw the accredited representative's attention to the method of calculating the amount of import duties accruing to Togoland (paragraph 53, page 13). The proportion of these duties credited to the territory was based on the ratio between the value of exports of local produce from the Gold Coast and the value of local produce exported from Togoland. The latter exports, however, were made across the eastern frontier of Togoland, the only one which had Customs stations, and where, according to the mandatory Power, statistics of the traffic could be kept. M. Giraud observed, however, that in the case of cocoa, the chief local product, which accounted for nineteen-twentieths of the territory's export traffic, the report gave on page 64 (paragraph 227) an exact return of the exports, not only across the eastern frontier, but also across the Gold Coast frontier.

Did the accredited representative not think that it would be fairer to take as a basis for calculating the proportion of import duties to be credited to Togoland the total exports of cocoa from the territory, the amount of which was known, instead of merely the exports recorded by the Customs stations on the eastern frontier ? On that basis, the Customs revenue credited to Togoland would have been considerably higher in 1937, seeing that, in that year, only a third of the cocoa exported passed over the eastern frontier.

Captain LILLEY pointed out that the financial year ran from January 1st to December 31st, whereas the cocoa season began on October 15th and ended on March 31st. He presumed that the figures on page 64 of the report were for the cocoa season only. The figures of trade across the Togoland frontier were the only figures for which full and authoritative returns were available. He would, however, note M. Giraud's observations and ask for an explanation of the position in the next annual report.

Lord HAILEY recollected that, in 1937,¹ the accredited representative had informed the Commission that France had abolished the preference on cocoa imported from French possessions. Had this measure affected the revenue received by Togoland under British mandate on exports of cocoa to Lome in Togoland under French mandate, in order to gain free entry to France ?

Captain LILLEY confirmed that Togoland cocoa exported under the " card " system paid no import duty on entry into Togoland under French mandate, but was unable to say what was the import duty into France.

M. GIRAUD noted that the economic situation in 1937 had been affected, first, by the irregular rainfall in the southern section and, second, by the hold-up in cocoa sales, which had resulted in a decrease of 20% in exports of that commodity. The general agricultural situation,

¹ See Minutes of the Thirty-first Session of the Commission, page 92.

however, had not been much affected, a decrease in the production of foodstuffs in the south being compensated by an increase in the north, where exports of food products had benefited by high prices. Though cocoa exports had fallen, production had not declined, and large stocks were held by producers.

On the question of trade, the figures in the report could not give an exact idea of the actual volume of transactions. The statistics referred only to the traffic over the eastern frontier, whereas most of the territory's trade abroad was transacted through the Gold Coast, for which no returns were available. There was apparently no point, therefore, in commenting on the figures in the report. The Commission had drawn the mandatory Power's attention to that point¹ and had asked whether it would not be possible to secure, if not exact statistics, at least an approximate estimate of the imports and exports across the western frontier. This report for 1937 (page 15, paragraph 65) showed that an effort would be made to comply with the request. The Commission would certainly be glad to note this and would wish to express its appreciation to the mandatory Power.

Hitherto, cocoa, which represented nineteen-twentieths of the export traffic, was exported chiefly across the eastern frontier. The statistics were therefore comparatively close to facts as regards exports. The table on page 64 of the report, however, showed that a great change had occurred in the trend of exports. The amount of cocoa exported through Togoland under French mandate now constituted only 30% of the total; the export figures themselves, therefore, no longer bore any real significance.

In that connection, M. Giraud would mention that the previous report (report for 1936, page 27) had contained an interesting table of the Togoland exports passing over the Senchi ferry, which was the meeting-point of several routes running southward from the territory. That table, which gave interesting information amplifying the incomplete trade statistics, had disappeared from the report for 1937.

In the absence of trade statistics, which would give an exact idea of the volume of trade, the economic situation could be appraised on the basis of a number of criteria reflecting certain fluctuations in general activity. In the northern areas, for instance, native treasuries had more than doubled their revenue collections, which, in 1936/37, amounted to £19,916, as compared with £8,916 in 1935/36. Direct taxes were being collected without trouble: The capital of cocoa co-operative societies had increased by 40% (paragraph 237, page 66 of the report), mail matter by 30%, and postal orders by 56% (paragraph 50, page 13 of the report). Deposits in savings banks had, it was interesting to note, risen from £2,254 in 1935 to £3,315 in 1936 and £5,209 in 1937, or about 130% in two years (paragraph 50, page 13 of the report). It could therefore be concluded that, in general, the economic situation was favourable.

On the subject of cocoa, could the accredited representative say what was the present position of trade in that product? Had growers resumed sales, and did they still hold large stocks?

Captain LILLEY said that, in July 1938, a quantity of cocoa was being sold, but some of the stocks were being kept off the market, as the natives considered the prices too low.

M. GIRAUD noted that exports of palm-oil and kernels were very small (page 18 of the report). He assumed, however, that there must be large areas under palm groves in Togoland. Why was there such a small traffic in these products, whereas they were widely dealt in in the neighbouring colonies. Could it be attributed to the natives' preference for cocoa-growing?

Captain LILLEY agreed with the explanation suggested by M. Giraud. The Administration, however, was constantly impressing on the natives the advisability of not concentrating too much on one particular crop.

M. GIRAUD noted also that there was no record of exports of *shea* butter in the northern section, where, in his opinion, there ought nevertheless to be fairly large numbers of such trees.

Captain LILLEY pointed out that there were no Customs stations in the northern section, while the southern section possessed very few *shea* butter trees.

POSTAL SERVICES

M. GIRAUD drew attention to an article in the September 1937 number of the *West African Review* regarding the postal services in Togoland. The article stated that there was no telegraph or telephone service at Kpandu and that it took longer in Accra to receive a reply to a letter sent to Ho than to have a reply to a letter sent to London.

¹ See Minutes of the Thirty-first Session of the Commission, page 191.

Captain LILLEY said that Kpandu now possessed a post office. A letter despatched from Accra on Wednesday would reach Ho at 11 a.m. on Thursday, while a reply could be sent to catch the down mail leaving Ho on Friday at 1 p.m.

JUDICIAL ORGANISATION: POLICE

M. VAN ASBECK reminded the Commission that this section of the 1936 annual report had not been discussed, as no special question arose. He was gratified to observe that, in the last two reports, the chapter devoted to this subject gave a clear idea of the system of judicial organisation.

It would be seen from page 22 of the report for 1937 (paragraphs 79 and 81) that, whereas the magistrates' courts in the southern section had heard 235 civil cases in 1937, no such cases had occurred in the northern section. Could the accredited representative explain that singularity?

Captain LILLEY pointed out that, in the southern section, magistrates' courts had to deal with cases from non-amalgamated divisions where no tribunal existed. It should also be remembered that the powers of native tribunals were limited to cases for amounts not exceeding £25, and that in the southern section there were many civil suits for larger amounts.

M. VAN ASBECK noted from the table on page 23 of the report that the number of offences reported to the police increased in the southern section from 649 in 1936 to 749 in 1937, and the number of prosecutions before the courts from 575 to 680. What was the explanation of that increase?

Captain LILLEY had been struck, in studying the table in question, by certain inconsistencies. It would be noted from paragraph 82 (page 22), for instance, that, in the Krachi district alone, some sixty individuals had been prosecuted for riotous behaviour, and that this figure formed part of a total of 185 summary cases in the same district. On the other hand, the total number of cases in the northern section, as shown in the table on page 24, was given as 143. He suggested that this discrepancy might be cleared up in the 1938 report.

M. VAN ASBECK asked what exactly were the offences "against the State", of which eight had apparently been committed in 1937 as compared with five in 1936 (page 23 of the report).

Captain LILLEY explained that the cases in question concerned the possession of counterfeit coins or the coining of counterfeit currency, both of which were revenue offences. There had been no cases of rebellion or slave—dealing.

M. VAN ASBECK observed that cases of assault and assault on police had increased from 32 in 1936 to 66 in 1937 (page 23 of the report). Was there any explanation for such a large increase?

Captain LILLEY pointed out that the table on page 23 covered both the northern and southern sections. The figure for 1937 presumably included the cases of some of the individuals referred to in paragraph 82.

M. VAN ASBECK inferred from the low figures of appeal cases given in paragraphs 79 and 81 (page 22 of the report) that the native courts were working satisfactorily. This was also confirmed by the statement made in paragraph 86 (page 27).

He further recalled a statement made by a former accredited representative at the thirty-first session¹ to the effect that native tribunals gave more sympathetic treatment to the cases brought before them than magistrates' courts. From paragraph 78 of the report (page 22), however, it would appear that once a case had been brought by the police, it had to be heard by magistrates' courts. Would it not be advisable if less serious cases, although brought by the police, could be transferred before the native courts?

Captain LILLEY referred the Commission to the table in paragraph 85 (page 27 of the report) showing that numerous cases were actually heard and decided in the native tribunals. If the police took up a case, however, it had to go before the magistrate.

M. VAN ASBECK asked whether a magistrate could refer a case back to the native tribunal.

Captain LILLEY replied that this could be done in the case of civil suits, but not in the case of criminal prosecutions.

¹ See Minutes of the Thirty-first Session of the Commission, page 87.

Lord HAILEY asked whether the regulations did not permit of a magistrate's referring a case, even when brought by the police, to the native tribunal.

Captain LILLEY, in reply, cited section 57 of the Native Administration Ordinance of 1932, which read :

“ Whenever it appears to the court that any civil cause or matter is one properly cognisable by a native tribunal, the court shall, unless satisfactory reason to the contrary is shown, stop the further progress of such civil cause or matter, and refer the parties to a competent native tribunal . . . ”

M. VAN ASBECK, referring to the above-mentioned opinion of another accredited representative, thought that, *prima facie*, in minor criminal cases, it would be better for natives to be heard by their own courts. This might also be of value for the training of native tribunals in handling police contraventions.

Mlle. DANNEVIG noted the reference in paragraph 97 of the report (page 30) to a man's chastising his wife and a fracas between the two families as a result of that. The conclusion drawn was “ the inadvisability of interfering in conjugal quarrels ”. She trusted that the policy of non-interference would not extend to cases where the chastisement was excessive.

She enquired whether women who were being forced into a hateful marriage knew that they could appeal to the Administration, and actually did so.

Captain LILLEY replied in the affirmative.

CODIFICATION OF NATIVE CUSTOMARY LAW

M. VAN ASBECK, in connection with the reference in paragraph 85 (page 27 of the report) to offences against popular native customs, asked whether the investigations into native customary law mentioned in the report for 1936 (page 8) had been carried any further and whether they would lead to any codification of such law.

Captain LILLEY said he thought it would be extremely difficult to codify native customary law.

ARMS AND AMMUNITION

The CHAIRMAN, in the absence of one of the members of the Commission who had specialised in the examination of these matters, put the following questions to the accredited representative :

1. According to the statistics given in paragraph 105 (page 31 of the report), the number of flintlock guns licensed rose from 150 in 1936 to 434 in 1937, and of cap guns from 615 in 1936 to 1,600 in 1937. Was that large increase due to any special administrative measures, such as a campaign for discovering unlicensed firearms, or was there any other explanation ?

2. From the table at the top of page 32 of the report also, it would appear that there had been a corresponding increase in the amount of ammunition issued in the southern section during 1937 ; the number of caps, for instance, had risen from 180,250 in 1936 to 245,200 in 1937, and that of cartridges from 21,090 to 52,725. How was that increase to be explained ?

3. According to the table on page 23 of the report, offences against the Arms and Ammunition Ordinance had decreased from 78 in 1936 to 43 in 1937. Could the situation be considered as wholly satisfactory in that respect ?

Captain LILLEY replied as follows :

1. The larger numbers of flintlock and cap guns licensed in the southern section during 1937 was doubtless due partly to the greater diligence shown by the police in detecting unlicensed weapons and partly to the prevalence of easy money conditions, which induced natives to declare weapons hitherto concealed.

2. The larger issues of ammunition were undoubtedly due to the larger number of weapons licensed. In the southern section, for instance, twenty new shot-guns could be issued annually to natives of good character, which meant a corresponding increase in the issue of cartridges. When a native registered a shot-gun, he was given a permit for 200 cartridges if he so desired.

3. The reply to that question was in the affirmative.

FOURTH MEETING

Held on Tuesday, October 25th, 1938, at 3.30 p.m.

Togoland under British Mandate : Examination of the Annual Report for 1937 (continuation).

Captain Lilley came to the table of the Commission.

WELL-BEING AND SOCIAL DEVELOPMENT OF THE NATIVES : NATIVE CUSTOMS

Mlle. DANNEVIG referred to the concluding sentence in the accredited representative's general statement on the northern territories on the previous day, to the effect that "for a people whose minds move slowly, material progress had perhaps been a little too rapid". What was the exact sense to be attached to that utterance? Had the introduction of modern facilities such as roads, and the contact with white people, etc., had the result of making the natives slack or immoral? Compared with other territories, the progress might seem slow.

Captain LILLEY replied that the people of Togoland under British mandate were manifestly backward when British administration began in 1920. The relatively rapid introduction of modern facilities, such as roads, might perhaps, in his view, have been too rapid to be properly assimilated by those simple minds. The sudden change from a grass hut to a well-built house, the introduction of European games, of dancing, etc., had an unsettling effect, especially as progress had been rather quicker in Togoland under British mandate than elsewhere.

Mlle. DANNEVIG observed that the report stated (page 33, paragraph 110) that "more money than ever before had been spent on health and medical services". The figures given in Appendix VII, page 113, did not confirm that statement.

Captain LILLEY said that the statement must be taken in relation to a long period of years. The general standard of health was improving and was now quite good. But, as the natives began to trust their doctors more fully and to become accustomed to modern facilities, attendance at hospitals was tending to increase.

M. RAPPARD realised that it must be exceedingly difficult to write a chapter on the social position of the natives year after year and to make it both informative and new. But the relevant chapter in the 1937 report (pages 32 to 34) seemed to him to raise more questions than it answered. Indeed, it contained a number of apparently contradictory statements. While fully sympathising with those responsible, he would suggest that the chapter be made more specific in future, even if, as a result, it were briefer.

M. VAN ASBECK asked for information concerning the offences against native custom which figured in the table of cases heard before the various tribunals on page 27 of the report. He hoped that the prosecution of such offences had not resulted in a perpetuation of customs against which objections were gradually put forward by the younger generation.

Captain LILLEY pointed out that the question of native customs was dealt with in great detail in the annual report for 1933 (pages 76 and 77). The offences against native customs were clearly laid out in Order No. 2, of 1933, Section 5 (2), which was an appendix to the 1933 report.

Lord HAILEY stressed the importance of the question. It was often stated that native courts tended to be unduly orthodox and conservative since they consisted of the older people. They therefore frequently stood in the way of gradual departure from traditional customs, and impeded the introduction of more rational practices. Was any provision made to give the younger section of the community a say in the courts, and did they in fact play any part in the administration of justice?

Captain LILLEY referred to paragraph 84 (page 27) of the report which stated that members of tribunals were appointed by the Governor "after the people had voiced their selection". In fact, the natives gave close attention to this matter and invariably put forward the names of a certain number of younger persons and of Christian converts as candidates.

Their suggestions were as a rule approved, subject to such changes as the Governor considered desirable.

There were fewer young people on the State Council, as that body was composed exclusively of the heads of divisions.

POSITION OF WOMEN

Mlle. DANNEVIG asked whether there was any improvement in the position of women, and also whether the problem of immorality—particularly that of native girls emigrating to the Gold Coast going wrong—in connection with which legislation enforcing marriage had been enacted by native chiefs was now on the way to being solved.¹

Captain LILLEY said that the situation had definitely improved during the last eighteen years. Husbands still tended to treat their wives rather as chattels, and domestic life in a European sense could not be said to exist. But there was definite, if slow, progress.

As regards immorality, the problem was a delicate one. He had had occasion to study it in some detail. The invariable custom was that, when a woman had had a child, no man could approach her for a period of eighteen months to two years, the idea being, of course, that the child, being fed by its mother, might suffer if intercourse took place. The churches and missions, however, naturally frowned on polygamy. In those circumstances, a very difficult moral problem arose.

Captain Lilley had no definite figures relating to the migration of women to the Gold Coast ; but he believed that, thanks to the economic development of the territory and the possibility for women to find employment in petty trade, etc., the tendency to migrate and to fall into evil habits was diminishing.

LABOUR

Mr. WEAVER observed that the chapter on labour in the report was extremely short (page 34). He welcomed the information that the Gold Coast Government had recently created a post of Chief Inspector of Labour. He assumed that that official would also be concerned with conditions in the mandated territory, and that he would be provided with an adequate staff of assistants.

Captain LILLEY said that the Chief Inspector would naturally be chiefly concerned at first with conditions in the Gold Coast mining area. The only labour employed in the mandated territory consisted of a few immigrant carriers, etc. Last year,¹ reference had been made to the possibility of examining the physical condition of immigrant labourers. It had not proved possible to proceed in this matter, as the migrants came into the territory at numerous points along the frontier. The Chief Inspector would in due course have a staff, and would probably have occasion later to inspect conditions in the territory. There was but little employment of natives by Europeans in Togoland under British mandate.

Mr. WEAVER asked for information on conditions of employment of natives by native farmers on cocoa plantations.

Captain LILLEY replied that the larger farms employed a fair amount of native labour, though usually never more than half a dozen labourers per farm. The usual conditions of employment were that the labourer was lodged, fed and clothed by his master and received one-third of the crop. That system was considered satisfactory. Labourers employed on clearing land for cultivation were, as a rule, paid in cash. There was, so far, no supervision of the conditions of work, but the labourer had every facility to lodge a complaint or to prosecute his employer, and, if he was destitute, the Court had power to waive all fees. The new Chief Inspector might, in due course, recommend labour regulations ; none had been introduced so far.

Labourers on the cocoa plantations were mostly emigrants from Togoland under French mandate, although a few came up from the southern section. As he had stated previously, it had proved impossible to supervise the migrant routes ; but, should it be shown that migrants found themselves destitute and unable either to find work or to return to their original zone, every effort would be made to introduce suitable remedies.

Plantation labourers had, on the whole, not been affected by the cocoa strike, as they had been kept on by their employers. He wished to stress the fact that native planters took a close personal interest in their native labourers, and that his definite impression was that the latter's conditions were very fair and their treatment undoubtedly satisfactory.

¹ See Minutes of the Thirty-first Session of the Commission, page 103.

Mr. WEAVER was glad to observe that minor communal services were regulated by legislation (paragraph 116, page 34 of the report). Was labour in connection with tsetse clearing voluntary or compulsory ?

Captain LILLEY understood that paid voluntary workers were employed. Such labour was now generally recognised to be far more satisfactory than compulsory labour.

Lord HAILEY, referring to paragraph 116 (page 34 of the report), said that the statement was somewhat obscure. He found it difficult to believe that all minor communal services were performed by paid voluntary workers. Surely some unpaid work had to be executed in connection with village road building and maintenance, the provision of rest houses, etc.

Captain LILLEY replied that work on minor roads was inconsiderable, and the inhabitants of a village probably turned out two or three times a year of their own accord to perform it. Work on rest houses was paid for, but probably a number of minor services were carried out voluntarily. He agreed that the passage to which Lord Hailey had referred would be clearer if it read : " In no sphere was unpaid compulsory labour employed . . . except in the case of minor communal services, which are regulated by legislation . . . "

MISSIONS

M. PALACIOS said that the chapter of the report on liberty of conscience (paragraphs 118 to 121, pages 34 and 35) contained very little new information. It still seemed that the few missions working in the territory did not meet with much success nor make much progress. The position in the southern section was still more or less stationary ; it appeared, however, from the report (paragraph 120) that, in the northern section, the position was not very encouraging : the American Mission, which had a church at Yendi and two chapels in outlying villages, only had at the end of the year ten converts and fourteen catechumens. The Dutch Mission had ceased to operate owing to lack of staff.

Could the accredited representative give any explanations regarding that situation ? Could he say what was the approximate number of natives converted to Christianity ?

On the other hand, previous reports indicated that there were a certain number of Moslems in the north. Could the accredited representative give the Commission any indications as to the proportion of the inhabitants which belonged to that religion ?

Captain LILLEY said that natives in the north were more inclined to Mohammedanism than those in the south. He did not know how strong Moslem influence might be. As to the proportion of Moslems, the 1931 census probably gave some indication ; but no doubt the next census, which would probably be taken in 1941, would give more accurate indications.

M. PALACIOS pointed out that, while the natives were not readily converted by the missionaries, they did not, on the other hand, appear to object to their work. On page 35 of the report appeared certain interesting and curious information in that connection. The natives, fervent adherents of a " very prosperous " Kunde fetish, had nevertheless carried out voluntarily the work of erecting and repairing the Roman Catholic Mission buildings. That, as the report said, was a very fine example of the tolerance of the natives. It was to be hoped that the Europeans would show the same spirit of tolerance towards the natives.

Captain LILLEY believed, on the whole, that they did so.

Mlle. DANNEVIG said that it looked as if the missions were on the down-grade. They obtained certain subsidies from the Government and native authorities for their educational and health activities, but evidently not enough to carry on their very useful work. Had they any means of earning their living in the territory ? Otherwise, their main source of income must be donations from European countries ; and it was all too likely that, as a result of economic depression and political uncertainty, that main source had dwindled greatly. Were the authorities prepared in those circumstances to increase their subsidies to the missions ? Educational and health work was, after all, quite as important a part of their activity to-day as proselytism.

Captain LILLEY agreed that the income received from Europe by the missions might have diminished. That was a point, however, which the authorities were clearly unable to investigate. The subsidies granted to the missions for educational and health work were considerable, as the statistics included in the report showed. The missions were, moreover, always free to approach the authorities and state a case for further assistance.

EDUCATION

Mlle. DANNEVIG was glad to observe that considerable progress had been made during 1937, especially in the southern section, where Government grants to schools had increased from £7,875 to £11,336, with a corresponding increase in the number of assisted schools and the number of pupils (page 36 of the report). Moreover, the improvement seemed to have been qualitative as well as quantitative.

The report stated (paragraph 132, page 38) that the demand for education had grown to such an extent that it was doubtful whether it could be wholly met for some time, the main difficulty being connected with the recruitment of a sufficient number of teachers, both certificated and uncertificated.

In fact, there had been only a very slight increase in the number of teachers and no teachers' certificate examination had been held during 1937. Were any special measures contemplated to overcome the shortage of the teaching staff? Were the schools concentrated in certain parts of the southern territory or were they fairly evenly distributed?

Captain LILLEY replied that he was unaware of any special measures to overcome this difficulty. He undertook to see that next year's report should deal in more detail with the allocation of grants to schools; but he could assure the Commission that schools were scattered all over the territory and were not only situated near the more important towns.

Mlle. DANNEVIG observed that there were only missionary schools in the southern section. Was there any likelihood that native administration or Government schools would be opened? The matter had clearly been discussed, since the natives had declared, in connection with the imposition of taxes, that they could provide schools themselves (paragraph 31, page 7 of the report).

Captain LILLEY replied that it would be impossible to start native administration schools until the southern section was organised on a proper financial basis. There was, however, some kind of school in practically every village of that section, and those schools were assisted by the missions.

Mlle. DANNEVIG was gratified to note that the first native administration school had been opened at Yendi in the northern section during 1937 (paragraph 149, page 43 of the report). She hoped that the next report would give fuller information on the activities of that school, the number of pupils and teachers, the standard of education given, etc.

Captain LILLEY undertook to see that this was done.

Mlle. DANNEVIG asked about how many natives in the northern section had learnt to read, and what was done to prevent them from forgetting how to do so. Was there any periodical in the Ewe dialect of interest to the natives and giving useful information?

Captain LILLEY replied that the number of literates was no doubt as yet small. A number of periodicals in English and one in three languages were regularly sent into the southern section, and this should encourage the natives to keep up the habit of reading, if they cared to buy them.

M. VAN ASBECK asked whether any practical training in such subjects as rural sanitation was given in schools.

Captain LILLEY said that all schools had the duty of keeping their premises in a healthy condition, and the authorities were trying to encourage the inculcation of principles of hygiene by securing teachers personally interested in the welfare of the tribes among whom they taught.

ALCOHOL AND SPIRITS

The CHAIRMAN reminded the Commission that it had already been concerned, during its examination of the report for 1936¹ at the increase in the consumption of spirits by natives in the southern section. The present report (paragraph 159, page 45) indicated a sharp increase in the total amount of spirits, particularly gin and whisky, sold in the territory. Paragraph 161, page 45, suggested that one reason might be the greater prosperity consequent upon the high price of cocoa at the beginning of the year.

Although the report stated that *per capita* consumption was not abnormal, the surprising increase justified apprehension.

¹ See Minutes of the Thirty-first Session of the Commission, page 192.

A comparison of the 1936 and 1937 reports also revealed a very marked increase in the consumption of wines and beer. It was explained, however, that the figures were not strictly comparable, as certain quantities might be included twice, under wholesalers' and retailers' stocks respectively (paragraph 163, page 45 of the report). Would it be possible for a more accurate statistical method to be adopted in future ?

The information contained in the report only related to the southern section, since imports into the northern section were prohibited (paragraph 157, page 44 of the report). Was the prohibition in the north effective, or did illicit distilling and consumption take place ? The Chairman noticed (paragraph 98, page 30 of the report) that there had been twelve cases of illicit distilling of spirits in 1937. Did any of those cases relate to the northern section ?

Captain LILLEY said that the twelve cases referred to all related to the southern section. At the same time, it must be remembered that the illicit spirit chiefly consumed by the natives was made from palm trees, which only grew in the southern section and the south of the Krachi district. The possibility of illicit distillation in that part of the territory accordingly remained.

PUBLIC HEALTH

Mlle. DANNEVIG drew attention to a decrease of approximately £1,500 in expenditure on health (pages 118 and 119 of the report).

Captain LILLEY explained that this decrease affected the Medical Department only, and that the expenditure of the Health Branch had gone up. The Togoland contribution to expenditure on drugs and hospital equipment had decreased ; but the proportion of medical treatment given free had certainly increased, the cost falling on the Gold Coast authorities. He undertook to give a fuller explanation of the drop of £1,500 in medical expenditure in the next report.

Mlle. DANNEVIG observed (paragraph 177, page 51) that standards of nutrition in the Ho area appeared to be deficient.

Lord HAILEY drew the Commission's attention to the fact that a nutritional survey of African colonies and territories had just been initiated by the British Colonial Office. Much valuable information on a little-known subject might be expected from that survey.

The report indicated a relatively high incidence of sleeping-sickness in the northern areas. Was any systematic survey being made, as in Nigeria ?

Captain LILLEY replied that a survey, in the hands of two European doctors with African assistants, was now in progress.

Lord HAILEY, referring to the Nakpanduri Trypanosomiasis Centre (paragraph 183, page 53 of the report), thought that a staff of one African dispenser, one nurse and one laboratory attendant (see page 46) was not really sufficient to deal with cases which varied from 964 to 532. He regretted that treatment was not compulsory, as it now would be in Nigeria ; the consequence was, as page 54 of the report showed, a high number of absconding patients. He considered that this section of the report was inadequate, or alternatively that the authorities might well pay much greater attention to the problem of trypanosomiasis.

Captain LILLEY thought that the three native dispensers at Nakpanduri probably received occasional help from visiting European doctors. The disease was only found to any great extent in the northern section.

Mlle. DANNEVIG was alarmed to observe (paragraph 176, page 50 of the report) that, in village clinics, 90% of those applying for treatment were suffering from yaws, while (paragraph 178, page 51) in the Krachi district the Medical Officer had stated that he had yet to see a child without an enlarged spleen.

M. GIRAUD observed that there was no hospital at all at Kpandu, which was now a large centre. An article in the *West African Review* for September 1937 (No. 120, page 39) had complained of that lack.

Captain LILLEY said that there was a hospital twenty-three miles away, and that Kpandu, being close to the frontier, was not well placed as a medical centre. He would investigate the allegations contained in the *West African Review*.

Mlle. DANNEVIG pointed out that, according to paragraph 200 (page 57 of the report), *per capita* expenditure on medical and health services was equivalent to about 8*d.* in Togoland under British mandate and 1*s.* 10*d.* in the Gold Coast. The discrepancy was doubtless due in part to heavy expenditure in the colony on large hospitals and training institutions, and on field work. She hoped, however, that Togo natives were able to benefit fully from the greater facilities available in the adjacent colony.

Captain LILLEY replied that that was undoubtedly so. Sick natives often journeyed down to the coast for treatment, while considerable numbers in need of major treatment were sent down by the authorities.

LAND TENURE : SALES OF LAND TO " STRANGER NATIVES "

M. VAN ASBECK said that the report contained a number of references to " stranger natives ", some of whom purchased land and settled in a new area. Did they become absorbed, or stand apart, and what were their relations to the native chiefs near whom they settled ? Could their numbers and influence be dealt with in the next report ?

Captain LILLEY said that many of these native strangers were merely occasional visitors who had few contacts with the chiefs whose divisions they visited. Where they bought land and settled, however, they naturally came into contact with the chief concerned and submitted to his jurisdiction. There was little question of assimilation, however, since in no case were these people sharply differentiated from those among whom they settled : most of them talked the same language, and their description as " strangers " really gave a misleading impression. It would be very difficult to deal with the question in a subsequent report ; but he would see what could be done.

M. VAN ASBECK was grateful for this information and repeated the wish that in the next report a description of the influx and significance of this group of the population might be given.

Lord HAILEY, referring to the control of sales of land to strangers, observed that the provision for control was as yet incomplete in the southern section. As page 59 of the report showed, the problem turned to some extent on the interpretation given to the terms " native " or " stranger native ". Assuming that the term " stranger " included a native belonging to the same tribe or clan but coming from a neighbouring zone, did the accredited representative consider that uncontrolled sales of land to " strangers " were definitely harmful ?

Captain LILLEY pointed out that the definition of the term " native " was now under discussion by the Colonial Secretary and the Governor of the Gold Coast. He would not venture to express an opinion as to the possibly harmful character of sales of land to " strangers " ; but he did believe that it would be an advantage to keep a record of all sales, if it were possible to do so.

Lord HAILEY asked whether, in the event of a sale of land, the chief concerned retained the whole proceeds, and whether sales took place to such an extent as to prejudice the future needs of the tribe as it expanded in numbers or in agricultural activity. Again, did the arrival of " strangers " who purchased land and settled on it tend to disintegrate the tribe ?

Captain LILLEY replied that the tribal chief never obtained more than a small proportion of the proceeds of sales of land, and often took no cash at all. The land sold generally belonged to a family or small village, which disposed of the proceeds in full freedom.

He had indicated in his general opening statement that he did not consider that sales took place on such a scale as to threaten the future expansion and welfare of the communities concerned.¹ He knew of no case where natives had disposed of the whole of the land surrounding their village.

Captain Lilley did not believe in the disintegrating influence of " stranger " settlers. The land was mostly sold by families or clans, who took good care to select a suitable purchaser.

¹ See page 22.

M. VAN ASBECK said that the report for 1930 (pages 57 and 60) had stated that sales of land to people who were not natives of the mandated territory were becoming disconcertingly frequent, both in the Gold Coast and in Togoland, and that they tended to weaken tribal authority.

Captain LILLEY believed that there was no danger of that. The natives looked upon their land as an heirloom and were anxious rather to add to it than to alienate it. He had no knowledge of any case where the authority of a chief had weakened as a result of land transfers, and it was his considered view that, generally speaking, the native communities saw to it that they retained ample space for future expansion.

M. VAN ASBECK, reverting to the definition of the term "native", said that he was unable to understand why the report (page 59), after having quoted the 1924 and 1932 Administration Ordinances, which gave discordant interpretations of the term, spoke of "some doubt whether the term as construed in the [1924 Administration] Ordinance was in real accord with the intention of the mandate". For the 1932 Ordinance was concerned with native authority and not with the transfer of lands, and it seemed that the Ordinance of 1924—in which the transfer of land was expressly regulated and which alone was relevant to the issue—gave fullest effect to the intention of the mandate. Why, then, was there any doubt?

Captain LILLEY explained that the whole difficulty had arisen as a result of the absence of any definition of the term "native" in the mandate itself. During the German period, Ewes domiciled in the Gold Coast had been allowed to purchase land in the territory now under mandate. When the mandate was issued, a "native" was defined as a person originating in the territory under British mandate. That, of course, ruled out any further purchases within the territory by natives, even Ewes, coming from the Gold Coast or the adjacent territory under French mandate.

M. VAN ASBECK repeated that the 1932 definition was made solely for administrative purposes and did not affect the question of land sales. As regards the control of transfers of land, the report declared that "control" of alienations in the southern section was ineffective (page 60 of the report). Did the accredited representative agree with that view?

Captain LILLEY replied in the affirmative. The Administration was now engaged in considering the problem.

M. VAN ASBECK asked whether there was any noticeable process of evolution in the system of land tenure in the north, and whether, as a result of the introduction of crop-rotation, etc., property in land was tending to become individualised?

Captain LILLEY stated that such a tendency could only emerge where the main crops were of a permanent character, which was not the case in the northern section.

FORESTRY

M. VAN ASBECK observed (paragraph 219, page 63 of the report) that in any steps taken towards forestry conservation, "native interests were fully protected". What were the interests in question, and how far could they be protected? Normally, the establishment of forestry reserves in colonial territories necessarily involved the suppression, or at least the infringement, of native rights.

Captain LILLEY said that the interests in question were hunting rights, including snail-hunting, rights to certain trees such as mahogany, etc. One of the earlier annual reports dealt very fully with that matter.

CLOSE OF THE HEARING

The CHAIRMAN thanked the accredited representative for the assistance he had given the Commission.

FIFTH MEETING

Held on Wednesday, October 26th, 1938, at 10.30 a.m.

Ruanda-Urundi : Examination of the Annual Report for 1937.

M. Halewyck de Heusch, Permanent Secretary in charge of Recruiting, former Director-General at the Belgian Ministry for the Colonies, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE

The CHAIRMAN welcomed M. Halewyck de Heusch, whom the Commission was always glad to see before it. Although entrusted by his Government with new and vital functions, he still kept in very close touch with the mandatory administration of Ruanda-Urundi.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE

M. HALEWYCK DE HEUSCH made the following statement :

In the history of Ruanda-Urundi, 1937 will rank as a year of prosperity ; it has been a profitable year for the natives, it has encouraged non-native enterprises and has reacted favourably on the public finances of the mandated territory.

The resources of the natives have increased, the increase being due in the first place to a larger production of foodstuffs. Owing to the irregular rainfall, the traditional seasonal crops have been somewhat disappointing, but other crops have developed splendidly. These include the sweet potato, now the country's largest crop, which covered, in 1937, more than 300,000 hectares ; maize, which has been introduced in the drained marsh areas of Urundi ; swamp rice, manioc, bananas and potatoes. Reckoning the total yield from areas under food crops, it will be found that, during the period under review, native agriculture supplied 8,047 tons to non-native buyers or almost twice the amount of 4,029 tons delivered to them in 1936. The result has been to increase the income of the autochthonous population by an amount which the authorities estimate at 1,095,000 francs. Their income has been further increased very substantially by the sale of their cotton and coffee crops.

There are 4,250 hectares under cotton, an area 950 hectares larger than that planted in 1936. This crop, at least, has been favoured by abundant rains, and the cotton-fields have produced 2,724,566 kilogrammes, or 35% more than in 1936. During the latter year, cotton-growers were paid 1,608,000 francs, whereas, in 1937, they earned almost twice as much—2,977,000 francs:

The amount of native-grown coffee marketed was impressive. The first harvest, in 1931, yielded 70 tons ; the 1936 harvest supplied 1,200 tons, while in 1937 a fresh stock of over 2,040 tons was collected, which was worth altogether 13,667,000 francs, and gave the population 3,402,700 francs more income than it earned in 1936.

Considerable profits have also been earned by the natives from trading in cattle. In the interior of the country large purchases were made by the canning factories, as a result of which considerably fewer beasts were shipped out of the country than in the preceding year, and, in addition, their sale price was substantially higher. In 1936, 9,255,000 francs were paid for animals sent across the frontier, and in 1937 10,713,000 francs ; in the latter year, therefore, about 1,500,000 francs more were paid for herds numbering several thousand head less.

The foregoing picture has a slightly darker side : transactions in cattle hides were less remunerative to the natives than in 1936, as a deficit of 540,000 francs was recorded.

The numbers of the wage-earning population have considerably increased. In 1936, the labourers permanently employed constituted 1.29% of all the able-bodied men on the register ; in the year under review, this percentage was almost doubled—2.43%. The gangs of casual labourers amounted to 3.85% in 1936 and 4.35% in 1937. Permanent and casual labourers together constituted 5.44% of the able-bodied male population in 1936 and 6.78% in 1937. Only a few years ago, in 1933, the proportion was a mere 2.72%. The formation of a working class has been due mainly to the increasing demand for labour by the mining companies, which, in recent years, have passed from the prospecting to the operating stage.

Many natives, temporarily abandoning their homes, have gone in large troops to the neighbouring countries to offer their labour for the performance of mainly seasonal work ; 43,500 natives of the Sultanate of Urundi alone have thus earned their living abroad.

A calculation of all the natives who took employment in 1937 as labourers or porters, either inside the mandated territory or beyond its frontiers, gives a grand total of 106,000 persons working for other people out of a registered population of 806,000 able-bodied adult men, or 13.16%, as compared with 11.3% in the previous year and only 6.01% in 1933. All these new labourers mean so much additional wages, and this increased activity on the part of the population has meant a fresh and very substantial increase in its income.

An expansion in non-native commercial undertakings should logically accompany the improvement in the material circumstances of native life. This improvement, which was very marked even in 1936, has resulted in a further increase in 1937 in the number of businessmen settled in the country. Thus, whereas, during the previous three years, the amount of land sold or leased annually was only 200 hectares, during the year under review, the total area affected by such transactions was 3,200 hectares. The number of trading, manufacturing or agricultural concerns, which was 153 in 1934, rose from 183 in 1936 to 215 in 1937 ; the number of their establishments rose from 249 in 1934 to 356 in 1936 and 382 in 1937. The turnover of factories has considerably increased ; in 1934 the sales of their goods yielded about 37,800,000 francs and in 1936, 57,500,000 francs, while in 1937 they amounted to nearly 82,000,000 francs, the last year thus showing an increase of nearly 24,500,000 francs.

Though maintaining great activity, mining enterprises produced slightly less gold and cassiterite than in the previous year.

For some years past, European farming concerns have ceased to grow cotton themselves. They have preferred to leave this work to native growers and to let one European concern buy the crop and gin it in its mills. A similar tendency prevails in the case of coffee-growing. In 1937, the yield from non-native farms was 20 tons less than in 1936. Large decorticating and husking mills, however, are operating which handle both coffee from native plantations as well as that supplied by others. Sisal continues to be grown successfully ; since 1936, exports of this commodity have quadrupled.

The increase in the number of transactions has been marked by a larger currency and fiduciary circulation. Metal currency in public circulation has increased by 3,805,000 francs and banknotes by 3,065,000 francs, making a total increase in the circulation of 6,870,000 francs more than in 1936.

The greater intensification of labour and production and the increased trade and transactions have been ultimately reflected in the expansion of foreign trade. As a result, more particularly, of the large crops of coffee and cotton and of the demand of the neighbouring Congo districts for native foodstuffs and live-stock, exports, which in 1936 had already risen from 45,025,000 francs to 74,342,000 francs, experienced a further increase to 94,085,000 francs. The arrival of bales of textiles ordered by a population which is now better off, of the raw materials and machinery needed by expanding mining enterprises, of the motor-fuel demanded by the increasingly active transport services, and of other less important articles has increased the value of imports from 38,466,000 francs in 1935, and 57,720,000 in 1936 to 84,125,000 francs in 1937. It will be seen that the mandated territory's balance of trade is favourable, exports having exceeded imports by about 10,000,000 francs.

More favourable world conditions have certainly been largely responsible for the boom which Ruanda-Urundi has enjoyed in recent years. But they could not have operated in the way they have, had not the Belgian Government, after establishing order and security in the country, patiently and steadily pursued the economic policy the main features of which were outlined at the beginning of the 1930 report.

The first essential was to save the population from the dearth and famine which it has so often experienced. For some years past, the Administration has compelled every adult native at sowing-time to plant seasonal food crops over a minimum area of 35 ares, and to keep throughout the year at least 15 ares under non-seasonal food crops in normal conditions of growth. It has compelled them also to create stocks of seeds and food to an amount of 60 kilogrammes per member of the family. Energetic propaganda has been conducted to assist in coping with the disasters due to irregular rainfall ; detailed instructions have been given for the planting of crops proof against seasonal variations, like the sweet potato and manioc. In order to secure wider areas for sowing, and subsequently for produce, the authorities have arranged for the drainage of marshlands. In 1937, 7,000 hectares were won from the swamps, and the amount of land thus reclaimed is now 41,000 hectares.

Chiefs and assistant chiefs have been invited and required to co-operate in the execution of the above programme. The welfare of the community was at stake, and the population had to be definitely safeguarded against the horrors of famine. Accordingly, those chiefs who, from perversity or ignorance, proved unfit for their task were relentlessly removed from office.

In the end, the aim of the European authorities has been achieved ; and in 1937, therefore, even though very irregular rains did great damage to some traditional crops, the people did not suffer from want and were even able to sell some of the country's produce across the frontier.

Having ensured safety for the lives of those it administers, the Government concentrated on securing for them fresh resources which would increase their wealth. On its initiative, lengthy and persistent efforts were made to expand the cultivation of paying crops such as coffee and cotton, and steps were taken to combat diseases of cattle and make stock-breeding more remunerative. The Government was also responsible for introducing the agricultural and the mining concerns which, in the process of developing the country's assets, have enabled a considerable proportion of the population to become wage-earners.

The Administration's *magnum opus* has been the creation of an immense network of roads singularly well adapted to the economic necessities of a country which has no navigable rivers and is ill-adapted for the construction of railways. This work is going on steadily : 334 additional kilometres were constructed in 1937, bringing the total length of roads open to traffic up to 6,362 kilometres.

Finally, the Customs union concluded between the Belgian Congo and Ruanda-Urundi has been highly favourable to the latter. As everyone knows, such an arrangement, by eliminating all hindrances to trade between a larger and a smaller country, definitely favours the latter by the substitution of a wide market for a limited one. Thus, in 1937, the mandated territory despatched to the Belgian colony free of Customs duty 27,000 head of large and 34,750 head of small cattle, 3,479 tons of native foodstuffs and 312 tons of manioc flour. Another happy result of the Customs union with the Belgian Congo is that Ruanda-Urundi can import its coffee into Belgium free of all duties ; during the year under review, this meant a saving to Ruanda-Urundi growers of 5,173,125 francs.

The taxes payable by natives and non-natives furnish the public treasury with a very large proportion of its revenue. It is only fair that the indigenous population should bear some of the cost of the government machinery to which they owe their security, order and progress, while the Government for its part must have funds in order to continue its civilising task among them. The natives' share in such taxes, however, must be reasonable and in proportion to their resources. In view of the large increase in native wealth, the authorities have in several districts raised the rate of the poll tax to the extent shown on page 56 of the report for 1937. This rate is by no means in excess of reasonable limits. Adjusted as it is to the new prospects open to the inhabitants, the contribution imposed for 1937 was less burdensome to them than in some past years, and was therefore very easily paid. The effect of the increased rate has been to raise the yield of the tax from 12,104,000 francs to 14,186,000 francs.

The taxes payable on the income of non-natives did not, in principle, need to be adjusted, as they increased automatically, being on a proportional scale and forming a percentage of the amounts received ; the exemption limit of the progressive tax has, however, been increased and " additional centimes " have been introduced. In 1936 these yielded the Treasury 1,476,000 francs, while the proceeds for 1937 amounted to 2,565,000 francs.

Apart from the two items just mentioned, several heads of the revenue budget showed considerable increases ; thus, the yield from Customs dues rose from 10,200,000 to 13,171,000 francs. The dividend paid to the Government by mining concerns increased from 2,213,000 francs to 2,892,000 francs.

Taken as a whole, local revenue, which amounted in 1935 to 27,188,000 francs and in 1936 to 34,940,000 francs, reached the figure of 41,928,000 francs in 1937 ; the budget closed with a surplus of revenue over expenditure amounting to 12,818,000 francs.

The year 1937 was marked by an important event in the sphere of public finance : as a result of the repayment of 15,000,000 francs, the public debt, which till then had always been on the increase, was reduced from 165 to 150 million francs. At its session in November 1937,¹ the Mandates Commission was the first to hear this news.

In anticipation of the report for 1938, I am glad this year again to inform the Commission that the territory's financial situation has enabled a further repayment of 8,000,000 francs to be made in recent months. The public debt has thus been reduced to 142,000,000 francs : in two years, it has therefore fallen by 14%.

Government policy is not content merely to increase the material welfare of the native population : it is simultaneously improving their moral and social life.

Among its chief concerns are the problems of education and public health.

The sum of 5,417,000 francs, or 16% of the total expenditure of the Administration, is appropriated for public education.

As the Commission is aware, the Government of Ruanda-Urundi has made its choice from the various educational systems prevailing in the Central African colonies in favour of the system of subsidised education, which implies the acceptance of a programme of study, supervision and official inspections. In 1937, 42,097 pupils attended the schools receiving subsidies, but many other schools and " chapel schools " were giving instruction under the protection of the authorities. Reckoning all those who attended educational institutions, large or small, the total would be 217,076 pupils. At Astrida, the school of native assistants for the medical service opened its first courses, which were attended by thirteen registered students.

¹ See Minutes of the Thirty-third Session of the Commission, page 82.

The cost of the Public Health Department amounted to 5,172,000 francs, representing 15.26% of the total expenditure.

On December 31st, 1937, the working staff of the Department consisted of 18 medical officers—3 more than at the corresponding date in 1936—15 health officials and 5 nurses; the native auxiliary personnel comprised 321 assistants. During the year, 2,005,333 natives were examined by the medical staff of the Administration and 1,729,584 consultations were given.

The epidemic of cerebro-spinal meningitis has been overcome to such an extent that the chapter reserved for it in the report has disappeared. Sleeping-sickness has also been virtually surmounted, for the index figure of infected cases has fallen, in the areas where it was formerly prevalent, to 0.20% of the registered population.

The combined expenditure of the educational and public health departments alone accounted, in 1937, for nearly a third of the total expenditure of the mandated territory.

For the administration of native communities, the Government has continued to seek the collaboration of the Mwami, of the chiefs and assistant chiefs, and has left them very considerable freedom of action. It has, however, only kept them in office provided they served their communities well. The interests of the latter have, in the Governor's view, taken priority over the selfish preoccupations of their superiors. The sole object of the few dismissals referred to in the report was to put a stop to the exactions or the invincible laziness of chiefs unworthy of office.

The European authorities have also seen to it that the native courts discharge their duties properly and equitably. The population shows an increasing appreciation of the value of this form of supervised justice, and obeys its orders without discussion or murmur.

STATUS OF THE TERRITORY : METHOD OF APPLICATION TO THE MANDATED TERRITORY OF LEGISLATIVE ACTS RELATING TO THE BELGIAN CONGO

M. VAN ASBECK drew the accredited representative's attention to the Decree of September 24th, 1937, concerning general legislation on mines (page 265 of the report). Article 1 of the decree read as follows :

"Property in mines shall be considered as distinct from ownership of the soil ; they shall belong to the colony."

It was interesting to note that, in the report for 1927 (page 103), it was stated that all the mines in the territory belonged to the State. Should any particular significance be attached to the substitution of the word "colony" for the word "State" in the 1937 Decree? Would it not be more appropriate to say : ". . . shall belong to the mandated territory"?

M. HALEWYCK DE HEUSCH explained that the change only indicated an improvement in wording : the word "State", although appropriate to European countries, to a mother-country, or to the former independent Congo State, was hardly suitable to describe the Belgian Congo or Ruanda-Urundi.

Replying to a further question, he added that it could not be inferred from the wording of Article 1 of the decree that the sub-soil of the mandated territory belonged to the Congo colony. The decree had been promulgated as applying to the colony, but the Governor had exercised his right to extend its application to Ruanda-Urundi. Consequently, wherever the word "colony" was used, the expression "territory under mandate" should be read in its place where Ruanda-Urundi was in question.

M. VAN ASBECK asked whether there was any decree or ordinance laying down that, in the case of a legislative measure originally applying to the Congo and subsequently extended to Ruanda-Urundi, the terms "Congo" or "colony" should, in so far as the mandated territory was concerned, be replaced by the terms "Ruanda-Urundi" or "territory under mandate", and further that the enforcement of such a measure should take into account the particular circumstances obtaining in the territory.

M. HALEWYCK DE HEUSCH said that no such stipulation had ever been expressly laid down, since it was self evident in all such cases. He referred, as an example, to the French Civil Code, which was applied in Belgium; those provisions in which the Emperor or the French were mentioned were taken to apply to the King, or to the Belgians, although no law stipulated expressly for such an interpretation.

Lord HAILEY asked whether legislative measures relating to the Congo, and later made applicable to the mandated territory, did not require promulgation by the Governor of the latter.

M. HALEWYCK DE HEUSCH replied that such measures were, in fact, promulgated under an order of the Governor. The latter did not, however, alter their content, as he had, in principle, no powers to legislate.

Lord HAILEY wished to know whether the instrument of promulgation did not specify that the measure originally applying in the Congo now became applicable to Ruanda-Urundi *mutatis mutandis*.

M. HALEWYCK DE HEUSCH replied in the negative. As he had already said, such adaptation was self evident.

INTERNATIONAL CONVENTIONS

The CHAIRMAN, on behalf of Count de Penha Garcia, who was absent, recalled the latter's intimation at the thirty-third session¹ that the Commission would be glad if the accredited representative would see that information relating to the application of international Conventions in the mandated territory was regularly inserted in the annual report in future.

The report for 1937 contained a chapter (page 21) on the international Conventions which had become applicable to the mandated territory during 1937. There would appear from that chapter to have been three such Conventions—namely, an extradition treaty and two Conventions concerning aircraft.

The wish expressed by Count de Penha Garcia had thus been fully met.

FRONTIER BETWEEN RUANDA-URUNDI AND TANGANYIKA : CONVENTION OF NOVEMBER 22ND, 1934

The CHAIRMAN, again speaking in the absence of Count de Penha Garcia, gathered from page 21 of the report that the Bill to approve the Convention for the delimitation of the frontier between Ruanda-Urundi and Tanganyika, signed on November 22nd, 1934, and later approved by the Council of the League of Nations,² had been adopted by the Legislative Chambers on May 20th and June 3rd, 1937, respectively.

The accredited representative had already informed the Mandates Commission at its thirty-third session¹ that the Bill had passed through all the stages of parliamentary procedure, and was only awaiting signature by the King. He added, however, that the United Kingdom and Belgium recognised that the Convention must be brought officially to the notice of the United States of America, which, at the time of the allocation of the mandates, had agreed to that proposed for the mandates for Tanganyika and Ruanda-Urundi. The accredited representative had indicated that the requisite communication had been made, and that, provided there was no objection to the Convention on the part of the United States Government, the Bill would be sent forward without further delay for Royal Assent.

In the course of the examination of the annual report for 1937 on Tanganyika,³ the accredited representative of the United Kingdom, replying to a question on the point, stated that the United States Government had taken note of the Convention, which had subsequently been ratified by an exchange of notes between the United Kingdom Government and the Belgian Government in May 1938.

Could the accredited representative inform the Commission whether the Convention had now come into force ?

M. HALEWYCK DE HEUSCH confirmed the statements made by the representative of the mandatory Power for Tanganyika. The United States having taken note, without raising any objection, of the new delimitation of the frontier between Ruanda-Urundi and Tanganyika, the King had signed the relevant law. That law, dated March 31st, 1938, had then been published in the normal way in the *Moniteur belge*, and the Convention concluded by the Belgian and British authorities had recently been registered by the League of Nations. It was now in force.

ECONOMIC EQUALITY : POSITION AS REGARDS TAXATION OF BELGIAN AND FOREIGN COMPANIES IN THE TERRITORY : DECREE OF AUGUST 12TH, 1937

M. RAPPARD drew attention to the Decree of August 12th, 1937, on income tax (page 243 of the report), replacing—as stated in Article 55—the provisions on the same subject contained in the Ordinance of June 1st, 1920, and the Decrees of June 26th, 1926, October 8th, 1932, May 17th, 1933, and May 27th, 1936. He had been struck by the terms of the exemption laid down in Article 1 of the 1937 Decree, reading as follows :

“ Nevertheless, companies having their headquarters or main administrative establishment in Belgium and their operative headquarters in the colony, together with other taxpayers domiciled or habitually residing in Belgium whose income originates in the colony, do not fall under the provisions of the present decree. Their fiscal status in Belgium is as by law determined.”

It followed from that provision, which had been made applicable to the mandated territory, that any company, whether Belgian or other, having its headquarters or main administrative establishment in Belgium and its operative headquarters in the colony, was

¹ See Minutes of the Thirty-third Session of the Commission, page 83.

² See *Official Journal*, November 1935, page 1147.

³ See Minutes of the Thirty-fourth Session of the Commission, page 136.

Could it really be a ground for complaint that the system had been created by a Belgian law? It must be remembered that laws drawn up by the Belgian Parliament—that was to say, the highest expression of authority—formed the basis of the government of Ruanda-Urundi just as they formed the basis of that of Belgium itself. It was therefore immaterial whether a particular enactment was common to Belgium and Ruanda-Urundi, or whether there was one law for the home country and another for the mandated territory; it was merely a matter of convenience.

As to the third point, M. Halewyck de Heusch believed that the gross sum which had been fixed, after proper consideration of all the interests concerned, was of a nature to set at rest M. van Asbeck's legitimate concern. He added that particulars would be supplied in the next report.

The CHAIRMAN was certain that the accredited representative would submit the considerations raised by M. Rappard and M. van Asbeck to the mandatory Power.

In order to obtain a clear idea of the practical importance of the matter, the Chairman would like to know whether there were any commercial companies operating in Ruanda-Urundi which were domiciled neither in the mandated territory nor in Belgium.

M. HALEWYCK DE HEUSCH replied that he personally knew of no foreign share companies operating in the mandated territory.

The CHAIRMAN remarked that, in that case, the observations made by members of the Commission, while retaining their theoretical value, lost most of their practical importance.

Lord HAILEY drew the accredited representative's attention to the following two provisions of the Decree of August 12th, 1937:

" Article 18. — Foreign companies, and all other foreign nationals liable to tax, having in the colony " (in this case, in the mandated territory) " one or more establishments, such as trading centres, branches or agencies, shall be required to maintain in the country at least one responsible representative duly approved by the Administration and affording the necessary guarantees in the matter of solvency . . . (page 247 of the report).

" Article 43. — Should foreign nationals liable to tax (companies or others) fail to appoint a responsible representative properly approved by the Administration, the Governor-General may order the closing of the establishments maintained in the colony " (in this case, the mandated territory) " and prohibit those concerned from engaging in any occupation until such time as they have complied with the requirements of the law . . . " (page 249 of the report).

Did not those two provisions mean discrimination against foreigners?

M. VAN ASBECK said that, in the Netherlands Indies, regulations calling for responsible representation within the colony applied both to Netherlands and foreign companies.

M. HALEWYCK DE HEUSCH answered that the provisions in question did not place Belgian companies in a favoured position. They merely established guarantees where and in so far as they were needed. All undertakings, whether Belgian or foreign, had to pay tax. In the case of Belgian undertakings, however, there was no need to insist on the presence of a responsible and solvent representative within the territory, since the Administration could always count on finding someone to deal with, if not in Ruanda-Urundi itself, then in the home country, where Belgians were accountable to it.

M. VAN ASBECK said that, as regards the second point in his previous remarks, he had merely pointed out that a *modus vivendi* had not the same value as a legislative enactment. M. Halewyck de Heusch's argument, moreover, turned against the mandatory Power; if, as he said, the law was the highest expression of that Power's action, the matter in question should be dealt with in the mandated territory by a law and not by a *modus vivendi*.

As regards the gross sum, it was clearly neither equal, nor even equivalent, to the amount which should normally revert to the mandated territory. A gross sum indeed was always arbitrary in character. M. Halewyck de Heusch's reply therefore could not fully allay misgivings on that point; and there was a danger that the Decree of August 12th, 1937, having been made applicable to the mandated territory, might cause criticisms of the way in which the mandate was being applied.

M. HALEWYCK DE HEUSCH repeated that the *modus vivendi* arose from the law itself and that the legislative basis for which M. van Asbeck asked did in fact exist as a result. He was also convinced that the gross sum had been fairly calculated.

M. RAPPARD thought it would be wise if neither the accredited representative nor the Mandates Commission took up for the time being an immutable and categorical attitude. The question was one which called for thorough consideration before a decision was taken.

The CHAIRMAN suggested that the accredited representative might ask for the insertion, in the next report, of a special note regarding the matters raised by the Decree of August 12th, 1937.

ECONOMIC EQUALITY (*continuation*) : MINING LEGISLATION : DECREE OF SEPTEMBER 24TH, 1937

M. VAN ASBECK said that the annual report reproduced (page 265) the text of an Order of November 10th, 1937, giving effect to the Decree of September 24th, 1937, regarding the general mining laws.

Article 11 of that decree provided that :

“ General prospecting permits may be issued to :

“ 1. Persons registered in the colony of the Belgian Congo or in Ruanda-Urundi ;

“ 2. Civil companies trading for profit and commercial companies, provided always that they are incorporated under the colonial laws, or that they have complied with the formalities required for the establishment of a trading centre in the colony or in Ruanda-Urundi.”

Article 75 provided that :

“ A joint stock company shall not be entitled to obtain or to acquire an operating permit, unless its instrument of incorporation has been approved by the Minister for the Colonies.”

Article 76 added that such approval would be granted if the instruments of association fulfilled the following conditions :

“(a) The company shall be incorporated under the laws of the Belgian Congo.

“ Nevertheless, should the mines to be worked be situated in Ruanda-Urundi, the company shall be incorporated under the laws in force in that territory.”

M. van Asbeck would first like to know the meaning of the expression “ registered in the colony ”. Who was so registered, and what were the conditions attaching to registration ?

M. HALEWYCK DE HEUSCH explained that registration was a mere formality applicable to any person coming from outside to reside in the territory. It corresponded with what was known, in European countries, as entry in the population records, and enabled the Administration to reach persons with whom it desired to keep in touch.

He added that registration was unconditional, and that foreigners, just like Belgians, not only could obtain registration, but were bound to apply for it.

M. VAN ASBECK asked whether registration in the Belgian Congo was a sufficient qualification for the issue of a general prospecting permit in Ruanda-Urundi.

M. HALEWYCK DE HEUSCH was not quite certain whether a person registered in the Belgian Congo only, and not in Ruanda-Urundi, could, in the cases enumerated in Article 9 of the decree in question, obtain a general prospecting permit valid within the territory under mandate. In any event, Article 11 made no discrimination as between Belgians and foreigners.

In reply to further questions by M. van Asbeck, he stated, in the first place, regarding Article 11, paragraph 2, that Belgian and foreign civil companies trading for profit, and commercial companies, were also on a footing of equality in Ruanda-Urundi. Moreover, Article 76, paragraph (a), applied the same single criterion to Belgian and foreign companies. Finally, the formalities connected with the incorporation of a company were independent of the nationality of its founders, and foreign groups were not required to deposit any particular security.

Lord HAILEY drew attention to the following provisions of Article 74 of the Decree of September 24th, 1937 :

“ Any person applying for the issue of an operating permit under Article 63 or for authority to acquire an operating permit by transfer under Article 71 thereby undertakes

“ C. To allow the Government of the colony ” (in this case, of the mandated territory) “ and, failing it, the Belgian Government, to acquire all or part of its production in preference to any other purchaser at the same price ” (page 273 of the report).

That the Government of Ruanda-Urundi should enjoy such priority was understandable ; but that the same privilege should be enjoyed by the Belgian Government was less intelligible.

M. HALEWYCK DE HEUSCH explained that, in the event of the Government of Ruanda-Urundi not availing itself of its prior right, it was thought only just that a similar right should be enjoyed by the Belgian Government, in view of the sacrifices it was making for the development of the territory. The situation only arose, of course, where the same price was offered by the Government and by other bidders, and where a choice had accordingly to be made.

SIXTH MEETING

Held on Wednesday, October 26th, 1938, at 3.30 p.m.

Ruanda-Urundi : Examination of the Annual Report for 1937 (continuation).

M. Halewyck de Heusch came to the table of the Commission.

QUESTION OF THE DEVELOPMENT OF INDIRECT ADMINISTRATION : POWERS OF THE MWAMI : METHOD OF APPOINTMENT AND TRAINING OF THE CHIEFS AND SUB-CHIEFS : REGROUPING OF SUB-CHEFFERIES : NATIVE TREASURIES

M. VAN ASBECK observed from the chapter on native policy (page 70 of the report) that the mandatory Power was doing its best to apply the principle of indirect administration as far as possible. The mandatory Power apparently proposed to base its administrative organisation, in the long run, on the native organisation and to give the natives and native chiefs, subject to the control of European administrators, as wide powers as possible, following the practice in several British African colonies. How far could it be said the mandatory Power was applying the principles of indirect administration ?

M. HALEWYCK DE HEUSCH answered that, in principle, the organisation of Ruanda-Urundi was being shaped on lines which tended towards indirect administration ; but there could be no question, for a long time, of introducing the system as fully as had been done in countries where the population has reached an advanced stage of civilisation. So far, the native authorities had only been granted effective powers of administration over matters of minor importance. It was essential to proceed slowly and carefully, keeping a watchful eye on the early experience acquired and retaining the power to stop half way if developments proved disappointing.

M. VAN ASBECK asked whether the political education of the territory could be regarded as proceeding within the whole framework of native institutions, and whether the two Mwami were accordingly being reinstated as heads of the native administration and as the channels through which the mandatory Power would try to mould the policy of the territory.

M. HALEWYCK DE HEUSCH replied that the process of evolution must clearly take place within the framework of the native institutions and through the intervention of the Mwami. It was, however, impossible to expect that the native chiefs should be granted powers giving them rights of action over Europeans. Their authority could never extend beyond the natives. Subject to that limitation, the extent to which their powers might be increased could not be determined at present. It would depend entirely upon the experience gained.

M. VAN ASBECK thanked the accredited representative for that explanation ; he was glad to see the tribute paid (pages 74 and 77 of the report) to the Mwami for their interest in the administration of the territory and the way in which they had performed their duties.

He observed, however (pages 71 *et seq.*), that there had been a considerable reshuffling of the sub-chefferies, several of which had been abolished, attached to other sub-chefferies, or merged in existing chefferies. These readjustments in the organisation of the territory and in the redistribution of personnel made him wonder whether the mandatory Power really intended to base the political education of the territory on the indigenous organisations existing there, or whether, on the contrary, sub-chefferies were to be regarded, at any rate for the moment, as mere administrative divisions.

M. HALEWYCK DE HEUSCH replied that considerable changes had, in fact, been made in recent years in the system of sub-chefferies. Some had been merged, others split up ; those steps had, however, not altered the basis of the native organisation.

The measures in question had been taken in some cases to improve the administrative mechanism, and in other cases by reason of the obvious incompetence of an existing sub-chief. It was, for instance, imperative to dismiss a sub-chief if, instead of encouraging the production of foodstuffs required to guard the population against the danger of famine, he impeded such production by a series of vexatious decisions.

The policy of regrouping had been followed for many years. The territory had formerly been divided into far too many sub-chefferies and split up to such an extent that the taxpayers' burdens were often exorbitant. Accordingly, when a post of sub-chief fell vacant, advantage was often taken of the fact to attach the district in question to a neighbouring sub-cheffery.

As regards the question whether such measures might not prejudice the future indirect administration, M. Halewyck de Heusch could only reply that the process of selection now being carried out could not but contribute to the efficient preparation of indirect administration.

M. VAN ASBECK asked whether inefficiency on the part of a sub-chief necessarily involved abolition of his sub-cheffery ; whether the Mwami was consulted when a sub-chief was deposed ; and whether the population also was consulted.

M. HALEWYCK DE HEUSCH replied that it was often the Mwami who asked for a sub-chief to be deposed. If the European Administration took the initiative, the Mwami was necessarily consulted, since it was he who announced the verdict in every case of deposition. The population played no part in the proceedings.

M. VAN ASBECK gathered that, in Ruanda-Urundi, there was, therefore, a genuine native hierarchy.

He noted, on page 71 of the report, a reference to sentences passed in 1937 on chiefs and sub-chiefs. Were such cases frequent, and what sentences were passed ?

M. HALEWYCK DE HEUSCH said that he would find it difficult to give an exact reply on the point. The cases mentioned must, he thought, fall among the 185 cases of disregard of regulations of a general character shown at the head of the last table on page 30 of the report.

Lord HAILEY asked whether the frequent changing or removal of chiefs was not really tantamount to replacing the traditional native authorities by authorities of another class. He pointed to the case of several chiefs who had been replaced by " native secretaries ". Though he did not question the possession by the latter of the advantage of education, they were not the traditional authorities.

M. HALEWYCK DE HEUSCH explained that the chiefs and sub-chiefs were not appointed arbitrarily, but, except in special and exceptional cases, in conformity with the traditional customs and rules of the territory. Formerly, the Mwami had followed his own fancy. Now he was under the supervision of the European Administration, and his decisions were taken rationally ; high hopes of native administration in the future were thus fully justified.

Lord HAILEY asked whether the indirect administration which the mandatory Power described as its policy would be on the same lines as in Uganda, where the chiefs and sub-chiefs formed, in effect, a native civil service under the Paramount's government, or whether it was proposed to follow the Nigerian and Tanganyikan system under which the chiefs recognised as native authorities were, as far as possible, the traditional chiefs who exercised jurisdiction over their own people, under the supervision and regulation of the Government.

M. HALEWYCK DE HEUSCH said that the mandatory Power would be inclined, as regards the general organisation of indirect administration, to follow the system practised in Uganda. But it would not go so far as to allow native authorities to be chosen by the population. Appointments were always made by the Mwami in accordance with tradition and custom. The whole native administration rested upon the principle of the Mwami's power, and any departure from that principle would be dangerous. Appointments must, therefore, be made from above, unless the whole native organisation were to be upset.

M. Halewyck de Heusch repeated that appointments were no longer made arbitrarily ; they followed tradition, custom and family law. The Mwami chose, from among those entitled to succeed, that heir whom he considered most capable of replacing the former chief or sub-chief ; and the native secretary, for all his knowledge, would be left out if there were a capable heir available.

Lord HAILEY did not wish to appear critical. He believed that both systems worked satisfactorily in the territories where they were applied. His question was directed only to elicit what type of indirect administration was being aimed at by the mandatory authorities. What, for instance, was the exact position of the Mwami ? For example, what executive, financial and judicial powers had he ? The information supplied was not clear on that point. By judicial powers, Lord Hailey referred in particular to criminal jurisdiction, the grant of which was the real test of the recognition of native authorities.

M. HALEWYCK DE HEUSCH replied that the Mwami was the head of the native administrative hierarchy. He presided over the organisation of native courts, and in some cases even took part in their deliberations and activities. Those courts, although possessed of extensive powers to settle native disputes of a civil character, had little competence in penal matters. It was undesirable to give to native judges, too soon, power to inflict punishment ; their education in that respect was still incomplete. In particular, they had no notion, as yet, of how to make the penalty fit the crime. To give an idea of what had still to be done to make

the native appreciate the exact gravity of an offence, it was enough to point out that, until quite recently, when native justice was still uncontrolled, the penalty for stealing a cow was the horrible torture of impalement.

Lord HAILEY wondered if Ruanda-Urundi really differed in this respect from its neighbours. He asked whether the mandatory Power proposed to give the Sultans and chiefs real powers in connection with treasury administration. On page 71 of the report, it was said that " native treasuries which in 1936 only existed in a few communities had been created in 1937 in all chefferies both in Ruanda and in Urundi " but the treasuries were described as still managed by the local Administrator.

M. HALEWYCK DE HEUSCH replied that the treasuries were provisionally managed by the local Administrators in their capacity as guardians of the natives. There was some reluctance to give native chiefs or sub-chiefs immediate control over funds, seeing that honesty and correctitude were not yet sufficiently common virtues in their code. In financial matters, above all, a cautious policy must be followed.

M. VAN ASBECK would be glad to find in the next report a description of the powers and political situation of the two Sultans. The annual reports did not give a very clear impression of their activities.

M. HALEWYCK DE HEUSCH duly noted the request. He added that the principle of the system was simple : the Sultans held all the powers which had belonged to them in the past by custom and tradition, in so far as those powers had not been restricted or altered by the legislative acts or the instructions of the mandatory authority. One particularly important change had been that of compelling the Sultans to seek the opinion, and take into account the advice, of the European Administration.

Lord HAILEY remarked that the existence of numerous Agents territoriaux, constituting a European service subordinate to that of the Administrators, was possibly not conducive to the development of the chiefs' sense of responsibility, or to the introduction of indirect administration. There was abundant evidence of the value of the Agents territoriaux and of their contribution to administrative activity ; but the very activity of that class tended to militate against the growth of responsibility in the chiefs.

M. HALEWYCK DE HEUSCH replied that the local Administrator's power to intervene and to supervise appeared to be essential. The system had been tried by Government and had proved satisfactory.

The CHAIRMAN asked whether it was not felt that, in time, some of the duties of the agents territoriaux could be handed over to the native chiefs.

M. HALEWYCK DE HEUSCH said that would probably be the view of the Administration. In time, certain functions would be transferred to the chiefs ; but there was no need at present to hurry.

Mlle. DANNEVIG did not quite understand the references made to indirect government in the mandated territory. She had the impression that the country, on the contrary, was under the very direct administration of Belgian officials, who very often deposed the native chiefs if they failed to comply with administrative regulations.

M. HALEWYCK DE HEUSCH said that that description was inaccurate : in native affairs, decisions were duly taken by the native authorities. The latter were, however, helped by European advisers, and their decisions were governed by the advice they received. The system of administration was, therefore, genuinely indirect, but subject to guidance. It had the great advantage that the people took their orders and instructions from their own traditional chiefs and therefore accepted them without question or difficulty.

M. VAN ASBECK observed that the mere fact that the population received orders from their chiefs could not justify the conclusion that indirect administration already existed. Everything depended upon how the European adviser of the native authorities interpreted his rôle as an educator. If it were really desired to give the native chiefs political training, there must be no hesitation in allowing them to exercise certain responsibilities and in taking certain risks.

M. van Asbeck also wished to know whether the natives had any share in administering the native treasuries referred to in the chapter on " Native Policy " (page 71 of the report). The final decision in such matters naturally lay with the European Administrator ; but he would like to know whether the chiefs were consulted.

M. HALEWYCK DE HEUSCH said that the chiefs and sub-chiefs were consulted on the use to be made of the funds, as were also other persons attending the monthly meetings of notables held in the presence of the local Administrator. The participants made suggestions or raised objections regarding the uses proposed for the sums available. There was a discussion in which the District Administrator and the notables took part. The decision was therefore taken in the light of the wishes of the native community's representatives.

M. VAN ASBECK was glad to find that the accredited representative's reply held out high hopes regarding the political training of the native chiefs. In any such training, financial experience must play a dominant part.

Were budgets of the different chefferies drawn up at the conferences to which the accredited representative had referred ?

M. HALEWYCK DE HEUSCH replied that no budgets for chefferies yet existed. A start was being made with the management of native treasuries, which had only just been created. They were financed in the manner described in the report (page 71), and the money was used as and when required. Later, it would be possible to draw up estimates of income and expenditure.

M. VAN ASBECK noted, in the chapter of the report referring to the results obtained in Urundi (page 75), that the "economic development of the territory has placed large resources in the hands of the chiefs and sub-chiefs. The Administration had, nevertheless, frequently had to remind some of them of the need for adapting their expenditure to their income". What funds were so administered by the chiefs and sub-chiefs ?

M. HALEWYCK DE HEUSCH replied that the passage quoted did not refer to chiefs' treasuries but to funds obtained by chiefs and sub-chiefs through their own personal activities—for example, the cultivation and sale of foodstuffs, transactions relating to their cattle, etc. All that the Administration did in such cases was to advise the natives to exercise moderation and caution and not to squander the money they had earned. Such advice, however, only bore on the use made of income deriving from the personal estate of the notables.

The CHAIRMAN thought that he might perhaps summarise the situation, as it emerged from the accredited representatives' explanations, in the following terms :

The mandatory Power had found in the territory the elements of a leadership still retaining traditional authority. That system had been preserved for future use, as it was always difficult to create such a system by artificial means.

Although the native authorities could only be trusted to a limited extent, since they tended to abuse their powers, the mandatory Power had kept them in being, subject to the close supervision of the European Administration. The natives thus only retained the trappings of authority until such time as, through training, they could gradually be given real powers. Only at that moment would the system of indirect administration really come into being.

NUMBER AND ORGANISATION OF NATIVE ADMINISTRATIVE STAFF

M. RAPPARD noted that the native staff employed (page 33 of the report) had decreased from 182 to 162. That was a substantial reduction which could only be explained as being due to the incapacity of the twenty officials dismissed. Could the accredited representative give some account of the Administration's experience of native collaborators ?

M. HALEWYCK DE HEUSCH explained that the employment of natives in subsidiary posts had proved satisfactory. In all administrations, however, reorganisation had to be undertaken after the staff had increased for a certain time, in order to allocate duties more efficiently and to concentrate and rationalise the work in such a manner as to permit a reduction in the number of employees. That was what had happened in Ruanda-Urundi ; as a result of the reorganisation, some employees were transferred to other services, while others of manifestly small ability were put in positions requiring less competence—for example, as guards and messengers.

M. RAPPARD observed that, in a territory that was developing, where there was genuine prosperity and a rise in the level of certain revenues, calling for greater administrative activity, it would be more natural to expect an increase rather than a decrease in administrative staff. The part played by subordinate officials in the work of administration was a criterion of the level which the native population had reached. Should the dismissals in question not be regarded as the result of changes in the higher ranks of the Administration ?

M. HALEWYCK DE HEUSCH repeated that it was merely a question of regrouping the staff. All administrations were "rationalised" from time to time. That process was at present being carried through in Belgium—a country which could not be said to be undeveloped.

In the mandated territory, a selection had been made from among the more highly qualified employees, and the efficiency of the subsidiary staff had thus been enhanced. Those employees who had been removed had been transferred to other posts not governed by the Native Employees' Statute.

Lord HAILEY found it difficult to understand why the reductions should be described only as affecting the 182 native officials mentioned on page 33 of the report, when there were between 700 and 800 native officials altogether in the territory.

M. HALEWYCK DE HEUSCH replied that the latter officials did not rank as " fonctionnaires " and did not belong to the administrative staff. He agreed, however, that the position of the staff did not emerge very clearly from a comparison of pages 24 and 33 of the report ; he would ask for more detailed information on the point.

Mlle. DANNEVIG, referring to the chapter on public education (page 101 of the report), noted a statement, in the paragraph dealing with subsidised education, to the effect that : " Only a few, chosen as a result of examination tests, continue to study or proceed either to employment with one or other of the mining companies or to a position as secretary to a native chief ". Nothing was said about places for these young persons in the Administration.

M. HALEWYCK DE HEUSCH replied that the purpose of the passage quoted was to illustrate the positions most frequently occupied by the better educated young persons when they left the subsidised school. It was not intended, in the chapter in question which dealt with education, to give information concerning careers in the Administration.

QUESTION OF THE DIRECTION OF THE EDUCATION SERVICE

M. VAN ASBECK noted (page 23 of the report) that the educational services were controlled by the Legal Department. On page 102, on the other hand, in the section regarding school inspection, there was a reference to inspections of subsidised schools by the Head of the Educational Service. What were the exact duties of the Head of the Educational Service ? Was he also on the staff of the Legal Department ? The matter, it would be remembered, had been raised last year. ¹

M. HALEWYCK DE HEUSCH explained that the Inspector of Education was on the staff of the Congo Administration. He made tours of supervision in the mandated territory. He had done so last in 1937, and had declared himself generally satisfied with what he had found. The official in question was a highly qualified educationalist, not attached to the Legal Department but specialising in inspection work.

ACTIVITIES OF THE SECRET SOCIETY OF THE NYABINGI

M. VAN ASBECK observed, from page 71 of the report, that the Public Force had not been called on to maintain order during the year. On the same page, there was a reference to the activity of the secret society of the Nyabingi. It would appear from the report that this secret society, which had no clearly defined political aims, directed its activities against European influence generally, and had quite an extensive organisation at its disposal. According to the report, the Administration had felt that the shrewder attitude to adopt was to appear to attach little importance to the society, while, at the same time, keeping a vigilant eye on its activities. Had the society in question made progress during 1938, and had the attitude taken by the Administration given the results expected ?

M. HALEWYCK DE HEUSCH said that he had no particulars about the activities of the Nyabingi during the year 1938, which, moreover, was not yet within the Commission's purview.

PUBLIC WORKS : WATER LEVEL OF LAKE TANGANYIKA

M. GIRAUD noted a reference in the chapter on public works (page 138 of the report) to various works executed at Usumbura—in particular, a reinforced concrete boom in the harbour, and works for protecting the shore of Lake Tanganyika against a rise of water.

He recalled that, during the examination of the 1937 annual report ² for Tanganyika, the question of the water level of Lake Tanganyika had come up for discussion. Were the works mentioned in the report for 1937 concerning Ruanda-Urundi of an extensive character ? Had the rise of the water level done damage to the lakeside population, and had the Administration studied the general question of the rise in the level of Lake Tanganyika ?

¹ See Minutes of the Thirty-third Session of the Commission, page 85.

² See Minutes of the Thirty-fourth Session of the Commission, pages 152 and 153.

M. HALEWYCK DE HEUSCH answered that there were unexplained periodical rises in the level of Lake Tanganyika ; that of 1936 had been exceptionally high. The only natural outlet of the lake was to the Belgian Congo, and, in the hope of making that outlet more adequate, some work had been carried out.

There had been no rise in 1937 or 1938 ; indeed, the level of the lake had fallen slightly. The chief damage had been done in the Belgian Congo. In Urundi the floods had affected the shore in certain places ; and something had had to be done—though not very much—to prevent flooding in future.

The CHAIRMAN imagined that the phenomenon in question had already been investigated by competent experts and observers.

Had the Usumbura road been cut by the floods ?

M. HALEWYCK DE HEUSCH replied that the road had been cut by the overflow from the Ruzizi, in conjunction with the overflow from the lake. A detour had been effected to obviate such accidents in future.

Lord HAILEY observed that it had been suggested in a recent study of these mysterious rises and falls of the great African lakes that they were in some way connected with the periodicity of sunspots.

ECONOMIC SITUATION : IMPORTS AND EXPORTS : ECONOMIC AND COMMERCIAL RELATIONS BETWEEN THE CONGO AND THE MANDATED TERRITORY

M. GIRAUD observed that the economic situation of the territory, as described in a very full and interesting manner both in the report (pages 131 to 192) and in the accredited representative's statement to the Commission, had remained very satisfactory throughout 1937.

A general survey of that situation revealed the striking importance of the commercial exchanges between the territory and the adjacent Belgian colony : over one quarter of the exports, in particular, went to the Congo (page 157 of the report). There was nothing surprising in that fact ; it resulted from the special economic circumstances of the two territories. On the one side, Ruanda-Urundi was a territory in which agriculture and cattle-raising were two of the main sources of wealth, and in which agricultural production appeared to exceed the absorptive capacity of the domestic market. On the other side, the Belgian Congo, and particularly that part adjacent to the mandated territory, was the scene of a rapid growth in mining activity, necessitating an increasing supply of foodstuffs to meet the needs of a large number of natives. The two countries were therefore in the fortunate situation of being economically complementary to each other ; as a result, Ruanda-Urundi, though rather far away from such other African markets as were capable of providing outlets for its food products, was, owing to the existence of a Customs Union, assured, in the most satisfactory conditions, of an outlet for a large part of its agricultural production.

Turning to the agricultural situation of the territory in 1937, M. Giraud observed that, in the case of some products, irregular rainfall had caused concern in certain districts, but that the vigorous steps taken by the Administration had made it possible to meet the requirements of the population. Industrial crops had expanded appreciably : coffee production had increased from 1,200 to 2,000 tons (page 141 of the report), cotton from 2,000 to 2,700 tons (page 141), while sisal, which was a new venture, had increased four-fold. The cattle had suffered from cattle plague, but losses had been small (page 149 of the report). Generally speaking, agricultural and cattle prices had been remunerative and had increased considerably.

