

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

MINUTES

OF THE

TWENTY-NINTH SESSION

Held at Geneva from May 27th to June 12th, 1936

including the

REPORT OF THE COMMISSION TO THE COUNCIL

GENEVA, 1936

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tenue à Genève du 27 mai au 12 juin 1936

1. Page 194, lignes 3 et 4, au lieu de: "Dans son rapport annuel, la Puissance mandataire déclare que, pendant l'année 1935, 30.000 Juifs allemands ont pu entrer dans le territoire", lire:  
"Dans son rapport annuel (pp. 14 et 215), la Puissance mandataire déclare que, jusqu'à la fin de l'année 1935 (1919-1935), environ 30.000 Juifs allemands étaient entrés dans le territoire."
2. Page 204, sous ANNEXE 24, au lieu de "Syrie et Liban", lire: "TANGANYKA".
3. RAPPORT DE LA COMMISSION AU CONSEIL:  
 Page 207, 4<sup>me</sup> ligne d'en bas, au lieu de "... de ne pas avoir différé de quelque douze mois-", lire:  
"... de ne pas voir différer de quelque douze mois-".

B. English text.LEAGUE OF NATIONSPERMANENT MANDATES COMMISSION

## MINUTES OF THE TWENTY-NINTH SESSION

held at Geneva from May 27th to June 12th, 1936.

- Page 194, 3rd and 4th lines, instead of: "In its annual report, the mandatory Power states that, during 1935, 30,000 German Jews were admitted to the Territory." read:  
"In its annual report (pp. 14 and 215), the mandatory Power states that, by the end of 1935 (1919-1935), about 30,000 German Jews had entered Palestine."







Geneva, June 12th, 1936.

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PERMANENT MANDATES COMMISSION

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MINUTES

OF THE

TWENTY-NINTH SESSION

Held at Geneva from May 27th to June 12th, 1936

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## PERMANENT MANDATES COMMISSION

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### MINUTES OF THE TWENTY-NINTH SESSION

*Held at Geneva from May 27th to June 12th, 1936.*

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The following members of the Commission took part in the work of the twenty-ninth session :

Marquis THEODOLI (*Chairman*) ;  
M. ORTS (*Vice-Chairman*) ;  
Baron VAN ASBECK ;  
Mlle. DANNEVIG ;  
Lord LUGARD ;  
M. MANCERON ;  
M. PALACIOS ;  
Count DE PENHA GARCIA ;  
M. RAPPARD ;  
M. SAKENOBE.

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

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

The following members were unable to attend certain meetings : Marquis Theodoli, the last meeting ; Mlle. Dannevig, the last six meetings ; Lord Lugard, the third meeting ; Count de Penha Garcia, the last meeting ; M. Sakenobe, the sixteenth meeting. M. Manceron, for health reasons, was unable to attend the third, fourth, fifth and eighth to twentieth meetings.

M. Orts (*Vice-Chairman*), acted as Chairman for part of each of the last three meetings, and M. Rappard for part of the last meeting.

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

Mr. H. H. TRUSTED, K.C., Attorney-General to the Government of Palestine.  
Mr. A. S. KIRKBRIDE, O.B.E., M.C., Assistant British Resident in Trans-Jordan.  
Mr. C. T. EVANS, Assistant Secretary in the Palestine Government Service.  
M. R. DE CAIX, former Secretary-General of the High Commissariat of the French Republic in Syria and Lebanon.  
Mr. J. A. CALDER, Colonial Office.  
Mr. G. F. SAYERS, Deputy Chief Secretary, Tanganyika Territory.  
Mr. C. T. TE WATER, High Commissioner for the Union of South Africa in London.  
Mr. H. T. ANDREWS, Acting Accredited Representative of the Union of South Africa to the League of Nations.  
Sir John McLAREN, C.M.G.

\* \* \*

Also attended the session : M. V. CATASTINI, Former Director of the Mandates Section, Expert.

\* \* \*

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

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## FIRST MEETING.

*Held on Wednesday, May 27th, 1936, at 3.30 p.m.*

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### Opening Speech by the Chairman.

The CHAIRMAN spoke as follows :

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

Before proceeding with our agenda, I should like to follow the usual practice of recording briefly the action taken on our last report to the Council.

I had the honour to represent the Commission at the Council meeting of January 22nd, 1936, when the Commission's report on the work of its twenty-eighth session was considered.

The Rapporteur referred, amongst other things, to those passages in our report which related to the statement made by Japan with regard to economic equality and to the study of certain provisions of the Commercial Agreement of June 27th, 1934, between France and the United Kingdom. He also drew attention to the Commission's comments on the following points : The application, in certain mandated territories, of the principle of economic equality in relation to States which have ceased to belong to the League ; the frontier between the Cameroons under British mandate and the Cameroons under French mandate, which has not yet been demarcated ; the amendment by a mandatory Power of a law, the application of which appeared to it, upon examination, to be liable to infringe the principle of economic equality ; and the matter of administrative reform in Togoland under French mandate.

He further noted with satisfaction that the political situation in Western Samoa had improved, and that Japan—whose status as a Member of the League of Nations ended on March 27th, 1935—considered, rightly, that she was still bound by the obligations of the mandate.

The Council approved the Rapporteur's report and draft resolution. It desired the Secretary-General to communicate the Commission's observations to the mandatory Powers and to request their Governments to take the action asked for by the Commission. The Council further approved the Commission's conclusions concerning the petitions it had examined.

As the members of the Commission are aware, M. Catastini relinquished his post as Director of the Mandates Section on December 1st, 1935. I am sure you would all wish me to express both our deep regret at being deprived of his valuable services as Secretary of the Mandates Commission and our great gratitude. We should have liked to keep him longer. We are therefore glad that the Secretary-General has secured his services as an expert for the future. Accordingly, M. Catastini will attend our sessions, not as a member or as a Secretariat official, but in a position *sui generis*, so that we shall no doubt continue to benefit from his knowledge and experience.

Our regret at M. Catastini's departure from the Secretariat is lessened by the presence of M. de Haller, who has worked with us for some years and who is now temporarily in charge of the Mandates Section.

I will now call upon the Acting Director of the Mandates Section, in accordance with the usual practice, to give the Commission some information as to the administrative activities of our Secretariat since the close of the Commission's last session.

### Statement by the Acting Director of the Mandates Section.

M. DE HALLER made the following statement :

Since the Commission's last session, the Mandates Section has continued its normal work in connection with mandates, independently of the work rendered necessary by the April extraordinary session of the Advisory Committee of Experts on Slavery, for the secretarial work of which the Section was responsible.

The Minutes, with index, and the Commission's report on its twenty-eighth session, were circulated to the Council and Members of the League on January 3rd, 1936.

The Minutes of the Council meeting of January 22nd, 1936, at which the Commission's last report came up for consideration, were sent to members of the Commission on February 10th, 1936.

The Mandates Section has further continued to collect and forward to members of the Commission at regular intervals information from official sources and important Press reports with regard to the political, economic and social activities of the mandated territories.



The annual reports which will come up for consideration at the present session reached the Secretariat in the following order :

Territory	Administrative period	Date of receipt
New Guinea . . . . .	1934-35	April 28th, 1936
Palestine and Trans-Jordan . . . .	1935	May 6th, 1936
Tanganyika . . . . .	1935	May 13th, 1936
Nauru . . . . .	1935	May 13th, 1936
South West Africa . . . . .	1935	May 19th, 1936
Syria and Lebanon . . . . .	1935	May 22nd, 1936

Consideration of the annual reports on the administration of the Cameroons and Togoland under French mandate, which should normally have been taken at the present session, has been deferred to the autumn session by agreement between the French Government and the Chairman.

The Secretariat further communicated to the Commission, on January 3rd, 1936, a letter from the Irish Free State Government, with regard to a passage in the report of the Committee appointed by the Mandates Commission on October 29th, 1934, to consider Article 2 of the Commercial Agreement of June 27th, 1934, between France and the United Kingdom (Annex 4.) A letter from the United Kingdom Government, transmitting copies of a despatch addressed to the Governments of Kenya, Tanganyika Territory and the Uganda Protectorate, on the question of the " Closer union " of those territories, was also communicated to the Commission on January 2nd, 1936 (Annex 3).

The Secretariat has, as usual, drawn up a list of the special reports sent in by mandatory Powers with regard to the territories the administration of which is due for consideration (Annex 1).

#### **Election of the Chairman and Vice-Chairman.**

*Marquis THEODOLI and M. ORTS were elected Chairman and Vice-Chairman of the Commission respectively.*

#### **Adoption of the Agenda and Programme of Work.**

*The Commission approved its agenda and programme of work (Annex 2).*

The CHAIRMAN explained that no remarks having been made by the members of the Commission or the accredited representatives with regard to the programme of work, it had become final.

#### **New Guinea : Examination of the Annual Report for 1934-35.**

Sir John McLaren, C.M.G., accredited representative of the mandatory Power, came to the table of the Commission.

#### **WELCOME TO THE ACCREDITED REPRESENTATIVE.**

The CHAIRMAN welcomed Sir John McLaren on behalf of the Commission.

Sir John McLAREN said that he did not wish to make any statement.

#### **FRONTIER BETWEEN NEW GUINEA AND PAPUA.**

Lord LUGARD, referring to the end of Section 259 of the report, asked whether the frontier-line between the two territories had ever been defined. If not, on what lines would the delimitation be conducted ?

Sir John McLAREN said that the delimitation of the frontier was described in terms of latitude and longitude. The frontier, therefore, already existed on paper. It was simply a question of determining it on the ground. The survey work that had been undertaken had been sufficient to establish that certain mining-fields in proximity to the boundary were in New Guinea. Owing to lack of staff, the whole marking of the frontier on the ground had not been completed, but it was the intention of the Administration to complete it as soon as possible.

Lord LUGARD understood that neither in Papua nor in New Guinea had the territories in the proximity of the frontier been brought under control.

FRONTIER BETWEEN THE TERRITORY UNDER MANDATE AND NETHERLANDS NEW GUINEA.

Sir John McLAREN said that recently a party had been engaged in determining on the ground the frontier between New Guinea and Netherlands New Guinea. He did not know whether there had yet been an agreement accepting the definition of the survey party, but the party's report had gone to the respective Governments.

PENETRATION AND CONTROL OF THE TERRITORY : PATROLS : RECRUITMENT AND TRAINING OF CADETS.

M. ORTS, referring to Section 33 of the report, in which it was stated that "two European members of the Roman Catholic Mission were murdered by natives, following a dispute", asked whether the enquiry into this case had now been completed; was the case connected in any way with dissatisfaction on the part of natives who felt that they had been despoiled of their land? He asked this question because the previous sentence in the same paragraph contained a statement to the effect that "the missions had lodged numerous applications for mission leases, agricultural leases and pastoral leases".

Sir John McLAREN said that the answer to M. Orts' second question was in the negative. This case had been fully investigated. The missionaries had entered this area, had built a house there and had left it untenanted. In their absence, the house had been burnt down, but it had been impossible to establish whether this was the result of accident or of design. When the missionaries returned, they ordered the natives to rebuild the house, threatening that, if they did not do so, their pigs would be shot. The natives had refused to rebuild the house and the pigs had been shot. It was then that trouble ensued, in the course of which one missionary was killed. Another was killed later, when he had visited the spot, in disregard of warnings, and was attempting to retreat from it.

M. ORTS recalled that, in its report to the Council on the work of its twenty-seventh session, the Commission had drawn attention<sup>1</sup> "to the dangers which result from the freedom of access into regions not yet under the control or influence of the Government, involving danger to the lives, not only of non-natives, but also of the carriers and the native population".

At the beginning of Section 34 of the annual report, it was said that "in view of disturbed conditions following the murder . . . and also because of conflicts between miners and natives in the Yuat watershed of the Sepik district, it was decided to prohibit further activities of non-officials in the disturbed districts and in other uncontrolled areas beyond range of the supervision of the District Officers. Missionaries and miners already established in the Chimbu-Mt. Hagen area were permitted to continue their work, but it was notified that further expansions, and the acquisition of land, were definitely prohibited until a degree of control has been established throughout the area."

Was it not rather strange that, while no newcomers were allowed to enter, the persons who had been directly concerned in the unrest had been allowed to remain?

Mlle. DANNEVIG asked the accredited representative whether he did not consider that the conduct of the missionaries towards these natives had been reprehensible and was incompatible with their duties. Did he not think that the missionaries were to be blamed for what had happened?

Baron VAN ASBECK, referring to Section 61 on page 29 of the report, "the question of enacting legislation to provide compensation in regard to loss of life or injury sustained by indentured labourers accompanying exploring parties was under consideration at the close of the year", asked whether such legislation would cover loss of life among labourers in uncontrolled areas. How could this intended legislation be reconciled with the statement, to which M. Orts had referred, that, in one area at least, further expansion was definitely prohibited until control had been established?

Sir John McLAREN, replying to M. Orts, said that the missions which had already been allowed to enter the part of the Territory in question were being allowed to continue their work in their own area, which was now comparatively safe and under the eyes of authorities. The intention was to prevent other newcomers from penetrating into other districts which could not for the present be regarded as adequately controlled. Nevertheless, a number of advanced camps had been established with a view to bringing further areas under control. Until these areas were considered to be reasonably safe, no permits to enter them would be issued.

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<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 230.



M. ORTS said he did not yet see the logic of the present procedure, for, either a given region was safe, in which case there was no need to stop newcomers from settling there, or it was not safe, in which case all residents in that area were exposed to risks, and it was dangerous to authorise them to stay. He did not overlook the fact that the acquired rights of the persons already settled should be respected, but the maintenance of public order must be the first consideration.

Sir John McLAREN explained that in the areas where these persons were resident supervision had been increased. The Administration felt that it could safely leave the situation as it was, but that it should not incur the risks that the entry of new persons would engender.

Replying to Baron van Asbeck, he said that the legislature had now passed an ordinance providing for compensation for loss of life sustained either by members of administrative patrols or labourers accompanying private European employers. This ordinance was one of a category of measures which required to be reserved for the assent of the Governor-General. He had no doubt that such assent would be given. Simultaneously, the conditions governing the employment of natives in these circumstances would be made stricter. Not only would a permit have to be obtained in each case, as heretofore, but the persons seeking a permit would have to provide a security reasonably sufficient to cover all possible claims for compensation.

In reply to Mlle. Dannevig, he said that obviously the Administration did not condone improper methods by missionaries or others in dealing with natives. In the case under notice, the individual principally concerned was beyond human punishment. He was dead.

Mlle. DANNEVIG asked what was the reason for such apparent haste in opening up additional areas.

Sir John McLAREN replied that it was the established aim of the Administration to increase the extent of the controlled areas, in order to expedite the bringing of the whole Territory under control.

Mlle. DANNEVIG explained that she was referring to the opening-up of lands for European exploitation — in other words, action taken on behalf of the mining interests. There could, of course, be no objection to the extension of control on behalf of the welfare of the natives, which was an essential aim of the mandate.

Lord LUGARD, referring to the action of a special patrol in the Yuat watersheds (Section 40 of the report) “to investigate serious breaches of the law alleged to have been committed by a prospector and his party”, asked what was the nature of these offences and what further action had been taken. He felt bound to draw the accredited representative’s attention to the fact that a very unfortunate impression had been created in England by a paper which had recently been read by Mr. Leahy before the Royal Geographical Society in London. There were repeated references in the lecture to the shooting of natives by the party. It would seem, indeed, that about forty natives in all had been killed. The lecturer claimed that these methods of “breaking them in from the start” had proved excellent, because, subsequently, the natives encountered carried neither bows nor arrows.

He was well aware of the difficulty of preventing prospectors from entering territories even after they had been prohibited from doing so, but he would be glad to know whether the Government had taken any cognisance of these actions.

Sir John McLAREN said that Mr. Leahy’s lecture had come to his notice while he was still occupying an official position in London. The matter had been referred to Australia for further information. He had noted that, in each case where a native had been killed, the lecturer had expressly stated that the shooting had been in self-defence. The cases referred to in paragraph 40 of the report concerned three men who had been found guilty respectively of grievous assault, abduction with intent and murder. Two of the men had been sentenced to seven years’ and ten years’ imprisonment respectively, while the third had been condemned to death and had been executed.

Lord LUGARD said he was very glad to hear that effective measures had been taken. Sir John had mentioned the creation of base camps as an effective method of control, but Lord Lugard noted that the one described in Section 28 (page 21 of the report), was in charge of a native lance-corporal. Did the Administration consider that natives were fully qualified for positions of such responsibility?

Sir John McLAREN replied in the affirmative. These men had accomplished good work. They had been very carefully selected. When the area was considered to be sufficiently safe, the native constable was allowed to have his wife with him.



M. RAPPARD drew attention to what seemed to him to be a contradiction between the report and the statements made by the accredited representative. Sir John had declared that the missions were under strict supervision, whereas in Section 295, page 95, of the report, it was said that "the Administration exercises no supervision over the missions, all of which have free access to any part of the territory not proclaimed as being uncontrolled". Did the former statement mean that there had since been a change in the state of affairs described in Section 295 ?

Sir John McLAREN said that, whilst the Administration exercised no supervision over the missions as missions, the missions were subject to the same general control and the same general regulations as all other persons.

M. RAPPARD said that, in view of the fact that the missions carried on a large number of activities—educational, medical and commercial—he had been surprised to note that the Administration exercised "no supervision" over them. He was glad, therefore, to learn that this apparently general statement was to be interpreted in a restricted sense.

Baron VAN ASBECK asked the accredited representative whether he did not think it was urgently necessary to bring under strict Government control all the districts which were not yet explored and known. At the present rate of progress, according to the figures given in the report (compare figures in Section 29 and the total area of the Territory (page 124)), it would take another forty years before the whole of the Territory was brought under close administration.

Sir John McLAREN repeated that the aim of the Administration was to extend control over the whole Territory as soon as possible. Progress had not been so rapid as the Administration itself would have liked. The reason for this had been lack of trained staff. It was in order to overcome this difficulty that the cadet system for the recruiting of the field staff had been instituted. During the present year, sixteen cadets had been appointed and another seven were to be appointed, making a total of twenty-three, so that it would be possible shortly to create new posts and accelerate the bringing of the Territory under control.

M. PALACIOS emphasised in his turn the importance of the questions which the other members of the Commission had raised in examining certain parts of the report. He also referred to the case of the murdered missionaries.

More especially did he associate himself with the anxiety which Baron van Asbeck had seemed to feel regarding the slowness of the progress being made in penetrating the unknown parts of the Territory.

Mlle. DANNEVIG asked whether later on, when further areas had been brought under control and missions and miners were allowed to enter such areas, land would be taken from the natives and whether this might not tend to create dissatisfaction among the natives ? She asked this question with particular reference to the sentence in the Commission's report to the Council on the work of its twenty-seventh session : <sup>1</sup> "The Commission hopes that these regions will not be thrown open to any private activities until the Administration has been able to study the conditions of the population and established a certain degree of public authority".

Sir John McLAREN pointed out that this observation was made at a time when the period covered by the report now under examination had practically come to an end. He felt sure that the next annual report would contain information on the point.

M. SAKENOBÉ understood Sir John McLaren to imply that the situation between natives, on the one hand, and officials and missions, on the other hand, had undergone great improvement. Was this also true of the area referred to in Section 33 of the report ?

Sir John McLAREN replied that the position had certainly improved in that area, but not sufficiently to justify the removal, as yet, of certain partial prohibitions.

In reply to M. Sakenobé, who asked for more detailed information concerning the appointment of cadets, he said that his information was to the effect that, in April 1935—that was to say, towards the end of the period covered by the present report—the creation of eleven new posts had been approved. Cadets, as soon as they had satisfactorily completed their training, were absorbed into the service as patrol officers. Since the period covered by the report, sixteen more cadets had been appointed, and another seven were about to be appointed, making twenty-three in all.

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<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 230.



M. SAKENOBÉ said he understood that the cadets generally qualified as patrol officers after two years. It was said that they were trained under experienced officers. He noted, however, in the report of the tour of the Administrator to the Sepik district (page 110 of the annual report), the statement that there was only one white man in the Vanimo district, Cadet Hepburn, with a handful of police. It seemed that this cadet had been placed in a responsible position straightaway.

Sir John McLAREN said that the position referred to was apparently not one so much of responsibility as of loneliness.

M. SAKENOBÉ said that, in this instance, the cadet did not seem to be receiving training under an experienced official. He hoped that the case was an exceptional one.

Baron VAN ASBECK asked whether it might be possible to include in the next report a map showing the different areas under partial or complete control and those which were uncontrolled (as had been done in the report for 1930-31), and also the places where District Officers with their assistants and cadets were stationed. Such a map would give a clear picture of the administration and the degree of control attained.

Sir John McLAREN said he would convey this wish to his Government.

#### ATTRIBUTION OF LAND.

Lord LUGARD, referring to Section 55 of the report, "Native Reserves", asked what was the object of creating such reserves in a country which was not destined to become a country of white settlers?

Sir John McLAREN explained that, in some cases, the land available to the natives in certain villages was not sufficient for their proper support. Where this was so, further land had been reserved for their use. In cases, for example, where land was required for the construction of a wireless station, other land was granted to natives in lieu thereof. For further information on this point, he referred the Commission to paragraph 33, page 22, of the 1929-30 report.

In reply to a further question by Lord Lugard, he said that the only claim by the Administration to the ownership of land was as the successor in title to the former regime.

M. PALACIOS shared Lord Lugard's anxiety in respect of native reserves. In paragraph 55 on page 26 of the report, it was said that the native reserves, totalling 9,668.91 hectares, had been augmented that year by 575 hectares in the Madang district. He noted, on the other hand, that, in paragraph 297, the report stated that the missions possessed 39,604 hectares of land, of which 9,586 were cultivated.

Sir John McLAREN desired to make it quite clear that the term "native reserves" referred only to special lands set aside in favour of ill-provided villages. Native-owned lands, in fact, comprised nearly all the land of the Territory.

He would ask M. Palacios to note the statement (Section 256, page 87, of the report) that "of the total area of the territory (93,000 square miles), 285,932 hectares had been alienated up to June 30th, 1935, whilst the area un-alienated amounted to 23,800,508 hectares.

#### ANTHROPOLOGICAL RESEARCH.

M. PALACIOS wished to pay a tribute to the mandatory Power for the anthropological work it was undertaking in the Territory, work which might one day provide a solid foundation of information of a sociological nature and form a reliable guide in the application of political methods. He wished, in particular, to congratulate Mr. E. W. P. Chinnery, who had published monographs that had been highly appreciated by specialists and learned societies in Europe and America. The notes published in paragraph 27, page 19, of the present report, which supplemented on this point the communications contained in the previous reports on the religious life of the natives, were extremely interesting.

#### QUESTION OF THE ORGANISATION OF THE DEPARTMENT FOR NATIVE AFFAIRS.

Baron VAN ASBECK recalled that the *Rabaul Times*, of February 15th, 1935, had contained a very interesting report of a lecture by Mr. Groves, in which he suggested that there should be two Departments for Native Affairs, one concerned with judicial matters, taxes, etc., while the other would devote its attention to sociological and anthropological problems in

connection with the welfare of the natives under the supervision of a senior officer. Had the accredited representative any information on this subject? Was any action contemplated or had the Administration expressed any opinion?

Sir John McLAREN said he had not received any information on the subject, but would ask for the inclusion in the next report of a statement as to whether any action was contemplated.

RELATIONS BETWEEN ADMINISTRATIVE OFFICERS AND THE NATIVE POPULATION : QUESTION OF LANGUAGE.

Baron VAN ASBECK, referring to the investigation in the Matupi aerodrome case, dealt with in a petition which was included in the agenda of the present session,<sup>1</sup> had been struck by the estrangement between the administrative officers and the native population, which was apparent from several passages in the report concerning investigation. He wondered whether this was due to an insufficient knowledge of the vernacular languages. It was very difficult for administrators to acquire the confidence of a population if they could not speak the language fairly fluently. There were, of course, certain native officials, but apparently only the police constables had really responsible administrative duties. He wondered whether the District Officers could not receive greater help from native officials, who would act as a connecting link. That might be another way of attaining the desiderata mentioned by Mr. Groves.

With reference to the information reported in the *Rabaul Times*, of February 15th, 1935, that cadets returned to Sydney University to follow a course of anthropology, he could not help feeling that a knowledge of the vernacular languages was as important as a knowledge of anthropology, and that, in fact, for officials on the spot, anthropological knowledge could not be utilised fully without a knowledge of the vernacular.

Sir John McLAREN said that Lord Lugard had raised a similar point in 1934, to which Mr. Chinnery had replied in considerable detail. He would therefore refer Baron van Asbeck to the Minutes of that session.<sup>2</sup>

LEGISLATION RELATING TO FOREIGN SHIPPING : SHIPPING ORDINANCE, 1936.

M. ORTS read certain extracts from the debates of the Australian House of Representatives and of the Senate concerning the adoption by the New Guinea Legislative Council of legislation imposing restrictions upon foreign shipping. The Administrator of New Guinea was said to have been expressly requested, by the Commonwealth Government, to enact legislation for regulating coastwise shipping in the Territory, and to decide that overseas vessels of any nationality should be permitted to call only at certain ports to be designated by the Administrator.

In the Senate, a senator had asked whether it was a fact that even the official members of the Legislative Council of New Guinea were unsympathetic to the new ordinance and only passed it under instructions from the Commonwealth Government. In reply, Senator Pearce had stated that this Shipping Ordinance, 1936, would not come into operation until notification of the Governor-General's pleasure in regard thereto had been published in New Guinea by the Administrator of the Territory. The Government was aware that there was certain opposition to the enactment of the ordinance and had received and considered representations against the ordinance, including a resolution passed by the Legislative Council of New Guinea in 1934. The Government was, however, of opinion that the public interest of the Commonwealth and the Territory made it necessary that action should be taken to promulgate an ordinance on the lines of the Shipping Ordinance, 1936.

Could the accredited representative state whether this ordinance had in fact been voted only by the official members under pressure of the mandatory Government and contrary to the wishes of the non-official members? Could he state what were the reasons for this action and what reasons had been advanced against it? Did this restriction apply equally to vessels of the mandatory Power?

Sir John McLAREN said he was unable to furnish any additional information on these questions. The Shipping Ordinance, 1936, had been passed long after the completion of the period covered by the present annual report.

In reply to a further question by M. Orts, he said that he was unaware of the circumstances in which the resolution referred to by Sir George Pearce had been passed by the Legislative Council of New Guinea in 1934. If it had been a proposal for legislation, the text would certainly have been brought to his notice. He would ask for further details to be supplied in the next report.

<sup>1</sup> See Annex 26.

<sup>2</sup> See Minutes of the Twenty-fifth Session of the Commission, page 43.



#### TRANSPORT BY AIR AND SEA.

M. SAKENOBÉ asked whether there were any air services in addition to those between the sea-coast and the gold-mines maintained by private companies. Were there any inter-island services and were these subsidised ?

Sir John McLAREN said that the air service, besides connecting up the sea-coast with the gold-mines, also connected up the Territory with Papua. There were no inter-island air services. These services were maintained by sea communications. This shipping had not yet received any subsidy.

M. SAKENOBÉ asked whether any special contracts had been concluded with certain companies for the aerial transport of Government officials or goods.

Sir John McLAREN replied that he had no specific information on this point. He pointed out that the Administration itself owned and used a number of small vessels.

#### EXPORTS AND IMPORTS.

M. MANCERON said he had no questions to ask but desired to draw the Commission's attention to certain facts. As compared with the figures of the previous year, there had been a very large increase in exports and an appreciable increase in imports (Section 218 of the report). The increase in the total value of trade had been £598,514. The increase in exports was mainly due to the exportation of gold, nearly all of which had gone to Australia. By far the largest amount of the trade had been carried in British bottoms. He had no comment to make on this point, but agreed that it would be interesting to have some further information concerning the Shipping Ordinance, 1936, to which M. Orts had just referred.

Sir John McLAREN, in reply to Lord Lugard, said that the Territory's imports from the United States of America were paid for in cash. The Territory's imports from the United States of America amounted to some £135,000 in value, but there were no exports from the Territory to that country.

M. SAKENOBÉ, referring to the 1926 Papua and New Guinea Bounties Act (Section 189 of the report), asked whether these bounties, which had been instituted for a ten-year period, would be continued or whether the present payment would be the last one.

Sir John McLAREN replied that the question was one for the determination of the Commonwealth Government. It was not a law of the Territory, but an Australian law that applied to both Papua and New Guinea. Its object had been to help producers over a difficult period.

#### JUDICIAL ORGANISATION.

Baron VAN ASBECK noted that, in general, there had been a decrease in the number of criminal cases, although the population had increased by 21,000. There had, however, been an astonishing increase in sexual crimes ; thus, among the cases brought before the Supreme Court, those relating to " indecent practices between males " had increased from 6 to 22, and those concerned with " being in a dwelling with intent indecently to insult a female inmate " had increased from 8 to 22 (Section 23 of the report). Was this due to the fact that, in the mining camps, large numbers of men were living alone without womenfolk, or could the accredited representative suggest any other explanation ?

Sir John McLAREN said that he was not aware of what the explanation was.

Baron VAN ASBECK noted that there was no mention in the report of cases tried in appeal : but he supposed appeals must lie from the district and native courts.

Sir John McLAREN replied that the right of appeal existed but had possibly not been exercised during the year. He would, however, ask that the information desired be given in the next report.

Mlle. DANNEVIG noted that, in district courts offences, 23 persons had been convicted of assaulting labourers, and there had also been 11 convictions for common assault (Section 24 of the report). Could the accredited representative give any explanation of what seemed to be a serious increase in those offences ?

Sir John McLAREN said that it was possible that the increase might have some relation to the increase in the number of indentured labourers, or it might be that the increase in the number of prosecutions was due to increased vigilance on the part of the authorities. He would make a note of the point.

In reply to a further question by Mlle. Dannevig, Sir John McLaren said that only judges and magistrates were empowered to order flogging.

Baron VAN ASBECK asked what could be the offence of "failure to pass dictation test" under the Immigration Ordinance (page 16 of the report).

Sir John McLAREN explained that, in the cases referred to, there had probably been an attempt to evade the law. The attempted evasion of the law would constitute the offence, not the failure to pass the test.

#### ARMS AND AMMUNITION.

M. SAKENOBE, referring to the annual registration of firearms, noted that the number of firearms registered had greatly diminished as compared with the past year : rifles from 605 to 457, revolvers and pistols from 704 to 279, and shot-guns from 1,867 to 960 (Section 77 of the report). Could the accredited representative say what had happened to the arms that had not been re-registered? Were permits issued to cover one year only?

Sir John McLAREN said he was not in possession of information to enable him to reply to M. Sakenobe's first question. With regard to his second question, the reply was in the affirmative.

#### NATIVE TAXATION.

Count DE PENHA GARCIA, after referring to the excellent financial situation of the Territory (there had been a surplus of £40,000 in the period 1934/35), noted that there seemed to be two taxes levied on natives—a head tax and a native education tax—which produced some £35,000 revenue. As the revenue of the Territory was derived mainly from gold and copra—that was to say, was, in part, the result of work done by the natives—would it not be a right and fair policy to reduce the taxation levied on them?

Sir John McLAREN said that no native education tax had been levied during the two past years, the only tax levied being the head tax. To that extent, therefore, there had been some relief from taxation. In reply to a further question by Count de Penha Garcia, he said that the "native labour tax" was levied on employers, not on the natives.

Mlle. DANNEVIG said that since the native education tax had ceased to be levied, only a sum of £3,900 was spent on native education.

Sir John McLAREN, in reply to Lord Lugard, said that the taxes on natives were levied only on males.

#### PUBLIC FINANCE.

M. RAPPARD said that the present report, like previous reports, contained a wealth of detail but very little comment (pages 76 *et seq.* of the report). It was only possible, after considerable study, to form a general picture of the situation. He felt that a little descriptive matter would greatly enhance the attractiveness of the document.

The Territory's finances were prosperous, mainly owing to the increased production and exportation of gold (Section 240 of the report), which, in turn, resulted in increased revenue. He wished, however, to ask the accredited representative whether this situation was regarded as normal and likely to continue. He had heard that there had been some suggestion in the Australian Parliament of reducing the royalty on gold. Whom was it intended to benefit by such a measure? Surely the present royalty of 5% was already very low, seeing that so much wealth was being obtained from the Territory. Did not the accredited representative feel that the population of the Territory ought to be allowed to benefit to a greater extent by such prosperity? Personally, he felt that the royalty might even, if necessary, be increased. He was particularly anxious, however, to ascertain what were the accredited representative's views regarding the possible evolution of taxation prospects in the future.

Sir John McLAREN replied that, on the evidence available, it would appear that the Administration was satisfied with the financial position of the Territory. For example, it had decided to liquidate, within the next five years, the last remaining debt due to the Commonwealth. With regard to taxation prospects in respect of gold, he would observe that gold producers in the Territory were working under more liberal conditions than in other



countries. He thought, therefore, that there was little likelihood of any reduction of the royalty on gold. He was unable to express any opinion as to the likelihood of a reduction of taxation in other directions.

M. RAPPARD, referring to footnote (c) on page 77 of the report—"Collections (of head tax) were low owing to field staff being engaged on patrols other than tax patrols"—asked whether the accredited representative did not feel that this was a rather happy-go-lucky way of collecting the tax.

Sir John McLAREN said he had no information beyond that given in the report. The collection of the tax had increased in some districts and decreased in others. In this connection, he referred M. Rappard to Section 52 of the report, which contained the statement that: "increases are partly due to collection from new villages and other villages in which recruiting has decreased. Decreases are partly due to exemptions on account of age and lack of facilities, to the movement of natives leaving and returning from indentured service, and to delay in tax patrols owing to staff being required for more urgent work."

M. RAPPARD observed, in connection with the proposal to extinguish the remaining debt to the Commonwealth (page 84 of the report), that, as this was a non-interest-bearing loan, the liquidation of the loan was of more interest to the creditor than to the debtor. There was no proposal, of course, to repay what were called non-recoverable grants?

Sir John McLAREN replied in the negative to the last question. These grants were absolute and permanent. As their title indicated, they were non-recoverable.

M. RAPPARD said he did not propose to repeat the observations he had so often made concerning the various trust funds (pages 84 to 86 of the report). Though he could understand that these funds might exist for historical reasons, he still considered that the system was uselessly complicated.

Sir John McLAREN said that this matter had been discussed in detail between M. Rappard and the Treasurer of the Administration last year.<sup>1</sup> If, as a result of those discussions, any change were to be made in the system, some indication might be expected in the report for 1935-36.

M. RAPPARD thought that the expenditure of £3,903 on native education, out of the £380,000 revenue of the Territory, was rather disproportionate. He again suggested that efforts should be made to allow the natives to share to a greater extent in the prosperity of the Territory.

Sir John McLAREN said that the Administration was seriously studying the possibility of extending the system of native education, was increasing the number of teachers and providing for the training of native teachers.

In reply to a question by Mlle. Dannevig, he said that when once an area had been declared a taxation district it remained a taxation district. The Administration did not, however, declare all districts to be taxation districts. The amounts of head tax might not, by law, exceed 10s. per head.

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## SECOND MEETING.

*Held on Thursday, May 28th, 1936, at 10.30 a.m.*

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### New Guinea : Examination of the Annual Report for 1934-35 (continuation).

Sir John McLaren came to the table of the Commission.

#### HALF-CASTES.

M. SAKENOBÉ desired that more information should be given regarding the social condition of half-castes. The table on page 98 of the report gave the number of births, marriages and deaths, and the table on page 79 showed that £146 had been spent on the upkeep of half-caste children. He would be glad if the next report could give information regarding their

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<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 21.

position and state whether the number was decreasing or increasing and what measures were taken to improve their condition.

Sir John McLAREN said he had no information other than that contained in the report. The request of M. Sakenobe would be noted.

#### ATTITUDE OF THE NATIVES TOWARDS THE WHITE POPULATION.

Mlle. DANNEVIG observed a contradiction between the Administrator's description of the friendliness of the natives, on page 108 of the report, and the difficulties encountered by the mining undertakings and the missionaries on account of the unfriendliness of the natives. Was it not the consequence of their different manner of approaching them ?

Sir John McLAREN replied that one of the explanations put forward was that the natives were usually friendly when first approached by Europeans, and that this was due to strangeness. When the strangeness wore off and the natives observed that, although the Europeans carried weapons, they did not use them, they became bolder and trouble followed.

#### CONDITIONS FOR THE PROSPECTING AND DEVELOPMENT OF THE MINES.

Lord LUGARD asked what was the meaning of the expression " the granting of tributes " referred to on page 13 of the report under the Mining Ordinance, 1935.

Sir John McLAREN replied that a tribute agreement was defined as " an agreement made by the lessee or other holder of a mining tenement with any other person to work the mining tenement upon terms providing that the lessee or other holder shall pay to or receive from that person a portion or percentage of the gold or other minerals won or of the proceeds of the sale thereof."

Lord LUGARD asked how prospecting licences were issued and whether the prospector had to furnish any evidence as to character, or any guarantee.

Sir John McLAREN replied that an applicant for a prospecting licence must complete the prescribed form ; furnish a description and sketch plan of the area concerned ; pay a fee of £5 ; and deposit an amount calculated on the number of hectares in the area at one half the rate prescribed for the annual licence fee. Before a licence was granted, the Administrator might require the applicant to furnish a guarantee in the sum of £1,000 for the observance of the Mining Ordinance and Regulations, to satisfy him that the applicant had sufficient capital for the proper prospecting of the area, and to answer any question in relation to his application or any previous or other mining activities in which the applicant had been or was engaged in the Territory. An applicant who wilfully or recklessly gave false information was guilty of an indictable offence rendering him liable to a fine of £200 or imprisonment for twelve months, or both.

Lord LUGARD asked whether, and if so how frequently, these guarantees had been called for.

Sir John McLAREN had no information on the point.

M. RAPPARD enquired regarding the duties of the wardens in the mining territories. He assumed that one of their main duties was to look after the welfare of the natives. In a territory which had been until recently unexplored, and where the natives were for the first time brought into brutal contact with European industrialised methods, he assumed that it was the wardens' duty to see that the desire for gain did not result in hardship on the natives.

He noted the statement in Section 276 of the report that two officers employed as inspectors of mines had resigned to take up private practice and that their duties had been undertaken by the warden, who had, subsequently, himself resigned to take over the management of a mining company. If such officials were tempted to abandon their duty in order to obtain better positions in a private enterprise, this might lead to the natives being left unprotected. The officials might not be replaced immediately, while, in addition, any officials entertaining the idea of entering the employment of a private enterprise might not show sufficient independence to oppose the enterprise in support of the natives.



Sir John McLAREN replied that every administration was faced by such questions, and in all spheres, Governmental and other, skilled men were subject to the inducement of other and more remunerative employment. He could not, however, conceive that an honourable and upright official would neglect his duty because of the prospect of obtaining such employment.

M. RAPPARD replied that, however upright the wardens might be, they might nevertheless not neglect opportunities of obtaining better positions. The Administration might take steps to prohibit the transfer of officials to private firms for a certain period. It could also pay them higher salaries so that they would be under no temptation to leave their positions. He asked, in conclusion, what were the duties of the wardens.

Sir John McLAREN replied that the warden had numerous duties, including duties of a judicial character, and dealt with claims and disputes in relation to mining and mining tenements. There was provision for appeals from the Warden's Court to the Central Court. The warden also had certain administrative duties.

M. RAPPARD said that the fact that the warden had judicial duties confirmed his anxiety. It was deplorable that a judicial official should be tempted to accept employment with the more powerful party and he could not help thinking that the claim of the other party might be thereby jeopardised.

Sir John McLAREN agreed that, in positions where high technical skill was required, adequate salaries should be paid. He did not agree, however, that officials were likely to be seduced from their duty. This was a matter which depended on the individuality of the official.

M. MANCERON asked if it were not possible to prevent officials who were supervising mines from accepting positions with the mines for a certain period.

Sir John McLAREN replied that he knew that something of this nature was sometimes a condition of partnerships in certain professions and businesses.

M. MANCERON thought it would be interesting to submit this suggestion to the Administration.

#### PROTECTION OF THE INTERESTS AND HEALTH OF THE NATIVES.

Lord LUGARD asked what was meant by "agents for natives" referred to on page 13 of the report. What duties did they undertake?

Sir John McLAREN said he understood this to refer to agents acting on behalf of natives for the sale of their produce, or for the purchase of goods for them.

Lord LUGARD thought that though the report gave meticulous lists of offences committed by natives, and of diseases, etc., it contained little information as to the material and moral conditions, and failed to give a picture of the year's progress as a whole.

He congratulated the mandatory Power on the measures taken in regard to native health by medical and sanitary patrols, etc.

Baron VAN ASBECK asked what staff was at the disposal of the District Officer for the purpose of protecting natives and whether there were any subdivisions of the districts administered by subaltern officers.

Sir John McLAREN replied that the district officers were assisted by one or more assistant district officers and also by patrol officers, who were recruited from the cadets.

Sometimes an assistant district officer or a patrol officer took charge of a part of the district. The entire system was described in Section 229 of the annual report for 1926-27.

Mlle. DANNEVIG asked whether the territory was not rich enough to have one man with the sole duty of looking after the welfare of the natives, a travelling inspector who could be on the spot whenever called for.

Sir John McLAREN replied that there was already a Director of Native Affairs who was at the same time an anthropologist and who devoted the whole of his time to the care of the natives in the various districts.

Mlle. DANNEVIG asked whether he had sufficient authority to influence the mining companies.

Sir John McLAREN replied that every official of the Administration was under an obligation to do all he could to conserve the interest of the natives.

No mining operations were permitted if, in the opinion of the warden, they would cause substantial damage to a native village or to any native lands, unless the natives consented thereto, and then only subject to such conditions as the warden might approve.

#### LABOUR.

Lord LUGARD said the most prominent feature of the report was the development of the gold-mining industry. It was therefore natural that many questions should be asked regarding it. He had before him an account of the trial, about a year ago, of a man under twenty-one years of age who had not only obtained permission to prospect in an uncontrolled district but had also employed forty labourers. One of the labourers had deserted and had been caught and sent back by the police, whereupon the prospector had inflicted the grossest cruelties upon him, for which he had been sentenced. Lord Lugard asked how it was possible for such a man to have forty labourers in an uncontrolled area.

Sir John McLAREN replied that he had observed from a document quoted by Lord Lugard that the case had been heard by the Supreme Court in March 1935. He could not, however, recall having received any information on the subject, but would look into it.

Lord LUGARD said that, in the previous year,<sup>1</sup> he had asked for information regarding the maximum number of labourers who might be enlisted in any specified village. Information had been promised but had not been given.

Sir John McLAREN said that the following statement had been furnished by the Administrator :

“Owing to the variable conditions of labour in the different districts and also the demographic variations in the villages, it is not considered advisable to set out definitely in terms of percentage the number of males who may be absent on indenture. Lord Lugard enquired whether it would not be better to establish a definite figure and hold the tultul responsible. The native officials of the Government should take no part in any recruiting or in restricting recruiting. Their duty is to report to the District Officer anything affecting the interests of the village group.”

Baron VAN ASBECK observed from Section 60 of the report that a number of orders had been issued to prevent over-recruiting. He noticed that, particularly in the district of Sepik, the number of men recruited in relation to the population was very high, although the percentage reached in some other districts, too, gave rise to some apprehension. He asked what was the standard of the Administration in this respect.

Sir John McLAREN replied that the Sepik was one of the largest districts in the Territory, in regard both to area and to population, whereas employment in that district was lower than in any other district. It was, therefore, not surprising that most of the men recruited within the Sepik district were recruited for work outside that district.

Baron VAN ASBECK said that it was well known that excessive recruiting was liable to undermine the social structure, as it removed too many natives from their homes. In Ruanda Urundi for, example, he thought that a limit of 15% had been adopted.

Sir John McLAREN said that it was evident that the position was being carefully watched by the Administration, as many villages in the Sepik district had been closed to general recruiting during the year.

Lord LUGARD noted in the statement on page 31 of the report that, out of 119 natives terminating their contracts, only five desired to return to their homes. He thought the employers were formerly compelled to repatriate them before re-engagement, in order that they might keep in touch with their people, but apparently this excellent rule was no longer in force.

Sir John McLAREN replied that the natives were only repatriated if they wished to return to their homes.

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<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 27.



Lord LUGARD observed from the table on page 17 of the report that 215 natives were convicted of desertion. He asked what was the penalty.

Sir John McLAREN replied that the penalty was a term of imprisonment for three months.

Mlle. DANNEVIG observed that figures were given on page 31 of the number of married women employed with their husbands on plantations, but no figures were given regarding married women accompanying their husbands and permitted to work under the provisions of Section 26 of the Native Labour Ordinance.

Sir John McLAREN could not furnish the figures, but the report stated that many wives accompanied their husbands. He would ask whether it was possible to obtain the figures.

Mlle. DANNEVIG asked at what age boys could be recruited.

Sir John McLAREN replied that the recruiting of a native under, or apparently under, the age of fourteen years was prohibited, except for employment in domestic service and then only with the permission of the District Officer.

Mlle. DANNEVIG asked whether the boys were grown up at the age of fourteen, so that they could safely be taken from their homes for a period of three years.

Sir John McLAREN said that further information upon this point might be looked for in next year's report.

Mlle. DANNEVIG noted the statement on page 29 of the report that 424 recruiting licences had been issued during the year under review, 15 of which were for professional recruiters. She asked what was required of persons wishing to become professional recruiters.

Sir John McLAREN replied that the particulars were contained in Section 29 of the present Native Labour Ordinance, and were substantially the same as those in Section 24 of the new ordinance which was to come into force on June 1st, 1936.

Mlle. DANNEVIG supposed that the development of the natives varied in different parts of the territory, and asked how long a district had to be under the control of the Administration before professional recruiting was allowed.

Sir John McLAREN replied that he knew of no time-limit in this regard. He would ask for information on the point.

Mr. WEAVER noted the enactment of a new Native Labour Ordinance in 1935. As legislation was no longer printed in the *New Guinea Gazette*, he asked if arrangements could be made to supply copies of new ordinances to the Commission.

Thanking the mandatory Power for the information about the system of indenture given in the report, Mr. Weaver asked whether the statement that "the usual procedure is for an employer to engage the services of a recruiter to whom he gives an authority to recruit so many natives . . ." (page 27 of the report) applied to professional recruiters. In the case mentioned by Lord Lugard, which was heard by the Supreme Court at Rabaul on March 8th, 1935, reference had been made in the evidence to the use by recruiters and employers of such expressions as "buying" and "selling" labourers; this led to the apprehension that there might be an element of speculation in the activities of professional recruiters in New Guinea.

Sir John McLAREN replied that professional recruiters could only recruit such definite numbers of labourers as were required by specific employers.

Mr. WEAVER asked whether labourers were permitted to re-engage more than once and whether consideration had been given to the shortening of the length of re-engagement contracts.

Sir John McLAREN replied that, as regards the number of times a labourer might re-engage, there was no provision in the law.

Mr. WEAVER thanked the mandatory Power for the information on page 124 of the report about the number of unindentured labourers, and asked that information on their conditions of labour might be given in the next report.

He also asked that information about the actual rates of wages paid to labour might be given next year.

Finally, he expressed appreciation of the enactment of an ordinance to provide compensation for loss of life or injury in the case of labourers accompanying exploring parties.

Baron VAN ASBECK noted from Section 59, third paragraph of the report, that a recruiter was not obliged to report to the District Officer of the district in which he intended to recruit. He asked how, then, the Administration could watch the degree of recruiting.

Sir John McLAREN replied that the report indicated that a recruiter had the option of reporting to the District Officer of the district in which the recruiting was to take place or to the District Officer whose station was the nearest on his way to that district. In any case, his authority to recruit would have to be produced. It could be assumed that the District Officer of the district concerned would be duly notified in a case where the recruiter did not report to him personally.

Baron VAN ASBECK requested that this point might be elucidated in the next report.

He asked, further, how the nature of the contract was explained to the native before signing. In Morobe and New Britain for instance, there had been 4,059 and 4,298 natives, respectively, who signed a contract during 1934-1935 (Section 65 of the report). It was obviously difficult for the District Officer to explain the nature of the contract to such a large number of natives. In this connection, he referred back to the problem of language, which had come up at the previous meeting.<sup>1</sup>

Sir John McLAREN replied that, in practice, the natives usually obtained from their luluais and tultuls information, in the first instance, regarding the nature of the contracts offered to them. This, together with the fact that the District Officer had the assistance of his own staff, simplified the task. Moreover, there were not 11,000 new contracts in the Morobe district each year, as a substantial number of the native labourers consisted of men who had re-engaged upon the completion of their original contracts.

Baron VAN ASBECK felt (from his own experience) some doubts whether the village authorities were proper persons to whom the important business of explaining the contracts could safely be entrusted. It might be advisable to have a special official controlling the signing of labour contracts.

He had observed from the report for the year 1933-34 that there were many cases of desertion, in which the natives, coming from undeveloped areas, had found it difficult to adapt themselves to their new environment of regular work of a new character. It was, of course, difficult to make the natives work if they did not realise their responsibilities.

He observed from Section 72 of the report that the number of inspections of native labour during the year was 350. In the previous year, the number had been 444. As the number of industrial and agricultural undertakings had grown, one would have expected the number of inspections to have likewise increased.

Sir John McLAREN said that enquiry would be made as to the reason for the fewer inspections.

Baron VAN ASBECK observed the reference in the report for 1933-34 to the natives having contracted debts. In the Netherlands Indies, it had sometimes been found that natives were encouraged to contract debts, in order to retain them for re-engagement. He asked if there were many cases of re-engagement for this reason in New Guinea.

Sir John McLAREN stated that he had never heard of any suggestion of resort having been made to such a device by employers in New Guinea. He would enquire whether it was possible to indicate the number of men who re-engaged for the various reasons assigned in the 1933-34 report.

Count DE PENHA GARCIA asked whether natives were used as porters for transport purposes, and if such use was sometimes in the nature of a punishment.

Sir John McLAREN replied that natives were used as porters to a considerable extent in difficult parts of the country where there were no roads. They were always paid for their services, and their use as porters was not in the nature of punishment.

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<sup>1</sup> See page 18.



## EDUCATION AND MISSIONS.

M. PALACIOS reminded the accredited representative that he had, in the previous year,<sup>1</sup> asked for certain information concerning rivalries between missions, the relations of the missions with natives and whites and the supervision exercised by the Government over the missions.

The present report gave some interesting information on this point, but it was always a difficult matter to obtain any clear idea of the work accomplished by the missions in the territory and of the true rôle they played. Paragraphs 294 *et seq.*, pages 95 and 96 of the report, showed that, on June 30th, 1935, twelve missions, three of which were Roman Catholic, were carrying on their activities in the territory. These paragraphs also showed that the Administration was not exercising any control over the missions, which were all free to enter any part of the territory which had not been declared "uncontrolled". The accredited representative had already expressed his opinion concerning the various incidents (some of which had been somewhat unfortunate) to which the present state of affairs seemed to have given rise.

The report further showed that the educational work of missions was mainly of a religious character, the lay teaching, particularly in the village schools, being "not of a high standard". The situation, therefore, was far from being of the nature described in the reports for the previous years, in which the possibility of entrusting all educational work to the missions was mentioned. Paragraph 109, page 37 of the present report, even said that the authorities had decided not to carry out the scheme for leaving all the native education in the Territory entirely in the hands of the religious missions. That was a complete change in the whole educational policy. Why had the decision been taken? What were the reasons for it? Who had taken it? Had it been taken by the "Special Committee", to which reference had been made in the previous year? Could some further information be given concerning the part played by that Committee?

The missions also did medical work, conducted with the help of the Administration, which provided them with medicines, etc. But they also engaged in certain secular activities, such as trading, farming, and even manufacturing, which apparently were on a very important scale.

Could the accredited representative give the Commission some additional information concerning the true rôle of the missions in the Territory, and, in view of their activities, give an indication of their real worth as a means for helping the native population along the path of progress and civilisation?

It was clear, from all the information concerning the religious customs and habits of the natives given in the report in connection with the anthropological research work, that an energetic cultural campaign was necessary to combat the effects of the backward condition of the natives and its attendant dangers.

Sir John McLAREN said he would make a note of this request. He understood that the secular education carried out by the missions was not regarded as of very great value. The change in policy was the result of the further consideration that had been given to the matter. He added that the present Administrator, by reason of his earlier experience, was an authority in educational matters.

M. PALACIOS asked who had decided to make this change. He had understood that a commission had been appointed to study the question.

Sir John McLAREN replied that he assumed that the Committee which had been studying the question had furnished its report and that the decision reached was the result of the consideration given to the report. He had, however, no further information on the subject.

M. PALACIOS asked that the information requested might be given in the next report.

Mlle. DANNEVIG said the accredited representative in the previous year had given her special reports presented by various missions<sup>1</sup>. She had, however, received it rather late and had had scarcely time to read it. This year she had received no report at all. She would be glad if the accredited representative could provide her with such a report at the beginning of the session and even allow her to keep it.

Sir John McLAREN replied that he had reports which he would place at Mlle. Dannevig's disposal, and would leave them for inclusion in the archives of the Commission.

M. RAPPARD observed from the table on page 96 of the report that there were 601 missionaries in the Territory, of whom 353 were Germans. Possibly this fact explained the Administration's change of attitude. Even if their activities were purely religious, was not this overwhelming majority somewhat startling?

Sir John McLAREN replied that the German missions had always been staffed by Germans and that permission had been given to replace retiring members.

<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 30.

M. RAPPARD said that his remarks did not imply any censure, but it was obvious that the work of the German missions must have been interrupted during the war. If the German missionaries were now in such a great majority, he imagined this must create a serious problem. Was the Administration satisfied that the activities of the Germans were inspired solely by the well-being of the inhabitants?

Sir John McLAREN replied that no information had reached him which would suggest a lack of confidence in the conduct of the German missions.

Baron VAN ASBECK asked whether the Germans had any difficulty in obtaining transfers of money from Germany.

Sir John McLAREN had not heard of any.

Mlle. DANNEVIG thought the question of education was a very important one, as the Territory was under development. She noted that, in such a rich country, only £3,903 had been spent on native education (Section 87 of the report), as against £5,379 last year, and this was again £1,000 less than in the previous year.

Sir John McLAREN replied that there had been no reduction in native education activities. There were the same number of schools and teachers, while the number of pupils had even increased. The expenditure was lower because larger amounts had been spent in the previous year on materials for construction and on repairs.

Mlle. DANNEVIG asked whether the accredited representative thought the amount was proportionate to that spent on other activities and whether it was sufficient for the natives' requirements.

Sir John McLAREN said he had not suggested this. In fact, the Administration proposed to open new schools in new localities, and to introduce a system of training native teachers to assist in the conduct of other schools.

Mlle. DANNEVIG observed that the total number of pupils in the three Government schools for natives was 160 (Section 93 of the report). There was no information regarding the teachers and the training of future teachers. It had been stated that a Committee was examining the question of education, but no report had been received. She asked when the Committee was likely to submit its report.

Sir John McLAREN replied that the Committee which had been studying the question had probably already reported. He would make enquiries.

M. RAPPARD observed that the Administration maintained three schools and subsidised one mission. It would be seen from the table on page 86 of the report that the expenditure on native education had been £18,955 in 1923-24. It had declined to £2,572 in 1934-35. This was all the more striking, as the Trust Fund was exhausted. The impression gained from these figures was that the financial effort for the education of the natives was decreasing.

Sir John McLAREN replied that the figures on page 86 represented only the expenditure out of the Native Education Trust Fund. In addition, £1,400 had been expended from general revenue.

Mlle. DANNEVIG said this slight expenditure was supplemented by the educational work of the missions. This was, however, not considered satisfactory by the Administration, as the education which they gave was religious and not secular. The missions did not ask for grants from the Administration, because they did not wish to be controlled. She did not wish the accredited representative to think that she was in favour of high literary education. She considered that the natives needed education in agriculture and similar subjects which would help them to be useful citizens.

Sir John McLAREN said the policy of the Administration was not to educate the natives beyond the capacity of the community to absorb them in useful occupations, or beyond the needs of the natives themselves in their new relations.



### THIRD MEETING.

*Held on Thursday, May 28th, 1936, at 4 p.m.*

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#### **New Guinea : Examination of the Annual Report for 1934-35 (continuation).**

Sir John McLaren came to the table of the Commission.

#### EDUCATION (*continuation*).

M. ORTS asked what proportion of the native population had reached a stage of development at which it could profit from education, and in what part of New Guinea it was to be found. This information would enable the Commission to form a clearer idea as to the adequacy of the sums spent.

Sir John McLAREN said that the more advanced and educable natives were to be found in and around Rabaul, on the island of New Britain. As to others and their numbers, it would be necessary to apply to the Administrator for information.

Mlle. DANNEVIG pointed out that there were 34,000 indentured labourers in New Guinea (page 29 of the report), many of whom must have come into contact with Europeans. There must also be a considerable number of other natives who needed education. Yet there were only 160 pupils in the Government schools (page 35). In addition, of course, there were a good many pupils in the mission schools (section 108 of the report) which, of course, were very useful, though it was said that the education given there did not reach a very high standard.

In the circumstances, she thought the Commission was justified in asking whether the total expenditure on education—£3,903—was adequate.

Sir John McLAREN said that it would be seen from Section 86 of the report that there were four Government schools in the vicinity of Rabaul and two in Maiom (near Kavieng) in the New Ireland district.

A memorandum from which he had quoted previously showed clearly that the Administrator was alive to the importance of extending educational activities and was taking steps to that end, including the introduction of a system for the training of natives as teachers.

Count DE PENHA GARCIA considered that there were two methods of educating the native. The first and most satisfactory method was to study him from the anthropological and ethnographical standpoints, taking his tribal customs and individual capacity as a basis upon which to develop and train him.

The second—already found in various colonies to be unsatisfactory—consisted in imposing upon him a European education, for which he was not fitted.

The importance of the first method was evidently appreciated in New Guinea, for the Administrator had said that a serious anthropological and ethnographical study was being made with a view to elaborating a programme and policy for the future. This evolution would naturally take time, but as, for the most part, the natives were still at a very primitive stage, it was necessary to proceed slowly.

In some territories, so-called “ rudimentary ” schools had proved satisfactory. The aim was to teach the native better agricultural methods, to give him some training in the arts and crafts which were necessary for his own use, and to teach him reading and writing and arithmetic. Such instruction should, of course, be adapted to the stage of civilisation the natives had reached : some tribes would be more ready for it than others. As regards the education of a large number of indentured labourers, it would not be easy to give them lessons after their day's work. With young people, the same problem did not arise.

He agreed with Mlle. Dannevig that a greater effort might be made to educate the natives in New Guinea suitably and that more money might be devoted to the purpose.

M. RAPPAUD said that either there must be something wrong with the statistics or some further explanation was required.

In the summary of financial transactions since the establishment of the civil administration (Section 250 of the report), the total expenditure on native education in 1934-35 was said to be £2,572. The figures in the column headed “ Native Education Trust Fund ” seemed to bear no relation to those given in the expenditure column.

In some years the figure for expenditure was higher and in others lower than the figure for receipts. Whatever the explanation, however, there had been a steady fall in expenditure on native education during the past ten years which would not seem to be normal in a territory in which the natives were so backward. Financial stringency would be the only possible explanation, but as the Territory was more prosperous than ever, there must be some other reason.

Sir John McLAREN said that the Native Education Trust Fund had become extinct with the expenditure of the sum of £2,572. As from the beginning of the present financial year, July 1st, 1935, the whole cost of native education would be a charge on general revenue.

The total expenditure on native education in 1934-35 was £3,903 (Section 87 of the report). At July 1st, 1934, the Native Education Fund was in credit to the extent of £2,572, from which expenditure for native education was paid until towards the end of March 1935, when the Fund became exhausted. The cost was then met from the revenue vote entitled "Department of Education". The amount charged against this vote was £1,331, which, with the expenditure from the Native Education Trust Fund, made up the total of £3,903.

He hoped nothing he had said would be taken as an attempt to justify a continuance of the present rate of expenditure. It was perfectly clear from the memorandum from which he had quoted several times that the Administrator fully realised the need for further development. Probably one reason why there had been no increase in expenditure was the uncertainty that had existed as to future policy. The Director of Education of Queensland had visited and reported on the Territory. His report had been referred to a committee, and when the last previous annual report was submitted, the matter was still under consideration. From the Administrator's memorandum, he assumed that the committee had now made a report, and that, as a result of the consideration of this report and of the Administrator's personal observations and advice, it had been decided to take the action now being initiated.

Baron VAN ASBECK thought the Commission would avoid generalisations as to educational policy: he presumed Count de Penha Garcia's remarks were not intended to apply to colonies with a native upper-class, whose needs and outlook differed from the needs and outlook of natives in countries with a large agrarian population.

He asked whether the authorities did not feel the need for native assistants and teachers to serve as a bridge between the Administration and the native population. Should not native pupils who had shown some aptitude be given additional education, in order that they might be able to assist the Administration in its very important task?

In conclusion, he noted that one school, and even an agricultural school—the Keravat Native Agricultural School—seemed to have disappeared, no more mention being made in the list under Section 86 of the report.

Sir John McLAREN was under the impression that this school was still in existence. Although apparently not mentioned elsewhere in the report, there was a reference to it on page 83, in the statement of expenditure on native welfare.

#### ALCOHOL AND SPIRITS : DRUGS.

Count DE PENHA GARCIA noted that the number of natives convicted of offences under the ordinance relating to intoxicating liquor had increased from 51 in 1933-34 to 85 in 1934-35 (Section 80 of the report). What was the explanation?

Imports of spirits (Section 81) were the highest for five years, having increased from 9,696 gallons in 1933-34 to 10,369 gallons in 1934-35. Was this because there was more money in the Territory or because the number of indentured labourers had increased?

Convictions for being in possession of opium had also increased, thirteen Asiatics being prosecuted and convicted (Section 85 of the report) as compared with three in the previous year. Did this indicate that the regulations should be more strictly enforced?

Sir John McLAREN said that no explanation had been furnished by the Administrator. There might be some connection between the increase in the number of offences and the increase in the number of indentured labourers, but he did not think that the increase in imports of spirits had anything to do with the matter.

Count DE PENHA GARCIA pointed out that at the twenty-seventh session it had been said that persons might be allowed to distil liquor for the use of whites.<sup>1</sup> Had the necessary precautions been taken to prevent abuses?

<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 32.



Sir John McLAREN said that, at the Commission's request, the matter had been looked into. No spirits were being distilled in the Territory. Even the brewing of beer for sale was prohibited. Some of the miners brewed it for their own consumption, but they were required first to obtain a licence to do so.

Count DE PENHA GARCIA was glad to hear that no spirits were now distilled in the Territory.

#### PUBLIC HEALTH.

Count DE PENHA GARCIA pointed out that expenditure on medical and sanitary services (Section 112 of the report) had fallen from £71,434 in 1933-34 to £66,874 in 1934-35. On the other hand, there was a considerable reduction in the number of deaths.

Sir John McLAREN could offer no explanation as to the decrease in expenditure.

Count DE PENHA GARCIA said that at the twenty-seventh session<sup>1</sup> the accredited representative had promised additional information as to infant mortality. It was stated in the present report, however, that it was very difficult to obtain reliable statistics in relation to the birth and death rates of native infants (Section 124 of the report), and that it was found better, in consequence, to rely more upon the mission statistics. Would it be possible to furnish the Commission, for purposes of comparison, with statistics for a specific area outside the districts where the missions were established?

Sir John McLAREN thought this would be quite feasible.

M. RAPPAARD drew attention to the discrepancy between the figures in Section 112 and Section 247 of the report (£66,874 and £73,580 respectively).

Sir John McLAREN said that expenditure by the Department of Public Health amounted to £66,874, but, as would be seen from Section 247, there had to be added to that sum the cost of new medical works and medical expenditure from the native welfare vote, which brought the total expenditure on public health up to the figure of £73,580.

Count DE PENHA GARCIA said that he would be glad if in the next report expenditure could be divided under the different heads—medical treatment, improved sanitation, and so on. Some of the expenditure included in the amount of £73,580 did not seem to him to be strictly health expenditure.

M. SAKENOBÉ was glad to note that the Malabunga Infant Welfare Centre was now fully established and was being made good use of by the natives (Section 124 of the report). Infant welfare work was of the highest importance and he would be glad to know whether there were other similar centres in the Territory. If so, perhaps information as to their whereabouts and organisation could be given in the next report.

Baron VAN ASBECK expressed his admiration for the work described in connection with Malabunga Infant Welfare Centre.

He asked what training was given to medical tultuls (Section 117 of the report).

Sir John McLAREN said they were trained by medical officers or assistants. They reached what was known as the "first-aid stage"—that was to say, they were able to give elementary first-aid, such as applying a splint to a broken limb, etc. They were intelligent natives taken from the villages.

M. SAKENOBÉ asked who was responsible for the new leper observation colony at Taskul (page 45 of the report). He understood that the Administration had had some difficulty in organising the Anelaua Leper Station and had therefore asked the Roman Catholic Mission of the Most Sacred Heart of Jesus to provide staff. He presumed the new observation colony was also staffed by the mission and financed by the Administration. Perhaps further information could be given in the next report.

Sir John McLAREN drew attention to the statement on page 43 that the Administration had continued to subsidise the mission in respect of "assistance rendered in the nursing service of the station". The word "assistance" was specifically used. The station was an institution of the Administration and was conducted by the Administration.

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<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 33.

#### AGRICULTURAL INSPECTIONS.

Baron VAN ASBECK, referring to Section 194, of the report asked whether advice was given to native planters, and whether the agricultural inspectors tried to improve native agricultural methods—manuring, planting and so on.

Sir John McLAREN said that Section 194 related both to European and to native cultivators. The term “village groves and gardens” was usually applied to native cultivation areas.

#### LAND TENURE : MR. BRIDGEMAN'S PETITION.

Baron VAN ASBECK said that the Matupi aerodrome incident had been fully elucidated in the observations of the mandatory Power on a petition which was on the agenda of the present session.<sup>1</sup> He had read in the *Pacific Islands Monthly* and other papers that the distress shown by the natives of Matupi in that incident was mainly due to the fact that formerly land had been “taken away” from them for a hospital.

Could it be assumed that no land was taken, except for public purposes and not without compensation, and that in the future the natives would have no cause for distress on that account?

Sir John McLAREN repeated that the object of the native reserves was to compensate natives for land alienated from them, where they would otherwise be left with insufficient land to satisfy their normal requirements. No land would be taken away without compensation, and the principle that they must have sufficient land for their needs was recognised.

Baron VAN ASBECK asked what would happen if the native owner was not willing to part with his land.

Sir John McLAREN said that no action was taken to resume any land without first conferring with the natives and ascertaining whether they were willing to part with it, and whether its resumption would leave them with sufficient land for their requirements. The Administration had power, under Section 69 of the Land Ordinance, to resume land compulsorily, for public purposes, but, in such cases, compensation had to be made.

#### DEMOGRAPHIC STATISTICS.

M. RAPPARD noted that very detailed population tables were given on pages 103 and 104 of the report. Had a new census been taken, or were the figures estimates?

Sir John McLAREN said that a census was taken in 1933 at the same time as the Australian census, a special enabling Ordinance (No. 27, of 1932) having been made for the purpose. As would be seen from Section 50 of the report, the information showing the distribution of the enumerated population had been based upon the census as amended by increases and decreases reported by officers during patrols. No new census had been taken.

M. RAPPARD said that the figures were so detailed that they would seem to imply that a further census had been taken, but as the Administration was only just beginning to grapple with the problem of control, the taking of a census would indicate a degree of pacification and administration that was hardly borne out by the facts.

Sir John McLAREN said that a census was usually taken every ten years in Australia, but in the meantime the records were adjusted year by year by means of the returns of births and deaths and migration statistics. That could not, of course, be done with an equal degree of accuracy in the case of New Guinea.

M. RAPPARD said that his attention had been called to the abnormally high proportion of indentured labourers—34,000 out of a total male population of 160,000.

Sir John McLAREN said that the question had been raised before and had been brought to the notice of the Administration. There could be no doubt that the latter was fully alive to the possible dangers.

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<sup>1</sup> See Annex 26.



CLOSE OF THE HEARING.

The CHAIRMAN thanked Sir John McLaren for his replies and explanations.

**Nauru : Examination of the Annual Report for 1935.**

The Commission opened its examination of the annual report on the administration of Nauru for the year 1935 in the presence of Sir John McLaren, accredited representative of the mandatory Power.

PUBLIC FINANCE : COPRA AND PHOSPHATES.

M. RAPPARD noted that, owing to the unusually high exports of phosphates, the financial position was very satisfactory. It would facilitate comparison, however, if details for the past two or three years, as well as the total figures, could be given in the chapter devoted to finance (pages 9 *et seq.*).

He observed that, while the exploitation of phosphates was proceeding at an increasing rate, the population had increased steadily from 1,251 in 1926 to 1,603 in 1935 (page 22 of the report). This might be due partly to prosperity and partly to the activities of the medical services. Meantime, the chief resource of the Territory was being mined at an increasing ratio. Was there any danger that, within a foreseeable period, the phosphate deposits would be exhausted and the inhabitants deprived of the means of existence? What view did the Administration take of this fundamental problem?

Sir John McLAREN said that the arrangement for the payment of purchase money to the former phosphate companies provided for the capital sum to be paid in fifty years, so that the life of the deposits would presumably be considerably longer. Land in Nauru was generally classified either as phosphate-bearing land or as coco-nut land. When phosphate land had been worked out and returned to its owners, it was classified as coco-nut land. It was possible that, in the future, the production of copra would become an industry of the island. Whether it would be sufficient to support the population, he was not in a position to say.

M. RAPPARD said that fifty years was not so very long from the point of view of the Territory. He wondered whether, even on the most optimistic estimate, the population could live on the proceeds from copra exports.

The CHAIRMAN, in M. Manceron's absence, said that phosphate exports had reached a record figure in 1934. It might well be asked whether the maximum is not nearly attained. The principal importing countries were Australia, New Zealand, Japan and Finland.

Nothing was said about copra exports, however, in either the 1934 or the 1935 report. The accredited representative had explained at the twenty-seventh session that, owing to severe drought, there had been a diminution of copra products and that the exports had never been very large.<sup>1</sup> Was it to be concluded that the same explanation held good for 1935?

According to the table on page 13, (Ships entered during the year) British ships took first place with 63 units—gross tonnage, 301,513—as compared with 15 foreign ships—gross tonnage, 63,518. A comparison of these figures with the figures given on page 14 of the 1934 report showed that there had been an increase of four British ships—tonnage, more than 40,000—and six foreign ships—tonnage, about 20,000.

Sir John McLAREN drew attention to the statement on page 37 of the report that provision was being made for a further increase in the phosphate output, as continued expansion in Australian and New Zealand requirements was likely. In the circumstances, it could not be considered that production had reached a maximum in 1935.

He had no information as to copra exports for that year, but, unfortunately, drought conditions had continued to prevail.

IMPORTS.

Sir John McLAREN stated, with regard to the table concerning imports on page 13 of the report, that the figure for the fourth item, "Coal and Coke", should be £14,219 3s. 6d., instead of £2,871 3s. 6d. The total should, accordingly, be altered to £168,595 2s. 9d.

<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 35.

#### JUDICIAL ORGANISATION.

Baron VAN ASBECK asked whether there was any special reason for the increase from 173 to 227 in the number of Nauruans against whom convictions were recorded (page 17 of the report). Had there been stricter supervision ?

Sir John McLAREN said that no doubt supervision had been stricter.

As in previous years, the returns of cases brought before the courts included a number of prosecutions for minor offences, such as non-attendance at school and failure to attend the leper clinic for treatment. These two heads accounted for 92 cases and there were stated to be many petty offences under other heads.

Baron VAN ASBECK noted, from the text of the ordinance to amend the Criminal Code of Queensland in its application to the Territory (page 34), that paragraphs 217 and 218 of the Criminal Code laying down penalties regarding the procuring of girls or women had been amended. Was the amendment due to an increase in offences of this kind ?

Sir John McLAREN said that the only reason for the amendment was to bring the Nauruan legislation into line with the Queensland legislation upon which it was based. The Queensland Criminal Code had been applied to Nauru by ordinance. The amendment was, therefore, of a consequential nature.

Count DE PENHA GARCIA said that, while he did not attach undue importance to statistics, he noted from the particulars of convictions given on page 17 that offences by Chinese had fallen from 427 in 1931 to 153 in 1935, whereas offences by Nauruans were almost the same (230 in 1931 and 227 in 1935). Were there any special reasons ?

Sir John McLAREN knew of no particular reason, but understood that there had been a general improvement in the behaviour of the indentured labourers.

#### LABOUR.

Mr. WEAVER was glad to note that the Administration had taken steps to improve the welfare of the Chinese labourers (page 21 of the report), and that a new Co-operatives Societies Ordinance had been enacted (page 32). He looked forward to reading, in a future report, some account of the progress made in applying the ordinance.

He had just noticed a reference in the 1934 report to a native of the Caroline Islands. He would be glad to hear in the next report whether the Phosphate Commissioners employed any labour other than Chinese, apart from the necessary European staff.

#### MISSIONS.

M. PALACIOS said that, in its report to the Council on the work of its twenty-seventh session,<sup>1</sup> the Commission had expressed the hope that the next report would contain information regarding missionary organisations in the Territory.

The present report contained information as to the organisation and number of the missions (page 38). There appeared to be two missionary organisations operating on the island—the London Missionary Society (Protestant) and the Mission of the Sacred Heart (Roman Catholic). These missions had been established on the island since about 1900. They held regular church services and also gave religious instruction to young people on two afternoons each week.

In addition, the Mission of the Sacred Heart had opened a school under the Compulsory Education Ordinance 1921, which had been in operation for about twelve months. The school was staffed by two qualified teaching sisters.

He asked whether the accredited representative could give further information regarding the activities of the missions and the value of their work ? Did the missions do any medical work ? Were they subsidised by the Administration and did they co-operate with it in other fields ? Had they any plantations and did they engage in any commercial activities ?

Sir John McLAREN said that the missions did not do medical work. The medical organisation of the Administration was considered to be fully equal to the needs of the population. The chief work of the missions was to impart religious instruction. No subsidy had been paid to any of the missions since 1934. Compulsory education had been introduced some years ago, and children were required to attend the Administration schools. Permission

<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 230.



had, however, been given recently to the Mission of the Sacred Heart to re-open a school formerly conducted by it. This school was called a registered school and was governed by the Compulsory Education Ordinance.

M. PALACIOS asked that the annual reports might continue to supply details regarding these matters.

#### EDUCATION.

Mlle. DANNEVIG noted that there had been a good many breaches of the Compulsory Education Ordinance (page 17 of the Report). The proportion was about 10%. Could the accredited representative give any reason for this fact?

She drew special attention to the work of the Moure Boys Junior Technical School described on page 18 of the report and asked whether the pupils had any opportunity of using their technical knowledge on leaving school.

Sir John McLAREN said that the figure for breaches of the Compulsory Education Ordinance did not necessarily imply that 47 of the 476 children in the schools had wholly failed to attend school throughout the year. The offenders had probably been irregular in their attendance.

The technical knowledge to which Mlle. Dannevig had referred would certainly provide some opening, but whether it would ultimately develop into anything substantial would depend on the quality of, and demand for, the articles produced.

#### PUBLIC HEALTH.

Count DE PENHA GARCIA noted that about 50% of the Chinese labourers had received treatment at the hospital (pages 20-21 of the report). This seemed a very high proportion.

Sir John McLAREN said the figure probably related, not to individuals, but to treatments.

Mlle. DANNEVIG noted that the general health of the Nauruans had been much less satisfactory than in recent years and that there was evidence that the shortage of natural foods, associated with prolonged drought conditions, had had a detrimental effect on the general health of the community (page 14). Could not these natural foods have been imported? Was it possible that the inhabitants of so rich an island could be without sufficient food?

M. RAPPAUD asked what was meant by natural foods.

Sir John McLAREN took the expression "shortage of natural foods" to mean a shortage of the kind of foods which the Nauruans cultivated for themselves—fresh fruit and so on. No doubt other foods had been imported and consumed in their place.

Mlle. DANNEVIG pointed out that there had been serious pre-natal under-nourishment as a result of the shortage of natural foods.

Baron VAN ASBECK asked whether, in view of the exceptional circumstances, the Administration could not have arranged to import the necessary food, by aeroplane for instance.

Mlle. DANNEVIG asked whether there were no regular communications with the island.

Sir John McLAREN said there were regular communications by sea.

The CHAIRMAN associated himself with Baron van Asbeck's remarks. He felt that some arrangement might be made to provide the Nauruans with the fresh foods they required. He was offering not a criticism but a suggestion.

Mlle. DANNEVIG noted from page 26 of the report that during an acute shortage of water some of the children had had to drink brackish water. Unless proper water and food could be ensured, the attention devoted to the health of schoolchildren would be of little value.

She also drew attention to the serious position revealed by the table on infant mortality on page 31. It would be seen that the death rate of children under twelve months per thousand live births had risen from 61.7 in 1933 to 267.4 in 1935.

Sir John McLAREN said that the rise in the death rate corresponded to the period of drought. It had lasted until December. There had then been three successive bursts of rain, giving a very heavy rainfall for the year, though the incidence was narrow and limited.

Baron VAN ASBECK asked if some arrangements could not be made to supply drinking-water or distilled water during periods of drought.

Sir John McLAREN appreciated the motive underlying the suggestions. In fairness to the Administration, however, he must point out that, in the absence of any information as to what remedial measures had been taken, it could not be admitted that there had been any culpability on the part of the Administration. He would certainly bring the matter to the notice of the authorities.

Count DE PENHA GARCIA noted that the health of the Europeans and Chinese had been very satisfactory, but that the health of the natives had been less satisfactory than in past years. There had been a considerable increase in infant mortality, as had already been pointed out, and admissions to hospital had also increased. The drought was said to be responsible. Did the increase in admissions to hospital indicate that a new hospital had been constructed ?

Sir John McLAREN said that no new hospital had been built during the year.

#### ANTIQUITIES.

Count DE PENHA GARCIA asked whether the antiquities referred to in the ordinance relating to Nauru antiquities (page 33 of the report) were objects sculptured by the natives in wood and whether there were any traces of a former civilisation. Was there a museum on the island ?

Sir John McLAREN said he had a note from the Administrator to the effect that a museum had been established at the Domaneab, a national hall erected by the Nauruans three or four years previously.

He believed there were some vestiges of a former civilisation. The purpose of the ordinance was to conserve these and any other relics that might be found. He called attention to section 2 and section 8 of the Nauru Antiquities Ordinance (page 33).

#### CLOSE OF THE HEARING.

The CHAIRMAN thanked Sir John McLaren for his co-operation.

Sir John McLAREN expressed appreciation of the courtesy and consideration shown to him by the Chairman and members of the Commission.

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#### FOURTH MEETING.

*Held on Friday, May 29th 1936, at 10.30 a.m.*

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#### **Tanganyika Territory : Examination of the Annual Report for 1935.**

Mr. Calder, of the Colonial Office, accredited representative of the mandatory Power, came to the table of the Commission.

#### WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed the accredited representative in the name of the Commission.

#### GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Mr. CALDER made the following statement :

May I first thank you, Sir, for the welcome extended to me. I have had the honour on a previous occasion of being accredited to represent His Majesty's Government at the examination by the Mandates Commission of the Tanganyika report, and am pleased to have



this further opportunity of assisting the Commission in its work. I regret that, owing to the delay in the arrival of his steamer, my colleague, Mr. Sayers, has not arrived. I hope he will be here to-morrow, and would suggest that, if any points arise on which his local knowledge would be specially valuable, they might be noted and put to him then.

I trust that the Commission will find that the report for 1935 is a very full and informative one. The year 1935 was a year of remarkable achievement in the Territory. During it, Tanganyika definitely emerged from the difficult years of economic depression. Climatic conditions were favourable practically everywhere, especially to sisal, coffee, ground-nut and grain crops, and for the first time since 1928 there was almost complete freedom from locusts. The general result was a large increase in crop production, the total exports of agricultural products approximating 150,000 tons, as compared with 100,000 tons in 1930. There were record productions of sisal (82,676 tons), coffee (18,588 tons) and cotton (56,000 bales). In the case of all the staple products except coffee, this increased production coincided with a welcome upward trend in prices—for example, sisal rose from £15 a ton at the beginning of the year to nearly £29 a ton in December.

Mineral production also showed steady progress, especially gold. Gold exports were valued at £369,742, as compared with £29,000 five years ago. Further important developments are imminent. Machinery is about to be installed for large-scale reef mining on the Saragura Concession (Kentan Gold Areas Limited), and machinery for reef mining on a smaller scale is under consideration for the Lupa.

The all-round improvement in production and trade was reflected in the financial position of the Territory. It had been anticipated that there would be a deficit of £90,000 on combined account, and, in order to conserve the cash position, His Majesty's Government agreed that the Territory should be temporarily excused payment of £100,000 in respect of interest on Exchequer loans. On his appearance before the Mandates Commission last year, Sir H. MacMichael expressed the hope that Tanganyika would, after all, be able to pay this sum (originally due in March).<sup>1</sup> This hope was fulfilled. The money was paid over in September, and no interest was charged by His Majesty's Government for this temporary accommodation. The final result of the year's working was that a surplus of £223,695 was achieved, bringing balances on combined account to £697,473.

Improvement in the financial position made it possible to dispense with the levy on salaries from November 1st, 1935. This levy had been borne by public servants for a number of years, but, as was noted in the Minutes of the twenty-seventh session of this Commission,<sup>2</sup> it seemed hard that public servants were subjected to this special tax. The budget for 1936 makes some other reductions in taxation, but still shows a small surplus, after providing for full service of debts and increased expenditure on important social services, such as education, agriculture and public health. The native administrations made steady progress in 1935, their advance being facilitated by the additional funds now available. The country has been completely quiet and is in a position to take full advantage of the return of prosperity.

It may be convenient to refer briefly to two important matters which are touched on in the present report but which will naturally be dealt with more fully in the 1936 report.

1. *Labour.* — The expansion of native and non-native agriculture and the extension of mining are raising important labour problems. The Government is alive to the need of keeping a watchful eye on developments and ensuring satisfactory conditions of labour, and is appointing a committee to undertake a comprehensive examination of the question (see paragraph 106 of the report and Appendix VII).

2. *Teale Gillman Water Report (Paragraph 49 of the Annual Report) and Professor Troup's Forestry Report (Paragraph 173).* — The matters dealt with in these reports are interrelated, and the Tanganyika Government, after careful consideration, has just been able to submit recommendations to the Secretary of State. To illustrate the magnitude and importance of the problems, I quote the following paragraph from the Governor's despatch :

“ It is, I think, clear that the essential desiderata fall under the following heads :

“ A. The implementation of the more important of Professor Troup's recommendations for the conservation, augmentation and utilisation of the Territory's forest resources.

“ B. A new water law.

“ C. A topo-hydrographic survey of the Kilimanjaro, Meru and Oldeani areas.

“ D. A reconnaissance survey of the Territory's water resources.

<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 122.

<sup>2</sup> See Minutes of the Twenty-seventh Session of the Commission, page 138.

“ All these needs are interrelated and they should be so treated, and not in isolation. Upon their proper treatment will depend to a predominating extent the future success or failure of large areas of native and non-native cultivation ; of projects for the proper distribution of population, the opening-up of new areas and the consequent slackening of pressure of population in other areas ; and of other projects for the proper utilisation of the timber of the Territory, for the conservation of forest resources and therefore of existing water resources, for the prevention of denudation, erosion and waste, and for the taking of timely steps in many directions to stem the processes, largely of human origin, which are tending to destroy the land and its water resources.”

In conclusion, I would draw the attention of the Commission to the two new maps provided with this report—both prepared by Mr. Gillman. A full explanation of these maps is given in Appendix IX, and it will be appreciated how valuable they should be in assisting planned development of the Territory. Tracings for the reproduction of the maps are entirely the work of a native draftsman trained in the Engineering Department of the Tanganyika Railways.

#### TRANSMISSION TO THE COMMISSION OF SPECIAL REPORTS.

The CHAIRMAN thanked the mandatory Power for having met the Commission's wishes<sup>1</sup> in supplying in due time the special reports referred to in the annual report. The Blue Book to which reference was made in the annual report had, however, not been received.

Mr. CALDER explained that it was almost impossible to get the Blue Book out by May, because it involved the collection of detailed statistics by every department of the Government. The authorities even found it extremely difficult to get out the other reports in time for the Commission. That was, of course, because the Tanganyika report was considered by the Commission early in the year. If the Commission could examine the Tanganyika report at a later date, matters might be easier to arrange.

The CHAIRMAN explained that it would be of the utmost use to the Commission to receive the documents to which the annual report referred.

Mr. CALDER said he quite understood the difficulty, and the Chairman's observation would be noted.

Baron VAN ASBECK said that he had only on the previous day received the publication containing the annual reports of the provincial commissioners. It was a very interesting book, in particular for the details it gave concerning native life. Would it not be possible to accelerate by one month the reception by members of the Commission of this report, possibly by forwarding it direct to members ? He was sure that the reading of these most valuable reports would save a number of questions being put.

Mr. CALDER said that every effort would be made to ensure that the report reached the members as early as possible.

#### FRONTIER BETWEEN TANGANYIKA AND RUANDA-URUNDI : TREATY OF NOVEMBER 22ND, 1934.

M. ORTS, referring to paragraph 51 of the annual report, asked whether the Anglo-Belgian Boundary Convention of November 22nd, 1934, had already been ratified.

Mr. CALDER replied that, so far as the United Kingdom Government was concerned, the necessary formalities for the ratification had been completed. All that remained to be done was to fix a convenient date for the exchange of the instruments of ratification with the Belgian Government.

#### INTERNATIONAL CONVENTIONS.

M. ORTS noted that the list of international Conventions and treaties which applied to the Territory (pages 3 to 6 of the report) did not include the London Convention for the protection of the African fauna and flora. Was it the intention of the mandatory Government that this Convention should also apply to Tanganyika ?

<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 228.



Mr. CALDER replied that, as the United Kingdom Government had convened the Conference which drew up the Convention, he did not doubt that it would in due course be applied to the Territory. He understood that the United Kingdom Government had ratified it but was waiting, in accordance with the terms of the Convention, for the required minimum number of ratifications by other countries to be attained before putting it into force. He believed that this minimum number had not yet been reached.

#### CONTACT BETWEEN FOREIGN CONSULAR OFFICERS AND THE GOVERNMENT.

M. SAKENOBE asked whether foreign consuls in the mandated territory could communicate direct with the Tanganyika Government on every question—for instance, in the matter of tariffs.

Mr. CALDER replied that, in the matter of communication with the Government, foreign consular officers in the Tanganyika Territory were on exactly the same footing as consular officers in other territories.

#### DEPARTMENTS OF GOVERNMENT.

M. PALACIOS said that, both from the statement of the accredited representative and from various passages in the report for 1935, it might be inferred that questions connected with labour were assuming great importance in the Territory. Nevertheless, in the list of official services set out in paragraph 10, page 7, of the report, there was still no reference, in connection with these services, to a special department for labour questions. His colleagues would remember—for the Commission had already studied this problem very carefully—that this department had been abolished in 1931, its duties having been taken over by the provincial services and the Secretariat having made itself responsible for the statistics of the above department. M. Palacios had thought, however, that the increasing importance of these questions had led the Administration to re-establish the department which had been abolished; at any rate, a passage on page 153 of the report for 1933 seemed to imply that, within the Secretariat, a senior official would be appointed to take charge of labour questions.

Mr. CALDER first referred M. Palacios to paragraphs 105 and 106 of the report. He added that the local government of Tanganyika was giving its most serious consideration to the best means of protecting the interests of labour.

Count DE PENHA GARCIA noted that, while most departments of Government were in Dar-es-Salaam, three were in other parts of the country. What were the reasons for this?

Mr. CALDER replied that these departments had had their headquarters situated outside Dar-es-Salaam for many years. It was for reasons of geographical convenience that the main offices of the Veterinary and Tsetse Research Departments were situated in Mpwapa and Shinyanga respectively, those of the Agricultural and Forestry Department at Morogoro and those of the Game Preservation Department at Arusha. There were, of course, certain advantages and disadvantages both ways, but on the whole the Administration thought that the former outweighed the latter.

In reply to a question by M. Rappard, he said that, of the three departments in questions none had a seat on the Executive Council and only the Department of Agriculture had a seat on the Legislative Council.

#### QUESTION OF A CLOSER ADMINISTRATIVE, CUSTOMS AND FISCAL UNION OF THE MANDATED TERRITORY OF TANGANYIKA WITH THE NEIGHBOURING BRITISH DEPENDENCIES OF KENYA AND UGANDA.

M. PALACIOS recalled that the mandatory Power, in its letter of December 19th, 1935, had sent to the Mandates Commission (Annex 3) a copy of the communication transmitted to the Governors of Kenya, of Tanganyika and of the Uganda Protectorate on the question of closer union in East Africa. This communication formed the United Kingdom Government's reply to a first memorandum drawn up on the occasion of an East African Conference—a conference having no official character—that had taken place at Arusha in March 1935, to a second memorandum drawn up by the Association of Chambers of Commerce of Eastern Africa that had met in November 1934 at Mombasa, and, lastly, to a third memorandum, submitted by the Federation of Indian Chambers of Commerce and Industry of Eastern Africa.

The first memorandum, which had been approved by a number of European associations in Kenya and Tanganyika, and by the unofficial European members of the Legislative Council of Tanganyika, strongly recommended, for economic and social reasons, the union of Kenya and Tanganyika. The second memorandum had as its thesis the establishment of a completely unified system of administration (Customs, fiscal and administrative union) for Kenya, Uganda and Tanganyika, provided that, as regards Tanganyika, the provisions of the mandate were not

infringed. The third memorandum put forward arguments to the effect that any form of closer union was not desirable.

In its reply, the mandatory Power stated that the Joint Select Committee had been of opinion that a closer union between the three territories of Kenya, Uganda and Tanganyika was inopportune for the following reasons :

- (1) The extra cost of government involved ;
- (2) The opposition of various communities in the territories and the preoccupation of the vast majority of all communities with the affairs of their particular territories ;
- (3) The present stage of economic development, particularly in regard to inadequacy of communications ;
- (4) The considerable diversity between the central and significant features of each of the three territories and the desirability, in the interests of the progress and development of East Africa as a whole, of letting each, for a considerable time to come, develop on its own lines, which may still be experimental.

In examining the question how far these reasons were still valid, the mandatory Power had come to the following conclusions :

- (a) The objection to closer union based on the ground of cost of administration had not been diminished since the Joint Select Committee had reported ;
- (b) The second objection—namely, the opposition of various communities in the territories—remained substantially valid ;
- (c) The economic development which had taken place since 1931 had not been such as to constitute yet a radical change in the situation ;
- (d) As regards the final main reason invoked by the Select Committee, it was clear that the diversities between the three territories still persisted and that, since 1931, sufficient time had not elapsed for progress and development on the experimental lines which were being followed.

The United Kingdom Government therefore concluded that the fundamental objections which had previously been raised to the proposed measures had not been radically altered by such changes as had occurred since. Moreover, the reply contained the statement that the policy of close co-operation between the three territories on the lines proposed by the Joint Select Committee would be steadily pursued.

This reply of the mandatory Power seemed to show that the latter was, in this matter, continuing to follow the policy it had followed before the Mandates Commission had dealt with the question, in particular at its 1932 and 1933 sessions, and before the statements made in the Council of the League of Nations on September 28th, 1933. All that had been said in the Council and in the Assembly seemed to be of sufficient importance to have been taken into account and even specifically mentioned in the reply to the said associations.

Mr. CALDER said that the Secretary of State had replied to the representations made to him, which had suggested that the conditions had changed since the Joint Select Committee had reported.

M. RAPPARD wondered whether the attention of the Secretary of State had been drawn to the wording in the Arusha Conference memorandum to the effect that the East African territories should be placed " under their own *sovereignty* and control ". He felt that the use of the word " *sovereignty* " gave the Secretary of State a very excellent opportunity of pointing out that such action was impossible under the terms of the mandate.

Mr. CALDER observed that at one point in the Secretary of State's reply he referred to the necessity for respecting the provisions of the mandate.

M. RAPPARD thought it was unfortunate that this aspect of the question had not been stated more explicitly.

The CHAIRMAN asked whether the United Kingdom Government thought that closer union was compatible with the mandate.

Mr. CALDER suggested that reference should be made to the clause in the mandate which dealt with this point.

The Commission *decided* to suspend the discussion on this question.



CONFERENCE OF EAST AFRICAN GOVERNORS.

M. PALACIOS said that, in its 1935 report to the Council, the Commission had stated :<sup>1</sup>

“ The Commission, while appreciating the information supplied to it with regard to the work of the Conference of East African Governors, wishes to emphasise the importance which it attaches to the discussions which concern the mandated territory, directly or indirectly.”

The present report contained (paragraphs 38 to 42) information concerning the two sessions of the Conference of Governors which met in 1935. The principal subjects discussed were : Customs tariffs, the rationalisation of the sugar industry, the control of the production of tea, the co-ordination of research and the question of the unified time. On each of these points the report gave detailed information.

Other questions had been dealt with at these two meetings, such as the conditions of services for European officers, exemption from direct taxation of persons engaged in charitable and religious work, etc. Had a decision been taken on these two points, concerning which the report gave no details ?

Mr. CALDER replied that the conditions for the services of officials was still under discussion and would be on the agenda of the forthcoming Governors' Conference to be held at Dar-es-Salaam early in June.

M. PALACIOS referred to the statement in paragraph 42 of the report that “ the members of the Conference in their capacity as a Transport Policy Board also discussed questions of rail, road, water-borne and aerial transport, etc. . . .” Would the decisions taken on these points become definitive or would they be subject to further examination by the various territorial authorities concerned ?

Mr. CALDER explained that there would be no final decision to adopt a common policy on a certain matter unless all three Governments were in agreement.

AMALGAMATION OF THE POSTAL AND TELEGRAPHIC SERVICES OF TANGANYIKA ON THE ONE HAND AND KENYA AND UGANDA ON THE OTHER : ISSUE OF A COMMON POSTAGE STAMP.

M. PALACIOS recalled that, last year, the Commission had submitted to the Council the following observation concerning the amalgamation of the postal services of Tanganyika with those of Kenya and Uganda and the issue of a common stamp :<sup>1</sup>

“ The Commission would welcome in the next report a full statement on the respective powers assigned to the central postal authority common to the three territories, and to the postal authority of the mandated territory.

“ As to the issue of a common stamp, the Commission, referring to its observations at the twenty-fifth session, would be glad to find in the next report a statement of the reasons for which the mandatory Power esteems that this issue is compatible with the fiscal interests of the territory under mandate and with the terms of the mandate.”

As regards the first question, the report contained, in paragraph 226, page 150, a statement concerning the respective powers and duties of the central postal administration common to the three territories and concerning those of the postal administration of the mandated territory.

As regards the second question, it was said, in paragraph 236, page 153, of the annual report, that a common stamp for the three territories was convenient to the public in the same manner as was a common coinage, and that this issue was a natural corollary of the unification of the Department. It was added that the revenue derived from the sale of the stamps in Tanganyika accrued to the mandated territory and that no financial loss was thereby incurred by that territory.

Could the accredited representative reply to the second part of the question raised by the Commission in the previous year concerning the reasons for which the mandatory Power considered that the issue of a common stamp was not contrary to the provisions of the mandate?

Mr. CALDER said he was not aware what particular provision of the mandate might be infringed by the issue of a common stamp.

M. PALACIOS thought that the unity of the Territory, and, consequently, its existence as an entity absolutely distinct from every other territory, was implied in the institution of the

<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 228.

mandate itself. When the question of the fusion of the postal services and other plans for the fusion of various branches of the Administration with similar services in Kenya and Uganda had been discussed<sup>1</sup>, some members of the Commission had drawn attention to the manner in which such fusion might prove contrary to the principle mentioned above. In any case, the issue of a common stamp for the three territories might have a symbolical value, such as would encourage the most advanced aspirations in the direction of closer union, including aspirations towards political union.

Mr. CALDER said that the steps referred to had been taken for purely business reasons and were not symbolic of anything.

M. PALACIOS understood, from the Tanganyika newspapers, that, in the Territory, such fusion had not been considered useful in all quarters. He believed, for instance, that the Indian population was still strongly opposed to this policy. The same might be said of certain natives.

#### MIGRATION AND DISTRIBUTION OF THE NATIVE POPULATION.

M. ORTS appreciated the great value of that part of the report dealing with this subject (pages 8 to 20). Referring to paragraph 23 and to the removal of the Mbugwe from the sterile district where they had lived to the fertile Kisingaji area, he noted that this latter area was only situated a few miles distant from the arid region previously inhabited by the Mbugwe. How was it that these people had not, of their own accord, migrated long ago to a more fertile region that was so near where they lived? Had they been prevented by the opposition of another tribe which claimed to possess rights to the same land? If so, what steps had been taken to prevent disputes with regard to those rights?

Mr. CALDER said he would prefer to leave Mr. Sayers to reply to this point.<sup>2</sup>

M. ORTS, referring to the despatch from the Governor quoted by the accredited representative in his opening statement, and to the Governor's particular reference to "projects for the proper distribution of population, the opening of new areas and the consequent slackening of pressure of the population in other areas", asked whether this meant a vast plan with a view to a more logical distribution of the population, taking into account the resources and possibilities of the various regions. Did such a plan contemplate measures of constraint if necessary?

Mr. CALDER assured M. Orts that, for the moment, no large schemes were under contemplation, although it was the aim of the Administration to achieve, in the long run, a more logical distribution of the population, particularly as regarded overcrowded and eroded areas. In every case, with one sole exception, the Government had in view only voluntary migration. The exception to which he referred was the concentration of certain populations on account of the tsetse menace<sup>2</sup>. Any schemes such as that described in paragraph 23 of the report would only be carried out with the consent of the population concerned. Generally speaking, the people were prepared to fall in with good advice after matters had been carefully explained to them.

M. ORTS said that, if these measures were taken for the manifest benefit of the population, he personally would be the last to object to compulsion.

#### NATIVE ADMINISTRATION : ORGANISATION OF DETRIBALISED AREAS      EMPLOYMENT OF EDUCATED NATIVES IN THE ADMINISTRATION OF NATIVE AFFAIRS : NATIVE TREASURIES.

M. ORTS thanked the mandatory Power for the very interesting information it had given in the report concerning the administration of detribalised areas (paragraph 26). In one phrase, it was said that "it could not be expected that a Ndewa (Dar-es-Salaam district) could hold his position, founded as it was upon the popular will, if he showed too much vigour in doing unpopular things", such as tax collection. Tanganyika was undoubtedly not the only country in which elected representatives hesitated to take unpopular measures. Was it not a rather unsatisfactory aspect of this new system that the Government needed to intervene in order to ensure the collection of taxes? Did not this circumstance tend to weaken the authority of the local authorities?

Mr. CALDER pointed out that it was necessary to go slowly in the early stages of the new method. These Ndewas were being trained gradually. Tax-collecting would be the last stage of this training, which he hoped would eventually be reached.

In reply to a further question by M. Orts, he said that the Ndewas were, in fact, native headmen in receipt of a salary.

M. ORTS, referring to the methods adopted in the Tanga district (page 16 of the report)—namely, the appointment of principal or "superior" headmen as native authorities—asked whether the ultimate aim was indirect administration when these superior headmen had become established.

<sup>1</sup> See Minutes of the Twenty-third Session of the Commission, pages 14, 35-42, 45-52, 64-75, 77-81, 120-124.

<sup>2</sup> See page 59.



Mr. CALDER said that the words "indirect administration" could be interpreted in different ways. The aim of the Administration was to entrust as many duties to native officials as possible and increase the number of those duties when these officials were capable of undertaking further tasks. The present policy was the only one possible in the detribalised areas in question.

M. ORTS said he understood that the aim in this case was not to restore a former native authority, but to provide future native officials.

Mr. CALDER thought that this was too categorical a statement to apply to all instances. The two methods might shade one into another. In one detribalised area, the Administration might recognise the authority of a headman who was already invested with some powers by native custom, whereas, in another detribalised area, the only possible course might be to select some capable native and invest him with authority.

Baron VAN ASBECK had the impression that two systems of indirect rule were followed—one on a more or less tribal, and the other on a territorial basis. In the latter case, which perhaps presented itself in areas with a mixed population and many detribalised individuals, certain persons who had come to the fore were invested with authority; but they were not necessarily officials.

Mr. CALDER said that that was the impression he had endeavoured to convey.

M. ORTS thanked the mandatory Power for having supplied the information requested by the Commission during its twenty-seventh session<sup>1</sup> with regard to the number of educated natives and their influence (paragraph 27 and Appendix II of the report).

He was glad to note that the situation of the native treasuries had greatly improved (paragraph 35 of the report) and that the Dar-es-Salaam Native Treasury in particular had no longer required assistance; it showed a surplus of over £1,000 (paragraph 37).

Baron VAN ASBECK associated himself with M. Orts' praise of the report; in particular, the information contained therein concerning detribalised areas and the educated classes. What was the position of African officials with regard to the tribal organisation?

Mr. CALDER said there were about 6,000 African Government employees. Most of these were employed in the towns and were thus comparatively free of tribal influence. While a Government native employee in a tribal area might be technically subject to tribal custom, he was sure that the District Commissioner would not allow such custom to interfere with the actions of an African official in fulfilment of his official duties.

Baron VAN ASBECK, referring to the legislation introduced in 1935 (paragraph 13 of the report) to provide for the assumption of the duties of a native authority by an administrative officer in certain events—*e.g.*, the succession of a minor chief, etc.—suggested that this was not necessarily a matter of minor importance. Had any noteworthy cases occurred?

Mr. CALDER had no knowledge of any important cases of this nature. The legislation was enacted to provide for contingencies which might arise.

Mlle. DANNEVIG, referring to Mr. Calder's statement that there were 6,000 native employees of Government, asked whether the Government was reluctant to increase the numbers of educated natives. Did it fear that they might cause trouble?

Mr. CALDER regretted that any member of the Commission should have received the erroneous impression that the Government was unwilling to increase the number of educated natives. The Administration did feel, however, that it was preferable to train them on vocational lines rather than on purely literary lines. Vocational training would enable them to find employment later on, but the same could not be said of purely literary training. Of course, even in vocational training, a minimum groundwork of literary education was also provided.

Count DE PENHA GARCIA, referring to the sentence in paragraph 13: "the new Section (of the Native Authority Ordinance as amended) also prescribes the language in which rules

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<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 144.

can be made and provides for the contingency of a conflict between the English and the vernacular texts", asked whether difficulties had already occurred or whether this phrase was merely precautionary.

Mr. CALDER said that the answer to this question, as well as to another one put by Baron van Asbeck concerning housing conditions in Dar-es-Salaam, might be reserved for Mr. Sayers.<sup>1</sup>

#### LAND TENURE.

Lord LUGARD asked for information concerning the "freeholding" of German leaseholders.

Mr. CALDER said that under the former German leasehold system in the Territory there were provisions enabling settlers to convert their leaseholds into freeholds within a certain period. Some of the leaseholders in question had asked that, in view of recent difficult economic conditions, the period for conversion should be extended.

#### APPLICATION OF THE IDENTIFICATION ORDINANCE.

Lord LUGARD, referring to the "Identification Ordinance", (paragraph 91 of the report), asked whether the "letters of identification" were issued to all travellers, including tourists, or only to native travellers.

Mr. CALDER explained that these letters were issued only to persons travelling who otherwise would not be in possession of papers, in order that they might have some document to allow the authorities to know who they were and from what district they came. These letters differed from the documents required under the Pass Law of South Africa. Natives travelling in their own districts were not required to be in possession of these letters. Only when natives undertook long journeys were they required to possess them, and that, mainly in their own interests, for the purpose of facilitating identification, etc.

Lord LUGARD asked whether these papers would be of use in identifying deserters, this being the main object of similar laws elsewhere.

Mr. CALDER replied that it was certainly not the main object in this case, but it might serve such a purpose subsidiarily.

#### CONTROLLED AGENCIES.

In reply to a question by Lord Lugard, Mr. CALDER said that no new "controlled agencies" had been created. The meat factory at Mwanga, now in liquidation, had been conducted as an experiment in canning the meat of native live-stock, but it had not been a controlled agency in the sense of having been given a monopoly.

#### CASE OF BARON VON BULTZINGSLOWEN.

Lord LUGARD asked what were the circumstances in which the order of the court that Wulff Maximilian Heinrich, Baron von Bultzingslowen, should be deported had been set aside by the Governor.

Mr. CALDER said that the court had not sentenced the Baron to deportation; it had sentenced him to imprisonment and had recommended the Governor to consider his deportation. The Governor, after reviewing all the circumstances, had decided not to accept the recommendation for deportation. The Governor had sent a report to the Secretary of State explaining his reasons.

#### FIFTH MEETING.

*Held on Friday, May 29th, 1936, at 4 p.m.*

#### **Tanganyika Territory : Examination of the Annual Report for 1935 (continuation).**

Mr. Calder came to the table of the Commission.

#### PUBLIC FINANCE : TAXATION : PETITIONS FROM MR. FORTIE.

M. RAPPAUD complimented the mandatory Power on the clear drafting of this section of the report (pages 39 *et seq.*). The financial position of the Territory also seemed to be very satisfactory and revenue had considerably increased. The situation was, however, dominated

<sup>1</sup> See page 59.



by the enormous burden of public debt, due to the constant deficit on the railways (page 40). Even at the present time, when prosperity was growing, the deficit increased from year to year. The Territory was, moreover, paying very heavily for this debt, since the loans issued in 1928 and 1931 were at the rate of about 5%. This rate appeared to be excessive in view of the fact that the loans were guaranteed by the Imperial Government. He would like to know whether any steps were being taken to rid the Territory of this burden of loan.

Mr. CALDER thought there was a misunderstanding. Though there was a deficit on the railways, this was more than covered by the surplus from other departments. The Territory's indebtedness was not increased by the railway deficits.

M. RAPPARD referred to the table on page 43 of the report, which showed that the charges on account of public debt had increased each year since 1933, and that the estimate for 1936 showed a further increase and amounted to £137,458—that was to say, 7.22% of the total expenditure.

Mr. CALDER replied that the debt charges had increased in the last two years because sinking-fund instalments had become payable (see paragraph 62 of the report). There had also been additional loans from the Colonial Development Fund, as explained in paragraph 63.

With regard to the interest rates on the guaranteed loans, there was no possibility of making any change before the earliest dates for redemption—namely, 1948 and 1951 respectively.

M. RAPPARD did not wish to express any criticism, but thought it was regrettable that the burden of debt was increasing at a time of comparative prosperity. This state of affairs ought not to continue, and he asked what policy the Government proposed to adopt in future.

Mr. CALDER replied that the Government did not consider the railway position as unsatisfactory. The railway received only the actual traffic receipts, but it contributed to the general development of the Territory and increased Government revenue. There was, therefore, some justification for the view that the general revenue should contribute to the interest and sinking-fund charges on the railway loans.

M. RAPPARD referred to the item of expenditure on page 44 : " King's African Rifles, estimate for 1936, £84,698 ". Against this was a footnote : " Military expenditure borne by Nyasaland and Somaliland Governments, £17,308 ", which was added to the total expenditure.

Mr. CALDER explained that the total military expenditure was the sum of these two figures. The amount of £17,308 had been added to the expenditure and had, at the same time, been added to the revenue under the item " Reimbursements ".

M. RAPPARD asked for details of the item of expenditure : " Subventions, £27,567 ".

Mr. CALDER replied that this represented contributions to associations whose activities were not limited to Tanganyika only—for example, the Amani Institute, the Governors' Conference, the Trade Office in London and various research bureaux.

M. RAPPARD noted that the question of imposing an income tax had been abandoned for various reasons. He was not entirely convinced by the reasons given in the report (page 52), and asked whether the decision was final.

Mr. CALDER replied that one reason was that it had been concluded that the extra staff required for collecting the tax would be disproportionate to the revenue obtainable.

M. RAPPARD thought the cost of collecting would not be very great as compared with the native tax levied on hundreds of thousands of persons.

Lord LUGARD also asked why the cost should be heavier than that of levying the graduated poll tax.

Mr. CALDER said a further reason was that it had been decided not to impose the tax in adjoining territories. If income tax were levied in Tanganyika and not in the neighbouring territories, this would deter capital from coming into the Territory and cause firms to establish themselves in other territories.

M. RAPPARD expressed the hope that the matter was not finally settled.

He observed that the taxes on cotton, coffee and sisal were earmarked for the benefit of the industries concerned (page 53 of the report). Was the yield of these taxes not included in the budget ?

Mr. CALDER replied that these taxes were included in revenue in the budget in 1936 and certain amounts were paid out under expenditure to associations carrying on research in these industries.

M. SAKENOBÉ asked whether these taxes were paid into a special fund (Sisal Tax Fund) referred to on page 134 of the report.

Mr. CALDER replied that in this quotation the word " fund " was used loosely. A separate account was kept and amounts were allocated for research purposes on the application of the associations and with the approval of the Government. These amounts were voted each year in the budget by the Legislative Council.

M. SAKENOBÉ asked whether the tax was to be abolished as soon as the industries were well established.

Mr. CALDER replied that the intention was that these taxes should be discontinued when the industries no longer desired them.

M. RAPPARD understood that duties on goods imported through Kenya were levied in Kenya and credited to Tanganyika. He asked whether any goods were imported into Kenya and afterwards purchased by Tanganyika. For instance, he observed on page 55 that imports from Kenya and Uganda included, not only such commodities as sugar, wheat, etc., but also aluminium hollow-ware. Was this produced in Kenya ?

Mr. CALDER assumed from the context that it was.

M. RAPPARD thought this point should be watched, since, if such industries developed, excessive advantage would be given to the neighbouring territories.

Mr. CALDER replied that this matter was dealt with in the first paragraph on page 21 of the report.

Lord LUGARD desired further information regarding the non-native poll tax referred to at the end of paragraph 67. The principle had formerly been laid down that each race was responsible for any excess in the cost of the education of its own children, and an education rate of £1 had been fixed for Europeans. This had been abandoned and a graduated poll tax introduced. It was now stated that provision for non-native education was to be made out of general revenue. It would thus appear that the principle that each race should be responsible for the education of its own children had been abandoned. Was that the case ?

Mr. CALDER said the education tax had been, in reality, a non-graduated poll tax. The Government still raised at least the same amount of taxation for educational purposes as under the education tax.

Mlle. DANNEVIG had heard that the Indians were dissatisfied with the abolition of the education tax and complained that they could not obtain adequate education for their children.

Mr. CALDER replied that there had been some dissatisfaction, but the Government had undertaken that, when the balance of the education tax had been used up, it would make a grant for the purpose (see paragraph 139).

Baron VAN ASBECK assumed that the poll tax was paid into general revenue, while the education tax had been devoted solely to education.

Mlle. DANNEVIG asked if it was considered fair to provide education at the rate of £1 per head of European population and 3d. per head of native population. She was specially concerned about children in the parts of the Territory where they were coming in contact with Europeans.

Mr. CALDER thought the proportion was just, since European education was more expensive than Indian, and Indian more expensive than African.

Mlle. DANNEVIG asked if the proportion was just, as compared with the amount of tax paid by each section of the population.



Mr. CALDER said it was very difficult to establish the proportion paid in direct and indirect taxation by the different communities in the Territory.

M. RAPPARD observed that the house tax had been discontinued. In view of the small amount paid by non-natives in direct taxation, he wondered whether this did not imply a certain pressure upon the Administration from the non-native population.

Mr. CALDER said the house tax had been discontinued for various reasons, but principally on account of the difficulty of assessment. It was payable by householders of all races, though naturally they were mostly European and Indian.

Baron VAN ASBECK, referring to Mr. Fortie's petitions, which were on the agenda of the present session of the Commission, asked what was the scale of the graduated native tax and whether it was proportional or progressive.

Mr. CALDER replied that the graduated tax had not yet been introduced. The principle was that the natives should pay in proportion to their wealth, but no system had yet been devised for this purpose. He was unable to state the percentage of the wealth payable by the natives, as the amount would vary according to each individual.

Baron VAN ASBECK hoped that more information on the subject would be given in the next report.

#### CO-OPERATIVE SOCIETIES.

M. PALACIOS said that in paragraph 50, page 36, of the report, reference was made to co-operative societies, which seemed to show signs of developing in the Territory, seeing that an expert was giving them advice and the Government was paying them a subsidy of £5,000 a year. He would like to know whether those co-operatives—as seemed to be the case—were agricultural selling syndicates and whether their membership consisted solely of natives.

Mr. CALDER explained that these were native co-operative societies which had received this grant in order to assist them in the early stages of their work.

#### TRANSPORT BY ROAD AND RAIL.

The CHAIRMAN, in the absence of M. Manceron, referring to paragraph 219 of the report, regarding road and rail competition, asked whether it was possible to give more detailed information on the recommendations submitted.

Mr. CALDER replied that one recommendation was that the problem should be dealt with from an inter-territorial point of view and that an expert should be sent out to look into the question. There was to be a meeting of all three Governors this month, at which final recommendations would be made.

M. ORTS asked whether there really was any competition between road and rail. In Tanganyika, it appeared to him that the roads ran mostly from north to south and would, therefore, feed the railway, which ran east to west. It was difficult to understand why roads should be constructed at great expense which would compete with a railway of which the operating losses already constituted a serious burden on the budget of the Territory.

Mr. CALDER replied that the roads had obviously not been built in order to compete with rail traffic, but that a certain competition nevertheless existed. The Government had dealt with the matter two years ago by legislation under which road traffic was restricted, but further enquiry was desirable.

#### AGRICULTURAL DEVELOPMENT : EXPORTS : PETITIONS FROM MR. FORTIE (*continuation*).

M. SAKENOBÉ observed that the year had been very satisfactory for all kinds of crops, in particular sisal, cotton and ground-nuts. The resources of the natives in some districts must have reached a high level and he was interested to ascertain how they spent their surplus earnings. Had the Government taken any measures to induce the natives to raise their standard of living and to purchase improved agricultural tools?

Mr. CALDER replied that it was difficult for the Government to take special measures for this purpose. The provincial commissioners gave advice to the natives, but frequently found that the natives were wasting their resources on useless articles.

M. SAKENOBÉ understood that great progress had been made in cattle-breeding and observed from the table on page 63 of the report that there was a large export of sheepskins and goatskins. There was, however, no mention of butter, cheese, meat, etc.

Mr. CALDER replied that, owing to the development of mining, sisal plantations, etc., there were local markets for all meat and butter, and there were also imports of butter from Kenya and Uganda.

M. SAKENOBÉ observed from page 11 of the report that considerable advance was made in the development of the trade in gum arabic, but that no great quantities of gum were marketed during the year, as the instructors and graders were not able to start work until the end of the season. The special trade report for 1935, however, stated on page 21 that the gum-arabic production had been discouraged by agricultural production. What was the correct explanation?

Mr. CALDER replied that the statement on page 11 of the annual report meant that considerable progress had been made in the preparations for the following year.

M. RAPPARD had been struck by the increase of 30% in the crops. The entire quantity had, however, been consumed in the Territory. Did this imply that the population had been previously underfed?

Mr. CALDER replied that, when the country was prosperous, the natives obtained more and better diet, while in bad times their food supply was restricted. In bad times, many tribes were undernourished.

M. SAKENOBÉ noted (page 62) that nearly one-quarter of the cotton crop was sold to India and that the exports to that country were nearly double those of the previous year. The tables on pages 60 to 63 showed that the exports of cotton to India were more than half the total exports. He could not reconcile these two statements. He observed, moreover, that, considering the fact that British India was one of the biggest cotton-producing countries in the world, the export of cotton to India in such a large quantity was difficult to understand.

Mr. CALDER could not explain the discrepancy.

Baron VAN ASBECK referred again to the petitions from Mr. Fortie, which stated that there was an overproduction of economic crops, which was detrimental to the food crops. No doubt the mandatory Power was correct in stating that there was no danger, but he would like to know—if it were possible to give the information—approximately the percentage which the native economic crops formed of the total.

Mr. CALDER said that, from the table in paragraph 76, it would be possible to make an estimate. The cotton, ground-nuts, hides and grains could be taken as native production; the sisal, as non-native. The coffee was grown by both sections of the population.

#### TRADE RELATIONS OF TANGANYIKA WITH KENYA AND UGANDA.

Lord LUGARD observed from the first paragraph on page 21 that the Conference of East African Governors considered that, "in certain very exceptional circumstances, factors quite separate from any normal considerations of trade or revenue might arise which would justify a departure from the principle of free trade as between the three territories". He asked what were the considerations referred to? They obviously were not the new industries, which were mentioned in the following paragraph.

Mr. CALDER replied that the first paragraph referred to decisions in very exceptional circumstances to establish industries, in spite of the fact that the goods to be manufactured were already received from the other territories. The second paragraph merely stated that obstacles should not be placed in the way of the development of an industry in one territory merely because it would threaten the interests of industries existing in the other territories.

M. SAKENOBÉ observed that the report said that all the sugar was imported from Kenya, but there were three sugar factories in the Territory. He supposed these were refineries.

Mr. CALDER replied in the affirmative.



## JUDICIAL ORGANISATION.

Baron VAN ASBECK noted the statement on page 17 of the report that the records of the native courts were carefully scrutinised by the Administrative officers. He thought there might be some difficulty in scrutinising all the records and asked whether there had been no complaints on this score.

Mr. CALDER said that he was not aware of any.

Baron VAN ASBECK asked whether the courts exercising extended jurisdiction sometimes had a magistrate without assessors and sometimes magistrates with two or more assessors.

Mr. CALDER replied that it was considered desirable that all courts trying important cases should have assessors. This applied to all courts exercising extended jurisdiction. The assessors were natives and it was unlikely that they had any legal training.

Baron VAN ASBECK asked how the changes in legal procedure referred to in paragraph 84 had been received and how they were working.

Mr. CALDER replied that they had been well received and were working satisfactorily.

Baron VAN ASBECK, referring to the despatch of the Secretary of State for the Colonies on the reform of criminal jurisdiction (pages 20 and 68 of the report), asked whether the newly extended magisterial functions of administrative officials did not throw a heavy burden on them. Was there no means of employing native magistrates? He saw from remarks on page 70 that such magistrates existed. Would it not be in accordance with the avowed aims of the Government to make use of these native officials?

Mr. CALDER replied that the bulk of the litigation came before the native courts. The administrative officers only dealt with more difficult cases, appeals, cases involving different races, etc.

Mlle. DANNEVIG noticed that 418 Europeans and 4,993 natives had been convicted (page 71 of the report). The proportion of Europeans was far higher than that of the natives in relation to the population. What was the explanation?

Mr. CALDER replied that these figures excluded the convictions in the native courts.

Baron VAN ASBECK observed from page 18 that a second travelling court had been set up. He would be glad to learn whether this court had proved satisfactory.

Mr. CALDER said this question would be noted for the next report.

Lord LUGARD noticed (page 17) that a group of youths acquitted in the High Court of a particularly repulsive murder had subsequently confessed to the crime in a native court. Was it customary for offenders to be tried in the native courts after being acquitted by the High Court?

Mr. CALDER replied that in this case the accused, having escaped capital conviction in the High Court, had been sued for damages in the native court by the relatives of the deceased.

Baron VAN ASBECK asked whether the reformatory for juvenile offenders had been completed (page 71).

Mr. CALDER was not certain whether the reformatory was actually open, but, if not, it would be at an early date.

## PRISONS.

M. SAKENOBE noticed that there were forty-nine prisons in the Territory (page 71), and asked whether any of them were under the native authorities.

Mr. CALDER did not think any of the native authorities were allowed to maintain prisons.

#### POLICE.

Baron VAN ASBECK had read in *The Times* of February 10th, 1936, that a hundred armed native police had been sent from Dar-es-Salaam to Zanzibar to help to patrol the town during the troubles which had taken place at that time. Were there other occasions on which native police forces were used outside the mandated territory? Would the expense in this particular case be charged to the Administration of Zanzibar?

Mr. CALDER replied that in cases of emergency one territory was always willing to help another. The expenses would be charged to the Administration of Zanzibar.

#### DEFENCE OF THE TERRITORY: QUESTION OF THE FORTIFICATION OF THE PORT OF MOMBASA (KENYA).

M. SAKENOBÉ noted, from the table on page 44 of the report, that the revised estimates for 1935 for the King's African Rifles were £81,400, and that the estimate for 1936 amounted to £84,698. What was the reason for this increase?

It had been stated in *The Times* of January 7th, 1936, that it had been decided to make Mombasa a defended port, and that the East African Governments would share the cost. Was it contemplated to charge a part of the cost to the budget of the mandated territory?

Mr. CALDER replied that the increase in expenditure was due to various small items, such as the introduction of a portable wireless set, annuities to time-expired men, etc. There had been no major changes.

With regard to Mombasa, no definite decision had been taken as to the cost of the defence measures or how the amount would be apportioned. It should be borne in mind that Mombasa was the port for a great part of the import and export trade of Tanganyika. In reply to a question as to whether next year's report would contain the information, he replied that he would inform the Government that the Commission desired to receive this information.

M. SAKENOBÉ observed that experiments with a mobile field telephone had been carried out with a view to obtaining more rapid inter-communication in bush country (page 76). Were all the detachments equipped in this manner?

Mr. CALDER replied that only two or three sets had been procured as an experiment.

#### ARMS AND AMMUNITION.

M. SAKENOBÉ noted the statement on page 77 of the report that the Arms and Ammunition Ordinance had worked well. The figures for sporting ammunition and sporting guns and rifles showed an increase of 83,919 and 87 respectively; efforts were being made to reduce the number of pistols and revolvers imported into the Territory. What was the reason for these increases, and what steps were being taken to reduce imports?

Mr. CALDER replied that the restriction of the importation of arms into East Africa was one of the subjects discussed at the Governors' Conference. It was obvious that any restrictions introduced must apply to all three territories. No definite steps had yet been taken.

#### SOCIAL DEVELOPMENT OF THE NATIVES.

Lord LUGARD desired to express his appreciation of the statements in the report on social conditions. He was particularly glad to note that further federations of chiefs had taken place since the last report (page 13).

#### ANTHROPOLOGICAL INVESTIGATIONS: GORDON BROWN REPORT.

M. ORTS said that at last year's session the Commission was promised a report by the anthropologist, Dr. Gordon Brown.<sup>1</sup> The *Journal of the Institute of African Affairs* had been received containing a report by Dr. Brown. He asked if this was the report in question.

Mr. CALDER replied in the affirmative.

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<sup>1</sup> See Minutes of the Twenty-seventh Session, page 134.



TSETSE-FLY CAMPAIGN.

Mlle. DANNEVIG noted the statements on page 27 of the report that in certain sections of the Territory the entire population had turned out for ten days to combat the tsetse fly. She asked whether this work was voluntary or compulsory and whether the men were paid. If, as she thought, it was voluntary and unpaid, she was full of admiration for the social communal feeling of these natives.

Mr. CALDER replied that the work was voluntary on the part of the tribes, who had learnt the value of combating the tsetse fly. In some cases, all able-bodied men took part in the campaign and, in other cases, the men went out in rotation.

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SIXTH MEETING.

*Held on Saturday, May 30th, 1936, at 10.15 a.m.*

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**Tanganyika Territory : Examination of the Annual Report for 1935 (continuation).**

Mr. Calder and Mr. Sayers, Deputy Chief Secretary of Tanganyika, came to the table of the Commission.

WELCOME TO MR. SAYERS.

The CHAIRMAN welcomed Mr. Sayers and congratulated the Government of Tanganyika on the excellence of the annual report.

LABOUR.

Lord LUGARD noted that it was proposed to set up a Commission to consider the whole question of labour supply (pages 82 and 182 of the report). Had the accredited representative any further information to give on this point ?

Mr. SAYERS said that the problem was not so much one of a general shortage of labour as of the allocation of labour between the basic industries and the new gold-mines working on a large scale. There was some danger that the latter might enter into competition with non-native agriculturists in the matter of recruited labour, or might even offer sufficient inducements to persuade native growers to abandon their farming for wage-earning.

Mr. WEAVER felt some apprehension at the expression "allocation of labour" just employed by Mr. Sayers and also used in the report (page 82). In view of the desirability of maintaining the principle of free choice, he wished to be assured that no action was under contemplation that would in any way amount to pressure on natives to become wage-earners.

Baron VAN ASBECK entirely associated himself with this observation. He wished especially to draw attention to the following sentence on page 79 of the report, to be found in the statement of the Provincial Commissioner of the Lake Province :

" We have seen hundreds of former wage-earners develop into successful agriculturists. We have now to face the question of the desirability of reversing the process."

Was not one of the important elements of the whole problem the standard of wages (see paragraphs 98 and 103, also page 184, No. 4, of the report, which seemed to contradict the above statement) ?

Mr. SAYERS drew attention to the four principles set out in paragraph 6 on page 184 of the report—namely, no compulsion ; growing of adequate food crops essential ; avoidance of too great an exodus of males from any given area ; and freedom of choice—and to the sentence in paragraph 9 on the same page worded as follows :

" It is desirable in their own interests and that of the Territory that as many of the population as are able to work should be employed in work, and, on the other hand, the principle of freedom of choice must be observed in respect of the particular type of work to be performed by the labourer."

It should, however, be remembered that in some cases the natives experienced difficulty in obtaining cash. Where, for example, the opening of mines provided an avenue of employment the only alternative to which was the inadequate cultivation of crops in unsuitable areas, it might well be desirable to discourage the natives from continuing in unremunerative agricultural pursuits. Referring to the sentence in the report of the Lake Provincial Commissioner quoted by Baron van Asbeck, he said that a more accurate interpretation was: " we have now to face a demand on the part of the public that this process be reversed ".

Lord LUGARD asked whether markets had been organised for native products in order to enable the natives to procure cash.

Mr. SAYERS said that there were extensive marketing organisations in the Lake and other provinces, and the Comptroller of Customs was continually on the alert to discover outlets for native produce.

Mr. WEAVER appreciated the accredited representative's reply. The important point would be the angle from which the proposed Commission approached the subject of labour supply. What would be the composition of this Commission ? In particular, would the interests of the natives be represented ?

Mr. SAYERS said that the Commission was about to be appointed when he had left Tanganyika. It would undoubtedly be composed of representatives of various industries and at least one experienced Provincial Commissioner. It would be presided over by the Chief Secretary.

Lord LUGARD said that, in a debate in the House of Commons in December last, it had been stated that there was a general inadequacy of food supplies throughout the Territory and that the wages paid were shockingly low. The Secretary of State for the Colonies had said that he would make enquiries.

Mr. SAYERS said that the only complaints which had come to his knowledge were those concerning the Lupa area, where, in the past, conditions had certainly not been satisfactory. The majority of natives were employed by small diggers, whose initial capital might not amount to more than about £50 and whose operations were scattered over the field. It should be understood, however, that the natives, who came mostly from Northern Rhodesia, came to this area of their own free will and in an adventurous spirit.

It was obviously very difficult to supervise these numerous small undertakings. Another difficulty was that this area was almost entirely arid, so that all foodstuffs had to be imported. The Administration was doing its best to remedy this state of affairs. An inspector of labour had been appointed and labour camps had been established. A medical officer of health had also been appointed, a hospital had been set up and " clearing " stations organised.

Lord LUGARD said that the question in the House of Commons contained no reference to Lupa and had seemed to imply that the conditions referred to applied everywhere. He was glad to hear that it was only in the Lupa area that conditions had been unsatisfactory, and that such thorough remedies had been adopted. He noticed that it was stated that 98% of the miners were in favour of the institution of a medical insurance fund. Would that fund cover only Europeans or natives as well, and how was it to be established ?

Mr. SAYERS said it had been proposed that the digger's contribution to the fund should be met by an assessment on gold. This insurance would presumably cover the natives indirectly, because if a digger had a sick boy he would send him in for medical treatment under the insurance scheme. Mr. Sayers could further assure Lord Lugard that no native would be refused medical treatment, even if the employer were not in a position to pay.

Lord LUGARD asked whether the gold-mines would pay their share of the cost of medical organisation, and would that share be paid only by an increase on the royalty on gold.

Mr. SAYERS replied that it was really immaterial whether this contribution was made direct or was in the form of an assessment on gold. In any case, companies engaged in gold-mining provided adequate medical facilities for their employees.

Lord LUGARD expressed the opinion that, if the contribution took the form of an increased royalty on gold, it would fall to some extent upon natives engaged on alluvial washing. Did the European companies who were now making big profits maintain dispensaries ?



Mr. SAYERS replied that he believed that the three principal mining companies maintained hospitals and medical officers for the treatment of native labourers.

Baron VAN ASBECK asked whether these companies were obliged to do so by law.

Mr. SAYERS replied in the negative.

M. ORTS concluded from Mr. Sayers' remarks that the situation in the Lupa goldfields made it difficult, if not impossible, to supervise the diggers. Was not the Administration considering other steps to cope with this situation? Could it take any effective action in this direction so long as free prospecting was allowed?

Mr. SAYERS pointed out that the Lupa goldfields were a relatively small area not exceeding fifty miles by fifty miles, so that inspection of labour conditions should not be impossible. He admitted, however, that, while it might be possible to tighten up control, the control was hardly likely to be perfect. The Administration was considering a system by which diggers, before obtaining their prospecting licence, should be required to make a deposit to guarantee the payment of wages to their native employees.

Lord LUGARD drew attention to the number of labourers who paid taxes in the form of labour. The amount of working days thus exacted had amounted to the large total of 1,250,000 (see page 100 of the report). Had an experiment been made of the system of actually paying wages and then requiring the natives to pay their taxes from those wages, in order to accustom the native mind to the difference between forced and free labour?

Mr. SAYERS, replying to the first observation, said that the proportion was not really very great, as the actual number of persons who paid taxes by labour was only 36,000. He was aware of the system mentioned by Lord Lugard, but was not of opinion that it was likely to make any difference in the native eye. With this system, greater provision would have to be made in the budget, although it was true that this would be set off by the amount received from payment of native tax.

Mr. WEAVER thought that the average period served was high—namely, thirty-five days, and in the northern provinces over forty. Generally speaking, in other territories, taxes seldom exceeded one month's wages. Would the accredited representative say why so many days' labour were levied?

Mr. SAYERS replied that the amount of labour required in lieu of tax varied according to the amount of tax due in any particular district. As would be seen from the table on page 50 of the report, the rate of tax varied considerably—for example, from 14s. in Arusha to 4s. in other districts.

M. RAPPARD referred to the following sentence on page 80 of the report, quoted from a report addressed by the Songea District Officer to his Provincial Commissioner:

“ It is a matter to be regretted that wages cannot be co-ordinated so that the labourer gets a fair wage for his labour; the inducement to break his contract must be prevalent wherever there are different rates for the same work.”

Must not this always be the case in countries where the cost of living varied from district to district?

Mr. SAYERS agreed that he found it difficult to understand what the District Officer had in mind.

Mlle. DANNEVIG had understood that in the barren Lupa district the natives could not grow any of their own food. What was the average wage they received? She supposed it must be spent on their families and on all their personal needs, as well as on tax.

Mr. SAYERS doubted whether native foodstuffs could be produced to any extent in the Lupa. As regards the rate of wages, it was difficult to say, owing to the great variety of circumstances, but possibly the figure might be put at from 8s. to 12s. per month, plus food.

Mlle. DANNEVIG asked what taxes were levied on these labourers.

Mr. SAYERS replied that the taxes were assessed according to the district from which the labourers came and, as he had already stated, the great bulk of the labour came from Northern Rhodesia.

Mlle. DANNEVIG thought that it was a very difficult position altogether. She could not see how white people could expect to keep up their standard of life if the natives working for them were paid at such low rates that their standard of life must necessarily remain very low. At present, they could buy hardly any of the manufactured produce, such as tools and household implements, for instance, which, she supposed, were very useful to the natives and which Europeans were very anxious to sell. Would it not be wise to give better wages and try to increase their sound wants so as to prepare a higher standard of life for them by and by? She was thinking of what had been said by the Provincial Commissioner for Tanga on this point last year.<sup>1</sup>

Mr. SAYERS again drew attention to the fact that these wages were paid in addition to maintenance.

Mr. WEAVER observed that the Administration had not, as yet, adopted a more positive policy with regard to wages. As one of the Provincial Commissioners had pointed out, wages were bound to rise, but for the time being they had not risen and there was a certain amount of discontent. This was an unfortunate state of affairs, in view of the fact that the price of products, such as sisal, had risen considerably. Did not the accredited representative feel that ultimately a rise in wages was both inevitable and desirable? Certain neighbouring territories had promulgated a Minimum Wage Ordinance. Was a similar ordinance contemplated for Tanganyika or had the proposal been put before the Commission on the Supply of Labour?

Mr. SAYERS said that the wages question was no doubt one which would be considered by the Commission referred to on page 82 of the report.

Mr. WEAVER said he hoped the said Commission would bear in mind that higher wages led to increased purchasing power on the part of the natives, and thus produced greater prosperity throughout the country.

He quoted from a recent report that had been made in Nyasaland concerning conditions in the mining areas, which alleged that these conditions were extremely unsatisfactory. Another report, from a health point of view, mentioned malnutrition, scurvy, lack of water, and venereal disease. He did not wish to go into the details of these reports, but thought that appropriate steps would be required.

Mr. SAYERS said that the authorities were fully alive to the difficulties in connection with the employment of labour on alluvial gold—which also were to be met with in other parts of the world—and were doing their best to overcome them.

M. RAPPARD did not think that the imposition of a minimum wage would be any remedy for the state of affairs described. However desirable it might be in itself, the imposition of a minimum wage in an infant industry would not be likely to encourage that industry. It was not yet certain what degree of material wealth was actually available—or was it to be understood, on the other hand, that large profits were being made by persons who exploited native labour?

Mr. SAYERS replied that no large profits were being made as yet, even by the large companies, since their operations were still in the development stage. With regard to the diggers, he would point out that the employees of these diggers generally received a bonus in addition to their wages, according to the amount of gold won.

M. PALACIOS shared the anxieties which had been expressed concerning the situation of labour. He had already said<sup>2</sup> that he had been surprised that the Department of Labour was still in abeyance at a time when labour questions were assuming such increased importance.

Mr. SAYERS replied that the Department of Labour had been abolished four or five years previously—that was to say, long before the present situation arose. The Labour Commission would consider this particular question.

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<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 146.

<sup>2</sup> See page 39.



#### MISSIONS.

M. PALACIOS observed that paragraph 128 of the report showed that the number of missions, other than Roman Catholic missions, had increased by 4 in 1935, whereas the number of Catholic missions had remained the same as in 1934. It was stated that details concerning the activity of these missions would be found in the Tanganyika Blue Book, which would be communicated to the Commission. If, in future, it were impossible to communicate this Blue Book to the Commission in time for its examination together with the report, would it be possible in future annual reports to give more detailed information concerning the work of the missions ?

In paragraph 129, it was said that the dispute between a body of natives and a missionary society in the Bukoba district <sup>1</sup> was still under consideration. Had this dispute been settled ?

On what basis was the total subsidy of £21,000 allocated among the various missions ?

Mr. SAYERS replied, as regards the question of references to the Blue Book, that, in his view, the best solution would be in future to refer to the Blue Book for the previous year, which would already be in the hands of the Commission.

With regard to the second question, he understood that this matter was under consideration by the High Court, so that it would be improper for him to make any comment.

As to the manner in which the grants were allocated between the various missions, this was done in accordance with the Grants-in-Aid Regulations promulgated under the Education Ordinance, one basis of calculation being the number of certified teachers in the various schools.

M. PALACIOS would be glad to find in the next report information regarding the relations between the missions and the population.

Mlle. DANNEVIG asked whether no grants were made to the missions in connection with health work.

Mr. SAYERS replied that such grants were made in certain cases.

#### EDUCATION : CINEMATOGRAPH.

Mlle. DANNEVIG expressed regret that the expenditure on native education had been still further reduced. During the last five years, the expenditure on education had been reduced by one-third, all of which had been at the expense of native education (pages 103 and 105 of the report).

Mr. CALDER said that the grants-in-aid for 1936 had been increased by £1,000 for African education, £450 for European education, and £480 for Indian education.

Mlle. DANNEVIG replied that this was not much, seeing that there had been a reduction of £30,000 in the last five years.

Mr. SAYERS said that the Administration was alive to the need for increasing the expenditure on social services as soon as funds permitted.

Mlle. DANNEVIG asked whether the accredited representative could state what was the average expenditure on each school-going child.

Mr. SAYERS replied that he could not and that he thought it would be very difficult, if not impossible, to obtain this figure, which would be based on statistics compiled by the missions themselves.

Mlle. DANNEVIG, referring to the table on page 110 of the report, noted that only 27,000 children in this enormous territory were in receipt of what might be called a comparatively satisfactory education, whereas the 180,000 children in unassisted schools received practically no secular education at all, but only religious teaching.

Furthermore, she noted that there was only one Government teachers' training-school, while there were four mission teachers' training-schools, which were unassisted. Could the accredited representative give any reasons for that ?

<sup>1</sup> See also Minutes of the Twenty-seventh Session of the Commission, page 147.

Mr. SAYERS said that, whereas the attendance at the Government training-school was 94, the attendance at the others was only 15. These four schools were, in fact, very small ones.

M. SAKENOBE said that, according to the annual report for 1934 (page 91), there had been thirteen teachers' training-schools.

Mlle. DANNEVIG said she understood that these had been abolished because they were educating first-grade teachers teaching English, and that such teachers were not considered necessary at the present moment.

Mr. SAYERS pointed out that the total attendance at these thirteen schools had been only twenty-three.

Mlle. DANNEVIG asked whether the Administration did not, however, consider it important to have a greater number of training-schools for teachers. Surely the question of native teachers was one of the most important ones for the Territory.

Mr. SAYERS said that a full explanation of these points would be given in the next report.

Mlle. DANNEVIG noted that the present policy was to give subsidies to mission schools on the basis of the number of certified teachers and not on the basis of examination results, as formerly (page 102 of the report).

Mr. SAYERS said that the present Grants-in-Aid Regulations had been drafted after advice from the Advisory Committee for Education in the Colonies, a body of considerable standing and experience, whose services were at the disposal of all colonies and mandated territories.

Mlle. DANNEVIG noted that in the table on page 110 of the report no mention was made of European staff. She asked why, for there were certainly European teachers and inspectors both in Government and assisted mission schools.

Mr. SAYERS replied that, in the first three categories, there was no European staff. With regard to the European staff in high schools and training-schools, he would endeavour to secure that the information be given in the next report.

Mlle. DANNEVIG asked what was the average length of the school attendance of a native before he was considered fit to take his place as an educated native in the community. Was it from five to six years?

Mr. SAYERS replied that the period depended greatly upon what the future occupation of the native would be.

Mlle. DANNEVIG said that, if the average period were five or six years, it would seem that one native was being educated annually for every 5,000 inhabitants. Did that appear to the accredited representative to be an adequate proportion?

Mr. SAYERS replied in the affirmative, having regard to the opportunities of employment open to educated natives.

Mlle. DANNEVIG thought that native education appeared to be extremely cheap. According to the special report of the Education Department for 1934, at the Moshi school the total cost per head of 200 pupils, including 119 boarders, was 65s. a year, including the cost of the European teaching staff. If education were so cheap, could not the Government afford to have more natives educated? She noted, in particular, that the total cost per head of pupils in this school had fallen from 280s. to 65s. in the last five years and that at the present time it might be said that pupils were practically keeping themselves by their agricultural work.

M. RAPPARD summed up the situation, as regards the methods of allocation, as follows. Grants were made in two directions—to Government schools and to missions. Of the missions, most were assisted, and they maintained both assisted and unassisted mission schools. Grants were made to the assisted missions only for those schools shown in column 2 of the table on



page 110—that was to say, schools which came up to a certain standard of efficiency. He suggested that the last column should be termed, not “ Unassisted Missions ”, but “ Unassisted Mission Schools ”.

Mr. SAYERS said that M. Rappard's summary of the situation was correct.

Baron VAN ASBECK understood that the unassisted mission schools were of no great educational value, being primarily engaged in purely religious teaching.

Mr. SAYERS replied in the affirmative.

Baron VAN ASBECK had noted with great interest that the Conference of Directors of Education had considered the questions of the university education of Africans and the cinema in education (page 103 of the report). He hoped that further information would be available on these subjects in the next report. He had been particularly struck by the Bantu cinema experiment (page 37 of the report).

Mr. SAYERS said that he would ask that a full account should be given in the next report. In particular, he considered that the Bantu cinema experiment was of the highest importance.

Baron VAN ASBECK asked whether it would be possible to obtain copies of the reports of the Educational Advisory Committee on higher education in Africa.

Mr. CALDER said he thought these reports had been published, and, if so, copies would be supplied.

Baron VAN ASBECK would be glad to find in the next report fuller information concerning the syllabus of junior secondary education.

#### ALCOHOL AND SPIRITS.

Count DE PENHA GARCIA noted that, while there had been fewer persons sentenced for liquor offences, 12,000 more gallons had been imported than in the previous year (page 116 of the report). He presumed that this additional quantity had been consumed mainly by the white population. Did the Asiatic population also consume alcohol ?

Mr. SAYERS replied in the affirmative.

Count DE PENHA GARCIA noted that no licence for the manufacture of methylated spirit had been granted in the Territory (page 115 of the report). But he further noted that the experimental station at Dar-es-Salaam was still conducting experiments with various products for the denaturation of methylated spirit in such a way as to make it impossible for natives to drink them. Was there any intention to manufacture methylated spirit in the Territory in the near future ?

Mr. SAYERS explained that, though authority existed for the granting of a licence for the manufacture of methylated spirits in the Territory, if such a licence were applied for, no such licence had, so far as he knew, ever been applied for, nor did there seem any likelihood that licences would be applied for in the near future. The researches of the laboratory in Dar-es-Salaam were being pursued with a view to discovering some denaturing agent that would make it impossible for natives to consume imported methylated spirit.

Count DE PENHA GARCIA noted the fact that the natives drank methylated spirit. He understood that there was a factory in Dar-es-Salaam making native beer. He presumed that the aim of the authorities was to try to provide for the preparation of a fairly inoffensive beer that could be sold throughout the Territory in place of the beer brewed by the natives themselves, in which they sometimes incorporated highly deleterious vegetable products. He would be glad if information could be given in the next report concerning the results of the laboratory analyses and the amount of beer sold.

#### PUBLIC HEALTH.

Mr. SAYERS, in reply to a question by Count de Penha Garcia concerning the medical training centres in the western provinces (pages 119 and 120 of the report), said that the object of these schools was to turn out a better type of native dresser than that now available. The native administrations had at least three schools open, in which thirty to forty boys were given a course of training of from twelve to eighteen months. These boys were taught by a European

medical officer simple anatomy, the diagnosis of common diseases, the use of the microscope, etc. They were then to be sent out to specially built dispensaries to deal with all normal cases of illness. As they were trained in simple diagnosis, they could send the more serious cases in for European hospital attendance. The houses of these dressers were to be constructed on sound principles, so that they might serve as an example to the inhabitants of the neighbourhood. In visiting these schools, he had been struck by the high standard of intelligence and conduct among the pupils.

COUNT DE PENHA GARCIA noted (paragraph 111 of the report) that, of the total number of natives accommodated in twelve labour camps (103,082), 27,299 were treated in dispensaries attached to these camps. Surely this percentage (30) was very high ?

MR. SAYERS replied that the natives coming to these camps had often walked long distances to reach them, and that some arrived with slight cuts or abrasions on their feet and legs. It was, moreover, a known fact that, when a native came to a place where medical attendance was available, he immediately wished to have himself treated for something or other.

COUNT DE PENHA GARCIA drew attention to a recommendation by the International Labour Organisation that steps should be taken to transport labourers to camps.

MR. SAYERS, in reply to a question by Lord Lugard, said that the labour camps were semi-permanent buildings. They could be burnt down if necessary in case of contagion, but were not burnt down annually.

COUNT DE PENHA GARCIA, referring to maternity and child welfare work (paragraph 153 of the report), noted that the number of mothers seen at the clinics had decreased considerably. Was not this evidence of the importance of training native midwives, in view of the fact that native women were reluctant to place themselves under the care of white midwives ?

MR. SAYERS replied that the number of clinics had remained the same.

In reply to a further question by Count de Penha Garcia, he said that a textbook on preventive medicine and a revised handbook for tribal dressers had been published in Swahili. He would be pleased to send Count de Penha Garcia a copy.

Referring to paragraph 156, Tuberculosis, COUNT DE PENHA GARCIA expressed surprise that the Tanganyika authorities were still in any doubt as to the fact that African natives were more susceptible to tuberculosis than Europeans were.

He drew attention to the incidence of scurvy in the Lupa mining area (paragraph 157 of the report). What steps were being taken to remedy this deficiency disease ?

MR. SAYERS said that the authorities were considering the establishment of produce markets and the provision of plots on which natives could grow vegetables. He felt bound to point out, however, that the great majority of these natives came from Northern Rhodesia after a trek of some 400 to 500 miles, during which they obtained very little green food. Many of them were therefore suffering from scurvy when they arrived.

COUNT DE PENHA GARCIA, referring to paragraph 160 of the report, said he would be glad if the Commission might receive, for its archives, copies of the pamphlets on malaria, blackwater fever, staining of malaria parasites, and notes on camp hygiene for employers of labour.

#### POPULATION MAP.

M. RAPPARD said that he was most grateful to the mandatory Power for the very interesting population map provided with the report.

#### GERMAN POPULATION IN THE TERRITORY : QUESTION OF NAZI ACTIVITIES.

M. ORTS, drawing attention to the phrase " 317 German subjects entered the Territory, of whom 120 were visitors or persons in transit " (page 140 of the report), wished to ask for some information concerning the attitude of Germans in the Territory. According to Press reports, large numbers of Germans had been coming to Tanganyika. In the light, however,



of the figures in the annual report, these Press reports seemed to be exaggerated. He noted, however, that the number of visitors was comparatively large. Was it true that the Germans had formed independent groups, and in particular had set up courts of their own for judging cases between them? Had the accredited representative any knowledge of the arrival of agents from Germany in order to stimulate the national sentiments of Germans in the Territory? Finally, according to a recent article in *The Times*, there had been rumours that the Territory would shortly be handed back to Germany. Had these rumours provoked any trouble and had certain hopes expressed in German quarters had any echo among the native population?

Mr. SAYERS replied that, so far as he was aware, these rumours had had no effect on the native population. They had, however, resulted in representations by the non-native population, and in particular by business people, who feared that any uncertainty as to the status of the Territory might prejudice the entry of capital and discourage intending settlers or investors. It has been said in 1934 that Courts of Honour were reported to have been formed in certain German communities.<sup>1</sup> All he could say was that, if these courts had ever operated at all, they were not, so far as he knew, operating at present. He had no knowledge of the entry of German agents into the Territory.

#### REPLIES OF THE ACCREDITED REPRESENTATIVE TO CERTAIN QUESTIONS ASKED AT PREVIOUS MEETINGS.

Mr. SAYERS said that he could now reply to the two or three points which had been held over from the previous meetings.

1. M. Orts had asked how it was that the Mbugwe tribe had not, of their own volition, moved from their arid area to the neighbouring fertile area of Kisingaji.<sup>2</sup> He had asked whether they had been precluded from doing so by tribal difficulties. The reply was that the idea of removal had not seemed to have occurred to anyone until recently, and that the desirability of removal had been accentuated by the fact that the soil in the Mbugwe area was becoming more and more worked out. There had been no tribal difficulties, since the Kisingaji area was entirely vacant. It would be appreciated that the removal of a tribe from its ancestral lands could only be achieved after long and patient persuasion.

2. In reply to Baron van Asbeck's question concerning native housing,<sup>3</sup> it was incorrect to say that in Dar-es-Salaam the natives were badly housed. The present Administration had, however, inherited certain difficulties in the lay-out of the town from their predecessors, which, over a period of years, it had attempted to remove. There were still a few slums, which the authorities were making every effort to clear away, but, generally speaking, the native huts were constructed on model lines under the surveillance of the health authorities.

3. With regard to the concentration of populations in tsetse areas,<sup>4</sup> such concentration had been carried out on a large scale in the western provinces. The idea was to bring in scattered populations from tsetse-ridden areas to fly-free areas, in order to minimise the dangers of infection. The new lands were chosen by agricultural officers, and the natives who were to be moved into them were given every assistance. They were not pastoral, but agricultural.

4. With regard to the translation of orders under the Native Authorities Ordinance,<sup>5</sup> the clause that, in case of conflict, the English version was to be regarded as authentic was merely a precautionary measure.

Mr. Sayers concluded his remarks by expressing the hope that the members of the Commission would continue in future, as he was sure they had always done in the past, to refrain from asking for statistics which were unlikely to be of great value or which would require considerable labour to compile. He was particularly anxious to relieve an already overworked administrative staff from additional clerical or statistical work.

The CHAIRMAN replied that, in order to carry out satisfactorily the task it had assumed for many years, the Mandates Commission must naturally ask for any data and statistics which it

<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 141.

<sup>2</sup> See page 42.

<sup>3</sup> See page 44.

<sup>4</sup> See page 42.

<sup>5</sup> See pages 43-44.

considered necessary. It had not abused that right in the past, as the accredited representative had justly recalled. The Chairman did not, therefore, quite see for what reason the accredited representative feared that the position might be different in the future.

#### CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representatives for their valuable collaboration.

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#### SEVENTH MEETING.

*Held on Monday, June 1st, 1936, at 3.30 p.m.*

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#### **Palestine and Trans-Jordan : Examination of the Annual Report for 1935.**

##### PROCEDURE TO BE FOLLOWED IN EXAMINING THE REPORT.

The CHAIRMAN asked members to express their views as to the procedure to be followed in regard to the examination of the annual report for the year 1935 and the events that had occurred since.

*The Commission decided*, after an exchange of views, to hear the accredited representative's statement first. Members would then put any questions that might arise out of the statement as to recent events, with a view to eliciting information, reserving their opinions for the moment as to the causes. The report would then be examined in the usual manner.

Mr. H. H. Trusted, K.C., Attorney-General to the Government of Palestine ; Mr. A. S. Kirkbride, O.B.E., M.C., Assistant British Resident in Trans-Jordan ; and Mr. C. T. Evans, Assistant Secretary in the Palestine Government Service, accredited representatives of the mandatory Power, came to the table of the Commission.

##### WELCOME TO THE ACCREDITED REPRESENTATIVES.

The CHAIRMAN welcomed the accredited representatives on behalf of the Commission, which was grateful to the mandatory Power for sending high officials of the territory to Geneva.

##### GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Mr. TRUSTED. — I would like, in the first place, to thank the Chairman and members of the Commission, on behalf of myself and my two colleagues, for the kindly welcome they have extended to us.

It had been intended that Mr. Hall, the Chief Secretary—who is well known to the Commission—should appear on this occasion as accredited representative, accompanied by Mr. Kirkbride, who, as Assistant British Resident in Trans-Jordan, is specially qualified to answer questions relating to affairs in that country.

Owing to the strain imposed on the Administration by the present disturbances in Palestine, to which I will refer later, it was recently decided that Mr. Hall's services could not be spared, and, as I am on leave in England, I have been asked to take his place.

I hope that the Commission will appreciate that, in the capacity of Attorney-General, I am not so fully conversant as the Chief Secretary with certain administrative details, and that they will extend to me some measure of indulgence if I betray my shortcomings in this respect.

I propose to ask Mr. Kirkbride to deal with questions relating to Trans-Jordan and, if necessary, to invoke the assistance of Mr. Evans, of the Palestine Secretariat.

Copies of the annual report of His Majesty's Government on the administration of Palestine and Trans-Jordan for the year 1935 have already been circulated to the members of the Commission. It will be found to comprise a full account of the activities of the Governments of both Palestine and Trans-Jordan during that period, together with information on the different points upon which the Commission made specific observations in the course of its examination of the report for 1934. In particular, the section of the report dealing with Trans-Jordan has been greatly expanded, and now includes detailed information regarding the administration of that territory.

The Commission has met to discuss the matters recorded in the annual report on Palestine and Trans-Jordan for the year 1935, and, while developments since the end of that year are not strictly within the purview of the present proceedings, I understand that it is customary



for the accredited representative in his opening statement to refer in general terms, without anticipating the next annual report, to the more important developments which have taken place in the interim period. I propose to adopt that procedure.

As regards economic affairs, the Commission will have observed, in paragraphs 59 and 60 of the introductory section of the report for 1935 (page 22), reference to a decline in Government revenues arising out of a general uneasiness provoked by the unsettled political outlook in Europe. Receipts have continued to show a downward tendency, which has been accentuated by the disturbed political situation, and allowance is being made for this in the preparation of the estimates of expenditure for the year 1936-37.

Apprehension has been felt for some time past at the growing difficulty of securing new markets for the rapidly increasing citrus crop of Palestine. It was not, therefore, an unmixed evil that the orange crop of 1935-36 proved to be less than that of the previous season, principally owing to the prolonged sirocco experienced in May 1935. The total exports for 1935-36 were 5,873,705 boxes, as compared with 7,292,792 boxes in the previous season. The prices received were, however, on the whole satisfactory.

The Committee which was investigating the question of the transportation and marketing of citrus fruits has not yet submitted its report, but it is hoped that it will soon be able to do so.

Unfavourable weather conditions again seriously affected the crops in certain parts of Palestine during the past winter, and, in the sub-district of Beersheba, the cultivators have been relieved of the payment of a total of £P4,500, representing one-half of the commuted tithe due from them. The rural property tax in respect of ground crops in the Auja area of the Jordan Valley has also been reduced by one-half, in view of the drying-up of springs on account of successive years of drought. Consideration is also being given to the question of remitting part of the rural property tax on land cultivated with citrus in some areas.

The Palestine Government is continuing to take steps, wherever possible, to implement the valuable recommendations of Mr. F. A. Stockdale, mentioned in paragraph 65 of the introductory section of the report for 1935 (page 24). Provision has been made in the draft estimates for 1936-37 for the appointment of additional staff and increased expenditure on a variety of services.

Reference is made, in paragraph 31 of Section XXIII of the report (pages 232 and 233), to an agreement which was reached with the Syrian authorities regarding the application of a quota to imports of wheat and flour from Syria to Palestine. Those authorities, maintaining their helpful attitude of cordial co-operation, have agreed to the extension of the agreement for a further year.

Agreement has now been reached on the detailed terms of the proposed Customs Agreement with Iraq, mentioned in paragraph 11 of Section VIII of the report (page 88), and it is hoped that the Agreement will shortly be concluded and brought into operation.

Although the financial position of the Palestine Government gives no immediate cause for anxiety, the effects on local industry of the setback arising from the unsettled European situation is still noticeable, and the effect of the present disturbances cannot be foreseen. The Jewish Labour Federation has called upon all its members for contributions, based on actual earnings, to its unemployment funds, which, as a result, were stated to stand at about £P115,000 on May 1st, 1936. Jewish immigration during the first five months of the present year has been less than the figure for the corresponding period of 1935.

The proposals referred to in paragraph 89 of the introductory section of the report (page 30), for the housing of the occupants of overcrowded and insanitary hutments at Haifa and Jaffa, have been further considered. In regard to Jaffa, endeavours have been made to find a suitable area of State land outside the municipal area, and land settlement operations are being pressed forward with this object in view. At Haifa, a detailed scheme has been drawn up, but is now being revised with a view to the reduction of the costs.

The Office of Statistics has now been established and has already been of great assistance to the Government in the collation of economic and vital statistics and in the presentation of the deductions to be made therefrom.

Proposals have been made, and have been taken into account in framing the Palestine estimates for the current financial year, for revising the basis of the Government contribution to the Jewish education system. Under the new arrangement, the contribution will take account of the estimated expenditure of the Government on education for the period to which the contribution relates, instead of being based on the Government's actual expenditure for a previous completed period.

Consideration is being given to the question of a Government contribution to a Jewish hospital, which, in consideration thereof, would undertake to accept all patients from the Jewish settlements surrounding Jaffa and Tel Aviv. For the present, this replaces the proposal, mentioned in paragraph 19 of Section XX of the report (page 154), for the construction of a central rural hospital for the Jewish rural population.

Paragraph 41 of the introduction to the report refers to the negotiations between the Vaad Leumi and the Agudath Israel. So far, the discussions have not been renewed in 1936—first, on account of the preoccupations of the Easter festivals and, later, the disturbances. The talks will be resumed at the first suitable opportunity. I desire to make it clear that differences on points of dogma do not preclude the Vaad Leumi and the Agudath from acting in concert in matters affecting the Jewish community as a whole.



A new Dangerous Drugs Ordinance, based on the recommendations of the International Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs, was enacted on March 18th, 1936.

In April of this year, rules were made under the Prisons Ordinance to make statutory provision for the practice of allowing a foreigner awaiting trial, where circumstances permit, to interview his consular representative out of the hearing of the prison officer supervising the interview.

The Palestine Broadcasting Service was inaugurated by the High Commissioner on March 30th, and has since provided listeners with a five-hour programme daily. Village sets have been installed in forty-one villages and settlements. Since the disturbances, regular use has been made of the Broadcasting Service to broadcast all official *communiqués*, and different sections of the population are reported to have expressed appreciation of this method of issuing authoritative statements of fact.

Among public works, it is of interest to mention that the new Jerusalem water supply from Ras-el-Ain is now delivering approximately 750,000 gallons a day to Jerusalem. The charge for water, which was previously 80 mils, has been reduced to 40 mils a cubic metre.

Consulting engineers have been engaged to advise on water-supply schemes for Jaffa, Tel Aviv and Haifa, and certain other towns.

Further improvements at the Haifa harbour, including the construction of a cargo jetty and a liner berth, have been under consideration. It has been decided to proceed with the cargo jetty as soon as possible, but the provision of a liner berth will be deferred for the time being.

