

# THE MANDATES SYSTEM

Origin – Principles – Application



LEAGUE OF NATIONS

GENEVA

1945

## PERMANENT MANDATES COMMISSION

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THE MANDATES SYSTEM

Origin — Principles — Application

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# CONTENTS

	Page
PREFACE . . . . .	5
I. THE ORIGIN OF THE MANDATES SYSTEM . . . . .	7
1. Historical Background . . . . .	7
2. Genesis of the Mandates System . . . . .	13
3. Establishment of the System . . . . .	18
II. THE PRINCIPLES OF THE MANDATORY REGIME:	
1. The Covenant . . . . .	22
2. The Mandate "Charters" . . . . .	24
III. THE SUPERVISION OF THE MANDATORY ADMINISTRATION BY THE LEAGUE OF NATIONS:	
1. Nature and Extent of the Supervision . . . . .	33
2. Powers, Duties and Procedure of the Organs of the League . . . . .	34
3. Sources of Information — Means of Supervision . . . . .	37
4. Rôle and Work of the Permanent Mandates Commission . . . . .	46
IV. THE MORAL, SOCIAL AND MATERIAL WELFARE OF THE NATIVES:	
1. Fundamental Principles . . . . .	52
2. The "Questionnaires" of the Mandates Commission . . . . .	53
3. The Observations of the Commission on the Mandatory Administration . . . . .	54
4. Annual Reports . . . . .	67
V. THE POPULATION OF THE MANDATED TERRITORIES:	
1. Introduction . . . . .	74
2. The Various Territories . . . . .	76
Territories under "A" Mandate:	
Palestine and Transjordan . . . . .	77
Syria and Lebanon . . . . .	83
Territories under "B" Mandate:	
The Cameroons under British Mandate . . . . .	90
The Cameroons under French Mandate . . . . .	91
Togoland under British Mandate . . . . .	93
Togoland under French Mandate . . . . .	94
Tanganyika Territory . . . . .	96
Ruanda-Urundi . . . . .	100
Territories under "C" Mandate:	
Islands under Japanese Mandate . . . . .	105
Nauru . . . . .	108
New Guinea . . . . .	110
Western Samoa . . . . .	112
South West Africa . . . . .	115
ANNEX . . . . .	118



## PREFACE

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In the report on the work of the League of Nations which I sent to Governments in May 1942<sup>1</sup>, I wrote as follows:

"The Secretariat has continued to keep up to date all available documentary material from official and unofficial sources concerning the territories under mandate — *e.g.*, official gazettes, statistics, trade reports, etc. A number of documents, including the annual reports on the administration of certain territories, have been received from the mandatory Powers and communicated to the Mandates Commission.

"While it is obviously too early to foresee the repercussions of the present conflict both upon the social, economic and political conditions of the native populations and the future of the mandates system, it may be said without exaggeration that the system based on Article 22 of the Covenant proved to be of moral and practical value. The consideration of the social, material and moral welfare of the natives as the primary object of colonial administration; the custodianship of peoples 'not yet able to stand [by themselves]', with a view to teaching them gradually to assume greater responsibilities for their own affairs and thus leading them, in many cases, towards eventual self-government: these are fundamental principles which can hardly fail to be taken into account in any future study of colonial problems. Also, the collective supervision by an international body of the faithful observance of such principles has offered serious advantages, though the opinion has been expressed in some quarters that the supervision might perhaps be made still more effective and more independent of national control.

"The application of the principle of economic equality to the mandated territories, subject to the paramount claims of native economic welfare, constitutes also a noteworthy experiment, which may be of value for the solution of the much-discussed problem of giving all nations equal access to markets and raw materials."

Subsequently, it appeared to me desirable that a detailed study should be made of certain aspects of this first experiment in international collaboration and supervision in the colonial sphere.<sup>2</sup>

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<sup>1</sup> *Report on the Work of the League, 1941-1942* (document C.35.M.35.1942), pages 76-77.

<sup>2</sup> A study prepared by the Secretariat is, as a rule, a collective work. In the present case, however, I think that I ought to say that the author is Mr. P. M. ANKER, who has been a member of the Mandates Section since 1931.

"This problem of the mandated territories", said Mr. Arthur Balfour at the First Assembly<sup>1</sup>, "is one of the greatest, and, I hope, will prove one of the most valuable experiments made by the Covenant. It is not a very easy experiment . . . Success will really depend upon how the Commission and the Council work the machine. I believe they will work it well."

It may be said that the hope expressed in 1920 by Mr. Balfour has been, in large measure, realised. Populations which were thought to be not yet able to stand by themselves have obtained certain rights and safeguards, their well-being and their development having become a question of international concern. The provisions in the mandates forbidding discrimination in economic, commercial or industrial matters between the nationals or companies of the different countries have facilitated equal access to certain raw materials and markets, and this has tended to decrease the number of cases of friction arising in connection with the development of overseas territories. Co-operating in the fulfilment of their respective tasks, under the searchlight of public opinion, the mandatory administrations and the organs of the League of Nations have, in general, ensured the application of the principles enunciated in favour of the natives and of the community of nations. The regular exchange of information and experience in the matter of colonial administration has contributed to the establishment of higher standards and the inhabitants of the mandated territories have not been alone in benefiting therefrom.

Some of the foregoing observations are borne out by many facts and data which are analysed in the present study. The application of the mandates system over a period of some twenty years, and the consequent co-operation which has, in a general way, grown up between the mandatory Powers and the organs of the League of Nations, afford a body of experience which appears to merit examination during the forthcoming inter-governmental deliberations on the question of "territorial trusteeship".

Seán LESTER,

*Acting Secretary-General.*

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<sup>1</sup> *Records of the First Assembly of the League of Nations, Plenary Meetings*, page 721.



## I. THE ORIGIN OF THE MANDATES SYSTEM

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Among the political, administrative and humanitarian tasks with which the League of Nations found itself entrusted from the outset, under the terms of the Covenant itself, was that of supervising the tutelar administration of the colonies and territories which, as a consequence of the first world war, had ceased to be under the sovereignty of the States which had formerly governed them and which were inhabited by "peoples not yet able to stand by themselves under the strenuous conditions of the modern world". Under Article 22 of the Covenant, "the well-being and development of such peoples form a sacred trust of civilisation... The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who, by reason of their resources, their experience or their geographical position, can best undertake this responsibility... this tutelage should be exercised by them as Mandatories on behalf of the League". In administering the territories in question, the Mandatories were to observe certain principles laid down in general terms in the Covenant and further defined in the mandates adopted by the Council of the League of Nations. The Covenant also laid down that the Mandatories were to render to the Council an annual report on the administration of the territories committed to their charge. A Permanent Commission was to examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

### 1. HISTORICAL BACKGROUND

Though the mandates system was an innovation in the fields of international law and of colonial policy and though it owed its creation mainly to the need for disposing of a pressing political problem, it is also the fact that, underlying this institution, are ideas which had for a long time been taking shape in the minds of idealists, statesmen and experts in colonial matters and in international law and which had been disseminated by philanthropic and progressive circles in different countries. Some of these ideas had in fact already found expression, though in somewhat indefinite form, in international conventions.

At the outset of the period of modern colonisation (in the 16th and 17th centuries), colonisers concerned themselves almost solely with the exploitation of the conquered areas for their own benefit and that of the mother-country. Though sometimes religious motives were alleged, nothing was as a rule undertaken in this direction beyond attempts to effect a rapid and superficial conversion of the natives, and if these

failed the latter were very often exposed to the worst kind of treatment or even to extermination. International law, which began to develop at this period, was held to apply only as between Christian States and therefore afforded no protection whatsoever to peoples dwelling outside the sphere of European civilisation. Neither as individuals nor as communities could the natives possess any rights, but their conquerors acquired rights over them. Thus they were entirely dependent upon the humanitarian sentiments of the colonisers and these as a rule proved a very dubious safeguard. The well-being or material and moral needs of the natives were scarcely considered.

Gradually, however, humanitarian, political or economic considerations brought about a reaction against this state of affairs. A keener sense of moral responsibility for the welfare of native races began to develop among colonisers. Towards the end of the 18th century, and still more at the beginning of the 19th, theologians, philosophers and politicians of advanced ideas raised their voices against abuses such as slavery and advocated fairer treatment for the native inhabitants of colonial territories. At the same time a truer appreciation of the economic potentialities of such territories brought about a realisation that a policy of good treatment of the natives could not be otherwise than beneficial to the interests of the colonisers. The importance, from the point of view of the rational development of colonies, of having at hand a supply of native labour in good physical and moral condition was realised. During the French Revolution, the Law of the 16th Pluviose of the Year II abolished negro slavery in the French colonies. In England and elsewhere, philanthropic societies were founded with a view to the suppression of the slave trade and the protection of native populations. This movement led — from about 1830 onwards — to a series of legislative measures directed against the slave trade. The status of the native began to improve; he was no longer a mere chattel in law and a possession to be exploited. Similarly, colonial practice began to be more scrupulous in its attitude towards native political entities; it became more and more usual to conclude treaties or agreements with the chiefs of tribes or of indigenous States, and, in the matter of terminology, the appearance at this period of various forms of "protectorate" was significant.

At the period when the European Powers were all engaged in staking out claims in Central Africa (that is to say, from about 1880 onwards), humanitarian ideas were already in vogue. Alongside the principal aims pursued by this policy of colonial expansion, considerations of this kind were definitely observable in two international conventions concluded towards the end of the century. In these two conventions we already find in embryo some of the principles which, a generation later, were more precisely and effectively enunciated in the mandates system. These principles embraced not only those relating to the welfare of the natives, but also the principle of economic equality between all members of the international community.

According to its preamble, the *General Act of the Conference of Berlin*, signed on *February 26th, 1885*, pursued the following aims — which are incidentally enumerated in a significant order: (1) “in a spirit of good and mutual accord, to regulate the conditions most favourable to the development of trade and civilisation in certain regions of Africa, and to assure to all nations the advantages of free navigation on the two chief rivers of Africa flowing into the Atlantic Ocean”; (2) “to obviate the misunderstanding and disputes which might in future arise from new acts of occupation on the coast of Africa”; and, finally, (3) the “furthering” of “the moral and material well-being of the native populations”.

Article 6 of the Act, which deals with the point last mentioned, provides as follows:

“Article 6.

PROVISIONS RELATIVE TO PROTECTION OF THE NATIVES, OF MISSIONARIES  
AND TRAVELLERS, AS WELL AS RELATIVE TO RELIGIOUS LIBERTY

“All the Powers exercising sovereign rights or influence in the aforesaid territories bind themselves to watch over the preservation of the native tribes, and to care for the improvement of the conditions of their moral and material well-being, and to help in suppressing slavery, and especially the slave trade. They shall, without distinction of creed or nation, protect and favour all religious, scientific, or charitable institutions and undertakings created and organised for the above ends, or which aim at instructing the natives and bringing home to them the blessings of civilisation.

“Christian missionaries, scientists, and explorers, with their followers, property, and collections, shall likewise be the objects of especial protection.

“Freedom of conscience and religious toleration are expressly guaranteed to the natives, no less than to subjects and to foreigners. The free and public exercise of all forms of Divine worship, and the right to build edifices for religious purposes, and to organise religious Missions belonging to all creeds, shall not be limited or fettered in any way whatsoever.”

With particular regard to the slave trade, Article 9 contains the following undertaking :

“seeing that trading in slaves is forbidden in conformity with the principles of international law as recognised by the signatory Powers... each of the Powers binds itself to employ all the means at its disposal for putting an end to this trade and for punishing those who engage in it.”

Other provisions relate to the maintenance of free trade in the Congo basin and adjoining territories (Articles 1-5) and to the neutrality of these territories (Articles 10 and 11).

Five years later, the Powers undertook in the *General Act of the Conference of Brussels*, signed on *July 2nd, 1890*, to take certain measures with a view to the suppression of the slave trade, the protection of freed slaves and the restriction of the importation of fire-arms and



spirituous liquors into Africa. The preamble of this Convention contained, *inter alia*, the following declaration:

“Equally animated by the firm intention of putting an end to the crimes and devastations engendered by the traffic in African slaves, of effectively protecting the aboriginal populations of Africa, and of assuring to that vast continent the benefits of peace and civilisation;

“Wishing to give a fresh sanction to the decisions already taken in the same sense and at different periods by the Powers; to complete the results obtained by them; and to draw up a collection of measures guaranteeing the accomplishment of the work which is the object of their common solicitude;

“.....”

In the terms of a final Declaration annexed to the General Act, the measures adopted were “intended to put an end to the negro slave trade by land as well as by sea, and to *improve the moral and material conditions of existence of the native races*”.

While the specific provisions of the Act of Brussels with regard to the slave trade and the traffic in spirituous liquors and fire-arms established definite legal obligations, the same can hardly be said of the undertakings formulated in general terms in this Act and in that of Berlin, in favour of the natives. These were more in the nature of aspirations, of generous statements of intention, of a declaration or acknowledgment of moral obligations <sup>1</sup>.

At all events, in respect of none of these undertakings did any *higher authority* exist to which could be referred claims regarding their application or interpretation. Still less had it occurred to anyone to create a permanent supervisory body responsible for seeing that these undertakings were carried out. The International Commission of the Congo, established by Article 17 of the Act of Berlin, was responsible only for ensuring the execution of the provisions of the Act of Navigation which was adopted as an integral part of this instrument (Chapter IV). On the other hand, the object of the International Office with headquarters at Zanzibar, which was provided for in the Act of Brussels (Chapter V), was to “centralise all documents and information of a nature to facilitate the repression of the slave trade in the maritime zone”. It was to forward a report annually to a special office attached to the Belgian Ministry of Foreign Affairs. The main duty of this office was to centralise the documents and information received from signatory Powers which were to communicate “to the fullest extent and with the least delay which they shall consider possible” the text of legislative measures and statistical information concerning the slave trade, slaves detained and liberated, and the traffic in arms, ammunition and spirituous liquors. However useful the international offices thus established may have been, their powers and sphere of action were therefore necessarily very limited.

<sup>1</sup> The report dated June 20th, 1891, of the Committee of the French Chamber of Deputies entrusted with the examination of the draft law approving the General Act of the Conference of Brussels speaks of a “great moral obligation and a supreme duty to be fulfilled.”



Meanwhile, colonial doctrine became more and more imbued with the idea of *tutelage* and trusteeship — a moral responsibility towards mankind for the treatment of the natives. Accordingly it was recognised, in theory and occasionally in practice, that these new principles implied a potential right on the part of native communities or colonial possessions to acquire autonomy or independence — a right which would become effective when they reached a sufficient degree of maturity.

Thus, in 1898, the United States recognised the right of Cuba to her independence and, after four years of temporary occupation, they withdrew their forces from the island. In 1899, the American Senate announced the intention of the United States to establish in the Philippines “a government suitable to the wants and conditions of the inhabitants of the said islands and to prepare them for local self-government...”<sup>1</sup> The President of the United States, in a message dated December 3rd, 1900, described the American possession of the Philippines as an “unsought trust which should be unselfishly discharged”; he referred to the Filipinos as “the wards of the nation” and to the task of the United States as “an obligation as guardian”.

The grant of self-government or independence to certain colonial possessions with a partly or mainly European population — particularly in the Western Hemisphere — was calculated to engender the idea that other colonial dependencies might eventually in their turn undergo a similar evolution. The development which led to the recognition of certain Asiatic or African countries as members of the international community also tended in the same direction.

Furthermore, the *mandatory idea* made its appearance in the international sphere in a number of isolated cases in which the Powers entrusted one of their members with a specific task — sometimes of limited duration. Thus, in 1815, Great Britain took over the protection of the Ionian Islands, under a sort of mandate conferred upon her by Russia, Prussia and Austria at the Conference of Paris<sup>2</sup>. In 1860, France intervened in Lebanon in order to protect the Christian population of that country (the Maronites), in virtue of a mandate from the Great Powers<sup>3</sup>. A somewhat peculiar system was provided for in the case of Crete by the “Provisional Regulations” adopted on December 18th, 1897: there was to be autonomy under the personal suzerainty of the Sultan of Turkey, the executive power was to be entrusted to a provisional Governor “in virtue of a delegation from the Great Powers”; this Governor was to transmit every quarter to the representatives of the Great Powers in Constantinople a report on the administration of the island. At the time of the first crisis in connection with Morocco, the United States suggested that France and Spain should be given a

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<sup>1</sup> Resolution of February 14th, 1899.

<sup>2</sup> Treaty of Paris of November 5th, 1815.

<sup>3</sup> Convention and Protocol 1 of the Conference of Paris of August 3rd, 1860.

mandate to supply officers for the instruction and command of the Moroccan forces and to maintain equality of commercial treatment and the principle of the open door. The General Act of the Conference of Algeciras, signed on April 7th, 1906, adopted this solution as far as the organisation of the police is concerned, adding a clause to the effect that an inspectorate-general of the police should be established and entrusted to a senior officer of the Swiss Army. Lastly, mention should be made of the "mandates" of a special kind conferred by the British Government on certain of the Dominions for the administration of various territories inhabited by backward races. In 1887, Australia was entrusted by the British Crown with the administration of the Protectorate of British New Guinea (known later as the Papua Territory). Similarly, the South Africa Act of September 20th, 1909 (Article 151) provided for the transfer to the Union of South Africa of the administration of certain adjoining territories, subject to a series of provisions drawn up in the interests of the natives. A schedule annexed to this Act contains clauses regarding the land system, traffic in intoxicating liquor, native customs, the employment of the revenue of the territory, etc.<sup>1</sup>.

It will thus be seen that the notions of *tutelage*, of *trusteeship*, and even of a *mandate* in respect of the native populations were not unknown prior to 1919. Equality of conditions in the economic sphere had also already been recognised in principle as regards certain parts of Africa. The main elements, therefore, of the mandates system existed not only in theory, but had even to a limited extent been put into practice in a few cases.

From the point of view of international law, however, the position of the native communities on the eve of the first world war could, according to an authoritative writer on the subject, be summarised as follows:

"In its relations with semi-civilised States, in so far as concerns all matters which have not been settled by treaty, and in all its relations with uncivilised communities, the international community of nations can avail itself of its *de facto* power; it is bound only by moral principles resulting from Christian and humanitarian sentiments"<sup>2</sup>.

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<sup>1</sup> The Schedule of the South Africa Act contained the following provisions amongst others:

"14. It shall not be lawful to alienate any land in Basutoland or any land forming part of the native reserves in the Bechuanaland Protectorate and Swaziland from the native tribes inhabiting those territories.

"15. The sale of intoxicating liquor to natives shall be prohibited in the territories, and no provision giving facilities for introducing, obtaining, or possessing such liquor in any part of the territories less stringent than those existing at the time of transfer shall be allowed.

"16. The custom, where it exists, of holding pitsos or other recognised forms of native assembly shall be maintained in the territories."

<sup>2</sup> Franz von Liszt: *Le Droit international*, 1913 edition (French), page 6.

It was not until the institution of the mandates system by the Covenant of the League of Nations that these "moral principles" were more precisely defined and, in the case of some territories at least, transformed into principles of international law, and that provision was made for a supreme supervisory body to ensure the application of these principles.

## 2. GENESIS OF THE MANDATES SYSTEM

On taking up the question of the fate of the German colonies and of the territories of the Ottoman Empire inhabited by non-Turkish populations, the Peace Conference, in 1919, found itself confronted with a peculiarly complex problem. A medley of factors of different kinds had to be taken into account: the actual situation resulting from the war, the claims of Allied countries and the agreements reached between them, the interests of the inhabitants of the territories in question, the trends of public opinion, the principles formulated by the Governments which were to serve as criteria for the general peace settlement and, finally, the differing degrees of civilisation which had been attained by the peoples inhabiting these territories and which rendered a uniform solution impossible.

The German colonies had been occupied during the war by the forces of the Allied countries and some of the latter, with the support of their public opinion, had manifested an intention to annex one or other of the colonies in question (in particular those situated in the Pacific), adducing as a reason either the sacrifices made during the war, or motives of national security, or again humanitarian considerations.<sup>1</sup> Certain official circles were, however, less inclined to favour an extension of the national colonial domain.<sup>2</sup> There was, however, general agreement that the German colonies could not be allowed to revert to their former sovereignty.<sup>3</sup> With regard to those territories of the former Ottoman Empire the fate of which had to be settled, they too had been occupied by the Allied armies. Subject to certain reservations and without any precise definition of frontiers, negotiations conducted in 1915 between British representatives and the Emir of Mecca had envisaged the independence of the Arab countries. On the other hand, a Franco-British agreement concluded in May 1916 had contemplated a special régime for Palestine and the Holy Places. Finally,

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<sup>1</sup> In regard to this point, the documents published during the war regarding the German colonial administration should be mentioned.

<sup>2</sup> See David Hunter Miller : *The Drafting of the Covenant*, Vol. I, page 104, where reference is made to a "feeling which was pretty strong even in 1919 against the extension of the British colonial rule in any form whatever, anywhere. 'The British Empire is big enough' is the way that this sentiment was reflected among some of the most responsible British representatives at Paris."

<sup>3</sup> See Minutes of the meeting of the Council of Ten on January 24th, 1919: "... President Wilson said that he thought all were agreed to oppose the restoration of the German colonies.... There was no dissentient and this principle was adopted." Miller, *op. cit.*, Vol. I, page 105.



in the Balfour Declaration of November 2nd, 1917, the British Government had undertaken to "view with favour the establishment in Palestine of a national home for the Jewish people", without prejudice to the "civil and religious rights of existing non-Jewish communities in Palestine". This Declaration had been approved by the American, French and Italian Governments.

The principle that the peace settlement should not be accompanied by any annexation and that it should be based on the right of nations to self-determination had been proclaimed towards the end of the war by the leaders of the Russian Revolution<sup>1</sup> and also found expression in the declarations of Allied statesmen<sup>2</sup>. The principle of "non-annexation", however, envisaged only the negative aspect of the problem, while the principle of self-determination could scarcely be applied automatically to peoples which had not yet attained an adequate degree of political maturity, and still less to populations devoid of any real national consciousness. In respect of such peoples, therefore, these principles had to be adapted to meet different requirements.

In different quarters, the idea had been mooted of establishing an international régime for the German — and even for other — colonies. Thus Mr. Balfour, in 1917, made the following statement: "If the United States will help us, my wish is that these German colonies should be internationalised"<sup>3</sup>. A declaration of the war aims of the British Labour Party adopted by a special National Congress of that Party in December 1917<sup>4</sup> contained a proposal to the effect that all colonies of Tropical Africa should be transferred to the "proposed supernational authority or League of Nations". The administration of these territories should be "under the legislative council of that authority as a single independent African State with its own trained staff, on the principles of: (1) taking account in each locality of the wishes of the people when these can be ascertained; (2) protection of the natives against exploitation and oppression and the preservation of their tribal interests; (3) all revenues raised to be expended for the welfare and development of the African State itself; and (4) permanent neutralisation...". With regard to the non-Turkish parts of the Ottoman Empire, the declaration contained the following: "If in these territories it is impracticable to leave it to the peoples to settle their own destinies, the British Labour Movement insists that, conformably with the policy of 'no annexations', they should be placed for administration in the

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<sup>1</sup> See note of the Russian Commissar for Foreign Affairs dated November 21st, 1917, which speaks of "a democratic peace on the basis of no annexations or indemnities and the self-determination of Nations". Scott: *Official Statements of War Aims and Peace Proposals*, Washington, 1921, page 188.

<sup>2</sup> See, for instance, the messages of President Wilson dated February 11th and April 6th, 1918. Scott, *op. cit.*, pages 265 and 309.

<sup>3</sup> Hendrick: *The Life and Letters of Walter H. Page*, Vol. II, page 247.

<sup>4</sup> *Documents of the American Association for International Conciliation*, 1918, pages 50 and 51.



hands of a commission acting under the supernational authority or League of Nations". A similar declaration was adopted by the National Council of the French Socialist Party in February 1918.

In President Wilson's message of January 8th, 1918, concerning the conditions of peace, the fifth of the famous Fourteen Points dealt with the colonial question as follows: "A free, open-minded and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that, in determining all such questions of sovereignty, the interests of the populations concerned must have equal weight with the equitable claims of the Government whose title is to be determined." Furthermore, the twelfth point contained the following: "The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development..."

In the plan for a League of Nations published by General Smuts in December 1918, on the eve of the Conference of Peace, we find for the first time the broad outlines of an international mandates system<sup>1</sup>. The author described in twenty-one points, each accompanied by a brief commentary, the main characteristics of what, in his view, should be the future international organisation. The first nine points related to the fate of countries which had belonged to the European or Near-Eastern Empires which had collapsed. In respect of these territories, General Smuts proposed that the League should be regarded as "the reversionary in the most general sense and as clothed with the right of ultimate disposal in accordance with the fundamental principles. Reversion to the League of Nations should be substituted for any policy of national annexation." The government of each of these countries should be established in accordance with the principle of self-determination. Nevertheless, the conditions prevailing in these territories varied considerably from one country to another and for some of them — General Smuts continues — "it will probably be found that they are as yet deficient in the qualities of Statehood and that, whereas they are perhaps capable of internal autonomy, they will in one degree or another require the guiding hand of some external authority to steady their administration... In all these cases the peoples concerned are perhaps sufficiently homogeneous and developed to govern themselves subject to some degree of external assistance and control." The author, however, foresees that there may be other cases where, "owing chiefly to the heterogeneous character of the population and their incapacity of administrative co-operation, autonomy in any real sense would be out of the question and the administration would have to be undertaken to a very large extent by some external authority. This would be the case, at any rate for some time to come, in Palestine..." "No State

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<sup>1</sup> General Smuts: *The League of Nations, a Practical Suggestion*. London, 1918.

should — affirms General Smuts — make use of the helpless or weak condition of any of these territories in order to exploit them for its own purposes.” The foregoing considerations are summarised by General Smuts in the following recommendation:

“(4) That any authority, control, or administration which may be necessary in respect of these territories and peoples, other than their own self-determined autonomy, shall be the exclusive function of and shall be vested in the League of Nations and *exercised by or on behalf of it.*”

One question, however, at once arises: “How is the League to provide this authority or administration? It will itself be a conference consisting of representatives of States. Any authority or administration directly exercised by it will therefore be of a joint international character.” The author goes on to indicate *the weak points of an international administration*: “Now, joint international administration, in so far as it has been applied to territories or peoples, has been wanting wherever it has been tried. It has worked fairly well in international business arrangements of a limited scope, such as postal arrangements, the Danube Commission and similar cases. But in those few cases where it has been tried in respect of peoples or territories it has not been a success. The administering personnel taken from different nations do not work smoothly or loyally together; the inhabitants of the territory administered are either confused or, if they are sufficiently developed, make use of these differences by playing one set of nationals off against the other. In any case the result is paralysis tempered by intrigue. It may be safely asserted that, if the League of Nations attempts too soon to administer any people or territory directly through an international personnel, it will run a very serious risk of discrediting itself... It will have to train its officials taken from various nationalities to work loyally together irrespective of their national interests; it will have to do these and many other things before it could successfully undertake a task requiring fundamental unity of aims, methods and spirit such as the administration of an undeveloped or partly developed people... The only successful administration of undeveloped or subject peoples has been carried on by States with long experience for the purpose and staffs whose training and singleness of mind fit them for so difficult and special a task... That is to say, where an autonomous people or territory requires a measure of administrative assistance, advice or control, the League should as a rule meet the case not by direct appointment of international officials but by nominating a particular State to act for and on behalf of it in the matter, so that, subject to the supervision and ultimate control of the League, the appointment of the necessary officials and the carrying on of the necessary administration should be done by this mandatory State.”

Nevertheless — General Smuts points out — “the delegation of certain powers to the mandatory State must not be looked upon as in any way impairing the ultimate authority and control of the League...

For this purpose it is important that, in each such case of mandate, the League should issue a special Act or Charter clearly setting forth the policy which the mandatory will have to follow in that territory. This policy must necessarily vary from case to case, according to the development, administrative or police capacity, and homogeneous character of the people concerned. The mandatory State should look upon its position as a great trust and honour, not as an office or profit or a position of private advantage for it or its nationals." Accordingly, General Smuts recommends:

"(6) That the degree of authority, control or administration exercised by the mandatory State shall in each case be laid down by the League in a special Act or Charter, which shall reserve to it complete power of ultimate control and supervision, as well as the right of appeal to it from the territory or people affected against any gross breach of the mandate by the mandatory State.

"(7) That the mandatory State shall in each case be bound to maintain the policy of the open door, or equal economic opportunity for all, and shall form no military forces beyond the standard laid down by the League for purposes of internal police."

General Smuts' plan envisaged only the territories of Eastern Europe and of the Near East the fate of which had to be settled by the Peace Conference. As regards the German colonies, they were, in the General's opinion, "inhabited by barbarians who not only cannot possibly govern themselves, but to whom it would be impracticable to apply any ideas of political self-determination in the European sense... The disposal of these colonies should be decided on the principles which President Wilson has laid down in the fifth of his celebrated Fourteen Points."

At the time of the opening of the Peace Conference, a congress of allied associations in favour of a League of Nations which was held in Paris (January 25th-30th, 1919) adopted a resolution asking that the Council of the League of Nations should be entrusted with "the moral guardianship of uncivilised races" and made responsible for the conclusion and execution of the international conventions "necessary for the protection and progress of these nations". A resolution to the same effect was adopted by an international socialist conference at Berne on February 6th, 1919.

The foregoing constitutes a brief summary of the main facts, of the rights and interests involved, of the proposals put forward and of the trends of public opinion, which had to be reckoned with in working out the new status of the wide regions of Asia, Africa and Oceania which had formerly belonged to the Central Empires. The only system which appeared to take account of all the factors mentioned was the mandates system. This system seemed calculated to safeguard the interests both of the natives and of those countries which had



asserted special claims and, in addition, the interests of the international community in general. It also enabled the highest ideals of colonial doctrine and of advanced public opinion in civilised countries to be put into practice.

President Wilson, much struck with General Smuts' idea, embodied the international mandates system in his first two drafts of the Covenant of the League of Nations, which were worked out in Paris in January 1919, extending it to include the German colonies. The British Delegation, for its part, presented a "Draft Convention on Mandates", accompanied by a number of annexed declarations. In this plan, the principles to be applied by the mandatory administration were defined and a distinction drawn between "vested territories" and "assisted States". Furthermore, the British plan envisaged the creation of a Commission or of Commissions whose duty would be to assist the League of Nations in its supervision of the mandatory States, to study the reports on their administration of the mandates and to submit to the Council such recommendations as they might consider expedient. The negotiations in regard to these matters which were conducted towards the end of January 1919 culminated on January 30th in the adoption — not without some difficulty — by the Council of Ten of a resolution, the text of which would appear, like the original plan, to have been due to General Smuts. After undergoing some modifications — in particular, the addition of the last two paragraphs concerning the powers of the Council and the creation of a Mandates Commission — this resolution of January 30th was embodied in the text of the Covenant of the League of Nations, of which it then formed Article 19. This text was unanimously adopted by the Conference on February 13th, 1919. After having once more been slightly amended — more particularly by the addition of the words "and who are willing to accept it" in the second paragraph (regarding the nations to whom the tutelage of the territories in question might be entrusted) — Article 19 of the Covenant of February 13th became Article 22 of the final text of the Covenant, as adopted on April 25th, 1919.