As regards the movement of trade, there had been an increase in exports of over 18% in weight and 26% in value, while imports had risen 22% in weight and 46% in value (page 157 of the report). Although the export of mineral (especially cassiterite) and animal (especially live animals and skins) products had somewhat declined, both coffee and cotton exports had increased appreciably, while exports of native foodstuffs, rice, manioc, maize, palm-oil and sisal, taken together, had more than doubled in weight (page 153 of the report).

There were other favourable indices : the number of postal-orders issued was 36% greater than in 1936, payments into postal-cheque accounts 81% greater, and the number of telegrams 12% larger (pages 136 and 137 of the report). Lastly, the public finances revealed an excess of over eight million francs in receipts compared with the budgetary estimates—that was to say, a surplus of 21 or 22% (page 32 of the report).

M. Giraud referred next to the tables on pages 159 and 161 of the report showing goods of foreign origin exchanged between Ruanda-Urundi and the Belgian Congo (a) across Lake Tanganyika, and (b) across Lake Kivu and the land frontier. He drew the accredited representative's attention to the first part of each of those tables, which related to exports to the Belgian Congo. As the exports in question were of goods not originating within the territory, should not the traffic to which that part of the tables related be considered as transit trade, rather than as exports ?

M. HALEWYCK DE HEUSCH replied that the goods in question could not be considered as in transit through Ruanda-Urundi, since they entered that territory as their place of destination. There were at Usumbura large trading depots with warehouses for the local sale of stocks of goods. Certain Congo undertakings on Lake Kivu, however, instead of obtaining goods by the longer colony routes, preferred to draw supplies, large or small, from those depots. Such purchases were doubtless of goods originating abroad; but as the transactions took place at Usumbura itself, the country of origin of the goods was Ruanda-Urundi; no transit trade existed.

M. GIRAUD thanked the mandafory Power for the new table given on page 156 of the report showing the total amounts of each of the principal imports entering the territory. He drew attention to a considerable discrepancy between the figures given on page 156 for lime and cement in 1936 and 1937 and the figures given for the same commodities in the statistics on pages 158, 160 and 173 of the report. Taking the latter figures, and the corresponding figures in the report for 1936, imports of lime and cement should have amounted to 2,907 tons and not 625 tons in 1937, and to 2,877 tons and not 204 tons in 1936.

M. HALEWYCK DE HEUSCH thought that there must be an error in the tables. He would report the matter to the authorities concerned.

In reply to a further question by M. Giraud, he explained that no cement was produced in Ruanda-Urundi. There was a factory at Katanga in the Congo. Cement entering the mandated territory from the Congo might well return to the colony later by a different route—for example, as a result of orders from the Lake Kivu undertakings. That explained its appearance in the table of exports from Ruanda-Urundi to the Congo.

The term "local products" in a table relating both to the Congo and Ruanda-Urundi might certainly cause confusion, since it might be accurate in the case of goods despatched by one of the two countries, and wrong in the case of exports from the other. The attention of the local authorities would be drawn to the point.

M. GIRAUD could find no trace, in the chapter dealing with small local industries, of the bakeries and the aerated water factory mentioned in the report for 1936 (page 188). Had they disappeared?

M. HALEWYCK DE HEUSCH noted the question and promised to make enquiries.

M. VAN ASBECK had been struck, in perusing the report and in the course both of the accredited representative's statement and of the Commission's discussion, by the closeness of the economic and commercial relations between the mandated territory and the Belgian Congo. The prosperity, and indeed the whole economic system, of the territory were closely connected with the absence of any Customs hindrances along the frontier separating those two territories. In view of existing circumstances, M. van Asbeck emphasized the importance of that characteristic and laid stress upon the fact that any measures having as their object to make the frontier into a more effective barrier would undoubtedly disturb the economic stability of the territory.

PRODUCTION OF, AND TRADE IN, COTTON AND COFFEE

M. GIRAUD observed that the Ruzizi Company (page 192 of the report) had pursued its activities in connection with the cotton industry. What was the situation of that Company? According to the statements made by the accredited representative at the thirty-third session of the Commission,¹ its contract was to expire in 1938, and negotiations were to be initiated by the Government with a view to a ten-year prolongation.

M. HALEWYCK DE HEUSCH explained that the Company's privileges under the old concession remained valid until December 31st, 1938. No decision had yet been reached as regards prolongation, but there were still several weeks in which to do so.

M. VAN ASBECK would be glad to find, in the next report, the text of any agreement reached with the Ruzizi Company, should the latter's contract be prolonged.

M. GIRAUD asked for information on the working of the native coffee market. How were purchases made from producers? In his statement, the accredited representative had referred to the existence of stocks of coffee within the territory. Was it to be understood that it would be difficult to sell the native coffee?

¹ See Minutes of the Thirty-third Session of the Commission, page 91.

M. HALEWYCK DE HEUSCH explained that, as the table on page 162 of the report showed, the 2,000 tons of native coffee produced in the territory were disposed of on the Belgian market, except for a small quantity which found an outlet in Tanganyika. Sales were made either direct to the factories, which carried out husking and cleaning operations themselves before the coffee was despatched to Belgium, or to Indian or Arab merchants who acted on behalf of the

(Communicated to the Council
and the Members of the League.)

Official No. C.347.M.208.1938.VIII.
ERRATUM (English text.)

Geneva, January 12th, 1939.

LEAGUE OF NATIONS

ORGANISATION FOR COMMUNICATIONS AND TRANSIT

CO-ORDINATION OF TRANSPORT

Results of an Enquiry addressed to Governments

ERRATUM

Page 195:

Norway, under "Road", (a):

sixth line et seq. the text should read:

"the owner or driver of the vehicle. Nevertheless, if the person having suffered damage has himself deliberately contributed to the cause of the damage, the owner of the vehicle shall be exempt from liability. Further, if the person injured has been guilty of gross carelessness, he may not claim damages unless the owner or driver of the vehicle was also at fault. In such a case, the Court shall fix the amount of the damages.

"As regards road traffic other than motor....."

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1938.VIII.6. Erratum

production of foodstuffs. As regards coffee and cotton, the authorities had merely stimulated production by means of propaganda, which had proved so successful, in the case of coffee, that the natives implored officials to supply them with seedlings, and sometimes went so far as to steal them from their neighbours at night.

¹ See page 30 of the report.

M. HALEWYCK DE HEUSCH replied that the goods in question could not be considered as in transit through Ruanda-Urundi, since they entered that territory as their place of destination. There were at Usumbura large trading depots with warehouses for the local sale of stocks of goods. Certain Congo undertakings on Lake Kivu, however, instead of obtaining goods by the longer colony routes, preferred to draw supplies, large or small, from those depots. Such

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The CHAIRMAN asked how prices were fixed and whether the Administration imposed a minimum price.

M. HALEWYCK DE HEUSCH replied that dealings in coffee were free and that prices were allowed to find their own level. Husked, but uncleaned, coffee was sold for about 3 francs a kilogramme. Up to the present, stocks of native coffee had been disposed of without difficulty; non-native coffee was, perhaps, less easy to dispose of, as its cost-price was higher.

The Government was examining the situation recently brought about by the fact that the Belgian market was saturated and that the prospects of disposing of supplies from the territory on other markets were very limited. The creation of new plantations was now, by its orders, no longer encouraged, but existing plantations were conscientiously cared for.

Replying to a further question, M. Halewyck de Heusch said that the special type of coffee grown by the natives was known as *arabica*.

Mlle. DANNEVIG asked if the natives received the same price for their coffee from the intermediate traders as the Europeans received for theirs from the companies.

M. HALEWYCK DE HEUSCH explained that the difference in the prices paid to native and non-native producers depended upon the condition of the market and upon a number of factors such, for example, as the quality of the product. Any native producing a better quality would obtain a better price.

On the average, the factory or agency exporting uncleaned coffee received from 6.25 to 6.50 francs per kilogramme, but very good coffee might fetch as much as 8 or 9 francs.

M. VAN ASBECK concluded, from the accredited representative's penultimate statement, that the coffee produced by natives was purchased by Europeans, as the cotton was. That point was not mentioned in the report, at any rate as regards coffee, and there was no mention of Europeans carrying out such purchases.

M. HALEWYCK DE HEUSCH pointed out that the question had been dealt with fairly fully in an earlier report.

He added the following explanations: in order to export that part of their coffee which did not go to the local factories, the natives had to have recourse to middlemen or to warehouse buyers.

Those agents and buyers did not visit producers themselves; they employed intermediaries, who were generally Arabs or Indians. In the case of supplies to the local factories, on the other hand, more direct relations were frequently established between the natives and the manager of the undertaking, especially if the former were in the immediate neighbourhood of the factory. Factory managers preferred to handle coffee grown in the vicinity; coffee transported long distances was liable to turn acid, for beans treated by the damp process and transported whole often began to ferment during a long journey.

Lord HAILEY asked if it were not a fact that coffee and cotton were produced by the natives according to what was known as the "educational" method, generally on the instructions of the authorities and sometimes compulsorily. He admitted that, in the case of foodstuffs, such compulsory methods might often be essential. At the same time, it appeared that in certain cases the courts had imposed sentences for violation of orders relating to cultivation: some 2,000 persons had been penalised for disregard of the production regulations.¹ It was not clear how many (if any) of those prosecutions were for failure to grow marketable, and not subsistence, crops. But it would now seem that pressure was being applied for the cultivation of marketable crops which could no longer find outlets on the markets, as appeared in the case of coffee.

M. HALEWYCK DE HEUSCH protested against the allegation, and declared that natives in the mandated territory had never been compelled to produce coffee or cotton. Only the production of foodstuffs was compulsory; the object of that requirement was one of paramount importance—namely, to safeguard the population from famine, so frequent in the past. The sentences referred to were imposed solely for disregard of the regulations relating to the production of foodstuffs. As regards coffee and cotton, the authorities had merely stimulated production by means of propaganda, which had proved so successful, in the case of coffee, that the natives implored officials to supply them with seedlings, and sometimes went so far as to steal them from their neighbours at night.

¹ See page 30 of the report.

Lord HAILEY recalled that the Belgian Colonial Council had criticised the application of this system in connection with the Congo, and he had concluded that the system applied in the mandated territory was the same. He wished to know whether, among the two thousand natives sentenced for disregard of the regulations on cultivation (page 30 of the report), there were any whose offence had been refusal to grow coffee or cotton. It was a well-known fact that, in colonial relations, the distinction between advice and orders was often slight.

M. HALEWYCK DE HEUSCH said that a distinction must be made between the Congo and Ruanda-Urundi. In the former, there was an obligation, based on educational motives, to grow cotton, but not coffee. In Ruanda-Urundi, there was no obligation to grow either coffee or cotton. He wondered whether Lord Hailey's concluding comment meant that the authorities should abstain from giving advice to the natives, not only as regards the crops that they might usefully grow, but as regards any other matter.

Lastly, M. Halewyck de Heusch added that the two thousand sentences for disregard of regulations concerning cultivation undoubtedly related to foodstuffs and could not relate to cotton and coffee plantations, seeing that, in the absence of any legal provision concerning the latter, the judge could have had no power to inflict the slightest penalty on the culprit.

M. GIRAUD drew attention to a discrepancy in the figures for coffee exports given on pages 153, 158 and 162 of the report.

M. HALEWYCK DE HEUSCH took note of the discrepancy and promised that the data would be checked.

FORESTS : EUCALYPTUS PLANTATIONS

M. GIRAUD referred to a reply, given on page 150 of the report, to the comment made at the thirty-third session of the Commission¹ on the subject of eucalyptus plantations. The reply stated that there were in Ruanda-Urundi wide areas under papyrus on the shores of the lakes and in certain marshy districts. Had any attempts been made to use papyrus from those regions in paper-pulp manufacture ?

M. HALEWYCK DE HEUSCH replied that, some years previously, a company was being formed with the object of exploiting papyrus on the Congo border. The promoters had, however, abandoned the project on finding that it would not be economically profitable.

PUBLIC FINANCE : TAXATION : DEVELOPMENT OF THE ROAD SYSTEM

M. RAPPARD thought that all the members of the Commission had certainly been extremely gratified to learn of the financial prosperity of the mandated territory, as evidenced by the reduction in the public debt, the steady increase of which had been a matter of concern to the Commission in the past. The report for 1937 revealed an appreciable increase in revenue, due, on the one hand, to improved commercial outlets and the profit on devaluation, and, on the other hand, to the fact that the capital investments of the last twenty years were beginning to show a yield. A tribute should be paid to the Administration in that connection, especially for the efforts it had made to develop the road system (pages 133 to 136 of the report).

The higher yield of taxation had permitted a considerable reduction in the public debt, which had fallen from 165 to 150 million francs, a drop of 15 millions (page 33 of the report). The budget table (page 51) included an item of 16,600,000 francs, representing the refund to Belgium of loans granted to Ruanda-Urundi for economic equipment. Although he would not revert to the question of that loan, which had been discussed on a previous occasion,² M. Rappard was anxious to know how it had proved possible to make such a payment to Belgium in addition to effecting a reduction of 15 million francs in the public debt.

M. HALEWYCK DE HEUSCH explained that the refund of 16,600,000 francs, shown in the budget of extraordinary expenditure for 1933 quoted on page 51 of the report, must not be confused with the refund of 15 million francs through which, in 1937, the amount of the public debt had been correspondingly reduced.

The budgetary item which had caught M. Rappard's notice was now of purely historical interest, since it related to an operation carried out four years previously. The Commission was aware that, under the terms of a Convention concluded on October 15th, 1932, between the mandated territory, the Belgian Government and the Belgian Congo Colony, all the old Ruanda-Urundi loans had been converted into a new public debt. The refund figuring in the 1933 extraordinary budget was merely a step taken in pursuance of that Convention ; it bore no relation to the reduction of the new public debt made possible in 1937 through a series of economies.

¹ See Minutes of the Thirty-third Session of the Commission, page 102.

² See Minutes of the Twenty-eighth Session of the Commission, page 25.

It might be asked why the accounts of the 1933 extraordinary budget had been inserted in a report dealing with the year 1937. In that connection, he would refer to his earlier explanations : according to the financial system in force in 1933, both in Ruanda-Urundi and in the Congo, the extraordinary budget of that year could be utilised during five consecutive financial years. For that reason, the accounts relating to that budget had had to be shown in each of the reports for the years 1933 to 1937, so that the Mandates Commission might learn each year what new expenditure had been incurred out of the extraordinary credits made available in that way.

M. RAPPARD noted that the territory possessed assets amounting to 80 million francs, in the shape of securities. Why, in the light of that fact, had not repayment of public indebtedness been proceeded with more rapidly ?

M. HALEWYCK DE HEUSCH replied that the securities in question had been handed to the Government by mining undertakings as payment for the concessions granted them. They were not marketable, since they were intended to enable the public Treasury to recover mining dues.

M. RAPPARD concluded that State participation in the larger undertakings represented an asset which could eventually be turned to account, and which made the financial situation of the territory even less burdened by debt than appeared at first sight.

He asked for information on the emergency tax (*taxe de crise*) mentioned on page 34 of the report, which had only yielded some 70,000 francs instead of the 300,000 francs estimated.

M. HALEWYCK DE HEUSCH replied that this emergency tax supplemented the tax on income of the non-native part of the population, and that it had been abolished during the financial year under review. It had therefore yielded only a part of the sum estimated when the budget was being prepared.

M. RAPPARD observed, in the table comparing income and expenditure of the ordinary budgets for 1935, 1936 and 1937 (page 44 of the report), an item entitled " proportionate duty on the constitution or increase of the capital of limited liability share companies ". There were no figures in the columns opposite that item. Was the duty still in force ?

M. HALEWYCK DE HEUSCH replied that, although the duty in question was still in force, it had yielded nothing in 1935, 1936 and 1937, as no new share company had been founded in Ruanda-Urundi during those years, and no increase of capital had taken place.

M. RAPPARD drew attention to a table on page 56 of the report, showing the distribution and yield of the poll-tax. The number of taxpayers who had actually paid that tax seemed in some districts to exceed the number of taxpayers entered in the census.

M. HALEWYCK DE HEUSCH explained that this was a yearly occurrence due to the removal during the year of certain taxpayers who found work and settled in a new district, where they paid their taxes and thus swelled the number of taxpayers registered there. The discrepancies therefore indicated considerable numbers of native labourers moving from one district to another.

M. RAPPARD drew attention to the value of that table, which strikingly illustrated the growing prosperity of the territory.

M. GIRAUD noted, in the same table, that, in certain regions—*e.g.*, Kisenyi and Ruhengeri—the number of persons paying the tax was appreciably below the number of registered taxpayers. How was the difference to be explained, seeing that, in another place, the report stated that taxpayers had been able to meet their obligations with ease owing to the increase in their means ?

M. HALEWYCK DE HEUSCH replied that the discrepancy was due to the late date of the tax collector's visits in certain cases. Some tax collections were, in fact, only made at the beginning of the ensuing financial year. Delay in collections occurred every year : page 56 of the report showed that 1936 had been no exception.

Lord HAILEY observed a very rapid increase in the poll-tax : from 5 million francs in 1926 to nearly 14 millions in 1937 (page 56 of the report). Although the report explained that the greater prosperity of the natives enabled them to meet their obligations with ease, the sharp increase in the yield of the poll-tax was nevertheless worthy of notice.

M. HALEWYCK DE HEUSCH explained that the poll-tax was really very moderate : although most of the population was now in easy circumstances, the rate was actually still below that imposed by the preceding Government at a time when, owing to lack of means of

communication, commercial transactions were practically non-existent, when there were no wages to be earned, and when the natives could not even be sure of getting enough food from their crops. The rate of tax had then been 3-6 rupees, or 78-157 Belgian francs, at the present rate of exchange. In 1937, the maximum rate was 50 francs, and that maximum was only levied in communities outside customary law, where labour was highly paid.

Lord HAILEY said that there had, nevertheless, been 800 prosecutions before the courts for non-payment of the tax (page 30 of the report). That was hardly a good testimony of the ease with which taxpayers could meet their obligations.

M. HALEWYCK DE HEUSCH said that the existence of refractory individuals did not mean that natives found difficulty in paying their taxes. In all countries, even in prosperous periods, there were always some taxpayers who sought to escape from their obligations. There could be no doubt that to-day, owing to more abundant resources, it was much easier for the natives to pay their taxes than formerly. Indeed, the number of prosecutions for non-payment of tax had fallen appreciably, from 959 in 1936 to 834 in 1937.

CURRENCY CIRCULATION

M. GIRAUD thanked the mandatory Power for the information supplied (page 153 of the report) on currency and coinage. He thought that a comparison of the figures showing the amount of notes in circulation at the end of 1936 and at the end of 1937 ought to reveal a decline, and not an increase in the fiduciary circulation.

M. HALEWYCK DE HEUSCH read again the passage quoted, and showed that there had been an increase in the total value of notes in public circulation.

REPAYMENT OF DOWRIES IN RESPECT OF WIVES DESIRING TO LEAVE THEIR POLYGAMOUS HUSBANDS

Mlle. DANNEVIG asked for explanations concerning the budget item entitled "dowries for wives of polygamous husbands to be liberated" (page 47 of the report).

M. HALEWYCK DE HEUSCH explained that the Government sought to hasten the disappearance of polygamy. To this end, whenever a woman wished to leave her polygamous husband in order to marry a monogamous one, the Administration, in suitable cases, refunded to the former the dowry which he had paid to the family of his departing wife. That action was, in fact, a gesture of goodwill, the object of which was gradually to bring about an improvement in the moral circumstances of family life and thus to transform morals. The power of the authorities to make such refunds could be exercised in respect of Christians as well as pagans.

Lord HAILEY pointed out that, since concubinage was not taxed, a tax on polygamy was actually a tax on marriage.

SEVENTH MEETING

Held on Thursday, October 27th, 1938, at 10.30 a.m.

Ruanda-Urundi : Examination of the Annual Report for 1937 (continuation).

M. Halewyck de Heusch came to the table of the Commission.

JUDICIAL ORGANISATION : CODIFICATION OF NATIVE CUSTOMARY LAW

M. VAN ASBECK asked that the next report might contain particulars of the progress made in codifying customs, a reference to which appeared in the 1936 report (page 72).

M. HALEWYCK DE HEUSCH said that he would ask the Governor of Ruanda-Urundi to supply the information.

M. VAN ASBECK recalled the declaration made by M. Ryckmans in 1936 :¹

“ M. Ryckmans . . . had been working for two years on a body of instructions for administrators, but the question was complicated.

“ The difficulties were even graver when Christian civilisation and primitive native civilisation had to be reconciled.”

M. van Asbeck would be glad to find information in the next report on this point.

M. HALEWYCK DE HEUSCH said he would ask that M. van Asbeck's request should be met.

MAINTENANCE OF ORDER : DECREE OF FEBRUARY 10TH, 1936, CONCERNING THE RESERVE OF THE PUBLIC FORCE

M. RAPPARD asked whether the increase in the strength of the Public Force from 559 to 608 men (page 24 of the 1937 report and page 24 of the 1936 report) implied that the Administration felt somewhat anxious about the peacefulness of the population.

M. HALEWYCK DE HEUSCH said that was not the case : the general attitude and frame of mind of the population were excellent.

M. RAPPARD drew attention to the Decree of February 10th, 1936, organising the reserve of the Public Force and defining the obligations of reservists and the conditions under which men were recalled to the colours (page 197 *et seq.* of the report).

Article 13 of that decree contained the following paragraph :

“ In the event of sudden or serious disturbances, the provincial commissioners may order partial mobilisation either for a district or for the whole of the administrative area corresponding to their province . . . ”

In Article 14 there was a passage to the effect that :

“ The soldiers in the Ruanda-Urundi forces must, when given limited or unlimited leave, or when discharged, be sent to the Belgian Congo.”

Could the accredited representative supply some explanations of those passages and state, in particular, whether they had any connection with the European volunteer force referred to during the twenty-fourth session of the Mandates Commission.²

M. HALEWYCK DE HEUSCH replied to the question in the negative : the Decree of February 10th, 1936, applied only to the native military corps, not to European volunteers.

Article 14 of the decree enacted that members of that corps should, when discharged or given leave, be sent to the Belgian Congo because they came from that country. The mandatory Power recruited no troops in the territory of Ruanda-Urundi.

ARMS AND AMMUNITION

Replying to a question by M. Rappard, M. HALEWYCK DE HEUSCH said that it should not be concluded from the absence of a reference in the first table on page 127 of the report that the territory had imported no cartridges during 1937. The exact figure of imports of cartridges was given in the table on page 175.

QUESTION OF DEVELOPING NATIVE TRADE AND ITS PROTECTION AGAINST FOREIGN COMPETITION

Lord HAILEY observed, from page 27 of the report, that the Asiatic and other non-native population in the territory was increasing. Were Asiatics subject to any special regulations regarding trade or land purchase ?

M. HALEWYCK DE HEUSCH replied in the negative. The only stipulation was that the books should be kept in a known language, so that they could be checked. The ruling applied, however, both to Europeans and Asiatics.

¹ See Minutes of the Thirtieth Session of the Commission, page 157.

² See Minutes of the Twenty-fourth Session of the Commission, page 84.

Lord HAILEY explained that, in some neighbouring territories, Indians had taken advantage of the slowness of Africans to adapt themselves to economic conditions, and had virtually monopolised trade. Did the Ruanda-Urundi authorities propose to take any steps which would affect the Asiatics' freedom of trade, or would they allow them to monopolise business to the detriment of the development of native trading ?

M. HALEWYCK DE HEUSCH pointed out that the rule of economic equality made it impossible for the mandatory Power to treat the Indians and Arabs as inferiors.

Lord HAILEY quite understood, but pointed out that it was always possible either to grant a preference to the natives of the territory or adopt restrictions directed, not perhaps against Indians and Arabs only, but against foreigners generally. In Tanganyika, for example, the mandatory authorities had felt that they could put a lower and differential rate of licence tax on native traders.

M. HALEWYCK DE HEUSCH replied that, if it were merely a question of giving the indigenous population a preference over Asiatics and other foreigners, and not of differentiating between Asiatics and Europeans, it was quite a different matter. The indigenous populations could, of course, be given more favourable treatment, and in Ruanda-Urundi they had already secured it. Reference need only be made to the Decrees of August 12th, 1937 (Articles 44 and 45, page 249 of the report), and August 13th, 1937 (Article 1, pages 250 and 251 of the report), to see that, as far as trading licences were concerned, coloured itinerant traders received much more favourable treatment than their foreign competitors. That was not a breach of the economic equality rule, which did not apply to the natives.

Lord HAILEY questioned whether a system which compelled a native to pay a tax which might be as high as 1,000 francs (Article 1 of the Decree of August 13th, 1937) could be regarded as particularly favourable to the natives. He did not press that point, but would merely ask the mandatory Power to bear in mind the experience of neighbouring territories and see whether they should not take some steps to encourage native trading ; after all, the foreign traders had no permanent interest in the territory, did not live there, and took away from it all the profits they had earned there. Such a situation must be prejudicial to the mandated territory both socially and materially.

M. HALEWYCK DE HEUSCH repeated that the mandatory Power had not a free hand in the matter ; it could not select one or more categories of foreign traders and subject them to special, restrictive regulations. Whatever rules it made for Indians and Arabs would have to be applied equally to Belgians, British and French.

Replying to Lord Hailey's first remark, the accredited representative pointed out that the 1,000 francs tax would not be that generally levied on the coloured itinerant trader. It was payable only if the trading activities of the persons concerned " included the purchase of vegetable produce for export or elephant tusks ". The itinerant traders engaged in such large transactions were obviously fairly well off and could afford higher trading expenses. The others paid only 250 francs, which was not excessive.

M. RAPPARD, reverting to the point raised by Lord Hailey, pointed out that the question was whether the mandatory Power could protect the natives in the territory against the competition of foreigners. M. Rappard had been rather astonished at the accredited representative's reply to Lord Hailey. Either the accredited representative looked on the natives of the mandated territory as Belgian nationals, in which case provisions in favour of those nationals, such as were contained in the Decrees of August 12th and August 13th, 1937, were contrary to the principle of economic equality ; or else, like M. Rappard himself, he took the view that those natives were not Belgian subjects, in which case nothing could prevent the mandatory Power from granting them certain preferences.

M. HALEWYCK DE HEUSCH reminded M. Rappard that in his first remarks, Lord Hailey had referred to restrictions directed more particularly against Arabs and Indians which had given him the impression that they were handicapped as compared with other foreigners. If the only point at issue was that of preferences to the indigenous population, M. Halewyck de Heusch fully agreed that that was a legitimate policy. He would even welcome an expression of the Commission's views on the point in its observations to the Council.

Lord HAILEY suggested that the mandatory Power could always adopt measures dealing with non-natives provided it made no discrimination based on nationality.

QUESTION OF COLONISATION

Lord HAILEY observed (page 202 of the report) that a colonisation department had been set up at the Ministry for the Colonies. He knew that there were two conflicting views in Belgium on the question of the colonisation of the Congo. Those views had been expressed in two extremely interesting debates in the Colonial Council. Were the authorities of the mandated territory for or against colonisation? In Ruanda-Urundi, admittedly, the situation in this respect was favourable, for there were only ten colonists as compared with 300 missionaries.

M. HALEWYCK DE HEUSCH said that the mandatory Power did not regard the mandated territory, where the native population was very dense and where in many cases there was keen competition for the smallest lots of land, as a country suitable for systematic colonisation. It would be useful, however, to extend the powers of the Colonisation Department to Ruanda-Urundi, since there might be a few isolated cases of persons going out to settle as colonists in that country; such individuals should also have the Department's protection.

MORAL, MATERIAL AND SOCIAL DEVELOPMENT OF THE NATIVES

Mlle. DANNEVIG said that, from previous reports, she had had the impression that the natives of Ruanda-Urundi, before the advent of Europeans, had formed a certain interesting social development different from most other African communities, and that they belonged to the more advanced African natives physically and mentally, especially the ruling class, the *batutso*. They were now constantly spoken of as very backward, in spite of the efforts of the European Administration and the Missions. Evidently, the natives had progressed materially and economically, famines had been done away with; the natives had learned to work hard so that they could pay taxes and the territory could build roads, official buildings, schools, hospitals, etc. All that must evidently be very satisfactory to the Mandatory. But how had that material progress reacted on the daily lives of the natives, on their mentality and morals and social conditions, on the position of their women, on hygiene and on the relations of the natives to Europeans?

Would it be possible, in a future report, as in earlier reports, to include a chapter on the social conditions of the natives in the towns and on the hills? On pages 204, 224 and 232 of the report there were ordinances forbidding the natives to circulate in the night in towns or European centres. Why was that necessary?

On page 124 of the report the following statement occurred: "Many natives also yield to the temptation of evading for some time the obligations which the European Administration has imposed on them on grounds of public interest and safety". Could she have some additional information on that point?

The CHAIRMAN also thought it would be interesting if the mandatory Power described in one of its reports the stage of social evolution which the native population had reached.

M. HALEWYCK DE HEUSCH said that he would ask his Government to comply with the Chairman's request.

He went on to explain that Ruanda-Urundi had a scattered population of hillmen who seldom congregated in villages. It was difficult, therefore, to give them the benefit of such improvements as water supplies, the installations which enhanced the amenities of a community, etc. Such improvements could only be introduced gradually and in the case of particular settlements.

The phenomenon which surprised Mlle. Dannevig—namely, that the native mentality was still backward in spite of the efforts made—was one generally met with in tropical Africa. The character of the natives changed much more slowly than their method of life. Many primitive ideas had to be eradicated from their minds. They had to be taught the difference between their own property and that of others; certain selfish feelings which conflicted with the idea of community service had to be overcome, etc. The native had a long way to go before he reached a satisfactory degree of civilisation, morally and mentally.

Lord HAILEY, referring to the picture of the social condition of the natives given in Part II of the 1925 report, said it would be interesting to have a statement on the present position which could be compared with that earlier account.

The CHAIRMAN agreed that the mandatory Power could take as a basis for its future description of the social situation in the territory the picture given of that same situation in 1925.

Mlle. DANNEVIG, referring to the accredited representative's statement that the natives saw little difference between other peoples' property and their own, remarked that primitive races were usually said to have a very keen sense of property, at any rate amongst themselves; possibly this sense was less developed in regard to the property of Europeans.

LABOUR : LABOUR INSPECTION : WORKMEN'S COMPENSATION FOR ACCIDENTS

Mr. WEAVER drew attention to the continued increase in the number of natives employed. According to the report (page 126), the total number was 103,895, or 13.16% of the able-bodied adult male population. These figures, however, were expressed in terms of "man-years", which made it impossible to calculate exactly the number of persons employed; the numbers actually employed were obviously greater than those shown in these statistics.

Mr. Weaver had been gratified to find it stated on pages 123 and 124 of the report that effect would be given to a recommendation made last year¹ for the creation of a labour inspectorate and that a specialist had already been appointed to visit all the mines in Ruanda and Urundi. He had also been interested to read that credits had been appropriated in the ordinary expenditure budget for the financial year 1938 for the creation of an Economic Questions Department with labour inspection as one of its chief functions. Mr. Weaver hoped that the next report would give particulars about the working of the inspection service.

With reference to the table on page 119 of the report, showing labour permanently employed, Mr. Weaver asked whether the percentage of married labourers shown in the last column referred to labourers whose families lived with them at their place of work.

M. HALEWYCK DE HEUSCH replied that he would ask the authorities whether they could amplify the statistics of "man-years" by other data giving, purely and simply, the figures of labourers without reducing them to a common denominator.

The figures in the last column of the table on page 119 of the report showed the number of married labourers, both those who had and those who had not their families with them.

Mr. WEAVER said that what he was most anxious to ascertain was the number of labourers who had their families with them. He would like this figure supplied, if possible, for labourers employed at a distance from their place of origin.

M. HALEWYCK DE HEUSCH said that he would ask the Governor of Ruanda-Urundi to try to obtain that information for next year.

Mr. WEAVER noted that, though wages were stated to have risen substantially in the Usumbura district and in the Ruzizi plain, the rise in the interior of the country was only slight (page 122 of the report). On page 123, particulars were given of the daily wage paid in various occupations in three towns. This wage was very low in the case of unskilled labourers.

What was the mandatory Power's policy in regard to wages? In June last, the Governor-General of the Belgian Congo had said that he would be in favour of raising wage-rates. Did that declaration apply to the mandated territory also?

M. HALEWYCK DE HEUSCH replied that the Governor-General was referring to all the territories under his authority. His declaration, therefore, held good for Ruanda-Urundi as well as for the Belgian Congo.

Mr. WEAVER said that he would be interested to find, in the next annual report, a description of the effects on wage-rates of the prosperity experienced by the territory.

On the subject of compensation for industrial accidents, he observed, from page 124 of the report, that the allowances paid were not based on a body of regulations but fixed by agreement between the parties. For fifty accidents, fifteen of them fatal, which occurred in 1937, an amount of 9,260 francs had been paid, which was rather little. Did the mandatory authorities not think that a better organised and more regular system would give more satisfactory results?

M. HALEWYCK DE HEUSCH said that to get an exact idea of the value of the compensation paid the natives' daily needs had to be considered. Natives lived very cheaply; a wage of 1 or 2 francs a day sufficed them. Moreover, out of the fifty allowances, totalling 9,260 francs, paid by employers, several had been paid in respect of cases where the employer was not responsible but had voluntarily paid the amounts recommended by the Administration. The beneficiaries, moreover, had thought the compensation fair and just, for it was based on what the natives considered among themselves to be the "price of blood".

¹ See Minutes of the Thirty-third Session of the Commission, page 96.

Mr. WEAVER pointed out that, in modern workmen's compensation legislation, the right to compensation was not affected by the circumstance that the worker might have been at fault. Moreover, was an Administration whose mission it was to civilise the population entitled to base compensation on the "price of blood"; a native conception which conflicted with modern ideas? Would it not be possible, in the case of compensation for industrial accidents, to introduce a simple and progressive body of regulations such as had been adopted in other African territories?

M. HALEWYCK DE HEUSCH said that the investigations already begun regarding this question would be continued.

The CHAIRMAN referred to the information regarding seasonal workers given on pages 124 and 125 of the report. What was meant in that connection by emigration abroad?

M. HALEWYCK DE HEUSCH replied that "abroad" meant "beyond the frontiers of the territory". In that case, therefore, the expression covered emigration to Uganda, Tanganyika and the Belgian Congo.

Mlle. DANNEVIG noted (page 284 of the report) the rates at which the poll-tax and polygamy tax were levied. She asked if some workers, therefore, who were paid at the rates shown in the table on page 123 of the report, would have to work a month or two in order to pay this tax.

M. HALEWYCK DE HEUSCH replied that polygamy indicated a certain well-being or even opulence; it was not very common among poorly-paid labourers.

FREEDOM OF CONSCIENCE : MISSIONS : SECRET SOCIETY OF THE NYABINGI (*continuation*)

M. PALACIOS noted that Chapter II (pages 92 to 100 of the report) of Part 3 of the report, concerning the social and moral progress of the natives, dealt with religious institutions. It contained a very short general review, an interesting map of the mission stations in the territory and several statistical tables. In the general review (page 92 of the report), the mandatory Power took an optimistic view of the progress made by the Catholic religion, and also by Protestantism, in the territory. According to the Church Missionary Society's representative, "missionary work has progressed at all stations" and, in the opinion of the Head of the Swedish Free Mission, "young people were more and more interested in religious questions."

The report said nothing, however, about the question which was discussed at the previous session of the Commission. Last year,¹ the accredited representative had said that the arrangement reached in regard to the distances to be kept between chapel schools of different confessions had not given rise to any dispute. He had added that the arrangement was interpreted in the manner stated on page 87 of the report (of 1936) and that the solutions reached might be considered satisfactory to all concerned. Had there been any disputes in 1937 about that arrangement?

M. HALEWYCK DE HEUSCH explained that there had been no change. The policy previously adopted had continued to give satisfactory results.

M. PALACIOS thought that the statistical tables were very interesting. On other occasions,² he had already drawn the attention of the accredited representative to the rather surprising fact that the native chiefs and sub-chiefs were being converted wholesale to Christianity, in almost every case to Catholicism. The situation now seemed to be quite different. Page 99 of the report contained a table showing the results of missionary efforts among the chiefs and sub-chiefs. According to that table, the total number of pagan chiefs and sub-chiefs in 1937 was 484, as compared with 281 in 1936 (see 1936 report, page 94). What was the explanation?

M. HALEWYCK DE HEUSCH said that the real explanation of this inconsistency was an error made in the statistics included in the 1936 report. The actual situation was that shown in the table on page 99 of the report for 1937. It had scarcely changed during that year.

M. PALACIOS remarked that, in any case, the great bulk of the population was still heathen. Page 100 of the report contained, in reply to a question asked at the thirty-third session of the Commission,³ a recapitulatory table showing the number of native adherents of the

¹ See Minutes of the Thirty-third Session of the Commission, page 97.

² See Minutes of the Thirtieth Session (page 166) and Thirty-third Session (page 97) of the Commission.

³ See Minutes of the Thirty-third Session of the Commission, page 102.

various religions as compared with the total population. According to that table, 677,657 natives were members of the Christian, and 10,921 of the Moslem, religion. As the mandated territory had a native population of about 3,600,000, it followed that some three million natives were heathens.

Referring to the pagans, M. Palacios had frequently had occasion to question the accredited representatives about native churches, the "movements" in connection with which sometimes assumed large proportions and raised serious problems for the Administration. Were such movements protected, so far as they were not inconsistent with morality, under the principle of freedom of conscience embodied in the mandate ?

In the report for 1937, there was a reference to one of those movements which had no exact connection with religious institutions. M. van Asbeck had already mentioned it in connection with general administration.¹ The passage in question appeared in the second column of page 71, and was to the effect that "the public force had not been obliged to intervene to maintain order". The reference was to the secret society of the Nyabingi. That was undoubtedly a very influential organisation in the Belgian Congo and the neighbouring districts of Uganda which preached a special doctrine, but had no clear-cut political aims.

The Administration seemed to be apologising for not having forcibly opposed the movement in question. In view of the declarations made in the report, the question arose why the Bahutus, and not the Watusi, were referred to ? Why did the Administration say that it was watching the activities of the society and that it punished its members when they committed fraud or uttered menaces ? Such offences were always punished whoever committed them, whether they belonged to a religious denomination or to none. Were the offences in question a special feature of the methods used for recruiting adherents and collecting contributions ?

M. Palacios fully realised the difficult nature of these problems, particularly if they were to be properly solved and in accordance with the principle of freedom of conscience. If, as stated in the report, the movement were directed against "European influence generally", that fact would justify, in a mandated territory, the adoption of severe counter-measures.

M. HALEWYCK DE HEUSCH explained that the passage in question on page 71 of the report had been inserted for information. The Administration had desired to give the Commission as exact information as possible on the atmosphere prevailing in the mandated territory. It fully agreed with M. Palacios' views on the other point raised. Clearly, any practice which tended to hinder the civilisation of the native population must be combated and all illegal activities punished.

M. PALACIOS thought that the Administration was right in referring in its report to these secret societies. Such movements might at any time become most important. The question of principle underlying the problems raised was extremely difficult and it would be advisable to be kept informed also in future of such manifestations.

He reverted to the question of the very large number and the precipitate nature of the conversions of chiefs and sub-chiefs. Did the Administration not think there was a danger of creating a gulf between the latter and the population which was still heathen ?

M. HALEWYCK DE HEUSCH said that there had never been any reports of misunderstanding between the notables and the people on religious grounds. He agreed, moreover, that most of the chiefs and sub-chiefs had become Christians while the population held back. The mandatory Power, which was bound by the principle of freedom of evangelisation, could only record the facts. Some missions, in the free exercise of their activities, had felt it advisable to concentrate first on converting the chiefs and sub-chiefs ; they were perfectly entitled to do so. Probably, once they had converted the notables, those missions would find it fairly easy to convert the masses.

EDUCATION

Mlle. DANNEVIG noted, from the particulars given on pages 290, 39, 47 and 55 of the report, that expenditure on education had risen slightly in 1937. On page 33, it was stated that additional amounts had been appropriated for education owing to the establishment in each Residency of training-schools for girls and boys. Had the amount of 157,500 francs mentioned on page 40 of the report (item 34(c) of the budget, "Grants for the building of new schools") been used for building girls' and boys' schools in the Residencies ?

M. HALEWYCK DE HEUSCH replied that there could be no doubt ; seeing that the expression "Residency" meant the whole of the territory under the authority of the Resident. Thus there were two Residencies, Ruanda on the one hand and Urundi on the other, and the two together formed the whole of the mandated territory.

¹ See page 54.

Mlle. DANNEVIG noted (page 102 of the report) a reply to a question about the decline in the number of Moslem pupils asked last year.¹ The report stated that the number of pupils had fallen slightly (to judge by page 116 of the report, the decline was very slight—from 411 in 1936 to 382 in 1937) and that it was due to the lack of interest in their children's education shown by the Moslems in the territory, who changed their homes rather often. From page 116 of the report, on the other hand, it would appear that the number of Moslem schools had increased (from 26 to 30) and the number of monitors also (from 28 to 35). Was that increase in schools and monitors the result of the Moslem community's own efforts, or was it due to some other reason?

M. HALEWYCK DE HEUSCH replied that the mandatory authority had nothing to do with the Moslem schools. It was the Moslems themselves who opened, closed or removed their schools.

Mlle. DANNEVIG noted, on page 37 of the report, a reference to an amount of about 10,000 francs (item 6(c) of the 1937 budget) which seemed to have been spent on public libraries. On what libraries had those amounts been spent? In what languages were the books written, and did they represent an attempt to give educated natives a chance of reading after leaving school?

M. HALEWYCK DE HEUSCH replied that he would put those questions to the local authorities.

Mlle. DANNEVIG said that page 101 of the report gave particulars about the boys' school in Astrida. On the subject of the attitude taken by the Alliance of Protestant Missions to the creation of boarding-schools for Protestant children, the report confirmed the statement made last year by the accredited representative²—namely, that the Alliance was unable to accept the Government's proposal. Had there been any further negotiations since the report was compiled?

M. HALEWYCK DE HEUSCH replied in the negative; the Alliance had, therefore, not moved.

Mlle. DANNEVIG noted that a large number of natives were not Christians. As nearly all the teaching was given by subsidised missions, did that not constitute a serious difficulty for the spread of education?

M. HALEWYCK DE HEUSCH replied that no such difficulty had actually been encountered.

Mlle. DANNEVIG noted, from page 116 of the report, that the number of pupils attending the official schools had risen from 645 in 1936 to 923 in 1937. The number of teachers of both sexes, however, had remained stationary at sixteen. Did not that mean an overcrowding of classes?

M. HALEWYCK DE HEUSCH was inclined to believe that this referred mainly to elementary professional schools. For such schools, the number of pupil-teachers given in the report was sufficient.

Mlle. DANNEVIG noted, from page 117 of the report, that eleven out of thirteen pupils at the School for Native Assistants of the Astrida Medical Service had successfully passed the first-year final examination. Nothing was said in the report for 1937 about women being trained as nurses or midwives. What was the situation? Would it not be desirable, in the opinion of the mandatory Power, to train women as nurses and midwives?

M. HALEWYCK DE HEUSCH agreed that midwives would do useful work in the territory. Unfortunately, the native women in Ruanda-Urundi absolutely refused to train for that profession.

Mlle. DANNEVIG believed that an effort might be made to impress on them the need for such work in view of the high rate of infantile mortality in the territory. Similar resistance had been encountered at the outset in other territories but had been overcome by persistent efforts.

M. HALEWYCK DE HEUSCH said that the attempts made in Ruanda-Urundi had so far been unsuccessful. A school of midwifery had been opened some years ago, but had had to close down for lack of pupils.

¹ See Minutes of the Thirty-third Session of the Commission, page 99.

² *Ibid.*, page 97.

M. VAN ASBECK recollected a reference made by the mandatory Power in its report for 1936 (page 96) to schools for chiefs' sons which were to be opened shortly. Were those schools now operating ?

M. HALEWYCK DE HEUSCH said that, at Astrida, four special schools had been opened : (1) the school for medical assistants, which began work in 1937 ; (2) a veterinary assistants' school ; (3) a school for agricultural assistants, and (4) a section for sons of chiefs, which had been open since February 1938. These schools gave more advanced instruction of a much higher standard than that given in the professional schools to be found here and there in the territory.

Mlle. DANNEVIG asked if fuller information might be supplied in the next report on the various types of schools which existed in the territory.

PUBLIC HEALTH

M. GIRAUD noted the great importance attached by the mandatory authority to public health questions. That could be inferred from the fact that in 1937 the expenditure on public health represented 15% of the total budget and had risen by 328,000 francs compared with the previous year (page 290 of the report).

After noting the replies given on page 81 of the report to a question asked concerning the coloured staff of the Health Service,¹ M. Giraud observed that in 1937 there had been no serious epidemic in Ruanda-Urundi and that cerebro-spinal meningitis was giving less concern than previously (page 85 of the report).

Trypanosomiasis was still being systematically combated and the sphere of action of the Mission responsible for the campaign extended, as before, to the territories of Shangugu, Usumbura and Bururi. The epidemic was decreasing, as the table of cases treated reproduced on page 90 of the report showed. M. Giraud noted from that table, however, that the percentage of deaths per cases treated had risen substantially in the last three years, particularly in 1936 and 1937 (4% in 1934, 8.2% in 1935, 12.5% in 1936 and 13.8% in 1937).

M. HALEWYCK DE HEUSCH replied that the number of cases treated had become so small that the percentage figure of deaths had lost its meaning : if two persons settled on a desert island, and one of them died, the mortality of the island could be said to be 50% per annum, but that figure would have no serious meaning.

M. GIRAUD noted (page 88 of the report) that a fifth doctor of the Church Missionary Society and a doctor from the Seventh Day Adventists had been added in 1937 to the four Church Missionary Society doctors previously authorised to act as members of the Medical Aid Service for natives.

Had the slowing-up of the work of the Astrida Medical Laboratory continued (page 117 of the report) ?

M. HALEWYCK DE HEUSCH replied that, now that it had been completely equipped, the laboratory had regained its former measure of activity.

M. GIRAUD asked whether Dr. Duren, Director of the Public Health Service at the Ministry for the Colonies, had been satisfied with his visit to Ruanda-Urundi (page 118 of the report).

M. HALEWYCK DE HEUSCH replied that he had had a talk with Dr. Duren, who had told him how satisfied he was with his journey to the territory.

Dr. Duren had, in the first place, found that the school for native assistants for the Medical Service, set up at Astrida, had made a good start and he was certain that the personnel trained in that school would do very valuable work in the territory.

Dr. Duren had then referred to the itinerant medical service. M. Halewyck de Heusch had told him of the doubts felt by the Mandates Commission² concerning the enormous number of natives who, to judge by the reports, were examined during a year by a few doctors. Dr. Duren had confirmed that the facts were as stated. The procedure was as follows : a medical officer of the itinerant service settled, with his staff of assistants, in a large centre. Some days beforehand, all the natives in the neighbourhood within a radius of several kilometres had been summoned. As soon as they arrived, they filed past the highly skilled medical assistants, who took their particulars, and after making a preliminary diagnosis, chalked on their skin the weak points which called for the doctor's special attention. The

¹ See Minutes of the Thirty-third Session of the Commission, page 90.

² See Minutes of the Thirtieth Session of the Commission, page 170.

natives then filed past the doctor ; sick persons or those with morbid tendencies were kept back and treated some hours later and all the others dismissed. By the organised application of this ingenious system, several hundreds of people could be inspected and, if necessary, given medical treatment in the course of a day.

FORESTS

The CHAIRMAN asked whether the reafforestation of the territory had already had any effects, even though purely local, on the rainfall.

M. HALEWYCK DE HEUSCH replied in the negative. Reafforestation was not sufficiently advanced yet to have even local effects on the rainfall. He would ask for fuller information on the point in the next report.

MINING

M. RAPPARD asked whether the fears previously felt regarding mining were being confirmed.

M. HALEWYCK DE HEUSCH replied that the mines of the territory had certainly proved somewhat disappointing. The deposits were not perhaps as large as had been hoped. Many of them, also, had been found high up, which gave rise to complications in the matter of water and timber supplies. Finally, labour, though plentiful, was very much dispersed and difficult to concentrate ; it cost more, therefore, in Ruanda-Urundi than in the Congo. The 1937 returns showed that, notwithstanding the greater efforts made, the yield of the mines had not increased since the previous year.

ALCOHOL AND SPIRITS

The CHAIRMAN noted a reference on page 243 of the report to two decrees concerning the closing hours of retail liquor stores, restaurants and other similar establishments. These referred, doubtless, to places frequented only by Europeans.

M. HALEWYCK DE HEUSCH said that was so.

The CHAIRMAN noted (page 127 of the report) that in 1937 one European, one Asiatic and fourteen natives had been sentenced for the illicit possession, sale or consumption of alcoholic liquor. On page 30, it was stated, however, that sixty natives had been sentenced for the possession of, trading in and use of alcoholic beverages. It appeared from the same page that the number of natives sentenced for drunkenness had risen from 143 in 1936 to 401 in 1937, and that the sentences on natives as shown under the heading " native fermented beverages " had risen from 115 in 1936 to 273 in 1937. What was the explanation of that apparent contradiction between the information given on page 127 and on page 30 of the report?

M. HALEWYCK DE HEUSCH explained that page 127 gave particulars of offences specifically relating to the consumption of European alcoholic beverages, whereas page 30 gave the figures for offences committed by natives in respect of the possession of, trading in and use of all kinds of alcoholic beverages.

DEMOGRAPHIC STATISTICS

M. RAPPARD had been struck, in examining the tables on pages 26 and 27 of the report, by the large number of individuals without profession or employment in the territory. Women and children must form a large proportion of this figure in the case of Occidentals, but from the tables on page 27, dealing with the Asiatic or coloured population only, it would be seen that the percentage of people without a profession or employment was even higher. Did the same explanation hold good in the latter case ?

M. HALEWYCK DE HEUSCH replied in the affirmative. Far the greater part of the unemployed Asiatic or coloured population consisted of women and children ; the latter included the half-breed offspring of Asiatics and native women.

Lord HAILEY noted that the population was still being computed by methods involving sampling, the calculation and use of co-efficients, etc. When did the Administration expect to take a complete census ?

M. HALEWYCK DE HEUSCH could not say. A census had first been taken of the able-bodied adult men, as it was important for the Treasury authorities to ascertain their exact number. The actual number of women and children in the territory had still to be determined, and that was a much more complicated matter.

Lord HAILEY said that it would be interesting to know the latter figure, as only thus would it be possible to judge whether the population was increasing under the present Administration.

M. HALEWYCK DE HEUSCH explained that the difficulty in taking the second kind of census was the reluctance of the natives to give information about their wives and children to the census officials. In order to ascertain the exact membership of all the native families, it would be necessary to have a staff of native secretaries able to extract information in the face of opposition.

CLOSE OF THE HEARING

The CHAIRMAN thanked the accredited representative for the valuable assistance he had given the Commission.

EIGHTH MEETING

Held on Thursday, October 27th, 1938, at 4 p.m.

Syria and Lebanon : Examination of the Annual Report for 1937.

M. de Caix, former Secretary-General to the High Commissioner of the French Republic in Syria and Lebanon, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE

The CHAIRMAN welcomed M. de Caix.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE

M. DE CAIX made the following statement :

When the French Government asked last June¹ for the examination of the report on Syria and Lebanon to be postponed to the autumn session, a large section of French opinion was subjecting the text of the Franco-Syrian Treaty of December 22nd, 1936, to criticisms which seemed likely to compromise its ratification. To ensure that ratification, it seemed essential to arrange with the Syrian Government for certain adjustments calculated to reassure French opinion, more particularly on the question of minorities.

At that time, however, the various French departments which were to collaborate in drafting these adjustments had not yet come to a common conclusion. It was therefore impossible to reply, even in the general terms appropriate to a situation in which negotiations were proceeding, to questions by the Mandates Commission. Furthermore, it was impossible to confront the Syrian Government, through the medium of declarations made to the League of Nations, with requests which had not hitherto been put before it in any form. Hence the need for discretion. To state the motives for such discretion would itself under the circumstances have been an indiscretion, as the Mandates Commission will no doubt have been able to appreciate from reading between the lines of the brief explanatory statement submitted at the time.

The situation is now no longer the same. Certain requests have been made to the Syrian Government, and are at present under discussion with the Syrian Premier, who is in Paris.

Without going into details, which would be improper in view of the negotiations still proceeding, it may be said that the negotiations refer to the guarantees concerning freedom of conscience designed to ensure that the relevant articles in the Syrian Constitution will be fully effective, to the personal status of minority communities, and to the guarantees for the application of the system of decentralisation provided for in a text of 1936, of which the Mandates Commission was informed at the time, and which would lead to the introduction of reforms having amongst other advantages that of allaying the uneasiness apparent more especially in the Jezireh. The object of the negotiations is the application of the principles laid down in the letters exchanged on December 11th, 1937, between the Syrian Premier and the French Under-Secretary of State for Foreign Affairs.

¹ See Minutes of the Thirty-fourth Session of the Commission, pages 12 and 13 to 14, 96 to 98, 105 and 106, 228 and 229.

Lastly, a further object of the negotiations is to determine the scope of the duties which, under the Treaty regime, will have to be performed by French officials, and to consider certain changes which may be desirable in the military arrangements for which the Treaty provides.

It is hoped that the negotiations on these various points will be successful, whatever difficulties are encountered. There is no doubt that the chief Syrian leaders realise that the acceptance of a few temporary derogations from the pure doctrine of nationalism cannot outweigh the importance of ratifying the Treaty and thus ending a state of uncertainty. They have to reckon, however, with opponents who, in their irresponsibility, promote a policy of intransigence and upset the population, and who exert a pressure which limits the freedom of action needed by the responsible leaders.

Whatever obstacles have to be overcome, the French Government is still determined to do its best to see that the policy embodied in the Treaty, a policy which it has been pursuing for more than ten years and which is in consonance with the evolution of neighbouring countries, should materialise as soon as possible. The two years of reflection and experience which have elapsed since the Treaty was signed in 1936, and the uneasiness of a large section of French opinion on points to which it is traditionally susceptible, have been the Government's sole motives for precautions which leave its general line of policy unaffected.

The Alexandretta problem, the latest developments of which could not be reviewed in the 1937 report—drawn up in the spring of 1938—has been dominated by far-reaching necessities and considerations of an international character. There have been developments in this connection which have changed the whole aspect of the question. The circumstances and consequences of those developments are still a matter for the Council of the League of Nations.

The report otherwise does not seem to call for comments, other than those which will be made in reply to the Commission's questions.

Generally speaking, and put briefly, political life in Syria was awaiting the ratification of the Treaty. In the meanwhile, an endeavour has been made to administer the mandate in such a way as to bring the territory gradually nearer the regime which the application of the Treaty will introduce.

Political life in Lebanon has continued to be marked by personal and clan rivalries, usually, however, without any serious disturbance to the development of the country's activities.

The negotiations between the two States for the control of what have hitherto been joint interests have afforded occasion for the display of very markedly individualistic attitudes, Syria and Lebanon both desiring to enjoy all the freedom of sovereign States, but at the same time qualifying their freedom by arrangements to obviate as far as possible the drawbacks resulting from Customs autonomy in the two States.

The economic situation of Syria and Lebanon during the period reviewed in the report has, in general, been satisfactory. In the case of some forms of production, favourable results have been achieved.

The CHAIRMAN thanked M. de Caix for his statement.

ADJOURNMENT TO THE PRESENT SESSION OF THE EXAMINATION OF THE ANNUAL REPORT FOR 1937

The CHAIRMAN recalled that the examination of the mandatory Power's annual report had been postponed for four months at the request of the mandatory Power itself, and without the Commission having been able to appraise the real reasons for that request. The Commission had felt that it could quite well have considered the report on the original date, and the explanations given by the accredited representative had not modified that view. At all events, the Commission now wished to express itself with complete freedom on any point arising out of its examination of the annual report for 1937.

M. DE CAIX drew attention to the first part of his statement, in which he had endeavoured to show that the situation had in fact changed completely. In June, there was no clear basis for the negotiations still to be pursued with the Syrian Government, and discussions had been broken off. The essential change lay in the formulation of a number of requests for adjustments, which were now before the Syrian Government. Those requests were now well enough known in Syria, so that the accredited representative was free to discuss them with the Commission. That had not been the case in June.

EVOLUTION OF THE POLITICAL SITUATION SINCE THE SIGNATURE OF THE FRANCO-SYRIAN AND FRANCO-LEBANESE AGREEMENTS OF 1936 : DIMINUTION OF CONTROL BY THE MANDATORY POWER

Defence of the Territory. Foreign Relations. Elections. Number and Duties of French Officials. Freedom of Opinion and of the Press. Police. Judicial Organisation. Customs Policy. Petitions. Minorities. Local Self-Government.

Count DE PENHA GARCIA had observed from a perusal of the report, first, that the negotiations between the mandatory Power and the Syrian Government had not been so expeditious as had been hoped. Various difficulties, political and material, had prevented the ratification of the Franco-Syrian Treaty and the transition in Syria to the regime for which the Treaty normally provided. On the other hand, the mandatory Power had stated (page 1 of the report) that the delay on the part of the French Government in ratifying the Franco-Syrian

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Agreement would not be used as a pretext for retarding Syria's progress towards independence, and that the lapse of time between the signature of the Treaty and its enforcement (which was subject to the condition that Syria should join the League of Nations) was still fixed at three years. Consequently, the Syrian Government should be in a position to take over the entire administration of the country when that period expired.

The mandatory Power had therefore gradually associated the Syrian authorities more and more closely with the Government, while itself retaining responsibility, so as to facilitate, through the experience progressively gained, the final handing over of power which would give the Syrian Government effective control of the country's affairs.

The report for 1937 showed (page 2) that defence remained in the hands of the French troops in conjunction with locally recruited troops, the whole force being under the orders of the General Officer in Command of the Levant Army. The Syrian Government had, however, already been empowered to appoint officials to study, jointly with the French command, questions arising out of the creation of the services of the future Syrian army. Count de Penha Garcia considered that the concession to the Syrian authorities in that connection did not go very far.

What was the exact standing of the officials appointed for the purposes of this technical contact with the French military authorities? Their attributions would indicate how far Syria had, in that connection, progressed along the path leading to complete independence. Locally recruited troops were, in fact, still under the orders of the French command; and it was appropriate, therefore, to ask whether the mandatory Power considered that the moment had come to transfer to the Syrian Government the military powers required to protect the country's independence, or whether a further preparatory period, long or short, was still necessary.

M. DE CAIX replied, in the first place, that the delays laid down in connection with the application of the Franco-Syrian Treaty, as his general statement had indicated, were continuing without interruption. Although negotiations were taking place for the more exact settlement of various matters, it was true to say that the object of the present policy represented an effort gradually to adapt the existing system to the future regime of independence in the country. There were good reasons to believe that the stipulated delay would be sufficient to allow the putting into force of the Treaty.

As for the army, the report made it clear that, until the Treaty came into force, the troops stationed in the mandated territory would remain under a single command, and that that command would be French. Troops recruited within the territory and staffed to a steadily growing extent by Syrian officers would continue to use the administrative services and workshops of the French army. It should be noted that these locally recruited troops were being organised on a basis tending more and more definitely towards autonomy.

In reply to Count de Penha Garcia's enquiry as to the military school at which the Syrian officers were trained, M. de Caix recalled that there was a Syrian Military School at Homs directed by a French teaching staff. Some of the officers coming out of that school were admitted to courses with units and staffs in France. The system for training officers, which had been described in previous reports, was still in force.

Count DE PENHA GARCIA asked what was the character of the questions which the officials appointed by the Syrian Government were to investigate in conjunction with the French command. Were they of an administrative or a military character?

M. DE CAIX replied that they were authorised to discuss any questions affecting the creation of the services of the future army.

Count DE PENHA GARCIA drew attention to the statement (page 2 of the report) that in the matter of security (Criminal Investigation Department) the mandatory Power was unable to transfer responsibility for certain of the complex problems falling under that head—for example, narcotic drugs, traffic in women, supervision of foreigners, etc. He was himself unable to see what, in the problems thus described as "complex", prevented their being handed over to the Syrian authorities.

M. DE CAIX said that the propriety of the use of the word "complex" was a matter of opinion; he did not propose to discuss the point. The departments in question were one of the links with foreigners and foreign Governments, and that might perhaps justify the use of the word. It should be borne in mind that all matters affecting the foreign relations of the country remained in the hands of the mandatory Power.

Count DE PENHA GARCIA asked whether the general control of the police had already been transferred to the Syrians.

M. DE CAIX replied that the general conduct of the services in question was in the hands of the Criminal Investigation Department (*Sûreté générale*) authorities, with whom the local police and gendarmerie, who were answerable to the Syrian and Lebanese Governments, collaborated.

Count DE PENHA GARCIA concluded, therefore, that although, according to the report, "complete autonomy" had been granted to the police authorities of Damascus and Aleppo, the Director of the Criminal Investigation Department retained, until the termination of the mandate, for use as he saw fit, a paramount right of inspection. That did not quite tally with the expression "complete autonomy".

M. DE CAIX pointed out that the present period was one of preparation for putting into effect the Franco-Syrian Treaty, and not one of actual application of the regime laid down in that instrument. While the police forces of the States had now been granted somewhat greater freedom, they still remained subject to inspection by the authorities of the Criminal Investigation Department, although they were not under their orders.

M. VAN ASBECK asked what would be the strength of the Syrian army after the departure of the French troops. Would the Syrian army be capable of defending the territory ?

M. DE CAIX could not recall the provisions of the military Convention annexed to the Treaty sufficiently clearly to reply to that question with precision. The text of the Convention was given in the report for 1936. He believed that the Syrian army would consist of one infantry division and a number of cavalry and artillery formations.

As regards the defence of the territory, the French troops were to remain on the spot until 1940, and even after that date would not be withdrawn *in toto*.

Lord HAILEY asked in whose hands command over the Syrian army would lie ? Would there be a Syrian Ministry for War ? Might the French troops in certain circumstances find themselves under the orders of a Syrian higher command ?

M. VAN ASBECK also asked whether any steps had already been taken towards constituting the Syrian army.

M. DE CAIX replied that, in principle, French officers would not be called upon to take part in current operations for the maintenance of order ; they would only do so at the request of the Syrian authorities. In the event of joint operations there would be a French command. French officers seconded to a command in the Syrian forces would, as regards their service, be responsible to the Syrian higher command.

The report for 1937 (page 47) gave full information as to the existing Syrian army effectives.

M. RAPPARD observed that, by October 1938, over half the three-years interval between the signing of the Franco-Syrian Treaty and its coming into force had already elapsed. It was therefore impossible to peruse the political sections of the 1936 and 1937 reports without feeling some misgiving with regard to the coming change and its repercussions on general policy. Speaking personally, M. Rappard could not conceal the impression he had derived from reading the first part of the report for 1937, an impression which was not calculated to lead him to await with impatience the end of the three-years transition period.

According to the Constitution, the Syrian Government was to be of a democratic character ; but, whenever the people were consulted, disturbances invariably broke out until such time as the parties had come to an agreement concerning the results of the election. That opened up the prospect of a domestic system dominated by the most serious electoral malpractices.

As for the relations between Syria and the other Levantine territories, on which it was proposed to confer an extensive measure of autonomy, it appeared that the Syrian Government was in the habit of despatching to those territories persons selected (it was said) for their tact, who primary duty was to prepare elections. The elections did not take place until agreement had been reached regarding the establishment of a common list ; and it frequently happened that, as soon as they were over, the Proconsul was recalled. Practices of that sort did not augur well for the future of the compact minorities who were to be found in those territories.

As for external policy, Syria and Lebanon were two small countries, each of which was wholly engrossed with recovering its own autonomy at once, and they were already engaged in a rivalry which was little short of a tariff war, although each was entirely dependent on the other for its very existence.

On the matter of territorial integrity, it had already been shown that the French and Syrian troops together were powerless to prevent the amputation of the Sanjak of Alexandretta. What, then, would happen when French authority was felt less in these States of the Levant ?

To sum up, M. Rappard could not help feeling that the course events were taking in those countries, far from bringing them happiness, was, on the contrary, creating an atmosphere of continuous upheaval in which serious and far-reaching attacks on the legitimate interests of minorities and disturbances of public order would be rife.

Reference had been made to Iraq, which had attained its independence ; but nothing had been said of Palestine. In Syria, which was the only country still retaining its former status under which it had enjoyed a measure of prosperity, golden promises had been made to the population in regard to the benefits of independence. The very tone of the annual report showed that the author had not found it easy to give satisfaction to both points of view, and left the reader profoundly disturbed. M. Rappard hoped the accredited representative would

give the Commission his own view of the impending change-over from a system which had proved generally acceptable to a system full of danger for all those concerned, the only object of which was to satisfy the verbal extravagances of an unrestrained and premature nationalism.

M. DE CAIX would like to be able to reassure M. Rappard and to justify the French Government's decision to propose at an early date the abrogation of its mandate. It would, of course, be unreasonable to assert that, once the Treaty came into force, Syria would be a model country. Reference had been made to the disturbances which accompanied the elections; but was not that situation very similar to that found in more than one sovereign country? Could it be maintained that the procedure adopted in the Syrian and Lebanese electoral struggles was likely to lead to repercussions of such a character as to justify the abandonment of the policy followed for years past in Syria and Lebanon?

M. Rappard had spoken of the Governors "selected for their tact" and sent into the autonomous territories. His own view was that they had been selected, not only for the tact which they might be expected to display, but also for their nationalist sentiments, which had led them to act somewhat hastily towards the populations placed under their charge. It did seem, however, now that some experience had been gained, that improved methods could be expected.

There was, of course, no doubt that Syria and Lebanon were showing, in their relations with each other, strong particularism. Each had made a hasty search for all forms of pressure it could apply to the other. Yet there was undoubtedly no question of an imminent tariff war, and an understanding between them was so essential, and both populations were so well aware that that was so, that arrangements would certainly be reached eventually which would do justice to the claims of both sides.

In considering the various drawbacks of a given policy, it was necessary to weigh them against the drawbacks of the opposite policy. There had been many disturbances in the past among these people, who were convinced that only independence could bring them happiness. If the policy enshrined in a Treaty aiming at that independence were now denied, the gravest difficulties would ensue. That consideration should prevail over any impression derived from facts which might otherwise give rise to doubts as to the quality of the government which Syria by her own unaided efforts, might be able to achieve.

Count DE PENHA GARCIA asked for information regarding the extent of the freedom of government granted to Syria as a first step towards autonomy. On page 2 of the report for 1937, for example, it was stated that "the creation of a Ministry for Foreign Affairs is proof that Syria has begun to move in the direction of independence". With what countries had the Ministry relations? Did it correspond with France merely through the High Commissioner, or did it communicate direct with the French Ministry for Foreign Affairs?

M. DE CAIX replied that the Syrian Ministry for Foreign Affairs was still nothing more than a facade behind which there was little real activity.

Count DE PENHA GARCIA said that the report (page 2) mentioned three Syrian probationers who had been attached to the French missions in Cairo, Baghdad and Istanbul. What was the precise status of these officials, and what were their duties?

M. DE CAIX explained that the reference was to Syrian attachés with the French diplomatic missions.

Count DE PENHA GARCIA thought that this was an innovation in diplomatic practice. As he understood it, the officials in question were neither attachés nor secretaries of legation, but were being put through an apprenticeship in their profession.

M. DE CAIX replied that such was the case.

Count DE PENHA GARCIA asked whether the three towns, Cairo, Baghdad and Istanbul, had been selected because it was with the countries in which they were situated that Syria would chiefly be in contact. Had it been recognised that at a later stage Syria would also have to maintain relations with European countries?

M. DE CAIX replied that later on Syria would certainly have representatives in Europe, but at the outset it would have relations, in particular, with the neighbouring countries, and it was with this end in view, in the first instance, that staff was being trained.

Count DE PENHA GARCIA observed that the report (page 3) referred to conversations which had taken place between the French and Syrian Governments with regard, *inter alia*, to "the problems relating to the employment of French advisers by the future Syrian Government and the application of Exchange of Letters No. 5 concerning the minorities". The conversations, it was added, were proceeding satisfactorily; what did that last expression mean?

M. DE CAIX explained that it meant that the Syrian Governments had shown themselves desirous of giving effect to the principles laid down in the Treaty on those matters. That, of course, did not imply that they would not meet with difficulties in circles less inclined for conciliation.

Count DE PENHA GARCIA recalled M. Rappard's reference to the inadequacy of the safeguards for individual liberty in political and electoral matters. He himself agreed that the references to this matter in the report (page 3) were not calculated fully to reassure the members of the Commission regarding the degree of liberty which would be enjoyed by the inhabitants when Syria was self-governing.

It was not without a certain uneasiness that one read the account of the action taken against the Opposition, the seizure of one of their pamphlets and the imprisonment of certain of their leaders for several weeks. The report added that, as a result, "there had been no further open opposition"—which, under such conditions, was not surprising.

Count de Penha Garcia had frequently had occasion to refer to the position of the Press, and to point out that the freedom which it enjoyed before 1937 was very limited. Now that the nation was being prepared for self-government, had there been some change of policy in that matter? It would not seem so since, according to the report (page 7), certain newspapers were still being suspended, and their owners or editors sent to prison, without it being always clear that such measures were justified.

M. DE CAIX said, first, as regards the action taken against the Opposition, that he had gone into the matter in connection with a petition on which he had been anxious to form a personal opinion.

As regards the particular case raised by Count de Penha Garcia, there was no doubt that the organisation of an Opposition meeting without previous notification was illegal. The pamphlet, moreover, attacked the Government with great violence and overstepped the permissible limits for such literature. At the same time, the court of first instance had undoubtedly shown great severity, and the Appeal tribunal had rightly reduced the sentences considerably. The court of first instance had applied the High Commissioner's Decree No. 4 on the Maintenance of Public Order, which was not really applicable to the case, as there had been no direct incitement to disturbance of the public peace.

As regards the Press, M. de Caix was bound to say that the Governments of the States were very prone to suspend newspapers. In Syria, the authorities were not accustomed to the attacks with which free countries were so familiar. Both the journalists and the men in power still required training in that respect.

M. PALACIOS, as rapporteur for two petitions (dated February 19th and 20th, 1938, from M. Nazih Moayad el Azm and M. Assaad el Bakri, Damascus) dealing with these events, asked for fuller details. What was the character of the Opposition whose leaders had been arrested, and what was the nature of the pamphlet seized?

M. DE CAIX explained that the Opposition consisted in the main of former members of the Nationalist Party, who had taken what they regarded as the shortcomings of the Treaty as a pretext for attacks on the Government. These were the natural reactions of people not in office. The group did not include any outstanding personalities, and one of its most prominent leaders, to whom reference was made in the petition mentioned by M. Palacios, had not so far shown signs of well-balanced judgment. The importance of the Opposition was thus very limited, though it was quite capable of stirring up excitement among the people.

The exact purport of the pamphlet M. de Caix was unable to recall, though he knew that it accused the Government of treason in violent terms.

Lord HAILEY enquired whether, amongst other measures intended to pave the way for Syria's independence, the mandatory Power had had recourse to the system of a definite division of functions—that was to say, the system of making the Syrians entirely responsible for particular Departments while keeping certain central interests, such as military or external affairs, in French hands. Arrangements of that kind were often made in order to bridge over transition periods.

M. DE CAIX replied that there were Syrian Ministers responsible for all Departments of the Administration except as regards the Army, the Criminal Investigation Department, and matters of common concern to Syria and Lebanon. The Frenchmen attached to the Syrian Administration were merely advisers and had no kind of authority. They simply gave advice and, if necessary, reported matters of interest to the representatives of the mandatory Power.

Lord HAILEY asked if it were to be concluded that for all administrative and legislative purposes Syria was completely free? Legislative measures were taken by Syrians, and the French authorities had now no power to veto them. Was that so?

M. DE CAIX replied that, in a recent speech, one of the leaders of the Opposition had made a point of the fact that the Chamber voted laws and the Government took administrative action without any intervention on the part of the mandatory authority.

Lord HAILEY asked for an answer on the particular point, whether the mandatory authorities could now veto any particular measure which was enacted.

M. DE CAIX explained that legally, so long as the mandate existed, the High Commissioner had the right of veto ; he did not exercise it at present.

With regard to the advisers, he explained that they had formerly had a " right of visa "—that was to say, measures adopted by the branch of the Administration to which they were attached were not valid until they had been visaed by the adviser. The right of visa had been abolished in Syria a long time ago. It was retained in Lebanon, but was abolished early in 1937 as a result of the Treaty concluded between that country and France. There remained, therefore, no mandatory authority giving executory validity to the measures adopted by the national authorities of the States under mandate. The right of intervention possessed by the High Commissioner, however, would survive as long as the mandate itself.

The CHAIRMAN asked the accredited representative to explain the difference between the transitional regime at present in force and the final regime contemplated in the Treaty.

M. DE CAIX replied that in practice there was no difference. Legally, however, the High Commissioner still had the right to intervene, though he no longer availed himself of that right. Should the need arise for legislative action to deal with an emergency, and should the Syrian public authorities fail to take the required action, the High Commissioner might do so instead.

The CHAIRMAN concluded that any exercise by the High Commissioner of his powers in that connection would be proof of the Syrian Government's inability to carry out its appointed task.

M. DE CAIX would hesitate to go so far as that. A case might arise in which the Syrian authority, being anxious to evade responsibility on an issue requiring a decision, might leave it to the High Commissioner to act in its stead. That temptation would be present as long as the mandate lasted.

Lord HAILEY observed that one great difference existed between complete autonomy and the present transitional regime—; he referred to the retention by the mandatory Power of control over the most important public service—namely, the Criminal Investigation Department.

M. DE CAIX added that the mandatory Power also retained command of the army.

Lord HAILEY asked whether the head of the Criminal Investigation Department had played any part in the political lawsuits previously mentioned.

M. DE CAIX replied in the negative. The proceedings had been instituted on the Public Prosecutor's suit at the request of the Syrian authorities.

Lord HAILEY asked whether the application of the transitional regime had led to a reduction in the number of French officials.

M. DE CAIX replied that many of them had already been discharged : others would be discharged at the end of the current year. There were not very many of them left now.

Lord HAILEY observed that, according to the report, there were still 388 (page 49).

M. DE CAIX was anxious to avoid any misunderstanding on the matter. The figure mentioned included all Frenchmen employed in the country—teachers in the service of the local Governments, professors of French, inspectors of education and even the chauffeurs in the High Commissioner's service. The number of Frenchmen with posts in the Administration of the country had already been cut down.

Lord HAILEY found it difficult to reconcile the position of Advisers to the Administration, as described by M. de Caix, with the account, on pages 232 and 233 of the report, of the posts held by Frenchmen. It appeared that very important posts were still held by Frenchmen as, for instance, the posts of Inspector-General of Justice, President of the Court of Appeal, Director of Education, Director of the Criminal Investigation Department, Public Works Engineer, etc.

M. DE CAIX admitted that it would be incorrect to say that there were no French officials still attached to the Syrian Administration other than advisers. There were still some Frenchmen performing administrative duties, especially in education. The Syrian leaders wished some of them to remain in the service of the Syrian Administration side by side with the Syrian officials.

Lord HAILEY observed that he had no intention of criticising the retention of French officials in Syria. In present circumstances, no doubt, their presence was in the interests of the territory. He simply wished to ascertain to what extent the Syrian authorities might be said to have been allowed full liberty of action during the transitional period.

M. DE CAIX explained that the French officials in question were not under the mandatory authorities, but that they formed part of the Syrian Administrations to which they were attached.

M. VAN ASBECK asked for particulars in regard to minorities. The report stated (page 2) that complete autonomy had been given to the police organisations of the large towns of Damascus and Aleppo. Had that transfer of powers produced satisfactory results, and were the police absolutely impartial in their dealings with all the elements of the Syrian population? In other words, were not offenders belonging to the minority groups treated more severely than those of the majority? Moreover, in the districts where the police were still under the control of the mandatory Power, was the latter satisfied that they were treating all the elements of the population equally impartially? Lastly, could it be hoped that, in the future, when French control had been removed, the police would remain aloof from political rivalries and perform their functions in the objective and impartial spirit which the police of a modern State were expected to display?

M. DE CAIX had no recollection of any complaint of unfair treatment by the police, either at Damascus or at Aleppo, since the police had become an autonomous body. In rural districts, police duties were performed by the gendarmerie; in those districts, however, French supervision—which was still very close—was carried out by a gendarmerie mission.

As to the future, it was difficult to make any forecast. M. de Caix thought it would be imprudent for him to commit himself to the assertion that the Syrian police and gendarmerie would, once released from any external control, continue to function perfectly.

The CHAIRMAN asked whether the accredited representative was still convinced that Syria was capable of governing itself.

M. DE CAIX said that this was a question which did not admit of a categorical answer if one considered its internal implications. Difficulties and mistakes were to be expected, though no more, and perhaps less, than in this or that neighbouring country, the independence of which had nevertheless been recognised. As regards the external aspect of the Chairman's question, the aspect shaped by the general course of evolution in the East, he would without hesitation reply in the affirmative.

Mlle. DANNEVIG said she seemed to recollect complaints in certain petitions regarding unfair treatment of the minorities by the police.

M. DE CAIX did not remember any specific complaints in regard to the police. He thought it was the Administration rather than the police that had been criticised. There had certainly been disturbances at Aleppo in the past in which the minorities appeared to have been treated more harshly than the other elements; but the complaints were not specially directed against the police.

Mlle. DANNEVIG referred to a petition from a man named Sami Slim¹ complaining of the cruelty with which he had been treated by the French police, and the mandatory Power had stated in reply that it was possible that the man might have been somewhat roughly handled during a scuffle.

M. DE CAIX pointed out that the man Sami Slim was a Sunni; he did not, therefore, belong to a minority.

M. VAN ASBECK asked M. de Caix whether he had the impression that the Syrian courts, to which no French adviser or assessor was attached, meted out justice in an absolutely impartial manner to all elements of the population that appeared before them.

M. DE CAIX said that it was very difficult for him to reply in all good faith that no distinction was made between the various elements of the population. He did not recall any charge of unfairness being brought against the judges, so far as they were concerned. It seemed, nevertheless, that in the judiciary—or at least in the lower courts—there

¹ See Minutes of the Thirty-third Session of the Commission, page 164.

was an undoubted lack of an independent spirit *vis-à-vis* the authorities. He instanced the case already referred to of Opposition agitators who were sentenced by the court of first instance. The decision had, however, been reversed and the penalties greatly reduced by the court of appeal, which had declined to admit the applicability of the enactment on which the court of first instance had based its decision. That attitude did honour to the higher spheres of Syrian justice, whose personnel had undoubtedly made great progress.

M. VAN ASBECK asked whether it was not stipulated that the President of the Court of Appeal should be a Frenchman.

M. DE CAIX replied that this was not so, unless the action involved foreigners.

In the course of a long conversation he had had with the Inspector of Justice, a French-magistrate who carried out his duties most conscientiously, the latter had told him that, although, as yet, Syrian judges did not always possess as much knowledge as was desirable, their honesty was beyond doubt.

M. VAN ASBECK asked whether the law was applied impartially to all, irrespective of religion.

M. DE CAIX replied that he had not heard of any complaints on the matter.

Lord HAILEY said it was not enough that judges should be fair : the parties must also believe them to be fair. If the French Inspector of Justice and the French President of the Court of Appeal left Syria, did the accredited representative think the minorities would still feel confident that they would be fairly treated ? After all, it was not abstract justice that mattered in the world in which they lived so much as satisfaction with the manner in which the law was administered.

M. DE CAIX replied that, if that were the case, he feared there would never be any justice in Syria, because no one had ever, to his knowledge, expressed the satisfaction of which Lord Hailey spoke, whether on a legal or an administrative issue.

M. VAN ASBECK recalled that last year some petitioners from Lebanon had complained that certain minority groups were unfairly treated in connection with the appointment of officials, and did not obtain the number of officials to which they were entitled.¹ Without reverting to that particular petition, he would like to know whether the accredited representative had the impression that officials were selected, not only according to their qualifications, but also from all groups of the population, and that no favouritism was shown to the majority groups.

M. DE CAIX said it was advisable in that connection to make a distinction between Syria and Lebanon. In Syria, the Moslems, who were in the majority, certainly seemed inclined to keep the lion's share of official posts in their hands. On the other hand, in Lebanon, which was a composit of minorities, the posts were distributed among the various sects in such a way as to give as fair as possible a proportion to each minority. That system, though it sometimes involved sacrificing efficiency, met the claims of the various sects.