His Majesty's Government have already approved a large proportion of the extensive programme of road works which the Palestine Government proposes to undertake during the current financial year. In this connection, the Commission will be interested to learn that, this year, the High Commissioner proposes that the different Government extraordinary works shall be divided territorially into exclusively Arab areas, exclusively Jewish areas, and mixed areas, and that the Director of Public Works shall, so far as possible, employ only Arab labour on works in Arab areas and only Jewish labour on works in Jewish areas. Subject to consideration of cost, works in mixed areas would be regarded as a reserve which could, if necessary, be used to adjust the balance of labour, as well as to meet any need for relief employment for either community.

A measure enacted in November 1935, of which members of the Commission will be interested to hear, was the Gaming Ordinance, which prohibited the keeping or using of premises for unlawful gaming. Unlawful gaming is defined in the ordinance as including every game of cards which is not a game of skill, and any game the chances of which are not alike favourable to all the players, including the banker or other person or persons by whom the game is managed or against whom the other players stake, play or bet. This ordinance put a stop to the increasing installation of gaming machines in hotels and cafés.

The exemption from the payment of stamp duty on tickets for public performances has been extended to cultural and educational theatrical performances.

The High Commissioner performed the opening ceremony of the Levant Fair at Tel Aviv on April 30th, in the presence of a large gathering. The speeches, which were broadcast by the Palestine Broadcasting Service, included an address by the Secretary of State for the Colonies.

Mention is made in the annual report for 1935 of the celebration in Palestine of the Jubilee of King George V. The death of His Majesty early this year evoked very numerous expressions of sympathy, and sincere tributes to the personality and character of the late King, from all classes of the population of every community.

A committee, comprising representatives of the Orthodox clergy and lay community, under the Chairmanship of the District Commissioner, Jerusalem District, has been set up to endeavour to reconcile the differences between the Confraternity and the laity relative to the recent election of the Patriarch, which is mentioned in paragraph 4 of Section X of the report (page 93).

As regards Trans-Jordan, I have already mentioned that the report for 1935 includes a much expanded section on this territory (pages 273 *et seq.*), which I trust the Commission will find satisfactory.

There have been no political changes of importance there since the end of 1935, and the general position remains satisfactory. The population showed less interest than the Palestine Arabs in the events in Syria early in the year, and, although the present events in Palestine are being closely followed in Trans-Jordan, the inhabitants of the latter territory, largely owing to the wise guidance of His Highness the Amir Abdullah, have refrained from overt political agitation, with the exception of a small demonstration, with some shutting of shops, which took place at Amman on April 22nd.

Relations with the neighbouring territories of Syria, Iraq and Sa'udi Arabia continue to be amicable.

The fear expressed in paragraph 11 of the introductory chapter of the Trans-Jordan section of the report (page 279), to the effect that the cycle of lean years had not yet been reached, unfortunately proved to be well founded. Rains in the early months of this year were again much below the average and a spell of hot, dry weather caused great damage to the crops,



especially in the Jordan Valley and in the southern cultivable areas. Substantial remissions of land tax will have to be recommended in due course.

As a result of improved collections of revenue, and considerable under-expenditure, the Trans-Jordan Government was in a very satisfactory financial position at the end of the financial year 1935-36. It was thus able to repay to Palestine the outstanding balance of the agricultural loan which it obtained in 1933, as well as the whole amount which the Palestine Government advanced on its behalf for the construction of the telegraph and telephone circuit in Trans-Jordan linking Palestine with Iraq.

I take this opportunity of informing the Commission that there are no British naval forces stationed at Aqaba, but that Aqaba is occasionally visited by one or other of the British sloops in the Red Sea, but that such visits are rare.

I said at the beginning of this introductory statement that, owing to the state of Palestine, the Chief Secretary was unable to be here to-day as accredited representative. I regret to say that the unrest which broke out in Palestine in the middle of April has not yet subsided. The establishment of order is regarded by His Majesty's Government and by the Government of Palestine as of the very first importance, and this has been made abundantly clear both by the Secretary of State for the Colonies speaking in Parliament and by the High Commissioner in Palestine ; and it has been made equally clear that His Majesty's Government will not be deflected from their policy by riots or by threats of any kind. The British and Palestinian sections of the police have been strengthened, and the military garrison has been substantially increased in order to deal with the present situation, and other suitable measures, such as restricting the movements of agitators and strike leaders, have been taken by the High Commissioner.

The Commission will no doubt be aware that, at the beginning of April, His Majesty's Government invited the Arab leaders to send a delegation to London. Strong representations had been made in London by an influential Jewish deputation against the proposals for the establishment of a Legislative Council in Palestine, and it was felt by His Majesty's Government that the Arabs should be afforded a similar opportunity to state their views direct to the Government. It was contemplated that the Arab delegation would put forward, at the same time, its views on two other matters of major importance—namely, Jewish immigration and sale of lands in Palestine. The invitation was accepted by the Arab leaders ; but disturbances broke out in the middle of April, before the composition of the delegation had been settled. The Arabs threatened to continue the general strike until Jewish immigration was stopped. It was, however, made clear by the Secretary of State in Parliament on May 6th that there was no question of His Majesty's Government stopping Jewish immigration in consequence of the strike, and, in the event, no delegation was appointed. On May 18th, the Secretary of State made the following announcement in Parliament :

“ His Majesty's Government have been giving earnest consideration to the situation in Palestine resulting from the recent disturbances and the continuing state of unrest. The first necessity is the re-establishment of civil order, and the High Commissioner is taking all necessary steps to this end. Subject to this, His Majesty's Government have decided that the suggested Arab deputation to London will no longer meet the conditions which have arisen, and that, instead, it is desirable that an enquiry on the spot should be undertaken. They have, therefore, decided, after order is restored, to advise His Majesty to appoint a Royal Commission, which, without bringing into question the terms of the mandate, will investigate causes of unrest and alleged grievances either of Arabs or of Jews.”

This decision was notified both to the Arab leaders in Palestine and to the President of the Jewish Agency for Palestine in London before the announcement, but there was no prior consultation with the leaders of either community.

The precise terms of reference for the Royal Commission and its personnel had not been determined when I left London for Geneva. I am not in the position, therefore, to go further into detail ; but, in view of the announcement made by His Majesty's Government, which I have just quoted, the Commission will not expect me, nor, indeed, would it be proper for me, to attempt to analyse the causes of unrest or to anticipate the findings of the Royal Commission by discussing now the matters into which they will have to enquire.

The CHAIRMAN thanked the accredited representative for his statement and associated the Commission with the expressions of sympathy on the death of His Majesty King George V.

#### FORM OF ANNUAL REPORT.

The CHAIRMAN noted that the annual report contained fuller information as to the administration of Trans-Jordan, as requested by the Commission at its twenty-seventh session.<sup>1</sup> The section on Palestine contained a new chapter on civil aviation.

<sup>1</sup> See Minutes of the Commission, page 226.



MAPS OF THE TERRITORY.

The CHAIRMAN thanked the mandatory Power for the two new maps of Palestine, which would be of great use to the Commission.

QUESTION OF THE EXAMINATION OF THE ANNUAL REPORT FOR 1935 IN RELATION TO THE  
DISTURBANCES OF 1936.

M. ORTS fully appreciated the accredited representative's desire not to anticipate the findings of the Royal Commission. At the same time, some of the causes leading up to the disturbances which had broken out in April 1936 had apparently existed in 1935, and it would be regrettable if the reticence necessary on the part of the accredited representative went so far as to prevent him from supplying additional information in connection with that contained in the annual report actually before the Mandates Commission for examination. Such information concerning actual facts now existing might be given without anticipating the findings of the Royal Commission. There was no question of endeavouring, at the present time, to decide as to the responsibilities involved.

M. Orts was anxious to know whether, should he ask a question relating to any fact mentioned in the report for 1935 which might not be unconnected with the present riots, he would meet with a refusal. If the Commission was prepared to respect the scruples of the representative of the Mandatory, it had no doubt that he, in his turn, would be ready to help the Commission in the accomplishment of its own task, which, in the present case, was to inform the Council of the League, in so far as it was possible to do so immediately, as to the origin of the disturbances. It seemed difficult to leave the Council in complete ignorance regarding the situation in Palestine until such time as the report for 1936 was examined—that was to say, for a whole year longer.

Mr. TRUSTED said that, as the Commission was aware, there had, for some years, been divergencies of opinion between the members of the different communities in Palestine. It would be extremely difficult to say what particular events had led up to the present situation until the matter had been properly and quasi-judicially examined. The only satisfactory method of elucidating it would be that suggested by the Secretary of State for the Colonies in the House of Commons—a Royal Commission to enquire into the causes of unrest. Pending the Commission's findings, any statement on that point would be premature.

M. ORTS reserved the right to ask any question which might be suggested by the examination of the annual report or petitions. The accredited representative would naturally be able to reserve his replies if he so desired.

GENERAL SITUATION IN THE TERRITORY FROM THE STANDPOINT OF PUBLIC SECURITY :  
SMUGGLING OF ARMS AND AMMUNITION : CONTROL OF THE PRESS : PICKETING : QUESTION  
OF THE LEGISLATIVE COUNCIL : ATTITUDE OF PALESTINIAN PERSONALITIES.

Count DE PENHA GARCIA asked whether the case concerning arms and ammunition said to have been smuggled into Palestine from Belgium (page 6 of the report) had been cleared up.

Mr. TRUSTED said that, although the most careful investigations had been made, no further information had been obtained as far as he was aware. The consignment had been despatched from Antwerp, but the consignor and the consignee had not been traced.

Count DE PENHA GARCIA asked whether any measures were taken to prevent rumours of the kind referred to in paragraph 13 of the introduction to the report (page 6) from leading to events such as those described.

Mr. TRUSTED said that the Ordinance for the Prevention of Crime could be—and was—put into operation by the district commissioners as and when it was thought necessary in the interests of public security.

Count DE PENHA GARCIA asked whether, as in some European countries, a special public security police was responsible for endeavouring to prevent these unfortunate events.

Mr. TRUSTED said that there was a Criminal Investigation Department of the Palestine police, a highly organised department, the object of which was to endeavour, not only to detect crimes already committed, but also to prevent the commission of any crimes that might be anticipated.

Count DE PENHA GARCIA asked whether the newspapers referred to in paragraph 21 of the introduction to the report (page 8) were suspended because of the events that had occurred in the autumn or because of events that had occurred during the year.



Mr. TRUSTED had no details as to the dates of suspension.

COUNT DE PENHA GARCIA asked what steps had been taken to stop vehement Press campaigns.

Mr. TRUSTED said that, as stated in the report, various newspapers had been suspended and warned. There had been no prosecutions.

M. ORTS asked whether the vehement speeches and strongly worded Press articles referred to in paragraph 10 of the Introduction to the report (page 5) constituted an incitement to revolt and even to murder.

Mr. TRUSTED did not recollect the precise contents of the articles. No doubt copies could be obtained if the Commission wished.

M. ORTS asked whether the Press Ordinance provided for sanctions against newspapers publishing such articles.

Mr. TRUSTED said that the ordinance provided for the suspension of any paper publishing material likely to endanger the public peace. It had now been amended to provide that a paper might also be suspended for publishing false news or matter calculated to cause alarm and despondency.

Penalties were laid down under the criminal law for publishing seditious articles. The definition of sedition in the Criminal Law Seditious Offences Act was fairly wide and included stirring up ill-will against His Majesty's Government as the mandatory Power, or causing ill-will between various sections of the community.

M. ORTS said that that was precisely the kind of article he had in mind, but he noted that, according to the report (paragraph 21, page 8), no newspaper had been prosecuted in 1935.

Mr. TRUSTED thought the chief reason why no legal proceedings had been taken was that suspension was quicker and more effective. A subsidiary reason was that, although in its general tone an article might be subversive, it was not always easy to satisfy a court that the author was guilty of a criminal offence. Unless it was fairly certain, therefore, that a prosecution would result in a heavy penalty, suspension was more deterrent in practice.

Baron VAN ASBECK asked whether a newspaper could not be suspended as a provisional measure pending judicial proceedings.

Mr. TRUSTED did not think this would be contrary to the law, but it was not likely that any court would convict, if the paper were suspended before the prosecution. Generally speaking, they were two separate methods, to be applied separately.

Baron VAN ASBECK asked whether the Public Prosecutor could not order provisional suspension when opening the proceedings.

Mr. TRUSTED said that there was no such power. Under one ordinance, the High Commissioner in Council had power to suspend a paper; another ordinance gave power to prosecute before the criminal courts. They were separate ordinances and separate powers.

Baron VAN ASBECK asked whether the law could not be amended to enable a newspaper to be suspended pending prosecution.

Mr. TRUSTED said that no doubt the law could be amended to that effect. The Commission was aware, however, that Press ordinances and ordinances interfering, generally speaking, with the freedom of the Press required very careful consideration. He very much doubted whether the Palestine Government would wish to pass such legislation or the mandatory Government would approve of such a measure being passed by the Palestine Government, unless there were some abnormal reason for it.

M. RAPPARD understood one of the objections to simultaneous suspension and prosecution was that a court would be loath to convict a paper that had been suspended. As the two processes were independent, he did not see that the courts would be influenced in their judgment by the independent action of the administrative authorities.

He ventured to call attention to the point, because he was under the impression, for several reasons—another was the alleged smuggling of arms and ammunition—that one of the causes of the discontent and suspicion of the population might be the feeling that there was something unforeseeable in the actions of the administrative authority. He found it difficult to understand why it had been impossible in so small a country to trace the consignee of the smuggled arms and ammunition.

As to the Press, it was suggested that, while administrative action must be taken, prosecution must be avoided, as it might lead to complications. It seemed to him, however, that a prosecution resulting in conviction would be a justification of the administrative action already taken, and would give the population a feeling that the Government was not actuated by momentary pressure but was carrying out a definite policy. Far from weakening one another, the coincidence of administrative and judicial action would contribute towards establishing that confidence in the Government which was an element in security and pacification.

Mr. TRUSTED had had no intention of suggesting that the court might be influenced in its judgment on the merits of the case by the fact that a paper had been suspended. What he had in mind was rather the principle that a wrongdoer should not be punished twice for the same offence. If the paper had been suspended, the court might come to the conclusion that it had already been punished and the proceedings would probably be dismissed on the ground of the above principle.

M. RAPPARD assumed the result of the proceedings would not be acquittal, but simply a lenient judgment.

Mr. TRUSTED found it difficult to discuss a hypothetical case, but felt sure a court would comment very adversely on proceedings of the kind suggested.

With regard to the consignment of arms and ammunition, he could only add that the surname of the consignee was a neutral name and might belong to either an Arab or a Jew. It was not known whether a person of that name actually existed.

M. RAPPARD was surprised to hear that administrative action against a newspaper would be sufficient to exempt a paper from criminal proceedings, as the two procedures seemed to him to be independent.

As to the consignment of arms and ammunition, the fact that the consignee bore a neutral name led one to suppose that he had never existed, whereas it was stated in the report that he had disappeared.

Mr. TRUSTED thought the expression “disappeared” was used in the sense that the consignee was never found. The goods had been taken out of the Customs by an individual who had signed for them, placed them on a lorry and then dumped them.

Mlle. DANNEVIG asked whether there had been other acts of smuggling the authors of which have not yet been detected and whether there were any arms factories in Palestine. Reference had been made in the Press to the use of machine-guns by the Arabs.

Mr. TRUSTED said the authorities—particularly the police and Customs authorities—kept a vigilant watch to prevent smuggling. He had every reason to suppose they were successful. He was not aware of any factories for the manufacture of arms in Palestine nor had he heard of the use of machine-guns by Arabs.

M. PALACIOS drew attention to the statement that, while public security had been maintained, the latter part of the year had not been free from tension (page 5 of the report, paragraph 10). In particular, the Arabs had protested against Jewish immigration and the purchase of land. Incidents between police and population which had caused the death of police-officers were referred to in paragraphs 11 and 13 of the Introduction to the report (pages 5 and 6). Moreover, crime, other than agrarian crime, had increased during the year (paragraphs 17 and 19 on page 7 of the report). On the other hand, on the occasion of the Jubilee of His late Majesty in June a measure of clemency had been extended to those serving sentences of imprisonment as a result of the 1929 disturbances, and this had given satisfaction to both Arabs and Jews.

Could the accredited representative give some information as to the situation since the period dealt with in the report?

Mr. TRUSTED was not sure as to the trend of this question. He confirmed that both Arabs and Jews had shown satisfaction at the amnesty.

M. PALACIOS said he would be glad to know whether the crimes and incidents referred to had continued.



Mr. TRUSTED was unable to say as to crimes, in the absence of statistical information for 1936. He thought the situation was normal.

M. ORTS asked whether the vehement speeches, to which reference was made in paragraph 10 (page 5 of the report), had been made by irresponsible persons or by the Arab leaders who, at that very moment, were being consulted by the High Commissioner about the scheme for a legislative council.

Mr. TRUSTED was unable to say who were the makers of the speeches in question.

M. ORTS asked if it were correct to suppose that the names of the persons who were stirring up a campaign of unrest were excluded from the list of members of the Arab delegation which, on the proposal of the High Commissioner, the Secretary of State for the Colonies had expressed his willingness to receive officially in London.

Mr. TRUSTED was unable to answer that question.

M. ORTS desired to point out that these questions had been suggested to him by statements made in a document which he had received, according to which those responsible for the riots had never ceased to be in official contact with the High Commissioner. If that were not so, an immediate denial would cut short any such accusations.

M. PALACIOS thought that there was a certain contradiction between what was said in paragraph 10 of the report (page 5) and what was said in paragraph 23 (page 13) of the same report.

The first said that the announcement by the High Commissioner of the intention of His Majesty's Government to establish a legislative council, though received unfavourably by the Jews, was received with satisfaction by Arabs and exercised a tranquillising effect. On the contrary, according to paragraph 23, it would seem that the proposal had also been criticised by the Arab Press on account of the democratic limitations it contained and the excessive powers left to the High Commissioner. The conclusion seemed to be that this plan had given satisfaction neither to one nor to the other elements of the Palestine population.

Mr. TRUSTED saw no real contradiction between these paragraphs. On the whole, the Arabs were favourable to the legislative council, although they were critical of some of the details.

M. PALACIOS thought that, according to the report, a distinction had been drawn between the Arab Press and Arab public opinion. The Arab Press was said to be extremely critical of the scheme, but there were strong indications that Arab public opinion was generally in favour of participation.

Mr. TRUSTED said that the report spoke for itself. As to the Press, the expression used was "almost all the newspapers". The Arab Press was not entirely against the legislative council.

M. SAKENOBÉ asked what new circumstances had arisen which might have some bearing upon the restlessness and discontent among the Arabs after the High Commissioner's announcement at the end of the year of the intention of His Majesty's Government to establish a legislative council, which, the report said, had had a tranquillising effect (paragraph 10 on page 5 of the report).

Mr. TRUSTED was afraid that would carry him beyond 1935. He could only repeat that His Majesty's Government proposed to set up a Royal Commission to enquire into the causes of the discontent and the grievances of both Arabs and Jews.

M. SAKENOBÉ pointed out that he was not asking the accredited representative to deal with causes but to give information about facts.

Mr. TRUSTED regretted he was not in a position to deal with such facts after the end of 1935.

M. RAPPARD thought it remarkable that Jewish immigrants should have been smuggled into Palestine by an organisation with accomplices in the Department of Migration (paragraph 18 on page 7 of the report).

Mr. TRUSTED said that the persons in question were Palestinian officials employed by the mandatory Administration. They had been prosecuted and convicted. After the period covered by the report, a senior Palestinian official had been dismissed for complicity of the kind referred to.

Baron VAN ASBECK, referring to a question raised in the House of Commons in May 1936, asked whether the accredited representative was in a position to deny the statement that the Grand Mufti of Jerusalem had taken part in the strike movement in the territory. It would relieve some apprehensions if it could be stated that a person paid a salary by Government had not engaged in activities against that same Government.

Mr. TRUSTED said that, as the activities in question were alleged to have taken place in 1936, he was not in a position to say what might or might not have occurred. It would be unfair to the Grand Mufti to make any statement until the circumstances had been properly investigated.

Baron VAN ASBECK asked whether the picketing mentioned in paragraph 12 (page 6) of the 1934 report had continued during 1935, and, if so, what measures the Government had adopted, in particular against unlawful acts.

Mr. TRUSTED said that there had been some picketing by Arabs and that Jews had continued to picket. In so far as picketing was defined by Ordinance, it was not unlawful if done in furtherance of a trade dispute. Persons engaging in anti-racial acts could be—and had been—brought before a magistrate and sentenced.

Count DE PENHA GARCIA noted that there would be three seats on the legislative council for Christians and asked whether any leaders of the Christian section of the community had been consulted. He understood that a certain number of Christians were not Arabs. Would they be represented on the Council?

The CHAIRMAN observed that Christians who were not Arabs might not be Palestinian nationals.

Mr. TRUSTED said that comparatively few Palestinians were Christians and not Arabs. Generally speaking, the expression "Christians" was used in the sense of Arab Christians. The others would probably be represented by a commercial nominated member.

He added that two of the individuals named in the second sub-paragraph of paragraph 22 of the report (page 8) were Christians.

Count DE PENHA GARCIA asked how the scheme for a legislative council had been received by the Arabs. He would be glad to hear whether the observations referred to towards the end of paragraph 22 of the report (page 13) had been received.

Mr. TRUSTED was not sure whether any final representations had been made by the Arabs. Generally speaking, their criticism was that the scheme would not give the members of the Council sufficient power or freedom of action; in other words, the control to be exercised by the High Commissioner was thought to be too great.

Count DE PENHA GARCIA said that the Jewish objections to the scheme did not seem to be mentioned in the report.

Mr. TRUSTED said he did not know why.

Count DE PENHA GARCIA pointed out that, from the information given in the report, one might be led to conclude that the scheme was not a practicable one.

Mr. TRUSTED was not sure he could agree that such a conclusion could be drawn.

Count DE PENHA GARCIA recalled that on a previous occasion the Arabs had caused a scheme to be rejected under similar circumstances. He wondered whether the same situation would not occur again.

Mr. TRUSTED pointed out that, as a result of the general state of disorder, the Arabs did not go to London, as intended, to discuss the scheme. In view of the events that had occurred in 1936, matters could not be expected to take the course that might otherwise have been anticipated. He repeated that the Royal Commission would enquire into the grievances of the Arabs.

Count DE PENHA GARCIA said that it would not be quite accurate to say that the Arabs were in favour of the scheme: although they had agreed, in principle, to discuss it and although they would have a majority on the legislative council, they thought too much power was left to the High Commissioner, as the accredited representative had already pointed out.

M. ORTS asked whether he had understood the accredited representative to say he did not know why the Jews were opposed to the scheme.



Mr. TRUSTED felt that his earlier reply had possibly given rise to misunderstanding. He was, of course, aware of the reasons for the opposition of the Jewish organisations which were set out in terms in the covering letter to the memorandum for 1935 from the Jewish Agency and the memorandum of the Revisionist Party, which were already in the hands of the Commission, and he did not feel that he could usefully add a further opinion as to the representative character of these views.

M. RAPPARD asked whether this statement implied any reflection on the representative character of the Zionist and Revisionist organisations. It seemed clear that they were thoroughly democratic. There was, accordingly, no reason to believe that the views put forward by the leaders were not held generally.

Mr. TRUSTED said that certainly his remarks should not be taken as reflecting on the representative character of these organisations.

Baron VAN ASBECK asked whether the scheme had been set aside pending the findings of the Royal Commission.

Mr. TRUSTED said that no definite statement to that effect had been made in the House of Commons, but it might, he thought, be inferred from the statement that a Royal Commission would be set up.

Baron VAN ASBECK asked whether the investigation would cover the scheme for a legislative council.

Mr. TRUSTED said that that would appear to follow from the reference to the deputation which was to wait upon His Majesty's Government.

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#### EIGHTH MEETING.

*Held on Tuesday, June 2nd, 1936, at 10.30 a.m.*

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#### **Palestine and Trans-Jordan : Examination of the Annual Report for 1935 (continuation).**

Mr. Trusted, Mr. Kirkbride and Mr. Evans came to the table of the Commission.

GENERAL SITUATION IN THE TERRITORY FROM THE STANDPOINT OF PUBLIC SECURITY (*continuation*) : ATTITUDE OF THE YOUNGER SECTIONS OF THE POPULATION : INFLUENCE FROM ABROAD : LEGISLATIVE COUNCIL (*continuation*).

Mlle. DANNEVIG had learned that many young people were taking part in the Palestine riots. Were they pupils of the Government schools ? If so, what steps were taken in the Government schools to appease the Arab feeling against the Balfour Declaration and the Jewish race and to conciliate the two sections of the population ? Perhaps something could be done by instruction in history and public morals.

Mr. TRUSTED could state, in general terms, that a number of schoolchildren had taken part in the disturbances. He was not, however, able to give details until an enquiry had been held. The schools had been closed as a result of the disturbances.

Mlle. DANNEVIG understood that the schools had been closed on account of the boycott of the Arab population. She asked how long they had been closed.

Mr. TRUSTED said the last date for which he could give definite information was May 17th, when Mr. Kirkbride had left Palestine. At that time, most of the schools had been closed, and since then they had all been closed.

Mlle. DANNEVIG asked whether there were no regulations compelling parents to send their children to school.

Mr. TRUSTED said there was no law making school attendance compulsory.

Mlle. DANNEVIG asked if it would not be an advantage to introduce such regulations, which existed in most other countries.

The CHAIRMAN pointed out that, before such regulations could be introduced, there must be a sufficient number of schools and teachers.

Mlle. DANNEVIG asked whether it would be possible to introduce such regulations in respect of the children who had been already admitted to the Government schools, which must be considered a great advantage to them and imply the duty of attending school. In the present conditions, there is probably a great wastage, because teachers must be paid though they were unemployed.

Mr. TRUSTED said he appreciated this suggestion, though he felt it might be difficult to apply. He could, however, bring it to the notice of the Government as a suggestion from a member of the Commission especially interested in educational matters.

Mlle. DANNEVIG asked whether the Arab mind was irritated by any particular type of Jewish immigrant.

Mr. TRUSTED thought it was very difficult to generalise on this matter. The ill-feeling between different sections of the community was largely dependent upon personal factors.

M. RAPPARD referred to the causes of the unrest to which reference had been made. The annual report referred to the Italo-Ethiopian conflict and agitation from Egypt (page 5). It did not mention any alleged propaganda by foreign Powers. It might therefore be assumed that the mandatory Power did not attach any importance to such propaganda.

Mr. TRUSTED found it difficult to say what effect propaganda might have and whether the unrest was due to such propaganda.

M. PALACIOS noted the constitution of six Arab parties, to which reference was made on page 14 of the report. He wondered whether this reorganisation had had any influence on or strengthened the anti-Jewish feeling.

On page 15, paragraph 33, it was said that the six political parties which had been set up in 1935 had presented a memorandum to the High Commissioner requesting :

1. The establishment of democratic government in accordance with the Covenant of the League of Nations and Article 2 of the Palestine Mandate.

2. Prohibition of the transfer of Arab lands to Jews and the enactment of a law similar to the Five Feddan Law in Egypt.

3. (a) The immediate cessation of Jewish immigration and the formation of a competent committee to determine the absorptive capacity of the country and lay down a principle for immigration ;

- (b) Legislation to require all lawful residents to obtain and carry identity cards ;

- (c) Immediate and effective investigation into illicit immigration.

The High Commissioner had said that he would submit the demands relating to the transfer of land and to Jewish immigration to His Majesty's Government. As regards the legislative council, he said that it was his intention to make a declaration.

Could the accredited representative give further information concerning the questions raised in the Arab memorandum ?

Mr. TRUSTED was unable to reply.

M. SAKENOBÉ noted the statement on page 17 of the report that the younger elements in the Arab movement had evidently gained ground and were becoming a factor which might challenge the influence of the older Arab leaders. He asked what was the tendency of these younger elements.

Mr. TRUSTED thought the tendency was more nationalistic and more extremist than that of the older parties.

COUNT DE PENHA GARCIA referred to his question at the previous meeting<sup>1</sup> regarding the legislative council. The scheme had been rejected by the Jews, and he would like to know whether this fact made it impossible or, at any rate, improbable that the scheme as contemplated would be put into effect.

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<sup>1</sup> See page 68



Mr. TRUSTED stated that he could only invite attention to his answer to the question put by Baron van Asbeck at the end of the last meeting.<sup>1</sup>

Count DE PENHA GARCIA asked whether, if the Jews, who formed a very important element of the population, continued to oppose the scheme, it would nevertheless be feasible. He pointed out that this question was not necessarily connected with present events in Palestine.

Mr. TRUSTED said he could not anticipate the views of His Majesty's Government on this point.

Count DE PENHA GARCIA said the aim of the proposed legislative council was to achieve a form of government in which all sections of the population could co-operate. If the mandatory Power found that one group rejected the proposal in its present form, that aim would not be attained and the proposal would probably have to be revised.

Mr. TRUSTED said that he could place this argument before the Government.

Count DE PENHA GARCIA pointed out that one of the reasons given by the Jews for their opposition to the proposal was that the plan was contrary to the spirit of the mandate, as the majority would be able to stop or render difficult the work of providing a Jewish National Home.

Mr. TRUSTED could state with confidence that His Majesty's Government would not put forward any scheme which was contrary to the mandate. The Government had carefully considered the objections to the scheme and desired to create a Council which would do justice to all parties and be in accordance with the spirit of the mandate.

Count DE PENHA GARCIA said the Jews considered that the present scheme would place them at a disadvantage, as it gave too large a representation to the Arabs. If representation were based on Palestinian nationality, for which three years' residence was required, this would militate against the Jews, many of whom had not yet resided in Palestine for the necessary period.

Mr. TRUSTED said the Palestine Government held the view that it was desirable for Jews to take steps to acquire Palestinian nationality, so that they might take a fuller part in the life of the country. He pointed out that the qualifications for electors were set out in the report (page 11) and, for the first election, provided for qualification by residence.

Count DE PENHA GARCIA thought that, in a first experiment of this kind, it might be a mistake to base representation on universal suffrage. It might have been better to make the suffrage dependent on some economic or educational qualifications. It might be objected that the latter would give the Jews an undue advantage, as they were usually better educated than the Arabs. In any event, universal suffrage had often been responsible for more violent electoral disturbances than limited suffrage.

Mr. TRUSTED pointed out that the proposal was that voting should take place by communities, and the fact that more or less Arabs were eligible for the vote therefore would not make any difference to the Jews' representation. It was always difficult to decide what qualifications should be imposed, and the more elaborate they were, the more difficult they were to apply.

#### SUSPENSION OF THE HEARING.

M. RAPPARD thought there was no more important question than the legislative council, but, as the decision on this matter was subject to the findings of a Royal Commission, the proposal was practically withdrawn. It would therefore serve no useful purpose to continue this exchange of views.

The CHAIRMAN said that M. Rappard's proposal referred to practically all questions which were in any way connected with the Royal Commission. He did not see how the Commission could discuss such matters as Jewish organisation, land regime or immigration without bringing up present events. It might be said that all these points would be dealt with by the Royal Commission. The question therefore arose as to whether the entire discussion should be postponed. He suggested that the Commission should suspend the hearing of the accredited representative until it had settled this point.

*The Commission agreed to the Chairman's proposal.*

The accredited representatives withdrew.

<sup>1</sup> See page 69

QUESTION OF CONTINUING THE EXAMINATION OF THE ANNUAL REPORT FOR 1935.

M. ORTS, referring to the statement made by the accredited representative at the beginning of the previous meeting, recalled that the latter had announced that he would not be able to discuss questions connected with the present disturbances or anticipate the Royal Commission's findings. It must be admitted that the accredited representative could hardly have adopted any other attitude without running the risk of making statements which might be in contradiction with those findings.

But this hardly facilitated the examination by the Mandates Commission of the report for 1935. That examination must necessarily bear on the activities of the Jewish Agency, immigration, the development of Jewish landed property, etc.—in a word, on the progress of the Jewish National Home, against which the Arabs were rebelling. Hence the accredited representative had not continued the discussion when the examination of the report had led to the consideration of one or other of these problems, and the questions which had been put to him at these first meetings had several times been left unanswered.

If the Commission pursued the examination of the report, it would be held up at every step for the same reason. It had to be recognised that the situation of Palestine in 1935 could not usefully be examined until opinions could freely be expressed on the events of April 1936.

M. Orts proposed that the Commission should decide only to examine at the present session that part of the report which referred to Trans-Jordan, should postpone the examination of the report on Palestine until its autumn session, and should suggest to the Council that the mandatory Power should be invited to give the Commission information at that session on the circumstances and significance of the disturbances of the early months of 1936. This solution would make it possible not to defer until June 1937 the date at which the Council would be given an official version of the events, and would protect the Commission against the charge which would certainly be made against it that, although dealing with Palestine, it had shown excessive red tape in deliberately ignoring the grave events which had been engaging general attention for the last six weeks.

M. RAPPARD, on the other hand, would merely suggest postponing the discussion on the proposed legislative council. This proposal had been the subject of much criticism in the Press and even in the House of Commons. The Government had, however, not formally withdrawn it, but had promised to appoint a Royal Commission, thus enabling the plan to be changed without disavowing the High Commissioner.

M. Rappard agreed that the report on Trans-Jordan should be discussed, but thought that some matters in the report on Palestine might also be dealt with at the present time. It was inadvisable and might create a dangerous precedent to postpone the entire discussion. Moreover, the Royal Commission would not have concluded its work by the autumn session, so that the same objections as at present would still apply. He would therefore be inclined to restrict the present discussion to matters not connected with the legislative council and the present unrest, and to explain the reason for this action to the League Council. It was regrettable that the mandatory Power could give no information regarding 1936, but the discussion on 1935 should take place as if no disturbances had subsequently occurred.

COUNT DE PENHA GARCIA thought the Mandates Commission was expected to do its duty by examining the report and reporting to the Council. He was inclined to accept M. Rappard's suggestion to continue the normal discussion on the report for 1935. On some points the accredited representative could possibly not reply, but on others he would, no doubt, give information. If the discussion were adjourned until November, the events of 1935 would have lost some of their interest. The Commission should discuss the 1935 report and inform the Council that it was unable to obtain information on certain aspects of that report.

M. PALACIOS thought there was no doubt that the 1935 report offered material for examination and discussion, even if it were not desired to deal with the delicate points for the moment. In this connection, M. Rappard was no doubt right, but M. Palacios was more inclined to agree with M. Orts. A policy was not made up of fragmentary elements; it had unity, especially when it was affected as a whole by disturbances, accompanied by bloodshed, like those which were at present taking place in Palestine. There was no problem of any magnitude which was not affected by the relations between Arabs and Jews. The legislative council was important, but questions like immigration and the purchase and sale of land were quite as important. All these problems were bound up with one another, and were in reality different aspects of the same question. The mandatory Power's policy was conditioned by them. The question of education, that of labour, that of defence and police, that of the freedom of conscience or that of the Holy Places could hardly fail to evoke the whole fundamental situation created in Palestine by the mandate. If these questions were not discussed, not only would the Commission leave on one side the essence of the situation, which was of world-wide interest, but it would be reduced to discussing only minor questions of an administrative nature within the limits imposed by the fact that the constitutional question was ruled out. The latter question also played an important part in economic and financial problems.



For this reason, M. Palacios supported M. Orts' proposal, and he would even go as far as to suggest the postponement of the discussion of the report on the administration of Trans-Jordan in 1935, since this Territory formed part of the same mandate as Palestine and had very close relations with it, until the Commission received the requisite information from the mandatory Power and thought it opportune to discuss the present disturbances.

Lord LUGARD was inclined to agree with M. Rappard that the Commission should discuss what questions it could and postpone the others. He did not see why the Commission should not deal at its present session with matters of administration.

M. Rappard had assumed that the Royal Commission was being set up to provide a means of withdrawing the proposal for a legislative council without detracting from the prestige of the High Commissioner. He hoped it was so, as the proposed legislative council was, in his opinion, extremely inadvisable. The object of the Royal Commission, according to the accredited representative's statement, was to investigate the cause of unrest. The cause was, however, clear; it was the fundamental antagonism of the two races. The proposed legislative council was not one of the causes, but might perhaps be included under the alleged "grievances" which the Royal Commission was to investigate. It was improbable that the Royal Commission would have reported by November, though the Commission's terms of reference would no doubt then be known. At present, the Mandates Commission did not even know precisely for what purpose this Commission was to be set up.

Lord Lugard added that the Mandates Commission had often recorded the view that it was not competent to dictate to a mandatory Power on questions of administration. Its function was confined to seeing that the Administration was in strict accord with the mandate, and it could not assume the responsibility of advising on questions of policy. As regards the proposed legislative council, it was quite possible that the Royal Commission would advise against it, in which case any lengthy examination of the project would be out of place.

Mlle. DANNEVIG agreed with M. Rappard and Lord Lugard. It would be disappointing if the Mandates Commission did not deal with the report of Palestine at all. Even unanswered questions might be useful as indicating the views of the Mandates Commission. She thought the Commission should deal with the questions which could be discussed at the present time, while leaving the political matters to the autumn session.

M. SAKENOBÉ said the question was whether the political situation in Palestine formed the entire matter of discussion or not. If it did, then no discussion was possible at the present time. If not, was it advisable to leave out such questions as finance, public health and education? He was inclined to think that the Commission's duty was to deal with these questions immediately.

Baron VAN ASBECK agreed with M. Orts that the Commission was, as it were, up against a stone wall. He did not see the advisability of dealing with any questions when no reply could be obtained. This referred, not only to the legislative council, but to all matters relating directly or indirectly to the Jewish National Home. The first six points on the list of subjects for the examination of the report prepared last year dealt with this problem. Later questions on the list, such as the economic regime, labour and education, similarly concerned the relations between Jews and Arabs. That was why he would prefer an adjournment. However, even though any examination of the 1935 report must prove unsatisfactory, he would raise no objection to continuing to examine the other questions, subject to the omission of any matters relating to the political question. He thought that if the discussion of the main questions were adjourned until the autumn, it would have to be further adjourned until 1937, as the findings of the Royal Commission would probably not be available by the autumn session.

Mlle. DANNEVIG thought that if the Commission did not deal with the budget and the working of the various social services in Palestine, it would not be fulfilling its duty.

M. RAPPARD thought the members of the Commission were not far from an agreement. It was impossible to adjourn all questions until November, since the Royal Commission would not have reported by that time. There was, however, no excuse for the Commission not to examine the report at the present time, though its discussion would be greatly restricted. The Commission would be in a stronger position if it could show that it had done its duty to the extent of its powers. It should avoid the impression of being the cause of delay.

M. ORTS thought that, if the report were discussed at the present session, the examination could only be a superficial one, so that the Commission would not have effectively completed its task.

M. PALACIOS agreed with M. Orts. He insisted that it was useless for the Commission merely to discuss insignificant details. It was better to state that, as the accredited representative was at present unable to reply to essential questions, the discussion should be postponed.

M. RAPPARD thought that if the Commission took this line it would be accepting responsibility for the adjournment. There were many questions in respect of 1935 which could be discussed.

Baron VAN ASBECK said that if it continued the examination of the 1935 report, the Mandates Commission would find itself in an impossible position, and if it adjourned the discussion, might be reproached with not having done its duty. To avoid this reproach, it should place on record the accredited representative's statement that he would not reply to questions within the province of the Royal Commission, and explain that this attitude had, moreover, been confirmed at two meetings; the Mandates Commission might adjourn the discussion of points 1-6 of the list to which he had referred and continue the discussion on the remaining questions. If the accredited representative would decline to express an opinion on the ground that a Royal Commission was to be appointed, this would be reflected in the Minutes and the Mandates Commission could not be reproached with a failure to do its duty.

Lord LUGARD said the practical question was whether the Commission could reasonably expect to be in a better position in November than at the present time. He did not think it would be, and he was therefore in favour of proceeding with the examination of the report in the ordinary way.

*The continuation of the discussion was adjourned to the next meeting.*

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#### NINTH MEETING.

*Held on Tuesday, June 2nd, 1936, at 4 p.m.*

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#### **Palestine and Trans-Jordan : Question of continuing the Examination of the Annual Report for 1935 (continuation).**

M. PALACIOS, in connection with the question of procedure raised by the conditional and restricted examination of the report on the administration of Palestine in 1935, confirmed the opinion he had already expressed, for two reasons.

The first was that the report in its most interesting parts touched upon the essential questions which would have to be ruled out, and that, no doubt certain points of the report had already been superseded by statements made by the accredited representative. Such was the case, for example, with regard to the question of the legislative council.

The second reason was that, from the precedents which had been set up in similar cases, it would seem wise for the Mandates Commission to accept the solution proposed by M. Orts. It had acted in the same way on the occasion of previous disturbances in Palestine, which it had examined at an extraordinary session. But the closest precedent was provided by the events in Syria in 1925. In agreement with the mandatory Power, the examination of the report had been postponed so that it could be studied at the same time as that which the French Government was to send in a few months later on the Druse rebellion. The Commission should refer to the discussions and to the decision which it took in that case and should do the same on the present occasion.

The CHAIRMAN pointed out that, in Mr. MacDonald's statement, no precise date was fixed for the appointment of a Royal Commission, the actual words used being as follows :

“ The decision of His Majesty's Government to advise the King to appoint a Royal Commission after order is restored, in order, without bringing into question the terms of the mandate, to investigate causes of unrest and alleged grievances either of Arabs or of Jews was communicated by the High Commissioner to the Arab leaders in Palestine on May 14th.”

M. RAPPARD said that it was quite out of the question that the Mandates Commission should have to wait for the findings of the proposed Royal Commission before it considered the report for 1935. The preparation of those findings, their publication and reference to the Mandates Commission would, in the normal course of events, take so long that the Mandates Commission would not be in a position to consider them before its 1937 session. He would have been prepared to agree with M. Orts' proposal if he could have been quite sure that the mandatory Power would agree to adopt some more expeditious procedure which would enable the Mandates Commission to examine the report for 1935, and the whole question of the present events in Palestine and future policy in respect of that mandated Territory, at the next session of the Commission in November. It remained to be seen, however, whether such a course would be agreed to and could be followed by the mandatory Power.



M. ORTS, in reply to various observations by M. Rappard, pointed out that the appointment of a Royal Commission was an internal measure from the mandatory Power's point of view. If a return to that procedure involved the delays which were anticipated, it could not satisfy the League of Nations, which was entitled to expect to be informed, within a reasonable time, of what was going on in the Territory administered in its name. Palestine was at the threshold of Europe, within 48 hours of London by air; the mandatory Government, which was daily kept informed, should be able to report on the events next November—that was to say, within five months from the present date, and nearly seven months from the beginning of the disturbances. On the other hand, M. Orts would be inclined to agree that the mandatory Government should not be pressed to state, at the same time, the conclusions as regards future policy to which the events might lead. Lastly, he did not for a moment entertain the idea that the mandatory Power would not succeed very shortly in getting the situation well in hand.

The CHAIRMAN said he had not hitherto expressed an opinion, but felt it was his duty on so important an occasion to remind his colleagues of the essential task of the Commission.

The Mandates Commission had been set up to supervise the administration of the mandatory Powers in order to ensure the fulfilment of the principles of Article 22 of the Covenant and of the mandates. This supervision took the form of examining the annual reports in the presence of duly authorised representatives able to offer any supplementary explanations or supplementary information which the Commission may request.

In examining the Palestine report, the Commission was encountering certain difficulties in carrying out its task. What was the nature of those difficulties?

The accredited representative had stated constantly in reply to the various questions, that he could not give the information requested because the Government of the mandatory Power had set up a Royal Commission of Enquiry and that, consequently, the findings of this enquiry must be awaited.

According to the statements made by the Secretary of State for the Colonies in the House of Commons, confirmed by the accredited representative to the Mandates Commission, that Royal Commission had not yet been appointed, nor had its terms of reference been defined. There must, therefore, be rather a long wait, particularly as the Government of the mandatory Power would be free to accept the whole or only a part of the conclusions of this enquiry. But the proposed enquiry was only one method by which the various facts could be gathered, which the mandatory Power was bound to supply to the Commission. Consequently, it was only one of the mandatory Power's methods of internal policy for the purpose of carrying out its obligations towards the Commission.

There could be no doubt that one of the main anxieties of the Commission was to refrain from doing anything that might make the mandatory Power's task more difficult in its efforts to calm what was already so disturbed a situation. He thought the Commission would agree that it should not, at the present time, simply give consideration to the disorders themselves and the measures which the mandatory Power was taking to re-establish order. M. Orts had, at the beginning of the Commission's examination of the annual report, asked the accredited representatives whether they thought they could say something concerning the deep-rooted causes underlying the present occurrences, because—in his opinion—those causes already existed in 1935, the period covered by the annual report at present under consideration. It was, in fact, so true that these causes did exist previous to the disorders that the documentation supplied to the Commission actually mentioned them.

It was rather striking to note in this connection the resemblance between the present situation and the situation which had arisen in 1930 after the disorders of 1929. In this connection, he thought it would be desirable to read to the Committee a few passages from the Mandates Commission's report in 1930. This report had been approved by the Council and by the Assembly.

In its report to the Council, the Mandates Commission had made the following observations:<sup>1</sup>

“ As the disturbances of August 1929 followed upon a protracted period of tension between Arabs and Jews, it is necessary to ascertain whether the mandatory Power has, by the general policy it has followed since the mandate came into force, done everything that could legitimately be expected of it to prevent the explosion of the antagonisms that were known to exist, and to lessen their violence.

“ . . . It is to ensure, at one and the same time, the establishment of a Jewish National Home in the country and the development of self-governing institutions for a population of which the great majority is Arab.

“ Up to the present, the execution of the mandate has certainly not given satisfaction either to the impatient advocates of a Jewish National Home or to the Arab extremists, alarmed by the influx into the country of immigrants who do not share their religious faith or their national aspirations.

“ The former accuse the mandatory Power of having hindered rather than promoted Zionist immigration and done too little to ‘ encourage close settlement of Jews on the

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<sup>1</sup> See Minutes of the Seventeenth (Extraordinary) Session of the Commission, pages 141 to 145.



land, including State lands, and waste lands not required for public purposes', as Article 6 of the mandate directs. The latter, on the other hand, consider that the newcomers are receiving unduly generous treatment, that the number of immigrants authorised to enter the country is too great, and that there has been no 'development of self-governing institutions' as provided for in Article 2 of the mandate.

" . . . In such economic and social conditions as prevail in Palestine, a scheme of colonisation undertaken on so vast a scale was bound, as soon as it began to develop independently of the active intervention of the public authorities, to cause a profound disturbance in the lives of that section of the population which was not concerned in the movement.

" The Arab element might have found its interests safeguarded by a Government agricultural policy including, not only public works to develop the cultivable area . . . The fears that the Arabs felt when they saw the land passing into the hands of the Jews through sale after sale would certainly have been largely allayed had they observed that the cultivable area and the yield of the available land in the country as a whole were increasing at the same time.

" The Commission hopes that the necessity of continually acting as an umpire between the hostile factions will not prevent the Palestine Government from proceeding to carry out a constructive programme in the interests of the peaceful masses of the population more vigorously than hitherto. It entertains this hope, not only because such action is necessary for the complete execution of the mandate, but also because it believes that there is no better means of bringing about a general pacification than to encourage and organise in every possible way effective co-operation between the various sections of the population.

" The task of the Power responsible for the execution of the mandate over Palestine is a particularly difficult one. To this difficulty, which cannot have escaped the British authors of the Balfour Declaration or the framers of the mandate, the Commission only refers here in order to record its satisfaction that the mandatory Power does not consider it insuperable."

These quotations proved that the Mandates Commission had already made up its mind on the whole problem and that its views had been approved by the Council and the Assembly. It had also ventured to submit to the mandatory Power certain findings likely to assist it to lay down certain rules.

The Secretary of State for the Colonies had himself in 1930 made the following statement :

" I wish you to understand that the British Government is determined to do all in its power to dissipate the unhappy atmosphere that has been created, and to find means of settlement which will place the whole question on a sounder and more satisfactory basis."

Consequently, the Chairman felt :

(1) That the mandatory Power had undertaken to settle this question on a sound and satisfactory basis ;

(2) That the Commission was already in a position to formulate certain findings : if it felt that it was not in a position to formulate conclusions, that was not the Commission's fault.

The Chairman felt that the time had come to apportion responsibilities. It was on this point that he desired to hear the views of his colleagues.

M. PALACIOS drew attention to the analogy, *mutatis mutandis*, which existed between the present situation and the situation at the seventh session of the Mandates Commission in connection with the disorders in Syria.

The CHAIRMAN stated that, on that occasion, Lord Lugard had agreed that an extraordinary session should be held in view of the events in Syria ; he even proposed that, in this connection, a telegram be sent to the Secretary-General of the League who was in Paris for a Council session (see page 130 of the Minutes of the Seventh Session of the Commission.)

Count DE PENHA GARCIA supported the Chairman's observations. It was true that for several years promises had been made to the Mandates Commission which did not seem to be in process of fulfilment. Nevertheless, the mandatory Power had tried to carry out the mandate. The fact that about 61,000 Jews had been allowed to enter the country in the year under review was a proof of this. Perhaps one reason for the anxiety of the Arabs was that this was a fairly large number.

He was of opinion, however, that a closer examination of the information contained in the annual report would show the reason for certain events which had led to the present state of tension between the Arabs and the Jews. The prosperity of Palestine was due, to a great extent, to the Jews. For instance, really remarkable work had been done on the cultivation of and trade in oranges. No doubt the land question was a serious one, although the greater part of the Jewish population was not agricultural. If the 1935 report was to be examined satisfactorily, information would be required. If the mandatory Power could supply by November the necessary information to permit of a normal examination of the report for 1935, it would be advisable to wait till then. If it stated that it would not be in a position to do so, then the



Mandates Commission should resume its examination at once, as, in any event, the report for 1935 would provide a basis for reaching certain conclusions concerning the work of the mandatory Power and the reasons for the present occurrences, which were the outcome of the action of previous years.

Baron VAN ASBECK wondered whether it would be impossible for the mandatory Power to prepare, if so requested by the Commission, a special report in time for the November session.

M. ORTS thought it would be difficult, from the moral point of view, for the mandatory Power to fail to give satisfaction to the wish expressed by the Commission.

M. PALACIOS said that in the case of the disorders in Syria in 1925 the French Government had found four months sufficient time in which to prepare a report covering the whole of its policy.

The CHAIRMAN added that, at that time, the situation had been perhaps even more serious in Syria than in Palestine at present. For instance, actual fighting with the Druses was in progress and Damascus had been bombarded.

After an exchange of views, *the Commission decided* that, if the discussion on the report were to be adjourned, such petitions as had a bearing on the present disorders should also be adjourned.

Lord LUGARD observed that the crux of the whole question was the willingness of the mandatory to accept a fixed date for the submission of a special report. The reply of the United Kingdom Government would decide that point.

After further discussion, *the Commission decided* to delegate M. Orts to discuss matters with the accredited representative in the light of the various considerations that had been put forward by M. Orts himself, the Chairman and other members of the Commission.

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#### TENTH MEETING.

*Held on Wednesday, June 3rd, 1936, at 10.30 a.m.*

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#### **Expression of Sympathy to M. Manceron.**

On the Chairman's suggestion, the Secretariat was instructed to express to M. Manceron the Commission's sincere regret that he was too ill to attend, and its best wishes for his speedy recovery.

#### **Palestine and Trans-Jordan : Examination of the Annual Report for 1935 (continuation).**

#### **TRANS-JORDAN.**

Mr. Trusted, Mr. Kirkbride and Mr. Evans came to the table of the Commission.

#### **WELCOME TO THE ACCREDITED REPRESENTATIVE.**

The CHAIRMAN expressed satisfaction that, for the first time, the Commission was able to welcome an accredited representative coming from Trans-Jordan.

#### **GENERAL ADMINISTRATION : CATEGORIES OF THE ARAB POPULATION : POSITION OF THE BEDOUINS : ADMINISTRATIVE COUNCILS AND LEGISLATIVE COUNCIL OFFICIALS.**

Baron VAN ASBECK asked in what proportions the Arabs of Trans-Jordan were divided into the various categories—settled, semi-nomadic and bedouin (see page 274 of the report). What was the general degree of intellectual development? Did the population understand the working and effect of administrative institutions, such as the deliberative system of councils, the secret ballot, and so on?

Mr. KIRKBRIDE said that, as no census had been taken, he could only give the following approximate figures : settled, 190,000 ; semi-nomadic, 100,000 ; true nomads, 30,000.

Under the Ottoman regime, there had been very few educational facilities and the older generations were largely illiterate. Since the country had become a mandated territory, numerous schools had been opened, and the generation now attaining manhood was far more

enlightened than its forefathers, though probably much below the standard attained in Europe by persons of the same age.

There had been certain administrative councils at district headquarters during the Ottoman regime and, as forming part of the "vilayet" of Syria, Trans-Jordan sent representatives to the council of the "vilayet" at Damascus.

At the present time, the Trans-Jordanians were, he thought, showing an increased sense of responsibility in regard to both municipal affairs and the legislative council.

Lord LUGARD asked whether the legislative council had been instituted during or after the time of the Ottoman regime.

Mr. KIRKBRIDE said it had only been instituted after the conclusion of the agreement between the British Government and His Highness the Amir in 1928.

Lord LUGARD said that, on the first occasion of the examination of the Palestine report, at the fifth session in November 1924 he had asked Sir Herbert Samuel whether it would not be possible to utilise the Arab village councils and Jewish village councils, gradually expanding into district councils composed of both races, and later into central councils. The two races might gradually recognise the value of co-operation if it were introduced in this way and not all of a sudden as a full-blown legislative council based on a foreign model. He had added that he had no knowledge of local conditions but was merely making a suggestion. Sir Herbert Samuel had replied that "this touched the heart of the problem . . ." and that "the country would undoubtedly benefit from the development of an organisation of local government beginning with the village councils".<sup>1</sup> Lord Lugard asked whether it was not still possible in Trans-Jordan to develop the village council as the nucleus of the system of administration and their endowment by the Government with such powers, both executive and judicial, as would accord with the particular state of development of each district, as had been done with the village councils (Punchayet) in India. He was referring to rural villages, not to towns.

Mr. KIRKBRIDE explained that the actual form of administration was very much the same as in Ottoman days, when there were no village councils. As stated in the report (page 276), there were administrative councils which assisted the governors of districts and sub-districts. The members were drawn, not only from the population of the town in which the district headquarters were situated, but also from the rural population of the district. They both advised and assisted the Governor and had certain administrative functions which were laid down in the Ottoman law on vilayets.

It was probably because village councils were foreign to the system of administration inherited from the Ottoman Government that none had been formed in Trans-Jordan. He would, however, be very pleased to put Lord Lugard's suggestion before the Trans-Jordan Government, which would, he felt sure, give it every consideration.

Lord LUGARD explained that his idea was not that the village councils should supersede the administrative councils but that the latter should be recruited from the former.

He asked whether the Western parliamentary system of a legislative council with elections and decisions by debate and majority vote suited the country.

Mr. KIRKBRIDE said the first two councils had allowed their enthusiasm to spoil their utility, but he thought he might say that the present council had done very useful work in advising the Government during the preparation of draft legislation.

Lord LUGARD asked whether the two bedouin members actually sat on the Council, spoke in debate and voted.

Mr. KIRKBRIDE said they sat on the council and voted, but to the best of his recollection they had not taken part in debate. This should not be regarded as a reflection on their utility; although they were both illiterate, their knowledge of bedouin affairs was extremely valuable to the Government and their advice was constantly sought in matters relating to the administration of the desert and of the bedouin.

Lord LUGARD understood that bedouin affairs were, generally speaking, dealt with by the officer commanding the desert patrol (page 277 of the report) and especially by the Bedouin Control Board, which had power under the Bedouin Control Law of 1929 (page 294 of the report). In these circumstances, would the two bedouin members be wanted in the legislative council?

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<sup>1</sup> Minutes of the Fifth (Extraordinary) Session of the Commission, page 67.



Mr. KIRKBRIDE said they were specially useful in advising on the effect of proposed new legislation on the bedouin part of the population.

Lord LUGARD had supposed that, being nomads, their conditions were so different from the conditions of the rest of the population that very little of the legislation applying to Trans-Jordan as a whole could apply to them, for which reason the Bedouin Control Law had been specially enacted for them.

Mr. KIRKBRIDE pointed out that, as Trans-Jordan suffered from a desert with very few permanent water-points, the nomads were only able to inhabit the desert area during the winter season. In summer, they were faced with the alternative of moving into Sa'udi Arabia, where there were permanent water-points, or into the inhabited areas of Trans-Jordan west of the railway. For nearly half the year, therefore, they were living among the settled population and came under the general laws governing the country.

Lord LUGARD understood that, during the present unrest and disorganisation in Palestine, the Amir of Trans-Jordan had behaved extremely loyally and had been very successful in keeping his country quiet.

Mr. KIRKBRIDE said it gave him great pleasure to be able to confirm this.

Baron VAN ASBECK asked whether the unit of society was the family, tribe or village. Were there any autonomous treasuries of local communities with their own taxation rights? Were the administrative councils composed of independent individuals, or did a strong family influence predominate? As a criterion, he would like to know whether the young men were free to choose their wives for themselves since they were apparently allowed to take part in public life at a very early age, having the right to vote at eighteen (page 275 of the report.)

Mr. KIRKBRIDE said that all degrees of transition between the true tribal nomadic life and village life were to be found. The nomads had a purely tribal organisation, which had probably been unchanged for thousands of years. The semi-nomads lived in tents and retained most of their tribal organisation, but the process of disintegration had shown itself in a very curious manner—in the multiplication of sub-tribes and consequently of petty chiefs. The settled population had split up into families, as in Europe.

There were no communities with taxation rights.

It was inevitable that local politics should be affected by the attitude of the various tribes. Care was taken, in choosing the members of the administrative councils, that all the important tribes—as being an influential part of the population of the administrative division—were represented.

The freedom in choice of wives depended largely on social status. The ordinary cultivator or nomadic shepherd probably chose his own wife, within certain limits. No doubt tribal alliances were taken into account in the marriages of notables or chiefs.

Baron VAN ASBECK asked how the two nomad bedouins were elected to the legislative council, seeing that bedouins were not entitled to vote.

Mr. KIRKBRIDE said that, strictly speaking, they were not elected but nominated. The bedouin chiefs chose three or four individuals from whom the two representatives would be nominated by the Amir.

Baron VAN ASBECK asked whether the lower councils were more or less family councils with family ties predominating.

Mr. KIRKBRIDE did not think that would be a correct description.

Baron VAN ASBECK wished to know why the Department of Tribal Administration had been abolished in 1924 after operating for two years (page 293 of the report).

Mr. KIRKBRIDE did not remember the details. As would be seen from the report (page 277), the officer commanding the desert area was responsible for the administration of the desert area.

To a question by Baron van Asbeck whether the tribes living outside the settled areas had their own councils, Mr. Kirkbride replied that any councils which existed were purely informal.

Count DE PENHA GARCIA noted from page 276 of the report that the Trans-Jordan Government had worked well for the past ten years. He asked whether collaboration had been established on a basis of understanding, or whether there were parties which disputed, as in most parliaments.

Mr. KIRKBRIDE thought party divisions inevitable in any council.

Count DE PENHA GARCIA presumed that the fact that nine heads of departments were British officials (page 277 of the report) indicated that Trans-Jordanians were not yet able to take charge. He asked how many of the subordinate officials were Trans-Jordanians.

Mr. KIRKBRIDE said there was some misunderstanding. The Judicial and Financial Advisers were not heads of departments. The former worked with an Arab Minister of Justice ; the latter also worked with an Arab Treasurer. It was considered desirable that the officer commanding the Arab Legion should be a British officer. The Directors of Lands, Surveys and Customs required special technical knowledge, and no Arabs had been found with the necessary qualifications. The Inspector of Antiquities worked under an Arab Director of Antiquities. The Chief Audit Examiner was an official of the Colonial Audit Department. The Chief Forest Ranger was subordinate to an Arab Director of Agriculture. Only in four cases, therefore, was executive power in the hands of a British director. He added that a certain number of officials were drawn from the Caucasian elements which had settled in Trans-Jordan in Turkish times. The list on page 277 was a complete list of all the British officers in the Trans-Jordan service.

Count DE PENHA GARCIA thought it a matter for satisfaction that Trans-Jordanians were sufficiently qualified for Government service.

The CHAIRMAN asked whether, in speaking of Arabs, the accredited representative meant Trans-Jordan Arabs.

Mr. KIRKBRIDE said it was a general requirement of the Trans-Jordan service that any Arab appointed thereto should be a Trans-Jordanian.

Mlle. DANNEVIG asked whether the Directors of Education and Public Health were not British.

Mr. KIRKBRIDE replied that both were Arabs.

M. RAPPARD was somewhat puzzled as to the relation between the formal structure of the Government and political reality. Did the statement that " the legislative power was vested in the legislative council with His Highness the Amir " (page 275 of the report) mean that the Amir had a right of veto ? Were constitutional matters reserved, or did the Council's competence cover everything, including the right to organise the Territory in conformity with its own wishes ? For instance, did the latter concur in the appointment of a British officer to command the Arab Legion ?

Were all laws enacted by the Council, including the Defence Law ?

Mr. KIRKBRIDE said the rights of the legislative council and of His Highness the Amir would be found in the Organic Law, of which an English translation was in the Commission's possession. No doubt the passage referred to related to the fact that the Amir had to assent to all laws, and could refer them back to the Council.

The officer commanding the Arab Legion operated under powers conferred by a series of laws enacted by the legislative council.

The Defence Law had been passed by the legislative council and assented to by His Highness the Amir, but contained a provision that it would only be brought into operation by proclamation of His Highness.

M. RAPPARD observed that the legislators appeared to show greater wisdom than many European legislators. They were sufficiently imbued with political wisdom to divest themselves, under emergency conditions, of certain specific rights. This seemed almost too good to be true. Could the accredited representative, as a detached observer, say how it had come about ?

Mr. KIRKBRIDE remarked that both the Government and His Highness the Amir advised the individual councillors as to what attitude they should adopt when any measure of importance came before them.

M. RAPPARD asked what would happen if the advice were rejected. Was the root of power in the Amir ? Did the legislators represent the different elements of the population ?



Mr. KIRKBRIDE said there was always some degree of opposition in the Council, but except in the cases referred to in the report, in one of which the Council refused to pass the budget and was dissolved (page 275 of the report), the Government had been able to secure a majority.

M. RAPPARD had not spoken in a spirit of criticism. He fully understood that the object was to endow the country with self-governing institutions, and that these had to be nursed to some extent.

M. ORTS drew attention to a newspaper article to the effect that two persons belonging to the Opposition had been deprived of Trans-Jordan nationality for plotting against the Amir.

Mr. KIRKBRIDE said that, having seen the names, he could assure the Commission that the report was untrue.

The CHAIRMAN asked whether elections were organised in the relatively large districts inhabited by semi-nomads and nomads.

Mr. KIRKBRIDE said they were organised in accordance with the procedure laid down in the Election Law, of which the Commission had been provided with a translation.

In reply to a further question by the Chairman, he said the semi-nomadic tribes were perfectly free in the choice of their representatives.

Count DE PENHA GARCIA asked why the municipal accounts were audited by the Government Audit Department (page 277 of the report).

Mr. KIRKBRIDE said it was a recognised principle that all Government accounts should be subject to audit. It had been decided on general grounds to extend this audit to the municipalities.

#### LEGISLATION.

Count DE PENHA GARCIA noted that, according to the report, only about six laws of any importance had been enacted during 1935 (pages 280 and 281), and asked whether there were any special reasons for the Crown Actions Law (page 281).

Mr. KIRKBRIDE said the laws mentioned in the report were only a selection. If the Commission desired, he could supply an English version of all the laws enacted in 1935.

The Crown Actions Law brought Trans-Jordan into line with other territories administered by His Majesty's Government.

M. PALACIOS understood—the report itself referred to it—that the legislation relating to municipalities was about to be reformed. He asked how the laws on municipalities under revision would be amended (page 277 of the report).

Mr. KIRKBRIDE said the object was to consolidate and simplify the present confused and complicated legislation on municipalities.

#### QUESTION OF A FUTURE STATUS OF TRANS-JORDAN.

M. ORTS drew attention to an article published in the *Sunday Times* of March 29th, 1936, stating that the Amir Abdulla had asked the British authorities to request the French Government to agree to a union between Syria and Trans-Jordan. Further, the Amir was said to have suggested that the French, following the example of the United Kingdom in Iraq, should now give Syria its independence. As an alternative, Palestine and Trans-Jordan should be united by a treaty similar to that between Great Britain and Iraq. Otherwise, Trans-Jordan would reluctantly be forced to follow in the steps of the Arab nationalists in Egypt and Syria, and unless the scheme he suggested was countenanced, there would soon be serious results. Was there any truth in this information?

Mr. KIRKBRIDE said the information was not correct.

#### VISIT OF THE AMIR OF TRANS-JORDAN TO IRAQ AND OF THE AMIR SAUD TO TRANS-JORDAN.

M. ORTS asked whether the visit of the Amir Abdulla to Iraq and the visit of the Amir Saud to Trans-Jordan (page 281 of the report) were purely courtesy visits, having no political significance and no connection with the amalgamation of the various Arab States.

Mr. KIRKBRIDE said the visit of His Highness the Amir Abdulla to Iraq was on personal affairs. The visit of His Highness the Amir Saud to Trans-Jordan was the result of endeavours by His Majesty's Government, extending over a number of years, to improve the relations between Trans-Jordan and Sa'udi Arabia. A Treaty of Friendship and Bon Voisinage had been signed in 1933 and ratified in 1934, after which relations with Sa'udi Arabia had begun to improve. It was thought appropriate to take advantage of the visit of the Amir Saud to Europe to bring about a meeting between him and the Amir Abdulla. The visit had coincided with the Amir Saud's return from England and had resulted in the establishment of most cordial relations between the two Amirs. These relations had been reflected in a great improvement in the official relations between the two countries.

#### FRONTIER BETWEEN TRANS-JORDAN AND SA'UDI ARABIA : SITUATION AT AQABA.

M. RAPPARD asked whether there had been any further controversy over the frontier in the Aqaba region.<sup>1</sup>

Mr. KIRKBRIDE said the position had remained unchanged.

#### QUESTION OF JEWISH SETTLEMENT IN TRANS-JORDAN.

Count DE PENHA GARCIA asked whether conditions now permitted of the settlement of Jews in Trans-Jordan. Sometime previously, the mandatory Government and the Government of Trans-Jordan had objected to land being sold to them, on the ground that there was not sufficient security to guarantee that they would be respected.

Mr. KIRKBRIDE said his predecessors at the three previous sessions had described the position as regards the settlement of the Jews in Trans-Jordan. He could only say the situation was unchanged.

#### SITUATION OF WOMEN.

Mlle. DANNEVIG asked what was the status of women in the different sections of the population. Was polygamy usual ? Were women married young ? Was a bride-price paid by the men, and, if so, was it high or low ? As more than half the pupils in the schools were girls, women seemed to have attained some status.

Mr. KIRKBRIDE said polygamy was still practised by the Moslems. The age-limit for the marriage of girls was sixteen. The usual customs had been retained in regard to the payment of the bride-price, most of which was spent on the bride's equipment. There was an increasing desire on the part of both Moslem and non-Moslem girls for education.

The position of women in the family differed in the various sections of the population, and also with social status. Nomadic women had greater freedom and participated more fully in tribal affairs than their sedentary sisters.

#### SLAVERY

Count DE PENHA GARCIA asked whether there was any slavery in Trans-Jordan. On a previous occasion, the accredited representative had said that, although it had been abolished by law, there were still a few cases in practice.

Mr. KIRKBRIDE said a number of personal retainers of His Highness the Amir and of the tribes insisted on calling themselves slaves. Three persons attached to the Palace, who would certainly so describe themselves, were really members of the police force, drawing a salary. The *soi-disant* slaves attached to the tribes had the same rights as other tribesmen, and were perfectly free to leave if they so desired.

Count DE PENHA GARCIA asked whether they were under a kind of domestic servitude.

Mr. KIRKBRIDE would not describe it in that way. There was merely the survival of a name. "Slave" in Arabic was synonymous with "negro", and these individuals were negroes by descent who had been attached to the tribes from time immemorial.

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<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 66.



#### IDENTITY PAPERS.

Lord LUGARD understood that Trans-Jordanians entering Palestine had to obtain identity papers.

Mr. KIRKBRIDE said the references made in the Commission <sup>1</sup> to Trans-Jordanians visiting Palestine had been brought to the notice of the Trans-Jordan Government, which had decided to institute a system of identity documents. They were issued free of charge by the administrative authorities of the district in which the applicant was resident, on production of satisfactory proof that he was a Trans-Jordanian. They were simple identity papers, bearing a thumb-print of the holder.

In reply to a further question by Lord Lugard, Mr. Kirkbride confirmed that holders of these papers were not allowed to settle in Palestine.

M. RAPPAUD asked how the frontier authorities were able to distinguish *bona fide* merchants coming from Sa'udi Arabia (page 279 of the report).

Mr. KIRKBRIDE said these merchants obtained certificates of identity from the Government of Sa'udi Arabia.

#### NATURALISATION.

Lord LUGARD had an extract from the *Palestine Post* of October 15th, 1935, which seemed to indicate that a new law had been enacted setting residents of other than Trans-Jordanian nationality a time-limit to comply with the official demand that they become naturalised. Was there any law compelling naturalisation ?

Mr. KIRKBRIDE said the fee for naturalisation had been felt to be so high as to constitute a hardship for persons of restricted means. It had therefore been reduced from £5 to £1 for one year in order to enable eligible individuals to acquire Trans-Jordan nationality at slight cost, should they desire to do so. There was no law enforcing naturalisation.

M. PALACIOS, referring to the same article, said it was apparently feared that the outcome of the new edict would be general military conscription. It was stated therein that many Syrians were taking advantage of the order to avert expulsion threats.

Mr. KIRKBRIDE said the references to expulsion and military service were entirely unfounded.

#### LAND TENURE : FORESTS.

Baron VAN ASBECK asked whether there was any settlement scheme for making semi-nomads settled and sedentary.

Mr. KIRKBRIDE said there was no special organisation for settling nomads, though they were encouraged to cultivate land they owned on the fringe of the desert, which was capable, in favourable weather conditions, of producing a crop.

Baron VAN ASBECK thought the land reform measures referred to on pages 287 and 288 of the report must seem somewhat revolutionary to an innately conservative peasant population, which was the description given on page 350. Did they realise the advantages of the new arrangements ?

Mr. KIRKBRIDE said that at first the land settlement operations had met with intense suspicion, but there was now considerable competition between the villages as to which should be settled first. The statement that the benefits had been realised was no more than the truth.

Baron VAN ASBECK could only congratulate the Administration.

He asked whether it was to be concluded from the passages relating to forest areas on pages 289 and 352 of the report that there was some kind of expropriation without compensation.

Mr. KIRKBRIDE said there was no question of expropriation. The system of land tenure and settlement in the villages was extremely vague. Large areas of unbroken forest had been included in the village boundary, and when the country was first taken over by the mandatory Administration, wholesale destruction of trees was taking place. Had it not been checked,

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<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 48.

the whole of the forest would have been destroyed, with the most deplorable results. A law had therefore been enacted to enable the Government to place the forest under the control of the Forestry Department, to make the felling of trees without a licence illegal, and to enable the Government to control the exploitation of forest produce. For instance, charcoal had to be burned under Government supervision. These measures had been resented and had been a continuous source of friction between the Forestry Department and the villagers.

When land settlement operation began in these villages, it was suggested to the people that a solution would be for the Government to take over as State domain the unbroken blocks of forest with certain definitely marked and easily recognised boundaries and that Government control over the felling of trees should then be removed from the rest of the village land, which included certain small patches of forest. The negotiations were rather protracted, but in the end this arrangement was carried into effect. At the same time, it was impressed on the villagers that it was undesirable to cut down trees without planting something useful in their place. There were few cases of wanton destruction, and most of the areas from which Government control had been removed and which had been cleared of trees had been planted with vines and olives.

M. SAKENOBÉ asked what was meant by the partition of undivided lands (page 287 of the report).

Mr. KIRKBRIDE said that, under the undivided ownership (*masha'a*) system, property-owners had not individual holdings, but shares in the village as a whole. Prior to the cultivating season, lots were drawn by the holders of shares as to which plot they should cultivate that year. The object of partition was to allot a definite plot to each shareholder.

M. SAKENOBÉ asked what was the extent of the State domain and whether it was cultivable forest or uncultivable land.

Mr. KIRKBRIDE said it was of all three categories. The area could be given in the next report.

M. SAKENOBÉ asked whether Government officials were responsible for developing State domain.

Mr. KIRKBRIDE said all State domain was administered by a special section of the Lands Department.

M. RAPPARD asked to whom the 243,389 dunums of land referred to on page 283 of the report had been transferred.

Mr. KIRKBRIDE said that, for the most part, it was transferred to people who had cultivated it as Government tenants for several generations.

M. RAPPARD asked what was the real nature of the 6% tax on the gross annual yield of the land (page 284 of the report). As it seemed to be proportional, not to the actual yield of the land, but to its value as estimated according to its average yield, it would appear to be a property tax and not a tax on income.

Mr. KIRKBRIDE said there was no contradiction. Prior to the imposition of the land tax, the gross annual yield had had to be ascertained. The Departments of Lands and Surveys had made a very detailed valuation, and the land had been split up into the various categories mentioned on page 285 of the report.

As far as possible, the land belonging to each village was divided into "fiscal blocks" of a homogeneous character and the gross annual yield was calculated on that basis. Provision was made for the remission of taxation in bad years, the owner of the land being entitled to apply for an inspection by experts.

M. RAPPARD said the tax seemed to be a property and not an income tax. It did not exclude the disagreeable necessity of granting relief in bad years.

Mr. KIRKBRIDE said the old system of estimation, so unfavourable to the cultivator, was avoided: under that system, he had been unable to thresh his crops until the estimation had been made and inspected and, as a result, probably missed the favourable prices of the early market.



#### WATER CONSERVATION.

Baron VAN ASBECK asked whether there were no reservoirs for storing flood-water for use in time of drought.

Mr. KIRKBRIDE said the possibility of conserving surface water had been under consideration for some years ; the difficulty was to find the necessary funds.

#### JUDICIAL ORGANISATION.

Lord LUGARD asked how the Bedouin Control Law worked : the officer commanding the legion apparently had full judicial powers already. How did the Bedouin Control Board function ?

Mr. KIRKBRIDE said there had been some reorganisation during the past few months. The Bedouin Control Board was now known as the Tribal Court of Appeal. Cases raised by tribesmen concerning tribal matters went first to the tribal courts and afterwards to the Court of Appeal. The Bedouin Control Law gave the officer commanding the Arab legion certain administrative powers as apart from the magisterial and judicial powers exercised by the courts under reference.

Lord LUGARD asked what were the officer's magisterial functions.

Mr. KIRKBRIDE said he exercised the magisterial functions of a judge of a tribal court. Tribal courts were constituted in each district, the desert area being treated as a separate district for that purpose.

In reply to a further question by Lord Lugard, he said the officer commanding the desert area was the President of the tribal court in that area ; he exercised, in addition, certain administrative powers, such as ordering a tribe to camp in a particular area. When dealing with civil or criminal cases between individuals, he sat as a magistrate.

#### TOWN-PLANNING SCHEME AT AMMAN.

Baron VAN ASBECK asked who was responsible for drawing up and executing the town-planning scheme at Amman (page 278 of the report).

Mr. KIRKBRIDE said it had been drawn up by a British expert, Mr. Holliday, of Jerusalem, who had been employed for the purpose by the Trans-Jordan Government. The municipal engineer, under the close supervision of the Director of Public Works, was primarily responsible for carrying out the project.

In reply to a further question by Baron van Asbeck he said the municipal engineer and the Director of Public Works were both Arabs. The latter had qualified in America. He was not sure where the former had been trained, but he held a diploma.

#### COMMITTEE ON ECONOMIC CONDITIONS.

Baron VAN ASBECK asked who had served on the Committee on Economic Conditions (page 280 of the report).

Mr. KIRKBRIDE said it was a mixed committee of British and Arab officials of the Trans-Jordan Government.

The accredited representatives withdrew.

#### PALESTINE.

#### QUESTION OF CONTINUING THE EXAMINATION OF THE ANNUAL REPORT FOR 1935 (*continuation*).

M. ORTS gave an account of the conversations which, at the request of his colleagues, he had had with the accredited representative of the mandatory Power for Palestine.

From those conversations, it appeared that the mandatory Power did not feel able to give any undertaking to inform the Commission, at a date to be fixed immediately, of the causes, circumstances and scope of the events which were at present taking place in Palestine.

The CHAIRMAN asked M. Orts. what procedure he proposed should be adopted.

M. ORTS thought, that, in those conditions, the only thing to be done was to take up again the examination of the annual report. It would be for the Commission to decide whether it should not bring to the notice of the Council the difficulties experienced in examining, in present circumstances, the situation in Palestine and explain to it the efforts made by the Commission to be in a position, during the present year, to give the Council an official account of the events.

*The Commission decided to continue to examine, during the present session, the annual report on the administration of Palestine in 1935.*

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#### ELEVENTH MEETING.

*Held on Wednesday, June 3rd, 1936, at 4 p.m.*

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#### **Palestine and Trans-Jordan : Examination of the Annual Report for 1935 (continuation).**

##### TRANS-JORDAN (*continuation*).

Mr. Trusted, Mr. Kirkbride and Mr. Evans came to the table of the Commission.

##### EMPLOYMENT IN OFFICIAL POSITIONS OF ARABS FROM NEIGHBOURING TERRITORIES.

The CHAIRMAN asked whether any Arabs from Egypt and Syria were employed in an official capacity.

Mr. KIRKBRIDE said that a number of Arabs originating from Syria, Palestine, Egypt and Iraq were at present officials in Trans-Jordan, but they had become naturalised Trans-Jordan citizens for the most part.

##### REPRESENTATION OF MINORITIES ON THE MUNICIPAL COUNCILS.

M. PALACIOS recalled that it was said on page 303, paragraph 3, of the report that the present municipal law did not provide for the representation of minorities on the municipal councils. In order to get over this difficulty, a new law was being drafted under the terms of which Circassians, Christian Arabs and Moslem Arabs would be represented on the councils.

Was the fact that this law was being prepared the result of a free evolution of the mentality of the people or of an authoritative intervention on the part of the Mandatory ?

Mr. KIRKBRIDE said that the text of the report must have been misunderstood. The report simply said that the present municipal law did not *specifically* provide for the representation of minorities. As a matter of fact, minorities were already represented on the municipal councils, so that the new law would confirm existing conditions.

##### STATUS OF THE ARMENIANS IN THE TERRITORY.

M. SAKENOBÉ asked what was the national status of the Armenians in the Territory ? Were they refugees and did they form independent communities ?