As David Hunter Miller, a member of the American Delegation to the Peace Conference, observes: "... the world took a very long step forward when Article 22 of the Covenant came into force".<sup>1</sup>

### 3. ESTABLISHMENT OF THE SYSTEM

Article 22 of the Covenant did not specify which the mandatory Powers were to be or how the mandated territories were to be distributed between them. These points were decided by the Supreme Council of the Allied Powers.

The German colonies in Africa and the Pacific were handed over, not to the League of Nations, but to the Principal Allied and Associated

<sup>1</sup> David Hunter Miller: *The Drafting of the Covenant*, I, page 105.



Powers. According to Article 119 of the Treaty of Versailles, "Germany renounces in favour of the Principal Allied and Associated Powers all her rights and titles over her overseas possessions". Article 132 of the Treaty of Sèvres of 1920 contained a similar clause whereby Turkey renounced in favour of the Principal Allied and Associated Powers all rights and titles over her territories outside Europe "which are not otherwise disposed of by the present Treaty". As a result, however, of subsequent events, the Treaty of Sèvres never came into force; it was replaced by the Treaty of Lausanne of July 24th, 1923. Under Article 16 of the latter Treaty, Turkey renounced all rights and title over the territories situated outside the frontiers recognised and laid down in this Treaty. Article 16 also provided that the future of such territories was being or would be settled by the parties concerned.

Thus, under the terms of the Treaties of Peace, it was for the Supreme Council of the Allied Powers, and not the League of Nations, to select the mandatory Powers.

On May 7th, 1919, the Supreme Council took the following decisions on this subject:

It allotted the Mandates for *Togoland* and the *Cameroons* to France and Great Britain, requesting them to present a joint recommendation regarding the status of these territories to the League of Nations.<sup>1</sup> The Mandate for *German East Africa* (Tanganyika Territory) was allotted to Great Britain, that for *South West Africa* to the Union of South Africa, that for *Western Samoa* to New Zealand, and that for the Island of *Nauru* to the British Empire<sup>2</sup>; the other German possessions in the Pacific south of the Equator (that is to say, *German New Guinea* and the adjacent islands) were allotted to Australia, and the *German islands north of the Equator* to Japan. As a result of subsequent negotiations, the north-western part of Tanganyika Territory (the provinces of *Ruanda* and *Urundi*) was placed under Belgian Mandate by a decision of the Supreme Council dated August 21st, 1919.

The Mandatories for Syria, Palestine and Mesopotamia (Iraq) were designated by the Supreme Council at San Remo on April 25th, 1920. France was entrusted with the administration of *Syria* and Great Britain with that of *Palestine* and *Iraq*.

Though the League of Nations played no part in the designation of the mandatory Powers, it was the League which, by means of a

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<sup>1</sup> An Agreement regarding the delimitation of the portions of the Cameroons and of Togoland under British and French Mandates respectively was concluded between France and Great Britain on July 10th, 1919, and communicated to the League of Nations.

<sup>2</sup> The administration of the Island of Nauru was entrusted to the Governments of the United Kingdom, Australia and New Zealand. These three Governments handed over the administration of the island to the Australian Government for the first five years, but had to come to an agreement in regard to all fundamental questions. The arrangement made with the Australian Government has since been several times renewed.

series of legal instruments, specified the degree of authority, supervision or administration to be exercised by the selected Mandatories. These "charters", drawn up in respect of each of the territories, specified the conditions governing the various mandates and to be observed by the Mandatories.

According to Article 22 of the Covenant, "the degree of authority, control or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council". The interpretation and application of this clause gave rise to some difficulty. It would seem that the authors of the Covenant had at first intended to insert the terms of the mandates in the Treaties of Peace; this idea was, however, subsequently abandoned. In July 1919, a Committee composed of experts in colonial questions belonging to the Principal Allied and Associated Powers met in London, under the chairmanship of Lord Milner, in order to frame the charters for the mandated territories in Africa and the Pacific; no agreement, however, was reached because some of the Governments concerned had made important reservations.

Subsequently, the Principal Allied and Associated Powers submitted to the Council a number of draft mandates which the latter adopted with slight amendments, after satisfying itself that they were in conformity with the terms of the Covenant.

In this way, the Council on December 17th, 1920, confirmed the mandates for South West Africa, New Guinea, Nauru, Samoa and the Islands north of the Equator (the "C" Mandates).

With regard, however, to the remaining African mandates (the "B" Mandates) and the mandates for the Near-Eastern territories (the "A" Mandates), which were to have been confirmed in February 1921, a considerable delay occurred, owing chiefly to the intervention of the United States. During its session in February 1921, in fact, the Council received a note from the Government of that country requesting that the draft mandates should first be communicated to it for consideration. The Council, which, before the receipt of the communication from the United States Government, had already postponed examination of the draft "A" Mandates, decided also to defer consideration of the draft "B" Mandates, in order to comply with the wishes of that Government. In the course of the following eighteen months negotiations took place between the United States and the various mandatory Powers regarding the terms of these mandates.

Finally, on July 20th, 1922, the various mandatory Powers and the United States having in the meantime reached agreement, the Mandates for the Cameroons, Togoland, Tanganyika, Ruanda-Urundi (the "B" Mandates) were confirmed by the Council and at once came into force.

The two Mandates for Palestine and Transjordan and for Syria and Lebanon were approved by the Council a few days later, on July 24th, 1922, subject to the proviso that they should not come into force until

the French and Italian Governments should have notified the President of the Council that the negotiations proceeding between them regarding certain special points of the Mandate for Syria had been concluded and complete agreement reached. On September 29th, 1923, the representatives of France and Italy announced that this agreement had been reached and the Council noted that the mandates for Syria and Lebanon and for Palestine and Transjordan would in consequence enter into force automatically and at the same time.<sup>1</sup>

A variety of causes delayed the confirmation and entry into force of the mandate for Iraq for several years. The British Government, which, in 1920, had submitted to the Council a draft mandate, announced on November 17th, 1921, through its representative on the Council<sup>2</sup> that political developments in Iraq — the people of which had manifested a desire to have a national Government under an Arab ruler — had led them to the conclusion that their obligations vis-à-vis the League could be most effectively discharged if the principles on which they rested were embodied in a Treaty to be concluded between Great Britain and the King of Iraq. This Treaty was concluded on October 10th, 1922, and communicated to the League of Nations. It was supplemented by a Protocol signed on April 30th, 1923, and by four subsidiary agreements dated March 25th, 1924. These instruments were summarised and supplemented by the mandatory Government in a communication defining its own obligations towards the League of Nations with regard to the application of Article 22 of the Covenant. On September 27th, 1924, the Council approved the terms of this communication as giving effect to the provisions of Article 22 of the Covenant. A similar decision was taken by the Council on March 11th, 1926, respecting a new Treaty concluded between the mandatory Power and Iraq on January 13th, 1926<sup>3</sup>.

In the last place, in order to ensure the working of the mandates system, the Commission contemplated by paragraph 9 of Article 22 of the Covenant had to be constituted. On December 1st, 1920, after prolonged discussion, the Council approved the constitution of the Permanent Mandates Commission, which has undergone no essential modification since that time. The members of the Commission were appointed on February 22nd, 1921, and the Commission held its first meeting on October 4th, 1921.

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<sup>1</sup> The United States recognised the terms of the mandates in a number of treaties concluded with the mandatory Powers, namely: Treaties with (1) France concerning Syria and Lebanon, dated April 4th, 1924; (2) Great Britain concerning Palestine, dated December 3rd, 1924; (3) France concerning the Cameroons and Togoland, dated February 13th, 1923; (4) Great Britain concerning the Cameroons, Togoland and Tanganyika Territory, dated February 10th, 1925; (5) Belgium concerning Ruanda-Urundi, dated April 18th, 1923; (6) Japan concerning the Islands under Japanese Mandate, dated February 11th, 1922.

<sup>2</sup> *Minutes of the Fifteenth Session of the Council*, pages 36-37.

<sup>3</sup> See League of Nations document C.216.M.77.1926.VI.



## II. THE PRINCIPLES OF THE MANDATORY REGIME

### 1. THE COVENANT

Article 22 of the Covenant contains nine paragraphs in which are set out in general terms the fundamental principles of the mandates system, together with the methods and safeguards designed to ensure their application.

The Article runs as follows:

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

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

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

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

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

"6. There are territories, such as South West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circum-



stances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

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

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

“9. A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.”

The first two and the last three paragraphs of the Article formulate the guiding principles and may be said to constitute the framework of the new institution, the aim of which they clearly define. These provisions are applicable to all territories under mandate.

Without going into controversial questions regarding the legal nature of the mandates, it may be said that the following main principles emerge from these provisions:

The *aim* of the institution is to ensure the *well-being and development* of the *peoples* inhabiting the territories in question.

The *method* of attaining this aim consists in entrusting the *tutelage* of these peoples to certain advanced nations. The acceptance by a nation of this mission carries with it certain obligations and responsibilities established by law. Like guardians in civil law, they must exercise their authority in the interests of their wards — that is to say, of the peoples which are regarded as minors — and must maintain an entirely disinterested attitude in their dealings with them. The territories with the administration of which they are entrusted must not be exploited by them for their own profit.

Again, the phrase “peoples not *yet* able to stand by themselves” is used. It follows from this and from the very conception of tutelage that this mission is not, in principle, intended to be prolonged indefinitely, but only until the peoples under tutelage are capable of managing their own affairs.

The nations upon which such powers of guardianship are conferred exercise them “as *Mandatories* on behalf of the League”. In other words, the administration of these territories is delegated to them. This involves an *obligation* on their part to *render account* of their *administration* to the League of Nations.

This is made plain by paragraph 7, which prescribes that the Mandatory is to render to the Council an annual report on the administration of the territory committed to its charge. Finally, the last paragraph (No. 9) of the Article briefly describes *the machinery to be established for the international supervision of the mandatory administration*.

Such are the main characteristics of the mandates system. But although the principle is uniform, it is applied in a variety of ways. It will be appreciated that the definition "peoples not yet able to stand by themselves" covers a wide range of situations; the degree of civilisation attained by different peoples is extremely varied. Again, the geographical, economic, demographic, etc., conditions of the mandated territories differ very greatly. Accordingly, the Covenant (paragraphs 3 to 6 of Article 22) distinguishes between *three categories of mandates*, taking into account differences in the stage of development of the population, in the geographical situation of the territory, in the economic conditions prevailing and any other circumstances which may be relevant.

In a first group — "A" Mandates<sup>1</sup> (Syria and Lebanon, Palestine and Transjordan, and Iraq) — the nation is provisionally recognised as independent, but receives the advice and assistance of a Mandatory in its administration until such time as it is able to stand alone.

In the second group — "B" Mandates (the Cameroons, Togoland, Tanganyika, Ruanda-Urundi) — as it is impossible to grant autonomy, the Mandatory is "responsible for the administration" under certain specified conditions. These conditions, which are briefly indicated in the Covenant, are designed to prevent certain abuses and to ensure that the Administration has the welfare of the natives constantly in mind. They aim also at securing respect for the rights and interests of other Members of the League of Nations.

Finally, the territories in the third group — the "C" Mandates (South West Africa and the Islands of the Pacific) — are "administered under the laws of the Mandatory as integral portions of its territory" and subject to the same safeguards in the interests of the indigenous population as the territories under "B" Mandate.

## 2. THE MANDATE "CHARTERS"

The various Mandates or "charters" adopted by the Council comprise a collection of provisions defining the manner in which the principles laid down by the Covenant are to be applied. Under the terms of the latter, the degree of authority or control to be exercised by the Mandatory varies according to the character of the territory.

Certain clauses, however, are common to all Mandates: the Mandatory has full power of administration and legislation subject to the terms of the Mandate<sup>2</sup>; he is under an obligation to make to the Council an annual report to the satisfaction of that body, giving full information as to the measures taken to carry out the provisions of the Mandate;

<sup>1</sup> The different classes of mandates were first designated as "A", "B" and "C" Mandates by the "Milner Commission", see page 20.

<sup>2</sup> A provision to this effect appears in all the mandates except that relating to Syria and Lebanon.

he agrees that, if any dispute whatever should arise between him and another Member of the League of Nations relating to the interpretation or application of the Mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice.<sup>1</sup> Any modification of the terms of the Mandate requires the consent of the Council of the League.

The remaining clauses vary according to the category to which the Mandate in question belongs.

The “C” *Mandates*, which are all almost identical, are relatively simple. The Mandatory is authorised to apply his own legislation to the territory, subject to such local modifications as circumstances may require. He must promote to the utmost the material and moral well-being and the social progress of the inhabitants. In particular, he must see that the slave trade is prohibited; that no forced labour is permitted except for essential public works and services and then only for adequate remuneration. The traffic in arms and ammunition must be strictly controlled and the supply of intoxicating spirits and beverages to the natives prohibited.

No military training may be given to the natives save for purposes of internal police and the local defence of the territory. No military or naval bases are to be established or fortifications erected.

Freedom of conscience and the free exercise of all forms of worship are to be guaranteed. Missionaries, nationals of any State Member of the League of Nations, are to be free to prosecute their calling in the territory.

The “B” *Mandates* go into more detail. They repeat most of the provisions of the “C” *Mandates*, with certain variations; some clauses are expanded, while a number of important new provisions are added.

As in territories under “C” *Mandate*, the Mandatory must promote the material and moral well-being and the social progress of the inhabitants; the “B” *Mandates* further lay down that he is responsible for the peace, order and good government of the territory. He must suppress all forms of slave trade, provide for the emancipation of slaves and for as speedy an elimination of domestic and other slavery as social conditions will allow. Forced labour is only authorised under the same conditions as in the case of “C” *Mandates*; the Mandatory must protect the natives from measures of fraud and force by the careful supervision of labour contracts and the recruiting of labour. A strict control is to be exercised over the traffic in arms and ammunition and over the sale

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<sup>1</sup> The Mandate for Tanganyika Territory, differing on this point from the other mandates, expressly provides that States Members of the League of Nations may likewise bring before the Court for decision any claims on behalf of their nationals for infractions of their rights under the mandate.



of spirituous liquors. (The provisions of the "B" Mandates are thus less rigid in this respect than those of the "C" Mandates, which "prohibit" the supply of intoxicants to the natives.)

With regard to the holding or transfer of land, the mandatory Power, when framing laws, must take into consideration native laws and customs and safeguard native rights and interests. The transfer of land from a native to a non-native and the creation of real rights over native land in favour of a non-native are to be subject to the previous consent of the public authorities. The Mandatory must also enact strict regulations against usury.

The military clauses of the "B" Mandates are almost identical with those of the "C" Mandates. As an exception to the general principle, however, the French mandates for the Cameroons and Togoland provide that native troops raised in the territories may, in the event of general war, be utilised to repel an attack, or, for the defence of the territory outside the boundaries of the latter.

The provisions relating to freedom of conscience and the free exercise of all forms of worship do not differ much from those in the "C" Mandates. The "B" Mandates, however, contain a special provision giving missionaries the right to acquire property in the territory, to erect religious buildings and to open schools. They also expressly recognise the right of the Mandatory in this connection to exercise such control as may be necessary for the maintenance of public order and good government.

The Mandatory is authorised to constitute the territory under his mandate into a Customs, fiscal, or administrative union with the adjacent territories, provided that the measures adopted do not infringe the provisions of the mandate (that is to say, subject in particular to the principle of economic equality).

The "B" Mandates contain detailed provisions for the application of the principle of the "open door" or of *economic equality*. The Mandatory must secure to all nationals of States Members of the League of Nations<sup>1</sup> the same rights as are enjoyed in the territory by his own nationals, in respect of entry into and residence in the territory, the protection afforded to their property, the acquisition of property and the exercise of their profession or trade. The Mandatory has to ensure to the nationals of such countries, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality except in the matter of essential public works and services. Concessions for the development of the natural resources of the territory must be granted without dis-

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<sup>1</sup> By the treaties which she has concluded with the various mandatory Powers, the United States has secured, for her citizens, the same rights as those guaranteed to the nationals of States Members of the League of Nations (see footnote page 21).

tion on grounds of nationality. Concessions having the character of a general monopoly must not, however, be granted; but this provision does not affect the right of the Mandatory to create monopolies of a purely fiscal character in the interest of the territory, or to carry out the development of natural resources, either directly by the State or by a controlled agency, provided that no monopoly for the benefit of the Mandatory or his nationals results therefrom either directly or indirectly.

The “A” *Mandates* differ appreciably from those of the other two categories. In the countries to which they apply, the inhabitants had reached a more advanced stage of development and their independence could, in principle, be recognised by the Covenant itself, subject to the conditions which have been mentioned above. The mission of the Mandatories in these countries has therefore consisted mainly in developing their capacity to govern themselves, and in establishing their economic systems and social and other institutions on a more secure footing in order to fit them to take their position as independent nations.

The “A” Mandates, however, also differ from one another in some important respects, as their terms were drafted so as to take into account the special conditions of the various countries in question. In particular, the mandate for Iraq, which was terminated in 1932, was of a very special character in that, amongst other things, there was no actual charter conferring the mandate.

Let us first consider those provisions of the two mandates for Syria and Lebanon, on the one hand, and Palestine on the other, which are more or less identical.

The external relations of the territory are controlled by the mandatory Power. The latter is responsible for seeing that no part of the territory is ceded to or in any way placed under the control of a foreign Power. The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by capitulation or usage, are not applicable in the mandated territories. The judicial system which is to be established under the terms of the mandate must, however, assure to foreigners, as well as to natives, a complete guarantee of their rights.

In the case both of Syria and Lebanon and of Palestine, the mandatory Power must adhere, on behalf of the territory, to any general international conventions already existing or which may be concluded subsequently with the approval of the League of Nations, respecting the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation, and postal, telegraphic and wireless communications, or literary, artistic or industrial property. So far as religious, social and other conditions permit, the Mandatory is to co-operate on behalf

of the territory in the execution of measures adopted by the League of Nations for preventing disease, including diseases of plants and animals.

The Mandatory is under an obligation to see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. He must see that there is no discrimination of any kind between the inhabitants on the ground of race, religion or language; respect for the personal status of the various communities and for their religious interests is guaranteed; each community is entitled to maintain its own schools for the education of its members in its own language, provided that it conforms to any educational requirements of a general nature which may be laid down. The supervision exercised by the Mandatory over religious institutions and missions is to be limited to that which is strictly necessary for the maintenance of public order and good government.

The Mandatory is entitled to use the roads, railways and ports of the territory for the movement of his armed forces and the carriage of fuel and supplies. In Syria, the Mandatory is entitled to maintain his troops in the territory for its defence; and he may, as a temporary measure, organise such local militia as may be necessary for the defence of the territory and employ it for defence and also for the maintenance of order. Subsequently, this militia is to be under the local authorities, subject to the control of the Mandatory. In Palestine, the local Administration may, subject to the supervision of the Mandatory, organise on a voluntary basis the forces necessary for the preservation of peace and order and also for the defence of the country; except for such purposes, no military, naval, or air forces may be raised or maintained by the Administration.

The Mandatory is to see that there is no discrimination against the nationals of any State Member of the League of Nations<sup>1</sup> as compared with his own nationals or those of any other State in matters concerning taxation or commerce, the exercise of industries or professions, or navigation, or in the treatment of merchant vessels or civil aircraft. Similarly, there is to be no discrimination against goods originating in or destined for any of these States. Freedom of transit across the mandated territory is to be guaranteed under equitable conditions. Subject to these provisions, the Mandatory or the local Administration may take any steps calculated to promote the development of the natural resources of the territory and to safeguard the interests of the population. Special Customs agreements may be concluded between the territory and neighbouring countries.

The Mandatory must also enact a law concerning antiquities in accordance with certain principles defined in the mandate and ensuring equality of treatment in the matter of excavations and archæological research to the nationals of all States Members of the League of Nations.<sup>1</sup>

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<sup>1</sup> See footnote, page 26.



As regards the political regime of the territory, both the mandates in question lay down that the Mandatory is to encourage local autonomy, so far as circumstances permit.

Lastly, both the mandates contain a special clause providing that, on the termination of the mandatory regime, it will be incumbent on the Council of the League of Nations to use its influence to ensure that financial obligations legitimately incurred by the Administration of the countries in question during the period of the mandate are henceforward duly honoured.

The Mandate for *Syria and Lebanon* contains a special provision to the effect that the Mandatory is to frame for these countries an organic law taking into account the rights, interests and wishes of all their populations and that he is to facilitate the progressive development of the two countries as independent States. French and Arabic are the official languages of Syria and Lebanon. The Mandatory is to encourage public education, which is to be given through the medium of the native languages in use in the territories of Syria and Lebanon.

In the Mandate for Syria and Lebanon, the Article establishing the principle of economic equality contains clauses similar to those included in the "B" Mandates (see page 26) with regard to concessions and monopolies.

The *Palestine* Mandate is of a very special character. While it follows the main lines laid down by the Covenant for "A" Mandates, it also contains a number of provisions designed to apply the policy defined by the "Balfour Declaration" of November 2nd, 1917. By this declaration, the British Government had announced its intention to encourage the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country. The Mandate reproduces the Balfour Declaration almost in full in its preamble and states that "recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country".

Accordingly, under the terms of the Mandate, the Mandatory is to be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion. The Mandate also provides for the recognition as a public body of a Jewish agency which is to advise and co-operate with the administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Admi-

nistration, to assist and take part in the development of the country. At first and in accordance with the terms of the Mandate, this rôle was entrusted to the Zionist Organisation; later, however, from 1929 onwards, that organisation was replaced by the "Jewish Agency for Palestine", which includes representatives not only of the Zionist Organisation but also of other Jewish bodies in various countries. In consultation with the Mandatory, this agency takes steps to secure the co-operation of all Jews willing to assist in the establishment of the Jewish national home. While ensuring that the rights and position of other sections of the population are not prejudiced, the Administration, for its part, must facilitate Jewish immigration under suitable conditions and, in co-operation with the Jewish agency, encourage close settlement by Jews on the land, including State lands and waste lands not required for public purposes. A nationality law is to be enacted containing provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

The Administration is to take all necessary measures to safeguard the interests of the community in connection with the development of the country, and, subject to any international obligations of the Mandatory, to provide for public ownership or control of any of the natural resources of the country, or of public works, services and utilities. The land system must be appropriate to the needs of the country, having regard to the desirability of promoting the close settlement and intensive cultivation of the land. The Administration may arrange with the Jewish agency, provided for by the Mandate, to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. No profits, however, distributed by the Jewish agency are to exceed a reasonable rate of interest on the capital, and any further profits are to be utilised by it for the benefit of the country in a manner approved by the Administration.

English, Arabic and Hebrew are the official languages of Palestine. Any statement or inscription in Arabic on stamps or money is to be repeated in Hebrew and *vice versa*. Holy days of the respective communities are legal days of rest for the members of such communities.

All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights and of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory. The latter has no authority to interfere with the fabric or management of purely Moslem sacred shrines, the immunities of which are guaranteed. The Mandate also provides for the appointment by the Mandatory of a special commission to study, define and determine the rights and claims in connection with the Holy Places and those relating to the

different religious communities in Palestine. The method of nomination, the composition and the functions of this commission were to be submitted to the Council of the League for its approval<sup>1</sup>. In the event of the termination of the mandate, it is for the Council to make all necessary arrangements for safeguarding in perpetuity, under guarantee of the League, the rights secured by the mandate in respect of the Holy Places.

In the Mandate for Palestine, *Transjordan* is dealt with separately. Under Article 25 of the Mandate, the Mandatory is entitled, with the consent of the Council of the League of Nations, to postpone or withhold application to this part of the territory of such provisions of the Mandate as he may consider inapplicable to the existing local conditions and to make such provision for its administration as he may consider suitable, subject to the clauses relating to freedom of conscience, non-discrimination between the inhabitants, the supervision of religious institutions, economic equality, etc. On September 16th, 1922<sup>2</sup>, the Council, in accordance with this article, approved a proposal by the mandatory Power to the effect that the provisions of the Mandate respecting the Jewish national home and the Holy Places should not be applied to Transjordan. At the same time, the British Government expressly accepted full responsibility as Mandatory for Transjordan and undertook that such provision as might be made for the administration of that territory should conform to those provisions of the Mandate which had not been declared inapplicable. By a special Agreement concluded on February 20th, 1928, the British Government recognised the existence of an independent Government in Transjordan. It once more declared itself responsible to the Council for the application of the Mandate in that country. On September 1st, 1928, the Council took note of this declaration and recognised that the Agreement in question was in conformity with the principles of the Mandate<sup>3</sup>.

As has already been explained,<sup>4</sup> the conditions governing the Mandate for *Iraq* were never formulated in a special "charter", but were embodied in treaties and subsidiary agreements concluded between the mandatory Power and the Government of Iraq<sup>5</sup>, and approved by the Council of the League of Nations as giving effect to the provisions of Article 22 of the Covenant.<sup>6</sup>

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<sup>1</sup> As a result of various complications, this commission was never appointed.

<sup>2</sup> *Minutes of the Twenty-first Session of the Council*, page 1188.

<sup>3</sup> *Minutes of the Fifty-first Session of the Council*, page 1453.

<sup>4</sup> See page 21.

<sup>5</sup> Treaty of Alliance of October 10th, 1922, Protocol of April 30th, 1923, Agreement concerning British Officials of March 25th, 1924, Military Agreement of March 25th, 1924, Judicial Agreement of March 25th, 1924, Financial Agreement of March 25th, 1924, and Treaty of January 13th, 1926. League of Nations document C.216.M.77.1926.VI.

<sup>6</sup> Decisions of the Council of September 27th, 1924 (*Minutes of the Thirtieth Session of the Council*, pages 1345-1347) and of March 11th, 1926 (*Minutes of the Thirty-ninth Session of the Council*, page 502).



Under the first of these treaties, the British Government undertook, at the request of the King of Iraq, to provide the State of Iraq with such advice and assistance as might be required during the period of the treaty, without prejudice to her national sovereignty.

For the period of the treaty, no official of other than Iraq nationality was to be appointed without the concurrence of the British Government.

The King of Iraq undertook to frame an organic law to be put into force after presentation to the Constituent Assembly of Iraq. This law was to take account of the rights, wishes and interests of all populations inhabiting Iraq and to ensure freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals. It was also to provide against discrimination of any kind between the inhabitants on the ground of race, religion or language, and to secure the right of each community to maintain its own schools for the education of its own members in its own language.

The King of Iraq was to consult the British High Commissioner on what was conducive to a sound financial and fiscal policy.

Iraq also had the right of representation in London and in such other capitals and places as might be agreed upon between her and the British Government. Where Iraq was not represented, the protection of Iraq nationals was to be entrusted to the British Government. Exequaturs were to be issued to representatives of foreign Powers in Iraq by the Iraqi Government, after the British Government had agreed to their appointment. The British Government undertook to provide such support and assistance to the armed forces of Iraq as might from time to time be agreed by the two parties.

No territory in Iraq was to be ceded or leased or in any way placed under the control of any foreign Power.

The treaty also contained clauses resembling fairly closely those in the Mandates for Syria and Lebanon and for Palestine concerning judicial matters, the activities of missionaries and non-discrimination between the nationals of States Members of the League of Nations in economic matters, etc.

Lastly, the British Government undertook to use its good offices to secure the admission of Iraq to membership of the League of Nations as soon as possible.

After exhaustive consideration of all aspects of this question by the competent organs of the League of Nations (in 1931 and 1932) and after Iraq had signed a Declaration, the terms of which had been decided by the Council on May 19th, 1932, Iraq was admitted to membership of the League on October 3rd, 1932, and thus the mandatory regime in that country was automatically terminated.

### III. THE SUPERVISION OF THE MANDATORY ADMINISTRATION BY THE LEAGUE OF NATIONS

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#### 1. NATURE AND EXTENT OF THE SUPERVISION

The international supervision provided for in paragraphs 7 and 9 of Article 22 of the Covenant is the cornerstone of the whole mandates system.

Since the Covenant institutes a system of tutelage to be exercised on behalf of the League of Nations, the guardians or Mandatories are responsible to the League and must accordingly accept its supervision. The very conceptions of tutelage and of a mandate imply confidence in the person or authority entrusted with it; it is therefore obvious that the supervision must not be exercised in any spirit of mistrust. It clearly emerges, however, from the provisions of the Covenant and from the decisions of the Council that what is intended is an effective and genuine, not a purely theoretical or formal, supervision.

In a report presented to the Council by the rapporteur, the Belgian representative, on August 5th, 1920, the question of the extent of the right of control to be exercised by the League of Nations was dealt with in the following terms:

“What will be the responsibility of the mandatory Power before the League of Nations, or in other words, in what direction will the League's right of control be exercised? Is the Council to content itself with ascertaining that the mandatory Power has remained within the limits of the powers which were conferred upon it, or is it to ascertain also whether the mandatory Power has made a good use of these powers and whether its administration has conformed to the interests of the native population?

“It appears to me that the wider interpretation should be adopted. Paragraphs 1 and 2 of Article 22 have indicated the spirit which should inspire those who are entrusted with administering peoples not yet capable of governing themselves, and have determined that this tutelage should be exercised by the States in question, as Mandatories and in the name of the League. The annual report stipulated for in paragraph 7 should certainly include a statement as to the whole moral and material situation of the peoples under the mandate. It is clear, therefore, that the Council should also examine the question of the whole administration. In this matter the Council will obviously have to display extreme prudence so that the exercise of its right of control should not provoke any justifiable complaints, and thus increase the difficulties of the task undertaken by the mandatory Power.”<sup>1</sup>

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<sup>1</sup> League Assembly document 20/48/161.

By adopting this report, the Council approved the wider interpretation advocated therein.

A report presented by the Council to the Assembly on December 6th, 1920, contains the following statement to the same effect:

“With regard to the responsibility of the League for securing the observance of the terms of the mandates, the Council interprets its duties in this connection in the widest manner.”<sup>1</sup>

Reference should also be made to the terms of the mandates and to the Council resolution<sup>2</sup> under which mandatorys are required to attach to their annual reports the complete text of all general legislative or administrative decisions adopted in the mandated territories. Again, the constitution of the Mandates Commission adopted by the Council provides that the accredited representatives of the mandatory Powers are to furnish any supplementary explanation or information for which the Commission may ask them and authorises the Commission, after it has examined the annual reports, to lay before the representatives “any other matters connected with the mandates.”

The mandatory Powers, therefore, are supposed to render an account of all details of their administration and it is clearly the intention of the Council to exercise its right of supervision in respect of their administration as a whole.

## 2. POWERS, DUTIES AND PROCEDURE OF THE ORGANS OF THE LEAGUE

Under the Covenant, the supervision of the mandatory administration devolves upon the *Council*. It is to the Council that the mandatory Powers render the annual reports upon the territories committed to their charge; it is to the Council that the Mandates Commission is to render advice on matters relating to the observance of the mandates, and, again, in the absence of any previous agreement between the Members of the League, it is the Council which was empowered to prescribe the terms of the mandates.

Nevertheless, since the mandates are exercised in the name of the League as a whole, all its Members bear their share of moral responsibility.

Moreover, the *Assembly*, under Article 3 of the Covenant, “may deal... with any matter within the sphere of action of the League.”

Some discussion took place at the first session of the Assembly in 1920<sup>3</sup> regarding the question of the respective powers of the Assembly and Council in the matter of mandates. In practice, however, this question has never given rise to difficulties.