M. PALACIOS said that, when the petitioners in question had complained that it was precisely that principle of proportional representation which had not been respected, the mandatory Power had replied that it was not its intention to neglect any minority, but that it was anxious to allot the vacant posts to the most competent persons.

M. DE CAIX believed that the petitions to which M. van Asbeck and M. Palacios referred came from the Shiah of Lebanon ; efforts were always being made to find posts for that community. Unfortunately its members were more backward than the other sects, from the standpoint of education, and it could not always offer candidates sufficiently qualified to fill the posts which its numerical importance entitled it to claim.

M. VAN ASBECK asked whether it could be taken for a fact that, in Syria, a candidate possessing the necessary qualifications was not rejected because he belonged to a minority group.

M. DE CAIX felt unable, in all truth, to state that that was always so, because he knew of at least one case in which the candidate had been rejected for no other reason than that he belonged to a minority.

He thought, moreover, that, when the new regime had worked for some years, old habits of thought might alter considerably.

M. VAN ASBECK asked whether, in the territory of Latakia, the Syrians did not obtain more than their fair share of posts. It was said that the Syrian Government had appointed a Syrian nationalist, a Sunni, as Mohafez in the province of Latakia.

¹ See Minutes of the Thirty-fourth Session of the Commission, pages 220 and 221.

M. DE CAIX said that in all the autonomous provinces, except the Jebel Druse where serious consequences were feared, Sunnis had been appointed to the position of Mohafez. It would have been difficult to appoint an Alawite Mohafez in Latakia, although Alawites predominated largely in that province, owing to the rivalry between the chiefs. The selection of a Syrian from another province thus met both the local needs and the leanings of the Syrian nationalists.

M. RAPPARD referred to a petition for which he was rapporteur, signed by the President and Vice-President of the Representative Council of the Government of Latakia and by a number of members of the Council. It consisted of a sweeping indictment of the policy of the French Government for disposing of Latakia against the will of its inhabitants by attaching it to Syria. It further asserted that all the High Commissioners from General Weygand down to Count de Martel, not excepting M. de Jouvenel, had promised to defend the autonomy of Latakia. It went on to say that the population included 224,000 Alawites, 56,000 Christians and 6,000 Ismailieh out of 350,000 inhabitants, so that the 64,000 Sunnites were greatly in the minority. Economically, the petitioners stated, the territory of Latakia had closer ties with Lebanon than with Syria. They explained that they had done their utmost to state their case at Paris, but had been refused a hearing. They concluded by stating that, in their eyes, any other form of government would be preferable to that to which it was intended to subject them. They would prefer an independent State under a French mandate, or union with Lebanon, or, should that be impossible, the mandate of a foreign Power.

M. Rappard would welcome any information the accredited representative could give him on the matter.

M. DE CAIX said that, according to the mandate, which only recognised two States, the Government of Latakia ought to be attached to Syria or to Lebanon ; legally it was already associated with Syria, as the formulæ used on the passports delivered to its inhabitants showed. It was no doubt quite true that many Alawites had wished to be attached to Lebanon ; but a glance at the map would show that such a solution would have cut off Syria completely from the sea. The political attachment of Latakia to Syria was essential ; but it had been offset to some extent by the maintenance of financial and administrative autonomy. Even wider autonomy could no doubt have been granted to Latakia without inconvenience to Syria. Such as it was, that autonomy would have to be preserved, in spite of a centralising tendency which would seek to whittle it away. France would continue to have a say in the matter, for the autonomy of Latakia and the Jebel Druse had assumed a contractual form owing to the fact that the texts affirming that autonomy had been embodied in the annexes to the Treaty of December 1936.

The petition from Ibrahim Elkinj and his associates might be justified to some extent by the conduct of the Syrian authorities towards these Alawite notables : Ibrahim Elkinj had been opposed to the new regime for a much longer time than the other chiefs, and that opposition had caused the Syrian authority to act in a manner against which he was entitled to complain. Personal reasons, therefore, weighed considerably in that particular case. There could be no doubt that the Syrian Government was endeavouring to reduce the autonomy of the two Mohafazats endowed with a special regime. Such a policy could be conducted with skill, as Ihsan el Djabri, the Mohafez of Latakia, had done. But it was of no lasting value to Syria and would in all probability gradually become less as the new regime settled down—all the more so as Syria's true interest in the matter was obviously to avoid creating dissatisfaction among the Alawites and the Druses.

M. RAPPARD could not but feel alarmed at the information furnished by the accredited representative. Latakia was a territory which was entitled, under a contractual obligation, to a certain measure of autonomy. But even before the mandate had come to an end, when there was reason to expect the Damascus Government to give proofs of its good faith, a Mohafez had been appointed who did not belong to the region and was known to be one of the strongest opponents of the mandate and a stubborn defender, in the international field, of the idea of Syrian unity. Under those conditions, what hope was there of maintaining that autonomy, which had been guaranteed contractually, when the mandatory Power finally withdrew ?

M. DE CAIX repeated that he did not think it would have been possible to place a local inhabitant at the head of the province, because of the rivalry between the Alawite chiefs. Someone from outside had therefore to be chosen. Mohafez Ihsan el Djabri was possibly cleverer than the others ; but he could not be said to have been a stouter champion of centralisation than several less able administrators sent by Damascus to districts with particularist leanings.

M. RAPPARD pointed out that, as a partisan of unity, Ihsan el Djabri was certainly not the man to champion Latakia's autonomy.

M. DE CAIX said that he was, on the contrary, a champion of unification, but not more so than the other members of his party. He added that the mandatory Power attached importance to the autonomy of Latakia. His personal view was that a federal system would have reconciled the various tendencies and interests better ; but that would have meant going back a long way at a time when impatience and prejudice did not favour calm consideration of the country's needs.

NINTH MEETING

Held on Friday, October 28th, 1938, at 10.30 a.m.

Syria and Lebanon : Examination of the Annual Report for 1937 (continuation).

M. DE CAIX came to the table of the Commission.

EVOLUTION OF THE POLITICAL SITUATION SINCE THE SIGNATURE OF THE FRANCO-SYRIAN AND FRANCO-LEBANESE AGREEMENTS OF 1936 (*continuation*) : DIMINUTION OF CONTROL BY THE MANDATORY POWER (*continuation*)

Protection of Minorities (continuation) : Rights of Individuals and Communities : Question of the Right of Direct Intervention on the Part of French Troops after the Termination of the Mandate : Situation in Upper Jezireh : Effects of the Sanjak of Alexandretta Affair : Petitions (continuation).

Mlle. DANNEVIG reverted to the discussion of the question of the protection of minorities in Syria and Lebanon when the mandate came to an end. According to what the accredited representative had said, it would be for the courts and the police to assure such protection; but the minorities continued to entertain fears as to the future, experience having abundantly shown that they stood in need of the mandatory Power's protection. She wondered whether the mere presence of French troops in certain parts of Syria would prevent the occurrence of incidents similar to those which had taken place elsewhere.

A year previously,¹ the accredited representative had stated that the majority of the Assyrians who had sought refuge in Syria were seeking naturalisation, and that all of them would have become Syrian citizens before 1940. How far had those naturalisations progressed ?

M. DE CAIX, in reply to Mlle. Dannevig's first point, observed that more than a mere question of police protection was involved : the underlying cause of the apprehensions of the minorities lay in the domineering spirit traditionally shown by the Sunni majority. The minorities had been tolerated as groups possessing certain rights, but not that of equality with orthodox Moslems, to whom laws founded on religion had assigned a predominant position. Although that situation had tended to become less marked in recent times, it had not altogether ceased to exist. That did not mean that the fears of the minorities were wholly justified : among Syrian nationalists a section was growing up possessing modern ideas and a tolerant spirit. M. de Caix did not anticipate violent outbreaks ; moreover, none could occur in the neighbourhood of places where French troops would be stationed, who would remain, at certain points in Syria and Lebanon after the end of the mandate. Individual outrages were doubtless still possible ; but it was hardly likely that, outside the administrative and judicial spheres, there was any reason to fear, at any rate for some time, that the minorities would be placed in a position of inferiority.

He went on to explain that Exchange of Letters No. 5, reproduced in the report for 1936 (page 212), gave certain rights and certain duties to the French Government, which would clearly not tolerate violent attacks on minorities while it retained certain responsibilities, and maintained troops, in the allied country. It should be observed that the text stipulated that " the Syrian Government would ensure the maintenance of the public law guarantees provided in the Syrian Constitution for individuals and communities, and would give full effect to those guarantees ". Those guarantees, based upon Western constitutional precedents, satisfied all the needs of the minorities ; there was no reason to think that the Syrian Government would refuse to ensure their respect.

Lord HAILEY had understood from what the accredited representative had said earlier that the French troops remaining in Syria and Lebanon after the termination of the mandate would only intervene at the request of the Syrian Minister for War. What would be the position if the Syrian Minister did not desire to prevent an armed attack on a particular minority ?

M. DE CAIX explained that military intervention would take place at the request, not of the Syrian Minister for War, but of the Syrian Government, which was not the same thing. In any event, it was certain that, in the case of a massacre, the officer commanding the troops could not remain passive, even if he were not approached by the Syrian authorities.

Lord HAILEY questioned whether the French troops would be able to intervene of their own accord merely because their commanding officer considered that the Syrian Government was in the wrong. The accredited representative's view was that, under the terms of the Treaty itself, the French troops would have the right to act, even in the absence of a specific

¹ See Minutes of the Thirty-third Session of the Commission, page 24.

request from the Syrian Government. Would that really be the case? Failing any definite provision of the Treaty, giving French troops an independent power of intervention, their action would, in point of law, amount to an act of war or piracy on the part of the former mandatory Power.

M. DE CAIX replied that there was clearly no clause in the Treaty providing specifically for spontaneous intervention; but it was difficult to believe that such intervention would not become inevitable in certain eventualities, since the Treaty included stipulations involving the responsibility of the French Government as well as that of the Syrian Government. M. de Caix added that the conversations now in progress in Paris were designed to clarify in certain respects the interpretation to be given to the undertakings laid down in Exchange of Letters No. 5. There was, of course, no question of specifying the steps to be taken in the event of outbreaks of violence, which, he repeated, were most unlikely; should they occur, the situation would obviously not be one in which a lengthy scrutiny of written texts would be undertaken. It was inconceivable that incidents of the kind Lord Hailey appeared to have in mind should not be accompanied by intervention on the part of the nearest available French troops.

Replying to Mlle. Dannevig's second point, M. de Caix had no exact information on the number of Assyrian naturalisations, although he was confident that at no time had any difficulty or delay occurred. The position of Armenian refugees was very similar; they had obtained the right to vote in considerable numbers, and that had not always been acceptable to the local population. Nevertheless, no complaints had been received from the latter. It could be assumed that matters would proceed equally smoothly in the case of the Assyrians.

Lord HAILEY wished to know how far the right of intervention would extend, assuming that the proposals to which the accredited representative had referred were accepted. Would it, for instance, permit action intended to prevent, rather than put an end to sectional violence? Would it allow the former mandatory Power to make sure that the judiciary was so organised as to ensure fair treatment for the minorities; and would it offer a reasonable prospect that the religious or cultural feelings of the various groups living side by side in Syria and Lebanon would not be flagrantly outraged? It could not be claimed that a minority enjoyed protection, if action could only be taken when the throats of its members were being cut. Effective protection really demanded the existence of some power to control the day-to-day action of the Administration, in order to prevent religious intolerance and civil injustice.

M. DE CAIX referred Lord Hailey on that point to the Syrian Constitution, which contained guarantees of public law on behalf of individuals and communities within the country. Those guarantees were very extensive and analogous to those adopted in Western countries. But the undertaking to respect them had not appeared adequate to that section of French public opinion which took an interest in Syria, and discussions were proceeding, as he had already stated, with a view to further clarification of certain points, particularly the status and rights of religious minority communities. Those clarifications would enhance the value of the provisions laid down in the Treaty, though, for his part, M. de Caix considered the latter sufficient as they stood.

On the question of the right of intervention and punitive action, he would offer a general comment. The negotiation of the Franco-Syrian Treaty had not been an easy matter, seeing that certain precedents made it difficult to obtain from the Syrians—who looked upon themselves (with, it must be admitted, some justice) as more developed than other Oriental races—the recognition of rights which France was nevertheless compelled by her traditions and leanings to demand. It would have been very difficult to get included in the Franco-Syrian Treaty provisions differing manifestly from analogous provisions in any other comparable treaty. For that reason, it had been necessary to use very general terms and to avoid any details of application. Moreover, it must be remembered that no written provision could ever take the place of good relations between the signatories of the Treaty, or of circumstances favourable to France's action. M. de Caix was convinced that, provided the position of France in regard to Syria remained satisfactory, the existing instruments would allow the remedying of any too obvious wrongs of which the minorities might have to complain. As he had indicated, efforts were now being made to strengthen the guarantees laid down, by clarifying certain points in connection with the rights to which they related.

Mlle. DANNEVIG wondered why the protection of minorities took the form, under the terms of Exchange of Letters No. 5, of guarantees included in the Syrian Constitution. Was it not well known that, at the present time, Constitutions were instruments with an uncertain period of life? She feared that, if once those guarantees were eliminated from the Syrian Constitution, the relations between the French and Syrian Governments, however excellent, would be powerless to affect the protection of minorities.

M. DE CAIX replied that the fact that certain provisions in the existing Constitution were referred to in the Treaty gave them the same contractual character as the clauses of the Treaty itself. It followed that any change in those parts of the Constitution to which the Treaty referred would constitute a violation of the undertakings accepted. Moreover, it was difficult to conceive that the Syrians, who took great pride in their level of civilisation, would dream of expunging from the Constitution guarantees which were to be found in the constitutions of all civilised countries.

Mlle. DANNEVIG asked whether Exchange of Letters No. 5 had the same force and duration as the Treaty.

M. DE CAIX replied that the Treaty itself and its annexes all had the same validity and duration.

The CHAIRMAN appreciated the strength of M. de Caix's argument that it was impossible to include in the Treaty any explicit provisions relating to a right of intervention on the part of the ex-mandatory Power. At the same time, the inevitable lack of precision had its drawbacks, and might lead to some awkward situations. M. de Caix had declared it hardly conceivable that the French troops should remain impassive spectators of serious internal disturbances. No doubt! But if they took spontaneous action, they would be acting without authority, and their intervention might be regarded as an attack upon the independence of the Syrian State, justifying protests in the name of the Treaty itself.

The French Government deserved nothing but praise for its concern for the future of minorities and for its efforts to prolong, beyond the termination of the mandate, those guarantees which minorities enjoyed under the mandates regime. Yet was not the very fact of that concern sufficient to explain the persistence of fears as to the fate of the minorities? Did it not, in fact, reveal that the mandatory Power itself entertained grave doubts as to the guarantees of maturity offered by the country? It was difficult to dispel an impression that the whole Syrian problem, in its present form, was wrapped in a cloud of equivocation.

M. DE CAIX admitted that the situation had its contradictory aspects. It was proposed to give a country an independent status while, at the same time, a Treaty laid down conditions as to that country's domestic life. That had, however, happened in other cases. In any event, guarantees were laid down in connection with certain interests formerly safeguarded by the mandate; they were to last as long as the Treaty, the period of validity of which assumed the character of a period of transition.

Assuming, on the other hand, that it had been possible to include in the Treaty a complete scheme for the exercise of a right of intervention, would not the Mandates Commission itself have been entitled to say that the Treaty was incompatible with independence? The path to independence must involve certain contradictions and a transitional period. The text of the Treaty, because of the references it contained to the Syrian Constitution, gave a right of intervention adequate to meet any needs which might arise. The Syrian Government would be unable to dispute the legality of that right.

As to the possibility of violent attacks on minorities, there could be no question—if such a possibility were admitted—concerning the right secured to the French Government by the spirit animating Exchange of Letters No. 5, and by those humanitarian obligations which were everywhere valid in such cases. But it would be useless to attempt to provide in a written text for any and every recourse to the exercise of rights such as those resulting from the Treaty, and which were applicable to a situation as peculiarly complex as the present one.

Count DE PENHA GARCIA recalled that he had raised a year previously the question of the mandatory Power's right of intervention after the termination of the mandate, and that of the protection of minorities. M. de Caix's replies at the time threw a certain degree of light on the situation; but at the end of his observations, Count de Penha Garcia had asked whether the effective protection of minorities did not require some further written safeguards in addition to those already contemplated.¹ M. de Caix had then replied that the mandatory Power still thought the proposed stipulations would cover all needs for the duration of the Treaty, but, at the same time, there was nothing in them to prevent the League from making the emancipation of Syria and Lebanon, and their admission to the rank of States Members, conditional upon any additional provisions the League might consider necessary. Such additional stipulations by the League, he suggested, might form the subject of a special convention.

M. DE CAIX said he had nothing to add to the explanations he had given a year ago. The mandatory Power's conception of the value of the provisions on which it had itself insisted could not, of course, in any way limit the League's entire freedom of judgment, or its right to impose conditions at the time of the cessation of the mandate and the admission of Syria and Lebanon as a State Member.

M. VAN ASBECK was concerned to get the legal position quite clear, since the *de facto* situation might well change, and such moral considerations as were valid to-day might cease to be valid to-morrow, whereas the legal rules would remain. Moreover, it was essential that no ambiguity should subsist on the legal plane, and that the Mandates Commission should have a clear view as regards the Franco-Syrian Treaty itself.

In that connection, and referring first to the question whether the clauses in the Syrian Constitution concerning the protection of minorities possessed a bilateral character, M. van Asbeck recalled the accredited representative's statement to the effect that such a character was implicit in Exchange of Letters No. 5. But all M. van Asbeck could find in that Exchange of Letters was (a) a unilateral promise by the Syrian Government to maintain the public

¹ See Minutes of the Thirty-third Session of the Commission, page 21.

law guarantees embodied in the Syrian Constitution in favour of individuals and communities and to give full effect to those guarantees, and (b) a mere acknowledgment of the receipt of that promise by the High Commissioner of the French Republic. He could not see that there was anything in the nature of a synallagmatic declaration investing the relevant clauses in the Syrian Constitution with a bilateral character.

Turning next to the question of the legal force of the Exchanges of Letters annexed to the Franco-Syrian Treaty, M. van Asbeck referred to Article 6 of the Treaty itself, which said that "the annexed conventions and agreements for the application of the Treaty shall have the same period of validity as the Treaty itself, save in so far as . . ." There was the same period of validity therefore, but not the same force or effect. There was nothing therefore to justify the conclusion that the Syrian Government was bound by the Exchanges of Letters in the same way that it was bound by the provisions of the Treaty. And the Treaty itself lacked a clause defining the force and validity of the annexes, similar to the clause in Article 6 of the Anglo-Iraqi Treaty of 1930.

M. van Asbeck then referred to the pivotal point of the problem—namely, the right of intervention which the French Ambassador in Syria would possess when the mandate came to an end. The Commission had been told that that right derived from Exchange of Letters No. 5. M. van Asbeck had not that impression; and he thought himself entitled to consider that such intervention would in fact violate Article 5 of the Military Convention. The last paragraph of Article 5 was to the effect that: "It is provided that the maintenance of French forces at the several points aforesaid shall not constitute a measure of occupation, or affect the sovereign rights of Syria". In the presence of that provision, if the French Ambassador ordered the officer commanding the French troops to take certain measures in anticipation of a massacre, or for any reasonable motive connected with the protection of minorities, without having been requested to do so by the Syrian Government, such action would constitute military intervention which—because it was unsought—would prejudice the sovereign rights of Syria and would, *pro tanto*, be a violation of the Military Convention and such intervention might lead to protests in Syria. The Syrian Government would then undoubtedly be entitled, under the terms of existing agreements, to oppose such action. A comparison of Article 5 of the Military Convention with Exchange of Letters No. 5 showed that, if the French Ambassador, invoking the right which the accredited representative believed to be implicit in Exchange of Letters No. 5, ordered the occupation of a part of Syrian territory by the French troops, and declared a state of siege in the districts concerned, he would be violating Syrian independence.

It was true that the whole question would come before the Commission when the time arrived for it eventually to express an opinion concerning the emancipation of Syria and Lebanon from the mandatory regime. But M. van Asbeck had been anxious to make his attitude clear, in view of the somewhat startling interpretations of the agreements entered into by the French and Syrian Governments which had been put before the Commission.

M. DE CAIX said that quite clearly the agreements arrived at in September 1936 were conditioned by the circumstances and the successive events of that epoch. Their provisions might be thought insufficiently water-tight in certain respects, but that did not, in fact, appear of great importance. Exchange of Letters No. 5 had exactly the same validity as the Treaty itself. That point had never been contested by the Syrian Government in the course of its discussions with the French Government. Certain clarifications would follow, as the accredited representative had already explained when referring to the conversations now taking place in Paris.

M. van Asbeck had said that the right of intervention was inconsistent with Syrian sovereignty; that sovereignty was defined, as regards certain points, in the Treaty of Friendship and Alliance. The Syrian Government was obliged to respect those conditions which it had accepted as being compatible with independence, although governing its exercise in some regards, so long as the Treaty lasted.

M. de Caix next proposed to offer a general comment on the alleged inadequacy of the Treaty. The present discussion before the Mandates Commission was very like those which had taken place on several occasions in French circles interested in Syria, who had been faced with the difficulties to which the Treaty negotiations had given rise. One fact was beyond question: the future would depend less on legal definitions—which one might perhaps have desired to see drafted more clearly—than on the character of Franco-Syrian relations. No doubt legal stipulations were immutable; but sometimes their immutability only existed in the abstract. Far more important were their practical effects. There was no doubt in M. de Caix's mind that the existing texts, together with the clarifications it was hoped to add to them, would be sufficient to safeguard the interests covered by the Treaty, provided always that Franco-Syrian relations remained as they should remain throughout the period governed by that diplomatic instrument. If they did not, the circumstances to which the Treaty related would cease to exist and no clarification would preserve its value.

M. RAPPARD thought that the discussion was distinguished by some innocence of mind. The Commission was solemnly debating the respective rights of the parties to the Franco-Syrian Treaty, while all the time it was quite clear that the apparent agreement between the parties could only be secured at the price of misunderstandings. In order to secure the approval of the Syrian nationalists, the Treaty had to grant independence to Syria; at the same time, in order to secure acceptance in the French Parliament, it had to contain provisions safeguarding the minorities. Were speeches designed to convince the French Parliament to be uttered before the Syrian Parliament, and *vice versa*, it could be taken for granted that the Treaty would be ratified neither in Paris nor in Damascus.

No one could deny that, at the present time, France possessed in Syria and Lebanon rights far exceeding any which the broadest possible interpretation of the Treaty could confer upon her. It might be thought that, between the present date and the termination of the mandate, the country would develop in a sufficiently satisfactory manner to bring it to the required stage of maturity. But the present indications belied that expectation.

M. Rappard had before him two petitions (from the Rev. John D. Crose, Beirut, and certain inhabitants of Sebeil, Lebanon) concerning the observance of minority rights in Lebanon. He was not rapporteur for those petitions, but he ventured to quote them as an example. A group of Christians alleged that their rights were being flouted by the Maronite bishop and by the Lebanese authorities. According to the observations of the mandatory Power, the minority concerned was one which, although it had denied the Maronite doctrine, still wished to retain the right to have its own school and to bury its dead in the same cemetery as formerly. Everything had been refused it. It had been denied access to the Maronite school; its own school, set up thereafter, had been closed. Finally, it had been said that, as the cemetery was a Waqf possession, members of an unfaithful sect such as the community in question could not be buried there.

The French Government maintained that the new sect, as such, should have sought civil registration. Its representative had, indeed, taken steps to that end, but had not succeeded owing to the delaying tactics of the Lebanese authorities. The letter of the French Government said that the representative had been supported by the mandatory authorities—but how? “With that discretion which they are bound to observe in controversial matters relating to conversions which sometimes still give rise in Syria and Lebanon to emotions likely to disturb public tranquillity.” In effect, therefore, the rights of one minority had been disregarded despite the—none too vigorous—intervention of the mandatory authorities, preoccupied with the desire not to arouse active opposition. Let it be carefully noted that those events occurred while the mandate was still in force in Lebanon, not among adherents of opposed faiths, but among Christians.

Could it be believed that respect for minority rights would have the slightest chance of being safeguarded when, in the place of the mandate, there stood a Treaty concluded between the two countries on an equal footing—which was the only possible footing under international law? A choice must be made between two irreconcilable ideas—the emancipation of Syria and Lebanon, and the protection of their minorities. All the events occurring at the present time heightened M. Rappard's fears. There was no respect for minority rights in the East, nor even throughout the West; and, although the present discussion of the Mandates Commission was of great juridical and moral significance, it seemed to be somewhat remote from the actual facts. The Commission could not, in his view, approve an instrument restricting still further the means of intervention which had already proved totally inadequate.

M. Rappard entertained no illusions as to the probable course of events in the territories in question. But the Commission could at least fulfil its duty by uttering the necessary warnings.

The CHAIRMAN considered it illusory to believe that adequate guarantees for the protection of minorities could be secured by means of a Treaty, or by constitutional provisions, or even by an international scheme for protection. The only guarantee for a minority resided in the moral attitude of the people among whom the minority lived. When the time came, it was on that point that the Commission would have to concentrate attention.

M. DE CAIX said that it was not for him to comment on the observations just made with regard to the Commission's thoughts and intentions.

M. Rappard had, however, referred to a concrete case with which he was himself sufficiently acquainted; he had had to enquire into the matter and had been in contact with the chief plaintiff, who could not fail to command sympathy and respect. But the latter had doubtless not given sufficient heed to the cardinal fact that this was far less a crisis of conscience and of faith for the population involved, than a quarrel with the Church authorities. The dispute was, in fact, one between the inhabitants of a certain village and their bishop, who, for reasons perhaps more temporal than spiritual, had taken the side of certain notables. The villagers had then pressed a claim for conversion with the extravagance of language which people in that part of the world usually employed in that kind of issue. The French authorities had stepped in with all the caution and circumspection which their experience showed such situations required. In the event they had not erred; for, from the moment when the gap between loyalty to the traditional rite and the desire of the parties concerned to be quit of the jurisdiction of the archbishop to whom they objected had been bridged, high feelings at once abated and the dissident sect returned to the bosom of the Church almost to a man.

Such disputes between Lebanese Christians differed somewhat from the general run of minority problems in Syria and should not be taken too seriously. M. de Caix fully understood the wait-and-see attitude taken up by the French authority, and especially by the latter's local representative, who had shown wisdom and tact. M. de Caix still remembered similar incidents that had occurred at the time when he was concerned with the High Commissariat's actions, where appearances were just as fully belied by actual facts as in the present instance.

M. PALACIOS inclined rather to the Chairman's view than to M. Rappard's. The solution would, in fact, rest in a *change of heart*, not only in Syria and Lebanon but in other parts of the world very present to the mind of everyone. He thought that the *de facto* situation in Syria

and Lebanon was clearer than the *de jure* situation ; the actual facts did not always correspond with the events and persons dominant in the thoughts of officialdom. Some movements and organisations were almost never mentioned, yet played an effective part now, and would play a great rôle in the improved circumstances which would follow the present necessarily fluctuating, indefinite and transitional situation.

For the moment, M. Palacios would confine himself to a question of fact—or, better, of the interpretation of facts. A letter from Djemil Mardam Bey, reproduced in an annex on page 215 of the report for 1937, in a passage relating to the status of minorities, stated that “ the steps taken following upon the regrettable incidents in the Jezireh have had happy results. The situation in that district is now becoming normal again.” That statement was dated December 11th, 1937. On turning to page 5 of the report, however, it was found that only ten days later, on December 21st :

“ The acting Mohafez, Tewfik Shamieh, was the victim of an assault. . . . His car was stopped and he was carried away. . . . Some time later, the Minister for the Interior, Saadallah Djabri, decided himself to go to Hasetche to investigate the position. The population received him very coldly. . . . In agreement with the High Commissioner’s Department, the Syrian Government then endeavoured to find means of dissipating the stubborn distrust of the Jezireh population, which constantly impeded political action. For that purpose, it decided . . . to confer the post of Mohafez on one of the ablest of the younger Syrian officials, Haidar Mardam Bey, a close relative of the Premier.

“ Haidar Mardam Bey, . . . after acquainting himself with the grievances of the local population, proceeded to Damascus to draw up a policy designed to remedy those grievances to the fullest possible extent.

“ An incident unfortunately marred his return to the district. A mob, reproaching him for failing to secure the immediate release of the persons responsible for abducting the Mohafez, attacked his car outside Hasetche and, in order to release him, the police had to fire, killing five demonstrators.”

The report concluded :

“ A further sustained political effort will be necessary to transform the persistent friction between a section of the inhabitants of the Jezireh and the Damascus authorities into mutual understanding.”

Had conditions improved in Jezireh since the report was written ? Was the Regionalist Party really the strongest there and was it thought capable of dominating the situation ?

M. DE CAIX replied that the incident to which M. Palacios had drawn attention could not strictly be classed among minority problems. The Regionalist Party in Jezireh included adherents both of the majority and the minority sects. The dispute was not of a religious nature. It had arisen because the Damascus Government, which had not up to then exercised authority over Jezireh, had found it difficult to assert itself there, while some of its earliest representatives in the province had been maladroit. M. de Caix had already had occasion to comment on the matter a year previously.¹ The Damascus officials had exasperated the population, which was, moreover, worked upon by local agitators. For that reason, the Syrian Government had decided to send to the district the junior official mentioned in the report. The official in question was certainly very capable ; but he appeared to have lost his head on the occasion to which M. Palacios had referred.

A special regime of wide decentralisation was demanded in the Jezireh. That was one of the points aimed at in the guarantees which were the subject of the Paris conversations. Those guarantees could readily be obtained—as far as decentralisation was concerned—by applying fully, in the Jezireh and elsewhere, the Mohafazat system instituted by the High Commissioner’s decree. That system, which had met with few objections, would be welcomed, not only in the Jezireh, but in other provinces.

Lord HAILEY considered that disturbances such as those under discussion could not be treated as matters of minor importance. He had himself lived for most of his official career among people whose life was marked by communal animosities, and he knew how deep-seated was the embitterment which those animosities caused. The mandatory Power’s conception of the provisions relating to minorities seemed merely to involve the maintenance of an armed force, to take action whenever open trouble occurred. That conception seemed to him to be inadequate ; these were some circumstances in which a minority might actually prefer occasional violence to organised suppression of their rights.

It was of paramount importance that the judiciary in Syria and Lebanon should be of such a character as to guard minorities against a feeling that their legal rights were not secure. Education should be of such a character as to allow a full field for the culture to which minorities were attached. Legislation on marriage and analogous subjects should fully respect minority

¹ See Minutes of the Thirty-third Session of the Commission, pages 31 to 33.

traditions. In the absence of such safeguards, the minorities would not be protected, for they would not be in a position to lead a life conforming to their own culture and traditions, which were to most men more important than their physical safety or their purely material welfare.

After a certain date, there might be no French officials left in Syria ; and action by the French Government would then only be possible through diplomatic channels. Would France choose to imperil her relations with Syria by intervening, as might well prove necessary, whenever the civil rights of some minority were threatened ? The Military Convention stipulated for action by the French troops for the purpose of restoring order, and for no other purpose. That was not a provision which permitted of civil action timely enough to protect the minorities.

The alternatives were clear. Either Syria and Lebanon should be given complete autonomy, or their independence should be qualified by means of arrangements permitting timely intervention on behalf of the minorities. He hoped that the latter course would be taken, for it would be preferable to buoying up the minorities with an illusory promise of protection. No one could desire that the question should be made the occasion of one of those elaborately staged dramas which ended in floods of dramatic eloquence, but which history could not fail to brand as yet another exhibition of political hypocrisy.

M. DE CAIX said that it was not for him to discuss what the Mandates Commission might recommend to the Council when the issue of emancipation came before it. He could only expound the attitude of the mandatory Power and that of its accredited representative. Clearly, grave difficulties existed in connection with the minorities ; the best proof of the concern of the French Government and of French public opinion in that connection lay in the endeavours now being made by negotiation to complete and strengthen certain provisions of the Treaty.

As regards education, the fears expressed concerning respect for the particular forms of culture of the several Syrian minorities were perhaps less well-founded here than they might be elsewhere, since all the minorities, like the majority of the population, spoke Arabic. Further, it should be noted that, in certain important matters relating to personal status, the minorities accepted Koranic law.

The observation might be made that the teaching in the public school tended to dwell with exaggerated emphasis on Islam and its history ; but the fact that members of minorities were generally found concentrated in certain villages, or parts of towns, allowed some adjustment to be made in the teaching, in the light of the characteristics of the pupils of each school.

Lord Hailey had spoken of the need for respecting the personal status of members of the various minorities in such matters as marriage, succession, etc. Those were among the points on which the French negotiators were especially concentrating their efforts in the Paris discussions. The French Government was striving to obtain a clear definition of the rights of communities and of the personal status of their members, and definite undertakings in that respect on the part of the Syrian Government. M. de Caix had already reminded the Commission of the High Commissioner's decree concerning the personal status of members of communities ; and he was now in a position to add that that decree was one of the bases of the discussions now going on in Paris.

Lord Hailey had further drawn attention to the purely diplomatic character of the mandatory Power's intervention after the termination of the mandate. Some reassurance, however, lay in the fact that not all the French officials would be withdrawn or collected in the capital : some were to remain in provincial towns, and particularly in Jezireh. Their presence would be a substantial guarantee for the minorities.

The CHAIRMAN did not doubt that the accredited representative realised that the object of the questions asked by the members of the Commission was to ascertain whether the experience gained during the transition period showed that the evolution of Syria and Lebanon was such as to enable those countries to attain their independence at the appointed time.

In that connection, the Chairman would be glad to know how far the settlement reached on the subject of the Sanjak of Alexandretta and the resulting *de facto* situation there had affected the political structure of Syria and public opinion, especially public confidence in the country's future.

M. DE CAIX said it was essential, in that connection, to distinguish between the three factors—Syrian public opinion, the political structure of the future Syrian State, and the economic situation.

There could be no question that events in the Sanjak had deeply stirred Syrian public opinion, although attention had recently been directed mainly to the fate of the Treaty signed with France.

The changes in the status of the Sanjak could not affect the political structure of the Syrian State. The Sanjak was merely a province of no more importance to the whole than most of the other provinces and with fewer links than many with the central Government. The characteristics of the Syrian entity were unaffected by the separation of the Sanjak.

The economic repercussions of the settlement might nevertheless prove more serious. Should complete freedom of trade between the Sanjak and Aleppo be abolished, the latter, which obtained certain supplies from, and sold part of its production to, the Sanjak, would lose both a client and a source of supply, but it would be able to make up a large part of the loss further south along the coast. But Alexandretta would lose the Aleppo market, which she would not find it easy to replace.

M. RAPPARD asked whether opinion in Syria was fully alive to the existence of a connection between the Franco-Syrian Treaty and the Alexandretta settlement, and to the fact that the detachment of the Sanjak was the first instalment of the price to be paid for emancipation.

M. DE CAIX replied that he had seen expressions of that kind in various Syrian newspapers, accompanied by more or less severe recriminations against the signatories of the Treaty ; but he did not believe that there were Syrians prepared on that score to blame the policy of emancipation that was being pursued, even though they were somewhat anxious about its results.

TENTH MEETING

Held on Friday, October 28th, 1938, at 4 p.m.

Syria and Lebanon : Examination of the Annual Report for 1937 (continuation).

M. de Caix came to the table of the Commission.

ADMINISTRATIVE REGIME : LOCAL SELF-GOVERNMENT (*continuation*) : CENTRALISATION AND DECENTRALISATION : LAW ON MOHAFAZATS

M. VAN ASBECK noted that the territories of the Jebel Druse and the Alawites had been attached to Syria under a special administrative regime governed by two organic decrees of the High Commissioner of December 1936 (pages 107 and 116 of the report). The Jebel Druse territory was administered by a Mohafez assisted by an Administrative Council composed of twelve members, nine of whom were elected and three appointed by the President of the Syrian Republic. Were the three appointed members selected from the population of the territory of the Jebel Druse, and were officials in general chosen from among the inhabitants of that territory ? What was the position of the elected members in that respect ?

M. DE CAIX replied that there were no restrictions on the authority of the President of the Syrian Republic as regarded the appointment of officials. There did not seem to be many officials who had been chosen outside the district. Otherwise, there would have been numerous complaints. Ultimately, the Mohafez of the Jebel Druse himself had been chosen from the Druses. The elected members of the Administrative Council came from the district.

M. VAN ASBECK said that a study of the two organic decrees revealed clearly the limited scope of the Administrative Council's competence ; it did not seem to have any specific functions. Were those limited powers adequate to give satisfaction to the minorities ? In particular, would it not be possible to grant the Administrative Council legislative powers ?

M. DE CAIX replied that, in the beginning, the powers of the two privileged Mohafazats had been very closely discussed with the Syrians before an agreement had been reached on the present regime. The Jebel Druse and Latakia had certainly lost their former powers, particularly in regard to legislation. The Syrian nationalists, who had originally not been hostile to the most extreme decentralisation, as the Statute drawn up in 1919 under Emir Feisal proved, had systematically opposed the autonomous regimes set up by the mandatory Power.

M. VAN ASBECK thought that, judging by the description of the Administrative Councils given in the report for 1935 (pages 74 and 75), there was not much difference between the organisation of the two territories with a special regime (that was to say, the Jebel Druse and Latakia) and the ordinary Mohafazats.

M. DE CAIX pointed out that, on the contrary, there was a considerable difference, inasmuch as the Mohafazats in question had their own budgets, whereas under the Law on Mohafazats the provincial Administrative Councils were only entitled to give their views on the use made of public funds allocated to certain works to be carried out in their own areas.

M. VAN ASBECK noted, in the exchange of letters annexed to the report for 1937 (pages 215 to 217) that the President of the Syrian Council undertook to apply the Law on Mohafazats of 1936. Had that law been applied more fully than appeared from the chapter in the report relating to legislation and general administration (page 76 of the report)? Up to the present, it seemed to have been applied only to a very limited extent.

M. DE CAIX said it was a fact that the law had not yet been applied. That was precisely one of the subjects of the negotiations now proceeding in Paris between the representative of the Syrian Government and the French Government. The extent of the decentralisation for which the law provided was less than had originally been contemplated ; but even so the law was opposed in Damascus. The French Government was trying to make its enforcement the subject of a clause in the agreement between France and Syria.

M. RAPPARD noted that there had been constant friction between the Damascus authorities, who were in favour of centralisation, and the provincial populations, who desired autonomy. Was the opposition confined to the provinces of the Jebel Druse and Latakia ? Were not the inhabitants of the central part of the country, including Damascus itself, equally anxious to enjoy a measure of local autonomy, particularly in matters of finance ? It would be interesting to know whether there was not evidence of opposition, in the centre of the country, to the policy of centralisation.

M. DE CAIX thought that the situation might be summarised as follows : There were three centres where the principle of particularism had many supporters—the two autonomous Mohafazats of Latakia and the Jebel Druse and Jezireh. In other quarters also, there was a desire for decentralisation—even in Aleppo, which had certain autonomous powers in respect of the use of the public revenue collected in the province. There was also a trend towards decentralisation in Hauran and in the districts of the Euphrates. In regard to Damascus, it should be observed that the Mohafazat had little influence beyond the actual city, which was to be given a municipal regime similar to that provided for the provinces under the Law on Mohafazats. That regime had not yet been applied, political considerations having made it necessary to postpone the municipal elections in such a large city with such an excitable population. Damascus, moreover, was not in favour of decentralisation, which was not surprising in view of the large number of administrative positions which its citizens had been able to obtain.

M. RAPPARD wished to know what proportion of the population outside Damascus was in favour of centralisation or decentralisation.

M. DE CAIX said it was rather difficult to reply to that question. It could probably be said that, apart from Damascus and the central towns of Homs and Hama, which held the same political views as the capital, the Syrian provinces were in favour of a measure of decentralisation consonant with the aspirations of most of the country.

M. RAPPARD pointed out that, under a democratic regime, the principle of decentralisation would have triumphed because it would have had the support of the majority.

M. DE CAIX explained that the system of decentralisation embodied in the Law on Mohafazats was viewed quite differently at Damascus, as compared with most of the country, and in particular Aleppo, where the 1936 text was felt to be disappointing in that it did not give sufficient powers to the provinces.

MUNICIPALITIES : MUKHTARS : ELECTIONS : MUNICIPAL OCTROI

M. VAN ASBECK drew attention to the passage in the chapter dealing with legislation and general administration (page 76 of the report) referring to the replacement of the Mukhtars in office at the beginning of 1937 by means of elections in urban and rural districts. It was stated that, in rural districts, the electoral struggle between the outgoing Mukhtars and the new candidates, submitted and supported by the local offices of the Nationalist bloc, had been somewhat lively. Incidents had followed, and, in some places, the official candidates had not been the victors. In order, therefore, to satisfy the unsuccessful candidates, the administrative authorities had given a very wide interpretation to the provisions of Article 4 of the Law on Mukhtars, and, in villages with a few hundred inhabitants belonging to the same community, had kept two or even three Mukhtars in office at the risk of creating confusion, while, at the same time, a heavy burden had been placed on the taxpayers, who were obliged to pay the Mukhtars the fees fixed by the "Caza" councils. That very expensive system, which consisted in granting financial advantages to persons rejected by the popular will, was based on an indefensible interpretation of the Law on Mukhtars.

M. DE CAIX said there was no doubt that that extension of the meaning of Article 4 of the Law on Mukhtars, the object of which was to enable the Mohafez to increase the representation of certain communities where that was inadequate, had been chiefly used to satisfy the demands of political supporters.

M. VAN ASBECK also noted from the chapter in the report relating to municipalities (page 101) that the new political situation was having a marked effect on the municipalities. The discipline which the Administration of the mandatory Power had succeeded in enjoining on them by dint of constant effort had been somewhat relaxed. Feeling that they were being less closely supervised, the municipalities were getting careless about carrying out the instructions

of the Ministry for the Interior; during 1937, they had either failed to submit their programme of works for the following year to the Minister for his approval, or had drawn up fantastic programmes which it was far beyond their means to carry out. M. van Asbeck was sorry to see that the removal of control had had those unfortunate effects and had, in particular, lowered the efficiency of the public service. What would happen when the influence of the mandatory Power was completely withdrawn ?

M. DE CAIX could not deny that, as pointed out in the report, municipal activity had decreased owing to the less stringent supervision exercised.

M. VAN ASBECK asked whether it was likely that supervision would be relaxed still further after the French had left.

He noted in the same chapter of the report (page 102) a reference to a new tax known as a "tax on foreign products", which represented the main feature of the financial reform, and was to provide the large municipalities with the funds for which they had been clamouring for a long time past. The tax was to be levied solely on products imported from abroad. Was that measure to be regarded as a sign of xenophobia ?

M. DE CAIX thought it was a purely fiscal measure, not an act of discrimination against foreign imports. The funds at the disposal of the municipalities were inadequate, and certain goods imported from abroad were, as it happened, peculiarly adapted to taxation.

In reply to a further question by M. van Asbeck, M. de Caix explained that the foreign products would be taxed by the Customs when they entered the country and by the octroi service when they entered the municipalities.

RELATIONS BETWEEN FRENCH OFFICIALS AND THE SYRIAN AUTHORITIES

Lord HAILEY, in order to have some idea of the amount of autonomy accorded to the territory, asked what were the relations between French officials and the Syrian Ministers. Were the former entirely under the orders of the Ministers, even for purposes of discipline ?

M. DE CAIX replied that French officials employed in Syria were now appointed by contract, and their contracts were for rather short periods. Consequently, the officials were subordinate to the Syrian Ministries, but their position was safeguarded by certain guarantees inserted in the contracts.

Lord HAILEY asked whether, in the event of a disagreement between the French officials and a Syrian Ministry, the latter had no remedy other than refusal to renew the official's contract.

M. DE CAIX feared he could not give a very exact reply, as he had not examined very closely the model employment contract agreed upon between the French and Syrian Governments. Up to the time of the Treaty and the developments which had followed its signature, French officials really came under the High Commissioner. The model contracts adopted gave French officials guarantees as regards dismissal and the penalties which could be imposed by disciplinary councils.

In reply to a further question by Lord Hailey, he said that, as far as he knew, French officials would have only a very limited right of appeal to the French Government.

DEFENCE OF THE TERRITORY (*continuation*) : " PARA-MILITARY ORGANISATIONS " : QUESTION OF OIL SUPPLIES

M. RAPPARD wished to know whether these countries, which were now on the road to independence and would in future have to rely on their own efforts, would possess armed forces large enough to defend themselves against their neighbours outside, and against bandits inside the countries. How much confidence could be placed in those armed forces ? Could they be regarded as the nucleus of a sound military organisation, capable of offering resistance to attack ?

M. DE CAIX explained that the populations among whom it was easiest to find recruits—recruiting was purely voluntary—undoubtedly made excellent soldiers. The Syrian army included, for instance, very many Alawite mountaineers, and other races from the more agricultural areas of the country. Such units were, as a whole, fully as good as any similar units that could be found in the countries bordering on Syria.

M. RAPPARD concluded that the population of the central part of the country, and of Damascus in particular, devoted themselves to politics and relied on the inhabitants of the outlying districts to defend them.

M. DE CAIX thought that the contrast should not be exaggerated. It could, after all, be found in other countries also.

Lord HAILEY noted that the budgetary appropriation for military expenditure was at present 88-90 millions (page 47 of the report). Was the whole of that expenditure allocated to the maintenance of the Syrian forces ?

M. DE CAIX replied in the affirmative.

Lord HAILEY said that the French newspapers had stated that the minimum cost to France of maintaining an army in Syria was 165 million francs. Would France continue to spend that amount on the defence of Syria, or would the cost be charged to the Syrian budget ?

M. DE CAIX replied that there was no question of charging to the Syrian budget the cost of maintaining the French troops who would be left in Syria.

Lord HAILEY thought it would be very interesting for other countries to know that France, after granting autonomy to Syria, was still prepared to spend 165 million francs on defending the territory. Personally, he considered it a very odd attitude to take up in relation to a country supposed to be independent. France would be spending twice as much as Syria itself on Syrian defence. Was not that somewhat strange ?

M. DE CAIX could not say what military expenses France would still have to pay under the treaty system. The Syrian and Lebanese budgets would certainly not be able to afford more for military costs than the 100 million francs now charged to their account. In addition, it should be noted, there was the gendarmerie, which cost both countries a large amount.

The CHAIRMAN observed in that connection that, according to the ruling adopted by the Council of the League, ¹ if a mandated country were to be granted full independence, it should be capable of maintaining its territorial integrity and political independence.

Lord HAILEY asked why France was prepared to spend such a large sum on defending the country's independence. Certain English newspapers had alleged that it was because France obtained 51% of her oil supplies from the Lebanese pipe-line.

M. DE CAIX thought that was much too simple an explanation. France had many other interests in the Levant to protect apart from her oil supplies, which she could secure from other producing countries equally cheaply and equally safely. It would be a mistake to overlook all the other interests which France had had in view when the mandate was granted and which she had tried to maintain while she held it. They were not so much economic interests as educational and traditional. In the sphere of education and minorities, France held a position and bore responsibilities which doubtless justified greater sacrifices than the purely material interests to be protected. If the latter only were taken into account, it would probably be found that Syria, with the outlay she involved, was not really a paying proposition.

Lord HAILEY presumed it was important for France, from the military standpoint, to safeguard her supplies of oil ; that would seem a sufficient reason for the maintenance of troops in Syria and in Lebanon. Certain English financial papers had also referred to the discovery of an oilfield 150 miles east of Aleppo.

M. DE CAIX replied that the oil supply was doubtless of interest, but was not the main justification for a policy which must continue to be costly. There were geological indications of the presence of oil-deposits. That could only be proved, however, by expensive boring operations which had not yet been made. Until they were, nothing positive could be said about Syria's wealth in oil.

M. PALACIOS wished to know the meaning of the decision taken by the Lebanese Government (page 8 of the report) to disband all groups of a para-military nature, such as the adult sections of the Moslem scouts, Lebanese units and " phalanges ". That measure had greatly upset the young people and had given rise to some disturbances. What was the real importance of those so-called para-military formations, and were they still in existence ?

M. DE CAIX thought it was very difficult to express any opinion as to the appropriateness of the name given to the Lebanon groups, which were not in any way military. In that particular case, apparently, use had been made, somewhat inappropriately, of terms used in European political discussions. The groups in question no longer existed in law, but it would be risky to say that they had completely disappeared.

¹ See *Official Journal*, November 1931, page 2057.

FREEDOM OF CONSCIENCE : PETITIONS (a) DATED DECEMBER 15TH, 1937, FROM THE REV. JOHN D. CROSE, REPRESENTATIVE IN LEBANON OF THE CHURCH OF GOD, BEIRUT, AND (b) UNDATED, FROM CERTAIN INHABITANTS OF SEBEIL, LEBANON (*continuation*)

M. PALACIOS said that, at its twenty-ninth session (1936),¹ the Commission had, in its observations to the Council, drawn attention to the fact that the registration of the conversion of any Moslem to another religion continued to meet with the same opposition as in the past. It added that it considered that opposition scarcely compatible with the principle of "complete freedom of conscience" laid down in Article 8 of the mandate.

According to the report for 1937 (page 143) there were seventeen conversions in the Lebanon in 1937, of which three were cases of Moslems converted to Christianity, eleven of Christians converted to Islam, etc. Most of the changes took place before marriage. In Lebanon, therefore, conversions seemed to be mutually tolerated. The situation in Syria, however, was different in that respect. According to the report (page 77), conversion to Islam was still an easy matter, but "it was still impossible for a Moslem to give due legal effect to his change of religion by having it recorded in the civil status registers". In the case of the Mohafazat of Latakia, the report said (page 116) : "Registrations of conversions of Moslems, including Alawites, to Christianity have been suspended since the territory was attached to Syria."

The situation thus disclosed by the annual report did not seem to be in accordance with the letter and the spirit of the provisions of Article 8 of the mandate, nor with those of Articles 15 and 16 of the Syrian Constitution, under which there was "complete freedom of conscience". According, however, to Exchange of Letters No. 5, annexed to the Franco-Syrian Treaty of December 22nd, 1936, the Syrian Government undertook "to ensure the maintenance of the public law guarantees to individuals and communities provided for in the Syrian Constitution and to give full effect to those guarantees".

Had the mandatory Power taken, or did it propose to take steps to remedy the state of affairs to which attention had been drawn, so that the guarantees as regards freedom of conscience given both in the mandate and in the Syrian Constitution and the Franco-Syrian Treaty should be fully implemented in this respect ?

M. DE CAIX replied that there was a fundamental difference on this point between Syria and Lebanon. In Lebanon, the religious communities were more or less evenly balanced. None of them had any advantage over the others ; none of them controlled the State. The atmosphere was, therefore, favourable to freedom of conscience.

Syria, on the other hand, was finding it difficult to break away from the theocratic Moslem view that non-Islamic religions were merely tolerated and that the conversion of a Moslem to another religion was an apostasy which ought to be punished by the authorities. There were certainly many people in Syria who now saw matters differently and whose ideas on religious questions were the same as in the West. But the masses of the population had not yet reached that stage. The French Government was insisting, at the negotiations at present proceeding, that the clearest guarantees should be given for freedom of conscience.

M. PALACIOS recalled that reference had been made in previous reports to a conflict in the Greek Orthodox community between the Patriarch and one of his bishops. According to the report for 1937 (pages 77 and 78), the High Commissioner, in a note to the Syrian Government, had explained how that question might be legally and equitably settled in the light of existing legislation and public law. Had the Syrian Government given effect to the High Commissioner's recommendations, and might the matter now be regarded as settled ?

M. DE CAIX replied that, according to the latest reports, the schism in the Orthodox Church was continuing.

Count DE PENHA GARCIA turned to the question of the petition signed by Pastor Crose. He could not but feel that freedom of conscience in Syria and Lebanon was only relative. In its reply to the petition, the French Government had stated that, in its opinion, there was no religious conflict in that particular case, but simply a dispute between villagers and the higher clergy. The population of the village had been in a state of virtual rebellion against its bishop, and the Government had seemed to show a tendency to side with the rebels against their religious leaders. The petitioner had set up a school for the new Christians. The Lebanese Government, after first granting permission for the opening of the school, had ordered it to be closed. The petitioner also complained of the impossibility of having the new converts entered in the civil registers. The mandatory Power thought that the measures taken, which infringed freedom of conscience, had been adopted for reasons of public order. Ought not the Lebanese Government to have taken steps to see that the new Christians were entered in the civil register ?

¹ See Minutes of the Twenty-ninth Session of the Commission, page 210.

M. DE CAIX said that the petition in question had been discussed at length during the previous meeting¹ as the outcome of observations submitted by M. Rappard.

As regards the registration of converts in the civil registers, it appeared that, by the time the Lebanese Government had reached a decision, the converts had lost their desire to be inscribed under a new religion. Most of them had not pressed for registration and had preferred to remain Maronites, which they had been enabled to do, and, at the same time, to be free from the authority of their bishop. Peace now seemed to be completely restored.

Count DE PENHA GARCIA noted that the foreign mission concerned was one whose work, though safeguarded under the mandate, had not been protected by the mandatory Power. The French Government had stated that the question appeared to be settled. He would like to have the assurance that the settlement was in the interests of both parties.

M. DE CAIX said that he had written for information on the matter. The French authorities had confirmed that the people of Sebeil had agreed to return to the Maronite Church on condition that they were no longer under the authority of their bishop. The Patriarch had raised no objection to that solution, and the matter had been settled accordingly.

CONTROL AND ADMINISTRATION OF THE WAQFS

M. PALACIOS, referring to the section of the report on "Supervision and Administration of Waqfs" (pages 61 to 63), and, in particular, to the execution of the revenue and expenditure budgets of the local administrations of the Waqfs in 1937, observed that, whereas in Syria there was a deficit of 8,000 Syrian pounds, in Lebanon there was a surplus of 10,000 Syrian pounds, which seemed to point to more efficient administration in Lebanon.

Article 6 of the mandate provided that "the control and administration of Waqfs shall be exercised in complete accordance with religious law and the dispositions of the founders". The report for 1937, however, (page 61) stated that "the supervision provided for in the mandate is tending to disappear. It is still exercised through the local governments, but no longer directly over the Waqfs administration." In those circumstances, could it be said that the mandatory Power's supervision over the administration of the Waqfs no longer met the requirements of Article 6 of the mandate?

M. DE CAIX replied that, in his opinion, the marked difference in the administration of the Waqfs in Syria and Lebanon was not due to the closeness of the supervision exercised. It was due to the fact that the administration of certain Lebanese Moslem societies was particularly efficient. The supervision exercised by the mandatory Power had been decreasing for years, and had practically ceased since the Treaties were signed. It had always been very difficult to exercise, and had been opposed for religious reasons which were not very convincing but had always been exploited for purposes of political agitation. That was another reason for letting the local governments exercise a form of supervision which was not consonant with the policy embodied in the Treaty.

ECONOMIC EQUALITY : COMMERCIAL AGREEMENTS WITH GERMANY, JAPAN AND IRAQ : MONOPOLIES AND CONCESSIONS

Count DE PENHA GARCIA understood that the commercial agreements concluded with Japan and Germany (pages 37 and 38 of the report), each of which was of a different nature, were designed to safeguard a somewhat delicate situation from the point of view of Syria's economic interests, having regard to the large imports from Japan and the insignificance of exports to that country. Most-favoured-nation treatment had been granted to both countries. Should other countries wish to conclude similar agreements with Syria, would they be allowed to do so? Were the amounts mentioned in the agreements in question expressed in French francs? If that were so, the figures might not be comparable, owing to devaluation.

M. DE CAIX replied on the last point that all the figures given in the report were expressed in French francs. The tonnage figures gave a reliable indication of developments in trade.

Count DE PENHA GARCIA added that, since the conclusion of the agreements in question, Japan had taken second place in the list of countries providing Syria with goods, while Germany had fallen from fourth to ninth place (page 33 of the report). That showed that the agreements had been more favourable to Japan. But the amounts involved seemed to be rather small.

M. DE CAIX replied that the agreements had helped to remedy an old evil which had been left untouched. Syria's exports and imports were very much out of balance, and when she had secured full fiscal discretion, she would probably endeavour to use it in order to improve her balance of trade.

¹ See page 84.

COUNT DE PENHA GARCIA asked why the Iraqi Government, in renewing its treaty with Syria, had wished to negotiate with the Syrian Government instead of with the mandatory Power.

M. DE CAIX replied that that was doubtless the result of Iraqi nationalism's identifying itself with Syrian nationalism. The Foreign Minister of the Syrian Government was one of the signatories of the Treaty in question.

M. VAN ASBECK recalled that, at the twenty-ninth session,¹ when the Chairman had asked for information regarding a monopoly exercised by certain shipping companies for the transport of pilgrims, the accredited representative had promised to supply information on the matter.

M. DE CAIX had, he thought, already explained that, on grounds of public health, the contract concluded with the Lebanese company for the transport of pilgrims was justified ; it was regarded as guaranteeing the enforcement of the sanitary regulations imposed on vessels used for such transport.

Lord HAILEY enquired as to the operation of the Syrian Tobacco Monopoly.

M. DE CAIX replied that the Monopoly was operated by a company formed in France part of whose capital was Lebanese and Syrian.

Lord HAILEY noted that contracts for the extension of the port of Beirut and the construction of the Shahba barrage had been granted to the General Administration of Railways, which was a French company.

M. DE CAIX replied that the contract for the port of Beirut had been granted to the railway company after tenders had been invited from other companies. The construction of the barrage had been entrusted, in similar conditions, to another French company.

Lord HAILEY asked for information regarding the Powder and Explosives Monopoly.

M. DE CAIX replied that it was under the direct administration of a Government department.

Lord HAILEY asked whether the operation of the irrigation system was entrusted to a company or syndicate.

M. DE CAIX gave a negative reply. Some years ago a company had been formed to study the river system ; it was to be financed by the High Commissioner's Office, and the latter had received the reports at the end of the three years fixed as the term of its investigations. There was no company which had a monopoly of irrigation works.

Lord HAILEY asked for information regarding the recent withdrawal of oil-prospecting permits (page 100 of the report).

M. DE CAIX was unable to give the precise reason for those withdrawals. He explained, however, that the existing legislation on prospecting for oil had, however, been amended, and new legislation would be promulgated. He did not think the new legislation would favour one company in particular.

Lord HAILEY said that the reason why he had drawn the accredited representative's attention to these questions was that these various monopolies were frequently alleged to have been granted to French companies without foreign companies' having any opportunity to submit tenders.

M. DE CAIX replied that, in the special case of oil, most of the prospecting operations in Syria were being carried out by a company which was only partly French ; it was an international combine grouping most of the big oil companies of the world.

Lord HAILEY asked if it were certain that no concessions and monopolies had been granted to French companies without foreign companies' being allowed to compete.

M. DE CAIX explained that, before he could answer Lord Hailey's point, each case would have to be examined separately. He could only say that he knew of no case in which French companies had benefited as such. He had already dealt with the special point about oil prospecting.

In reply to a question put by M. Rappard, M. de Caix added that there was no monopoly for the sale of oil in the mandated territory.

¹ See Minutes of the Twenty-ninth Session of the Commission, page 115.

M. RAPPARD quoted an extract from the paper *L'Orient*, of Beirut, in which it was stated that oil-fields had been discovered in the Jebel Terbel near Tripoli.

M. DE CAIX doubted the truth of that statement. It was the first time he had heard that there was any prospect of finding oil in that region.

In reply to a question put by M. van Asbeck, he explained that an agreement had been concluded between the Syrian Government and a company representing the big international oil groups reserving prospecting permits in the case of certain areas. The original prospecting permits granted had not been withdrawn. All the Members of the League, had, he thought, been treated on the same footing as regarded prospecting for oil.

ECONOMIC SITUATION : AGRICULTURE : INDUSTRY : IMPORTS AND EXPORTS : TRADE BALANCE :
AGRICULTURAL CREDITS. CATTLE

M. GIRAUD, examining the economic situation of the territory in 1937, observed that the position of agriculture had been satisfactory. Although the yield of crops as a whole had only been moderate, prices had been good and total production had risen by some 200,000 tons, from 1,400,000 to 1,600,000 tons : cereal production had increased by nearly 50,000 tons, from 818,000 to 867,000 tons (page 14 of the report) ; and the production of vegetables and fruit by 160,000 tons, from 556,000 to 716,000 tons. The production of citrus fruit was assuming steadily larger proportions, as shown by the fact, among others, that, in six years, the production of oranges had increased from 1,000 to nearly 16,000 tons (page 17 of the report). Prices generally had been remunerative.

Among industrial crops, there was a decline in cotton and tobacco, but an increase in hemp, sesame, castor-oil plants and sugar-cane (page 15 of the report). The recovery in the silkworm industry had become much more marked, the output of new cocoons increasing from 956 to 1,326 tons (page 18 of the report). There had been some foot-and-mouth disease, but of a mild form from which the cattle had not greatly suffered (page 19 of the report).

Turning to industry, M. Giraud found very varied conditions in the different branches (pages 19 to 21 of the report). Production had increased in the weaving section, especially in the case of modern materials, in haberdashery, biscuit-making, macaroni and other pastes, the cement industry, and leather. There were some signs of over-production, likely to lead to difficulties in the disposal of goods abroad, since only the domestic market could be relied upon as a steady outlet.

As regards trade movements, the devaluation of the franc had caused an abnormal swelling of the figures representing values in foreign trade. The tonnage figures, therefore, gave a more exact picture. Imports by weight had increased by 11% (page 33 of the report) largely owing to heavier purchases of vegetable products. Exports, on the other hand, had diminished by nearly 13% in weight (page 33 of the report) solely by reason of a decline in sales of cereal products outside the country, due in part to the prohibition against wheat exports which had been in force during most of the year, and, on the other hand, to a smaller production of barley (page 13 of the report).

Increased imports and smaller exports had together caused an increase in the adverse trade balance, which had been steadily diminishing from 1931 to 1936. From 239 million francs in 1936, the adverse balance had risen again to 543 millions in 1937 (page 32 of the report). It should nevertheless be noted that, among the various economic factors operating in Syria and Lebanon in the opposite sense, known as invisible exports, one at least showed a development in 1937 which was to the advantage of the Levant States—namely, the tourist and summer visitors' traffic, which had increased to a total of 29,224 tourists in 1937 as against 8,697 in 1936 (page 30 of the report).

A few further indications of the general economic activity might usefully be given. On the railways, passenger traffic increased by 9% and goods traffic by 42%. In the harbours, there was a 5% increase in the value of goods unshipped and a 27% decrease in loadings. There had been little alteration in postal and telegraph business as compared with 1936 : the volume of business handled was approximately the same within the country, but there was a 15% increase in despatches out of the mandated territories. The parcels post showed a slight decrease : telegraph business was slightly heavier, while the number of telephone calls had diminished (page 44 of the report).

The above facts, taken as a whole, justified the conclusion that the economic situation, allowing for favourable and unfavourable factors, was, generally speaking, normal and satisfactory, while a number of branches, both in agriculture and in industry, showed appreciable progress.

Reverting to the question of wheat, M. Giraud recalled that " the High Commissariat had been obliged to prohibit exports in order to prevent dealers from effecting large purchases from the fellahen for sale abroad, to the detriment of the means of subsistence of the local population (page 13 of the report) ". He would be glad to have further information concerning the practices which had led to that prohibition and its effects.

According to Press information, the High Commissioner's department had decided to allow the import, free of duty, of 20,000 tons of wheat. Wheat production in 1937, however, had been larger by 40,000 tons than production in 1936. Was it to be inferred that the 1938 crop was expected to be below the average? Syria and Lebanon were, in normal years, wheat-exporting countries.

M. DE CAIX replied that he was not fully acquainted with the operations of the wheat exporters; but he knew that the level of prices obtaining on the domestic market, and the lack of foresight displayed by the population, had led to heavy sales at unreasonable prices. The population had no reserve funds, and purchased cereals for immediate consumption in the form of groats. It followed that heavy sales would involve a risk of famine within the country. That was the motive for the High Commissariat's action.

The importation of 20,000 tons of wheat was probably due partly to the fact that the Lebanese Government intended to build up a stock of cereals to cover the needs of the population in case of a bad harvest. It should be noted, on the other hand, that the standpoints of Syria and Lebanon as regards tariffs differed, as their interests did not coincide; the former was a producing country, while the latter, mainly a consuming country, wanted to have Customs freedom and thus be independent of Syrian prices if they were too much increased by a bad harvest.

M. GIRAUD, continuing his survey, observed that a comparison of the statistics of the cattle population at the end of 1937 (page 19 of the report) with the corresponding figures for 1936 (page 27 of the report for 1936) revealed reductions within one year from 449,000 to 345,000 head of cattle, including buffaloes (a reduction of 22%), and from 172,700 to 89,900 as regards camels (a reduction of 48%). What were the reasons for that considerable decline? The report gave no information, beyond saying that foot-and-mouth disease had been prevalent, but in a mild form only.

M. DE CAIX explained that horned cattle, including buffaloes, had suffered particularly from foot-and-mouth disease, and heavy sales had taken place. Camels were gradually disappearing as motor-cars replaced them for desert transport.

M. GIRAUD, referring next to agricultural credits in Syria, which were never very important, noted that the total of agricultural loans in 1937 had fallen considerably below the level reached in 1936 (page 96 of the 1937 report and page 93 of the 1936 report). In 1936, 459 loans to a total of 1,857,160 francs were granted on immovable securities, as against nil in 1937. In 1936, 306 loans, to a total of 1,943,760 francs, were granted on joint and several guarantees as against only forty-two loans, to a total of 20,160 francs, in 1937. On the other hand, while there had been no loans for seed in 1936, there had been 1,204 such loans amounting to a total of 1,075,360 francs in 1937. The general totals had been 3,800,920 francs in 1936 and only 1,095,520 francs in 1937. How was such a decline in the agricultural credit figures in Syria to be explained? Was it due to the reduction in the maximum amount of individual loans from 5,000 to 500 gold pounds indicated in the report for 1937 (page 95 of the report)?

There had also been a considerable decline in the Jebel Druse, where the loans amounted to only 77,000 francs in 1937 (page 113 of the report) as against 531,513 francs in the previous year (report for 1936, page 118).

In Latakia, total loans had fallen from 153,560 francs in 1936 (page 131 of that year's report) to 52,080 francs in 1937 (page 126 of the report for 1937).

In Lebanon, there had been no agricultural loans at all in 1937 (page 163 of the report), as compared with thirty-seven loans to a total of 814,200 francs in 1936 (pages 155-156 of that year's report).

In the Sanjak of Alexandretta, on the other hand, ninety-eight loans amounting to a total of 737,581 francs had been issued in 1936 (page 108 of the 1936 report) and twenty-four loans amounting to a total of 13,523,339 francs in the following year (report for 1937), page 140). The average amount of each loan had thus risen from 7,526 francs in 1936 to 563,472 francs in 1937.

That was a most extraordinary difference, in regard to which he would have been glad to see some explanations in the report. He had already commented a year previously¹ on the scant development of agricultural credit in the mandated territories. The amount of those credits had still further dwindled alike in Syria, Lebanon, the Jebel Druse and Latakia, the total falling from 5,300,193 francs in 1936 to 1,224,600 francs in 1937 for all four territories. In the Sanjak of Alexandretta, on the other hand, there had been a very marked increase, the total amount being eighteen times larger, though the number of beneficiaries was only a quarter of what it had been.

M. DE CAIX promised to ascertain the reasons for the increase reported in the case of the Sanjak of Alexandretta.

In Syria, Lebanon, the Jebel Druse and Latakia, the decline in loans was easily explained by the fact that advances were difficult to collect. In Lebanon, there was no agricultural bank; loans were granted by some banks to farmers with a Government guarantee.

¹ See Minutes of the Thirty-third Session of the Commission, page 41.

It should be remembered that such loans and those made by agricultural banks represented only part of the amounts lent to farmers ; much money was lent to fellaheen by the owners or by local lenders at very high interest. There were no statistics of the amounts thus advanced, the terms for which were very onerous, but they must certainly be very large.

M. RAPPARD pointed out that the resources of the agricultural banks had nevertheless increased considerably (page 95 of the report).

M. GIRAUD again drew attention to the very considerable loans granted to twenty-four individuals in the Sanjak of Alexandretta.

Continuing his examination of the report, he observed that the import and export tables on pages 221 and 223 merely gave aggregate totals for the different chapters in the Customs tariff. There was, for instance, only one total figure for such varied groups of commodities as vinegar and tobacco ; varnish, soap, candles, explosives and fertilisers ; shoes, hats and umbrellas ; pearls and coins ; clocks and musical instruments. It was impossible, therefore, to learn from the tables, for example, the quantities of wine, cotton piece-goods, motor-cars or motor spirit which had been imported. Figures of imports and exports given in groups in this fashion were of little practical use. Could not the Customs Department prepare in future tables showing the imports and exports of the principal articles separately ?

The report referred (page 21) to the introduction into Syria of considerable quantities of Japanese silk fabrics smuggled across the Trans-Jordan frontier. Had any special steps been taken to put a stop to that illicit traffic ?

M. DE CAIX replied that measures had been taken ; but it must be remembered that the frontier between the mandated territory and Trans-Jordan lay for hundreds of kilometres across the desert.

M. RAPPARD expressed surprise at the fact that imports of Japanese silks by land should prove profitable.

M. DE CAIX replied that the goods in question had not come overland from the Far East, but must have been unloaded in Palestine ports. This contraband traffic, moreover, related to costly fabrics of small bulk ; they could thus be imported by roundabout desert routes where there was more chance of escaping the vigilance of the Customs.

M. GIRAUD pointed out that a comparison of the imports from Italy in 1936 and 1937 showed that general trade imports had risen from 11,930,000 francs and 1,460 tons in 1936 to 78,300,000 francs and 8,139 tons in 1937, thus bringing Italy from fourteenth to fourth place in the list of suppliers of the mandated territories (report for 1936, page 151, and report for 1937, page 220). Special trade imports rose from 11,000,000 to 62,000,000 francs (report for 1936, page 258 ; report for 1937, page 227).

General trade exports to Italy had risen from 2,613 to 16,442 tons, and from 10,117,000 to 58,920,000 francs, Italy thus taking the fifth place in 1937 as compared with the ninth place in 1936. Special trade exports rose from 9,000,000 to 52,000,000 francs (report for 1936, pages 253 and 258 ; report for 1937, pages 222 and 227).

If imports and exports were added together, the general trade turnover with Italy would be seen to have risen from 22,000,000 to 137,000,000 francs, and the special trade turnover from 20,000,000 to 144,000,000 francs. As nothing was said in the report for 1937 on that important fact, M. Giraud would like to know the reason for this considerable expansion in the trade with Italy.

M. DE CAIX reminded the Commission that Syria and Lebanon had taken part in the "sanctions" decreed against Italy in 1935. To get an idea, therefore, of the fluctuations in trade with that country, the turnover in 1937 should be compared with that for a year previous to 1936.

QUESTION OF THE LIMIT OF TERRITORIAL WATERS : FISHING RIGHTS :
DECREE OF MAY 5TH, 1937

Count DE PENHA GARCIA referring to the paragraph (page 65 of the report) concerning the Merchant Marine Inspectorate and to the decrees and administrative measures that the Inspectorate had had introduced in 1937, drew attention to the High Commissioner's Decree of May 5th prohibiting foreigners from fishing in a zone extending to six miles from the coast, including the territorial waters of the mandated States. As national territorial waters were usually limited to three miles from the coast, he would like to know whether the six-mile zone referred to in the decree was authorised by an international convention or by customary law, and whether any protests had been made regarding the area of the territorial waters of the mandated States.

M. DE CAIX replied that the question was at present a controversial one. The six-mile limit was accepted and applied by the United States, though the traditional limit of territorial waters was a three-mile zone.

The measure was designed to prevent foreign trawlers stationed at Alexandretta from destroying entirely the less well equipped local fisheries. The rights of nationals to territorial waters were indisputable.

He proposed to supply further explanations on the question on a subsequent occasion.

AGREEMENTS CONCLUDED WITH TURKEY

Count DE PENHA GARCIA noted from the section on foreign relations with Turkey (page 10 of the report) that the agreements concerning commercial transactions, trade and navigation, envisaged in a paragraph of the Protocol annexed to the Joint Franco-Turkish Declaration signed at Geneva on May 29th, 1937, had not yet been concluded.

M. DE CAIX did not know what stage the negotiations had reached.

Count DE PENHA GARCIA noted in the same section of the report that on December 4th, 1937, the Turkish Government had denounced the Convention of Friendship signed at Ankara on May 30th, 1926. Was it proposed to conclude a new convention to replace that of 1926 ?

M. DE CAIX replied that one of the clauses of the agreements concluded in the summer of 1938 between France and Turkey provided for a convention of Friendship and good-neighbourliness between Syria and Turkey. Negotiations were now taking place.

DRAFT EXTRADITION CONVENTION WITH PALESTINE AND TRANS-JORDAN

Count DE PENHA GARCIA noted a reference on page 11 of the report to a draft Extradition Convention between the mandated States on the one hand and Palestine and Trans-Jordan on the other. There had been a reference to this draft in the previous report (pages 17 and 18). The final touches were apparently being given to it in London and Paris. Was there a likelihood of the negotiations at present proceeding being successful soon ?

M. DE CAIX could give no information on the point.

DRAFT CONVENTIONS WITH EGYPT CONCERNING CERTAIN JUDICIAL QUESTIONS

Count DE PENHA GARCIA asked further what was the position of the draft Conventions with Egypt for the direct exchange of judicial instruments and the reciprocal enforcement of sentences (page 12 of the report).

M. DE CAIX had no recent information on the point ; but he undertook to arrange for the insertion in the next report of details regarding the various Conventions mentioned.

POSSIBILITY OF ASSISTANCE FROM SYRIA IN CONNECTION WITH THE DISTURBANCES IN PALESTINE : QUESTION OF THE SUPERVISION OF THE ACTIVITIES OF THE EX-MUFTI OF JERUSALEM : TRAFFIC IN ARMS

Count DE PENHA GARCIA pointed out that, at the last session of the Commission,¹ concern was expressed about the position of Syria in relation to the present situation in Palestine, and the possibility of assistance from Syria being given to the insurrectionary movement in Palestine. The question of exercising supervision over the activities of the ex-Mufti of Jerusalem, now a refugee in Lebanon, had also been raised.

According to certain newspapers—for example, *The Times*, of May 28th, 1938—the Palestine authorities were having the greatest difficulty in preventing arms and men from crossing the northern frontiers of Palestine in support of the insurgents. Most of those difficulties were said to be due to the inadequate measures taken by the Syrian and Lebanese authorities. Furthermore, certain circles in Syria, more particularly "The Committee for the Defence of Palestine", were said to be taking vigorous action in support of the rising in Palestine. To judge by those Press reports, the Syrian and Lebanese authorities would appear to be lukewarm in helping the United Kingdom Government to combat terrorism in Palestine.

¹ See Minutes of the Thirty-fourth Session of the Commission, pages 106 and 107.

M. DE CAIX said that the importance of the measures taken in the territory under French mandate to prevent the insurrectionary movement in Palestine being helped from there could not be estimated without considering the technical aspect of the question, and that he was not qualified to do. He could only say that the mandatory Power's sole desire was to prevent the population of the mandated territory from helping the Palestine rebels. The difficulty of such an undertaking, however, must not be underestimated in view of the sympathy felt by the inhabitants of Syria and Lebanon for the Palestine Arabs. The mandatory Power was nevertheless doing its best to prevent leakages into the neighbouring territory; but it received no support in so doing from public opinion.

As regards the "Committee for the Defence of Palestine", it was clearly impossible to prevent a committee from setting up an office in Damascus to advocate political changes in Palestine. The Committee was merely voicing the unanimous opposition of the Moslems, all of whom were opposed to Zionist settlements. The question was whether it encouraged undesirable manifestations or was trying to give material help to the rebels.

Count DE PENHA GARCIA added that, according to *The Times* of September 22nd, 1938, the Syrian Parliament was represented by thirty-one deputies at the Arab Inter-Parliamentary Congress recently held in Cairo to support Arab claims in Palestine. Lebanon, apparently, was not officially represented; but six Lebanese deputies were said to have attended the Congress in a private capacity. Count de Penha Garcia agreed that the mandatory Power could hardly prevent deputies from travelling to Cairo; but he would like to know whether the Syrian Parliament had been officially represented at that Arab Inter-Parliamentary Congress, or whether the deputies who had gone there had done so as private individuals.

M. DE CAIX could supply no information on the point. He could not very well see how the mandatory Power could prevent Syrians, even members of Parliament, from going to express their views on Zionist settlement. No doubt the Power which held the mandate for Palestine maintained all the necessary control at its own frontier.

Count DE PENHA GARCIA pointed out that a Government was always bound to prevent manifestations which were hostile to a neighbouring country. Had everything been done to prevent such manifestations in the mandated territory?

According to recent Press information, the Foreign Minister of Irak had recently visited Lebanon and Syria and received an enthusiastic welcome there. On that occasion, the Minister was said to have had a talk with the ex-Mufti of Jerusalem regarding Palestine questions.

M. DE CAIX had no information on the latter point. The difficult situation in Palestine might, no doubt, make the authorities of that country sensitive to—or even suspicious of—what was happening in the neighbouring country. It could be affirmed that the French mandatory authorities were doing their best to prevent the rebels in Palestine from being helped by inhabitants of the mandated territory—more particularly by the despatch of arms, men or money. There had quite recently been a question also of obliging the ex-Mufti of Jerusalem to change his residence so as to remove him still farther from the Palestine frontier.

Count DE PENHA GARCIA pointed out that, during the examination of the report on Palestine, the accredited representative had stated that France was admittedly doing her best to prevent the population of Syria and Lebanon from intervening on behalf of the Palestine rebels.¹

M. VAN ASBECK noted from the chapter of the report dealing with the Criminal Investigation Department (see the paragraph dealing with smuggling of arms, page 52) that the disturbances in Palestine had led to a recrudescence of arms trafficking as evidenced by a large seizure of army rifles (mostly German), automatic pistols or revolvers and unlicensed sporting-guns. Did that indicate the existence of an organised traffic in arms and ammunition across the frontiers of the territory? Was there a centre for the traffic in arms in Syria or Lebanon?

M. DE CAIX replied that, whenever the police authorities learned of the existence of such a centre, they would undoubtedly put a stop to its activities, as they had done on previous occasions. There were, of course, constant attempts to bring arms into the territory. The Criminal Investigation Department was devoting constant attention to this problem and was indefatigably combating such smuggling activities. There seemed, moreover, no reason why it should not do its utmost in that direction. It should be clearly realised that the mandatory Power could have no interest and no reason for encouraging the extension of any help whatsoever to the rebellion in Palestine. Quite the contrary. No one could deny that on that point it had observed a correct attitude, in spite of any demonstrations of sympathy in which Syrian individuals or groups might have indulged.

¹ See Minutes of the Thirty-fourth Session, of the Commission, page 38.

M. VAN ASBECK said that, according to reports, the ex-Mufti of Jerusalem was at the head of an organisation supplying arms to the Palestine rebels.

M. DE CAIX replied that a close watch had certainly been kept over all the ex-Mufti's visitors. He questioned whether the ex-Mufti's residence could serve as the headquarters of any organisation engaged in co-ordinating the efforts of the Palestine rebels.

M. RAPPARD observed, with reference to the accredited representative's remark that the mandatory Power could have no interest in helping the Palestine rebels, that it might be thought to be in the mandatory Power's interest to divert the activities of Syrian nationalists towards the rebellion in Palestine so as to make them forget their recent disappointments at home.

M. DE CAIX did not credit such a conjecture, which must inevitably be incorrect, since the arousing of nationalist sentiment must embarrass the mandatory Power in Syria whatever the object on which, and place where, those sentiments were at the moment centred. Disorders in Palestine were no benefit to order in Syria. The part played in such disorders by Syrians would be a safety-valve of a much more ominous nature than the disappointment to which M. Rappard had referred.

ELEVENTH MEETING

Held on Saturday, October 29th, 1938, at 10.30 a.m.

Syria and Lebanon : Examination of the Annual Report for 1937 (continuation).

M. de Caix came to the table of the Commission.

EFFECTS OF THE SANJAK OF ALEXANDRETTA AFFAIR (continuation)

Count DE PENHA GARCIA asked what, in the mandatory Power's view, would be the influence of the decisions and agreements concerning the Sanjak of Alexandretta on the development of Syria.