Mr. KIRKBRIDE said that all were in possession of regular documents on entering the country. Fuller information regarding their nationalities could be given in the next report if desired. These Armenians were not refugees. Though they had a separate religious community, socially they were indistinguishable from the rest of the population.

##### PUBLIC FINANCE.

M. RAPPARD asked whether the accredited representative could explain the meaning of the items " Grant-in-Aid of Trans-Jordan Frontier Force " and " Grant-in-Aid of Trans-Jordan Government " (page 329 of the report).

Mr. KIRKBRIDE replied that the latter was a grant from Imperial funds to make good the annual deficit in the Trans-Jordan budget. With regard to the former, M. Rappard would remember that there was an agreement between His Britannic Majesty and His Highness the Amir of Trans-Jordan which provided that Trans-Jordan would bear one-sixth of the cost of the upkeep of this force ; but as up to the present the Trans-Jordan budget, apart from the grant-in-aid, had shown a deficit each year, the Trans-Jordan share of the cost of the Frontier Force had also been paid for from Imperial funds.



M. RAPPARD observed that 30% of the expenditure of Trans-Jordan was being borne out of Imperial funds (page 329 of the report). In addition, he noted that the British Resident, who had received a salary of £P315 in 1931-32, had since that date received no salary out of the Trans-Jordan budget (pages 330-331 of the report). He presumed, therefore, that this salary was also being paid out of Imperial funds. In fact, Trans-Jordan was still very far from being able to pay her way out of her own funds. He supposed that all these grants were non-recoverable.

Mr. KIRKBRIDE replied in the affirmative.

M. RAPPARD asked whether the mandatory Power obtained any advantage in return for this expenditure.

Mr. KIRKBRIDE explained that the Amir of Trans-Jordan had undertaken, in the agreement already referred to, to place His Britannic Majesty in a position to satisfy certain international obligations. The satisfaction of these obligations depended on the maintenance of a certain level of administration which would not be attainable at present if the local government had to depend entirely on its own revenue.

M. RAPPARD presumed then that the mandatory Power regarded these sums as a sort of investment which would eventually help the country to become self-supporting.

Mr. KIRKBRIDE said that His Majesty's Government hoped that these grants would one day become unnecessary.

M. RAPPARD thanked the mandatory Power for the very full explanations given concerning the land tax (page 337 of the report). This was a very bold, meritorious and interesting measure and he hoped it would be successful.

Lord LUGARD, referring to page 331, paragraph 2, "Public Debt", noted that the public debt of Trans-Jordan was extremely small—£P19,434, or only one-twelfth of the revenue for a single year. Under these circumstances, had there been no thought of raising a loan for development?

Mr. KIRKBRIDE said that the possibility had not yet been considered by the Trans-Jordan Government. In connection with the question of development, he desired to draw attention to the generous assistance which had been afforded by the Colonial Development Fund.

Lord LUGARD said that it was because of such generosity that he had thought it desirable to draw the accredited representative's attention to the facility with which a loan could almost certainly be raised for a country which had practically no public debt.

Count DE PENHA GARCIA, referring to the Agricultural Bank's transactions, noted that the loans issued "against collective guarantee" (page 339 of the report) had fallen from £P27,381 in the period 1933-34 to £P395 in the period 1935-36. What was the explanation of this? Was it due to the inadequacy of the security offered?

Mr. KIRKBRIDE explained that the change had occurred in co-relation with the progress of land settlement. When an individual who only possessed rights to communal land wished to obtain a loan, the bank was obliged to obtain a collective guarantee from the community concerned. Now, however, that the inhabitants were acquiring individual ownership rights, the bank preferred mortgages on these lands to "collective guarantees".

#### JUDICIAL ORGANISATION (*continuation*).

Lord LUGARD, referring to the sentence in paragraph 11 on page 294: "No administrative officials have judicial powers", asked whence it had been possible for Trans-Jordan to obtain the necessary supply of magistrates.

Mr. KIRKBRIDE replied that Trans-Jordan had inherited a relatively large number of officials with judicial experience from the Turkish administration. Since then, younger officials had been recruited from students who had qualified at the Law School at Damascus. At the present time, a number of young men were attending the law classes in Jerusalem (page 300 of the report) and would eventually swell the ranks of the magistrature when qualified.

Baron VAN ASBECK asked how Trans-Jordan students could obtain a law diploma in Jerusalem "as students in the law classes" . . . "without the need for personal attendance at the lectures in Jerusalem" (page 300).

Mr. TRUSTED explained that, even if they had been unable to attend the classes in Jerusalem, students from Trans-Jordan were allowed to take their examination in that city. If they passed, they received a special diploma valid for Trans-Jordan, which did not entitle them to practise in Palestine.

In reply to a question by Lord Lugard, Mr. KIRKBRIDE said that he had not noted any signs of racial discrimination in the courts. There were a number of Christians amongst the magistrates and judges of first instance. He was referring, of course, to the civil courts, though some even of the Christian magistrates were fairly well versed in Sharia law.

M. PALACIOS said that on page 291 of the report mention was made of the Sharia courts, which dealt with matters concerning the personal status of Moslems. The report added that these courts had jurisdiction in cases of "Diya" or "blood money", and that they dealt also with cases of waqfs, or Moslem foundations. In connection with "Diya", M. Palacios would like to know how far this institution had evolved, for it seemed that it had just been added to the other penalties included in the penal code and inflicted by the civil courts.

Mr. KIRKBRIDE explained that "Diya" was not necessarily a penalty, but also a civil right. A claim to the price of blood could arise in civil as well as in criminal proceedings; for instance, if some person was killed accidentally, there might be no prosecution, but the person responsible for the death would be liable to pay "Diya".

M. PALACIOS asked, as regards the jurisdiction of the Sharia courts in cases of waqfs, whether they dealt with disputed claims or legal cases which arose in practice, or whether they were responsible for the administration and management of the pious foundations themselves.

Mr. KIRKBRIDE said that the Sharia courts did not administer waqfs in the strict sense of the term, but the apportionment of waqf revenue was supervised by the Sharia Quadi in many cases. The actual administration of the waqfs was in the hands of specially appointed trustees or administrators.

Baron VAN ASBECK asked what was the difference between the jurisdiction of the tribal courts and that of the courts of first instance, in particular, when, as in Amman, for example, both courts existed side by side (pages 294 and 295 of the report.)

Mr. KIRKBRIDE said that he could not explain the differences in jurisdiction without entering into a very detailed description. Full information would be found in a translation of the law concerning these courts, which had been deposited with the Secretariat. Generally speaking, however, it might be said that the tribal court was equivalent to a court of first instance. The tribal court had jurisdiction only in certain cases raised by members of nomadic tribes, the names of which were specified in the law. In a mixed case—that was to say, a dispute between a person not amenable to the tribal court and one amenable thereto—the non-nomad party to the dispute could insist that the matter be brought before a court of first instance, or could, if he wished, agree to submit to the jurisdiction of the tribal court concerned.

Baron VAN ASBECK asked whether Europeans could be brought before Arab judges.

Mr. KIRKBRIDE said that no foreigner could be tried by the courts of Trans-Jordan without the permission of the British Resident, to whom the courts had to apply for such permission.

In reply to a further question by Baron van Asbeck, he said that a whole-time Judicial Inspector had not yet been appointed.

#### FAMINE.

Lord LUGARD said that, in connection with the report for 1934, he had enquired regarding a famine amongst the Beni Hassan in 1932-33.<sup>1</sup> What steps had been taken to prevent a possible recurrence of such conditions? The main problem in such times being one of transport of food to the famine area, had any special precautions been taken to provide such transport?

Mr. KIRKBRIDE said that, as the Beni Hassan had had a satisfactory harvest in 1935, their condition was at present normal. As to the possibility of recurrences of famine, the

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<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 67.



Commission should understand that, as agriculturists, the margin between poverty and plenty was narrow for the majority of Trans-Jordanians. After a year of insufficient rain, they rapidly sank into a state of want, but in such instances the Government afforded prompt assistance. As regarded transport, Trans-Jordan now possessed an adequate road system for such services.

#### IMPORTS AND EXPORTS.

M. RAPPARD, referring to the tables on pages 341-343 of the report, drew attention to the fact that Trans-Jordan imported ten times as much as she exported. How was the balance struck? Were the rest of the imports paid for out of the cash from grants and money derived from the tourist traffic?

Mr. KIRKBRIDE said that there were other sources of income besides those shown in the tables in question, but as the statistical section of the Department for Customs, Excise and Trade had only been set up in the present year, statistics were far from being complete and comprehensive. More detailed figures would be available in the next report and would, he thought, show a more accurate picture. Trans-Jordan mainly exported cereals, animals and animal products.

#### AGRICULTURAL AND INDUSTRIAL DEVELOPMENT : CO-OPERATIVE SOCIETIES.

Baron VAN ASBECK asked whether there were any non-native industries.

Mr. KIRKBRIDE replied that there was one tobacco factory linked up with the British-American Company. All other industries were local.

Lord LUGARD asked what were the functions of the British Director of Development? Would he be an addition to the officers the accredited representative had mentioned at the previous meeting?<sup>1</sup>

Mr. KIRKBRIDE replied in the affirmative. The new Department was to be set up to consider ways and means of improving production and marketing, of encouraging industry, and of initiating the formation of co-operative societies, which were unknown in the country. The idea was that there should be a British director having a general knowledge of irrigation and agriculture and a trained Arab as an assistant, whose task would be to control co-operative societies.

#### LEGISLATION RELATING TO THE APPLICATIONS OF "SANCTIONS" AGAINST ITALY.

The CHAIRMAN asked whether an Order in Council had been promulgated for Trans-Jordan, as for Palestine, providing for the imposition of "sanctions".

Mr. KIRKBRIDE replied that parallel legislation had been enacted by the Trans-Jordan Government.

#### DEFENCE OF THE TERRITORY.

M. SAKENOBÉ noted that, during the year, an important law had been passed concerning the defence of Trans-Jordan (page 280 of the report). It was stated that this law would be brought into operation by proclamation of the Amir. Had it been applied?

Mr. KIRKBRIDE replied that it had not been brought into operation by proclamation.

M. SAKENOBÉ said that, according to the *Echo de Syrie*, of January 23rd, 1936, the Amir of Trans-Jordan had asked the Iraqi Government for officers to help in the organisation of the Trans-Jordan army. *La Syrie*, of Beirut, March 11th, 1936, alleged that the construction of a military aerodrome had been begun in Trans-Jordan. The cost would be £45,000. It was also said that 2,000 more soldiers would be recruited. Had the accredited representative any comments to make on these assertions?

Mr. KIRKBRIDE said that, as far as he was aware, these reports were entirely without foundation.

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<sup>1</sup> See page 80.

#### ARMS AND AMMUNITION.

M. SAKENOBÉ asked whether there were not any regulations in Trans-Jordan concerning arms and ammunition.

Mr. KIRKBRIDE replied that the carrying of arms was not forbidden in Trans-Jordan. Arms might not, however, be brought into certain towns specified in regulations issued by the officer commanding the Arab Legion. Bedouins, on entering such towns, had to leave their arms at the police post nearest their point of entry.

The importation or exportation of arms was prohibited. The authorities responsible for seeing that this prohibition was enforced were the Customs officers and the police. Such arms as there were in the country had almost all been there since the war. At the termination of hostilities, the quantity of arms in the country was considerable. That, however, was twenty years ago and arms, as treated by the local population, deteriorated rapidly. In his opinion, the present stock was low.

M. SAKENOBÉ asked whether there had been any smuggling of arms from Trans-Jordan to Palestine. Had the police seized any such arms and was co-operation maintained between the Trans-Jordan and Palestine police in this matter ?

Mr. KIRKBRIDE replied that there was the closest co-operation between the police of the two countries. There might be some illicit traffic but most cases of smuggling were perpetrated by single individuals. He referred the Commission to paragraph 2 on page 125 of the report.

#### INTERNATIONAL CONVENTIONS.

Baron VAN ASBECK noted that, in the list of international agreements, Conventions and treaties, there was no mention of Trans-Jordan's accession to the labour Conventions.

Mr. KIRKBRIDE said he would make enquiries regarding the omission.

#### EXTRADITION.

M. SAKENOBÉ noted that while there was an extradition treaty between Palestine and Trans-Jordan, there seemed to be no similar agreements with Syria and Egypt. Did not this cause some inconvenience in the administration of criminal law and did the Trans-Jordan Government intend to conclude such agreements ?

Mr. KIRKBRIDE said that the extradition legislation in Trans-Jordan provided for the application to Trans-Jordan of treaties of extradition between the mandatory Power and other countries. Extradition between Syria and Trans-Jordan, for instance, was effected on the basis of the treaty governing extradition between France and the United Kingdom and subject to the provisions of the Trans-Jordan Extradition Law. A treaty of extradition between Trans-Jordan and Egypt was being negotiated but had not yet been concluded.

#### ANTIQUITIES.

Count DE PENHA GARCIA noted (page 313 of the report) that a new law had been promulgated concerning antiquities, in place of the 1925 law. He understood that, hitherto, the antiquities found had been sent to Jerusalem. He further understood that there had been a proposal to set up a museum at Amman and he hoped that this project would be realised. It might help to stimulate the tourist traffic, and would have the advantage, from the moral standpoint, of confirming the progress of civilisation in Trans-Jordan.

Mr. KIRKBRIDE said that the question of establishing a museum at Amman had been under consideration, but the scheme had been unrealisable hitherto for lack of the necessary funds. It would certainly be desirable to have such a museum at Amman if sufficient funds could be obtained.

Count DE PENHA GARCIA suggested that this might prove, in the long run, to be a productive use for funds made available by the mandatory Power itself.

#### LABOUR.

Mr. WEAVER thanked the accredited representative for the very interesting page on labour (page 315 of the report). This was the first time that the Commission had been provided with so much information on the situation in Trans-Jordan. He was glad to note (paragraph 3 on



page 315) that the two tobacco factories had voluntarily subscribed to certain regulations concerning the employment of children. Would it not have been better to have defined these rules in a small ordinance? Was the accredited representative sure that the two factories duly implemented their undertakings in this respect?

Mr. KIRKBRIDE said that he was satisfied that the promises made were being respected. He believed, however, that the mandatory Power intended to take up with the Trans-Jordan Government the question of enacting a law on the subject.

#### ALCOHOL AND SPIRITS : DRUGS.

In reply to Count de Penha Garcia, Mr. KIRKBRIDE pointed out that the number of cases of drunkenness during 1935—60 (page 305 of the report)—was very small as compared with the total population of about 300,000. The wine made was quite ordinary wine; the 25% alcohol content mentioned in the report (page 344) was a maximum fixed for fiscal purposes, which, of course, was far from being attained in practice.

He was unable to say whether penalties imposed for contraband in hashish (pages 305, 306) or other offences relating to dangerous drugs were imprisonment or fines or both. He would see that this information was contained in the next report.

#### PUBLIC HEALTH.

Count DE PENHA GARCIA asked whether the registration of births and deaths was compulsory.

Mr. KIRKBRIDE said that such registration was compulsory by law. The head-men of tribes and villages received a reward for the births and deaths which they reported. The Administration thought this system was preferable to and more efficacious than a system of penalties for failure to report. Except as regards the nomadic population, he thought that the figures were approximately correct (page 322 of the report).

Count DE PENHA GARCIA said it was evident that the mandatory Power had done its best to improve health conditions. He had read in a newspaper that the Palestine Government was prepared to assist Trans-Jordan in this respect. What were the actual arrangements?

Mr. KIRKBRIDE said that it was intended to form a mobile medical column to operate in the desert areas of Trans-Jordan in charge of a British medical officer with Arab assistants (see page 327 of the report). The Palestine Administration would defray part of the cost of this expedition on the ground that the protection of Trans-Jordan from infection was an indirect means of protecting Palestine also.

Mlle. DANNEVIG noted that there were only four midwives in the country (page 326 of the report). Was the Administration endeavouring to increase their number?

Mr. KIRKBRIDE said that a number of suitable candidates were undergoing a course of training at Palestine institutions.

In reply to a question by Mlle. Dannevig, he said that in towns the advantages of being attended by trained midwives were realised.

In reply to a further question by Mlle. Dannevig, Mr. Kirkbride said that the general health of the schoolchildren was good (page 326 of the report). The medical inspectors of schools paid particular attention to the danger of eye diseases.

In reply to a question by M. Sakenobe, he said that the hospital referred to in paragraph 8, page 303 of the report, was a non-official missionary enterprise.

#### MISSIONS.

M. PALACIOS said that paragraph 8, on page 303 of the report, mentioned the Church Missionary Society. Were there other missions and, if so, could the accredited representative give some information concerning their activities?

Mr. KIRKBRIDE said that there were other missions working in Trans-Jordan besides the Church Missionary Society (page 303 of the report), though he could not give a complete list from memory. He would, however, see that this information was contained in the next report.

In reply to a question by the Chairman, he said that there were two Italian hospitals in Trans-Jordan—one at Kerak and the other at Amman. The doctors were laymen and the sisters were religious. These hospitals did not receive any grants from the Trans-Jordan Government.

Lord LUGARD asked whether the Amir of Trans-Jordan had been represented at the congress of Ulemas in Jerusalem.

Mr. KIRKBRIDE replied in the negative.

#### EDUCATION.

Mlle. DANNEVIG congratulated the accredited representative on the full and interesting chapter concerning education (page 316 *et seq.*). Was the Arab Director of Education a Moslem or a Christian and what were his qualifications ?

Mr. KIRKBRIDE said that he was a Moslem who had qualified at the American University of Beirut and had also had experience in the Palestine Department of Education.

Mlle. DANNEVIG observed, with reference to four secondary schools in the country (page 316 of the report), that, according to the newspaper *La Syrie*, the Trans-Jordan Administration had decided to restrict the number of these schools to one only at Amman.

Mr. KIRKBRIDE said he had no knowledge of any such decision. It had been proposed to combine the secondary education establishments of Salt and Amman. There were, therefore, proposals to make certain changes in the localities in which the secondary schools were to be situated.

Mlle. DANNEVIG, with reference to the training of teachers (page 318), asked how such teachers were recruited.

Mr. KIRKBRIDE said that specially proficient pupils of the tenth class in the secondary schools had been sent with scholarships to the American University, or to the Teachers' Training College in Palestine (page 319 of the report). It was hoped later on to send selected individuals to England to complete their studies at universities.

Mlle. DANNEVIG had noted with interest that about one-fourth of the schoolchildren were girls and that there were 32 women teachers in Government schools and 62 in non-Government schools (page 320). Were these mostly Moslems or Christians ?

Mr. KIRKBRIDE said that they were both Moslems and Christians. A number of them had been trained in the Women's Training College in Jerusalem.

Mlle. DANNEVIG, referring to paragraph 8 on page 318 of the report, noted that in both town and village schools there were applicants for entry who could not be accepted. How many pupils had had to be refused in 1935 ?

Mr. KIRKBRIDE said he could not reply off-hand, but would see that this information was contained in the next report.

In answer to further questions by Mlle. Dannevig, the accredited representative said that undoubtedly the general standard of education throughout the country was improving and that the experience of the desert schools had shown that, on the whole, the bedouin children were more intelligent than the children of the sedentary population.

#### CINEMATOGRAPH.

In reply to a question by Lord Lugard, Mr. KIRKBRIDE said that no travelling cinemas had been organised in Trans-Jordan.

#### DEMOGRAPHIC STATISTICS.

In reply to a question by M. Sakenobe, the accredited representative said that he would see that the next report should contain a list of the number of foreigners in the country.

In reply to a question by the Chairman, he said that, although he could produce no statistics, he had the impression that the population was increasing.

#### CLOSE OF THE HEARING REGARDING TRANS-JORDAN.

The CHAIRMAN thanked the accredited representative for his clear and interesting replies to the questions asked by members of the Commission. It had once again been shown that it was possible to obtain particularly interesting information if the accredited representative belonged to the high administration of the territory under mandate. He wished to congratulate the accredited representative.

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TWELFTH MEETING.

*Held on Thursday, June 4th, 1936, at 10.30 a.m.*

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**Syria and Lebanon : Examination of the Annual Report for 1935.**

M. de Caix, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed M. de Caix, whom the Mandates Commission was always pleased to see at the table.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

M. DE CAIX. — I should not have to make a statement of policy were I to confine myself to the year 1935, the year to which the report relates, but you have received a fairly large number of petitions concerning events which occurred in January and February 1936, and you have read a report of these occurrences in the Press, so that I can hardly abstain from making a brief statement on these matters.

Since December, preliminary symptoms of disturbance had been observed in Syria. It seems that the Nationalist leaders, who had kept calm for several months—even since the matter of the treaty in 1933, in fact—had an idea, on the one hand, that they were wasting time in this period of tranquillity and were losing their influence over the mass of the people. On the other hand, they were encouraged by events in Egypt. The example of the Cairo riots, as the outcome of which further negotiations were opened for the conclusion of a treaty between the United Kingdom and Egypt, led them to believe that similar methods might produce the same result in Syria.

The occasion for the agitation was furnished by the ceremonies organised to commemorate Ibrahim Hanano, a very popular Nationalist chief, esteemed even by those who did not approve his methods and also by the French, who died in the last weeks of 1935. The last ceremony, which took place on January 10th, was the occasion for a meeting of Nationalists, who launched a proclamation declaring that any policy of collaboration with the mandatory Power was illusory, demanding the abrogation of the mandate and that the application of the Balfour Declaration concerning the establishment of a Jewish National Home in Palestine should cease.

After this manifestation, the festival in commemoration of Ibrahim Hanano being over, one of the Nationalist leaders stated that the period of mourning was closed and that the struggle was about to begin; another stated "blood will shortly flow". At the same time, certain houses had been thrown open in the name of Ibrahim Hanano as meeting-places for young men who were being organised in para-military groups, distinguished, as elsewhere, by the wearing of shirts of a given colour. Everything seemed to point to the imminence of serious disorders.

In view of these symptoms, the High Commissioner decided, on January 20th, to close the Hanano houses. At the same time, he warned the Nationalist agitators, and, in particular, Fakri Baroudi, the most violent of them, that, if they launched an appeal to boycott the Damascus Tramway Company, measures would be taken against them. This company is the agitators' *bête noire*, not because it is prosperous—quite the contrary—but because it serves as a butt for the slogans used everywhere to stir up the masses. The campaign against the company's charges was a frequent pretext for agitation. Fakri Baroudi took no notice of the High Commissioner's warning and, on January 20th, he and another less notorious person were sent to "compulsory residence" in the Upper Jezireh.

Some days later, there began a period of disturbance which lasted six weeks, during which nearly all the bazaars in four towns in the interior—that is to say, Damascus, Homs, Hama and Aleppo—were closed. Stones were thrown at the police and at police stations in the four towns, and even in the far more desert area of Deir-Ez-Zore. These events assumed the form that disorders everywhere assume: street fights with the police with resultant casualties, funerals of the victims accompanied by manifestations with which, in certain cases, their families would have willingly dispensed, manifestations by students—in short, all that can be done in such circumstances to maintain an atmosphere of unrest.

It should be noted that, in this crisis, a leading part was played by students, and even by schoolboys and by local agitators, who tended increasingly to emancipate themselves from the control of the Nationalist organising committee. Thus, from January 22nd till almost the end of February, the four towns of the interior, and particularly Damascus, were in a disturbed condition, the bazaars being closed except during short periods of calm, only the shops that sold provisions doing some business. The movement was throughout confined to the towns, thus differing from the 1925/26 disorders, which, moreover, began quite differently.



The Nationalist leaders endeavoured to take advantage of these events to force the hand of the High Commissioner and oblige him to accept their political demands. On January 26th, a delegation saw M. de Martel and submitted a list of claims signed by the Nationalist leaders, one of their demands being that the mandate should be withdrawn. I need not say that the High Commissioner was obliged to show persons making such demands the door, and it was a long time before contact was re-established.

Towards the end of February, however, the High Commissioner thought there was some possibility of an improvement in the situation and that this might be encouraged by a change in the Government. On February 22nd, he had secured the resignation of the Tajeddin Ministry, the head of which had been in power for a long time but had shown little energy and had become very unpopular in most parts of Damascus. The next day, a new Ministry was formed under the presidency of Ata-Bey-El-Ayubi, a notable of Damascus, universally esteemed and the friend of the Nationalist leaders, whose sentiments he shares to a large extent but who has a different idea as to the methods to be followed. He brought with him two members of the Nationalist organising committee, an important notable of Antioch and a Christian banker from Aleppo. On February 24th, the High Commissioner sent him a letter affirming that it had always been the policy of the French Government that parliamentary life should be resumed in Syria, that the desire for unification should be reconciled, in accordance with the guiding principles approved by the League of Nations, with the rights of minorities, and that a treaty based on the Iraqi precedent should be concluded. He also promised, if calm were restored, to put an end to any sanctions taken during the disturbances, there having been ten cases of "compulsory residence", twenty pupils expelled from *lycées*, and about four hundred arrests.

The Ministry stated that it had been formed to carry out this programme, and, above all, to secure a resumption of parliamentary life permitting of the formation of a Government which alone would be capable of concluding the treaty.

At first the Nationalists received the Government's declarations and the High Commissioner's letter very coldly; they stated that the latter merely repeated promises that had already been made and left unfulfilled. They subsequently decided, however, to establish contact. Conversations took place on February 29th and March 1st between the Government, the High Commissioner and several Nationalists, including the chief of the group, Hachem Bey Atassi. At the close of those conversations, an official statement, signed by the members of the Government and the Nationalist leaders who had taken part therein, was published.

The chief passages in this document noted the statement of the High Commissioner to the effect that the terms of his letter to the President of the Council had been approved by the French Government, which had agreed as to the desirability of sending a delegation to France to place its views before the Government of the French Republic and had indicated that practical means of carrying out the principles defined by both the League of Nations, to which France was responsible, and by the Syrian Constitution, which the Syrian Government of Ata-Bey-El-Ayubi claimed to apply, should be sought. Lastly, the Government repeated that it considered the resumption of parliamentary life, in accordance with the electoral law in force—the underlying principles of which were no longer in doubt—was henceforward an accepted fact.

On its side, the Nationalist group published a statement declaring that it was in agreement and setting forth the results obtained; it added that it had been agreed that a treaty should be concluded, providing for unification in a form compatible with the principles recognised by the Syrian Constitution and by the League of Nations. It announced that a delegation would be sent to France, that the parliamentary regime would be resumed as soon as possible and that all the sanctions imposed during the disturbances would be raised.

The announcement of this agreement was accompanied by a veritable outburst of satisfaction on the part of the Nationalists. As always happens in such cases, an unduly simplified interpretation of the results obtained led many people to believe that all the demands had been granted in full, that the mandate was at an end. In spite of the efforts of the leaders, this was accompanied by threats and insults to the minorities, which gave rise to some of the many petitions submitted to the Commission.

The Syrian delegation, consisting of two members of the Government and four of the Nationalist leaders, under the presidency of Hachem Bey Atassi, President of the group, is now in Paris and is in touch with the representatives of the French Government. These are not negotiations in the proper sense of the term, since the Syrian delegation does not represent the constitutional Government, the existence of which has been recognised as necessary and which will emerge from the Syrian elections, but efforts to prepare bases on which a draft treaty, acceptable to both parties, could be drawn up.

Notwithstanding the importance of the members of the delegation, and of its President in particular, the difficulties with which its path is beset must not be under-estimated. At Paris, it has been informed of the limits which the French Government is obliged to set itself on account of its responsibilities, in accordance with the declarations of M. de Martel himself, who invoked the principles of the League of Nations. On the other hand, it is watched in Syria by the extremists, who are ready to declare, even if they have not already done so, that it is betraying the country, and may prepare a very unfavourable reception for it on its return, unless it has secured the recognition of the whole of the Nationalist claims. Syria is calm for the moment, but no one knows how the results of the work of the delegation will be received, when, as it is hoped, it returns bearing an agreement with the French representatives with regard to the bases of a treaty, bases which might mark the decisive stage towards the realisation of the Nationalist claims, but which would not permit of the complete realisation of those claims unless the termination of the mandate was accompanied by certain precautions.



POLITICAL DEVELOPMENT OF THE TERRITORY : POSITION IN REGARD TO NATIONAL UNITY :  
CONVERSATIONS IN PARIS WITH A SYRIAN DELEGATION WITH A VIEW TO PREPARING THE BASES  
OF A DRAFT TREATY : DISTURBANCES OF JANUARY AND FEBRUARY 1936.

M. ORTS, while not wishing to establish a relationship of cause and effect between the two events, pointed out that the situation in Syria had become tense when Ibrahim Hanano died. There had been a number of demonstrations, and it was apparently at the moment when the atmosphere was disturbed that the French Government requested Baroudi not to carry out his intention of calling for a boycott of the Damascus Tramway Company. As the Nationalist leader had not complied with this request, he had been sent to Upper Jezireh in " compulsory residence ". That measure appeared to have caused the explosion, for the disturbances had broken out immediately afterwards. M. Orts presumed that, even had that measure not been taken, the riots would have broken out all the same at the first opportunity. Nevertheless, was it wise, in the circumstances, to take a measure the need for which was not sufficiently great to warrant the risk of serious consequences, which had, in fact, ensued ? Was the Damascus tramway undertaking of considerable importance ? Was it a question of safeguarding the interests of that company ? In any event, in view of the general position in Syria, M. Orts did not see the special importance of the measure taken on behalf of the Damascus tramways.

M. DE CAIX replied that the measure had not been taken on behalf of the Damascus tramways for the purpose of safeguarding their profits, which, in fact, were non-existent. The Government was faced with a fact—boycotting—which was too often used as a means of organising street disturbances. It was frequently accompanied by violence, directed against persons attempting to disobey the prohibitions issued. It should be added that persons who had attempted to use the electric light supplied by the same company had had stones and even crackers thrown through their windows.

M. RAPPARD said that he had had in mind the same question as M. Orts, on reading the following passage in the report (page 2) :

" The climax of this period was reached on January 10th, 1936, at a demonstration at Damascus in the University premises, during which the Nationalist leaders condemned any policy of co-operation, and expressed their intention of devoting propaganda to the Pan-Arab scheme.

" This programme was to be carried out. Since the summer it had been constantly threatened at Damascus that the Tramway and Electricity Company would be boycotted. Intensifying this means of agitation, the Nationalist leaders, in spite of counsels of prudence, openly called upon the population, by a handbill, to carry out this boycott. The mandatory authority was obliged to take measures to place the two signatories under ' supervised residence ' . . . "

His surprise at these statements in the report had been somewhat modified by the accredited representative's explanations, but could not the mandatory authority intervene in other Nationalist demonstrations rather than run the risk of its action being misinterpreted on account of its protection of an undertaking with European capital ?

M. DE CAIX did not see how the mandatory authority could have intervened in private meetings held by the Nationalist leaders. After all, that authority was responsible for maintaining order and selected such measures as it considered necessary for that purpose. It was difficult, when far removed from all the determining circumstances, to judge the wisdom of the decisions taken. The authority knew what a boycott really meant and that it was merely a pretext for disturbances—one of the elementary means employed by agitators in every country to stir up the crowd. It would never have acted as it had done if it had been faced with propaganda on behalf of a peaceful boycott. The burning of two tramcars, which had taken place almost immediately, showed that the boycott in question could not be considered as such.

M. ORTS asked when the delegation had left for Paris to negotiate an agreement of principle with the French Government.

M. DE CAIX said that it had left at the end of March or the beginning of April—that was to say (he said in reply to a further question by M. Orts), three or four weeks before the French general elections.

M. ORTS noted that the delegation had set out just before an election on which depended the fate of the Government with which it was going to institute negotiations. In those circumstances, was the time well chosen ?

M. DE CAIX replied that it had been thought to be a good moment in view of the situation in Syria ; the announcement of the departure of the delegation had relieved the tension, and it was therefore better not to postpone it.



The CHAIRMAN wondered how M. de Martel had allowed himself to suggest to his Government that it should discuss matters with a delegation of persons who, he considered, were not altogether competent to negotiate, seeing that he proposed, before negotiating a treaty, to await the formation of a new Government arising out of a future election.

M. DE CAIX replied that, before the actual text of the Treaty could be drawn up, preparatory work had to be done which was useful, no matter what Government would take action thereon. That work had been done by the delegation and representatives of the Quai d'Orsay services, in some cases even of technical services, as it was not possible to lay the foundations of the treaty without examining certain questions which its application would raise. It could not be said that there had been discussions with the Government itself.

The CHAIRMAN pointed out that a party which seemed to be more than a minority was referred to as the "Opposition". M. de Caix had said, moreover, that the Syrian delegation had only discussed matters with representatives of the various services, but it was reported in the Press that the delegation had been received by the Minister for Foreign Affairs, and had been offended by the welcome accorded it by M. Flandin.

M. DE CAIX explained that the word "opposition" should not be understood in its parliamentary sense, but as meaning "opposition to the mandate".

As regards the welcome accorded the delegation by M. Flandin, M. de Caix could speak from personal knowledge, because he had been present at the meeting. M. Flandin had merely told the Syrian delegates that some of their claims, made at the time he had received the delegation, were excessive. He had not said this in any way harshly.

M. RAPPARD wondered whether the mandatory Power, in deciding to send to Paris a Syrian delegation of which the majority of the members were representatives of the Opposition, had not weakened the authority of the Syrian Government. Had it not, for the secondary purpose of gaining time, exposed itself to the reproach that it had negotiated with the rioters? The precedent thus created appeared to be a serious one. Would it not be remembered in future that, whenever it was impossible to obtain satisfaction from the Syrian Government, a higher and more distant authority could be applied to in Paris, where the representatives of the Opposition had access to the French authorities?

M. DE CAIX said that, in actual fact, the Government—which stated that it had accepted power for the purpose of carrying out a programme, of which one of the most important items was the treaty—had, on the contrary, been strengthened by the reception in Paris of a delegation whose aim it was to prepare the way for the agreement which that treaty was to sanction. The accredited representative had already said that the Ministry of Ata-Bey-El-Ayubi was in no way hostile to the Nationalists. It was the previous Government that would have been weakened by agreeing to send a delegation, because that was a new policy which involved its replacement.

Moreover, it was expedient without delay, and in Paris, to place the delegates face to face with certain necessities which, in the Damascus atmosphere, would have appeared to them much less real.

M. RAPPARD observed that, of the six members of the delegation, only two represented the Syrian Government.

M. DE CAIX explained that the others did not represent opponents of the Government—which, as he had just pointed out, was not opposed by the Nationalists—but of the mandate. Co-operation in the delegation between Nationalists and the members of a Ministry, which advocated more moderate methods than their own for achieving national aspirations, could only strengthen the position of Ata-Bey-El-Ayubi in the work of conciliation, for which he had assumed office,

The CHAIRMAN wondered whether it would not seem somewhat paradoxical for the mandatory Power to negotiate with persons opposed to the mandate.

M. DE CAIX replied that if, in present circumstances and after what had happened elsewhere, influential persons in Syria desired a treaty, it was clear that they wished for some other regime than the mandate. The mandatory Power could not fail to report such conversations to the Mandates Commission, unless the latter refused to consider the very idea of the treaty. It was not the first time that the Commission had had before it a scheme for concluding a Franco-Syrian treaty.

The CHAIRMAN noted, then, that these persons desired the termination of the mandate.

M. DE CAIX explained that this was undoubtedly the desire of men such as Ata-Bey-El-Ayubi himself, whatever the differences between them and the leaders of the Nationalist party might be, particularly with regard to the attitude to be adopted towards the mandatory Power.



Baron VAN ASBECK suggested that, in these circumstances, there was a double misunderstanding with regard to the word "opposition", both from the parliamentary and the mandatory point of view.

M. ORTS noted that the delegation had not merely come into contact with representatives of the technical services, since it had been received by the Minister for Foreign Affairs.

M. DE CAIX explained that the reception at the Ministry for Foreign Affairs had been purely a matter of courtesy. There had been a few words of welcome and a speech by the head of the delegation, which had led M. Flandin to make the observation to which the Chairman had drawn attention. There had been no discussion.

M. ORTS reminded M. de Caix that he had mentioned certain explanations which had given satisfaction to the Nationalists. Could he state what those explanations were?

M. DE CAIX said that he had referred to the announcement of an agreement between the High Commissioner and the leaders of the Nationalist Party concerning the recognition of certain principles and of a plan of negotiations which might give satisfaction to that party. There had been a tendency in Syria, if not to exaggerate the scope of that agreement, at any rate to claim that, under it, all demands had been granted. Moreover, that was what happened everywhere in such cases and, in the present instance, reassurances had to be given to the masses and compensation to those who had suffered losses—in particular, the merchants in the bazaars, whose shops had been closed for more than a month.

M. ORTS pointed out that this expression of satisfaction by the Nationalist chiefs had, according to M. de Caix's own statements, been accompanied by threats against the minorities.

M. DE CAIX explained that those threats against the minorities were due to the fact that the masses were less enlightened than the leaders and that, while contemplating the termination of the mandate, their old instincts still persisted, and urged them to demonstrate, before the minorities, the superiority which for so long had been the outcome of the relative positions of these two elements of the population.

The CHAIRMAN observed that, in his statement, M. de Caix had said that M. de Martel's object in sending a Syrian delegation to Paris was to harmonise the claims of the Syrian Nationalists with the principles of the League of Nations. What were the "principles of the League of Nations" which M. de Martel had in mind?

M. DE CAIX replied that they were mainly those concerning the protection of minorities, and the conditions under which the compact minorities, for whose benefit autonomous regimes had been established, could be incorporated in the Syrian State. In that connection, M. de Martel had not forgotten the principles laid down by the Mandates Commission, and it was to those principles that he was referring.

M. RAPPARD thought that these facts were of the highest importance. A group, which perhaps represented the Syrian Government of to-morrow, was sent to Paris to negotiate with the French Government of the day. It was stated that a formula of agreement had been found, which gave rise to an explosion of joy on the part of the Nationalists and threats against the minorities. As there could be no question of allowing the Nationalists to oppress the minorities, was there not the likelihood of trouble when the present enthusiasm of the Nationalists gave way later to disillusionment?

M. DE CAIX explained that it had never been stated that a final formula had been found, but that an endeavour was being made to lay the foundations for one in Paris. Generally speaking, a distinction should be drawn between the state of mind of the Nationalist leaders, who had no desire to molest the minorities and who knew, moreover, that that could not be done without injuring the interests of their country, and the unduly simplified interpretation by the masses of the announcement that a formula had been found giving satisfaction to the Nationalists. This result had been interpreted by some people as implying the right to demonstrate to the Christian and other minorities the feelings they inspired. The leaders were doubtless quite sincere in their good intentions, but they had their followers, and, moreover, even persons of some importance were reported to have spoken in a manner which hardly tallied with the assurances given in respect of the minorities.

M. RAPPARD drew attention to the very equivocal attitude adopted by the Nationalist leaders on this point.

The CHAIRMAN asked against what minorities the threats of the Nationalists were directed.

M. DE CAIX replied that the excited elements of the population had not appeared to make much distinction between them.

In reply to a question by the Chairman, M. de Caix explained that certain words and acts of the Maronite Patriarch had been misinterpreted by being taken as a proof that, in upholding the rights of the minorities, the Maronites took a separate stand from the other religions.



COUNT DE PENHA GARCIA asked how many victims had been caused by the disorders in Syria.

M. DE CAIX stated that, according to the highest estimate, the number of victims had been in the neighbourhood of forty, although other figures had been mentioned. Credit must be given to the police and to the troops for not taking advantage of its superior strength in putting down the disturbances. He had himself seen a cordon of police and soldiers bear with a volley of stones and abuse for hours without using violence. When stones were thrown by hand, often by boys who kept far enough away to avoid being caught by the policemen in a few strides, they did no damage. But he had seen at least two individuals using slings, and a policeman carried away unconscious after being hit by a stone from a sling. Anyone, even the most indifferent shot, could have hit those slingers, but the police had merely pushed the men back.

When there had been victims amongst the rioters, it was usually because the police or soldiers had been obliged to fire in self-defence, or in defence of their chiefs.

COUNT DE PENHA GARCIA noted that, on February 6th, the High Commissioner had promulgated a Decree concerning the employment of troops, under which they were forbidden to fire blank cartridges or to fire into the air. Consequently, from that date onwards, the Administration had anticipated serious disturbances and had taken steps to meet all possibilities. It had even utilised the possibility of improving the situation by replacing an unpopular Government by a Government presided over by a Nationalist notable.

He quite understood that the mandatory Power should have endeavoured to restore order without resorting to too violent methods of repression. Nevertheless, he felt some anxiety for the future. An endeavour had been made to gain over part of the Nationalists to a formula of agreement; it was a well-known fact, however, that such attempts had always failed at the last moment by reason of certain claims which it was impossible to admit. Was there not a danger that this might happen in the present case also? It was clear that, for the moment, only soundings had been taken, but there was always the danger that extremists might outbid the more moderate elements. Possibly, the delegation, on returning from Paris, would meet with a somewhat cool reception. In any case, he had read in one newspaper, dated May 12th, an article—for the accuracy of which of course he could not vouch—to the effect that the Vice-President of the Nationalist group had received from the President of the delegation the complete text of the agreement that had been reached in Paris. Had an agreement been reached in fact in Paris, if only between the technical experts and the delegation?

M. DE CAIX said that the decree referred to by Count de Penha Garcia was doubtless the one which entrusted to the military authority the task of maintaining order in the streets. The police were tired out, and the troops had had to be granted more extensive duties. No stronger repressive measures had been employed, though the rioters were possibly more cautious, as the army was more feared than the police.

M. de Caix knew nothing about the paper which the Vice-President of the Nationalist Party was supposed to have received. He could state, however, that, if papers had been exchanged between the officials of the Ministry for Foreign Affairs and the delegation, it was merely for the purpose of explaining their points of view, and not of confirming an agreement, which had not been concluded.

COUNT DE PENHA GARCIA supposed that one of the difficulties, perhaps the main difficulty, in reaching an agreement would be to secure Syrian unity, which would not of course include Lebanon. According to a newspaper article he had read, this unity, to be provided for in an agreement with a view to a treaty, would not be brought about immediately, but only gradually. In the meanwhile, the Governors of the various States which would together compose Syria would be appointed by the Syrian Government. The system contemplated would not therefore be entirely the same as that applied in Iraq. Could the accredited representative give some further information on this point?

M. DE CAIX replied that the realisation of Syrian unity was beset with difficulties. Those difficulties did not concern the principle, which was already recognised. For instance, the inhabitants of Latakia, the Jebel Druze, etc., had for a long time travelled with a passport in which they were described as Syrian subjects. The High Commissioner's statement in regard to unity should be taken very seriously.

It should be pointed out, however, that the Iraqi precedent did not apply exactly to Syria. The text of the mandate for Syria contained recommendations regarding the autonomous Governments which had existed in practice since 1920. They could not be suppressed and the safeguards which they provided abolished simply by the decision of the majority.

COUNT DE PENHA GARCIA noted that the disorders were over, but that complete security had not yet been restored. The future would depend on the results of the elections and the attitude of the new Parliament to the agreement which would have been reached in Paris.

M. DE CAIX observed that, for the present, there was only an understanding as to the procedure to be followed to reach an agreement and as to the principles on which that agreement should be based. At the stage now reached, agreement could be secured if the Syrian leaders had a stronger political sense and a firmer resolve to force their followers to accept reasonable solutions which were of good omen for the future.



As a result of the elections, super-Nationalists would not be sent to Parliament; certain parts of the towns might go to that length, but the rural districts, which also had strong national sentiments, were much calmer and never went to extremes except under pressure. The notables chosen by them at the elections as their representatives belonged to the really influential element, and were certainly not extremists.

Baron VAN ASBECK, referring to the last paragraph on page 1 of the report, asked whether there were any proofs that the Syrian Pan-Arab movement was receiving support from abroad, either from other Arab States or religious communities.

M. DE CAIX replied that the pan-Arab movement, although limited to certain classes of society, certainly did exist. There were patriots who dreamed of a single State, grouping all the Arabs in Asia. That was why the claims of the Syrian patriots often referred to Palestine and Trans-Jordan. Others went still further.

As regarded outside influences, M. de Caix could express no opinion, nor could he even say whether such influences existed. He did not think, however, that any action had been taken by religious leaders abroad who had no authority over the Syrian Nationalists, or that the latter received assistance from Ibn Saud. The movement was rather pan-Arab than pan-Islamic—that was to say, rather national than religious.

Baron VAN ASBECK said that, on February 24th, a report had appeared in the newspapers of his country to the effect that Ata-Bey-El-Ayubi had only agreed to form a Government provided the High Commissioner granted an amnesty to all Nationalists sentenced or under arrest.

M. DE CAIX replied that he had not heard of any such conditions.

In reply to another question by Baron van Asbeck, he said that the Anglo-Iraqi Treaty which the Syrian nationalists wished to be taken as the model for a future Franco-Syrian Treaty was the Treaty of 1930 and not that of 1922.

Baron VAN ASBECK thought that it appeared from the discussions in the Mandates Commission that the future treaty would have a twofold purpose—namely, to regulate the application of the mandate and prepare for its termination.

M. DE CAIX replied that that had been the object of certain previous drafts, but did not appear to be the purpose of the future treaty. The latter might, nevertheless, be accompanied by provisions relating to the preparatory period which would elapse between the signature of the treaty and its application.

Baron VAN ASBECK reminded the Commission that the accredited representative had stated that negotiations would only be possible with a lawful Government supported by a regularly elected Chamber. The present Syrian Government did not fulfil those conditions. Were preparations being made, on the one hand, to re-establish a constitutional regime in view of negotiations for a treaty, and, on the other, in order that the new Government would be able to rely on public support?

M. DE CAIX recalled that the High Commissioner had made a definite statement regarding the re-establishment of the constitutional regime in the near future. As the powers of the present Chamber would expire very shortly, it would be necessary to hold new elections soon.

Mlle. DANNEVIG said that she had before her a letter addressed to the French Prime Minister by the Arab Women's Union. This association complained that several children had been wounded and molested during the recent troubles in Syria. It was said that the High Commissioner had received a delegation, to which he had explained that the accidents referred to were due to the fact that the rioters took shelter behind young children. Was it true that the Nationalists recruited followers even among children, and used the latter as shields?

M. DE CAIX replied that, if any children had been killed or wounded during the recent disturbances, it was by accident. There could be no doubt, however, that many children had taken part in the recent events in Syria. During rioting which M. de Caix himself had seen, 90% of the participants were children, which made its suppression a particularly delicate matter. It could not be said, however, that adults had systematically put the children in front to act as a shield.

Mlle. DANNEVIG asked whether children had been arrested and punished, and whether the schools had been closed down during manifestations. Moreover, was not school attendance compulsory in Government schools also in times of riot?

M. DE CAIX replied that some schools had been closed. The parents could not be forced to send their children to school when the streets were too unsafe. They were doubtless less disposed to do so owing to the fact that pupils had run out from certain schools into the street to take part in the manifestations.

M. PALACIOS did not take the same view as some other members of the policy pursued by the mandatory Power, which seemed to have made contact with the real Nationalist opposition and was endeavouring to find the formula for a treaty that would establish the necessary conditions for independence. In that connection, he referred to statements made in the review published at Geneva by the Syro-Palestinian delegation, in one number of which (January-April 1936) it was said that the Franco-Syrian Treaty should be modelled upon the Anglo-Iraqi Treaty, but should, nevertheless, be more favourable to the French mandated territories, because France did not have to protect the route to India. The article added that the Paris conversations had led to a considerable relaxation of tension; this improvement in the situation was, he thought, still continuing.

M. DE CAIX thought that, as the circumstances were different, the Franco-Syrian Treaty could not be identical with the Iraqi Treaty, but that did not mean that it would be less good.

Although France had no route to India to protect in Syria and her policy was not an imperial one, she had traditions and responsibilities to safeguard.

M. PALACIOS wished to know what effects the disorders in Syria had produced in Lebanon.

M. DE CAIX replied that those disorders had not been interpreted in the same manner by all Lebanese circles. Some had approved the Syrian Nationalists, others had regarded the Syrian crisis with misgiving.

M. ORTS was under the impression that the Syrian Nationalists regarded the Anglo-Iraqi Treaty as a model on which the future Franco-Syrian Treaty should be based.

M. DE CAIX replied that the Anglo-Iraqi Treaty was for the Syrian Nationalists more than a model. It was a prototype which they wished the future Franco-Syrian Treaty to resemble in every respect.

M. ORTS recalled that the Mandates Commission had always avoided giving advice to mandatory Powers and had confined itself to weighing facts. He felt bound to declare, however, that, if ever a Franco-Syrian Treaty on the lines of the Anglo-Iraqi prototype were submitted to the Commission, he for one would not express a favourable opinion. When, at the request of the League Council, the Mandates Commission had stated the conditions which must be fulfilled before the mandate regime could be brought to an end in respect of a country placed under that regime, it had placed in the forefront of what it called "essential" undertakings the undertaking of a new State "to ensure and guarantee the effective protection of racial, linguistic and religious minorities".<sup>1</sup> The favourable opinion on the Anglo-Iraqi Treaty given by the Mandates Commission shortly afterwards was, in M. Orts' view, the result of an error, a lack of foresight. Personally, he had never ceased to deplore it.

He would certainly not be a party to committing so serious a mistake again in the future. When the time came to draw up a treaty between France and Syria, M. Orts hoped that the mandatory Power would bear in mind the Commission's report on the work of its twentieth session, and would require the insertion in that instrument of provisions for the protection of minorities which would effectively meet the desiderata of the Mandates Commission.

M. RAPPARD said that, when the Mandates Commission had had the Anglo-Iraqi Treaty laid before it, he had personally stated<sup>2</sup>—not without causing some astonishment—that he did not believe in the complete efficacy of the system for the protection of minorities contemplated during the discussion of this treaty. He thought that such a system was not effective in Europe, and still less could it be so in Iraq. It would therefore be inconceivable that the same system which, in fact, afforded no effective protection of minorities in Iraq should be applied to Syria. It would be better for all the members of the Mandates Commission to resign than to accept such a solution.

Mlle. DANNEVIG said that she entirely associated herself with the observations of M. Orts and M. Rappard, particularly as, in Syria, the number of persons belonging to minorities was greater than in Iraq.

M. DE CAIX drew attention to the fact that the High Commissioner had taken as a basis for the future agreement the principles laid down by the League of Nations, which were

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<sup>1</sup> See Minutes of the Twentieth Session of the Commission, page 229.

<sup>2</sup> See Minutes of the Twentieth Session of the Commission, pages 113 and 114.



precisely those which the Commission, in Autumn 1933, had adopted, together with M. Rappard's conclusions on the numerous particularist petitions and petitions in favour of unity for which he had been Rapporteur.<sup>1</sup>

Reference to the draft treaty drawn up in 1933, which was published as an annex to the report of the mandatory Power for that year, and to the correspondence exchanged between the High Commissioner and the President of the Syrian Republic at the time the draft was signed, would show that France had taken just as much interest in the fate of the minorities scattered throughout Syrian territory as in that of the compact minorities living under autonomous Governments. The clause on minorities inserted in the draft and the conditions in which the letters exchanged provided for the possibility of incorporating the autonomous Governments in Syria were by no means accidental; on the contrary, they represented a policy to which expression had also been given in statements made by the High Commissioner to the Syrian Government and the Nationalist leaders. The High Commissioner had pointed out therein that the desire for unity and the rights of minorities must be reconciled in accordance with the guiding principles laid down by the League of Nations, by which he meant the conclusions adopted by the Commission itself concerning the problem of minorities. M. de Caix could therefore assure M. Orts that it was not too late to provide the proper guarantees for the minorities.

If, as he had stated, France had no imperial route to protect in Syria and Lebanon, she had traditions of culture and humanity and responsibilities on which her policy, in the absence of imperial interests in those countries, should be based.

The CHAIRMAN said that the Mandates Commission would attach particular importance to the statement of M. de Caix that it was not too late to provide the proper guarantees for the protection of the minorities. Past experience had taught the Commission to be more alert and watchful.

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### THIRTEENTH MEETING.

*Held on Thursday, June 4th, 1936, at 3.30 p.m.*

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#### **Syria and Lebanon : Examination of the Annual Report for 1935 (continuation).**

M. de Caix came to the table of the Commission.

#### FORM OF ANNUAL REPORT.

The CHAIRMAN noted that the mandatory Power had been good enough, in accordance with the request made in the previous year, to insert in the annual report (page XVII) an index of the replies given in that report to the observations made by the Commission in its report to the Council and to certain questions asked by the members in the course of the discussion.

It might perhaps be possible in future to make this index even more comprehensive by indicating the replies to all the questions raised by the members of the Commission.

M. DE CAIX noted this request.

#### CONSTITUTIONAL POWERS : COMPETENCE OF THE HIGH COMMISSIONER AND LOCAL GOVERNMENTS RESPECTIVELY.

Baron VAN ASBECK referred to a number of points connected with the exercise of constitutional powers. First, he noted on page 3 of the report that, in Syria, newspapers had been suspended sometimes by the High Commissioner and sometimes by the Syrian Government. Had both these authorities the right to suspend newspapers? If so, what was the line of demarcation between the two?

M. DE CAIX replied that both authorities had this right and that there was no legal demarcation between their respective powers, but, in practice, the High Commissioner took action when public order was threatened or when newspapers published articles attacking a foreign Power. The Government of Syria or Lebanon intervened mainly when the local authorities were insulted or threatened.

In reply to another question by Baron van Asbeck, the accredited representative said that, as far as he knew, there was no written text defining the line of demarcation between these two jurisdictions, but, generally speaking, the High Commissioner needed to be in a position to take action which, though necessary, the Syrian or Lebanese Government did not itself take. At the present time, the tendency was for those Governments to intervene more often than the High Commissioner, with a view to keeping the Press within bounds.

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<sup>1</sup> See Minutes of the Twenty-fourth Session of the Commission, pages 116 to 119 and 137.



Baron VAN ASBECK gathered, then, that the High Commissioner's powers were based solely on the articles in the Syrian and Lebanese Constitutions, in which provision was made for safeguarding the mandate. He then drew attention to the passage on page 21 of the report concerning forests, in which it was said that a Decree of October 7th, 1935, had established complete and uniform forest laws for all the States and Governments under mandate. On October 7th, however, the date on which the decree had been published, the Lebanese Parliament was again operative. The Syrian Government could always act by decree, as it had done in the case of occupational associations. It was not therefore clear what need there was for a decree by the High Commissioner. Moreover, the question arose whether, Syria and Lebanon having been formed into two separate States without any link or common organ to deal with the affairs of each, the High Commissioner was empowered to make regulations applicable to each of the two States. What was the constitutional basis for this forest decree ?

M. DE CAIX replied that, if the High Commissioner had chosen this course, it was probably in order to achieve results more rapidly, and because he was in charge of the common interests.

Baron VAN ASBECK asked whether this method was legal ; was there not some danger that, as a result of its too frequent use, the constitutional powers of the Governments of the two States under mandate might be weakened ? What would become of the idea of training with a view to responsible government ?

M. DE CAIX said he did not think that this method could be regarded as illegal, because the High Commissioner was entitled to substitute his authority for that of the local Governments. In any case, no protest has been made against the " forest code ", and the conditions in which it had been promulgated. Generally speaking, the local Governments did not display much interest in questions such as that of forestry.

Baron VAN ASBECK then referred to the internal administrative reforms in Syria, mentioned on pages 64 and 65 of the report. In this case, also, the High Commissioner had promulgated decrees. Would it not have been better if the President of the Syrian Republic had undertaken these reforms and promulgated decrees for the purpose ?

M. DE CAIX said that, in this case, intervention by the High Commissioner might be explained by the fact that the authorities of the country were not anxious to take the responsibility in spheres where, by so doing, they might give rise to political criticism. Moreover, the High Commissioner had no doubt been anxious, in this case, to progress rapidly ; it should be added that the reform of the provincial organisation had not produced the reactions which might have been expected.

Baron VAN ASBECK referred lastly (pages 145 and 146 of the report) to a Law of May 23rd, 1935, on the organisation of the Lebanese Bar, which a few months later the High Commissioner had moderated in certain respects by a decree. What was the reason for this action ?

M. DE CAIX replied that the law on the organisation of the Bar had been necessitated by the marked opposition of Lebanese barristers to the admission of foreigners to the Lebanese Bar. The profession was very overcrowded and that was why the barristers had taken action. They had, above all, protested against the admission to the Bar of professors at the French Faculty of Law. They had demanded and obtained a rule to the effect that these professors could not, at the same time, be practising barristers. It should be noted, however, that only three persons had been affected by this decision. After a few months, the High Commissioner had thought it equitable to take action to ensure that too serious injury should not be done to acquired positions.

Baron VAN ASBECK thanked the accredited representative for his explanations. Nevertheless, all these cases, looked at from the point of view of the constitutional health of the country, seemed to show that something was not working properly. How could a strong public opinion be formed when the Government so shirked its responsibilities ? He suggested that, in order to maintain both the prestige of the High Commissioner and of the local Government, the French authorities should only take action when the local authorities were clearly not doing their duty.

POLITICAL DEVELOPMENT OF THE TERRITORY (*continuation*) : QUESTION OF NATIONAL UNITY AND DEVELOPMENT OF ADMINISTRATIVE AUTONOMY : POSSIBLE TRANSFORMATION OF THE MANDATORY SYSTEM INTO A CONTRACTUAL SYSTEM : PETITIONS.

M. SAKENOBÉ asked for further information concerning an article which had appeared in the *Palestine Post* of December 8th, 1935. This article stated that the High Commissioner was at present studying a new scheme for the reorganisation of Syria, which provided for the division of the interior of the country into four provinces and the constitution of the United States of Syria by the attachment to those provinces of the Sanjak of Alexandretta and of the Province of Latakia, with Damascus as capital, each province being represented by one Chamber.



Moreover, *The Times* of November 23rd, 1935, and the *Echos de Syrie* of November 30th of the same year mentioned the existence of a secret political organisation to secure Syrian unity. Was there any truth in these reports ?

M. DE CAIX replied that the information published by the Press was inaccurate. The rumour probably had its origin in the fact that, at the end of the previous year, a reorganisation of the Syrian provinces was being studied, and this reorganisation had been decreed in the early part of the present year. There had never been any question of a reorganisation along the lines indicated by the *Palestine Post*.

It would seem that the secret association referred to by *The Times* must be that which had been known as the " Jeunesse syrienne ". It was a very small organisation which had been brought to trial at Beirut. The court had acquitted all the accused, except the President of the association.

M. ORTS had read articles in the Press urging that the provincial reforms now being carried out in Syria should also be introduced into Lebanon. Was this desire fairly general ?

M. DE CAIX recalled that a reform had already been carried out in Lebanon some ten years previously. He did not therefore think there was any idea of further reform. The question of provincial organisation could not arise in Lebanon in the same form as in Syria, which was a much larger country where there was greater reason for decentralisation.

M. RAPPARD desired, in due course, to ask the accredited representative certain questions concerning the numerous petitions which the Commission had received. For the moment, he would merely make one general observation : all these petitions bore witness to a jealous and even distrustful national sentiment. Their signatories wrote with indignation against the present legislative system. On the other hand, they seemed, curiously enough, to be quite indifferent to the definite breaches that had been made in that system. On that point the Commission had not received any petition at all.

He wondered, therefore, what was the real meaning of this need for absolute independence. Did the petitioners, above all else, claim independence in order that they might themselves enjoy the fruits of power, impose laws on others, and show that they were the masters ?

M. DE CAIX would not go so far as to believe that the whole problem could be summarised as a desire to exercise authority and make others aware of their power. The passive attitude of the petitioners in respect of breaches made in the present political system seemed to be due to the doctrinal nature of the claims of national leaders. They were little concerned with the working of the present system, since they were thinking only of independence without troubling as yet about the exact conditions in which such independence would be exercised. Facts seemed to impress them less than principles, and they might experience some disillusionment when the time came for them to apply those principles.

M. RAPPARD said that, while he fully appreciated this view of the matter, he felt it should be noted that the petitioners invariably claimed independence and autonomy against someone. There were constant references in the petitions to persons who were so misguided as not to share the petitioners' own views.

M. DE CAIX replied that petitioners in mandated territories often endeavoured to lay their domestic differences before the Commission.

Baron VAN ASBECK said that, in the previous year, the Mandates Commission had discussed certain restrictions in the working of the Lebanese Chamber.<sup>1</sup> It was stated on page 7 of the annual report that the Chamber had resumed its work. In March 1936, the Press, however, declared that the Chamber had again been adjourned for one month, before it had even met, as the mandatory Power feared that its discussions would not take place with all the requisite calm.

Might it be hoped that the full and complete powers to which the Chamber was entitled under the Lebanese Constitution would one day be restored to it ?

M. DE CAIX replied that the Constitution allowed the President of the Republic the prerogative of adjourning the Chamber for one month if he deemed that circumstances warranted such action.

The Constitution in force was no longer that of 1926, with its amendments, but the Constitution established by the Decrees of January 2nd, 1934, published as an annex to the annual report to the League of Nations for the year 1934. The Chamber was free to exercise the powers invested in it by those texts.

There could be no question for the moment of reverting to the 1926 Constitution, which the majority of the Lebanese agreed needed amendment, because it did not tally with the realities in the country.

The Decrees of 1934 seemed to provide the Lebanese representatives with a perfectly adequate framework within which they could play their rôle.

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<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 227.



Baron VAN ASBECK noted that, in these conditions, the hope that the Mandates Commission had expressed in the previous year—namely, that circumstances would soon make it possible for the mandatory Power to entrust to the Lebanese Chamber “the full exercise of its constitutional powers”<sup>1</sup>—was not capable of realisation.

M. DE CAIX said he had not understood this hope to refer to a return to the Constitution of 1926. He had taken the words “full exercise of its constitutional powers” to refer to the texts of 1934. He must repeat that the system set up in 1926 was not suitable to the country, whereas it seemed that the present system would be able to operate normally. The Chamber maintained the legislative power and elected the President of the Republic; but it had been deprived of certain prerogatives, such as voting fresh expenditure.

Baron VAN ASBECK pointed out that, as regarded the last point, previous disadvantages had already been removed by two amendments to the Constitution.

M. DE CAIX said he was aware of that. But the amendments introduced on various occasions had rendered the text confused. This state of affairs had been remedied by the Decrees of 1934, which had provided a new text that took into account the amendments made in the previous text.

Baron VAN ASBECK observed that Article 1 of this decree provided for a *provisional* regime, or, as he understood it, a regime applicable until the suspended Constitution had been restored. What must take place, what conditions were necessary in order that this provisional decree should cease to have effect and the Constitution be restored?

M. DE CAIX replied that the word “provisional” did not necessarily mean that the possibility was reserved of reverting to the 1926 Constitution. This Constitution had been for Lebanon like a ready-made suit imported from abroad and cut to certain Western models, and had had to be altered in several places to enable the country to wear it at all.

The High Commissioner had thought it useful to employ the word “provisional” in Article 1 of the Decree of 1934, because it had seemed to him difficult to make a final revision of the Constitution by means of a decree promulgated by the mandatory authority.

In any case, if the Mandates Commission made a further recommendation on this point, it would be prudent also to make a reservation concerning the Constitution of 1926.

M. RAPPARD said that, to him, one point seemed clear—namely, that Lebanon had reached a more advanced stage of political development than Syria. Nevertheless, the Lebanese Constitution, already modified by successive amendments, had now been abrogated.

Moreover, there was talk of transforming the mandatory system into a contractual system, in order to confer a greater degree of freedom on the population. If there was already too much freedom under the mandatory system, why, then, should this system be replaced by another which would place authority in the hands of organs which, apparently, were incapable of exercising it?

M. DE CAIX replied that, in fact, the problem did not arise in respect of Lebanon in the same way as it did for Syria.

In Lebanon, there had been a Constitution which had been in operation for a sufficient length of time to demonstrate its worth and show what changes were necessary; but the fact that the High Commissioner had drawn from this experience the inevitable practical consequences and had amended the Constitution, at any rate provisionally, did not in any way mean that a contractual regime would never be established between Lebanon and the mandatory Power. The mandatory Power wished to follow a treaty policy with Lebanon as well as with Syria.

In Syria, on the contrary, the constitutional experiment, which had been immediately hampered by opposition on matters of principle, had not, in reality, been feasible. There had been no question of a concrete case calling for piecemeal remedies, which, moreover, would not have been any more acceptable to the opposition than the other decisions under the mandate. This state of affairs had led to the policy of leaving matters in suspense until they could be dealt with by a new method—namely, the contractual regime. The fact that, in Lebanon, it had been possible to improve the situation and ensure the working of representative institutions before testing this new regime did not create any difference as regarded the final solution which the mandatory Power hoped to reach with both States.

If the Commission would look back and consider basic facts, it would recognise that the difficulties of the situation and the premature nature of certain attempts had been due to the fact that, from the outset, an endeavour had been made to lead into a political life countries which ought to have been administered for a considerable period. That was why the operation of the mandate had been distorted and why it was not what it had seemed to be when it was created in 1919. Those responsible for this evolution, born of post-war tendencies, had been distributed in many parts of the world, and even at Geneva. This evolution and the movement taking place in the East had created an atmosphere which the mandatory Power had felt it necessary to take into account. Would anybody assume the responsibility of asking the mandatory Power to ignore this and merely resort to a system of repression which surely nobody desired?

<sup>1</sup> See Minutes of the Twenty-seventh Session, page 227.



Mlle. DANNEVIG summarised the contents of a letter she had received, in which it was stated that M. de Martel, the present High Commissioner, had done more in two years than all his predecessors in fourteen. The letter added, however, that there were too many officials, and that the administration of justice was still just as slow as it had been under the Turkish regime. Lastly, it was stated that, if the French left Syria, massacres between the various religious sects were to be anticipated. She also had before her a newspaper advocating severe cuts in the budget.

Had the accredited representative anything to say on those various points ?

M. DE CAIX was pleased to note the gratifying reference to the High Commissioner's capacity for reaching decisions. As regarded the number of officials, the figures given in the report (page 43) relating to the French staff would not appear to be excessive if compared with the statistics of the population. The number of Syrian and Lebanese officials and their salaries had been reduced.

The administration of justice was certainly not perfect, but there could be no doubt that it was better than at the time the mandate had taken the place of the previous regime. At that time, there had been courts that did not even possess a code. Since then, far-reaching reforms had been introduced and the report mentioned, each year, the efforts made to improve the administration of justice.

As regards the danger of religious disputes, M. de Caix had nothing to add to what had been said on several occasions by members of the Commission and by himself.

#### FRENCH OFFICIALS.

Baron VAN ASBECK would be glad to find fuller information regarding the French staff in the next report than that found on page 43 of the report.

M. DE CAIX took note of that request. He explained that there was a fairly large number of French officials, especially among the minor staff, who were exclusively in the service of the mandatory Power and were paid by it. He did not think that was the category Baron van Asbeck had in mind. The next report would contain a list of all higher officials, French advisers to the administrations of the States, and also French officials in the joint services (Customs, postal service, telegraph service, etc.).

Baron VAN ASBECK replied that that was the information he would like to have.

On page 4 of the report, it was stated that Colonel Devic, Governor Delegate of the High Commissioner in the Jebel Druse, had reached the age-limit and had been replaced in February 1935. Since he had been appointed in 1934, it was well known that he would have to retire shortly. In a country where disturbances were not rare, was it sound policy to make frequent changes ?

M. DE CAIX believed that, in 1934, the services of the official who was to succeed Colonel Devic were not immediately available.

#### SETTLEMENT IN SYRIA OF THE ASSYRIANS OF IRAQ : PETITION FROM THE ASSYRIANS OF JEZIREH : ASSISTANCE AFFORDED TO ARMENIAN REFUGEES.

Lord LUGARD, referring to recent questions in the British Parliament regarding the settlement in Syria of the Assyrians of Iraq, asked for information as to how long it would be before they were finally settled, how many were now being transferred, and whether there was any change in the estimate of the cost of the operation.

M. DE CAIX had very little to add to the information given on page 51 of the report. A first group of Assyrians had been settled in the Upper Jezireh region, in the neighbourhood of the first arrivals. The others would be settled partly in the Ghab plain under the Government of Latakia. This plain was at present marshy, but could be reclaimed by means of important drainage works and the improvement of the course of the Orontes. As regarded the number of Assyrians, the latest figure given was 25,000. There would be no difficulty in settling them in the Ghab region, as that plain would be very fertile when once it had been drained, and it could support a dense population ; the proposal was to make over to the Assyrians about 15,000 hectares. Owing to its marshy character, the soil was only utilised in a very few spots and there would be no populations to displace in order to make room for the Assyrians.

The same was true of the Upper Jezireh, where much fertile land, which could be conditioned by repairing the ancient irrigation canals, was only grazed over by the flocks of small nomad tribes.

M. ORTS pointed out that, in the latter region, the Assyrians would be very near the Turkish frontier.

M. DE CAIX agreed that that was one of the difficulties. Nevertheless, since the Ghab plain could not be turned to account until important works had been carried out there, it had been considered more practical to settle the first Assyrians who arrived in Syria in the Upper Jezireh.

Lord LUGARD asked how the Assyrians were to be employed, and what market they would find for their produce.

M. DE CAIX replied that they would continue, as in the past, to engage in agriculture and stock-breeding. They were a people of simple habits, who lived much more on what they could produce from the land rather than by seeking markets for their produce.

M. SAKENOBE asked what body was responsible for reclaiming the Ghab plain.

M. DE CAIX replied that the work would be carried out under the direction of the mandatory Power's services. The improvement scheme provided for the reclamation of 60,000 hectares of marsh, which would benefit the country as a whole, since the Assyrians would—as he had already said—be given only 15,000 hectares. The funds obtained from outside would not cover the whole cost, but would help very considerably, so that this work, which would benefit the Syrian population as a whole, would be carried out only partly at its expense.

Mlle. DANNEVIG asked whether the whole of the sums required for the settlement of the Assyrians and the reclamation of the land had been collected.

M. DE CAIX had no recent and precise information on this point, but believed that there was still a certain amount to be assured before preparatory work for the installation of the Assyrians could be begun.

The CHAIRMAN expressed the Commission's satisfaction at the work accomplished by the mandatory Power for the benefit of the Assyrians. On behalf of his colleagues, he asked the accredited representative to convey the Commission's congratulations to the French Government. The Commission hoped that France would continue her efforts and so improve the destinies of the unfortunate Assyrian people.

M. SAKENOBE also wished to pay a tribute to the French Government for the humanitarian measures it had taken on behalf of the Armenian refugees and the excellent work it had done in this field also (page 50 of the report).

M. DE CAIX thanked the Chairman and M. Sakenobe for their appreciation of the humanitarian efforts of the mandatory Government. The case of the Armenians was more difficult to deal with than that of the Assyrians, who had no intention of carrying on urban trades in the towns, but only asked for vacant land.

M. RAPPARD wished to draw the accredited representatives attention to the following point. The petitions before the Commission included one drawn up in Syrian from the "Assyrians of Jezireh". The latter complained of the propaganda conducted among them by the Syrian nationalist chiefs, who had urged them to learn Arabic, to dress like Arabs and to become Arabs. The petitioners stated that on no account could they "live under the domination of a Moslem Government", and asked to be removed to a place where they would not be "under the domination of the Moslem flag".

What was the meaning of that petition? Whatever regime existed in Syria, the flag would always be Moslem.

M. DE CAIX replied that when he had said previously that the settlement of the Assyrians would cause less difficulty than the settlement of the Armenians, he had had in mind the fact that the newcomers would not compete with populations already established in the country. Moreover, the presence of the Assyrians could not in any way create a disquieting political problem for the country. They had no longer any home outside Syrian territory in which they were going to settle and they would become part of the Syrian population, having no doubt their own particular outlook and remaining attached to that outlook, but unaffected by any external attraction and perfectly loyal to the country.

No doubt certain guarantees would have to be provided for them, and France would not abandon this minority to its fate any more than other minorities over which she would keep a watch during the post-mandate regime.

M. RAPPARD took note of that statement, but still thought that the right of supervision was not enough. For instance, there was the case of Iraq, where the mandatory Power had given a moral undertaking that there would be no unpleasant consequences for the minorities. But the Commission knew what had happened to the Assyrians.

#### QUESTION OF THE EXTRADITION FROM SYRIA OF A YESIDIE CHIEF ESCAPED FROM IRAQ.

M. ORTS said that, according to certain newspapers—in particular, *The Times* of October 26th, 1935—a revolt had broken out among the Yesidies in Iraq near the Syrian frontier. One of the leaders of this revolt was said to have taken refuge in Syria with his sons, and the Iraqi Government was alleged to have asked for their extradition. Could the accredited representative say whether this information was correct? Had there been any incidents on the Iraqi frontier?



M. DE CAIX confirmed that one of the leaders of the revolt had taken refuge in Syria. A request for extradition had been made. It appeared doubtful whether it could be acted on, since the charge was a political offence. The revolt of the Yesidies, who, after the Assyrians, had been in difficulties with the Iraqi Government had had no repercussions in Syria.

#### JOURNEY OF THE HIGH COMMISSIONER TO TRANS-JORDAN.

M. ORTS said that, according to the newspaper *Les Echos de Damas* of November 3rd, 1935, the High Commissioner had made a journey in October or November 1935 to Trans-Jordan, where he had had conversations with the Amir Abdullah. Could the accredited representative say what had been the purpose and results of these conversations ?

M. DE CAIX assured M. Orts that this journey had had no political purpose, and that there had been no negotiations between the High Commissioner and the Amir Abdullah.

#### MILITARY ORGANISATION : ACQUISITION OF LANDED PROPERTY BY THE MANDATORY POWER FOR MILITARY PURPOSES.

M. SAKENOBÉ observed, from page 42 of the report, that there had been a further reduction, although only a small one, in the strength of the troops (about 300 men). Those troops now consisted of 10,519 Syrians and Lebanese, with the addition of 110 French officers and 294 French soldiers. The number of Syrian and Lebanese officers was 189, compared with 188 in 1934.

If it were the mandatory Power's intention to replace the French officers by officers recruited locally, was the recruiting of Syrian and Lebanese officers and non-commissioned officers organised in such a way as to provide in the near future a sufficient number of substitutes for the French officers ?

M. DE CAIX replied that it was, in fact, the mandatory Power's intention to replace French officers by Syrians or Lebanese according to the place where the troops were stationed. This could not, however, be done in haste, and more attention had been paid to improving the quality of the recruits at the military school at Homs, and of the officers trained there, than to increase the number of pupils.

M. SAKENOBÉ asked whether any locally recruited officers had been sent to France to complete their training.

M. DE CAIX replied that that had been done on several occasions. He would ascertain whether there were, at present, any Syrian or Lebanese officers in France.

M. SAKENOBÉ asked whether the Supreme Permanent Council of Defence had functioned smoothly.

M. DE CAIX replied that this Council had already met, but not often ; it was a body which established contact between the higher civil authorities under the mandate and the military command. That was one of the reasons for which—as he had stated in the previous year <sup>1</sup>—it included no Syrian or Lebanese officers as members.

He was glad to avail himself of the occasion offered by M. Sakenobé's question to explain what he had said, on that occasion, regarding the non-existence, among the Syrians and Lebanese, of officers of a sufficiently high rank and experience to be appointed to sit on such a Council. He was referring, of course, to the young officers in the new Syrian army and not to the retired officers of the former Turkish army, of whom there were still many in Syria, and whose merits it had never been his intention to ignore, any more than the merits of the army to which they had belonged and which, in French military circles, had always been held in high esteem.

M. SAKENOBÉ noted that the budget for the French troops stationed in the territory amounted to 207 million francs in 1935 (page 42 of the report), as against 214 millions in 1934. Did that reduction in the budget mean that the effectives had been cut down considerably ?

M. DE CAIX replied in the negative and added that two battalions had been sent as reinforcements at the beginning of the year during the period of disorders which had been referred to at the previous meeting.

M. SAKENOBÉ had read in the report (page 42) that the French Government had acquired, mainly for the army, property amounting to a total value of 91 millions, partly by expropriation. Could the accredited representative give any further information on that point ?

<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 83.

M. DE CAIX had nothing to add to the particulars given in the report except that certain properties acquired by the Syrian State or the mandatory Power had been exchanged.

#### ARMS AND AMMUNITION.

M. SAKENOBÉ observed that the report contained no information regarding the number of arms in the country nor as to the rules governing the sale of arms and ammunition. How was their import controlled? Had any illicit traffic in arms been discovered?

M. DE CAIX pointed out that, after the events of 1925/26, the population had been systematically disarmed and that the trade in arms was still very strictly controlled. To-day, there were not, it was believed, many rifles in the country; but, owing to the nature of the frontiers, it was extremely difficult, not to say impossible, to prevent some smuggling.

#### JUDICIAL ORGANISATION.

Baron VAN ASBECK congratulated the mandatory Power on the considerable improvement in the despatch of judicial business. That being the case, there appeared to be less need for the re-establishment in Lebanon of the general inspection of the courts, which had been done away with in 1930 and reintroduced in 1934. Since that inspection gave the Administration the right to supervise all the courts in the country, were the judges still quite independent?

M. DE CAIX replied that the inspection was carried out by the higher magistrates. It was stated on page 143 of the report that the inspectors had no judicial functions. That did not mean, however, that inspection was not carried out by magistrates, but only that the magistrates acting as inspectors could not combine those duties with the office of president or judge of a court.

Baron VAN ASBECK said that his misgivings had to a large extent been allayed by that reply. He pointed out that the chapters relating to justice in the various parts of the territories gave very little indication of the nature of the criminal cases dealt with by the courts. Could not fuller information be given in future?

M. DE CAIX replied that a list of convictions, classified according to the nature of the offence, could easily be given; that had, moreover, been done in previous reports, in certain passages relating to the administration of justice.

Baron VAN ASBECK noted that, according to the passage at the foot of page 107 of the report, of the 331 convicted persons in the prisons of the Sanjak of Alexandretta, 159—that was to say, 50%—had been found guilty of homicide. Was not that a very high figure?

M. DE CAIX said he had also been struck by this ratio, which had seemed to him to be abnormal. He thought there must be some mistake in the figures. He had made an enquiry in writing, to which he had not yet received a reply.

Baron VAN ASBECK said that, from various passages on pages 81, 82, 129 and 146 of the report, it appeared that a very large number of civil and military officials had been brought before the courts or before disciplinary boards. Did the mandatory Power consider that the measures taken to punish the offences or misdemeanours of officials were sufficiently severe?

M. DE CAIX could not definitely state that the administrative measures were sufficient, but pointed out that, in any case, every year prosecutions were made and penalties inflicted. It was not denied that there had been a very marked improvement in the integrity and working of certain services—for instance, in the gendarmerie.

Baron VAN ASBECK drew attention to the fact that, according to the *Agence extérieure et coloniale* of May 29th, 1935, there had been a judicial dispute between Syria and Lebanon, the Prosecutor of Beirut having refused to allow the Lebanese Executive Bureau to carry out the sentences passed by the Syrian courts. Was that report correct?

M. DE CAIX had not heard of any complaint being made in Syria in that connection. He would be very surprised if this report had any foundation at all, but he would enquire.



“ SUPERVISED RESIDENCE.”