<sup>1</sup> League Assembly document 20/48/161.

<sup>2</sup> Council resolution of August 29th, 1924, *Minutes of the Thirtieth Session*, page 1287.

<sup>3</sup> See *Records of the First Assembly*, in particular, Plenary Meetings, pages 719-722, and Meetings of the Committees, pages 277-279, 301-309 and 347-348.



During the discussion upon the Secretary-General's annual report on the work of the League, it is permissible for any delegation to draw the attention of the Assembly to some point in the chapter concerning mandates and even to move that this chapter be referred to one of the Assembly Committees where an exhaustive discussion may ensue. In practice, the reference of the chapter to a Committee has been regularly proposed every year — usually by the Norwegian delegation — and on each occasion the Assembly has approved the proposal. The discussion in the Assembly usually leads to the adoption of a resolution laying stress on some particular aspect of the discharge of the mandates, formulating some wish addressed to the Council, the Mandates Commission or the mandatory Powers, etc.

Thus, the rôle of the Assembly consists in the exercise of a certain moral and very general influence in this domain. Its function may be said to be to maintain touch between public opinion and the Council.

The right to take decisions in regard to mandate questions belongs, however, to the *Council*. It exercises its supervision with the aid of the *Permanent Mandates Commission*, instituted by the Covenant itself.<sup>1</sup>

The Covenant provides that this Commission is “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.” It is therefore essentially an advisory body — a body whose duty it is to examine and report — designed to assist the Council in carrying out its task. Its work is preliminary in character. Constitutionally, it has no power to take decisions binding on the mandatory Powers or to address direct recommendations to them. Its conclusions are not final until they have been approved by the Council. The proceedings of the Commission, however, provide an indispensable foundation for the whole of the Council's action in this domain. The Commission therefore, in effect, exercises a preliminary supervision. It is, in a sense, the mainspring of the whole mandates system.

The organisation and procedure of the Mandates Commission are regulated by its Constitution, which was adopted by the Council on December 1st, 1920,<sup>2</sup> and by the Rules of Procedure drawn up by the Commission itself, and approved by the Council on October 10th, 1921.<sup>3</sup>

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<sup>1</sup> With the exception of the Permanent Advisory Commission for Military, Naval and Air Questions, the Permanent Mandates Commission is the only Commission expressly provided for in the Covenant.

<sup>2</sup> Amendments to this Constitution were adopted by the Council on January 10th, 1922, and September 8th, 1927.

<sup>3</sup> Amendments to the Commission's Rules of Procedure were approved by the Council on January 10th, 1922, December 12th, 1925, September 8th, 1927, and March 5th, 1928.

Under its Constitution, the Commission consists of ten members of whom the majority are nationals of non-mandatory States.<sup>1</sup> All the members are appointed by the Council and selected for their personal merits and competence. They must not hold any office which puts them in a position of direct dependence on their Governments while members of the Commission. This clause, which is designed to safeguard the independence and impartiality of the Commission, precludes any civil or military officer belonging to the Administration of any country, even that of a non-mandatory Power, from membership, but does not apply to persons such as university professors who cannot be held to be in a position of direct dependence on their Governments. The International Labour Organisation has the right to appoint an expert who may attend all meetings at which questions relating to labour are discussed. The Commission may also itself invite technical experts to give their views upon any question relating to the application of the mandates system.

The Commission meets in ordinary session at least once a year. It may hold an extraordinary session at the request of one of its members, subject to the approval of the majority of the other members and of the President of the Council.<sup>2</sup>

Every annual report is examined by the Commission in the presence of the duly authorised representative of the mandatory Power concerned. This representative provides any supplementary explanations and information for which the Commission may see fit to ask him and he participates with absolute freedom in the discussion of the report.

When the discussion has ended and the mandatory Power's representative has withdrawn, the Commission frames the observations which are to be submitted to the Council. The observations on each report are, however, communicated to the representative of the mandatory Power concerned, who is entitled to attach any comments of his own.

Like the annual reports of the mandatory Powers, the report (observations) of the Commission to the Council, the minutes of the discussions and the comments of the accredited representatives are all published.

The Council examines the documents referred to it by the Commission and takes such decisions upon them as it may find expedient. Under Article 4, paragraph 5, of the Covenant, those mandatory Powers which are not members of the Council are invited to send representatives to attend meetings at which questions relating to their mandates are under discussion.

<sup>1</sup> Originally, the Commission had only nine members. On September 8th, 1927, the Council decided to increase the number to ten, in order to enable a German member to be appointed. Furthermore, on December 11th, 1924, the Council decided to add an extraordinary member (M. Rappard) to the Commission.

<sup>2</sup> From 1925 onwards the Commission regularly held two ordinary sessions each year (except in 1932). It has held four extraordinary sessions. From 1921 to 1939 the Commission held thirty-seven sessions in all.

As a rule, the conclusions of the Council coincide with those of the Mandates Commission. The Council usually decides to communicate the observations of the Commission regarding the various territories to the Mandatory Powers concerned, requesting them to take the action asked for by the Commission. In its resolution, the Council sometimes lays stress on some particular question which has been raised or on some particular recommendation made by the Commission, or it may define its attitude with regard to some problem dealt with in the Commission's report, expressly approve the latter's views, or invite it to consider some new question which has arisen in connection with the discharge of a mandate, etc.

Such are the powers and duties of the organs of the League and the general lines of the procedure followed by them in the supervision of the mandates.

### 3. SOURCES OF INFORMATION — MEANS OF SUPERVISION

In accordance with the Council's decision of August 5th, 1920 (see pages 33-34), the Mandates Commission examines the whole of the administration of the various territories in the light of the principles laid down in the Covenant and of the provisions contained in the Mandates themselves. It does not therefore limit itself to the more or less negative rôle which would consist in verifying that the Mandatories have not overstepped the powers conferred upon them; it likewise ascertains whether these powers have been put to good use and whether the administration has been in accordance with the interests of the native populations.

This twofold object of its supervision leads the Commission to go thoroughly into every aspect and all the details of the mandatory administration.

The chief source of information at its disposal consists in the *annual reports* of the mandatory Powers. From the outset, the Commission applied itself to facilitating the preparation of these reports and to the improvement of their system by drafting, for the use of the mandatory Powers, questionnaires of different types corresponding to the "A", "B" and "C" Mandates. The reports and their annexes which, in general, are prepared on the lines of these questionnaires, cover the whole field of activity of the various branches of the administration. The mandatory Powers, in fact, have continually sought to render their annual reports more comprehensive, and to include in them all relevant information concerning the points of special interest to the members of the Commission. Many of these reports also contain very valuable scientific information — on geographical, geological, linguistic, ethnographical, etc., subjects — which it would be difficult to find elsewhere.

The *texts of laws* and administrative regulations, which the mandatory Powers are under an obligation to communicate to the League of



Nations (see page 34), constitute an indispensable addendum to the annual reports.

The *petitions* which the Commission receives from time to time, either from inhabitants of the mandated territories, or from some other source, in accordance with a special procedure laid down by the Council,<sup>1</sup> constitute not only a means whereby those concerned may state their grievances and secure redress for any wrongs done them but also an additional source of information for the Commission. Any petition from the inhabitants of a mandated area must be transmitted to the League of Nations through the mandatory Power, which is entitled to attach thereto such comments as it may think desirable. Any petition from another source is communicated to the Chairman of the Commission. The latter decides which, by reason of the nature of their contents or the authority or disinterestedness of their authors, should be regarded as claiming attention and which should be regarded as obviously trivial. The former are communicated to the mandatory Power, which is asked to present its observations; the latter (*i. e.*, the petitions regarded as non-receivable) are reported upon by the Chairman to the Commission. With regard to petitions received through the mandatory Governments, the Commission itself decides, in accordance with certain criteria laid down in the rules, whether they can be entertained.<sup>2</sup> Finally, with regard to petitions which are considered receivable, the Commission is at liberty to formulate such conclusions or recommendations as it may consider appropriate for submission to the Council.

This procedure, while securing to interested parties the right to present petitions, has regard to the peculiarly delicate position of mandatory Powers, whose authority it is desirable not to lessen. In order to discourage calumnious statements, a distinction is drawn between petitions emanating from a source worthy of attention and those which are, for instance, simply inspired by ill-will.

*A variety of documents* not communicated by the mandatory Powers constitute yet another source of information for the Commission. These may be either official documents, such as the records of parliamentary debates concerning mandated territories, or information

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<sup>1</sup> Rules of Procedure in respect of Petitions concerning inhabitants of mandated territories, adopted by the Council on January 31st, 1923. See also *Summary of the Procedure to be followed in the Matter of Petitions concerning Mandated Territories*, League of Nations document C.545.M.194.1927.VI.

<sup>2</sup> Petitions are regarded as non-receivable on the following grounds amongst others : (a) if they contain complaints which are incompatible with the provisions of the Covenant or of the mandates ; (b) if they emanate from an anonymous source ; (c) if they cover the same ground as was covered by a recently submitted petition and do not contain any new information of importance ; or (d) if they lay before the Commission disputes with which the Courts have competence to deal or if their authors appeal from a decision regularly pronounced by a properly constituted Court.

emanating from private sources, such as scientific studies or articles published in reviews or in the daily Press. The collection of such documentation is the duty of the Mandates Section of the Secretariat, which is instructed by the Commission to submit to it any publications or documents which may be of interest to it and provide it with information regarding expressions of public opinion throughout the world concerning the mandates system.<sup>1</sup> This delicate task was described by the Director of the Section as follows:<sup>2</sup> "In undertaking such a selection, we endeavour to be guided by a single consideration — that of unswerving impartiality. It does not fall within our province to judge of the tendencies and opinions which we bring to the notice of members of the Commission, but merely of the apparent sincerity, the seriousness of purpose and the competence of their authors... We resolutely refrain from taking sides in any way in the clash of opinions which is revealed in our documents. Nor can these documents ever serve as the sole basis for any action or intervention by the Commission in any sphere whatever."

*The hearing of the accredited representatives of the mandatory Powers, on the occasion of the examination of the annual reports, generally enables the Commission to make good any deficiencies in the written information at its disposal, to clear up obscure or doubtful points, to dispel any misunderstandings and thus to eliminate the possibility that its conclusions may be based on incomplete data. The presence of representatives of the mandatory Powers has proved of the greatest assistance to the Commission in the performance of its tasks. It affords an opportunity for the discussion, not only of questions arising out of the examination of the annual reports, but also of any questions of a general nature regarding the mandatory regime. In the result, there has grown up a genuine collaboration between the Commission and these representatives.*

The Commission has made every effort to render this collaboration as fruitful as possible. At first, the mandatory Powers usually sent officials of the home-country to represent them. In the report on its fourth session, however,<sup>3</sup> the Commission drew the Council's attention to the exceptional assistance which an accredited representative, who was himself the administrator of the territory in question, had afforded it. The Commission, in this connection, remarked that "the presence during its discussions of those who are personally responsible for the actual administration of the mandated territories presents, in the Commission's opinion, eminent advantages." The Council, concurring in the view taken by the Commission, expressed the hope that the mandatory Powers would in future years find it possible "to send the

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<sup>1</sup> See, in particular, *Minutes of the First Session of the Commission* (page 30) and of the *Second Session* (page 6).

<sup>2</sup> At the second session (*Minutes*, page 6).

<sup>3</sup> League of Nations document A.15.1924.VI.

officials personally responsible for the administration of mandated territories as representatives to the Mandates Commission.”<sup>1</sup>

The mandatory Powers have complied with this wish so far as has been possible in practice and consequently the Commission has frequently had the benefit of the co-operation of personalities in direct charge of the administration of the mandated territories, such as the High Commissioners for Syria, Iraq and Palestine, the Governor of Tanganyika, the Commissioner for the French Cameroons or the Administrator of South West Africa, or again District Commissioners from Togoland, the Director of Native Affairs in New Guinea, etc. The personal contact thus established between the Commission and the officials of the various territories has been attended by the happiest results and has singularly facilitated the working of the system. Members of the Commission have been enabled to form an exact idea of the characteristic problems and special difficulties confronting the administration of a particular territory. The officials, for their part, as a result of contact with the members of the Commission, have acquired a fuller understanding of the spirit animating the Commission's observations and of the atmosphere in which the international supervision of the mandatory administration is conducted.

Though it meets in Geneva, the Mandates Commission, thanks to these various sources of information, has at its disposal abundant data of different kinds which is supplemented by verbal information; it is thus in a position to form an impression with regard to all aspects of the mandatory administration and to the conditions prevailing in the territories and, in general, to express opinions based on a complete acquaintance with the facts.

The Covenant and the Rules of Procedure with regard to the examination of annual reports and of petitions do not empower the Commission to obtain supplementary information through *channels other* than those mentioned above. On the other hand, there is nothing in these rules which expressly precludes it from so doing.

In the absence of an express prohibition in regard to this point, the question may arise — and has in fact arisen — whether, in case the information at its disposal should after all appear inadequate, the Commission might not have recourse to other means of securing the information required by it. The fact that it is the duty of the Commission to furnish the Council with its opinion on all questions relating to the execution of mandates would seem to involve an obligation to do so with a full knowledge of the facts. Does it not follow that the Commission should be free to select the means which it may consider most appropriate with a view to securing the requisite information? On the other hand, since the Council has laid down rules for the procedure to

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<sup>1</sup> *Minutes of the Thirtieth Session of the Council* (meeting of August 29th, 1924), page 1287.



be followed with regard to the examination of annual reports and of petitions, must it not be inferred that recourse to any other form of procedure is precluded?

The question has been raised, in the first place, in connection with the admissibility of an *official hearing of petitioners*. Discussions took place on this subject at the third, eighth and ninth sessions of the Commission<sup>1</sup>. The views of members of the Commission were summarised in the notes appended to the minutes of its ninth session<sup>2</sup>. These notes make clear, on the one hand, the Commission's desire fully and impartially to investigate grievances which are referred to it and, on the other hand, its appreciation of the difficulties of the task of the mandatory Powers. In its report to the Council on this session, the Commission, however, confined itself to the following observations:<sup>3</sup>

"The Commission has again carefully considered the procedure in force with regard to petitions. Experience having shown that sometimes the Commission has been unable to form a definite opinion as to whether certain petitions are well founded or not, the Commission is of opinion that in those cases it might appear indispensable to allow the petitioners to be heard by it. The Commission, however, would not desire to formulate a definite recommendation on this subject before being informed of the views of the Council."

Following upon this observation, the Council decided<sup>4</sup> to request the mandatory Powers to give their views on the question raised by the Commission. In their replies<sup>5</sup> these Powers all opposed the hearing of petitioners. They pointed out that, with such a procedure — which would involve the hearing at the same time of a representative of the mandatory Power — the parties would, in fact, be engaged in a controversy before the Commission and that any procedure which would seem to transform the Commission into a court of law would be inconsistent with the very nature of the mandatory system. They added that the hearing of petitioners would weaken the authority which the Mandatory should possess in order to carry out its duties successfully and that it might lend itself to intrigues on the part of those who were more desirous of promoting disorder than of remedying defects. Furthermore, it was observed that, in countries where the right of petition was governed by regulations, petitioners were not as a rule entitled to a hearing by the competent authorities.

The Council, recognising the justice of these observations, expressed the opinion that "there is no occasion to modify the procedure which

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<sup>1</sup> See *Minutes of the Third Session*, pages 62 and 64-67; of the *Eighth Session*, pages 157-159, and of the *Ninth Session*, pages 47-50, 52-56 and 129-130.

<sup>2</sup> *Minutes of the Ninth Session of the Commission*, pages 189-192.

<sup>3</sup> *Minutes of the Ninth Session of the Commission*, page 216.

<sup>4</sup> *Minutes of the Forty-first Session of the Council*, page 1239.

<sup>5</sup> Summarised on page 438 of the *Minutes of the Forty-fourth Session of the Council*.

has hitherto been followed by the Commission in regard to this question.”<sup>1</sup> The Rapporteur, however, observed in his report that, if, in a particular case, the circumstances showed that it was impossible for all the necessary information to be secured by the usual means, the Council might “decide on such exceptional procedure as might seem appropriate and necessary in the particular circumstances.”

On the other hand, the members of the Commission have generally taken the view that, individually and in a private capacity, they might grant interviews to any person anxious to explain to them the situation in some mandated territory or to present private grievances.<sup>2</sup>

*Investigations on the spot* are not, generally speaking, regarded as within the competence of the Mandates Commission. The question whether it should be permissible for the Commission, or for special committees appointed *ad hoc* by the League of Nations, to undertake such investigations in order, if need be, to supplement the information at its disposal and obtain a personal impression on the spot of the conditions prevailing in mandated territories, has frequently been discussed by public opinion throughout the world and in literature relating to the mandates system. It has been contended in some quarters that the fact that it is the duty of the League of Nations to supervise the mandatory administration implies, or should imply, a right of enquiry, and the absence of local investigations has been criticised as a weakness of the system.

In this connection, certain proposals have even been made with a view to the institution of a system of regular *inspection* of the mandated territories. Thus, at the first session of the Assembly, the delegate of Haiti proposed that each mandatory Power should send annually to the territories under its mandate “a mission of control, the members of which” should be, “as far as possible, selected from its own Parliament”. This mission would “hold an enquiry among the natives upon the administration of the mandatory Power and its report” would be “communicated to the Council of the League of Nations”.<sup>3</sup> Again, a suggestion was put forward for the creation of an international inspectorate independent of the Mandatories and responsible only to the Mandates Commission, the inspectors to be endowed with the widest powers of investigation into the affairs of the mandated territories.<sup>4</sup>

The question of local investigations was raised in the Mandates Commission in 1925 in connection with the consideration of a petition from the Executive Committee of the Palestine Arab Congress.<sup>5</sup>

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<sup>1</sup> *Minutes of the Forty-fourth Session of the Council*, page 438.

<sup>2</sup> See, in particular, *Minutes of the Seventh Session of the Commission*, pages 34-35, and of the *Ninth Session*, page 54.

<sup>3</sup> *Records of the First Assembly, 1920: Plenary Meetings*, pages 715-716.

<sup>4</sup> Professor A. J. Toynbee: *The League in the East*, pages 19-20.

<sup>5</sup> *Minutes of the Seventh Session of the Commission*, pages 123-129, 136 and 180-181.

Holding that the official explanations in regard to this petition did not furnish the Commission with adequate information, the Rapporteur (the Spanish member) proposed, in accordance with the suggestion of the petitioners, that the Commission should consider the possibility of a visit to Palestine, "the visit to take place when, in agreement with the Council, it considers it opportune and possible". Having regard to the importance of the question of principle thus raised, it may be of interest briefly to note the main points of the discussion which took place on the subject and the conclusions ensuing therefrom.

The Chairman (the Italian member) of the Commission was of opinion that the latter was entitled to ask the Council "to send a commission into any mandated territory about which the (Mandates) Commission desired more information than was available through the ordinary sources". With regard to the question whether the Mandates Commission could ask that a commission to be sent to the spot should be composed wholly or in part of its own members, the Chairman said that, "in principle, he saw all the advantages of a visit to the spot and no objection to such a proposal. The matter, however, would have to be discussed from the practical point of view". He thought that, "if the possibility of visits to the spot, not necessarily to Palestine but as a general principle, either by the Commission itself or by other commissioners, were admitted, great progress would be made, and not only the Commission itself would derive benefit from it but also the mandatory Power and the populations".

The Vice-Chairman (the Dutch member) said that, "as had often been stated in the Press, the fact that the Commission did not possess the right to make enquiries on the spot was a weak point of the mandates system or, rather, of the control which the Commission should exercise in the application of the mandates. Generally speaking, and from the *theoretical* point of view, he considered that to bestow on the Commission the right to carry out such enquiries would mean a step forward not only for the Commission itself but also for the whole mandates system. Nevertheless ... there was a good deal to be said both for and against, and it was to be feared that the arguments ... were mainly unfavourable... The enquiry could not stop short at any special point and ... would necessarily cover the whole of the policy in force in the mandated territory. Was it conceivable that the mandatory Power concerned would submit to such an enquiry, which, however it might be made, would not fail, above all in a disturbed country, seriously to affect the prestige of the local Government? Moreover, it was necessary not to entertain too many illusions in regard to the practical results of such enquiries...".

The Portuguese member expressed the opinion that, "in view of the fact that the Council, in the dispute between Greece and Bulgaria, had just decided to send commissioners to those countries, though they were not mandated countries, *a fortiori* the Council had the right to send a commission to a country administered by a mandatory Power"



The Swiss member said that "he was fully convinced of the usefulness of any visit paid to Palestine, for his own visit had entirely changed his point of view... Therefore it would be most fortunate for the Commission if any of its members could go there. He did not think that the Commission as a whole, however, could suggest that it should visit the country, for such a proposal would inevitably give rise ... to an explosion of feeling...".

Finally, the British member considered that "the proposal that the Commission should either visit Palestine itself or send a sub-committee to conduct an enquiry was quite impracticable. No mandatory Power could accept such a procedure. Its prestige would inevitably suffer, for the Commission or sub-committee would be in the position of a court of enquiry in which the mandatory Power was the defendant. If there were any specific point, such as a disputed frontier, or punitive action, an enquiry might conceivably be desirable, but in that case it would be for the Council to nominate the commission of enquiry, which might or might not consist of members of the Permanent Mandates Commission and the duty of the Permanent Mandates Commission would be limited to informing the Council that in its opinion an enquiry on the spot was necessary. Further, material difficulties would make it almost impossible for an adequate number of the members of the Commission to visit Palestine or any other mandated territory."

It emerges from this discussion, first, that the Commission did not consider itself entitled to undertake local investigations in mandated territories in the absence of express authority from the Council and, secondly, that it could not make up its mind to propose that the Council should confer this right upon it, as the opinions of members of the Commission differed regarding the expediency and utility of such enquiries. The Commission, however, would seem to have been agreed that, in exceptional cases, it might propose the sending of a commission of enquiry, though this need not necessarily be the Mandates Commission itself or include some of the latter's members.

In the actual case in connection with which the question had been raised, the Commission decided to postpone its decision. It informed the Council that, "in spite of the supplementary information given by the accredited representative, the Commission has not been able to reach a unanimous and final decision concerning the numerous questions raised. Indeed, the Commission doubts whether it can make any adequate recommendation on so complex and delicate a subject on the sole basis of written documents, even by examining these documents in conjunction with the accredited representative of the mandatory Power."<sup>1</sup> The rapporteur to the Council recognised that "in a matter of this kind, as in many others, the Commission is of course acting under certain limitations" and said that the Council would "only ask

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<sup>1</sup> *Minutes of the Seventh Session of the Commission*, page 219.

the Commission to give a statement of the best judgment it could form from the information placed at its disposal.”<sup>1</sup>

Like the Commission, therefore, the Council did not on this occasion come to any decision on the question of principle with regard to the right of local enquiry. It should, however, be observed that, in actual fact, the Council has decided in several exceptional cases to send special commissions to mandated territories. Thus, on September 30th, 1924, it decided to appoint a commission to collect on the spot the facts and data required to enable the Council to reach a decision on the question of the frontier between Iraq and Turkey. On January 14th, 1930, the Council decided to entrust a special commission with the settlement of the question of the rights and claims of the Jews and Moslems with regard to the Wailing Wall at Jerusalem. Under a Council resolution of December 9th, 1931, a commission was appointed to study on the spot the question of the frontier between Iraq and Syria. On October 3rd, 1932, the Council delegated to its President power to nominate the chairman of another commission which was to mark out this frontier; the chairman of this commission was empowered to act as arbitrator. On December 16th, 1936, the Council decided to send three observers to the Sanjak of Alexandretta (Syria) who were “to observe and to keep in touch with the facts in order to be able to inform the Council if necessary.” Finally, on May 29th, 1937, the Council decided to appoint a Commission to organise and supervise the whole of the elections in the Sanjak.

In most of these cases, however, some litigious question (between two mandated countries or between a mandated country and a neighbouring Power), which had been referred to the Council by the parties concerned, was involved. Accordingly, in almost all these cases, the Council arrived at its decision without referring the matter to the Mandates Commission. Nevertheless, before finally passing upon the conclusions of the Commission appointed to examine the question of the frontier between Syria and Iraq, the Council, on October 3rd, 1932, requested the Mandates Commission to state its opinion on the proposed frontier “from the point of view of the interests of the territories affected.”<sup>2</sup> In its reply, the Mandates Commission simply said that “the report of the Commission of Enquiry — the only material it ... had on which to form a judgment —” did “not appear to it to contain any information which would justify it in asserting that the line of the proposed frontier” was “not in the interests of the territories affected.” At the meeting at which the Council took cognisance of this reply, the Italian representative said that “the Permanent Mandates Commission had done everything in its power to give an enlightening

<sup>1</sup> *Minutes of the Thirty-seventh Session of the Council*, pages 135-137 and 269-270. Subsequently, the Commission considered the petition in question, in accordance with the instructions thus received from the Council (*Minutes of the Ninth Session of the Commission*, pages 186, 201-204 and 221-224).

<sup>2</sup> *Minutes of the Sixty-eighth Session of the Council*, page 1750.

opinion concerning the line suggested by the Commission of Enquiry. It had at the same time felt obliged to inform the Council that, although it had had before it all the documentation of the Commission of Enquiry, it could not be expected to express a definite opinion in the circumstances and thus assume a responsibility that could only fall upon the Commission of Enquiry, which had had the benefit of access to direct sources of information." He "considered this declaration entirely legitimate and he took the opportunity to draw the Council's attention to the necessity, in similar cases, for placing the Mandates Commission in a position to be able to express a definite opinion, since only so could it fulfil the objects for which it had been set up by the Covenant."<sup>1</sup>

It has seemed worth while to mention these facts in connection with the very important question of principle involved by the power to carry out local investigations. Though the question has never been explicitly settled by the organs of the League of Nations, the statements and decisions set out above afford some clue to the standpoint adopted in regard to it by the members of the Mandates Commission and of the Council and show how difficult, delicate and complex are the problems which it raises.

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To sum up, it may be said that — within the framework of the mandates system, as it has been applied hitherto — the Council and the Mandates Commission have at their disposal a variety of appropriate means of obtaining information which, in general, constitute an excellent basis for the exercise of supervision over the mandatory administration, but that sometimes, in particular cases and exceptional situations, they can discharge their task only "within certain limits" unless they have recourse to more direct means of procuring information.

#### 4. RÔLE AND WORK OF THE PERMANENT MANDATES COMMISSION

The task entrusted to the Mandates Commission is a complex and delicate one. That body has, in the first place, to undertake a careful and exhaustive examination of the whole of the mandatory administration, to consider the measures taken and, if need be, criticise them; secondly, it has to be careful not to increase the difficulty of the task of the mandatory Powers by undermining their authority, to avoid giving rise to the slightest impression that it is setting itself up as a tribunal and, in fact, to refrain from doing anything which might be construed as a tendency to substitute itself for the mandatory Powers.

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<sup>1</sup> *Minutes of the Sixty-ninth Session of the Council*, page 1955.



The reports and minutes of the Commission bear witness to the fact that, while it has never sought to shirk its responsibilities, it has also never overstepped its powers.

The Commission has taken a positive view of its mission; it has never lost sight of the fact that, with the mandatory Powers, it is engaged in a common task and pursues a common end — namely, the welfare and progress of the mandated territories and their inhabitants. Accordingly, the supervision of the administration does not preclude but, on the contrary, implies a corresponding duty of supporting the efforts of the Mandatories in this direction.

The Commission laid stress on this point at its eighth session in the following terms:

“The task of the Commission is one of supervision and of co-operation. It is its duty, when carefully examining the reports of the mandatory Powers, to determine how far the principles of the Covenant and of the mandates have been truly applied in the administration of the different territories. But at the same time it is its duty to do the utmost that lies in its power to assist the mandatory Governments in carrying out the important and difficult tasks which they are accomplishing on behalf of the League of Nations, and on which they render reports to the Council.

“Supervision and co-operation are functions which, though neither incompatible nor in conflict with one another, may yet be accompanied with genuine difficulties when they have to be carried out simultaneously. If the task of the Mandates Commission were merely to supervise the administration of the mandated territories, it would be natural that, in all difficult cases, it should propose to visit these territories itself, or should recommend the holding of enquiries on the spot. If, on the other hand, the rôle of the Mandates Commission were merely to facilitate the task of the mandatory Power, it should offer it lavish encouragement and abstain from passing any critical judgments which, if conveyed to the population under mandate, might create embarrassment and render the task of the Government more difficult of execution.”<sup>1</sup>

Animated by these considerations, the Commission has undertaken the examination of the annual reports of the mandatory Powers at each of its sessions. This examination — though undertaken more particularly from the point of view of the application of the clauses of the mandates — has covered all fields of the administration and all aspects of the life of the mandated territories: administrative organisation and political systems, public finances, justice, economic conditions — agriculture, trade, communications — social, moral and material conditions of the natives, the labour regime, public health, vital statistics, education, the land tenure, manufacture of and traffic in spirituous liquors and narcotics, freedom of conscience and worship, the activity of missions, the application of the principle of economic equality, the military clauses of the mandate, the international relations of the territory, delimitation of frontiers, etc.

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<sup>1</sup> *Minutes of the Eighth Session of the Commission*, page 200.

The *observations* submitted by the Commission to the Council on these various subjects<sup>1</sup> are often designed to obtain fuller information in regard to points which were insufficiently clear or gave rise to doubt. Sometimes, however, a request for information implies a discreet and indirect criticism; aware of its responsibilities, the Commission expresses direct criticism only in cases when this appears to it absolutely justified. Other observations contain recommendations or suggestions concerning the adoption of new measures, or even reforms, in the territory. Frequently, the Commission has felt able to express its satisfaction at measures taken (sometimes upon its initiative), or congratulated a mandatory Power on successes achieved. The observations or suggestions of the Commission, in fact, have often led to the adoption of useful and important measures.

A few instances are given below; many others might be quoted.

At its second session (in 1922), the Commission had drawn the Council's attention to the fact that the frontier traced between the Tanganyika and Ruanda-Urundi territories was prejudicial to the interests of the native populations. Following upon this observation, the two mandatory Powers concerned entered into negotiations which led to the conclusion of an agreement rectifying the frontier by transferring the Kissaka district of the territory under British Mandate to the territory under Belgian Mandate. The Council placed this agreement on record on August 31st, 1923.

At its fourth session, in 1924, the Commission expressed the hope that it would be possible to devote larger sums to the improvement of public health in Tanganyika territory; subsequently, at its eleventh session (in 1927), it was able to note that the credits allocated to public health had been considerably increased.

The Commission, at its fifteenth session (1929), noted with satisfaction measures taken by the administration of Nauru to give effect to the Commission's suggestions regarding the treatment of Chinese labourers.

In 1934, at its twenty-sixth session, the Commission had drawn attention to a decree which had been promulgated in Togoland and the Cameroons under French Mandate and which appeared to it to be liable to infringe the principle of economic equality; in the following year, at its twenty-eighth session, the Commission was able to record that the decree in question had been abrogated.