M. DE CAIX said the question was too complex, and its component elements liable to change under the influence of too many factors, to allow of a ready answer. As he had remarked on the previous day, ¹ the political and administrative structure of Syria would not be affected by the developments of the Alexandretta affair, though it had undoubtedly produced a painful impression in Syria. Economically, the consequences might be very appreciable both in Northern Syria and in the former Sanjak itself.

Count DE PENHA GARCIA recalled that the mandatory Power had, as it were, subdivided Syria into a number of separate compartments, and he wondered whether the decisions and agreements concerning the Sanjak would not have unfortunate effects on the unity of the rest of the country.

M. DE CAIX failed to see what effects the agreements could have on the character of the relations between the other provinces of Syria.

Count DE PENHA GARCIA regarded the loss of the Sanjak as the price paid for the security of the rest of Syria.

M. DE CAIX said that, as he had already remarked in his opening statement, ² the agreements concerning the Sanjak of Alexandretta were prompted by general political considerations, which it was not for him to examine on the present occasion. The security of Syria would depend on the state of political relations in general, on the worth of the Syrian Government and on the administration of the country.

PAN-ARAB MOVEMENT : ATTITUDE OF CERTAIN POLITICAL PARTIES AND GROUPS

M. RAPPARD enquired as to the attitude of mind of the Syrian nationalists towards Syria's northern neighbours and that of the Syrian leaders towards the Pan-Arab movement.

¹ See page 86.

² See page 71.

M. DE CAIX replied that the attitude of the Syrians to their northern neighbours was one of uneasiness ; to that was added a lack of sympathy resulting both from the Alexandretta affair and, earlier still, from certain characteristics of the Turkish reformist policy, which had, in certain respects, reacted against Arab influence. Syrian Moslems, attached as they were to their traditions and culture, disapproved of the substitution of Turkish for Arabic in the cult of Islam in Turkey.

The Pan-Arab movement was evidently widespread in nationalist circles. This feeling of solidarity, based chiefly on common language, was very general, but it was open to question whether it was destined to have greater political consequences than other feelings, similarly based, found in other parts of the world. The Pan-Arab movement might, to some extent, be a sentimental reaction against foreign domination, to which several Arab countries were subjected. But it remained to be seen how the Arab world, left to its own devices, would, despite geographical circumstances which gave each Arabic country a marked individuality and its own special economic interests, give the movement a lasting political form.

M. PALACIOS well understood the accredited representative's statements. For his part, however, he felt that appearances belied the facts, that the opinions and parties which were superficially prominent and excitable were far from possessing as much strength as other scattered, underground, widespread and intractable movements, which were often the object of persecution so far as their more outward manifestations were concerned but, nevertheless, were moulding great events when least expected to do so.

He wished, for instance, to know—not only in connection with the Pan-Arab movement—how important at present were, in Syria, the National party led by Anton Saadah, and the Communist party. He could find no mention of either in the report for 1937. On page 9, in connection with new periodicals published in Lebanon in 1937, it was reported that one, the *Saut el Chaab*, "claimed to express the views of circles won over to the Communist Third International", while another, *El Nahda*, "was the organ of an unrecognised totalitarian group which styled itself the Syrian Popular Party". The Commission had examined a petition relating to that party at its thirty-third session.¹ This year, there was a petition concerning the Communist periodical.

M. Palacios believed, or at least so it was stated in the periodical *Great Britain and the East* (April 14th, 1938, page 402), that the Communist party in Syria had been recognised as legal since the accession of the Popular Front to power in France.

M. DE CAIX replied that the Syrian Popular Party—a Lebanese group—consisted of young men who had fomented the agitation of two years ago and had been the subject of judicial proceedings, in consequence of which a light sentence had been passed upon their leader. M. de Caix did not himself believe the party to be particularly strong. There were other groups in Lebanon, which had been formed more recently, and which appeared to exercise a much greater influence over the rising generation.

Communism certainly existed in Syria and Lebanon. Following upon visits to those countries of foreign Communists, in particular French Communists, certain workers' groups had adopted a more aggressive attitude in advancing their claims, while strikes had become more frequent. But the Moslem world, with its traditional social structure and its foundations resting on religious precepts, did not seem to be a very fruitful ground for Communist propaganda, which the authorities endeavoured to prevent.

SITUATION IN UPPER JEZIREH (*continuation*) : CENTRALISATION AND DECENTRALISATION
(*continuation*) : PETITIONS (FIVE IN NUMBER) FROM INHABITANTS OF JEZIREH

M. VAN ASBECK asked leave to revert to an earlier point, having on the previous day been asked to act as Rapporteur for five petitions regarding Upper Jezireh. The chief complaint of the petitioners was of excessive centralisation of government in the hands of the Syrian majority. They asked for the French regime to continue after the end of the mandate. If he had properly understood the accredited representative, the new Mohafazat system was shortly to be introduced in Upper Jezireh : this would very probably tranquilise public opinion and lead to an improvement in the relations of Upper Jezireh with the central Government.

M. DE CAIX explained that the Syrian Government had never gone back on its intention of applying the law in that matter. The fact that it had not done so hitherto was due to opposition in certain quarters and to lack of enthusiasm for the reform in Damascene circles. Moreover, the French Government was asking that undertakings should be given regarding the application of the law on the Mohafazats, especially in the Jezireh, in connection with the discussions now taking place, with a view to obtaining such clarifications as would put an end to the criticisms that had made it difficult to ratify the Franco-Syrian Treaty.

The new system of Mohafazats would certainly be welcomed by the population, although the powers it granted to the provinces had been deemed inadequate, especially in certain Aleppo circles. The putting into force of the reform would be of special benefit in the Jezireh by lessening the distrust, even hostility, of most of the population towards the Damascus Government.

¹ See Minutes of the Thirty-third Session of the Commission, pages 167 to 170.

M. VAN ASBECK said that, in his view, the most important part of M. de Caix's remarks was the statement that France might make the full application of the Mohafazat system in Upper Jezireh the condition of its ratification of the Franco-Syrian Treaty. Upper Jezireh seemed to possess its own very special characteristics. Would it be possible to allow it a larger degree of self-government, similar to that granted to Latakia or the Jebel Druse ?

M. DE CAIX failed to see in what way Syrian interests would be affected by the grant of such a regime to a province in which it was advisable to pacify public opinion. It must, however, be remembered that the Syrian leaders had acquired the habit of frowning upon any measure of local autonomy, believing that it concealed some ulterior motive on the part of the mandatory Power. Nevertheless, decentralisation, even in an extreme form, was no more contrary to the country's mentality than to its truest interests.

In reply to a further question by M. van Asbeck, M. de Caix explained that, at Aleppo, tendencies were in evidence which, though not separatist, were strongly favourable to decentralisation. That large Northern city was inclined to consider that Damascus took too great a share of public moneys and administrative posts.

JUDICIAL ORGANISATION (*continuation*) : PROTECTION OF FOREIGN INTERESTS

M. VAN ASBECK considered that it was vital, before emancipation, to ensure that the country's judicial organisation would be satisfactory. In that connection, the following questions arose : Were the judges in Syria and Lebanon capable and honest, and were they independent of the Government ? On page 78 of the report for 1937, it was said, regarding the status of the Syrian judiciary, that " the regulations on this subject have been suspended and the members of the judiciary may be reclassified at the sole discretion of the Minister for Justice. The latter is thus invested with absolute powers which leave the judges without any guarantees and imperil their independence. A great many changes have been made in the composition of the judiciary and some of its members have been summarily retired." The implications of that passage were somewhat disquieting. Did the mandatory authorities propose to take steps to restore the full independence of the judiciary ?

M. DE CAIX explained that the decree suspending the regulations governing the Syrian judiciary was only provisional. It had been promulgated with a view to the introduction of reforms which might, moreover, be open to discussion. The mandatory Government would have an opportunity of making itself heard in connection with the judicial organisation, since, under the treaty, the French and Syrian Governments were to conclude an agreement on legal questions. The latter would deal more particularly with the posts to be occupied by French judges after the termination of the mandate. The mandatory Power was therefore well placed to ask that the French judges and, by analogy, the Syrian judges who would sit with them should enjoy all the necessary independence.

The CHAIRMAN wondered whether the transitional system laid down in the Montreux agreements, and accepted by Egypt, did not constitute an example of what might be achieved in Syria.

M. VAN ASBECK hoped the next report would contain particulars of what it was proposed to do in Syria.

The CHAIRMAN wished to lay special stress upon the great importance of the existence in Syria of an independent judiciary, free from all religious or racial prejudices, and putting within the reach of all citizens without distinction an effective weapon against the abuse of power and against individual attacks upon the rights enshrined in the constitutional laws. Nothing could contribute so powerfully to reassuring the minorities, and to instilling among the people respect for the human personality. The Syrian Government could give no better proof of the genuineness of its wish to develop throughout the country a system of order and a tolerant spirit.

M. DE CAIX, replying to a question by M. Rappard, said that he had never heard it suggested that the salaries of Syrian judges were inadequate ; he added that, if that were so, numerous protests would have been made. The French Inspector-General who had made a tour of inspection of the Syrian courts, had, in conversation with the accredited representative, expressed an opinion which was largely favourable. The country's judiciary was undoubtedly improving.

M. VAN ASBECK drew the accredited representative's attention to the following passage in the report (page 79) : " The Ministry for Justice seems to aim at putting an end, for all practical purposes, to the French Inspector-General's supervision of the administration of justice as provided for in Decree No. 1820 of February 17th, 1928, which is still in force and, on the other hand, at establishing control, independently of the Inspector, over the courts having jurisdiction in matters affecting foreigners."

Instead, therefore, of control by a non-political organ, supervision would henceforth be exercised by the Minister himself. Did that not once more point to a tendency on the part of the Ministry for Justice to encroach on the independence of the future judiciary ?

M. DE CAIX could not say that such a tendency existed, but the Syrian administrations had undoubtedly shown a tendency to escape from French supervision since the signature of the treaty. The novelty had, so to speak, gone to their heads and they could not resist the temptation to abuse it. The French Inspector-General, for example, had been discouraged, rather than otherwise, by the Ministry for Justice in connection with his mission, which he had nevertheless insisted on carrying out. In all probability, moreover, the desire to dispense with the assistance of French collaborators would lessen gradually, as gratification at the introduction of a new regime became qualified by experience of the realities to which Syria must adapt herself.

M. VAN ASBECK noted that French supervision of the administration of justice was to come to an end, and would be entrusted, not to an independent Syrian official, but to the Syrian Government itself. That was the disturbing feature of the situation.

M. DE CAIX did not deny that the Syrian Government had shown inclinations in this matter which were not always reasonable. But the rights possessed by foreign nations would provide it with the best of reasons for ensuring the efficient organisation of those courts which would be dealing with cases involving the nationals of foreign countries. And as those courts would be indistinguishable from other Syrian tribunals except for the presence of French judges in the service of the Syrian Government, their good organisation would be beneficial to the whole of the country's judiciary. Nor must it be thought that the Syrian leaders were indifferent to the need for an efficient judicial system.

M. VAN ASBECK pointed out that, as regards cases involving foreigners, Article 6 of the mandate applied.

The next question was that of the honesty of the judiciary. On page 79 of the report, it was stated that "the proper protection of foreign interests is secured by the maintenance of a majority of French judges in the courts having jurisdiction in such matters. This majority, which in principle is optional, is always applied for by its litigants, Syrian as well as foreign".

Was that situation due to mistrust of the other courts on the part of litigants? In other words, were the Syrian judges capable and honest?

M. DE CAIX replied that the Syrian public undoubtedly had not much confidence in the local courts; but its mistrust was due to the experiences of the past rather than to present criticisms of the judiciary, which, as he had already stated, was making great progress. No doubt the Syrian judges had not yet reached the professional standing of their French mentors, who were known to have nothing to do with local interests; that was, in part, why they were preferred by litigants.

M. VAN ASBECK, completing the picture of the judiciary in Syria and Lebanon given in the report, quoted the statistics given on pages 82 and 145. In Syria, twenty-two officers of the courts had been the subject of criminal proceedings and sixty-seven had been before the Council of Discipline, while in Lebanon six officers of the courts had been before the Council of Discipline for dereliction of duty and malversation.

Article 5 of the mandate provided that, at the time when the mandatory Power's guardianship ceased, capitulations might again be brought into force. Could it be expected that the judicial system of Syria and Lebanon would be sufficiently perfect to render such a measure unnecessary?

M. DE CAIX replied that the chief safeguard which would make it possible to dispense with the re-introduction of capitulations would reside in the presence, in Syria and Lebanon, of French judges in those courts which, because of the importance of the districts they covered, would deal with cases involving foreigners. A similar system had been accepted in Iraq, as offering adequate guarantees to the former capitulation Powers. The latter would, of course, have to be consulted when formal approval of the introduction of the new system was sought.

M. VAN ASBECK wondered why, if that were the case, Protocol No. 4 (page 226 of the report for 1936) provided for reductions in the number of French judges. Would it not be better to keep them at their former strength?

M. DE CAIX replied that the proposed reductions were in keeping with the precedent created in Iraq, and that after the termination of the mandate there were not to be French judges in as many courts as at present. There would be no special courts for foreigners, but French judges would sit in the courts of the cities where there were foreign interests. The reductions in question would not, moreover, be very extensive. According to the present plan, the number of French judges was to be reduced from nineteen to fifteen. Already, moreover, the prosecuting magistrates were Syrians. True, there were, if he remembered correctly, only seven English judges in Iraq; but in Syria foreign interests were, if not more considerable, at any rate more complex, and were to be found in a greater number of important centres.

The CHAIRMAN asked what qualifications were required of Syrian candidates for the judiciary.

M. DE CAIX replied that in Syria the degree of Bachelor of Laws (*licencié en droit*), generally given by the University of Damascus, was required.

In reply to further questions by the Chairman and M. van Asbeck, he explained that the Syrian judges were drawn from the country's middle classes, and that it could not yet be said that political influence had nothing to do with the choice made. The University of Damascus had undeniably made great progress.

M. RAPPARD confessed that the exchange of views regarding the Syrian judiciary had caused him some uneasiness. A judge, in his opinion, must have certain moral and intellectual qualities ; would he be justified in thinking that what the Syrian judges most lacked was professional capacity ?

M. DE CAIX considered that such capacity depended upon legal training and some aptitude for balanced reasoning. There had been some improvement in the latter respect, and although the wording of judgments was sometimes open to criticism in the eyes of French observers of the working of the legal system, the fantastic grounds on which sentences were based, and which were sometimes quoted as "howlers", no longer appeared. Unfortunately, not sufficient had been done to protect the younger Syrian judges from the influence of their less well-trained seniors, who were still occupying important posts. Nevertheless, definite progress had been made.

PRISONS : PROSTITUTION

Mlle. DANNEVIG pointed out that, on page 84 of the report, it was stated that the position of juvenile offenders had improved and that, in most cases, they were detained in a separate department of the larger prisons. Elsewhere, they were under particularly close supervision. Were there many juvenile offenders in Syria and what special provision was made for them ?

M. DE CAIX had never heard it suggested that the proportion of young offenders in Syria was higher than elsewhere. The young people arrested for political offences were perhaps at times rather numerous ; but the number of young persons imprisoned for ordinary criminal offences was not above the normal. Juvenile offenders were kept separate from adult prisoners, and attempts were made to educate them during their term of imprisonment. Should Mlle. Dannevig so desire, particulars could be given in the next report of the proportion of young offenders among persons detained in Syrian prisons.

Mlle. DANNEVIG asked whether the authorities had taken any steps to improve the position in the matter of prostitution.

M. DE CAIX replied that that was a difficult problem to solve in any country, and that it did not probably occupy a dominant place in the minds of the Syrian authorities.

M. VAN ASBECK noted (page 84 of the report) that in the prisons there were a number of lunatics whom it would be very desirable to send to mental institutions. Why was that not done ?

M. DE CAIX did not think that properly organised lunatic asylums existed in Syria. The position was better in Lebanon.

M. VAN ASBECK pointed out that prison hygiene in Syria left much to be desired (pages 84, 117 and 134 of the report).

M. DE CAIX said that, in order correctly to appreciate the position, it must be remembered what the prisons—which had greatly improved—were like in the early days of the mandate. Their sanitary conditions were lamentable, and the prisoners were kept in complete idleness and promiscuity. They had since been divided into a number of categories, and sanitary measures had been introduced. In short, even if prison premises had not greatly improved, the same could not be said of the manner in which they were used. Outside Beirut and Latakia, there were no modern prisons : but, in so far as funds permitted, an attempt had been made to turn the available premises to better account.

ANTIQUITIES

Count DE PENHA GARCIA noted that the progress of archæological excavations and researches had been somewhat slower in 1937. Were the cultured classes in Syria interested in the antiquities discovered in the territory ? It had been proposed that the Syrian municipalities should participate in the excavations. Did those municipalities realise that the matter had a utilitarian value for them ?

M. DE CAIX said that in Lebanon more and more interest was being taken in archæological excavations and researches, and the Lebanese Government was at all times prepared to support proposals made in that connection. Progress seemed to be less marked in Syria, and the new regime there might prove to be not without risk so far as the antiquities were concerned. It should, however, be noted that the French head of the Antiquities Service had been engaged as adviser to the Syrian Government. The Service itself, which still formed part of the High Commissariat, would not be continued.

COUNT DE PENHA GARCIA recalled that, in 1937,¹ M. de Caix had informed the Commission that the High Commissioner had recently decided to make a collection of the texts in force regarding archæological missions and researches, "so as to fix the engagements entered upon by Syria". Had that collection been completed?

M. DE CAIX replied in the negative. The collection in question was a collection of ancient Ottoman texts constituting the charter of foreign associations, missions, etc., and providing them with certain safeguards in regard to status and activities.

M. PALACIOS said that the International Excavations Conference, held at Cairo in 1937, with which the Intellectual Co-operation Institute of the League had been associated, had drawn up an international statute for antiquities and excavations. It would seem that the main principles of that statute should—if that had not already been done—be taken into account in a country administered on behalf of the League of Nations.

M. DE CAIX said that he had no knowledge of the texts in question. He added that the provisions in force in Syria and Lebanon were adequate. The whole problem was to ensure their observance.

PUBLIC FINANCE

M. RAPPARD observed that the chapter dealing with public finance contained more tables than observations (pages 171 to 211 of the report). It was difficult, from an analysis of the tables, to form a clear idea of public expenditure and the progress made in the collection of taxes. So far as could be seen, the position was satisfactory. Direct taxes had diminished, but that decrease had been offset by other resources. In spite of the relaxation of French tutelage, no inflation of expenditure was apparent. Did the accredited representative anticipate that the Syrians would be able to balance their budget? This ought to be a comparatively easy matter for them, because, unlike the Western Powers, they need spend very little on national defence.

M. DE CAIX said that it was difficult to answer that question, as French control over Syrian finances had, in fact, hardly been relaxed up to the present, and nothing was yet known of how the financial administration would work when independence became a fact. There might be some risk that good management would tend to be sacrificed to political requirements. A brake would, however, soon be applied in the form of lack of funds: Syria was not one of those rich countries, supplied with ample reserves, in which unsound administration could be concealed for years. Empty coffers would rapidly make imperative demands.

PETITIONS, DATED DECEMBER 4TH AND 5TH, 1937, FROM M. CHARLES ASFAR, DAMASCUS, AND M. KHALED SEBAHI, HOMS

M. RAPPARD said that some petitioners had protested against certain measures taken, after the devaluation of the French franc; to protect persons owing sums expressed in gold. The local governments, with the concurrence of the mandatory Power, had granted those debtors a moratorium. M. Rappard did not see under what provision of the mandate the petitioners in question could protest against those measures, unless they represented a spoliation of creditors or a danger to public order.

M. DE CAIX explained that the purpose of the measures in question was not to reduce the amount of the debts but to provide facilities for their repayment and for the payment of interest by the debtors.

TOBACCO MONOPOLY

M. RAPPARD said that, from pages 203 to 206 of the report, it appeared that the Tobacco Monopoly had not been a success. Stocks had accumulated, and the planters' interests were apparently threatened.

¹ See Minutes of the Thirty-third Session of the Commission, page 39.

M. DE CAIX replied that, on the contrary, the establishment of the Tobacco Monopoly had, so far as he knew, proved beneficial to the country. The Monopoly had succeeded in starting an export movement which had not existed under the previous regime, and thanks to which the stocks, accumulated owing to the obligation placed on the Monopoly to buy excessive quantities, were being liquidated on better terms than had been anticipated. Sales within the country were increasing, so that the acreage under tobacco would not have to be reduced as much as had at first been thought, while payments to the Syrian and Lebanese treasuries were greatly in excess of the minima, laid down in the Monopoly's contract, calculated on the basis of the amount of Government receipts under the Banderole system. Planters had no grounds for complaint, and the outlook for the production of Syrian and Lebanese tobacco had much improved, owing chiefly to sales abroad, both of leaf tobacco and of cigarettes, especially to the French Monopoly.

LABOUR : LABOUR INSPECTION : EMPLOYMENT OF WOMEN AND CHILDREN

Mr. WEAVER thanked the mandatory Power for the enquiry it had made in the chief producing centres in Syria and Lebanon. The results of that enquiry would undoubtedly constitute a valuable basis for further investigations and for action. After summarising the results of the enquiry, as set forth in the report (pages 22 *et seq.*), Mr. Weaver pointed out that, although the number of workers employed in the old industries had fallen from 309,525 in 1913 to 170,778 in 1937, it was still much higher than the number of workers employed in modern industries—33,149 (page 218 of the report).

In regard to working conditions, the enquiry showed that the working-day was shorter than before the war—ten hours for artisans and nine hours in the modern industries—and that the number of rest-days had increased. On the other hand, wages were lower than before the war, since, in order to purchase the same amount of primary commodities of the same quality, a man had to work forty-eight days in 1937 as against twenty-two and a half days in 1913. Had the Mandatory and the local authorities adopted any definite policy to remedy that decline? According to page 27 of the report, they appeared to have adopted a somewhat passive attitude, it being stated that "low wages are the best means of preventing an influx of foreign products, which would cause unemployment, and of facilitating the exports necessary to the country's economy".

M. DE CAIX knew of no administrative action taken to raise wages, nor did he see very clearly what form such action could take in the prevailing economic circumstances. He had heard that draft labour laws had been prepared, but he had not yet had an opportunity of studying them. The fixing of a minimum wage was, he thought, impracticable so far as artisans were concerned.

Mr. WEAVER hoped that the question of fixing minimum rates of wages in the modern industries would be considered. As to the draft labour laws, he hoped to find more information in the next report.

Reverting to page 27 of the report, Mr. Weaver noted the statement that the trade associations "which have rapidly assumed a political character, appear to have done more harm than good". Their meetings, which were not attended by the employers, were at the present time (it was said) hardly distinguishable from trade union meetings in France. On page 28, it was stated that there had been very few political strikes in 1937, most of the strikes which had taken place being concerned with wages. Why did the mandatory Power think that, in those new organisations, the workers were not on the right road?

M. DE CAIX replied that some of them were inclined to be influenced by agitators, who were sometimes foreigners. They were disposed to ape the methods of the West and the Western habit of agitation rather than to organise themselves professionally on a practical basis.

Mr. WEAVER, for his part, hoped that the principle of sound non-political trade unions for the workers in the modern industries would not be abandoned in the mandated territory. The artisans could continue to belong to the corporations. He noted that trade-union action appeared to be confined to workers in the modern industries. The attitude of the employers, as described in the report, showed the desirability of collective bargaining and collective agreements.

With reference to the old industries, it was stated on page 24 of the report that old industries could not be revived by measures of Customs protection. The use of electricity by small undertakings had given good results, but its extension could not be effected without the intervention of the State or an industrial bank supported by the State. The report summed up the situation by saying that "the best means of improving the position of artisans in Syria and Lebanon would be to organise and regulate production, to prevent fraud and to teach the younger generation of artisans how to adapt their crafts and manufactures to present-day requirements". These ideas were excellent. Had anything been done to put them into practice?

M. DE CAIX replied that no steps had as yet been taken to modify the conditions of the artisans. It was extremely difficult to organise a credit system to stimulate the use of electricity, because it was impossible for the borrower to furnish security which could be realised. The chief progress achieved had been in the number of artisans who had adapted themselves to the demand for new articles not formerly sold in the East. That fact had been stressed in more than one annual report. Had no such adaptation occurred, the remaining 170,000 artisans could not possibly make a living.

Mr. WEAVER wondered whether the methods which had been so successful in Morocco and Algeria could not be introduced into Syria and Lebanon.

M. DE CAIX replied that in North Africa those methods were applied chiefly to certain art industries which it was possible to preserve to some extent, and which produced on a smaller scale than Syrian artisan labour, which had formerly supplied a large export trade.

Mr. WEAVER hoped that the next report would contain information on the work done by the labour inspectors in Lebanon, and also in Syria, if there were any in the latter country. Reference was made on page 164 of the report for 1937 to the difficulties encountered in carrying out the Act of April 17th, 1935, on the employment of women and children. In that connection, he would point out to M. de Caix that the International Labour Office would be glad, if the mandatory authorities so desired, to suggest means of coping with those difficulties.

Mlle. DANNEVIG pointed out that, on page 22 of the report, reference was made to unemployed women labourers whose work was said to be intermittent and whose income was almost exclusively spent on clothes for themselves and their children. On the other hand, it was stated on page 164 that in Lebanon, "when a child below the legal age is dismissed at the request of the labour inspector, the family complains that it has been deprived of the money which enabled it to feed the child and its younger brothers and sisters", and that the women would not state their daily working hours for fear of being dismissed. Could the accredited representative give some additional information concerning these two statements which seemed at variance?

M. DE CAIX explained that this passage merely summarised information of a still more discouraging nature which had been sent to him concerning the difficulties met with by the labour inspector in Lebanon. He had no other information on the matter.

M. PALACIOS, faithful to tradition—he always supported the major part of Mr. Weaver's comments, and, on the present occasion, supported those of Mlle. Dannevig also—wished to express his gratification at the improvement in the report on the subject of labour questions, an improvement which doubtless corresponded to the progress in that respect made in the country itself. Everything said in the various passages already mentioned concerning the rapid development now taking place was of the highest interest. The same was true of the information on old industries and artisan labour, and also on the corporations. M. Palacios fully understood the concern expressed on page 28 of the report in connection with labour legislation, and shared it practically entirely.

M. DE CAIX said that labour legislation was an entirely new question for those countries. There was a great deal to be done in that connection; objective studies and a purely technical and professional attitude were required, and the activities of foreign agitators could not fail to complicate matters.

EDUCATION

Mlle. DANNEVIG noted that the number of schools had increased, but that expenditure on public education was lower. The considerable increase in the number of schools and in the number of pupils in Syria (pages 86 *et seq.* of the report) seemed to indicate that further important progress had been accomplished in the way of extending the educational facilities. The number of primary and elementary public schools for boys in Syria (except the Jebel Druse, Latakia and the Sanjak of Alexandretta) had increased from 256 in 1936 to 323 in 1937, and those of girls from 65 to 78. The number of boys attending primary and elementary public schools had increased in 1937 by 6,766 and that of girls by 3,605.

The development of education for girls was, however, said to be slow in the country districts, partly owing to the mentality of the inhabitants, who did not believe in the necessity of educating girls, and also to the repugnance of the educated women to go out in the villages as teachers. Was this unwillingness due to the difficulty which young women teachers might experience in leading a respected life in those villages?

M. DE CAIX said that, in order to understand the difficulty met with by young girl teachers in rural areas, it must be realised that the inland villages in question consisted of conical huts of dried mud somewhat similar to those found in the Sudan. The lack of comfort and sanitation there can well be imagined ; that explained the unwillingness of women brought up in towns to live in surroundings contrasting much more sharply with conditions in urban centres than was the case in Western countries. Yet that was not the chief obstacle to an increase in the number of rural schools ; it was rather the paucity of bugetary resources.

Mlle. DANNEVIG thought that in any case the situation was deplorable. Could not something be done to improve it, by means of instruction in the schools on hygiene and sanitary questions in general ?

In that connection, it would be interesting to know whether the instruction given in Syrian elementary schools was purely literary, or whether, as was the case in other parts of the world, the curriculum included a practical side : agriculture, gardening, crafts for boys, house-keeping and needlework for girls.

M. DE CAIX replied that the French adviser on education had urged, as shown in several annual reports, that pupils should be taught the rudiments of nutrition, hygiene, cleanliness, etc. It was a question of combating the traditional tendency existing in those countries to make instruction purely theoretical.

Mlle. DANNEVIG noted that the classes were very big ; as the average number of pupils per class was forty-nine. Moreover, the small percentage of pupils who went on to the higher schools appeared to show that the standard of education in the territory was low. The table on page 237 of the report showed that the public schools were chiefly attended by Moslem pupils, the Christians preferring to be taught by the foreign private schools. Were there any linguistic minorities in Syria and Lebanon who had difficulty in finding schools where their children would be taught in their own language ?

M. DE CAIX said that the shortage of schools in the territory was not surprising, because Syria was a poor country. The building of a school and a teacher's salary represented a charge on the income available to the district in question proportionately much heavier than would be the case in a European country. The high percentage of Moslems in the public schools was a circumstance existing only in Lebanon. It was due to the existence there of a large number of private schools for Christians, whereas the Moslem population had less private establishments and practically none at all in some districts where the Government had had to provide everything.

The linguistic minorities were the Armenians, who were prepared to support their own schools, and the Circassians, who were not so well off and complained that their language was not taught in the public schools of the villages they inhabited. M. de Caix was unaware of any other complaints from a linguistic minority bearing on the same point.

Mlle. DANNEVIG, referring to page 137 of the report, observed that the schools of the Sanjak of Alexandretta were either Christian, Alawite or Moslem. She supposed that in the Moslem schools instruction was given in Turkish and Arabic.

M. DE CAIX said that in the Moslem Sunni schools instruction was, in fact, given in Turkish or Arabic, according as one or the other of those languages was spoken in the district concerned.

Mlle. DANNEVIG said that the total number of children receiving education in the public schools of Syria (except Latakia, the Jebel Druse and the Sanjak of Alexandretta) amounted to 36,376 boys and 15,880 girls (page 86 of the report). The private schools had almost the same number of pupils—namely 50,213 children altogether (page 91). In Latakia and the Jebel Druse, the total number of pupils was about 18,000 (pages 108, 109, 118 and 121 of the report).

In the Sanjak of Alexandretta, there was about 13,000 pupils altogether in the public and private schools (page 134).

It thus seemed that about 133,000 children were receiving education in Syria. That certainly constituted very important progress as compared with the situation in previous years and especially with that prevailing before the mandatory regime (page 87 of the report).

Nevertheless, in a country of about 2,600,000 inhabitants, the proportion of children not receiving education, and of illiterate persons in general, was certainly still high, especially in view of the fact that the Syrian Constitution had laid down, in Article 21, the principle of compulsory and gratuitous education for every Syrian of either sex. That provision in the Syrian Constitution was no doubt very far from being applied.

In Lebanon, where the Constitution did not provide for compulsory education, the percentage of school-going children was much higher than in Syria : 133,000 pupils, (page 147 of the report) out of a population of only about 800,000 inhabitants.

Was there any definite programme in Syria as regards general policy in the matter of education, with a view to giving effect to Article 21 of the Constitution ?

M. DE CAIX explained that Article 21 of the Constitution laid down a principle rather than a stipulation to be applied immediately—which was impossible for budgetary reasons.

Mlle. DANNEVIG drew attention to the following statement on page 85 of the report : “ Primary and elementary education is free, and, in practice, the cost is borne almost entirely by the State, although, in principle, according to the Ottoman law, the cost of construction and equipment should be borne by the populations directly concerned ”. There thus appeared to be a conflict of principles. Which of the two prevailed ?

M. DE CAIX said that experience had shown that the number of schools could only be increased without substantial delay if the Government met practically the whole of the cost. That was, in effect, the course followed.

PUBLIC HEALTH

Count DE PENHA GARCIA thought that the process of decentralisation revealed in the report would lessen the efficiency of the health services. He noted, for example, that the reason why the campaign against pulmonary plague had been successful was because the central Government had intervened directly, and because large funds had been available (page 55 of report).

The health services left much to be desired. In Syria, for instance, there were only two Syrian hospitals with thirty-five beds, as against nine foreign hospitals with 418 beds (page 94 of the report). That situation was, he supposed, due to the lack of budgetary resources.

M. DE CAIX said that that was indeed the case, but that the disproportion to which Count de Penha Garcia had drawn attention was also due to the fact that, on the eve of the great war, the Ottoman State had only assumed a small part of the functions carried out by a modern Western State and left the major part, the task of public assistance, to private organisations, many of them foreign.

ARMENIAN REFUGEES : QUESTION OF THE REPAYMENT OF AGRICULTURAL LOANS

Count DE PENHA GARCIA observed that reference was made on page 56 of the report, in connection with the settlement of Armenian refugees, to a situation which might be said to have arisen from the agreements concluded in regard to the Sanjak of Alexandretta. It was stated on that page of the report that practically no loans were being repaid by the agricultural settlements, because they were all in the Sanjak of Alexandretta. “ They are prosperous ; ” it added, “ but, owing to the change in the status of the country, the refugees fear that a further exodus may be forced on them, and are waiting until their position is cleared up before making any payments ”.

ASSYRIAN REFUGEES

Mlle. DANNEVIG asked whether food was still being distributed to the Assyrian refugees in Syria (page 57 of the report).

M. DE CAIX replied that he had not yet heard of any change being made in that connection. The Assyrians, moreover, were growing crops which should soon be sufficient for their needs ; obviously, they would have to live on what they could produce themselves as soon as they could be considered as permanently settled.

DEMOGRAPHIC STATISTICS

M. RAPPARD said that it was somewhat difficult to ascertain the demographic situation of the territory, as the subject was dealt with in separate paragraphs scattered throughout the report.

The statement on page 116 that “ the Civil Register Service (of the Mohafazat of Latakia) has worked normally ; the number of entries is, however, less than for 1936 At the end of 1937, the population was 359,912 (at the end of 1936, 356,537) ” was somewhat surprising.

How was it that the population had increased when the number of entries in the civil registers was smaller, and when it was asserted that the Civil Register Service had worked normally ?

M. DE CAIX explained that there might have been a larger number of registrations of persons not previously registered, while at the same time the total numbers dealt with by the Civil Register Service had dwindled. Registrations resulted not so much from the efforts of the authorities concerned as from the action of individuals who found themselves compelled to seek registration if they had to go to law or to approach the Administration.

M. RAPPARD hoped that in future reports demographic questions would be dealt with more clearly.

PETITION, DATED NOVEMBER 22ND, 1937, FROM M. IBRAHIM AHDAB AND OTHER SIGNATORIES,
BEIRUT

M. PALACIOS said that he was Rapporteur for a number of petitions ; he had already had occasion to speak about a petition dealing with political incidents at the beginning of the year. There was another relating to measures taken to prevent a demonstration organised by the " phalanges " on November 21st, 1937. Those groups appeared to be chiefly composed of Maronites ; they were encouraged by the Jesuits. It was strange that the petitioners, who were Moslems, should defend those groups—unless, of course, the word " phalanges " was used in a purely general sense to designate other para-military formations also, or unless, alternatively, the repression had been highly unjust. The mandatory Power was silent concerning what the petitioners qualified as " an odious and savage attack " on the lives of young people, women and children.

M. DE CAIX explained that there were Moslems, opposed to the Government, who were prepared to make use, as a means of attack, of measures directed against Christian groups.

PETITION UN-DATED, FROM M. HENRI JABBOUR AND OTHER SIGNATORIES, INHABITANTS OF
VILLAGES OF THE DISTRICT OF JEBEIL

M. PALACIOS stated that another petition, which had also been transmitted to the French Popular Front's leading Committee, protested against the praise of Fascism and attacks on democracy on the part of the Maronite Archbishop of Beirut, Mgr. Moubarak. The petition was submitted by inhabitants of villages in the Jebel district who had remained faithful to Franco-Lebanese alliance and friendship.

M. DE CAIX said that the prelate in question, whose utterances were very aggressive, might have given cause for protests by the Moslems. He seemed to remember, however, that the words complained of were directed, not against Moslems as such, but against the subversive doctrines preached by some of them.

PETITION, DATED MAY 4TH, 1938, FROM M. KAMEL BINNI, JOURNALIST, DAMASCUS

M. PALACIOS observed, lastly, that there was also a petition relating to a journalist, a M. Kamel Binni, who complained of maltreatment.

M. DE CAIX said that the complaint referred to a brawl to which little importance need be attached.

CLOSE OF THE HEARING

The CHAIRMAN thanked the accredited representative for the explanations he had been good enough to furnish. Syria and Lebanon were undoubtedly making progress and the future could be faced with confidence, were it not that the tutelage of the mandatory Power, the origin of that progress, appeared destined to come to an end at an early date.

TWELFTH MEETING

Held on Monday, October 31st, 1938, at 10.30 a.m.

Cameroons under French Mandate : Examination of the Annual Report for 1937.

M. Besson, Director of the Economic Agency of French West Africa, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE

The CHAIRMAN welcomed M. Besson, with whom the Commission was glad to have a further opportunity of collaborating. It had hoped, however, that the Commissioner of the French Republic in the Cameroons, Governor Boisson, might also have been able to take part in the examination of the annual report.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE

M. BESSON. — The Governor, M. Boisson, is sorry to have been unable to attend this session of the Commission, but he was called back to France during the summer and left again at the Minister's request to remain in charge of the territory on account of recent serious events. For that reason, he has been prevented from prolonging his holiday in France and from attending this meeting. He has asked me to tell you that he is following the work of the Commission with scrupulous attention and hopes next year to be able to be present.

I would also thank you for allowing me to make a general statement on the situation, as I am anxious to expedite, as far as possible, the work of the Commission. That is why I think it necessary to give as full an account as possible of the life of the territory in the previous year (1937), for we shall, unfortunately, not examine the year 1938, although it is now coming to an end.

As regards the financial situation, I have been able to obtain the final figures for the financial year 1937, which accordingly complete the documentation of the annual report. The 1937 budget showed revenue and expenditure to a total of 66,425,000 francs ; but it appeared, in the course of 1937, that the budget estimates were distinctly less than the requirements, owing to the increase in wages and the extraordinary rise in all prices ; on the other hand, the very large increase in receipts made it easy to meet the expenditure by means of supplementary credits. The final budget for the year 1937 may accordingly be summarised as follows :

	Francs
Total revenue	106,469,180
Total expenditure	<u>77,768,818</u>
Giving the notable surplus of revenue over expenditure of	28,700,362

The Commission can therefore note that the budgetary situation is at once entirely sound and satisfactory. These figures are indeed a striking proof of the good situation, since it must not be forgotten that the whole problem is dominated by the fact that, the Cameroons being a new country, there are no savings of capital. It must live on the product of its work ; taxes can be levied only if a favourable economic trend puts life into the whole territory and provides an annual source of ready income. In short, the Cameroons has never been so financially prosperous.

As will be seen from the report, the policy of the mandatory Power has been to promote agricultural prosperity. The effect of that policy has been to spread confidence amongst all sections of the population. In that connection, I may point to two circumstances which are, in my opinion, of capital importance. The first is the fact that the wildest populations such as the Negrillos not only frequent markets, but have just sent some hundred of their children to our schools. The second is the fact that in Duala, a town of 40,000 inhabitants with a port serving all the traffic which such a population represents, not a single attempt at murder was reported in 1937.

The agricultural prosperity to which I have referred above is the direct product of a general programme, to the principal features of which I propose to draw the Commission's attention. The first of these features is the creation of a definite organisation of the native producers through the training of native subordinate agents in continually increasing numbers by the higher agricultural college instituted at Yaundé in June 1937. The second feature is the activities of the Provident, Loan and Mutual Aid Societies, to which I have already had occasion to draw the Commission's attention.¹ These funds received valuable assistance in 1937 from the budget of the territory to an amount of nearly 4½ million francs.

The agricultural programme has as its primary basis the desire to utilise to the full the natural resources of the country, and to avoid as far as possible the establishment of any monopoly of production. At the same time, the mandatory Power has been concerned to ensure for the native populations an abundant food supply of, in particular, manioc, millet, rice, maize and ground-nuts. The measures instituted, and especially the establishment of reserve granaries—this year's innovation—make it really possible to eliminate the risk of famine.

The Administration is endeavouring to improve the quality of the oil-palm and to provide the natives with the most suitable mechanical appliances for the manufacture of palm-oil.

Nothing is, however, more striking than the marked success of the cocoa crop. The figures of production show better than any commentary the progress made in this connection. Whereas, in 1936, the production was 23,000 tons, in 1937 exports exceeded 25,500 tons, and in 1938 the figure will probably have reached 40,000 tons.

Another highly prosperous crop is that of the coffee tree, which yielded nearly 2,500 tons in 1937. Its production was regulated by Order of May 10th, 1937, with a view to evolving a first grade standard type.

The production of bananas is making progress ; the exports of forest and plantation rubber continue for a variety of reasons to increase.

¹ See Minutes of the Thirty-third Session of the Commission, pages 70 and 176.

The rational exploitation of the territory led to a commercial development in 1937 which shows a considerable increase over the previous year. I need only refer, without any commentary, to the table on page 79 of the report, the effect of which is as follows :

The trade figures of the Cameroons for 1937 show a considerable increase in both the quantities and values of imports and exports alike. The special trade figures are as follows :

1. Quantities (in tons) :	1936	1937
Imports	47,751	69,023
Exports	<u>150,242</u>	<u>178,945</u>
	197,993	247,968
2. Values (in thousands of francs) :		
Imports	126,366	257,969
Exports	<u>168,249</u>	<u>263,307</u>
	294,615	521,276

which gives an increase on the previous year of :

Quantities	25.23%
Values	43.50%

Imports show an increase in the case of foodstuffs, clothing and hygienic beverages. The native is eating better food, wearing clothes and improving his dwelling. Many interesting examples of this process might be given—for example, the number of pairs of boots and shoes increased from 35,000 to 54,000 and of rubber shoes from 377,000 to 750,000 ; 4,400 bicycles were sold, as against 1,800 in the previous year. Native ladies have asked for jewellery from their husbands to an increasing extent, with the result that the import of such articles shows an increase of 135%. Perfumery increased by 39.4%, and fabrics by 286%. Whether the moral improvement follows the same line as the material improvement, I do not know ; but the increase in the latter at any rate is significant.

The year 1937, as I stated, shows a record figure for exports, amounting to some 180,000 tons or 168,000,000 francs—that is to say, an increase of 28,700 tons or 95,000,000 francs. Coffee, maize, rubber, bananas, timber and cocoa are the principal exports of the territory.

The economic progress, of which I have sketched the main lines, unquestionably involves an increasing improvement in social conditions. The standard of living of the natives has clearly improved ; and food, housing and clothing are all entirely different from what they were twenty-five years ago.

As the report points out, the prosperity and well-being thus occasioned have tended, in a marked degree, to foster an individual outlook, while the situation of the native women also shows an improvement in the direction of a gradual disappearance of polygamy.

At the same time, new problems have arisen in the shape of the growth of towns and the establishment of sports clubs.

In the matter of labour, the year 1937 has been of interest in more than one connection. In the first place, there was a labour crisis raising two serious problems which gave rise to controversies going beyond the limits of the territory—namely, that of the development or the slowing down of European enterprise, and that of the creation of a negro peasantry. These two problems were studied by a special Committee composed of representatives [of the Administration, of the Chamber of Commerce, of agriculture, of the native notables, and even of representatives of the workers. The Committee was in favour of slowing down the development of the European undertakings ; and this was accordingly the object of the Order of March 25th, 1937.

The same Committee further advocated the establishment of Labour Offices, central and local. Effect was given to this recommendation by an Order of May 10th, 1937, which has proved in every way satisfactory. At the same time, native labour in the Cameroons was regulated by a Decree of the first importance, dated November 17th, 1937. As stated in the report, the principal provisions of this Decree related to treatment in cases of sickness, compensation for labour accidents, the institution of wage-books (*carnets de pécule*) and the fixing of a minimum wage.

The importance of the year 1937 in the history of labour in the Cameroons is beyond dispute.

To pass to other questions concerning the activities of the territory, I may say that the Government programme of education aims at giving training in the schools in agriculture and handicrafts on lines corresponding to the social development of the populations.

There is nothing special to record in connection with public health problems.

I have no doubt that, after examining the report, the Mandates Commission will recognise the value of the efforts made by the Governor, M. Boisson, and all his collaborators. But I know that their greatest encouragement is the ever-growing attachment of the peoples of the Cameroons to the mandatory Power which, for nineteen years, has unceasingly secured for them an ever-increasing material and moral prosperity on a continuously developing scale.

The CHAIRMAN thanked the accredited representative for his statement, which could not but confirm the impression created by a perusal of the report, that the situation in the mandated territory was satisfactory as a whole and that its economy rested on sound foundations.

Moral progress did not always seem to have gone hand in hand with material progress. It was true that the material development of a people was a preliminary condition to its moral development.

STATISTICAL INFORMATION REGARDING THE TERRITORIES UNDER MANDATE

The CHAIRMAN was glad to note that the mandatory Power, in accordance with the desire expressed on several occasions,¹ had inserted in the annual report a table (pages 142 and 143) giving statistical data. The information would make it far easier to discuss and keep up to date the general document on public finance, trade and demographic movements in the mandated territories.

FRONTIER BETWEEN THE CAMEROONS UNDER FRENCH MANDATE AND THE CAMEROONS UNDER BRITISH MANDATE

Count DE PENHA GARCIA reminded the Commission that it had taken note the previous year² of the accredited representative's statement that the demarcation work on the frontier between the territory and the Cameroons under British mandate would begin very shortly. The present report (pages 49 and 50) gave detailed information concerning the work of demarcation. The two Commissions had already concluded preliminary investigations on the spot, with a view to defining, by gradual stages, the exact frontier line—more particularly in the region of the estuary. The report noted that triangulation had proved impossible in the marshy region of the estuary, and that it had been found necessary to employ field astronomy for the first stage of the operations.

Count de Penha Garcia enquired whether the delimitation work was still going on, and whether it was proceeding satisfactorily.

M. BESSON recalled that full information about the work already done would be found in the report (pages 49 and 50). The working parties, which had suspended operations during the winter season, were just about to begin again; the French officers belonging to the geographical service had sailed from Bordeaux on October 7th. The surveying of the frontier line was expected to extend over four seasons.

Count DE PENHA GARCIA understood that the British Administration had expected the work to take even longer. He realised how difficult it was going to be.

The CHAIRMAN asked whether the triangulation system being established in the territory was linked up with a wider system on reliable bases. That was a very important point.

M. BESSON did not doubt that the triangulation system adopted in the Cameroons was connected with a vaster system. It would, however, be difficult for him at present to give particulars, but he would ask that the next report should include a special section on the subject.

He said that the work of the Demarcation Commission was very costly, necessitating an expenditure of 500,000 francs a year.

Lord HAILEY asked whether the instructions given to the Demarcation Commission permitted of any latitude in defining the frontier, so as to take account of the territories occupied by the various tribes. The Franco-British Agreement itself only stipulated that the villages must not be separated by the frontier from their agricultural lands.

M. BESSON said that a certain amount of information supplied by the technical services appeared in the report (page 49). He felt sure that the instructions given to the Demarcation Commission must have been based on Article 2 of the mandate.

M. GIRAUD noted (page 49, column 2) that, before the Governments in London and Paris had agreed upon the work to be entrusted to the Commission, the latter had proposed to adopt the scale of 1/120,000 for ordinary sections and 1/625,000 for disputed sections. Was there not some mistake as regards the latter scale? Was it not likely that, for the disputed sections, a more detailed map would be necessary?

¹ See Minutes of the Thirty-third Session of the Commission, page 65.

² *Ibid.*, page 176.

M. VAN ASBECK observed, in that connection, that the maps of the Cameroons mentioned a district with the name of Adamava, both in the territory under French mandate and in that under the British mandate. Had some sultanate or principality been cut in two by the frontier ?

M. BESSON said that he would ask for the necessary information to be included in the next report.

INTERNATIONAL CONVENTIONS

Count DE PENHA GARCIA stated that he had no questions to ask concerning the territory's external relations, except in connection with the application of the Convention on forced labour, to which he would revert later.

ATTITUDE OF THE NATIVE POPULATION TOWARDS THE MANDATORY POWER : QUESTION OF PROPAGANDA : PETITION FROM M. MANDESSI BELL, PRESIDENT OF THE " UNION CAMEROUNAISE ", PARIS

M. VAN ASBECK, turning to the chapter of the report on the internal political situation in the territory (page 47), commented on a passage describing the confidence felt by the autochthonous populations in the mandatory Power, or, to put it more accurately, their affection for the latter. That feeling had recently assumed a tangible form in moving letters and petitions from chiefs and notables, who had been very much upset by the passing rumour that the mandatory Power might have to leave the territory. He would be glad to have some information on the subject.

M. BESSON felt that it was a little difficult to discuss that matter, but he could state that the native population was continually giving proofs of its attachment to the mandatory Power.

The CHAIRMAN asked whether there were any traces of propaganda in the country with the object of undermining the authority of the mandatory Power.

M. BESSON said that he had no information on the matter, but it was not impossible that such traces existed.

M. RAPPARD said that he would be glad to have some information about the " Union camerounaise " ; the Union was under the leadership of a certain Bell, the author of a petition requesting that the territory should be placed under an A mandate.

M. BESSON explained that the Union consisted of young inhabitants of the Cameroons who, in general, were more advanced than their fellow citizens and would be quite glad to indulge their liking for politics, if there were a change of regime in the territory.

NATIVE ADMINISTRATION : DIVISION OF CERTAIN DISTRICTS WITH A VIEW TO ESTABLISHING CLOSER CONTACT BETWEEN THE ADMINISTRATION AND THE NATIVES : DUTIES, REMUNERATION AND SUPERVISION OF THE CHIEFS : SUBDIVISION OF " LAMIDATS " INTO " LAOUANATS "

M. VAN ASBECK noted that the political situation in the territory appeared from the report (page 47) to be very satisfactory. There was clear evidence of the agricultural prosperity of the population and of the natives' confidence in the Administration. There was law and order everywhere, and taxes were paid without compulsion. In some districts, taxes had even been paid quite early in January. The mandatory Power was to be congratulated in the matter. At the same time, the information given in the report did not tally altogether with the facts indicated by Professor Labouret in the work which he had published in 1937 and in which there were indications of a certain distrust in some parts of the territory.

The report (pages 48 and 49) also gave information concerning native rule and territorial organisation. In connection with the latter, it described a new administrative scheme which had been put into practice in the subdivision of Yaoundé. The system hitherto adopted, of centralising the European personnel, had been succeeded by a new system which aimed at bringing the Administrator and his subjects into closer touch, in the interests of what was known as a policy of contact ; the Yaoundé area had been further subdivided into four districts in pursuance of that scheme.

He asked whether the new system was designed to meet conditions peculiar to the Yaoundé district or whether it could, if desired, be extended to other districts ; in the latter alternative, was such an extension contemplated ?

M. BESSON said that it was simply an experiment which, as indicated in the report, had produced successful results. Yaundé had been chosen for the experiment as being the most highly developed centre in the territory. The experiment would probably be extended to other subdivisions as occasion arose.

M. VAN ASBECK said that the policy of contact had been discussed at the thirtieth session of the Commission¹ in the presence of M. Repiquet, who had made it clear that the Administration had no intention of ignoring the chiefs, in any steps it might take to get into touch with the native population.

M. BESSON said that he had no desire to reopen the discussion which had taken place at a previous session on the position of the chiefs and the subdivision of the territory under their rule.

When speaking of chiefs in the Cameroons, it was important, in the first place, to distinguish between those in the north and those in the south. There were no big chiefs in the Yaundé district, but there were innumerable lesser ones. French policy in the matter of native chiefs had always produced good results, and the Commission had had occasion in the past to note the advantages attaching to that policy.

M. VAN ASBECK recalled that the report for 1936 (page 43) had said that, in the district of Noun, the native rule was in the hands of a single individual. The report for 1937, however, stated (page 48) that two grades of chiefdoms had been re-established there. What was the explanation of these contradictory statements?

M. BESSON explained that the conception of a chief varied considerably in the north and in the south. In addition to the traditional chief, there were cantonal chiefs or village chiefs, whose status was different and who were in point of fact second-class chiefs.

M. VAN ASBECK asked whether it might be concluded from the subdivision of the "lamidats" into "laouanats" or second-class chiefdoms (page 48) that the French Administration intended to deal directly with the chiefs of the cantons or laouanats, ignoring the lamidos, who exercised religious authority. If that were the case, in the event of the reform which had been tried as an experiment being extended to other parts of the territory, those chiefs, who would then be divested of all administrative authority and have nothing to do, might feel that their moral and material standing was lowered, a situation which might lead to discontent.

M. BESSON said that the administrative measure in question had been taken only after very careful consideration, as the result of which it had been decided that it was preferable not to give too much authority to the lamidos, who were now left to their religious and contemplative occupations. There was no need to fear the creation of a nucleus of malcontents, as the reform offered many advantages from an administrative point of view. It was important to note that it had only been adopted after very careful investigation.

M. VAN ASBECK pointed out that the Moslem chiefs concerned were being divested of a very considerable measure of authority. He wished to direct the attention of the mandatory Power to the experience acquired in other parts of the world, which showed how dangerous it was sometimes to reduce the authority of the Moslem chiefs in the interests of administrative simplification.

Lord HAILEY recalled that the Moslem conception of the State was based on the absolute identity of religious and temporal functions. If that were the case, how could the lamidos be described as left to their functions as purely spiritual chiefs? The expression used seemed merely to be another way of saying that the lamidos were deprived of every kind of authority.

M. BESSON said that, having served himself in a Moslem country, he was fully conversant with such questions. The French Administration had had some experience in the matter and had no reason to regret the policy which it had adopted in Moslem countries—in Senegal for example.

Lord HAILEY quite understood the mandatory Power's desire to apply in the mandated territory a system which it believed to have been satisfactory in other territories; he only desired to make clear the exact effect of the administrative step referred to. It was tantamount to depriving the chief of his traditional functions of government and entrusting them to an executive agent of the Administration. Elsewhere in French territories, modern practice seemed to show a desire to maintain, as far as practicable, the services of traditional chiefs.

¹ See Minutes of the Thirtieth Session of the Commission, pages 29 and 31 *et seq.*

M. BESSON said that he would take note of those remarks and transmit them to the Commissioner of the French Republic of the Cameroons, who was responsible for the administration. He personally considered that the Commissioner was on the right road.

M. VAN ASBECK asked whether the chiefs of the laouanats were already chiefs under the authority of the lamidos, and if it had been necessary to make further appointments.

M. BESSON explained that those chiefs were appointed by the population and chosen preferably from the sons of former lamidos.

M. VAN ASBECK understood, in that case, that the point at issue was the emancipation of former sub-chiefs in the interests of more direct government. Were the chiefs of the laouanats assisted by French administrators ?

M. BESSON replied that each area was governed by a French administrator. He would give fuller information in the next report on the service relations between chiefs of laouanats and lamidos.

Lord HAILEY observed that, in the north, the policy adopted tended to give an official character to the traditional authorities. How would the new authorities in the lamidats be paid ? Would they be given a salary ?

M. BESSON explained that these officials received a certain percentage of the taxes levied, and came under the same system as the lamidos.

Mlle. DANNEVIG asked whether it was not to be feared that the chiefs levying a certain percentage of the taxes might not then be tempted to increase the amount of those taxes in order to make more profit for themselves ?

Lord HAILEY, too, was afraid that the chief who had to draw up the list of taxpayers might have a tendency to arrange the list as profitably as possible to himself, as he earned a certain percentage of the tax. Was it intended to continue this system in the north, or to give the chiefs a salary ?

M. BESSON replied that there was a scale of taxes for natives as well as for non-natives. The lists of taxpayers were checked in the same way as the lists of electors. That was a matter that came within the province of the Administrator ; if he did not check the lists he was guilty of negligence.

The CHAIRMAN took note of the accredited representative's promise to give details later on the mode of payment of the chiefs of lamidats and laouanats.

M. BESSON believed that the chiefs received a salary ; he was certain, however, that they received a percentage of the taxes.

In reply to a question by Lord Hailey, he pointed out that they had no power of jurisdiction or of treasury administration.

Lord HAILEY suggested that this system did little to give the native a sense of responsibility.

M. BESSON pointed out that there was a whole series of institutions for the very purpose of giving the native that sense of responsibility, in particular, assemblies of notables, right of the natives to belong to the courts of justice as assessors, etc.

Lord HAILEY acknowledged the efforts made to open this field to natives, but the scope offered was that of adviser. That was something different from a training in individual responsibility.

M. BESSON said that he would not fail to communicate to the Administration of the territory the various questions raised by the Commission. They might give rise to judicious changes in the system applied.

QUESTION OF CIVIL AND MILITARY ADMINISTRATION

In reply to a question by Lord Hailey, M. BESSON pointed out that in all the colonies there were military areas administered by officers instead of civil administrators. In certain cases, such a system made it possible to obtain better results. The military administration had proved excellent, especially in the south of the Cameroons under French mandate. The duties of the chiefs of those military areas and of the civil administrators were the same. Moreover, the military staff, in such a case, was seconded from the army and came under the Administration.

M. RAPPARD would like to know the reasons for entrusting some areas to the military authorities rather than the civil authorities. Was it through fear of any form of danger or disorder? Had there not been a tendency for some years past to militarise the administration, and if so, for what reasons?

The CHAIRMAN pointed out that, in the history of colonisation, military administration had in many cases preceded civil administration. It was more rare for military administration to supersede a previously established civil administration. Were there exceptional circumstances that had altered such a method of procedure?

M. BESSON replied that the administration was not in any way being militarised. It was true that an officer and some sergeants had been appointed in areas where animals had been stolen and raids effected by tribes not belonging to the Cameroons. A meharist section had also been instituted to protect and police the frontiers. The military command in those regions was not in the least independent, but came under the Commissioner.

APPOINTMENT AND DISTRIBUTION OF EUROPEAN AND NATIVE STAFF : TRAINING OF NATIVES WITH A VIEW TO THEIR EMPLOYMENT IN THE LOCAL ADMINISTRATION

Lord HAILEY said that, on examining the tables given in the chapter on French and native administration (page 11 of the report), he had found it difficult to distinguish the number of officers in the Colonial Service from those belonging to the "cadres locaux". Would the policy of closer contact between the Administration and the population which had been outlined entail the appointment of further officials, and would such appointments be made in the Colonial service or in the "cadres locaux"?

M. BESSON explained that the general administration was formed of French officials paid by the territory and appointed by the Ministry. The local officials were appointed by the Cameroon authorities; they belonged neither to the magistracy nor to the general administration. In some services, the postal service, for instance, officials might be of either kind. The mode of appointment implied no difference in the value of the officials. Officials belonging to both kinds of administration could be found working together, and they were all under the Governor-General. There were also agents appointed under a three-year contract and not eligible for pensions. The system had made it possible to appoint under such contracts doctors of foreign nationality, occupying the same position in the country as the other doctors, but liable to be asked to leave the country on the expiry of their contract.

In reply to a question by Lord Hailey, M. Besson explained that the policy was to increase the number of natives capable of being employed in the local administration, with the intention of gradually substituting natives for Europeans.

LANGUAGE QUALIFICATIONS OF EUROPEAN OFFICIALS

In reply to a question as to the progress that had been made in the instruction of French officials in the native language, M. BESSON said it was difficult to administer the country without knowing the native language. It was obvious, however, that French would have to remain the usual medium, even if it were bad French. Officials received a bonus for a knowledge of native languages. He had been very much struck by the natives' ability to acquire a knowledge of French.

Replying to Lord Hailey, M. Besson said that a knowledge of native languages was not compulsory for officials. At the same time, bonuses were granted with the object of encouraging their study.

PROVIDENT, LOAN AND MUTUAL AID SOCIETIES

Lord HAILEY, referring to the credit of over four and a-half million francs mentioned by M. Besson in his general statement as having been allocated to the Provident, Loan and Mutual Aid Societies, asked under what item of the budget the details appeared.

M. BESSON thought that the sum in question had been taken from the budget; he hoped to be able to give fuller particulars later.

SOCIAL, MATERIAL AND MORAL DEVELOPMENT OF THE NATIVES : POPULATION

Mlle. DANNEVIG said she had noted from the accredited representative's statement, and from a perusal of the report—more particularly pages 48 and 92—that the material state of prosperity of the mandated territory appeared to be satisfactory, but she had also noted, not

without some misgiving, that the mandatory Power did not feel able to affirm that the moral condition of the natives was equally satisfactory. Might it not be that the material development of the territory had been too rapid ?

She also noted (page 142 of the report) that the native population had dropped from 2,737,125 in 1936 to 2,513,517 in 1937—a decline of over 200,000 in one year, which seemed surprising. Had there been an unusual number of deaths, or a mass exodus from the territory, or was the situation due to the natives having been overworked ?

M. BESSON thought that Mlle. Dannevig's observations had already been answered by the Chairman.¹ The mandatory Power had no reason to neglect the social aspect of native progress, and no desire to prevent it from keeping pace with the country's material prosperity, but the moral progress of the territory had obviously been less rapid than its material progress. One of the best proofs of social development might be found in the fact that a backward population such as the Negrillos had shown no hesitation in sending its children to the Government schools.

As regards the difference between the population figures for 1936 and 1937, M. Besson thought that there must be some mistake, since, so far as he was aware, there had been no epidemics and no mass exodus of the population. He would, however, investigate the matter. The report had been prepared in great haste ; that was why it had not been possible to include an index, as M. van Asbeck had requested.²

SITUATION OF WOMEN : PROPOSAL BY THE COUNCIL OF NOTABLES FOR THE ABOLITION OF THE NKAP CUSTOM

Mlle. DANNEVIG noted (page 11 of the report) that the Council of Notables had functioned normally once or twice a year. She observed that it had been decided to modify the previous matrimonial regime in a part of the territory, and that the last Council of Notables at Dschang had pronounced in favour of abolishing the Nkap custom (page 92 of the report) a step which would shortly be authorised by an administrative decision.

She asked if it had been difficult to convince the Notables of the importance of that modification and how the women, who would thus find their situation improved, had reacted to the change. Had the women been consulted about the reform ?

M. BESSON had not come into contact with the people of that area and had not received any letters on the reform. He thought its scope should not be exaggerated. The only effect of the Notables' action was officially to abolish customs that had long been out of date. Obviously, some of the women must have been pleased at no longer being married against their will, but, for others, it was difficult to say anything definite, since their psychology was elementary. Nevertheless, there was genuine progress, which took the form of an increase in household expenditure.

The moral change was also undeniable, and even more extensive development might be hoped for, but it would necessarily be very slow.

The women had certainly been consulted; more or less directly, for they were in touch with the chiefs, doctors, teachers, administrators and others. It should be remembered that women were not very shy in that country and were always ready to go and confide their troubles to persons representing the authorities.

THIRTEENTH MEETING

Held on Monday, October 31st, 1938, at 3.30 p.m.

Cameroons under French Mandate : Examination of the Annual Report for 1937 (continuation).

M. Besson came to the table of the Commission.

PUBLIC FINANCE : TAXATION

M. RAPPARD was glad to be able to share the satisfaction expressed by the accredited representative in his statement, regarding the financial situation of the territory. The yield from taxation was increasing, there was an excess of revenue over expenditure, and the reserve fund was being built up again. There was perhaps a danger that the mandatory administration might allow itself to be lulled by a sense of well-being. For instance, the budgetary expenditure for 1938 was 41 million francs higher than in the previous year, which might be symptomatic of an optimism open to question in a country which, after all, depended on its exports of raw materials.

¹ See pages 111-112.

² See Minutes of the Thirty-third Session of the Commission, page 104.

M. BESSON said that any optimism was justified by the existing situation. According to his information, the budgetary estimates for 1938 were entirely borne out by the facts. Trade was booming, and the plantations were working to full capacity. The mandated territory gave the impression of a healthy, prosperous organism developing in every direction. In those circumstances, the framework originally adopted had now proved too narrow. It was necessary to launch out in the Cameroons, to modernise the territory, where a young official had been appointed Commissioner. Those various activities must obviously be paid for, and no one could foretell whether the economic situation would still be satisfactory in 1939. That would depend on the world market and on the trend of international economic policy.

M. RAPPARD thought that if the budget for 1938 balanced, without its being necessary to draw on the reserve fund or to increase the burden of taxation unduly, the optimism exhibited was justified. Moreover, it must not be forgotten that, in reality, the increases in the Cameroons budget, which was drawn up in French francs, merely maintained it at its gold figure of twelve years ago, seeing that the French franc had been considerably devalued since.

He noted several improvements in the chapter dealing with public finance (pages 13 to 36 of the report), but suggested that there were still some defects in the method of presentation, which made it difficult sometimes to understand that chapter of the report.

M. BESSON apologised for any defects, which were, he said, due to the haste with which the report had been prepared.

M. RAPPARD asked for an explanation of the item "Contribution of the independent colonies towards the expenditure of the Economic Agency—600,000 francs" in the paragraph "Origin of Revenue" (page 15 of the report).

M. BESSON explained that the former agencies of Togoland, the Cameroons and the adjacent French colonies had been combined in a single agency. The territories and colonies subsidised the Economic Agency, which paid them back a certain sum, depending on the results of each financial year. For 1937, for instance, the Cameroons had paid the Agency 432,000 francs and received back 200,000 francs.

M. RAPPARD said that, in that case, the figures for the Cameroons' contribution should appear under expenditure as well as under revenue; that was not done in the report for 1937.

There was a similar omission on pages 20 and 21 of the report, where expenditure and repayments connected with the Reserve Fund were not shown under the heading of revenue and expenditure, as they should be.

M. BESSON said that due note would be taken of M. Rappard's suggestions in presenting the next accounts.

M. RAPPARD noted that the credit for railway replacement was used not only for the renewal of material, but even to meet budgetary deficits (page 32 of the report). A more suitable name should therefore be found for it. He also noted, on pages 26 and 27, an item "Deductions from salaries, pay and wages", in the annexed budget for the Cameroons railway administration. He would be glad to know what was meant.

M. BESSON said that for a time there had been a 10% cut in the salaries of all colonial officials; that explained the deduction in respect of salaries, pay and wages in the Cameroons budget. The cut had since been restored.

Referring to M. Rappard's observation concerning the use made of the replacement fund, M. Besson explained that the latter would speed up the scheme for the creation of a special fund which would exist side by side with the replacement fund.

Lord HAILEY could not help feeling, with reference to the budget for 1938, that experience in Africa had shown that the large budgetary increases made in times of prosperity often reacted prejudicially on the economic life of the territories concerned when a period of economic depression followed.

What proportion of the increase of 41 million francs in the budget for 1938 represented non-recurring expenditure and how much was in the form of recurring expenditure?

M. BESSON regretted that he had not the information necessary to enable him to reply to Lord Hailey's question, which concerned the year 1938.

Lord HAILEY observed that the budget of the Cameroons railways seemed to include no provision for interest. Although the larger part of the railways had been taken over from the German Administration without any cost to the territory, it had nevertheless been necessary to devote part of the product of the loan of 32 million francs to the extension and remodelling of the lines (see more particularly page 28 of the report).

M. BESSON said that the interest on the loan was provided for under the ordinary budget of the territory.

Lord HAILEY concluded that the accounts of the Cameroons railways were not maintained on a commercial basis.

M. BESSON replied that there was a budget for the railways, but that it did not include the service of the part of the loan which had been allocated to the railways.

Lord HAILEY thought that the distinction based on the origin and allocation of the revenue as between European and native interests gave the accounts an artificial character. (See in particular page 26 of the report). Such allocations always involved a large measure of assumption.

M. RAPPARD reminded Lord Hailey that the information in question had originally been asked for by the Commission itself; ¹ the latter had soon recognised, however, that it was artificial.

Lord HAILEY directed the accredited representative's attention to the item of the extraordinary revenue under the budget of the railway administration (page 26 of the report) which read: "Recovery of sums in respect of tariffs for the transport of oil products: Francs 2,540,921.55". He asked why the rebate, which seemed rather to concern the general finances of the territory, was paid to the railways.

M. BESSON said that the railways had agreed to grant reduced rates for the transport of oil products.

Lord HAILEY asked what was the purpose underlying the system of reduced rates for the conveyance of oil products?

M. BESSON said that the purpose was to encourage those products.

Lord HAILEY pointed out that such reductions were probably lost in the fluctuations of oil prices on the world market; he noted that the export of oils had actually declined.

M. BESSON said that the reductions had, nevertheless, served a useful purpose in preventing coffee or cocoa from being grown as the only crop. He would, however, take note of Lord Hailey's observations and bring them to the knowledge of the competent authorities.

Lord HAILEY said that it was difficult to find any logical principles on which the expenditure was divided between the ordinary budget and the extraordinary budgets.

M. BESSON said that a note would be communicated to the Mandates Commission explaining the principles which governed that distinction.

Lord HAILEY said that there was nothing in the report for 1937 about the basis on which the direct native tax was assessed. Previous reports had contained paragraphs on that subject.

M. BESSON said that as the system of taxes had just been revised, it was of no interest to the Mandates Commission to have an explanation of the position in 1937. There had been no change in that respect between 1936 and 1937; the next report would describe the changes made in 1938.

M. VAN ASBECK pointed out that the report for 1937 did not contain either the usual table showing the subsidies paid to organisations in the home country.

M. BESSON said that he would ask for the table to be included again in subsequent reports.

M. GIRAUD directed the accredited representative's attention to the Decree of December 28th, 1936 (page 149 of the report), whereby the personal tax to be paid, in 1937, by inhabitants possessing the status of natives and having an income between 3,000 and 15,000 francs was fixed as follows:

from 3,000 to 6,000 francs	40 francs ;
from 6,000 to 9,000 francs	50 francs ;
from 9,000 to 12,000 francs	60 francs ;
from 12,000 to 15,000 francs	75 francs.

From those figures it appeared that assessment of the tax, which was a kind of native income tax, was on a decreasing scale.

¹ See Minutes of the Thirty-third Session of the Commission, page 176.

M. BESSON observed that there was a growing tendency to replace the poll-tax by a personal tax and that the reason that the latter was not graduated progressively for 1937 was explained by the character of the tax which it replaced. In 1938, the tax would become progressive, as M. Giraud would see in the following year.

ECONOMIC EQUALITY : CASE OF STATES CEASING TO BE MEMBERS OF THE LEAGUE

M. GIRAUD recalled that the accredited representative had stated in 1937¹ that States which had ceased to be Members of the League of Nations had *ipso facto* lost the right granted to them by the Convention of Saint-Germain to equality of treatment in that portion of the Cameroons under French mandate which was situated in the conventional Congo Basin. M. Besson had added, on the other hand, that, in the view of the French Government, the States which were no longer Members of the League could not claim economic equality.

Did the French Government intend to open negotiations with States which had left the League with the object of concluding with them—in return for the economic equality which they still enjoyed as regard their sales in the Cameroons—arrangements to facilitate the marketing in those countries of some, at all events, of the products of the territory ?

M. BESSON said that that question did not come within his competence and that he could only take note of M. Giraud's enquiry.

ECONOMIC SITUATION : IMPORTS AND EXPORTS : QUESTION OF FUTURE MARKETS

M. GIRAUD said that the economic situation of the territory appeared, from the report and the accredited representative's statement, to be satisfactory.

Dealing first with the agricultural situation, it was to be noted, as regards foodstuffs, that drought and locust swarms had seemed likely to endanger food supplies in certain parts of the Adamawa and Benue ; it had, however, proved possible to meet the requirements of the population (page 67 of the report).

The chief agricultural products exported from the Cameroons were oil products, cocoa, timber, bananas and coffee, which represented 86% of the value of the total export trade. There had been a slight decline in oil products (62,200 tons in 1937 compared with 68,700 tons in 1936). On the other hand, for all other products, the figures had risen considerably : cocoa from 23,800 tons to 26,500 tons ; timber from 29,900 tons to 51,300 tons ; bananas from 16,800 tons to 24,100 tons ; coffee from 2,000 tons to 2,500 tons. Rates, moreover, had been satisfactory on the whole, in 1937, except for a slight decline in the latter part of the year (pages 81 and 82 of the report).

Mining had been active. The output of gold had risen from 342 kilogrammes to 442 kilogrammes ; that of tin ore from 266 tons to 436 tons (page 82 of the report).

As regards the movement of trade, a comparison of values in 1936 and 1937 (page 82 of the report) did not signify very much owing to the devaluation of the franc. A reference to the tonnage, however, showed that there had been a considerable increase in trade activity in 1937. Imports had risen by 45% (69,000 tons compared with 47,500 tons) and exports by 19% (178,900 tons compared with 150,200 tons) (page 83 of the report). There had been an increase in practically all imported products, compared with 1936. In the case of exports, the increase in trade affected practically all products, with the exception of oil products which, as noted, had suffered a slight decline.

Certain changes should be noted in the movement of foreign trade. In the case of imports, goods from Japan, which now headed the list instead of the United Kingdom, had increased from 17% to 23.8% (page 81 of the report), while French goods had dropped from 20.4% to 13.4% (page 85 of the report). In the case of exports, goods purchased by France had dropped proportionally from 69.8% to 53.4%, while Netherlands purchases had risen from 15.1% to 25.9% and those of Germany from 3.5% to 8.9% (page 85 of the report).

Other available indices showed, in the case of shipping, an increase of 34% in the tonnage landed and of 21% in the tonnage shipped (page 86 of the report) ; in railway traffic an increase of 61% in the number of passengers and of 19% in the tonnage carried (page 56 of the report) ; in postal and telegraphic traffic, an increase of 30% in the volume of business, after deducting the increase in revenue due to the introduction of higher charges (page 63 of the report).

In the year 1937 it might therefore be said, taking the various factors into account, that there had been marked progress in the general economic activity of the territory.

Had that progress continued in 1938, so far as exports were concerned ?

M. BESSON said that it had been even more remarkable.

¹ See Minutes of the Thirty-third Session of the Commission, page 66.

M. GIRAUD recalled that the accredited representative had stated at the thirty-third session of the Commission ¹ that it would appear from the preliminary investigations he himself had made that there was a large market abroad for the Cameroons, particularly for cocoa-beans, bananas and, to a lesser extent, ground-nuts ; he had expressed the hope that new markets would be found ; that was, he had said, " the more necessary because the market of the mandatory Power had almost reached saturation point," as far as bananas and cocoa were concerned. Could the accredited representative give any further information on the subject ?

Did his statement that the market of the mandatory Power had almost reached saturation point cause him any misgiving, in view of the figures for exports in 1937 ? M. Giraud added that the table on page 85 of the report supplied an answer to some of his questions, as it showed that foreign countries were taking many more exports from the territory (45.2% in 1937 against 28.8% in 1936).

M. BESSON explained that, a few months previously, the Minister for the Colonies had set up propaganda committees for bananas and cocoa. The first of those committees to be constituted had already achieved very appreciable results. Press campaigns had been carried on to promote sales of those products. The activities of both the committees were met out of the revenue from the tax on the importation into France of bananas and cocoa, which enabled them to carry on effective propaganda.

M. GIRAUD noted (table on page 82 of the report) that Japan had sold goods to the value of 61 million francs to the territory in 1937, compared with 21 millions in 1936. The figure for Japanese imports had therefore trebled ; but Japan did not appear in the list of customers of the territory given on page 85 of the report.

M. BESSON said that Japan did not purchase anything from the territory.

CULTIVATION OF CINCHONA : NATURE AND USE OF TOTAQUINAS

M. GIRAUD recalled that, in connection with experiments on the cultivation of various forms of cinchona, it had been asked the previous year ² if the report for 1937 could include information as to the nature and use of *totaquinas*, products in the preparation of which it had been indicated that " cinchona succirubra " could be used. The request had been noted, but no information on the subject was given in the report.

M. BESSON said that he had not yet received the information, but that he would ask for it to be included in the next report.

PARTICIPATION OF NATIVES IN THE PROSPERITY OF THE TERRITORY : QUESTION OF SAVINGS BANKS

M. GIRAUD noted that the prosperity of the territory in 1937 resulting from the big increase in exports was reflected in the prosperity of the native farmer ; it appeared from the report (page 79) that there had been an increase in imports of foodstuffs, articles of clothing, building material, etc., and that the use of the bicycle was now general among the natives. Repeating his inquiry of the previous year, ¹ M. Giraud asked whether prosperity was accompanied by any notion of saving. Were there any indications of such a tendency, and if so, what were they ? At the thirty-third session, M. Besson had indicated that there might be some idea of starting a savings bank.

M. BESSON said that the native was beginning to think of saving and that the authorities of the territory had prepared a scheme for a savings bank, which was now being considered by the Minister for Finance.

PROVIDENT, LOAN AND MUTUAL SOCIETIES (*continuation*)

M. GIRAUD recalled that the Commission had submitted in its report to the Council on the work of its thirty-third session ³ an observation concerning native provident societies. The information for which it had asked had now been supplied in the present report (page 71). The report stated that the Decree of June 7th, 1937, with the supplementary Order of July 9th, provided for the reorganisation, under the title of " Provident, Loan and Mutual Societies ", of the former agricultural co-operative societies of the territory and had laid down rules for their functioning and defined their object. The report also described the forms in which the activities of such societies were being carried on and included a table, on page

¹ See Minutes of the Thirty-third Session of the Commission, page 69.

² *Ibid.*, page 70.

³ *Ibid.*, page 176.

72, showing the financial position of the native agricultural co-operative societies (financial year 1937). Could the accredited representative give any further information as to the present position and the future prospects of those societies ?

M. BESSON said that the Commission would find in the next report an account of the progress of the societies, which had been created on the model of those in French West Africa. The Commissioner for the Cameroons expected great things of them, and hoped, in particular, that they would be able to negotiate direct sales from the territory to the home country.

M. GIRAUD asked what was the view of the population concerned regarding the conversion of the co-operative societies into native provident societies.

M. BESSON understood that the native provident societies had only begun operations at the end of 1937. It would be necessary to wait for next year's report to form an opinion on the matter.

AGRICULTURAL CREDITS

M. GIRAUD, referring to the question of agricultural credit (page 73 of the report), noted that over a third of the bills falling due in 1937 were still unpaid. The proportion seemed at first sight a very high one, especially in view of the fact that 1937 had been a prosperous year. What measures had been taken or were contemplated with the object of improving that financial situation and, more particularly, of ensuring the payment of such sums on the due date ? Were the individuals to whom agricultural credit loans had been granted for the most part European planters or natives ?

M. BESSON replied that they were Europeans.

JUDICIAL ORGANISATION : PRISONS : " INDIGENAT " SYSTEM

M. VAN ASBECK asked whether the high death-rate among prisoners in the Logone and Mahadara districts (page 43 of the report) was connected in any way with the migrations of the Kirdis towards the plain.

M. BESSON said that he would obtain information on the point.

Mlle. DANNEVIG enquired what was meant by " administrative prisoners " (page 43 of the report).

M. BESSON said that they were natives who had been guilty of offences against the native law. They were kept in custody but had not been convicted.

Mlle. DANNEVIG emphasised the high figure for such persons (28,883) ; she was under the impression that an official had the right to keep a native in custody more than five days by repeating the sentence several times.

M. BESSON replied that that was certainly not the case ; the regulations in the matter were scrupulously observed.

Lord HAILEY asked whether this system did not, nevertheless, mean that natives could be imprisoned without trial.

M. BESSON replied that procedure in the matter was governed by the code relating to native status.

Lord HAILEY said that the French Government had stated that the " indigenat " system was one which would have to be abolished ; meanwhile, the maximum period of detention for offences under the " indigenat " were, in some of the territories, being reduced from fifteen to five days.

M. BESSON confirmed the fact that the reduction had already been instituted. The code relating to the " indigenat " system had been abolished in certain French possessions ; the intention was to do away with it gradually.

He stated, in reply to a question by the Chairman, that the penalty for an offence was never repeated.

Mlle. DANNEVIG thought that there could be very few natives who did not come under the code relating to native status ; she enquired whether native officials had the right to inflict sentence of administrative imprisonment.

M. BESSON replied that only French officials possessed such a right.

Lord HAILEY added that he understood that the "indigenat" code applied only to French "subjects" and not to natives who were French citizens.

M. BESSON said that, in the Cameroons, the term native citizen was only used for French native citizens.

Mlle. DANNEVIG enquired what offences were punishable by administrative imprisonment.