Baron VAN ASBECK was struck by the brevity of the ordinance regarding “ supervised residence ”, which consisted of one article only ; he was surprised to find that the text embodied no guarantee of any kind.

M. DE CAIX said that this was necessarily an arbitrary step taken by the High Commissioner on his own authority, in order to meet promptly a threat to public order. The measure in question was quite different in character from a judicial sentence.

In reply to another question by Baron van Asbeck, he explained that the duration of “ supervised residence ” ordinarily coincided with the duration of the disorders which led to its imposition, and was never very long. He, at any rate, was unaware of any case in which it had lasted for more than two or three months.

Baron VAN ASBECK, while appreciating the difficulties which this measure was designed to avert, nevertheless noted the word “ arbitrary ” which the accredited representative had employed. He hoped that, in practice, this expression applied rather to the form in which the measure was applied than to the actual measures taken or to be taken.

M. DE CAIX replied that, unless the measure could be taken immediately on the sole decision of the High Commissioner, it would have very little chance of succeeding in its object, which was to prevent the outbreak of disorders.

PRISONS.

Baron VAN ASBECK noticed on page 83 of the report a passage saying that courses of elementary instruction had been organised at the Aleppo prison. Were there any such courses in the other prisons ?

M. DE CAIX replied that the gendarmerie, directed by Frenchmen, which had charge of the prisons had made an effort to increase the number of workshops. Similar measures had been taken in the principal prison in Lebanon. He had received a note on this subject from the gendarmerie commandant of Syria, which he would communicate to Baron van Asbeck.

This improvement had been held up by the financial difficulty, which was, moreover, also encountered in other spheres, like that of education.

Baron VAN ASBECK asked if there were special prisons for young offenders.

M. DE CAIX replied that young offenders were, as far as possible, kept isolated from the other prisoners, but that there were not yet any special prisons for their use. At the same time, considerable improvement had been introduced as regards the diet and the health and cleanliness of prisoners, and two modern prisons had been opened, one at Beirut and the other at Latakia.

TRAFFIC IN WOMEN AND CHILDREN : PROSTITUTION.

Mlle. DANNEVIG noticed on page 44 of the report that “ certain cases of traffic in children ” had been reported, “ which showed what mentality still prevailed in certain circles ”. Did this sentence mean that these cases were more numerous than was generally supposed ?

M. DE CAIX replied that this was possible. Two cases had come to his knowledge, which would have passed unnoticed without the intervention of an officer of the Intelligence Service, because, among the class of the population in which they occurred, such cases did not arouse much feeling and would not have been reported to the police.

Mlle. DANNEVIG asked whether these were cases of traffic in women.

M. DE CAIX replied in the negative, and that it was quite a different matter.

Mlle. DANNEVIG had heard that girls were incited to enter licensed houses by the matrons of such houses who for instance tried to get hold of girls who had been in prison for some reason or other. She recalled in this connection the case of the “ Robert ” establishments mentioned last year in the Commission.<sup>1</sup> It seemed to her that the state of affairs in this connection left much to be desired.

M. DE CAIX replied that, in view of the supervision exercised, forced internment in licensed houses seemed to him impossible. He could not speak with equal assurance in regard to clandestine houses.

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<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, pages 110-111 and 176, and of the Twenty-eighth Session, pages 123-124, 188-189, 202.

In reply to another question by Mlle. Dannevig, he added that unemployment in women's workshops did not seem to him to have led to an increase in prostitution, as Lebanese and Syrian working women lived with their families.

Lord LUGARD said he had received several letters on the subject of these licensed houses in Syria from women's organisations which were anxious for their abolition. He had replied that they were authorised and licensed by the Government, and it would therefore be necessary to produce evidence of maladministration or proof of harm done by them. Two letters addressed to the Secretary of the British Syrian Training College had then been sent to him ; both were from members of the American Mission at Beirut and testified at first hand to the evils of which they complained. These letters were at the disposal of the accredited representative.

After his arrival in Geneva, he had received a further letter, dated May 29th, Beirut, from a lady who signed as the Chairman of the Vigilance Committee of the Federation of Women's Clubs of Syria, informing him that a petition had been prepared, and signed by all the religious bodies and philanthropic societies and heads of schools and colleges, and many other categories of persons. This petition did not yet seem to have been received by the Commission. Enclosed with the letter to himself was another with several signatures which may have been intended as a petition and had accordingly been handed to the Director of the Mandates Section, but as it had not been transmitted through the mandatory Power it could not, of course, be dealt with.

Apart from their desire for the abolition of these licensed houses, the chief points raised in this correspondence appeared to be these :

- (a) There is only one free hospital in Beirut for the treatment of venereal disease, and the conditions are not satisfactory ;
- (b) Matrons and inmates of the licensed houses have free access to the younger girls in the hospital and often entice them to become registered prostitutes ;
- (c) The custom of " binding out " little girls as servants exposes them to the same dangers from the matrons.

Lord Lugard asked the accredited representative if he could add anything on this subject to what he had said at the twenty-seventh and twenty-eighth sessions of the Commission. Lord Lugard would be grateful for any assurance of interest in this matter which he could communicate to his correspondents.

M. DE CAIX said he had not much information to give to the Commission. He could only state that no girl under age was allowed to enter a licensed house. The police took care to ensure that the inmates of these establishments were of full age and consenting parties. He had not yet had cognisance of the petitions to which Lord Lugard referred. If Lord Lugard or any other member of the Commission could mention a specific case in which the police had not observed the rules he had just recapitulated, he would ask the High Commissioner's office to institute an enquiry.

#### FREEDOM OF CONSCIENCE : PETITIONS.

M. PALACIOS noted, on page 78 of the report, a passage saying that " any conversion of a Moslem to another religion continues to encounter the same opposition as in the past, as regards civil register entries ". Mention was also made of the difficulties placed by certain officials in the way of the registration and recognition of marriages solemnised by religious chiefs. What measures did the authorities take in cases of this kind ?

M. DE CAIX replied that they protected the persons concerned, and endeavoured to spare them the effects of the hostility they had stirred up, but it was impossible as yet to alter the situation to which M. Palacios had referred. The stage had not yet been reached at which it was possible to intervene effectively in such cases, which were cases of fanaticism. A change could only be brought about by the gradual evolution of the population's outlook.

He had no knowledge of any refusal to register marriages celebrated by the religious leaders.

M. RAPPARD wished to clear up a point in connection with freedom of conscience. All the petitions, whether their authors were in favour of or opposed to unity, agreed in protesting against proselytism. Could the accredited representative give the Commission any information on this subject ?

M. DE CAIX replied that these were petitions from the Government of Latakia, in the south of which the Jesuits had a small mission which had made some converts. These conversions had annoyed and disturbed the Alawite chiefs, both autonomists and partisans of the union with Syria, as they feared that some of their retainers might thus be filched from them. The number of conversions, however, was very small—only 169 up to the present. The mandatory Power, under the terms of the mandate which obliged it to authorise proselytism, could only intervene if it led to disorders.



## CONTROL AND ADMINISTRATION OF THE WAKFS.

M. PALACIOS observed that the report contained no table of the receipts and expenditure of the Wakfs. It was known, however, that in Lebanon and in the Government of Latakia their budget showed a surplus, while there was a deficit in Syria. Had the accredited representative anything to add to the information contained in the report (pages 56 and 57) ?

M. DE CAIX replied that the surplus was to be explained by the fact that in Latakia supervision was still exercised, whereas in Syria it had been greatly attenuated.

Rather than give figures which would only be a rough estimate in the present state of supervision, he preferred to give none, in order to avoid the risk of misleading the Commission.

M. PALACIOS asked if the general policy concerning the Wakfs was still the same. According to the terms of the mandate for Syria (Article 6), "The control and administration of Wakfs shall be exercised by the mandatory Power in complete accordance with religious law and the dispositions of the founders". On pages 56 and 57 of the report, an account was given of the difficulties encountered in connection with the supervision of the administration of the Wakfs. It appeared therefrom that, amongst other things, the Syrian Government had considered it advisable to intervene by appointing the members of the Councils which were in charge of the administration of certain Wakfs. Was it considered that this intervention was within the competence of the Syrian Government ? How could it be explained in view of the terms of the mandate ?

Moreover, was there not a risk that interventions such as that mentioned on page 57, paragraph 2, of the report infringed the immunities accorded to religious communities under Article 9 of the mandate ?

M. DE CAIX replied that the rôle of the mandatory authorities was as follows : the High Commissioner's delegate for the supervision of Wakfs—a supervision which no longer existed in an organic form, as under the 1921 regime—continued to receive many complaints. He approached the various Governments with a view to their taking action when the complaints were justified. The number of letters and enquiries, as stated in the report (page 57), showed that he still had to intervene on many occasions. In many cases, as a result of his intervention, the disputes were settled in conformity with the religious law.

M. PALACIOS thanked the accredited representative and added that he would have occasion to revert to the question of the Wakfs when the petitions came to be discussed.

## HEJAZ RAILWAY.

M. ORTS had learnt, from reports which had appeared in the *Palestine Post* of November 8th, 1935, and the *Correspondance d'Orient* of January 1936, that a conference had taken place at Haifa between the representatives of Syria, Palestine and Sa'udi Arabia, regarding the question of the rebuilding of the Hejaz railway. This conference did not seem to have had any result. Had the accredited representative any information on the subject ?

M. DE CAIX replied that a Conference had been held some time previously, with the object of securing that the surpluses from the "paying" sections of the Hejaz railway should be used for repairing the sections in the desert zones. But there had been no surpluses these last years.

## ECONOMIC EQUALITY : COMMERCIAL REGIME.

M. ORTS thanked the accredited representative for his explanatory note<sup>1</sup> on the importation of oleaginous products into Syria and Lebanon.<sup>2</sup> He noted the statement in the last paragraph that "these measures, which are justified by the interests of the local production of butter and olive-oil, do not tend to establish any discrimination between the countries importing fatty substances into Syria and Lebanon". M. Orts noted this statement, but asked whether the words "do not tend" should be taken to mean "had not the result".

M. DE CAIX replied that these words meant "are not intended". Any Customs measure might inconvenience one importer more than another, even if it had been adopted with a view to increasing the prosperity of the country. Thus, the duties on flour, that had been promulgated to protect Syrian agriculture, had led to an almost complete cessation of imports

<sup>1</sup> This note is kept in the archives of the Secretariat.

<sup>2</sup> See Minutes of the Twenty-seventh Session of the Commission, page 90.

from French flour-mills. He did not think that the Customs, in its decisions inspired by the fiscal or economic needs of the country, was at pains to favour any particular importer as against another.

M. ORTS recalled that, last year,<sup>1</sup> the Commission, having noted that the importation of the products of a State which had ceased to be a Member of the League of Nations was permitted in exactly the same way as the importation of the products of States Members of the League, had asked to be acquainted with the reasons for this.

The annual report (page 28) said that "Japan and Germany, which have finally left the League of Nations, might now be made subject to the maximum Customs tariff. But negotiations are in progress for the regulation of commercial exchanges with these countries on a basis providing advantageous markets for the territories under mandate, in return for Japanese and German imports."

At the time of the conclusion of the Franco-German Commercial Treaty of July 28th, 1934, it had been agreed that, after Germany's withdrawal from the League of Nations, that country would continue to enjoy most-favoured-nation treatment in the countries under French mandate for three months after the date of her withdrawal. This period seemed to have been prolonged several times. At the same time, Japan still seemed to enjoy most-favoured-nation treatment pending the conclusion of a new agreement.

Could the accredited representative give any information regarding the present state of these negotiations, which might be of some importance to the territories under mandate in view of the development of commercial relations between them and the two countries in question?

M. DE CAIX replied that, in the case of Japan, the present regime was extended from month to month. Negotiations were in progress with a view to introducing a system of exports from Syria and Lebanon to Japan, in return for Japanese imports into the mandated territories.

As regarded Germany, the question had not yet been settled; it was bound up with that of the German clearing system, and the end of the period of liquidation was being awaited.

M. ORTS further noted that, as regarded commercial relations with Iraq, it was stated on page 28 of the report that "the attitude of the Iraqi authorities, facilitated by the obligations, without condition of reciprocity, of the mandated territories towards all the States Members of the League of Nations, has continued to delay the commercial agreement which it had been hoped to conclude". The report then explained that exports from the mandated territories to Iraq were continuing to decline to a considerable extent, while imports from that country to the mandated territories had greatly increased.

Were negotiations in progress with Iraq? What was the regime at present applied in Iraq to goods from the Levant States under mandate?

M. DE CAIX replied that the negotiations had never been broken off, but they were progressing very slowly. Iraq having been admitted to the League of Nations, most-favoured-nation treatment was applied to Iraqi imports into the mandated territories, whatever treatment Iraq applied to Syrian and Lebanese imports.

M. ORTS asked if the various territories concerned—Syria, Lebanon and Palestine—had not concerted together to point out the injustice of the treatment applied to them. Was there no idea of joint representations drawing attention to the disadvantages of the present provisions?

M. RAPPAUD supported M. ORTS' remarks. In his view, the situation was as follows: There were at present three Customs regimes—the first, which might be applied to States not members of the League of Nations; the second, which was that of most-favoured-nation treatment and which was enjoyed by States Members; and the third, which was that applied to the neighbours of the mandated territories. Were there any countries in the first category? Iraq might be in the third category, but was it actually in that category, or was it in the same position as the other States Members?

M. DE CAIX replied that it was true that Iraq might be in the third category, but that it was not, because it had not concluded any agreements with the mandated States. Only Palestine and Trans-Jordan, and to some extent Turkey, enjoyed neighbourly privileges with Syria and Lebanon. Only one Power, Brazil, was excepted from the most-favoured-nation regime and therefore came in the first category, but the question was only of slight importance, because the commercial relations between that country and the States of the Levant under mandate were not extensive.

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<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, pages 91 and 227.



## FOURTEENTH MEETING.

*Held on Friday, June 5th, 1936, at 10.30 a.m.*

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### Syria and Lebanon : Examination of the annual Report for 1935 (continuation).

M. de Caix came to the table of the Commission.

#### LAND TENURE : SETTLEMENT OF THE ASSYRIANS OF IRAQ (*continuation*).

Baron VAN ASBECK observed that the report contained abundant information regarding the Administration's efforts for the subdivision and regrouping of estates (pages 99, 139 and 165 of the report). The importance of such a reform in an agricultural country could hardly be exaggerated. Did those efforts to individualise property meet with the favour of the populations ?

M. DE CAIX explained that, in subdividing the collective estates (*mouchaa*), the Administration's efforts were directed rather towards family holdings than individual holdings. Moreover, nothing was done to disturb the habits of the people, who readily accepted the measures of regrouping and subdivision. This work was of great importance as, in Syria, almost all the land not belonging to the large landowners was the collective property of the villages and, as such, was subject to the measures referred to by Baron van Asbeck. The purpose of the regrouping was to ensure the continuous use of the land by the same family so that improvements could be made. It was carried out in such a way as to allow of and facilitate cultivation by families, in the widest sense of the term, which was the custom in the villages of which the lands were *mouchaa*.

Baron VAN ASBECK pointed out that, in the Latakia district, the land survey had been discontinued (page 139 of the report). Was that due to financial reasons ?

M. DE CAIX said that there was no necessity to continue such work in those parts of the Latakia Government where it had not yet been completed. The districts where the land survey had not yet been carried out were mountainous and poor and land transactions were very rare.

Baron VAN ASBECK asked how the Assyrians (see page 51 of the report) were being settled on Syrian land, and what steps were being taken to safeguard the land rights of the local population.

M. DE CAIX explained that the greater part of the land granted to the Assyrians was marshland, to which rights of usage only applied in rare instances. It had not been necessary to effect transfers of the population, and the land in question belonged, generally speaking, to the State.

Baron VAN ASBECK further asked whether tenders would be invited for the works required in connection with the settlement of the Assyrians, so that the nationals or companies of any State Member of the League could compete.

M. DE CAIX replied that, as it was usual to invite tenders for all works, there was no reason to suppose that contracts for those necessitated by the settlement of the Assyrians would not be awarded in this way.

Baron VAN ASBECK would like to find detailed information on this point in the next report.

Lord LUGARD asked whether the land system in Syria was similar to that obtaining in Palestine.

M. DE CAIX explained that there were two main categories of holdings, the large estates and the collective estates of the villages. Individual ownership was relatively unimportant in comparison with the two other forms of ownership, and was largely confined to the mountain districts. He could not say whether the same system was in force in Palestine.

Baron VAN ASBECK would be glad to find in the next report a survey of the system of rural land tenure at present obtaining in Syria.

NOMADS : FRONTIER RELATIONS BETWEEN JEBEL-DRUSE AND TRANS-JORDAN.

Baron VAN ASBECK drew attention to the following passage (page 4 of the report) :

“ The Druse chieftains have been disturbed by the attempts made to settle bedouins owing them allegiance, and others, on the lands to the south of the frontier laid down by the 1931 agreement. They have made known their desire to be allowed to make use of these lands, to which they have titles of ownership. It may be hoped that the agreement of good-neighbourliness, to be concluded in execution of the Franco-British Agreement of 1931, will deal with this difficulty.”

He could not understand this passage, which seemed to him to imply that the Druse chiefs were anxious to be allowed to make use of lands situated in Trans-Jordan.

M. DE CAIX replied that the Druse chieftains enjoyed grazing rights—which were not peculiar to them, as they were shared by other nomads of that region—over lands south of the frontier, in Trans-Jordanian territory. Information on these frontier questions would be supplied in the next report.

Baron VAN ASBECK asked whether the agreement mentioned in the paragraph which he had quoted had already been concluded.

M. DE CAIX replied that its conclusion was being delayed by difficulties of procedure.

IMPORTS AND EXPORTS : ADJUSTMENT OF WHEAT PRICES : OIL TRANSIT TRAFFIC.

M. RAPPARD, referring to the second paragraph of the chapter on the economic position (page 14 of the report), said that it was only possible to speak of a decrease in imports on the basis of the figures, not for general trade, but for special trade ; it would appear that there had been no reduction in the special import trade in 1935.

M. DE CAIX explained that the author of this section of the report had no doubt desired to emphasise the decrease in the deficit of the trade balance, which decrease was mainly due to the increase in exports.

M. RAPPARD considered that the most important factor in the reduction of the deficit of the Syrian trade balance was the appreciable increase in Syrian exports to Palestine.

He noted that the current market prices and the cost of production of wheat were such as to deter the peasants from growing this crop. There was a decrease in the area sown. Was Syria rather an importer than an exporter of wheat ?

M. DE CAIX replied that Syria always imported wheat when the crop was bad.

M. RAPPARD pointed out that, if Syria imported wheat in normal times, the authorities were able to influence its price, and could therefore make it profitable for the producer. He did not wish to take sides in this matter as between the consumer and producer, but he would like to know what was the policy of the mandatory Power.

M. DE CAIX explained that it had been the practice of the mandatory Power to place a heavy duty on imported wheat when the crop was good, and conversely to remove the duty when the crop was insufficient.

M. RAPPARD asked who was empowered to decide such an important question as whether the wheat import duty was to be applied or removed.

M. DE CAIX replied that it was the High Commissioner himself, after consultation with the representatives of local interests. If the task of deciding upon those Customs measures were entrusted to the local Governments—as would be the case after the withdrawal of the mandate—it would be difficult to reach an agreement between Syria, which produced cereals, and Lebanon, which was mainly a consuming country.

M. RAPPARD said that he presumed that inaccuracies had slipped into the figures on page 20 of the report regarding the export of horses (which could not have increased to such an extent in 1935) and on page 31 regarding the ranking of the various countries as exporters to Syria. It appeared, for example, that, in 1935, Iraq had suddenly risen to the first place among exporting countries, which was not easy to understand.



M. DE CAIX replied that this sudden change was to be explained by the fact that, for 1935, the oil passing through the mandated territories in the pipe-line had been included under the head of exports from Iraq.

The CHAIRMAN asked if information could be obtained regarding the profit derived by the mandated territories from the oil transit traffic.

M. DE CAIX explained that, owing to the competition between Syria and Palestine, which were both anxious to secure the transit traffic in Iraqi oil, it had not been possible to grant the operating company conditions which would have procured important advantages for Syria and Lebanon. The construction of the pipe-line had given employment to a large number of persons, but very few were required for its operation. To the small profit derived from the transit of oil should be added the supplies purchased at Tripoli by the tankers during their very short call at that port.

#### CONCESSION FOR TRANSPORT OF PILGRIMS.

The CHAIRMAN said that, under the High Commissioner's Order of December 27th, 1935, a concession for the sea transport of pilgrims proceeding to the holy places of Islam had been granted to the Société orientale de Navigation. By the terms of that order, the company was given a monopoly of the sea transport of pilgrims along the Beirut-Yambo-Jeddah route and return. Pilgrims nationals of the mandated countries or foreigners who pass through these countries could only travel on the company's vessels both on the outward and return journeys. This arrangement would appear to be at variance with the clause of Article 11 of the mandate for Syria and Lebanon, which read as follows :

“ Concessions for the development of these natural resources shall be granted without distinction of nationality between the nationals of all States Members of the League of Nations, but on condition that they do not infringe upon the authority of the local Government. Concessions in the nature of a general monopoly shall not be granted.”

M. DE CAIX replied that the High Commissioner's Health Service had been anxious that this concession should be granted, as hitherto it had been obliged each year to enter into long discussions with the companies desirous of transporting pilgrims. In order better to secure for the pilgrims the conditions considered necessary for their journey, it had been thought wiser to come to an understanding with a single company, which would fit out its vessels once and for all in accordance with the regulations governing the transport of pilgrims. That company was Lebanese.

The CHAIRMAN said that this reply had not convinced him, as he considered that, rather than grant a concession to a single company, the Health Service had only to oblige all vessels desirous of engaging in the conveyance of pilgrims to comply with standard rules such as would adequately safeguard public health. Had the Société orientale de Navigation paid for its concession ?

M. DE CAIX had no information on this latter point.

The CHAIRMAN would be grateful if this question could be re-examined in the light of Article 11 of the mandate.

#### FORESTRY.

Count DE PENHA GARCIA observed that the situation was still somewhat unsatisfactory as regards the Syrian forests.

M. DE CAIX said that the mandatory Administration had prepared and promulgated in 1935 a Forestry Code applicable to Syria and Lebanon as a whole.

Count DE PENHA GARCIA asked whether it was anticipated that forestry offences, which were already numerous, would be further increased as a result of the entry into force of the Forestry Code.

M. DE CAIX replied that it would of course be necessary to recruit and train staff for the purpose of applying the Code, and that, when it began its work, offences would doubtless become more numerous until the people had learnt respect for trees. Up to the present, they had no idea of the utility of preserving forests from goats and the destroyers of wood. Only in Lebanon had it been possible to organise a movement on behalf of forest preservation by private initiative. Elsewhere the preservation of forests and reafforestation were in the hands of the Administration alone. In the case of Syria, in particular, the Administration had reserved certain areas for afforestation, and in the north it had induced several villages to plant small areas with trees.

#### ANTIQUITIES.

Count DE PENHA GARCIA wondered whether the antiquities budget of Syria could not be increased, but he noted that a considerable effort had been made with regard to museums (page 55 of the report). On the whole, it could therefore be said that in 1935 the mandatory Administration had done its duty as regards antiquities. He would like to know whether the Aleppo Society of Antiquities was the only one of its kind in the territory.

M. DE CAIX replied in the affirmative.

#### PUBLIC FINANCE.

M. RAPPARD thanked the mandatory Power for the improved method of presenting the chapter on finance (pages 171 *et seq.* of the report), but confessed that he had still some difficulty in forming an idea of the position. He had nevertheless noted a great effort of economy which had resulted in a budgetary surplus.

M. DE CAIX stated that this surplus did not exist in the budget of the Syrian State.

M. RAPPARD was glad that budgetary equilibrium had been restored in the majority of the States in question, but he wondered whether this restoration had not been obtained by cuts which might have a bad effect on the development of the territories of Syria and Lebanon.

M. DE CAIX explained that in Syria, and still more in Lebanon, the credits for officials had always displayed a tendency to increase as long as the budgetary situation was not such as to prevent it. Consequently, cuts in the expenditure on staff had not been detrimental to the efficiency of the administration. It was unfortunate, however, that larger credits could not have been granted for the improvement of the economic situation and the forests.

M. RAPPARD noticed that since 1932 the budgetary appropriations in respect of the Jebel-Druse had been reduced by more than half (page 172 of the report).

M. DE CAIX explained that this reduction chiefly referred to public works, and, further, that, as the Jebel-Druse was subject to military authority, the Administration could take stricter decisions.

M. RAPPARD thought, in any case, that it was rather surprising that in a time of depression a deficit should have been converted into a surplus.

M. DE CAIX replied that, generally speaking, the budgets of Syria and Lebanon had balanced, but economies had been particularly drastic in the autonomous governments, where the mandatory Power's authority was exercised most directly.

#### LABOUR.

Lord LUGARD, on behalf of Mr. Weaver, was glad to note the evidence in the report of a decrease in the unemployed handicraftsmen (page 21 of the report), the development of vocational education and a further step towards creating appropriate labour legislation.

M. DE CAIX said that the enquiries regarding the handicrafts were still in progress and that he was unable to supply any information on this point, in addition to that contained in the report or which had been previously furnished.

Lord LUGARD welcomed the Lebanon Act of April 17th, 1935, regulating the work of children and women in industry (page 211 of the report). Article 21 of that law (page 214) provided for the appointment of men or women inspectors. Had any such inspectors been appointed?

M. DE CAIX had no information on this point.



Lord LUGARD added that Mr. Weaver recalled that it had been asked last year <sup>1</sup> whether the regulations provided for in the Lebanon Code of Obligations had been issued. The reports contained no information on this point. Could M. de Caix give any information in reply to this question ?

M. DE CAIX said that he had asked for information on the point but, unfortunately, had not yet received it.

Lord LUGARD added that Mr. Weaver had noted with much interest the Syrian Legislative Decree concerning vocational associations (page 205 of the report). Could the accredited representative give any information regarding the number of the associations that had been set up under this decree and the trades concerned ?

M. DE CAIX replied that a very large number of such associations had been set up for nearly all the trades practised in the country, and that a list could be given to Mr. Weaver. <sup>2</sup>

M. PALACIOS observed that the decree on vocational associations was a derogation of previous legislation ; in particular, the Ottoman Law of 20 Jamad el-Awal 1330 concerning corporations. It appeared that this decree only applied to Syria. Did it constitute a radical change in the regime, amounting even to a passing from compulsory workers' corporations to that of free workers' or employers' associations ?

M. DE CAIX explained that the law on vocational associations was a Syrian law—that was to say, it was applicable only in the Syrian State.

M. PALACIOS noted that, while the legislative decree concerning vocational associations was only applied in Syria, the Law of April 17th, 1935, on employment for women and children affected only Lebanon (page 211 of the report).

M. DE CAIX agreed that the latter law concerned Lebanon.

M. PALACIOS said that the law probably did not apply to domestic workshops. In his view, it was advisable to distinguish, among such workshops, between those controlled directly by the father and those working for a contractor. It was the latter which raised the question of "work in the home". As a rule, the disadvantages of undue exploitation were removed by a system of salaries. Had the moment arrived to reflect somewhat on this question ?

M. DE CAIX replied that no such policy was conceivable in view of the conditions in which the labour in question took place. Raw materials supplied by traders were transformed in these domestic workshops, and this type of industry could not be regulated without risk of killing it, for its profits were already very small.

Mlle. DANNEVIG noted on page 164 of the report the following provisions of the Act of April 17th, 1935 : "Prohibition for children to perform manual labour of a duration of more than four hours per day in establishments having a character of professional instruction or charity". Were these mixed institutions, or establishments with some of the characteristics both of schools and workshops ?

M. DE CAIX explained that in many schools, particularly vocational schools, pupils were called upon to do manual work. The legal provisions to which Mlle. Dannevig had referred had been enacted to prevent any abuse in that connection.

#### DRUGS.

Count DE PENHA GARCIA noticed that the report mentioned on page 49 the seizure of 4,077 kilogrammes of hashish and 232 kilogrammes of opium. According to the particulars given on page 50, the persons arrested during the year for trading in, smuggling and using narcotics numbered 412. This showed that the position as regards narcotics was not very good. Were the convicted persons nationals of the mandated countries or traffickers from other countries ?

M. DE CAIX replied that the contraband trade in narcotic drugs was chiefly transit trade in the direction of Egypt. Syrians were probably included among the traffickers.

<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 97.

<sup>2</sup> This list is kept in the Archives of the Secretariat.

In reply to a second question put by Count de Penha Garcia, M. de Caix explained that the Syrian and Egyptian police were co-operating in the campaign against narcotic drugs. The figures given in the report showed that in Syria the drug traffic had been put down with severity. Action had been facilitated by the establishment of a Central Narcotics Service attached to the Criminal Investigation Department. The increase in the quantities seized and in the number of persons arrested was due, not to a recrudescence in the illicit trade, but to the tightening-up of supervision.

Count DE PENHA GARCIA hoped the situation as regards narcotic drugs would still be improved.

#### PUBLIC HEALTH.

Count DE PENHA GARCIA observed that the report mentioned a recrudescence of malaria and the existence of populations continually suffering from that disease. The preparation of a malaria map of the country was contemplated (page 160 of the report); it would cost money to make this map, and Count de Penha Garcia wondered whether that money would not be better employed in the direct campaign against the disease. The centres of malaria existing in the country must be sufficiently well known.

M. DE CAIX replied that the campaign against malaria was now being taken up very seriously. Use was at present being made, not only of quinine, but of a new remedy, quinacrine, which had apparently given remarkable results and the use of which was much easier to supervise than that of quinine, as only one dose a week was required.

Count DE PENHA GARCIA observed that infant mortality was very high in the Jebel-Druse (page 123 of the report).

M. DE CAIX said that the population of the Jebel-Druse was very poor; some regions had recently suffered from famine, and the winter climate was very rigorous.

Count DE PENHA GARCIA expressed the hope that the medical assistance service in the desert would operate more normally next year, for, according to the report (page 106), the results achieved in 1935 had not been satisfactory.

Mlle. DANNEVIG noted (page 96 of the report) that trachoma continued to constitute an important problem, particularly in Syria, where 17,825 cases had been reported. Did the Faculty of Medicine in the territory give any specialised instruction in connection with this disease?

M. DE CAIX replied that the treatment of trachoma was well known and that it was only a question of applying it. It was, in fact, applied in all the schools. The number of children suffering from blindness was smaller, in proportion, than that of adults.

#### EDUCATION.

Mlle. DANNEVIG observed that, despite financial difficulties, great efforts seemed to have been made throughout the territory in regard to education. The number of schools and the number of pupils had increased.

M. DE CAIX said that, as regards Lebanon, this work was chiefly done by private individuals, among whom were a large number of foreigners who had established schools in that country a long time ago.

Lebanon was therefore in a much more favourable situation with regard to education than the neighbouring countries, without its Government having had to establish many schools or incur any great expenditure. Generally speaking, the Government schools were attended by Moslems and the private schools by members of the minorities.

Mlle. DANNEVIG observed (page 86 of the report) that the schools were nevertheless insufficient, that the classes were overcrowded and that many requests for admission had to be refused. This was a very regrettable situation when it was considered that, in certain parts of the territory, two-thirds of the population were illiterate. Could an improvement be looked for in this respect? It would seem very important in the light of the negotiations which were going on as regards the end of the mandate.

M. DE CAIX replied that the proportion of illiterate persons was not so high in Lebanon, but that, even in that State, further action should be taken as soon as the budgetary position improved sufficiently to allow larger sums to be devoted to education.

Mlle. DANNEVIG would like to know what was the explanation of the large number of orphans in Syria and Lebanon.



M. DE CAIX replied that the fact that there were numerous orphans' homes in those territories must not be taken to mean that the number of orphans was very large. The number of such orphans' homes was due, in fact, to the great charitable efforts made by foreign organisations.

Mlle. DANNEVIG was astonished at the large number of foreign students, and particularly of American students, who had entered for the Syrian faculties (pages 155 and 159 of the report).

M. DE CAIX explained that those foreigners included a certain number of sons of Syrians who had settled in America and who were entered in the statistics as Americans by birth. There were also the children of American missionaries. Lastly, Beirut had always been a centre of study for the peoples of the Near East.

#### **Syria and Lebanon : Examination of Various Petitions.**

PETITION (UNDATED) FROM M. TOUFIK EL-KABANI, M. HANI EL-JELAD AND OTHER SIGNATORIES, DAMASCUS, REGARDING THE SUSPENSION OF THE NEWSPAPER "AL AYAM".

Count DE PENHA GARCIA drew the accredited representative's attention to the fact that the suspension of the newspaper *Al Ayam* had been decided upon because that newspaper had reproduced insulting articles from a Paris satirical weekly. Had the satirical journal in question been prosecuted in Paris ?

M. DE CAIX replied that French law did not allow of the prosecution of the French journal in question ; it should, however, be noted that the consequences of the article reproduced by the journal *Al Ayam* were not the same in France as in Syrian circles.

PETITION, DATED SEPTEMBER 20TH, 1934, FROM M. PHILIPPE ZALZAL, BEIRUT.

Count DE PENHA GARCIA observed that Zalzal, who was supposed to be a Spanish citizen, was dragoman at the French Consulate. Was it usual to employ foreign dragomans in French consulates ?

M. DE CAIX replied that their employment in French consulates was not excluded.

Count DE PENHA GARCIA asked whether the Nationalities Commission set up by decree of the High Commissioner dated February 17th, 1918, had recognised that Zalzal's sons were of Spanish nationality.

M. DE CAIX thought that Zalzal's sons, who had been born after he had taken Spanish nationality, had been regarded as Spanish by the Commission.

Count DE PENHA GARCIA noted that the Civil Court had recognised the petitioner as a Lebanese citizen in 1927, and that an appeal had only been made against this decision in 1929.

M. DE CAIX had not the file with him, but supposed that between those two dates a question of inheritance had arisen which had decided Zalzal to appeal.

Count DE PENHA GARCIA pointed out that the various decisions of the courts and the Nationalities Commission regarding Zalzal's nationality were to some extent contradictory, and that it was somewhat difficult to discover the legal truth in this matter.

M. DE CAIX said that for that purpose a close study would have to be made of the case ; he pointed out incidentally that the authorities had no reason to grant Zalzal facilities or to do other than apply to him the strict letter of the law.

Count DE PENHA GARCIA thought that one of the ways of clearing up the situation in similar cases would perhaps be to revert to normal law, from which a departure had been made by constituting the Nationalities Commission.

M. DE CAIX explained that the creation of the Nationalities Commission by the High Commissioner had been rendered indispensable by the number and complexity of the nationality problems which had arisen in Syria and Lebanon immediately after the war and as a result of the separation of those countries from the Ottoman Empire.

PETITIONS CONCERNING THE ADMINISTRATION OF THE MOSLEM WAQFS, SUBMITTED ON OCTOBER 20TH AND SEPTEMBER 11TH, 1934, BY ME. GHAFOUR AL MSOUTY.

M. PALACIOS pointed out that last year the Mandates Commission had requested fuller information as regards the Waqf question.<sup>1</sup>

M. DE CAIX said he had asked for documentary information on the subject, but the material sent to him did not enable him to give the Commission all the legal information it might desire. For that purpose, an exhaustive and prolonged study of a very intricate law would have to be made, the elucidation of which did not seem to be generally desired. He would, however, summarise the information which he was in a position to give to the Commission. This was as follows :

1. *Istibdal*. — *Istibdal* is the sale of Waqf immovable property with the obligation to employ the proceeds of the sale for the benefit of the Waqf, or the exchange of Waqf immovable property for *mulk* property of the same value.

The proceeds of the sale are employed again in different ways according to whether the Waqf is a *mazbuta* Waqf—that is to say, is administered by the Waqf administration—or a *mulhaka* Waqf, the administration of which is entrusted to an administrator appointed by the Act constituting the foundation.

In the first case, the sum available is employed by the administration in accordance with the financial arrangements approved by the Supreme Waqf Council.

The *mazbuta* Waqfs, many of which were founded by the Sultans, serve for the maintenance of religious buildings, pious works, and a number of religious officials. The Waqf administration is required to provide for these out of the revenue from its immovable property, or royalties which the State is required to hand over to the Waqfs from certain of its resources, such as tithes.

In the case of *mulhaka* Waqfs, the sum available is handed over to the administrator and must be divided equally, as far as possible, between :

(1) The restoration of the cultural and welfare establishments of the Waqf to which the property belonged ;

(2) The construction or purchase of buildings, the income from which is to be devoted to the maintenance and operation of the establishments just mentioned.

The mandatory authority, which has nearly always confined its action to approving decisions of the Supreme Waqf Council, has made no change in the rules prescribed by religious law.

No doubt there have been abuses, particularly before the introduction of supervision in 1921 and, more recently, since it has almost ceased.

The mandatory authority has endeavoured to set the matter right, however. For instance, an enquiry opened on the receipt of a complaint to the High Commissioner from the administrator of a *mulhaka* Waqf showed that the administration of the Aleppo Waqfs, incorrectly interpreting the legal provisions as to how the proceeds of sales should be used, claimed that it was entitled to use them in its own way and to include in its own receipts half the proceeds of the *istibdal* of immovable property belonging to the *mulhaka* Waqfs. Steps were immediately taken by the Syrian Government to compel the Aleppo Waqf administration to comply with the law.

2. *Mecca and Medina Waqfs*. — These Waqfs, which are in Syria, are not devoted to the sanctuaries themselves, but to the Chorfas, descendants of the Prophet, living in the holy cities.

The revenues of these Waqfs are devoted to the maintenance of such of these Chorfas as are poor and live in Syria or the other territories under mandate.

There is no truth whatever in the statement that the mandatory authority took steps to prevent the lawful use of the revenue of these Waqfs, which is employed in accordance with the decisions taken by the Supreme Waqf Council.

Not only have their revenues (about 60,000 francs per annum) been paid every year to poor Chorfas who had taken refuge in territories under French mandate, but the total relief paid to this class of beneficiary is far greater than the revenue of the Mecca and Medina Waqfs, the surplus being provided for in the budget.

There is therefore no explanation of the criticism as regards the use of the revenues of these Waqfs. Perhaps it originated in the refusal to assist a refugee Shereef who came possibly from Latakia, where no assistance can be given to these persons, as the Waqf revenues do not suffice for this and the Government's budget makes no provision for the purpose.

3. *Hejaz*. — There is considerable controversy as to the Waqf or non-Waqf character of the Hejaz Railway.

It is true that part of the sums used for the construction of the railway came from Moslem subscribers and that during the war the Waqf Ministry was responsible for the administration of the railway.

On the other hand, the railway has never been constituted as Waqf property, and the greater part of the sums devoted to its construction were obtained by a tax on all Ottoman subjects, whatever their religion. It was a private undertaking by the Sultan, both religious and strategic in character, and not a Waqf in the strict sense.

<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 224.



Accordingly, there was no need for the mandatory Powers to treat it as such; they had only to recognise its religious importance and to bear this in mind in practice. This is the explanation of the declaration made at Lausanne on January 27th, 1923, on behalf of the French and British Governments :

“ The Governments of France and Great Britain, acting on behalf of Syria, Palestine and Trans-Jordan, being desirous of recognising the religious character of the Hejaz Railway, declare that they are prepared to agree to the constitution of an Advisory Council to make to the administration of the different sectors of this railway, situated in Syria, Palestine, Trans-Jordan and the Kingdom of Hejaz, any recommendations for ensuring the upkeep of the line and improving the conditions for the transport of pilgrims. This Council will be composed of four members selected from among Moslem nationals of other countries interested in pilgrimages. It will sit at Medina.

“ The recommendations of this Council shall not be contrary to the stipulations of the international sanitary Conventions. The Governments of France and Great Britain declare that, in so far as the sectors of the railway in Syria, Palestine and Trans-Jordan are concerned, all profits from the operation of the railway shall be devoted to the upkeep and improvement of the whole railway, any sums remaining being devoted to assisting pilgrims.”<sup>1</sup>

The contract with the Damascus-Hama and Extensions Company for the operation of the railway was justified by the unsatisfactory operation of the line by the local administration during the first few years of the mandate.

M. PALACIOS explained the questions to which the petitions gave rise in this connection and asked whether it was true that the High Commissioner's decrees and the interventions on the part of the Administration were contrary to Moslem law.

M. DE CAIX replied that this theory was disproved by the rules consistently applied under the mandate in regard to the Waqfs. The representative of the mandatory Government had always confined himself to promulgating decisions adopted by councils composed of the highest religious authorities in the territories under mandate. It had introduced no innovation in regard to *istibdal*—that was to say, sale with the obligation to employ the proceeds again—which was often in the interest of the Waqfs. It had merely ordered measures to be adopted, or had itself adopted them, with a view to enabling the law to be applied within the new framework resulting from the general organisation of the territories under mandate.

The non-Moslem Waqfs were subject to the ordinary laws : the mandatory authority had given the religious administrative organs the status of a corporation to prevent administration by a third party, which was inconvenient and even dangerous from the point of view of the property rights of the churches for whose benefit the religious foundations had been established.

There had undoubtedly been abuses in the administration of the Waqfs, but the mandatory authority had intervened solely for the purpose of putting a stop to them. That fact would be recognised were it not that the Waqfs question was usually discussed in a confused and violently prejudiced spirit.

PETITION (UNDATED) FROM M. SARMINI AND OTHER MEMBERS OF THE “ COMITÉ EXÉCUTIF DES WAKFS ”, ALEPPO.

M. PALACIOS explained the main outlines of the petition, from which he brought out the two following points : (1) What was the *osmaniyë* Waqf in question, and was intervention in the administration of this Waqf contrary to Koranic law ? (2) Was there any real point in setting aside part of this Waqf for a public garden in Aleppo, since, as the petitioners claimed, so much could be done to improve a town which was very dirty and ill cared for, without it being necessary to take part of the Moslem Waqfs ?

M. DE CAIX explained that it was true that part of the Waqf in question had been used for a public garden, but this was in the interest of the Waqf itself, as it had greatly enhanced the value of the rest of the property. The part used as a public garden was, moreover, marshy and liable to be flooded.

PETITIONS, (NINETY-EIGHT IN NUMBER, IN SIX CATEGORIES), RELATING TO SYRIAN UNITY.

M. RAPPARD, referring to the petitions of the first category, claiming the incorporation of the Latakia Government with Syria, pointed out that they were all due to the announcement of a future treaty. He would be glad to know to what extent these petitions were spontaneous or, on the contrary, had been drawn up to order. Some of the expressions used by the petitioners seemed to suggest that they were carrying out instructions.

He would be glad of information about the “ speeches addressed by the Vice-President of the Council, M. Saadé, and his colleague, M. Mahmud Suleiman, to the High Commissioner ” mentioned in a petition.

<sup>1</sup> Translation made by the Secretariat.



M. DE CAIX explained that M. de Martel had, on the occasion mentioned in the present case, been harangued by the two persons in question, who had made declarations in favour of the maintenance of the present regime. Those declarations had been followed by protests from the Sunnis of Latakia, who were exponents of unity.

M. RAPPARD pointed out that the supporters of Syrian unity referred to official pressure by both the mandatory authority and the local authorities in support of the opposite solution. One of the petitions said :

“ On February 25th, the authorities of the Latakia Government convened a number of Alawite Moslem notables, through certain gendarmes, and sent them to Tartus. There they were brought together under Captain Viaud in the offices of the Director of the Interior and his secretary, who tried every means to convince and persuade them.”

Another petition said that :

“ . . . on Monday evening, April 6th, 1936, the day appointed by the captain in charge of the Special Services for visiting the headquarters of the *caza* and dealing with matters in suspense, while the villagers were engaged in their agricultural and sericultural pursuits, a body of two hundred men, two of them being on horseback, surrounded our district. After occupying it by force, they entered the houses, eating and looting all they found there. The women and children were terrified and ran away, while the men did not dare to offer resistance, as there were so few of them. . . . Aziz Hauache (one of the attacking party) then began to threaten the *malih*, telling them he had been ordered by the Government to punish them. He next ordered his men to collect all the animals in the village and to sell them in front of the seraglio, and after kicking Ali Daruich—who was lying on the ground in chains—several times, he threatened them with his revolver, etc. . . . ”

Had the mandatory Power or the local authorities or any group or community really made a deliberate attempt, by persuasion or compulsion, to oppose the cause of Syrian unity ?

M. DE CAIX replied that he had questioned the Governor of Latakia, whom he knew to be loyal, and that he knew that, once order was maintained, the Governor would not wish to engage in the campaign between supporters of unity and particularists. An officer of the Special Services who was interested in his work under the present regime might no doubt prefer it and show his preference, though within certain limits, if only because of the supervision exercised by the higher authorities. If the Mandates Commission desired, information could be obtained as to the petitioners' allegations.

M. RAPPARD said he would be particularly glad, as he had already stated, to know to what extent the petitions, whether for or against Syrian unity, were spontaneous and sincere.

M. DE CAIX explained that in a particular area the opinions of the chiefs as to the desirability of unity were usually dictated by their personal situation. They drew up petitions and had them signed by their followers. The petitions therefore represented the attitude of the chiefs, but he could not go so far as regards the other signatories.

No doubt similar methods were used in both camps. This was possible in these countries where the different chiefs had their own followers.

M. RAPPARD had been very struck by the fact that both the supporters and the opponents of unity claimed to represent an overwhelming majority. That must be either an over-statement or a mistake on the part of one or the other, or both. It would seem from the petitions that the Sunnis were in favour of unity, and the other elements of the population, of Latakian autonomy.

M. DE CAIX replied that that was undoubtedly the case.

M. RAPPARD pointed out that in some petitions the mandatory Power was held responsible for the extreme poverty in the Government of Latakia.

M. DE CAIX replied that the people of this area did not give the impression of being very poor, and in any case their poverty was not due to the mandates system. The ineluctable economic factor was being used as a political argument.

M. RAPPARD quoted the following petition with regard to proselytism on behalf of one cause or the other :

“ As representatives of the spiritual authority of the Alawites, we must defend the rights of the people and, seeing that the maintenance of the present state of affairs in the Government of Latakia does not safeguard its religious and civil or political and economic rights, we ask for Syrian unity based on administrative decentralisation and request you to transmit this request to the Foreign Affairs Commission of the French Government and to the League of Nations.”



He asked how the constitution of Syrian unity would safeguard the rights in question.

M. DE CAIX explained that this statement was mere words, an argument for political purposes, unless it was hoped that Syrian unity would do away with liberty of conscience to the advantage of the native religious leaders.

M. RAPPARD laid stress on the fact that most of the supporters of Syrian unity referred to decentralisation. What had they actually in mind ?

M. DE CAIX explained that the meaning of this word was still somewhat vague to people with no experience of constitutional government. It was used as a qualification at the request of the Unity movement, which, for many reasons, would not meet the wishes of most of the Alawites.

M. RAPPARD drew attention to the petition from Nicolas Bachur.

M. DE CAIX explained that Nicolas Bachur had met with disappointments in his political career and the object of his petition seemed to be to justify a change of attitude.

M. RAPPARD drew attention to the extreme servility which seemed to be shown by most of the supporters of autonomy. There was some identity of tone in their petitions, and he thought, generally speaking, those from Ibrahim Elkinj gave a fairly accurate picture of the opinion of the supporters of autonomy for the Government of Latakia. The precedent of the Assyrians was constantly mentioned.

Was there in Lebanon a genuine movement on behalf of Syrian unity ?

M. DE CAIX replied that there were supporters of Syrian unity in Tripoli and a few among the Shiies, who were in a majority in the south.

M. RAPPARD drew the accredited representative's attention to the following petition concerning the Jebel-Druse :

"Jebel-Druse authorities are attacking the right to freedom of speech at meetings in support of Syrian unity, compelling separatist supporters move about, imprisoning unitary supporters attacking them alienating young, prevented leader Ali Attrache coming Damascus by force for cause of Syrian unity. Request transmission strong protests Quai d'Orsay Franco-Syrian negotiators Geneva."

Could the accredited representative say whether there was any truth in this telegram and who was the leader, Ali Attrache ?

M. DE CAIX replied that Ali Attrache was a chief in the south of the Jebel-Druse. He belonged to the chief family of the country, but was at loggerheads with many of its members. The accredited representative knew nothing of the facts alleged in the petition referred to by M. Rappard. Unless the petitioners' complaints were highly exaggerated, it was difficult to believe that such occurrences would not have come to light in some other way.

M. RAPPARD drew attention to one fact which, in his opinion, was very disquieting : that it had never occurred to the supporters of Syrian unity to offer effective guarantees to the minorities.

M. DE CAIX said that was explained by the fact that the leaders of the unity movement would not admit that there was a minority question.

M. RAPPARD pointed out that if, at the present moment, when the supporters of Syrian unity could contemplate guarantees without in any way binding themselves, it did not even occur to them to do so, that was because they had no intention in the future of taking account of the existence of the minorities.

M. DE CAIX replied that the nationalists in favour of unity had laid down their beliefs as to the rights of their country in most uncompromising terms, and conducted themselves in accordance with this conception, in which there was no place for the minorities. In this way, the supporters of Syrian unity ignored the whole of the country's past history, of which the effects could only be removed by very cautious transitions between the former regime and one in which there would no longer be minority or other groups having a status and conceptions of long standing, but only citizens enjoying both *de facto* and *de jure* equality.

Some of the majority might think such transitions necessary, but they would hardly dare to express an opinion contrary to the nationalist beliefs.

In the present state of affairs, and pending the time when respect for religious equality would exist, the scattered minorities mixed up with town elements would have most to fear from the absence of guarantees.

M. RAPPARD asked whether the petition from Homs dated March 5th, 1936, signed by forty-five persons, among them the Archimandrite Thomas Maaluff, was sincere.

M. DE CAIX replied that, as they belonged to the minority and because they had to exercise great caution in expressing their views, there could be no doubt as to their sincerity.

M. RAPPARD said that, as a matter of fact, this petition had seemed to him to be full of common sense.

Generally speaking, he had had some difficulty, when reading the petitions, in understanding the object of the proposed Franco-Syrian treaty. Either France would exercise a right of supervision over Syrian affairs after the mandate, so that the minorities would be effectively protected, and then Syrian independence would be simply a myth, or else there would be real independence, and in that case there was no doubt whatever that the minorities would be oppressed.

M. DE CAIX said it must not be thought that the treaty would do away with all the guarantees, the necessity for which would eventually cease. In some essential respects, provision had to be made for a transition period.

M. RAPPARD asked the accredited representative whether he could defend the idea of the treaty by arguments other than the Iraq precedent, for, after all, the safeguarding of human life must carry more weight with the mandatory Power than the desire to give satisfaction to nationalist elements.

M. DE CAIX thought there was far less danger of massacre than of administrative and legal methods discriminating unfairly against members of the minorities.

As to the principle underlying the treaty, he did not see how it could be questioned after the promises given ten years previously—that was to say, previous to the Anglo-Iraqi Treaty, which had been brought to the Commission's notice on many occasions. The advantages or disadvantages of the treaty in practice would depend upon the care with which its provisions were drawn up, and, in this connection, M. de Caix had described the French Government's intentions.

M. RAPPARD wondered, since in any event the regime established by the treaty would not be Syrian independence, whether France, in pursuance of a treaty policy, was not exposing herself to the criticism that she desired to free herself, in Syria, from the tutelage of the League of Nations.

M. DE CAIX replied that the mandatory Government could hardly expect to escape all criticism in pursuing a policy that could not reasonably be avoided. France, which desired the appeasement of Syria and took steps to that end, had no reason to seek to emancipate her policy from the tutelage of the League, since her main interests were culture and responsibility for the minorities. Those interests were not contrary to, even when not identical with, the interests the League desired to safeguard.

He had never failed to tell supporters of Syrian independence with whom he had had an opportunity to speak that France would be bound to provide in the treaty certain guarantees for the minorities. The Commission would not, in the last resort, be doing a useful service, if it purely and simply objected to the treaty policy. It would only hamper the mandatory Power's attempt at a policy of appeasement.

M. RAPPARD pointed out that it seemed impossible for Syria to enter the League on the termination of the mandate if such important and necessary reservations as those contemplated were made in its treaty with France.

M. DE CAIX did not believe it was desired, as in another case, to omit any reference to the minorities.

PETITIONS, DATED JULY 3RD AND DECEMBER 13TH, 1935,  
FROM M. SAMI SLIM BORJ EL BARAJNIE.

In reply to a question by M. Sakenobe, M. DE CAIX said that the two bandits referred to in these petitions probably belonged to the same band.

M. SAKENOBE read the following passage from the petition dated July 3rd, 1935 :

" I have learned from letters and oral statements made by numerous trustworthy persons that the Franco-Lebanese gendarmes have used the greatest severity in the investigation concerning the bandits of Wadi El Harir, and have beaten witnesses until they fainted, leaving them half dead."



M. DE CAIX replied that this report was undoubtedly much exaggerated, but it should not be forgotten that, in the district in which the gendarmes were operating, many of the villagers hid the bandits and fed them.

PETITION, DATED OCTOBER 15TH, 1935, FROM M. F. JOURDAIN, PRESIDENT OF THE "LIGUE FRANÇAISE CONTRE L'IMPÉRIALISME ET L'OPPRESSION COLONIALE", PARIS.

M. DE CAIX, replying to a question by M. Orts, explained that the mandatory Power had made no observations on the Jourdain petition, because it was still looking into the matter. The enquiries showed that, if passengers on the *Compiègne* had not been allowed to land at Port Said, that was because they had no Egyptian visa entitling them to do so. Everyone who frequented the Egyptian ports was aware that the instructions to this effect were strictly enforced. An enquiry having been made at the request of the accredited representative, it was found that there was no reference to the incident reported in the Jourdain petition in the log of the vessel or in the records of the "Messageries Maritimes" agency at Port Said. The Consulate had stated that, at his own request, it had repatriated to Syria one passenger who had succeeded in landing.

#### CLOSE OF THE HEARING.

The CHAIRMAN thanked M. de Caix for the extremely valuable assistance he had, as usual, given in the examination of the annual report on the administration of Syria and Lebanon.

#### Syria and Lebanon : Opinions concerning Iraq expressed by Members of the Commission.

M. DE HALLER observed that, when, with M. de Caix's assistance, the Commission was discussing the position of the minorities in Syria, certain opinions had been expressed by several speakers as to Iraq in the post-mandatory period. It was his duty respectfully to draw the Commission's attention to the objections which might be raised to opinions of this nature, owing to the fact that they appeared in the Minutes of the session.

M. ORTS thought his personal opinions should appear in the Minutes as an explanation of his attitude towards an actual problem arising in a mandated territory.

Lord LUGARD concurred with M. Orts.

M. RAPPARD quite understood the reasons for M. de Haller's remark, but thought the members of the Mandates Commission had complete freedom of speech and should not be restricted by considerations of the kind mentioned by M. de Haller.

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#### FIFTEENTH MEETING.

*Held on Saturday, June 6th, 1936, at 10 a.m.*

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#### South West Africa : Examination of the Annual Report for 1935.

Mr. C. T. te Water, High Commissioner for the Union of South Africa in London, and Mr. H. T. Andrews, acting accredited representative of the Union of South Africa to the League of Nations, came to the table of the Commission.

#### WELCOME TO THE ACCREDITED REPRESENTATIVES.

The CHAIRMAN welcomed the accredited representatives of the mandatory Power and said that the Commission was glad to have another opportunity of co-operating with them.

#### GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Mr. TE WATER. — May I once again offer you and your distinguished colleagues my full co-operation in an endeavour to elucidate, as far as lies in my power, the report which I have the honour to present to you on behalf of my Government.

My only regret, which I know the Commission will share with me, is that the Administrator, Dr. Conradie, has not found it possible to give the Commission the benefit, in person, as he was able to do last year, of his wide knowledge of the Territory and its affairs. In his absence, I must again crave the Commission's indulgence, which it has so generously shown me on many past occasions.

But, before making brief reference to the annual report, you will allow me, Mr. President, to express the very real pleasure of my Government and of the Administrator of the Territory at being able to offer the hospitality of our country to you when you did us the honour of visiting South Africa last year. The Commission will, I feel convinced, benefit much by your experienced observation of the Administration's efforts faithfully to fulfil its duties, and of the spirit which the mandatory Power devotes to its trusteeship.

I remember last year<sup>1</sup> expressing my confidence in the ability of the Territory to recover from its misfortunes and adversities.

I think I may justly say that this year's report amply confirms my optimism as I expressed it then and that there is much real evidence in its pages of a steady return to normality.

Substantial revenue increases, better railway earnings, greater activity in mining, reflected both by increased production and heavier employment of native labour, all demonstrate a healthier economy in the Territory.

The farmers, whose lot had been bitter and almost beyond endurance during the drought period, which had so unfortunately synchronised with the period of world economic depression, have had a record year both in production and in the marketing of their products.

The natives are happier and healthier and are directly and indirectly sharing in the benefit of the better times.

Possibly I could do no better than quote to the Commission the authoritative words of the Administrator in his budget statement, made in March of this year :

" It is a great pleasure ", he said, " to be able in this, my fourth budget statement, to inform this House that at last there are clear signs of improvement and prosperity in the economic conditions of the country. True, we have still much leeway to make up, but the symptoms are unmistakable that the state of prosperity obtaining in some parts of the Union, as a result of the gold ' boom ', has also penetrated to this Territory, and that the farming industry has greatly benefited as a result of the good prices obtained for farm produce during the last year. This is my fourth year, but it is the first one in which I am able to reflect a clear tone of optimism, although I must, at the same time, warn you that our difficulties are not over yet."

Politically, I have little to add to what was said by Dr. Conradie and myself to the Commission last year. As far as I am aware, the Administration has had a year of comparative peace. The Constitution Commission completed its labours and has presented its report to the Union Government, who propose to examine its findings and those of the Economic Commission during the course of this year. I need hardly remind the members of the Commission of my Government's intentions in this regard, which I was happy to explain both in this place and to the Sixth Committee of the Assembly.

For the rest, Mr. President, I am now at the disposal of the members of the Commission to answer any questions which they may wish to put to me.

DEVELOPMENT AND ACTIVITIES OF THE GERMAN POPULATION : POSITION OF THE JEWS IN THE TERRITORY : QUESTION OF THE INCORPORATION OF SOUTH WEST AFRICA IN THE UNION AS A FIFTH PROVINCE : REPORT OF THE CONSTITUTION COMMISSION.

M. RAPPARD had been surprised to find nothing in the report as to the development of the German population in the Territory, which was a fundamental element in its stability and prosperity.

Mr. TE WATER said that, as he had stated in his opening remarks, the year had been one of political peace, and the questions agitating the population in 1934 had not disturbed it during the year under review. The following extract from the *Windhoek Press* of December 27th, 1935, described the situation admirably :

" In the political arena, the year 1935 passed by quietly and peacefully. The two big parties sheathed their political swords. Perhaps they await the report of the Constitution Commission."

The parties were quiet for the moment ; there was little being said about the Fifth Province as the parties were awaiting the Government's decision on that issue.

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<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 158.



There was also very little to report as to the Nazi movement, though the Nazi element had obtained almost complete control of the Deutscher Bund. Although, in the opinion of the mandatory Power, a large percentage, at any rate of the older German population, was not in sympathy with this party's philosophy, their voices were not heard in the circumstances.

M. RAPPARD wondered whether the benevolent attitude adopted by the mandatory Power might not weaken the present regime. The Territory and the regime appeared to be in the position of an island on which storms broke both from north and south—Nazi waves from the north and Fifth Province waves from the south. Was not the island being undermined from both sides and the population placed before the alternative of siding with one or other of the two policies, neither of which was that of the mandatory Power?

M. TE WATER thought M. Rappard might find from experience, were he in the position of the Administration, that an attitude of benevolence was indeed the better policy. It must be remembered that the Mandatory's policy had resulted in a peaceful atmosphere during the past year, though it was at the same time obvious that the parties were awaiting the Constitution Commission's report and the Government's decision thereon. He had, however, little doubt that there would be a recrudescence of political activity. That would be the time to watch the attitude of the mandatory Power and the Administration more critically than at the present moment.

M. ORTS did not see how there could be complete stability so long as the idea that the Territory might one day be returned to Germany continued to be held. Would it not do more towards pacification if the mandatory Power were to state definitely, once for all, that this was out of the question?

Mr. TE WATER said that was the whole question, a very big question, fraught with the most far-reaching consequences. All who were administering territories of this character were exercising the greatest caution in making such pronouncements: the Mandates Commission must be aware of their difficulties.

M. Orts' proposal might have the immediate consequence he had suggested in to some extent pacifying the agitated elements in South West Africa. On the other hand, a mere declaration would not settle the issue. This was a question which would be settled, not on the narrowed platform of South African policy, but on the wider platform of world policy.

He could only say that the matter was one of extreme delicacy. In its wisdom, the Government of the Union of South Africa had decided, for the moment, not to make a statement of the kind referred to. That policy had much to be said for it.

M. RAPPARD asked when the Constitution Commission's report would be available.

Mr. TE WATER thought it would be communicated to the Mandates Commission before the meeting of the Assembly in September.

M. ORTS said that reports had appeared in the *African World* and elsewhere to the effect that the Commission had already achieved substantial results. Was this the case? As the Commission had met in public and reports had been published in the Press, could information additional to that on page 5 of the annual report be furnished to the Commission?

Mr. TE WATER said some of the meetings had been held in public and others in camera. The Press had referred to the Commission's progress, but its actual findings had only just been compiled and handed to the Government. As he had neither seen the report nor received any despatch from his Government, he was unable to enlighten the Commission as to the work actually accomplished.

M. ORTS noted that, according to *The Times* of September 16th, 1935, there would seem to have been some persecution and boycotting of the Jewish community at Lüderitz. Was this information correct?

Mr. TE WATER said this raised another delicate question which had originated, not in South Africa, but in Europe. There had been considerable reactions in South Africa. On the one hand, the Jewish population had attempted to boycott German goods in South Africa; on the other hand, the boycott had set up a contrary reaction against the Jewish community. Both attitudes were viewed with profound disfavour by the Government, which had not hesitated to make known its dislike of both the boycott and the persecution of the Jews. It would do—and was doing—its utmost to discourage demonstrations of this kind in both the Union and South West Africa.

M. SAKENOBE asked what was the present position of the Hitlerjugend.<sup>1</sup> He understood it had been prohibited by the Administration but that there had been an attempt to reconstitute it in a different form.

Mr. TE WATER said it had been reorganised under the old Pathfinder constitution and was not objected to by the Administration, provided no politics were introduced into its activities. Dr. Conradie had reported to him that, so far, the results has been entirely satisfactory.

M. PALACIOS recalled that the representative of the mandatory Power had already dealt with the question of the status of the Territory when he had referred to the new Constitution, which was at present under consideration, and the hopes in regard to the "Fifth Province". In view of those declarations, one could only hope that, in due course, information on these very important problems would be sent to the Commission in time for it to be discussed usefully.

#### FORM OF ANNUAL REPORT.

The CHAIRMAN pointed out that while replies had been given to certain questions asked at the twenty-seventh session, no replies or index had been furnished as regards the observations made by the Commission in its report to the Council. Could the annual report be supplemented in this direction in future?

Mr. TE WATER said the matter would certainly receive attention.

#### REPLIES TO QUESTIONS ON WHICH INFORMATION WAS ASKED FOR AT THE TWENTY-SEVENTH SESSION OF THE COMMISSION.

Mr. TE WATER said he had cabled to the Administration in regard to certain other specific questions put by the Commission last year and had received the following replies :

1. *Question.* — Baron van Asbeck's request that a list of Conventions and agreements applied in the Territory should be furnished in the annual report (page 166 of the Minutes of the Twenty-seventh Session) :

*Answer.* — The compilation of the list necessitates a careful scrutiny of all the relevant files in the Department of External Affairs and unfortunately it has not been possible to complete the investigation. It is hoped, however, that it will be possible to furnish the information required in the near future.

2. *Question.* — Lord Lugard's enquiry as to the prospects of a settlement in regard to certain matters connected with the ownership of land and mineral rights in the Kaokoveld (page 168 of the Minutes of the Twenty-seventh Session) :

*Answer.* — After investigation, the Union Government decided that the company concerned possessed no legal right to ground, minerals or compensation in the Kaokoveld, and informed the company accordingly. As, however, it was possible that court action might ensue, and owing to the prevalence of Luyi sickness there, the Kaokoveld was still closed.

3. *Question.* — Lord Lugard's enquiry as to whether any clubs similar to the Bantu Welfare Club at Windhoek existed in other parts of the Territory (page 170 of the Minutes of the Twenty-seventh Session) :

*Answer.* — The answer is in the negative.

4. *Question.* — M. Palacios had observed that there was no indication in the annual report of the grants-in-aid received by the missions from the Administration and had requested that the chapter on missions should be supplemented as regards that point (page 173 of the Minutes of the Twenty-seventh Session) :

*Answer.* — No further grants-in-aid have been provided during 1935 but the Director of Education was now engaged in inspecting the method and value of the education being given in these schools.

#### DELIMITATION OF THE CAPRIVI ZIPFEL FRONTIER.

M. ORTS asked whether any progress had been made with the delimitation of the Caprivi Zipfel/Angola frontier.

Mr. TE WATER said there was little more to report as to the fixing of the Caprivi Zipfel "triune point". The United Kingdom Government had informed the Union Government that they had made no progress.

<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 155.



As he had already explained,<sup>1</sup> however, there would be no incursion into South West African territory, wherever the point was fixed.

COUNT DE PENHA GARCIA said that, at the request of Mr. te Water, and in agreement with the Commission, he had promised to ascertain from Lisbon the present stage of the negotiations. He had recently spoken with two members of the Portuguese mission that had been engaged in carrying out the delimitation. He had been informed that the work had unfortunately been interrupted, owing to a disagreement between the English and Portuguese missions as to the interpretation of some of the terms of the arbitration. Negotiations were being conducted and he believed that the Portuguese mission would return as soon as the two Governments had reached agreement. Very little important work still remained to be done on the ground, and he understood the question would shortly be settled.

MR. TE WATER thanked Count de Penha Garcia for his valuable intervention. He himself would undertake to make representations to the United Kingdom Government to do its utmost to reach a final settlement with the Portuguese Government.

#### REHOBOTH COMMUNITY.

M. ORTS referring to Proclamation No. 5 (page 3 of the report), asked whether it was because the Administration considered that the Rehoboth community was henceforth able to manage its own affairs that the members of the Advisory Board would in future be elected instead of being, as in the past, partly elected and partly nominated.

As regards Proclamation No. 20 (page 3 of the report), he asked whether any special occurrence had rendered this proclamation necessary.

MR. TE WATER said the Council established under Proclamation No. 5 was merely an advisory body, its function being to assist the Administration with opinion and advice. It should not be gathered that the Rehoboth community was capable of managing its own affairs. The report itself mentioned one or two cases in which the Rehoboths had wished to adopt a particular policy, but the Administration had decided otherwise, as, for instance, in the case referred to in paragraph 513, page 68, of the report.

In reply to a further question by M. Orts, he said that the decision to replace the nominated by elected members was more in the nature of a concession. It had given satisfaction and the new arrangement worked very well.

As to Proclamation No. 20, under the original proclamation only alien persons could be expelled. The new proclamation extended this power to undesirable Rehoboths— a wise course in the interests of good government. He doubted whether any action had been taken under it in 1935, as it would have been mentioned in the report.

M. ORTS asked what would happen to a Rehoboth who was expelled from the Gebiet.

MR. TE WATER said he would only be expelled for a very sound reason ; in all probability, he would have been a criminal who had been sent to prison. No doubt he would be received by the coloured folk in the territory of the Union, but the authorities would undoubtedly keep an eye on him.

In reply to a question by Mlle. Dannevig, Mr. te Water explained that the Rehoboths were a coloured people and that the coloured folk from both the Territory and across the Orange River found their way into Rehoboth territory. To all intents and purposes they were the same people, but the Rehoboths had lived in one place for some time. They originally came from Cape Colony and occasionally received additions to their population from the Union.

#### AIR SERVICES.

M. SAKENOBE drew attention to Proclamation No. 102 (page 3 of the report). He did not mean to go into the principle of economic equality, but had there been any attempt by a foreign Government to create an air service in South West Africa ? What was the reason for the proclamation ?

MR. TE WATER said the Convention on Aerial Navigation, with which M. Sakenobe was no doubt familiar, had been accepted by the Union of South Africa and extended to the territory under mandate. There was no competition or threat of competition to Union airways which, like the railways, were State-controlled services.

Under Article 16 of the Aerial Convention, the Union was entitled to make reservations and restrictions in favour of its own national aircraft. That, of course, applied to all signatories.

<sup>1</sup> See Minutes of the Twenty-Seventh Session, page 164.

M. SAKENOBÉ understood, in that case, that Imperial Airways could not extend their services in South Africa.

Mr. TE WATER said they could not do so without the Union's consent.

The CHAIRMAN remarked that the South West African air lines were well organised.

Mr. TE WATER said that air connections between Windhoek and the Union were admirable, better he thought to-day than those previously provided by the South West Airways.

#### LAND TENURE : NATIVE RESERVES.

Lord LUGARD asked whether the land advertised as farms (paragraph 135 of the report) was bare veld or had been brought under cultivation. Had any natives to be displaced ?

Mr. TE WATER said such land was usually prairie land. Kraals were very often to be found on the farms, but he could not say whether there had been any on the fifteen farms referred to.

He drew attention to paragraph 136 of the report and explained that farms were often held first as grazing propositions and if they suited the farmer, he applied for an allotment under the settlement scheme.

Lord LUGARD was not clear what became of any native population who had been resident on the land, now sold to white farmers.

Mr. TE WATER said that, in the first instance, natives on an allotted farm squatted there under certain labour conditions. If they remained, they had to supply a certain amount of labour per year to the owner of the allotment. Natives were not allowed to move at will from one farm to another. If they wished to go to a particular district, the police were usually informed and the Native Affairs Department took up the matter. There was, of course, considerable uncontrolled movement among the native population.

Lord LUGARD noted the large extensions to native reserves tabulated in paragraph 245 of the report, and asked from whom the land was taken.

Mr. TE WATER had no special information, but thought it would be Crown land not occupied by natives. Any "white island" in the Territory would have to be expropriated.

Lord LUGARD pointed out that the area was large—in one case nearly three-quarters of a million hectares ; it could not all be unoccupied waste land.

Mr. TE WATER said there were immense areas of Crown land occupied only by natives. The land in question had been brought into the native reserve, which was controlled in a different way from unreserved native areas. It had been found necessary to extend the Epukiro Reserve.

The general principle was that the Administration could turn Crown land into reserve land.

Lord LUGARD asked what benefit would be derived by the natives from the inclusion of this land in the native reserves.

Mr. TE WATER said that the moment land became reserved land belonging to a particular tribe, it came under the trustee scheme. All grazing fees within the reserve accrued to the reserve fund of the native tribe occupying it. The natives occupied it, took over the grazing-land and built roads, dams, etc. In the case referred to, the natives immediately began to build a road connecting two native settlements to one another, under the superintendence of the native commissioners.

Baron VAN ASBECK asked what was the difference between a native location and a native reserve.

Mr. TE WATER said a native location was generally in the vicinity of a town.

#### MAP OF THE TERRITORY.

In response to a request by Baron van Asbeck, Mr. TE WATER said he would ask the Administration to bring the map of South West Africa up to date as regards the native reserves and locations, white areas and so on.



## PUBLIC FINANCE.

M. RAPPARD congratulated the mandatory Power on the improved financial situation.

Was he correct in saying that expenditure showed a greater increase than revenue, and that the public debt had also increased ? (pages 11, 12 and 14 of the report).

Mr. TE WATER said he had observed the increase. The Administration's explanation was that in lean times the different services had been depleted far below their efficiency value. When the financial position improved, it was felt they should revert to normal. Accordingly, expenditure had increased considerably in both the year under review and in 1936.

M. RAPPARD was grateful for the reports of the Controller and the Auditor-General, but thought it would be unfortunate if the practice of communicating detailed documents led to the curtailment of the report. He would have liked to be informed of the general impressions of the Administration on public finance and taxation.

He asked to whom the diamond tax—£24,482—had been refunded (page 11 of the report).

Mr. TE WATER referred him to the top of page 18 and stated that it had been refunded by the Administration to the South West Finance Corporation.

M. RAPPARD asked for an explanation of the proposed transfer of expenditure to ordinary revenue (paragraph 68 of the report).

Mr. TE WATER said that, in the past, road maintenance and minor works had been financed out of loans—a bad practice only adopted in lean years. In future, that particular expenditure was to be financed out of revenue.

He agreed with M. Rappard that a better description would be to transfer back to the ordinary expenditure estimates.

M. RAPPARD presumed future policy would be dealt with in the report of the Economic and Financial Commission.

Mr. TE WATER said that that was so. His Government fully realised the importance of the meeting at which the report would be discussed and intended to strengthen its delegation, so that the Mandates Commission would have expert opinion at its disposal.

Lord LUGARD asked the meaning of the item of revenue " Interest on Loans " (page 11, paragraph 62 of the report). Some small loans to farmers were mentioned in paragraph 67, but they could not, of course, account for an item of £59,398.

Mr. TE WATER said that every year the Administration estimated its expenditure on loans. It then obtained the money from the Union Government at a particular rate of interest and lent it to certain bodies, such as the Land Bank and the municipalities, at a slightly higher rate of interest. He would give further details on a future occasion.

## MUNICIPALITIES.

Baron VAN ASBECK noted that reference had just been made to municipalities. Could a chapter be devoted to them in the next report ?

Mr. TE WATER thought this a valuable suggestion and would pass it on to the Administration.

## ECONOMIC SITUATION : IMPORTS AND EXPORTS.

The CHAIRMAN, in the absence of M. Manceron, noted that the economic situation had improved (page 20 of the report). Agriculture and cattle-raising were relatively satisfactory. The veterinary restrictions imposed in the Union on the importation of cattle from the Territory had been removed. Considerable quantities of cattle and meat had been exported and exports of karakal skins had increased. Consequently, the receipts of farmers had increased considerably and they had been able to reduce their debts.

The reopening of the diamond and other mines had done much to re-establish economic equilibrium.

Imports had increased from £1,261,865 in 1934 to £1,498,732 in 1935 (page 76). Exports had increased from £1,142,120 in 1934 to £2,512,946 in 1935. Trade therefore not only

balanced but even showed a considerable surplus. While the market for most exports had improved, however, there had been a considerable reduction in exports of canned fish. What was the explanation?

Mr. TE WATER said the trade in canned fish fluctuated considerably and had not been very flourishing. It was bound up with the crayfish trade, which had been badly hit when the French Government closed part of the French market by means of a quota. Both the Administration in South West Africa and the Union Government were actively seeking new markets.

M. SAKENOBÉ asked what were the future prospects as regards meat exports.

Mr. TE WATER said the meat exports referred to took place before the market was closed, since when there had been no exports of meat to Italy.

M. SAKENOBÉ pointed out that, after the closing of the market two years previously, exports had completely vanished. They had appeared again in 1935. Would they continue?

Mr. TE WATER said it would be impossible to say, but that he must make it quite clear that the particular sale of meat referred to took place before the imposition of "sanctions" against Italy.

Count DE PENHA GARCIA said that, according to the statistics, the mining situation was also very satisfactory in 1935. He asked why vanadium exports exceeded production (page 31 of the report).

Mr. TE WATER said a quantity of vanadium had been accumulated since 1927. When prices improved during the year under review, the companies were able to dispose of the whole amount.

Lord LUGARD commented on the amount of stock exported to the Union (paragraphs 82 and 83 and 131 of the report) and the extraordinary increase in the export of butter from  $3\frac{3}{4}$  to  $6\frac{3}{4}$  million lb. (paragraph 88), and asked how the Territory had been able to supply the Union, seeing that it had suffered, like the Union, from drought, locusts and other troubles?

Mr. TE WATER said that the improvement of the veld had been better maintained in the Territory than in the Union, where the rainfall had not been general. Though the year had in parts been dry in South West Africa, grazing was still in an admirable condition. Grazing in the Union had been less satisfactory. The result had been a large production of farm products in South West Africa, and as it had been beyond the capacity of the Union to supply its own market, South West Africa benefited.

#### ANIMAL DISEASES.

Lord LUGARD asked whether there was any special reason for the increase in tick life (paragraph 119 of the report).

Mr. TE WATER said that this was usual after heavy rains, when the vegetation became rank.

#### JUDICIAL ORGANISATION.

Baron VAN ASBECK asked whether coloured people were assimilated to natives in the statistical tables on pages 7 and 8 of the report.

Mr. TE WATER said he would look into the matter.

M. RAPPARD asked what was meant by "extraordinary crime" (page 8 of the report).

Mr. TE WATER was unable to specify the nature of the particular crime, as there was no information in the report on the matter. The case of extraordinary crime referred to was probably one of the offences known as "Crimen Extraordinarium" of the Roman Dutch Law, the peculiarity of which was that the penalty was left to the discretion of the judge.

Baron VAN ASBECK was glad to note that the number of cases tried by the high courts had fallen, but asked what was the reason for the increase in cases reported to the police and the inferior courts (pages 6 and 7 of the report).



Mr. TE WATER had no information beyond what was given in the report.

Baron VAN ASBECK noted that cases of common assault by Europeans against natives had increased from twenty-one in 1933 to twenty-seven in 1934 and thirty-nine in 1935. Common assault by natives against Europeans had also increased (page 8 of the report).

Mr. TE WATER said that it was very difficult to give any specific explanation. He could only say that more natives had been employed. He did not think the incidence in terms of employment was unduly high.

#### POLICE.

In reply to a question by M. Sakenobe, Mr. TE WATER confirmed that nothing was said in the report as to police, he assumed, because there was nothing to add to the 1934 report. He would be very happy, if omissions of this kind were an embarrassment to the Commission, to suggest that the information should be repeated.

#### ARMS AND AMMUNITION.

M. SAKENOBE noted that there was little change in the number of firearms imported into the Territory and the number estimated to be there (pages 10 and 11 of the report).

On the other hand, rifles and pistols held by the police and burgher forces had increased considerably. What was the reason ?

Mr. TE WATER said he would look into the matter.

M. SAKENOBE noticed that, although no expenditure had been incurred during the year, there was an estimate of £101 for the burgher forces (page 17 of the report).

Mr. TE WATER explained that the amount was purely nominal.

#### WELL-BEING AND DEVELOPMENT OF THE NATIVES : TRIBAL COUNCILS : CO-OPERATIVE SOCIETIES.

Lord LUGARD noted that the position as regards native welfare (page 42 of the report) was more satisfactory, and congratulated the Administration on the contrast to the tale of drought, locusts, malaria and foot-and-mouth disease of the last year.

Mr. TE WATER said this was due to improved conditions as a whole. The drought broke, farming improved, it was easier for the native to find employment, and his wages improved. Both conditions in his own reserves and health conditions also improved. The difference was that between a year of plenty and a year of drought, as far as the natives were concerned.

Lord LUGARD noted that the Administrator and the Chief Commissioner for Native Affairs had visited the native reserves with excellent results (pages 44 and 45 of the report). It was very satisfactory that the Bondels tribe had been set on its feet again (paragraph 261 of the report).