The Commission's observations are, as a rule, concisely framed. In order fully to appreciate their significance, one must, as the Commission itself points out in the introduction to each of its reports, refer to the *minutes* of the meetings at which the questions relating to the various territories were examined. These minutes — which cover altogether

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<sup>1</sup> A summary of the Commission's observations on the social, moral and material welfare of the natives is contained in Chapter IV.

some 8,000 pages — present a living and detailed picture of the discussions between the members of the Commission and of the hearings accorded to the representatives of the mandatory Powers. They constitute a very valuable collection of information on problems of colonial policy. In accordance with a suggestion of the Commission, the mandatory Powers communicate these minutes to the officials of mandated territories, who are thus enabled to familiarise themselves with the opinions of members of the Commission and to see how the results of their work are appreciated.

The Commission, however, does not confine itself to examining the administration of each mandated territory; in the course of this examination, it has often found itself confronted with *problems of a general nature*, of importance in connection with the mandated territories as a whole and with the application of the mandates system itself.

Furthermore, the Commission has had, in several cases, to make a special study of points arising in connection with the *interpretation of the clauses of the Covenant and of the Mandates*, which are not always very clear or very complete.

Thus, the Commission was led to examine the question of the national status of the inhabitants of territories under "B" and "C" Mandates <sup>1</sup>, the extension to mandated territories of general and particular international conventions <sup>2</sup>, the application of the principle of economic equality <sup>3</sup>, the treatment of the inhabitants and the produce of mandated territories in States Members of the League of Nations <sup>4</sup>, the question of loans, advances and investments of public and private capital in mandated territories <sup>5</sup>, the application of the principle of the freedom of conscience <sup>6</sup>, the traffic in spirituous liquors <sup>7</sup>, public health <sup>8</sup> and 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 <sup>9</sup>.

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<sup>1</sup> *Minutes of the Second Session* (page 2), *Fifth Session* (page 186), *Twelfth Session* (page 198) and *Fifteenth Session* (page 289).

<sup>2</sup> *Minutes of the Third Session* (pages 309-310), *Sixth Session* (page 172), *Twelfth Session* (page 198) and *Twentieth Session* (pages 229-230).

<sup>3</sup> *Reports on the First Session* (page 4), and on the *Second Session* (page 5), *Minutes of the Twelfth Session* (page 198), *Thirteenth Session* (page 224), *Sixteenth Session* (pages 200-201) and *Twenty-second Session* (pages 359-362).

<sup>4</sup> *Minutes of the Thirteenth Session* (pages 224-225), *Fifteenth Session* (page 289) and *Eighteenth Session* (page 200).

<sup>5</sup> *Minutes of the Third Session* (pages 311-312), *Fourth Session* (page 3) and *Sixth Session* (pages 171-172).

<sup>6</sup> *Minutes of the Third Session* (page 311).

<sup>7</sup> *Report on the Second Session* (page 6), *Minutes of the Third Session* (page 309), *Fourth Session* (page 3), *Tenth Session* (pages 182-183), *Thirteenth Session* (page 224), *Fourteenth Session* (pages 268-269) and *Twenty-first Session* (page 211).

<sup>8</sup> *Minutes of the Fifteenth Session* (page 289) and *Nineteenth Session* (page 205).

<sup>9</sup> *Minutes of the Twentieth Session* (pages 228-229).



With regard to the question last mentioned — namely, that of the termination of the mandatory regime — the Commission accomplished a piece of constructive work in the field of international law. In view of the special interest of this question, the opinion of the Commission, which was approved by the Council on September 4th, 1932<sup>1</sup>, is reproduced as an Annex to the present study (see page 119).

The minutes and observations of the Commission show that its efforts have been directed towards the achievement of three main objects, which correspond to the aims set forth in Article 22 of the Covenant, that is to say:

1. *The political and moral education, the improvement of the living conditions and, in general, the protection of the interests of the native population.* The Commission has interested itself, *inter alia*, in the possibilities existing and measures adopted with regard to the integration of traditional native authorities in the general administrative system of the territories, or the establishment of new native authorities capable of acting as local administrative organs under the supervision of the mandatory Power; the gradual increase of the responsibilities of native authorities with a view to prepare the way for the ultimate autonomy of the community (the "A" Mandates in particular); the participation of natives in public functions; the training of native chiefs; the creation of native courts; the gradual fusion or voluntary federation of small native units; the creation and functioning of native treasuries; financial assistance extended to a territory in case of need by the mandatory Power; the economic development and utilisation of the resources of the territory in the interests of the native population (improvement of methods of agriculture among the natives, development of means of communication); the protection of native labour; the preservation of the rights of the natives in the land; the development of the educational system: creation of new schools, practical instruction (*e. g.*, in agriculture), training of native teachers; the development of medical services; the intensification of the campaign against diseases; the freedom of natives to retain their own customs in so far as these are not practices and abuses which it is the duty of the mandatory Power, in virtue of its civilising mission, to suppress or amend; in general, the efforts to raise the standard of civilisation among the natives.

2. *The application of the principles of non-discrimination* in economic, commercial and industrial matters, prescribed in the "A" and "B" Mandates<sup>2</sup>; due observance of the military status of the territory; free access to the territory for missionaries of all denominations, freedom

<sup>1</sup> *Minutes of the Sixty-fourth Session of the Council* (pages 2044-2058).

<sup>2</sup> Although the "C" Mandates contain no provision prohibiting discrimination in economic matters, the Commission has considered measures adopted in these territories by the mandatory Power and involving an element of discrimination, with a view to ascertaining whether such measures are in accordance with the interests of the native population and, accordingly, consistent with the terms of the mandate.

of worship; the financial autonomy of the territory; due *observance of the disinterested attitude* incumbent upon a mandatory.

3. *The preservation of the legal status, integrity and individuality of the territory as a distinct international entity*; the maintenance of the authority of the League of Nations as regards the supervision of the mandatory administration; the assurance given — in the interest of the mandated territory — that obligations and investments of capital will be respected in the event of the termination of the mandatory regime.

## IV. THE MORAL, SOCIAL AND MATERIAL WELFARE OF THE NATIVES

### 1. FUNDAMENTAL PRINCIPLES

In providing for the establishment of the regime subsequently known as the "mandates system" for certain "peoples not yet able to stand by themselves under the strenuous conditions of the modern world", *Article 22 of the Covenant* proclaimed that "the well-being and development of such peoples form a sacred trust of civilisation...".

The basic principle thus laid down for the mandates system therefore already embodied, together with the notion of international responsibility for the future of backward peoples, the germs of the great work of promoting the social progress and material and moral well-being of the inhabitants, which is the chief aim of this system.

Nevertheless, the idea set forth in the Covenant in very general terms required more precise definition. Accordingly, the text of the *mandates* adopted in 1920 and 1922, whereby the Council determined the rights and obligations of the mandatory Powers, were somewhat more specific in this respect. Thus, the "C" Mandates (Article 2, paragraph 2) lay down that:

*"The Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory".*<sup>1</sup>

This text is repeated in a slightly different form in the "B" Mandates (Article 2)<sup>2</sup>:

*"The Mandatory shall be responsible for the peace, order and good government of the territory, and for the promotion to the utmost of the material and moral well-being and the social progress of the inhabitants".*<sup>3</sup>

On the other hand, the "A" Mandates<sup>4</sup> contain no explicit clause of this kind. In view of the special character of these mandates, the idea was rather, in principle, to leave the inhabitants of these territories — of course with the protection and advice of the Mandatory — to provide for their own well-being and development.

<sup>1</sup> The "C" Mandates, which apply to the five following territories: South West Africa, New Guinea, Nauru, Western Samoa and the Islands north of the Equator (under Japanese Mandate), were approved by the Council on December 17th, 1920 (see page 20).

<sup>2</sup> Article 3 of the Tanganyika and Ruanda-Urundi Mandates, Article 2 of the remaining "B" Mandates.

<sup>3</sup> The "B" Mandates, which apply to the six following territories: Tanganyika, Ruanda-Urundi, the Cameroons under French Mandate, the Cameroons under British Mandate, Togoland under French Mandate and Togoland under British Mandate, were approved by the Council on July 20th, 1922 (see page 20).

<sup>4</sup> Syria and Lebanon, Palestine and Transjordan, and Iraq (see pages 20-21).



The above-quoted provisions of the "B" and "C" Mandates relate to the fundamental objective of the mission undertaken by the Mandatory in the interests of the natives<sup>1</sup>. Thus, the undertaking to promote to the utmost the material and moral well-being of the inhabitants and their social progress may be said to embody the main programme of the mandatory system. Other provisions in the mandates prescribe certain special obligations to be assumed by the Mandatory as regards traffic in arms, trade in spirits, the protection of the landed property of the natives, etc. But the missions indicated in Article 2 of the "C" Mandates and in Article 3(2) of the "B" Mandates may be regarded as covering practically the whole of a Mandatory's activities on behalf of the inhabitants of the territories entrusted to him.

## 2. THE "QUESTIONNAIRES" OF THE MANDATES COMMISSION

The Mandates Commission has to form its opinion regarding the application of the various mandates mainly from a study of official documents, with the assistance of the accredited representatives of the mandatory Powers. The annual reports of the mandatory Powers are the most important of the various documents submitted to the Commission. It is therefore natural that, from the outset, the Commission should have devoted attention to the improvement of the methods employed in the preparation of the annual reports, in order to ensure that they should enable it to get a clear grasp of all the details of administrative activity and of the social life of the inhabitants<sup>2</sup>.

With this end in view, the Commission, at its first session (in 1921), drew up *questionnaires*, one for the "B" Mandates<sup>3</sup> and the other for "C" Mandates<sup>4</sup>. These questionnaires, therefore, were designed to serve as a framework for the annual reports and thus to facilitate the Commission's task, since they were bound to introduce a measure of uniformity in the methods of preparing reports. The Commission asked the Council to send the questionnaires to the mandatory Powers, requesting them to take them into account as far as possible, in the preparation of their first annual reports<sup>5</sup>.

Article XI of these questionnaires (which are identical in regard to this point) requested the mandatory Powers to state:

"What are, generally speaking, the measures adopted to ensure the moral, social and material welfare of the natives? (Measures to maintain the interests, rights and customs of the natives, their participation in public service, native tribunals, etc.)."

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<sup>1</sup> The second, the "external", aspect of the mandates concerns the principle of non-discrimination in economic and other matters.

<sup>2</sup> See page 37.

<sup>3</sup> League of Nations document C.396.1921.VI.

<sup>4</sup> League of Nations document C.397.1921.VI.

<sup>5</sup> *Minutes of the Fourteenth Session of the Council*, pages 124-125 and 179.

In 1926, the Commission drew up<sup>1</sup> a new "list of questions which the Permanent Mandates Commission desires should be dealt with in the annual reports of the mandatory Powers"<sup>2</sup>. This list (applicable to "B" and "C" territories alike), which was designed to replace the 1921 questionnaires, contains, *inter alia*, the following<sup>3</sup>:

"...44. What, generally speaking, are the measures adopted to promote the moral, social and material welfare of the natives? As an indication, please state approximately the total revenue derived from the natives by taxation and the total amount of the expenditure on their welfare (education, public health, etc.).

"45. Is the native population divided into distinct social castes? If so, does the law recognise these distinctions and the privileges which may be attached thereto by native tradition and custom?"

### 3. THE OBSERVATIONS OF THE COMMISSION ON THE MANDATORY ADMINISTRATION

What are the chief problems to which the mandatory system has given rise from the standpoint of the social, moral and material welfare of the natives? In what frame of mind has the Mandates Commission approached these problems? What ideas emerge and what lessons do we learn from the supervision exercised in this sphere by the Commission over the administration of mandates?

In the first place, many of the Commission's observations (not to mention the questions put by its members during the hearing of accredited representatives) are indicative of its desire to obtain detailed information enabling it to form an accurate idea of the *life of the natives* and of their *social conditions*. Thus, for instance, in 1923 (third session), the Commission asked for "a detailed description of the life of the natives in the villages" of the Cameroons under French Mandate; other observations indicate its interest in the "social conditions and customs of the half-castes and natives" in Samoa (twenty-first session, 1931), in the "number of half-castes" and "their social condition" in New Guinea (twenty-ninth session, 1936) or again in "the manners and customs of the natives" in the Islands under Japanese Mandate (thirty-third session 1927, thirty-fifth session 1938).

In connection with the *manners and customs* of natives, an observation made in 1934 regarding the administration of New Guinea (twenty-fifth session) draws attention to a problem arising out of the activities of Christian missions among the natives and, at the same time,

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<sup>1</sup> *Minutes and Report of the Ninth Session of the Commission* (pages 128, 182 and 231-237).

<sup>2</sup> League of Nations document A.14.1926.VI.

<sup>3</sup> For the discussions to which this list gave rise in the Council, see *Minutes of the Forty-first Session of the Council*, pages 1233-1237, and of the *Forty-sixth Session*, pages 1118-1121.

affords a characteristic example of the objective manner in which the Commission approaches the problem of the gradual evolution of the natives. Whilst paying tribute to the work of civilisation done by the missions, the Commission "hopes that they will bear in mind *the importance of preserving all the sound and valuable features of the native culture and customs*".

An example in a wider field of the Commission's preoccupation with the problem of preserving the characteristic features of the life of the various elements of the native population is afforded by the interest displayed by it, in 1924 (fourth session), in the "adaptation of the general policy pursued in the territory to the conditions of the various tribes and communities composing the population" of Tanganyika.

By putting questions regarding "the numbers and influence of the native educated classes" (Tanganyika, twenty-seventh session, 1935), "the social position of the advanced elements of the native population" (Togoland under French mandate, thirty-third session, 1937), "the extent to which . . . the more educated class of the natives . . . is able to influence the evolution of native law and custom" (Togoland under British mandate, thirty-fifth session, 1938), the Commission stressed the educative character of the guardianship exercised by the mandatory Powers and more particularly the part which can be played in the evolution of the native community by an "élite" created mainly by means of education.

In the same connection, the Commission, in 1935 (twenty-seventh session), noted with satisfaction that "progress is being made" in the Territory of Tanganyika "in the training of natives in local self-government".

Among the native social problems should be mentioned that of the *status of women*. In several of its observations, particularly in 1934 (twenty-sixth session), the Commission has drawn attention to the importance of this problem in territories under "B" Mandate. In particular, it considered certain native customs in regard to marriage and the system of payment of dowries in the Cameroons under British Mandate. In view of the fact that the missionaries working in this territory had expressed certain grievances regarding the status of women, a member of the Commission (Lord Lugard) suggested to the mandatory Power that the missionaries should be invited clearly to formulate their complaints and to put forward practical recommendations with regard to possible remedies. This suggestion was adopted by the mandatory Power and the representatives of the religious missions submitted their observations and proposals<sup>1</sup>. After discussing the question with the representative of the mandatory Power, the Commission expressed the hope (twenty-sixth session) "that the observations and recommenda-

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<sup>1</sup> See *Report on the Cameroons under British Mandate for the Year 1933*, pages 49-50.



tions made by the religious missions" on the subject would "receive the careful consideration of the mandatory Power".

In 1930 (seventeenth session), a member of the Commission (Mlle Dannevig), impelled by a similar preoccupation, raised the *question of child marriages in Palestine*. She had been informed "that not a few Arab girls were married before the age of 14". In reply, the accredited representative said that there was no problem in Palestine of the sort that existed in India; he "could not say what were the minimum ages of marriage, but they could be ascertained". In 1932 (twenty-second session), the same member of the Commission raised this question once again, observing that it "seemed still to be of great concern to several associations dealing with the welfare of women and children, which appeared to consider that the situation was not satisfactory in Palestine. . . . Ottoman family law prohibited the marriage of boys under 17 and girls under 9 years of age. In Egypt, in 1926, the age of marriage for girls had been raised to 16, and in India, in 1929, to 14 years of age". Sir Arthur Wauchope, High Commissioner for Palestine and accredited representative of the mandatory Power, replied that this question "had interested him greatly shortly after his arrival in Palestine, when he had learned that a question had been asked in the Mandates Commission". He had obtained the views of "the heads of the greater religious communities in Palestine and was now studying the problem. . . . He was hopeful that some action would be taken on the lines suggested by the Commission". In the report on the work of the same session, the Commission requested that, in the following year, information should be supplied as to the result of the investigation undertaken by the Administration in collaboration with the various religious communities on the question of the minimum age for marriage. Two years later, in 1934 (twenty-fifth session), the Commission noted with satisfaction that the minimum age of marriage for girls had been raised to 14 and that this decision had received the approval of the various heads of religious communities.

As regards the question of *prostitution*, it has been raised only on one occasion in the Commission's reports, in connection with Togoland under British Mandate (*i. e.*, during the third session, in 1923).

Among the most serious of the social scourges in native territories are *slavery* and the *slave trade*. Accordingly, the creators of the mandates system enacted special provisions for the extirpation of this abuse. Article 22 of the Covenant prescribed "the prohibition of abuses such as the slave trade" in territories under "B" Mandate; it did not, however, lay down that slavery was to be abolished or even repressed. The "C" Mandates repeated the formula of the Covenant. On the other hand, the "B" Mandates prescribed not only the suppression of "all forms of slave trade", but also "the eventual emancipation of all slaves" and the elimination of "domestic and other slavery". The questionnaire drawn up in 1926 by the Mandates Commission

(referred to above) asks the mandatory Powers for information on the following points :

"... 46. Does the slave-trade or slave-dealing exist in any form? If so, what measures are taken for their suppression and what has been the success of these measures?

"47. Does slavery still exist and, if so, in what form:

"(a) in Moslem districts?

"(b) in other districts?

"Can a slave be emancipated under native customary law?

"48. What measures are being taken to suppress slavery? What have been the results of these measures?

"49. Do any of the following practices exist in the territory :

"Acquisition of women by purchase disguised as payment of dowry or of presents to parents?

"Purchase of children under the guise of adoption?

"Pledging of individuals as security for debt?

"Slavery for debts?

"Are these practices penalised by law?

"50. What is the status of freed slaves, especially women and children, in the native social organisation?"

A series of observations made by the Commission at its third session (1923) drew attention to the slavery question in a number of mandated territories: the two Cameroons under French and British Mandate, Togoland under British Mandate, Ruanda-Urundi, Tanganyika, South West Africa and New Guinea.

It was above all in the northern areas of the two Cameroons that this question still assumed some importance at that date. The Commission found that, in the French Cameroons, slavery was the subject of careful supervision; it asked for detailed information as to progress made in the gradual suppression of such slavery as still existed in the territory and also regarding the conditions of life in the villages where former slaves had been collected after emancipation. The Commission also asked the mandatory Power to indicate the extent to which Moslem courts were competent to deal with slavery, which is recognised by Moslem law. On the latter point, the same request was made to the Administration of the adjoining Cameroons territory under British Mandate; the activity of slave-dealers in this territory was also remarked upon by the Commission. In the following year (fourth session, 1924), the Commission recommended that there should be close co-operation between the local administrations of the two adjoining mandated territories for the purpose of stamping out the slave trade. Subsequently, in 1926 (tenth session) and again in 1929 (sixteenth session), the Commission was able to record that such co-operation had been established and that steady progress had been made in this direction.

With regard to Ruanda-Urundi, the representative of the mandatory Power informed the Commission in 1923 that the measures taken had provided for and effectively secured the complete abolition of slavery. At the same session, the Commission noted that, in Tanganyika, a law finally abolishing slavery had just been published and a Masters and Servants Ordinance, defining the position of emancipated slaves who wished to remain as free men with their former masters, was about to be issued.

In 1923, the attention of the Commission was also drawn to the discovery of a form of domestic slavery among the Ovambos, a tribe in South West Africa. In this connection, the Commission asked for complete information with regard to the origin and extent of the slavery in question and the measures taken by the Administration in order to ensure its gradual disappearance. In the following year, however, it was noted that the phenomenon reported was not slavery in the ordinary acceptance of the term. On the same occasion, the Commission asked for information concerning the consequences to individual liberty involved by the practice of holding debtors as security, a practice the existence of which in some parts of the territory it had noted.

In 1923, the Commission noted that slavery existed in certain comparatively unexplored regions of New Guinea. The representative of the mandatory Power then stated that the latter was resolved to abolish slavery and to develop systems of voluntary labour as rapidly as possible. The Commission asked for further information with regard to the application of this policy. In the following year (fifth session), the Commission asked for information concerning any forms of slavery which might be found to exist among tribes not yet brought into complete contact with civilising influences.

As regards the Islands under Japanese Mandate, the Commission took note as early as 1922 (second session) of a statement by the representative of the mandatory Power to the effect that there was no trace of slavery, domestic or otherwise, in this territory. It asked, however, to be informed as to the exact nature of the legal relationship between masters and servants in family life.

The Slavery Convention, adopted in 1926 under the auspices of the League of Nations, was applied throughout all the mandated territories, except the Islands under Japanese Mandate, since Japan had neither signed nor acceded to this Convention.

It should, incidentally, be recalled here that the whole question of slavery has formed the subject of exhaustive study and of constant activity on the part of other organs of the League of Nations than the Mandates Commission, particularly the Temporary Slavery Commissions, in 1924/25 and 1932, and the Advisory Committee of Experts on Slavery since 1934.



In a territory such as South West Africa, the social status of the natives has been to some extent determined by the *presence of a relatively numerous population of European origin*. Accordingly, from the outset, the Commission devoted its attention to "the effect produced on the general position of the natives by the colonisation of white races" and asked for further information on the subject (second session, 1922). Having examined the situation as it was at the outset of the mandates system in this territory, the Commission stated that it had been much struck by the information supplied as to the "state of affairs discovered by the Administration among the various tribes". It appeared that "the prosperity and well-being of the aboriginal population" was "in inverse ratio to its contact with the colonisation of its former masters". The Commission expressed the hope that "the primitive organisation in tribes" might be "maintained unaltered" wherever it still existed.

In the following year (1923 — third session), the Commission nevertheless deplored "the unfortunate relations which the report discloses between the white population and a large proportion of the natives of the mandated territory". It trusted that "the Administration" would "resist the influence of these deplorable relations, which are largely the heritage of past events in South West Africa and which are so much opposed to the essential principles of Article 22 of the Covenant". It hoped "that future reports" would "be able to disclose better relations between the two races".

Whereas, in South West Africa, the presence of European elements alongside the natives raised special problems, the *immigration of foreign workers* had the same result in the other territories under "C" Mandate — namely, those in the Pacific. As early as its second session (1922) the Commission drew the Council's attention to the "presence in all the Pacific Islands administered in accordance with the mandates principle, of labour imported from various overseas countries and more particularly China. The introduction of these foreign labourers, a step dictated by economic needs, is not wholly free from certain social difficulties which have engaged the attention of the Commission".

"On the one hand, the mere distance which separates the countries where these labourers are recruited from the place to which they are taken, and the consequent heavy expenses incurred in their transport, renders it necessary that labour contracts should be concluded for very long periods. It is, however, clear that, in spite of the guarantees incorporated in the mandate, the position of a Chinese coolie who is bound by a three-years contract and who has been conveyed to a foreign land thousands of miles from his kith and kin calls for the greatest care on the part of the administration of the mandatory Powers. Again, the presence of this exclusively male labour in the midst of a native population is bound to involve a certain element of danger to the social life of the latter.

"The Commission, which is fully alive both to the gravity of the economic conditions responsible for this state of affairs and to the social danger which arises from it, merely desires at present to call the Council's attention to the facts and to express a desire that the mandatory Powers will be good enough, in their future reports, to supply all relevant information on the subject. The Commission is especially anxious to be kept constantly and fully informed of the extent of these migrations of labour, of the measures taken by the mandatory Powers to supervise these movements, and of their results from a social point of view and also of all observations to which the application of these measures might give rise".<sup>1</sup>

The misgivings which the immigration of workers in the Pacific territories caused the Commission did not prevent it from contemplating the various aspects of associated demographic problems in a perfectly objective frame of mind. In this connection we would in particular recall an observation made by the Commission, in 1923 (third session), in connection with New Guinea: "In view of the paucity of the population and its stationary or decreasing character, the Commission would like to know whether the mandatory Power would be prepared to contemplate the application to the mandated territory of a less restrictive immigration policy than that which it applies in its own territory".

The mandatory Power replied in its annual report for 1922/23 as follows:

"As has been previously explained, the Immigration Law in force in the Territory is an extension of the law in force in the Commonwealth which represents a well-established and settled policy of the Commonwealth Government.

"The circumstances of the Territory and the interests of the native population do not at present call for any modification of that policy.

"In the efforts which are being made to educate and uplift the natives and to promote their material and moral welfare, one important factor has been the encouragement of the natives to engage, under proper conditions, in manual labour, and especially in handicrafts, and it is considered that it would be seriously prejudicial to their interests to subject them to the competition of coloured labourers of other races, particularly as reports indicate that the supply of local labour is ample to meet all the requirements of the present and the immediate future".<sup>2</sup>

A question connected with that of the social effects of immigration is the problem of the status of half-castes — that is to say, persons of

<sup>1</sup> Subsequently, questions connected with this problem in the Pacific territories were, as a rule, dealt with as specifically *labour* questions, which are examined with the assistance of the representative of the International Labour Organisation.

<sup>2</sup> *Report on New Guinea for 1922/23*, page 90.

mixed race. Reference to this question has already been made above in connection with Samoa and New Guinea. The same problem is present in South West Africa and the Commission referred to it as early as 1924 (fourth session) in the following terms: "In view of the fact that the territory contains racial elements which the Administration does not regard as native, but which are not purely immigrant, the Commission would be glad to know the exact meaning of the terms 'native' and 'coloured person' as used in the laws and administrative documents of the mandatory Power. It will be interested to learn the policy followed by the mandatory Power in regard to the various classes of persons of mixed race living in the territory".

Since that time, the Commission has frequently considered the situation of these "bastards", more particularly in connection with a series of petitions addressed by the latter to the Commission.

*Native migratory movements* have also at times attracted the attention of the Commission. Thus, in 1938 (thirty-fifth session), it asked for further information as to the influence on the structure of indigenous society of the large immigration of stranger natives in the Cameroons under British Mandate. In the following year (thirty-seventh session), the Commission noted "the importance of the problems created by the presence in certain areas of a considerable number of 'stranger natives'" and stated that it would "follow with interest evidence of any progress made in the direction of assimilation and the association of 'stranger natives'" in the administration of local affairs.

The importance of the *social aspect of labour questions* has been more than once remarked upon in the observations of the Commission concerning territories or areas where European undertakings — plantations, mines, etc. — require a considerable amount of native labour. Thus, after examining the annual report on New Guinea in 1931 (twentieth session), the Commission asked the mandatory Power "whether the system of indentured labour" had "had harmful consequences on the social life of the natives, and whether the departure of a large proportion of the men for the plantations or the mines" had "had a prejudicial effect on village life". Having noted, as regards the proportion of the population working under indenture, that the Administration had laid down in practice that an approximate number of males and females should remain in the villages, regard being had to local conditions, the Commission asked for some indication in figures of the proportions thus laid down.

Among questions affecting more particularly the *moral welfare* of natives, we may mention that of "the use of the *cinematograph* in view of the diversity of mentalities and cultures".

In a resolution dated January 26th, 1933, the Council had drawn the attention of the Commission to a recommendation made by the Governing Body of the International Educational Cinematographic



Institute and had requested it to consider the advisability of recommending "the mandatory Powers to communicate any data, based on facts brought to light in the mandated territories, which might be of value from the point of view of the enquiry undertaken by the Institute". In response to this invitation, the Commission submitted the following conclusions to the Council:

"The Commission, which, in view of its functions, exercises on behalf of the Council supervision over the measures designed to increase the moral welfare of the inhabitants of the mandated territories, is of opinion that this problem should receive the closest attention of the mandatory Powers.

"Basing its opinion on the evidence that such races are greatly attracted by cinema displays, which, if of the right kind and prepared by persons who have personal knowledge of the mentality and aptitudes of such races, can have a very useful educative influence, and, on the other hand, if unsuitable, may constitute an international menace, it informs the Council that the Permanent Mandates Commission endorses the proposal that the mandatory Powers should be invited to submit the required data". (Twenty-third session, 1933.)

At the following session (twenty-fourth session, 1933), the Commission considered this problem more especially in connection with the Cameroons and Togoland under French Mandate. It expressed interest in "the measures contemplated by the mandatory Power to organise the distribution of educational films" and asked to be kept informed of the results obtained by that service and by the service for the censorship of undesirable films. A special observation was made on the same question with regard to the Cameroons and Togoland under British Mandate (twenty-sixth session 1934).

Some questions, which have been considered by the Commission from the standpoint of the moral and social welfare of the natives, are of a mixed character. This applies for instance to the question of *native tribunals* and the method of selection of their members (observation concerning Togoland under British Mandate — tenth session 1926). In this sphere, the Commission has taken a keen interest in methods whereby natives, who have shown that they possess the requisite qualifications, may be entrusted with limited judicial responsibilities, and efforts have been made to develop among the natives a sense of justice, which with them is still rudimentary. Such problems are essentially of a moral character.

The moral development of the natives is closely linked with their *material welfare*. This point is emphasised by the Commission, for instance, in an observation made in 1925 (sixth session) with regard to Togoland under French Mandate. On that occasion the Commission expressed its satisfaction with the native policy followed by the mandatory Power "which aims at promoting the moral welfare of the natives by improving their material condition".

Generally speaking, however, the question is by what precise means can the mandatory Powers secure the material welfare of the natives.

Obviously, the material well-being of the natives must depend mainly upon their own economic activities. The Administration must therefore encourage such activities. The Administration, however, also assumes responsibilities which may be compared to what in more civilised countries falls under the head of social welfare services. The Latin dictum *primum vivere* applies with especial force in regions where factors, such as lack of communications, the climate, and the primitive state of the inhabitants whose living conditions are at the lowest level compatible with bare existence, increase the danger that sudden convulsions of nature, weather conditions, etc., may have disastrous consequences for the population. Those who are responsible for the welfare of native inhabitants are continually confronted afresh by this problem. Obviously one of the primary tasks of the Administration is to ensure that essential food supplies are available for the inhabitants. It must take steps to prevent famine or scarcity which — *e. g.*, as the result of a period of drought or of rains followed by floods — may threaten some particular territory or region.

As an instance: the Commission, in 1928, considered the question of the dearth of food supplies which prevails periodically in some regions of the Cameroons under British Mandate and noted the opinion of the mandatory Power that this phenomenon "will disappear when the communications at present being organised are improved". In connection with the administration of Tanganyika, the Commission, in 1930 (eighteenth session) asked for "detailed information regarding the food shortage which occurred in 1929 in Bukoba Province and the measures taken by the Administration to avoid a recurrence". In the following year, it devoted attention to the steps being taken to cope with the congestion of the native population in the Arusha-Meru District. In 1933 (twenty-fourth session), the Commission congratulated the mandatory Power on the measures taken in Ruanda-Urundi to prevent famine and on the results obtained.

In view of the geographical and meteorological peculiarities of South West Africa and the rather primitive condition of its native inhabitants, this territory is perhaps more exposed to periodical difficulties of this kind than are the other mandated territories. The anxiety felt by the Commission in this connection is shown in a number of its observations. Thus, in 1930 (eighteenth session) it questioned the accredited representative regarding "the famine existing in certain areas in Ovamboland and the measures taken to deal with it", and asked for "full particulars" which would "allay its apprehension at this disquieting state of affairs." In the following year (twentieth session) the Commission was glad to hear that "the period of drought which had sorely tried the mandated territory during 1930 had come to an end". It noted "with satisfaction the efforts made by the mandatory Power to relieve the victims of the drought". Finally, the Commission asked for "supplementary information... with regard to the measures taken to make good the losses in live-stock".