M. BESSON said that it was employed only for ordinary offences against the regulations, such as not cleaning a street, leaving refuse in prohibited places and other similar offences. He explained in reply to a question by M. Rappard that the courtyard of the administrative building was used for the detention of such offenders. During the day the natives worked on the roads, for instance, and in the evening, instead of returning home, they were kept in custody at the administrative offices. Incarceration was hardly a suitable description.

Mlle. DANNEVIG asked whether many native women were brought to trial. If so, what system was applied?

M. BESSON thought that in the Cameroons, as elsewhere, women might sometimes have dealings with the law. In principle, they were never imprisoned, but he would ask that information might be given in the next report concerning convictions and the penalties applicable to women.

Lord HAILEY noted, on page 41 of the report, a passage referring to a Decree of April 15th, 1937, under which chiefs of sections of the native administration created in the subdivision of Yaundé by a Decree of April 8th, 1937, were appointed Deputy Presidents of the Yaundé Court of First Instance. If they were natives, that was a very important innovation.

M. BESSON replied that all useful information on the matter would be given in the next report.

Lord HAILEY enquired whether chiefs had ever been granted the right to preside over civil courts.

M. BESSON said that they had never been granted that right for sessions of courts of the second degree; he reminded the Commission, however, that European magistrates were always accompanied by two natives to interpret native customs to them.

Lord HAILEY said that he was referring to native courts of the first degree which tried civil cases; such courts were, in some of the French territories, presided over by natives.

M. BESSON did not think that that was the case in the Cameroons.

Lord HAILEY asked whether the criticisms regarding the removal of the Court of Appeal had been duly taken into account.

M. BESSON said that that was not the case; the Court of Appeal had remained where it was.

ARMS AND AMMUNITION

The CHAIRMAN drew the attention of the accredited representative to the *Journal officiel de la République française* of January 15th, 1938 (page 673), where a decree was published cancelling the annual renewal of permits to carry arms. What was the object of that measure?

M. BESSON stated that its object was to prevent fraud and an undue increase in the number of people carrying arms.

GENERAL ENQUIRY IN COLONIES AND MANDATED TERRITORIES CONCERNING THE MORAL, MATERIAL AND SOCIAL DEVELOPMENT OF NATIVE POPULATIONS

Lord HAILEY reminded the Commission that last year¹ there had been talk of a general enquiry into the material, moral and social development of the native populations in the colonies and mandated territories. What results had M. Justin Godard, who was in charge of the enquiry, reached in the Cameroons?

M. BESSON replied that M. Justin Godard had not visited the Cameroons.

¹ See Minutes of the Thirty-third Session of the Commission, page 70.

QUESTION OF GRANTING CONCESSIONS TO COLONISTS : POLICY OF THE MANDATORY POWER
AS REGARDS A NATIVE PEASANTRY

Lord HAILEY would like to have some further particulars of the mandatory Power's intentions as regards a native peasant policy—a point of very great importance which had come under discussion last year¹ and was also mentioned in the report for 1937 (page 97). Was the decision no longer to allow concessions to colonists as part of that policy, or had it simply been taken on account of the state of the labour market ?

M. BESSON said he could only refer the Commission to the information given on page 97 of the report.

Lord HAILEY asked whether the policy would be continued and if it was likely that no more concessions would be granted.

M. BESSON replied that there was no kind of finality and that future decisions would depend on the evolution of the territory and the economic situation.

The CHAIRMAN presumed, nevertheless, that the mandatory Power had a settled policy as regards the native peasantry. It was, in fact, impossible to base one's attitude in regard to that matter on constantly changing circumstances, to decide one year that no more concessions were to be granted and to go back on that decision the following year ; each time that settlement permits were restored the number of colonists increased, and it became impossible subsequently to go back to the starting—point. The Chairman would be inclined to think that the mandatory Power had taken up a position in the matter and decided to favour the native peasantry.

M. BESSON said that was so. On page 97 of the report would be found an explanation of the mandatory Power's policy concerning the labour system.

The CHAIRMAN drew the attention of the accredited representative to the second paragraph on page 97 of the report, which showed that until 1936 the number of concessions granted had been continually increasing.

M. BESSON explained that the position in 1936 had caused some uneasiness ; a Commission under the chairmanship of the Inspector of Administrative Affairs was then set up consisting of representatives of the various services, members of the Chamber of Commerce, Agriculture and Industry, native notables and workers' representatives. In that way all the interests affected were represented. The Commission concluded that it would be necessary to suspend all fresh agricultural concessions, and that was done by an Order of March 25th, 1937 (page 188 of the report).

Lord HAILEY said that page 97 of the report conveyed the impression, which was also borne out by other passages in the report, that the change in policy regarding concessions was due in great part to the complaints of the employers, who were unable to obtain enough labour. He hoped in spite of that that the motive for the change was a more far reaching one and connected with a real desire to promote the welfare of the native peasantry.

M. VAN ASBECK pointed out that if the decision to give no more concessions was due to considerations connected with the labour market, it could only be temporary.

M. BESSON said it was true that the Order of March 25th, 1937, suspended temporarily the grant of any further agricultural concessions, but should that measure continue to be necessary in the interests of the native peasantry there was nothing to prevent the mandatory Power from renewing it.

M. VAN ASBECK said that, in view of the importance of the question, he earnestly hoped that future reports would show that the mandatory Power's policy was dictated by concern for the future of the native peasantry.

LABOUR

Lord HAILEY asked how far the decree limiting the natives' freedom of movement was a measure to facilitate the recruitment of labour by employers and how far it was a health precaution.

¹ See Minutes of the Thirty-third Session of the Commission, page 75.

M. BESSON replied that it was both a health and a police precaution and not a measure connected with the labour market.

In reply to another question by Lord Hailey, he explained that, strictly speaking, there were no collective contracts in the territory. However, a long decree dated November 17th, 1937 (see *Journal officiel de la République française*, No. 270, November 21st, 1937), regulated labour in the territory. It closely followed the Convention drawn up by the International Labour Conference.

M. Besson intended to include in the next report the last memorandum by the Inspector of Labour in the Cameroons on the working of the above decree, which would then have been in force long enough to have given some idea of its value. The decree of November 17th, 1937, had been promulgated in the mandated territory by an instrument of which he would give further particulars in the next report.

Mr. WEAVER, referring to Article 28 of the Decree, dealing with industrial accidents, observed that in case of death or when total or partial permanent disablement had been definitely proved by the medical authorities, the employer was entitled to suggest the amount of compensation. If the victim or his representatives accepted the amount, it was paid to them through the administrative authorities. If the decision was not challenged the affair was regarded as settled.

Mr. Weaver had some doubts whether the system in question would work satisfactorily. In order to enable the Commission to judge of its value, would it not be possible for the next report to give the number of industrial accidents occurring during the year and the compensation paid for them ?

M. BESSON replied in the affirmative.

Mr. WEAVER asked whether it would not be advisable to include sales on credit in Article 60 of the Decree.

M. BESSON agreed.

Mr. WEAVER said he would like to have further information on the application of Articles 63 and 66 dealing with the inspection of labour. Had the inspectors been appointed and would their entire time be taken up by the work ?

M. BESSON replied that they had not yet been appointed ; there was some difficulty in finding candidates for the posts.

Mr. WEAVER observed that there was an increasing number of workers in the service of native employers. Did the Decree also apply to native employers ?

M. BESSON replied in the affirmative.

Mr. WEAVER said that he noticed on page 200 of the report that a Central Labour Office had been set up under the Commissioner of the Republic, and also regional offices in the areas and administrative subdivisions indicated by the Commissioner. He would be glad to have particulars of the way in which the offices were working, the number of applications for and offers of employment received by them, and the number of situations found by them.

M. BESSON stated that the information in question would be given in the next report.

Mr. WEAVER referred to a sentence on page 100 of the report to the effect that native workmen were represented at the Central Labour Office. How were the representatives appointed ?

M. BESSON said he believed they were appointed by the Commissioner or the competent administrator ; he would ask for information on the point to be included in the next report.

Mr. WEAVER observed that Article 7 of the Order of May 10th, 1937 (page 201 of the report), stipulated that the functions of the the regional offices were " . . . to put into operation appropriate methods of propaganda to satisfy the labour requirements of the agricultural, commercial and industrial undertakings ". Would that mean a recruitment in the sense of the international Convention previously mentioned ?

M. BESSON replied in the negative. The clause referred only to information that might facilitate the placing of workmen.

Mr. WEAVER observed from Article 13 of the same decree that the recruiting of workmen through the labour offices *ipso facto* entailed the establishment of a labour contract subject to an administrative visa.

He was glad to note that a Decree (page 201 of the report) had been issued promulgating the Convention concerning forced or compulsory labour adopted by the International Labour Conference at its fourteenth session. He presumed that the clauses in the decree referring to military questions had nothing to do with the mandated territory.

M. BESSON said they had not. That was not true, however, of the clauses concerning statute labour, which applied to the Cameroons.

Mr. WEAVER, referring to modification (c) (page 202 of the report), made by the Decree of August 12th, 1937, in the first paragraph of Article 12 of the Convention to which he had just referred, said he believed that there was no general forced labour in the Cameroons.

M. BESSON said that was so. He added that the text in question had been inserted only because it was logical to extend the Decree to all the mandated territories and colonies.

Mr. WEAVER also assumed that modification (d), made by the Decree in Article 19 of the Convention, had no practical application in the territory.

M. BESSON said that the amendment did not apply to the Cameroons.

M. GIRAUD pointed out that the tables on page 98 of the report showed considerable differences in comparison with 1936, in the number of workmen employed in forestry and industrial undertakings in the Adamawa region (1,150 in 1937 and 7,500 in 1936). It would seem that in cases where such wide fluctuations existed in the figures a short explanation would not be without interest.

MISSIONS : FREEDOM OF CONSCIENCE

M. PALACIOS reminded the Commission that the previous year¹ he had expressed the hope that fuller information would be given about religious matters and the work of the missions, and also the reasons for the Decree of October 13th, 1937 (pages 199 and 200 of the report) concerning the admission and discharge of boarders in religious establishments.

The report in general, contained very little information on religious matters. On page 94 it stated that the Decree to which he had just referred had been enacted with a view to modifying, as regards a point of detail, the Decree of April 28th, 1933, which was still in force. It added that "apart from this liberal reform, no other modification has been made in the local legislation, the observance of which causes no difficulty. There was, moreover, complete understanding between the missions of various denominations in the Cameroons." And that was all. It seemed to M. Palacios that it would have been interesting for the Commission to have received information on the relations between the missions and the population and between the missions and the Administration.

He drew the attention of the accredited representative to an article dated May 30th, 1938, which had appeared in the *Annales Coloniales*. The article contained an interview with the Apostolical Vicar of Yaundé, Monseigneur Graffin, by a certain journalist.

Monseigneur Graffin was reported to have said that apart from the northern areas of the Cameroons where there were tribes who had long ago been converted to Mohammedanism, Catholicism had made obvious progress everywhere, particularly in the coast districts of Duala and Yaundé. Over 70% of the children in those districts attended the Catholic schools, one-third of the population had been baptised and another third were sympathisers whose only reasons for not being converted were to be found in their attachment to certain traditions, especially polygamy. The remaining 30%, who were not to be regarded as beyond reach, were often, unknown to themselves, permeated even in their traditional religious practices by Christian influences transmitted by their children or relatives or through their social environment. These influences were so strong that Monseigneur Graffin believed that primitive fetishism could not be found in a pure state on the coast. The real position now, so he maintained, was that there were no longer nuclei of Christians lost in a mass of fetishists, but fetishists appearing as scattered minorities.

Continuing, Monseigneur Graffin referred to the national question and that of land. For example, the Apostolical Vicar said that the missions' christianising influence was, of course, accompanied by a profoundly French influence. Later, referring to the matter of the cessation of European colonisation, he said: "It is the doctrine of the State—colonisation by the State for the native . . . It is not my business to give an opinion on the subject. Yet, as our missions are regarded as private colonisation enterprises, the application of this idea would compel us immediately to cease work. For how could new centres be created from which to preach the Gospel if we cannot acquire the land necessary to support the two or three hundred persons that a new mission quickly gathers together?"

M. BESSON felt bound to say that if the progress of Catholicism in the territory were acknowledged, so were also the absolute independence and neutrality of the mandatory Administration.

¹ See Minutes of the Thirty-third Session of the Commission, page 76.

M. RAPPARD did not think that the missions needed vast stretches of land to preach the Gospel, or that the French Administration's policy could hamper their work.

Monseigneur Graffin said that he was encouraging the French influence side by side with the Christian influence. Was a similar national tendency bound up with the religious activities of the other missions in the Cameroons, which were known not to be all French, though they clearly all had the same rights ?

M. BESSON replied that the Administration did not distinguish between French and other missions.

M. PALACIOS wondered whether the changes in the life of the tribes caused by Christian ideas did not explain the necessity for land, in order to meet the needs of the new converts or in order to place it at their disposal. He would be glad to have explanations on the point.

Mlle. DANNEVIG thought it was not unreasonable to grant land to the missions, since they could not rely exclusively on the gifts they received from abroad.

M. BESSON considered that the question was a difficult one. None the less, the missions seemed to have enough land to satisfy their requirements.

Mlle. DANNEVIG took the view that the missions were working in the interests of the natives.

M. BESSON said that there was not a shadow of doubt about that.

EDUCATION

Mlle. DANNEVIG noted, from page 103 of the report, that the preparatory schools had been reorganised so as to give greater prominence to practical and agricultural education corresponding to the needs of the different communities. The curriculum of the regional schools was also organised on a more practical basis. The expenditure for education was estimated at 2,619,790 francs in the 1938 budget, as against 1,841,523 francs in the 1937 budget, which was an increase of 778,267 francs (page 107 of the Report).

She would like to know whether girls could attend the village schools.

M. BESSON replied in the affirmative.

Mlle. DANNEVIG asked if the next report might contain information on the attendance of girls at elementary and higher schools.

She noted (page 106 of the report) that only ten pupils from the Catholic Mission schools had obtained the elementary school certificate out of sixty-nine who had gone in for the examination. Was it to be assumed that the standard in those schools was not very high ?

M. BESSON said that was so.

Mlle. DANNEVIG observed on page 107 of the report that the town schools at Duala and Yaundé were under the direction of European schoolmistresses ; she presumed that such schools were healthier and better equipped. Did girls attend too ?

M. BESSON replied that the town schools were attended, just like the corresponding schools in France, by girls as well as boys and that the subjects taught were the same as in France.

Mlle. DANNEVIG noticed (pages 105 and 107 of the report) that the official village schools had 6,560 pupils as compared with 5,351 in the assisted mission schools ; that made a total of about 12,000 pupils learning French. In addition, there were also well attended adult courses. In the unassisted mission schools about 47,000 pupils were taught in the vernacular.

M. BESSON pointed out that these courses were only held in towns.

Mlle. DANNEVIG asked whether the total subsidy of 116,000 francs at present granted to the mission schools (page 108 of the report) would be increased in the future.

M. BESSON replied in the affirmative. The increase could already be found in the 1938 budget.

SITUATION OF WOMEN : TRAINING OF NATIVE MIDWIVES

Mlle. DANNEVIG observed that there were native midwives with diplomas in the Cameroons, at least in the towns, where they were paid by the Administration.

M. BESSON explained that there must be several of them receiving a monthly salary, and that it was hoped gradually to increase their number. They were trained at the maternity hospital at Dakar and their remuneration enabled them to live well and to be independent.

Mlle. DANNEVIG observed that women were taxpayers in the mandated territory, which was a sign that they had some economic standing and were beginning to become more independent. She thanked the mandatory Power for the information on the social condition of women given on pages 92 and 141.

STATUS OF THE NEGRILLOS

Mlle. DANNEVIG pointed out that, on page 47 of the report, reference was made to the taming of the Negrillos. Were there many Negrillos in the territory, and what was their social position ?

M. BESSON explained that the Negrillos were very backward and it was extremely hard to get in touch with them. It was a noteworthy achievement to have induced them to send their children to school. The next report would contain more detailed information on the Negrillos.

DEMOGRAPHIC STATISTICS : GREEK POPULATION

M. GIRAUD noted (page 91 of the report) the increase in the Greek population of the territory, which had almost doubled. He would be interested to know the cause.

M. BESSON said that he would obtain information on that point.

FOURTEENTH MEETING

Held on Tuesday, November 1st, 1938, at 10 a.m.

Cameroons under French Mandate : Examination of the Annual Report for 1937 (continuation).

M. Besson came to the table of the Commission.

ALCOHOL AND SPIRITS

M. GIRAUD said that, last year,¹ M. Sakenobe had expressed a desire to know what restrictions had been imposed in the territory in regard to the consumption of alcoholic beverages and what cases had been brought before the courts on charges of drunkenness.

Information on those points was given in the report for 1937 (page 141), from which it appeared, in particular, that alcoholic beverages, including health beverages, could in no case be kept for any reason in depots, warehouses or cellars administered and run by natives. Moreover, the opening of a brewery, health beverage factory or wine shop was subject to the authorisation of the head of the territory, as were also the import, purchase, sale and transport of alcoholic and health beverages.

The *Journal officiel de la République française* for October 7th, 1938, on the other hand, contained the text of a decree whereby "the free circulation of so-called health beverages is authorised within the territory". Those provisions appeared to modify the stipulations hitherto in force to which M. Giraud had just referred. Could the accredited representative supply any information on the new regulations governing the trade in alcohol, and the trade in health beverages in particular, in the Cameroons ?

M. BESSON replied that, as the decree in question had been promulgated in 1938, the desired explanations would be given in the next report.

¹ See Minutes of the Thirty-third Session of the Commission, page 77.

PUBLIC HEALTH

COUNT DE PENHA GARCIA thanked the mandatory Power for the information furnished in the report regarding the work of the Permanent Health Committee, which had been set up to study and propose a programme of health organisation and to prepare a plan of action for each region. The survey on pages 134 and 135 of the report showed that most of the Committee's recommendations had been borne in mind ; the Committee's aim was to co-ordinate the various health and hygiene services, and was undoubtedly doing very valuable work.

The Public Health section of the report contained full and detailed particulars (pages 109 to 135 of the report). In places, there might even be said to be an excess of detail. For instance, on page 116, in describing the campaign against plague, the total number of rats caught was mentioned, and it was added that none of those rats were found to be plague-infested. On an average, two lice were found per rat. Details of that kind seemed somewhat superfluous, and added to the labour of studying the report.

The report also contained, as an annex (pages 218 *et seq.*), the text of a decree, dated October 1st, 1937, which was of the highest importance. It established general rules of public health and sanitation to be applied throughout the territory. The steps proposed were excellent. If they could really be carried out, they would place the mandated territory, from the health point of view, in a more favourable situation than many European towns. But one nevertheless wondered whether difficulties would not be encountered in their application.

What was done with household refuse ? Was it incinerated or was some other system in vogue ?

M. BESSON said that the reply to Count de Penha Garcia's question was to be found in Article 77 of the decree, which provided that :

“ Household refuse shall be removed daily by the Highways Department and destroyed either by incineration or by a biological process.”

He added that the decree was intended to serve as a model. Metal dustbins of the type for which it provided were not, of course, to be found in every native village. The decree represented, of course, an ideal, which the medical officers and administrative services would endeavour to attain. It might be possible to give effect to the decree at Duala and Yaunde, but it would, of course, be more difficult elsewhere.

COUNT DE PENHA GARCIA pointed out that Article 77 spoke of two alternative methods of destruction of household refuse—namely, incineration or biological destruction. Which process was employed ?

M. BESSON had no information on the matter. A reply would be given in the next report.

COUNT DE PENHA GARCIA had noticed that all the doctors in the mandated territory were military doctors. Why was that ?

M. BESSON replied that, for economic reasons, the mandatory Power was unwilling to employ civilian doctors because their salaries were much higher than those of military doctors. Civilian doctors would not attend the natives unless they were paid by the Government.

COUNT DE PENHA GARCIA asked whether there were any civilian doctors in the territory

M. BESSON said that the only civilian doctors in the territory were under contract.

COUNT DE PENHA GARCIA asked whether the hospitals and military stations referred to in various parts of the report were built of durable material. He supposed that, except in certain special cases, they were merely huts.

M. BESSON replied in the affirmative. They were what were called “ first-aid stations ”.

COUNT DE PENHA GARCIA asked whether the maternity hospitals were also huts.

M. BESSON replied that maternity hospitals were made of durable material.

COUNT DE PENHA GARCIA gathered, from the information given in the report, that trypanosomiasis was less prevalent, although the index was slightly higher (pages 126 to 129 of the report).

M. BESSON replied that it appeared to be on the wane ; at all events it had been stabilised.

Count DE PENHA GARCIA observed that another disease—leprosy—was assuming a more and more alarming character. It had increased to such an extent that the Administration seemed unable to cope with it. Would it not be possible to increase the number of agricultural settlements for lepers since, according to the report (page 124), there was not room for them all in the existing settlements?

M. BESSON said he would draw his Government's attention to that point.

The CHAIRMAN asked whether the mandatory Power had been represented at the Leprosy Congress held at Cairo in the spring of 1938.

M. BESSON had no information on the matter.

Count DE PENHA GARCIA asked whether the mission under Professor Achard to enquire into the reorganisation of the health services in French Equatorial Africa had visited the Cameroons.

M. BESSON had no information on the matter. The mandatory Power would reply to that question in the next report.

Lord HAILEY noted that the only civilian member of the medical personnel employed in the Cameroons was a dentist. How long did the military doctors remain in the territory? Were they appointed permanently in the same way as civilian officials? It was important that a doctor should have time to get used to the territory in which he worked, to learn the language, etc.

M. BESSON replied that they remained three years in the territory, like civilian officials, and, as a rule, they came back to it. He remembered that Dr. Jamot, the well-known specialist in sleeping-sickness, had stayed ten years.

Lord HAILEY thought that the difficulty encountered by the Administration in recruiting civilian personnel showed the importance of developing the system of native assistants of the type of "medical auxiliaries" educated at Dakar. Were any of the native medical assistants who had been trained at that school employed in the mandated territory?

M. BESSON replied that twenty-nine native medical assistants had been passed out by the school in 1937; but he was unable to say how many there were in the mandated territory.

Lord HAILEY pointed out that the number of pupils passed out by the Dakar school was governed by the number of posts available. Were the Cameroons taken into account in fixing the quota?

M. BESSON replied in the affirmative. The mandated territory was prepared to receive more pupils from that school.

Lord HAILEY asked if the mandatory Power would indicate in the next report how many native doctors trained at the Dakar school were actually employed in the Cameroons. Were there any women doctors holding official posts in the Cameroons?

M. BESSON replied that there was one woman missionary doctor; but hitherto no woman doctor had been appointed to an official post in the territory. There had, however, been women social assistants in French West Africa for some time.

Lord HAILEY suggested that there was room in the large hospitals in the Cameroons for women doctors to deal with patients of their own sex. The matter was important because of the presence in the mandated territory of a large Moslem population, for the female members of which it was highly desirable that there should be women doctors. It had generally been found that the employment of women doctors was of social, as well as medical, value.

M. BESSON agreed, and said that such had been France's experience in Morocco and elsewhere.

He added that, as the mandatory Power had informed the Commission on several occasions, one of the aims of the Commissioner of the Republic was to provide native women nurses and midwives. Attention was being given to their training at the Dakar Maternity School; but that took time.

LAND TENURE : PETITION, DATED MAY 9TH, 1938, FROM M. MANDESSI BELL, PRESIDENT OF THE " UNION CAMEROUNAISE ", PARIS (continuation)

M. VAN ASBECK raised the question of registration. Since the introduction of that system, according to the report (page 140), application had been made for the registration of twenty-five native properties. Eight had actually been registered: only one mortgage had been

approved. Elsewhere in the report (page 75), it was stated that, in 1937, the number of applications deposited was fifty-seven, and the number of actual registrations eighty-five. Of the properties registered, seventy-two were in urban districts, the remaining thirteen being rural concessions. In regard to the latter, had all the applications been made by Europeans, or had some been received from natives ?

M. BESSON replied that there had been one native application.

The question of registration had been very fully discussed by the Commission last year,¹ and at the latter's request the Government of the mandatory Power had given the question its closest attention. It was still under consideration by French legal experts ; but the enquiry was not yet terminated.

M. Besson's own impression was that the upshot would perhaps be the creation of " native homesteads immune from execution ". He would give further particulars next year. The provision in question had just been adopted in West Africa in respect of recently recruited native soldiers. It was a complete innovation, which would be brought into full working order in the course of the year. In the meanwhile, the Government had sent the following circular to the Commissioner of the French Republic in the Cameroons (as also to the Commissioner of the French Republic in Togoland) :

" Article 5 of the mandate relating to the holding or transfer of land provides (paragraph 2) as follows : ' No native land may be transferred except between natives without the previous consent of the public authorities, and no real rights over native land in favour of non-natives may be created except with the same consent ' .

" I desire to draw your attention to the importance of observing this provision, to which moreover reference is made in Article 16 of the Decree of July 21st, 1932, introducing the system of land registration in the territory.

" I wish more particularly to point out that, for the constitution of a mortgage, the consent of the Administration is indispensable, not only at the time of registration of the mortgage on the landed property, but also at the time of the realisation (if any) of the security, even when this is effected by judicial process."

M. Besson believed that the action taken would fully dispel the Commission's misgivings.

The CHAIRMAN thanked the accredited representative for his interesting communication, which met certain doubts that had been expressed in the Commission.

M. RAPPARD pointed out that what the accredited representative had just said was confirmed by a petition which, moreover, in his opinion, was non-receivable. The petitioners complained of being unable to dispose, in general, of their landed property, and added that, in their opinion, the original inhabitants of the country could not be deprived of the right to dispose of their landed property to permit of the intensive development of certain forms of agriculture. The reason for their complaint was, clearly, that their plans had been resisted by the Administration.

M. VAN ASBECK expressed his great appreciation of the accredited representative's communication. He would read with the keenest interest what was said on the matter in the next report.

He desired to raise a question of law, to which the mandatory Power might also reply in the report for 1938. On page 141 of the report, it was said that the effect of the registration procedure was to give natives the same rights of ownership and free disposal of property as were enjoyed by landowners under French law, subject always to the consent of the administrative authorities as required by Article 5 of the mandate in the form, in the present case, of an Order of the Commissioner of the Republic in Council. But Article 16, as reproduced in the annexes to the 1934 report, said nothing as to the way in which the consent of the authorities was to be given : in particular, there was no mention of an Order of the Commissioner of the Republic in Council. Did the words " in the form . . . of an Order of the Commissioner of the Republic in Council " form part of Article 16, or were they merely explanatory ?

M. BESSON replied that they were explanatory. The text of Article 16 ended with the words : " . . . by Article 5 of the mandate " .

M. VAN ASBECK would be glad, in that case, to find the text of the article relating to the consent of the public authorities, in the next report.

He further enquired whether such consent was required, once and for all, before registration so that, when once it had been given, the owner was absolutely free to dispose of his property, or whether further authority was necessary after such registration for each transfer, sale, or constitution of rights *in rem*, etc.

M. BESSON replied that the consent of the authorities was required in each case.

¹ See Minutes of the Thirty-third Session of the Commission, pages 79, 80 and 176.

Lord HAILEY recalled that, at the last session, the Commission had dealt with two classes of questions. The question just raised by M. van Asbeck, regarding which the Commission had received satisfactory assurances, belonged to the first class. The position of the State itself in regard to the land belonged to the second class of questions. Under the Fundamental Land Law, vacant land was regarded as State property. But, in a country in which there was no systematic land registration or survey, the interpretation of that provision lay with the executive authorities, and, where natives contested the decision, cases could not be brought in the judicial tribunals.

If the State required land either for itself or for colonisation, it was the Administration which decided whether such and such land was vacant. It was therefore important to know the procedure followed by the Administration in taking its decisions. The question was dealt with in the regulations embodied in the Decree of January 12th, 1938, which provided that land was to be regarded as vacant if it were unworked or unoccupied for more than ten years. That provision was to be interpreted in the light of certain others. Article 34 spoke of the right of enjoyment or usufruct—that was to say, effective occupation. In deciding whether land was unworked or unoccupied, was cultivation the only consideration? Or were other factors taken into account, such as grazing rights, forestry rights (which apparently included even the right to gather snails), hunting rights, etc., or the cultivation for two or three years of land subsequently abandoned over a long period?

M. BESSON replied that he had not the information necessary to enable him to discuss a decree of such recent date as 1938.

Lord HAILEY pointed out that the decree codified a procedure in force for twenty years past. What had been done in the matter?

M. BESSON replied that the point would be fully dealt with in the next report.

Lord HAILEY enquired whether, when a public official had to decide whether land was vacant or not, it was proposed to give him the assistance of assessors to determine the existence and extent of native rights, as was done for example, in the Belgian Congo.

M. BESSON replied that, in such cases, the Administration consulted the notables.

NATIVE RESERVES

Lord HAILEY passed to the question of the reserves, the precise nature of which he had not been able to ascertain. In 1937, more new reserves had been constituted, particularly for grazing purposes (page 76 of the report). It was provided that in those reserves the natives enjoyed a free right of user. At the same time, the grant for concessions to colonists in areas over which the natives had such rights was not allowed except under a special procedure. He would like to know whether the limits of such territories were permanently fixed. In South Africa, the limits of such reserves could not be altered without the authority of the Union Parliament. In some other territories, the reserves had been placed under the control of trustees whose consent was required before the area of the reserve could be changed. Was the position at all the same in the Cameroons? Were the limits of the reserves fixed with the same permanency, or could they be altered at the discretion of the Administration?

M. BESSON replied that the reserves were delimited by an Order of the Governor.

Lord HAILEY inferred that their limits, therefore, could also be altered by an Order of the Governor.

M. BESSON replied in the affirmative.

FORESTS AND MINES

Count DE PENHA GARCIA drew attention to the great importance of forests in the mandated territory. They provided a great deal of employment; and the transport of timber was one of the railway's chief sources of revenue. Some time ago, however, it had been realised that the intensive exploitation of the forests was not without danger; and reforestation was beginning. According to the report (page 71), there were two systems of reforestation. Forest reserves had been instituted, which meant, in the first place, that new trees were planted in forests where thinning had been carried too far. In addition, a general reforestation scheme had been brought into effect in certain parts of the territory. The area which it was proposed to replant would be 300,000 hectares.

Count de Penha Garcia asked that the next report might contain particulars of the area actually replanted in recent years. He had noticed that it was only proposed to employ five experts and twelve natives on the work (page 11 of the report). That number, in his view, was quite inadequate.

The territory seemed to be richer in mines than had been supposed. Gold was mined in appreciable quantities, as were tin, rutile and wolfram (page 77 of the report). Was that industry likely to be still further developed ?

M. BESSON replied that, as far as could be judged, the prospects of mining development were excellent.

Count DE PENHA GARCIA asked why the Order of September 11th, 1935, placed a maximum limit on the quantity of titanium ore of which the holders of prospecting permits were free to dispose. He had never understood why it had been thought necessary thus to fix the maximum quantity of titanium ore, which was not even mentioned in the report.

M. BESSON undertook to supply full particulars in the next report.

Lord HAILEY asked whether the rules governing the grant of prospecting rights were the same as in West Africa.

M. BESSON replied that it was, in fact, the West African Decree which was applicable in the matter.

Lord HAILEY asked whether the rule applied that mining companies must have a French Board of Directors.

M. BESSON replied that the West African Decree was applied to the Cameroons *mutatis mutandis*—that was to say, with due regard to the rules of economic equality.

IMPROVEMENTS IN THE CONDITIONS OF LIFE OF THE EUROPEAN POPULATION

M. RAPPARD noted, from the table on page 93 of the report, that the number of wives and children of white officials and residents seemed to be increasing. Recording to the table on page 95, Marriages between whites were even being concluded. The conditions of administration of the territory would become completely transformed, if the territory really became inhabitable by whites.

M. BESSON replied that the improvement in living conditions in the territory was largely due to progress in the matter of housing and public health. It was true that there were now many young married couples living in the Cameroons.

CLOSE OF THE HEARING

The CHAIRMAN thanked the accredited representative for the assistance he had given the Commission.

M. Besson withdrew.

Palestine : Petitions.

- I. PETITION, DATED MAY 1ST, 1938, FROM ABDUL HALIM ABU DAQAR AND OTHER SIGNATORIES, MADEBA
2. COMMUNICATION, DATED JULY 25TH, 1938, FROM M. FAHMI EL HUSSEINI, MAYOR OF GAZA, AND TEN OTHER INHABITANTS OF THAT TOWN

After an exchange of views, the previous question having been put, *the Commission decided to include in the section of its report to the Council dealing with petitions the following passage on petitions from Palestine :*

“ Since the close of its last session, the Commission has received two short petitions relating to Palestine. Having regard to the gravity of the situation in that territory, the uncertainty still prevailing as to the mandatory Power's plans for its future and the fact that the examination of the annual report on Palestine not being one of the matters to be dealt with at the present session, it had not the assistance of the accredited representative of the mandatory Power, the Commission decided to adjourn the examination of these petitions until its next session.”

Togoland under British Mandate : Observations of the Commission.

After an exchange of views, *the Commission adopted the text of its observations on Togoland under British mandate (Annex 14).*

Ruanda-Urundi : Observations of the Commission.

The Commission began the consideration of its observations on Ruanda-Urundi.

FIFTEENTH MEETING

Held on Wednesday, November 2nd, 1938, at 10.30 a.m.

Cameroons under British Mandate : Examination of the Annual Report for 1937.

Mr. Owen Watts Firth, Senior Resident of 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, who had already appeared before the Commission at its thirtieth session in 1936.

Mr. FIRTH, after acknowledging the welcome extended to him, said that he did not propose to make an introductory statement, as the position of affairs in the territory at the end of 1937 was fully and accurately set out in the annual report.

ADMINISTRATIVE TRANSFERS EFFECTED IN CERTAIN DISTRICTS OF THE TERRITORY

M. PALACIOS said that last year,¹ in its observations to the Council, the Commission had pointed out that, according to the annual report, a certain number of hamlets in the district of Gashaka had been transferred to the province of Benue, in Nigeria. The Commission had asked for an assurance that, notwithstanding the use of the term "transfer", that operation had not resulted in any change in the status of the district or of its inhabitants.

The chapters in the 1937 report relating to the status of the territory and the inhabitants (page 5) merely indicated that no change had occurred in this respect in 1937.

In paragraph 44 (page 14) of the report, it is stated that the frontier between two districts in the mandated territory—namely, the Gashaka region, which was administered as part of the Adamawa province, and that of Kentu which was administered with the Benue province, had been readjusted. The object was to include the inhabitants of the hamlets in question with the rest of their tribe living in the district of Kentu; the status of the inhabitants was in no way affected. The misunderstanding, therefore, seemed to be due to the terms employed in the report in 1936, and it had not been removed by the accredited representative's statement that the tribe in question was divided between the mandated territory and Nigeria.²

On page 14 (paragraph 44) of the report, it was stated that the Tigon tribe in question was still divided, the greater part living in the Bamenda division of the Cameroons province, and that the feasibility of a further amalgamation was being considered. Would it be right to infer that that amalgamation, if it were effected, would concern merely the frontiers of two districts within the territory and would not affect its external frontiers?

Mr. FIRTH said that the transfer of these villages in no way affected the status of the native population; they were merely transferred from one part of the mandated territory to another. This would also apply to the further proposals regarding natives resident in the Bamenda division.

INTERNATIONAL CONVENTIONS

Count DE PENHA GARCIA thanked the mandatory Power for having, as requested last year,³ supplied a full list of Conventions and bilateral treaties applicable to the Cameroons (pages 133 to 136 of the report).

Convention for the Protection of Fauna and Flora.

Count DE PENHA GARCIA pointed out that one of the international Conventions listed was the Convention of November 8th, 1933, for the Protection of the Fauna and Flora of Africa (page 134 of the report). Was that Convention fully applied in the Cameroons under British mandate, and, in particular, had any action been taken to establish the reserves contemplated by the Convention? In reply to questions asked in the House of Commons

¹ See Minutes of the Thirty-first Session of the Commission, page 190.

² *Ibid.*, page 62.

³ *Ibid.*, page 60.

both in 1937 and 1938 on the subject, the Secretary for the Colonies had stated that this Convention was fully applied in all colonies and territories under British control or mandate. The list which he gave of the colonies and territories in which areas were set aside for the preservation of wild life, however, included Nigeria, but not the Cameroons under British mandate.

Mr. FIRTH said that the only reserves which had been constituted were forestry reserves ; there were no special reserves for flora and fauna.

Count DE PENHA GARCIA would be glad if the next report could supply fuller information as to whether the forest reserves referred to were established in accordance with the terms of the Convention, or were created merely for the preservation of timber.

Mr. FIRTH added that the fauna was preserved under the various game ordinances, independent of the forest reserves.

Count DE PENHA GARCIA would be glad to see in the next report information as to whether the existing laws and regulations were in conformity with the international Convention. If they required to be amended to that end, was it proposed to promulgate new ordinances to bring them into line with the Convention ?

Mr. FIRTH said that the information requested would be included in the next report.

Convention concerning the Status of Refugees coming from Germany.

Count DE PENHA GARCIA said that a question had been put in the House of Commons on May 8th, 1938, as to how far the United Kingdom Government would apply the Convention of February 10th, 1938, concerning the status of refugees coming from Germany, to colonies and mandated territories. The Secretary for the Colonies had replied that the Governments of colonial dependencies were being consulted on the matter.

Had any such consultation taken place with regard to the Cameroons under British mandate and was it proposed to apply the Convention in question in that territory ?

Mr. FIRTH knew that no action had been taken, but could not say what action was contemplated. Additional information on the point could be included in the next report.

Labour Conventions.

Lord HAILEY noticed that the list of Conventions in Appendix VI contained no mention of the Forced Labour Convention which had been accepted for all the African units of the British Empire. Was the list complete ?

Mr. FIRTH believed that the provisions of the Convention in question were embodied in the Nigerian Labour Code.

Lord HAILEY understood from Mr. Weaver that certain Conventions which were not separately signed and ratified were not usually included in the list. No answer was therefore required.

FRONTIER BETWEEN THE CAMEROONS UNDER BRITISH MANDATE AND THE CAMEROONS
UNDER FRENCH MANDATE

Count DE PENHA GARCIA noted that the information given on page 6 of the report regarding frontiers coincided with that received from the French mandatory Power with regard to the neighbouring territory, but was surprised to see that the demarcation of the frontier in question might require five years. Was that not a miscalculation ? The French report mentioned a time-limit of four years.

Mr. FIRTH had himself been the leader of the British section of the Boundary Commission and, judging by the fact that the first year's operations ended eight or nine miles short of the goal originally fixed, did not think that the work could be finished in less than five years.

M. VAN ASBECK asked whether the Balong tribe was now divided between Cameroons under British mandate and the Cameroons under French mandate.

Mr. FIRTH said that the Balong was a very large tribe more than half of which lived in territory under French mandate. Those under British rule were divided between the Victoria and Kumba divisions. The tribe could not be amalgamated without seriously distorting the existing frontier.

FRONTIER BETWEEN THE CAMEROONS UNDER BRITISH MANDATE AND NIGERIA

COUNT DE PENHA GARCIA asked whether the frontier between the Cameroons under British mandate and Nigeria was still the same as that previously demarcated. Did the old boundary marks still exist ?

MR. FIRTH replied that most of the boundary referred to had been demarcated under the German administration as far as the Cross River, whence it continued as a natural boundary right down to the coast. The marks used, he recollected, were telegraph poles and stone cairns, of which a sufficient number still existed to define the boundary-line.

COUNT DE PENHA GARCIA ventured the suggestion that, as the question of boundaries was rather important in a mandated territory, it might be advisable to demarcate this line in a more permanent manner.

M. VAN ASBECK asked whether the rather curious configuration of the frontier in the north and north-east of the territory was due to the desire, to round off existing native chiefdoms whose territories had been divided by the old German-British frontier.

MR. FIRTH was unable to say definitely, but would arrange for the information to be included in the next report.

M. VAN ASBECK had understood from previous reports that the districts coloured yellow on the map annexed to the annual report were administered as part of the Adamawa province in Nigeria. Did some of the old Adamawa territories now lie within the Cameroons under French mandate ?

MR. FIRTH did not think so.

ECONOMIC EQUALITY : CASE OF STATES CEASING TO BE MEMBERS OF THE LEAGUE OF NATIONS

COUNT DE PENHA GARCIA noted the reply given in paragraph 90, page 25 of the report, to the questions asked in 1937.¹ Apparently no change was considered necessary in the system of equal treatment for both Members and non-members of the League of Nations. As the bulk of the export and import trade of the territory was conducted with non-member States, he assumed that the trade with those States also was transacted on the same footing of equality as with States Members.

MR. FIRTH confirmed the assumption.

M. RAPPARD observed that the references to this subject in the Togoland (pages 21 and 22) and Cameroons reports for 1937 were couched in identical terms, which rather suggested that they were drafted in London. The use of the expression "*at least* equal treatment" seemed to imply that the treatment given was possibly more than equal. Was it an allusion to the fact that Germany and Japan were the territory's biggest suppliers or customers ? How did the accredited representative interpret the expression in question ?

MR. FIRTH doubted whether there was an intention to suggest that the treatment was better than "equal" but would endeavour to secure an explanation for the next report. He confirmed that the statement was taken from an official communication received from the Colonial Office.

M. VAN ASBECK suggested the advisability in future reports of inserting a reference to the important official statement made by the accredited representative at the thirty-first session concerning economic equality.¹ This would make the position perfectly clear.

MR. FIRTH agreed.

PROPAGANDA

M. VAN ASBECK had heard reports of foreign intrigues in neighbouring territories. Had the accredited representative any knowledge of such intrigues in the Cameroons under British mandate ?

MR. FIRTH replied in the negative.

¹ See Minutes of the Thirty-first Session of the Commission, page 61.

REDUCTION IN EUROPEAN OFFICIALS

M. VAN ASBECK reminded the Commission that, at its twenty-sixth session, reference had been made to the question of reductions in the European personnel.¹ It would now appear from the 1937 report (page 7, paragraph 17) that the average number of administrative officers in the Cameroons province had steadily decreased from 13.07 in 1934 to 11.4 in 1937. The report also referred to the shortage of personnel in other districts. Was there any explanation for that state of affairs? As administrative activities were increasing and backward areas were being gradually brought under more direct control, the tendency to reduce staff was, he suggested, somewhat regrettable.

Mr. FIRTH said that the size of the administrative staff depended on the number of officers available in the whole of Nigeria, including the mandated territory; the latter, however, got its fair share. The tendency to reduction was certainly regrettable but, in some years, could not be avoided. He added that the policy of the Nigerian authorities was to keep junior officers with experience of only one or two years in Nigeria and send the more senior and more efficient officials to the Cameroons.

In reply to Lord Hailey, he confirmed that the shortage was not so much due to reductions in the scale of establishment as to the incidence of such contingencies as leave, illness, etc.

M. VAN ASBECK said it was reassuring to know that the mandatory Power was appointing senior officials to administer the territory.

NATIVE ADMINISTRATION : QUESTION OF AMALGAMATING SMALLER CLANS INTO LARGER ADMINISTRATIVE ORGANISATIONS : VILLAGE COUNCILS AND CENTRAL NATIVE AUTHORITIES : TRAINING AND METHOD OF APPOINTMENT OF CHIEFS : QUESTION OF THE ADMINISTRATION OF UNSETTLED AREAS : "STRANGER" NATIVES : COMMUNICATIONS

M. VAN ASBECK enquired whether the schemes for the better administration of the territory referred to on page 7, paragraphs 19 and 20 of the report, were discussed with the native authorities before being actually introduced.

Mr. FIRTH explained that, after the district officers had made the enquiries described and drawn their conclusions, the scheme was first fully discussed with the native elders and never finally adopted until it had been carefully considered by the Resident of the province.

Replying to a further question, he confirmed that useful suggestions on such schemes were often advanced by the natives themselves.

M. VAN ASBECK gathered from the interesting information contained in the section on "General Administration" (pages 6 *et seq.* of the report) that native society was in process of transition from a clan system to something more like a territorial system. The description of a village council given in paragraph 19 (page 7) would seem to show that these bodies were not based on the old law of custom, but were rather haphazard creations.

Mr. FIRTH said that, though they were very elastic in their constitution and varied from community to community, village councils were still definitely based on customary law. Many of the members were educated natives.

M. RAPPARD had also been struck by the rather casual way in which, according to the description given in the paragraph in question, some village councils were elected. They appeared, nevertheless, to give general satisfaction.

Mr. FIRTH explained that these councils were constituted at popular assemblies, not so much by a formal process of election as by individual nomination. Some elders, for instance, would propose the appointment of educated youths who would be especially helpful in the discussion of financial questions. The initiative, however, still remained in the hands of the elders. The constitution of such councils was a spontaneous act of the native community and not the result of Government pressure.

M. RAPPARD imagined that such councils would function satisfactorily so long as all the members were agreed on the policy to be followed, but might break down when there was a clash of interests.

¹ See Minutes of the Twenty-sixth Session of the Commission, page 13.

M. VAN ASBECK noted from page 9 (paragraph 26) of the report that, in the Victoria division, the chief and the elders of the different tribes had been coming to the conclusion that the native councils ought to be recognised as cogs in the administrative machinery. It would be interesting in future reports to follow the rather remarkable evolution here described.

Mr. FIRTH said that the Victoria division offered an interesting example of imposed administration being replaced by a form of administration in which, instead of being subject to the chief, the native was really a member of the community. The change in question, moreover, had been made with the willing consent of a progressively minded chief. He expected that further information on the point would be available in the next report.

M. VAN ASBECK noted further, from pages 10 and 11 (paragraph 30) of the report, that in the neighbourhood of Kumba there was a "veritable patchwork of different clans cut off from the rest of their own people" and that "large numbers of stranger natives" settled in many of the villages and, in some cases, outnumbered the local inhabitants. That seemed to be further evidence of a decline in clan cohesion and allegiance and of a transition from clan administration to territorial government. From whence did the "stranger natives" in question come?

Mr. FIRTH replied that some of these natives were Iboes from Nigeria and others came from the Bamenda division of the Cameroons province.

M. VAN ASBECK asked whether the Central Native Authority Council referred to in paragraph 31 (page 11 of the report) was subject to any body of regulations or was it an unofficial institution for the gradual building-up of territorial administration.

Mr. FIRTH replied that the Council had been constituted under the Native Authority Ordinance in response to the definite desire of the population for a more central authority which could deal with matters affecting the clan as a whole. It was an official body, and Minutes were kept of its meetings and decisions.

M. VAN ASBECK drew attention to the description given on page 10 (paragraph 29) of the report of the democratic form of government which prevailed in the Kumba division, where, apparently, almost every adult male shared in the management of his village and clan affairs. It would be interesting to have more information on the working of that system, particularly as to whether the rules underlying it had been investigated or in any way codified.

Did such a system lead to the appearance of political parties and party strife?

Mr. FIRTH replied in the negative.

M. VAN ASBECK would like to have additional information about the more primitive administrative areas in the Bamenda division, referred to on page 12 (paragraph 38) of the report. Were the district officers in such areas assisted by the village headmen or population?

Mr. FIRTH confirmed that the district officers in the five areas in question had the assistance of the village headmen and councils. These areas had not yet reached the stage where the village council could be transformed into a native authority under the ordinance, but the council was always consulted by the district officer. These areas had also no native treasuries, the finances being controlled, as was stated at the top of page 9 of the report, by the district officers. The latter, however, always consulted the population regarding the subsidiary estimates for the areas.

M. VAN ASBECK asked what was meant by the reference in paragraph 39 (page 13 of the report) to councils which represented "the modern points of view as well as the traditional". Did that mean that educated natives sat as members of such councils?

Mr. FIRTH confirmed that the councils in question would comprise educated and Christian as well as pagan natives. A chief's religious position might, on occasion, prevent him from taking certain action which could be taken if he were assisted by a council.

M. VAN ASBECK asked what part educated natives played in native society; were many of them members of the village councils and were they willing to co-operate with the more backward pagan chiefs?

Mr. FIRTH replied that the views of an educated native carried equal weight in the councils with those of pagan members. They were usually quite willing to co-operate with the chiefs mentioned.

Mlle. DANNEVIG asked whether educated or Christian natives collaborated freely in the operation of native institutions and complied with their demands.

Mr. FIRTH said that the natives in question were equally bound by the regulations governing the activities of native authorities.

M. VAN ASBECK noted from the paragraphs of the report dealing with the Kentu area (pages 13 to 15 of the report) that there was little contact, apart from the collection of taxes, between the Administration and the population of that very backward area. He observed, in particular, from paragraphs 45 and 46 (pages 14 and 15), that, though the "tuba" movement had begun to create trouble in September 1937, the district officer had only been able to visit the area in December. Could that be described as a satisfactory state of affairs?

Mr. FIRTH pointed out that the district officer had to cover a very big area in which the communications were poor. Had the problem been considered urgent, the officer would doubtless have settled it more speedily.

M. VAN ASBECK recollected that at former hearings the inadequacy of the system of communications had been commented upon.¹ Did the accredited representative think that air transport would facilitate the work of district officers?

Mr. FIRTH agreed that the lack of communications was a great handicap to administration. Owing to the nature of the country, road-making, however, would be extremely expensive and could hardly be justified by administrative necessities alone. Air communications, he presumed, would come in due course, but he had always felt himself that he was in closer touch with the natives as a junior officer when he had to make journeys on foot than at present, when he could travel by motor-car.

M. VAN ASBECK noted from paragraph 50 (page 16 of the report) that some progress was recorded in the "unsettled" districts of Adamawa, and that the shy and backward people inhabiting the inaccessible Alantika mountain range had, for the first time, been included in the normal annual census and assessment. Though it was still impossible for the district head to visit the remoter settlements without European support, most of the foothill country could now be said to be under administration, and it was doubtless only a matter of time before the more isolated communities would descend to the plains.

What was the extent of those "unsettled" districts, the number of their inhabitants and their organisation? Did the passage of the report in question mean that the authorities would be unable to control those natives until they came down to the plains? Would any pressure be exerted to that end?

Mr. FIRTH replied to the last question in the negative. As soon as those backward races realised the advantages of contact with the Administration, they would descend to the plains themselves.

Particulars regarding the area and population of the districts concerned would be included in the next report.

M. VAN ASBECK asked whether the decision referred to in paragraph 48 (page 15 of the report) to amalgamate several Chamba chiefdoms into a single subordinate native authority meant that it was not, as in Nigeria, part of the Administration's policy to loosen the bonds between the pagan tribes and their Moslem chiefs.

Mr. FIRTH said that the Chamba district council would be constituted somewhat on the lines of similar councils in the southern area, but would still be kept under the control of the Emir's representative.

M. VAN ASBECK asked whether the "scribes" referred to on page 14 of the report, and elsewhere, received any training, and whether they would tend to supplant the chiefs. What were their future prospects? Were some of the "scribes" the sons of, or otherwise related to, the chiefs?

Mr. FIRTH explained that "scribes" were usually young men, often the sons or relatives of chiefs, who had just left school. They could eventually rise to be native administration treasurers, or might be appointed clerks to a central native council.

M. VAN ASBECK would be glad to see included in the 1938 report a succinct description of the influx of "stranger natives", the difference between those "strangers" and the aborigines, and the influence which they exerted on forms of government, on social structure, and on such questions as land tenure.

¹ See Minutes of the Thirtieth Session of the Commission, pages 52 and 53 and 208, and of the Thirty-first Session, pages 65 and 191.

Lord HAILEY suggested that it would be useful to have particulars of the separate legal definition of alien natives in the northern and southern sections of the territory. Two different ordinances seemed to apply.

On the question of "unsettled" areas, he recollected a statement made by Mr. Findlay at the thirty-first session,¹ to the effect that the provision only meant that non-natives could be kept out of the "unsettled" areas. Did that mean that those areas were subject to no other special regulations?

Mr. FIRTH replied that the legislative regime in those areas was the same as in the rest of the territory. They were not under martial law.

Lord HAILEY asked whether the decision referred to in paragraph 21 (page 8 of the report), to allot native authorities a larger share of the direct taxes, would not lead to greater inequalities as between the various native areas. A central administration controlling the whole of the revenue could see that the whole area was equally supplied with roads, public services, etc., whereas, if most of the revenue were allotted to the native authorities, a native area with richer natural resources would be able to do more than another area with fewer resources. Was there not some danger of reproducing in the Cameroons that difficulty which had already occurred in Nigeria?

Mr. FIRTH explained that native authorities would only be allotted a larger share of revenue if they were considered capable of taking over certain functions normally performed by the central Government, but for which they had insufficient funds. Thus, Victoria division received a smaller share of the tax than Bamenda, because the former was more wealthy and had comparatively few urgent requirements, whereas Bamenda was poor and had extensive and very necessary requirements which could be carried out by the native authorities.

Lord HAILEY noted the reference in paragraph 23 (page 8 of the report) to the constitution of native treasuries common both to the mandated areas and Nigeria. Did that mean that all the funds raised in the mandated areas would be earmarked for the subsidiary estimates of that area and that the native authorities in the mandated area would control the corresponding expenditure?

Mr. FIRTH replied that, if the central treasury were outside the mandated territory, the subsidiary estimate would include the amount collected in the mandated territory. Part of that revenue would be used for defraying the cost of the central services and the balance would be expended, in consultation with the people, on the needs of the mandated area.

M. RAPPARD had been greatly struck by the "pluralist" system of administration which seemed to prevail in the Cameroons, where every district had a distinctive regime of its own. The result was to make this section of the report extremely interesting but rather scrappy reading. The rather confusing description given on page 17 of the political changes during 1937 in the Dikwa and Bornu districts was an instance in point. The policy of the mandatory authorities was obviously one of extreme liberalism accompanied by a certain reluctance to impose any uniform system of administration.

Lord HAILEY suggested that, though the present arrangement appeared to lack system, in that it gave recognition to an almost chaotic multitude of irregularly constituted authorities, there was at the same time a policy of gradually absorbing the smaller units in larger political or administrative organisations, often of a federal nature.

Mr. FIRTH confirmed that the ideal aimed at was the formation of larger central units, but no pressure whatsoever was exercised towards that end. It was hoped that the local authorities would gradually see the advantage of pooling their resources.

Mlle. DANNEVIG noted in the chapter relating to the Adamawa district (paragraph 52, page 16 of the report) the reply given to her enquiries made at the thirty-first session² regarding the provision of successors to native chiefs. Could that reply be taken as applying to other parts of the territory also?

Mr. FIRTH confirmed that the information supplied referred not only to the Adamawa district but to the territory generally. It would not, however, be true to say that son always succeeded father. Efforts were made to persuade chiefs' sons to attend school as a preparation for filling the office of chief.

¹ See Minutes of the Thirty-first Session of the Commission, page 64.

² *Ibid.*, page 63.

Mlle. DANNEVIG added that she had been greatly impressed by the description given in the report of the moral and social status of natives, by their attitude towards financial responsibility as described at the end of paragraph 23 (page 9 of the report) and by the readiness of the richer native to help his poorer fellows to pay his taxes. Such evidence of public spirit and helpfulness was remarkable in the case of primitive races.

M. RAPPARD agreed that a liberal system of government had obvious advantages, as there were fewer cases of friction and exercise of pressure from above. It did not, however, seem to be conducive to rapid material development.

In that connection, he drew the accredited representative's attention to the following paragraph from an article on the "Future of the British Mandated Cameroons", which appeared in No. 1125 of *West Africa* on August 27th last :

"But you have only to compare the French method of dealing with them—the coffee estates and small holdings and good roads and prosperous, hard-working Africans—and our method with our bare, unused and almost empty tableland the other side of that invisible boundary, to realise what opportunities the Germans are longing for in these lands. And you have only to go back to Buea, the station of gardens where the public roads are lined with rose-hedges, of an almost European climate, of farms with cows, and homes with children of all nationalities, and yet of many empty houses, to realise what a transitory state the country still seems to be in. There is no hotel, no hospital or convalescent home, and scarcely anything new in the way of houses or furniture since the Germans left in 1915. The electric light even, that the Germans had provided power for, is not yet installed."

Would it be fair, in the light of the paragraph quoted, to say that this extremely liberal system of administration had made for contentment among the natives at the cost of slower material progress? Was this rather undynamic state of affairs the price paid for the tolerant attitude assumed towards native ways of life?

Mr. FIRTH believed that a slower process of development led to greater contentment and that the native population would resent a faster rate of progress. The natives, he believed, would prefer to see their money spent on dispensaries, schools, etc., rather than on the installation of electric light.

PUBLIC FINANCE : NATIVE TREASURIES : TAXATION

M. RAPPARD gathered from this section of the report (page 20) that the revenue collected by native authorities during 1937 amounted to somewhat more than a third of that collected by the central Government. The system of administering native treasuries seemed to vary very considerably from one area to another.

In that connection, could the accredited representative say whether the indifference to financial responsibility shown by a prominent elder in one of the divisions of the Cameroons province (page 9 of the report, paragraph 23, last sentence) was characteristic of the natives of the whole territory?

Mr. FIRTH said that the incident in question occurred in one of the wilder areas of the Kumba division, but a similar attitude would be met with in other districts such as parts of the Bamenda division. The natives of the Victoria division, on the other hand, were more progressive and keen on managing their own finances.

M. RAPPARD had noted from the accredited representative's reply to a question by Lord Hailey that part of the revenue of some of the native treasuries went to the central native authority and the balance to the mandated territory. The Commission would doubtless wish to be assured that the services rendered by the central authority fully justified the appropriation of part of the revenue collected in the mandated area.

Mr. FIRTH confirmed that the amount retained by the central treasury always bore a fair and exact relation to the mandated territory's share in central administration costs. The treasurer, moreover, might in some cases be a native of the mandated territory.

M. RAPPARD noted from the graphs annexed to page 20 of the report that native treasuries appeared to be more successful than the central treasury in keeping revenue on a level with expenditure. The fact, however, was of little significance, since any deficit that might be incurred by the territory would be made up by a non-recoverable grant from the central Government. The general financial situation, therefore, called for little comment.

Lord HAILEY asked whether the figures of the revenue earned from direct taxes entered under head 7 on page 113 of the report represented gross or net receipts.

Could any figures be supplied showing the amount of taxes paid per head of the total population, not of the adult population? It would enable a better comparison to be made with the incidence of taxation elsewhere, since definitions of "adult" greatly differed.

Mr. FIRTH replied that the figures in question on page 113 of the report represented the Government's share of the proceeds of "direct taxes".

Full particulars of the incidence of taxation in the Cameroons province were given in the table in paragraph 75, page 21, of the report. Figures in respect of the mandated territory as a whole would be given in the next report.

ECONOMIC SITUATION : AGRICULTURE : CATTLE : IMPORTS AND EXPORTS : BANANA TRADE

M. GIRAUD observed, with reference to the agricultural situation of the territory in 1937, that the rainfall had been below the average in the southern provinces (page 101, paragraph 315, of the report). Food crops, however, seemed to have been normal, and prices, which for several articles were higher, had been satisfactory to the producers. Export products—in particular, cocoa, palm oil and kernels—had unfortunately experienced a substantial fall in prices (paragraph 94, page 26 of the report). In the northern province, some damage had been done to the crops by locusts. The fall in the price of ground-nuts had, in the last months of the year, depressed sales of that article which, at the onset, had given the natives good profits (paragraph 325, page 103 of the report). Though rinderpest was rife in the Adamawa division and to a less extent in the Dikwa division, the general situation as regards live-stock had been satisfactory (paragraphs 329 and 330, page 104 of the report).

As the report itself pointed out, the commercial statistics contained in it could only give an incomplete idea of trade transactions in the southern part of the territory (no returns were made for the northern province), since they referred only to the traffic through the ports of Victoria and Tiko. The imports recorded in those two ports in 1937 had risen by 35% in value (page 27 of the report); the chief item, cotton piece-goods, showed an increase of more than 50% as compared with 1936. Germany still took first place among importers, her sales being nearly half of the total (page 32, paragraph 105 of the report). The most characteristic fact, however, was the marked rise in imports from Japan—£19,088 in 1936 and £52,782 in 1937 (page 32, paragraph 105). Japan had thus risen from fourth to second place, with a share of 16% as compared with 7.8% in the previous year. Exports had also risen by 18% in value (paragraph 91, page 25, of the report) and more than 10% in weight. Except for palm-oil and timber, which remained unchanged, all export items showed an increase in weight; bananas had reached a new record figure with more than 56,000 tons (page 30 of the report). Germany was still by far the best customer, as she bought four-fifths of the territory's production (page 32, paragraph 106 of the report). In shipping also, it was to be noted that Germany's share (70% of the registered tonnage of vessels entered) was definitely preponderant (paragraph 356, page 111 of the report).

This picture of the economic situation showed that, though exports had been unfavourably affected by the fall in prices, 1937 had nevertheless been a most encouraging period for the territory, since production and trade had substantially improved.

Reverting to the question of trade statistics, M. Giraud drew the accredited representative's attention to the fact that on page 25 of the report (paragraph 89) there was a table showing the amount of the various Customs fees (import, export, etc.) levied at the Customs stations on the eastern frontier. It would seem, therefore, that accurate statistics could be fairly easily supplied for the import and export traffic controlled at those stations.

Did the accredited representative not think that, if the figures of that traffic were included in the trade statistics, a fuller picture would be secured of the movement of external trade?

Mr. FIRTH said that the figures in question could be included in the next annual report. They were set out separately, as they referred to trade over the land frontier.

M. GIRAUD noted from the tables on page 27 of the report that a distinction was drawn between Government and commercial imports and exports. Could the accredited representative say what kinds of goods were imported by the Government? Doubtless, they were articles for the use of public departments in the territory. It would be interesting to know the nature the small amounts of Government exports returned in 1931, 1932 and 1933?

Mr. FIRTH assumed that the Government imports comprised material for public works, but had no idea what the export figures referred to signified.

M. GIRAUD noted that, in the tables on page 27 of the report, exports were given by weight and value, while imports were shown only by value. It would be interesting if the quantities of imports could be given also.

The table on page 28 showed considerable fluctuations in the imports of certain commodities in recent years. Imports of bags and sacks, for instance, which had amounted to between 6,000 and 8,000 dozens up to 1937, had suddenly risen in the latter year to nearly 108,000 dozens. Imports of fish, which had varied between 1933 and 1936 from some 600,000 to some 800,000 lb., had risen in 1936 to nearly 1,200,000 lb. and had then suddenly fallen in 1937 to the almost insignificant figure of 14,601 lb. Could the accredited representative explain those anomalous fluctuations?

Mr. FIRTH said that the sacks imported were used mainly for exports of palm kernels, the volume of which had certainly not increased. He was therefore at a loss to explain such a considerable jump in the import figures of bags and sacks. He confirmed that the larger imports of cotton piece-goods doubtless reflected the greater prosperity of the territory generally. The striking decline in imports of fish might be the result of the accumulation of large stocks from the previous year.

M. GIRAUD pointed out that the figure given on page 27 of the report for the total exports from the ports of Victoria and Tiko (44,405 tons) must be a mistake, seeing that the exports of fresh bananas alone had amounted to 55,737 tons (table on page 30). He noticed also that, according to the table on page 30, exports of cocoa amounted to 4,796 tons, though on page 102 (paragraph 317) there was a reference to 5,716 tons of this same commodity having been exported. Was the difference between these two figures due to the fact that the second figure included consignments which had been exported through Calabar?

Mr. FIRTH thought that the difference was more probably due to shipments of cocoa to the Cameroons under French mandate consigned to a firm in Duala.

CO-OPERATIVE SOCIETIES

M. GIRAUD noted from page 102 (paragraph 318 of the report) that 21% of the native output of cocoa was marketed through co-operative societies. Did that figure indicate greater activity on the part of those bodies? Were the latter expending their work among the natives in favourable circumstances? Could the accredited representative say what were the future prospects of these societies?

Mr. FIRTH believed that their future was promising. The great attraction of the societies was that they were able to advance money to the smaller native planters.

SIXTEENTH MEETING

Held on Wednesday, November 2nd, 1938, at 3.30 p.m.

Cameroons under British Mandate : Examination of the Annual Report for 1937 (continuation).

Mr. Firth came to the table of the Commission.

BANANA TRADE (*continuation*)

Lord HAILEY had noticed several references in previous reports, and in documents relating to other territories, to endeavours to increase the banana trade. Yet the Cameroons Administration had placed a duty on the export of bananas. Had the result been to check production in the territory?

Mr. FIRTH said that the duty had been in force for several years, during which exports of bananas had increased steadily. The whole of the banana trade was in the hands of European firms; it required elaborate transport and shipping facilities which the natives were unable to provide.

JUDICIAL ORGANISATION : NATIVE COURTS : SMUGGLING

M. VAN ASBECK observed (page 32, paragraph 107, of the report) that there were three sets of courts in the territory and several forms of appeal. What were the respective powers of the higher courts, and how did appeals work up from the native courts ?

Mr. FIRTH explained that the Supreme Court had jurisdiction in the Lagos colony and in the protectorate, in certain classes of cases such as probate, matrimonial, etc. The High Court and the Protectorate Court were one and the same. Native courts of appeal were only found in the more advanced areas. Elsewhere, appeals from a native court (there was one in every native community) went direct to the district officer and from him to the Resident of the province.

M. VAN ASBECK pointed out that the Cameroons province was certainly advanced ; yet appeals from its native courts still went to the district Officers. Why was that so ?

Mr. FIRTH replied that the province was only relatively developed, as compared with Moslem districts where native appeal courts had been in existence for many years.

M. VAN ASBECK asked for information on the high proportion of offences against the Customs Ordinance revealed in the table on page 36 of the report.

Mr. FIRTH said that the number of smuggling offences was always considerable, but that they were all of a trivial character.

M. RAPPARD pointed out that smuggling seemed to be quite a serious problem. The extreme length of the frontier and the different tariff regulations in adjacent territories apparently made it quite impossible—short of employing a small army of Customs officers—to check smuggling effectively. What was the Administration's policy in that connection ? Had any consideration been given to the possibility of bringing about a unification of tariffs in the various territories by negotiation, or even of creating a Customs union ?

Mr. FIRTH repeated that cases of smuggling, though numerous, were all of a trivial character. Smuggling was kept within bounds, and the authorities did not consider that any increase in the Customs service was called for. Such organised bands of smugglers as occasionally appeared were always quickly broken up by the police.

M. VAN ASBECK observed (page 46, paragraph 137, of the report) that counterfeit coining had caused a good deal of concern. Could the accredited representative supply any further information on the subject ?

He also asked, only as a matter of curiosity, how it was that in all the northern areas only three cases had been tried in the magistrates' courts and three in the High Court (page 37, paragraph 115, of the report) ?

Mr. FIRTH explained that there was no actual counterfeiting in the territory but only cases of uttering false coins presumably manufactured by natives in Nigeria.

With regard to the second question, the great majority of cases were dealt with by the native courts, even cases of homicide. The highest grade native courts had power to impose the death penalty, but its execution was subject to the Government's sanction.

M. VAN ASBECK asked what were the " other punishments " (besides capital punishment, imprisonment, fines and whipping) shown in the tables on pages 40 and 41 and 44 and 45 of the report.

Mr. FIRTH said that the heading covered binding over to keep the peace, release under caution, payment of compensation, etc.

Lord HAILEY asked if the High Court was not still largely of an " unprofessional " character, since the Residents and districts officers were generally appointed as assistant judges. Was there any definite tendency to increase the number of professional judges ?

Mr. FIRTH replied that since 1937 a High Court judge from Calabar visited the Cameroons province three times a year. The Resident, though still empowered to deal with the more important cases, in practice no longer did so. The tendency was therefore towards greater professionalism in the courts.

Lord HAILEY referred to the system obtaining in the Kentu area (page 42, paragraph 124, of the report) under which cases tried in the native courts were scrutinised by the district officer at the end of each quarter. That system did not appear to him to be very effective as a method for securing the review of native court decisions.

Mr. FIRTH explained that any sentence of imprisonment was reviewed at once, since the person convicted was sent to the prison at Wukari. The only cases which were not reviewed for three months were those involving minor sentences such as fines, in which no hardship was involved owing to the delay.

Mlle. DANNEVIG noticed (page 45 of the report) a total of sixty-eight cases of whipping. Were the offenders juveniles or adults? Were there many women offenders?

Mr. FIRTH said that he would ask for the number of juvenile offenders whipped to be shown separately in the next report.

Replying to a question by M. van Asbeck, Mr. Firth stated that the Law School at Kano (page 42, paragraph 128, of the report) was not a Government establishment but a Mohammedan one. It only gave training in Koranic customs and law.

WELL-BEING AND SOCIAL DEVELOPMENT OF THE NATIVES : SAVINGS BANKS

M. GIRAUD said that it was satisfactory to find clear evidence of growing prosperity among the natives, especially in the southern part of the territory. Were the most highly developed natives showing any disposition for thrift, and were any facilities, in the shape of savings banks, etc., provided as encouragement?

Mr. FIRTH said that the natives were naturally unthriftly. The question of encouraging the habit of saving had not so far been considered. The usual post-office facilities were, of course, available.

M. GIRAUD asked whether it would be possible to include in the next report some information on the number of post-office depositors and the amount of savings deposited. Such information would not, it seemed, be without interest.

Mlle. DANNEVIG thanked the accredited representative for an exceedingly informative chapter which gave a very interesting picture of social conditions (page 51 *et seq.* of the report).

She drew attention to the article in *West Africa* for August 27th, 1938, to which M. Rappard had referred,¹ alleging that in the northern areas there were no hotels, hospitals or convalescent homes, and that scarcely anything new in the way of houses had been put up since the departure of the Germans in 1915. Those conveniences were, she assumed, mainly for the benefit of Europeans, and she quite understood the mandatory Power's policy of concentrating on the welfare of the natives. The writer of the article also drew an unfavourable contrast with conditions in the Cameroons under French mandate, where the natives appeared to work much harder, and therefore to improve their economic situation. She wondered if native conditions could always be measured by material progress.

She had been very glad to observe that expenditure on social services of real benefit to the natives was steadily increasing in the territory.

Mr. FIRTH agreed that the writer of the article had looked at the problem from the wrong angle. The natives throughout the territory had ready access to clinics, hospitals and similar establishments, and he felt quite certain that they would dislike paying for such European conveniences as electric light. Social services were steadily expanding and particular attention was being given to increasing the number of travelling dispensers, as they had proved of the utmost value.

SITUATION OF WOMEN

Mlle. DANNEVIG noticed (page 52, paragraph 157, of the report) that native women were gradually learning to put a new value on themselves and insisting on a Christian form of marriage, the right to choose their husband, etc. Were the authorities contemplating legislation

¹ See page 141.

similar to that which had been enacted in the Cameroons under French mandate regarding the payment of the dowry, the minimum age of marriage for girls, the situation of widows? There seemed to be a general demand for progress in that direction, and native women would probably welcome assistance from the mandatory Power in some form or other.

Mr. FIRTH replied that any compulsion in such matters would be contrary to British policy. The Administration held firmly to the principle that customs should be allowed to evolve of their own accord. He thought, moreover, that the native women themselves would object strongly to any interference by the authorities, who were nevertheless always ready to give advice when it was sought.

QUESTION OF FOOD SUPPLIES IN THE KUMBA DIVISION

Mlle. DANNEVIG expressed concern at the apparent danger of a famine in the Kumba division (page 54, paragraph 161, of the report) due to the expansion of cocoa production at the cost of food crops.

Mr. FIRTH said that to speak of a danger of famine in the Kumba district would be an exaggeration. A shortage of foodstuffs might occur in certain circumstances, but, fortunately, communications were better in that district than in others.

SLAVERY

Mlle. DANNEVIG asked what was the difference between slavery and child stealing, which were referred to in different parts of the report (see, for example, paragraph 168, pages 55 and 56 of the report).

Mr. FIRTH replied that a distinction must be made between slavery and child stealing; children were stolen either to obtain the bride-price in the case of a girl, or to secure unpaid labour in the case of a boy. The only form of slavery known in the territory was of a domestic type—that was to say, keeping a child worker in a household against its wish.

Mr. WEAVER asked whether cases of slavery as a result of inability to discharge a debt still occurred.

Mr. FIRTH replied that the evil was nearly extinct: there had only been two cases that he could remember in the last three years.

LABOUR : HEALTH ON PLANTATIONS

Mr. WEAVER referred to accidents occurring on plantations (page 56, paragraph 171, of the report). How much compensation was paid in fatal cases?

Mr. FIRTH said that the amount paid depended in part on the magistrate; it varied from £10 to £25. An effort was being made to standardise the sum granted.

No consideration had so far been given to the possibility of applying a Workmen's Compensation Ordinance. The question was covered by existing legislation.

Mr. WEAVER next referred to the various classes of plantation workers, some of whom worked for a few months in the year and then went home (paragraph 172, page 57 of the report). Were they mostly single men, or did they leave their wives behind when they came to the plantation?

Mr. FIRTH replied that the majority left their wives behind them. The employers did everything they could to encourage the whole family to come to the plantation, but the wives were generally reluctant to undertake the journey.

Mr. WEAVER thanked the mandatory Power for the very full information contained in paragraphs 174 to 178 (pages 57 to 59 of the report) on the system of credit notes given as part payment of wages.¹ He observed that, of the two reasons given for that system—lack of currency and the greater convenience to the labourers—the first was by far the weightier.

¹ See Minutes of the Thirty-first Session of the Commission, pages 71 and 191.

He appreciated the advantages of the system, but would like an assurance that the worker could be paid in cash if he preferred. Perhaps he could put the question in a definite form by asking whether credit notes were ever issued in lieu of cash on pay-day at the end of the month, or only as advances on wages in the course of the month.

Mr. FIRTH replied that in some cases, if a worker had asked for no advances in the form of credit notes during the month, he might be asked on pay-day to take part of his wages in the form of credit notes; should he refuse, he might possibly be dismissed, but he would, of course, always be free to seek remedy in the courts if payment in cash was refused.

It was due to pressure brought on the plantation managers by the authorities that the acceptance of credit notes was now no longer compulsory.

Mr. Firth would willingly ask that the next report should include some indication of the average percentage of wages paid in the form of credit notes on one or two typical plantations. The practice was most current on the banana plantations, where the lack of currency was particularly felt.

Mlle. DANNEVIG asked whether there were any other shops, not controlled by the employers, where natives could purchase goods? Were most of the shops British or native? Were the prices reasonable?

Mr. FIRTH replied to the first question in the affirmative. There were both British and native owned shops, also a number of shops managed by Germans. Prices in the native shops were generally reasonable.

Mr. WEAVER observed that, owing to the general practice of paying wages monthly, with sometimes a further waiting period of a week after the end of the month, a new worker might be left without cash for five weeks. Would not payment of wages at shorter intervals be preferable? Had consideration been given to the deferred pay system?

Mr. FIRTH was certain that the native would prefer quicker payment, but he doubted whether it would be to his advantage. The deferred pay system might perhaps be considered in the future.

Mr. WEAVER noted (Appendix III, page 128 of the report) a tendency towards a slight increase in wages, amounting to perhaps a halfpenny a day. That was gratifying; he merely wished to repeat the view he had expressed a year previously¹—that the level of wages in the territory definitely called for improvement. Had the provincial wages committees referred to in paragraph 186 (page 65 of the report) actually laid down, during 1937, any minimum wages for labourers employed by the Administration?

Mr. FIRTH said that the slight increase in the general level of wages was due to the strong demand for labour by the export undertakings. The provincial committees had fixed the wages of Administration employees in a number of cases. The level was based on the cost of living, and he would see that the next report included information on the cost-of-living index and the level of wages imposed.

Mr. WEAVER, dealing with health conditions on plantations (page 59, paragraph 179, of the report), noticed that some planters were behindhand with the rebuilding of quarters for labourers. He hoped that the authorities were exerting pressure to secure observance of the standards laid down. Was the accredited representative satisfied that the living conditions of plantations workers were on the whole good? Were any facilities given to those workers to grow their own food if they wished?

Mr. FIRTH replied that, when the improved standards were introduced, it had been found necessary to give some plantations, especially those newly established, a little latitude. In no case, however, was more than a year's grace allowed, and the authorities would take a firm line with any plantation not up to standard thereafter. From his own observations, he could state confidently that native labourers' quarters were almost uniformly clean, well-kept and satisfactory. Indeed, the living conditions of the workers were quite remarkable if one compared them with those in native villages. Allotments were available for the labourers on many plantations.

¹ See Minutes of the Thirty-first Session of the Commission, page 71.

Mr. WEAVER referred to the force of labourers employed on road-building on the Mamfe-Bamenda road (page 107, paragraph 338, of the report), and asked whether conditions in that labour camp had been inspected, and whether any standards had been imposed.

Mr. FIRTH replied that the camp had been inspected by the local medical officer, who had, however, not submitted any reports. Theoretically at least, the standard was the same as that demanded of the plantation managers.

Mr. WEAVER then referred to the employment of natives by native employers (page 65 of the report). Was any information available on living and working conditions, and were any regulations in contemplation?

Mr. FIRTH said that little information could be obtained. Natives never employed more than two or three workers, and the latter lived with the employer's family. Most of those workers came into the territory from Nigeria, generally by water, and the terms of their employment were elastic. He was certain that they suffered no hardship on the journey, and thought that their working conditions were generally satisfactory. Many of them settled permanently in the territory, and there were some communities consisting entirely of immigrant labourers. An effort would be made to give further information in the next report.

Lord HAILEY was surprised to see (page 130 of the report) that the ration scale on the Mukonje estate in the Kumba division was described as fixed "according to the Labour Ordinance". He did not think that any Labour Ordinance existed here which specified a ration scale. He also observed that on Scheitlin's estate (same page of the report) an allowance of $1\frac{1}{2}d.$ a day was made in lieu of ration. Was that considered a normal figure for the cost of a family ration?

Mr. FIRTH thought that the reference to the Labour Ordinance must be a mistake. The allowance of $1\frac{1}{2}d.$ would, in his view, be adequate in some districts.

PRESERVATION OF ANCIENT RUINS AND OBJECTS OF HISTORIC INTEREST

Count DE PENHA GARCIA referred (page 54, paragraph 160, of the report) to the preservation of prehistoric remains.¹ He noticed that an unofficial body in Nigeria was interested in the founding of a museum, probably at Lagos. That was a most interesting proposal. Meanwhile, it would be unfortunate if valuable remains were lost or scattered in a variety of places. Perhaps the next report might give some details concerning the fate of the objects so far found.

Mr. FIRTH replied that most of the remains had been found by one of the district officers who was an expert in such subjects. He had kept some of the objects and sent the remainder to the Wellcome Museum in England.

FREEDOM OF CONSCIENCE : MISSIONS : WITCHCRAFT

M. PALACIOS said that the report was not without interesting information on religious questions, not only in Chapter XV, "Liberty of Conscience and Worship", but also in other paragraphs appearing in chapters relating to other matters.

As usual, it was necessary to distinguish between the Cameroons province (paragraphs 188 to 192, pages 65 and 66 of the report) and the Northern areas (paragraphs 193 to 195, pages 66 and 67).

According to information given in paragraph 188 of the report (page 65), Christianity was spreading rapidly in the Cameroons province. The total number of church members had increased by almost 8,000. The Basel Mission, in particular, had been very successful. That mission maintained thirteen stations scattered amongst the various divisions of the province. It had forty-seven missionaries and nearly six hundred African helpers. It had shown considerable activity in the medical and educational spheres. It was a matter for satisfaction that the Administration had seen its way to increase by almost 100% the grants paid to the mission (paragraph 189 of the report, page 66). The Roman Catholic Mission also was very active; it was directed by thirty-nine priests, assisted by ten sisters and 284 African catechists.

On the other hand, in the whole of the Northern area, there was only one mission—the Sudan United Mission at Gurum; it was directed by a missionary and his wife, but the results it had achieved in 1937 were rather meagre (paragraph 193, page 66 of the report). The people in that region showed little interest in either Islam or Christianity. The report said that there was a small school attached to the mission and also a simple dispensary, but that they

¹ See Minutes of the Thirty-first Session of the Commission, page 74.

were on too small a scale to attract the people or to justify financial support from the Administration. Did not the Administration contemplate giving some support to the Sudan United Mission, so that it could develop its activities in medical and educational matters ?

Mr. FIRTH replied that the educational work of missions only received assistance from the Government when it reached a certain standard and when the expenses accordingly went up. The mission in question could, however, always put up a case for assistance by the Government or the native administration.