It was also a matter for congratulation that the system of governing the various tribes through tribal councils continued to prove satisfactory and was being extended (paragraph 303 of the report).

Mr. TE WATER thought it was a matter for congratulation, not only that the Territory had a number of native commissioners with the widest experience of and sympathy with the tribes they were asked to govern, but the Administrator himself did not spare himself in this direction. He was contemplating a wide tour of Ovamboland for the same purpose as the tours referred to in the report.

Lord LUGARD was glad to hear this.

Mlle. DANNEVIG asked whether nothing could be done for the inhabitants in the Aukeigas Reserve, who were in such a lamentable condition (paragraph 254 of the report). What sort of people were they ?

Mr. TE WATER said he was under the impression that these were a slave people under the Hereros at one time. They were of very low grade. It was obvious from paragraphs 254 and 255 of the report that the Administration was concerning itself in their welfare.

Lord LUGARD asked whether there had been any attempt to introduce co-operative societies amongst the natives as well as among Europeans.

Mr. TE WATER had noticed that nothing was said on this point in the report. The question might usefully be put to the Administration.

#### STATUS OF WOMEN.

Mlle. DANNEVIG asked whether Ordinance No. 7 (page 4 of the report), relating to the maintenance of wives and children, concerned natives or whites.

Mr. TE WATER said that the ordinance applied to Europeans and to those natives married in accordance with the Solemnization of Marriages Proclamation 31 of 1920 and subsequent amendments.

#### LIVE-STOCK : SOIL EROSION.

Lord LUGARD noticed that there had been a large increase of stock in the police zone (page 42 of the report). While, to some extent, this was a matter for congratulation, he would be glad to know whether there was any risk of erosion and deterioration of the soil, and whether any check was being kept on the increase.

Mr. TE WATER thought it must be assumed that the question was constantly in the minds of the authorities. The problem of overstocking was known to every farmer in South Africa. The territories in question were so wide and the flocks relatively small, so that he did not think there was any danger to the land at present from over-stocking.

#### MISSIONS.

M. PALACIOS had read with interest the chapter of the report dealing with this question. He asked that information might be given in the next report concerning the Roman Catholic mission, it having been impossible to obtain a report for 1935 owing to the absence of the bishop (paragraph 345 of the report).

Mr. TE WATER took note of this request.

Mlle. DANNEVIG noted that the activities of the Finnish mission had declined. What was the reason ? Was it unable to obtain subsidies from home ?

The CHAIRMAN pointed out that the Finnish mission did considerable trade and had no doubt had to restrict its activity owing to the economic depression.

#### LABOUR.

Lord LUGARD referring to the "Control of Natives" Proclamation No. 29 (page 4 of the report), asked whether, in addition to the steps taken to make the employer responsible for the repatriation of labourers recruited from outside the Territory, any arrangements were made for remittances to be sent to their families (paragraph 243).

Mr. TE WATER thought this would be very difficult to arrange, but would bring it to the notice of the Administrator.

Lord LUGARD did not think there should be any particular difficulty. There was such a demand for labourers that employers would no doubt be willing to make and remit some deduction from wages.

He was glad to note that, as a result of the increased demand for labour, wages were improving (paragraph 247 of the report).

On behalf of Mr. Weaver, who was unable to attend, he pointed out that there was no chapter on labour, and, with the exception of the information in the chapter on public health (page 52), on the numbers of natives recruited and employed by the mines and their state of health, there was very little information about labour. Would it be possible, in future reports, to give more information, including such matters as the transport of recruited labourers,



conditions of employment, wages, housing, the accompanying of labourers by their families and so on, and to collect this information in a special chapter ?

In view of the revival in mining and the increase in employment, the health situation in the mines again became important. While the general average death rate was not high, the rate in one particular case was higher than in 1931, the last year when a comparable number of natives was employed. He referred to the death rate on the Lüderitz diamond fields—22.72 per thousand (page 54 of the report), as compared with 9.14 in 1931. Was the Administration satisfied that the arrangements for the medical examination of natives in the recruiting areas and for the treatment of sick labourers were adequate ? Could anything be done to reduce the sickness and death rate by improvements in the conditions of life and labour ?

Would it be possible, as a result of the control exercised under Proclamation No. 29, to supply the Commission with information as to the number of natives employed on farms within the police zone and their conditions of employment ?

#### EDUCATION.

Mlle. DANNEVIG noted that great interest was being shown by the authorities in education and that expenditure had increased. A sum of £13,500 out of £128,800 (paragraph 193 of the report) had been expended on education for coloured people and natives, which was an increase as compared with the total sum expended on education and as compared with the expenditure for 1933. She asked why so many hostels were required for European pupils.

Mr. TE WATER explained that in a country like South West Africa where the distances were so great, people had to be persuaded to take advantage of educational facilities. The hostel system provided for that, and the Territory was fortunate in that people were taking increasing advantage of the system.

Mlle. DANNEVIG noted that 800 coloured children had been enrolled (page 39 of the report). Was this an increase or a decrease ? Were they the children of people in reserves, such as the Rehoboths, or did they live about the Territory ?

Mr. TE WATER drew attention to paragraph 220 of the report and pointed out that the Wesleyan church had opened a coloured school in the new magisterial township of Mariental. He did not think there had been any increase in numbers.

Mlle. DANNEVIG asked whether the coloured people increased and gave much trouble.

Mr. TE WATER said they presented a very troublesome educational problem, because they were so scattered. In the few cases where a coloured school could not be opened, they were encouraged to attend the native schools.

Mlle. DANNEVIG asked whether a better education was given in the coloured schools than to the natives in the mission schools.

Mr. TE WATER said the coloured schools tended to approximate gradually to the European standard.

Lord LUGARD asked whether there were sufficient teachers for the new schools and whether there were regular institutions for training teachers (paragraph 216 of the report). Otherwise, he presumed the Territory would have to draw on the Union.

Mr. TE WATER said the Administration was alive to this problem. A possible solution would be to obtain coloured teachers from the Union. There were no special institutions. A very important school had been opened in one reserve where Dr. Fisher, a very able educationist, had done most valuable work.

Mlle. DANNEVIG asked whether language was a difficulty in training teachers.

Mr. TE WATER said that all the coloured children spoke Afrikaans. There was no great difficulty from the point of view of language.

Mlle. DANNEVIG noted that the missionaries had three training colleges for native teachers. Did not the Government contemplate providing any such training, which was a necessary basis for future progress as regards native education ?

Mr. TE WATER said that the Administration's attention had been called to this matter.

Mlle. DANNEVIG was glad to see that the first Government native school for Hereros had been opened in October 1935 (paragraph 232 of the report). The number of pupils had exceeded all anticipations. Would schools be opened in other native reserves ?

Mr. TE WATER said that it did not follow. The Hereros were the most advanced and possibly the most aristocratic tribe in Africa.

Mlle. DANNEVIG had understood that they had previously been opposed to education.

Mr. TE WATER said they had suddenly become interested and a very able man had therefore been sent to capitalise the new spirit. It was hoped that from now onwards they would co-operate more fully with the Administration.

Lord LUGARD asked whether there was no other Government native school in the Territory.

Mr. TE WATER said there was none. The Commission had drawn attention to the point, and the first school denoted the beginning of a new policy.

The CHAIRMAN said the Commission was most gratified to note the effort of the mandatory Power to set up the first Government native school.

Lord LUGARD asked whether all European children of school age were boarders (paragraph 197 of the report).

Mr. TE WATER said they were not all boarders.

Mlle. DANNEVIG thought the cost of European education per child very high.

Mr. TE WATER pointed out that education was an expensive proposition where the distances were so great.

In reply to a further question by Lord Lugard, as to children whose parents had to trek with stock, he said that a travelling school would not by any means afford a practical solution. The only solution was to try to locate a school and persuade the parents to allow the children to remain behind in hostels when they went on trek.

Mlle. DANNEVIG said that in her country there had been a system for a hundred years under which teachers in far away mountain districts travelled from place to place teaching so many weeks or months in one little school and then going on to another.

Mr. TE WATER said that system had been adopted to a limited extent, but it was not easy to arrange to supply the wants of the teachers and their transport.

#### ALCOHOL AND SPIRITS.

Count DE PENHA GARCIA said the figures for the consumption of alcohol showed a slight increase (page 10 of the report). Three proclamations and two ordinances had been published (page 4 of the report), however, so that the Administration was evidently alive to the matter. He would therefore merely reserve his right to ask next year what results had been achieved.

Lord LUGARD noted that a great deal of methylated spirit had been imported. Were any steps taken to denature it ? Did it get into the hands of the natives ?

Mr. TE WATER said that it could not come into their hands except illicitly.

#### PUBLIC HEALTH.

Count DE PENHA GARCIA said the mandatory Power evidently recognised the need for increasing expenditure on health. He would therefore make only two observations.

In the first place, health conditions in the mines did not seem satisfactory (pages 52 *et seq.* of the report). There had been a considerable increase in the death rate as compared with recent years. It was obvious that medical treatment in the mines should be extended.



Secondly, had any progress been made in introducing travelling medical services in remote districts ?

Mr. TE WATER had no information beyond what was in the report.

#### MINES.

Baron VAN ASBECK said the report (page 32) gave the impression that the Administration had received complaints as to the lack of experience of claim-owners and prospectors. Were they required to obtain a licence ?

Mr. TE WATER said that licences were issued in the discretion of the mining officer, under the Imperial Mining Ordinance.

Baron VAN ASBECK thought that, as in that case the Administration could keep out undesirables, the complaint fell back on the Administration itself.

Mr. TE WATER said that what the Government was anxious about was the speculative character of the prospecting. In the rest of the Territory, prospecting was carried on on sounder lines.

#### DEMOGRAPHIC STATISTICS.

M. RAPPARD noted that there had been a striking change from 1934 to 1935. The death rate of Europeans had fallen from 12.56 to 6.6 per thousand, and infantile deaths from 82.34 to 11.01 (page 82 of the report). The figures for the reserves—in so far as available—also showed an increase in births. Was this due to improved economic conditions or to statistical reasons ?

Mr. TE WATER did not think the position unusual for South Africa, except the drop in infantile deaths, which was of a striking character.

#### CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representative for his co-operation and expressed the Commission's appreciation of the cordiality, sincerity and loyalty shown by the accredited representative of the mandatory Power. It was a matter for satisfaction that there was such close co-operation between the Commission and the Union.

Mr. TE WATER thanked the Commission for the courtesy shown to him, which he greatly appreciated.

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#### SIXTEENTH MEETING.

*Held on Monday, June 8th, 1936, at 10.30 a.m.*

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#### **Palestine and Trans-Jordan : Procedure to be followed by the Commission with a view to obtaining Information from the Mandatory Power concerning the Events of 1936.**

M. ORTS said that he had, at the request of the Chairman, prepared a draft statement, the object of which was to ensure that the reasons for which the examination of the annual report on Palestine for 1935 had been interrupted should be made quite clear in the Minutes.

When preparing this draft, he had understood that the account of his semi-official mission to the accredited representative would not be given in the Minutes. Having seen the draft text of the Minutes, however, he noted that this account figured therein, and had crossed it out and had replaced it by a short general reference. He felt that as his talk with Mr. Trusted had been of only a semi-official nature it was undesirable to give it prominence in the Minutes. On the other hand, it seemed to be absolutely necessary that the Minutes should contain official mention of the efforts made by the Commission to obtain an assurance from the mandatory Power that, before the end of 1936, it would put the Commission in a position to supply the Council with an official version of the events in Palestine.<sup>1</sup>

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<sup>1</sup> See page 85.

The responsibility of both the League of Nations and the Mandatory was engaged, in different ways, by what was happening in this mandated territory. The Mandatory was kept constantly informed by its agents of present events in Palestine. In turn, the Mandatory should regard itself as the agency through which the League of Nations obtained information. In proposing that the strictly indispensable information on the actual situation should be supplied by the mandatory Power at the autumn session of the Commission, the latter had taken into account both the difficulties which the mandatory Power was encountering and its own duty of keeping the Council informed. It was indispensable that the Minutes should make that point quite clear, and that was why the declaration had been prepared.

The appointment of a Royal Commission might be an excellent means of throwing light on what was happening in Palestine, but the procedure had proved to be a slow one.

Perhaps the mandatory Power had been right in its decision, but that Power was not the only body concerned, and the League of Nations could hardly agree that the appointment of the Royal Commission should be put forward as a reason for refusing to give information. The Royal Commission was no concern of the League of Nations.

The situation which had arisen was by no means an unimportant matter. What would remain of the supervisory powers of the League of Nations over a territory administered in its name if it were recognised that the Council might be reduced to the point of obtaining all its information concerning serious events in that territory from Press reports ?

The Commission had already received numerous petitions as a result of the present disorders. Many more would probably come in. What would be left of the right of petition if, in urgent and serious circumstances, petitions were only examined more than a year after the events to which they referred ?

Would apparent indifference on the part of the League be likely to calm the situation in Palestine or increase the League's authority elsewhere ? The League's authority had already been undermined on every side and promises under the Covenant were being constantly broken. The present time afforded an opportunity of affirming that Article 22 was not a dead letter or the mandates system a fiction or the supervision exercised by the Mandates Commission an empty formality.

Lord LUGARD, though quite appreciating M. Orts remarks about the semi-official nature of his mission, felt that there had been a definite decision of the Commission to entrust M. Orts with that mission. The official act of the Commission ought to be mentioned in the Minutes, with its result, in its proper sequence, as it had appeared in the Minutes which M. Orts had erased. He thought that that text should stand in preference to the one now proposed. Without actually putting any words into the accredited representative's mouth, it should briefly state the general reasons—as conveyed to M. Orts—for which the mandatory Power had felt that it would not be able to comply with the Mandates Commission's request to supply information by a definite date in November.

The CHAIRMAN said that of course M. Orts was perfectly free to insert or omit any observations which he wished or did not wish to make personally, but he agreed with Lord Lugard that the fact that the Commission had decided to entrust a mission to M. Orts and that M. Orts had accomplished that mission—though a semi-official one—should be duly mentioned in the Minutes.

#### **Palestine and Trans-Jordan : Examination of the Annual Report for 1936 (continuation).**

##### **PALESTINE (*continuation*).**

##### **RESUMPTION OF THE EXAMINATION OF THE ANNUAL REPORT.**

Mr. Trusted, Mr. Kirkbride and Mr. Evans took their seats at the table of the Commission.

The CHAIRMAN said that at the meeting on June 1st, 1936, the accredited representative of the mandatory Power had stated that the Mandates Commission would not expect him to attempt to analyse the causes of the present unrest in Palestine or to anticipate the findings of the Royal Commission by discussing now the matters into which that Commission would have to enquire.

The Commission had noted those reservations ; nevertheless, the accredited representative's attention had been drawn to the fact that, if the Commission was to carry out its normal task, it was important for it to have such additional information as it might consider necessary on any matter mentioned in the 1935 report even if that information had some bearing on the events that had occurred in Palestine since the end of the year under review.

The examination of the annual report for 1935 having then been begun, it had appeared that the accredited representative had felt himself unable to reply to questions on certain points of the report, owing, doubtless, to the more or less direct bearing these might have on the present disturbances.



In these circumstances, the Commission had suspended the examination of the annual report and had endeavoured to determine, in the absence of the accredited representative, what attitude it should adopt. In accordance with the precedent created in 1925, when a similar situation had arisen in connection with the disturbances in Syria, the Commission had proposed to adjourn, until its autumn session, the examination of that part of the report which dealt with Palestine proper, on the understanding that the examination by the Commission both of the 1935 report—which must necessarily be considered in 1936—and of the disturbances at the beginning of 1936 would be undertaken then.

That solution would have allayed the Mandates Commission's misgivings—which it was assuredly not alone in feeling—at the thought of the postponement for some twelve months (*i.e.*, until the report for 1936 came up for examination) of the statement by the accredited representative regarding the causes, circumstances and significance of events which had been a matter of general concern for some weeks past. On the other hand, the Commission would have understood that the mandatory Power should hesitate to undertake to communicate, by a date to be specified immediately, the lessons which seemed to it to emerge from those events.

The Commission had communicated the above considerations to the accredited representative. It would be grateful if the latter would be good enough to say how its suggestion had been received.

Mr. TRUSTED said that, as he had already conveyed to M. Orts and M. de Haller, the mandatory Power was much obliged to the Mandates Commission for its courtesy in consulting it on this point. It felt that the question whether or not the Commission should adjourn the consideration of the 1935 report, under present circumstances, was one for the Commission itself to decide. The mandatory Power would be very glad to send a representative to give information concerning the causes and events of the present disturbances in Palestine as soon as it was possible to do so. Unfortunately, the mandatory Power was not in a position at present to promise to do so by any fixed date.

The CHAIRMAN noted the accredited representative's statement. In accordance with the texts governing its procedure, the Commission was bound to report to the Council during 1936 on the administration for Palestine in 1935. It noted with regret, therefore, that, since the mandatory Power was unable to bind itself to an examination in the autumn of the present year of the question of the recent disturbances, the Commission was obliged to abandon the idea of the adjournment. It must accordingly decide to examine the report for 1935, as best it could, during the present session.

*The Commission agreed.*

#### IMMIGRATION : LABOUR : MEMORANDUM FROM THE JEWISH AGENCY OF APRIL 30TH, 1936.

COUNT DE PENHA GARCIA said that the Commission had received the Jewish Agency's memorandum in April 1936 and the comments of the mandatory Power thereon at a later date. He felt therefore that he was entitled to refer, not only to the 1935 report, but also to certain circumstances relating to 1936 that were mentioned both in the Jewish Agency's memorandum and in the observations of the mandatory Power.

In the matter of immigration, the mandatory Power had decided to maintain certain restrictions in view of the increase in the population—which itself was partly due to immigration—and of the fact that a number of children leaving school entered the labour market. Did such children pass to any extent into agricultural work ?

Mr. TRUSTED said he had no statistics on this subject, but it could be assumed that the children went into both agricultural and industrial employment. That depended upon the class of child and the circumstances in which it was living when it left school.

COUNT DE PENHA GARCIA noted that the mandatory Power had estimated the present number of unemployed at 10,000. The Jewish Agency said that the number did not exceed 6,000. Did the mandatory Power base this figure on reliable statistics or was it merely an estimate.

Mr. TRUSTED replied that there were no exact statistics. The figure was an estimate based on available information. He did not know whether the Jewish Agency possessed more accurate information than the Government, but both figures must be estimates.

Mlle. DANNEVIG had before her the special report for 1933-34 on education. She noted the statement therein that a number of Jewish children left school between the ages of 10 and 11. The report did not say that they went to work, but that seemed to be implied. Did such children go into industrial work ?



Mr. TRUSTED replied that there existed legislation regulating the age at which children might be employed in factories. He could say that very few children went to work at so early an age as 10 or 11.

Count DE PENHA GARCIA referred to the question of the entry into Palestine of relatives and persons dependent on Jews residing in the territory. He noted that the age at which young persons were to be considered as being merely a charge on their relatives had been reduced to 15. Other measures had been adopted to prevent the establishment in Palestine of brothers, etc. The mandatory Power explained these measures on the ground that such relatives soon established themselves independently. How did the Administration follow the doings of the various dependents in order to ascertain this? Surely if the dependents lived outside Palestine their relatives would have to send them money to help them to live, and that money would be money lost to Palestine. Was it not more in the interests of the mandated territory to bring these dependents into the country?

Mr. TRUSTED said it was difficult to say for certain whether any particular person would or would not remain dependent for a considerable time. The experience of the Administration was that a large number of people came in as dependents and shortly afterwards entered the labour market, thus increasing the number of persons who entered Palestine outside the recognised labour schedule.

Count DE PENHA GARCIA thought that Mr. Trusted's reply was not quite complete, and even showed that the law did tend to separate families. He wondered whether it might not be desirable for the mandatory Power to take a more liberal view in this question, and even reverse its present policy by helping dependents to join their families settled in Palestine.

He made this suggestion because the Jewish Agency complained that the mandatory Power was not taking any really positive measures to further the installation of the Jewish National Home. True, the mandatory Power granted certain Customs facilities, facilities in the matter of obtaining title deeds for small properties, and it had the Lake Huleh works to its credit and the improvements in the harbours of Jaffa and Haifa, but, after all, these were facilities that were open to and benefited the whole population and not the Jews in particular. If the Jews profited more thereby it was merely incidentally because they happened to be that part of the population which was more active in economic matters. In addition to what was being done in the Lake Huleh district, was it not possible for the mandatory Power to consider other means to encourage the establishment of the National Home?

Mr. TRUSTED said that the object of the mandatory Power had always been to carry out the terms of the mandate. Subject to its obligations thereunder, it had done all it could in Palestine to enable Jews to enter the country, carry on their business and settle, and to assist them as far as possible to establish new industries. A great deal of the money spent by the Administration was intended indirectly, and in some cases directly, to assist—and did in fact assist—the establishment of the National Home. He did not think there was any justification for suggesting that the mandatory Power had done anything less than its duty under the mandate.

Count DE PENHA GARCIA observed that as the economic power of the Jews in the country was more considerable than that of the Arabs, the Jewish contribution to the public treasury was greater than that of other categories of the population. Would it not be possible for the mandatory Power to accord some wider benefits to the Jews?

Another question which caused the Government anxiety was the number of illegal entries into the country. The Jewish Agency complained that the mandatory Power, in making up its estimates of the number of immigrants which the country could absorb, regularly deducted from the result a further figure representing "illegal entries". According to the report, however, the number of illegal entries seemed to be diminishing. If the mandatory Power continued to deduct the probable number of illegal entries when making its estimates of the number of immigrants that could be absorbed by the country, was there not some danger that, perhaps in the near future, the estimate might no longer be in accordance with the real situation? On page 13, paragraph 26 of the annual report, he noted that of 1,079 persons deported in the year 1935, 245 were Jews and 834 other persons. Who were those other persons?

Mr. TRUSTED said that, generally speaking, they were mainly Arabs from Syria or Trans-Jordan who had overstayed their permit. Some persons had also been deported to Egypt.

Count DE PENHA GARCIA asked whether the figures he had quoted, and the figures on page 14 of the report showing that of 1,354 persons summarily deported to Syria and Egypt only 38 were Jews, meant that illegal immigration was greater among Arabs than among Jews.



If so, he felt inclined to support the suggestion of the Jewish Agency that stricter steps should be taken to prevent illegal immigration, but that at the same time Jews who had originally entered the country illegally should be given a chance of regularising their situation.

Mr. TRUSTED said that the figures to which Count de Penha Garcia referred were simply those relating to cases of deportation. If the whole figures of illegal immigration were considered it would be seen that the proportion was very different.

M. RAPPARD asked whether the "travellers" mentioned in paragraph 19, page 49, were the same as the "temporary visitors" or as the "transit travellers" on page 43, paragraph 1, of the report.

Mr. TRUSTED said that the persons referred to as "travellers" on page 49 included both the "temporary visitors" and "transit travellers" referred to on page 43. He agreed that the phraseology was somewhat misleading.

M. RAPPARD asked whether the reduction of the immigration schedules based on the express assumption that there would each year be a number of illegal immigrants was not almost tantamount to encouraging the Jewish Agency also to take this contingency into account. In other words, supposing the mandatory Power decided that the country in a given year would be able to absorb 6,000 immigrants but issued permits for only 5,000 on the assumption that another 1,000 would come into the country anyhow illegally, would not the Jewish Agency be tempted to see to it that this estimated 1,000 did in fact, by some means or other, enter the country?

Furthermore, in the matter of illegal settlers, the Administration could do one of two things: it could either (a) deport them and refuse to allow the labour schedule to be affected by their numbers, or (b) it could condone their existence and provide them with papers, and reduce the number of authorised immigrants to that extent.

Mr. TRUSTED, replying to M. Rappard's first question, said that the Palestine Administration based its estimates on the possible number of persons which the country could absorb economically in a given year. If, therefore, it estimated that the country could only absorb 6,000, and anticipated that roughly 1,000 would enter the country illegally, it was reasonable to take that number into account. It had somehow to make practical allowance for the total number of immigrants that would enter the country, legally or illegally, looking at the matter purely from the point of view of the country's capacity of absorption.

With regard to M. Rappard's second question, the whole difficulty lay in tracing or even discovering persons who had entered the country illegally. The Administration could tell the number of persons who had entered the country illegally as travellers by comparing the number of persons entering with the number of persons leaving, but to trace and identify the illegal immigrants themselves and individually was an entirely different problem.

M. ORTS, referring to Count de Penha Garcia's question concerning illegal immigration, noted that, at its twenty-seventh session (pages 46, 47 and 48 of the Minutes of that session), the Commission had been told by the accredited representative that rigorous control had been instituted in the matter of Trans-Jordanians and Haurani entering the country. If such control had been maintained, why did the 1935 report (page 50, paragraph 21) state that no reliable statistics are available as to the "number of Trans-Jordanians who enter Palestine and leave after the seasonal work is done"?

His question was not unconnected with the present troubles. Certain Jewish documents complained that elements from Trans-Jordan and the Hauran had played a very active part in the Jaffa riots. Consequently, several hundreds of these individuals had been expelled. Had they entered and remained in Palestine without the knowledge of the authorities?

Mr. TRUSTED said he appreciated the difficulty of interpretation experienced by the Commission. The question centred round the fact that Trans-Jordanians were granted by law special facilities to enter the country for a specified period for seasonal work, and that other persons had in the past availed themselves of those facilities to enter Palestine surreptitiously. There was now a system of identity documents for all Trans-Jordanians entering Palestine: these documents were prepared and controlled by the local authorities in Trans-Jordan. Furthermore, as the new Statistical Department progressed it would be easier to keep an ever closer watch on persons from outside Palestine sojourning in that territory. He could assure the Commission that Trans-Jordanians were not allowed to stay beyond the specified time. The Commission could assume that this class of temporary immigrant did not present a serious problem.



The CHAIRMAN said that, from the figures in the annual report (page 43), about 62,000 Jews had entered Palestine in 1935 (though, in other quarters, the figure of 70,000 was frequently mentioned). He was not asking for any justification of one of these figures or the other ; he merely wished to know whether the majority of immigrants came through the ports. Were there any who entered by land and how were these entries supervised ?

Mr. TRUSTED replied that the vast majority of immigrants entered the country through the ports. For those entering the country overland, the Immigration Department maintained officials on trains coming from Egypt and Syria and had representatives at some frontier posts. At other posts, the Immigration Department collaborated with the police and Customs authorities, so that the Commission could be assured that all frontiers were carefully watched.

In reply to a further question by the Chairman, he said that, as far as possible, figures would be given in the next report showing the proportion of immigrants arriving by sea and land respectively.

Baron VAN ASBECK noted that, on page 40 of the 1934 report, a table had been given showing the various occupations of immigrants. This table was missing from the present report. Would it be possible to give a table in the next report ?

Mr. TRUSTED said that he would see that this table was inserted in the next report.

Baron VAN ASBECK, referring to paragraph 2, page 32 of the report, noted that, in spite of special provisions made to facilitate the entry of Jews from Germany, the number seemed to be on the decrease. Were these special facilities being maintained ?

Mr. TRUSTED replied that special provisions had been made to facilitate the entry of Germans and were being maintained, but the Commission would remember that the allocation of immigration quotas under the labour schedule between the various countries was made by the Jewish Agency and not by the Palestine Administration.

#### LAND TENURE.

Count DE PENHA GARCIA said that the whole problem of the Jewish National Home was closely bound up with the question of the amount of land available. In the early days of the mandate, the amount of land had seemed to be sufficient and sales had been mainly effected by the large proprietors. Subsequently, as less land became available, the Arab population began to be disturbed at the prospect. The mandatory Power itself had said that the purchase of land from Arabs had caused an increase of unemployment, and in some cases the Arabs were experiencing difficulties in maintaining their families. He understood, in fact, that the mandatory Power was considering how the alienation of land by small Arab owners could be circumscribed. Did the accredited representative consider that measures prohibiting the sale of land would be compatible with the mandate ?

Mr. TRUSTED said he did not think that the Palestine Administration had ever contemplated prohibiting the total alienation of land. It was merely considering the establishment according to the size of the holding, its fertility, etc., of a system whereby an owner could not sell the whole of his land, but would retain a subsistence area.

Count DE PENHA GARCIA observed that if a system were adopted under which certain lands could only be ceded to the Government, that would eventually create a reserve of Government lands. He thought that the whole question of the survey of available Government lands was of great importance from the point of view of the solution of the land problem. Though he did not wish to criticise the Administration, he noted that progress in this direction was slow. The matter was still in the stage of studies by experts. Would it not be possible for the mandatory Power to speed up this survey ?

Mr. TRUSTED said he had the impression that there was no immediate shortage of land for the Jews. They had made large purchases of land, all of which had not yet been utilised. He agreed that, in future, the question of Government lands might be usefully gone into for the benefit of both categories of the population.

Count DE PENHA GARCIA said that, in its policy, the mandatory Power seemed often to have hesitated between a system of separating the two categories of the population and a system of encouraging them to co-operate. At present, it seemed as though the idea of separation was uppermost, since, in the matter of labour, there was some suggestion that Jews might in future be admitted only into Jewish areas, leaving the Arabs concentrated in Arab areas. If this policy were adopted in the matter of labour, might it not also be better



to adopt it in the matter of lands ? Although the Arabs had made considerable progress in agriculture, there was no doubt that the Jews were still much in advance of them. Would a policy of separation avoid friction between Arabs and Jews and ensure a better agricultural yield in the various localities ?

Mr. TRUSTED, in reply to a question by Lord Lugard, said that the apparent contradiction in the statements on page 21 and page 32 of the report respectively concerning the value of land (£62 per dunum on page 21 and £23 per dunum on page 32) was to be explained by the fact that the first figure referred to total land sales, including valuable town property, whereas the second figure referred to agricultural values only.

In reply to a further question, Mr. Trusted said that there had been some boring for water in the Beersheba area. He could not give information offhand as to the situation of the various borings, some of which he understood had not been successful.

Lord LUGARD asked whether there was a movement among Jews to acquire land in the south.

Mr. TRUSTED replied in the affirmative.

The CHAIRMAN said that in certain Jewish quarters the Arabs had been accused of ingratitude for the money and prosperity which the Jews had brought into the country. It was possible, however, that many Arabs, having sold their land, had not bought other land, but had simply wasted the money thus obtained. This had led to increasing discontent, so that both Arabs and Jews complained of the situation. What was the mandatory Power's definite policy in respect of the purchase and distribution of land ?

Mr. TRUSTED said that steps had been mainly taken to protect the actual cultivators of the land, whose interest had sometimes been sacrificed by owners when sales had been effected. It was a difficult matter, as the members of the Commission must be aware, to protect such cultivators, but the Commission would remember that the steps taken to protect this class of the population had been described in a previous report. In the matter of owner-cultivators, the Administration was contemplating steps to oblige these persons to retain in any case a sufficient amount of land to ensure their own subsistence and that of their families.

M. ORTS, referring to page 51 of the Minutes of the Twenty-seventh Session of the Commission, reminded the accredited representative that the Commission had asked for information concerning the proportion of cultivated land in the hands of the Jews. This information had not as yet been forthcoming.

Mr. TRUSTED said he would endeavour to obtain this information for the next report, but it would not be an easy matter to arrive at the figure.

M. ORTS recalled, in this connection, that, at the same session, Lord Lugard had, on the basis of official data, estimated that the total area of cultivable land in Palestine was seven million dunums. The memorandum from the Jewish agency estimated this land at something between eleven and fourteen million dunums.

It was necessary to be sure on this matter, however, because on this essential point depended any estimate of the possibilities offered by Palestine for the settlement of immigrants and of the desirability of measures restricting the sale of land by the Arabs, and, in fact, the whole land policy.

Would it not be well for the Government to carry out a further enquiry with a view to revising the conclusions of the Shaw and Simpson Commissions, which had now been proved by experience to be inadequate ?

Baron VAN ASBECK asked whether it would be possible in future reports to gather together the information concerning the various aspects of land tenure.

Mr. TRUSTED replied that, although he appreciated the desirability of this, it might not be possible fully to comply with this request as the problem of land affected so many different branches of policy.

M. ORTS desired to remind the mandatory Power of the comments of the Commission in its report to the Council in 1930 concerning the desirability of preparing a real land policy destined both to aid the Arab population and to contribute indirectly to the establishment of the Jewish National Home.

Had not the time come for the mandatory Power resolutely to initiate some such policy ?

The CHAIRMAN asked the accredited representative, seeing that it was already late, to be good enough to deal at the next meeting with the question put by Count de Penha Garcia to which he had not yet replied.

SEVENTEENTH MEETING.

*Held on Monday, June 8th, 1936, at 4 p.m*

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**Palestine and Trans-Jordan : Examination of the Annual Report for 1935 (continuation).**

Mr. Trusted, Mr. Kirkbride and Mr. Evans came to the table of the Commission.

PALESTINE (*continuation*).

LAND TENURE (*continuation*).

The CHAIRMAN asked Count de Penha Garcia to repeat a question which he had put at the previous meeting.

COUNT DE PENHA GARCIA asked whether some of the land held by the Government could not be made available for settlement by Arabs and Jews. Could not the preparatory work in the Lake Huleh district be speeded up, for instance ? This might do something to ease the situation.

MR. TRUSTED was glad of an opportunity of going into further details as regarded the lands around Lake Huleh.

Before this area could be made habitable, considerable drainage operations would be necessary in both the Huleh basin and the surrounding land. The primary object of the concessionaires was to drain the basin, and a survey was at present being made. As soon as it was known what the concessionaires would do and how they would set about it, the Government intended—if the cost was not prohibitive—to drain the surrounding country with the object of making it available for cultivation and healthy. In the meantime, nothing could be done, as both sets of operations must be considered as one scheme.

The Commission could rest assured that the Government had devoted a great deal of attention to the question and would press on with it as soon as possible.

**POLICY OF THE MANDATORY POWER AS REGARDS CO-OPERATION BETWEEN ARABS AND JEWS.**

COUNT DE PENHA GARCIA said the mandatory Power appeared to have followed two different policies in this matter. On the one hand, it had tried to encourage co-operation between Arabs and Jews. On the other hand, it had sometimes felt they should be kept separate and had taken certain measures which did, in fact, separate the two Palestinian groups. On public works, for instance, Jews had been sent to districts where Jews were in a majority, and Arabs to districts where Arabs were in a majority. Did the mandatory Power intend to continue this policy of separation, or to encourage Jews and Arabs to co-operate in their day-to-day relations ?

MR. TRUSTED said the Government was undoubtedly only too glad to encourage co-operation between Jews and Arabs whenever possible, as would be seen from the reference to co-operation on the municipal councils. Very good work had been done in this connection, particularly in Jerusalem and Haifa.

The reference to the employment of labour should not be taken as indicative of any general policy, but only of an attempt to overcome the difficulties created by the Prime Minister's letter to Dr. Weizmann and the undertaking therein to employ certain Jews on Government works. The only object in that particular scheme was to facilitate the carrying out of this undertaking.

There must of necessity be some reference to the place in which work was to be found and the people available there. Generally speaking, labour for public works was obtained near at hand rather than taken a long distance and placed in encampments.

Mlle. DANNEVIG understood that the Government's appeal to the Jews to send their children to the Arab agricultural school had been rejected. Was language the difficulty ?



Mr. TRUSTED said it was difficult to say all the reasons actuating the Jews in this matter. Language was undoubtedly one factor and a difference in outlook another. A few Jews attended private—that was to say, missionary—schools.

Baron VAN ASBECK had seen it stated in *The Times* in August 1935 that collaboration between Jews and Arabs had been satisfactory on trade boards but had failed almost completely on road and education boards. Was there any truth in that statement?

Mr. TRUSTED said the two systems of education were quite separate, and there would be very little scope for co-operation so long as that state of affairs continued.

He was under the impression that there were both Arab and Jewish members on the road board.

Baron VAN ASBECK asked whether Jews appointed as district officers had authority over both Arab and Jewish communities and *vice versa*, and whether the system worked well.

Mr. TRUSTED said that, in an entirely Jewish town like Tel Aviv, a Jewish officer would be in charge and, in an entirely Arab town like Nablus, an Arab officer. In mixed districts, however, Arab or Jewish officers might be in charge of both communities. Generally speaking, the system was successful. Naturally, it depended to some extent on the individual.

Baron VAN ASBECK said that showed there was some co-operation between the two groups.

Mr. TRUSTED confirmed this statement and added that it might be found at its best among Government officials.

#### LEGISLATIVE COUNCIL (*continuation*).

Lord LUGARD, referring to the proposal to create a legislative council (pages 10 to 12 of the report), enquired whether there was any likelihood of its reconsideration, and whether it was probable that it would be included in the enquiry by the Royal Commission, since it had been very adversely criticised in both Houses of Parliament. Mr. Amery, late Secretary of State for the Colonies, had written to *The Times* in January last deprecating "the attempt to introduce quasi-parliamentary institutions of the conventional type".

Lord Lugard thought that there was a fairly unanimous opinion that the system of secret ballot with a restricted franchise and government by debate and majority vote, which had not proved too successful even in some parts of Europe, were quite unsuited to Oriental peoples. If, however, the decision to create a legislative council should be irrevocable, he would like to put a further question in reference to its proposed constitution. It was intended that there should be a large unofficial majority over the Government vote, but experience had shown that a majority which was unable to enforce a majority decision and did not control the executive staff was a fertile source of friction. Though power was reserved to the High Commissioner to pass a Bill over the heads of the Council, and to veto any Bill, there were no "reserved subjects". The Jews resented this assignment of seats on the ground that a party opposed to the mandate itself might at any time have a majority vote in the Council. His second question therefore was whether the number of the representatives of each race or religion as shown on page 10 of the report, was irrevocable, or subject to further consideration.

Mr. TRUSTED could only repeat that it might be inferred that the legislative council scheme would be enquired into by the Royal Commission, but its terms of reference had not yet been decided upon.

Any representations which might be made as to the constitution of the legislative council would naturally be carefully considered.

As regards the second question, he assured the Commission that the general scheme for a legislative council, and its constitution, had received the most careful and prolonged consideration by both the Government of Palestine and His Majesty's Government in the United Kingdom.

Lord LUGARD observed that the Secretary of State had said, in reply to a question in the House of Commons, that a legislative council would be set up in Palestine by an Order in Council under the Foreign Jurisdiction Act of 1890. Was the accredited representative of opinion that the power of the King to enact an Order in Council for Palestine derived from that Act or from the mandate?



Mr. TRUSTED said it would appear to him that the machinery employed by a mandatory Power, after the mandate had been accepted, to give effect to its undertakings, must depend upon the law of the mandatory Power.

When the mandate for Palestine was accepted it became necessary to formulate some basic instrument to give effect to the mandatory Power's undertaking, and the Palestine Order in Council of 1922 was made. It provided for the promulgation of ordinances by the High Commissioner, for the appointment of officers of Government for the exercise of the prerogative of pardon, the establishment of courts and the multifarious branches of the administration.

Provision had also been made for a legislative council, but this had not been effective.

If the original Order in Council could contain such a provision, there would seem to be no reason why it should not be included in an amending Order.

Whether the Order was properly made would primarily be a question for the courts of the mandatory Power. The Palestine Order in Council had been before the Privy Council, the supreme court for the purpose, on several occasions, and although the mandate, the Order, and the various powers resulting from those two documents, had been discussed, it had never been suggested, as far as he was aware, that the Order was not properly made under the Foreign Jurisdiction Act.

M. PALACIOS said that Lord Lugard's questions contained the essence of the whole Palestinian problem—the whole method of government in the territory. He had spoken of the problem of the legislative council and of the difficulties with which it was beset. He had also spoken of the problem of the existing government of Palestine, both from the standpoint of the mandatory Power and from that of the mandate and Article 22 of the Covenant. It was against the present form of government that most of the petitions received by the League of Nations from the Arabs were directed. There could be no doubt that if a legislative council were to be set up at the present time, it would contain a majority hostile to the mandate, owing to Arab opposition to the Balfour Declaration. What M. Palacios did not see was how this difficulty would be overcome if the legislative council were not set up. Obviously, if the Council did not exist, there would not be any opposition in it, because there would be nothing at all. But that would not keep the opposition quiet : it would make itself heard in the streets throughout the country. It was sufficient to see how that opposition was giving proof of its activities during the present disorders.

Mr. TRUSTED said that the present High Commissioner had done his utmost to help not so much the man in the street as the man in the fields. Since his arrival, he had done everything in his power to help agriculturists, particularly the poorer ones, to obtain the best results from their land by means of technical education and advice, the improvement of stock and seeds and so on. It was hoped that, in this way, their status would be improved and that a better feeling would be engendered.

M. RAPPARD found the discussion somewhat embarrassing. The Commission had, he thought, decided not to discuss the legislative council scheme. If it were discussed at length, however, and if, as the accredited representative had suggested, the Commission's opinion would receive careful consideration, it must form some conclusions. He had hoped to be spared that task, particularly as he considered the legislative council proposals stillborn in view of the discussions in London and of the proposed appointment of a Royal Commission.

If the present exchange of views were merely informative and not intended to lead to any conclusions, the Commission should convey to the mandatory Power that its silence was not to be interpreted as consent.

M. ORTS thought M. Rappard's observations opportune. Personally, he would prefer to maintain the decision not to discuss the legislative council scheme, not only for the reason mentioned, but also because it was the Commission's practice not to express an opinion before hand but only to judge the facts. Nevertheless, the exchange of views that had just occurred would be of some utility because it would indicate to the mandatory Power the points on which the Commission felt some anxiety.

Lord LUGARD thought that the decision to postpone discussion of the legislative council lapsed with the decision to examine the annual report during the present session and not in November. It referred to facts named in the report and not to a hypothetical case.

#### MUNICIPAL AND LOCAL COUNCILS.

M. PALACIOS said that the report contained a good and very interesting chapter on local administration. On pages 36 and 40, information was given concerning administrative autonomy. It was said that the municipal councils had continued to perform their work satisfactorily and that urban administration was tending to improve (page 36). Elections for



the new municipal council of Tel Aviv had taken place (page 37, paragraph 5). It was also stated (paragraph 4, page 37) that the Mayor of Jerusalem, Dr. Hassan al Khalidi, had declared his determination to adopt a policy of co-operation without racial bias.

Could the accredited representative say how, generally speaking, co-operation between the various elements represented on the municipal councils had worked ?

Mr. TRUSTED said there had been co-operation on the municipal councils at Jerusalem and Haifa which, as the Commission was aware, were elected bodies composed of both Jews and Arabs. The ordinary municipal activities had been carried on in a spirit of reasonable co-operation and had not been interrupted, to his knowledge, by racial disputes.

There were naturally some questions that tended to take on a racial complexion.

M. PALACIOS would be glad to have fuller information concerning the statement (page 38, paragraph 11, of the report) that the Khan Yunis municipal council had not met during the year, owing to delays in obtaining judgment from the courts on election petitions.

Mr. TRUSTED had no definite information except that Khan Yunis would be in the Jaffa district and that the Jaffa district court had been particularly hard-worked. In fact, there was a petition before the Mandates Commission with reference to it.<sup>1</sup> The work of the court was in arrears through no fault of the President. Mr. Trusted could only suggest that that was the reason for the delay.

M. PALACIOS noted that, on page 39, paragraph 22, of the report, it was stated that the Government had decided to enact legislation which would enable local councils to be constituted, not only in the villages, but also in rural areas which did not, at present, fall within the jurisdiction either of local councils or of municipal corporations. Had this legislation been enacted and, if so, was the population satisfied ?

Mr. TRUSTED said the object of the legislation referred to was to extend the scope of the Local Councils Ordinance, which gave the High Commissioner power to issue Orders laying down the constitution, and so on, of local councils.

The Government had decided to enact legislation to enable local councils to be constituted not only in established villages, but also in rural areas, and to extend the powers of the High Commissioner as regards finance, auditing, surcharge and so on. When he had left Palestine, it was in draft form ready to be passed.

Baron VAN ASBECK asked whether it was a fact that only one new local council had been set up in 1935. It was constantly stated in Jewish publications that the number of local councils was relatively low. That would seem regrettable, as the success of the legislative council would depend to a great extent on the experience gained on municipal and local councils.

Mr. TRUSTED thought the explanation was that the old Rural Councils Ordinance provided only for a rural council in a village or group of villages ; it did not extend to areas where there were no villages. The Ordinance was now being amended in such a way that local councils could be set up where there was no village in the technical sense. Possibly that was what the Jewish publications had in mind.

The Government was certainly alive to the desirability of setting up local councils in order that people might gain experience as a stepping-stone to other forms of autonomy. Additional local councils would undoubtedly be constituted under the amended legislations.

Baron VAN ASBECK asked whether similar councils would be constituted in Arab areas.

Mr. TRUSTED replied in the affirmative, adding that it was within the High Commissioner's discretion to vary their constitution according to the needs and developments of the persons concerned.

Baron VAN ASBECK said the already very low franchise for the municipal elections was stated to have been restricted in 1935 to 28 per cent of the former figure.

Mr. TRUSTED said that if the relevant ordinances were compared it would be seen that, as far as possible, the same qualifications were required for the last elections as on the previous occasion. It was not true to say that there had been any curtailment.

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<sup>1</sup> See Annex 9.

ORGANISATION OF ADMINISTRATIVE SERVICES : TRAINING OF CADETS.

Lord LUGARD was glad to know that the Mukhtars were to have salaries and administrative duties, instead of being only tax-collectors (page 16 of the report). The progress made by the new rural councils (page 38) was also a matter for satisfaction.

The appointment of Jews and Arabs as administrative cadets was an important departure (page 31, paragraph 91). What qualifications were required? Were the cadets first attached to a senior British district officer?

Mr. TRUSTED said that apparent suitability and general educational qualifications were necessary. Cadets were first appointed on probation. A likely officer might already be serving in a department and might be transferred as a cadet.

Lord LUGARD asked for fuller information as regards the Palestine Social Service Organisation and the welfare inspector (page 29, paragraph 85, and page 121, paragraph 29).

Mr. EVANS said that the lady holding the appointment of Welfare Inspector was a Government officer attached to the Secretariat. The Social Service Council was an unofficial council of which the Government Welfare Inspector was a member.

Lord LUGARD asked whether there was a welfare department.

Mr. EVANS replied that there was no such department, but the Welfare Inspector with a small staff.

Baron VAN ASBECK asked whether there was a Palestinian civil service in the same sense as an Indian civil service, or whether Palestinian district officers were recruited from the general colonial service.

Mr. TRUSTED said British officials usually belonged to the Colonial, Administrative, Legal, Health, or other services. A good many senior officials, particularly those in direct touch with the Palestinians in the districts, had been in the country for a long time and were familiar with conditions there. In many cases, they spoke one—and, in some cases, two—of the languages. There was no Palestinian service in the sense that there was an Indian Civil service.

ORGANISATION OF JEWISH AND ARAB COMMUNITIES : SUPREME MOSLEM COUNCIL.

Baron VAN ASBECK said the Jewish community was organised in 1927 on the basis of an ordinance passed in 1926.

As regards the Arab community, however, a Supreme Moslem Council had been elected for the first time in 1921 under the old Ottoman regulations, but there had been only one election since then, which was nullified by the High Court. Accordingly, the Supreme Moslem Council must have been nominated by the High Commissioner.

It seemed unsatisfactory that in a great Arab community there should be only a council of five or six members, who were not men enjoying the confidence of their own community but nominees of the High Commissioner. The question was stated, in previous reports, to be under consideration, but he could not find any reference to it since 1930. Had nothing been done to improve the situation, especially as this was another field in which useful experience in government might be gained?

Mr. TRUSTED said the Supreme Moslem Council had been continued on the same basis during the year under review. The whole question of Moslem affairs from this aspect was receiving the careful consideration of the Government.

Baron VAN ASBECK asked that the next report might contain fuller information concerning the composition, working and results of the Supreme Moslem Council.

M. RAPPARD asked for information as to its representative character.

M. PALACIOS reverted to the question raised by Baron van Asbeck concerning the appointment and autonomy of the Supreme Moslem Council. By means of this Council, the mandatory Power could conduct an experiment with self-governing institutions without touching upon the thorny problems raised by the legislative council.

Furthermore, M. Palacios would like to know whether the Supreme Moslem Council dealt with the administration of the Waqfs, how it was composed, and whether its members were popular among the rest of the community.



Baron VAN ASBECK had been struck by the contrast between the rather small Jewish community organised on the basis of the Community Ordinance, 1926, and the much larger Arab community, which had no organisation save that of the Supreme Moslem Council.

#### CREATION OF A NEW PARTY IN THE JEWISH COMMUNITY.

Lord LUGARD had received a pamphlet from an organisation called the “ New Zionists ” which was apparently an amalgamation of the revisionists and the labour party. Had this organisation, which was referred to on page 18, paragraph 42, of the report, any influence ?

Mr. TRUSTED was unable to give any information beyond that contained in the report. He did not think the organisation could be very important at present.

#### NATURALISATION.

M. PALACIOS drew attention to the replies to the questions asked at the twenty-seventh session<sup>1</sup> on the acquisition of Palestinian nationality (page 69, paragraph 8 of the report) and the new 1934 Ordinance on passports (page 72). It seemed that 5,994 persons had been naturalised in 1935, a considerable increase. This was said to be due to Jewish propaganda and to the number of persons who possessed the requisite residential qualification (page 69). The number of naturalisation certificates issued from 1925-26 until 1935—was 30,503 (page 68 of the report). How had this increase been received by public opinion, especially Arab public opinion ?

Mr. TRUSTED said the Arabs were concerned not so much with naturalisation as with entry. He did not know of any Arab criticism of naturalisation.

#### JUDICIAL ORGANISATION : PETITION FROM M. KARWASSARSKY : CHILD MARRIAGE.

Baron VAN ASBECK drew attention to the Palestine (Amendment) Order in Council, 1935 (pages 75 and 76 of the report).

It seemed that quasi-extra-territoriality—*i.e.*, the hearing and judging of cases by foreign judges originally reserved to certain categories of foreigners only—had been, contrary to general experience in other non-European countries, extended to all the inhabitants. Certain “ safeguards ” had also been extended. The word “ safeguard ” conveyed the idea of guarding against something wrong or not wholly sufficient. Was the change made because the home jurisdiction was unsatisfactory ? Had there been any complaints about the Palestinian courts ? How was the amendment received by the Palestinian judges ?

Mr. TRUSTED said that, before the amendment was passed, foreigners, who were defined as persons who were not Palestinians or inhabitants of closely adjoining countries, could claim—putting it very roughly—to be tried by courts constituted differently, in that they had either British magistrates or a majority of British judges. That position was unsatisfactory from several points of view. It led to the criticism that the Palestinian courts were regarded as good enough only for Palestinians or persons who were not foreigners in the technical sense. Alternatively, it led to the criticism that Turkish and Iranian nationals, who were not foreigners technically under the definition, were treated differently from other non-Palestinians.

To get over these difficulties, a scheme was evolved whereby Palestinians and foreigners were placed on the same footing. All persons charged before a magistrate with a criminal offence could, if they so desired, ask to be tried by either a British magistrate or a district court. Consequently, the so-called “ safeguards ”—that was to say, the fact that there was a right to be tried before a British magistrate or by a majority of British judges—were not limited to certain persons who were foreigners by definition, but extended to everybody.

No criticism of Palestinian magistrates was implied in the scheme under which they had increased civil jurisdiction.

Baron VAN ASBECK said the scheme appeared to be contrary to the usual practice of extending the jurisdiction and competence of native judges to foreigners, and was accordingly a step backward in the direction of the old extra-territoriality. He understood, however, that the scheme had been received favourably.

<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, page 53.

Mr. TRUSTED said it would have been very difficult to take away the so-called " foreigners' privileges " and to vest jurisdiction entirely in the Palestinian magistrates. That was why this solution had been adopted.

Baron VAN ASBECK asked whether he might conclude that there had been no specific complaints against the Palestinian magistrates and courts.

Mr. TRUSTED could hardly say that, because there were periodical complaints, though not in connection with the scheme.

Baron VAN ASBECK asked what these complaints were.

Mr. TRUSTED said they were general complaints. For instance, one petition before the Mandates Commission<sup>1</sup> complained of arrears in the Jaffa court. There were also periodical complaints against particular courts and magistrates.

Baron VAN ASBECK asked whether the general lines of development should not be the same as in Iraq, where the competence of British judges and courts had been constantly restricted in favour of the indigenous judges and courts, rather than an extension of foreign jurisdiction.

M. TRUSTED said there was no extension of foreign jurisdiction ; an option to make use of a certain type of court was extended to all.

M. RAPPARD asked whether the option lay with the plaintiff.

Mr. TRUSTED said the cases under discussion were criminal cases. The accused person was given the option of transferring the case to, and the prosecution of bringing it in, any court he wished.

In reply to an observation by M. Rappard, he added that power was vested in the Attorney-General. He had used the word " prosecution " in a broad sense. In practice, the Attorney-General would make no objection if the accused wished the case to go before a superior court. The courts also had power to transfer cases to a superior court.

The corollary to the scheme was that the lower courts had limited jurisdiction as regards penalties. Supposing the maximum were three years' imprisonment or a fine of £P300, a Palestinian magistrate could only impose one year's imprisonment and a fine of £P100, and a British magistrate two years' imprisonment and a fine of £P200. The accused therefore ran the risk of a heavier penalty if he chose a higher court.

M. RAPPARD asked what were the practical results. Was there an even distribution of cases between the different courts ?

Mr. TRUSTED thought, speaking without statistics, that there would be a fairly even distribution of cases.

M. RAPPARD asked whether the local courts were cheaper. He did not think it any reflection on the Palestinian courts to say that they were technically not on the same level as those of the mandatory Power.

Mr. TRUSTED would put it in another way : in the majority of cases, the British court might be regarded as more detached, and consequently more likely to be quite impartial, apart from anything else. Litigation was not more expensive in the courts consisting of British judges.

Baron VAN ASBECK was inclined to think that if the Palestinian judges were thought to be not entirely detached, the proper procedure would be to open the way to appeal to a higher court. He was very much struck by the whole reorganisation and by the use of the word " safeguards ", because that implied—as he had already said—that there was something wrong with the Palestine judiciary.

Mr. TRUSTED thought the word was a survival of pre-British administration, in that the original scheme of jurisdiction had been based on the idea of safeguards. He would not like it to be thought that the word, as used in the report, implied a reflection on the administration of justice by the Palestinian judiciary as a whole.

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<sup>1</sup> See Annex 9.



Baron VAN ASBECK would be glad to find in the next report further information on the working of the Ordinance and, in particular, on the question of the extent to which use had been made of the right to ask for a British judge.

Mr. TRUSTED hoped it would be possible to give this information.

Baron VAN ASBECK asked whether Jewish judges tried Arabs and Arab judges Jews. If so, did this create any difficulty?

Mr. TRUSTED said partisan feeling had been alleged in certain cases, but broadly speaking the position was satisfactory.

Baron VAN ASBECK, referring to page 76, paragraph 4, of the report, asked who was entitled to impose imprisonment of three years or a fine of £P300.

Mr. TRUSTED said the district courts, consisting of a president and one judge, which had now been given powers of summary jurisdiction, could impose the full penalty. The magistrates had powers to try offences for which the penalty did not exceed £P300 or three years' imprisonment, but were not entitled to impose these maximum sentences themselves.

Baron VAN ASBECK, referring to page 79, paragraph 11, of the report, said that a comparative statistical table extending over a number of years similar to that given in the 1934 report would be most useful.

Mr. TRUSTED said he would ask that such a table be included in the next report.

Baron VAN ASBECK asked whether the steady increase in cases entered in the land courts—551 in 1932, 610 in 1933, 942 in 1934 and 1,302 in 1935—was not unsatisfactory (page 79 of the report).

Mr. TRUSTED said there was more incentive to bring cases before the land courts owing to the increased value of land.

Baron VAN ASBECK said he had found no reference in the report to the appointment of registrars to relieve the pressure on presidents of district courts, which had been mentioned in paragraph 3 of the observations of the United Kingdom Government on a petition from M. E. Karwassarsky.<sup>1</sup> Perhaps fuller information could be given in the next report.

Mr. TRUSTED said the Government had appointed a Chief Registrar and was considering the appointment of suitable persons as registrars to the district courts. It was hoped that they would relieve the judges of a good deal of routine work and leave them freer for purely judicial activities.

Baron VAN ASBECK asked whether it was not unsatisfactory that one of the two cases before the special tribunal (page 80, paragraph 16, of the report) was still pending after two years.

Mr. TRUSTED had no personal knowledge of this case, but pointed out that the courts were not always to blame. The parties themselves were sometimes accessories to delay.

Baron VAN ASBECK asked for what crime four of the death sentences passed had been carried out (page 79, paragraph 14).

Mr. TRUSTED said the death sentence was only imposed for what was called "premeditated murder".

Baron VAN ASBECK asked whether these four death sentences had been imposed for political murder.

Mr. TRUSTED said they were not.

Baron VAN ASBECK said only boys were mentioned in connection with the probation service (page 80). Was there none for girls? If not, was one under consideration?

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<sup>1</sup> See Annex 9.

Mr. TRUSTED said the welfare worker looked after girls. The number of girls convicted of criminal offences was, he believed, small.

He added, in reply to a question by Mlle. Dannevig, that the Welfare Inspector was a woman, Miss Nixon.

M. SAKENOBÉ asked why there were so many young offenders in Palestine and pointed out that their number had increased considerably during the year under review.

Mr. TRUSTED drew attention to the explanation given in the report—that the police had been more active in taking them before the courts for petty offences (page 80).

Baron VAN ASBECK said it had been asked in the House of Commons whether it was true that a Jewish writer called Koltun had been detained in prison, though no charge had been brought against him, and was suffering from bad health owing to prison conditions. Was there any truth in this statement ?

Mr. TRUSTED said it was not the practice to hold anyone in prison without justification. Persons detained had to be brought before a magistrate within forty-eight hours. A certain number of people were in prison pending deportation, but they were held by proper warrant.

Baron VAN ASBECK said that, in November 1935, the *Manchester Guardian* had referred to a case in which a British magistrate was said to have ruled that the old Ottoman law concerning the breaking of the Fast of Ramadan was not valid under the mandate, which imposed equality of treatment for all the inhabitants of Palestine. Had there been any appeal against this somewhat surprising decision ?

Mr. TRUSTED said the original decision was that the Ottoman law was contrary to the mandate. There was an appeal to the district court, which held that the relevant document was the Order in Council and that the law was not contrary to anything in the order. He believed there was the possibility of an appeal from the district court to the Supreme Court.

Baron VAN ASBECK asked if the next report could contain information throwing light on the "equality of treatment" to which he had referred.

Mlle. DANNEVIG asked whether the Girls Reformatory Home (page 29, paragraph 29), under criminal jurisdiction, was for Arab or Jewish girls ?

Mr. TRUSTED understood it was for both.

Mlle. DANNEVIG asked whether girls under twenty were brought before the juvenile courts as well as boys ?

Mr. TRUSTED replied in the affirmative.

Mlle. DANNEVIG, referring to page 164, paragraph 29, noted that the minimum age of marriage for girls had been raised from fourteen to fifteen years with the consent of the heads of communities. She asked whether the present draft Criminal Code Ordinance contained a clause providing that, if the marriage of a girl under minimum age had been contracted by her father, he would not be subject to any penalty. She also asked when the Code was expected to come into force.

Mr. TRUSTED replied that, while there was a general prohibition against child marriage in the draft Criminal Code, it would be a defence to show that the girl had reached the age of puberty, had married with the consent of her parents and held a medical certificate showing that no ill effects would follow to her from the consummation of the marriage. When he had left Palestine, the final Code was in proof.

Mlle. DANNEVIG had an extract from the *Palestine Post*, of January 20th, 1936, stating that, according to a report from the American Colony Aid Association, child marriage in Palestine was more serious than was realised and more prevalent than was commonly known. A survey by the Infant Welfare Centre was said to have shown that 222 of the women attending the Centre had been married at 15, seven at 7 or 8, and forty-two before they were 12 years old. Could the accredited representative give some further information on this point ?



Mr. TRUSTED would not suggest the figures were not genuine, but it was extremely difficult to obtain accurate information, apart from the difficulty of ascertaining the exact ages of the individuals concerned.

As stated in the report, the Government had no reason to believe that the practice of child marriage was widespread.

Mlle. DANNEVIG said the explanation given in the report was that progress must be made gradually and with the consent of all the religious communities. She presumed the Government was devoting attention to child marriages.

In Trans-Jordan, the age had been raised to 16 and the Jews in Palestine were, she believed, very anxious that it should be raised there also.

Mr. TRUSTED said the High Commissioner, who had always been very interested in the subject, was doing his utmost to discourage child marriages and had succeeded in obtaining the co-operation of the religious communities.

Lord LUGARD asked who were the probation officers referred to in paragraph 25, page 81 of the report.

Mr. TRUSTED said there was a professional probation officer trained in England who had had practical experience of probation work. The others—local people of suitable character and experience—worked under him. He believed they served in an honorary capacity, but received an allowance for expenses.

M. SAKENOBÉ asked whether there were any special reasons for the enactment of the Collective Punishment Amendment Ordinance and the Prevention of Crimes by Tribes and Factions Ordinance (*Annual Volume of Ordinances*, 1935).

Mr. TRUSTED said the former was an amending Ordinance widening the scope of the original Ordinance.

The Tribes and Factions Ordinance was an old Ordinance which, by a mistake, was not re-enacted when the Prevention of Crimes Ordinance was revised. It dealt with such matters as the duties of sheiks, etc., and placed them under police supervision in some cases. It was primarily enacted to deal with tribes who might be giving trouble.

#### COMMUNIST ACTIVITY.

M. SAKENOBÉ asked what kind of activity the Communists indulged in (page 101, paragraph 12, of the report). Were any foreign elements involved? Was there any special Ordinance under which such movements could be dealt with?

Mr. TRUSTED did not know of any considerable foreign element. The tendency was to create disturbances and trouble generally. There was no special anti-Communist law, but offences under the criminal law, such as sedition, illegal assemblies and so on were prosecuted.

M. ORTS referring to rumours that the promoters of the present disturbances were being provided with foreign money, asked if there was any proof of this.

Mr. TRUSTED was not aware that any foreign money had come into the country in support of Communist propaganda.

#### ECONOMIC EQUALITY.

M. ORTS, referring to a question in the House of Commons concerning an agreement between the Palestine Potash Company and the Franco-German Cartel, asked what was the significance of this agreement and whether it was in the interests of the territory.

Mr. TRUSTED regretted he was unable to say. Further information would be obtained for next year.

Lord LUGARD, referring to page 23, paragraph 63, of the report, and page 35, paragraph 10, asked whether the granting of exemption from import duty on certain raw materials and the increase of import duties for protective purposes on certain manufactured articles in any way violated the economic equality clause of the mandate.

Mr. TRUSTED said the clause was not violated. There was no discrimination as to duty.

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EIGHTEENTH MEETING.

*Held on Tuesday, June 9th, 1936, at 10.30 a.m.*

**Palestine and Trans-Jordan : Examination of the Annual Report for 1935 (continuation).**

Mr. Trusted, Mr. Kirkbride and Mr. Evans came to the table of the Commission.

PALESTINE (*continuation*).

ECONOMIC EQUALITY (*continuation*).

M. ORTS read the following passage from the letter, dated April 30th, 1936, of the Jewish Agency for Palestine to the High Commissioner, enclosing a memorandum on the development of the Jewish National Home in Palestine in the year 1935 :

“ The anomalous position of Palestine in its trade relations with other countries likewise calls for a remedy. Article 18 of the mandate, which imposes on Palestine the policy of the open door and prevents it from discriminating in its trade relations between States Members of the League of Nations, in its present interpretation, merely serves to hamper the economic development of Palestine. In trying to find markets for its produce, Palestine can take advantage neither of the possibility of reciprocal trade concessions nor of the weapon of retaliation. Its inability to apply a measure of reciprocity in its trade relations is reflected in the unduly adverse character of its trade balance and in the difficulty which the country is experiencing in marketing its expanding orange crop. The Jewish Agency submits that it could not have been the purpose of the mandate to place Palestine under such disabilities as must cripple her commercial development and place her in a position of permanent inferiority in relation to all other countries. There would seem to be need of an authoritative re-interpretation of the non-discrimination principle which would lead Palestine out of the present impasse and give the country some measure of freedom in coming to an arrangement with such countries as are interested in trading with her on the basis of reciprocity. The proposal which the Jewish Agency would desire to advocate is that a double tariff system be adopted comprising minimum and maximum rates, the minimum to apply to countries purchasing from Palestine goods in a certain minimum proportion to Palestine's purchases from them, and the maximum to those whose purchases fall below that minimum proportion. The rate of reciprocity may be made flexible and subject to revision from time to time. Alternatively, a quota system may be introduced, the application of which is now becoming widespread throughout the world. Neither of these arrangements would appear to be discriminatory, since all countries would be free to avail themselves of it. The Jewish Agency would urge that all necessary steps be taken on the part of the competent organs of the League of Nations to secure an authoritative interpretation of Article 18 of the mandate, such as would permit of the application of either of the proposals above outlined.”

Palestine was not the only territory under mandate in which the practice of economic equality had given rise to such comments.

He pointed out in this connection that, when, at the twenty-seventh session,<sup>1</sup> the Commission was enquiring into the views of the various mandatory Powers as to the position, with regard to the principle of economic equality, of countries which, like Japan and Germany, had ceased to be Members of the League of Nations, the accredited representative for Palestine had said that in any event commercial relations between Palestine and Japan were still governed by the Anglo-Japanese Treaty of 1911.

The fact that some States with considerable import trade had ceased to be Members of the League gave Palestine an opportunity—which might never occur again—to throw off the yoke of economic equality, at least in respect of these States, and to negotiate commercial agreements with them on a basis of reciprocity. Could the Anglo-Japanese Commercial Treaty be advanced as a legitimate reason for closing any such prospect to Palestine and forcing her to maintain a commercial regime prejudicial to her interests ? He would be glad to hear the views of the accredited representative on the point.

<sup>1</sup> See Minutes of the Twenty-seventh Session of the Commission, pages 55 and 61.



Mr. TRUSTED said the question whether discriminatory action should or should not be taken against particular countries which have not the right to economic equality guaranteed to them under the mandates was one for the mandatory Power to decide in the light of circumstances and of its obligations under the mandates—which of course involved its having regard, as a primary consideration, to the interests of the inhabitants. In considering whether to terminate economic equality for Japan (or Germany), the mandatory Power was not entitled to take into consideration solely the benefits which would accrue thereby to its own trade by so doing or to the trade of other Members of the League of Nations.

The above arguments, of course, left aside altogether the question whether Japan, as a former Principal Allied and Associated Power, had any legal right to claim economic equality in mandated territories now that she had ceased to be a Member of the League of Nations. That point, the report to the Council of the representative of Roumania<sup>1</sup> advised, should be reserved for study later, and His Majesty's Government thought it right at present simply to reserve its views upon it.

M. ORTS said that the question actually arose from the standpoint of the interests of the territory under mandate and its inhabitants. These interests were suffering because the solution was postponed, and yet the mandatory Power was their guardian. The only definite argument advanced in support of leaving matters as they stood was the existence of the Anglo-Japanese Treaty. He hoped the mandatory Power would indicate in its next report whether it maintained that the provisions of this treaty could validly be advanced against Palestine in the circumstances.

Mr. TRUSTED said that he could not give an answer at the present time; he would, however, refer this matter to the proper quarter for consideration.

M. RAPPARD said that it was obviously detrimental to mandated territories that their power of negotiation should be limited by the provisions of the mandate. Such had not, of course, been the intention of the authors of that instrument, who had desired that it should operate to the advantage both of the mandated territory and of the Members of the League of Nations. He wondered whether some system could not be devised that would offer a means of escape from the disadvantages to the mandated territories of the economic equality clause, while respecting the spirit and—though by other means—the letter of the mandate. Economic equality did not necessarily mean equality of imports. It occurred to him, for instance, that it might not be contrary to the principle of economic equality to allow all countries equal imports up to 50% of their own imports from the territory. That principle would apply to all countries trading with a mandated territory, but would avoid the anomaly of a country which bought nothing from the territory being treated on the same footing as one of that territory's best customers.

Mr. TRUSTED said that the Government was anxious to explore every avenue with a view to procuring economic advantages for the territory. One of the difficulties experienced was that there was no way of determining beforehand whether certain systems, such as control or quotas, would in the long run be advantageous to the territory. It was impossible to foresee precisely what effects those measures would produce in practice. It was possible, however, that some scheme might be worked out within the four corners of the mandate. He could tell the Commission that a number of such schemes had already been put forward and had been examined.

The CHAIRMAN observed that the discussion was tending to develop into a debate on certain general principles that transcended the immediate subject under discussion.

Count DE PENHA GARCIA would like to know whether it might be advantageous to substitute specific duties for *ad valorem* duties. He understood that the *ad valorem* duties were levied on invoices or on a given scale for each category of goods. He believed that it would be of advantage to substitute specific duties in most cases.

Mr. TRUSTED said that the *ad valorem* duties were not calculated upon any general principle. The Government was fully alive to the desirability of levying specific duties in certain cases. At the present time, certain of the duties levied were specific. It would be seen that, in the year under review, a change had been made in the manner of assessing duties on motor-cars; the 25% *ad valorem* duty had been altered to so much per kilogramme.

Count DE PENHA GARCIA said that, from the point of view of protection, specific duties were undoubtedly more useful than *ad valorem* duties and, as the Jewish Agency had pointed out, youthful Palestinian industries needed protection, particularly as the economic equality clause in the mandate was injurious to their development.

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<sup>1</sup> See *Official Journal*, February 1936, pages 78 to 80.



#### IMPORTS AND EXPORTS.

The CHAIRMAN, in the absence of M. Manceron, noted that the economic situation had developed favourably during the year 1935. New factories had been built for the production of numerous articles. The production of tobacco, cement, matches and salt had increased during the year. The value of imports for local consumption had, in 1935, been £P17,740,000—that was to say, an increase of £P2,600,000 as compared with 1934 (page 222, paragraph 17, of the report). This increase was due, according to the report, to a certain extent to immigration and the importation of machinery and materials for building. During the same period, Palestine exports amounted to £P4,215,486—that was to say, an increase of £P997,924 (page 224, paragraph 19, of the report), due mainly to the exportation of oranges. Exports of articles manufactured in Palestine had also increased in value. The difference between the value of exports and imports was therefore enormous. The deficit in the trade balance seemed to be compensated by the introduction of Jewish capital.

Mr. TRUSTED said it was not compensated solely, but largely, by the introduction of such capital. For instance, the building materials were mainly paid for by Jewish capital.

The CHAIRMAN said that, of course, so long as Jewish capital continued to enter the country, all might go well. But had the mandatory Power considered the situation which might arise if, for some reason or other, the flow of such capital were stopped?

Mr. TRUSTED said that the mandatory Power fully appreciated the seriousness of such a possibility. It placed its hopes for the future in the development of Palestinian industries.

M. RAPPARD referred to the arrangement under which German Jews were allowed to enter Palestine and withdraw their capital from Germany in the form of goods. Was that arrangement still in force and was it working satisfactorily? It must, of course, tend to increase German imports and disturb the balance of payments to that extent. As these visible imports were the symbol of invisible imports, if their inflow was stopped, that would diminish the influx of imports and capital. A reduction of this form of contribution by German Jews to the economy of Palestine would also lead to a reduction in imports. Would that be desirable?

Mr. TRUSTED said he was quite in agreement with M. Rappard's inferences. A cessation of such imports in lieu of capital would, of course, affect the figures on both sides.

#### FORESTRY.

M. SAKENOBÉ asked what was the general plan and object of the re-afforestation now being undertaken in Palestine (page 253 of the report). Was it to develop a future timber industry or prevent soil erosion?

Mr. TRUSTED said the primary object was to grow trees in ground where there were at present no trees. If that result could be obtained, a general improvement in soil conditions would eventually ensue. Eventually this might lead to a timber industry.

In reply to two other questions by M. Sakenobé, he said that the "forest reserves" were mainly State domains, though some were privately owned. As the forests were controlled by legislation, persons who desired to cut wood or burn charcoal had to obtain a licence. This was what was meant by "forest licences".

#### HOLY PLACES.

M. PALACIOS said that the mandatory Power had communicated to the Mandates Commission the report of Mr. Harvey, Government expert appointed to examine the question of the steps to be taken to preserve the Church of the Holy Sepulchre at Jerusalem. It was said in the annual report (paragraph 9, page 91) that this expert's report had been transmitted to the heads of the religious communities concerned with the information that the recommendations of the expert were being examined by the Government. In reply to a question in the House of Commons on December 11th, 1935, the representative of the Government had said that he would ask for information regarding the number of religious communities concerned in the question of repairing the Church of the Holy Sepulchre. Had Mr. Harvey's recommendations been approved by the Government and how had they been received by the interested parties? Which were the religious communities concerned?



Mr. TRUSTED said he could not say how far the recommendations had received the approval of the communities concerned. The Government had not yet received the replies from these communities and had again asked for their views. He believed that the number of communities concerned was six.

M. PALACIOS said that, among the incidents mentioned on pages 90 and 91, reference was made to the fact that the President of the Higher Moslem Council had promised to co-operate in discovering the persons who had thrown stones at the Wailing Wall in order to annoy the Jews at their prayers (paragraphs 4-7, page 91). Had any further incidents occurred since the drafting of the report and had the guilty parties been discovered ?

Mr. TRUSTED said that he personally had not heard of any further incidents.

M. PALACIOS, referring to paragraph 7 on page 91, noted that the courts had dealt with the case of a Polish rabbi who, with his disciples, had ascended the steps of the mosque to a point beyond that permitted by usage. Had the case now been tried ?

Mr. TRUSTED said that the guilty party had been fined. It was not really a serious case.

M. PALACIOS asked whether, in view of the numerous incidents which were always occurring between various denominations and sects, the mandatory Power was not contemplating setting up the Special Commission referred to in Article 14 of the mandate.

Mr. TRUSTED said that he was not in a position to say that this matter had advanced in 1935.

#### MILITARY CLAUSES.

In reply to a number of questions by Mr. Sakenobe based upon a report in the *Echos de Damas* of September 5th, 1935, Mr. TRUSTED said that the port works in progress at Haifa and Jaffa were not undertaken with a view to the provision of military or naval bases. At the date of the report in question, the British garrison was at its normal strength and there was no truth in the rumour that troops were then being rapidly concentrated in Palestine to an extent unheard of since 1918. The aerodromes at Lydda and Haifa were civil aerodromes.

#### POLICE : PRISONS.

M. SAKENOBÉ said it appeared from page 96 of the report that there had again been an increase in the police forces during the year and also in the number of men employed in the prisons service. The totals for these two forces were in 1934, 2,729, and in 1935, 2,883. It was said that this increase had been necessitated by the growth of the population, particularly in Haifa and Tel-Aviv, and the development of suburban areas in the vicinity of larger towns, thus laying heavy burdens upon the police for the maintenance of public security and the preservation of property.

The expenditure for police and prisons had increased by £P20,107. The main increase was due to personal emoluments owing to the need for additional police forces to deal with the problem of Jewish immigration and supplement the forces at Tel-Aviv (page 97, paragraph 2, of the report). A sum of £P2,891 had been expended on the maritime preventive forces created owing to the increase of illegal immigration. Had this preventive force proved successful ?

Mr. TRUSTED said that this force had been fairly successful in its own particular sphere. It could not, of course, deal with travellers, but had deterred and prevented the entry of a number of unauthorised persons.

M. SAKENOBÉ asked whether these persons were immediately deported or first sentenced and then deported.

Mr. TRUSTED replied that in some cases they were simply prevented from entering the country, or deported, and in others they were first sentenced by the courts and then deported.

#### ARMS AND AMMUNITION.

M. SAKENOBÉ noted (page 125 of the report) that the Firearms Ordinance of 1922 had been amended to increase the penalty for illegal possession of firearms from three to seven years. It was also stated that the traffic to Palestine from contiguous territories of firearms and ammunition had considerably slackened and that smuggling was not on a large scale. More than 1,000 serviceable firearms had been seized during the last two years and the seizures of pistol and revolver ammunition had increased from 1,799 in 1934 to 3,194 in 1935 (paragraph 2, page 125).

of the report). In 1934, a case of smuggling of a large number of firearms had been detected at Haifa (page III of the annual report for 1934) and, in the present year, a still more serious case at Jaffa, to which the accredited representative had referred the other day.<sup>1</sup> All these facts tended to show that there was still a fairly active illicit traffic in firearms and ammunition into Palestine.

M. Sakenobe was aware that the Government of Palestine was quite alive to the situation and that efforts were being made to cope with it, but, as the situation in the territory was often very troubled, he hoped that the Administration would adopt even more stringent measures for the detection and suppression of such traffic and that its efforts would soon be crowned with success. How many persons had been convicted under the Firearms Ordinance ?

Mr. TRUSTED replied that the Government was alive to the necessity of taking all possible steps to put down the traffic. He would take note of M. Sakenobe's question concerning the number of persons convicted under the Firearms Ordinance.

M. ORTS asked whether it could be said that, since the report, the illicit importation of arms had continued to decrease.

Mr. TRUSTED said he had no information which would justify him in modifying the statement set out in the report.

#### ANTIQUITIES.

Count DE PENHA GARCIA congratulated the mandatory Power on the very interesting chapter on antiquities (pages 110 *et seq.* of the report). He noted that a new ordinance made provision for the regulation of the Palestine Archæological Museum (paragraph 1, page 110 of the report). At present, archæological finds from Trans-Jordan were sent to that museum. Were the various exhibits classified according to subject, Palestinian and Trans-Jordanian finds being grouped together ? Or were the Trans-Jordanian finds kept apart ?

Mr. TRUSTED said that all the exhibits in the Palestine Museum were being rearranged, and he was unaware how the Trans-Jordanian finds would be placed. He would make a note of this question.

Count DE PENHA GARCIA noted that the Department of Antiquities did not at present include a technical section, staffed and equipped for the specialised work in connection with the preservation of ancient buildings. He could not help feeling that it would be very desirable for this department to possess a number of such officials.

Mr. TRUSTED said that the matter was receiving the consideration of the Palestine Government.

#### RELIGIOUS COMMUNITIES : PETITION FROM WAAD ADATH ASHKENAZIM.

M. PALACIOS noted that, on page 93 of the report, paragraph 4, reference was made to a dispute between the communities concerned at the time of the election of the Orthodox Patriarch at Jerusalem in July 1935. The report added that negotiations had been opened with a view to settling the dispute. Could the accredited representative say whether the negotiations had succeeded ?

Mr. TRUSTED replied that, so far, the Commissioner of Jerusalem's efforts had not succeeded.

In reply to the Chairman, the accredited representative explained that the Orthodox Church in Palestine was autocephalous.

M. RAPPARD said that he had to report on a petition from the Waad Adath Ashkenazim. Rabbi Shorr still claimed that his community was an important one, in spite of the mandatory Power's denial. M. Rappard said that, so far as he was concerned, the determination of the exact importance of this group seemed to be an impossibility.