A study of the annual report presented in 1936 (twenty-ninth session) on Nauru — a small island in the Pacific situated on the Equator and inhabited by a thousand natives — showed the Commission that the health of the natives was less good in 1935 than in previous years, owing to a prolonged drought and a shortage of fresh food. The Commission expressed the hope that steps would be taken “to ensure a proper food supply in all possible circumstances, in order to strengthen the resistance of the natives to disease”.

The material (and moral) well-being of natives depends in fact very much on their *state of health*. Accordingly, the Commission, apart from observations on public health questions properly so called, has frequently laid stress on the general aspect of the problem of *medical aid* for the natives. This is particularly so in the case of South West Africa, where, on the one hand, the native inhabitants are relatively at an extremely primitive stage of development and, on the other hand, they are in a position of marked inferiority as compared with the numerous white settlers who, by reason of the political rights conferred upon them, exercise great influence on the administration and finances of the territory.

In a series of observations, the Commission has drawn attention to the fundamental needs of the natives — a great part of whom live in native reserves — and to the necessity for affording them the requisite aid and more especially medical aid. First of all we find that in 1932 (twenty-second session), the Commission concerned itself with a question of water supply for the natives in the extreme north of the territory. Then, in 1937 (thirty-first session), it hoped that the mandatory Power might “find it possible to afford some direct assistance to the territory with a view further to improve conditions in native reserves.” The following year (thirty-fourth session), the Commission noted that “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 was aware that the Administration had “stated that its present policy aims merely at avoiding the undue acceleration of the development of the reserves”, as it considered it “essential to convey to the natives the lesson that their improvement must depend on their own exertions”. The Commission did not, however, feel that this consideration could “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 continued, therefore, to hope that this consideration would not “lead the Administration to withhold the assistance which is required in this respect and to which it (the Commission) called attention at its thirty-first session”.

Reverting to the same matter in 1939 (thirty-sixth session), the Commission in the first place noted in its observations the statement in the annual report that “the natives again, in common with the



Europeans, enjoyed a prosperous year.” On the other hand, the mandatory Power had “also stated that, in its view, ‘the development of the natives in the territory cannot be forced and any efforts directed to their uplifting must be attuned to the ability of the natives to appreciate and benefit from them’. Questioned on this subject, the accredited representative said that, ‘in the view of the Administration, the European taxpayers would continue to pay a large proportion of the expenditure on native welfare, but that it was their policy simultaneously to train the natives to be self-supporting’.” In this connection, the Commission “recalled the observations made at its thirty-fourth session, expressing the hope that this consideration would not lead the Administration to withhold the assistance which is required for the natives in the matter of provision of medical facilities or of water supply.” In regard to the last named, the Commission wished “to know whether the Administration had drawn up any plan the execution of which, including the provision of the necessary financial means, would be spread over a period of several years”.

Hitherto we have considered observations on the question of the welfare of the natives made by the Commission from what might be described as the social welfare services aspect. We shall now turn to the more positive aspect of the problem — namely, the *economic activities of the natives* as a factor in their material welfare.

In the first place, we find observations expressing the desire of the Commission to “be more fully informed” in general “on the economic condition of the natives in the territory” (observations on South West Africa — ninth session, 1926).

In connection with the general principles of the economic policy of the mandatory Administration, the Commission, in an observation made in 1925 (sixth session) on Togoland under the French Mandate, noted with interest the programme of the mandatory Power according to which the material welfare of the natives would be “ensured not by a system of *foreign-owned plantations* but by encouraging the cultivation of the land by the natives themselves with the help of European capital, implements and technique”. At the same session, the Commission was able to note in connection with the same territory that “measures” were “under consideration for preventing profiteering... at the expense of the natives”.

In 1930 (eighteenth session), the Commission laid stress on the great interest attaching to the establishment in French Togoland of a State agricultural credit system to encourage native planters. Again, in 1935 (twenty-seventh session), the Commission remarked upon the progress made in Tanganyika in connection with the creation of model peasant holdings and the teaching of improved methods of animal husbandry.

The efforts made by the mandatory Power to develop native provident societies in the Cameroons and Togoland under French mandate

were also welcomed with satisfaction by the Commission, which attached "special importance" to this "valuable institution... on account of its influence on the condition of the native peasantry" (thirty-third session, 1937, and thirty-sixth session, 1939).

It is not only in the field of agriculture that the mandatory Administration must encourage native activities. This point is brought out, for instance, by an observation made by the Commission in 1938 in connection with Ruanda-Urundi: the Commission asked whether the Administration contemplated taking measures which would induce natives to take up trading on their own behalf.

The favourable trend of world trade in 1935 and the following years also made itself felt in the mandated territories. Examination of the reports of the mandatory Powers for these years enabled the Commission to record a considerable expansion in the foreign trade of most of these territories. While noting this state of affairs with satisfaction, the Commission nevertheless attached importance to the question how far it really benefited the natives and not merely the European undertakings and planters. In the Commission's view, it was the duty of the mandatory Power to ensure that the prosperity of the territories was accompanied by an improvement in the material and moral well-being of the natives. This point it brought to the notice of the mandatory Powers in a series of observations made in its reports to the Council, more especially in 1936 and 1937. Thus, in connection with the Cameroons under British Mandate, the Commission asked (thirtieth session, 1936) to be informed as to "the measures taken in order that the natives will get their full share in the prosperity arising out of the improved trade of the territory". With regard to New Guinea (twenty-ninth session), it hoped "that the mandatory Power" would "take steps to enable the native population to share in the increasing prosperity of the territory"; while, in connection with the Islands under Japanese Mandate, it said that it would follow with interest the execution of a programme announced by the mandatory Power and designed to attain the same end. Again in the following year (thirty-first session) the Commission, still animated by the same idea, made a similar observation regarding Tanganyika: "in view of the continued and growing favourable trade balance, the Commission would welcome, in the next report, a statement on the measures contemplated with a view to ensuring for the natives a greater share in the prosperity of the territory".

(The problem was gone into in much greater detail in the course of the discussions on the various aspects of the administration of each territory, when many questions were asked and observations made by the individual members of the Commission.)

In connection with measures calculated to protect the economic interests of the natives, the Commission also noted with interest the creation, in the Cameroons under French Mandate, of "*Native*

*Cooperative Societies*”, in regard to which it asked in 1936 (thirtieth session) for additional particulars concerning “especially their financial basis and the extent to which they are assisted by the Administration”.

Finally, we may note an important problem closely connected with the material and economic welfare of the natives — namely, the question of the “*protection of native landed property*”. This is a matter in regard to which the Mandates themselves contain special provisions and which the Commission, therefore, has usually treated as a question *sui generis*, of an essentially legal character. It has, however, also considered this question from the point of view of the material (economic) welfare of the natives. It was for instance from this point of view that the Commission commented (in 1929 — sixteenth session) on attempts by certain plantation companies in the Cameroons under British Mandate to evade the law respecting land and native rights. The Commission asked for further information regarding these attempts and the measures taken to avoid recurrence.

Upon examination of the report on Ruanda-Urundi for 1937, the Commission stated that it had been “struck by the progress and development in the social life of the natives under the mandatory regime” and hoped that the mandatory Power would make it the subject of a comprehensive survey (thirty-fifth session, 1938).

The Belgian Government complied with this request when presenting its report for the following year (1938) on this territory, and the Commission, after examining the report, expressed its gratitude to the mandatory Power “for supplying a statement on the social life of the natives which enabled it to gauge the development that had taken place during the past fifteen years”.

#### 4. ANNUAL REPORTS

It may be appropriate to reproduce here some passages from the above-mentioned statement, concerning Ruanda-Urundi and also a few extracts from reports on other mandated territories. These passages will serve to illustrate the progress achieved in a mandated territory in so far as concerns the social, moral and material conditions prevailing among the natives. At the same time, the details given throw light on some of the problems contemplated by the various observations of the Commission which have been cited above, such as the social status of women, the problem of food supply, medical assistance for the natives, the encouragement of economic activities on the part of the natives, etc.:

*Ruanda-Urundi* (Annual Report for 1938, pages 273-279).

[Translation.]

*Care of the Body.*

The Barundi as a rule have no comprehension of the benefits of hygiene and pay little attention to bodily cleanliness. . . .



One thing, however, affords certain evidence that appreciable progress has been achieved: the purchase of soap by the natives, who, a few years ago, were unacquainted with its use, is becoming more and more general. In 1927, 14,130 kgs. of soap were imported into Ruanda-Urundi, where no soap factory existed. Ten years later, in 1937, imports, after deducting re-exports, reached 244,178 kgs, while there was a local production amounting to 26,320 kgs.; the amount consumed had risen from 14 to 270 tons. In private undertakings, there is no longer a single regularly employed worker who has not a piece of soap in his baggage and, moreover, his wife and children also wash themselves.

Doctors have observed a diminution in skin diseases. Progress is of course more noticeable in the case of chiefs and notables. Most of them have adopted the habit of washing daily and the case may be mentioned of the chief Baranyanka, who possesses a cemented bathroom with an enamelled bath.

In 1925, both the Batutsi and the Bahutu were virtually unacquainted with any medical treatment save that of their witch-doctors. At the end of 1938, thanks mainly to the activities of the travelling medical assistance service, natives who have not been in contact with a doctor are now very rarely encountered and equally rare are those who have not overcome their old distrust and fear of European medicine.

.....

#### *Food Supply.*

In this domain, progress has been particularly striking.

Formerly, even apart from times of distress when famine was rife — times which are no longer more than an evil memory, the Bahutu were undernourished. Moreover, every year they had to traverse a difficult period during which they had nothing to eat but bananas and sometimes only the leaves of kidney-beans and the roots of various plants. Now they have at least two good meals a day.

The present production of foodstuffs is due to measures which have frequently been explained. It is, in part, due to the introduction of new crops, in particular several varieties of beans affording a yield twice or three times as great as that of the native varieties. Wheat is sown to an ever-increasing extent and the notables now eat it in the form of bread. The *muhutu* is becoming accustomed to eating manioc, which constitutes the staple food throughout almost the whole of the Belgian Congo.

The increase in their resources enables the natives of the lower class from time to time to buy meat, of which they are extremely fond. The number of heads of large cattle slaughtered on the markets has tripled. Foods previously considered taboo, such as the flesh of sheep, goats, pigs and chickens, fish and eggs, are eaten to a continuously increasing extent.

.....

#### *The Family and the Role of the Woman.*

The birth rate has remained very much the same as formerly, but the infant death rate has fallen.

Polygamy is decreasing to a noticeable extent as a result of the increasing influence of missionaries and the standing of a sole wife has improved. . . .

Under the influence of civilisation, the woman tends to an increasing extent to become the equal of her husband. The latter cannot go away for a

long period without her consent. Man and wife eat together, which is rare among black races. Among the chiefs and the principal Batutsi, where this custom was slower in spreading, it is now general, even when strangers are present. The wives of these chief notables, who, formerly, could not show themselves outside the "rugo", now move about in the neighbourhood of the "rugo", attend to the cultivation of the family field and often themselves supervise the labourers. . . .

The native mentality has developed a more humane conception of the treatment to be accorded to a childless widow. At the present time, she usually leaves the "rugo" of her husband, but may take with her half of his goods, the other half reverting to his family. As regards the dowry paid, that remains the property of the widow's family. . . .

### *Property Rights.*

In this domain, immense progress has been realised.

Formerly, the mwami and the chiefs could dispossess a native of his land or of his banana plantation at will. Now, though private ownership of land does not yet exist, land is in practice transmitted from father to son and cultivated by the same family as though that family actually possessed full rights of ownership. Nevertheless, the occupier of land cannot sell it. A family, however, can no longer on any pretext be deprived of its itongo. . . .

Disputes regarding the right to occupy land freshly taken into cultivation are very frequent. The native tribunals in deciding such cases always apply the principle of protecting a right of possession acquired by regular labour.

### *Sorcery, Witch-doctors and Witchcraft.*

. . . Diviners and healers who live solely by exercise of their profession have become very rare. Their activities, apart from certain medical practices of little importance, have become the exception. As they no longer function as advisers to the native authorities, whose terrible punishments they formerly inspired, they are obliged to act with extreme precaution. . . .

### *War and the Warlike Spirit.*

. . . The pacification of Urundi, as also of Ruanda, is demonstrated by the fact that the spear, a weapon from which a native never parted ten or a dozen years ago, is carried less and less and is replaced by an inoffensive staff.

### *Penal Law, Private Vengeance and Repression of Crime.*

As regards penal law, one of the dominating principles of native custom is that of the collective responsibility of a whole group for the misdeed of a single individual. This principle, however, is no longer applied, as the repression of crime is reserved to the European courts, and, before these, the person who has committed an offence is alone answerable for his act.

There is no longer any excuse for the taking of private vengeance and in actual fact cases of it are very rare. The population indeed has full confidence in European justice. There are, however, imaginary grievances which they cannot bring before these courts, for instance those based on deaths which they allege to have been caused by witchcraft. In such cases, some unfortunates,

incited by a witch-doctor and often blinded by grief, allow themselves to be persuaded to take private vengeance. In appraising the degree of guilt of the avenger, the European courts take into account the deplorable influence exerted upon him by ancestral superstition and accord him the benefit of extenuating circumstances.

On the whole, the chiefs and sub-chiefs co-operate more and more actively in the repression of misdemeanours and crimes; some of them have proved excellent examining magistrates. . . .

\* \* \*

The foregoing description relates to the immense majority of natives who dwell far from any town, under the regime of custom in the "chefferies".

There is in fact only one town — namely, Usumbura, around which are grouped, on the one hand, the Waswahili, of diverse origins, and, on the other hand, the blacks of the extra-customary centre. The form of life of these elements of the population also merits attention. The social level of these natives is distinctly higher than that of the bulk of the autochthonous population. . . . The Waswahili are farmers, fishermen, traders, masons, carpenters and artisans; some are clerks. The natives of the centre are traders, clerks, specialised artisans or servants.

Land has been reserved for the Waswahili farmers in the immediate neighbourhood of Usumbura, in the district known as Mbone. The cotton and manioc plantations which have been developed there have been considerably extended, for the Waswahili excel in the cultivation of the land. . . . The proceeds of their labours enable the natives of the extra-customary centre as well as the Waswahili to live in comfortable circumstances. Many of them have bicycles which they use to go to their work. All have household utensils of European or Japanese origin, tables, chairs, good beds. The arrangement of their dwellings, decorated with multi-coloured mats and chromolithographs, is not without taste.

The Waswahili and the natives of the extra-customary centre each have at their head a chief of the community aided by notables. Both groups have their own tribunal, which has jurisdiction for civil cases and passes judgment in accordance with the custom of the parties before it. Thus, the rules established by tradition regarding the payment of dowries are applied in full. The two tribunals sit in a spacious building which has been erected for their joint use. . . .

*The Cameroons under French Mandate* (Annual Report for 1938, pages 87-88).

(Translation.)

#### *I. General View. The Material Situation.*

Under the impulse of economic developments, the continuous and growing expansion of trade exchanges, which is facilitated by a very complete network of roads, and the enrichment of the individual thanks to the rapid and total absorption of an ever-increasing volume of production, evolution is proceeding rapidly among the natives.

The period in which we live is essentially one of transition. It is therefore impossible, save in a purely arbitrary manner, to disentangle the facts which



illustrate this. They are the outcome of a complex in which it is easier to observe the material progress illustrated by evidence of an economic character, than social and moral development.

This evidence takes many forms, from the installation of houses and communities to expenditure on luxuries — bicycles and even automobiles. The native dwelling is undergoing transformation; it is larger, more solidly built, better lighted and ventilated by the fitting of windows; animals are no longer kept in them; the inhabitants possess furniture which, though scanty, demonstrates a certain idea of comfort. Very often, the house has a small flower-garden and is screened from the road by a hedge. The sanitary conditions of communities have been improved, the surroundings have been cleared, springs have been taken into use.

In the most remote regions, clothing has become customary. Finally, though numerous long lines of natives are still to be seen on the roads, for great distances the natives have recourse to public or private transport services in ever-increasing numbers. The use of native porters has practically ceased.

## II. *Social Development.*

A number of factors — the presence of Europeans, economic progress, the activities of missionaries, an almost universal system of primary education — have combined to create an ever-increasing tendency for the individual native to free himself from the tutelage of the head of the family which formerly was extremely strict. In order more easily to earn his living and satisfy the new needs which he is rapidly acquiring, the native realises that he must free himself from the strict rules which formerly governed the black community. His mind becomes emancipated and absorbs the conceptions of personality and private property which are in conflict with and profoundly undermine the traditional institutions. The present security of person and property, the multiplicity of means of communication, the rapidity and convenience of motor transport have developed to a high degree the native's innate taste for travel. Frequent journeys, numerous visits to the principal centres, prolonged contact with Europeans and with other more advanced native races are leading to the development of a very marked individualism and to the gradual abandonment of ancestral customs and manners among the rising generations.

By the force of circumstances, all these factors, slowly, surely, but inevitably, lead to the disintegration of the local primitive society which had preserved itself intact until our day. This society was fundamentally based on a wide conception of the family — the “gens” founded on a patriarchal organisation of the relations between its members and on polygamy, and ruled over by a chief with sovereign powers. To-day, the old framework is breaking up, the authority of the father has considerably decreased and the married couple is more and more replacing the old extensive notion of the family, at all events in the Christianised south. Except in the case of a few old chiefs and notables — the last vestiges of a past age — polygamy on a large scale is no longer practised. Moreover, it corresponded to economic and social requirements and its disappearance is due to the modification of these requirements.

The various features of society are changing simultaneously: the polygamous family, the clan and the tribe are being replaced by the small family, the village and the group. Contact between the inhabitants of formerly

hostile villages is more frequent and their relations are more friendly. Ties are established between men who formerly knew nothing of one another; we are in fact assisting at the birth of a sentiment of community of interests, if not of a kind of patriotism.

The individualistic tendency of the younger generations leads to the formation of new social classes. In addition to an intellectual élite (employés of the Administration and of private undertakings, the higher grades of the native administration, all officials and agents of the various services, clerks, accountants, specialist foremen of commercial, industrial or agricultural undertakings), there is a constant increase in the number of traders, prosperous planters, big cattle breeders and artisans trained in schools for apprentices, who start business on their own account upon their return home.

The mandatory Administration, between its anxiety to respect native custom in so far as it is not inconsistent with the maintenance of order, good morals and civilisation, and the developments ensuing upon the instruction imparted by it and upon its respect for the rights of the individual, finds its task becoming more and more difficult. Its policy in this respect is clearly defined: to allow the natives to develop normally in their natural surroundings and to secure individual freedom, while maintaining as far as possible the principle of the authority of the father or chief.

This change in the relations between the members of the black community would lead to serious disturbances owing to the rapidity with which it is taking place, if the local authorities did not observe it with the closest attention and endeavour, when necessary, to slow down its effects, if need be taking action to circumscribe the dangers of a possible state of anarchy. Under this head fall the measures taken effectively to prevent natives from deserting their villages, by relentlessly sending back any individual found, without employment and without the proper papers, in a district other than that to which he belongs.

### *III. Status of the Native Woman.*

Among the most typical phenomena of the process of liberating the individual are the change which has taken place in the status of native women and the development of their personality.

According to native custom, the woman is a perpetual minor, a mere chattel to be exploited by the head of her family: useful on account of the human wealth and labour value which she represents, but an object of scorn and repulsion if she is barren. She is now protected by a whole series of regulations, which have often been explained in these reports and which relate to marriage and to divorce — which is allowed not only on grounds similar to those of our own legislation, but also “if a husband or wife sincerely and steadfastly repudiates polygamy” — by restriction of the amount of the dowry, by the liberation of widows and the abandonment of practices inconsistent with civilisation, such as the marriage of young girls who have not yet attained the age of puberty.

*Tanganyika Territory (Annual Report for 1938, page 13).*

... The year has been one of continued endeavour to improve the conditions under which the people live: of measures to improve their health and to spread education; of efforts to teach them how to make better use of their land and to augment their meagre stocks of wealth; and of help in their fight

against the insect and other pests which attack their live-stock and crops. The growth of health and educational services is shown by the building of new dispensaries, the more thorough training of the dressers who staff them, the opening of maternity and child welfare centres, and the building of new schools and the training of more teachers. Better use of the land is promoted by soil-conservation and anti-erosion works, the development of water supplies, reafforestation, the issue of selected seed, measures to improve the marketing of produce, and constant exhortations to the people throughout the Territory to abandon their wasteful methods of tilling the soil and grazing their live-stock. The fight against pests is carried on by means such as the campaign against rinderpest, the clearings to prevent the further spread of tsetse-fly, and the organised destruction of locust eggs and hoppers. . . .

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## V. THE POPULATION OF THE MANDATED TERRITORIES

### I. INTRODUCTION

Colonial history affords many examples of the danger which contact with colonising nations involves for the native population. Only too often such contact has had disastrous effects on the natives resulting from the spread of new diseases, to which the constitution of the natives offered but little resistance, the abuse of alcohol, the excessive employment of native labour, etc. Accordingly, among the best criteria for gauging the success of different methods of treating the natives are the rate of increase of the population, the birth, morbidity and death rates.

This point was made by a member of the Mandates Commission (M. Rappard), who said that "it was the first duty of the Commission to look after the welfare of the natives. The best index of the extent to which the welfare of the natives was safeguarded would be found in the mortality and morbidity statistics. . . . It was the duty of the Commission to protect the native and, if the native races were dying out, it was clear that their moral and material welfare was being sacrificed"<sup>1</sup>. On another occasion, the same member of the Commission also pointed out that "population statistics were one of the few ways of keeping a check on a country's true social position"<sup>2</sup>.

Moreover, the Administration of a colony requires statistics of population in order satisfactorily to deal with important questions such as the regulation of the recruiting of native labour, the allotment of land to non-natives or to native reserves, the organisation of public health services, education, etc.

Accordingly, the questionnaire prepared by the Mandates Commission in 1921 (Article XIII)<sup>3</sup> asked the mandatory Powers to include in their annual reports statistics concerning births, marriages (polygamy),

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<sup>1</sup> *Minutes of the Sixth Session of the Permanent Mandates Commission* (1925), pages 48 and 50. For the discussion which took place on this subject in the Commission, see *op. cit.*, pages 48-50.

<sup>2</sup> *Minutes of the Nineteenth Session of the Permanent Mandates Commission* (1930), page 35.

<sup>3</sup> See pages 53-54.

deaths, emigration and immigration. The new "List of questions which the Commission . . . desired should be dealt with in the annual reports of the mandatory Powers", which was drawn up in 1926, contained the following questions:

"116. What is the population of the territory in natives, coloured persons other than natives, Asiatics, Europeans and Americans? Are the figures supplied the result of a census or are they merely an estimate?"

"117. Please supply, if possible, quinquennial or decennial comparative statistics of the population.

"118. Is there any considerable emigration from, or immigration into, the territory? If so, what are the causes?"

"What are the countries of destination or origin of emigrants and immigrants respectively?"

It is, however, obvious that, in most of the territories in question, all attempts to count the population, to establish a register of births, marriages, and deaths, to register the inhabitants or prepare accurate population statistics, or even approximate estimates, encounter many difficulties. The extent of the territories, the primitive state of the native tribes, illiteracy, the fact that in some cases the population fluctuates (since it comprises nomadic or semi-nomadic tribes), and migratory movements are all obstacles which render the task of the Administration in this respect peculiarly difficult. Then, again, there is the suspicious attitude of the natives, who fear that the object of the counting or census-taking is either to impose taxation upon them or to recruit them for forced labour or for military service. Another obstacle encountered is superstition — for instance, the belief, fairly common among primitive tribes, that the counting of children brings misfortune upon them.

Nevertheless, the mandatory Powers have applied themselves to overcoming these difficulties. Depending on the special conditions prevailing in different territories, they have sought to attain their object either by counting the inhabitants by villages or by tribes, or by establishing registers of births, deaths and marriages and making it compulsory to notify births and deaths, or again by taking a more or less complete census.

The Mandates Commission, for its part, when examining the annual reports, has always studied the chapters or paragraphs devoted to questions concerning the population and has questioned the accredited representatives of the mandatory Powers on demographic problems. In the observations recorded by it at the conclusion of its meetings for the attention of the Council and the mandatory Powers, it has for instance urged that it should be "put in a position to follow closely the demographic movement of the territory"<sup>1</sup>, or it has asked for "as precise information as possible concerning the increase or decrease of the

<sup>1</sup> Observation on the Cameroons under French Mandate, fifteenth session of the Commission, 1929.

population in the various districts of the territory”<sup>1</sup>, or, again, for more exact information “concerning the nature of the movements of migration in certain parts of the territory”<sup>2</sup>. With a view to stimulating the efforts of the mandatory Administrations in this domain, the Commission has sought to obtain increasingly complete data, representing an ever-closer approximation to the facts, in order to be in a position to form as accurate as possible an idea of the demographic position and of the development of the populations of the various mandated territories.

## 2. THE VARIOUS TERRITORIES

Under this heading is given a summary of the chief data supplied in the annual reports of the mandatory Powers with regard to the population and demographic conditions prevailing in the various mandated territories. These data are accompanied by some brief indications regarding the bases of the figures supplied — a count, estimates, a census, a more or less complete register of births and deaths — and the progress achieved in this field.

The figures given are very unequal in value. Some of them have been arrived at by pure conjecture (*e. g.*, those concerning the nomads of Transjordan or Syria, or the natives of the interior districts of New Guinea which are “patrolled” but not yet controlled by the Administration). In many other cases, the figures are the results of estimates the basis of which is more or less sound according to the methods employed. Sometimes an estimate is made on the basis of a census taken in one region combined with sometimes rather vague information concerning, or surveys undertaken to gauge, the density of the population in the remainder of the territory. Another method consists in counting the dwellings in native villages and ascertaining in a limited radius the average number of natives per dwelling. The payment of dues and taxes constitutes yet another basis of assessment, the number of natives paying the poll-tax serving as the basis and being supplemented by investigations as to the average proportion of taxpayers. This stage of more or less conjectural estimates is succeeded by that of systematic or progressive counts or again by that of an actual census. Finally, the introduction of the compulsory registration of births, deaths and marriages and more especially the enforcement of such a measure and the creation of registers of births, marriages and deaths, have enabled the Administrations of some mandated territories to prepare demographic statistics as reliable as those in many more-advanced countries.

<sup>1</sup> Observation on the Cameroons under British Mandate, fourteenth session of the Commission, 1928.

<sup>2</sup> Observation on Togoland under French Mandate, fifteenth session of the Commission, 1929.



The following study covers the data supplied with regard to the population as a whole (natives and non-natives), the birth rate and the death rate (including the infant death rate).

In the case of the territories of the Near East, information is also given regarding the composition of the population from the point of view of religion (and race), in view of the important part played by the religious communities in the social and political life of these countries, where the personal status of every inhabitant depends on the law of the community to which he belongs.

#### Territories under "A" Mandate.

*Palestine* (27.009 square kilometres) and *Transjordan* (about 90.000 square kilometres).

The population statistics in Palestine assume a special character of their own, as a result more especially of the establishment of the Jewish national home provided for by the Mandate. As is generally known, there has been a large immigration of Jews ever since 1920; at the same time there has also been a certain immigration of Arabs. The data given below show, however, that the *natural* increase of the Palestinian population — *i. e.* the increase resulting from the excess of births over deaths — has been even greater than that resulting from immigration.

A first census was taken in Palestine on October 23rd, 1922. According to the annual report, "this was probably the first census ever taken in Palestine on a scientific basis"<sup>1</sup>. A second census was taken nine years later, on November 18th, 1931, at midnight, under the "Census Ordinance 1931", a measure broadly based on the British Census Act, 1920.<sup>2</sup> This census embraced the whole actual population including nomads (Beduin) and the British armed forces stationed in the country. Although, according to the mandatory Power's report<sup>3</sup>, a large part of the population of Palestine is "traditionally hostile to the taking of a census", it appears that the operation was successfully completed under relatively normal conditions.

The registration of births and deaths was made compulsory in Palestine upon the establishment of the British Administration<sup>4</sup>. Though very incomplete at first, entries seem gradually to have attained a fairly high degree of accuracy except among the nomads. In 1933, the annual report contained the following: "Though there certainly

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<sup>1</sup> *Annual Report for 1922*, page 5.

<sup>2</sup> A description of this census and a summary of its results were given in the *Report for 1931* pages 135-140. For further details see also: *Census of Palestine 1931*, Jerusalem 1932.

<sup>3</sup> *Report for 1931*, page 135.

<sup>4</sup> *Palestine Public Health Ordinance*, 1918.

has occurred and probably still occurs omission to register, the degree of precision which has now been obtained in the settled population is very satisfactory and comparable with that obtaining in many European States. For obvious reasons registration is not effective in the nomadic Beduin tribes..."<sup>1</sup>. (In point of fact, as will be seen later, the statistics as regards the birth and death rates do not cover the Beduin.)

Furthermore, ever since the outset of the mandate, as strict a check as possible has been maintained on immigration and emigration. Special officials are responsible for this duty, in particular the Immigration Officers under the direction of the Chief Immigration Officer and of the Commissioner for Migration and Statistics. A Department of Migration has been set up. Finally, since 1935 there has been an Office of Statistics.

The data obtained by means of the two censuses, the registration of births and deaths, and the control exercised over immigration and emigration have enabled estimates representing a very close approximation to the facts to be presented annually (as at June 30th of each year). Of course, these estimates cannot be absolutely precise owing more particularly to the somewhat incomplete character of the register of births and deaths (especially as regards the Beduin) and to clandestine immigration which it has not proved possible entirely to prevent. For the years 1922-1931, the estimates have, however, been "adjusted" on the basis of the figures shown by the 1931 census.

Since the outset of the mandate, the *classification* of the population of Palestine by *religions* has been recognised as necessary, in view of the fact that the personal status of every inhabitant is dependent on the law of the religious community to which he belongs. Moreover, at the time of the 1931 census, it was also found that a classification by "race" (or nationality) — *i. e.*, as Arabs, Jews or "others" — had become a political necessity. Since 1935, the immigration and emigration statistics have been prepared on a racial basis. Of recent years, therefore, the population of Palestine has been classified according to the criteria both of religion and race.

The table given below shows the expansion of the population of Palestine during the period 1922-1938, as established by the census of 1922 and the estimates made (and adjusted) as at June 30th, in each of the succeeding years. These figures include the nomads (Beduin), the number of whom at the 1931 census amounted to 66,553. On the other hand, the members of the British Forces and their families are not included (2,507 persons at the 1931 census).<sup>2</sup>

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<sup>1</sup> *Annual Report for 1933* page 135.

<sup>2</sup> *Ibid.*, page 136.

THE POPULATION OF PALESTINE  
(census of 1922 and annual estimates as at June 30th)

*by Religions*

(not including members of the British Forces and their families).