M. PALACIOS drew attention to certain disputes between the native chiefs and the Christian communities in some areas. For example, the report (page 13, paragraph 39) stated that the former chief of Nkom, in the Bamenda division, who was a persistent opponent of Christianity, had bequeathed to his successor a legacy of strife with the Roman Catholic communities in certain parts of his chiefdom. According to the report, there was something of the same friction in the Bansa area, where the chief was "a conservative old gentleman". "In neither case", the report continued, "do the personal convictions of the chief himself constitute the only difficulty, for the great majority of the people are pagans and if he yields to the demands of the Christians, he forfeits their respect".

Could the accredited representative give the Commission any further information on the causes and the nature of those disputes between the native chiefs and the Christian communities ? What were the demands of the Christians to which the report referred ?

Mr. FIRTH explained that the two chiefs in question were also the local heads of pagan sects. Their position was a delicate one, because any concession on their part to a movement which ran counter to pagan customs, such as Christianity, might cause them to lose the respect of their pagan followers.

M. PALACIOS said that the information given in the report on the "tuba" movement (paragraph 45, pages 14 and 15) and on the "juju" (pages 52 and 53 of the report) was very interesting. The early manifestations of religious feeling in the natives were worthy of the closest attention, and often led to very powerful political movements.

M. Palacios would be glad to have more detailed information concerning the question of sorcery and witchcraft in the territory. For example, was the policy of the authorities to suppress all manifestations of sorcery and witchcraft or only those which were contrary to the principles of humanity or public morals ?

It was said on page 67 of the report (paragraph 194) that the Sudan United and the Basel missions were beginning to take an interest in the Kentu region and that they were discussing their spheres of influence. Did the Administration take any part in the delimitation of the spheres of influence of the missions ?

Mr. FIRTH said that sorcery or magic was only prosecuted where it constituted a legal offence or involved a risk of disturbance of the public peace. The "tuba" movement only became punishable when it took the form of obtaining money by false pretences and arson, and ceased to be purely religious. The authorities had then been able to act vigorously, and sentences of imprisonment up to eighteen months had been imposed.

The Administration did not intervene in the allocation of spheres of activity between missions.

EDUCATION

Mlle. DANNEVIG wished to thank the mandatory Power for a very complete and interesting chapter on education (pages 67 to 88 of the report). She noticed the programmes for the three stages of education described in paragraph 200 (page 68). Were the curriculums of secondary education in fact the same as those followed in England ?

Mr. FIRTH replied that the subjects taught were the same, though the details of the programmes might vary.

Mlle. DANNEVIG remarked that far-reaching results had been secured by co-operation between Government and missions in education. However, the only institution for the training of teachers in the Cameroons province was the Kake Centre, which had only supplied ten certified teachers in 1937 (paragraph 211, page 71 of the report). That number was surely very small : more schools were evidently urgently required, there as elsewhere in the territory, and the provision of a sufficient number of teachers was a paramount necessity. If an increase in the territory's resources made the addition of new schools feasible, it would not be possible to train teachers in a short time.

M. RAPPARD observed that the Commission was often told, in connection with other mandated territories, that slow progress in education was entirely due to the lack of teachers. The position in the Cameroons under British mandate appeared to be the exact opposite.

Mr. FIRTH considered that the addition of ten further certified teachers was considerable in relation to conditions in the territory. Needs had been fully met so far, and no shortage of staff had been experienced. Students were sent to the Kake Centre in pursuance of long-term agreements with the native administrations and Missions and at their expense. Educational plans were drawn up for periods of five years by the native administrations. It was unlikely that a decision to open a number of new schools would be so sudden as to preclude the adequate training of the required number of new teachers. As elsewhere, progress was strictly limited by the financial resources available.

Mlle. DANNEVIG noticed that information on education was now provided in a different form, which gave a clearer picture of the situation. The statistics relating to education, it was said, would also be given in the new form in the next report (paragraph 210, page 71 of the report).

She noticed (page 70, paragraph 206), an enormous increase in expenditure from Government funds on education in the northern areas—from £128 to £1,972. The report added, however, that that increase was partly due to accounting adjustments. Was the improvement in the Southern Section—from £8,851 to £12,326—also due to accounting adjustments ?

Mr. FIRTH said that the accounting adjustments probably represented certain minor liabilities carried over from 1936 to 1937 ; they only represented a very small fraction of the increase, the balance of which therefore represented positive improvement.

Mlle. DANNEVIG noted that hostility to female education was still to be found in the Mamfe division and that it extended even to the teaching of needlecraft (paragraph 233, page 76 of the report). Could nothing be done to show the natives the benefit also of the education of girls ?

Mr. FIRTH replied that everything possible was done in that sense, but that it was largely a matter of time ; the natives concerned were extremely backward.

Mlle. DANNEVIG had read with much interest the section (page 77, paragraphs 242 and 243, of the report) in answer to questions in 1937.¹ What facilities were available, in the way of simple books and periodicals, for keeping up literacy among young people who had been to school ?

Mr. FIRTH replied that the Provincial School Committee had been unable to find a positive solution to the problem, though it had found three possible reasons for its existence, as the report showed. Children leaving infant classes did not, of course, possess much knowledge, and possibly their parents jumped to the conclusion that schooling was a waste of time.

Mlle. DANNEVIG, referring to the statistical information on page 80 of the report, asked what was meant by " foreign " teachers.

Mr. FIRTH said that the expression " foreign " applied to native teachers not born within the territory but coming from Nigeria, etc. Teaching was given in the vernacular only in the lower classes, for which local teachers were usually provided. No difficulty therefore arose.

Mlle. DANNEVIG pointed out that there was only one small mission school—which was not working well and received no grants from the Government (paragraph 193, page 67 of the report)—in the southern part of the Adamawa district (page 86, paragraph 251, of the report). Were there no prospects of providing further educational facilities in that region ?

As a contrast, she read that the largest elementary school in the Dikwa division had nine teachers for 117 pupils (paragraph 255, page 86).

Finally, she noticed that the three ex-pupils sent to the training centre at Garkidda had run away (paragraph 263, page 88).

Mr. FIRTH said that if there were a demand for further facilities in the southern part of Adamawa, it would certainly be met ; but the district was one in which education was clearly not very popular as yet. There was no prospect of opening a State school there for some time. He agreed that the proportion of teachers to pupils at the Dikwa elementary school appeared to be very high. As to the three pupils who had run away from the Garkidda training centre, he felt certain that persuasion was a better policy to pursue than compulsion.

Replying to a question by M. van Asbeck, he said that the rudiments of hygiene were taught in all elementary schools.

¹ See Minutes of the Thirty-first Session of the Commission, page 75.

ALCOHOL AND SPIRITS

Count DE PENHA GARCIA asked whether, as the result of the release of certain districts from the provisions of Order-in-Council No. 19 (page 88, paragraph 264, of the report), the felling of palm trees for the purpose of making palm wine had again assumed alarming proportions.

Mr. FIRTH replied that the Government had no power to prevent the felling of trees on freehold land. Elsewhere, a licence was required. The report explained the reasons for the suspension of the application of the Order-in-Council in question.

Count DE PENHA GARCIA observed that imports of liquor, especially gin and beer, had increased considerably. The report gave as a reason the increase of prosperity in the territory (paragraph 265, page 89 of the report). Had there been any visible results in the shape of increased drunkenness, disturbances, etc. ?

Mr. FIRTH replied that there had been no such results.

PUBLIC HEALTH

Count DE PENHA GARCIA had read with much satisfaction (page 91, paragraph 275, of the report), that hospital arrangements in the territory were steadily improving. He hoped that efforts in that sense would continue. The figures given on page 92 showed that the number of hospital attendances was declining, while the activity of the dispensaries was increasing. If health standards generally were improving, it might have been expected that attendances at hospitals and dispensaries would both show a decline. It was possible, however, that the dispensaries were proving better adapted to requirements, in view of their distribution and the fact that they could reach out-of-the-way places.

Mr. FIRTH said that that was so. The dispensaries were more numerous, scattered over the territory, and better adapted to the treatment of minor ailments.

Count DE PENHA GARCIA asked what training had been given to the three travelling dressers in the Mamfe division, who handled a considerable number of cases (page 93, paragraph 280, of the report).

Mr. FIRTH replied that they had been trained in a Government hospital under a medical officer.

Count DE PENHA GARCIA thanked the mandatory Power for the information regarding way-side clinics given in paragraph 281, page 93 of the report. He was glad to learn that that interesting experiment had proved so successful.

It would seem that there was some disproportion between the smallness of the grants made to the missions in aid of their medical work and the actual number of patients treated by those missions (page 94, paragraphs 284 and 285, of the report).

The report contained no figures relating to the incidence of leprosy, a common scourge in Africa. He hoped that some figures could be included in the next report.

Mr. FIRTH said that this would involve a good deal of guesswork, but an attempt to give figures could certainly be made.

Count DE PENHA GARCIA regretted that the sleeping-sickness survey had been abandoned (page 97, paragraph 295, of the report). Was there any prospect of its being resumed, and what was the position with regard to plague ?

Mr. FIRTH replied that the sleeping-sickness survey had been abandoned because the disease was not so prevalent in the territory as elsewhere—for instance, in Northern Nigeria. A native team was still at work at Tiko in connection with it.

In reply to a further question, he added that the Nigerian Sleeping-sickness Ordinance of January 1937 only applied to the northern sections of the Cameroons territory.

Count DE PENHA GARCIA expressed satisfaction at the considerable increase in health expenditure (paragraph 300, page 98 of the report). There was some danger, however, that certain drugs might prove dangerous in the hands of partially trained persons, and he wished to urge that the greatest care should be exercised, especially in the training of native medical assistants and in their supervision.

Mlle. DANNEVIG asked if the work in the child welfare centre at Kake (page 95, paragraph 286, of the report) was done by the pupils of the training school for teachers? She also drew attention to the extraordinarily large number of cases dealt with by only eight native dressers in the three native administration dispensaries (paragraphs 297 and 298 of page 97 of the report). Was their work satisfactory under such circumstances?

Mr. FIRTH explained that the child welfare centre at Kake was run by the wives of the teachers of the training centre on their own initiative, and not as part of the centre's official activities.

With regard to the native administration dispensaries, he agreed that they were much understaffed in the northern areas. The reason was, of course, lack of funds.

LAND TENURE : "STRANGER NATIVES" (*continuation*)

M. VAN ASBECK again drew attention to the important problem of "stranger natives". He hoped it would be fully dealt with in the chapter on the general problem of these strangers, which the accredited representative had promised to have included in the next report, with special reference to the definition of the term "native" in relation to Article 5 of the mandate.

Lord HAILEY asked what was the position of the native authorities in regard to sales and transfers of land to natives, including "stranger natives". Did the final decision rest with them or with the Administration?

Mr. FIRTH replied that the whole question of land tenure was now under consideration. The present intention was to institute a system of registration by the native authorities of titles to land held by "stranger natives". He thought that the main requirement was to secure accurate records of land transfers, in order to put an end to false claims to freehold possessions and other sources of confusion or abuse. In the special chapter promised for the next report, the question of alienation would also be fully dealt with, with particular reference to the risk of cutting down communal lands to such an extent as to impede the normal expansion of native communities.

FORESTS

Count DE PENHA GARCIA observed that the timber trade of the territory was considerable (page 101, paragraph 312, of the report). The report showed that there had been wholesale damage to forests in the past, and he hoped that sufficient caution was now shown. There were only two, and at certain periods of the year only one, European forestry officers in the Cameroons province, with a corps of twenty-eight forest guards (paragraph 307, page 99 of the report). Were they sufficient to supervise the whole area effectively?

He also asked with whom the initiative lay in the matter of the creation of new forestry reserves.

Mr. FIRTH replied that the Forestry Department could well do with a larger staff, but that financial considerations unfortunately prevented that. The existing staff were, however, fulfilling their task adequately. It was they who took the initiative in proposing the creation of further forestry reserves.

DEMOGRAPHIC STATISTICS

M. RAPPARD asked for information on the methods of counting and estimating used to arrive at the figures given on page 105 of the report.

Mr. FIRTH replied that use was made of the nominal rolls of adult males prepared by heads of villages for taxation purposes. Those were, of course, subject to fluctuations from year to year. The figures for women and children were wholly estimated, as native women strongly objected to being counted.

M. RAPPARD had been struck by the wide gap between the numbers of males and females in certain divisions—for example, Victoria. He was well aware that there were large numbers of immigrant labourers in that division, but he wondered whether there was some statistical reason in addition.

Mr. FIRTH said that the gap was wholly due to plantation labour. Well over half of the total of plantation employees were to be found in the Victoria division. As he had already explained, many of those workers left their women at home. They were seasonal workers in the sense that they stayed on the plantation for six months or so and then returned home ; but their place was taken by another member of the family, and the total number on the plantations remained approximately constant throughout the year.

Replying to Mlle. Dannevig, Mr. Firth added that husbands invariably sent money to their wives at home while working on the plantation.

M. RAPPARD drew attention to the high proportion of Germans among the European population. Leaving out British subjects, who were almost all in the Administration, the Germans constituted almost the whole of the commercial population.

Mlle. DANNEVIG drew attention to the small number of children in relation to the number of women. Were infant mortality rates very high ? Were any native women trained as midwives and nurses ?

Mr. FIRTH replied that, as in other colonial territories, infant mortality was doubtless high in the Cameroons. That was the inevitable consequence of ignorance and backwardness. Every effort was made to increase the number of midwives and nurses.

M. GIRAUD was surprised to see from the statistics on page 105 of the report that there were apparently no Syrians or Lebanese in the territory, although they were to be found, and sometimes in large numbers, in the various colonies on the coast of West Africa.

Mr. FIRTH said that he had personal knowledge of two Syrians in the territory. Perhaps they were classified as French in the statistical tables.

CLOSE OF THE HEARING

The CHAIRMAN thanked the accredited representative for the help he had given the Commission in the examination of the report.

He understood that Mr. Firth was retiring from the service. The Chairman felt sure that his departure would be a great loss to the territory under mandate, but he and his colleagues wished to convey to Mr. Firth their sincerest good wishes.

SEVENTEENTH MEETING

Held on Thursday, November 3rd, 1938, at 3.30 p.m.

Western Samoa : Examination of the Annual Report for the Year ended March 31st, 1938

Mr. R. M. Campbell, Economic Adviser to the New Zealand Government in London, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE

The CHAIRMAN welcomed Mr. R. M. Campbell, who was making his second appearance before the Commission as accredited representative of the mandatory Power for the examination of the annual report on Western Samoa.

Mr. CAMPBELL thanked the Chairman for his welcome.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE

Mr. CAMPBELL made the following statement :

I will recall briefly some of the salient points in the report before you, and add a few supplementary facts which have come to light since the report was compiled.

The general position in Western Samoa does not seem to differ substantially from that which was reviewed by the Commission a year ago and found on the whole to be satisfactory. At that time, a good number of questions remained unanswered—more so for the reason that

I had never set foot on the territory. These are now dealt with in the report. Either the information is given, as on the financial and public debt points, raised by M. Rappard¹—where, in fact, the prospects of public debt reduction for twenty years ahead are outlined—or it is shown to be not available. For example, there is no official information as to what eventually happens to the copra that leaves Samoa.² Copra shipped from Samoa unsold is often disposed of while in transit, so that its destination cannot be determined at the point of shipment.

In reviewing the main headings of the report, I start deliberately with those not concerned with the economic or monetary situation. The more one hears and reads of Samoa, the more one is brought to realise that Samoa's is not a money economy. This is a truth that can be expressed in any number of ways. A Governor-General visiting Samoa, for instance, commented :

“ Except for the European cocoa-planters, Samoa was wholly oblivious of the economic blizzard which was appearing to shake the civilised world to its very foundations.”

Similarly, a competent journalist from New Zealand recently reported as follows :

“ The lives of the people in Samoa are ordered, not by laws and officials, but by a framework of custom and tradition, which alters hardly at all in a lifetime. So little do they use money that their economic welfare is outside the control of Governments.”

My third quotation is from a remark made by an inhabitant of Samoa who said :

“ It is not generally realised that matters affecting their (the Samoans') liberty are vastly more important to Samoans than questions of trade.”

All these quotations bear out the views repeatedly expressed by the mandatory Power. I cannot better summarise the position in this respect than by quoting the following passage from a recent letter by the Prime Minister for New Zealand :

“ The Samoans, as has been explained from time to time, have no actual need of a regular income and indeed no actual need of money at all, except on sporadic occasions and for definite purposes. All the necessities of life are, generally speaking, obtainable without money.”

While possibly exaggerating the freedom from monetary worries which the people of Samoa enjoy, the foregoing statements do show the relatively less urgency of economic and trade issues.

In regard to education, it will be seen that the additional facilities extended have evoked an almost embarrassing response from the younger Samoans. One sees also from the Government's own publications that emphasis is laid, not so much on teaching Samoan children, as on training those Samoans who will in turn teach the younger generation. The report refers to the fact that a teachers' training college is shortly to be built, and shows also that the number of native Samoan teachers increased very substantially—from 113 in 1937 to 192 in 1938.

The health position is equally satisfactory, though in view of the tragically high infant mortality (due to an epidemic) in the preceding year, admittedly no change could very well be other than an improvement. The infant death rate has now fallen from the exceptionally high figure of 292 per thousand registered births to 89 per thousand. The report again stresses the Government's views regarding the training of native medical practitioners. Their fine work shows the capacity of selected Samoans in ministering to their own people. The limiting factor (there are at present only ten employed and six in training) is the capacity of the Central Medical School in Suva—the only one available for such training—but it is hoped to expand this presently.

In the related fields of health and education, I would like to emphasise that, while progress is fairly satisfactory the evidence shows, more important still, on the part of the mandatory Government and the Administration, an awareness of future problems and of tasks still to be accomplished.

In regard to labour questions, I have little to add to the points made in the report. A matter which in the past has been controversial is the problem of repatriating Chinese coolies. The number of these has been reduced from 500 on April 1st, 1937, to 326 on March 31st, 1938. In a letter dated August last, the New Zealand Government authorises me to hold out the prospect that the remaining Chinese, excepting permanent residents, will be repatriated in some two years' time.

As to the trade position of Western Samoa, the report shows that 1937 was the best year since 1928. Copra and cocoa, the main exports, obtained highly satisfactory prices early in 1937. The prices of both commodities have since fallen considerably below the early 1937 level and, adds the report, there were indications of a further decline. This prognostication is borne out by the following figures which I obtained before leaving London yesterday, and which

¹ See Minutes of the Thirty-third Session of the Commission, pages 54 and 55.

² *Ibid.*, page 57.

bring the information up to date. Copra, which was £12 12s. 6d., has now fallen to £10 15s. 0d. per ton. The New Zealand Government, it will be recollected, is in close touch with the position because the produce from the Crown estates is marketed directly by the High Commissioner's Office in London. Prices of cocoa have also fallen; they reached their lowest point early this year, but have risen since. Rubber has shown a marked advance during the period and the market is at present "steady with a good undertone".

The remaining item in Samoa's export trade is bananas, in respect to which there is little to add to Mr. Berendsen's comprehensive survey of two years ago.¹ Bananas now rank as almost equal to cocoa in the list of Samoan exports, still headed by copra.

The general situation of the public finances since 1925 is shown by the budgetary summary on page 7 of the report. The careful budgeting exercised in 1937 is proved by the fact that on an expenditure of about £139,000 the surplus was £380. The situation just described as regards produce prices might justify some concern for the prospects of public revenues; in a letter dated August, the Government of New Zealand states that it anticipates no difficulty in balancing the budget in the year ending March 31st, 1939.

Export duties constitute a connecting link between produce prices and public revenues: when produce prices fall below a certain figure, export duties are refunded. The amounts collected and refunded are shown on page 10 of the report, and my latest information is that the export duties on cocoa and rubber have again been suspended—that is to say, the amounts collected are refunded.

Regarding the political position, there is not much to add beyond the fact that it is still generally tranquil. The Mau is on good terms with the Government. The Commission is, I presume, acquainted with the details of the delegation to New Zealand in January/February of the present year. The new Mau organisation, as will be seen, has a very small following—only some 3½% of the adult male population.

The Commission will be interested to know that, on September 16th last, the New Zealand Legislature passed an Act to amend the Samoa Act of 1921. The new measure is designed partly to meet the administrative requirements of the territory itself, as urged by the Acting Administrator, and partly to give effect to requests made by the Mau deputation and approved by the Government. According to the assent copy in my possession, the essential provisions of the Act are, shortly, as follows:

Clause 2 repeals Section 4 of the Samoa Amendment Act of 1923, and enacts that the Faipule of the Fono are to be chosen by the Samoans themselves. At present the Administrator has power to appoint the Faipule, though the actual practice has been to appoint only those persons who were selected by the Samoans. The new Act therefore brings the text of the law into line with the actual practice.

Clause 3 brings the Samoan law of bigamy into line with that of New Zealand, and makes it clear that the offence of bigamy is not committed if the accused is not proved to have known that his wife or her husband was alive during the past seven years.

Clause 4 makes it a criminal offence, not only, as at present, to rescue a person from lawful custody or aid him in escaping from prison, but also to aid him after he has escaped.

Clause 5 deals with a matter which has been referred to in this Commission—the authority to transfer to New Zealand prisoners convicted in Samoa. It alters the existing provision under which any person sent to prison for six months or more may be transferred to serve his sentence in New Zealand; it provides that only persons not of the Samoan race, whether by pure or mixed descent, may be so transferred.

Clause 6 repeals the provision of the existing Act under which any person other than a Samoan who has been convicted of an offence for which he is liable to a year's imprisonment may, in addition to imprisonment, be sentenced to exile from Samoa for a period not exceeding fifteen years.

Clause 7 regularises the existing practice under which the Administrator exercises the power to remit short sentences or shorten longer ones.

Clause 8 empowers the Administration to divert land which has been taken for one public purpose to another public purpose.

So far as the personnel of the Administration is concerned, Mr. Turnbull, the Deputy-Administrator, continues to be the Acting-Administrator also.

I should like to conclude my statement by quoting a cable which I received to-day and which brings completely up to date the report on the mandated territory. In this message, the

¹ See Minutes of the Thirtieth Session of the Commission, page 118.

Prime Minister states that there is nothing further to report except that : (1) During the recent crisis, the Faipule offered to supply 9,000 men for the defence of the territory and general services ; a similar offer was made by the Maufo'u and (2) the Fono of Faipule is at present sitting.

The CHAIRMAN thanked the accredited representative for his statement.

INTERNATIONAL CONVENTIONS

Count DE PENHA GARCIA suggested that it would be a great convenience to the Commission if the 1938/39 report supplied a complete list of all the general Conventions and bilateral Agreements applicable in Western Samoa.

Mr. CAMPBELL noted the request made.

RÔLE OF THE MAU AND ANTI-MAU MOVEMENTS IN THE POLITICAL LIFE OF THE TERRITORY : VISIT OF THE MAU DELEGATION TO NEW ZEALAND IN JANUARY 1938 : EUROPEAN AND NATIVE POLITICAL PARTIES

M. PALACIOS, after having read the report and heard the accredited representative's statement, thought that the political life of the territory, which had been so disturbed a few years ago by unrest and agitation, was now calm (page 3 of the report). The Mau seemed to predominate and to be the pivot of the territory's political life. The New Zealand Law of September 16th, 1938, to which reference had just been made, seemed to be the mandatory Power's reply to the voyage to New Zealand of the Nelson deputation in January 1938, to ask, among other things, for (a) the repeal of the measures taken against certain political activities and (b) greater autonomy, and increases in the staff and in the salaries of native officials. Everything seemed to indicate that the Mau held a predominant position in the territory and was regarded with favour by the home country.

On the other hand, however, both the report and information received by the members of the Commission, mainly through the Press, mentioned an anti-Mau movement, a Malietoa organisation, called also the Malo, the object of which seemed to be to break down the influence of the Mau (page 4 of the report). It appeared that, in certain districts—Afega, for instance—the natives had deserted *en masse* the former organisation to join the new one. It was even said, not only that New Zealand was already tired of the Mau, but that its predominant position might quite well be transferred to the opposing party. Thus, in one *Review* the following passage occurred : " Of course, extremism in politics always produces its natural reaction ; and the result in Western Samoa has been the sharp revival of the Malo (or anti-Mau) party, which is moderate in its demands, reasonable in its policy and loyal in its allegiance, and there is every indication that the Malo party now is just as strong numerically, and more influential in character, than the organisation dominated by Mr. Nelson and his son-in-law, Tamasese ". Was there any truth in that statement ?

Mr. CAMPBELL confirmed that, in general, the political situation could properly be described as calm and normal. He noted that not all of the new Act was due to the visit of the Mau representatives to New Zealand. Certainly, some of the clauses, such as those which repealed the dormant repressive provisions, were pressed for by them, but other clauses in the same bill were intended to settle various administrative problems.

Such authentic information as he had concerning the new Mau merely confirmed what was stated on page 4 of the report ; it had been rather over-publicised and did not at present represent more than 3½% of the Samoan population. There was no physical hostility between the two factions, and a letter from the Prime Minister confirmed that the movement created no administrative difficulties.

M. PALACIOS concluded, therefore, that, at least officially, the party which the Administration supported was the Mau, and that the political influence of that party predominated. On the European side, it seemed that the Chamber of Commerce, the Planters' Association, the United Progressive Party, the Local-born Labour Party (page 3 of the report) which at various times, had made representations affecting not only the interests of their particular sections, but also of the general community—or, at least, the missions—had not done anything to change the situation.

The information published in the *Pacific Islands Monthly* concerning the enquiry into the draft scheme for organising the production and sale of bananas, the alleged dismissal of officials, and even the appointment of a new Administrator, seemed to indicate, nevertheless, the existence of movements with a political tendency.

Was everyone in agreement with the Mau ? So far as the Labour Party was concerned, the reply was, no doubt, in the affirmative, since its President in a speech had said : " The Local-born Labour Party differs only in name from the Mau, as the ideals and objects of each are identical".

Mr. CAMPBELL confirmed that the Mau was still the organisation which represented the great majority of the Samoan population. The Mau represented the native Samoan population, while the Labour Party consisted mainly, if not exclusively, of local-born Europeans, of the non-planter class.

M. RAPPARD asked whether it would be correct to say that, under the former Conservative administration in New Zealand, the Mau was in opposition to the Western Samoan administration, whereas, with a Labour Government in power in New Zealand, the Mau now preferred to collaborate with its representatives in the territory. The anti-Mau could presumably be described as a more Conservative section which had broken off from the main party.

Mr. CAMPBELL hesitated to agree with M. Rappard, as he did not believe the new Mau was anti-administration. It took the view rather that the old Mau was not sufficiently pro-administration and favoured closer co-operation with the Legislative Council than the Mau itself.

Lord HAILEY asked whether the Hon. Malietoa belonged to the Mau or the anti-Mau.

Mr. CAMPBELL said that the Hon. Malietoa had resigned his seat on the Legislative Council under pressure from the Mau which felt that he did not adequately represent its views. He was of the anti-Mau.

M. VAN ASBECK, in order better to understand the strength and influence of the parties, asked whether the Mau exercised any real influence in the island of Savai'i, for instance, which was rather remote from the capital, Apia, whilst the district in which the anti-Mau was said to be specially powerful was situated quite near that capital.

Mr. CAMPBELL said that, as far as he knew, the Mau exercised considerable influence outside the main centres of population, but an exact reply to the query would be given in the next report.

M. VAN ASBECK had been rather struck by the curious composition of the Mau deputation, which visited New Zealand. The deputation was led by Mr. Nelson, a non-native, and consisted of his daughter, presumably a non-native also, the Hon. Tamasese, Mr Nelson's son-in-law, and three other persons, some of whom might well have been related to the Nelson family also. Would it be fair to say that the Mau could be identified with the Nelson family, and the anti-Mau with the family of Malietoa? In that case, Western Samoa would present the same phenomenon as other colonial territories where political issues were decided, not so much on grounds of principle as of personal interests.

Mr. CAMPBELL observed that his task in representing the mandatory Power, did not extend to justifying the personnel of the deputation sent to consult with his Government.

M. RAPPARD observed that, according to the accredited representative, the deputation had received satisfaction in so far as the Government had repealed solely repressive legislation. The situation was rather curious. Under the previous Administration, Mr. Nelson, the leader of the Mau deputation, had been regarded as a bitter enemy and had had to be banished. Since the Labour Government came into power, he had been released and had now visited New Zealand, apparently, in order to secure the repeal of the very legislation under which he himself had suffered. The question naturally arose why, if he behaved himself, Mr. Nelson should be apprehensive of the old legislation. If, on the other hand, he intended to repeat his misbehaviour, the repeal of the legislation in question paved the way for such designs. It was rather strange to see a Government repealing legislation at the request of a former victim of that very legislation.

Mr. CAMPBELL pointed out, in explanation of the Government's action, that the legislation now repealed had been strongly criticised by the New Zealand Labour Party when it was first enacted. Furthermore, no apprehension need be entertained that the repeal of that legislation deprived the authorities of all power to deal with offenders. Part V of the Samoa Act of 1921, with its 113 clauses dealing with penalties for criminal offences, was still in force, and gave the authorities ample power to deal with offences committed by natives, part natives, or Europeans.

M. RAPPARD in no way suggested that the attitude of the present New Zealand Government was inconsistent. He merely wondered why it should have deferred conceding the demands until the arrival of the Mau deputation under Mr. Nelson, thus enhancing, as it were, the latter's personal prestige. Any reversal of the previous Government's policy would seem to have been better effected immediately.

Mr. CAMPBELL reminded the Commission that a first act of the Labour Government in New Zealand was to send a goodwill mission to Western Samoa under one of its Ministers, Mr. Langstone ; as a result, the desirability of repealing the obnoxious legislation was immediately recognised. During its three years of office, however, the Government had been extremely preoccupied with other legislative tasks and had only been able to put through the amending Act at the very end of the 1938 session. Mr. Campbell did not think that the passing of the measure in any way derogated from the mandatory Power's prestige.

Lord HAILEY asked whether Sections 100 and 102 of the 1921 Act regarding incitement to mutiny and seditious libel were still in force.

Mr. CAMPBELL explained that the legislation now repealed was that enacted in the interval (he believed in 1927) since the 1921 Act was passed ; the provisions of the latter Act, as referred to by Lord Hailey, still held good.

POLICE : ACTIVITIES OF THE MAU GUARDSMEN

M. VAN ASBECK noted the reply given on page 14 of the report to the question asked last year¹ regarding the activities of Mau guardsmen. The latter apparently were not recognised as police officers, but were merely attached to the Mau organisation as ushers or orderlies. Was pressure never put on Samoan natives by members of that force, and did the guardsmen wear a special uniform and carry any weapons ?

Mr. CAMPBELL had no additional information on the subject, but believed that the guardsmen in question wore a kind of uniform. He could not say whether they also carried any emblem of authority, but they were certainly not armed.

M. VAN ASBECK inferred that the Mau guardsmen might possibly constitute a semi-military organisation and that, as in other colonies, pressure might be used on Samoans in the interests of the party or its leaders. According to a 1937 issue of the *Pacific Islands Monthly*, the anti-Mau had protested against the existence of Mau guardsmen alongside the Government police force. The situation was, therefore, somewhat strange.

In that connection M. van Asbeck recollected from a statement in the 1936 report (page 4) that a former Chairman of the Mau had been appointed superintendent of the native police force. Did the person in question still occupy that position ?

Mr. CAMPBELL said that, in a non-official source (*Christchurch Press* of May 12th, 1938), he read that the Mau police wearing their characteristic uniforms and " sometimes carrying batons " were " a familiar sight " on the Apia waterfront. He had no knowledge of any complaints about Samoans having been compelled to join the force.

PARTICIPATION OF THE NATIVES IN PUBLIC AFFAIRS: LEGISLATIVE COUNCIL: QUESTION OF THE REPRESENTATION OF THE MAU AND ANTI-MAU

M. RAPPARD asked whether any interest was shown by the natives generally in public affairs. Was the budget of the territory, for instance, published in the vernacular ?

Mr. CAMPBELL understood that, in Apia, close interest was taken by the population in public affairs and political problems, and he believed that the same might be said generally of the rest of the territory. The budget was published in Samoan.

M. RAPPARD pointed out that according to the statement in paragraph 2 on page 3 of the report, the Legislative Council comprised " four *nominated* native members ", whereas, from the second paragraph on page 4, it might be inferred that the four native seats were elective. What was the explanation of that apparent inconsistency ?

Mr. CAMPBELL explained that the native representatives on the Legislative Council were nominated after appropriate consultation with native interests. Technically, therefore, the representation could not be called " elective ". In practice, of course, it was customary to appoint individuals selected by the Samoans themselves.

The CHAIRMAN understood that the nominated members of the Legislative Council were native Samoans who had been designated by the population. How did the population express its preference for a particular nominee, seeing that, presumably, no vote was taken ?

¹ See Minutes of the Thirty-third Session of the Commission, page 59.

Mr. CAMPBELL believed that the leaders of the Mau communicated their wishes to the Administration.

M. VAN ASBECK observed from page 3 of the report that one of the Samoan seats in the Legislative Council was still vacant, in consequence of the Government's refusal to appoint Mr. Nelson, a European, to a native member's seat. Did the Government not propose to nominate a member to the vacancy?

Mr. CAMPBELL explained that the Government had taken no action pending the nomination by the natives of a suitably qualified candidate.

M. GIRAUD asked whether the three native members of the Legislative Council were nominees of the Mau.

Mr. CAMPBELL understood that to be the case.

M. GIRAUD inferred that only one trend of native opinion was represented in the Legislative Council. The Mau no doubt represented the large majority of the native population, but other shades of opinion existed. Did not the mandatory Power consider that there might be some disadvantages in their not being represented on the Council?

Mr. CAMPBELL said that, according to the Government's information, the Mau represented the great bulk of the native population.

Mlle. DANNEVIG had always understood that the Samoans took a great pride in their social status and were very fond of exercising authority. If that were so, the anti-Mau's failure to secure representation on the Legislative Council might be one explanation of the political difficulties experienced.

Mr. CAMPBELL believed that his Government would welcome any system of representation that gave the fullest possible expression to the desires of the population. It would, however, be difficult at the present time to define the exact form that representation should take.

REMUNERATION OF THE MEMBERS OF THE NATIVE ADVISORY COUNCIL (FAIPULE) AND OF THE " PULENU'U "

M. VAN ASBECK asked whether the thirty-nine Faipule, comprising the Fono or Native Advisory Council, and the 180 Pulenu'u (page 3 of the report), received any remuneration, and, if so, whether it was paid by the central treasury of the territory or by local native treasuries.

Mr. CAMPBELL pointed out that there was only one statutory treasury in Western Samoa. Exact information regarding payment, if any, of the Pulenu'u would be supplied in the next report.

QUESTION OF THE NUMBER AND DUTIES OF THE NATIVE JUDGES. QUESTION OF THE NUMBER OF PLANTATION INSPECTORS

M. VAN ASBECK noted (page 3, last paragraph of the report), that there had been some disagreement between the Administration and native organisations regarding the number of native judges and plantation inspectors. Had any settlement of the problem been reached?

Mr. CAMPBELL replied in the negative.

Lord HAILEY asked what were the exact functions of the district native judges or magistrates, referred to on page 14 of the report. Did they apply the Statute Law or were they intended to preside over native courts?

Mr. CAMPBELL explained that the native judges in question dealt with minor civil and criminal actions involving Samoans only.¹

Lord HAILEY asked why the Faipule wished to have thirty-nine district native judges and thirty-nine native plantation inspectors appointed, instead of fourteen of each as proposed by the Government (page 3 of the report).

Mr. CAMPBELL said that it had been suggested, fairly or otherwise, that differences of opinion were not unrelated to desires to have more paid offices available.

¹ See Minutes of the Thirty-third Session of the Commission, page 58.

STATUS OF " PERSONS OF MIXED BLOOD " : QUESTION OF THE AMENDMENT OF THE SAMOAN STATUS ORDINANCE, 1934

M. PALACIOS noted from page 2 of the report that, during 1937/38, nine part-Samoans of European status had applied for, and been granted, the status of Samoans, together with fifteen of their children. The report added that a Samoan Status Ordinance, 1934, required such applicants to " live as Samoans " and that it was anticipated that that stipulation would be removed, in order that part-Samoans of one-half or more Samoan blood might become either Europeans or Samoans, as they preferred.

Could the accredited representative furnish any additional explanations on the point ?

Mr. CAMPBELL had no recent information which would throw further light on the statement quoted.

M. VAN ASBECK would like the next report to explain whether such changes of status could be repeated indefinitely. Could a European, for instance, become a Samoan and then apply for reinstatement as a European, and so on ? It would also be interesting to have the views of the mandatory authority on the legal consequences of change of status—for example, as regards participation in executive or advisory councils, membership of the Fono, land tenure (with more particular reference to settlement schemes, such as that described on page 4 of the report).

Mr. CAMPBELL agreed to ask for the relevant information to be included in the next report.

SITUATION OF GERMAN NATIONALS IN THE TERRITORY

M. VAN ASBECK noted from page 4 (last paragraph) of the report that the German Consul from New Zealand had paid an official visit to the territory in May 1937, in connection with the affairs of German nationals. How many Germans were resident in Western Samoa ? Were there any important German interests in the territory, and was there any evidence of German propaganda ?

Mr. CAMPBELL said that the census figures given in the 1936 report (pages 27 and 28) did not disclose the number of Germans ; if available, the information would be given in the next report. The reply to the second query was in the negative ; German interests had been taken over simultaneously with the territory. He had no knowledge of German propaganda in the territory.

QUESTION OF THE APPOINTMENT OF AN ADMINISTRATOR

M. VAN ASBECK understood from page 3 of the report that Mr. A. C. Turnbull was still Acting Administrator, a position which he had now held for over three years. ¹ It was reported in the Press that, in February last the New Zealand Government intended to send a Member of Parliament to Samoa as Administrator. Did the mandatory Power propose to keep Mr. Turnbull as Acting Administrator, or did it intend to appoint definitely an Administrator in the person of Mr. Turnbull, or someone else ? The indefinite maintenance of an Acting Administrator might, he feared, be construed as a sign of weakness or indecision on the part of the Administration.

Mr. CAMPBELL had no knowledge of the Government's intention to appoint a New Zealand Member of Parliament or other person as Administrator. Mr. Turnbull was still Deputy Administrator and Acting Administrator.

Mr. Campbell recalled that, while the principal Samoa Act in 1921 provided that another functionary should, *ex officio*, be Deputy Administrator, an amending Act in 1923 authorised the Governor-General " from time to time to appoint a fit person as Deputy Administrator ". He had no information later than that given a year ago, when the Government said that, in the meantime, it was quite satisfied with the existing position.

ECONOMIC RÉGIME : PREFERENTIAL TREATMENT FOR BRITISH GOODS

Count DE PENHA GARCIA noted from the penultimate paragraph on page 2 that there was a 7½% preference in Customs import duties in favour of British goods. Was Western Samoa granted any countervailing benefit by Great Britain ?

¹ See Minutes of the Thirty-third Session of the Commission, page 52.

Mr. CAMPBELL pointed out that the chief product of Western Samoa exported to the United Kingdom was copra, which, under the Ottawa agreements, paid 10% duty if foreign, but was admitted free of duty from the mandated territory. The territory also enjoyed certain privileges as regards quotas, transport facilities, etc., for exports of bananas to New Zealand.

PUBLIC FINANCE : EXPORT DUTIES

M. RAPPARD said that the mandatory Power could be congratulated on having enjoyed an exceptionally successful year, due mainly to the fact that the prices for produce exported had for most of the year been favourable.

He would like to have one explanation on a question of budgetary technique. It would be noted from page 7 of the report that, in 1936/37, revenue and expenditure had practically balanced at about £117,000. The figures for 1937/38 showed an increase of both revenue and expenditure amounting to some £20,000—or, say, 18%—though the budget estimates must originally have been based on the previous year's figures. Was the additional expenditure due to fresh commitments entered into during the year or had the original estimates shown a deficit ?

Mr. CAMPBELL said that reference to the Legislative Council proceedings of August 10th last showed that estimates had originally been approved for an amount of £118,000, but that supplementary estimates had been introduced during the year as additional revenue came into sight. The final expenditure estimates had therefore been increased to £142,000. The Commission would observe that, out of the increased expenditure, £5,500 had been appropriated in direct reduction of the debt and £8,500 carried forward for the building of new hospitals, schools, etc. ; £5,000 had also been set aside for the building of a bridge.

M. RAPPARD thought that, in view of the large additional sums thus put to reserve, the table of expenditure on page 7 did the mandatory Power less than justice.

On a point of minor importance, he observed that the increased figures of revenue and expenditure in 1937/38 in respect of " Health " were due to larger sales of liquor (page 6 of the report).

Mr. CAMPBELL explained that permits for sales of liquor were issued by the health authorities and the larger figures doubtless reflected an increase in the purchasing power of the population. The liquor in question, it might be noted, was imported by the Administration free of duty and sold at the retail prices current in New Zealand, so that a considerable profit was earned on it.

M. RAPPARD pointed out that, according to the table on page 7 of the report, permanent charges on public debt—that was to say, interest and repayment of principal, had amounted in 1936/37 to £11,331 and in 1937/38 to £15,060. From the table on page 8, however, it would appear that the actual amounts of principal repaid in the same years were £9,970 and £9,745 respectively. Deducting the latter amounts from the former, it would follow that, in 1936/37, £1,561 had been paid in interest as compared with £5,315 in 1937/38 on a smaller capital amount. What was the explanation ?

Mr. CAMPBELL surmised that some other factor in the calculation required to be taken into account. He would arrange to have the point cleared up in the next report.

M. RAPPARD fully appreciated the efforts made to reduce the public debt, but thought it nevertheless advisable to repeat the warning that the present prosperous state of the territory's finances was due to causes beyond its own control and that allowance must always be made for possible contractions in revenue, which would ultimately make it difficult to adhere to the sinking fund scheme given on page 9 of the report.

Lord HAILEY drew attention to the large amounts of export duties refunded (see table on page 10 of the report) ; those refunds appeared to amount to more than one-third of the total collections of export duties. What was the explanation ?

Mr. CAMPBELL pointed out that, under the scheme governing the collection of export duties in Western Samoa, the amounts collected depended on the level of export prices. If prices fell, the export duties would be collected, but subsequently refunded in proportion

to the fall in prices. When prices rose again, the refund would automatically cease. In the case of cocoa, for instance, the export tax was reimposed at the rate of 10s. per ton as long as the London price varied between £50 and £55. Similarly, the tax on rubber was reimposed at 1d. per pound so long as the market price was more than 9d.

Lord HAILEY asked how a "Capital Account" amounting to £169,207 15s. 5d. could be included under the heading of "Liabilities" (page 11 of the report). The figures on that page seemed to have no practical value.

Mr. CAMPBELL referred the Commission to the explanation given at the foot of page 8 regarding a similar figure in the 1936 report.¹

Mr. Campbell withdrew.

Islands under Japanese Mandate : Examination of the Annual Report for 1937 : Absence of the Accredited Representative of the Mandatory Power (continuation).

The CHAIRMAN read a communication, dated November 2nd, 1938, which had been received by the Secretary-General from the Japanese Bureau of International Conferences announcing the decision of the Japanese Government to withdraw the representative—M. Usami—who had previously been appointed to take part in the work of the present session of the Commission.

Resignation of M. Sakenobe, Japanese Member of the Commission.

The CHAIRMAN had received a telegram from M. Sakenobe announcing that, in view of his Government's decision, he was obliged to submit his resignation as a member of the Mandates Commission, and sincerely regretting his inability to continue his collaboration with his colleagues on the Commission.

As members of the Mandates Commission were appointed by the Council, the Chairman would forward M. Sakenobe's telegram to the Secretary-General.

The Chairman was sure that the Commission would be unanimous in regretting the resignation of M. Sakenobe, whose unfailing courtesy, sense of responsibility and powers of judgment had always been deeply appreciated by all the members of the Commission. He proposed to express the Commission's sentiments on the matter in his letter acknowledging the communication from M. Sakenobe.

The Chairman's proposal was approved.

EIGHTEENTH MEETING

Held on Friday, November 4th, 1938, at 10 a.m.

Western Samoa : Examination of the Annual Report for the Year ended March 31st, 1938 (continuation).

Mr. Campbell came to the table of the Commission.

STATUS OF "PERSONS OF MIXED BLOOD" (continuation) : AMENDMENT OF THE SAMOAN STATUS ORDINANCE, 1934 (continuation).

Mr. CAMPBELL informed the Commission that the amendment repealing Section 3 of the Samoan Status Ordinance, 1934, to which reference was made in Section III on page 2 of the report, had been assented to and gazetted on June 22nd, 1938.

Lord HAILEY referred to the land settlement schemes for persons of mixed blood (page 4 of the report), and asked whether such persons were gradually to be assimilated with the natives. He assumed that they were mostly of mixed Chinese-Samoan blood. Was the treatment of persons of mixed European-Samoan blood different, and were they also to be gradually assimilated?

Mr. CAMPBELL replied that persons of Chinese-Samoan blood would doubtless become assimilated to native life in due course. The position of persons of European-Samoan blood might, he suggested, be dealt with in the next report.

¹ See Minutes of the Thirty-third Session of the Commission, page 55.

JUDICIAL ORGANISATION : PRISONS

M. VAN ASBECK referred to the appointment of three Samoan associate judges, indicated on page 14 of the report, and asked what training they had received.

Mr. CAMPBELL only knew that this innovation had yielded satisfactory results. He assumed that the training would be practical rather than legal in character, and made a note of the question for fuller treatment in the next report.

M. VAN ASBECK asked whether appeals from the native courts lay with a higher tribunal or with the Administration.

Mr. CAMPBELL replied that such appeals went before the chief judge.

Lord HAILEY asked whether the president of the Native Land and Titles Court (page 14 of the report) was a European or a native.

Mr. CAMPBELL replied that the court had a European president.

Mlle. DANNEVIC had noted that few of the elder natives were acquainted with English. What language was used for court proceedings? If Samoan, were all the members of the Administration concerned familiar with that tongue?

Mr. CAMPBELL explained that court proceedings were conducted in the vernacular if necessary, and that interpreters were employed if the European officials were not familiar with Samoan.

M. VAN ASBECK could find no reference in the report to health in prisons, and asked if this omission could be made good in the next report.

ECONOMIC SITUATION : AGRICULTURE : IMPORTS AND EXPORTS : BANANA TRADE :
SAVINGS BANKS

M. GIRAUD observed that the economic activity of Samoa was based on three products—copra, bananas and cocoa—which together represented 97% of the total value of exports. There was an increase as compared with 1936 of 2½% for copra, 46% for bananas and 18% for cocoa, these increases relating to volume. Exports of bananas and cocoa had reached a record level in 1937 (page 12 of the report). There was also an increase in rubber exports—a secondary product of the islands.

Copra and cocoa prices had been extremely favourable to producers in the early months of 1937, and the resultant increase in the purchasing power of the inhabitants had led to imports being 60% higher by value in that period. Unfortunately, prices had fallen somewhat sharply towards the end of the year (pages 4 and 12 of the report) and the information given by the accredited representative in his general statement¹ showed that there had been no recovery since then. Nevertheless, the year as a whole could be described as a good one for agriculture.

As regards foreign trade, there had been in 1937, as compared with 1936, increases of 34% in the value of imports and, as already shown, of 60% for exports. The volume of trade had been the largest since 1929, but it should not be forgotten that still higher levels had been reached in some earlier years, especially in 1919 and 1920 (page 12 of the report).

The increase in prosperity was reflected in the post-office savings accounts, the total value of which had risen between March 31st, 1936, and March 31st, 1938, by 36%, with an increase of 41% in the number of depositors, who, at the latter date, numbered 2,413—a striking figure in relation to a total population of 57,700, of which less than 400 were Europeans (page 5 of the report).

The persistent drop in export prices led M. Giraud to ask the accredited representative whether there had not been a tendency for production to fall off. Had the natives become discouraged by the low prices they received, especially in regard to copra production? Would the volume of exports in 1938 not suffer as a consequence?

Mr. CAMPBELL said that further information on trade movements in past years would be found in the official report "Trade, Commerce and Shipping", on page 26. The figures showed that, while prices had been much better in early years—for example, 1920—the quantities

¹ See page 155.

exported had generally been much smaller—785 tons of cocoa in 1920 and 1,253 tons in 1937 ; 7,474 tons of copra in 1920 and 13,340 tons in 1937.

With regard to the effect on production of a fall in export prices, the case of rubber was instructive : during the period of lowest prices, in 1934 and 1935, exports had ceased altogether and they had only quite recently been resumed.

M. GIRAUD thanked the mandatory Power for the information given on page 13 of the report with regard to exports of copra under the heading " European ports ". He fully appreciated the reasons for which the exact destination of those exports could not be shown. But it followed that, as a large proportion (nearly 45 % of the total in 1937) of exports of copra fell under that heading, the table of exports by countries of destination was less instructive than it might have been.

There had been several references in the Press to a legal investigation consequent upon complaints lodged by the Mau against the Government plan for the banana trade and against the production inspector, Mr. Newton. Could the accredited representative throw further light on the matter ?

Mr. CAMPBELL replied that the Government plan had been dealt with in detail by Mr. Berendsen at the 1936 hearing.¹ That plan had secured very general approval, and all the producers in Samoa were anxious to share in the New Zealand quota, now that prices were good as compared with the ruinous levels of a few years previously. He thought that Press suggestions of a new enquiry were—to say the least—premature. There had been some criticism—not of a fundamental character—by one of the native representatives in the Legislative Council on August 10th, 1938. As those criticisms and recent rumours in the Press obviously related to the 1938/39 financial year, he suggested that the matter should be dealt with in the next report.

M. GIRAUD asked what proportion of the banana producers were natives.

Mr. CAMPBELL said that, in the case of copra, the proportion of native production was 75 % ; he had not on hand the percentage for bananas, but, if possible, it would be given in the next report.

M. GIRAUD referred again to the progress made in post-office savings. He had already observed that a high proportion of the depositors were natives. Did the greater part of the total amount deposited—namely, £70,555 at March 31st, 1938—also belong to natives (page 5 of the report) ? Were branch savings banks to be found in other centres, in addition to the head office at Apia ?

Mr. CAMPBELL did not know whether the proportion of savings held by natives could be ascertained, but undertook to make enquiries. He presumed that, as in New Zealand, all the larger post offices in the islands handled savings business.

CO-OPERATIVE SOCIETIES

M. GIRAUD asked whether, in view of the relatively high stage of development reached by the natives, the more progressive producers would not be ready to try the experiment of forming co-operative groups. Was the social structure of the native community such as to encourage co-operation ?

Mr. CAMPBELL replied that the principle of co-operation was probably still ahead of present developments. No beginnings of a co-operative movement had, to his knowledge, emerged.

POLITICAL AND SOCIAL DEVELOPMENT OF THE NATIVES : QUESTION OF SELF-GOVERNMENT

Lord HAILEY drew attention to the duality revealed by the report. The Samoans obviously clung to their traditional customs and institutions, while at the same time a modern democratic organisation was gradually being introduced. The natives were said to be stubbornly opposed to change ; yet quite clearly the old was gradually giving way to the new. What was the mandatory Power's view of future social developments ? Were the natives gradually to acquire

¹ See Minutes of the Thirtieth Session of the Commission, page 118.

experience in political responsibility, as a move towards self-government, or, on the contrary, was the Administration's policy merely to substitute native officials for Europeans, as and when possible, as an alternative to the political institutions customary in systems of self-government ?

Mr. CAMPBELL said that, taking a long-term view, it was doubtless hoped that tutelage would eventually give way to responsible self-government. The question was, however, entirely one of time and degree. He was authorised by the Prime Minister of New Zealand to assure the Commission that it was the desire both of the New Zealand Government and of the Administration to use Samoans in their own administration as rapidly and as fully as possible ; as and when suitable Samoans became available, they would certainly be employed.

Lord HAILEY said that the appointment of native officials was a different matter to the grant of self-government. What evidence was there that the natives were being trained in responsibility for the management of their own affairs ? The Native Land and Titles Court had a European president ; the native representatives in the Legislative Council were nominated, not elected ; village headmen appeared to have no official powers and few responsibilities ; there were no municipal councils or other local bodies exercising any clear and independent authority. If the ultimate aim was responsible self-government, the only possible training was in some form of independent responsibility, and not the mere appointing of native officials under European control.

Mr. CAMPBELL admitted that the increase in the number of native officials was entirely compatible with the maintenance of tutelage. What was envisaged also was an increase in the responsibilities of native officials. The native representatives on the Legislative Council were, in fact, selected by Samoans before being appointed. In the villages, there was an unofficial but nevertheless effective form of traditional authority exercised by native Alii and Faipule. That authority, although it lay outside the law, had proved a useful adjunct to the law. The Administration had considered the possibility of incorporating those unofficial village councils in the legal administrative structure of the islands. Considerable difficulties had, however, emerged, and definite steps were unlikely to be taken in the near future. Nevertheless, that fact showed that the Administration was aware of the desirability of increasing the political responsibilities of the natives.

Lord HAILEY did not wish to press the point, but suggested that experience had shown the error of believing that training in self-government could be given merely by appointing a larger proportion of native officials. It was the grant of effective power to non-official bodies which was required.

Mr. CAMPBELL felt certain that that suggestion, coming from a man of great experience in colonial administration, would be carefully considered by the mandatory Power.

M. VAN ASBECK asked if the next report could contain fuller information on the two parallel systems of village administration, one official and the other unofficial, which he did not fully understand. What was the connection between the two ? How far were the unofficial village authorities controlled by the Administration ? How much independence did they in fact possess ?

Mr. CAMPBELL repeated that the native village authorities fell outside the statutory system of administration. Their functions were nevertheless important, and their collaboration valuable. The next report could go into further detail, as M. van Asbeck had requested.

M. RAPPARD said that the chapter on social conditions was of considerable interest (pages 18 and 19 of the report). Before the arrival of the Europeans, the social structure of Western Samoa had been of an essentially hierarchical character, entirely dominated by force. The Germans, and the mandatory Power after them, had abolished force, and introduced equality before the law. There had thus necessarily arisen a conflict between traditional native concepts and the newer European principles. The Mau movement, born at a time when the Administration was perforce more severe, was the direct result of that conflict. The striking feature was, however, that it was a definitely popular movement. The upshot was a movement which, while seeking to revert to tradition in some respects, was yet opposed to the inequality which was the most striking feature of the original social organisation of the islands. What was the Administration's attitude towards that paradoxical situation, which was of obvious importance in connection with social developments in the future ?

Mr. CAMPBELL agreed generally with M. Rappard's outline of the existing situation. The diverse tendencies at work made the situation uncertain and fluid. It called for patient adaptation and gradual change. He could add little to M. Rappard's comments.

Mlle. DANNEVIG had a strong impression that the Samoans were clinging stubbornly to their own institutions, and the report made it clear that, except in the immediate neighbourhood of the one large town, Apia, they were successful. On page 19, it was said that the authority of the native chiefs was maintained by recourse to ostracism as a form of discipline. What was meant by that expression?

Mr. CAMPBELL said that Section XIV (pages 18 and 19) of the report endeavoured to explain the native social structure in answer to a request made by the Commission in the previous year.¹ Dealing with that complex subject in a few paragraphs, the author of the report had necessarily raised a number of further problems, of which the practice of "ostracism" was one. Perhaps that particular point might be left for fuller treatment in the report for 1938/39; he felt certain that the authorities were very willing to augment the Commission's knowledge of the question.

LEGISLATIVE COUNCIL (*continuation*): ATTITUDE OF THE NATIVE REPRESENTATIVES IN THE DEBATES

Mlle. DANNEVIG had been struck by the reasonable attitude of the native representatives in the Legislative Council, as it emerged from the text of the debates. They appeared to have complained that laws, bills and reports were often translated into Samoan at such a late stage that they were unable to study them or express an opinion. Was that complaint reasonable, and, if so, had the authorities met it in any way?

Mr. CAMPBELL replied in the affirmative to both questions. Quite recently, for example discussion of the estimates had been adjourned from August 2nd to August 10th for that very reason.

LABOUR

Lord HAILEY expressed surprise at the rates of pay granted to casual employees on public works: 4s. a day for Samoans, and 3s. for Chinese workers (page 20 of the report). Were those rates based on local cost of living, or related to rates prevailing in New Zealand?

Mr. CAMPBELL replied that the rates in question were not those prevailing in New Zealand, where the corresponding rates were about four times as high. In Samoa, the cost of living was extremely low, and the bare needs of a native's existence could be met without money at all. Cash earnings could be devoted to the purchase of goods which were luxuries in a native's eyes. The rates to which Lord Hailey had referred were, in fact, arbitrary; as the report indicated, they represented increases on the rates paid in previous years.

Lord HAILEY did not wish to imply that those high rates of pay were reprehensible. He wondered, however, whether they did not injure the development of native industries, making competition by the latter impossible. On every humanitarian and social ground, high wages were desirable. Economically, however, and especially in those particular circumstances, rates of wages which were entirely out of relation to the needs of wage-earners might prove dangerous. At any rate, they were certainly artificial, and he noticed that one of the results was heavy consumption of tinned meat. He realised, of course, that the workers in question were not permanent wage-earners, but only occasional employees.

Mr. CAMPBELL felt that his Government would undoubtedly reject the suggestion that the rates in question could injure native life. Admittedly, the workers in question could live without any money at all; that did not mean, however, that an increase in their purchasing power was not desirable, and the Government held to the principle that it was desirable. Even tinned meat was perhaps better than no meat at all.

It was to be remembered that the number of workers who received this high wage from the Government was very small—a monthly average of 120. The last paragraph of Section XV of the report indicated how the money was spent.

Mr. WEAVER thanked the mandatory Power for the answers given in the report (pages 19 and 20) to points he had raised last year.¹ He observed that the rate of 3s. a day paid to Chinese plantation labourers meant that wages had been restored to their former level. As regards the rates paid to Samoan labour, he assumed that their object was to try to make

¹ See Minutes of the Thirty-third Session of the Commission, page 59.

employment attractive to Samoans. He would be glad if the next report could indicate the number of workers employed otherwise than on plantations or by the Administration—for example, in commerce, as domestic servants, etc.—and give some information about their rates of pay and other conditions of employment.

In his opening general statement,¹ the accredited representative had declared that it was intended to repatriate all Chinese within the next two years. The Prime Minister of New Zealand, speaking on November 16th, 1937, had said, however, that 160 plantation workers and 100 old residents were to remain. Did those exceptions still stand?

Mr. CAMPBELL replied that the Chinese who had settled in the islands before 1914 would remain, but that all the plantation coolies would be repatriated. Already 168, whose contracts had expired, had left in December 1937, and the remainder would all have gone within the next two years.

Mr. WEAVER observed that the experiment of employing Samoans on one plantation (Section XV, page 19 of the report) had given disappointing results. The pessimistic tone of the report was confirmed by information appearing in the Press. How did the Administration propose to recruit the labour required on the plantations?

Mr. CAMPBELL agreed that the report was guarded as to the prospects of employing Samoans on plantations. The particular experiment referred to by Mr. Weaver had proved a failure, and had been abandoned. The Administration had been obliged to conclude that it was not possible to rely on Samoans for regular commercial plantation labour; the difficulty was not to obtain workers, but to keep them; the average length of employment in the experiment had been nine days.

A new experiment was now being made with twenty workers to be imported, with their families, from the neighbouring island of Niue, which had a total population of 4,215 natives closely linked racially with the Samoans. They would be housed, provided with allotments, given medical attention, etc., and receive wages of 4s. a day for an eight-hour day and a six-day week. Living conditions on Niue were more difficult: the agricultural producer had a hard life and was a good worker. Mr. Campbell added, however, that, according to a telegram he had received on the previous day, that experiment also had so far not yielded the results hoped for.

M. PALACIOS wished to know what was, or had been, the influence of the Mau's policy on the repatriation of Chinese coolies and on the dearth of labour on the plantations. Was there any connection between that policy and the low productivity of the latter?

He also wished to know whether that policy, or the situation brought about by it, was to be looked upon as responsible for the relative lack of success of the importation of workers from the island of Niue.

Finally, had the anti-Mau taken up a clear attitude in that connection, and what was the Administration's policy? Those questions would, he hoped, be answered in the next report.

Mr. CAMPBELL did not think that the reluctance of the islanders to work had any connection with external influences or the Mau movement. That reluctance was inherent in their situation. He recalled a sentence of Mr. Berendsen's—"on a fine day" (and most days are fine) "the Samoan prefers to go fishing, as, indeed, you or I would". The Niue experiment had not, he understood, definitely failed.

FREEDOM OF CONSCIENCE : MISSIONS

M. PALACIOS referred to an observation contained in the Commission's report to the Council on the work of its thirty-third session in the following terms:

"The Commission recalls the request which it made at the end of its thirtieth session that the annual reports should contain more detailed information concerning the activities of the missions in the territory.²"

The present report contained somewhat brief, although interesting, general information on missions (page 20). Reference was made to the chapters on teaching and public health for the activities of the missions in those two spheres. Something was also said about mission publications and the work of evangelisation. As regards the first, mention was made of the Samoan grammar and dictionary published by the London Missionary Society. That was clearly a great achievement.

¹ See page 154.

² See Minutes of the Thirtieth Session of the Commission, page 212, and of the Thirty-third Session, page 178.

Could the accredited representative supplement the general information given on the missions and indicate what were their relative strengths, number of adherents and prospects ?

The report made it clear (pages 3 and 20) that relations between the missions and the Administration had been harmonious and fully co-operative from the first.

Could the accredited representative also give some indication of the relations of the missions with the native population, and with each other ?

Mr. CAMPBELL said that, according to the census of November 4th, 1936, details of which appeared on page 28 of the report for 1936/37, the numbers of adherents of the various missions were the following :

London Missionary Society (Congregational Protestant)	31,800
Roman Catholic Mission	9,500
Methodist Mission	8,600
Latter-day Saints (Mormon) Mission	1,900
Seventh Day Adventist Mission	300
Church of England	6

He would ask for the activities of the missions to be dealt with more fully in the next report, but observed that it was a little difficult for the compilers to know what to say. The situation was entirely quiescent and there was very little new information to add from year to year.

EDUCATION

Mlle. DANNEVIG said that information on education (pages 20 to 23 of the report), though plentiful, was given in a form which made it difficult to get a clear view of the different stages of education. How could, for instance, the pupils go on from Grade I to Grade II schools ?

She had seen an article in the *Pacific Islands Monthly* for June 22nd, 1938, alleging that, owing to local political disturbances, the Administration's recently opened post-primary school at Apia was likely to be closed down. The age-limit had been withdrawn and some European parents were objecting to the presence of adult Samoans, some of them over 30 years of age and married, among the children.

Mr. CAMPBELL thought that the article in question was tendentious. In contrast, the Prime Minister had written, on August 17th, 1938, that the new secondary school was open and its results to date were most promising.

Mlle. DANNEVIG observed (page 22 of the report) that, out of a total of 10,299 pupils in administration schools, only forty had passed the school-leaving certificate examination in December 1937. Were those the only ones who had completed the school course ? Or was the situation due to the fact that all instruction was given in Samoan ?

Mr. CAMPBELL explained that many pupils broke off their education before reaching the certificate stage. The certificate required a definitely high standard of proficiency. The tendency in New Zealand was now to put less stress on examinations as such, and doubtless that tendency was reflected in Samoa.

Mlle. DANNEVIG noticed that the subjects taught in the girl's mission schools (page 21 of the report) were entirely of a practical, or spiritual, character : religion, music, handwork, typewriting and sewing, etc. Were those girls not taught to read, write and count ?

She also wished to know if education was given in English at the Marist Brother's boys school, which prepared for a New Zealand grade (page 21 of the report) ?

Mr. CAMPBELL thought that the three R's would also be included in the girls school curriculum. Teaching at the Marist school was given, he supposed, to boys in English and in the native language.

Mlle. DANNEVIG had been glad to learn (page 23 of the report) that much attention was paid to the training of teachers. She wished to repeat her closing comment at the thirty-third session of the Commission, ¹ that she would welcome an assurance that as much importance was attached to the quality of the native schools as to the number of children admitted. She hoped that future reports would keep the Commission fully informed in that respect.

¹ See Minutes of the Thirty-third Session of the Commission, page 61.

She had learnt that a small German school had been opened at Apia in February 1938 by a German, a native of Hamburg. Was that gentleman a permanent resident of the island, or had he come out for the special purpose of opening that school?

Mr. CAMPBELL promised to make enquiries.

METEOROLOGICAL DATA

M. GIRAUD referred to the meteorological information given on pages 26 and 27 of the report, and asked whether cyclones and typhoons sometimes struck Samoa and, if so, whether the Apia observatory was linked by telegraph with some centre able to keep it informed of the course of disturbances in the Pacific.

Mr. CAMPBELL understood that Western Samoa was seldom or never visited by typhoons, although there had been the famous one in 1889. The station of Apia was, of course, linked by wireless with stations in New Zealand and elsewhere.

ALCOHOL AND SPIRITS

Count DE PENHA GARCIA said that the report (pages 23 and 24) showed an improvement in the situation as compared with the previous year. The general position with regard to the consumption of spirits appeared to be satisfactory.

He desired to thank the mandatory Power for the information given in reply to questions put by M. Sakenobe in 1937 (page 24).¹

PUBLIC HEALTH

Count DE PENHA GARCIA considered that the year had been a good one from the point of view of health in Samoa. He had been glad to learn that improved arrangements were now being made for the inspection of foodstuffs (page 24 of the report). He had seen some reference in the Press to a disease analogous to jaundice, which had caused several deaths and was thought to be due to contamination of food by rats. No doubt the new arrangements were subsequent to that regrettable outbreak.

Mr. CAMPBELL replied that the new arrangements for food inspection were only now being completed.

The adult death rate shown on page 26 of the report might appear somewhat high. It was, however, partly due to a greater efficiency in the registration of deaths.

Count DE PENHA GARCIA had already made a note of previous defects in the system of registration.

General health organisation appeared to be satisfactory and the co-operation of native practitioners was to be commended, although one inevitable disadvantage was that that system made it more difficult to keep exact records of the health situation. He hoped that the authorities would make every effort to obtain immediate notification of outbreaks of epidemics.

Mr. CAMPBELL said that that was so. The situation in that respect was obviously not perfect; that there was need for improvement was recognised, as was evidenced by the words in the report (page 25) regarding quarantine precautions.

Count DE PENHA GARCIA said that the best prospects of improvement lay in education of the natives. In that connection, the work of the women's committees (page 25 of the report) was of particular importance. How were those committees constituted, and how did they work? Were they placed under a medical officer or under a native practitioner?

The proposal to construct further dispensaries of a permanent type was also interesting (page 24 of the report). He assumed that those dispensaries would be used by visiting medical officers for the purpose of giving treatment.

Mr. CAMPBELL undertook that the next report should deal in full detail with the work of the women's committees.

He took it that the permanent dispensaries were intended to enable visiting medical officers to deal more efficiently with their cases.

¹ See Minutes of the Thirty-third Session of the Commission, page 61.

Count DE PENHA GARCIA observed that there had been 1,820 village inspections in 1937 (page 25 of the report). As there were 192 villages in the island, the average worked out at about nine visits per village. He hoped that that figure would be still further improved.

Health expenditure by the Administration had again risen in 1937/38. He observed, however (page 25), that the missions still purchased drugs and dressings used in their own health activities. Would the authorities consider the possibility of issuing medical supplies to missions free or at low cost, as was done in other colonial territories?

Mr. CAMPBELL viewed this as a matter properly to be raised by the missions with the Administration.

Lord HAILEY said that with a total population of 56,000 it could be assumed that there were roughly about 35,000 adults in the islands. Apparently there were in 1937 11,382 cases of yaws (page 25 of the report), a disease now thought to be of a syphilitic character. That seemed to him a very dangerous situation which called for a vigorous concerted campaign.

Mr. CAMPBELL thought that the figure of 11,382 could not refer to patients, but to the number of cases coming forward for treatment, doubtless counting the same persons over and over again. Yaws had previously been an endemic disease and no treatment at all had been available. Proof that general health was good was to be found in the 42% increase in the population in the last ten years. An authority—Mr. Berendsen—had recently declared that "some of the most distressing tropical diseases—particularly yaws—had now been practically abolished" (Royal Society of Arts lecture, November 9th, 1936).

Mlle. DANNEVIG referred (page 26 of the report) to the unfortunate increase in the incidence of dental diseases as a result of the introduction of European foods, especially white bread and refined sugar. Could not the Administration take steps to prevent the further spread of the habit of consuming such foods?

Mr. CAMPBELL thought not. This was a necessary consequence of the advance of Western civilisation. But the Administration was devoting attention to the extension of dental services.

FORESTS

Count DE PENHA GARCIA asked whether any technical study of the forests of the islands was in contemplation. The timber might prove of value, and he would like the next report to contain information on the species of trees to be found, the acreage under forest, etc.

Mr. CAMPBELL said that it was generally considered that the timber in Samoa was of no commercial value. There had been no recent survey, but Count de Penha Garcia's request would be noted.

DEMOGRAPHIC STATISTICS

M. RAPPARD said that the growth of the population of Samoa in the last twenty years was represented by the ratio 100:163 (page 28 of the report). That was eminently satisfactory. But he desired to know whether there were any signs or prospects of over-population in the territory.

Mr. CAMPBELL replied that there were absolutely no grounds for apprehension now or in the future, and that there was no danger of a shortage of food supplies occurring within any predictable period.

CLOSE OF THE HEARING

The CHAIRMAN thanked the accredited representative for the assistance he had given the Commission.

NINETEENTH MEETING

Held on Friday, November 4th, 1938, at 4 p.m.

Islands under Japanese Mandate : Examination of the Annual Report for 1937. Absence of the Accredited Representative of the Mandatory Power (continuation)

The CHAIRMAN recalled that the Commission had taken note of the letter dated November 2nd, 1938, in which the Japanese Government informed the Secretary-General that M. Usami had been relieved of his functions as accredited representative to the Commission for the examination of the annual report.

He pointed out that, under paragraph 7 of Article 22 of the Covenant, " In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge ". On the other hand, the Constitution of the Mandates Commission as approved by the Council on December 1st, 1920, stipulated that " The mandatory Powers should send their annual report provided for in paragraph 7 of Article 22 of the Covenant to the Commission through duly authorised representatives who would be prepared to offer any supplementary explanations or supplementary information which the Commission may request."

The Commission having decided at the first meeting of the session¹ to disregard the absence of the accredited representative of the mandatory Power, the Chairman proposed that it should proceed to its examination of the annual report on the islands under Japanese mandate which had been submitted. The members of the Commission should indicate the points which, in their opinion, called for elucidation ; these would then, according to their importance, either appear in the Minutes, or be mentioned in the Observations to the Council, with a short prefatory statement of the circumstances in which the examination of the annual report had taken place.

M. PALACIOS was not convinced that the solution proposed by the Chairman was the best ; it might be so, but he thought that the situation brought about by the decision of the Imperial Japanese Government, which had been communicated to the Commission, should, at any rate, be considered carefully before any line of conduct was adopted. For that reason, he would venture to place before his colleagues certain considerations, which did not, however, imply that he was in any way opposed *ab initio* to the solution proposed by the Chairman.

It had been admitted, at the first meeting, that the Commission could examine the administration of the Pacific Islands under Japanese mandate despite the absence of the accredited representative. But had not the situation, which at that time was purely conjectural, changed as a result of the official notification of a general, and definitely negative attitude, on the part of the mandatory Power ?

On the opening day of the session, the Commission had before it a report received in the usual way and addressed to the League of Nations ; the examination of that report figured on the agenda of the thirty-fifth session of the Commission. The mandatory Power also gave the name of the person who would act as accredited representative ; the date of the latter's appearance before the Commission was fixed ; finally, the Commission included, although he was not present on that occasion, a Japanese member of great personal competence and well-tryed judgment. It was therefore not at all unusual—in spite of the rumours which were already reaching the ears of its members—that the Commission should, in conformity with what was an admittedly wide interpretation of its constitution, attempt to examine the annual report in question in the absence of the accredited representative.

Nevertheless, had not all those plans become illusory upon the receipt, on November 3rd, of a letter, dated November 2nd, in which it was stated that " the Imperial Government has decided to discontinue the co-operation it has hitherto maintained with the organs of the League since its withdrawal from the latter " ? Attention was further drawn to the fact that one of the organs with which co-operation was to cease was precisely the Mandates Commission. Lastly, M. Sakenobe, acting in pursuance of his Government's decision, had despatched on the same day a telegram, subsequently confirmed by letter, resigning his position as a member of the Commission. To what extent did those events supersede the despatch of the annual report to the League and—leaving aside for the moment other fundamental considerations relating to the mandates system—render its examination futile ? That was the question which M. Palacios asked his colleagues to consider.

It was perfectly true that Article 22, paragraph 9, of the Covenant instructed the Commission " to receive and examine the annual reports of the Mandatories " ; but it must not be forgotten that the Council had approved the constitution of the Commission, declaring at the same time that it was doing so for the precise purpose of giving effect to paragraphs 7 and 9 of Article 22, and that clauses (b), (c) and (e) of that Constitution stipulated expressly a procedure which presupposed throughout the presence and the collaboration of the accredited representatives of the mandatory Powers. With whom was one now to deliberate ? To whom would observations be addressed once co-operation had ceased, and who would answer these observations ?

¹ See page 15.

Those considerations led M. Palacios to wonder whether, in the existing circumstances, the slightest practical, or even theoretical, purpose would be served by appearing to ignore what had happened, and whether the examination of the report by the Commission alone, in virtue of a distorted interpretation of its Constitution, would not further aggravate a situation which in itself was already highly irregular.

Obviously the Commission's decision on that point would have its effects upon the examination of the question of the application to the territory under mandate¹ of the Japanese National Mobilisation Bill.

The CHAIRMAN said he would deal first with the question whether the Commission should examine the annual report. He personally did not think it had any alternative. A report had been submitted to the Commission, and, in his view, the Commission must examine it, whether the mandatory Power's representative was present or not.

In the second place, the Commission could not, of course, fail to give the Chinese Government's note the attention for which it called.

M. RAPPARD approved the Chairman's suggestion, though he fully appreciated the scruples entertained by M. Palacios. His own view was that the Commission was bound to examine the report, if it wished to maintain a correct attitude *vis-à-vis* the Council and public opinion. It was true that Japan had announced her intention to break off all relations with the organs of the League of Nations; but it would be wrong for the Commission to infer that it, too, should refrain from action—that was to say, from discharging the duties entrusted to it under the mandate. It should, moreover, be observed that the despatch of representatives accredited to the Commission was not an international obligation. As the report itself had been communicated in time to the Commission, the responsibility of non-collaboration should be left to Japan.

It would seem that the Chinese Government's note would also have to be examined by the Commission.

M. PALACIOS explained that he was far from wishing the Commission to evade its obligations. Discussion of the question whether the despatch of accredited representatives was or was not an international obligation might go very far, and, he thought, would serve little purpose. If unexpected circumstances made it impossible for an accredited representative to appear, the Commission could easily arrange matters in his absence, without raising delicate questions of procedure, still less of principle.

But the present case was entirely different. The Commission's position was defined in the official communication of November 2nd, 1938, doubtless despatched so that the Commission should take the appropriate action. That communication declared that Japan had ceased every form of co-operation with the organs of the League, in particular, with the Permanent Mandates Commission; it followed that Japan had broken off relations with the Commission. That action—M. Palacios would not say annulled—at any rate weakened considerably the significance of the despatch of the report and the value of its examination; it also gave to the absence of the accredited representative its full significance.

Should the Commission examine the report and say nothing about the official communication? It must be remembered that paragraph 9 of Article 22, which had been invoked to justify examination of the report, made it the Commission's duty "to advise the Council on all matters relating to the observance of the mandates". Moreover, if public opinion were in question, it would be difficult, in the circumstances, to satisfy it, in such a case, by the mere examination, without discussion, of the report, while abstaining from pronouncing the judgment awaited concerning the new situation thus created, which was more important than anything else.

The CHAIRMAN deprecated any exaggeration of the change that had occurred in the situation. Despite her withdrawal from the League, Japan had continued to carry out a mandate on behalf of the League of Nations. She had regularly submitted the annual reports required under Article 22 of the Covenant, this year as heretofore. She was thus complying with the provisions of the Covenant. The absence of the accredited representative at the Commission's present session for the examination of the report made no radical change in the situation. Japan had broken the rule that reports should be examined in the presence of the accredited representative, but it would be premature to conclude therefrom that Japan did not intend to send the League a report next year, as was her duty in consequence of her acceptance of the mandate.

In any case, the mandatory Power having complied again this year with Article 22, the Commission itself had no option but to comply also and to examine the report submitted to it. There could be no doubt, he thought, on that subject. Examination in the presence of the mandatory Power's accredited representative was the consequence of a decision which had not the same imperative character as an article of the Covenant laying a solemn obligation upon the mandatory Powers.

If, as M. Palacios suggested, a political issue were involved, that was a matter to be decided by the Council, not the Commission.

¹ See page 14.

M. RAPPARD presumed that M. Palacios would be satisfied if the preface to the Commission's observations to the Council contained a reference to, and an explanation of, the procedure adopted.

M. PALACIOS differed from the Chairman on the general issue. He personally would have thought that the new situation which had just been created should have claimed all the attention of the Commission. He repeated that he personally was not opposed to the examination of the report, if his colleagues decided to adopt that course; nevertheless, he did not think it the moment to examine minor details of administration if fundamental issues affecting the very bases of the mandates system were to be neglected. On the other hand, he agreed with the Chairman that the Commission should not discuss the political question. Accordingly, it would, in his view, be preferable to refrain from any debates concerning the islands under Japanese mandate; faced with the decision of the Imperial Japanese Government and the motives put forward to justify it, and considering that the cessation of co-operation between the mandatory Power and the Permanent Mandates Commission raised an issue which it was for the Council, acting on behalf of the League, to settle, the Commission ought, in M. Palacios' view, to await the Council's decisions. If the Commission did not do so, in particular, for reasons of procedure, it would be very difficult not to deal with the substance of the problem.

M. GIRAUD observed that, though Japan had announced her intention of no longer collaborating with the organs of the League, she had not handed back the mandate over the Pacific islands which she had received from the League; consequently, she had to carry out that mandate by sending in a report. The Commission therefore had, in any case, to examine the report supplied.

Lord HAILEY admitted the force of M. Giraud's arguments, but was dubious as to the expediency of asking the mandatory Power for information to be given in the report for 1938.

Count DE PENHA GARCIA agreed with the Chairman, As a League of Nations organ, the relations of the Mandates Commission were with the Council, and not with Japan. It must therefore go on as it had done in the past and examine the reports submitted to it. The presence of accredited representatives during that examination was not absolutely essential. The only question which arose was whether the Commission should, or should not, raise questions to be submitted to the mandatory Power with a view to its next report.

The CHAIRMAN enquired as to the reason for Lord Hailey's suggestion that the Commission should refrain from asking the mandatory Power for further explanations in its next report. The Commission, the Chairman thought, was, on the contrary, bound to do so.

Lord HAILEY said that, if there were good reasons for believing that Japan would send no more reports to the League of Nations about her mandate, it would be better not to ask her for additional information, but merely to express the hope that she would respect her obligations.

Mlle. DANNEVIG agreed with the Chairman as to the examination of the report: but she would be very much surprised if Japan were to be regarded as having completely discharged her obligations by sending a report to the Commission.

M. VAN ASBECK supported the Chairman's suggestion. The legal position was clear. A report had been submitted to the Commission in accordance with the international obligations laid down in the Covenant, and the Commission was bound to examine it. The report was a description of the way in which the mandatory Power had accomplished its task. If, however, the latter merely submitted an annual report—a report which, moreover, experience had shown to be practically identical year after year—and took no part in the examination, the aim of the international control would not be achieved.

There was little sense in regularly receiving reports which—except for statistical data—were practically all alike. When it had examined the present report, the Commission could only await events.

The CHAIRMAN agreed that, in the absence of the accredited representative, the efficiency of control over the mandatory Power's administration was imperilled.

M. VAN ASBECK said that the present situation was quite exceptional, and any repetition of it was not to be encouraged.

M. PALACIOS recognised that his colleagues did not share the view which he found himself more and more strongly compelled to uphold. Everything that they had said in favour of examination of the report confirmed, in his mind, the validity of his own concern and the logic of the arguments he had submitted when raising the matter. The question was so delicate that it should be left, in its entirety, to the Council's competence.

M. Palacios wished again to stress the point that if the Commission, in order to examine the report despite defects in procedure, based its action directly upon Article 22 of the Covenant, while disregarding those provisions in its constitution which interpreted that article, it would be unable, without self-contradiction and a violation of that same Article 22, to avoid dealing with the fundamental issue, both in the course of its examination and in its observations to the Council.