Mr. TRUSTED said that he had brought with him a history of the organisation of the Orthodox Jewish Community in Palestine since Turkish times. He would be pleased to hand this to M. Rappard.

M. RAPPARD said he had already read many documents on the subject, and the more he read the more confusing the question seemed to be.

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<sup>1</sup> See page 64.



## QUESTION OF THE USE OF HEBREW CHARACTERS IN TELEGRAMS.

Baron VAN ASBECK asked whether it would be possible to extend the facilities for sending telegrams in Hebrew script, as foreshadowed in the report <sup>1</sup> (page 238, paragraph 15).

Mr. TRUSTED replied that, generally speaking, it was easier to send telegrams in Arabic script than in Hebrew, because there were more officials throughout the country who knew Arabic. It was not possible at present to have in every post-office, staff capable of dealing with three languages and three different scripts. All new Jewish officials admitted were acquainted with Hebrew, and every attempt was made to give as much consideration to users of Hebrew script as possible.

Mr. RAPPARD asked whether there was any tendency to use Latin script for the transcription of Arabic and Hebrew. This change-over had proved to be perfectly feasible in Turkey, and in fact corresponded to one of the necessities of modern life. Would not the universal adoption of Latin script be a way out of the present difficulty?

Mr. TRUSTED said that he thought the Government would not object if such a solution could be achieved, but at the present time this suggestion would be welcomed neither by Arab nor Jew.

In reply to a question by Mlle. Dannevig, he said that Hebrew was now definitely a living language in Palestine.

## LABOUR.

Lord LUGARD, on behalf of Mr. Weaver, thanked the accredited representative for the very interesting and informative chapter on Labour (pages 116 *et seq.* of the report). He noted the statement that the International Labour Conventions applied in Palestine were set out in the report for 1933. It would seem, however, that the amended Workmen's Compensation Ordinance, the draft of which was published in the *Gazette* of April 16th, 1936, gave effect to the Workmen's Compensation (Agriculture) Convention, 1921. Part I of the first schedule of the draft ordinance included in the implements covered "agricultural operations in which driving machinery was used". No doubt this would be mentioned in the next report. Had any further consideration been given to the question of a partial application of the Minimum-Wage-fixing Machinery Convention, 1928? The Labour Legislation Committee reported in favour of an experiment with minimum-wage-fixing machinery and he understood the matter was under examination.

Mr. TRUSTED replied that the matter was still under examination. The proposal had been subjected to considerable criticism in Palestine.

Lord LUGARD said that Mr. Weaver had read with much interest the interpretation in paragraph 2, page 116, of the definition of "unemployment". He had no observations to make on this interpretation, but noted in paragraph 3 on the same page the statement that "statistics of unemployment must depend upon registration; and registration is ineffective without inducements to register". Was the Administration contemplating the creation of such inducements to register, as, for example, by a system of unemployment insurance or relief?

Mr. TRUSTED said that no such inducement had yet been created. A system of unemployment insurance was not under consideration.

Lord LUGARD said that there was a reference in paragraphs 17 and 18, page 119 of the report, to Arab trade unions and the policy of the General Federation of Jewish Labour in regard to such unions. What was the policy of the Administration? Did it encourage co-operation between Arabs and Jews in the matter of trade unions?

Mr. TRUSTED replied that the Administration certainly did nothing to discourage such co-operation, but encouragement was hardly a practical policy at the present juncture.

Lord LUGARD said that it would appear from paragraph 25, page 121, that the Labour Legislation Committee was a permanent body. Was that so? How was it composed in particular? Were employers and workers represented?

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<sup>1</sup> For further details concerning the discussion on equality of languages, see Annex 7.

Mr. TRUSTED said that it was not permanent, but that it would continue to sit for some indefinite time. All its representatives were appointed by the High Commissioner, who endeavoured to secure the representation of all sections of the community and interests.

Lord LUGARD asked, with regard to the specialist officer mentioned in paragraph 27 (page 121), whether it was contemplated that this officer would have a staff of labour inspectors or would only co-ordinate the work of the persons appointed to supervise the application of the ordinances mentioned in paragraph 29.

Mr. TRUSTED replied that his first task would be to co-ordinate, and that he might be provided with inspectors later.

Lord LUGARD said that paragraph 30, page 122, gave reasons for the postponement of a decision regarding the introduction of a compulsory weekly day of rest. It was not clear, however, why it should have been decided to await the results of the use by municipalities of their powers to fix closing hours for shops—a matter which was usually dealt with separately as presenting more difficulties than weekly rests in industry. Could the accredited representative give any explanation of this policy?

Mr. TRUSTED said that the whole question was of extreme difficulty in Palestine, where the Christian day of rest was Sunday, the Jewish day Saturday, and the Moslem day Friday. Many Moslems, however, objected to shutting their shops on a Friday. The Government was considering how it could obtain unanimous consent for the working of some system. The matter had for the moment been left to the municipalities, because conditions were different in different municipalities. The High Commissioner had felt that it was preferable first to see how by-laws would work : an ordinance could be promulgated later.

Lord LUGARD asked, in connection with paragraph 31 (page 122), whether the accredited representative could explain why persons employed in public utility services should be excluded from the enjoyment of a weekly rest. Such persons could not be given a weekly rest on the same day, but could they not be granted a rest day in rotation?

Mr. TRUSTED said that the answer to the last question was in the affirmative, and, in fact, such arrangements were made in practice. It had never been the intention of the Administration to deprive these persons of a weekly rest.

Lord LUGARD said Mr. Weaver had noted with much interest the new ordinance regarding the employment of women and children. He supposed that its effectiveness would depend to a large extent on the efficacy of inspection.

Mr. TRUSTED said that, as this ordinance had only been in operation for a very short time, he could not give any information regarding the results achieved. That information would be contained in a later report.

Lord LUGARD asked whether the concessions granted to the unclassified personnel of the railways and Government Departments (paragraph 35, page 123 of the report) had given satisfaction to the classes of workers concerned and allayed discontent.

Mr. TRUSTED said that the concessions had allayed discontent for the time being. The question was still a recent one and might call for further consideration.

Lord LUGARD noted that no reference had been made in the report to the fate of the draft Masters and Servants Ordinance, which had been published in May 1935. Had the ordinance been enacted?

Mr. TRUSTED replied that it had not been enacted. It had been subjected to very considerable criticism. It remained in the shape of a Bill, but had not been enacted as an ordinance.

Lord LUGARD said that Mr. Weaver had been very interested in the explanations given by the accredited representative in his opening statement<sup>1</sup> on the new policy of the Administration regarding employment of Arab and Jewish labour on public works. Had the accredited representative any reason to believe that this arrangement would settle the vexed question of the proportional employment of Jewish labour?

Mr. TRUSTED said that he could not hazard an opinion, but he hoped that the suggestion would overcome this difficulty.

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<sup>1</sup> See page 62.



Lord LUGARD said that Mr. Weaver had read with great interest the draft of an amended Workmen's Compensation Ordinance, and had been very glad to note that it introduced substantial improvements in various respects. The provisions explained in sub-paragraph *h* of the statement of objects and reasons, however, seemed to be less advantageous than the provisions of the 1927 Ordinance. He had heard that the substitution of a five years' annuity for a life annuity in cases of permanent incapacity, if based on the full amount of compensation, was entirely inadequate in the case of young men. Modern legislation generally related the duration of the annuity to the age of the incapacitated workman, in order to avoid injustice. Could the accredited representative say why this provision had been inserted in the draft ordinance ?

Mr. TRUSTED said that he was unable to deal fully with this question at the present meeting. The method of computation was based on a rather complicated system, and contemplated a higher amount for a shorter period. The Committee had evidently thought that this system would be a reasonable one. He did not think that the ordinance had already been passed. He would, however, communicate with the Government on this point.

Lord LUGARD had seen in the *Palestine Post* of February 7th a notice to the effect that the Bedouins in the neighbourhood of Beersheba were asking for assistance in the matter of wells, pumping-stations, etc. Were the bedouins employable on heavy labour ?

Mr. TRUSTED replied that there had been some boring in the Beersheba area, but there were many demands upon the plant. Bedouins were employed together with other labour ; they were capable of heavy work and had been employed on the construction of the pipe-line.

#### LIQUOR AND DRUGS.

Count DE PENHA GARCIA noted that production of liquor had increased and that the number of persons sentenced was also greater, though nothing unusual as compared with the total population. He noted that a new ordinance had been passed (paragraph 5, page 127 of the report). Could the accredited representative state what were the main lines and object of this ordinance ?

Mr. TRUSTED replied that the Intoxicating Liquor Ordinance consolidated and amended the general liquor laws of Palestine, under which licences for the sale of intoxicating liquor could be granted. Any person applying for a licence had to obtain a certificate from the Board attesting that he was a suitable person and that his premises were also suitable from the police and health points of view and that the granting of such a licence was in accordance with the needs of the locality. The general aim of the ordinance was to strengthen Government control.

Count DE PENHA GARCIA noted that there had been a certain number of cases of falsification of liquor for export. Did such falsification take place on a large scale and in respect of well-known brands of alcoholic beverages and spirits ?

Mr. TRUSTED said that the required information would be given in the next report.

Count DE PENHA GARCIA said that he asked this question particularly as, in certain countries, the law protected appellation marks or brands.

Mr. TRUSTED said that this question would not be overlooked.

Count DE PENHA GARCIA noted that, from the facts given on page 131 of the report, it might be deduced that there was still some transit traffic in opium and hashish. He would be glad if additional information could be given in the next report. Was the ordinance for the application to Palestine of the 1931 Limitation Convention now in force ?

Mr. TRUSTED replied in the affirmative.

#### EDUCATION.

Mlle. DANNEVIG said that the Zionist authorities found great difficulty in dealing with the increasing number of children of immigrants and were not satisfied with the lump sum given to them by the Government. The figure of this sum seemed to be different in different parts of the report (page 32, £P38,000 ; page 133, £P32,000, and page 139, £P28,000). The Government and the Jewish Agency seemed to differ as to the manner of computing this sum. She hoped

that it might be possible for the two parties concerned to reach an agreement on this subject in the near future.

With regard to Arab educational requirements, she regretted to note that 42% of the applicants at Government schools were refused (paragraph 11, page 136 of the report). Now that there was such a large surplus of revenue, would it not be possible to spend more money on Arab education and consequently on Jewish education, the latter increase following automatically on the former? Both classes of the population were very anxious to get greater education facilities. It was stated in the House of Commons on July 11th, 1935, that 75% of the Arab children did not go to school because there was no school accommodation for them. She had obtained much useful information from the special annual report on education and would be grateful if such reports could be sent to her.

Mr. EVANS replied that, as regards the contribution to Jewish education, the first sum was the amount paid in the financial year 1936; the second sum was the amount paid in the school year 1934-35, and the third was the sum provided in the Vaad Leumi estimates for that year. As regards Arab education, the claims of other Government services had to be taken into account in deciding what amount should be spent on education and it had also to be remembered that the recurrent cost of the existing system would grow as time went on. It was, however, the policy of the Government to increase the number of Arab schools, and this increase would, as Mlle. Dannevig had observed, automatically affect the amount devoted to Jewish schools. Another of the difficulties was the creation of an adequate supply of teachers. The increase of the number of schools depended on a larger supply of teachers being forthcoming.

Mlle. DANNEVIG reverted to her question concerning the method of calculating the lump sum granted to the Jewish Agency for education. Did not the accredited representative think it fair to find some other way of calculation than that at present followed?

Mr. EVANS said that the present arrangement was based on the expenditure of the last complete year. In future, it would be based on the expenditure for the year in which the grant was made. This would result in a larger contribution than had been made in the past.

Lord LUGARD asked whether it was not a fact that the Near East Foundation had given large grants towards the training of village teachers. Had those grants now been discontinued?

Mr. EVANS said that certain grants had been made by the Foundation. They had mainly been used to cover the cost of classes at the Tulkarm agricultural school for the training of rural teachers. These grants had not been discontinued. The rate at which rural teachers were being trained was not unsatisfactory.

Mlle. DANNEVIG noted that, whereas the number of Arab women teachers in Trans-Jordan appeared to be satisfactory, there seemed to be great difficulty in training enough of such teachers in Palestine.

Mr. EVANS thought that Mr. Kirkbride, in dealing with this matter,<sup>1</sup> was referring to town schools. The difficulty experienced in Palestine was not in obtaining women teachers for the towns but for the village schools.

Lord LUGARD understood that there was a tendency to discontinue secondary education in Arab rural areas and to send a number of selected pupils to the Arab college at Jerusalem.

Mr. EVANS replied that there was no provision for secondary education in villages. Most of the pupils in those areas did not desire secondary education. When any child did so, he would normally attend the secondary school in the nearest town. There had been no alteration in the Government policy concerning the number of secondary schools, but he believed it was proposed to introduce certain changes in the curricula of some of the classes with a view to giving a vocational rather than a purely academic training. An Arab trade school would shortly be opened at Haifa.

Mlle. DANNEVIG noted the grant-in-aid given to the building of Government schools for the benefit of the Arabs (page 133). Would corresponding assistance be given to the Jews?

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<sup>1</sup> See page 92.



Mr. EVANS pointed out that the present arrangements did not provide for direct grants for the building of Jewish schools. It was true that the new schools which the Government was building would be to the advantage mainly of the Arab population, but, in future, capital expenditure on Arab education would be taken into account in assessing the subvention to the Jewish system.

Lord LUGARD asked whether the system for adjudicating the grants-in-aid proposed by the Colonial Office Advisory Committee for education had been adopted in Palestine.

Mr. EVANS replied in the negative. The Administration preferred to adhere to the present system.

In reply to a further question by Mlle. Dannevig, Mr. Evans agreed that the existing system was inadequate to provide educational facilities for all Arab children of school age.

M. SAKENOBÉ supposed that in many cases when children were unable to attend Government schools they were admitted to other schools.

Mr. EVANS replied in the affirmative.

Lord LUGARD asked whether Jewish schools which received grants from the Palestine Educational Department were liable to inspection and had their text-books approved.

Mr. EVANS replied in the affirmative. They were inspected by Jewish inspectors who were Government officials. The schools were also inspected by their own inspectors.

Lord LUGARD asked whether the establishment of an Arab college in Jerusalem had been welcomed by the Arabs. Would the education given therein come up to university standard? Was it cordially supported by leading Arabs?

Mr. EVANS replied that the Arabs certainly welcomed this school, which was the senior school in Palestine for Arab education. The standard of education was not up to university standard. Its main purpose was to train teachers. It might eventually rise to university college standard.

Lord LUGARD asked whether the creation of this college had tended to popularise the Administration amongst the Arabs.

Mr. EVANS replied that the object of the college was primarily education, and he thought it had no appreciable effect on political feeling.

In answer to a question by Mlle. Dannevig, Mr. Evans said that the Education Committees for which provision was made in the Education Ordinance of 1933 were mainly concerned with the provision of educational facilities. They exercised no control over curricula. Both Arabs and Jews served on those Committees.

#### CINEMATOGRAPH : BROADCASTING.

Lord LUGARD asked whether any experiments had been made with the travelling cinema, with films for instruction in health, sanitation, etc.

Mr. EVANS replied that the Near East Foundation had operated one such cinema in the villages. It had been well received by the audiences, which were, of course, admitted free of charge. He was not aware of any proposal to develop this system.

In reply to a further question by Lord Lugard, he said that a broadcasting service had been established. Programmes were broadcast from Jerusalem in English, Arabic and Hebrew.

#### PUBLIC HEALTH : PETITION FROM DR. TAMINI.

COUNT DE PENHA GARCIA thanked the mandatory Power for the very full information given in the report (pages 148 *et seq.*). He noted a considerable decrease in the incidence of infectious disease. This decrease had been accompanied by a great increase in the number of doctors, which had nearly doubled since 1933 (page 153 of the report). Did the accredited representative think there could be any connection between these facts?

Mr. TRUSTED said that no connection had previously been suggested, but it would seem not unreasonable to suppose that there might be some connection.

Count DE PENHA GARCIA said he asked this question because there had been a complaint by Arab practitioners concerning the enormous increase in the number of medical practitioners throughout Palestine. If the increase in the number of doctors had been in any way instrumental in reducing the incidence of disease, the increase, though undesirable from certain economic standpoints, might not prove to be an entirely unmitigated ill.

Mr. TRUSTED said that there was a point of saturation at which doctors would be obliged to accept such low fees that they would be forced to engage in some other activities in order to earn a living. He did not think that such a situation would be at all desirable.

Count DE PENHA GARCIA asked whether the plan for combating tuberculosis had now been put into operation (page 148 of the report).

Mr. TRUSTED replied that the scheme had already been tried in Trans-Jordan and would shortly be applied to Palestine.

#### PUBLIC FINANCE.

M. RAPPAARD noted the continued prosperity of the territory and the appreciable increase in revenue, which had risen from £P3,000,000 to £P5,000,000 (paragraph 3, page 167 of the report). There had also been an increase in the number of investments. Nevertheless, the reserves accumulated in the territory did not yet equal the debt. Moreover, those reserves were invested less advantageously. Therefore the interest received by the territory was less than the interest it had to pay out. Would it not be possible, in connection with the interest on the 5% Loan, to strike a balance by investing the surplus in that loan? Or was not some measure of conversion possible?

Mr. TRUSTED said that the Palestine 5% Loan stood appreciably above par—at about 115, he thought. It would be impossible to invest in this loan without paying a premium. He did not think there was any possibility of conversion for the present.

Mlle. DANNEVIG noted that most of the surpluses accruing to the territory were invested outside the country and mainly in colonial loans (page 207 of the report).

Mr. TRUSTED explained that there was no possibility for the moment of investing them on similar terms in Palestine itself. It was of benefit to Palestine to possess certain outside securities. Money could, of course, be spent in the country, but, if it were to be invested, the Administration felt that it was better to obtain the widest measure of security possible.

#### GERMAN IMMIGRATION.

M. RAPPAARD drew attention to the following statement on page 215, paragraph 4, of the report :

“ During that period, 20,784 *German citizens* entered, but to these must be added a number of *Jews of German* and other citizenship who formerly resided in Germany ”.

This text seemed to imply that the 20,784 German citizens who had entered the country were not Jews. Could the accredited representative explain this?

Mr. TRUSTED said he could not at the moment explain the statement; he thought there must be some misunderstanding.

#### CLOSE OF THE HEARING.

The CHAIRMAN said that, owing to circumstances, the examination of the report on Palestine had that year been fraught with peculiar difficulties. Obviously—and it could hardly have been otherwise—the events at present occurring in Palestine, and which had been excluded from the discussion, were constantly present in the minds of the members of the Commission.

The Commission had realised the delicate position of the accredited representatives. The latter, for their part, would certainly have understood the legitimate desire of the Commission to receive information as soon as possible concerning the situation created by the present regrettable circumstances.

He felt that he was interpreting the views of all his colleagues in saying that the Commission had appreciated the way in which the accredited representatives had collaborated in the examination of the report.



## NINETEENTH MEETING.

*Held on Wednesday, June 10th, 1936, at 10.30 a.m.*

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### **Nauru : Observations of the Commission.**

After an exchange of views, *the Commission adopted the text of its observations concerning Nauru (Annex 26).*

### **New Guinea : Observations of the Commission.**

The Commission began the examination of its draft observations concerning New Guinea. *It decided to continue this examination at a later meeting.*

### **Tanganyika : Observations of the Commission.**

M. ORTS, in accordance with the attitude he had adopted on the question of "closer union,"<sup>1</sup> made a reservation as to the advisability of observation on this matter.

After an exchange of views, *the Commission adopted the text of its observations concerning Tanganyika (Annex 26).*

### **Trans-Jordan : Observations of the Commission.**

After an exchange of views, *the Commission adopted the text of its observations on Trans-Jordan (Annex 26).*

### **Question of the Transmission to the Council of a General Observation concerning Palestine.**

The CHAIRMAN thought the Commission should consider whether a text should be drawn up explaining to the Council the position in which it had been placed owing to the disturbances in Palestine. He proposed that M. Orts and M. Rappard should be asked to draw up this text, which, if adopted, would be submitted to the Council at its June session, independently of the rest of the report, which would only be examined at the September session.

After an exchange of views, *the Commission decided to discuss the Chairman's proposal, after M. Orts and M. Rappard had submitted a text.*

### **Syria and Lebanon : Petition, dated October 15th, 1935, from M. F. Jourdain, President of the "Ligue française contre l'impérialisme et l'oppression coloniale", Paris (continuation).**

At the request of M. Orts, Rapporteur, *the Commission decided to adjourn the examination of this petition to the next session, the accredited representative of the mandatory Power having promised to furnish additional information.*

### **Cameroons under French Mandate : Petition, dated November 3rd, 1935, from M. Albert Ganne, Vaux (Creuse, France).**

At the request of M. Rappard, Rapporteur, *the Commission decided to adjourn the examination of this petition to its next session, in order to obtain additional information from the accredited representative of the mandatory Power.*

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<sup>1</sup> See Minutes of the Twenty-third Session of the Commission, pages 189 and 190.

TWENTIETH MEETING.

*Held on Wednesday, June 10th, 1936, at 4 p.m.*

**South West Africa : Observations of the Commission.**

After an exchange of views, *the Commission adopted the text of its observations concerning South West Africa* (Annex 26).

**Syria and Lebanon : Petition, dated October 18th, 1935, from M. Majeh Sabgha and Other Members of the " Comité exécutif de la jeunesse nationale ", Latakia.**

M. ORTS explained that this was not so much a petition in the ordinary sense of the term as a protest concerning Italian aggression against Ethiopia, addressed to the High Commissioner of the French Republic in Syria, with a request that he should bring it to the notice of his Government and also of the League of Nations. The covering note of the mandatory Power did not contain any observations that were in direct relationship with the contents of the document. As the latter concerned an event unconnected with the exercise of the mandate, he thought that this was not a matter with which the Commission could deal. In conformity with the Commission's decision of October 28th, 1933,<sup>1</sup> he proposed therefore that it be regarded as inadmissible.

*M. Orts' proposal was adopted* (see Annex 26).

**Syria and Lebanon : Petitions (Five in Number), dated respectively January 2nd, 10th and 11th, 1936, regarding the Incidents which occurred on the Occasion of the Ceremonies held in Memory of Ibrahim Hanano.**

After an exchange of views, *the Commission adopted the conclusions of M. Orts' report* (Annex 21).

**Syria and Lebanon: Petition, undated, from M. Toufik El-Kabani, M. Hani El-Jelad and Other Signatories, Damascus, relating to the Suspension of the Newspaper " Al Ayam ".**

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report* (Annex 19).

**Syria and Lebanon : Petitions, dated July 3rd and December 13th, 1935, from M. Sami Slim, Borj el Barajné (continuation).**

After an exchange of views, *the Commission adopted the conclusions of M. Sakenobe's report* (Annex 20).

**Syria and Lebanon: Petition, dated September 20th, 1934, from M. Philippe Zalzal, Beirut (continuation).**

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report* (Annex 17).

**Palestine and Trans-Jordan : Petition, dated May 13th, 1935 (with Four Annexes), from M. E. Karwassarsky, Tel-Aviv (continuation).**

After an exchange of views, *the Commission adopted the conclusions of Baron van Asbeck's report* (Annex 9).

**Palestine and Trans-Jordan : Petition, dated July 7th, 1935, from M. Ali Hassan el Yafawi, Haifa.**

After an exchange of views, *the Commission adopted the conclusions of M. Sakenobe's report* (Annex 12).

<sup>1</sup> See Minutes of the Twenty-fourth Session of the Commission, page 69.



**Tanganyika : Petitions, dated June 9th, July 30th and October 15th, 1935, from Mr. M. J. Fortie, Washington (continuation).**

After an exchange of views, *the Commission adopted the conclusions of Baron van Asbeck's report (Annex 24).*

**New Guinea : Petition, dated November 13th, 1935, from Mr. R. Bridgeman, International Secretary of the League against Imperialism and for National Independence, London (continuation).**

After an exchange of views, *the Commission adopted the conclusions of Lord Lugard's report (Annex 25).*

**New Guinea : Observations of the Commission (continuation).**

After an exchange of views, *the Commission adopted the text of its observations concerning New Guinea (Annex 26).*

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## TWENTY-FIRST MEETING.

*Held on Thursday, June 11th, 1936, at 10.30 a.m.*

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**Palestine and Trans-Jordan : Petition, dated May 24th, 1935, from the Council Waad Adath Ashkenazim of Jerusalem (continuation).**

After an exchange of views, *the Commission adopted the conclusions of M. Rappard's report (Annex 10).*

**Syria and Lebanon : Observations of the Commission.**

### GENERAL OBSERVATIONS.

M. PALACIOS objected to the greater part of the draft general observations on Syria. He did not consider that their general purport corresponded to what, in his opinion, should be the Commission's observations to the Council regarding the present state of the relations between that territory and the mandatory Power. For perhaps the first time since the latter had been giving an account of its stewardship, it had informed the Commission that its conversations with the authorised representatives of the Nationalist opposition had made it possible to ascertain the exact attitude of public opinion on a number of points, and that as a result the former tension had been genuinely relaxed. M. Palacios considered that the Commission should express its satisfaction at those developments and also at the resultant preparations for the conclusion of a treaty.

As regards what was said in the paragraph on the subject of the minorities, all the guarantees for whose protection were, to his mind, weak, M. Palacios agreed to the draft observation on condition that certain requirements, which in practice went beyond those provided for by the laws and customs of the other States Members of the League of Nations, could not be used as a pretext for disregarding aspirations to the independence to which, under Article 22 of the Covenant, the peoples placed under A mandates were particularly entitled as soon as they were sufficiently mature to stand alone.

Provided these reservations were recorded in the Minutes, M. Palacios was prepared to accept the text adopted unanimously by his colleagues.

After an exchange of views, *the Commission adopted the text of its general observations concerning Syria and Lebanon (Annex 26).*

### SPECIAL OBSERVATIONS.

The Commission began its examination of this part of its draft observations concerning Syria and Lebanon.

*It decided to continue this examination at a later meeting.*

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TWENTY-SECOND MEETING.

*Held on Thursday, June 11th, 1936, at 4 p.m.*

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**Syria and Lebanon : Observations of the Commission (continuation).**

**SPECIAL OBSERVATIONS (continuation).**

After an exchange of views, *the Commission adopted the text of its special observations concerning Syria and Lebanon (Annex 26).*

**Measures adopted by the Co-ordination Committee and the Committee of Eighteen under Article 16 of the Covenant : Question of their Application in the Territories under Mandate.**

The CHAIRMAN, speaking as a member of the Commission, first drew attention to the terms of Article 22, paragraph 9, of the Covenant :

“ 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.”

He ventured to draw the Commission's attention to the question of the application of sanctions in the mandated territories. He considered that this question was within the competence of the Mandates Commission. In his opinion, it had two different aspects—a strictly legal aspect and an aspect bearing upon the principles of the mandate.

The application of sanctions was not the subject of a decision by a League body—namely, the Council or the Assembly.

Everyone was aware that it was left to each State Member to determine to what extent, if any, and by what means it wished to apply them. He did not need to remind the Commission that the Committee of Eighteen was merely a co-ordinating body between the States which had thought fit to apply sanctions, and was accordingly not a League body.

The mandates system was an international system of a special character and consequently the territories subject to that system must be guaranteed an existence under which they could benefit only from the advantages of peace. He would mention one striking example, that of a territory subject to a special international regime—Morocco. In her legal wisdom, France had not felt able to apply sanctions there.

The obligations of the mandatory Powers as well as the rights of States Members were established either by the Covenant or by the texts of the mandates approved by formal Council decisions.

One of the obligations of the mandatory Powers provided that there should be economic equality in A and B mandates in respect of all States Members without distinction. As far as the Marquis Theodoli was aware, no decision had been taken by any collective and competent League body which would modify this economic equality clause and thus authorise the application of sanctions in the mandated territories, thereby discriminating against a State Member of the League.

When considering the administration of the mandatory Powers, the fundamental concern of the Mandates Commission had always been the interest of the mandated territories. Their interest had always been, as it were, the test applied by the Commission in forming a judgment. Their interest was the foundation of the institution of mandates, and they must not be allowed to suffer on account of considerations of any other kind. The economic aspect of their interest was clear. The mandated territories had regular and expanding economic relations with the country upon which sanctions had been imposed, and there was no doubt that, from the economic aspect, those territories had suffered from the application of sanctions. This had been brought to the notice of the Commission during the examination of the annual report for South West Africa. In addition, the application of sanctions in the mandated territories affected their interests, in his opinion, from a more important point of view.

It was not out of place to point out that sanctions were based on Article 16 of the Covenant, which provided for a number of measures to prevent or put an end to a state of war. The Commission was well aware that those measures even went so far as the accomplishment of acts of war. Accordingly, the application of sanctions in the mandated territories must be considered as involving those territories in all the measures laid down in Article 16 without distinction.

It should therefore be considered whether the legal status of the mandate as a whole entitled the mandatory Power to make those territories participate in international entanglements of which it might sometimes be possible to see the beginning but not the consequences.

That the representation of the interests of the mandated territories abroad and the management of the affairs of those countries had been entrusted to the mandatory Powers



could not be taken to mean that the latter were empowered to identify the lot of such territories, the status of which was specially laid down in the mandates and in Article 22 of the Covenant, with the lot of the mandatory Power.

As the Commission was aware, mandated territories were not members of the League of Nations and the rights and obligations arising out of the Covenant could only be applied to them, therefore, in so far as they were specifically mentioned in the charters. Those countries could not, under any circumstances, be put on the same footing as the colonies of the Powers to whom they had been entrusted.

It was, on the contrary, a special international status which regulated the existence of those territories with a view—at any rate as regards some of them—to fitting them for complete independence.

Once again, it was hardly possible to depart, in considering the public law of those territories, from the letter and the fundamental and special provisions applicable to them—Article 22 of the Covenant, and the special charters of each territory.

The Chairman added that the Mandates Commission had always—and rightly—been regarded as competent to examine all questions concerning the mandated territories. It was therefore entitled to raise the problem of the application in those territories of sanctions against a State Member, because their application was, in fact, prejudicial to the interests of the territories.

He asked his colleagues to be good enough to express their views on his statement.

COUNT DE PENHA GARCIA asked the Chairman what action he would like the Commission to take on his observations. Had he merely desired to draw the Commission's attention to the problem?

THE CHAIRMAN replied that he would like the Commission to decide first that it was competent to discuss the matter.

COUNT DE PENHA GARCIA thought the Commission was competent, but did not wish to express any view as regards procedure or the expediency of such a discussion.

THE CHAIRMAN said that, if that were agreed, it would be for the Commission to say whether it wanted to draw the Council's attention to the matter, to express an opinion, and so on.

M. MANCERON pointed out that, when a question had been raised by the accredited representative of Japan in the previous year, the Commission had asked whether the Council wished it to study and reply to the question.<sup>1</sup> There seemed to be no reason why the Commission should not take up a like attitude in the present instance, which was in some respects similar to this precedent.

As regarded the Commission's competence, he readily admitted that there could be no doubt that the Commission was competent to deal with the question raised by the Chairman.

M. PALACIOS said the question the Marquis Theodoli had raised was a delicate and serious one, which, as regards the colonies, had existed for a long time in a general form. That problem had already given rise to anxiety during the negotiations which had led up to the Berlin Conference of 1885, and, as a result, the Congo Act, long regarded as authoritative on colonial questions, contained an article according to which the African colonies were to be kept out of any wars waged between the home countries. So essential was this considered to be that, at the beginning of the great war, Germany and Belgium took the necessary steps to ensure that their large colonies should enjoy neutrality. That was a matter of history. M. Palacios thought therefore that this problem was obviously worthy of study by the Mandates Commission, in connection with the application of sanctions to the mandated territories.

With regard to the substance of the question, he could not say immediately whether he was or was not in agreement with the Italian member of the Commission. He was not prepared at the moment to deal with the question. Indeed, he felt doubts, which he thought justified, concerning a great many of the arguments which had been adduced.

As regarded procedure, M. Palacios held that the Mandates Commission was undoubtedly under the authority of the Council, being one of its advisory bodies, though permanent in character, and that, like the Council, it was constituted under the Covenant itself. It was therefore its right and its duty to draw the attention of the Council, on its own initiative, to any questions it held to be of sufficient importance, provided they related to the practical application and the spirit of the mandates and that they were raised in a regular manner. Nevertheless, on grounds of expediency, the Commission might perhaps follow the procedure it had adopted in the case of Japan, which M. Manceron had recalled.

To sum up, in M. Palacios' view, the Commission, confronted by this problem, could not refrain from dealing with it. The questions when, how and in what manner would transpire from the discussion. M. Palacios would like therefore to hear the views of his colleagues on these points and, indeed, before expressing any personal opinion, to enquire very fully into the question.

The Marquis Theodoli vacated the Chair in favour of M. Orts, Vice-Chairman.

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<sup>1</sup> See Minutes of the Twenty-eighth Session of the Commission, page 198.



M. SAKENOBE, referring to the Marquis Theodoli's first point—namely, the competence of the Co-ordination Committee and the Committee of Eighteen—doubted whether it was for the Mandates Commission to settle the question whether these bodies were competent to reach decisions applying to the mandated territories.

On the other hand, his second point, concerning the principle of economic equality, was undoubtedly within the Commission's competence. The question was whether a decision reached by the Co-ordination Committee or the Committee of Eighteen to apply sanctions to a State Member could be extended to mandated territories, when the mandate itself required the Mandatory to respect the principle of economic equality between all Members of the League in the territory placed under its tutelage. Neither the League Covenant nor the mandates contained any provision governing the relations between a Power against which sanctions had been taken and a mandated territory, and it was the Commission's duty to make good this deficiency.

As to the Marquis Theodoli's third point, concerning the interests of the territories, M. Sakenobe pointed out that they had always been the Commission's main concern. It might be maintained that, in extending the application of sanctions to the mandated territories, the mandatory Power had acted in the interests of the territory, because sanctions were decreed to prevent war which might harm a mandated territory like the rest of the world, and the extension of their application to the mandated territories might make them more effective. At any rate, that was a point for discussion; the question was within the Commission's competence.

The fourth point touched on by the Marquis Theodoli concerned the moral duty of the mandatory Powers to protect the mandated territories from international complications. It was difficult to say to what extent this duty was involved. Perhaps that was one of those political questions the Commission had always avoided.

As regards procedure more especially, M. Sakenobe observed that the present session was coming to an end, that it would be somewhat difficult at the present time to broach a question the discussion of which might at any moment become so wide in scope that it would exceed the Commission's competence.

Regarding one question raised by the Marquis Theodoli, he explained his views as to the Co-ordination Committee. That Committee, as the Marquis Theodoli had said, was perhaps not a League body, but could it be said that the Commission itself had always acted strictly within the framework of the League? Moreover, did not the lack of any precedent make it extremely difficult to apply Article 16? It would perhaps be somewhat difficult in principle to maintain that the Co-ordination Committee or the Committee of Eighteen were not League bodies. However, even if they were admitted to be League bodies, he doubted whether their decision for sanctions could be automatically extended to the mandated territories, without stating specifically that it should be so extended.

M. RAPPARD had not the slightest doubt as to the reply to the Marquis Theodoli's question. Article 16, paragraph 1, stipulated that :

“Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.”

But the League had recognised that the State Member concerned had resorted to war in disregard of its covenants under Articles 12, 13 or 15. If paragraph 1 of Article 16 of the Covenant were interpreted literally, all intercourse between a covenant-breaking State and its nationals on the one hand and the other Members of the League and their nationals on the other would, even where such intercourse between the respective nationals was of a personal character, be severed. The very organisations of the League of Nations, for instance, could not even have Italian collaborators! In fact, Article 16 had not been interpreted so strictly, and, since 1921, the Assembly had adopted a number of resolutions as to the application of Article 16 which, while not ratified by the States Members of the League, were nevertheless not without some value.

In any event, Article 16 was in force, even if its effects were diminished by the 1921 resolutions and by League practice. If Article 16 imposed on a State Member the obligation—and in any event conferred on it the right—to break off relations with another State Member that had resorted to war contrary to its covenants under Articles 12, 13 or 15, it was obvious that the mandated territories, which were administered on behalf of the League, could not be excluded from the application of sanctions. It would be inconceivable that States Members of the League which had entered into so formal an undertaking as Article 16 of the Covenant should—or even could—wish to render it ineffective by agreeing to leave gaps in the closely woven network of sanctions.

It was to the interest of the mandated territories, the colonies and, generally speaking, all weak countries that peace should be preserved. But that was the fundamental aim of the League, and Article 16 of the Covenant, endorsing the principle of collective security, was



an indispensable part of it. Consequently, the League could have no hesitation in approving the extension of the proposals of the Co-ordination Committee and the Committee of Eighteen to the mandated territories.

Lord LUGARD said that, in his opinion, there was no doubt that, if, as the result of a Council or Assembly decision, a Member of the League was condemned as an "aggressor" and sanctions were put into operation, they must be applied in the colonies and mandated territories, otherwise the object of the sanctions would be nullified.

He would be quite prepared to support M. Manceron's proposal as to procedure, provided the whole of the discussion which had taken place was recorded in the Minutes.

Baron VAN ASBECK agreed with those members who were entirely of opinion that the Commission was competent to discuss the question the Italian member had raised. Nevertheless, he thought that, for the sake of clearness, he should draw attention to two differences between the present case and that mentioned by M. Manceron.

In the first place, these cases had a different origin. The Japanese note had been handed in by the accredited representative on behalf of his Government. It constituted a reply to observations made by the Mandates Commission at the close of its twenty-seventh session, and was, moreover, addressed rather to the Council than to the Commission. The Commission had merely served as a letterbox. In the present case, on the other hand, the observations had been made by a member of the Commission. He had made them during a meeting in his own name.

The second difference concerned the substance of the matter. The Japanese note described facts foreign to the mandate itself, retraced the events of 1919 and brought to the forefront the interests of the Allied and Associated Powers, whereas the Marquis Theodoli's observations bore directly on the mandated territories and advanced arguments based on the interests of those territories.

He did not object to M. Manceron's proposal, but did not think it should be based on the precedent of the previous year.

M. DE HALLER wondered whether the Commission should not, before continuing the debate, decide that the question was added to the agenda of the session, in conformity with rule 6, paragraph 2, of its Rules of Procedure.<sup>1</sup>

After an exchange of views, *the Commission decided to suspend the discussion.*

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## TWENTY-THIRD MEETING.

*Held on Friday, June 12th, 1936, at 10 a.m.*

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### **Measures adopted by the Co-ordination Committee and the Committee of Eighteen under Article 16 of the Covenant : Question of their Application in Territories under Mandate (continuation).**

M. ORTS made the following statement :

At the close of the somewhat confused discussion at the last meeting on the question whether sanctions could be applied in mandated territories, my colleagues had expressed the view that the debate that had developed out of the Chairman's action ought to be recorded in full in the Minutes. For my own part, I should like to say that I hope the Minutes will be so worded as to make it perfectly clear that, when the Chair had been unexpectedly thrust upon me, the debate was already in progress, so that I was not in a position to adjourn it immediately.

I am rather anxious that no reader of the Minutes should have the impression that I promoted a discussion which I regarded as unfortunate, coming as it did at the end of the session, when members of the Commission could not have foreseen it, since it was not on the agenda.

The question raised is not one on which the Commission could be expected to pronounce an opinion without previous study. It is particularly deserving of mature consideration, because the circumstances of the moment might have lent to the Mandates Commission's opinion the appearance of an intrusion into the field of international politics.

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<sup>1</sup> Text of rule 6, paragraph 2, of the Rules of Procedure of the Commission :

"The Commission may decide, during the course of a session, by a two-thirds majority of the members present, to add any question to the agenda."

**Palestine and Trans-Jordan: Petition, dated April 24th, 1936, from Dr. R. Tamini, Secretary of the National Medical Association, Haifa (continuation).**

After an exchange of views, *the Commission adopted the conclusions of M. Manceron's report (annex II).* . . . . .

**Palestine and Trans-Jordan: Letter, dated April 30th, 1936, from the President of the Jewish Agency for Palestine, accompanying a Memorandum on the Development of the Jewish National Home in Palestine in the Year 1935 (continuation).**

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report (Annex 13).*

**Palestine and Trans-Jordan: Petitions, dated May 11th, 1934, and May 19th, 1935, from M. Israel Amikam, Haifa (continuation).**

After an exchange of views, *the Commission adopted the conclusions of Baron van Asbeck's report (Annex 7).*

**Palestine and Trans-Jordan: Petitions, dated September 19th and 24th, 1935, from M. Emir Chekib Arslan, Geneva.**

After an exchange of views, *the Commission adopted the conclusions of M. Orts' report (Annex 8).*

**Syria and Lebanon: Petitions (Ninety-eight in Number, in Six Categories) relating to Syrian Unity (continuation).**

After an exchange of views, *the Commission adopted the conclusions of M. Rappard's report (Annex 23).*

**Syria and Lebanon: Petition, dated August 21st, 1935, from Mr. Joseph Fadel, Secretary of the Syrian Lebanon American Society of New Jersey, U.S.A.**

After an exchange of views, *the Commission adopted the conclusions of M. Orts' report (Annex 16).*

**Syria and Lebanon: Petitions, dated November 7th and 11th, 1935, and January 22nd, 1936, from M. Soubhi Bey Berekat, Damascus.**

After an exchange of views, *the Commission adopted the conclusions of M. Rappard's report (Annex 18).*

**Syria and Lebanon: Petitions regarding the Measures taken in Syria in January and February 1936.**

After an exchange of views, *the Commission adopted the conclusions of M. Orts' report (Annex 22).*

**Syria and Lebanon: Petition (Undated) from M. A. Sarmini and Other Members of the "Comité exécutif des Wakfs", Aleppo (continuation).**

After an exchange of views, *the Commission adopted the conclusions of M. Palacios' report (Annex 15).*

**Syria and Lebanon: Petitions concerning the Administration of the Moslem Waqfs, submitted on October 20th and September 11th, 1935, by Me. Ghafour Al Msouty.**

After an exchange of views, *the Commission adopted the conclusions of M. Palacios' report (Annex 14).*

**Petitions rejected in virtue of Article 3 of the Rules of Procedure in respect of Petitions: Report by the Chairman.**

*The Commission noted the Chairman's report (Annex 5).*



**Palestine : Observations of the Commission (continuation).**

GENERAL OBSERVATION (*continuation*).

After an exchange of views, *the Commission adopted the text of its general observation concerning Palestine (Annex 26).*

The CHAIRMAN observed that it was for the Secretary-General and not the Commission to decide when this observation should be submitted to the Council.

SPECIAL OBSERVATIONS (*continuation*).

The Commission began the examination of its draft special observations concerning Palestine.

*It decided to continue this examination at a later meeting.*

**Date of the Next Session of the Commission.**

*The Commission decided in principle that its thirtieth session should open on Thursday, October 15th, unless the Assembly were postponed or any similar development took place, in which case the date should be Wednesday, the 21st, and members would be notified as early as possible.*

**Representation of the Commission before the Council.**

*The Commission decided that it should be represented before the Council by its CHAIRMAN, or, if he should be unable to attend, by the VICE-CHAIRMAN, or, failing the latter, by M. RAPPARD.*

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TWENTY-FOURTH MEETING.

*Held on Friday, June 12th, 1936, at 4.0 p.m.*

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**Palestine : Observations of the Commission (continuation).**

SPECIAL OBSERVATIONS (*continuation*).

After an exchange of views, *the Commission adopted the text of its special observations concerning Palestine (Annex 26).*

**Palestine and Trans-Jordan : Petition, dated May 2nd, 1935, from M. Jamaal Husseini, President of the Palestine Arab Party, Jerusalem.**

After an exchange of views, *the Commission adopted the conclusions of M. Palacios' report (Annex 6).*

**Examination of the Draft Report to the Council.**

*The Commission adopted the draft report to the Council on the work of its twenty-ninth session (Annex 26).*

**Adoption of the List of Annexes to the Minutes of the Session.**

*The list of annexes was adopted.*

**Programme of Work of the Commission.**

M. DE HALLER pointed out that the system adopted for several sessions of drawing up in advance a daily programme for the work of the session had given full satisfaction to the mandatory Powers, as it enabled the accredited representatives to ascertain in advance on

what date their hearing would take place at Geneva. If the Commission was of opinion that this system should continue, the Secretariat would prepare a programme of work for the thirtieth session which would be submitted first to the Chairman and next to the mandatory Powers, and would be communicated in its final form to the members of the Commission in due course.

*M. de Haller's proposal was adopted.*

#### **Close of the Session.**

After the customary thanks, and after expressing the Commission's sincere wishes for M. Manceron's complete recovery, the CHAIRMAN declared the session closed.



C.P.M.1768(1).

ANNEX I.

LIST OF DOCUMENTS<sup>1</sup> FORWARDED TO THE SECRETARIAT  
BY THE MANDATORY POWERS SINCE THE LAST EXAMINATION  
OF THE REPORTS RELATING TO THE FOLLOWING TERRITORIES:

A. *Palestine and Trans-Jordan.*  
B. *Syria and Lebanon.*  
C. *Tanganyika Territory.*

D. *South West Africa.*  
E. *Nauru.*  
F. *New Guinea.*

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A. PALESTINE AND TRANS-JORDAN.

*Annual Report and Legislation.*

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Palestine and Trans-Jordan for the Year 1935.
2. Legislation enacted in Trans-Jordan during 1935 (English translation from the Arabic).
3. Ordinances; Annual Volume for 1935.

*Various Official Publications.*

1. The Quarterly Report of the Department of Antiquities in Palestine; <sup>2</sup> Vol. V: 1, 2, 3.
2. Motor Map of Palestine issued by the Department of Surveys. Scale 1:500,000.
3. Motor Map of Palestine issued by the Department of Surveys. Scale 1:250,000.
4. Report by Mr. F. A. Stockdale, C.M.G., C.B.E., Agricultural Adviser to the Secretary of State for the Colonies on his Visit to Palestine and Trans-Jordan 1935.
5. Church of the Holy Sepulchre. Structural Survey. Final Report by William Harvey. <sup>2</sup>
6. Structural Survey of the Church of the Nativity, Bethlehem, by William Harvey. <sup>2</sup>
7. Palestine Official Gazette. <sup>2</sup>

B. SYRIA AND LEBANON.

*Annual Report and Diplomatic acts.*

1. Report to the League of Nations on the Situation in Syria and Lebanon, Year 1935.
2. Diplomatic Acts in force on April 1st, 1935, in the States of the Levant under French Mandate.

*Various Official Publications.*

1. Official Bulletin of the Administrative Acts of the High Commissariat. <sup>2</sup>
2. Official Journal of the Syrian Republic. <sup>2</sup>
3. Official Journal of the Lebanese Republic. <sup>2</sup>
4. Official Journal of the Government of Latakia. <sup>2</sup>
5. Minutes of the Ordinary Session, held in November 1935, of the Representative Council of the Government of Latakia. <sup>2</sup>
6. Quarterly Economic Bulletin of the Levant States under French Mandate (Syrian Republic, Lebanese Republic, Government of Latakia, Sanjak of Alexandretta, Government of the Jebel-Druse), Year 1935. <sup>2</sup>

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<sup>1</sup> (a) The documents mentioned in this list have been sent to the Secretariat for the use of the Permanent Mandates Commission. Unless otherwise indicated, the Members of the Commission should have received a copy of all these documents.

The annual reports and copies of laws, etc., are available only in the language in which they have been published by the mandatory Powers. Certain other documents have been translated by the Secretariat and are available in both official languages. The titles of these documents are followed by the official number under which they have been circulated.

(b) The petitions forwarded by the mandatory Powers, together with their observations on those petitions and on the petitions communicated to them by the Chairman of the Permanent Mandates Commission in accordance with the Rules of Procedure in force, are not mentioned in the present list. These documents are enumerated in the agenda of the Commission's session.

<sup>2</sup> Kept in the archives of the Secretariat.

C. TANGANYIKA.

*Annual Report and Legislation.*

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Tanganyika Territory for the Year 1935.
2. Tables of Amendments to the Laws of the Territory as a Consequence of Legislation published during the Periods :
  - (a) January 1st to March 31st, 1935 ;
  - (b) April 1st to June 30th, 1935 ;
  - (c) July 1st to September 30th, 1935 ;
  - (d) October 1st to December 31st, 1935.
3. Ordinances enacted during the Year 1935.
4. Index to the Laws of the Tanganyika Territory in force on the 31st Day of December, 1933, with References to amending Legislation enacted during the Year 1934.

*Various Official Publications.*

1. Blue Book for the Year ended December 31st, 1934.
2. Department of Agriculture : Annual Report, 1934.
3. Annual Report of the Education Department, 1934.
4. Fourteenth Annual Report of the Forest Department, 1934.
5. Game Preservation Department : Annual Report, 1934.
6. Geological Survey : Annual Report, 1934.
7. Annual Medical and Sanitary Report, 1934.
8. Mines Department : Annual Report, 1934.
9. Annual Reports of the Provincial Commissioners on Native Administration, 1935.
10. Annual Report on the Administration of the Police, 1934.
11. Abridged Report of the Post and Telegraphs Department, 1934, of Kenya, Uganda and Territory of Tanganyika.
12. Annual Report on the Administration of the Prisons, 1934.
13. Annual Report of the Public Works Department : 1933, 1934.
14. Report of the General Manager on the Administration of the Railways and Ports Services for the Year ended December 31st, 1934.
15. Report on the Audit of the Accounts of the Tanganyika Railways and Ports Services for the Year ended December 31st, 1934.
16. Annual Report by the Treasurer for the Financial Year ended December 31st, 1934.
17. Trade Report, 1935.
18. Annual Report of the Survey Department, 1934.
19. Annual Report of the Department of Veterinary Science and Animal Husbandry, 1934.
20. Report of the Commission of Enquiry appointed to enquire into the Circumstances attending the Death of Basil Hope Napier, together with Record of Evidence taken and Other Documents.
21. Despatch, dated October 12th, 1935, addressed to the Governors of Kenya, Tanganyika Territory and Uganda Protectorate on the Subject of Closer Union in East Africa by the Secretary of State for the Colonies (document C.P.M.1749).
22. Seventh Annual Report of the East African Agricultural Research Station, Amani 1934-35.
23. The Tribes of Tanganyika, their Districts, usual Dietary and Pursuits, by R. C. Jerrard.
24. Anthropology in Action, by G. Gordon Brown and A. McD. Bruce Hutt.<sup>1</sup>
25. Conference on Co-ordination of General Medical Research in East African Territories, held at Entebbe, November 27th to 29th, 1933.<sup>1</sup>
26. Conference on Tsetse and Trypanosomiasis (Animal and Human) Research, held at Entebbe, November 22nd to 25th, 1933.<sup>1</sup>
27. Conference on Co-ordination of Veterinary Research, held at Kabete, January 6th to 10th, 1934.<sup>1</sup>
28. Conference on Co-ordination of Agricultural Research and Plant Protection, held at Amani Research Station, February 12th to 15th, 1934.<sup>1</sup>
29. Report of a Committee appointed to consider the Report of Dr. E. O. Teale and Mr. C. Gillman on Water Supplies in the Northern Province.<sup>1</sup>
30. Report on the Investigations of the Proper Control of Water and the Reorganisation of Water Boards in the Northern Province of Tanganyika Territory, November-December, 1934, by E. O. Teale, D.Sc., F.G.S., M.Inst.M.M., and C. Gillman, F.G.S., M.S.A.Soc.C.E.<sup>1</sup>
31. Report of the Malaria Unit, Tanga, 1933-34, together with a Report on a Study of Malaria in India, by D. B. Wilson.
32. Minutes of Meetings of the Legislative Council of Tanganyika Territory held on November 1st, 1934, June 25th, 26th, 27th, November 12th, 19th, 20th, 1935, and March 12th, 1936.
33. The Tanganyika Territory Gazette.<sup>1</sup>

<sup>1</sup> Kept in the archives of the Secretariat.



D. SOUTH WEST AFRICA.

*Annual Report.*

Report presented by the Government of the Union of South Africa to the Council of the League of Nations concerning the Administration of South West Africa for the Year 1935.

*Various Official Publications.*

1. Accounts of the Administration of South West Africa for the Financial Year 1934-35, together with the Report of the Controller and Auditor-General thereon.
2. Report of the Board of Management of the Land and Agricultural Bank of South West Africa for the Year ended December 31st, 1935.
3. Estimates of the Revenue to be collected and of the Expenditure to be defrayed from Revenue and Loan Funds during the Year ending March 31st, 1937.
4. Official Gazette of South West Africa.<sup>1</sup>

E. NAURU.

*Annual Report.*

Report to the Council of the League of Nations on the Administration of Nauru during the Year 1935.

*Various Official Publications.*

Official Gazette of Nauru.<sup>1</sup>

F. NEW GUINEA.

*Annual Report.*

Report to the Council of the League of Nations on the Administration of the Territory of New Guinea from July 1st, 1934, to June 30th, 1935.

*Various Official Publications.*

Official Gazette of New Guinea.<sup>1</sup>

*Various Documents handed in by the Accredited Representative to the Commission at its Third Meeting of the Twenty-ninth Session on May 28th, 1936 : <sup>1</sup>*

Copies of the reports in respect of the Year 1934-35 that have been submitted to the Administrator of New Guinea by the Following Religious Missions operating in the Territory :

1. Catholic Mission of the Most Sacred Heart of Jesus ;
2. Catholic Mission of the Holy Ghost, Eastern New Guinea ;
3. Catholic Mission of the Holy Ghost, Central New Guinea ;
4. Marist Mission Society ;
5. Lutheran Mission, Finschhafen ;
6. Liebenzell Mission ;
7. Methodist Missionary Society of Australasia ;
8. Methodist Missionary Society of New Zealand ;
9. Melanesian Mission ;
10. Seventh Day Adventist Mission, Kieta ;
11. Seventh Day Adventist Mission, New Britain ;
12. Lutheran Mission, Madang.

C.P.M.1762(1).

ANNEX 2.

AGENDA OF THE TWENTY-NINTH SESSION OF THE PERMANENT  
MANDATES COMMISSION.

- I. Opening of the Session.
- II. Election of the Chairman and Vice-Chairman of the Commission for the Year 1936-37.
- III. Examination of the Annual Reports of the Mandatory Powers : <sup>2</sup>
  - Palestine and Trans-Jordan, 1935.
  - Syria and Lebanon, 1935.
  - Tanganyika Territory, 1935.
  - South West Africa, 1935.
  - Nauru 1935.
  - New Guinea, 1934-35.

<sup>1</sup> Kept in the archives of the Secretariat.

<sup>2</sup> By Agreement between the Chairman of the Commission and the mandatory Power concerned, the examination of the annual reports on the Cameroons and Togoland under French mandate has been adjourned until the autumn session.

IV. Petitions :

A. Petitions rejected as not deserving the Commission's attention. Report by the Chairman (document C.P.M.1798).

B. Petitions to be examined :

1. Palestine and Trans-Jordan.

(a) Petition, dated May 2nd, 1935, from M. Jamaal Husseini, President of the Palestine Arab Party, Jerusalem, transmitted on September 3rd, 1935, by the United Kingdom Government, with its observations (document C.P.M.1700).

(Rapporteur : M. Palacios.)

(b) Petitions, dated May 11th, 1934, and May 19th, 1935, from M. Israel Amikam Haifa, transmitted on September 12th, 1935, by the United Kingdom Government, with its observations (document C.P.M.1710).

(Rapporteur : Baron van Asbeck.)

(c) Petitions, dated September 19th and 24th, 1935, from M. Emir Chekib Arslan, Geneva (document C.P.M.1713).

Observations of the United Kingdom Government, dated March 5th, 1936 (document C.P.M.1755).

(Rapporteur : M. Orts.)

(d) Petition, dated May 13th, 1935 (with four annexes), from M. E. Karwassarsky, Tel-Aviv, transmitted on November 1st, 1935, by the United Kingdom Government, with its observations (document C.P.M.1744).

(Rapporteur : Baron van Asbeck.)

(e) Petition, dated May 24th, 1935, from the Council Waad Adath Ashkenazim, Jerusalem, transmitted on November 14th, 1935, by the United Kingdom Government, with its observations (document C.P.M.1745).

(Rapporteur : M. Rappard.)

(f) Petition, dated April 24th, 1935, from Dr. R. Tamini, Secretary of the National Medical Association, Haifa, transmitted on November 25th, 1935, by the United Kingdom Government, with its observations and one annex (document C.P.M.1746).

(Rapporteur : M. Manceron.)

(g) Petition, dated July 7th, 1935, from M. Ali Hassan El Yafawi, Haifa, transmitted on January 6th, 1936, by the United Kingdom Government with its observations (document C.P.M.1753).

(Rapporteur : M. Sakenobe.)

(h) Letter, dated April 30th, 1936, from the President of the Jewish Agency for Palestine accompanying a memorandum on the development of the Jewish National Home in Palestine in the year 1935, transmitted on May 21st, 1936, by the United Kingdom Government (document C.P.M.1765).

Observations of the United Kingdom Government, dated May 27th, 1936 (document C.P.M.1777).

(Rapporteur : Count de Penha Garcia.)

2. Syria and Lebanon.

(a) Petitions concerning the administration of the Moslem Waqfs, submitted on September 11th and October 20th, 1934, by M<sup>e</sup> Ghafour Al Msouty, transmitted on May 28th, 1935, by the French Government, with its observations (document C.P.M.1636).

(Rapporteur : M. Palacios.)

(b) Petition (undated) from M. A. Sarmini and other members of the Executive Committee of the Waqfs, Aleppo, transmitted on October 17th, 1935, by the French Government, with its observations and an extract of the newspaper *Al Jihade*, No. 205, dated May 31st, 1935 (document C.P.M.1715).

(Rapporteur : M. Palacios.)

(c) Petition, dated August 21st, 1935, from M. Joseph Fadel, Secretary of the Syrian Lebanon American Society of New Jersey, U.S.A. (document C.P.M.1712).

Observations by the French Government, dated May 23rd, 1936 (document C.P.M.1769).

(Rapporteur : M. Orts.)



- (d) Petition, dated September 20th, 1934, from M. Philippe Zalzal, Beirut, transmitted on October 14th, 1935, by the French Government, with its observations and copy of the decision of the French Nationalities Commission, dated July 2nd, 1930 (document C.P.M.1719).  
(Rapporteur : Count de Penha Garcia.)
- (e) Petition, dated October 15th, 1935, from M. F. Jourdain, President of the "Ligue française contre l'Impérialisme et l'Oppression coloniale", Paris (document C.P.M.1718).<sup>1</sup>  
(Rapporteur : M. Orts.)
- (f) Petitions, dated November 7th, 11th, 1935, and January 22nd, 1936, from Soubhi Bey Berekat, transmitted on May 23rd, 1936, by the French Government, with its observations (document C.P.M.1770).  
(Rapporteur : M. Rappard.)
- (g) Petition, dated October 18th, 1935, from the "Comité exécutif de la jeunesse nationale", Latakia, transmitted on May 26th, 1936, by the French Government, with its observations (document C.P.M.1771).  
(Rapporteur : M. Orts.)
- (h) Petition (undated) from M. Toufik El-Kabani, M. Hani El-Jelad and other signatories concerning the suspension of the newspaper *Al Ayam*, transmitted on May 26th, 1936, by the French Government, with its observations (document C.P.M.1772).  
(Rapporteur : Count de Penha Garcia.)
- (i) Petitions, dated July 3rd and December 13th, 1935, from M. Sami Slim, transmitted on May 23rd, 1936, by the French Government, with its observations (document C.P.M.1773).  
(Rapporteur : M. Sakenobe.)
- (j) Petitions (five in number) dated January 2nd, 10th and 11th, 1936, regarding the incidents on the occasion of the ceremonies held in memory of Ibrahim Hanano, transmitted on May 23rd by the French Government, with its observations (document C.P.M.1774).  
(Rapporteur : M. Orts.)
- (k) Petitions (thirty-eight in number) regarding the measures taken in Syria in January and February 1936, transmitted on May 22nd, 1936, by the French Government, with its observations (document C.P.M.1775).  
(Rapporteur : M. Orts.)
- (l) Petitions, (ninety-eight in number) in six categories, relating to Syrian unity, transmitted on May 23rd, 1936, by the French Government, with its observations (document C.P.M.1776).  
(Rapporteur : M. Rappard.)
- (m) Petition, dated February 1st, 1936, from M. Naji Assuwaidi and other senators and deputies, of the Iraqi Parliament, Baghdad (document C.P.M.1757).  
(Rapporteur : M. Orts.)
- (n) Petition, dated February 8th, 1936, from M. Miguel Bechara, President of the "Liga Patriótica Syria", São Paulo (document C.P.M.1758).  
(Rapporteur : M. Orts.)
- (o) Petition (undated) from a number of deputies of the Iraqi Parliament, Baghdad (document C.P.M.1759).  
(Rapporteur : M. Orts.)

### 3. Cameroons under French Mandate.

Petition, dated November 3rd, 1935, from M. Albert Ganne, Vaux (Creuse, France) (document C.P.M.1752).<sup>2</sup>

Observations of the French Government, dated February 24th, 1936 (document C.P.M.1760).

(Rapporteur : M. Rappard.)

<sup>1</sup> The examination of this petition has been postponed to the thirtieth session of the Commission (see Minutes, page 165).

<sup>2</sup> The examination of this petition has been postponed to the thirtieth session of the Commission (see Minutes, page 165).

4. Tanganyika Territory.

Petitions, dated June 9th, July 30th and October 15th, 1935, from Mr. M. J. Fortie, Washington (documents C.P.M.1692, 1695, 1743).

Observations of the United Kingdom Government, dated February 8th, 1936 (documents C.P.M.1754 and 1754(a)).

(Rapporteur : Baron van Asbeck.)

5. New Guinea.

Petition, dated November 13th, 1935, from Mr. R. Bridgeman, International Secretary of the League against Imperialism and for National Independence, London (document C.P.M.1748).

Observations of the Australian Government, dated May 1st, 1936 (document C.P.M.1764).

(Rapporteur : Lord Lugard.)

C.P.M.1749.

ANNEX 3.

DESPATCH, DATED OCTOBER 12TH, 1935, FROM THE SECRETARY OF STATE FOR THE COLONIES TO THE GOVERNORS OF KENYA, TANGANYIKA TERRITORY AND UGANDA ON THE SUBJECT OF CLOSER UNION IN EAST AFRICA, TRANSMITTED BY THE UNITED KINGDOM GOVERNMENT ON DECEMBER 19TH, 1935.

I have the honour to inform you that I have now given careful consideration to the Memorandum on Union which was prepared at an East African unofficial Conference held at Arusha on March 15th and 16th. The meeting was attended by representative unofficials from Kenya and Tanganyika, and the memorandum prepared at it has since been endorsed by a number of European associations in Kenya and Tanganyika and by the European unofficial members of the Tanganyika Legislative Council.

2. The main conclusion of the Arusha Conference was that " the time has now arrived when the identity of economic and social interests of all communities of Kenya and Tanganyika demands a union of the two territories, accompanied by a greater measure of control in administrative and financial affairs by the unofficial permanent residents, if the welfare and security of both territories are to be assured in the future ". In arriving at that conclusion, the Conference considered that there had been material changes since the Joint Select Committee of both Houses of Parliament considered the question, and they were of opinion that union would enable existing financial burdens to be relieved. Realising the difficulty that would be experienced in framing a suitable constitutional structure, the Conference suggested the appointment of a statesman acceptable to all parties and possessed of wide administrative experience, " with the mandate to initiate, by negotiations on the spot, such union ".

3. In addition to the Memorandum on Union prepared by the Arusha Conference, I have considered the Memorandum on Union of East African Territories which was prepared at the annual session of the Association of Chambers of Commerce of Eastern Africa held at Mombasa on November 21st to 23rd, 1934, and attended by delegates representing Chambers of Commerce in both Kenya and Tanganyika. At that session, a resolution was passed that " the time has now arrived when the community of economic and social interests of the territories of Kenya, Uganda and Tanganyika demands a completely unified system of administration under which the welfare of them all may be the more certainly assured ". Accordingly, the Association urged " the Imperial Government to constitute the territories of Kenya, Uganda and Tanganyika into a Customs, Fiscal and Administrative Union under its own sovereignty and control, provided that the measures adopted to that end, in the one case do not infringe the provisions of the Tanganyika mandate, and in the cases of the other two territories will ensure just provision for the preservation of their special characteristics established by agreement and tradition ".

4. Finally, I have considered the memorandum on the subject of closer union submitted by the Federation of Indian Chambers of Commerce and Industries of Eastern Africa. The Federation was unanimously of opinion that " nothing has happened since the publication of the report of the Joint Select Committee of both Houses of Parliament which examined the



proposals on the closer union of these territories which should justify reconsideration of the whole position again", and that "the political, economical and social interests of Kenya, Uganda and Tanganyika have remained so divergent and conflicting that, for a long time to come, a unified system of administration is likely to retard and prove a great hindrance to the progress of these territories". Accordingly, the Federation is "opposed to the proposals for any form of closer union between the three territories and notes with satisfaction that, in this opposition, they are fully supported by a great bulk of public opinion and by the Indian community in all the three territories, and by a part of the European community in Tanganyika, and by the entire European and other communities in the Uganda Protectorate".

5. In considering the memorandum prepared at the Arusha Conference, there is a preliminary point of importance. That is that there were no representatives of Uganda at the Conference, and that the proposals put forward are for a union of Kenya and Tanganyika only. When the Joint Select Committee examined proposals for closer union in East Africa, it gave its main attention to schemes for closer union between Kenya, Tanganyika and Uganda, but it also devoted attention to proposals for partial unification. It did not expressly examine proposals for a closer union of Kenya and Tanganyika to the exclusion of Uganda, but it did examine proposals for a union of Kenya and Uganda and for a unified control of the Lake Victoria Basin, and came to the conclusion that "the general objections already advanced against a closer union of the three territories apply to alternative proposals for partial union, or re-arrangement". Hence, in considering the resolutions submitted by the Arusha Conference, I have felt bound to accept the view of the Joint Select Committee that the problem of closer union in East Africa should be considered as one affecting the three territories, and that there would be no advantage in considering alternative proposals for partial union. I note from the memorandum submitted by the Association of the Chambers of Commerce of Eastern Africa that that view is clearly held by the Association.

6. After a thorough and painstaking enquiry, the Joint Select Committee considered that closer union of the three territories of Kenya, Uganda and Tanganyika was inopportune for the following main reasons :

- (1) The extra cost of government involved ;
- (2) The opposition of various communities in the territories and the preoccupation of the vast majority of all communities with the affairs of their particular territories ;
- (3) The present stage of economic development, particularly in regard to inadequacy of communications ;
- (4) The considerable diversity between the central and significant features of each of the three territories and the desirability in the interests of the progress and development of East Africa as a whole of letting each, for a considerable time to come, develop on its own lines, which may be still experimental.

7. It has been necessary to examine carefully how far these reasons are still valid, and, in making that examination, I have found the memoranda submitted by the different communities and associations in East Africa most helpful.

8. As regards the cost of closer union, I have weighed carefully the grounds on which the Arusha Conference and the Association of the Chambers of Commerce of Eastern Africa consider that a reduction in administrative expenses might be effected through union, but I am forced to agree with the conclusion of the Joint Select Committee that any constitutional change in the direction of closer union, that would be in conformity with the provisions of the mandate for Tanganyika, must add considerably to the overhead expenses of government. The only estimate of the net increased cost of administration placed before the Joint Select Committee was £34,000 a year, and the Committee noted that it could not be safely assumed that that sum represented fully the additional cost that would be incurred. In view of the present serious financial difficulties in Kenya, and to a less extent in Tanganyika, I must conclude that the objection to closer union on the ground of increased cost of administration has not been diminished since the Joint Select Committee reported.

9. The second main reason accepted by the Joint Select Committee was the opposition of various communities in the territories to closer union and the preoccupation of the vast majority of all communities with the affairs of their particular territories. Since the Joint Select Committee reported, it is clear that the volume of support for closer union among the unofficial European community of Kenya has increased. In Tanganyika, there has always been a section of the European community in favour of closer union, and it is probable that that section has increased in strength since 1931. I readily take note of these changes in this aspect of the situation. But it is clear that there is a considerable section among the European community in Tanganyika opposed to closer union, and that a majority of the European community in Uganda is opposed to it. The Indian communities in all three territories are still

as opposed to closer union as they were in 1931 and native opinion, in so far as it is expressed, is also hostile. I am also of opinion that it is still true that " the vast majority of all communities are still primarily and mainly interested in the affairs of their particular territories ". In the circumstances, I have felt bound to conclude that this second main ground of opposition to closer union remains substantially valid.

10. As regards economic development, there has been progress since 1931, and again I take note of that change. But the progress has been uneven in the different territories, and even in different parts of the same territory. Communications have improved, particularly as regards air transport, but it seems clear that, in the time that has elapsed since 1931, the extent of progress in economic development has not been such as to constitute yet a radical change in conditions.

11. The final main reason of the Joint Select Committee was " the considerable diversity between the central and significant features of each of these territories " and the desirability of letting each, for a considerable time to come, develop on its own lines which the Committee considered to be still experimental. It is clear that the diversities between the three territories, to which the Joint Select Committee called attention, still persist, and that since 1931 there has not been considerable time for progress and development on the experimental lines which are being followed in each territory.

12. In the circumstances, it does not, therefore, appear that there are adequate grounds for re-opening an enquiry into the matters which were so carefully investigated by the Joint Select Committee as recently as 1931. The fundamental objections then found to action along the proposed lines have not been radically altered by such changes as have taken place since. In view of this fact, I do not think that I need now discuss the consequential matters raised in the memorandum prepared at the Arusha Conference. But there is one matter on which I must comment.

13. I note that the Conference at Arusha urged closer union " accompanied by a greater measure of control in administrative and financial affairs by the unofficial permanent residents ". It seems reasonable to conclude that there would be less support for closer union if it were not accompanied by such greater measure of control. But I could not contemplate any change which disturbed an important principle laid down by the Joint Select Committee. In its report discussing the relationship between different communities in East Africa, it pointed out that " the control of His Majesty's Government in the United Kingdom must remain unimpaired. The conditions in East Africa, where these widely differing communities exist side by side, demand the maintenance of an effective power of intervention by the Crown in all matters of both legislation and administration. This power will be exercised by His Majesty's Government, acting through the Secretary of State. It is clear that under existing conditions, the principles outlined above can only be effectively operative if the authority of His Majesty's Government remains unimpaired. The diversity of the interests to be co-ordinated and harmonised require a Government impartial and capable of long views ".

14. I have to request that you will cause a copy of this despatch to be communicated to those who attended the Arusha Conference; that they should be informed that I am sincerely grateful for the time and trouble they have given to the consideration of this matter, and that the views which they have expressed will be carefully noted and borne in mind, and that they should be assured that the policy of close co-operation between the three territories on the lines suggested by the Joint Select Committee will be steadily pursued. I have also to request that a copy of the despatch may be communicated to the Association of the Chambers of Commerce of Eastern Africa and to the Federation of Indian Chambers of Commerce and Industries, and that they may be thanked for the expression of their views, and informed that their views have been carefully noted and will be borne in mind.

15. I have sent a despatch in similar terms to Tanganyika  
Kenya and I have also sent a copy to the Governor of Uganda with a suggestion that it should be published in the *Uganda Government Gazette* for the information of the different communities in that Protectorate.

(Signed) Malcolm MACDONALD.



ANNEX 4.

COMMERCIAL AGREEMENT, CONCLUDED ON JUNE 27TH, 1934, BETWEEN  
FRANCE AND THE UNITED KINGDOM : ARTICLE 2.

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LETTER, DATED DECEMBER 9TH, 1935, FROM THE GOVERNMENT OF THE IRISH  
FREE STATE TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

I am directed by President de Valera, Minister for External Affairs, to refer to the report of the Committee appointed by the Permanent Mandates Commission on October 29th, 1934, to consider Article 2 of the Commercial Agreement concluded between France and the United Kingdom on June 27th, 1934. The Committee's report is contained in Annex 3 to the Minutes of the Twenty-seventh Session of the Permanent Mandates Commission (document C.251. M.123.1935.VI).

2. The second paragraph of the report refers to the preferences usually accorded to each other by the States of the British Commonwealth of Nations and raises the question as to whether it is consistent with the most-favoured-nation clause for any of those States to withhold such preferences from a State with which it has concluded a most-favoured-nation commercial agreement.

3. The Government of Saorstát Eireann desires to make clear its views both on the question as to the basis on which preferences are accorded by Saorstát Eireann to the States of the British Commonwealth and on the particular question raised in the second paragraph of the report referred to.

The preferences accorded by Saorstát Eireann to all or any of the States of the British Commonwealth are so accorded by reason only of reciprocal agreements, express or implied, between Saorstát Eireann and the State or States (of the British Commonwealth) concerned.

With regard to the particular question raised by the report under discussion, I am to state that the Government of Saorstát Eireann has always held and acted on the view that the most-favoured-nation clause in a commercial agreement concluded between Saorstát Eireann and a State which is not a member of the British Commonwealth must, in the absence of a special provision to the contrary in the agreement itself, operate to entitle the other party to the agreement to such preferences as are in fact accorded by Saorstát Eireann to any of the States of the British Commonwealth. Most-favoured-nation agreements concluded by Saorstát Eireann with States to which it is not intended to extend preferences accorded to the States of the British Commonwealth contain accordingly a provision excluding those preferences from the operation of the most-favoured-nation clause.

4. The Government of Saorstát Eireann would, therefore, point out that, so far as they are concerned, neither (1) the grant of preferences to all or any of the States of the British Commonwealth, nor (2) where it occurs, the withholding of such preferences from a State with which Saorstát Eireann has concluded a most-favoured-nation commercial agreement depends upon any constitutional theory as to the relations *inter se* of the States of the British Commonwealth. The view which the Government of Saorstát Eireann has always maintained and frequently emphasised as to the character of the relations between Saorstát Eireann and the States referred to is that those relations are international relations in the fullest sense. Any question as to the interpretation of a most-favoured-nation commercial agreement concluded by Saorstát Eireann with any other State falls to be discussed and decided on the basis of the principles recognised generally as applicable to the interpretation of such agreements.

5. I am to request you to be so good as to communicate this note to the Permanent Mandates Commission with a view to its publication in a manner similar to that of the publication of the report to which this note relates.

(Signed) Sean MURPHY,

Secretary.

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ANNEX 5.

PETITIONS REJECTED UNDER ARTICLE 3 OF THE RULES OF PROCEDURE  
IN RESPECT OF PETITIONS.

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REPORT BY THE CHAIRMAN.

I have the honour, in conformity with Article 3 of the Rules of Procedure, to submit the following report upon those petitions received since our last ordinary session which I do not regard as admissible, on the grounds that they fail to comply with the requirements of the Rules of Procedure in respect of petitions concerning the territories under mandate.

I. PALESTINE.

- (a) *Petition, dated December 22nd, 1935, from Count Lemos, President of the "Committee of Palermo Catholics".*

This communication asks the League of Nations to defend the rights and interests of Catholics in Palestine, which are regarded as threatened. The petition is too vague to be entertained.

- (b) *Petition, dated January 16th, 1936, from the President of the Jewish Community at Katowice.*

The authors of this communication protest against a "proclamation of the United Kingdom Government regarding the Legislative Council of Palestine, the principles of which are contrary to the Balfour Declaration and the Palestine mandate" and declare themselves in agreement with the attitude taken up by the Jewish Agency. The complaint is entirely vague and unsubstantiated.

II. SYRIA AND LEBANON.

- (a) *Petition, undated, from M. Sulaiman Fattah, Deputy for Kerkuk, Baghdad.*

This petition makes complaints of a general character against the mandatory Power in Syria and further raises the question of concessionary companies, without submitting the minimum of information which would permit of the petition being usefully examined.

- (b) *Petitions addressed to the League of Nations in connection with the disturbances which occurred in Syria in January-February 1936:*

- (1) *Petition, dated January 24th, 1936, from M. Ismael Tarbuch, on behalf of the "Asociación-Pan-Islamismo", Buenos Aires;*
- (2) *Petition, dated January 29th, 1936, from the "Executive Trans-Jordan Congress" Amman;*
- (3) *Petition, dated January 29th, 1936, from the "Liga Islamica", Rio de Janeiro;*
- (4) *Petition, dated February 1st, 1936, from M. Nour Hamada and others on behalf of the "Arab Defence Party", Highland Park (Michigan, U.S.A.);*
- (5) *Petition, dated February 2nd, 1936, from M. Akram Zuayter, on behalf of a meeting held at Nablus (Palestine);*
- (6) *Petition, dated February 4th, 1936, from the "Sociedad Juventud Libanesa, San Juan (Argentina);*
- (7) *Petition, dated February 4th, 1936, from the Syrio-Arab Society of San Rafael Mendoza (Argentina);*
- (8) *Petition, dated February 3rd, 1936, from M. Osman Koutaimich and M. Mohammed Ali Abdala, on behalf of the "Sociedad Union Arabe de Bienficiencia, Buenos Aires;*
- (9) (a) *Telegram from M. Naji Assuwaidi and other Baghdad senators and deputies;*  
(b) *Communication from representatives of Iraqi societies and institutions;*
- (10) *Petition, dated February 5th, 1936, from M. Luis Rassem and other inhabitants at Mosul (Iraq);*



- (11) Petition, dated February 20th, 1936, from M. Hainad El Bassel Pasha and M. Saleh Lamlum Pasha, on behalf of the Cairo Bedouin Union ;
- (12) Petition, dated February 21st, 1936, from M. Jorge Karam, President of the " União Mocidade Arabe ", São Paulo (Brazil) ;
- (13) Petition, dated February 23rd, 1936, from M. Abdul Hameed Karami and others, Haifa ;
- (14) Petition, dated February 24th, 1936, from M. Mourtada and M. Barazi, on behalf of the Arab Youth Society, Geneva ;
- (15) Petition, dated February 24th, 1936, from M. Ihsan el Djabri, Geneva (with annexes) ;
- (16) Petition, dated March 3rd, 1936, from M. Mourtada and M. Barazi, on behalf of the Arab Youth Society, Geneva ;
- (17) Petition, dated March 4th, 1936, from M. Haidar, President of the " Asociación Islámica ", Buenos Aires ;
- (18) Petition, dated February 29th, 1936, from Mme. Shahbender, Cairo, transmitting a communication on behalf of Syrian women in Egypt ;
- (19) Petition, dated March 9th, 1936, from Mr. Reginald Bridgeman, on behalf of the League against Imperialism and for National Independence, London ;
- (20) Petition, dated February 26th, 1936, from M. Juan Yarur and M. Oscar Zarhi B., Syrio-Palestinian Club, Santiago de Chile ;
- (21) Petition, dated March 23rd, 1936, from M. Mohammed Husein, Society of Alawite Youth, Berisso, Buenos Aires ;
- (22) Petition, dated April 27th, 1936, from the Arabian American Society, Detroit, United States.

The petitions numbered 2, 5, 6, 9(b), 11, 12, 13, 15 contain only protests in violent terms.

Those numbered 1, 3, 4, 7, 8, 10, 14 and 16 to 22, consist either of vague assertions or allegations already made in other petitions and communicated to the Mandates Commission.