Year	Total	Moslems	Jews	Christians	Others
1922 . . . .	752,048	589,177	83,790	71,464	7,617
1923 . . . .	778,989	609,331	89,660	72,090	7,908
1924 . . . .	804,962	627,660	94,945	74,094	8,263
1925 . . . .	847,238	641,494	121,725	75,512	8,507
1926 . . . .	898,362	663,613	149,500	76,467	8,782
1927 . . . .	917,315	680,725	149,789	77,880	8,921
1928 . . . .	935,951	695,280	151,656	79,812	9,203
1929 . . . .	960,043	712,343	156,481	81,776	9,443
1930 . . . .	992,559	733,149	164,796	84,986	9,628
1931 <sup>a</sup> . . . .	1,023,734	753,812	172,028	87,870	10,024
1932 . . . .	1,052,872	771,174	180,793	90,624	10,281
1933 . . . .	1,104,884	789,980	209,207	95,165	10,532
1934 . . . .	1,171,158	807,180	253,700	99,532	10,746
1935 . . . .	1,261,082	826,457	320,358	103,371	10,896
1936 . . . .	1,336,518	848,342	370,483	106,474	11,219
1937 . . . .	1,383,307	875,951	386,074	109,762	11,520
1938 . . . .	1,418,619	895,159	399,808	111,796	11,856

<sup>a</sup> The census taken on November 18th, 1931, gave the following results : Total 1,035,821 ; Moslems : 759,712 (including 66,553 nomads) ; Jews : 174,610 ; Christians : 91,398 (including 2,507 members of the British Forces and their dependants) ; others : 10,101.

To this table should be appended the estimate of the Palestinian population as at December 31st, 1938: total **1,435,341** divided as follows between the *religious communities* :

Moslems . . . . .	900,256
Jews . . . . .	411,263
Christians . . . . .	111,983
Others . . . . .	11,839
	<hr/>
	1,435,341

At the same time a rough estimate of the main groups of the population from the standpoint of *race* gave the following results :

Arabs . . . . .	997,000
Jews . . . . .	411,000
Others . . . . .	27,000
	<hr/>
	1,435,000

Almost all the *Moslems* are Arabs. At the 1931 census, of the 759,712 Moslems, only 2,739 did not announce themselves as Arabs; most of these 2,739 persons claimed to be Turks or Egyptians. As regards the *Christians*, of a total of 91,398, 73,281 (or 80.2%) were



Arabs, 19.8% being Europeans of various nationalities or Armenians. With regard to the heading "*Others*" (*i. e.*, other than Moslem, Jew or Christian) of 10,101 in 1931, 9,116 announced themselves as Arabs. As regards religion, these 10,101 were classified as follows: Druzes: 9,148; Bahais: 350; Samaritans: 182; no religion: 421.

During the period of sixteen years from the census of 1922 to the end of 1938, the total population of Palestine has thus increased by 683,293, or approximately 91% (average annual increase: 5.7%).

The number of Moslems has increased by	311,079
» » Jews » » by	327,473
» » Christians » » by	40,519

This increase was partly due to immigration and partly to the excess of births over deaths. It may be of some interest to note the extent to which these two factors have respectively contributed to the total increase:

	All religions	Moslems	Jews	Christians	Others
Total increase of the population . . . . .	683,293	311,079	327,473	40,519	4,222
Increase by immigration <sup>a</sup>	287,111	18,281	259,371	9,208	251
Excess of the number of births over deaths . .	396,181	292,798	68,102	31,311	3,971

<sup>a</sup> The figures for immigration include about 10,000 persons inhabiting districts which were incorporated in Palestine in 1923, as a result of a modification of the frontier between Syria and Palestine. Of this number, about 300 were Jews and the remainder Moslems.

It is particularly interesting to note that the increase in the Moslem population due to the excess of births over deaths considerably exceeded the increase in the Jewish population due to immigration, and that the total increase in the Moslem population was not far short of that of the Jewish population.

In order to obtain a clearer idea of the expansion of the population of Palestine, the figures for the birth and death rates should be studied. The following table gives the number of *births* per 1,000 inhabitants, for the whole settled population and by communities, during the period 1922-1938.

#### *Birth Rates.*

Years	All communities	Moslems	Jews	Christians	Others
1922-1925 (average rate) . . .	46.34	50.09	34.81	36.37	49.36
1926-1930 (average rate) . . .	48.58	53.45	34.29	38.55	46.17
1931-1935 (average rate) . . .	44.66	50.24	30.33	35.84	44.92
1936-1938 (average rate) . . .	42.12	50.00	27.60	34.68	45.72
1938 . . . . .	39.89	47.12	26.42	34.15	42.09

Though the *birth rate* has decreased by about 14% for the whole population (but only by 6% in the case of Moslems), it still remains very high (especially among Moslems) and it is considerably higher than in any European country. Thus, whereas, in 1938, the birth rate in Palestine was 39.9, it varied in European countries between a minimum of 14.1 (Austria) and a maximum of 34.2 (Albania). During the five-year period 1931-1935, the Moslem population of Palestine rose by natural increase at an average rate of 18,000 inhabitants per annum, that is to say by 2.5% annually.

Let us now consider the statistics for *deaths*. The following table shows the number of *deaths* per 1,000 inhabitants, for the total population and by communities, during the period 1922-1938:

*Death Rates.*

Years	All communities	Moslems	Jews	Christians	Others
1922-1925 (average rate) . . .	23.73	26.83	13.62	16.13	22.10
1926-1930 (average rate) . . .	24.34	28.31	11.66	17.91	25.06
1931-1935 (average rate) . . .	20.98	25.34	9.32	15.04	21.48
1936-1938 (average rate) . . .	16.67	21.15	8.23	12.99	19.83
1938 . . . . .	14.99	18.64	8.08	12.44	16.61

During this period of sixteen years, the death rate in Palestine has therefore *decreased by about 37%*.

In this connection, the statistics for *infant mortality* are particularly striking and satisfactory. The following table shows the number of deaths of infants less than 1 year old per 1,000 live births:

*Infant Mortality.*

Years	All communities	Moslems	Jews	Christians	Others
1922-1925 (average rate) . . .	178.70	190.39	122.90	144.35	115.92
1926-1930 (average rate) . . .	178.09	193.46	95.83	158.56	146.73
1931-1935 (average rate) . . .	151.35	166.41	77.99	136.28	161.05
1936-1938 (average rate) . . .	128.87	137.68	61.32	115.01	132.89
1938 . . . . .	112.00	127.58	58.22	103.98	90.18

For the whole of the Palestinian population, the infant mortality rate has thus *decreased by 37%* in the course of the sixteen years 1922-1938. The infant mortality rate in Palestine for 1938, 112 per 1,000, was lower than that for Egypt, a neighbouring country (163 per 1,000), and than those of ten European countries: Malta (243), Roumania (183), Bulgaria (144), Yugoslavia (144), Poland (140), Portugal (137), Hungary (131), Czechoslovakia (121), Spain (120) and Lithuania (113).

As regards *Transjordan*, no census has ever been taken and in 1935 the mandatory Power stated that "any attempt to estimate the number

of the inhabitants” could “only be approximate”<sup>1</sup>. Below are given the figures — based on estimates made — supplied in the annual reports for the total population:

1924 . . . . .	200,000	1930 . . . . .	305,584
1928 . . . . .	short of 250,000	1935 . . . . .	300,000 to 320,000
1929 . . . . .	300,000	1938 . . . . .	300,214

This last figure is the result of a “close survey. . . made by District administrative authorities” and includes nomads and semi-nomads in addition to the settled population<sup>2</sup>.

The population of this territory (where, of a total of 90,000 square kilometres, only 4,600 are capable of cultivation) includes, according to the 1929 report (page 138), about 130,000 settled inhabitants, 120,000 semi-nomads and 50,000 nomads.

As regards the composition of the population from the standpoint of race and religion, we find<sup>1</sup> that the great majority of the inhabitants are Arabs of the Moslem Sunnite community. There are, however, about 20,000 Christian Arabs (1935). Furthermore, there are about 7,000 Circassians (from the Caucasus), who were settled in Trans-jordan by the Turkish authorities in 1864 and 1878. Finally, since 1927, there would appear to be about 250 families of Druzes.

The number of foreigners in 1936<sup>3</sup> was 1,900, of whom 855 were Syrians, 63 Lebanese, 515 Palestinians, 142 Sa'udi-Arabs, 135 Turks and 56 British (excluding members of the British armed forces).

Since the creation, in 1926, of a Department of Public Health, the registration of births and deaths has become compulsory in Trans-jordan for all inhabitants, including nomads. It is not surprising, as the mandatory Power states, that, during the first three or four years, registrations should have been very incomplete. Even in 1935, “a number of births and deaths. . . especially among the Beduin tribes” were “not notified”<sup>4</sup>. In 1936, however, the mandatory Power noted that the “notifications at present are fairly satisfactory, except from those Beduin who spend most of the year in the desert and in adjacent foreign territories”<sup>5</sup>. It would seem, therefore, that registration is gradually becoming more complete.

The table given below shows the number of births and deaths notified in each of the years 1926 to 1938 and the excess of births over deaths. The figures in brackets indicate the birth and death rates based on the figures recorded; it is, however, clear that only a very

<sup>1</sup> *Annual Report for 1935*, page 274.

<sup>2</sup> *Annual Report for 1938*, pages 369-370.

<sup>3</sup> *Annual Report for 1936*, page 324.

<sup>4</sup> *Annual Report for 1935*, page 322.

<sup>5</sup> *Annual Report for 1936*, page 366.



relative value can be attached to these rates, in view, first, of the absence of reliable and accurate figures for the total population, and, secondly, of the incompleteness of the notifications. It is therefore impossible to make accurate inferences with regard to the rate of increase, etc. All that can be said is that the margin between the births and deaths recorded is indicative of a satisfactory expansion of the population. Apart from this, the figures are of interest mainly as showing the progress made in securing notifications.

	Number of births registered (birth rate)	Number of deaths registered (death rate)	Excess of births registered over deaths registered	Infant mortality (number of deaths of infants under one year of age per 1000 re- gistered births).
1926 . . . .	3,483 (11.4)	2,939 (9.6)	544	131.5
1927 . . . .	5,800 (19.0)	3,968 (13.0)	1,832	163.2
1928 . . . .	8,400 (27.4)	5,009 (16.3)	3,391	184.8
1929 . . . .	9,845 (32.2)	6,573 (21.5)	3,272	205.8
1930 . . . .	10,340 (33.8)	6,661 (21.7)	3,679	222.3
1931 . . . .	10,697 (35.0)	5,684 (18.4)	5,049	200
1932 . . . .	10,871 (35.5)	6,152 (20.0)	4,719	210
1933 . . . .	10,900 (36.3)	7,354 (24.5)	3,546	203
1934 . . . .	10,742 (35.8)	7,925 (26.4)	2,817	242
1935 . . . .	11,284 (37.6)	6,832 (22.7)	4,452	211
1936 . . . .	12,234 (40.0)	6,652 (22.0)	5,582	201
1937 . . . .	11,496 (38.3)	6,342 (22.0)	5,154	203
1938 . . . .	12,746 (42.49)	5,627 (18.76)	7,119	181

The falling-off in the number of deaths recorded during recent years should be noted.

As regards the relatively high infant mortality, the annual report for 1933 (page 267) explains that one of the causes is that "the notification of deaths is undoubtedly more accurate than the notification of births as there is a superstition that the notification of birth may bring harm to the child".

#### *Syria and Lebanon (202,500 square kilometres).*

On taking up the mandate, the mandatory Power was confronted with a situation in which, as regards demographic data, it had to start from the very beginning and under peculiarly unfavourable conditions: the population was suspicious, was made up of dissimilar races and belonged to antagonistic creeds; there were political and religious disturbances, vast areas to control, a part of the population was not settled (nomads and semi-nomads), etc. The task was, however, undertaken and a good deal of progress made, though, in 1938, no precise statistics for the country as a whole were yet available.

Efforts have been made to ascertain the number of inhabitants and civil-status registers have been established. These began to function and

considerable progress was made. Similarly, the civil status services made great efforts gradually to extend their sphere of action as regards births, deaths, causes of death (compulsorily notifiable diseases), and marriages, despite the obstacles mentioned above.

It has never been possible to take a real census of the population in the strict sense of the term, as conditions were unfavourable. The figures given in the mandatory Power's annual reports are arrived at either by means of a partial census or by estimation, or again on the basis of the civil status records. There is, however, in these figures a wide margin of error and uncertainty due to the same causes which have rendered the taking of an accurate census impossible. They can therefore only be regarded as *indications* which have no definite value either as regards their significance or for purposes of comparison. Moreover, the figures published in the annual reports are not presented in a regular and systematic manner and are not comparable from one year to another.

A first attempt to take a census of the populations of Syria and Lebanon was made as early as 1921/22, with a view more particularly to enabling the elections to the representative bodies, which were to be created in these countries (and in the autonomous territories), to be held. The thoroughness with which the "census" was conducted varied in different districts. Thus it was, for instance, impossible to observe the same degree of accuracy in the mountains as in the plains. It was impossible to apply the measure to the Beduin. Moreover, a number of persons absented themselves either to avoid paying for their census card or because they suspected that the measure had some fiscal or military purpose. It would, in fact, appear that the inhabitants — quite groundlessly — feared the introduction of compulsory military service. Lastly, no account was taken of refugees from Turkey, who subsequently were gradually absorbed into the Syrian and Lebanese populations.

Nevertheless, figures were obtained which have proved useful for purposes of guidance, particularly as regards the relative size of the various communities.

With particular regard to *Syria*, the report for 1924 mentions for the first time compulsory civil status registration which was to come into force as from January 1st, 1925, but no positive results were achieved. It was not until October 15th, 1931, that Order (Arrêté) No. 3633 provided for the establishment of civil status registers and fixed penalties for failure to register. This Order also inaugurated compulsory family record booklets and identity cards for male nationals over 14 years of age. Since that time, the civil status offices have recorded entries, but have not always specified their nature, so that it is sometimes difficult to know whether, for instance, an entry represents the belated notification of a birth which had occurred previously or an application by a national for an identity card. The successive reports, after referring to "encouraging results", mention defects in

the civil status services which have not shown the anticipated improvement as regards the number of entries. Nor is it stated whether Order No. 3633 applied also to the autonomous territories of the Alaouites and the Jebel Druse; the section of the report relating to these territories makes no mention of it and furnishes no particulars similar to those given in regard to Syria proper, concerning registrations of births, deaths, etc.

In brief, the particulars furnished in these reports and presented in a variety of vague and incomplete forms do not make it possible to determine with accuracy the exact numbers of the population nor, consequently, any increase that has taken place.

It should be noted that, after the early reports, which were indicative of an attempt to furnish figures regarding the population and number of deaths, the authorities would seem to have adopted a more prudent attitude and, instead of continuing to hazard estimates which were more or less guesswork, appear to have concentrated on perfecting their civil-status register services. The first concrete efforts made in this direction probably showed more clearly the imperfect and hazardous nature of such estimates.

The civil status registration may nevertheless be regarded as constituting a means for the progressive numbering of the population.

The case of the *Beduin* must be considered separately. Information in regard to them is somewhat indefinite. It is not specified what this denomination covers — whether it applies exclusively to nomad tribes, or whether it also comprises semi-settled groups. Moreover, owing, probably, to their frequent removals, it is not always stated, in regard to the rough estimates made concerning them, whether these estimates cover all the Beduin in Syria, or the Beduin in Syria proper, excluding the autonomous territories. The estimates vary considerably: Syria : 1923, 250,000; 1926, 250,000; 1927, 200,000; the Jebel Druse: 1938, 15,000. The conclusion seems to be that this nomad race eludes, and will probably continue for some time yet to elude, every attempt to enforce registration upon them.

The foregoing observations relate more particularly to Syria proper and to the autonomous Syrian territories, but they apply also in some degree to *Lebanon*. As regards the latter, however, certain further remarks should be made.

In Lebanon, as in Syria, the 1921 census was conducted under unsatisfactory conditions and not very strictly applied, with the result that a considerable proportion of the inhabitants were able to avoid it, chiefly on account of a fear of conscription. A Law, however, dated November 24th, 1931 (supplemented by a provision dated December 13th, 1931), decreed a fresh general census of the Lebanese population, which was carried out in twenty-four hours, on January 31st, 1932. The figures arrived at by means of this new census are, according to



the annual report, "much closer to the facts" than those of 1921. Whereas in 1921 the number of inhabitants present (or temporarily absent) was recorded as 559,529, the number in 1932 was 793,396.

At the 1921 census, apart from the Lebanese present, two categories of emigrants were also counted — namely, those who still possessed property in the Lebanon, paid taxes and seemed to have the intention to return, and those who were not taxpayers. French nationals and other foreigners living in Lebanon were also counted separately. Similarly, the 1932 census reckoned two categories of emigrants: (1) Lebanese who had emigrated before August 30th, 1924, had not

POPULATION OF

Heading	Year (annual report)	S Y R I A		
		Syria not including autonomous States or territories; set- tled population	Sanjak of Alexandretta	The Alaouite State Government of Latakia
"Census" in Lebanon . . . . .	1921/22			
"Census" in Syria and Lebanon . . . . .	1921-1923	986,000	212,000	261,000
"Census" in Lebanon and in the Alaouite State . . . . .	1925			278,011
Estimate of the Beduin. Indication as to number of inhabitants in the Alaouite State . . . . .	1926			282,000
Official count — Native population present.	1926	995,750	125,042	277,948
Estimate of the Beduin in Syria . . . . .	1927			
Civil status registrations in Syria. Census in Lebanon 31.I.32, provisional figure . . . . .	1931	1,204,466	156,125	
In Syria: estimate of the population on the civil status registers. In Lebanon: census of 31.I.32 . . . . .	1932	1,562,000	186,000	
Actual number of the population on the civil status registers . . . . .	1933	1,690,348	197,548	
Population on the civil status registers . . . . .	1934	1,726,388	205,238	343,355
Population on the civil status registers . . . . .	1935	1,781,957	204,981	350,998
Population on the civil status registers . . . . .	1936			356,597
Population on the civil status registers . . . . .	1937			359,912
Population on the civil status registers in the Government of Latakia and the Jebel Druse. Settled population: figures for Syria as a whole . . . . .	1938	2,044,441	228,080	371,880

<sup>1</sup> Present.

<sup>2</sup> Including emigrants liable to taxation (49,540), emigrants not liable to taxation (81,243) and foreigners (20,250).

<sup>3</sup> According to the report: "rather less than 2½ millions. Including Beduin (estimated) and, in Lebanon, emigrants and foreigners.

<sup>4</sup> Present and temporarily absent.

<sup>5</sup> Including emigrants.

opted for Lebanese nationality and could not therefore legally be regarded as Lebanese nationals; (2) Lebanese who had emigrated after August 30th, 1924, or optants — *i. e.*, emigrants, who retained Lebanese nationality.

The following table gives the fragmentary data furnished by the annual reports for Syria proper, the autonomous territories and the Republic of Lebanon. On the basis of these figures, the population of Syria and Lebanon combined (including the Sanjak of Alexandretta and the Beduin), in 1938, may be very roughly estimated at 3,770,000 inhabitants.

# SYRIA AND LEBANON

S Y R I A			LEBANON	TOTAL POPULATION	Sources annual reports
The Jebel Druse	Total settled population	Beduin			
			559,529 <sup>1</sup> 710,562 <sup>2</sup>		A.R. at 1.VII.22, p. 17.
50,000	1,509,000	250,000	570,000 <sup>1</sup> 710,562 <sup>2</sup>	2,469,000 <sup>3</sup>	A.R. 1922-23, p. 8-9.
			597,789 <sup>4</sup> 637,027 <sup>5</sup>		A.R. 1925, Annex 13, p. 154-6.
		250,000			A.R. 1926, p. 24 and 26.
50,328	1,449,058		597,789	2,046,857 <sup>6</sup> 2,296,857 <sup>7</sup>	A.R. 1926, p. 189 and ff.
		200,000			A.R. 1927, p. 14.
			836,000 <sup>8</sup>		A.R. 1931, p. 74, 132.
63,883			793,396 <sup>9</sup>		A.R. 1932, p. 75, 112, 138.
65,365					A.R. 1933, p. 70, 107
65,738					A.R. 1934, p. 80, 119, 128.
66,728					A.R. 1935, p. 77, 119, 128.
67,618					A.R. 1936, p. 112, 121.
68,211					A.R. 1937, p. 107, 116.
70,706	2,715,107			3,770,000 <sup>10</sup>	A.R. 1938, p. 109, 121, 220-21.

<sup>1</sup> Not including Beduin.

<sup>7</sup> Including Beduin.

<sup>2</sup> Estimate based on the provisional results of the census of 31.I.32. Not including those temporarily absent.

<sup>3</sup> Present and temporarily absent. The following were also counted: 68,000 emigrants possessing Lebanese nationality and 187,000 emigrants who had lost Lebanese nationality.

<sup>10</sup> Including Beduin (estimate for 1927: 200,000). As regards population of Lebanon, the estimate is based on the census of 1932 and the more recent data concerning civil status registrations (approximate figure: 850,000).

In view of the predominant part played by the religious (and racial) communities in the social and political life of Syria and Lebanon, it seems desirable at this point to give the most recent data furnished in the annual reports regarding the numbers of persons belonging to these various communities. So far as concerns the accuracy of these data, the same reservations as in the case of the data set out above concerning the population in general must, of course, be made. Furthermore, as the figures for Syria and Lebanon respectively do not relate to the same year, they are not, strictly speaking, comparable. They afford, however, probably a fairly correct idea regarding the distribution of the population as between these various groups in each of the political units of Syria and Lebanon. The result shows a veritable mosaic of creeds and races.

As regards Syria proper, the Government of Latakia and the Jebel Druse, the figures relate to the year 1938; in the case of the Sanjak of Alexandretta, they are taken from the official statistics of the local authorities in October 1936; as regards Lebanon, they are based on the 1932 census.

*Religious Communities in Syria and Lebanon.*

Community (creed)	Syria (1938) not including autonomous States or territories	Sanjak of Alexandretta (1936)	Government of Latakia (State of the Alaouites) (1938)	Jebel Druse (1938)	Lebanon (1932)
Sunnites . . . . .	1,666,990	111,653	69,599	1,313	178,100
Shiites (Metualis) . . . .	11,488	1		53	155,035
Alaouites . . . . .	48,899	63,893	225,511	76	
Druses . . . . .	17,479			61,949	53,334
Ishmaelians . . . . .	17,815	97	6,572		
Greek Orthodox (Melkites)	64,261	13,038	46,876	4,081	77,312
Greek Catholics . . . . .	38,261	329	1,906	2,360	46,709
Armenian Orthodox (Gree- gorians) . . . . .	83,878	22,590	2,592	272	26,102
Armenian Catholics . . . .	11,876	2,321	144	117	5,890
Protestants . . . . .	5,905	2,997	1,384	371	6,869
Maronites . . . . .	5,043	258	6,657	90	227,800
Latins . . . . .	4,189	949	561		
Syrian Catholics (Syriacs) .	14,181	199	1		
Syrian Orthodox (Jacob- ites) . . . . .	32,851	55	27	14	5,526
Orthodox and Catholic Chaldeans . . . . .	3,722	226	37		738
Jews . . . . .	26,231	474	9	10	3,588
Yazidis . . . . .	2,063				
Various . . . . .					6,393 <sup>1</sup>

<sup>1</sup> In Lebanon, this category includes, more particularly, Alaouites and Latins.



Sufficiently complete data are not available to give an idea of the *birth and death rates* among the population of Syria and Lebanon. The figures for births and deaths given—in a rather indefinite form—in the early annual reports are naturally very incomplete and probably relate to the best-administered districts, the Order regarding civil-status registration being still ineffective throughout wide areas of the territory.

The very incomplete character of the figures furnished in these early reports is, in fact, proved by their smallness. For example, the figures for Syria proper are as follows:

Year	Births	Deaths	Year	Births	Deaths
1923 . . .	—	6,448	1930 . . .	—	—
1924 . . .	—	6,889	1931 . . .	37,300	8,700
1925 . . .	—	5,703	1932 <sup>1</sup> . . .	226,400	41,400
1926 . . .	—	8,374	1933 . . .	45,600	20,500
1927 . . .	9,832	8,089	1934 . . .	55,514	26,285
1928 . . .	—	—	1935 . . .	71,514	25,715
1929 . . .	—	—	1936 . . .	51,836	24,872

<sup>1</sup> The high figures are due to the great number of notifications in respect of previous years. The 1932 report (page 74) states that the notifications in respect of that actual year amounted to 34,000 births and 15,100 deaths.

Assuming the population of Syria (excluding autonomous States or governments) to be about 2 millions, the death rate for the early years would be from 3 to 4 per 1,000, whereas that for the neighbouring country of Palestine varied at this period between 20 and 25 per 1,000. That is to say that scarcely one-seventh the number of deaths were notified at that time. It will be seen that the figures available for recent years are appreciably higher (25,000 as compared with about 7,000). Distinct progress has thus been made with registration, though it still only covers perhaps nearly half of the deaths. For, supposing for the sake of convenience that the probable mortality rate is 30 per 1,000, with a population of 2,000,000 inhabitants, there would be from 50,000 to 60,000 deaths. This figure is purely hypothetical and given only by way of indication. With regard to births, there has also certainly been a great improvement in their notification, but this improvement is rendered difficult to observe owing to belated notifications which have caused the sudden inflation in some of the figures (those for 1932, for instance).

The reports sometimes refer to the too high level of *infant mortality*. Here again there are no data to afford us more precise information. The figures given here and there are very incomplete, e. g. :

Number of deaths	{ Lebanon . . . . .	387
in the first year of age in 1927 :	{ Syria . . . . .	762
	{ The Alaouite State	121

The report for 1935 states in connection with the Jebel Druse (page 123): "The infant mortality rate remains high (49.18 % of the general mortality rate)". With reference to mortality, the report for 1936 for

Syria (page 91) also says: "Infant mortality remains high (11,302 deaths among children from 0 to 9 years of age and 49,893 births notified)". Are deaths between 0 and 9 years really meant? Infant mortality is usually taken to apply to the first year of life only. The 1937 report, in regard to the Jebel Druse, again refers to a too high rate of infant mortality, "though appreciably falling". With 956 notified births, there were 44 deaths in the first year of age. The corresponding rate, however, for these figures would be 46 per 1,000 — that is to say, lower than in most European countries. This is an example of the absence of data sufficiently reliable to enable an accurate idea to be formed regarding the birth and death rates in Syria and Lebanon.

While it is thus still impossible to draw up a proper demographic table for Syria and Lebanon, examination of the annual reports shows that substantial progress has been achieved by the establishment and development of the civil-status registers and that the progressive counting of the population, though it had not been completed at the outbreak of the war, afforded means to form an approximate idea as to the number of inhabitants in the various autonomous countries and regions of this territory.

#### **Territories under "B" Mandate.**

*The Cameroons under British Mandate* (88,266 square kilometres).

It was stated in the report for 1923 that there were no reliable and complete demographic statistics for this territory, but that the report contained "such figures of population" as it had been "possible to obtain". With regard to the northern division of the territory, these figures were largely compiled during the tax assessment of districts and formed an integral part of the assessment returns. In the hill districts, however, which were not yet under full control, the figures were either the result of a count by the village elders, which cannot be altogether relied upon, or of estimates made by the administrative officers on their tours of inspection. With regard to the southern provinces, it seems that the estimates were made on a more reliable basis. "No registration of births, deaths or marriages" had, however, "yet been established", nor was "control exercised over emigration and immigration"<sup>1</sup>. In 1924, the report stated that some of the vital statistics supplied were "merely estimates" and that among the more primitive pagans of the north "any attempt to make a rigid count, even if it were feasible, would arouse deep suspicion, if not actual opposition"<sup>2</sup>.

The following reports refer repeatedly to more rigid counts and more accurate "censuses" of the population of the various provinces of the territory. According to the report for 1927, for instance, a house-

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<sup>1</sup> *Annual Report for 1923*, pages 9, 17, 25, 31 and 63.

<sup>2</sup> *Annual Report for 1924*, page 55.

to-house count in every village of three districts had been made and a far more accurate census recorded<sup>1</sup>. In 1926, a start was made in recording the births and deaths in certain areas<sup>2</sup>. In the following years, the reports stated that registration had been continued in the same areas, but that the results could not yet be considered of any value for statistical purposes<sup>3</sup>.

The following table gives the figures supplied for the native population of the territory on the basis of the estimates made annually for 1921 to 1938. The figures in the second column show the number of European inhabitants, according to the official statistics. The reduction in the figures for the native population in some years has been explained in the annual reports as the result of more accurate counts<sup>4</sup>.

Year	Native population	Non-natives	Year	Native population	Non-natives
1921 . . .	645,174	55	1930 . . .	773,840	281
1922 . . .	551,321	91	1931 . . .	774,585	278
1923 . . .	632,303	85	1932 . . .	781,611	254
1924 . . .	660,024	77	1933 . . .	780,811	304
1925 . . .	687,375	183	1934 . . .	778,352	316
1926 . . .	666,841	220	1935 . . .	817,616	354
1927 . . .	700,050	258	1936 . . .	825,234	382
1928 . . .	718,864	292	1937 . . .	830,695	410
1929 . . .	738,178	273	1938 . . .	857,227	448 <sup>a</sup>

<sup>a</sup> The non-natives in 1938 included : 285 Germans (63.62 %), 86 British, 27 Dutch and 23 Swiss.

If these estimates are in accordance with the facts, the native population increased between 1921 and 1938 by 32.87% (average annual rate: 1.9%).

### *The Cameroons under French Mandate (429,750 square kilometres).*

During the early years of the mandate, the steps taken by the administration to obtain demographic data regarding this territory were hesitating and tentative in character.

The annual report for 1921 contained the following (page 61):

"It is a matter of considerable difficulty to submit figures approximating to the facts with regard to the native population of the Cameroons. . . . The stage of penetration is not yet complete. . . . Accordingly, though it is impossible in a new country like the Cameroons to vouch for the accuracy of the information obtained. . . ., it may be stated that the population is in the neighbourhood of 3,000,000. . . ."

<sup>1</sup> *Annual Report for 1927*, page 90.

<sup>2</sup> *Annual Report for 1926*, page 101.

<sup>3</sup> *Annual Reports for 1927*, page 90, and 1928, page 105.

<sup>4</sup> See, for example, *Annual Report for 1926*, page 100.



In 1924, the stage of tentative measures was not yet over. The following passages from the report for that year<sup>1</sup> give some idea of the difficulties to be surmounted, not only in the Cameroons, but also in other territories:

"The carrying-out of a census of the black population in the Cameroons is bound to be a very lengthy operation; at the present stage of development in the territory, the results obtained will only be roughly approximate.

"It must be pointed out that the natives who have to be counted are illiterate and consequently incapable of filling in the printed forms generally used for the purpose of a census; that the chiefs who rule over them are also devoid of any education and cannot therefore be of any assistance to the administration. The census therefore can only be carried out by the officials in charge of subdivisions and they are as a rule in sole charge of an area often amounting to several thousand square kilometres and have continually to deal with the innumerable questions which arise daily in connection with the native administration.

"Only in the course of their tours of inspection, which no doubt are frequent, but necessarily insufficient, in view of the extent of the territory, can the civil and military officers attempt to count the inhabitants of the villages through which they pass. Furthermore, they are very frequently obliged, in the case of natives who have left their dwellings to proceed to their work, to rely on the statements of the chiefs, to whose interest it is to give figures below the facts in the hope of securing a reduction in their obligations and liabilities, more particularly as regards services and taxation.

"In short, it will not be possible to take a census of the territory with any degree of accuracy until the chiefs of groups and villages have sufficient education to enable them to prepare statistical returns, and until a body of auxiliary employes has been created, as in French West Africa, to verify, correct and keep up to date these registers of the population.