Count DE PENHA GARCIA was in favour of reporting to the Council in strictly objective terms, while laying stress upon the absence of the mandatory Power's accredited representative. He pointed out that, if the system adopted for the examination of mandatory Powers' reports had not provided for the presence of accredited representatives, the Japanese Government's decision would have made no change in the situation.

The CHAIRMAN inferred from the discussion that the Commission wished to examine the report and to make the situation clear to the Council, leaving it to the latter to adopt whatever decision it judged appropriate.

Islands under Japanese Mandate : Examination of the Annual Report for 1937.

STATUS OF THE TERRITORY : POSITION AND AREA OF THE ISLANDS

M. PALACIOS pointed out that examination of the question of the status of the territory raised the whole question of substance to which he had already referred.

The report stated, on pages 2 and 3, that "the territory is administered as an integral portion of the Japanese Empire, in accordance with the provisions of Article 22 of the Treaty of Peace signed at Versailles on June 28th, 1919, between the Allied and Associated Powers and Germany, as well as of the Mandate of December 17th, 1920". M. Palacios was unable to say to what extent that statement, taken in conjunction with the decision of the Japanese Government to cease all co-operation with the organs of the League, was still a reality. He would merely remind his colleagues that Article 22, which had been invoked, stated (paragraph 2) that the tutelage of the territories in question "should be exercised by them (the advanced nations) as Mandatories on behalf of the League". Had the decision communicated on November 2nd, 1938, modified that juridical situation?

In addition, he noted that the report for 1937 (page I) no longer spoke of the 1,400 islands, islets and reefs, but employed a much vaguer expression.

The CHAIRMAN observed that the submission of the annual report was in compliance with Article 22 of the Covenant.

FORM OF ANNUAL REPORT

The CHAIRMAN noticed that, in Annex I to the report, a distinction was drawn, in accordance with a request made last year,¹ between the replies to the Mandates Commission's observations and the replies to questions asked by individual members of the Commission.

In the case of the replies to questions asked by individual members of the Commission, the introductory "notes" contained references to the pages of the annual report, but there were no references to the subjects dealt with. Particulars of the latter, as well as references to the pages of the Minutes, would certainly facilitate the study of the annual reports.

STATISTICAL INFORMATION REGARDING TERRITORIES UNDER MANDATE

The CHAIRMAN recalled that last year² the accredited representative had been asked to have inserted in the annual report a table giving statistical information regarding the islands under Japanese mandate similar to that given in the document distributed to the Council in 1933 (document C.565.M.272.1933.VI, page 14). Page 3 of the annexes to the annual report gave statistics for the period 1927 to 1936 of the population, trade, public finance, education, public health and agriculture. There was no column for public works. In the case of population, the report supplied figures only for the Japanese and natives, whereas the second column of the 1933 table was headed "non-natives".

It was also noteworthy that some of the figures given in the report for 1937 did not agree with the figures contained in the above-mentioned Council document.

It would seem advisable that, in future reports, account should be taken of these points.

¹ See Minutes of the Thirty-third Session of the Commission, page 121.

² *Ibid.*, pages 121 and 122.

ACQUISITION OF JAPANESE NATIONALITY

M. PALACIOS recalled that the annual report for 1936 (pages 3 and 4) contained a statement to the effect that nine Kanaka women had acquired Japanese nationality since the islands came under Japanese administration. The 1937 annual report contained no information regarding acquisition of Japanese nationality. It would be interesting to know whether there had been further cases of acquisition of Japanese nationality since 1936.

INTERNATIONAL CONVENTIONS

COUNT DE PENHA GARCIA said that a list of the international Conventions applied in the mandated territory was given on pages 94 *et seq.* of the report for 1934. The reports for 1935 and 1936 gave no information on the subject. The report for 1937 contained a chapter (page 3) on international Conventions, as promised by the accredited representative last year.¹ The chapter stated that three Conventions had been applied in the mandated territory since the publication of the 1934 report.

It would seem to be sufficient to note the application of the Conventions in the territory, and the action of the mandatory Power in furnishing the list requested.

POWERS OF THE VILLAGE CHIEFS : ROLE OF THE POLICE

M. VAN ASBECK recalled that the Commission had, on several occasions, discussed with the accredited representative the question of the powers of village chiefs. The situation was not clear. From page 8 of the report, it would be seen that the village chiefs were chosen among natives who held a certain customary authority. The report added, however, that the chiefs appointed were often ordinary tribesmen, which would seem to indicate a tendency to depart from tradition and appoint as chiefs individuals who were thought fit to occupy that position. The latter, however, having no tribal authority, became mere servants of the central Government and ceased to be village chiefs in the strict sense.

It was also stated on page 8 that "there exists no administrative tie between tribal chiefs and villagers, whose relationship is chiefly based on former customs. Similarly, no special relationship exists between village officials and villagers, and this is true in all islands." It would be natural to expect the existence of certain ties between villagers and their chiefs.

Again, it would be seen (page 29 of the report) that the number of village chiefs was gradually decreasing as the result of the extension of police stations. There would seem to be a tendency, therefore, to replace the traditional village chiefs by policemen. All those points called for elucidation.

Lord HAILEY noted that the only reply to the very full discussion of the question by the Commission last year² was a short passage of six lines of partially conflicting statements.

M. VAN ASBECK referred to the passage on page 29 of the report dealing with the jurisdiction of chiefs in connection with police-court offences. He noted that the village chiefs held quite wide punitive powers in certain respects, and could even exercise summary jurisdiction in the case of certain kinds of offences—for example, they were entitled to impose sentences of public labour not exceeding thirty days. What would happen when the village chiefs, who held their power traditionally, were replaced by police officials whose authority was in no way traditional? As far back as its twenty-eighth session,³ the Commission had pointed out the exceptional character of the powers vested in police officials.

Lord HAILEY could find no reply in the report to the question raised last year⁴ whether it was possible to appeal against the chief's decisions. The importance of the question of appeal resided in the fact that chiefs could punish under the criminal law those who disobeyed their orders.

M. VAN ASBECK recalled that, in the 1936 report (page 29), it was stated that certain modifications had been made in the delegation of the punitive powers held by chiefs. The 1937 report did not confirm that information.

Lord HAILEY felt that, so long as the village chiefs held traditional offices, it was not unreasonable that they should enjoy considerable powers in virtue of that tradition; but the situation was quite different when they were replaced by chiefs appointed by the administration or by police officials.

¹ See Minutes of the Thirty-third Session of the Commission, page 122.

² *Ibid.*, pages 123 to 125.

³ See Minutes of the Twenty-eighth Session of the Commission, pages 127 and 128.

⁴ See Minutes of the Thirty-third Session of the Commission, page 125.

PUBLIC FINANCE : TRANSFER OF FUNDS OF THE TERRITORY TO THE BUDGET OF THE JAPANESE GOVERNMENT

M. RAPPARD pointed out that one of the biggest sources of revenue for the administration of the islands was not mentioned in the 1937 report—namely, the revenue from the phosphate mines. On the other hand, the revenue of the territories showed for the first time an item “income from dividends” (page 12 of the report), the amount of which was very much smaller than the amount formerly obtained from the sale of phosphates. Companies had been formed, as the Commission was aware, for the purpose of exploiting the territories’ natural resources. Nothing precise was said in the report about the transfer of the territory’s assets to the said companies, or about the agreements concluded with the companies, or the taxes levied on them or on their dividends. The inference was that the mandatory Power still held shares in the companies. It should, however, be observed that that change had resulted in a substantial decline in the territory’s revenue at the very moment when the production of phosphates was particularly brisk. M. Rappard would therefore like to know whether the transfer of title to the companies had been effected, and whether the resulting decline in revenue was in the territory’s interest. Sales of phosphates had yielded 1,800,000 yen, less operating costs, while the income from dividends was only 630,000 yen.

M. Rappard recalled that last year the Commission had noted, in the chapter on public finance, the transfer to a General Account (which, in point of fact, was none other than the budget of Japan) of a large amount taken from the mandated territory’s budget surpluses. The Commission had accordingly inserted the following passage in its report to the Council :¹

“ The Commission noted in the budget estimates for the financial year 1936 that the mandatory Power proposed to transfer part of the budgetary surpluses of the mandated territory to Japan’s general account. The accredited representative informed the Commission that this was only a temporary measure. The Commission would be glad to be informed of the reasons for this measure.”

The reply given in Annex I to the report for 1937 explained that this was a temporary measure. The mandatory Power argued as follows. The produce of the territory’s natural resources was sold in Japan exclusively, and paid no excise duty there. The large revenue earned by the territory on port clearance dues on that produce, and the fact that ultimately it was the home consumers who paid those dues, entitled the mandatory Power to transfer to the Japanese budget a certain amount corresponding to the profits so earned. That seemed a highly specious argument. If the natural resources of the mandated territories were sold elsewhere—which would probably be good for the territory—the argument would no longer be tenable, seeing that it would be foreign consumers who would be paying the dues in question ; moreover, the territories’ resources would in that case no longer be exploited for the benefit of the mandatory Power alone. The present arrangement was certainly prejudicial to the guarantees which the mandate was supposed to afford, and a violation of the principle of disinterestedness upon which it was based. Even as a temporary arrangement, it seemed incompatible with the spirit of the mandate.

M. Rappard added that the mandatory Power’s reply in its report for 1937 (Annex I) to the Commission’s observations following on the discussion at the Commission’s thirty-third session¹ was as follows :

“ Although the subject of transferring a surplus revenue of the South Seas Bureau to the general budget was fully explained in the statement of the representative of the Japanese Government before the Permanent Mandates Commission during its thirty-third session in November 1937,² the following may be added thereto :

“ Since the Japanese Government undertook the administration of the South Sea Islands, it had considered various financial resources for the territory with a view to securing the eventual financial independence of the territory, and endowed the South Seas Bureau with the right to collect the port-clearance due, in anticipating it to be the principal source of revenue in future.

“ The port-clearance due is levied at various ports in the territory on certain local products clearing those ports for shipment to Japan, where excise duty of equal amount to such due is levied on them. Accordingly, the dues correspond to the excise duties in Japan proper, and are borne totally by the consumers in Japan. In other words, the port-clearance dues levied by the South Seas Bureau would have the effect of transferring from the general budget to the account of the South Seas Bureau, as subsidy up to the amount required, part of the revenue of the Japanese Government raised either as Customs duties or as excise duties on importation of such products from the territory. As the matter of fact, the whole sum borne by the home consumers is put into the direct revenue of the territory. (No excise duties on such goods are levied when consumed in the territory.)

“ The amount of the revenue from the port-clearance dues had been rather small in the early days of the industrial inactivity in the territory. The Central Government

¹ See Minutes of the Thirty-third Session of the Commission, page 177.

² *Ibid.*, page 127.

therefore granted consecutively the subsidies of a considerable sum every year until 1932. However, of late, the amount of port-clearance dues has become the major source of revenue in consequence of the remarkable development of such industries as manufacturing sugar, alcohol, etc. (This industrial development in the territory in connection with commodities on which port-clearance dues are levied is entirely due to the capital, labour and management brought into the territory from Japan and the natives have little to do with it.)

“ Thus the primary objective of the Japanese Government as mandatory Power to secure an ample financial supply for the South Seas Bureau had been attained through port-clearance dues at the expense of the consumers in Japan. Under these circumstances, while considerable deficit is being experienced in the general budget, it has been decided, as a temporary measure, to transfer to the general budget part of the surplus of the revenue from the port-clearance dues.”

M. Rappard, passing to another question, pointed out that reference had already been made¹ to the heavy expenditure charged to the territory in respect of communications, public works and subsidies to steamship companies. Various suppositions had been advanced in the Press as to the use made of those credits. The mandatory Power's attention should be drawn to that point again.

ECONOMIC SITUATION : AGRICULTURE : IMPORTS AND EXPORTS

M. GIRAUD stated that the economic situation of the territory appeared to be generally satisfactory.

Leaving native foodstuffs out of account, the two essential agricultural products were sugar and copra. Sugar exports had fallen appreciably between 1935 and 1936 ; they had, however, recovered in the following year, since exports for the first six months of 1937 already exceeded the total for 1936 (page 23 of the report). The report did not explain why production had fallen off in 1936. The production of copra—a commodity produced, unlike sugar, by the natives—had remained stationary for some years in the neighbourhood of 13,000 tons. Exports in 1936 had been slightly below those of 1935 (13,047 tons, as compared with 13,703 tons (page 24 of the report) ; but the prices obtained had been higher by nearly 25%.

The industrial activity of the islands consisted chiefly in the manufacture of sugar, alcohol and alcoholic beverages, the extraction of phosphates, and the fishing industry. The production of alcohol had increased from 18,256 hectolitres in 1935 to 25,513 in 1936, and that of alcoholic beverages from 8,552 to 10,311 hectolitres (page 86 of the report). Exports of phosphates had increased by 27% (87,349 tons in 1935 and 110,904 tons in 1936) (page 24 of the report) ; although there had been a decline at Angaur, the principal centre of production, production had increased fourfold (from 5,486 tons to 21,230 tons) at Peliliu (page 84 of the report). Fishing represented an important source of wealth to the islands : the total value of the fish caught and dried in 1936 had been 4,415,000 yen (page 83 of the report). The main variety—bonito—showed an increase of over 20% in the quantity caught and of nearly 15% in the amount dried.

The trade figures showed a slight decrease in the value of exports in 1936 (25,259,000 yen (page 22 of the report) against 26,374,000 yen in 1935 (page 3 of Annex I), due entirely to a diminution in sugar exports, the values of which had fallen over 5,000,000 yen in the latter year (page 21 of the report), showing that other exports had, on the contrary, progressed. Imports had risen appreciably from 15,221,000 yen in 1935 (page 3 of Annex I) to 19,080,000 yen in 1936 (page 22 of the report).

When examining earlier reports, the Commission had noted that the value of exports did not seem to be sufficiently reflected in the value of imported goods, which remained considerably lower. It was, however, an interesting fact that imports had risen steadily for ten years, from 3,814,000 yen in 1927 to 19,080,000 yen in 1936 (page 3 of Annex I)—a fivefold increase, and one much more marked than the increase in exports, which was no more than threefold in the same period (8,221,000 yen in 1927 and 25,259,000 yen in 1936 (page 3 of Annex I).

As regards imports (table on page 25 of the report), there were tremendous fluctuations in the figures given in Chapter IV (151,472 yen in 1935, 1,886,580 yen in 1936 and 40,277 yen from January to June 1937) and in Chapter VII (43,869 yen in 1934, 1,127,399 yen in 1935, 79,417 yen in 1936 and 59,598 yen from January to June 1937), but no explanation was given.

The information on pages 25 and 26 of the report with regard to the different categories of imports was scanty. The table gave the total amount, but only mentioned one insignificant or purely secondary commodity (see Chapters V, XII and XVI of the table).

On the subject of pearl-oyster culture (page 83 of the report), several recent reports had referred to an increase in the production of cultured pearls ; but the export statistics on

¹ See Minutes of the Twenty-sixth Session pages 93-94, 206 and of the Thirtieth Session of the Commission, pages 181 and 184.

page 23 contained no figures whatever under the item " pearls". Moreover, the table on page 83 made no mention of pearl production in 1936, whereas the corresponding table for 1935 (page 88 of the 1936 report) spoke of the production of 1,000 pearls of a value of 3,000 yen. The latter figure represented a decline of 29,328 yen, as compared with the value of pearls produced in 1934. That would seem to show that, in contrast to the statement made on page 83 of the present report, the production of pearls was far from being on the increase.

M. Giraud had drawn attention a year previously,¹ in connection with the export of phosphates (page 84), to the contradiction between the figure given for phosphate exports from the island of Angaur in 1934 (71,008 tons) and total exports from all the islands, as shown in the general table of exports, amounting to 60,866 tons. He had asked for an explanation to be furnished in the present report ; but he found there no information whatsoever beyond a mere repetition, on pages 24 and 84, of similarly contradictory figures.

In connection with sugar and molasses production (page 86), he noted a reduction in the case of sugar from 1,132,216 piculs in 1935 (page 92 of the 1936 report) to 819,168 piculs in 1936. Yet the production of molasses had risen from 9,273 tons in 1935 (page 92 of the 1936 report) to 13,224 tons in 1936 (page 86 of the report). How was that striking development to be explained ? Why again had there been such a marked falling off in the production of sugar in 1936 ? According to the values shown in the trade figures, the average price had been higher in 1936 than in 1935 (namely, 17, instead of 13½, yen per picul).

JUDICIAL ORGANISATION : POLICE

M. VAN ASBECK noted that the mandatory Power had met the request made at the thirtieth session of the Commission,² and removed the expression " subordinate offices " used to describe courts of law in previous reports.

He observed a considerable decline in the number of cases dealt with by the courts in 1936 in the summary table of cases on page 31 of the report. It was unfortunate that the tables in the report related, not to the year for which the report was submitted, but to the previous year. The accredited representative had already promised to try to bring about an improvement in that respect.

Lord HAILEY said that a scrutiny of cases dealt with by the courts revealed that the Japanese population was still just as much given to crime as the natives (pages 31 to 32 of the report). That fact was not without interest in connection with the damaging remarks on the morals of the native population contained in the chapter on the native manners and customs in the Truk Islands (page 4 of the annexes). There was also a disturbing increase in the number of cases of summary decisions replacing formal prosecutions (page 32 of the report) ; a summary decision appeared to be an executive, and not a judicial, process.

M. VAN ASBECK regretted that sentences for disregard of orders given by chiefs were not subject to appeal, especially as the chiefs could pass quite heavy sentences, amounting in some cases to forced labour for as much as thirty days (page 29 of the report).

Mlle. DANNEVIG referred to the chapter on police (page 35 of the report). She noted with some dismay that the first result of contact between the natives and the incoming representatives of a more advanced form of civilisation had been an increase in crime.

She was particularly struck by the very large proportion of crimes committed by the immigrant population, as revealed by the table on page 32 of the report.

QUESTION OF THE EXTENSION TO THE MANDATED TERRITORY OF THE JAPANESE NATIONAL MOBILISATION LAW OF MAY 5TH, 1938 (*continuation*)

M. DE HALLER, at the Commission's request, made the following statement :

On June 8th, 1938, the Chinese Government addressed a letter to the Secretary-General in the following terms :

" Pursuant to instructions of my Government, I have the honour to call your attention to the fact that the Japanese National Mobilisation Bill, which entered into force on May 5th, 1938, and is evidently intended to intensify Japan's war of aggression against China, applies also to the Japanese mandated islands in the Pacific. This fact seems to be contrary to the purpose for which the mandate system has been instituted. It will be recalled that, according to Article 22 of the Covenant, the territories under mandate must be administered in the interests of the indigenous population, and it is most questionable whether such interests will be promoted when these territories are used for the aims assigned to the aforesaid mobilisation bill.

¹ See Minutes of the Thirty-third Session of the Commission, page 130.

² See Minutes of the Thirtieth Session of the Commission, page 186.

“ I should be grateful to you if the matter is referred to the competent organs of the League for consideration, since it involves a question of principle of the greatest importance to the welfare of the indigenous population and the cause of general peace.

“ I should also be obliged if you would be good enough to communicate forthwith the contents of this letter to the Members of the Assembly, the Council and the Advisory Committee on the Far-Eastern situation.”

The letter had been circulated to the Council and the States Members of the League on June 13th, 1938, and had been published.¹ It was distributed to the members of the Mandates Commission, who were then in session at Geneva, together with the periodic documentation on the different mandated territories.

On September 17th, 1938,² the question was raised by M. Wellington Koo, the representative of China, at the private session preceding the public session of the Council at which the Mandates Commission's report on its thirty-fourth session was examined. Addressing the Secretary-General, M. Wellington Koo reminded him of the letter he had despatched to him on June 8th, 1938 (document C.207.M.113.1938.VII).³ Observing that the matter dealt with in that letter had not been touched on in the report of the Mandates Commission, he asked “ whether the contents of the communication had been transmitted to the Commission, and, if not, what would be the proper procedure to follow in order to place them before the Commission in such a manner that the next time the Commission discussed the mandatory Power's report on the mandated islands in the Pacific, the mandatory Power's representative might be asked to throw some light on the real situation, and on the purport of this national mobilisation order with reference to the territory ”.

The Secretary-General, in reply, pointed out that the Mandates Commission was an advisory organ of the Council, and that no new question could be brought before it except through the Council. But the members of the Mandates Commission had, in fact, seen the document communicating the Chinese delegation's letter to all Members of the League of Nations. He therefore thought it natural to conclude that the document in question could not have escaped the Commission's attention ; there would clearly be no difficulty in ascertaining at the proper time that this was so from the Chairman of the Commission.

M. Wellington Koo then asked “ whether it would be necessary for the Chinese delegation to propose the inclusion of the question in the agenda of the Council at the next meeting, so as to enable the Council to consider referring it to the Mandates Commission, or whether the Secretary-General could be authorised then and there to refer the communication to the Commission for consideration at its next session ”.

The Secretary-General then replied that he would get into touch with the Chairman of the Mandates Commission, and that he would inform the Council at a later meeting of the results of the enquiry into the question of procedure raised by the Chinese representative.

At the private meeting of the Council on September 30th, 1938,³ the Secretary-General made a further statement supplementing his earlier reply to the representative of China, and referring to the consultation which he had had, in accordance with his previous undertaking, with the Vice-Chairman of the Mandates Commission, M. Rappard, deputising for M. Orts. The Secretary-General, continuing, said :

“ The Vice-Chairman of the Mandates Commission . . . confirmed the fact that his colleagues and himself had been put in possession of the document reproducing the Chinese representative's letter of June 8th at the last session of the Mandates Commission. He (M. Rappard) added that it was open to any member of the Commission to draw attention at any time to the circumstances to which the letter referred. The fact that no such action was taken at the last session of the Commission was due to the Commission's almost invariable custom of not dealing at its meetings with any questions relating to territories other than those under discussion ; as it happened, the islands under Japanese mandate appeared on the agenda of the autumn session.

“ Without making any promise in the matter, the Vice-Chairman of the Mandates Commission expected that, in accordance with custom, the measure to which the Chinese representative's communication of June 8th related would be the subject of comment at the next session in October, at the time when the report on the islands under Japanese mandate was under discussion. He felt the more sure that that would be so in that the Mandates Commission could not fail to take note of the discussion to which the Chinese representative's remarks at the Council meeting of September 17th, 1938, had given rise.”

The representative of China thanked the Secretary-General for his statement, and added that “ the Chinese Government attached the greatest importance to the question raised in his communication of June 8th, 1938, and desired to be informed of the present situation. He would not press the matter now ; he would be content to await the outcome of the efforts which he now gathered that the Mandates Commission would make, at its coming session, to obtain the fullest information from the representative of Japan, and of the discussions which the Commission would no doubt have on the question.”

¹ See *Official Journal*, July 1938, page 620.

² *Ibid.*, November 1938, page 846.

³ *Ibid.*, page 876.

M. de Haller added that the Secretariat had duly communicated the Minutes of the Council meetings of September 17th and 30th, 1938, to the Japanese Government and to the members of the Commission.

The CHAIRMAN considered that the matter should be looked upon from two standpoints : (1) Was the Commission seized of the Chinese Government's protest ? Personally, he felt that, in any event, the Commission could not disregard the problem. Although not seized thereof directly, it had cognisance of the matter, and its representative before the Council had let it be understood that it would consider the problem. (2) A new factor had, however, made the situation a delicate one—namely, the absence of the accredited representative of the mandatory Power. The Commission had before it the affirmation of the Chinese Government upon which it was impossible to pronounce without hearing the other party. Had an accredited representative been present, the Chinese note would have been submitted to him. He would have been asked to communicate the text of the law ; he would have been asked whether its sphere of application extended to the mandated territory and, if so, whether it affected Japanese subjects only or the native inhabitants of the territory as well.

M. RAPPARD was in favour of putting the question without any expression of opinion as to the issue involved.

COUNT DE PENHA GARCIA reminded the Commission of its rule only to consider such special problems as were referred to it for examination. In fact, the Council had not asked the Commission to express an opinion on the subject of the Chinese Government's note. The Commission was accordingly not called upon to define its attitude there and then.

M. DE HALLER explained that the Council had not officially dealt with the question. The Secretary-General had been consulted on a point of procedure ; but the question itself had not figured on the Council's agenda. It was, as Count de Penha Garcia had stated, the established practice of the Mandates Commission only to give an opinion on questions referred to the Council when explicitly asked to do so. On the other hand, the Commission habitually referred, in its discussions with accredited representatives, to any events of common knowledge connected with the different territories. That was the explanation of M. Rappard's statement conveyed by the Secretary-General to the Council.

COUNT DE PENHA GARCIA pointed out that the Commission had no details whatever on the subject. Was it really opportune for it to take the initiative of discussing it without waiting for the Council's invitation to do so ?

M. VAN ASBECK did not object to the Commission considering the question. The issue turned on a legislative act, and the Commission had often had occasion to discuss acts of this kind. Nevertheless, the authentic text of the law in question was not available. The Commission would, however, be open to the charge of mental inertia if it did not deal with a question which everybody—the Chinese Government, public opinion and even, probably, the Japanese Government—expected the Council to examine. Admittedly, the absence of the accredited representative of the mandatory Power, and the lack of an actual text of the law, made consideration of the question difficult ; but the Commission could make its approach to the subject through the medium of queries.

LORD HAILEY thought it would be unfortunate if the Commission sought refuge in a point of pure form, in order to avoid dealing with a problem present to everyone's mind.

COUNT DE PENHA GARCIA pointed out that the Commission was in exactly the same situation as the Council, which had not yet considered the problem and was not even formally seized of it.

The CHAIRMAN reminded his colleagues that, in 1932,¹ the Commission had given the mandatory Power an opportunity of refuting a widespread rumour that a naval base had been set up in the islands under mandate. The Commission had not been formally seized of the question, but it had nevertheless not hesitated to include in its observations to the Council the statement made by the accredited representative on the point. The Chairman thought that, in the present case, the Commission was even more fully entitled to put a question.

M. PALACIOS considered that the question raised by China, and the form in which it had come before the Commission, compelled the Commission, especially after what had occurred in the Council, to take it up. Such a course might have been avoided if the Commission, in view of the newly created situation and of the absence of an accredited representative of the mandatory Power, had decided not to examine the annual report. But, having resorted to Article 22 of the Covenant to justify such an examination, it would be difficult for the Commission to ignore Article 22 in order to avoid examining this complex and delicate question. The difficulty lay precisely in the following fact : not being in possession of the actual text of the law, and being unaware of the circumstances which had led to its promulgation, M. Palacios

¹ See Minutes of the Twenty-second Session of the Commission, page 367.

had not, in the absence of the accredited representative, the data necessary to formulate a reasoned view. The same reasons of procedure which had previously led him to consider that the Commission should not, on this occasion, examine Japan's administration of the islands under mandate inclined him to the view that, in the circumstances, the Commission was not in a position to undertake the investigation of an alleged extension to those islands of the Japanese National Mobilisation Law, which according to the Chinese note, entered into force on May 5th, 1938.

Count DE PENHA GARCIA pointed out that, when the Commission decided to examine the annual report, it was discharging its duty, but that would not be the case if it expressed an opinion on the problem in question. In the absence of the accredited representative, the Commission might perhaps state the questions it would have put to him direct, had he been present.

The CHAIRMAN noted that, in view of the circumstances, the Commission could hardly do more than ask for information on the question of fact, while refraining from expressing any opinion. The Commission would, moreover, have the opportunity to discuss the matter again when it drew up the terms of its report to the Council.

M. GIRAUD was surprised to learn that the representative of China, who had raised the question, had neglected to produce the text of the law to which he took exception in support of his allegation.

TWENTIETH MEETING

Held on Saturday, November 5th, 1938, at 10-30 a.m.

Islands under Japanese Mandate : Examination of the Annual Report for 1937 (continuation).

NUMBER OF NATIVES AND JAPANESE IN THE ISLANDS : QUESTION OF JAPANESE IMMIGRATION :
NATIVE CUSTOMS IN THE TRUK ISLANDS

Lord HAILEY thought it a striking circumstance that the native population of the islands was now less numerous than the Japanese population. As the latter had a higher birth rate than the former, the Japanese would probably soon be very much more numerous than the natives in the South Sea Islands. In that connection, it would be useful to know whether the mandatory Power proposed to continue to allow Japanese to immigrate freely. If so, the Japanese would ultimately constitute much the largest element in the islands, which would mean, incidentally, a complete upheaval in the native civilisation.

Annex III of the annual report (page 4 of the annexes) gave a picture of the native manners and customs in the Truk Islands. Though not devoid of a certain interest, the picture was scientifically of little real value. The author did not seek out the features of native life which might be used as a basis for creating a new civilisation. He did not enquire how the old civilisation was affected by that introduced by the Japanese, or what steps might be taken to impart a favourable trend to native development, though these were the considerations which should inform any future studies of native habits and customs in a mandated territory.

LABOUR

The CHAIRMAN, on behalf of Mr. Weaver, who was unable to attend the beginning of the present meeting, read the following note :

" The Angaur phosphate mines, which were directly operated by the South Seas Bureau, have been transferred to a company, the South Seas Economic Industrial Development Company, Ltd. (page 46 of the report).

" It would appear from the report that the regulations which governed the employment of labour in the mines remain in force. Confirmation of this assumption would, however, be desirable. The regulations formerly called the ' Rules concerning the Service of Workmen and Miners in the Employ of the Mining Station of the South Seas Bureau ' (Chapter IX of the Laws and Regulations) are now referred to as the ' Rules concerning the Service of Workmen and Miners in the Angaur Mining Station of the Nanyô Takusyoku Kabusiki Kaisya (South Seas Economic Industrial Development Company, Ltd.) ' (page 47 of the report).

" It would be desirable to know whether these Rules have been re-enacted and amended. As to the ' Ordinance concerning Aid to Employees ', under which compensation and relief were payable to sick and injured workers, this ordinance applied only to Government employees ; it would be desirable to know whether it has been extended in practice to apply to the employees of the Company, or has been amended to cover the employees of non-Government undertakings."

Lord HAILEY noted from page 47 of the report that recruiting was still carried out by tribal chiefs in the territory, though elsewhere that system was usually discouraged by the authorities. That form of recruiting led to forced labour, and in some parts of Africa the use of chiefs was a punishable offence. On the same page, the report referred to conditions of employment, but did not describe the form of contract under which the natives gave their services. It would be interesting to know the detailed regulations governing the conditions of native employment.

MISSIONS

M. PALACIOS referred to the information on missions given on pages 52 to 54 of the report. The usual questions arose. The statement was made on page 53, in reply to a question put last year,¹ that the decrease in the number of native believers was due to the fact that in 1936 the figures for Catholic believers in Jaluit Island were not furnished owing to the death of the missionary.

Pages 53 and 54 showed that the number of native believers had increased by 322 in 1937, while that of missionaries had increased by 10. There were altogether 40,366 native believers in 1937; as the total population was 50,524 in 1936 (see the table on page 3 of the annexes to the report), the great majority of natives were believers; 528 were Buddhists (page 53 of the report).

The criterion governing the allocation of subsidies to the missions appeared to be the same as that discussed by the Commission during the examination of earlier reports; and the information supplied accordingly called for no new questions.

EDUCATION

Mlle. DANNEVIG observed from page 13 of the report that the expenses incurred for the direct benefit of the natives in 1937 were greater than in 1936, having increased from 207,357 yen to 211,192 yen. The statistical table on page 3 of the annexes showed that the expenditure on education incurred for the benefit of the natives only amounted to 247,761 yen in 1927, so that there had been a decrease since that year.

At its thirty-third session,² the Mandates Commission submitted the following observation to the Council concerning education in the islands under Japanese mandate:

“ The Commission noted with satisfaction the accredited representative’s statement that the mandatory Power intends to develop native education. It will follow with interest the action taken in this connection.”

On page 2 of the annexes to the report, there was a paragraph on education in which it was stated, *inter alia*, that it was impossible to judge the degree of educational achievements in the light of the slight fluctuations in the direct appropriations made for education in the annual budgets. Everything depended on the persistence of the educational effort made. That observation might be true; but it was to be hoped that, in view of the territory’s prosperity, the mandatory Power would continue to increase the credits for native education.

In the statistical table reproduced on page 3 of the annexes to the report, there was a column for education which was subdivided into two parts—namely, “ Expenditure for natives only ” and “ Total ”. Statistical information about the mandated territory would be found on page 14 of the document submitted to the Council in 1933.³ But the figures for educational expenditure in the years 1927-1929 appearing in the statistical table of the annual report did not correspond with the figures on the same subject for the same years in the said Council document, though the figures for 1930 did.

It would be interesting to know the reason for the discrepancies in the case of the years 1927-1929, and what expenditure was comprised under the heading “ Total ”? In other words, did the table on page 3 represent expenditure on natives in addition to expenditure on non-natives? The two were distinguished in the Council document.

On page 56, paragraph 2, of the report, it was stated that, since the inauguration of the present Administration, more than 8,000 native children had finished the regular course at public schools, and more than 3,000 the supplementary course. From page 58, it appeared that in 1937 there were 2,448 children in the public schools. The sentence on page 56 regarding children who had finished their courses was identical with that contained in the annual reports for 1934, 1935 and 1936. It would be interesting to know whether there had been any increase, since 1934, in the number of native children who had completed their normal classes or higher courses. In effect, the 1937 report merely repeated, with the addition of the paragraphs on page 2 of the annexes, the reports of previous years. That being so, Mlle. Dannevig had no questions to ask in that connection.

¹ See Minutes of the Thirty-third Session of the Commission, page 132.

² *Ibid.*, page 177.

³ Document C.565.M.272.1933.IV.

ALCOHOL AND SPIRITS

COUNT DE PENHA GARCIA said that pages 66 *et seq.* of the report gave a fairly full description of the situation with regard to alcohol and spirits in the territory. He noticed, however, from page 18 of the report, that no action had been taken to comply with the wish expressed in 1937 by M. Sakenobe¹ that the statistics given in koku should be expressed in litres.

He noted, further, that the consumption of spirits (see page 68 of the report) and the arrests of natives for breaches of the alcohol control regulations had considerably increased (page 36 of the report). That seemed to indicate that the situation was not very satisfactory.

PUBLIC HEALTH

COUNT DE PENHA GARCIA considered that the information given on pages 70 to 77 of the report justified the conclusion that the health situation in the territory was, generally speaking, not unsatisfactory. He noticed, however, that expenditure on public health had been diminishing for two or three years (page 3 of the annexes), and that the natives had to pay for the medical attendance they received—which seemed, to a certain extent, to be inconsistent with Article 2 of the mandate. Payments varied according to the class to which the patient belonged (page 71 of the report); but the three classes in question did not correspond to social divisions, but merely to geographical areas.

Efforts had been made to detect lepers; but the information on the subject was scanty (pages 73 and 74 of the report). It would be interesting to see statistics relating to the treatment of leprosy.

The CHAIRMAN said that it had been observed—for instance, in Africa—that natives attached more value to treatment for which they had to pay than to attendance given them without charge. In any case—and, he would even venture to say, in the interest of the natives themselves—they would one day have to learn to pay for the medical care they required. It should also be remembered that some natives were very far from being destitute.

LORD HAILEY thought that the statistics on public health might be clearer. For example, the table given on page 76 of the report lumped together epidemic, endemic and infectious diseases under the same heading, which accordingly covered such varied complaints as dysentery and dengue fever. It was also impossible to determine from the table the incidence of tuberculosis—a disease said elsewhere in the report to be very prevalent in the territory (page 73 of the report).

LAND TENURE

M. VAN ASBECK observed that, according to the report, no progress had been made with land legislation (page 79).

It was stated on page 2 of the annexes that, “as regards the collective land-tenure system, it will not be possible to ascertain its existence until the completion of the contemplated investigation of land in the entire territory”. It would be interesting to know when that investigation, to which many previous reports had already alluded, would be completed, and whether some provisional information might not usefully be published in the meantime.

LORD HAILEY was under the impression that no one—not even the Japanese—had made any detailed study of the character of native property rights in land.

M. VAN ASBECK drew attention to his own statement a year previously² to the effect that the explanations given on page 113 of the 1936 report and the passage on page 84 of the same report dealing with the demarcation of native property were openly contradictory. Unfortunately, the 1937 report contained no explanation of the contradiction.

He noted with satisfaction, however, that transfers of land from native to other hands had diminished in 1937 (page 80 of the report). That fact might perhaps be ascribed to action on the part of the Director of the South Seas Bureau. A reduction in transfers of that character would do something to allay the concern shown in the past by the Mandates Commission.

M. RAPPARD observed that eighty-two cases of transfer still represented a considerable figure in relation to the small population concerned.

MINES

COUNT DE PENHA GARCIA thought it would be interesting to know whether it was because phosphate production in Angaur Island tended to drop off that the mines had been transferred by the Administration to a private undertaking (page 84 of the report).

¹ See Minutes of the Thirty-third Session of the Commission, page 135.

² *Ibid.*, page 137.

DEMOGRAPHIC STATISTICS

M. RAPPARD drew attention to a statement on page 2 of the annexes to the report that "the mandatory Government takes note of the observation No. 5¹ regarding the population problem, made by the Permanent Mandates Commission at its thirty-third session. It may be added that in this matter the Commission is requested to draw its attention particularly to the chapter dealing with education and public health in future reports." That passage could hardly be described as illuminating, in view of the Commission's concern for a population afflicted by numerous diseases and living in a country with an extremely high rate of foreign immigration.

Mlle. DANNEVIG pointed out that the school statistics showed year-to-year variations in certain features which should properly remain roughly constant—for example, the weight of the children (page 62 of the report). That would appear to show that the statistics only related to comparatively small numbers.

M. RAPPARD said that tables indicating the population of each island since the beginning of the mandate would doubtless prove interesting.

Lord HAILEY thought it must be recognised that the Japanese authorities were faced, in connection with the native population, with a problem which had exercised the minds of many administrators in the South Sea Islands. It was a fact that in some of the islands the population tended to diminish inexplicably. Where there was diminution, however, no abnormal morbidity rates were observable; and, failing an alternative explanation, one could only conclude that, for some unknown reason, fertility had declined.

M. RAPPARD pointed out that the birth rate had fallen still further than the death rate in the islands under Japanese mandate.

M. GIRAUD wished to make the point that the relatively high level of density of the native population (twenty-four inhabitants to the square kilometre) appeared to indicate that native conditions were generally not unsatisfactory in the islands. Nevertheless, the figures given on page 88 of the report showed how greatly the demographic situation varied from one group of islands to another. In the Mariana Islands, for instance, there were only six natives to the square kilometre. It was in that group that Japanese immigration had developed most in recent years. The native population there only amounted now to 9% of the total. In the Carolines (including the Palau group), on the contrary, the natives still represented 65% of the total, with a density of twenty-eight to the square kilometre. Lastly, in the Marshalls, with a population 95% native and only 5% Japanese, the density of the native element rose as high as fifty-three inhabitants to the square kilometre.

Ruanda-Urundi : Observations of the Commission (continuation).

After an exchange of views, the Commission adopted the text of its observations concerning Ruanda-Urundi (Annex 14).

Cameroons under French Mandate : Petition, dated May 9th, 1938, from M. Mandessi Bell, President of the "Union camerounaise", Paris.

M. RAPPARD read the following proposal :

"The author of the petition asks that the existing regime in the Cameroons should be replaced by one based on "A" mandate principles. In its observations, the mandatory Power states that it does not consider the petition receivable, on account of its object.

"As it is not for the Mandates Commission to express an opinion on such requests, its task being solely to watch the due observance of the provisions of the mandate in force, I concur with the view that the petition is clearly inadmissible.

"If my colleagues are in agreement, I would propose, in pursuance of the Commission's decision of October 28th, 1933,² that they should treat this petition as inadmissible."

The Commission adopted M. Rappard's proposal (see Annex 14).

¹ See Minutes of the Thirty-third Session of the Commission, page 177.

² See Minutes of the Twenty-fourth Session of the Commission, page 69.

Syria and Lebanon : Petitions (Ten in Number) concerning the Suspension of the Lebanese News-paper " Saout El-Chaab ".

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report (Annex 9).*

Syria and Lebanon : Petition (Undated) from M. Henri Jabbour and Other Signatories, Inhabitants of Villages in the Jebil Area (continuation).

After an exchange of views, *the Commission adopted the conclusions of M. Palacios' report (Annex 7).*

Syria and Lebanon : Petition, dated May 4th, 1938, from M. Kamel Binni, Journalist, Damascus (continuation).

After an exchange of views, *the Commission adopted the conclusions of M. Palacios' report (Annex 12).*

TWENTY-FIRST MEETING

Held on Monday, November 7th, 1938, at 10.30 a.m.

Syria and Lebanon : Petitions (Sixteen in Number) regarding Occurrences in the Sanjak of Alexandretta in November and December 1937 and January 1938.

The Commission decided to reject as inadmissible the petitions Nos. 1 to 5 enumerated in Mlle. Dannevig's report.

After an exchange of views, *the Commission adopted the conclusions of Mlle. Dannevig's report (Annex 4).*

Syria and Lebanon : Petition, dated November 22nd, 1937, from M. Ibrahim Abdab and Other Signatories, Beirut (continuation).

M. PALACIOS, Rapporteur, explained the object of the petition. The " phalanges " were a party of Young Christians who, according to his information, which, however, was not confirmed by the accredited representative,¹ were influenced by Jesuit circles in Beirut. The petition amounted, in fact, to a protest against the Government's attitude towards youth movements; perhaps also towards the youth of the Left. It was possible also that the word " phalange " was used generically. The question of the dissolution of various opposition movements was mentioned in the annual report, and should, in his opinion, be referred to in the Commission's general observations to the Council.

M. RAPPARD observed that the petitioners were Moslems and their petition related to the policy of the Government, which was itself Moslem, while the " phalanges ", on whose behalf the petition was lodged, were Catholic. Such a situation, in which Moslems protested on behalf of Christians against the Government's policy, had never arisen before.

After a further exchange of views, *the Commission adopted the conclusions of M. Palacios' report (Annex 6).*

Syria and Lebanon : Observations of the Commission.

After an exchange of views, *the Commission adopted, at a first reading, the text of its general observations on Syria and Lebanon.*

¹ See page 109.

TWENTY-SECOND MEETING

Held on Monday, November 7th, 1938, at 3.30 p.m.

Islands under Japanese Mandate : Observations of the Commission.

After an exchange of views, the Commission adopted the text of its observations concerning the Islands under Japanese mandate (Annex 14).

M. PALACIOS still maintained the views he had had occasion, at an earlier meeting, to advance regarding the situation resulting from the recent communication from the Japanese Government.

Cameroons under French Mandate : Observations of the Commission.

After an exchange of views, the Commission adopted the text of its observations concerning the Cameroons under French mandate (Annex 14).

Western Samoa : Observations of the Commission.

After an exchange of views, the Commission adopted the text of its observations concerning Western Samoa (Annex 14).

Cameroons under British Mandate : Observations of the Commission.

After an exchange of views, the Commission adopted the text of its observations concerning the Cameroons under British mandate (Annex 14).

Syria and Labanon : Petitions.

PETITIONS, DATED DECEMBER 4TH AND 5TH, 1937, FROM M. CHARLES ASFAR, DAMASCUS, AND M. KHALED SEBAHI, HOMS (*continuation*)

After an exchange of views, the Commission adopted the conclusions of M. Rappard's report (Annex 8).

PETITIONS (FIVE IN NUMBER) FROM INHABITANTS OF JEZIREH (*continuation*)

After an exchange of views, the Commission adopted the conclusions of M. van Asbeck's report (Annex 10).

PETITIONS (FOUR IN NUMBER) RELATING TO THE QUESTION OF SYRIAN UNITY AND CONCERNING THE STATUS OF THE REGION OF LATAKIA (*continuation*)

After an exchange of views, the Commission adopted the conclusions of M. Rappard's report (Annex 3).

PETITIONS, DATED NOVEMBER 9TH, 13TH AND 16TH, 1937, AND JANUARY 4TH, 1938, FROM CHAKER NIMET BEY EL CHAABANI, BEIRUT

After an exchange of views, the Commission adopted the conclusions of Count de Penha Garcia's report (Annex 5).

PETITIONS, DATED FEBRUARY 19TH AND 20TH, 1938, FROM M. NAZIH MOAYAD EL AZM AND M. ASSAAD EL BAKRI, DAMASCUS (*continuation*)

After an exchange of views, the Commission adopted the conclusions of M. Palacios' report (Annex 11).

PETITIONS (1) DATED DECEMBER 15TH, 1937, FROM THE REV. JOHN D. CROSE, REPRESENTATIVE IN LEBANON OF THE CHURCH OF GOD, BEIRUT, AND (2) UNDATED, FROM CERTAIN INHABITANTS OF SEBEIL, LEBANON (*continuation*)

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report (Annex 13).*

Syria and Lebanon : Observations of the Commission (*continuation*).

After an exchange of views, *the Commission adopted the text of its special observations concerning Syria and Lebanon (Annex 14).*

TWENTY-THIRD MEETING

Held on Tuesday, November 8th, 1938, at 10.30 a.m.

Syria and Lebanon : Observations of the Commission (*continuation*).

After an exchange of views, *the Commission adopted, at a second reading, the text of its general observations concerning Syria and Lebanon, with the exception of the passage relating to decentralisation (Annex 14).*

The Commission further decided in deference to the views of the majority of its members, not to add to the general observations on Syria and Lebanon any conclusion properly so called.

Date of the Next Session of the Commission.

The Commission decided, in principle, that its thirty-sixth session should begin on June 1st, 1939.

Publication of the Report and of the Minutes of the Thirty-fifth Session of the Commission.

M. DE HALLER reminded the Commission that, under the regulations laid down by the Assembly for the Advisory Committees of the League, the reports and Minutes of those Committees were distributed simultaneously to the Members of the League, and were published when forwarded to the Council in their printed form, unless the Committee concerned decided otherwise.

The Mandates Commission had therefore to decide whether it desired, with regard to the report and Minutes of the present session, to make any exception to this rule.

The Commission decided that it was unnecessary to make any exception to the rule.

Representation of the Commission at the Session of the Council in January 1939.

The Commission decided that, in the event of an invitation to be represented at the January session, 1939, of the Council, its representative should be the Chairman (M. Orts) or, in the event of the Chairman being unable to attend, M. Rappard, or failing M. Rappard, by another member of the Commission to be appointed for the purpose by the Chairman.

List of Annexes to the Minutes of the Session.

The list of annexes was adopted.

TWENTY-FOURTH MEETING

Held on Tuesday, November 8th, 1938, at 3.30 p.m.

Syria and Lebanon : Observations of the Commission (*continuation*).

After an exchange of views, *the Commission drew up the final text of the passage relating to decentralisation in its general observations concerning Syria and Lebanon (Annex 14).*

Examination of the Draft Report to the Council.

After an exchange of views, *the Commission adopted the draft report to the Council on the work of its thirty-fifth session* (Annex 14).

Statistical Information regarding the Territories under Mandate.

M. GIRAUD drew the Commission's attention to the importance of the document containing statistical tables for the trade, public finances and vital statistics of mandated territories.¹ That document, however, was dated 1933. Since that time, the situation had changed ; further particulars had been sent by the mandatory Powers, and M. Giraud asked whether it would not be possible, utilising the most recent data received, to bring up to date the very useful information contained in the publication in question.

M. DE HALLER said that the statistical particulars supplied by the mandatory Powers were kept up to date regularly by the Secretariat, and the latter would be prepared, if the Commission so desired, to prepare a revised edition of the document published in 1933.

The Commission approved M. Giraud's suggestion.

Close of the Session.

After the customary thanks, the Chairman declared the session closed.

¹ Document C.565.M.272.1933.VI.

ANNEX 1

LIST OF DOCUMENTS¹ FORWARDED TO THE SECRETARIAT BY THE MANDATORY POWERS SINCE THE LAST EXAMINATION OF THE REPORTS RELATING TO THE FOLLOWING TERRITORIES :

- | | |
|--|---|
| A. <i>Syria and Lebanon.</i> | E. <i>Togoland under British Mandate.</i> |
| B. <i>Cameroons under British Mandate.</i> | F. <i>Islands under Japanese Mandate.</i> |
| C. <i>Cameroons under French Mandate.</i> | G. <i>Western Samoa.</i> |
| D. <i>Ruanda-Urundi.</i> | |

A. SYRIA AND LEBANON

Annual Report.

Report to the League of Nations on the Situation in Syria and Lebanon, Year 1937.

Various Official Publications.

1. Official Bulletin of the Administrative Acts of the High Commissariat.²
2. Official Journal of the Syrian Republic.²
3. Official Journal of the Lebanese Republic.²
4. Official Journal of the Mohafazat of Latakia² (publication suspended as from January 1st, 1938).
5. Budget of the Syrian Republic, Financial Years 1937 and 1938.
6. Budget of the Lebanese Republic, Financial Years 1937 and 1938.
7. Budget of the Mohafazat of Latakia, Financial Years 1937 and 1938.
8. Budget of the Sanjak of Alexandretta, Financial Year 1938.
9. Quarterly Economic Bulletin of the Levant States under French Mandate (Syrian Republic, Lebanese Republic, Mohafazat of Latakia, Sanjak of Alexandretta, Mohafazat of the Jebel Druse), Year 1937. First and Second Quarter, 1938.²
10. Syrian Republic. Report on the cadastral and land improvement works carried out in 1937.²
11. Lebanese Republic. Report on the cadastral and land improvement works carried out in 1937.²

B. 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 1937.
2. Legislation enacted during 1937.
3. Orders, Nos. 1 to 15, of 1938.
4. Orders-in-Council, Nos. 1 to 19, of 1938.
5. Ordinances, Nos. 1 to 28, of 1938.
6. Regulations, Nos. 1 to 30, of 1938.
7. Rules, Nos. 1 to 9, of 1938.
8. Rules of Courts (Supreme Court, High Court), Nos. 1 to 3, of 1938.
9. Resolutions and Orders, No. 1, of 1938.

Various Official Publications.

1. Legislative Council Debates (Nigeria) :²
Fifteenth Session, 1937 (March 22nd and 23rd and July 12th, 1937).
2. Nigeria Official Gazette.²

¹ (a) The documents mentioned in this list have been sent to the Secretariat for the use of the Permanent Mandates Commission. Unless otherwise indicated, the Members of the Commission have received a copy of all these documents.

The annual reports and copies of laws, etc., are available only in the language in which they have been published by the mandatory Powers.

(b) The petitions forwarded by the mandatory Powers, together with their observations on those petitions in accordance with the Rules of Procedure in force, are not mentioned in the present list. These documents are enumerated in the agenda of the Commission's session.

² Kept in the archives of the Secretariat.

C. CAMEROONS UNDER FRENCH MANDATE

Annual Report and Legislation.

Annual Report by the French Government to the Council of the League of Nations on the Administration under Mandate of the Cameroons Territory for the Year 1937 (legislation annexed hereto).

Various Official Publications.

1. Special Budget, 1938.
2. Special Budget of Large-scale Works and Sanitary Expenditure from Loan Funds, Financial Year 1938.
3. Official Gazette of the Cameroons Territory. ¹

D. RUANDA-URUNDI

Annual Report and Legislation.

Report by the Belgian Government to the Council of the League of Nations on the Administration of Ruanda-Urundi during 1937 (legislation annexed hereto).

Various Official Publications.

Official Bulletin of Ruanda-Urundi. ¹

E. 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 1937.
2. Gold Coast : Proclamations, Commissions, Orders-in-Council, Rules and Orders by the Governor for the Year 1936. ¹
3. Ordinances of the Gold Coast, Ashanti, Northern Territories and Togoland under British Mandate, 1936.

Various Official Publications.

Gold Coast :

1. Report on the Education Department, 1936/37. ¹
2. Report on the Forestry Department, 1936/37. ¹
3. Annual Report on the Social and Economic Progress of the People of the Gold Coast, 1936/37. ¹

Gold Coast Colony :

4. Report on the Police Department, 1936/37, 1937/38. ¹
5. Trade Report, 1936, 1937. ¹
6. Report on the Department of Animal Health, 1936/37, 1937/38. ¹
7. Report on the Audit Department for the Financial Year 1936/37. ¹
8. Report on the Gold Coast Survey, April 1936 to March 1937, April 1937 to March 1938. ¹
9. Report on the Prisons Department, 1937/38. ¹
10. Report on the Geological Survey Department for the Financial Year 1936/37. ¹
11. Address delivered by His Excellency the Governor, Sir Arnold Wienholt Hodson, K.C.M.G., on the occasion of the opening of the 1938 session of the Legislative Council, March 15th, 1938. ¹
12. Legislative Council Debates ¹ :
Session 1937, Issues Nos. 1 and 2.
Session 1938, Issues Nos. 1 and 2.
13. The Gold Coast Gazette. ¹

F. ISLANDS UNDER JAPANESE MANDATE

Annual Report and Legislation.

Annual Report to the League of Nations on the Administration of the South Sea Islands under Japanese Mandate for the Year 1937 (legislation annexed hereto):

¹ Kept in the archives of the Secretariat.

G. WESTERN SAMOA

Annual Report and Legislation.

1. Eighteenth Report of the Government of New Zealand on the Administration of the Mandated Territory of Western Samoa for the Year ended March 31st, 1938.
2. The Native Land and Titles Protection Amendment (No. 2) Ordinance, No. 6/1937.
3. The Samoa General Laws Amendment Ordinance, No. 1/1938.
4. New Zealand :
The Samoa High Court Amendment Rules, 1937.
The Samoa Anglican Church Lands Order, 1937.
The Samoa Aviation Regulations, 1938.

Various Official Publications.

1. Estimates of Revenue and Expenditure for the Year 1937/38.
2. Trade, Commerce and Shipping Report of the Territory of Western Samoa for the Calendar Year 1937.
3. Legislative Council Debates. ¹
Session 1937 (September 21st, 1937).
Session 1938 (June 14th, 1938).
4. The Western Samoa Gazette. ¹

C.P.M.2091(1).

ANNEX 2

AGENDA OF THE THIRTY-FIFTH SESSION OF THE PERMANENT
MANDATES COMMISSION

- I. Opening of the Session.
- II. Examination of the Annual Reports of the Mandatory Powers :
Syria and Lebanon, 1937.
Cameroons under British Mandate, 1937.
Cameroons under French Mandate, 1937.
Ruanda-Urundi, 1937.
Togoland under British Mandate, 1937.
Islands under Japanese Mandate, 1937.
Western Samoa, 1937/38.
- III. Petitions to be examined :
 1. Palestine :
 - (a) Petition, dated May 1st, 1938, from M. Abdul Halim Abu Daqar, and other signatories, Madeba, transmitted on July 11th, 1938, by the United Kingdom Government with its observations (document C.P.M.2086). ²
(Rapporteur : M. van Asbeck.)
 - (b) Communication, dated July 25th, 1938, from M. Fahmi El Husseini, Mayor of Gaza, and ten other inhabitants of that town, transmitted on August 26th, 1938, by the United Kingdom Government with its observations (document C.P.M.2090). ²
(Rapporteur : M. van Asbeck.)
 2. Syria and Lebanon :
 - (a) Petitions (four in number) relating to the question of Syrian Unity and concerning the status of the region of Latakia, transmitted on November 6th, 1937, by the French Government with its observations (document C.P.M.1973).
(Rapporteur : M. Rappard.)
 - (b) Petitions (sixteen in number) concerning the Sanjak of Alexandretta, transmitted on May 31st, 1938, by the French Government with its observations (document C.P.M.2032). ³
(Rapporteur : Mlle. Dannevig.)

¹ Kept in the archives of the Secretariat.

² The examination of this petition has been postponed (see Minutes, page 133).

³ For the petitions Nos. 1 to 5 inclusive mentioned in the document C.P.M.2032, see Minutes of the present session, page 185.

- (c) Petitions, dated November 9th, 13th and 16th, 1937, and January 4th, 1938, from Chaker Nimet bey El Chaabani, Beirut, transmitted on June 3rd, 1938, by the French Government with its observations (document C.P.M.2039).
(Rapporteur : Count de Penha Garcia.)
- (d) Petition, dated November 22nd, 1937, from M. Ibrahim Ahdab and other signatories, Beirut, transmitted on June 7th, 1938, by the French Government with its observations (document C.P.M.2049).
(Rapporteur : M. Palacios.)
- (e) Petition, undated, from M. Henri Jabbour and other signatories, inhabitants of villages in the Jebeil district, transmitted on June 6th, 1938, by the French Government with its observations (document C.P.M.2050).
(Rapporteur : M. Palacios.)
- (f) Petitions, dated December 4th and 5th, 1937, from M. Charles Asfar, Damascus, and M. Khaled Sebahi, Homs, transmitted on June 7th, 1938, by the French Government with its observations (document C.P.M.2051).
(Rapporteur : M. Rappard.)
- (g) Petitions (ten in number) concerning the suspension of the Lebanese newspaper *Saout El Chaab*, transmitted on June 7th, 1938, by the French Government with its observations (document C.P.M.2052).
(Rapporteur : Count de Penha Garcia.)
- (h) Petitions (five in number) from inhabitants of the Jezireh, transmitted on August 20th, 1938, by the French Government with its observations (document C.P.M.2089).
(Rapporteur : M. van Asbeck.)
- (i) Petitions, dated February 19th and 20th, 1938, from M. Nazih Moayad El Azm and M. Assaad El Bakri, Damascus, transmitted on October 25th, 1938, by the French Government with its observations (document C.P.M.2097).
(Rapporteur : M. Palacios.)
- (j) Petition, dated May 4th, 1938, from M. Kamel Binni, Journalist, Damascus, transmitted on October 25th, 1938, by the French Government with its observations (document C.P.M.2089).
(Rapporteur : M. Palacios.)
- (k) Petitions (1) dated December 15th, 1937, from the Rev. John D. Crose, representative in Lebanon of the Church of God, Beirut ; and (2) undated, from certain inhabitants of Sebeil, Lebanon, transmitted on August 24th and October 20th, 1938, by the French Government with its observations (document C.P.M.2099).
(Rapporteur : Count de Penha Garcia.)

3. Cameroons under French Mandate.

Petition, dated May 9th, 1938, from M. Mandessi Bell, President of the "Union Camerounaise", Paris, transmitted on July 27th, 1938, by the French Government with its observations (document C.P.M.2088).

(Rapporteur : M. Rappard.)

ANNEX 3

C.P.M.2106(1).

SYRIA AND LEBANON

PETITIONS (FOUR IN NUMBER) RELATING TO THE QUESTION OF SYRIAN UNITY AND CONCERNING THE STATUS OF THE REGION OF LATAKIA

REPORT BY M. RAPPARD

These four petitions are all signed by the President and members of the Representative Council of Latakia, three being in the form of telegrams and one in the form of a letter. They were sent between June and October 1936 and were transmitted by the French Government, with its observations, during the thirty-third session of the Commission.¹

¹ See Minutes of the Thirty-third Session of the Commission, page 150.

The petitioners protest against the incorporation of the Government of Latakia in Syria ; they urge that this territory should be completely separated from Syria and should either be granted full independence within the framework of the French mandate or, if that is impossible, be united with Lebanon.

The mandatory Power states that it has nothing to add to the observations submitted in the letter accompanying similar petitions transmitted to the twenty-ninth session of the Commission¹ or to those made at the time by its accredited representative before the Commission.

It is clear from these petitions that the incorporation of the Government of Latakia in Syria is very strongly opposed by large sections of the local population. On being questioned on the matter, the accredited representative of the mandatory Power admitted that such incorporation was hardly in conformity with the wishes of the Alawite, Christian and Ismailieh elements in the territory. It is, moreover, difficult for the Mandates Commission to recommend to the Council a territorial policy which is the very reverse of that followed by the Syrian Government, with the support of the majority of its Parliament, and tolerated, if not actually recommended, by the mandatory Power. All we can do, it appears, is to inform the Council of the existing opposition in the Government of Latakia to this policy and to express the hope that the legitimate interests of the compact minority which is opposed to this policy will be effectively safeguarded. We might perhaps add that, in our view, the emancipation of Syria should be made conditional on the provision of such safeguards.

I have therefore the honour to propose to my colleagues the adoption of the following conclusions :

“ The Commission,

“ Having examined the petitions, four in number, relating to the question of Syrian unity and concerning the status of the region of Latakia, together with the French Government's observations thereon, and having heard the statements of the mandatory Power's representative on this subject ;

“ Referring to the passages relating to the status of the region of Latakia in its general observations on Syria and Lebanon :

“ Considers that no other special recommendations need be made to the Council regarding these petitions.”

C.P.M.2063(2).

ANNEX 4

SYRIA AND LEBANON

PETITIONS (ELEVEN IN NUMBER) REGARDING OCCURRENCES IN THE SANJAK OF ALEXANDRETTA IN NOVEMBER AND DECEMBER 1937 AND JANUARY 1938²

REPORT BY M^LL^E. DANNEVIG

I. The petitions, transmitted by the mandatory Power with its letter of May 31st, 1938, are sixteen in number.³

Of these, Nos. 1, 3, 4 and 5 protest against the new Statute of the Sanjak. Communication No. 2, on the other hand, conveys an expression of thanks for the proclamation of the new regime. The mandatory Power states that, in view of their subject-matter, these five petitions call for no observations on its part.

As the purpose of these petitions is to comment upon the new regime set up by the Council in a part of the mandated territory, in virtue of a decision carrying the same authority as the mandate itself, I consider—in accordance with the precedent established by the Commission at its thirty-third session⁴—that they must be regarded as inadmissible.

¹ See Minutes of the Twenty-ninth Session of the Commission, pages 103, 106, 110, 121 to 124, 172, 203, 204 and 218.

² See Minutes of the present session, page 185.

³ List of the petitions :

1. M. Serri Yassine and M. Fayçal Adra, Baniyas (December 1937).
2. M. Ibrahim Djarrah Oghlou, Alexandretta (November 29th, 1937).
3. M. Zeki El-Khatib, Damascus (November 29th, 1937).
4. M. Ahmed El-Fil, Massyaf (December 1st, 1937).
5. M. Fehoui El-Mahaëri, Damascus (November 28th, 1937).
6. M. Zeki Arsouzi, Antioch (November 28th, 1937).
7. Dr. Albert Beylouni, Antioch (undated).
8. M. Felmi el Mohari, Antioch (undated).
9. M. Sobhi Zakhour, Antioch (December 11th, 1937).
10. M. Abdul Hamid, Alexandretta (December 12th, 1937).
11. M. Ahmad Mukhtar, Deraa (December 14th, 1937).
12. M. Chaoudat Atassi, Homs (December 15th, 1937).
13. Me. Nazem El Kadri, Zahle (December 15th, 1937).
14. Me. Fehmi El-Mahaëri, Damascus (December 22nd, 1937).
15. M. Sobhi Zakhour, Antioch (December 25th, 1937).
16. M. Farès Barbour, and other signatories, district of El Kosseir (February 3rd, 1938).

⁴ See Minutes of the Thirty-third Session of the Commission, page 138.

Should my colleagues concur in this view, I would propose that, in accordance with its decision of October 28th, 1933,¹ the Commission should regard petitions Nos. 1 to 5 as inadmissible.

II. Nos. 6, 7 and 9 protest against the prohibition of the flying of the Syrian flag on official buildings in Alexandretta, which is said to be a violation of Arab feeling and contrary to official declarations made at Antioch and to the text of the Covenant of the League of Nations. The French Government, in its observations, explains that the prohibition of the flying of any flag other than the French, except on foreign consulates, was intended to avoid incidents among a population divided for several months by violent propaganda.

Nos. 8, 9, 10, 11, 12, 13, 14 and 15 all protest against the arrest of the Arab leader, M. Zeki Arsouzi, and his companions, which, it is said, was due to the desire to prevent the Arabs from voicing their grievances at the elections. In addition to this, Nos. 8, 9, 12 and 15 protest against the closing of the Arouba Club; Nos. 8, 10, 12 and 15, against the use of firearms against innocent Arabs; No. 12, against the suspension of a paper; and No. 14, against the authorisation given to the Turks to carry on propaganda in the Sanjak.

As regards these petitions, the French Government observes that the arrested Arab, Zeki Arsouzi, was the leader of the *Ligue d'Action Nationale*, formed by the most combative Arabs of the Sanjak. The police-station where he was under arrest was attacked by the crowd and the police had to make use of their arms, killing one man and wounding three others. M. Arsouzi was placed in supervised residence at Kessab, an Armenian centre, and several of his followers at other places, and they were again liberated on December 28th.

The decision taken is stated to have been unavoidable, and the impartiality of the administration to be proved by the violent accusations made against it by the other side.

No. 16 protests against the failure of Government officials to take action against a party of men led by a certain Mustapha S. H. Issa, which had attacked village notables in full daylight and caused disorder and sedition among the population, firing at peaceful citizens who were afterwards arrested and thrown into prison. The petitioner demands the release of these victims as well as a thorough enquiry into the whole affair.

The French Government observes, as regards this petition, that the petitioners are mostly Arabs, but that it is also signed by some Turks. The propaganda carried on by the alleged leader was opposed to that of the Turks, and he was therefore considered as an enemy of a party called "*La Maison du Peuple*". Investigations, it is asserted, have proved that the accusations against him have no foundation. Moreover, of the twenty-one signatures to the petition, fourteen are written in the same handwriting, and are thus not genuine.

In view of the changes which have taken place in the position in the Sanjak since the despatch of these petitions, I can only conclude that no useful purpose would be served by making the facts reported the subject of a special recommendation to the Council.

If my colleagues share this view, I beg to propose the following conclusion:

"The Commission,

"Having examined eleven petitions concerning occurrences in the Sanjak of Alexandretta in November and December 1937 and January 1938, together with the mandatory Power's observations thereon:

"Considers that no special recommendation to the Council is called for in regard to these petitions."

C.P.M.2111(I).

ANNEX 5

SYRIA AND LEBANON

PETITIONS, DATED NOVEMBER 9TH, 13TH AND 16TH, 1937, AND JANUARY 4TH, 1938, FROM CHAKER NIMET BEY EL CHAABANI, BEIRUT

REPORT BY COUNT DE PENHA GARCIA

In November 1937 and January 1938, a former Minister of Finance of the Syrian Republic addressed a series of four petitions to the High Commissioner of the French Republic in Beirut for transmission to the League of Nations; he complains of acts of violence against the newspaper *Al-Ahali*, of which he is the owner, and its responsible editor, Hussein-effendi Chaabani. In 1937, the paper, which its owner styles "organ of the Aleppo moderates", was suspended for six months. When again authorised to appear, it published an issue which led the Syrian Government to institute proceedings against the responsible editor, who, on November 7th, 1937, was sentenced by the Aleppo Correctional Court to imprisonment for four months, together with a fine of 400 francs.

¹ See Minutes of the Twenty-fourth Session of the Commission, page 69.

The complaints of Chaker Nimet bey El Chaabani, former Minister of Finance and Deputy for Aleppo, concern the following points :

- (1) An attempt on the life of the editor of his paper, *Al-Ahali*, in June 1937 ;
- (2) A second attempt in August of the same year ;

The two attempts resulted in serious injury to the editor's head, chest and left hand.

- (3) Of his arrest on two occasions, in September and November 1937, involving unwarranted imprisonment for three months pending trial in the cells used for common criminals ;

- (4) Of four prosecutions instituted by the Government against the editor of the paper in 1937, as the result of which he was sentenced to terms of imprisonment of four and three months respectively, together with a heavy fine ;

- (5) Of the suspension of the paper by administrative decree on two separate occasions in 1937, covering in all a period of eight months.

The petitioner further complains of the application of the provisions of Order No. 4, of February 12th, 1932, to Press offences, which are governed by a special law. The President of the Aleppo Correctional Court was of opinion that it was the Press Law that should be applied and not Order No. 4, but the other two judges took the contrary view.

The petitioner adds that the editor of his paper was imprisoned before judgment was pronounced, and was placed in a cell with common criminals. Although he appealed from the judgment of the Correctional Court, he was kept in prison for some time.

The petitioner lastly complains that on January 1st, 1938, the responsible editor of his paper, M. Hussein Chaabani, was the victim of a further attack, which was carried out in the middle of the town, in the presence of police officers, whose names he gives. After this attack, the paper was suspended *sine die*.

In its observations, the mandatory Power confines itself to the statement that, in response to an enquiry regarding the suspension of the paper and the conviction of its managing director, the Syrian Government justified the administrative action taken and the proceedings instituted at the instance of the Mohafez of Aleppo on the ground that *the newspaper Al-Ahali had published material likely to disturb public opinion and public order*.

The Permanent Mandates Commission considered this petition at its thirty-fourth session¹ and heard the mandatory Power's representative on the subject. The ensuing discussion reflected the general impression that the Governments of the States under mandate were much more autocratic in Press matters than the representatives of the mandate had ever been. It was also found that those Governments appeared to make unwarrantable use of the High Commissioner's Order regarding the maintenance of public order. To assist it in forming an opinion on the merits of the petition, the Commission decided to ask for the text of the article complained of, which, according to the Syrian Government, had disturbed public opinion and public order.

The article is annexed to the present report.

Its terms are so free from violence that the reader is at a loss to understand how it could disturb public order. The veritable persecution and the acts of violence of which the editor of the paper has been a victim can only be ascribed to extreme political animosity.

It is clear that, both in Syria and in Lebanon, excessive use has been made of administrative action against the Press, as is obvious from pages 6, 7, and 9 of the report for 1937 on the position in Syria and Lebanon. It is very noticeable that, while newspapers were never suspended by the High Commissioner for more than a short time, the suspensions ordered by the Syrian and Lebanese Governments have been much more frequent and always of much longer duration.

The number of papers suspended makes it impossible to avoid the impression that in Syria and Lebanon the freedom of the Press is highly precarious.

As regards Chaker Nimet bey's petition, the Commission might refer to the remarks regarding the freedom of the Press included in the general observations on Syria and Lebanon.

I therefore propose the following conclusion :

" The Commission,

" Having examined the petitions, dated November 9th, 13th and 16th, 1937, and January 4th, 1938, from Chaker Nimet Bey El Chaabani, Beirut, and the mandatory Power's observations thereon ;

" While referring to the passages in its general observations on Syria and Lebanon regarding the freedom of the Press :

" Considers that no particular action need be proposed to the Council regarding these petitions."

* * *

Appendix.

EXTRACT FROM THE " AL-AHALI " NEWSPAPER OF DECEMBER 29TH, 1937

In its leading article of December 29th, the *Al-Ahali* published Chaker Nimet's comments on Djemil Mardam's visit to Paris.

" It is betraying no secret to say that Djemil Mardam has brought back new annexes to the Francos Syrian Treaty, in the form of letters exchanged with the Ministry for Foreign Affairs, in which he ha-

¹ See Minutes of the Thirty-fourth Session of the Commission, page 104.

accepted certain points put to him by the Paris Government and subsequently by the Ankara Government. It was, however, agreed that the two contracting parties would not publish these annexes until the Prime Minister was back in Damascus and had induced Ministers and deputies to approve them.

" It is no exaggeration to say that the approval of these letters by the Syrian Chamber is a condition of the ratification of the treaty by the French Parliament. That is why the Ministry for Foreign Affairs has intimated that it will lay the treaty before the French Chamber in February : by that time, the Syrian Government will have made known its decision either to adopt or to reject the agreement reached in Paris and subsequently at Ankara. Briefly, the matters dealt with in the letters are as follows :

- " (1) Safeguards for the rights of racial and religious minorities, with recognition of France's rights to protect them ;
- " (2) Matters of personal status ;
- " (3) The Administrative Statute of the State of Syria ;
- " (4) Commercial, economic and financial questions ;
- " (5) The security of the country, which is to be guaranteed by the French Army.

" These are the five points dealt with in the Paris Agreement. The Ankara Agreement relates to the present position in the Sanjak, the recognition of the *fait accompli*, the application of the Geneva Convention in the Sanjak, and the signature of a tripartite treaty between France, Turkey and Syria on the bases already agreed upon by Djemil Mardam, Rüstü Aras and M. Ponsot. Were it not for our fear of incurring the wrath of those who have it in their power to bring the criminal law into play, we should not have hesitated to publish certain clauses of these agreements and letters . . .

" Will the Government succeed in inducing the Chamber to ratify these new annexes ? This is the question on every lip.

" It is maintained in certain quarters that many Nationalist and other deputies will refuse to recognise what has been agreed upon in Paris. Others suggest that a section of the Chamber will give temporary support to Djemil Mardam until the treaty has been ratified by the French Parliament, but will reverse its attitude as soon as the opposition to the Government becomes really strong. This will undoubtedly happen when Dr. Chahbandar returns to Syria, particularly if the clauses of the new annexes modify the treaty and compromise the sovereignty and unity of the country.

" It is well known that the leader, Chahbandar, refused Djemil Mardam's invitation in Paris, and that there was not a single meeting between the two leaders during their stay in the French capital, so that Dr. Chahbandar was obviously dissatisfied with the new undertakings entered into by Djemil Mardam on behalf of the Syrian Government. Add to that the decisions of the Congress of Mujahiddins at Akraha a few weeks ago, and there will be little room for doubt as to the gravity of the situation and the strength of the opposition with which the Government will meet, but which the Chamber will escape. When the new annexes are published, it is probable that the situation will grow even more serious, and that the Government will be obliged to resign."

ANNEX 6

C.P.M.2114(1).

SYRIA AND LEBANON

PETITION, DATED NOVEMBER 22ND, 1937, FROM M. IBRAHIM AHDAB AND OTHER SIGNATORIES, BEIRUT

REPORT BY M. PALACIOS

The petitioners, fifteen Moslem inhabitants of Beirut, protest "in the most energetic manner against the odious and savage attack ordered by the Government upon the lives of peaceful young members of the 'phalanges', women and children", and against the fact that French troops are supporting a Government established by force.

The petition refers to the breaking-up of the demonstration held on November 21st, 1937, by the "phalanges", which, the mandatory Power states, "are recruited almost exclusively from amongst the Lebanese Christians".

The mandatory Power confines itself, in its observations, to remarking that the signatories of the petition are Moslems, as was the head of the Government at that time, and attributes largely to their hostility to him (although a fellow-Moslem) this intervention by Moslems in favour of Catholics.

As it has not been proved that there was any abuse of authority in this case, I propose to the Commission the adoption of the following conclusion :

" The Commission,

" Having examined the petition, dated November 22nd, 1937, from M. Ibrahim Ahdab and other signatories, Beirut, as well as the observations of the mandatory Power thereon :

" Considers that there is no need to bring this petition to the notice of the Council."

ANNEX 7

SYRIA AND LEBANON

PETITION, UNDATED, FROM M. HENRI JABBOUR AND OTHER SIGNATORIES,
INHABITANTS OF VILLAGES IN THE JEBEIL DISTRICT

REPORT BY M. PALACIOS

These citizens protest against the speeches made by Mgr. Moubarak, the Maronite Archbishop of Beirut, who, they say, eulogised the Fascist régime and attacked democracy and the French Popular Front. The petition has also been transmitted to the "Comité Directeur" of this latter organisation. The signatories support the alliance and the friendship between France and Lebanon.

The mandatory Power explains that, with his usual fiery eloquence, the prelate made a vigorous attack on Communism, a Communist newspaper retorted, and it was this polemic that gave rise to the petition.

In these circumstances, I propose the adoption of the following conclusion :

" The Commission,

" Having examined the petition, undated, from M. Henri Jabbour and other signatories, inhabitants of villages in the Jebel district, together with the mandatory Power's observations :

" Considers that there is no need to bring this petition to the notice of the Council."

C.P.M.2105(1).

ANNEX 8

SYRIA AND LEBANON

PETITIONS, DATED DECEMBER 4TH AND 5TH, 1937, FROM M. CHARLES ASFAR,
DAMASCUS, AND M. KHALED SEBAHI, HOMS

REPORT BY M. RAPPARD

The petitioners, one of whom states that he is chairman of a creditors' committee at Damascus, and the other chairman of a creditors' committee at Homs and Beirut, complain, by telegrams dated December 4th and 5th, 1937, of the Syrian legislation instituting a moratorium in favour of debtors whose debts were contracted in terms of gold.

The French Government, in its observations forwarded on June 7th, 1938, explains the circumstances in which the Syrian Government, like the Lebanese Government before it, took action to protect debtors from the consequences of the recent currency devaluation.

The mandatory Power acknowledges the drawbacks attaching to those measures, but explains the grounds on which they were taken and asserts that they have not "led to the catastrophes predicted by the petitioners".

Inasmuch as in every country, even those in which the sanctity of contracts is held in the highest respect, legislative or administrative measures or judicial decisions have been taken to protect debtors who had contracted liabilities in gold from the consequences—often disastrous to them—of a currency devaluation, I do not see how the mandated territory can be criticised for having acted on the same lines. Even if, contrary to the opinion expressed by the mandatory Power, the measures taken should be thought inexpedient, it would seem difficult, if not impossible, to find in them any breach of any of the provisions of the mandate. In these circumstances, I think it neither desirable nor even possible to suggest any recommendation to the Council on the subject.

If my colleagues agree with this view, they might convey this fact by adopting some such conclusion as the following :

" The Commission,

" Having noted the petitions, dated December 4th and 5th, 1937, from M. Charles Asfar, Damascus, and M. Khaled Sebahi, Homs, together with the mandatory Power's observations thereon ;

" Being of opinion that the Syrian legislation instituting a moratorium in favour of debtors who contracted liabilities in gold before the devaluation of the currency cannot be regarded as contrary to public order :

" Considers that the aforesaid petitions do not call for any action."

ANNEX 9

SYRIA AND LEBANON

PETITIONS (TEN IN NUMBER) CONCERNING THE SUSPENSION OF THE
LEBANESE NEWSPAPER "SAOUT EL CHAAB"

REPORT BY COUNT DE PENHA GARCIA

Ten petitions on the same subject were despatched from Beirut, Homs, Damascus and Jiita to the High Commissioner in the French mandated territories of Syria and Lebanon in November 1937. The purpose of all these petitions was the same—to protest against the suspension of the newspaper *Saout El Chaab* by the Lebanese Government. The mandatory Power, in its letter of June 7th, 1938, explained that the newspaper in question is the recently founded organ of the Communist party in Lebanon, and that it had published a violent article on the elections. The publication of the paper has, however, since been re-authorized. That being so, I propose to the Commission the adoption of the following conclusion :

" The Commission,

" Having examined ten petitions dealing with the suspension of the Lebanese newspaper *Saout El Chaab*, and the mandatory Power's observations thereon :

" Is of opinion that these petitions do not call for any recommendation to the Council."

C.P.M.2104(1).

ANNEX 10

SYRIA AND LEBANON

PETITIONS (FIVE IN NUMBER) FROM INHABITANTS OF THE JEZIREH

REPORT BY M. VAN ASBECK

These five petitions, two of which are absolutely identical, allege that the Syrian Government is incapable of satisfying the aspirations of the Jezireh, and demand the establishment of a direct French Government in that region—that is to say, a special regime under which, at all events for the time being, the Jezireh would be detached from Syria as soon as French control over the latter comes to an end.

The mandatory Government refers to the verbal and written explanations given on several occasions with regard to the state of unrest prevailing in the region in question.

In the course of the recent discussion between the Mandates Commission and the accredited representative of France concerning the report on Syria and Lebanon for 1937, the affairs of the Jezireh twice gave rise to an exchange of views. As regards the precise object of the petition—*i.e.*, the establishment of a special *French* regime in the Jezireh immediately on the termination of the mandate, this demand appears to be outside the range of practical politics, at all events as far as can be seen at present. The maintenance of a direct French regime for the Jezireh alone, which would thus be detached from Syria, would constitute a dismemberment of Syria involving the whole question of Syrian independence.

The exchange of views on the future status of the Jezireh was therefore confined to the question of what status, within the framework of the Syrian State, would best meet the requirements of the actual situation in the Jezireh.

There are two possible alternatives : either the Jezireh might be given the status of an ordinary mohafazat on the basis of the 1936 Decree on mohafazats ; or it might be raised to the status of an autonomous mohafazat, like the territory of the Alawites or of the Jebel Druse.

The first solution might be expected to give satisfaction to the people of the Jezireh up to a certain point, as the mohafazat regime provides for a large measure of political decentralisation. It is unfortunate that this decree on mohafazats has so far been applied only to a very limited extent—as was admitted in the 1937 report and by the accredited representative—because such status might be the beginning of an independent and peaceful existence for the minorities. The accredited representative has on several occasions stressed the interest taken by the mandatory Government in this reform, and has even stated that the application of the law on mohafazats to the Upper Jezireh might possibly be made an essential condition for the ratification of the Treaty of Alliance—a declaration which is as noteworthy as it is satisfactory. A region such as the Jezireh, whose population is extremely mixed and many of whose inhabitants differ markedly from the majority of the people of Syria, can hardly

live and breathe unless the minority groups are enabled to deal with their own affairs and make their voices heard in the administration of the country by the legal means of political decentralisation.

These considerations lead us naturally to the second alternative referred to above—the assimilation of the Jezireh to the other two mohafazats having a special regime. In view of the wider measure of autonomy enjoyed by those two regions as compared with the ordinary mohafazats (in particular, separate budget and greater influence over the appointment of administrative officials), the question arises whether a region such as the Jezireh is not justified in claiming the same status. For the present, the intense attachment of the Syrian leaders to the principle of unity appears to preclude any extension of the autonomous status referred to above; nevertheless, when the time comes, this appeal from various sections of the population of the Jezireh will have to be borne in mind.

So long as the question of the regime to be granted to the minorities in Syria constitutes one of the main points in the supplementary conversations carried on between the Syrian Government and the mandatory Power, no definite conclusion can be reached about the future status of the sorely tried inhabitants of the Jezireh; but petitions such as these are most helpful to our Commission in framing its policy.

If my colleagues agree with this view, they will, I hope, be willing to adopt the following conclusion :

“ The Commission,

“ Having examined the five petitions from inhabitants of the Jezireh, as well as the observations of the French Government ;

“ And having heard the additional explanations furnished by the accredited representative of the mandatory Power,¹ from which it appears that the protective regime to be accorded to minorities is one of the subjects of the conversations now in progress :

“ Is of opinion that, for the time being, it is unnecessary to make any other recommendation to the Council on the status of the Jezireh than those embodied in its general observations on Syria and Lebanon.”

C.P.M.2115(1).

ANNEX II

SYRIA AND LEBANON

PETITIONS, DATED FEBRUARY 19TH AND 20TH, 1938, FROM M. NAZIH MOAYAD
EL AZM AND M. ASSAAD EL BAKRI, DAMASCUS

REPORT BY M. PALACIOS

These two petitions are signed, one by the chairman of an opposition meeting held at Akaba, and the other by a person calling himself the representative of the opposition Liberals. The petitioners protest against the repressive measures taken at the beginning of 1938 by the Syrian Government against certain opposition elements. They denounce the violation of individual liberty through the prohibition of meetings, the suspension of newspapers and the imprisonment of citizens of outstanding honesty and patriotism. The first of these petitions says that the authorities went “ so far as to torture innocent persons at police headquarters in a manner surpassing even the barbarity of the Middle Ages ”.

In its observations, the mandatory Power states that these documents “ refer to the arrest of several leaders of the opposition, who had organised an illegal meeting, made seditious speeches and arranged for the distribution of a leaflet containing certain phrases which were an incitement to insurrection ”. It adds that “ it is wholly untrue that tortures were inflicted upon the arrested persons ”.

In view of this, I propose that the Commission adopts the following conclusion :

“ The Commission,

“ Having examined the petitions, dated February 19th and 20th, 1938, from M. Nazih Moayad El Azm and M. Assaad El Bakri, Damascus, as well as the observations of the mandatory Power :

“ Considers that they do not call for any recommendation to the Council.”

¹ See Minutes of the present session, page 70.

ANNEX 12

SYRIA AND LEBANON

PETITION, DATED MAY 4TH, 1938, FROM M. KAMEL BINNI, JOURNALIST,
DAMASCUS

REPORT BY M. PALACIOS

The petition consists of a telegram from a journalist who considers his personal liberty endangered by a plot organised by the Nationalist *bloc*. He says he was struck (doubtless during a scuffle), and alleges that the police are encouraging the culprits. He asks that an end be put to anarchy and the violation of sacred liberties.

As the result of its enquiry, the mandatory Power states that the incident was, in fact, due to an altercation between the petitioner and another person, and had no political character.

I do not think, therefore, that we need go more closely into this matter, and that it calls for any special recommendation in the report to the Council.

I consequently propose the adoption of the following conclusion :

“ The Commission,

“ Having examined the petition, dated May 4th, 1938, from M. Kamel Binni, journalist, Damascus, together with the mandatory Power's observations :

“ Is of opinion that this petition does not call for any special action.”

C.P.M.2120(I).

ANNEX 13

SYRIA AND LEBANON

PETITIONS, (1) DATED DECEMBER 15TH, 1937, FROM THE REV. JOHN D. CROSE,
REPRESENTATIVE IN LEBANON OF THE CHURCH OF GOD, BEIRUT, AND
(2) UNDATED, FROM CERTAIN INHABITANTS OF SEBEIL, LEBANON

REPORT BY COUNT DE PENHA GARCIA

The petition from the Rev. J. D. Crose, dated December 15th, 1937, relates to a series of facts which he alleges to be contrary to Articles 6, 8, 9, 10 and 11 of the text of the mandate for Syria and Lebanon.

The allegation is that obstacles were put in the way of the work of evangelisation of an American missionary, the Rev. John D. Crose, “ Official Representative and Regional Secretary of the Missionary Committee of the Church of God, Administrator of the Wakf of the Church of God in Lebanon, and a responsible agent authorised to sign any documents required in the case of believers who wish to alter the religious status shown on their identity cards to that of ‘ non-confessional Christian ’, as is attested by a permit, No. 160, granted by the Lebanese Republic ”.

The Rev. J. D. Crose complains in particular of difficulties put in his way by the authorities in connection with his mission in the village of Sebeil. The school he had founded there was closed by the authorities, who asked that those of the inhabitants who had joined his creed should first have their identity cards altered.

Efforts made to secure this administrative adjustment met with so many obstacles that they proved fruitless. The Rev. J. D. Crose also complains that the Maronite Church intervened in opposition to his own work of evangelisation.

A number of documents attached to the petition appear to confirm the administrative obstacles placed in the way of the petitioner's work. The mandatory Power investigated the matter, and, in a letter, dated August 24th, 1938, explains that the complaint relates to a quarrel between a particular village and the Maronite Archbishop of Tripoli rather than to obstacles to the exercise of freedom of conscience and liberty to pursue missionary activity. The mandatory Power admits that the Lebanese Administration resorted to delaying tactics, fearing to restrict Maronite religious authority too drastically, and even more to take any decision which might lead to disturbances in Northern Lebanon.

The only object of the attitude adopted by the authorities was, however, to eliminate the risk of violent disturbances. The Rev. J. D. Crose's right to pursue his missionary work was never contested.

The dispute at Sebeil appears to have been settled through the intervention of the Holy See, whose authority is acknowledged by the Maronite community. The dissident group in that village was removed from the jurisdiction of the prelate complained against, but remained on the registers of the Maronite community.

The above considerations relating to the Rev. Crose's petition are also applicable to the petition from the inhabitants of Sebeil, the subject-matter of which is the same.

In the circumstances, I propose that the Commission should adopt the following conclusion :

“ The Commission,

“ Having examined the petition, dated December 15th, 1937, from the Rev. John Crose, the undated petition from a number of inhabitants of Sebeil in Lebanon, and the mandatory Power's observations thereon ;

“ While regretting the delaying tactics adopted, in spite of the mandatory Power's disapproval, by the Lebanese authorities on the grounds that such a policy was necessary in the interest of public order :

“ Is of opinion that these petitions do not call for any special recommendation to the Council.”

ANNEX 14

I. REPORT TO THE COUNCIL ON THE WORK OF THE COMMISSION

The Permanent Mandates Commission met at Geneva from October 24th to November 8th, 1938, for its thirty-fifth session, and held twenty-four meetings, part of the first of which was public.

The annual reports were considered in the order indicated below and—with the exception of the Japanese Government's report—with the co-operation of the representatives of the mandatory Powers.

Togoland under British Mandate, 1937.

Accredited Representative :

Captain C. C. LILLEY, O.B.E., District Commissioner, Gold Coast.

Ruanda-Urundi, 1937.

Accredited Representative :

M. HALEWYCK DE HEUSCH, Permanent Recruitment Secretary, former Director-General in the Belgian Colonial Ministry.

Syria and Lebanon, 1937.

Accredited Representative :

M. R. DE CAIX, former Secretary-General of the High Commissariat of the French Republic in Syria and Lebanon.

Cameroons under French Mandate, 1937.

Accredited Representative :

M. M. BESSON, Director of the “ Agence économique de l'Afrique Occidentale française ”, Paris.

Cameroons under British Mandate, 1937.

Accredited Representative :

Mr. O. W. FIRTH, Senior Resident, Nigeria.

Western Samoa, 1937/38.

Accredited Representative :

Mr. R. M. CAMPBELL, M.A., LL.B., Ph.D., New Zealand Government's Economic Adviser in London.

Islands under Japanese Mandate, 1937.

By a letter of August 22nd, 1938, the Japanese Government accredited M. Usami, Acting Director of the Japanese Bureau for International Conferences, Geneva, for the purpose of the examination of the 1937 report. By a further communication of November 2nd, 1938, the Japanese Government announced that, having decided to discontinue its co-operation with the organs of the League of Nations, it had withdrawn the powers entrusted to M. Usami.

A. OBSERVATIONS ON THE ADMINISTRATION OF CERTAIN TERRITORIES UNDER MANDATE

The following observations, which the Commission has the honour to submit to the Council, were adopted after consideration of the situation in each territory in the presence of the accredited representative of the mandatory Power concerned—except the Japanese Government's representative. 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

TERRITORY UNDER "A" MANDATE

Syria and Lebanon.

GENERAL OBSERVATIONS

Although the treaties between France and Syria and France and Lebanon of 1936 are still awaiting ratification by the French Government, certain of their provisions, as the Commission noted last year, have in fact already been applied since January 1st, 1937. The mandatory Power desired thus to give the States under mandate an opportunity of demonstrating their fitness for self-government.

In the meanwhile, the text of the Franco-Syrian Treaty has been the subject of further negotiations, which are still in progress. According to the statements made to the Commission by the accredited representative of France, the adjustments for which the mandatory Power has requested the Syrian Government's consent—

“ refer to the guarantees concerning freedom of conscience designed to ensure that the relevant articles in the Syrian Constitution will be fully effective, to the personal status of minority communities, and to the guarantees for the application of the system of decentralisation provided for in a text of 1936, of which the Mandates Commission was informed at the time, and which would lead to the introduction of reforms having amongst other advantages that of allaying the uneasiness apparent more especially in the Jezireh. The object of the negotiations is the application of the principles laid down in the letters exchanged on December 11th, 1937, between the Syrian Premier and the French Under-Secretary of State for Foreign Affairs.²

“ Lastly, a further object of the negotiations is to determine the scope of the duties which, under the treaty regime, will have to be performed by French officials, and to consider certain changes which may be desirable in the military arrangements for which the treaty provides.

“ It is hoped that the negotiations on these various points will be successful, whatever difficulties are encountered.”

* * *

As regards the Sanjak of Alexandretta, the Commission took note of the following declaration of the accredited representative of the mandatory Power :

“ The Alexandretta problem, the latest development of which could not be reviewed in the 1937 report—drawn up in the spring of 1938—has been dominated by far-reaching necessities and considerations of an international character. There have been developments in this connection which have changed the whole aspect of the question. The circumstances and consequences of those developments are still a matter for the Council of the League of Nations.”

Such being the case, the Commission has thought proper to postpone until a later date its examination of the administration of that part of the territory after November 29th, 1937, which was the date fixed for the entry into force of the Council's decisions of May 29th, 1937.

* * *

The Commission has endeavoured to form an opinion of the progress made by Syria and Lebanon, now that the major part of the period of three years initiated on January 1st, 1937, has elapsed.

Diminution of Control by the Mandatory Power: Extent of Syrian and Lebanese Self-government.

The Commission has first endeavoured to ascertain the degree of autonomy now enjoyed by the Syrian and Lebanese authorities.

The mandatory Power has relaxed its control in so far as it deemed it desirable to enable Syria and Lebanon to progress towards independence, more particularly by effecting the transfer of certain powers during the three-year period.

¹ The page numbers following each observation are those of the Minutes of the session.

² The texts of the letters exchanged are reproduced as annex to the annual report on Syria and Lebanon for 1937, pages 215-217.

Thus, the "right of visa" formerly exercised by the French advisers attached to the Syrian and Lebanese authorities has been abolished. Although, legally, the mandatory Power can still veto measures decided upon by the Syrian and Lebanese Governments, in practice it no longer exercises that right. The mandatory Power retains control, however, of important services—namely, the *Sûreté générale* (Criminal Investigation Department), the direction of foreign affairs, and the command of the military forces. The accredited representative further stated that the mandatory Power's supervision over Syrian and Lebanese finance has so far not been appreciably relaxed.

The number of French officials in the service of the Syrian and Lebanese Governments is, moreover, being gradually reduced.

*Centralisation and Decentralisation:
Local Self-government.*

Article 1, paragraph 3, of the mandate provides that :

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

The Commission has accordingly given special attention to the problems raised by the policy of centralisation and the imperious tendencies of the Syrian Government, as also to the opposition which such tendencies encounter in several parts of the country.

The mandatory Power has endeavoured to fulfil the terms of the mandate by applying two different methods: first the creation throughout Syria, in 1936, of mohafazats with elected representative councils; ¹ and, secondly, the grant, in the same year, to the Jebel Druse and the Latakia territory, on the occasion of their incorporation in the Syrian State, of a wider measure of autonomy than that enjoyed by the ordinary type of mohafazat.²

The Commission was keenly interested to learn of the importance attached by the mandatory Power to the system of mohafazats based on the principle of decentralisation. In the Commission's opinion, that system can contribute effectively to the solution, at least in part, of the problem of scattered minorities by allowing the latter to share in the administration of their provinces and by fostering understanding between the various sections of the population.

The Commission therefore hopes that the next report will contain full information on the application of the system of decentralised mohafazats.

The special status long enjoyed by the Governments of Latakia and the Jebel Druse ceased to exist upon the incorporation of those provinces in the Syrian Republic at the beginning of 1937. Although they continue to enjoy a certain degree of autonomy in administrative and financial matters, the change in their status was not brought about without serious difficulty. It encountered very lively opposition on the part of important elements of the population forming compact minorities (Alawites and Druses respectively).

As regards, more particularly, the *Latakia* territory, certain petitions, together with the particulars furnished by the mandatory Power, enabled the Commission to realise the extent of the opposition aroused by the restrictions placed upon self-government in that region. The Commission wondered whether the regime in force had not been applied with an excessive desire for centralisation, and whether, on the contrary, the powers granted to the local administrative council might not usefully be extended.

In the case of the *Upper Jezireh*, which is inhabited by scattered minority groups, the new political situation and the various measures taken by the Syrian Government led to reactions evinced by a series of incidents which have already been brought to the attention of the Council.³ In the words of the annual report [*Translation*]: "A further sustained political effort will be necessary to transform the persistent friction between a section of the inhabitants of the Jezireh and the Damascus authorities into mutual understanding."

The Commission gained the impression that the aspirations of the people of the Upper Jezireh might perhaps be reconciled with the requirements of the situation, either through a liberal application of the decentralised system of mohafazats instituted in 1936 or through the introduction in the Jezireh of a more liberal system, such as that which it would appear to be desirable to set up in the Jebel Druse and the Latakia territory.

Doubts may be entertained as to the future of a policy which may prove contrary to the wishes of the minorities in these regions. While drawing attention to the danger involved in setting up an over centralised system, the Commission has not overlooked the perils which would result from a lack of authority in the central power. Its reason for stressing the former danger is that the tendencies revealed by the Syrian Government seem altogether to eliminate the latter perils.

¹ Order No. 5 L.R. of the High Commissioner, dated January 10th, 1936.

² Order No. 265 L.R. of the High Commissioner, dated December 2nd, 1936, promulgating the Organic Regulations of the territory of the Jebel Druse, and Order No. 274 L.R. of the High Commissioner, dated December 5th, 1936, promulgating the Organic Regulations of the Alawite territory.

³ See Report of the Permanent Mandates Commission to the Council on the work of its Thirty-third Session — Document C.551.M.388.1937.VI., page 175.

Freedom of Conscience.

The Commission notes that the legal position of the religious communities in Syria and Lebanon is not yet clearly defined. It hopes that steps will be taken without delay to give full effect to the legislative provisions in force in this matter, and that the personal status of the members of the communities will be defined and properly safeguarded as regards their rights and interests.

The Commission has again given its attention to a practical aspect of the problem of freedom of conscience—namely, the question of the recognition of religious conversions by the authorities. It noted that, in Lebanon, the various denominations were on a footing of equality in this respect. In Syria, on the other hand, it is still impossible for Moslems converted to any other religion—though not for converts to Islam—to give due legal effect to their change of religion by having it recorded in the civil status registers. The annual report states that the registration of conversions of Moslems, including Alawites, to Christianity in the Latakia territory have been suspended since that territory was attached to Syria. The attitude thus taken up by the Syrian authorities is not in accordance either with the letter or with the spirit of the provisions of Article 8 of the mandate, which guarantees the fullest freedom of conscience and prohibits any inequality of treatment on account of differences in religion. These provisions of the mandate are specified in certain articles of the Syrian Constitution, to which the Syrian Government has promised, by Exchange of Letters No. 5, annexed to the Franco-Syrian Treaty, to give full effect.

Freedom of Opinion and of the Press.

It appears from the particulars supplied in the annual report and by the accredited representative that both the Syrian and Lebanese Governments have taken very severe action against the opposition, which, in consequence, is no longer openly active.

Furthermore, the rigorous measures applied, sometimes quite arbitrarily, against the Press, and particularly the frequency with which newspapers have been suspended both in Syria and Lebanon, would seem to indicate that the freedom of the Press (guaranteed by the Syrian and Lebanese Constitutions) is only very limited.

Elections.

The elections held during the year were accompanied by certain regrettable proceedings on the part of the officials, and the resultant incidents only terminated when the opposing parties had agreed in advance on the results of the elections.

Judicial Organisation.

The Commission noted that, notwithstanding the progress made, the professional competence and moral prestige of the judiciary still left something to be desired; so much so, indeed, that a Syrian litigant who has the option to do so invariably asks for a French majority on the bench. The annual report also mentions that the Syrian Government has suspended the Judiciary Statute and given to the Minister of Justice such absolute powers as "to leave the judiciary without any guarantees and to imperil its independence".

The Commission feels bound to draw special attention to the importance of the existence of a judicial system affording all the guarantees necessary to ensure equal and regular justice to everyone without distinction.

Public Finance.

The financial position remains, in general, satisfactory. The mandatory Power continues, as has already been remarked above, to exercise strict supervision over the finances of both Syria and Lebanon.

Municipalities.

The new political situation has had appreciable repercussions on Syrian municipalities. The degree of discipline which the mandatory Power had succeeded in enjoining on them has been somewhat relaxed. The lessening of control has had regrettable effects on the efficiency of the various services and on budgetary equilibrium.

Customs: Joint Interests.

The Franco-Syrian and Franco-Lebanese Treaties provide that the Governments of the two States under mandate could either agree to retain certain joint administrations, particularly in Customs matters, or separately assume complete freedom of action. In 1937, the Syrian and Lebanese Governments agreed upon the principle of separate Customs administrations, while at the same time expressing the hope that the application of this principle would not cause prejudice to the close economic relations between the two countries. But the negotiations regarding the practical application of this principle were unsuccessful, and it would seem that the two countries have entered upon a rivalry closely verging on a tariff war.

SPECIAL OBSERVATIONS

1. *Public Finance.*

The Commission asks that in the next report the detailed technical information shall be completed by an analysis of the financial position and the comments of the mandatory authority (pages 104, 187).

2. *Education.*

The Commission has recorded with satisfaction the appreciable progress made in education. It notes, however, that the proportion of children receiving instruction in Syria is still relatively low, particularly in view of the fact that the Syrian Constitution provides for compulsory education (pages 106-108, 187).

3. *Population.*

The Commission hopes that information on demographic questions will be more clearly presented in the future (pages 108, 187).

TERRITORIES UNDER "B" MANDATE

Observation common to the Cameroons under British Mandate and the Cameroons under French Mandate

Frontiers.

The Commission has noted the information contained in the reports and the supplementary explanations given by the accredited representatives regarding the state of the work of demarcation of the frontier between the Cameroons under British mandate and the Cameroons under French mandate.

It would like to see in the next report particulars about the instructions given to the Demarcation Commission in respect of the safeguarding of the interests of the tribes inhabiting the frontier regions (pages 112, 135, 186).

Cameroons under British Mandate

1. *General Administration.*

The Commission noted with interest the details given in the report on the development of the system adopted in order to adjust native administration to the great variety of social organisations existing in the southern part of the territory (pages 137, 141, 186).

2. *Public Finance.*

The Commission was informed that, in some cases, the central native treasury was outside the mandated territory and that the amounts collected in the mandated territory were included in the revenue of native administration districts composed partly of mandated territory and partly of Nigerian territory. It would like to find in the next report an assurance that, in such cases, the amount retained by the central treasuries corresponds to the mandated territory's share in the central administration costs (pages 140, 141, 186).

3. *Social, Moral and Material Conditions of the Natives.*

The Commission, while appreciating the informatory chapter in the report on social conditions, would welcome further information as to the influence on the structure of the indigenous society of the large immigration of "stranger natives" (pages 138, 139, 145, 186).

4. *Education.*

The Commission was gratified to receive the full information supplied in the report. It was glad to note the improvement in education, particularly in the southern part of the territory, by close co-operation between the Government and the missions. It hopes that efforts may be intensified to develop educational facilities in the northern areas (pages 149-150, 186).

5. *Health.*

(a) The Commission was glad to see that it had been found possible to make a considerable increase in Government expenditure on the public health service, and noted with satisfaction the improvement in hospital arrangements and particularly the development of the system of "wayside clinics".

It would like to find fuller information in the next report as to the incidence of leprosy and sleeping sickness (pages 151, 186).

(b) The Commission hopes that the administration will secure the observance of the prescribed standards in the matter of health conditions on the plantations (pages 147-148, 186).

6. *Land Tenure.*

The Commission was informed that the problem of sales of land to "stranger natives" was under consideration, and took note of the accredited representative's statement that this matter will be fully dealt with in the next report (pages 139-140, 152, 186).

Cameroons under French Mandate

1. *General Administration.*

The Commission has been informed of the reform in the organisation of the *lamidats* in the northern region of the territory:—namely, the subdivision of these *lamidats* into *laouanats*, or chieftainships of the second degree. It fears that the establishment of direct relations between the administration and the chiefs of the *laouanats* may have the effect of undermining the authority of the *lamidos* and of thus weakening the cohesion of the tribes concerned and impeding their social development (pages 113-115, 186).

The Commission would further like to receive detailed information concerning the method of remunerating chiefs of *lamidats* and *laouanats* (pages 115, 186).

2. *Public Finance.*

The Commission is gratified to note the improvements already made in the form of the chapter of the annual report dealing with "Public Finance".

It hopes that the suggestions made during the examination of the report may help to improve still further the manner in which that chapter is presented (pages 118, 119, 186).

3. *Social Condition of the Natives.*

The Commission notes with interest the Order of March 25th, 1937, temporarily suspending the grant of any further agricultural concessions:

It hopes that it will be confirmed that this measure is evidence of the mandatory Power's intention to pursue a policy of protecting and developing the native peasantry (pages 111, 124, 186).

4. *Land Tenure.*

(a) The Commission has been informed by the accredited representative of the first results of the enquiry now being carried out by the mandatory Power in deference to the concern previously expressed by the Commission regarding the safeguarding of native property prescribed in Article 5 of the mandate. The Commission is glad to learn that, pending the final results of this enquiry, the mandatory Power recently reminded the administration of the necessity of administrative authorisation for the creation of mortgages, and the foreclosure of mortgages even when this is effected by judicial action (pages 130-132, 186).

(b) The Commission again expresses its desire to receive information concerning the regulations relating to "terres vacantes" and their allocation, and also concerning the character, limits, and method of establishment of reserves (pages 132, 186).

Ruanda-Urundi

1. *General Administration.*

(a) The Commission notes that, notwithstanding the adoption of the system of indirect rule, it was deemed advisable to continue to keep the traditional native authorities under close supervision and, in particular, to reserve to the European authority the administration of the native treasury, which is one of the characteristic features of the system.

It hopes that the evolution of the native mentality and the process of selection applied to the chiefs and sub-chiefs will make it possible to invest them gradually with the real authority required by their functions (pages 44, 50-53, 184).

(b) The Commission notes that, as a result of the educational system by which the ruling class of native society benefits, the great majority of the chiefs have now been converted to Christianity, whereas those under their administration are for the most part still pagans.

It will follow with interest the developments in the situation which are bound to ensue¹ (pages 65-66, 184).

2. *Economic Equality.*

The Commission has considered—from the point of view of its compatibility with the economic equality clause—the Decree of August 12th, 1937, concerning income-tax applicable to the mandated territory (page 243 of the annual report).

It proposes to devote further consideration to the subject next year, in the light of the additional information which the accredited representative of the mandatory Power has undertaken to supply (pages 45-48, 184).

3. *Public Finance.*

The Commission notes that the improvement in the financial position of the territory is continuing, and has made possible, a further large amortisation of the public debt (pages 41, 43, 58, 59, 184).

4. *Economic and Commercial Relations with the Belgian Congo.*

The Commission notes the development of economic and commercial relations between the mandated territory and the Belgian Congo, and the advantages accruing to Ruanda-Urundi from the fact that products of native agriculture have free access to the markets of the neighbouring colony, even though this may mean a slight loss of Customs revenue for the territory (pages 42, 43, 55, 56, 184).

5. *Commercial Activity of the Natives.*

The Commission would welcome information as to whether the administration contemplates taking such measures as will induce natives to take up trading on their own behalf (pages 61-62, 184).

6. *Social Life of the Natives.*

The Commission, struck by the progress and development in the social life of the natives under the mandatory regime, hopes that the mandatory Power will make it the subject of a comprehensive survey on the lines of the descriptive account contained in the report for 1925 (pages 63, 184).

Togoland under British Mandate

1. *Frontiers.*

The Commission notes with satisfaction that, as shown by the report and the explanations of the accredited representative, the line taken by the frontier between the two neighbouring territories under mandate has in no way interfered with the organic life of the Ewe population. This dispels a certain anxiety that had previously been felt on the subject (pages 16-18, 24-25, 133).

2. *General Administration.*

The Commission again noted the efforts made by the mandatory Power to promote the moral and political education of the native population, with a view to making an advance towards self-government; the policy pursued is to strengthen existing native organisations and to encourage the voluntary formation of new organisations which may, in the long run, stand by themselves.

It hopes to find information about the results of this policy in future annual reports (pages 18-20, 27, 28-29, 133).

3. *Social, Moral and Material Conditions of the Natives.*

The Commission desires to be given fuller information as to the extent to which the present system of native administration affords opportunities for the collaboration of the more educated class of the natives, and as to the extent to which that class is able to influence the evolution of native law and custom (pages 18-20, 23-24, 27, 28-29, 32-33, 34-35, 133).

4. *Education.*

The Commission notes the appreciable progress made in education with a view to satisfying the rapidly increasing demands of the population in both sections of the territory.

It trusts that the next report will give information on the steps taken to remedy the shortage of teachers (pages 24, 37, 133).

¹ See comments of the accredited representative on this point, pages 213-214.

5. *Public Health.*

The Commission hopes that measures may be taken to increase the size and enhance the efficiency of the medical staff in the sleeping sickness camp of Nakpanduri (pages 38, 133).

TERRITORIES UNDER "C" MANDATE

Islands under Japanese Mandate

On September 9th, 1938, the Mandates Commission received the report of the Japanese Government on the Islands under mandate for the year 1937. By a letter dated August 22nd, 1938, the Commission had been informed that M. Usami, Acting Director of the Japanese Bureau for International Conferences at Geneva, had been appointed accredited representative for the examination of the report.

By a letter dated November 2nd, 1938, the Japanese Government notified the Secretary-General that, as a result of its decision to discontinue Japan's co-operation with the organs of the League of Nations, it had withdrawn the authority previously conferred upon M. Usami to represent it before the Mandates Commission.

* * *

Article 22 of the Covenant provides, in paragraph 7, that :

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

and, in paragraph 9, that :

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

Article 6 of the Mandate of December 17th, 1920, is in the following terms :

" The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 2, 3, 4 and 5."

Furthermore, the Constitution of the Mandates Commission, approved by the Council on December 1st, 1920, contains the following clauses :

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

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

" (d) After this discussion has ended, and the representative of the mandatory Power has withdrawn, the Commission shall decide on the wording of the observations which are to be submitted to the Council of the League.

" (e) The observations made by the Commission upon each report shall be communicated to the duly authorised representative of the mandatory Power from which the report comes. This representative shall be entitled to accompany it with any comments which he desires to make.

" (f) The Commission shall forward the reports of mandatory Powers to the Council. It shall annex to each report its own observations as well as the observations of the duly authorised representative of the Powers which issued the report, if the representative so desires.

" (g) When the Council publishes the report of the mandatory Powers and the observations of the Permanent Commission, it shall also publish the observations of the duly authorised representatives of those mandatory Powers which have expressed such a desire."

* * *

The Mandates Commission, considering that, under Article 22, paragraph 9, of the Covenant, it is under an obligation so to do, decided to examine the annual report of the Japanese Government for 1937, and to submit observations thereon to the Council, notwithstanding the absence of any accredited representative of the mandatory Power.

The Commission would point out that account should be taken of the fact that these observations have been drawn up as the outcome of an examination in which it had not the advantage of the help of the mandatory Power's representative. The Commission would also observe that in the Minutes of its discussions there will be found references to various points on which, owing to the circumstance mentioned, it could obtain no information, and regarding which it would be desirable that information should be supplied (pages 15, 171-174, 186).

1. *General Administration.*

(a) The Commission notes that "the number of village chiefs is gradually decreasing as the result of the increase and extension of police stations" (see page 29 of the annual report).

It was unable to obtain information about the powers of chiefs of police stations, more especially in regard to criminal jurisdiction, a field which hitherto has been reserved for village chiefs in virtue of their traditional authority (pages 175, 186).

(b) The Commission would be interested to know whether the National Mobilisation Law promulgated in Japan in 1938 affects the inhabitants of the mandated territory to any extent whatever (pages 14, 172, 178-181, 186).

2. *Public Finance.*

(a) Last year, the Commission asked to be informed of the reasons for the temporary transfer of part of the budget surpluses of the mandated territory to the general account of Japan. The explanations which it has found in the annual report do not enable it to affirm that this measure is strictly consistent with the principle of disinterestedness, which is the essential feature of the mandates system. It would be desirable to dispel the uncertainty still existing on this point (pages 176-177, 186).

(b) The Commission would welcome details of the sums appropriated for communications and public works and for subsidies to shipping companies (pages 177, 186).

(c) The Commission observes that the exploitation of the territory's main resources, previously conducted under the direct control of the administration, has been transferred to concession-holding companies.

It would appreciate fuller information regarding the reasons for this transfer, which seems to have resulted in a distinct fall in the territory's revenue (pages 176, 183, 186).

3. *Native Customs.*

The Commission notes with interest the description given in the annual report on the native manners and customs in the Truk Islands.

It would like to know what is the effect on local customs of the influx of non-natives, particularly in the Marianne Islands (pages 181, 186).

4. *Liquor Traffic.*

The Commission realises that the system of regulating the production and export of alcohol and spirits makes it difficult to control their consumption by the natives. In view, however, of the increased consumption figures and the larger number of offences against the liquor control regulations as revealed in the 1937 report, the Commission again expresses the hope that the mandatory Power may be able to strengthen the measures designed to secure observance of prohibition (pages 183, 186).

5. *Public Health.*

The Commission, struck by the fact that the natives pay for the costs of medical attendance, would like to know the amounts of these payments (pages 183, 186).

6. *Land Tenure.*

The Commission would be glad to know when the enquiry into the system of land tenure, which was started several years ago, will be completed.

It wonders whether, in the meantime, the provisional results of the enquiry could not usefully be published (pages 183, 186).

7. *Population.*

The Commission has once more given consideration to the decline in the native population in certain islands.

It again expresses the hope that additional information may be supplied on the measures taken by the administration in this connection (pages 184, 186).

Western Samoa

I. GENERAL OBSERVATION.

The Commission was interested to note the mandatory Power's intention gradually to increase the number of natives admitted to the various posts in the administration of the territory.

It feels certain that the mandatory Power will agree that a gradual increase in the natives' responsibilities is the best way of training them for self-government (pages 158-159, 165, 166, 186).

II. SPECIAL OBSERVATIONS

I. *General Administration.*

The Commission would like to receive more detailed information on the relations between the official and unofficial village heads, who appear to have a parallel authority (pages 165, 186).

2. *Education.*

The Commission was gratified to note the efforts of the mandatory Power to ensure the training of teachers.

It hopes to be kept informed of the qualitative progress of this training, to which it attaches real importance (pages 154, 168, 186).

3. *Public Health.*

The Commission was interested to note the information regarding the assistance given by Women's Committees in improving the health conditions of the population.

It would be glad to find in the next report further details concerning these Committees, more particularly their method of work (pages 169, 186).

B. PETITIONS¹

Since the close of its last session, the Commission has received two short petitions relating to *Palestine*. Having regard to the gravity of the situation in that territory, the uncertainty still prevailing as to the mandatory Power's plans for its future, and the fact that, the examination of the annual report on Palestine not being one of the matters to be dealt with at the present session, it had not the assistance of the accredited representative of the mandatory Power, the Commission decided to adjourn the examination of these petitions until its next session (page 133).

I. PETITIONS ON WHICH CONCLUSIONS WERE REACHED

At its thirty-fifth session, the Commission considered the petitions mentioned below, together with the observations made on each of them by the mandatory Power concerned. 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 Lebanon

(a) PETITIONS (FOUR IN NUMBER) RELATING TO THE QUESTION OF SYRIAN UNITY AND CONCERNING THE STATUS OF THE REGION OF LATAKIA (document C.P.M.1973) (pages 79, 186).

Observations of the French Government, dated November 6th, 1937 (document C.P.M.1973).

Report (see Minutes, Annex 3, pages 192-193).

Conclusions.

"The Commission,

"Having examined the petitions, four in number, relating to the question of Syrian unity and concerning the status of the region of Latakia, as well as the French Government's observations thereon, and having heard the statements of the mandatory Power's representative on this subject ;

"Referring to the passages relating to the status of the region of Latakia in its general observations on Syria and Lebanon :

"Considers that no other special recommendations need be made to the Council regarding these petitions."

¹ The page numbers following each title are those of the Minutes of the session.

² The Commission recommends that copies of the petitions and the mandatory Power's observations thereon should be deposited in the League of Nations library and thus placed at the disposal of persons wishing to consult them.

- (b) PETITIONS (ELEVEN IN NUMBER) REGARDING OCCURRENCES IN THE SANJAK OF ALEXANDRETTA IN NOVEMBER AND DECEMBER 1937 AND JANUARY 1938 (document C.P.M.2032) (page 185).

Observations of the French Government, dated May 31st, 1938 (document C.P.M. 2032).

Report (see Minutes, Annex 4, pages 193-194).

Conclusions.

“ The Commission,

“ Having examined eleven petitions concerning occurrences in the Sanjak of Alexandretta in November and December 1937 and January 1938, together with the mandatory Power's observations thereon :

“ Considers that no special recommendation to the Council is called for in regard to these petitions.”

- (c) PETITIONS, DATED NOVEMBER 9TH, 13TH AND 16TH, 1937, AND JANUARY 4TH, 1938, FROM CHAKER NIMET BEY EL CHAABANI, BEIRUT (document C.P.M.2039) (page 186).

Observations of the French Government, dated June 3rd, 1938 (document C.P.M.2039).

Report (see Minutes, Annex 5, pages 194-196).

Conclusions.

“ The Commission,

“ Having examined the petitions, dated November 9th, 13th and 16th, 1937, and January 4th, 1938, from Chaker Nimet Bey El Chaabani, Beirut, and the mandatory Power's observations thereon ;

“ While referring to the passages in its general observations on Syria and Lebanon regarding the freedom of the press :

“ Considers that no particular action need be proposed to the Council regarding these petitions.”

- (d) PETITION, DATED NOVEMBER 22ND, 1937, FROM M. IBRAHIM AHDAB AND OTHER SIGNATORIES, BEIRUT (document C.P.M.2049) (pages 109, 185).

Observations of the French Government, dated June 7th, 1938 (document C.P.M. 2049).

Report (see Minutes, Annex 6, page 196).

Conclusions.

“ The Commission,

“ Having examined the petition, dated November 22nd, 1937, from M. Ibrahim Ahdab and other signatories, Beirut, as well as the observations of the mandatory Power thereon :

“ Considers that there is no need especially to bring this petition to the notice of the Council.”

- (e) PETITION, UNDATED, FROM M. HENRI JABBOUR AND OTHER SIGNATORIES, INHABITANTS OF VILLAGES IN THE JEBEIL DISTRICT (document C.P.M.2050) (pages 109, 185).

Observations of the French Government, dated June 6th, 1938 (document C.P.M. 2050).

Report (see Minutes, Annex 7, page 197).

Conclusions.

“ The Commission,

“ Having examined the petition, undated, from M. Henri Jabbour and other signatories, inhabitants of villages in the Jebel District, together with the mandatory Power's observations :

“ Considers that there is no need to bring this petition to the notice of the Council.”

- (f) PETITIONS, DATED DECEMBER 4TH AND 5TH, 1937, FROM M. CHARLES ASFAR, DAMASCUS, AND M. KHALED SEBAHI, HOMS (document C.P.M. 2051) (pages 104, 186).

Observations of the French Government, dated June 7th, 1938 (document C.P.M.2051).

Report (see Minutes, Annex 8, page 197).

Conclusions.

“ The Commission,

“ Having noted the petitions, dated December 4th and 5th, 1937, from M. Charles Asfar, Damascus, and M. Khaled Sebahi, Homs, together with the mandatory Power's observations thereon ;

“ Being of opinion that the Syrian legislation instituting a moratorium in favour of debtors who contracted liabilities in gold before the devaluation of the currency cannot be regarded as contrary to public order :

“ Considers that the aforesaid petitions do not call for any action.”

- (g) PETITIONS (TEN IN NUMBER) CONCERNING THE SUSPENSION OF THE LEBANESE NEWSPAPER “ SAOUT EL CHAAB ” (document C.P.M.2052) (pages 100, 185).

Observations of the French Government, dated June 7th, 1938 (document C.P.M. 2052).

Report (see Minutes, Annex 9, page 198).

Conclusions.

“ The Commission,

“ Having examined ten petitions dealing with the suspension of the Lebanese newspaper *Saout El Chaab*, and the mandatory Power's observations thereon :

“ Is of opinion that these petitions do not call for any recommendation to the Council.”

- (h) PETITIONS (FIVE IN NUMBER) FROM INHABITANTS OF THE JEZIREH (document C.P.M.2089) (pages 100-101, 186).

Observations of the French Government, dated August 20th, 1938 (document C.P.M. 2089).

Report (see Minutes, Annex 10, pages 198-199).

Conclusions.

“ The Commission,

“ Having examined the five petitions from inhabitants of the Jezireh, as well as the observations of the French Government ;

“ And having heard the additional explanations furnished by the accredited representative of the mandatory Power, from which it appears that the protective regime to be accorded to minorities is one of the subjects of the conversations now in progress :

“ Is of opinion that, for the time being, it is unnecessary to make any other recommendation to the Council on the status of the Jezireh than those embodied in its general observations on Syria and Lebanon.”

- (i) PETITIONS, DATED FEBRUARY 19TH AND 20TH, 1938, FROM M. NAZIH MOAYAD EL AZM AND M. ASSAAD EL BAKRI, DAMASCUS (document C.P.M.2097) (pages 75, 186).

Observations of the French Government, dated October 25th, 1938 (document C.P.M. 2097).

Report (see Minutes, Annex 11, page 199).

Conclusions.

“ The Commission,

“ Having examined the petitions, dated February 19th and 20th, 1938, from M. Nazih Moayad El Azm and M. Assaad El Bakri, Damascus, as well as the observations of the mandatory Power :

“ Considers that they do not call for any recommendation to the Council.”

- (j) PETITION, DATED MAY 4TH, 1938, FROM M. KAMEL BINNI, JOURNALIST, DAMASCUS (document C.P.M.2098) (pages 109, 185).

Observations of the French Government, dated October 25th, 1938 (document C.P.M. 2098).

Report (see Minutes, Annex 12, page 200).

Conclusions.

“ The Commission,

“ Having examined the petition, dated May 4th, 1938, from M. Kamel Binni, journalist, Damascus, together with the mandatory Power's observations :

“ Is of opinion that this petition does not call for any special action.”

- (k) PETITIONS, (1) DATED DECEMBER 15TH, 1937, FROM THE REV. JOHN D. CROSE, REPRESENTATIVE IN LEBANON OF THE CHURCH OF GOD, BEIRUT, AND (2) UNDATED, FROM CERTAIN INHABITANTS OF SEBEIL, LEBANON, (document C.P.M.2099) (pages 84, 91-92, 187).

Observations of the French Government, dated August 24th and October 20th, 1938 (document C.P.M.2099).

Report (see Minutes, Annex 13, pages 200-201).

Conclusions.

“ The Commission,

“ Having examined the petition, dated December 15th, 1937, from the Rev. John Crose, the undated petition from a number of inhabitants of Sebeil in Lebanon, and the mandatory Power's observations thereon ;

“ While regretting the delaying tactics adopted, in spite of the mandatory Power's disapproval, by the Lebanese authorities on the grounds that such a policy was necessary in test of public order :

“ Is of opinion that these petitions do not call for any special recommendation to the Council.”

II. PETITIONS REJECTED BY THE COMMISSION AS INADMISSIBLE

Syria and Lebanon

PETITIONS (FIVE IN NUMBER) CONCERNING DECISIONS TAKEN BY THE COUNCIL IN 1937 AND RELATING TO THE STATUS OF THE SANJAK OF ALEXANDRETTA (document C.P.M.2032) (pages 185, 193-194).

Observations of the French Government, dated May 31st, 1938 (document C.P.M.2032).

Cameroons under French Mandate

PETITION, DATED MAY 9TH, 1938, FROM M. MANDESSI BELL, PRESIDENT OF THE “ Union CAMEROUNAISE ”, PARIS (document C.P.M.2088) (pages 113, 131, 184).

Observations of the French Government, dated July 27th, 1938 (document C.P.M.2088).

II. COMMENTS OF THE ACCREDITED REPRESENTATIVES SUBMITTED IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION

A. RUANDA-URUNDI

NOTE BY THE ACCREDITED REPRESENTATIVE, DATED NOVEMBER 16TH, 1938

[*Translation.*]

The second of the Permanent Mandates Commission's observations concerning general administration opens with the following sentence :

“ The Commission notes that, as a result of the educational system by which the ruling class of native society benefits, the great majority of the chiefs have now been converted to Christianity, whereas those under their administration are for the most part still pagans.”

As the first part of this might give rise to misunderstanding, the accredited representative of the Belgian Government considers that some explanation is required.

The position which attracted the attention of the Mandates Commission is not a consequence of an educational system. In the form in which it has developed in Ruanda-Urundi, under the Government's authority or auspices, education is generally available to the whole population, without distinction, and it is not necessary to belong to the ruling class to benefit by it.

The conversion of chiefs and sub-chiefs to Christianity is due solely to missionary activity—carried on in independence of the administration, whose powers are supervisory only, and freely developed in pursuance of Article 8 of the mandate—which has found the minds of the Batutsi notables more accessible to ideas of progress.

(Signed) HALEWYCK DE HEUSCH.

B.

The accredited representatives for Syria and Lebanon, Cameroons under British mandate, Cameroons under French mandate, Togoland under British 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.

INDEX

Abbreviations

Cttee.	=	Committee
Dept.	=	Department
Govt.	=	Government
Int.	=	International
P.M.C.	=	Permanent Mandates Commission
Ref.	=	Reference

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Geneva, November 8th, 1938.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

THIRTY-FIFTH SESSION OF THE COMMISSION

(Geneva, October 24th-November 8th, 1938)



I. REPORT TO THE COUNCIL ON THE WORK OF THE COMMISSION

The Permanent Mandates Commission met at Geneva from October 24th to November 8th, 1938, for its thirty-fifth session, and held twenty-four meetings, part of the first of which was public.

The annual reports were considered in the order indicated below and—with the exception of the Japanese Government's report—with the co-operation of the representatives of the mandatory Powers.

Togoland under British Mandate, 1937.

Accredited Representative :

Captain C. C. LILLEY, O.B.E., District Commissioner, Gold Coast.

Ruanda-Urundi, 1937.

Accredited Representative :

M. HALEWYCK DE HEUSCH, Permanent Recruitment Secretary, former Director-General in the Belgian Colonial Ministry.

Syria and Lebanon, 1937.

Accredited Representative :

M. R. DE CAIX, former Secretary-General of the High Commissariat of the French Republic in Syria and Lebanon.

Cameroons under French Mandate, 1937.

Accredited Representative :

M. M. BESSON, Director of the " Agence économique de l'Afrique Occidentale française ", Paris.

Cameroons under British Mandate, 1937.

Accredited Representative :

Mr. O. W. FIRTH, Senior Resident, Nigeria.

Western Samoa, 1937/38.

Accredited Representative :

Mr. R. M. CAMPBELL, M.A., LL.B., Ph.D., New Zealand Government's Economic Adviser in London.

Islands under Japanese Mandate, 1937.

By a letter of August 22nd, 1938, the Japanese Government accredited M. Usami, Acting Director of the Japanese Bureau for International Conferences, Geneva, for the purpose of the examination of the 1937 report. By a further communication of November 2nd, 1938, the Japanese Government announced that, having decided to discontinue its co-operation with the organs of the League of Nations, it had withdrawn the powers entrusted to M. Usami.

A. OBSERVATIONS ON THE ADMINISTRATION OF CERTAIN TERRITORIES UNDER MANDATE

The following observations, which the Commission has the honour to submit to the Council, were adopted after consideration of the situation in each territory in the presence of the accredited representative of the mandatory Power concerned—except the Japanese Government's representative. 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

TERRITORY UNDER "A" MANDATE

Syria and Lebanon.

GENERAL OBSERVATIONS

Although the treaties between France and Syria and France and Lebanon of 1936 are still awaiting ratification by the French Government, certain of their provisions, as the Commission noted last year, have in fact already been applied since January 1st, 1937. The mandatory Power desired thus to give the States under mandate an opportunity of demonstrating their fitness for self-government.

In the meanwhile, the text of the Franco-Syrian Treaty has been the subject of further negotiations, which are still in progress. According to the statements made to the Commission by the accredited representative of France, the adjustments for which the mandatory Power has requested the Syrian Government's consent—

“refer to the guarantees concerning freedom of conscience designed to ensure that the relevant articles in the Syrian Constitution will be fully effective, to the personal status of minority communities, and to the guarantees for the application of the system of decentralisation provided for in a text of 1936, of which the Mandates Commission was informed at the time, and which would lead to the introduction of reforms having amongst other advantages that of allaying the uneasiness apparent more especially in the Jezireh. The object of the negotiations is the application of the principles laid down in the letters exchanged on December 11th, 1937, between the Syrian Premier and the French Under-Secretary of State for Foreign Affairs.”

“Lastly, a further object of the negotiations is to determine the scope of the duties which, under the treaty regime, will have to be performed by French officials, and to consider certain changes which may be desirable in the military arrangements for which the treaty provides.

“It is hoped that the negotiations on these various points will be successful, whatever difficulties are encountered.”

* * *

As regards the Sanjak of Alexandretta, the Commission took note of the following declaration of the accredited representative of the mandatory Power :

“The Alexandretta problem, the latest development of which could not be reviewed in the 1937 report—drawn up in the spring of 1938—has been dominated by far-reaching necessities and considerations of an international character. There have been developments in this connection which have changed the whole aspect of the question. The circumstances and consequences of those developments are still a matter for the Council of the League of Nations.”

Such being the case, the Commission has thought proper to postpone until a later date its examination of the administration of that part of the territory after November 29th, 1937, which was the date fixed for the entry into force of the Council's decisions of May 29th, 1937.

* * *

The Commission has endeavoured to form an opinion of the progress made by Syria and Lebanon, now that the major part of the period of three years initiated on January 1st, 1937, has elapsed.

Diminution of Control by the Mandatory Power: Extent of Syrian and Lebanese Self-government.

The Commission has first endeavoured to ascertain the degree of autonomy now enjoyed by the Syrian and Lebanese authorities.

The mandatory Power has relaxed its control in so far as it deemed it desirable to enable Syria and Lebanon to progress towards independence, more particularly by effecting the transfer of certain powers during the three-year period.

¹ The page numbers following each observation are those of the Minutes of the session.

² The texts of the letters exchanged are reproduced as annex to the annual report on Syria and Lebanon for 1937, pages 215-217.

Thus, the "right of visa" formerly exercised by the French advisers attached to the Syrian and Lebanese authorities has been abolished. Although, legally, the mandatory Power can still veto measures decided upon by the Syrian and Lebanese Governments, in practice it no longer exercises that right. The mandatory Power retains control, however, of important services—namely, the *Sûreté générale* (Criminal Investigation Department), the direction of foreign affairs, and the command of the military forces. The accredited representative further stated that the mandatory Power's supervision over Syrian and Lebanese finance has so far not been appreciably relaxed.

The number of French officials in the service of the Syrian and Lebanese Governments is, moreover, being gradually reduced.

*Centralisation and Decentralisation :
Local Self-government.*

Article 1, paragraph 3, of the mandate provides that :

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

The Commission has accordingly given special attention to the problems raised by the policy of centralisation and the imperious tendencies of the Syrian Government, as also to the opposition which such tendencies encounter in several parts of the country.

The mandatory Power has endeavoured to fulfil the terms of the mandate by applying two different methods : first the creation throughout Syria, in 1936, of mohafazats with elected representative councils ;¹ and, secondly, the grant, in the same year, to the Jebel Druse and the Latakia territory, on the occasion of their incorporation in the Syrian State, of a wider measure of autonomy than that enjoyed by the ordinary type of mohafazat.²

The Commission was keenly interested to learn of the importance attached by the mandatory Power to the system of mohafazats based on the principle of decentralisation. In the Commission's opinion, that system can contribute effectively to the solution, at least in part, of the problem of scattered minorities by allowing the latter to share in the administration of their provinces and by fostering understanding between the various sections of the population.

The Commission therefore hopes that the next report will contain full information on the application of the system of decentralised mohafazats.

The special status long enjoyed by the Governments of Latakia and the Jebel Druse ceased to exist upon the incorporation of those provinces in the Syrian Republic at the beginning of 1937. Although they continue to enjoy a certain degree of autonomy in administrative and financial matters, the change in their status was not brought about without serious difficulty. It encountered very lively opposition on the part of important elements of the population forming compact minorities (Alawites and Druses respectively).

As regards, more particularly, the *Latakia* territory, certain petitions, together with the particulars furnished by the mandatory Power, enabled the Commission to realise the extent of the opposition aroused by the restrictions placed upon self-government in that region. The Commission wondered whether the regime in force had not been applied with an excessive desire for centralisation, and whether, on the contrary, the powers granted to the local administrative council might not usefully be extended.

In the case of the *Upper Jezireh*, which is inhabited by scattered minority groups, the new political situation and the various measures taken by the Syrian Government led to reactions evinced by a series of incidents which have already been brought to the attention of the Council.³ In the words of the annual report [*Translation*] : "A further sustained political effort will be necessary to transform the persistent friction between a section of the inhabitants of the Jezireh and the Damascus authorities into mutual understanding."

The Commission gained the impression that the aspirations of the people of the Upper Jezireh might perhaps be reconciled with the requirements of the situation, either through a liberal application of the decentralised system of mohafazats instituted in 1936 or through the introduction in the Jezireh of a more liberal system, such as that which it would appear to be desirable to set up in the Jebel Druse and the Latakia territory.

Doubts may be entertained as to the future of a policy which may prove contrary to the wishes of the minorities in these regions. While drawing attention to the danger involved in setting up an over centralised system, the Commission has not overlooked the perils which would result from a lack of authority in the central power. Its reason for stressing the former danger is that the tendencies revealed by the Syrian Government seem altogether to eliminate the latter perils.

¹ Order No. 5 L.R. of the High Commissioner, dated January 10th, 1936.

² Order No. 265 L.R. of the High Commissioner, dated December 2nd, 1936, promulgating the Organic Regulations of the territory of the Jebel Druse, and Order No. 274 L.R. of the High Commissioner, dated December 5th, 1936, promulgating the Organic Regulations of the Alawite territory.

³ See Report of the Permanent Mandates Commission to the Council on the work of its Thirty-third Session — Document C.551.M.388.1937.VI., page 175.

Freedom of Conscience.

The Commission notes that the legal position of the religious communities in Syria and Lebanon is not yet clearly defined. It hopes that steps will be taken without delay to give full effect to the legislative provisions in force in this matter, and that the personal status of the members of the communities will be defined and properly safeguarded as regards their rights and interests.

The Commission has again given its attention to a practical aspect of the problem of freedom of conscience—namely, the question of the recognition of religious conversions by the authorities. It noted that, in Lebanon, the various denominations were on a footing of equality in this respect. In Syria, on the other hand, it is still impossible for Moslems converted to any other religion—though not for converts to Islam—to give due legal effect to their change of religion by having it recorded in the civil status registers. The annual report states that the registration of conversions of Moslems, including Alawites, to Christianity in the Latakia territory have been suspended since that territory was attached to Syria. The attitude thus taken up by the Syrian authorities is not in accordance either with the letter or with the spirit of the provisions of Article 8 of the mandate, which guarantees the fullest freedom of conscience and prohibits any inequality of treatment on account of differences in religion. These provisions of the mandate are specified in certain articles of the Syrian Constitution, to which the Syrian Government has promised, by Exchange of Letters No. 5, annexed to the Franco-Syrian Treaty, to give full effect.

Freedom of Opinion and of the Press.

It appears from the particulars supplied in the annual report and by the accredited representative that both the Syrian and Lebanese Governments have taken very severe action against the opposition, which, in consequence, is no longer openly active.

Furthermore, the rigorous measures applied, sometimes quite arbitrarily, against the Press, and particularly the frequency with which newspapers have been suspended both in Syria and Lebanon, would seem to indicate that the freedom of the Press (guaranteed by the Syrian and Lebanese Constitutions) is only very limited.

Elections.

The elections held during the year were accompanied by certain regrettable proceedings on the part of the officials, and the resultant incidents only terminated when the opposing parties had agreed in advance on the results of the elections.

Judicial Organisation.

The Commission noted that, notwithstanding the progress made, the professional competence and moral prestige of the judiciary still left something to be desired; so much so, indeed, that a Syrian litigant who has the option to do so invariably asks for a French majority on the bench. The annual report also mentions that the Syrian Government has suspended the Judiciary Statute and given to the Minister of Justice such absolute powers as "to leave the judiciary without any guarantees and to imperil its independence".

The Commission feels bound to draw special attention to the importance of the existence of a judicial system affording all the guarantees necessary to ensure equal and regular justice to everyone without distinction.

Public Finance.

The financial position remains, in general, satisfactory. The mandatory Power continues, as has already been remarked above, to exercise strict supervision over the finances of both Syria and Lebanon.

Municipalities.

The new political situation has had appreciable repercussions on Syrian municipalities. The degree of discipline which the mandatory Power had succeeded in enjoining on them has been somewhat relaxed. The lessening of control has had regrettable effects on the efficiency of the various services and on budgetary equilibrium.

Customs: Joint Interests.

The Franco-Syrian and Franco-Lebanese Treaties provide that the Governments of the two States under mandate could either agree to retain certain joint administrations, particularly in Customs matters, or separately assume complete freedom of action. In 1937, the Syrian and Lebanese Governments agreed upon the principle of separate Customs administrations, while at the same time expressing the hope that the application of this principle would not cause prejudice to the close economic relations between the two countries. But the negotiations regarding the practical application of this principle were unsuccessful, and it would seem that the two countries have entered upon a rivalry closely verging on a tariff war.

SPECIAL OBSERVATIONS

1. *Public Finance.*

The Commission asks that in the next report the detailed technical information shall be completed by an analysis of the financial position and the comments of the mandatory authority (pages 104, 187).

2. *Education.*

The Commission has recorded with satisfaction the appreciable progress made in education. It notes, however, that the proportion of children receiving instruction in Syria is still relatively low, particularly in view of the fact that the Syrian Constitution provides for compulsory education (pages 106-108, 187).

3. *Population.*

The Commission hopes that information on demographic questions will be more clearly presented in the future (pages 108, 187).

TERRITORIES UNDER "B" MANDATE

Observation common to the Cameroons under British Mandate and the Cameroons under French Mandate

Frontiers.

The Commission has noted the information contained in the reports and the supplementary explanations given by the accredited representatives regarding the state of the work of demarcation of the frontier between the Cameroons under British mandate and the Cameroons under French mandate.

It would like to see in the next report particulars about the instructions given to the Demarcation Commission in respect of the safeguarding of the interests of the tribes inhabiting the frontier regions (pages 112, 135, 186).

Cameroons under British Mandate

1. *General Administration.*

The Commission noted with interest the details given in the report on the development of the system adopted in order to adjust native administration to the great variety of social organisations existing in the southern part of the territory (pages 137, 141, 186).

2. *Public Finance.*

The Commission was informed that, in some cases, the central native treasury was outside the mandated territory and that the amounts collected in the mandated territory were included in the revenue of native administration districts composed partly of mandated territory and partly of Nigerian territory. It would like to find in the next report an assurance that, in such cases, the amount retained by the central treasuries corresponds to the mandated territory's share in the central administration costs (pages 140, 141, 186).

3. *Social, Moral and Material Conditions of the Natives.*

The Commission, while appreciating the informatory chapter in the report on social conditions, would welcome further information as to the influence on the structure of the indigenous society of the large immigration of "stranger natives" (pages 138, 139, 145, 186).

4. *Education.*

The Commission was gratified to receive the full information supplied in the report. It was glad to note the improvement in education, particularly in the southern part of the territory, by close co-operation between the Government and the missions. It hopes that efforts may be intensified to develop educational facilities in the northern areas (pages 149-150, 186).

5. *Health.*

(a) The Commission was glad to see that it had been found possible to make a considerable increase in Government expenditure on the public health service, and noted with satisfaction the improvement in hospital arrangements and particularly the development of the system of "wayside clinics".

It would like to find fuller information in the next report as to the incidence of leprosy and sleeping sickness (pages 151, 186).

(b) The Commission hopes that the administration will secure the observance of the prescribed standards in the matter of health conditions on the plantations (pages 147-148, 186).

6. *Land Tenure.*

The Commission was informed that the problem of sales of land to "stranger natives" was under consideration, and took note of the accredited representative's statement that this matter will be fully dealt with in the next report (pages 139-140, 152, 186).

Cameroons under French Mandate

1. *General Administration.*

The Commission has been informed of the reform in the organisation of the *lamidats* in the northern region of the territory—namely, the subdivision of these *lamidats* into *laouanats*, or chieftainships of the second degree. It fears that the establishment of direct relations between the administration and the chiefs of the *laouanats* may have the effect of undermining the authority of the *lamidos* and of thus weakening the cohesion of the tribes concerned and impeding their social development (pages 113-115, 186).

The Commission would further like to receive detailed information concerning the method of remunerating chiefs of *lamidats* and *laouanats* (pages 115, 186).

2. *Public Finance.*

The Commission is gratified to note the improvements already made in the form of the chapter of the annual report dealing with "Public Finance".

It hopes that the suggestions made during the examination of the report may help to improve still further the manner in which that chapter is presented (pages 118, 119, 186).

3. *Social Condition of the Natives.*

The Commission notes with interest the Order of March 25th, 1937, temporarily suspending the grant of any further agricultural concessions.

It hopes that it will be confirmed that this measure is evidence of the mandatory Power's intention to pursue a policy of protecting and developing the native peasantry (pages 111, 124, 186).

4. *Land Tenure.*

(a) The Commission has been informed by the accredited representative of the first results of the enquiry now being carried out by the mandatory Power in deference to the concern previously expressed by the Commission regarding the safeguarding of native property prescribed in Article 5 of the mandate. The Commission is glad to learn that, pending the final results of this enquiry, the mandatory Power recently reminded the administration of the necessity of administrative authorisation for the creation of mortgages, and the foreclosure of mortgages even when this is effected by judicial action (pages 130-132, 186).

(b) The Commission again expresses its desire to receive information concerning the regulations relating to "terres vacantes" and their allocation, and also concerning the character, limits, and method of establishment of reserves (pages 132, 186).

Ruanda-Urundi

1. *General Administration.*

(a) The Commission notes that, notwithstanding the adoption of the system of indirect rule, it was deemed advisable to continue to keep the traditional native authorities under close supervision and, in particular, to reserve to the European authority the administration of the native treasury, which is one of the characteristic features of the system.

It hopes that the evolution of the native mentality and the process of selection applied to the chiefs and sub-chiefs will make it possible to invest them gradually with the real authority required by their functions (pages 44, 50-53, 184).

(b) The Commission notes that, as a result of the educational system by which the ruling class of native society benefits, the great majority of the chiefs have now been converted to Christianity, whereas those under their administration are for the most part still pagans.

It will follow with interest the developments in the situation which are bound to ensue¹ (pages 65-66, 184).

2. *Economic Equality.*

The Commission has considered—from the point of view of its compatibility with the economic equality clause—the Decree of August 12th, 1937, concerning income-tax applicable to the mandated territory (page 243 of the annual report).

It proposes to devote further consideration to the subject next year, in the light of the additional information which the accredited representative of the mandatory Power has undertaken to supply (pages 45-48, 184).

3. *Public Finance.*

The Commission notes that the improvement in the financial position of the territory is continuing, and has made possible, a further large amortisation of the public debt (pages 41, 43, 58, 59, 184).

4. *Economic and Commercial Relations with the Belgian Congo.*

The Commission notes the development of economic and commercial relations between the mandated territory and the Belgian Congo, and the advantages accruing to Ruanda-Urundi from the fact that products of native agriculture have free access to the markets of the neighbouring colony, even though this may mean a slight loss of Customs revenue for the territory (pages 42, 43, 55, 56, 184).

5. *Commercial Activity of the Natives.*

The Commission would welcome information as to whether the administration contemplates taking such measures as will induce natives to take up trading on their own behalf (pages 61-62, 184).

6. *Social Life of the Natives.*

The Commission, struck by the progress and development in the social life of the natives under the mandatory regime, hopes that the mandatory Power will make it the subject of a comprehensive survey on the lines of the descriptive account contained in the report for 1925 (pages 63, 184).

Togoland under British Mandate

1. *Frontiers.*

The Commission notes with satisfaction that, as shown by the report and the explanations of the accredited representative, the line taken by the frontier between the two neighbouring territories under mandate has in no way interfered with the organic life of the Ewe population. This dispels a certain anxiety that had previously been felt on the subject (pages 16-18, 24-25, 133).

2. *General Administration.*

The Commission again noted the efforts made by the mandatory Power to promote the moral and political education of the native population, with a view to making an advance towards self-government; the policy pursued is to strengthen existing native organisations and to encourage the voluntary formation of new organisations which may, in the long run, stand by themselves.

It hopes to find information about the results of this policy in future annual reports (pages 18-20, 27, 28-29, 133).

3. *Social, Moral and Material Conditions of the Natives.*

The Commission desires to be given fuller information as to the extent to which the present system of native administration affords opportunities for the collaboration of the more educated class of the natives, and as to the extent to which that class is able to influence the evolution of native law and custom (pages 18-20, 23-24, 27, 28-29, 32-33, 34-35, 133).

4. *Education.*

The Commission notes the appreciable progress made in education with a view to satisfying the rapidly increasing demands of the population in both sections of the territory.

It trusts that the next report will give information on the steps taken to remedy the shortage of teachers (pages 24, 37, 133).

¹ See comments of the accredited representative on this point, pages 13-14.

5. *Public Health.*

The Commission hopes that measures may be taken to increase the size and enhance the efficiency of the medical staff in the sleeping sickness camp of Nakpanduri (pages 38, 133).

TERRITORIES UNDER "C" MANDATE

Islands under Japanese Mandate

On September 9th, 1938, the Mandates Commission received the report of the Japanese Government on the Islands under mandate for the year 1937. By a letter dated August 22nd, 1938, the Commission had been informed that M. Usami, Acting Director of the Japanese Bureau for International Conferences at Geneva, had been appointed accredited representative for the examination of the report.

By a letter dated November 2nd, 1938, the Japanese Government notified the Secretary-General that, as a result of its decision to discontinue Japan's co-operation with the organs of the League of Nations, it had withdrawn the authority previously conferred upon M. Usami to represent it before the Mandates Commission.

* * *

Article 22 of the Covenant provides, in paragraph 7, that :

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

and, in paragraph 9, that :

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

Article 6 of the Mandate of December 17th, 1920, is in the following terms :

" The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 2, 3, 4 and 5."

Furthermore, the Constitution of the Mandates Commission, approved by the Council on December 1st, 1920, contains the following clauses :

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

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

" (d) After this discussion has ended, and the representative of the mandatory Power has withdrawn, the Commission shall decide on the wording of the observations which are to be submitted to the Council of the League.

" (e) The observations made by the Commission upon each report shall be communicated to the duly authorised representative of the mandatory Power from which the report comes. This representative shall be entitled to accompany it with any comments which he desires to make.

" (f) The Commission shall forward the reports of mandatory Powers to the Council. It shall annex to each report its own observations as well as the observations of the duly authorised representative of the Powers which issued the report, if the representative so desires.

" (g) When the Council publishes the report of the mandatory Powers and the observations of the Permanent Commission, it shall also publish the observations of the duly authorised representatives of those mandatory Powers which have expressed such a desire."

* * *

The Mandates Commission, considering that, under Article 22, paragraph 9, of the Covenant, it is under an obligation so to do, decided to examine the annual report of the Japanese Government for 1937, and to submit observations thereon to the Council, notwithstanding the absence of any accredited representative of the mandatory Power.

The Commission would point out that account should be taken of the fact that these observations have been drawn up as the outcome of an examination in which it had not the advantage of the help of the mandatory Power's representative. The Commission would also observe that in the Minutes of its discussions there will be found references to various points on which, owing to the circumstance mentioned, it could obtain no information, and regarding which it would be desirable that information should be supplied (pages 15, 171-174, 186).

1. *General Administration.*

(a) The Commission notes that "the number of village chiefs is gradually decreasing as the result of the increase and extension of police stations" (see page 29 of the annual report).

It was unable to obtain information about the powers of chiefs of police stations, more especially in regard to criminal jurisdiction, a field which hitherto has been reserved for village chiefs in virtue of their traditional authority (pages 175, 186).

(b) The Commission would be interested to know whether the National Mobilisation Law promulgated in Japan in 1938 affects the inhabitants of the mandated territory to any extent whatever (pages 14, 172, 178-181, 186).

2. *Public Finance.*

(a) Last year, the Commission asked to be informed of the reasons for the temporary transfer of part of the budget surpluses of the mandated territory to the general account of Japan. The explanations which it has found in the annual report do not enable it to affirm that this measure is strictly consistent with the principle of disinterestedness, which is the essential feature of the mandates system. It would be desirable to dispel the uncertainty still existing on this point (pages 176-177, 186).

(b) The Commission would welcome details of the sums appropriated for communications and public works and for subsidies to shipping companies (pages 177, 186).

(c) The Commission observes that the exploitation of the territory's main resources, previously conducted under the direct control of the administration, has been transferred to concession-holding companies.

It would appreciate fuller information regarding the reasons for this transfer, which seems to have resulted in a distinct fall in the territory's revenue (pages 176, 183, 186).

3. *Native Customs.*

The Commission notes with interest the description given in the annual report on the native manners and customs in the Truk Islands.

It would like to know what is the effect on local customs of the influx of non-natives, particularly in the Marianne Islands (pages 181, 186).

4. *Liquor Traffic.*

The Commission realises that the system of regulating the production and export of alcohol and spirits makes it difficult to control their consumption by the natives. In view, however, of the increased consumption figures and the larger number of offences against the liquor control regulations as revealed in the 1937 report, the Commission again expresses the hope that the mandatory Power may be able to strengthen the measures designed to secure observance of prohibition (pages 183, 186).

5. *Public Health.*

The Commission, struck by the fact that the natives pay for the costs of medical attendance, would like to know the amounts of these payments (pages 183, 186).

6. *Land Tenure.*

The Commission would be glad to know when the enquiry into the system of land tenure, which was started several years ago, will be completed.

It wonders whether, in the meantime, the provisional results of the enquiry could not usefully be published (pages 183, 186).

7. *Population.*

The Commission has once more given consideration to the decline in the native population in certain islands.

It again expresses the hope that additional information may be supplied on the measures taken by the administration in this connection (pages 184, 186).

Western Samoa

I. GENERAL OBSERVATION

The Commission was interested to note the mandatory Power's intention gradually to increase the number of natives admitted to the various posts in the administration of the territory.

It feels certain that the mandatory Power will agree that a gradual increase in the natives' responsibilities is the best way of training them for self-government (pages 158-159, 165, 166, 186).

II. SPECIAL OBSERVATIONS

I. *General Administration.*

The Commission would like to receive more detailed information on the relations between the official and unofficial village heads, who appear to have a parallel authority (pages 165, 186).

2. *Education.*

The Commission was gratified to note the efforts of the mandatory Power to ensure the training of teachers.

It hopes to be kept informed of the qualitative progress of this training, to which it attaches real importance (pages 154, 168, 186).

3. *Public Health.*

The Commission was interested to note the information regarding the assistance given by Women's Committees in improving the health conditions of the population.

It would be glad to find in the next report further details concerning these Committees, more particularly their method of work (pages 169, 186).

B. PETITIONS¹

Since the close of its last session, the Commission has received two short petitions relating to *Palestine*. Having regard to the gravity of the situation in that territory, the uncertainty still prevailing as to the mandatory Power's plans for its future, and the fact that, the examination of the annual report on Palestine not being one of the matters to be dealt with at the present session, it had not the assistance of the accredited representative of the mandatory Power, the Commission decided to adjourn the examination of these petitions until its next session (page 133).

I. PETITIONS ON WHICH CONCLUSIONS WERE REACHED

At its thirty-fifth session, the Commission considered the petitions mentioned below, together with the observations made on each of them by the mandatory Power concerned. 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 Lebanon

- (a) PETITIONS (FOUR IN NUMBER) RELATING TO THE QUESTION OF SYRIAN UNITY AND CONCERNING THE STATUS OF THE REGION OF LATAKIA (document C.P.M.1973) (pages 79, 186).

Observations of the French Government, dated November 6th, 1937 (document C.P.M.1973).

Report (see Minutes, Annex 3, pages 192-193).

Conclusions.

" The Commission,

" Having examined the petitions, four in number, relating to the question of Syrian unity and concerning the status of the region of Latakia, as well as the French Government's observations thereon, and having heard the statements of the mandatory Power's representative on this subject ;

" Referring to the passages relating to the status of the region of Latakia in its general observations on Syria and Lebanon :

" Considers that no other special recommendations need be made to the Council regarding these petitions."

¹ The page numbers following each title are those of the Minutes of the session.

² The Commission recommends that copies of the petitions and the mandatory Power's observations thereon should be deposited in the League of Nations library and thus placed at the disposal of persons wishing to consult them.

- (b) PETITIONS (ELEVEN IN NUMBER) REGARDING OCCURRENCES IN THE SANJAK OF ALEXANDRETTA IN NOVEMBER AND DECEMBER 1937 AND JANUARY 1938 (document C.P.M.2032) (page 185).

Observations of the French Government, dated May 31st, 1938 (document C.P.M. 2032).

Report (see Minutes, Annex 4, pages 193-194).

Conclusions.

“ The Commission,

“ Having examined eleven petitions concerning occurrences in the Sanjak of Alexandretta in November and December 1937 and January 1938, together with the mandatory Power's observations thereon :

“ Considers that no special recommendation to the Council is called for in regard to these petitions.”

- (c) PETITIONS, DATED NOVEMBER 9TH, 13TH AND 16TH, 1937, AND JANUARY 4TH, 1938, FROM CHAKER NIMET BEY EL CHAABANI, BEIRUT (document C.P.M.2039) (page 186).

Observations of the French Government, dated June 3rd, 1938 (document C.P.M.2039).

Report (see Minutes, Annex 5, pages 194-196).

Conclusions.

“ The Commission,

“ Having examined the petitions, dated November 9th, 13th and 16th, 1937, and January 4th, 1938, from Chaker Nimet Bey El Chaabani, Beirut, and the mandatory Power's observations thereon ;

“ While referring to the passages in its general observations on Syria and Lebanon regarding the freedom of the press :

“ Considers that no particular action need be proposed to the Council regarding these petitions.”

- (d) PETITION, DATED NOVEMBER 22ND, 1937, FROM M. IBRAHIM AHDAB AND OTHER SIGNATORIES, BEIRUT (document C.P.M.2049) (pages 109, 185).

Observations of the French Government, dated June 7th, 1938 (document C.P.M. 2049).

Report (see Minutes, Annex 6, page 196).

Conclusions.

“ The Commission,

“ Having examined the petition, dated November 22nd, 1937, from M. Ibrahim Ahdab and other signatories, Beirut, as well as the observations of the mandatory Power thereon :

“ Considers that there is no need especially to bring this petition to the notice of the Council.”

- (e) PETITION, UNDATED, FROM M. HENRI JABBOUR AND OTHER SIGNATORIES, INHABITANTS OF VILLAGES IN THE JEBEIL DISTRICT (document C.P.M.2050) (pages 109, 185).

Observations of the French Government, dated June 6th, 1938 (document C.P.M. 2050).

Report (see Minutes, Annex 7, page 197).

Conclusions.

“ The Commission,

“ Having examined the petition, undated, from M. Henri Jabbour and other signatories, inhabitants of villages in the Jebel District, together with the mandatory Power's observations :

“ Considers that there is no need to bring this petition to the notice of the Council.”

- (f) PETITIONS, DATED DECEMBER 4TH AND 5TH, 1937, FROM M. CHARLES ÁSFAR, DAMASCUS, AND M. KHALED SEBAHI, HOMS (document C.P.M. 2051) (pages 104, 186).

Observations of the French Government, dated June 7th, 1938 (document C.P.M.2051)

Report (see Minutes, Annex 8, page 197).

Conclusions.

“ The Commission,

“ Having noted the petitions, dated December 4th and 5th, 1937, from M. Charles Asfar, Damascus, and M. Khaled Sebahi, Homs, together with the mandatory Power's observations thereon ;

“ Being of opinion that the Syrian legislation instituting a moratorium in favour of debtors who contracted liabilities in gold before the devaluation of the currency cannot be regarded as contrary to public order :

“ Considers that the aforesaid petitions do not call for any action.”

- (g) PETITIONS (TEN IN NUMBER) CONCERNING THE SUSPENSION OF THE LEBANESE NEWSPAPER “ SAOUT EL CHAAB ” (document C.P.M.2052) (pages 100, 185).

Observations of the French Government, dated June 7th, 1938 (document C.P.M. 2052).

Report (see Minutes, Annex 9, page 198).

Conclusions.

“ The Commission,

“ Having examined ten petitions dealing with the suspension of the Lebanese newspaper *Saout El Chaab*, and the mandatory Power's observations thereon :

“ Is of opinion that these petitions do not call for any recommendation to the Council.”

- (h) PETITIONS (FIVE IN NUMBER) FROM INHABITANTS OF THE JEZIREH (document C.P.M.2089) (pages 100-101, 186).

Observations of the French Government, dated August 20th, 1938 (document C.P.M. 2089).

Report (see Minutes, Annex 10, pages 198-199).

Conclusions.

“ The Commission,

“ Having examined the five petitions from inhabitants of the Jezireh, as well as the observations of the French Government ;

“ And having heard the additional explanations furnished by the accredited representative of the mandatory Power, from which it appears that the protective regime to be accorded to minorities is one of the subjects of the conversations now in progress :

“ Is of opinion that, for the time being, it is unnecessary to make any other recommendation to the Council on the status of the Jezireh than those embodied in its general observations on Syria and Lebanon.”

- (i) PETITIONS, DATED FEBRUARY 19TH AND 20TH, 1938, FROM M. NAZIH MOAYAD EL AZM AND M. ASSAAD EL BAKRI, DAMASCUS (document C.P.M.2097) (pages 75, 186).

Observations of the French Government, dated October 25th, 1938 (document C.P.M. 2097).

Report (see Minutes, Annex 11, page 199).

Conclusions.

“ The Commission,

“ Having examined the petitions, dated February 19th and 20th, 1938, from M. Nazih Moayad El Azm and M. Assaad El Bakri, Damascus, as well as the observations of the mandatory Power :

“ Considers that they do not call for any recommendation to the Council.”

- (j) PETITION, DATED MAY 4TH, 1938, FROM M. KAMEL BINNI, JOURNALIST, DAMASCUS (document C.P.M.2098) (pages 109, 185).

Observations of the French Government, dated October 25th, 1938 (document C.P.M. 2098).

Report (see Minutes, Annex 12, page 200).

Conclusions.

“ The Commission,

“ Having examined the petition, dated May 4th, 1938, from M. Kamel Binni, journalist, Damascus, together with the mandatory Power's observations :

“ Is of opinion that this petition does not call for any special action.”

- (k) PETITIONS, (1) DATED DECEMBER 15TH, 1937, FROM THE REV. JOHN D. CROSE, REPRESENTATIVE IN LEBANON OF THE CHURCH OF GOD, BEIRUT, AND (2) UNDATED, FROM CERTAIN INHABITANTS OF SEBEIL, LEBANON, (document C.P.M.2099) (pages 84, 91-92, 187).

Observations of the French Government, dated August 24th and October 20th, 1938 (document C.P.M.2099).

Report (see Minutes, Annex 13, pages 200-201).

Conclusions.

“ The Commission,

“ Having examined the petition, dated December 15th, 1937, from the Rev. John Crose, the undated petition from a number of inhabitants of Sebeil in Lebanon, and the mandatory Power's observations thereon ;

“ While regretting the delaying tactics adopted, in spite of the mandatory Power's disapproval, by the Lebanese authorities on the grounds that such a policy was necessary in test of public order :

“ Is of opinion that these petitions do not call for any special recommendation to the Council.”

II. PETITIONS REJECTED BY THE COMMISSION AS INADMISSIBLE

Syria and Lebanon

PETITIONS (FIVE IN NUMBER) CONCERNING DECISIONS TAKEN BY THE COUNCIL IN 1937 AND RELATING TO THE STATUS OF THE SANJAK OF ALEXANDRETTA (document C.P.M.2032) (pages 185, 193-194).

Observations of the French Government, dated May 31st, 1938 (document C.P.M.2032).

Cameroons under French Mandate

PETITION, DATED MAY 9TH, 1938, FROM M. MANDESSI BELL, PRESIDENT OF THE “ Union CAMEROUNAISE ”, PARIS (document C.P.M.2088) (pages 113, 131, 184).

Observations of the French Government, dated July 27th, 1938 (document C.P.M.2088).

II. COMMENTS OF THE ACCREDITED REPRESENTATIVES SUBMITTED IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION

A. RUANDA-URUNDI

NOTE BY THE ACCREDITED REPRESENTATIVE, DATED NOVEMBER 16TH, 1938

[*Translation.*]

The second of the Permanent Mandates Commission's observations concerning general administration opens with the following sentence :

“ The Commission notes that, as a result of the educational system by which the ruling class of native society benefits, the great majority of the chiefs have now been converted to Christianity, whereas those under their administration are for the most part still pagans.”

As the first part of this might give rise to misunderstanding, the accredited representative of the Belgian Government considers that some explanation is required.

The position which attracted the attention of the Mandates Commission is not a consequence of an educational system. In the form in which it has developed in Ruanda-Urundi, under the Government's authority or auspices, education is generally available to the whole population, without distinction, and it is not necessary to belong to the ruling class to benefit by it.

The conversion of chiefs and sub-chiefs to Christianity is due solely to missionary activity—carried on in independence of the administration, whose powers are supervisory only, and freely developed in pursuance of Article 8 of the mandate—which has found the minds of the Batutsi notables more accessible to ideas of progress.

(Signed) HALEWYCK DE HEUSCH.

B.

The accredited representatives for Syria and Lebanon, Cameroons under British mandate, Cameroons under French mandate, Togoland under British 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.