"Until an organisation of this kind has been established, the figures given will very largely be mere estimates liable to correction."

In the same report the population of the Cameroons was estimated at 2,771,132.

Two years later, however, the administration was compelled to recognise that the estimates made in previous years were completely erroneous. "As penetration proceeds, it has been possible to form a better idea of the population of the country" states the report for 1926<sup>2</sup>, which reduced the population figures to 1,877,113, adding that: "The figures obtained by the 1926 census are nearer the facts, but must still be regarded as provisional".

It would therefore appear that, in order to form even an approximate idea of the demographic movement in this territory, the indications given during the first years of the mandate must be disregarded and the year 1926 taken as a starting-point.

<sup>1</sup> *Annual Report for 1924*, pages 65-66.

<sup>2</sup> *Annual Report for 1926*, page 49.

The following table based on the data given in the annual reports shows the number of inhabitants in the territory for the years 1926, 1933 and 1938:

Year	Native population	Non-native population <sup>a</sup>
1926 . . .	1,877,113	1,570
1933 . . .	2,296,457	2,038
1938 . . .	2,606,281	3,227

<sup>a</sup> Apart from a small number of Syrians and Lebanese (27 in 1926 and 68 in 1938), almost the whole of this population is *European*. There were 1,233 French in 1926, 1,578 in 1933 and 2,282 in 1938.

According to these figures, therefore, the native population had increased in the course of these twelve years (1926-1938), by about 39% and the average annual increase appears to be about 3.2%.

As early as 1917, the administration had instituted an *optional* native civil-status register at the headquarters of each subdivision of the territory.

By Order dated July 15th, 1930 <sup>1</sup>, a *compulsory* native civil-status register was established and applied successively to the various subdivisions of the territory. The following table shows the number of births and deaths registered during the period 1931-1938:

Year	Births	Deaths	Year	Births	Deaths
1931 . . .	17,568	12,050	1935 . . .	61,522	49,291
1932 . . .	30,997	23,048	1936 . . .	60,530	46,534
1933 . . .	48,185	32,045	1937 . . .	67,063	41,839
1934 . . .	51,545	42,771	1938 . . .	48,992	40,839

Obviously it would be wrong to place too much reliance upon these figures. The increase in the number of notifications is quite clearly due, to a large extent, especially at the outset, to the progressive extension of the field of application of the Order of 1930. Nevertheless, the wide margin between the number of births and the number of deaths recorded constitutes a valuable indication of a healthy demographic movement.

*Togoland under British Mandate* (33,772 squares kilometres).

Censuses of the population in this territory were taken in 1921 and 1931; since then estimates of the population have been regularly furnished in the annual reports. These data may be summarised as follows:

Year	Natives	Europeans
1921 (census) . . . . .	187,939	20
1931 (census) . . . . .	293,671	43
1938 (estimate) . . . . .	370,327	

Assuming that these figures are correct, the population therefore almost doubled during the seventeen years from 1921 to 1938 (average

<sup>1</sup> *Annual Report for 1930*, pages 47 and 102-110.

annual increase: 5.8%). Of course, these figures should only be accepted with some reserve and bearing in mind amongst other things the gradual improvement of the methods of counting. Nevertheless, even making the necessary allowances, the fact would seem to remain that there has been a rapid increase in the population.

Since 1932 a register of births and deaths has been kept in a certain locality of the territory, namely the small town of Ho. Although they refer only to this locality and are therefore based on very limited statistics, the rates there recorded may be of some interest as an indication:

Year	Birth rate (number of births per 1,000 inhabitants)	Death rate (number of deaths per 1,000 inhabitants)	Infant mortality (number of deaths of children under one year per 1,000 live births)
1932 . . .	35	21	67
1933 . . .	34	23	148
1934 . . .	34	21	100
1935 . . .	37	21	85
1936 . . .	40	27	125
1937 . . .	39	30	115
1938 . . .	44	24.5	108

The birth rate is relatively high and tends to rise. For an African territory, the death rate remains comparatively low, especially in view of the fact that the establishment of hospitals in the township of Ho has attracted an increasing number of sick persons.

#### *Togoland under French Mandate (52,000 square kilometres).*

According to the first annual report (1921) the native population of this territory amounted to 698,130, which figure, however, made no claim to be strictly correct, as the count was made on the basis of information supplied by the villages chiefs and heads of families. In the course of the following years, the administration carried out increasingly strict censuses by nominal roll. A description of the conditions in which these censuses were, at the outset, carried out, was given in the report for 1924 (page 101):

“... Under the conditions in which they have to be carried out in these territories, such operations require much time and patience. Hitherto, censuses have been carried out either entirely by the administrators, ... or by native agents of the administration supervised by inspecting officials, depending on the size of the district and the density of the population. Each village chief is notified beforehand and, on the day fixed, assembles the inhabitants in the main place of assembly of the locality in the shade of the trees. The families form separate groups and are presented by their chief. Discussions often arise concerning manifestly incorrect statements: the person in question has then to be closely cross-examined to induce him to give the correct composition



of his family. In general, the natives display reluctance to give such information, either owing to a natural unconcern, or for interested motives — *i. e.*, to avoid payment of the poll-tax. It will be appreciated that, in such circumstances, the census proceeds but slowly."

Apart from several fluctuations, the general movement of the population of Togoland is shown by the figures given below and taken from the annual reports at the outset, in the middle and at the end of the period under consideration:

Year	Natives	Non-natives <sup>a</sup>
1921 . . .	698,130	210
1930 . . .	725,580	624
1938 . . .	780,170	529

<sup>a</sup> The non-native population included, in 1921, 153 Europeans (and assimilated) as well as 57 Syrians and Lebanese. In 1930, the corresponding figures were 563 and 61 in 1938, 470 and 59.

The native population thus seems to have increased by 82,040 or 11.7% during the seventeen years from 1921 to 1938.

As early as 1921, an Order was issued making notification of births compulsory in the urban centres of Lomé, Aného, Atakpamé and Palimé. The 1922 report, however, admits that "the carelessness of the natives is such that very few of them comply with this obligation. The chiefs have received definite orders to see that this state of affairs does not continue in 1923". Again, according to the same report, "from the observations of doctors and administrators one impression clearly emerges: the fertility of the women is remarkable, but the number of still-born children and the infant-mortality rate are so high that the future of the race is to some extent endangered". A similar observation is made in the 1923 report, which says that the infant-mortality rate exceeds 50% among some tribes of the territory. The 1924 report also remarks that the "birth rate is fairly high" and that "the population would no doubt increase rapidly but for a high infant-mortality rate". Nevertheless, "the reluctance displayed by the Negroes to notify births and deaths" still prevented the establishment of any reliable vital statistics.

The reports for 1927 and the following years furnished vital statistics for various administrative districts of the territory. In view of their fragmentary and incomplete character, it is difficult to draw any general inferences. It is, however, to be noted that the *birth rate* remained at a high level (50 per 1,000 in the Lomé district in 1932) and that it seems to have tended to increase slightly. The *death rate* seemed to be falling (in the Sokodé district it fell from 31.7 per 1,000 in 1927 to 24.8 in 1932). The average *infant-mortality rate* in the six districts considered, though continuing high, fell from 232 per 1,000 in 1926 to 194 in 1935. In the district of Lomé (a coastal region where the capital of the territory is situated), the infant-mortality rate fell from 253 per 1,000 in 1927 to 184 in 1935.

*Tanganyika Territory* (932,364 square kilometres).

In a territory such as Tanganyika, which has an area of nearly a million square kilometres and a sparse population of which only an insignificant fraction is literate, any attempt to take a census of or even to count the population is necessarily a matter of the greatest difficulty.

Before the establishment of the mandate, one single attempt to count the population of what was then German East Africa had been made in 1913. As regards that part of this colony which, in 1920, became Tanganyika Territory under British Mandate (that is to say, excluding the provinces of Ruanda and Urundi), the number of inhabitants recorded in 1913 was 4,063,300. The first report of the mandatory Power (that for 1920) stated that the population had remained approximately the same as in 1913. In some areas it had even diminished, either as the result of military operations during the war, or in consequence of the increase at that time in venereal disease (which led to a fall in the birth rate and an increase in the infant-mortality rate) or again as the result of a local famine in 1919<sup>1</sup>.

In April 1921, a "census" was organised for the whole population — native and non-native<sup>2</sup>. According to some of the mandatory Power's reports, however, this was more in the nature of a count than of a census<sup>3</sup>. Later, moreover, the mandatory Power stated that the "censuses" of 1913 and 1921 were now "considered to have been so inaccurate in detail that they are only of value for purposes of comparison with later figures of total population"<sup>4</sup>.

A count of the native and European population (excluding other non-native elements) was again taken in 1928.

Finally, a "second non-native census" was taken on April 26th, 1931, and a "native census" during the same year. The latter involved investigations conducted by the District officers in collaboration with the Native Administrations and extending over several months "during which test checks were instituted by actual enumeration in selected and typical villages or groups of villages, a single date having been fixed for the termination of these investigations and the compilation of returns"<sup>4</sup>. According to the annual report, this census "may be considered the most accurate count yet made of the native population,

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<sup>1</sup> *Annual Reports for 1920* (pages 37-38) and *1921* (pages 7-8). See also *Census of the Native Population of Tanganyika Territory 1931*, pages 1-2.

<sup>2</sup> *Annual Report for 1921*, pages 6-8.

<sup>3</sup> *Annual Report for 1928*, page 79. *Census of the Native Population, etc.*, page 1.

<sup>4</sup> *Census of the Native Population*, page 1.

though statistical accuracy as understood in Europe", was not "of course. . . reached and could not be expected".<sup>1</sup> The data assembled classify the population according to two age groups (children and adults) and according to sex. They show the distribution of the population by districts and tribes. Separate statistics indicate the number of taxpayers of two categories ("hut- and poll-tax payers").

(It is interesting to note that for every 100 female adults there were 89 male adults, whereas for every 100 female children there were 101 male children.)

A demographic map of the territory was prepared in 1935 and attached to the annual report for that year; it shows the distribution (density) of the population according to the data assembled in 1931.

In addition to the figures arrived at by means of the censuses or counts, estimates of the population were made in 1920, 1925 and 1927 and annually from 1935 to 1938 inclusive.

The following table shows the various totals thus given for the native and non-native population:

*Native and Non-native Population (total) of Tanganyika Territory.*

	Year	Natives	Non-natives
Estimate . . . . .	1920	4,000,000	19,700
Census (count) . . . . .	1921	4,107,000	17,438
Estimate . . . . .	1925	4,319,000	19,000
Estimate . . . . .	1927	4,319,000	29,500
Count of the native population. Estimate of the non-natives . . . . .	1928	4,740,706	29,500
Estimate . . . . .	1930		31,800
Census . . . . .	1931	5,022,640	41,020
Estimate . . . . .	1935	5,096,178	41,902
Estimate . . . . .	1936	5,105,705	41,181
Estimate . . . . .	1937	5,140,388	41,901
Estimate . . . . .	1938	5,214,800	43,129

The figure given for the native population according to the census (count) of 1931, is 22.3% higher than the figure for the 1921 census. For the period 1921-1931, therefore, the average annual rate of increase according to these figures is 2.2%.

The following table shows the distribution of the non-native population between the various groups — Europeans, Indians, Goans, Arabs, etc.:

<sup>1</sup> *Annual Report for 1931*, page 100.



*Non-native Population of Tanganyika Territory.*

Heading	Year	Total	Europeans	Indians	Goans	Arabs	Others
Census (count).	1913		5,336	8,784	656	4,101 <sup>a</sup>	
Estimate . . .	1920	19,700	2,200	10,500	1,000	4,000 <sup>a</sup>	2,000 <sup>b</sup>
Census (count).	1921	17,438	2,447	9,411	798	4,041	741 <sup>c</sup>
Estimate . . .	1925	19,000	3,500	?	?	?	
Estimate . . .	1927	29,500	5,300	18,483	?	?	
Count . . . .	1928		5,274 <sup>d</sup>				
Count . . . .	1929		5,778				
Estimate . . .	1930	31,800					
Census <sup>e</sup> . . .	1931	41,020	8,228	23,422	1,722	7,059	589 <sup>f</sup>
Estimate . . .	1935	41,902	8,455		Asiatics: 33,447		
Estimate . . .	1936	41,181	8,926		Asiatics: 32,255		
Estimate . . .	1937	41,901	9,107		Asiatics: 32,794		
Estimate . . .	1938	43,129	9,345		Asiatics: 33,784		

<sup>a</sup> Including Baluchis.

<sup>b</sup> Somalis, Abyssinians and Soudanese.

<sup>c</sup> Of whom, 352 Baluchis and 389 unclassified.

<sup>d</sup> Including 873 officials of the Administration.

<sup>e</sup> For further details see: "Tanganyika Territory. Report on the Non-native Census in the Territory on the Night of the 26th April 1931".

<sup>f</sup> Of whom, 15 Singhalese.

Finally, it may be of some interest to give the figures showing the distribution of the *European population* as between the principal nationalities represented in the territory.

*European Population.*

Year	British	Germans	Greeks	Swiss	French	Italians	Dutch	Others
1913 (count) . . .	411	4,107	208	33	130	65	62	320
1920 (estimate) . .	1,400	2	300	?	?	?	?	?
1921 (census) . . .	1,598	—	279	?	160	54	?	356
1929 (count) . . .	3,067	1,333	633	195	193	99	14	244
1931 (census) . . .	4,011	2,139	918	220	199	150	141	444
1935 (estimate) . .	3,956	2,665	739	193	226	139	188	349
1936 (estimate) . .	4,165	2,939	893	149	143	144	181	312
1937 (estimate) . .	4,145	2,981	853	210	150	159	205	404
1938 (estimate) . .	4,054	3,205	893	349	105	184	207	348

The case of the German elements merits special mention. At the end of the period of German administration, it constituted (1913) 77% of the European population. Following the war of 1914-1918, "all Germans . . . with one or two exceptions" were repatriated <sup>1</sup>. The restrictions which, at the beginning of the mandatory administra-

<sup>1</sup> *Annual Report for 1920*, page 38.

tion, prohibited the entry of ex-enemy subjects into the territory, except with special licence, were abolished in 1925 and in that same year 188 Germans arrived in Tanganyika<sup>1</sup>. Six years later, in 1931, the German element had already risen to 26% and, in 1938, to 34.3% of the European population (the British element constituted 43.38%).

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As early as 1921, the *registration of births and deaths* was made compulsory in Tanganyika for inhabitants of European or American origin<sup>2</sup>. In 1922 it was introduced for Asiatics also<sup>3</sup>.

With regard to the natives, the mandatory Power stated in 1921<sup>2</sup> that the difficulty of ensuring compliance rendered its application to them premature. In some districts, however, investigations were made with a view to collecting data regarding infant mortality.

Thus in the Moshi district, statistics were collected from thirty-four native chiefs. These thirty-four chiefs had between them 285 women who had borne 707 children (2.45 per woman). But of these children only 405 survived the period of weaning which, among African tribes, may be reckoned as from eighteen months to two years. These figures show an infant mortality rate of about 30%. The report added that the tribe in question was "flourishing" and its children had a better chance of survival than those of other poorer tribes. In the district of Ufipa, even more disturbing figures were recorded as a result of the investigations. It was calculated that the children surviving at the end of ten years were only 47% of those born. The local authorities advanced the following causes for this high mortality: the prevalence of venereal disease and smallpox; malnutrition of the children; chills and pneumonia resulting from the exposure of children on the ground of the plantations while their mothers were working.

In 1922, the annual report<sup>3</sup> once more stated that the application of compulsory registration to the natives would not be possible in the present state of tribal development. It added that the population of the up-country districts was certainly increasing, but that the birth rate at the coast was low.

In 1926 and 1927, however, the reports<sup>4</sup> stated that in a few districts the registration of native births and deaths had been made compulsory. They added, however, that the accuracy of the figures thus obtained could not be guaranteed, as registration was still very incomplete "owing to the traditional native reluctance to announce such events".

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<sup>1</sup> *Annual Report for 1925*, page 26.

<sup>2</sup> *Annual Report for 1921*, page 8.

<sup>3</sup> *Annual Report for 1922*, page 8.

<sup>4</sup> *Annual Reports for 1926*, page 18, and *1927*, pages 15 and 94-95.

Judging from the silence of subsequent reports, it would appear that the attempt to introduce registration has had to be dropped for the time being.

*Ruanda-Urundi* (53,200 square kilometres).

This little territory in the centre of Africa is one of the most thickly populated areas of that continent. Having regard to the great density of its population, there is nothing astonishing in the fact that, in its first annual report (1921), the mandatory Power said: "It is very difficult to estimate the numbers of the population of Ruanda-Urundi. Attempts have been made to carry out a census, but the results obtained have been fragmentary or purely fanciful"<sup>1</sup>. From the outset, however, it was the intention of the Administration "to take up the task again under more favourable conditions: our schools are imparting instruction to the sons of chiefs and to natives from all regions who will be trained to undertake this work". Two years later, the annual report announced that a detailed census of the population had been begun in Ruanda, where a staff of secretaries had been formed for the purpose<sup>2</sup>. The following report, however, stated that "it has not been possible to complete the census of the population owing to its density"<sup>3</sup>. Experience seems to have made the Administration more sceptical, as is shown by the report for 1925<sup>4</sup>, which gave the following picture of the difficulties encountered:

"The taking of a census of the large population of Ruanda-Urundi is an undertaking the scope and difficulty of which is greatly increased by the fact that the inhabitants are not grouped in villages but scattered here and there throughout the whole extent of the territory. Each native builds his hut in the middle of his crops. Sometimes one finds an isolated kraal, with a single family dwelling far removed from all neighbours; the settlement will grow when the sons, after marriage, build their own huts a short distance from the paternal dwelling. Sometimes the fertility of the soil has led to the formation of considerable communities, in which the fields are contiguous and hundreds of hectares are ultimately covered by a veritable forest of banana plants. No sort of order, however, prevails in such a group. The banana plantations become an inextricable mass, with crops sown in between them, or invaded by the jungle. Clearings are sown with beans. Winding paths, bordered by hedges of spurge and thorns to protect the plantations, intersect them in all directions; here and there they debouch upon the entrance to a kraal. The exploration of such a jungle in order to count the dwellings is a task which can be successfully undertaken only by someone who knows his way about — the sub-chief or a literate person escorted by him. Attempts to have a census carried out by the agents of the administration themselves have only led to disappointment."

The same report also described the efforts made to train chiefs and sub-chiefs who would be capable, amongst other things, of keeping

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<sup>1</sup> *Annual Report for 1921*, page 17.

<sup>2</sup> *Annual Report for 1923*, page 8.

<sup>3</sup> *Annual Report for 1924*, page 8.

<sup>4</sup> *Annual Report for 1925*, page 31.



census registers and bringing them up to date. The Administration already possessed data for certain districts, prepared in this way by the native authorities. But such data were fragmentary and did not yet afford a basis for an estimate of any degree of accuracy.

At the same date (1925), a demographic survey of selected groups had been undertaken in all parts of the territory<sup>1</sup>. These investigations, however, according to the report for 1926, were "rendered extremely difficult owing to the suspicion, ignorance and sometimes the lack of intelligence of the natives. They could not be brought to believe that no fiscal objective underlay these investigations"<sup>2</sup>.

Again in 1927, the mandatory Power stated that, "as it has hitherto been impossible to take a systematic census of the whole population, the number of taxpayers is the only reliable factor affording a basis for an estimate"<sup>3</sup>. With regard to the demographic surveys, the Administration said two years later that, notwithstanding the care with which the officials entrusted with these surveys had conducted them, "the value of the figures obtained will remain doubtful until it has been possible strictly to check the statements collected by means of a census taken on a card-index basis"<sup>4</sup>.

In 1930, the Administration undertook a methodical census on a card-index basis with identity booklets; it was decided first of all to take a census of the male adult population<sup>5</sup>. This was completed for Ruanda in 1932, though in Urundi it had not yet been terminated in some districts<sup>6</sup>. According to the 1933 report, the Administration had proceeded with the census of able-bodied males and had kept up to date the cards of persons previously registered. "A census", however, "of all elements of the population" was "not feasible at the moment, because it would absorb too much of the time of the personnel" of the Administration which had "many other duties to perform". Accordingly, in 1933, as in previous years, the Administration was only in a position to present an estimate of the total population of the territory based partly on a census of adult and able-bodied males, which had been carried out as accurately as possible, and partly on a survey of the composition of judiciously selected groups of the population, with a view to ascertaining the proportion existing between the adult and able-bodied males and the remaining members of these groups. Nevertheless, the report added, "new legislative measures will, in years to come, enable a more methodical census of the whole male population of the territory to be taken". After describing more in detail the measures adopted, the report expressed the opinion that

<sup>1</sup> *Annual Report for 1925*, page 33.

<sup>2</sup> *Annual Report for 1926*, page 47.

<sup>3</sup> *Annual Report for 1927*, page 33.

<sup>4</sup> *Annual Report for 1929*, page 42.

<sup>5</sup> *Annual Report for 1930*, page 53.

<sup>6</sup> *Annual Reports for 1931*, page 52, and *1932*, page 57.



“by dint of all these efforts” it was to be hoped that “an accurate knowledge of the numbers of the population” would gradually be acquired”<sup>1</sup>.

In the course of the ensuing years the census of adult and able-bodied males was continued. With regard to a general census of the population, the 1934 report observed once again that it could only be “undertaken when the native authorities” were “in a position effectively to co-operate”<sup>2</sup>.

In the meantime, the Administration continued to carry out partial censuses and demographic surveys and presented annually an estimate of the total population. These estimates were arrived at by applying to the statistics for adult and able-bodied males the coefficients obtained by the demographic surveys. Though, in 1933 and 1934, it was recognised that the censuses and surveys undertaken were still too incomplete to enable the figures furnished as an estimate of the total population “to be definitely accepted as accurately representing the actual population”<sup>3</sup>, the 1935 report stated that, except as regards Urundi, where the Administration had not yet an adequate number of literate native chiefs and sub-chiefs at its disposal, the keeping of the census registers of the native population by the local notables had already enabled it, for the year 1935, to rely less on estimates and to furnish figures based more on the actual facts than had formerly been the case”<sup>4</sup>.

Let us now consider the estimates prepared by the Administration of the total indigenous native population. The following table gives the figures supplied for the period 1921-1938 :

Year	Estimated number of inhabitants	Year	Estimated number of inhabitants
1921 . . . . .	3,000,000	1930 . . . . .	3,450,000
1922 . . . . .	4,000,000	1931 . . . . .	3,450,000
1923 . . . . .	3,000,000	1932 . . . . .	3,450,000
1924 . . . . .	5,000,000	1933 . . . . .	3,035,130
1925 . . . . .	5,000,000	1934 . . . . .	3,291,665
1926 . . . . .	5,000,000	1935 . . . . .	3,385,583
1927 . . . . .	5,000,000	1936 . . . . .	3,509,094
1928 . . . . .	3,750,000	1937 . . . . .	3,693,304
1929 . . . . .	3,450,000	1938 . . . . .	3,752,742

During the first decade of the mandatory régime, therefore, the estimates fluctuate between 3 and 5 millions. As, however, was stated in the 1930 report, “the early estimates were based on data which were

<sup>1</sup> *Annual Report for 1933*, page 65.

<sup>2</sup> *Annual Report for 1934*, page 63.

<sup>3</sup> *Annual Reports for 1933*, page 66, and 1934, page 64.

<sup>4</sup> *Annual Report for 1935*, page 67.

too vague and often exaggerated; henceforward, the officials, thanks to deeper penetration into the country and the more thorough knowledge of it which they have acquired, will be able to base their estimates on more reliable and more substantial evidence”<sup>1</sup>.

Following the rough and variable figures of the earlier years, the estimates therefore became more precise as from 1933, thanks to the efforts made in this field by the Administration (*i. e.*, the censuses of the male adult population and the demographic surveys).

In the absence of any data on which to base an estimate of the rate of increase of the population during the early years, we may quote some of the remarks on this subject made in the annual reports. The 1923 report says “the population is increasing very considerably”<sup>2</sup>. In 1926, the report states that “the population is rapidly increasing. It seems certain that it has at least doubled in a generation”<sup>3</sup>. According to the estimates for the last six years (1933-1938), the population has increased by 23.6% during this period, which would represent an average annual increase of about 4%. This rate, however, would appear to be exaggerated. The rate arrived at as a direct result of the demographic surveys is probably nearer to the facts. During the period 1932-1934, for instance, the rate of increase seems to have been 2.4%<sup>4</sup>.

This brings us to the question of the *birth* and *death rates* among the natives. At first, the indications given in this connection were, of course, in very general terms. The first report spoke of the “very high birth rate” and of the great fertility of the native women<sup>5</sup>.

The reports on several occasions use words to the same effect: for instance, in 1926, it is stated that “the birth rate is very high”; there were “at least. . . 47 children per 100 women per year”<sup>3</sup>. Again, it is stated that “longevity is remarkable”<sup>6</sup>.

With regard to *infant mortality*, the first report stated that it was “very high”<sup>5</sup>. The subsequent reports, however, categorically contradicted this. Thus in 1925 it was stated that “infant mortality” was “not very high. Hitherto an exaggerated idea of it had prevailed. The figure of 50% which had been regarded as plausible was much in excess of the facts”<sup>6</sup>. According to the 1926 report, “infant mortality is low and compares favourably with European rates”<sup>3</sup>. In the following year, it was stated that “infant mortality” was “lower than in Europe”<sup>7</sup>.

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<sup>1</sup> *Annual Report for 1930*, page 53.

<sup>2</sup> *Annual Report for 1923*, page 8.

<sup>3</sup> *Annual Report for 1926*, page 47.

<sup>4</sup> *Annual Report for 1934*, page 68.

<sup>5</sup> *Annual Report for 1921*, page 18.

<sup>6</sup> *Annual Report for 1925*, page 33.

<sup>7</sup> *Annual Report for 1927*, page 35.



The demographic surveys undertaken since 1925 and assiduously proceeded with, particularly since 1931, cover only certain selected groups of the population and can therefore serve only as an indication. The following figures for the birth and death rates should, however, be noted:

Years	Birth rate Number of births per 1,000 inhabit.	Death rate Number of deaths per 1,000 inhabit.
1928 . . .	44.67	28.32
1929 . . .	34.61	21.09
1930 . . .	41.8	25.2
1931 . . .	51.6	32.7
1932 . . .	55.2	32.5
1933 . . .	48.4	24.8
1934 . . .	45.9	23.3
1935 . . .	41.9	21.8
1936 . . .	41.5	22.1
1937 . . .	45.0	29.4
1938 . . .	45.0	30.0

The *non-indigenous population* of Ruanda-Urundi comprises: (1) the inhabitants of European race, (2) mulattoes, (3) Asiatics and "coloured persons", and finally (4) a black population not subject to the native "chefferies". As regards the last mentioned, they are either natives of the Congo and other neighbouring territories, or "Swahilis", a name which in these areas covers not only Swahilis proper but also all blacks converted to Islam no matter what their origin may be; accordingly, this denomination comprises even natives of local origin who have become "denationalised" by conversion to Islam<sup>1</sup>.

Most of the "non-indigenous natives" appear to live near administrative centres. It has therefore been comparatively easy to count them. The same is true of the Asiatics and "coloured persons" and also of the Europeans. As regards the latter, several reports (1925, 1926 and 1927) state that the number given is the result of censuses taken.

The table on the following page gives the data supplied with regard to the four categories of non-indigenous inhabitants.

As regards the nationalities represented among the European population, this included, in 1921, amongst others, 131 Belgians, 37 French and 20 Germans. In 1938 there were 788 Belgians, 73 French, 59 British, 57 Greeks, 38 Dutch, 17 Americans, 32 Italians and

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<sup>1</sup> See, *inter alia*, the *Annual Report for 1925*, page 11.

*Non-indigenous Population.*

Year	Population of European race	Mulattoes	Asiatic and "coloured persons"	Black population not subject to the "chefferies"
1921 . . . . .	236	24	222	5,500 (approx.)
1922 . . . . .	236	25	204	5,586
1923 . . . . .	277	27	220	6,659
1924 . . . . .	296	26	283	7,420
1925 . . . . .	343	30	302	8,000
1926 . . . . .	356	38	281	8,479
1927 . . . . .	442	36	359	9,552
1928 . . . . .	576	43	410	10,916
1929 . . . . .	816	51	684	12,710
1930 . . . . .	936	60	714	16,186
1931 . . . . .	904	60	597 <sup>a</sup>	15,826 <sup>b</sup>
1932 . . . . .	811	79	639	14,873
1933 . . . . .	803	91	664	17,175
1934 . . . . .	868	99	637	19,709
1935 . . . . .	893	114	704	18,690 <sup>c</sup>
1936 . . . . .	932	115	738	21,251
1937 . . . . .	1,076	112	851	25,058
1938 . . . . .	1,227	121	957	29,028

<sup>a</sup> The reduction is in the main more apparent than real, the Urundi authorities (but not those of Ruanda) having classified the children born of unions between Asiatics and native women under the black non-indigenous population (*Annual Report for 1931*, page 19).

<sup>b</sup> The reduction is due to the progress made with the counting of the population. Previously, the figures were the result of more or less accurate estimates, whereas, in 1931, they were based on a methodical census (*Annual Report for 1931*, page 19).

<sup>c</sup> Reduction due to the repatriation to the Belgian Congo of unemployed persons.

28 Germans. In 1921, 71 of the Europeans were officials, agents or employés of the Administration and 85 were missionaries. In 1938, there were 171 officials, etc., and 345 missionaries.

With regard to the Asiatics and "coloured persons", this category in 1921 included 121 Arabs and 78 Indians. In 1938 there were 435 Arabs, 310 Indians and 20 Senegalese. Most of the Asiatics are traders, artisans or foremen.

**Territories under "C" Mandate.**

*Islands under Japanese Mandate* (2,149 square kilometres).

In the report for 1924 (page 63) the mandatory Power said: "It is next to impossible to prepare year after year exact statistics of population of the South Sea Islands, consisting, as they do, of innumerable islands and isles scattered over a vast expanse of water".

A first "census", or rather a demographic survey, was, however, undertaken on October 1st, 1920. Other censuses have been organised every five years — namely, on October 1st of the years 1925, 1930 and 1935. For this purpose, "Rules for the Demographic Survey of the South Sea Islands" were issued on May 29th, 1925, December 28th, 1929, and February 5th, 1935.

Furthermore, regulations issued on December 25th, 1919 (which came into force on March 1st, 1921) and amended in April 1922 and April 1925, laid down that each Branch Bureau was to keep a census register, while a second register was to be kept at each police station. In these registers were recorded the results of house-to-house investigations and, in particular, the names, domicile, sex, tribe, date of birth (if not exact, then approximate), etc., of the inhabitants. According to the 1924 report (page 63) "in times other than the occasion of the periodical census-taking, statistics of population are prepared on the basis of the figures obtained from the census-taking, the figures being modified with reference to results of house-to-house investigations made by police officers, reports from Senior Village Chiefs and Vice-senior Village Chiefs and investigations made by visiting officials concerning births, deaths and so forth."

The same report continues as follows: "In these circumstances, changes taking place in the isles whence no reports are available cannot be ascertained, and so the statistics of population prepared in this way cannot be said to be complete". Nevertheless, the figures given in the statistics may, according to the report, "be considered as correct taken as a whole".

The following table shows the *movement of the population from 1920 to 1938*, on the basis of the various statistical data supplied in the annual reports:

Year a	Natives	Japanese	Other foreigners
1920 . . . . .	48,505	3,671	46
1921 . . . . .	48,494	3,200	
1922 . . . . .	48,487	3,420 (approx.)	
1923 . . . . .	47,916	4,025 (approx.)	63
1924 . . . . .	49,328	5,038	59
1925 . . . . .	48,798	7,430	66
1926 . . . . .	48,994	8,395	98
1927 . . . . .	48,761	9,979	83
1928 . . . . .	48,545	12,460	81
1929 . . . . .	48,617	16,202	102
1930 . . . . .	49,695	19,835	96
1931 . . . . .	50,038	22,889	100
1932 . . . . .	50,069	28,291	97
1933 . . . . .	49,935	32,214	103
1934 . . . . .	50,336	40,215	100
1935 . . . . .	50,573	51,861	92
1936 . . . . .	50,524	56,496	117
1937 . . . . .	50,849	62,305	123
1938 . . . . .	50,868	70,141	119

<sup>a</sup> The figures for 1920, 1925, 1930 and 1935 are those of the "censuses" taken on October 1st in each of these years. As regards the other years, the figures are those obtained by the above-mentioned investigations. (As a rule, these figures relate to October 1st of each year; in the case of those for 1926 and 1938, to June 30th.)



It will be seen that the *native* population has increased by 4.9% during the eighteen years 1920-1938. Average annual rate: 0.27%.

During the same period the *Japanese* population has increased by 1810.7%. Average annual rate: 100.6%.

The native population has therefore increased at a rate so low that it may be said that it is virtually almost stationary. In some years there appears actually to have been a decrease.

This phenomenon is particularly striking in view of the fact that (since 1923) the Japanese population, on the other hand, has consistently and largely increased in numbers and that the rate of increase has accelerated. In 1920, the Japanese inhabitants of the territory amounted to only *seven per cent* of the total population; in 1935, they outnumbered the natives and, in 1938, they constituted 58.1% of the total population.

In this respect, the Islands under Japanese Mandate clearly constitute an exception among the mandated territories.

The rapid increase of the Japanese population, as compared with the native population, is of course largely due to immigration. The birth and death rates have, however, also played an important part in the development of this situation. This will be seen from the following two tables prepared on the basis of data supplied in the annual reports :

BIRTH RATE (Number of births per 1000 inhabitants)			DEATH RATE (Number of deaths per 1000 inhabitants)		
Year	Natives	Japanese	Year	Natives	Japanese
1922 . . .	22.4	43.9	1922 . . .	18.2	13.45
1923 . . .	11.7	29.6	1923 . . .	11.0	5.47
1924 . . .	21.2	57.6	1924 . . .	22.6	14.1
1925 . . .	19.4	52.0	1925 . . .	23.7	12.5
1926 . . .	22.2	49.3	1926 . . .	24.2	13.1
1927 . . .	24.6	47.8	1927 . . .	26.4	13.2
1928 . . .	23.9	43.1	1928 . . .	22.9	18.5
1929 . . .	24.0	56.0	1929 . . .	28.8	20.8
1930 . . .	29.7	52.4	1930 . . .	18.7	13.4
1931 . . .	24.6	51.8	1931 . . .	21.3	16.8
1932 . . .	23.8	50.6	1932 . . .	23.9	10.7
1933 . . .	31.3	53.2	1933 . . .	32.8	14.7
1934 . . .	24.1	47.7	1934 . . .	21.9	13.4
1935 . . .	25.8	49.6	1935 . . .	21.6	13.3
1936 . . .	25.5	42.2	1936 . . .	21.6	11.2
1937 . . .	25.0	44.47	1937 . . .	21.4	11.7

The *birth rate* among the natives of the territory is very low compared with that among the native inhabitants of other Pacific islands, such as Nauru or Samoa <sup>1</sup>, or New Zealand (the Maoris), where, for instance,

<sup>1</sup> See below, pages 109 and 114.

the birth rate in 1937 was 46.6 per thousand. It is above all extremely low as compared with the birth rate among the Japanese population of the territory. The birth rate among the latter is very high, not only as compared with that of the natives of the Islands under Mandate, but also in comparison with that of the Japanese population in the mother-country, which, in 1935, was 31.6 per 1,000 and, in 1937, 30.8 per 1,000.

On the other hand, the *death rate* is relatively high among the natives (in the case of the Maoris of New Zealand, for instance, the death rate in 1937 was 18.3 per 1,000) and the margin between the death and birth rates is as a rule very small; in some years the former even exceeds the latter. On the other hand, the death rate among the Japanese of the territory is low, much lower than in Japan, where it was in the neighbourhood of 17 per 1,000 during the years immediately preceding the war.

To summarise : the stagnation of the native population is due both to a low birth rate and to an excessive death rate. It is in striking contrast with the rapid increase in the Japanese population of the territory, which is due not only to immigration but also to an extraordinarily high birth rate and a very low death rate ; no doubt these phenomena are largely to be explained by the fact that the Japanese immigrants were drawn from comparatively young age-groups.

The Mandates Commission has continuously concerned itself with the stagnation of the native population of this territory — in some of the mandated Islands (particularly the Island of Yap) there has been an actual *decrease*. It has repeatedly drawn the attention of the Council and of the mandatory Power to this state of affairs <sup>1</sup>.

#### *Nauru (29.29 square kilometres).*

The population of this small island — the smallest mandated territory — includes, besides the native inhabitants or “Nauruans”, a fairly large number of Chinese labourers, recruited to work on the phosphate deposits; further, there are also a small number of natives from other Pacific Islands and a few Europeans (officials of the Administration, etc.). The following table gives the demographic movement in these four groups of the population, as shown by the censuses taken on April 24th, 1921, and subsequently on April 1st in each of the following years (on December 31st in 1939):

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<sup>1</sup> See the Commission's reports on its fifth session (1934), fourteenth session (1928), nineteenth session (1930), twenty-first session (1931), twenty-fourth session (1933), twenty-eighth session (1935), thirtieth session (1936), thirty-third session (1937) and thirty-fifth session (1938).

Year	Natives (Nauruans)	Natives from other islands of the Pacific	Chinese	Europeans
1921 . . . . .	1,084	266	597	119
1922 . . . . .	1,113	392	514	110
1923 . . . . .	1,164	278	486	139
1924 . . . . .	1,189	133	684	114
1925 . . . . .	1,220	22	814	118
1926 . . . . .	1,251	27	822	117
1927 . . . . .	1,266	21	761	115
1928 . . . . .	1,297	20	1,051	131
1929 . . . . .	1,365	16	1,099	134
1930 . . . . .	1,411	16	1,110	147
1931 . . . . .	1,426	14	1,105	147
1932 . . . . .	1,475	4	696	141
1933 . . . . .	1,527	13	936	163
1934 . . . . .	1,567	14	933	163
1935 . . . . .	1,603	4	931	158
1936 . . . . .	1,647	4	1,092	179
1937 . . . . .	1,638*	4	1,261	194
1938 . . . . .	1,661	27	1,533	179
1939 . . . . .	1,733	44	1,512	171

\* 34 Nauruans were temporarily absent from the island.

The native population has increased by about 60% in the course of the first nineteen years of the mandate — that is to say, an average annual increase of 3,3% — which must be considered to be a highly satisfactory development.

This increase is due mainly to the very high birth rate among the Nauruans. The following tables show the large margin maintained between the *birth rate* and the *death rate* of the natives:

BIRTH RATE		DEATH RATE	
Annual average		Annual average	
1922-1925 . . . . .	49	1922-1925 . . . . .	24
1926-1929 . . . . .	45	1926-1929 . . . . .	21
1930-1933 . . . . .	45	1930-1933 . . . . .	18
1934-1937 . . . . .	45	1934-1937 . . . . .	26
1938-1939 . . . . .	47	1938-1939 . . . . .	29

births  
per  
1,000 inhabitants

deaths  
per  
1,000 inhabitants

The decline in the deaths during the first years of the mandate was followed by an increase towards the end of the period. As regards the native *infant-mortality rate*, some progress seems, however, to have been recorded:

Annual average	
1922-1925 . . . . .	263
1926-1929 . . . . .	143
1930-1933 . . . . .	67
1934-1937 . . . . .	202
1938-1939 . . . . .	163

deaths of children  
of less than 1 year  
per 1,000 births



*New Guinea* (240,864 square kilometres).

This vast territory, consisting of the north-eastern part of the large island of New Guinea and of numerous islands and archipelagos of Melanesia, includes wild regions — particularly in the interior of the main island — which, at the outset of the mandate, were still unexplored. Only gradually have the officials of the Administration been able to penetrate these regions and to bring them under its control. Accordingly, data regarding the population, especially at first, have been either very incomplete or based on pure guess-work. They do not therefore lend themselves at all readily to the establishment of comparisons or to the formulation of definite conclusions. These data, however, possess a certain value outside the purely demographic field; they present in some sort a picture of the gradual development of the control exercised by the Administration and of its progressive extension to the whole population. Mainly for this reason, a table summarising the figures supplied by the Administration is given below.

Year	Natives counted	Estimate of the native population of regions not yet completely under the control of the Administration	Total native population	Non-native population (counts)
1921/22 . . . .	214,136	63,500	277,636	2,927
1922/23 . . . .	221,959	138,000	359,959	2,979
1923/24 . . . .	255,676	148,000	403,676	2,944
1924/25 . . . .	280,972	121,150	402,122	3,045
1925/26 . . . .	316,337	125,150	441,487	3,132
1926/27 . . . .	331,071	123,000	454,071	3,399
1927/28 . . . .	351,537	113,150	464,687	3,751
1928/29 . . . .	370,166	117,100	487,266	3,928
1929/30 . . . .	400,135	121,250	521,385	4,155
1930/31 . . . .	392,816			4,142
1931/32 . . . .	389,931			4,366
1932/33 . . . .	401,129			5,215
1933/34 . . . .	456,924			5,453
1934/35 . . . .	478,686			5,688
1935/36 . . . .	500,040			5,881
1936/37 . . . .	542,394			6,897
1937/38 . . . .	581,342			6,283

During the first decade of the mandatory regime (1921-1930), separate figures were furnished for the natives inhabiting regions under the control of the Administration and for those in regions still unsubdued, the former figures being based on counts carried out by the officials of the Administration, and the latter being estimates. From 1930/31 onwards, the preparation of estimates was discontinued,

owing to the inaccuracy of the figures <sup>1</sup>. Accordingly, during the period 1930/31, only the figures obtained by counts were given <sup>2</sup>. In examining these figures, it should be borne in mind that each year, as a result of the extension of the area under the control of the Administration, the count included fresh groups of natives, hitherto outside the sphere of Government influence.

The number of native inhabitants actually counted in 1937/38 is 171.5% greater than that counted in 1921/22 and it is more than double (109.4%, to be precise) the figure for the *total* population (counted and estimated) in 1921/22.

With regard to the *non-native population*, it has increased by 114.7%. In 1921, it included 1,288 Europeans and 1,424 Chinese and, in 1933, 3,191 Europeans and 1,449 Chinese, the remainder of the non-native population consisting of a small number of Malays, Filipinos, Japanese, Javanese and Polynesians.

It is not surprising in a territory such as New Guinea that it has proved impossible so far to establish a system of registration of births and deaths as regards the native population. Since 1924/25, however, information has been collected with regard to the *death rate among native labourers*. The figures thus furnished have been calculated on the basis of the proportion of deaths occurring in the course of a year to the number of native labourers employed on June 30th of that year. (The number of native workers on June 30th, 1925, was 23,569 and, on June 30th, 1937, 40,259.)

#### DEATH RATE AMONG NATIVE LABOURERS

Year	Death rate per 1,000	Year	Death rate per 1,000
1924/25 . . . . .	31.0	1931/32 . . . . .	25.0
1925/26 . . . . .	22.0	1932/33 . . . . .	15.0
1926/27 . . . . .	21.8	1933/34 . . . . .	16.0
1927/28 . . . . .	17.3	1934/35 . . . . .	15.0
1928/29 . . . . .	20.5	1935/36 . . . . .	16.0
1929/30 . . . . .	18.5	1936/37 . . . . .	12.0
1930/31 . . . . .	16.5		

The fall in the death rate is very marked.

<sup>1</sup> *Report for 1930/31*, page 120: "Statistics for previous years included an estimate of the population of areas patrolled but not under complete control. Owing to the inadequacy of the data, the preparation of such an estimate has been discontinued."

<sup>2</sup> According to the *Report for 1931/32* (page 20): "Only those natives whose names were actually noted during the course of patrols have been reckoned in the count of the population, and the number mentioned does not therefore include natives who were living beyond the sphere of Government influence."

*Western Samoa* (2,934 square kilometres).

After the establishment of the mandatory regime, a first census was taken in Samoa on April 17th, 1921; a second was taken on December 31st, 1925, and a third on November 4th, 1936. For all other years (except 1935) estimates have been prepared as at December 31st, or, since 1936, March 31st — these estimates being based mainly on the figures obtained by the registration of births and deaths (introduced in 1923) and by the checking of departures and arrivals. The following table shows the results of the censuses taken and of estimates of the native and non-native population from 1921 to 1941:

Year	Natives (Samoans)	Non-natives (Persons of mixed blood, Europeans, Chinese, Melanesians)	Year	Natives (Samoans)	Non-natives (Persons of mixed blood, Europeans, Chinese, Melanesians)
1921. . .	32,601	3,821	1931. . .	42,296	3,727
1922. . .	33,685	3,717	1932. . .	44,126	3,693
1923. . .	33,800	3,299	1933. . .	48,486	3,713
1924. . .	34,817	3,048	1934. . .	49,501	3,586
1925. . .	36,688	3,543	1935 <sup>a</sup> . .	51,094	3,639
1926. . .	38,003	3,657	1936. . .	52,266	3,680
1927. . .	39,215	3,650	1937. . .	52,602	3,662
1928. . .	39,878	3,884	1938. . .	54,160	3,599
1929. . .	40,722	3,849	1939. . .	55,558	3,748
1930. . .	41,668	3,867	1940. . .	57,122	3,808
			1941. . .	58,466	3,821

<sup>a</sup> As no figure was furnished for 1935, the estimate made on March 31st, 1936, is reproduced here under the year 1935; for the year 1936, the figures given are those of the census taken on November 4th of that year.

According to these statistics, therefore, the *native population* has increased by 79.3% during the period 1921-1941, the average annual rate being thus approximately 4% (3.97).

Commenting on the results of the 1936 census, the mandatory Power's annual report says:<sup>1</sup>

"The great increase in the native Samoan population as disclosed by this census can be credited mainly to the health measures carried out by the Administration, resulting in a better appreciation of sanitation and hygiene by the people."

The *non-native population* as a whole, after a fall at the outset, has remained at about the same level, reaching, by a curious coincidence, in 1941, exactly the same total as in 1921. The reason why the total of non-native inhabitants has not increased is because certain groups of foreign workers have been greatly reduced as a result of emigration (or rather repatriation). The following table shows the numbers in

<sup>1</sup> *Report on the Administration of Western Samoa for 1936/37*, page 6.



the different categories of non-native inhabitants, according to the censuses taken in 1921, 1925 and 1936 and the 1941 annual report:

Year	Europeans	Persons of mixed blood	Chinese	Melanesians
1921 . . . .		2,066 <sup>a</sup>	1,290	465
1925 . . . .	446	2,039	903	155
1936 . . . .	367	2,708	522	83
1941 . . . .	361	3,055	327	78

<sup>a</sup> At the 1921 census, persons of mixed blood were grouped with the Europeans. Prior to 1925, the statistics furnished do not distinguish between these two groups.

The *Europeans* have not, as in most other territories, tended to increase in numbers; on the contrary, they have remained few in number. They consist of officials of the Administration, a few planters and merchants, and their families. The *persons of mixed blood* ("half-castes" — "persons of part Samoan blood") have greatly increased in numbers (about 50% in sixteen years). Most of the inhabitants of this category are descendants of Samoans and Europeans; about a third, however, are persons of part Chinese and part Samoan blood (in 1936 these amounted to 898). The *Chinese* are almost all labourers (coolies) who are under contract to work for a term of years in Samoa; they are usually repatriated at the expiration of this term. These recruited Chinese labourers have decreased in number, the Administration having adopted the policy of substituting native labourers for Chinese labour as far as possible; hence the decrease in this group of the population (which includes only an insignificant number of "free" Chinese — *i. e.*, non-labourers). Finally, the *Melanesians* are Solomon Islanders brought to Samoa during the German occupation to work on the plantations. Most of these have been repatriated since the establishment of the New Zealand mandate.

*Birth and Death Rates among the Natives.* — Regulations issued in 1922 <sup>1</sup> introduced a system of registration of births and deaths for the Samoans; this system came into operation on January 1st, 1923, and since then it has enabled fairly accurate statistics of births and deaths to be prepared <sup>2</sup>. The following table gives the birth, death and infant-mortality rates among the native population for the period 1923-1941 <sup>3 4</sup>.

<sup>1</sup> *Regulations No. 3 providing for the Registration of the Births and Deaths of Samoans.*

<sup>2</sup> *Report for 1922/23*, page 32: "Each year accurate statistics of the births and deaths of all those born after that date (1.1.1923) will be available". *Report for 1925/26*, page 6: "In 1923 a new system of registration of births and deaths came into force, making accurate returns possible".

<sup>3</sup> During the years 1928-1930, however, the registration of births and deaths was very incomplete owing to the disturbances which occurred in Samoa at that period. The figures for these three years cannot therefore be relied upon for purposes of comparison.

<sup>4</sup> The figures furnished do not make it possible to fix the birth rates for 1935 and 1936.

Year	<i>Birth rate</i> Number of births per 1,000 inhabitants	<i>Death rate</i> Number of deaths per 1,000 inhabitants	<i>Infant-mortality rate</i> Number of deaths of children under 1 year of age per 1,000 live births
1923 . . . .	50.49	41.50	200
1924 . . . .	55.38	22.29	155
1925 . . . .	52.8	23.75	186
1926 . . . .	52.62	19.36	106
1927 . . . .	42.37	12.82	101
1928 . . . .	21.82 <sup>a</sup>	5.53 <sup>a</sup>	58 <sup>a</sup>
1929 . . . .	34.94 <sup>a</sup>	14.86 <sup>a</sup>	70 <sup>a</sup>
1930 . . . .	31.97 <sup>a</sup>	11.63 <sup>a</sup>	61 <sup>a</sup>
1931 . . . .	32.68	13.98	111
1932 . . . .	28.9	12.1	121
1933 . . . .	30.5	10.0	114
1934 . . . .	29.1	8.9	104
1935 . . . .	<sup>b</sup>	9.2	97
1936 . . . .	<sup>b</sup>	26.2 <sup>c</sup>	291.77 <sup>c</sup>
1937 . . . .	44.5	14.6	89.30
1938 . . . .	37.9	13.6	73.79
1939 . . . .	39.4	13.1	83.56
1940 . . . .	38.6	13.6	73.80

<sup>a</sup> See note 3 on page 113.

<sup>b</sup> See note 4 on page 113.

<sup>c</sup> The high death rate for 1936 is due to epidemics of whooping-cough and measles, the former in particular having caused the death of a large number of children.

The *birth rate* diminished in the middle of the period considered, though it remained high. A tendency for the rate to rise once more is observable towards the end of the period.

The *death rate* has fallen considerably (except for 1936, the year of epidemics). Whereas the average annual rate for the first four years (1923-1926) was 26.73 per 1,000, it fell for the last four years of the period (*i. e.* for the years 1937-1940) to 13.7 per 1,000. The health conditions seem therefore to have markedly improved. Incidentally it may be of some interest to compare these figures with the death rates for the pre-mandatory period (*i. e.*, during the German occupation). The death rates for 1906 to 1914 are as follows: <sup>1</sup>

1906 . . .	39 per 1,000	1909 . . .	28 per 1,000	1912 . . .	35 per 1,000
1907 . . .	46 „ „	1910 . . .	28 „ „	1913 . . .	31 „ „
1908 . . .	28 „ „	1911 . . .	54 „ „	1914 . . .	27 „ „

Average annual rate: 35 per 1,000.

Finally, it will be observed that (always excepting the abnormal year 1936) the *infant-mortality rate* has fallen very noticeably.

In the report on its seventh session, the Mandates Commission stated, with regard to Western Samoa, that “the constant decrease in the native death rate is a development on which the mandatory Power deserves congratulation” <sup>2</sup>.

<sup>1</sup> *Annual Report on Western Samoa for 1925/26*, page 6.

<sup>2</sup> *Minutes of the Seventh Session of the Mandates Commission*, page 218.

*South West Africa* (822,909 square kilometres).

This territory is the largest but one of the mandated territories, second only to Tanganyika, but, with its 300,000 inhabitants, it is also the most thinly populated of those territories. Another particularity of South West Africa is the presence of a relatively numerous European population, representing about 10 % of the total population of the territory.

A first census of the *European population* was taken in May 1926. A second census took place in May 1936.

The latter census also included part of the *native and coloured population* — namely, those natives and “Bastards” who live within the so-called “Police Zone” (about 38 % of this population). No other actual census has ever been taken of the natives. Apart from the figures for 1936, which include the figures obtained by the census taken in the Police Zone, the figures given in the annual reports and reproduced in the following table, therefore, are based upon estimates drawn up as accurately as possible by the various district officers of the Administration — namely, Magistrates, Native Commissioners and Superintendents of Native Reserves.

	Native and coloured population <sup>a</sup>	European population		Native and coloured population <sup>a</sup>	European population
1921 . . .	208,605 <sup>b</sup>	19,432	1931 . . .	237,647	32,840
1922 . . .	195,459	20,000	1932 . . .	242,290	32,000
1923 . . .	—	—	1933 . . .	241,733	31,600
1924 . . .	—	—	1934 . . .	235,330	31,600
1925 . . .	186,175 <sup>b</sup>	24,468	1935 . . .	248,264	31,800
1926 . . .	234,790	24,115	1936 . . .	253,090	30,407
1927 . . .	247,571	25,132	1937 . . .	258,343	30,677
1928 . . .	261,117	27,922	1938 . . .	261,138	30,941
1929 . . .	237,701	30,404	1939 . . .	283,517	30,941
1930 . . .	243,936	31,586			

<sup>a</sup> The figure for 1921 and apparently that for 1922 include the population of Caprivi Zipfel (the north-eastern strip of the territory). The estimates for 1925-1929 are exclusive of Caprivi Zipfel, the population of which it had not then been possible accurately to estimate. The figures for 1930 and 1931 include the natives in the Eastern Portion of Caprivi Zipfel (1930: 8,024 natives); from 1932 onwards the natives in the Western Portion (1932: 2,480) are also included in the estimates given.

<sup>b</sup> The 1925 report (pages 20-21) admitted that the 1921 figures had probably been somewhat exaggerated, but stated that the 1925 estimate had been carefully made and should be reasonably accurate.

According to these figures, the *native and coloured population* has increased during the eighteen years 1921-1939 by about 36 %, which represents an *average annual increase of about 2 %*. In point of fact, it would seem that the increase has even been greater, since it was considered that the 1921 figure had probably been exaggerated.

As to the various native races and tribes represented in South West Africa, a comparison between the data given in the 1921 and 1939 reports shows that the increase was most marked among the Ovambos, the Damaras, the Klipkaffirs and the Bushmen, while the number of Hereros and Hottentots remained more or less unchanged.



The "Bastards", a people of mixed European and non-European descent, who live apart in a community of their own in the Rehoboth Reserve, have increased by about 100% (from 5,150 to 10,688).

The *European population* has increased by some 59% (partly by immigration). According to the 1921 report (page 5) there were in that year 10,673 British subjects and 7,855 Germans in the Territory. In 1937 there were, according to the report for that year (page 142): 27,018 South-African and British subjects, including 5,877 naturalised (of these 4,430 were German-speaking) and 3,264 German nationals.

The following table shows the classification of the European population according to nationality and home language:

Nationality	Home language				
	Afrikaans or Nederlands	English	Afrikaans and English	German	Other
South-African- and British-born . . . . .	16,799	2,244	266	1,814	28
South-African and British (naturalised) . . . . .	1,260	116	15	4,430	56
German . . . . .	11	9	—	3,264	—
Other . . . . .	58	26	—	124	157

Under Union Act No. 17 of 1923, which was applied, *mutatis mutandis*, to the territory by Proclamation No. 38 of 1923, all marriages solemnised according to the Christian custom, all European births and deaths and native births and deaths in urban areas only were to be registered<sup>1</sup>. Subsequently, the natives and coloured people living in the Native Reserves within the Police Zone were also required to register births and deaths and, since 1928, the annual reports have indicated the number of births and deaths registered in these Reserves. The following table can be compiled from the figures thus given:

BIRTH AND DEATH RATES IN NATIVE RESERVES

Year	Population	Births		Deaths	
		Number	per 1,000 inhabitants	Number	per 1,000 inhabitants
1928 . . . . .	19,966	274	13.7	323	16.2
1929 . . . . .	18,306	210	11.5	151	8.2
1930 . . . . .	18,856	225	11.9	174	9.2
1931 . . . . .	19,700	248	12.6	160	8.1
1932 . . . . .	19,464	222	11.4	258	13.3
1933 . . . . .	19,188	247	12.9	178	9.3
1934 . . . . .	20,074	196	9.8	388	19.3
1935 . . . . .	21,779	348	16.0	262	12.0
1936 . . . . .	21,830	327	15.0	197	9.0
1937 . . . . .	23,291	334	14.3	253	10.9
1938 . . . . .	24,571	374	15.2	249	10.1
1939 . . . . .	24,846	385	15.5	279	11.23

<sup>1</sup> *Annual Reports for 1923* (page 62) and *1925* (page 20). These regulations came into operation on January 1st, 1924.

The registration seems to have been rather incomplete, especially as far as the births are concerned, and no definite conclusions can therefore be drawn from these figures. The birth rate is low, but shows a tendency to increase. The death rate is very variable and for certain years exceeds the birth rate considerably. It may be noted, however, that the population figures, whilst indicating a decrease or stagnation during the first years, grow steadily towards the end of the period, and witness that the native population in the Reserves has increased in the course of the eleven years 1928-1939 by some 25%.

From 1932 onwards, births and deaths were registered also in the Eastern Caprivi Zipfel, in the north-eastern corner of the territory (where the natives live far from any contact with the European population). The figures given in the annual reports are reproduced below together with the birth and death rates calculated on the basis of these figures:

Year	Population	Births		Deaths	
		Number	per 1,000 inhabitants	Number	per 1,000 inhabitants
1932 . . . . .	8,529	283	33.2	79	9.3
1933 . . . . .	8,716	249	28.6	62	7.1
1934 . . . . .	8,923	274	30.7	67	7.5
1935 . . . . .	9,130	280	30.7	73	8.0
1936 . . . . .	9,308	250	26.9	72	7.7
1937 . . . . .	9,552	329	34.4	85	8.9
1938 . . . . .	9,765	304	31.1	91	9.3
1939 . . . . .	10,424	—	—	—	—

The birth rates are high and the death rates extraordinarily low, which is all the more striking as — owing to the factors often referred to above, such as the superstition of the natives — the registration of deaths is generally more complete than the registration of births. The margin between the birth rates and the death rates is exceedingly wide, and the actual population figures would also seem to show that the native population in this part of the territory was growing rapidly — namely, by about 22% in the course of eight years, that is to say at an annual average rate of 2.8% — which is evidence of a healthy demographic development.

## ANNEX

### GENERAL CONDITIONS WHICH MUST BE FULFILLED BEFORE THE MANDATES REGIME CAN BE BROUGHT TO AN END IN RESPECT OF A COUNTRY PLACED UNDER THAT REGIME

*Opinion given, at the request of the Council, by the Permanent Mandates Commission, at its twentieth session (June 1931) and approved by the Council on September 4<sup>th</sup>, 1931.*

The Mandates Commission is of opinion that the emancipation of a territory under the mandate regime should be made dependent on two classes of preliminary conditions:

(1) The existence in the territory concerned of *de facto* conditions which justify the presumption that the country has reached the stage of development at which a people has become able, in the words of Article 22 of the Covenant, "to stand by itself under the strenuous conditions of the modern world";

(2) *Certain guarantees* to be furnished by the territory desirous of emancipation to the satisfaction of the League of Nations, in whose name the mandate was conferred and has been exercised by the Mandatory.

#### I.

Whether a people which has hitherto been under tutelage has become fit to stand alone without the advice and assistance of a mandatory is a question of fact and not of principle. It can be settled only by careful observation of the political, social and economic development of each territory. This observation must be continued over a sufficient period for the conclusion to be drawn that the spirit of civic responsibility and social conditions have so far progressed as to enable the essential machinery of a State to operate and to ensure political liberty.

There are, however, certain conditions the presence of which will in any case indicate the ability of a political community to stand alone and maintain its own existence as an independent State.

Subject to these general considerations, the Commission suggests that the following conditions must be fulfilled before a mandated territory can be released from the mandatory regime — conditions which must apply to the whole of the territory and its population:

(a) It must have a settled Government and an administration capable of maintaining the regular operation of essential Government services;



(b) It must be capable of maintaining its territorial integrity and political independence;

(c) It must be able to maintain the public peace throughout the whole territory;

(d) It must have at its disposal adequate financial resources to provide regularly for normal government requirements;

(e) It must possess laws and a judicial organisation which will afford equal and regular justice to all.

## II.

The Commission suggests that the guarantees to be furnished by the new State before the mandate can be brought to an end should take the form of a declaration binding the new State to the League of Nations, or of a treaty or a convention or of some instrument formally accepted by the Council of the League as equivalent to such an undertaking.

The Commission suggests that, without prejudice to any supplementary guarantees which might be justified by the special circumstances <sup>1</sup> of certain territories or their recent history, the undertakings of the new State should ensure and guarantee:

(a) The effective protection of racial, linguistic and religious minorities;

(b) The privileges and immunities of foreigners (in the Near-Eastern territories), including consular jurisdiction and protection as formerly practised in the Ottoman Empire in virtue of the Capitulations and usages, unless any other arrangement on this subject has been previously approved by the Council of the League of Nations in concert with the Powers concerned;

(c) The interests of foreigners in judicial, civil and criminal cases, in so far as these interests are not guaranteed by the Capitulations;

(d) Freedom of conscience and public worship and the free exercise of the religious, educational and medical activities of religious missions of all denominations, subject to such measures as may be indispensable for the maintenance of public order, morality and effective administration;

(e) The financial obligations regularly assumed by the former mandatory Power;

(f) Rights of every kind legally acquired under the mandate regime;

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<sup>1</sup> As, for example, those which enforce recognition of the rights referred to in Articles 13 and 14 of the Palestine Mandate.

(g) The maintenance in force for their respective duration and subject to the right of the denunciation by the parties concerned of the international conventions, both general and special, to which, during the mandate, the mandatory Power acceded on behalf of the mandated territory.

In addition to the foregoing essential clauses, the Permanent Mandates Commission considers that it would be desirable that the new State, if hitherto subject to the Economic Equality Clause, should consent to secure to all States Members of the League of Nations the most-favoured-nation treatment as a transitory measure on condition of reciprocity.

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