In the last place, the petition mentioned under number 9(a) is identical with a communication already transmitted to the Mandates Commission (document C.P.M.1757)

- (c) 1. *Petition, dated March 13th, 1936, from M. Ali Mohmed, Society of Alawite Youth of Lobeira, Argentine Republic.*
- 2. *Petition, dated April 10th, 1936, from M. Abdulatif Yassin and others, on behalf of the Alawite Society of Santa-Fé (Argentine Republic).*

These petitions deal with the question of Syrian unity.

- (d) *Petition, dated April 17th, 1936, from M. Majdalani, on behalf of the delegates of Syrian students in Europe.*

This communication protests against the policy of the mandatory Power and demands the release of political prisoners in Syria.

The petitions mentioned under (c) and (d) merely reproduce the assertions and requests already to be found in the petitions communicated to the Mandates Commission.

### III. TOGOLAND UNDER FRENCH MANDATE.

*Petitions, dated February 13th and May 3rd, 1936, from Mr. Wilson Robert.*

These communications are couched in such vague terms as to make it impossible for them to be usefully examined in accordance with the rules of procedure.

### IV. ISLANDS UNDER JAPANESE MANDATE.

*Petition, dated January 13th, 1936, from M. Antonio Masaquel, Secretary of the " La Solidaridad Filipina " association of Manilla.*

This petition, which is accompanied by a communication regarding the islands under Japanese mandate contains, in the first place, allegations which are not compatible with the mandate, and in the second place, a series of vague and unsubstantiated assertions.

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ANNEX 6.

PALESTINE.

PETITION, DATED MAY 2ND, 1935, FROM M. JAMAAL HUSSEINI, PRESIDENT OF THE PALESTINE ARAB PARTY, JERUSALEM.

REPORT BY M. PALACIOS.

The petition—a printed pamphlet, entitled “Statement of the Palestine Arab Party”—was communicated to the League of Nations, together with the observations of the mandatory Power, in a letter dated September 3rd, 1935.

I.

In the introduction, the Palestine Arab Party complains of the procedure followed by the Mandates Commission and by the Council of the League of Nations, which deprives it of the possibility of approaching the League in order to protest against the mandate which (the petitioner says) is in conflict with the principle of self-determination guaranteed under Article 22 of the Covenant and is detrimental to the population for whose benefit it was instituted.

The introduction is followed by several chapters, the first two of which are concerned with self-governing institutions and the present form of government in Palestine. In support of its first demand, the Arab Party refers to Article 2 of the mandate. It gives a list of the proposals since 1924 which have never been carried into effect. In 1930, the Shaw Commission said: “It is our belief that a feeling of resentment among the Arabs of Palestine, consequent upon their disappointment at continued failure to obtain any measure of self-government, has greatly added to the difficulties of the local administration (page 162)”. It also quotes the interim report of the mandatory Power in 1922, in which it was said: “In a word, the degree to which Jewish national aspirations can be fulfilled in Palestine is conditioned by the rights of the present inhabitants”. The rest of these two chapters recapitulates certain promises made by the mandatory Power and reference is made to what had been said in the Mandates Commission. The petitioner is of opinion that it is absurd that the fulfilment of the provisions of paragraph 4 of Article 22 of the Covenant should be delayed until the Jews form the majority of the population, because that would mean that these provisions would continue to be a dead letter. In his view, “the Arab opposition to the Jewish National Home does not depend on the existence or non-existence of self-governing institutions. It depends upon the real profits or losses that this Home brings to the country and its inhabitants.” The disappointment caused by the non-application of these provisions leads to constant trouble. His contention is that Palestine is not governed as a territory under the tutelage of a mandatory, but as a British colony. During the period of alleged Turkish despotism (the petitioner says), “there existed in every district an elected administrative council to administer its affairs. Elected commons councils dealt with the affairs of the vilayet covering several districts; and each district sent its deputy to Constantinople to represent it in the Ottoman Parliament.”

The other chapters of the pamphlet concern: (a) education; (b) Jewish immigration; (c) lands and (d) the Huleh concession.

(a) On page 16 of the interim report of the mandatory Power for 1920, it is said that there is throughout Palestine an active desire for education. The petitioner says that, in spite of this, every school year, the general complaint of parents who can find no school for their children is “Save our children from the darkness of ignorance”. The petitioner considers that the needs of the population are far from having been met, and claims to prove this by means of census figures and statements made by the mandatory Power in its annual report to the League of Nations for 1933. The budget for education in that year was £P162,527, whereas the budget for police and prisons was £P769,402. The budget of Jewish education for the same year, part of which (the petitioner says) was derived from a Government grant in aid, was £P101,899 for a population of about one-fifth of the Arab population. The Jewish schools were, moreover, more efficient and gave better results. The Arab Party announces that it will send in another petition dealing exclusively with these educational questions.

(b) With regard to Jewish immigration, the petition refers to the principle of the “economic capacity of the country”, which had already been put forward in 1922 by the mandatory Power as a criterion for regulating immigration; it quotes the reports of Sir John Campbell, Sir John Hope Simpson and Mr. French, of the Parliamentary Commission of 1929, and of other witnesses as evidence that Article 6 of the mandate, which begins as follows: “While ensuring that the rights of other sections of the population are not prejudiced, the Administration of Palestine shall facilitate immigration . . .”, is not applied. To prove this, the petitioner, after referring to the economic crisis through which the country has passed, draws attention to the ratio between imports and exports. In 1920, when the number of immigrants was 4,944, the ratio was 2.2 exports to 6.5 imports; in 1933, when the number of immigrants was 50,000 (including illicit immigrants) this ratio had become 2.5 exports to 11.1



imports. The petition also quotes the report on the census by Mr. Mills to the effect that the increased percentage of the population between 1922 and 1931—*i.e.*, before the heavy immigration of the last few years—was as follows: Moslems 28.6%, Christians 25.2% and Jews 108.4%.

(c) The “lot viable” for a Palestinian family was calculated to be 130 dunums. In 1930, the average estate actually possessed was only 91 dunums. The rural class, impoverished and landless, had been reduced to a state of destitution. This is admitted even by Jews like Mr. Hankin. The Government (the petitioner says) has not adopted either of the two methods recommended by its experts—namely: (a) to prevent the transfer of land from Arabs to Jews; (b) to intensify cultivation by the expenditure of at least £2,000,000.

(d) The Huleh concession is one of the most fertile areas of Palestine and the Government should have kept it under its own control as a unit for development purposes, as its own experts advised. It was transferred to the Jews on the pretext that it was causing considerable expense: £60,000 to £70,000. And yet (the petitioner says), the Government intends to spend in that region no less than £170,000 on anti-malaria works. It has also granted the concessionaires rebates and tax exemptions.

The Arab Party concludes that the Arabs are being pressed out of their country and that the remedy lies in a reversion to the principle of self-determination.

## II.

The mandatory Power, in its observations, replies to the petitioner's assertions point by point.

With regard to the self-governing institutions and the present form of government in Palestine, the mandatory Power recalls the terms of the mandate and the statements contained in the White Paper of 1922 and in that of October 1930, as interpreted by the Prime Minister's letter to Dr. Weizmann of February 13th, 1931. It also recalls the statements made by its accredited representatives before the Mandates Commission with regard to the offer of a legislative council, subject to different adjustments in local government.

(a) To refute the statistical data produced by the Arabs, the Government of the mandatory Power supplies two tables regarding school attendance. The measures taken to provide wider facilities for education are described in the annual reports. The expenditure of the Department of Education in 1933-34 amounted to £P186,136. The Jewish schools are not more efficient or better equipped than the Government Arab schools, nor do they cost more. As to the private Arab schools, they do not produce better results.

(b) Illegal immigration exists, but it is not confined to Jews. The total is increased by workers and travellers. The figures are not reliable. The number of Jewish travellers who remained illegally in Palestine was about 10,000 in 1933 and about 2,900 in 1934. The numbers of recorded Jewish immigrants during the same years were 30,327 and 42,359 respectively. The large excess of imports over exports does not necessarily reflect any evil consequences of immigration. It reflects the introduction of money into Palestine from private interests, from contributions to Jewish development generally, and from contributions, mainly Christian, in the Holy Land. Exports increased in value from £P1,896,000 in 1930 to £P3,250,000 in 1934. Unemployment in Palestine had virtually no existence up to 1934. At the beginning of the year 1935, there were 5,565 Arabs and 414 Jews without employment.

(c) As regards land, the “lot viable” of 130 dunums referred to unirrigated land only; irrigation and cultivation allowed it to be reduced to 40 and even to 15-20 dunums. Since Sir John Hope Simpson's report, the Government has done a great deal in this respect in the villages where the Arabs are settled, providing them with funds and giving them the benefit of technical advice and supervision. The mandatory Power adds the following interesting information:

“Since the British occupation of Palestine, the lands of some twenty-two Arab villages in the Northern District with a population at the census of 1922 of 5,138 persons have passed into Jewish hands. In the Southern District, no large displacement of Arabs has taken place.

“Up till the end of December 1934, the actual number of Arabs who could be shown to have been displaced from the lands which they occupied in consequence of the land falling into Jewish hands and who had not obtained other holdings on which they could establish themselves or other equally satisfactory occupation, was 588 heads of families: all these, together with one small sub-tribe not strictly falling within this class, whose situation is described in the introductory section of the annual report for 1933, have been admitted to the register of landless Arabs. The arrangements for the resettlement of these Arabs are fully described in the annual reports for 1932, 1933 and 1934.”

(d) In 1934, the High Commissioner himself notified the Arab Executive of the transfer of the Huleh concession from the Syro-Ottoman Agricultural Company to the Palestine Land Development Company, at the same time giving the reasons for this transfer. The original

concession was granted in 1914, and the concessionaires were undoubtedly anxious to carry out the necessary drainage and anti-malaria work, but twenty years have passed without their being able to do so. The new group has much larger funds at its disposal, and has undertaken to set apart 15,000 dunums for the local Arab cultivators, instead of the 10,000 which would have been given them by the other group. The figures given by the petitioner are incorrect. The cost of reclamation of the area of 59,000 dunums would amount to from £800,000 to £1,500,000, owing to the work which would have to be done on the Jordan. The latest estimate was about £750,000. The statement that the Government has undertaken to spend £170,000 on anti-malaria and other work is also incorrect. The mandatory Power adds :

“ There is, however, a large area of land, extending to some 110,000 dunums, held entirely in Arab hands, lying in the Huleh Basin to the north of the concession area, and if the concessionaires deepen the Jordan and drain Lake Huleh, it may be advantageous simultaneously to inaugurate an irrigation and drainage scheme in this northern area. This land comprises some of the most fertile in Palestine and, if freed from malaria, will become a valuable and productive property.

“ The Concession Agreement granted by the Ottoman Government in 1914, was loosely drawn up, and in many places its meaning is in doubt. It is the intention of the Government to revise and clarify the terms of the concession in due course. In the meantime, however, under the concession, which still remains in force, the concessionaires are required to pay :

“ ‘ Article 17. — Rental tithes on the 10,000 old dunums of land said to have been under cultivation in 1914. This was assessed by the Wali of Beirut at 37,922 Turkish piastres per annum.

“ ‘ Article 18. — £T2 per dunum for 10,000 dunums of land after reclamation and cultivation by the cultivators.

“ ‘ Article 19. — Rent in respect to the produce obtained from the parts reclaimed during the period of six years allowed for reclamation equal to the rent payable in the case of similar land.

“ ‘ After the marshes have been reclaimed, the land shall be surveyed and registered at the Land Registry in the name of the company, on behalf of the concessionaires, at the rate of two Turkish pounds per dunum.

“ ‘ Article 22. — A monthly inspection fee of £T15 for the duration of the works.’

“ The statement that the Government has deducted from these amounts £P50,000 under the plea of certain false calculations is unfounded.

“ No families live within the area of the concession. In the course of land settlement operations, some 1,100 persons claimed under Article 18 of the Concession Agreement that they were cultivators in the area ; but, according to a census made by the Government in April 1933, the actual number of families found to be cultivators in the area was about 500.

“ These cultivators come from some sixteen villages, in which 90% of them are said to cultivate other lands. The total area of these sixteen villages is about 50,000 metric dunums, and the total number of families living in them (according to the census of 1931) was 1,347. If the 15,000 dunums which are to be set aside for cultivators in the concession area are added to the area of 50,000 dunums owned by these families, the land which will ultimately be available for each family will be not less than 48 metric dunums, which is 8 dunums more than the ‘ lot viable ’ suggested by Sir John Hope Simpson for the Huleh District.”

\* \* \*

In view of the arguments put forward by the two parties, I have the honour to propose the following conclusion :

“ The Commission,

“ Having examined the petition, dated May 2nd, 1935, from M. Jamaal Husseini, President of the Palestine Arab Party, Jerusalem, and the mandatory Power’s observations thereon ;

“ Whereas the first part of the petition, according to the petitioner’s own statement, is not within the Commission’s province, since it raises an objection to the mandate ;

“ Whereas the petition also deals with self-governing institutions, the form of government of the territory and other essential questions which, in present circumstances, are obviously a matter of concern to the mandatory Power ;

“ Considers that no special recommendation need be made to the Council in this connection.”



ANNEX 7.

PALESTINE.

PETITIONS DATED MAY 11TH, 1934, AND MAY 19TH, 1935, FROM M. ISRAEL AMIKAM, HAIFA.

REPORT BY BARON VAN ASBECK.

I. In his first petition, dated May 11th, 1934 (Memorandum II), M. Amikam renews the complaint which he had already made to the Mandates Commission in May 1931<sup>1</sup> regarding the alleged violation of the equality of the Arabic and Hebrew languages in Palestine by the Department of Posts and Telegraphs of the Palestine Government. He protests against the rule in force under which Hebrew telegrams must be written in Latin characters, whereas Arabic telegrams may be written in Arabic characters.

When it examined M. Amikam's petition of May 10th, 1931, at its twenty-first session, the Commission came to the conclusion that no recommendation to the Council was called for, but expressed the hope that the mandatory Power would re-examine the matter in order to ascertain whether the technical and financial difficulties which had so far prevented the Administration of Palestine from allowing the transmission of telegrams in Hebrew characters still subsisted.

The petitioner observes that the Palestine Department of Posts and Telegraphs has found it possible to grant, to some extent, the facility so greatly desired by the section of the population for which he speaks ; since January 1st, 1935, it has been permissible to use Hebrew characters in telegrams between twenty-one places in Palestine (*e.g.*, Tel-Aviv). It appears, however, that, in future, these telegrams in Hebrew characters will not be telegraphed by the Morse system, but telephoned (telephonograms).

II. In his latest petition of May 19th, 1935 (Memorandum III), the petitioner complains, first, of the geographical restriction placed on the new system, and especially of the fact that it will not be operative for Jerusalem and the two great business centres, Haifa and Jaffa, whereas there is no such restriction on telegrams in Latin or Arabic characters. Secondly, he objects to the telephonogram system, which, in his view, is less satisfactory than the telegraph transmission maintained by the Department for telegrams in non-Hebrew characters. In both these respects, he sees a discrimination against the Jews.

The mandatory Power, however, in its observations on the petitions, points out in connection with the first complaint that the present limitation to twenty-one places is not to be regarded as final ; on the contrary, the matter is still under consideration, and the new system will be extended whenever possible. The complaint of discrimination against Hebrew is disposed of by the fact that, while a limitation is placed on telegrams in Hebrew script, there are a number of Jewish settlements where telegrams in Arabic script are not accepted. As regards the second complaint, concerning the transmission of telegrams in Hebrew script by telephone, the United Kingdom Government—like the High Commissioner in Palestine in his correspondence with M. Amikam, to which the latter refers at length in his petition—observes that the Morse code is obsolescent and has been replaced by machine-printing telegraphs for heavy traffic and by telephonic transmission for light traffic.

Accordingly, at the conclusion of his petition, M. Amikam admits that there is no further ground for complaint if it is certain that all telegrams, whether in English, Arabic or Hebrew, will be transmitted by exactly the same process, without any discrimination. The other complaint, however—that of the limitation to twenty-one places—stands.

III. During the consideration of the annual report on Palestine for 1935, the accredited representative of the mandatory Power furnished in regard to these petitions additional information which led to the following conclusions :

Since the annual report for 1935 was drawn up, no change has been made in regard to the right to use Hebrew characters, but it will be extended as soon as this is found possible.

As regards the question whether the restrictions on the right to use Arabic script can be taken as equal to the restrictions on telegrams in Hebrew script, it does not appear that this can be the case so long as an extension for telegrams in Hebrew script is still under consideration.

<sup>1</sup> See Minutes of the Twenty-first Session of the Commission, pages 172, 200, 201, 218.

As to the possibility of increasing the staff capable of handling telegrams in Hebrew characters in order to expedite the further extension of the arrangement in question, the Palestine Department of Posts and Telegraphs will doubtless do all in its power to bring about the results desired by the petitioner.

As regards the question whether equal treatment is given to telegrams in Hebrew and Arabic script in the case of telephonic transmission, the latter appears, in Palestine as elsewhere, to be superseding to an increasing extent the old-fashioned system of Morse transmission.

Finally, it is quite clear that the Palestine Department of Posts and Telegraphs is thoroughly conscious of its obligation to introduce and maintain a regime of equality among the languages of Palestine.

IV. The petitions, the United Kingdom Government's observations and the accredited representative's statements reveal that the equality required by the mandate has not yet been attained. The Palestine Administration has only attempted a first step towards linguistic equality in non-European characters—an experiment which is being restricted to small Jewish settlements (except for Tel-Aviv), whereas the corresponding facility for the Arabs exists for the greater part of Palestine in large towns such as Jerusalem (where the majority of the population are Jews), Haifa and Jaffa. Moreover, since taking this new step on January 1st, 1935, the Department of Posts and Telegraphs has not proceeded further. Not only has the equality required by the mandate not been secured, but it must unfortunately be noted that no further steps have been taken in that direction.

It seems perfectly clear that all that is needed to bring about linguistic equality is an increase in the staff capable of handling telegrams in Hebrew script—which is simply a budgetary matter. From this standpoint, it may be well to observe that the Department's surpluses continue to increase, and have reached a gratifying figure.

V. If the Commission agrees with me, it might adopt the following draft resolution :

“ The Commission,

“ Having considered the petitions from M. Israel Amikam, dated May 11th, 1934, and May 19th, 1935, and the observations of the mandatory Power thereon :

“ Notes that the transmission of telegrams in Hebrew characters has been introduced in certain places in the mandated territory, and

“ Expresses the hope that circumstances will enable the Palestine Government to expedite the extension of these facilities in the near future, in order that equality among the three official languages of the country may speedily be brought about.”

C.P.M.1804(1).

### ANNEX 8.

### PALESTINE.

PETITIONS, DATED SEPTEMBER 19TH AND 24TH, 1935, FROM M. EMIR CHEKIB ARSLAN, GENEVA.

### REPORT BY M. ORTS.

These petitions consist of a telegram, dated September 19th, 1935, and a letter, dated September 24th, the latter being addressed to the Chairman of the Sixth Committee of the League of Nations and drawn up by the signatory at the request of the European Moslem Congress held in Geneva from September 12th to 16th, 1935. They were submitted to the mandatory Government for Palestine, whose observations will be found in a letter dated March 11th, 1936.

They constitute a protest against the intensification of Jewish immigration with the object of converting Palestine into a “ Jewish State ”, which would be contrary to the spirit and letter of Article 22 of the Covenant.

In reply, the mandatory Power states that while it is responsible under the mandate for placing the country under such political administration and economic conditions as will secure the establishment of a national home for the Jewish people, “ there is no question of the establishment of a Jewish State in Palestine ”.

For the rest, the petition reverts to points which have been the subject on many occasions of our discussions and of former petitions from Arab sources, such as the acquisition of land and the displacement of the Arabs occupying it by Jews, the possibility of the extension of Jewish colonisation in Trans-Jordan, and the capacity of the country to absorb so many immigrants.



As the mandatory Government points out, this petition of a general character bears a close resemblance in many respects to the petition dated October 5th, 1933.<sup>1</sup> As regards the latter petition, the Commission did not feel called upon to make any special recommendation to the Council.

As to the petition now before us, I propose the same conclusion :

“ The Commission,

“ Having examined the petitions, dated September 19th and 24th, 1935, from M. Emir Chekib Arslan, Geneva, and the observations of the mandatory Power thereon :

“ Considers that these petitions do not call for any special recommendation to the Council.”

C.P.M.1792(1).

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#### ANNEX 9.

#### PALESTINE.

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PETITION, DATED MAY 13TH, 1935 (WITH FOUR ANNEXES), FROM  
M. E. KARWASSARSKY, TEL-AVIV.

REPORT BY BARON VAN ASBECK.

The petitioner wishes to draw the Mandates Commission's attention to the slowness of justice in Palestine, especially as regards the hearing of land cases. He gives an example of this slowness and, mentioning the hardship which it may cause, he urges that the number of judges should be increased so that the large number of pending cases may be disposed of.

The United Kingdom Government does not dispute the fact that there has been considerable delay, not only in respect of land court cases, but also in respect of cases before other courts. Nevertheless, the mandatory Power hopes that the reforms carried out in 1935 and 1936 in regard to both judicial organisation and the appointment of registrars will have the salutary effect of speeding up the judicial machinery. Fuller information on this question was promised for 1937 by the accredited representative during the examination of the report for 1935 on the administration of Palestine.

In these circumstances, I propose that the Commission should adopt the following resolution :

“ The Commission,

“ Having examined the petition, dated May 13th, 1935, from M. E. Karwassarsky, Tel-Aviv, in the light of the observations of the United Kingdom Government contained in its letter of November 1st, 1935 :

“ Considers that no special action need be taken on this petition.”

C.P.M.1800(1).

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#### ANNEX 10.

#### PALESTINE.

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PETITION, DATED MAY 24TH, 1935, FROM THE COUNCIL WAAD ADATH  
ASHKENAZIM OF JERUSALEM.

REPORT BY M. RAPPARD.

In this petition, its author, Chief Rabbi Schorr, of Jerusalem, reverts at length to complaints against the mandatory Power which he had already put forward in 1933 and which the Commission examined at its twenty-fifth session.

On that occasion, the petitioner had already asked that the community of the Waad Adath Ashkenazim, of which he is the chief, should be recognised as an independent Jewish community and that it should be given certain special advantages in this connection. At that time, the Commission, “ recognising . . . the undesirability, and even the impossibility, of the establishment, as communities which are autonomous from the administrative point of view, of all religious groups desiring separate official representation with the mandatory Power ”, considered that there were no grounds for making a special recommendation to the Council on Chief Rabbi Schorr's requests.

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<sup>1</sup> See Minutes of the Twenty-fifth Session of the Commission, pages 153, 154.

In this new petition, the Chief Rabbi considers that the former decision of the Mandates Commission was taken on the basis of erroneous information supplied by the mandatory Power and returns to the charge. He stresses once more both the special character of his group's religious opinions, which, according to his statement, fundamentally distinguish them from other Jewish communities, and the numerical importance of his following.

The mandatory Power, both in its written observations and in the verbal statements of its accredited representative, maintains the position which it adopted two years ago.

Despite all the care with which I have examined this petition and all the attached documentation, I have been unable to convince myself of the legitimacy of its author's grievances or of the injustice of the treatment meted out to his group by the mandatory Power.

Thus the petitioner asserts that his religious faith does not allow him to recognise the legitimacy of a Court of Appeal in the organisation of Jewish ecclesiastical courts, considering that the very principle of appeal "is contrary to the teachings of the Torah, the Talmud and the sayings of the great Rabbis". I confess that I do not feel able to express an opinion on a question of Hebraic theology and ethics. It appears to be evident, however, that the establishment of such a jurisdiction, which appears to be accepted by the majority of the Jews and is based, moreover, on considerations of public order, cannot fairly be regarded as an infringement of the principle of religious freedom.

In view, on the one hand, of the complexity of the questions raised by the petitioner and the very definite opposition between his views and the mandatory Power's judgment, and, on the other hand, of the clear absence of any infringement of freedom of conscience and worship as a consequence of the facts alleged by the petitioner, in so far as a non-initiate is able to judge, I consider that no special action is called for on Grand Rabbi Schorr's petition.

If my colleagues agree with me on this point, I propose that they should adopt the following resolution :

" The Commission,

" Having examined the petition, dated May 24th, 1935, in which Grand Rabbi Schorr reverts to the grievances and requests already submitted by him two years ago on behalf of the Waad Adath Ashkenazim, of which he is the head ;

" Considering that this new petition contains no allegation which can justify a conclusion different from that expressed on that occasion :

" Is of opinion that there are no grounds for making a special recommendation to the Council on the subject."

C.P.M.1781(1).

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## ANNEX 11.

### PALESTINE.

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PETITION, DATED APRIL 24TH, 1935, FROM DR. R. TAMINI, SECRETARY OF THE NATIONAL MEDICAL ASSOCIATION OF HAIFA.

REPORT BY M. MANCERON.

The petition states that a Conference of Arab doctors convened in Haifa in 1932 drew the attention of the authorities to the excessive number of doctors practising in Palestine—namely, 600—and the undesirability of admitting more foreign doctors into the country. As, however, according to the petitioner, no steps were taken, the situation foreseen rapidly materialised, and the number of practitioners had risen to almost 2,000 on the date of the petition, making the ratio of one doctor to every 550 inhabitants—a ratio which has absolutely no equivalent in any other country in the world.

In the letter transmitting this petition, the United Kingdom Government states that the petition has received its careful consideration. It agrees that the number of persons admitted to practise medicine must be regulated in order to secure the medical profession from overcrowding and from the disadvantages and abuses to which such overcrowding may give rise. An Ordinance was promulgated on July 25th and came into force on October 30th, 1935.

I therefore propose the adoption of the following conclusion :

" The Commission,

" Having examined the petition, dated April 24th, 1935, from Dr. R. Tamini, of Haifa, and the observations thereon of the mandatory Power :

" Notes that, by limiting, under the Ordinance of July 25th, 1935, the number of persons admitted to practise medicine, the mandatory Power has been able to remedy the state of affairs referred to, and

" Accordingly considers that no action need be taken in regard to the petition."

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ANNEX 12.

PALESTINE.

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PETITION, DATED JULY 7TH, 1935, FROM M. ALI HASSAN EL YAFAWI, HAIFA.

REPORT BY M. SAKENOBE.

On January 6th, 1936, the United Kingdom Government forwarded to the Secretary General of the League of Nations a petition, dated July 7th, 1935, from M. Ali Hassan El Yafawi, Haifa, with its observations.

In his letter above mentioned, the petitioner claims to have lost, during the disturbances of 1921 and 1929, his capital, amounting, as estimated by the Government of Palestine, to £P1,500 ; he states that his efforts to obtain compensation from the Government of Palestine have so far failed, and asks for the League's intervention.

\* \* \*

The mandatory Government, in its observations, states that, in regard to the petitioner's claim for compensation in respect of the disturbances of 1921, after investigation by the district authorities, including the taking of a statement from the Mukhtar of the quarter in which the petitioner resides, the High Commissioner for Palestine was satisfied that there was no substance in the claim.

As regards the petitioner's claim for compensation in respect of the disturbances of 1929, the mandatory Government states that no record of any such claim could be traced in the files of the Commissioner of Lands, who dealt with all similar cases, but that the District Commissioner of Haifa stated the petitioner had failed to substantiate his case in that district.

In view of this information from the mandatory Government, I would propose that the Commission should adopt the following conclusion :

“ The Commission,

“ Having considered the petition, dated July 7th, 1935, from M. Ali Hassan El Yafawi, in the light of the observations of the mandatory Government :

“ Is of opinion that no action need be taken regarding this petition.”

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ANNEX 13.

C.P.M.1802(1).

PALESTINE.

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LETTER, DATED APRIL 30TH, 1936, FROM THE PRESIDENT OF THE JEWISH AGENCY FOR PALESTINE, ACCOMPANYING A MEMORANDUM ON THE DEVELOPMENT OF THE JEWISH NATIONAL HOME IN PALESTINE IN THE YEAR 1935.

REPORT BY COUNT DE PENHA GARCIA.

The memorandum on the development of the Jewish National Home in 1935 submitted by the Jewish Agency for Palestine is accompanied by a covering letter from the President of the Agency, addressed to the High Commissioner for Palestine, which summarises the principal facts mentioned in the memorandum and the desires or requests of the Jewish Agency relating thereto.

The mandatory Power has furnished comments on the letter of the President of the Jewish Agency, and these three documents, together with the annual report on Palestine for 1935, constitute sufficient material for forming a judgment of the progress of the Jewish National Home in execution of the Palestine mandate.

It may be said, generally speaking, that the year 1935 was very favourable to the development of the Jewish National Home. According to the annual report for 1935, 61,854 immigrant Jews were registered. This is the heaviest immigration which has occurred in any one year. Despite this, the Jewish Agency complains that certain restrictions have been placed on the immigration of persons belonging to the families of Jews already settled in Palestine. In justification of these measures, the mandatory Power says that, especially in times of depression, the Jews already settled would find it difficult to support too many additional dependents, and that, further, many persons admitted as dependents in fact go off and live independently after their arrival. Obviously, some of the concrete cases are more deserving than others, and the Immigration Services will no doubt take them into consideration. The

age-limit for children who accompany their parents is fixed at 15 years, which seems somewhat low. The Agency also deals with the difficult situation of Jews who leave Germany and hopes that the mandatory Power will provide the necessary permits. In its annual report, the mandatory Power states that, during 1935, 30,000 German Jews were admitted to the territory.

Another request by the Jewish Agency concerns the position of a certain number of Jews not provided with the necessary papers who are already in Palestine. The Agency wishes steps to be taken to settle the situation. According to the annual report for Palestine, it would appear that illegal immigration has greatly diminished. Moreover, we find, according to the same document, that convictions for illegal immigration apply much more to non-Jews than to Jews. This is a situation which deserves to be studied closely for, as against 283 Jews convicted for illegal entry into Palestine, there were 2,150 non-Jews.

The Jewish Agency then describes the situation created by the proposal for a legislative council prepared by the Palestine Government. The Jews unanimously judged this proposal to be unfavourable to their community and stated that they could not accept such a council. In its observations, the mandatory Power confines itself to regretting the Jewish community's attitude, and the question has been left in suspense. On the occasion of the examination of the report on Palestine, the accredited representative of the mandatory Power stated that he could not discuss the matter.

The question of cultivable land is a matter of concern to the Jewish Agency, which fears that the measures announced by the mandatory Power to slow down the excessive rate of sales by Arabs, especially the prohibition of the sale of "subsistence areas" (*lots viables*), will affect the development of the Jewish Home. In its observations, the mandatory Power states its intention of hearing the Jewish and Arab leaders before putting the new legislation into force. The question of land is always a cause of difficulty between Jews and Arabs, which justifies the mandatory Power's preoccupations, but the reclamation of State lands will remove many of these difficulties. According to the annual report for Palestine, the Government intends to push forward the work in connection with the Huleh region.

Despite considerable industrial and commercial development in 1935, the Jewish Agency complains among other things of the effects of dumping, the consequences of economic equality and the failure to substitute *ad valorem* duties for specific duties. The problem is a very delicate one and even affects the clauses of the mandate. The reserve shown by the mandatory Power in its observations is therefore easy to understand. A certain number of questions raised by the Jewish Agency's memorandum, particularly the distribution of labour on public works as between Jews and Arabs, the increase in subsidies to Jewish educational and charitable institutions, the independence of certain of the Tel-Aviv administrative services from those of Jaffa, the situation created by the recent events, etc., have been met either by assurances or by statements of principle. Thus, as regards the question of Jewish workers, the mandatory Power proposes that the racial assignment of works should be a public condition of invitation to tender.

As regards the question of the subsidies granted to Jewish organisations, the mandatory Power shows that every year it is increasing the sums granted. As regards the problem of Tel-Aviv, mentioned above, the Palestine Government proposes to review the question "in the light of the situation created by the recent disturbances".

Lastly, as regards the question of the disturbances, the mandatory Power refers to the decision to appoint a Royal Commission and repeats in its observations the statement made in Parliament by the Secretary of State for the Colonies that "it will not be deflected from its policy by riots or threats of any kind".

In these circumstances, I propose that the Commission should adopt the following resolution :

" The Commission,

" Having noted the Jewish Agency's memorandum, the letter of the President of the Agency to the High Commissioner for Palestine, and the mandatory Power's observations thereon ;

" Considers that no recommendation need be made to the Council in connection with the said memorandum."

C.P.M.1807(1).

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#### ANNEX 14.

#### SYRIA AND LEBANON.

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PETITIONS CONCERNING THE ADMINISTRATION OF THE MOSLEM WAQFS,  
SUBMITTED ON SEPTEMBER 11TH AND OCTOBER 20TH, 1934, BY M<sup>e</sup> GHAFOUR  
AL MSOUTY.

REPORT BY M. PALACIOS.

Annex 35, page 222, of the Minutes of the Twenty-seventh Session of the Permanent Mandates Commission contains the report which I had the honour to submit on June 18th, 1935. It was then decided to defer consideration of these petitions, in the hope that



the mandatory Power would furnish the League with certain further particulars. On October 25th, 1935, at its twenty-eighth session, the Commission decided again to postpone consideration of the question, because the particulars asked for had not yet been received, and the accredited representative of the French Republic, making allusion to the complicated and essentially legal character of the problem, had asked for a postponement on those grounds.

The points on which the Commission asked for information were those raised by the mandatory Power itself in the covering letter to the petitions dated May 28th, 1935, as follows: (a) differential treatment in regard to the *istibdal*; (b) the Waqfs *cheri*; and (c) the Waqfs created for the holy places.

The information to be supplied was to be based on the Law of the Koran and the provisions of the mandate.

Fundamentally, as may be seen from the report on the petitions, which follows the text of the latter, the points that the Commission wished to clear up were the following:

1. Whether, by Decree No. 80, promulgated on January 19th, 1926, and by the other similar measures mentioned in one of the petitions, the High Commissioner really legislated in regard to the Moslem Waqfs incompatibly with Moslem law, which appears to be outside his jurisdiction.

2. Whether the *istibdal* is binding under Moslem law, and whether the *istibdal* imposed by the mandatory authority, if it exists and is legitimate, might actually have the result of annulling and destroying the Moslem foundations.

3. Whether it is certain that the policy of the mandatory Power has established an equally arbitrary discrimination, whereby the *marbuta* Waqfs would have to include the proceeds of the sale of their property in their current budget, the *mulhaka* Waqfs include half of it in the budget and apply the other half to the purchase of fresh immovable property, while the Waqfs of the other communities, especially the Christians, would apply the whole of the proceeds of the sale to the construction or purchase of new buildings and would retain their property.

4. Whether the Hejaz Railway is really a Waqf *cheri*, and whether its attachment to the Damascus-Hama Railway and Extensions Company is also illegal.

5. Whether orders have been given not to distribute the revenue of the Waqfs created for the holy places of Mecca and Medina, and, if so, whether that also is an arbitrary act.

6. Lastly, whether other interferences with the management of the Waqfs, such as the appointment of the Controller-General by the High Commissioner or the appointment of the Boards of Management and "ulmiets" of the Waqfs, which, it is asserted, are also appointed by the mandatory authorities, have actually taken place in such circumstances, and whether they are compatible with the Law of the Koran or the Syrian Constitution, which, it is alleged, provides that the property of these foundations must be managed by boards consisting exclusively of Moslems and elected by the Moslem community.

M. de Caix—first in the Commission on October 25th, 1935, subsequently in a letter to the Secretariat dated May 24th, 1936, and lastly at the hearing on June 5th, 1936—laid stress upon the obscurity and confusion of the law on this subject, and limited his oral statement in the Minutes to the extremely cautious and reserved notes recorded there. In these statements, it is categorically asserted, in connection with some of the points in dispute, that the mandatory Power has not departed from the law and has observed the decisions of the Moslem supreme councils. This notwithstanding, since the Administration's experts, with all their knowledge and experience, have not been able to find a clear and unequivocal formula owing to the complicated nature of the question, it seems hardly likely that the Mandates Commission would prove more successful.

I therefore propose that the Commission reserves the question for more exhaustive enquiry when it has been supplied with adequate material, and that it merely calls the Council's attention to the passages in the Minutes dealing with the examination of the petitions from M<sup>e</sup> Ghafour Al Msouty.

Should the Commission agree with this view, I propose that it adopt the following conclusions:

"The Commission,

"Having examined the petitions concerning the administration of the Moslem Waqfs submitted on October 20th and September 11th, 1934, by M<sup>e</sup> Ghafour Al Msouty;

"Confines itself for the moment to drawing attention to the statements made by the accredited representative during the meetings at which these petitions were examined by the Commission, and reserves the problems raised for more exhaustive enquiry when the mandatory Power has supplied it with documentary material."

ANNEX 15.

SYRIA AND LEBANON.

PETITION, UNDATED, FROM M. A. SARMINI AND OTHER MEMBERS OF THE  
EXECUTIVE COMMITTEE OF THE WAQFS, ALEPPO.

REPORT BY M. PALACIOS.

This petition was transmitted to the League of Nations by a letter from the mandatory Power, dated October 17th, 1935, accompanied by its observations thereon and an extract from No. 205 of the newspaper *Al Jihade*, of Aleppo, dated May 31st, 1935.

\* \* \*

The Executive Committee of the Waqfs protests in general against the interference of the mandatory authorities in the Moslem foundations, which it alleges to be arbitrary and abusive ; it seeks to defend Moslem *Osmanieh* Waqf, a Waqf very rich in property and land, which the Aleppo municipality has planned to transform into public gardens at the instigation—so the petitioners assert—of the higher authorities. The petitioners add that, in order to disguise the operation, the municipality has resorted to “leasing” instead of sale, and that the rent “will never be in proportion to the value of this land which is situated in the best part of the town and is suitable for the construction of remunerative dwelling-houses or commercial premises, even after the necessary ground has been taken for public thoroughfares”.

The petitioners say that in the technical plan for laying out the town, no provision had been made for gardens on this side. Aleppo already possesses the big Berriett-el-Maslakh Park, now abandoned, although schools, houses and narrow and unhealthy streets are in the vicinity. The local authorities want to improve the town by using the Waqfs for purposes contrary to their object and to the wishes of the communities which own them, although they have left the town, in which all kinds of poverty and disease are rife, in a deplorable state of dilapidation and neglect.

The petitioners say that they do not oppose the creation of new gardens or the embellishment of the town, but they do not want this to be done at the expense of the Moslem Waqfs.

Orders were given to suspend the newspapers which spoke of this requisitioning and published the manifesto and criticisms of those concerned ; but these orders were not carried out, because the manager of the newspaper *Al Jihade*, of Aleppo, paid a visit to Sheik Tageddin himself and represented to him the injustice of this measure and the poverty to which it would condemn his workmen.

\* \* \*

The mandatory Power adduces various arguments against this appeal made to the League of Nations as a supreme tribunal. It states that the Executive Committee of the Waqfs is a small opposition group at Aleppo ; that the authorities have been obliged to deprive the *muttewali* (who was a woman, and, in practice, left the administration of the property to her son) of the management of the Waqfs, owing to misappropriations from which this pious foundation had suffered ; that the *muttewali* had first of all had recourse to *hikr* or disguised sale to Moslem, Christian and Jewish notables, involving the payment of a purely nominal rent, and afterwards to *istibdal*—i.e., sale with obligation of reinvestment, on disadvantageous terms which led to lively protests ; that the Waqf Control Board had put a stop to certain fraudulent operations which were depriving the foundation of its rights and profits, and had entrusted the management of the *Osmanieh* Waqf to the Waqf administration itself ; that the Aleppo municipality has, it is true, rented part of the foundation to convert it into a garden ; that a garden was provided for in the town plans, and that the execution of the improvement and town-planning scheme will increase the value of the Waqf's remaining property ; that the Berriett-el-Maslakh Park has not been abandoned, and that special attention is paid to the hygiene of the town, as far as the scanty resources of the municipal budget permit ; and, lastly, “that the petition appears to be inspired much less by any desire for the efficient administration of the Waqfs than by the private interests concerned in their administration and by a desire to seize every pretext for fomenting political agitation”.

\* \* \*

As will be seen, the petition raises a general problem, that of the administration of the Moslem Waqfs, which has been dealt with during the present session in connection with other complaints, and the specific individual problem of the *Osmanieh* Waqf. As regards the former, I propose that the Commission abide by the conclusions already adopted, in connection with



the examination of the petition submitted by M<sup>e</sup> Ghafour Al Msouty; as regards the latter, I consider that, in view of the categorical statements of the mandatory Power, no action should be taken on the petition.

If my colleagues agree with this view, I propose that the following conclusions should be adopted :

“ The Commission,

“ Having examined the petition, undated, from M. A. Sarmini and other members of the ‘ Executive Committee of the Waqfs ’, Aleppo, together with the relevant observations of the mandatory Power ;

“ Having noted the additional information furnished by the accredited representative ;

“ Referring to the conclusions adopted regarding the administration of the Moslem Waqfs in connection with the petitions from M<sup>e</sup> Ghafour Al Msouty, examined at the present session :

“ Considers that, in view of the categorical statements of the mandatory Power, no special action need be taken on this petition.”

C.P.M.1795(1).

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ANNEX 16.

SYRIA AND LEBANON.

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PETITION, DATED AUGUST 21ST, 1935, FROM M. JOSEPH FADEL, SECRETARY OF THE SYRIAN LEBANON AMERICAN SOCIETY OF NEW JERSEY, U.S.A.

REPORT BY M. ORTS.

The signatory of this petition calls attention to the difficult position in which numerous Syrians and Lebanese resident in the United States and other foreign countries have placed themselves by neglecting to register at the French consulate as Syrian or Lebanese citizens within the prescribed time.

The formality referred to is that provided for in Article 34 of the Treaty of Lausanne of July 24th, 1923, which reads :

“ Subject to any agreements which it may be necessary to conclude between the Governments exercising authority in the countries detached from Turkey and the Governments of the countries where the persons concerned are resident, Turkish nationals of over 18 years of age who are natives of a territory detached from Turkey under the present Treaty, and who, on its coming into force, are habitually resident abroad, may opt for the nationality of the territory of which they are natives, if they belong by race to the majority of the population of that territory, and subject to the consent of the Government exercising authority therein. This right of option must be exercised within two years from the coming into force of the present Treaty.”

The petitioner admits that a notice calling attention to this clause appeared in 1927 in the Syrian newspapers in the United States and elsewhere. It was published in Arabic, and he argues that the majority of the Syrians and Lebanese living abroad, not knowing Arabic, did not see it. Consequently, they lost the opportunity of acquiring the nationality of their native country, to which they are attached by ties of sentiment and, in some cases, by material interests.

Since, moreover, according to the petitioner, the Turkish authorities do not display any particular anxiety to recognise these persons as Turkish citizens, they are now for practical purposes stateless, with all the drawbacks attaching to that position.

In conclusion, the petitioner appeals to the League to secure an agreement affording a fresh period of two years in which Syrians and Lebanese abroad may register, and to see that any notice to that effect is published in the newspapers and in the language of the country in which they reside.

\* \* \*

In its observations on this petition, conveyed in its letter of May 23rd, 1936, the mandatory Government states that the question has already received its attention, and that, during the last few years, it has several times raised the point in the course of discussions with the Turkish Government, but that these overtures have so far led to nothing.

\* \* \*

It seems to me that it would be proper for the Commission to concern itself with the position of those Syrians and Lebanese who have not been able to avail themselves of their right of option during the prescribed period, and to suggest that the mandatory Power should, again draw the friendly attention of the Ankara Government to this point.

If the Commission agrees with me, I propose that it adopt the following conclusion :

“ The Commission,

“ Having considered the petition, dated August 21st, 1935, from M. Joseph Fadel, Secretary of the Syrian Lebanon American Society of New Jersey, U.S.A., and the mandatory Power's observations thereon :

“ Draws attention to the position of those Syrians and Lebanese resident abroad who have not been able to avail themselves within the prescribed period of the right of option established in Article 34 of the Treaty of Lausanne ; and,

“ Hopes that the mandatory Power will renew its demarches with a view to remedying this situation.”

C.P.M.1796(1).

#### ANNEX 17.

#### SYRIA AND LEBANON.

PETITION, DATED SEPTEMBER 20TH, 1934, FROM M. PHILIPPE ZALZAL, BEIRUT.

REPORT BY COUNT DE PENHA GARCIA.

On September 20th, 1934, M. Philippe Zalzal, of Beirut, sent, through the High Commissioner in Syria and Lebanon, a petition to the Mandates Commission protesting against decisions of the French Nationalities Commission attached to the High Commissariat at Beirut.

These decisions were two in number.

The first, dated April 22nd, 1924, rules that, M. Philippe Zalzal's father having been naturalised Spanish on November 14th, 1866, his children had acquired Spanish nationality. According to the terms of this decision of the Nationalities Commission, M. Philippe Zalzal and his brother Joseph are therefore Spanish. In 1925, Philippe Zalzal protested against this decision to the High Commissioner, General Dupont, who, on December 1st, 1925, sent the Governor of the State of Great Lebanon a note requesting him to draw the Public Prosecutor's attention to the proceedings brought by Philippe Zalzal before the Court of First Instance to establish his nationality as Lebanese and not Spanish. The High Commissioner notified the Public Prosecutor that new facts invalidated the decision taken by the Nationalities Commission sanctioned by the High Commissioner, and that the matter should therefore be examined by the court.

The High Commissioner thereby attached great importance to the facts adduced by Philippe Zalzal to justify his Lebanese nationality, documentary material in support of which is submitted by the petitioner. In judging his petition, the Beirut Civil Court recognised, on February 25th, 1927, that Joseph Zalzal, brother of Philippe Zalzal, born before his father's naturalisation, possessed Lebanese nationality, but again held Philippe Zalzal to be Spanish. An appeal having been made against the award of the Court of First Instance, the Court of Appeal did not give a ruling until February 6th, 1929, when it declared that it had no jurisdiction in the matter, for on February 17th, 1928, Decree No. 1824 had transferred nationality questions to a new Special Nationalities Commission. At about the same time, the Court of Cassation had been abolished, except for criminal cases. The new Nationalities Commission examined the case in 1930 ; it upheld the first Commission's decision regarding Joseph Zalzal as Spanish, and declared his brother Philippe as without nationality.

Summarising these different decisions, we find that Joseph Zalzal was declared Spanish by the two Nationalities Commissions (those of 1924 and 1930), and Lebanese by decision of the Beirut Court of First Instance ; and that Philippe Zalzal was pronounced to be Spanish by the decisions of the Nationalities Commission in 1924 and the Beirut Court of First Instance, and without nationality by the Nationalities Commission's decision of 1930.

We thus have, for the same cases, decisions of two kinds : first, those of an administrative nature by the two Nationalities Commissions, and secondly, those of a judicial character—*i.e.*, a judgment by a Court of First Instance and a judgment by the Court of Appeal saying that it had no jurisdiction in the matter.

Doubts may be entertained as to the justification of the latter judgment ; first, because it removed from the judicial sphere a question which had been assigned thereto, and, secondly, because Article 1 of Decree No. 1824, of February 17th, 1928, reads as follows :

“ There shall be attached to the High Commissariat of the Republic in Syria, the Lebanon, the Alawites and Jebel-Druse, a special Commission with the task of ascertaining by enquiry based on the treaties, conventions, laws and regulations in force, the true nationality of persons claiming to be the subjects, or protected subjects, of foreign Powers.”



In the case of Philippe Zalzal, at any rate, who claimed to be Lebanese, the article does not seem to be applicable.

At present, the judicial reform in the Lebanon has placed the organisation of courts and instances on a more normal footing. Cassation has been restored, and the new Code of Procedure has established different methods of bringing cases before the courts, in order to prevent any possibility of arbitrary action.

I therefore propose that the Commission should adopt the following conclusion :

“ The Commission,

“ Having examined the petition, dated September 20th, 1934, from M. Philippe Zalzal, of Beirut, and the mandatory Power's observations thereon ;

“ Being of opinion that it is not for the Commission to pronounce on nationality questions :

“ Considers that this petition does not call for any action on its part.”

C.P.M.1799(1).

#### ANNEX 18.

### SYRIA AND LEBANON.

PETITIONS, DATED NOVEMBER 7TH AND 11TH, 1935, AND JANUARY 22ND, 1936, FROM SOUBHI BEY BEREKAT, DAMASCUS.

#### REPORT BY M. RAPPARD.

On May 23rd, 1936, the French Government transmitted to the Secretary-General of the League of Nations, together with its own observations, the three following documents :

1. Letter dated November 7th, 1935, from Soubhi Bey Berekat, President of the Syrian Chamber, forwarding a petition “ from the parties ” to the High Commissioner, with the request for its submission to the League of Nations, together with the text of the petition in question.

2. Letter dated November 11th, 1935, from Soubhi Bey Berekat to the Chairman of the Permanent Mandates Commission.

3. Letter dated January 22nd, 1936, from Soubhi Bey Berekat to the High Commissioner, with the request for its transmission to the League of Nations, complaining against the High Commissioner's policy.

Although these three petitions differ as regards the instances to which they are directly addressed, as also in the matter of their substance and tone, they are nevertheless substantially identical. Whether addressed to the High Commissioner of the French Republic at Beirut or to the Chairman of the Permanent Mandates Commission, they are the expression of the radical discontent of their author, the President of the Syrian Chamber of Deputies, in regard to the present position of his country.

The grievances put forward are those of a Syrian Nationalist, patriotically indignant at the system imposed on the mandated territories, and eager for the restoration to the latter of their “ political rights, independence, sovereignty and unity as a whole, by the transfer of such vital economic institutions as the Mohammedan Waqfs, including the Hejaz Railway, the Customs and other public utilities ”.

In the letter from Soubhi Bey Berekat to His Excellency the Comte de Martel, dated January 22nd, which he desires to be submitted to the League, the writer does not confine himself to protests and aspirations of a general character : the letter contains in addition more detailed and more personal criticisms of the High Commissioner. The petitioner criticises in particular the High Commissioner's arbitrary and illegal conduct which (he alleges) is inspired by his contempt for the Syrian people.

Soubhi Bey Berekat's petitions, though fairly voluminous, do not contain any new allegation or any desires which the Permanent Mandates Commission has not already had to consider in another connection. The allegations and desires expressed in the petitions have already been the subject on various occasions of discussions with the accredited representative of the mandatory Power and of conclusions by the Commission ; I therefore consider that it would be superfluous and undesirable to make the present petitions the occasion for a fresh analysis or estimate of the allegations and wishes in question.

Should the Commission agree, I suggest the adoption of the following draft resolution :

“ The Commission,

“ Having taken note of the three petitions of Soubhi Bey Berekat, dated November 7th and 11th, 1935, and January 22nd, 1936, respectively, together with the observations of the mandatory Power thereon ;

“ Considering that the petitioner in these communications expresses opinions of a general character on the whole administration of the mandatory Power and the policy of the High Commissioner and voices aspirations of a no less general character with regard to the future of his country ;

“ Recalling the Commission’s discussions on this subject with the accredited representative of the mandatory Power, at a number of sessions, including the present session, and referring to the observations it has submitted in the past and is again submitting to the Council of the League of Nations on the subject of the Syrian Administration :

“ Is of opinion that no special action is required in respect of these petitions.”

C.P.M.1793(1).

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ANNEX 19.

SYRIA AND LEBANON.

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PETITION, UNDATED, FROM M. TOUFIK EL-KABANI, M. HANI EL-JELAD AND OTHER SIGNATORIES, DAMASCUS.

REPORT BY COUNT DE PENHA GARCIA.

A number of inhabitants of Damascus sent to the High Commissioner in Syria a petition, undated, protesting against the suspension of the newspaper *Al Ayam*, which, according to the petitioners, merely reproduced an article from a French paper regarding the actual situation in the country.

The petitioners maintain that this suspension constitutes an act whereby liberty has been interfered with and the voice of the nation stifled.

In the letter from the French Government dated May 26th, 1936, the mandatory Power states that this petition does not call for any special observations. It adds that the newspaper *Al Ayam* was suspended for seven days for having reproduced abusive articles from a satirical Paris weekly.

Since the suspension was a legal administrative measure, and since it was merely for a short period, I propose that the Commission should adopt the following conclusion :

“ The Commission,

“ Having examined, in the light of the statements of the mandatory Power, the petition, undated, from M. Toufik El-Kabani, M. Hani El-Jelad and others, of Damascus :

“ Considers that no action need be taken on this petition.”

C.P.M.1789(1).

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ANNEX 20.

SYRIA AND LEBANON.

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PETITIONS, DATED JULY 3RD AND DECEMBER 13TH, 1935, FROM M. SAMI SLIM, BORJ EL BARAJNÉ.

REPORT BY M. SAKENOBÉ.

On May 23rd, 1936, the French Government forwarded to the Secretary-General of the League of Nations, two letters, dated respectively July 3rd and December 13th, 1935, from M. Sami Slim, Borj El Barajné, addressed to the High Commissioner for Syria and Lebanon.

In one of these letters, the petitioner complains of the concessionary companies of the tramways, the railways, the water, the harbours, the tobacco, etc., in Syria and Lebanon and the support they receive from the Government. He asks that these companies should be induced to send in to the Mandates Commission the papers containing the terms of their concessions and their accounts.

The second complaint of the petitioner is in respect of the search and capture of a brigand Fouad Alamé and his band. He protests first, against the illegal and inhuman way with which the police treated the witnesses, and the excessive requisitions imposed upon the villagers for the feeding, etc., of the police. Secondly, he protests against the above-mentioned criminal having been killed instead of arrested.

\* \* \*

As regards the complaint against the concessionary companies, the mandatory Government observes that it does not feel bound to offer any observations, as it has, on several occasions, been dealt with by the Mandates Commission, especially when the petition from Dr. Kayali, Aleppo, was examined.<sup>1</sup> Apart from this comment of the mandatory Government, I should

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<sup>1</sup> See Minutes of the Twenty-sixth Session of the Commission, pages 183-184.



observe that a claim or complaint couched in such very general terms and based on no concrete facts—as is the case with this petition—does not call for any serious attention.

As regards the second complaint, it appears, from the statement of the mandatory Government, that the criminal Fouad Alamé was the author of two murders in Syria. He was condemned to death in Palestine for the murder of six policemen, and was sought by the police.

In May 1935, after a new aggression committed by his men on the Beirut and Damascus road, a detachment of some one hundred mounted police was despatched to the region where he and his men were supposed to be hiding. The fact that most of the villages of the region are scattered in the mountains and that certain of them tried to harbour the criminals, hindered and protracted the work of the police. The mandatory Government explains that the Government of Lebanon, at the suggestion of the High Commissioner and in conformity to the local tradition, therefore decided to billet the police in the villages and the feeding, etc., of the police was effected through the civil authorities; no complaints were made by the villagers to the authorities.

Questioned by the Rapporteur of the Mandates Commission as to the exactitude of the petitioner's allegation as to the severe treatment of the witnesses by the police, the accredited representative of the French Government stated that the whole affair was much exaggerated.

As to the petitioner's protest against the killing of the criminal, the mandatory Power replies in detail. The criminal was finally traced and tracked; at the very moment of being arrested, he got suspicious, and was shot down before he could fire.

\* \* \*

Having thus examined the petitioner's second complaint, also in the light of the information furnished by the mandatory Government, it does not seem to me to call for any special attention on the Commission's part.

I therefore propose the adoption of the following conclusion :

“ The Commission,

“ Having examined the petitions dated July 3rd and December 13th, 1935, from M. Sami Slim, Borj El Barajné, and the relevant observations of the mandatory Power:

“ Considers that it is not called upon to make any recommendation to the Council.”

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## ANNEX 21.

C.P.M.1787(1).

### SYRIA AND LEBANON.

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PETITIONS, FIVE IN NUMBER, DATED JANUARY 2ND, 10TH AND 11TH, 1936,  
REGARDING THE INCIDENTS ON THE OCCASION OF THE CEREMONIES HELD  
IN MEMORY OF IBRAHIM HANANO.

#### REPORT BY M. ORTS.

These petitions relate to incidents of which the Commission has already been informed in the mandatory Power's report on the position in Syria and Lebanon in 1935 (page 2).

They are in the form of four telegrams from various bodies in Latakia and Aleppo, and an application signed by a large number of inhabitants of Deir-ez-Zor; all are addressed to the High Commissioner at Beirut for transmission to the League of Nations.

These documents were sent by the mandatory Government, accompanied by a letter dated May 23rd, 1936, giving further details in addition to those already supplied in the annual report. That Government's representative accredited to the Mandates Commission also reverted to the subject at the twelfth meeting of this session.

The versions given by the mandatory authorities and by the petitioners agree closely, except as to the nature of the demonstration and that of the police action, which the authorities say was courteous, whereas the petitioners allege it to have been needlessly annoying or rough.

I need only say that the “ Hanano Day ” organised at Damascus in memory of the Nationalist leader was not marked by any serious incidents, and that those who, rightly or wrongly, complain that they were forbidden to take part, do not seem to have been treated with any actual violence.

The "Hanano Day" was one of many demonstrations of protest by the Syrian Nationalists, and the case is one in which it would be rash for the Commission to attempt to judge of the expediency of measures regarded by the authorities responsible for the maintenance of order as justified by its object of preventing the demonstration—which eventually passed off in comparative calm—from degenerating into a riot.

\* \* \*

I propose that we adopt the following conclusion :

" The Commission,

" Having considered the five petitions dated January 2nd, 10th and 11th, 1936, regarding the incidents that occurred on the occasion of the ceremonies held in memory of Ibrahim Hanano :

" Is of opinion that they do not call for any special recommendation to the Council."

C.P.M.1803(1).

## ANNEX 22.

### SYRIA AND LEBANON.

#### PETITIONS REGARDING THE MEASURES TAKEN IN SYRIA IN JANUARY AND FEBRUARY 1936.

REPORT BY M. ORTS.

The petitions to which the present report relates are the following :

1. Petition, dated February 1st, 1936, from M. Naji Assuwaïdi and other senators and deputies of the Iraqi Parliament at Baghdad (document C.P.M.1757).
2. Petition, dated February 8th, 1936, from M. Miguel Bechara, President of the " Liga Patriotica Syria ", São Paulo.
3. Petition, undated, from a number of deputies of the Iraqi Parliament, Baghdad.
4. Petitions, thirty-eight in number, regarding the measures taken in Syria in January and February 1936, forwarded on May 22nd, 1936, by the French Government, together with its observations.

These various petitions have this much in common, that they are all addressed to the League of Nations in connection with the agitation which occurred in Syria in January and February 1936. They can therefore be regarded as belonging to the same series of protests.

Nevertheless, while the greater number only refer to the repressive measures taken in connection by the mandatory authorities, others are directed against the administrative reform which was promulgated shortly before the disturbances, or more generally against the mandatory Power's policy in Syria ; lastly, there are some which protest both against this policy and against the arbitrary and violent manner in which the disturbances are alleged to have been put down.

Some of the petitions come from abroad, but the majority are from the principal towns of Syria, and even from Latakia and Lebanon. The latter, as the mandatory Government points out in its observations, come from Unitarian Moslems who have taken up the cause of the Nationalists of the interior. Owing to their number, the standing of some of the signatories and the diversity of their origin, they constitute an imposing testimony of the extent of the opposition which the present regime has aroused among the majority of Syrians proper.

\* \* \*

These petitions are in most cases couched in general terms. When they put forward definitely political claims, they demand Syria's unity " within her natural boundaries, and her complete independence ", a Constitution answering to the wishes of the majority of the inhabitants " of all parts of Syria " as expressed by a plebiscite, the conclusion of a Franco-Syrian Treaty of Friendship and Alliance, etc.

Considered from this aspect, it would be legitimate to apply to them the various conclusions adopted by the Commission regarding the ninety-eight petitions concerning Syrian unity already examined during the present session. They also call for the observation already made on this occasion by our Rapporteur (Annex 23)—namely, that they do not make any attempt to allay the apprehensions which might be felt by the minorities at the prospect of the establishment of a regime in which the preponderance of a majority suspected of intolerance would no longer be counterbalanced by a mandatory's influence.

\* \* \*



Fifty-two or fifty-three killed and a number of wounded which is certainly high—such is the tragic price of six weeks' rioting.

Was this rioting put down with unnecessary harshness? Could so much bloodshed have been avoided?

Such is the question which the Commission endeavoured to elucidate when it heard the accredited representative of the mandatory Power.

According to the testimony of the accredited representative, supported by examples of affrays at which he was personally present, "credit must be given to the police and to the troops for not taking advantage of their superior strength in putting down the disturbances. He had himself seen a cordon of police and soldiers bear with a volley of stones and abuse for hours without using violence." "When there had been victims amongst the rioters, it was usually because the police or soldiers had been obliged to fire in self-defence, or in defence of their chiefs."

Such statements could only validly be contested on the basis of evidence given by actors in the drama and referring to concrete facts.

Having regard to the formal character of these statements, the Commission, while regretting that there was bloodshed, can only take the view that, as far as it is concerned, they are decisive.

\* \* \*

I propose that the Commission should adopt the following conclusion :

"The Commission,

"Having examined : (1) the petition of February 1st, 1936, from M. Naji Assuwaidi and other senators and deputies of the Iraqi Parliament at Baghdad, (2) the petition of February 8th, 1936, from M. Miguel Bechara, President of the 'Liga Patriótica Syria', São Paulo, (3) the petition, undated, from a number of deputies of the Iraqi Parliament at Baghdad, (4) the petitions, thirty-eight in number, regarding the measures taken in Syria in January and February 1936, forwarded on May 22nd, 1936, by the French Government, together with the mandatory Power's observations, and the explanations supplied verbally by its accredited representative ;

"Referring to the conclusions adopted on the ninety-eight petitions regarding the question of Syrian unity examined during the present session :

"Considers that no special recommendations to the Council are called for in regard to these petitions."

C.P.M.1784(1).

#### ANNEX 23.

### SYRIA AND LEBANON.

#### PETITIONS (NINETY-EIGHT IN NUMBER, IN SIX CATEGORIES) RELATING TO SYRIAN UNITY.

REPORT BY M. RAPPARD.

Since the beginning of the year 1936, and, in particular, since March 1st, when the agreement concluded between the High Commissioner, the Syrian Government and the Nationalist leaders in regard to the preparation of a contractual regime was known, a very large number of petitions have been sent in to the mandatory Power and to the League of Nations on the subject of the future regime. These petitions, ninety-eight in number, were transmitted to the Secretary-General of the League of Nations for the Mandates Commission on May 23rd, with a few brief observations by the mandatory Power.

As the French Government observes, these petitions may be divided into six categories. The most numerous come from inhabitants of the Government of Latakia. Of these, forty-one ask for the incorporation of that Government in Syria ; the others, thirty-two in number, ask for the autonomy of that Government to be maintained in full. Three other categories of petitions relate to the future status of Lebanon, the Jebel-Druse and the Sanjak of Alexandretta. Lastly, the sixth category comes from scattered Syrian minorities, who claim in the territory effective guarantees against the treatment with which they believe themselves to be threatened through the announcement of negotiations for the establishment of a contractual regime.

The characteristic feature of all these petitions is that their authors do not complain of past injustices, but that, apart from a few exceptions which we need not consider here, they confine themselves to expressing wishes for the future.

In regard to the future, the petitioners' wishes are clearly contradictory and incompatible with each other. Some of the petitions, emanating mainly from Moslem circles, hope for a regime of national liberty and unity ; others, emanating from minority and in particular Christian circles, are absolutely opposed to this. Where these minorities are compact, as in

the Government of Latakia, the Sanjak of Alexandretta and the Jebel-Druse, they aspire to the maintenance of local autonomy under the tutelage of the mandatory Power. On the other hand, more especially in the Jezireh, where these minorities are scattered, they are afraid of any constitutional change that might result in depriving them of the effective protection of the mandatory Power.

Having carefully examined all these petitions and discussed them with the accredited representative of the mandatory Power, I consider it neither possible nor necessary to analyse them here. I will therefore merely submit the following three observations on them :

Various particulars contained in the petitions themselves, and the similarity and often the identity of their terms, are such as to cast doubt upon the spontaneity of their inspiration. As to the charges of pressure brought by the partisans of national liberty and unity against their adversaries and even against the mandatory Power, my colleagues will remember the terms of M. de Caix's reply. Though he did not deny that the notables in both camps readily resorted to very energetic measures of persuasion and sometimes even to intimidation, M. de Caix strongly denied the charge of official constraint. The High Commission's attitude, he assured us, has always been impartial towards the conflicting movements which divide the country.

The second observation suggested to me by an examination of the petitions relates to the attitude of the partisans of national liberty and unity. I cannot help being struck by the absence, in their authors' memoranda, of any reassuring declaration for the minorities. These petitions ask for the unity of the country, sometimes, it is true, adding to their claims the reservation "with decentralisation". But whereas the apprehensions felt by the minorities at a strictly unitary regime clearly constitute one of the principal obstacles to the establishment of such a regime, its partisans in no way seek, as might have been expected, to allay those apprehensions in advance by promises of tolerance.

The third and last observation relates to the apprehensions themselves. It is the fear of what would await the minorities if the protection of the mandatory Power were withdrawn from them that inspires both the compact minorities' aspirations to local autonomy and the scattered minorities' hope that the effective authority of France will be maintained.

The general conclusion at which I have arrived as the result of the examination of these petitions might be expressed in the following draft resolution, which I submit for my colleagues' approval :

"The Commission,

"Having taken cognisance of the petitions, ninety-eight in number, relating to Syrian unity and having examined them in the light of the mandatory Power's observations and the statements of its accredited representative, and

"Having noted the apprehensions which appear to be felt by the minorities in Lebanon and Syria, and the apparent indifference towards those apprehensions of the party that is in favour of the complete liberty and unity of the territories :

"(1) Considers that, until the future policy of the mandatory Power, which forms the subject of all the petitions examined, has been defined, it is not possible for the Commission to express any opinion on that policy ; but

"(2) Expresses now the hope that no change will be made in the present status of the territory which might have the effect of depriving the minorities of the protection they enjoy under the tutelage of the mandatory Power, until the populations of Syria and Lebanon have furnished more convincing proofs of their spirit of mutual tolerance ;

"(3) Expresses the fervent hope that the mandatory Power will see that the equality of treatment as between the inhabitants of Syria and Lebanon, irrespective of differences in race, religion or language, provided for in Article 8 of the mandate is fully respected at all stages of the progressive advance of those territories towards their future independence."

C.P.M.1794(1).

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#### ANNEX 24.

#### TANGANYIKA TERRITORY.

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PETITIONS, DATED JUNE 9TH, JULY 30TH AND OCTOBER 15TH, 1935, FROM  
MR. M. J. FORTIE, WASHINGTON.

REPORT BY BARON VAN ASBECK.

Mr. Fortie, who for many years resided in Tanganyika Territory, and revisited that country during the depression years 1932 to 1935, draws the Commission's attention to the system of native taxation.

In the first place, he protests against the introduction of a graduated income tax, which, according to the new Native Tax Ordinance, the mandatory Government appears to have



in view. Mr. Fortie expresses his concern at the fact that a cash tax, and particularly this graduated tax, represents for the population a Western system alien to the native mind, and is therefore likely, in the petitioner's opinion, to destroy the foundations of native society. It is inevitable, says Mr. Fortie, that a money economy will emphasise the importance of wealth in the form of cash, accentuate class distinctions, and expose the native, who has had no time to develop ethical defences, to all the temptations implied by money wealth.

Secondly, the petitioner expresses his anxiety regarding the new powers which are to be conferred on the native chiefs with regard to the assessment of taxes—powers the importance of which they do not realise, and which, in their unskilled hands, threaten to degenerate into means of oppression on the one hand, and of officious subservience to their European masters on the other.

His views concerning the welfare of the natives and the salvation of their society lead him to state, in the third place, that the introduction of a "money economy" is accompanied in Tanganyika by a disproportionate encouragement of crops for export, to the detriment of food crops.

Lastly, he states that too much of the tax-money is expended for purposes which have no relation with the lives and occupations of the natives.

In the second and third petitions, the petitioner amplifies the remarks made in the first, saying, in particular, that over-taxation obliges the natives to work on the roads, which is only camouflaged compulsory work, that whole villages are depopulated because the inhabitants leave them in search of work for cash to help them pay their taxes, and that this state of affairs is agreeable to the local administration, because the villages can be grouped into larger settlements and the land given up becomes available for exploitation by non-natives.

It will therefore be seen that the petitions contain, on the one hand, economic conclusions and considerations of a general nature, and, on the other hand, accusations against the local Administration.

The mandatory Government discusses the petitioner's remarks point by point. The majority of the accusations are simply denied. For example, the United Kingdom Government emphasises the value of the co-operation of the native chiefs in the assessment of taxes.

I think that, after examining the admirable annual report for 1935 and hearing the accredited representative, the Commission will declare itself satisfied with the refutations contained in the mandatory Power's observations.

There remain two statements of a general economic character : first, that any system of money tax and particularly the graduated income tax is alien to native society and tends to undermine its basis, and secondly, that the encouragement of economic crops shows a neglect of the essential interests of the native population as represented by the food crops.

As regards the first point, the mandatory Power confines itself to observing that "the introduction of economic systems differing in some respects from those which preceded them is an inevitable result of the advent of civilisation and the establishment of European rule in Africa", and that opinions as to the degree of native happiness under one or other system must necessarily differ, while, in any case, an "alien money economy" cannot now be displaced in Africa.

I think my colleagues will agree that I need not go further into this subject, in which we find the whole economic colonial problem in a nutshell. It is clear, however, that in regard to this clash between different economic systems, and the protection of native society against the dangerous effects of this clash, the mandatory Power's task is a particularly important and delicate one. The annual report for 1935 and the supplementary explanations furnished by the accredited representative testify that the mandatory Power, especially in this case of a graduated tax, is acting after due consideration. In this connection, it will be sufficient to recall that the proposed new tax was abandoned as regards one of the two provinces where it had been intended to introduce it as an experiment, and that, in the other, further enquiries have been ordered, on the basis of which a decision will be taken later.

The petitioner's other general allegation, condemning the encouragement given to economic crops, is totally refuted by the mandatory Power. Once again it emphasises—and this should be specially noted—that the local Government fully maintains its belief that food crops take precedence over all others.

Every year, each fresh annual report will no doubt focus the Mandates Commission's attention on the development of the native economy in relation to the two points touched upon in the petitions under examination. Hence, I think that the Commission might adopt the following resolution :

"The Commission,

"Having examined the petitions dated June 9th, July 30th and October 15th, 1935, from Mr. M. J. Fortie, and the United Kingdom Government's observations thereon :

"Considers that no special action is called for in regard to these petitions."

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ANNEX 25.

NEW GUINEA.

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PETITION, DATED NOVEMBER 13TH, 1935, FROM MR. R. BRIDGEMAN,  
INTERNATIONAL SECRETARY OF THE LEAGUE AGAINST IMPERIALISM AND  
FOR NATIONAL INDEPENDENCE, LONDON.

REPORT BY LORD LUGARD.

The petitioner states that “ the *Melbourne Herald* has reported that Government officials last September made a sudden and violent seizure of land comprising the coco-nut groves and food gardens belonging to a native village near the town of Rabaul ”. No corroborative evidence is given in support of the newspaper statement, and it is assumed by the petitioner that the land has been seized for the purpose of an aerodrome. He adds that the latest newspaper reports are that the action of the local Government is keenly resented by the villagers.

I have made enquiries regarding this so-called “ International League ”, and obtained some of its propaganda publications, which appear to be of a violent Communist type, but I have not ascertained the names of its supporters (if any) other than the signatory of the petition.

\* \* \*

The mandatory Power stated that it desired land for an aerodrome near Rabaul and directed a preliminary survey. The natives protested that they required the land for their food crops. The Administrator thereupon sent Mr. Ball, Assistant District Inspector, to make a full enquiry. In spite of the discourtesy and suspicion with which he was treated by the natives, his report frankly supported their contention that the land was essential for their subsistence and could not be spared for an aerodrome. The Administrator accepted this conclusion and withdrew the survey.

\* \* \*

Since the object which the petitioner desired has been fully secured, there is no need for any further action, and I propose that the Commission adopt the following conclusion :

“ The Commission,

“ Having examined the petition, dated November 13th, 1935, from Mr. Bridgeman, International Secretary of the League against Imperialism and for National Independence, and the observations of the mandatory Power :

“ Considers that, as the measures complained of have not been taken, no further action is called for.”

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ANNEX 26.

I. REPORT TO THE COUNCIL ON THE WORK OF THE SESSION.

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The Permanent Mandates Commission met at Geneva from May 27th to June 12th, 1936, for its twenty-ninth session, and held twenty-four meetings, part of the first of which was public.

The annual reports were considered in the following order, with the co-operation of the representatives of the mandatory Powers :

*New Guinea*, 1934-35.

Accredited Representative :

Sir John McLAREN, C.M.G.

*Nauru*, 1935.

Accredited Representative :

Sir John McLAREN, C.M.G.



*Tanganyika Territory, 1935.*

Accredited Representatives :

Mr. J. A. CALDER, Colonial Office ;  
Mr. G. F. SAYERS, Deputy Chief Secretary, Tanganyika Territory.

*Palestine and Trans-Jordan, 1935.*

Accredited Representatives :

Mr. H. H. TRUSTED, K.C., Attorney-General to the Government of Palestine ;  
Mr. A. S. KIRKBRIDE, O.B.E., the Assistant British Resident in Trans-Jordan ;  
Mr. Charles Tunstall EVANS, Assistant Secretary in the service of the Palestine Government.

*Syria and Lebanon, 1935.*

Accredited Representative :

M. R. DE CAIX, former Secretary-General of the High Commissariat of the French Republic in Syria and Lebanon.

*South West Africa, 1935.*

Accredited Representatives :

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

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A. OBSERVATIONS ON THE ADMINISTRATION OF CERTAIN TERRITORIES UNDER MANDATE.

The following observations, which the Commission has the honour to submit to the Council, were adopted after consideration of the situation in each territory in the presence of the accredited representatives of the mandatory Power concerned. In order to appreciate the full significance of these observations, reference should be made, as usual, to the Minutes of the meetings of the Commission at which the questions concerning the different territories were discussed.<sup>1</sup>

**TERRITORIES UNDER " A " MANDATE.**

**Palestine and Trans-Jordan.**

**PALESTINE.**

**I. GENERAL OBSERVATION.**

At the time when the Mandates Commission was about to open, in accordance with its Rules of Procedure, the examination of the annual report of the United Kingdom Government on Palestine for the year 1935, the serious disturbances that had occurred in the mandated territory in the spring of 1936 were not yet at an end. The accredited representative accordingly stated that the Mandates Commission could not expect him to attempt to analyse the causes of the present unrest in Palestine or to anticipate the findings of the Royal Commission of Enquiry which the United Kingdom Government had decided to set up, by discussing at the present stage the matters into which that Commission would have to enquire.

The Commission noted these reservations. If the accredited representative of the mandatory Power had been able to assure the Commission that his Government would readily agree to the examination by the Commission of the causes of the present disturbances at its autumn session, it would have postponed discussion of the report for 1935 until then. Since, in several respects, that report foreshadows the disturbances that broke out in the spring of 1936, it would have been desirable to consider the report and a statement on the disturbances simultaneously. This course would have allayed the misgivings of the Mandates Commission—misgivings which it is assuredly not alone in feeling—at the thought of the postponement for some twelve months (that is to say, until the report for 1936 is examined) of the statement by the mandatory Power regarding the causes, circumstances and significance of events which have been a matter of general concern for some weeks past.

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<sup>1</sup> The page numbers following each observation are those of the Minutes of the session.

As, however, the mandatory Power informed the Commission that it could not at present fix the date by which it would be able to furnish the information required for a thorough examination of these disturbances, the Commission decided to deal with the report for 1935 as best it could during the present session, while reserving the right to revert later to such matters as would appear to be connected with the present events.

The Commission hopes that, when peace has been restored in the territory, the mandatory Power will furnish it with information as to the present disturbances and their immediate causes at its autumn session. It regards this as desirable, even if the mandatory Power should not yet be in a position at that date to define its policy in the light of the proceedings of the Royal Commission which it proposes to appoint (pages 60, 63, 71, 72-77, 85-86, 137-139, 165, 173).

## II. SPECIAL OBSERVATIONS.

### 1. *Illicit Immigration.*

The Commission regrets that the measures taken to check illicit immigration into the territory have not proved entirely satisfactory. It cannot but ask itself whether the effect of the mandatory Power's action in reducing in advance the authorised immigration quotas—in which express allowance is made for illicit immigration—has not been to render the prevention of such immigration more difficult (pages 140, 141, 173).

### 2. *Judicial Organisation.*

The Commission would be glad to receive next year particulars on the working of the Palestine (Amendment) Order in Council, 1935, extending to all the inhabitants without distinction the system hitherto applicable only to foreigners of certain nationalities in regard to court proceedings (pages 149, 151, 173).

It would also welcome information on the measures recently taken in order to speed up the judicial machinery (pages 150, 151, 173).

### 3. *Supreme Moslem Council.*

The Commission would be glad to find in future reports fuller details as to the methods of appointment, composition, functions and activities of the Supreme Moslem Council (pages 148, 149, 173).

### 4. *Economic Regime.*

The Commission noted that Palestine has again enjoyed favourable economic and financial conditions (pages 61, 156, 164, 173).

With regard to the question of the treatment of imports from States which have ceased to be Members of the League of Nations, the Commission would be glad to find in the next report full information as to the policy which the mandatory Power will adopt in order to safeguard the interests of the mandated territory and those of the States Members of the League (pages 154, 155, 173).

### 5. *Drugs and Spirits.*

The Commission noted with interest that a Dangerous Drugs Ordinance, based on the recommendations of the International Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs, was enacted in 1936.

It also noted that an ordinance on the sale of intoxicating liquor had been adopted in 1935.

The Commission would be glad to find in the annual reports details with regard to the practical effects of these ordinances (pages 62, 161, 173).

## TRANS-JORDAN.

### 1. *Form of the Annual Report.*

The Commission notes with satisfaction that the part of the annual report concerning Trans-Jordan contains much fuller information than in the past. It would be glad to find in future reports chapters dealing with the questions of spirits, drugs and traffic in arms (pages 60, 62, 63, 165).

### 2. *Administration.*

(a) The Commission notes that, with the loyal collaboration of the Amir, peace and prosperity have fortunately been maintained in the territory. It is also glad to note the cordial relations which have been established with Sa'udi Arabia (pages 62, 79, 81-82, 165).

(b) The Commission notes with interest that, according to the annual report, the Legislative Council has, on the whole, worked well. It would be glad to find in the next report information as to the number and duties of the foreign staff on the one hand and of the Arabs on the other, and, with respect to the latter, how many were born in the territory (pages 78, 80, 81, 86, 165).



### 3. *Economic Regime.*

The Commission hopes that, as a result of the recent establishment of a Department of Customs, Excise and Trade, it will be possible to furnish fuller information in future as regards the economic regime (pages 89, 165).

### 4. *Public Health.*

The Commission is greatly interested to hear of the intention to inaugurate a mobile medical column to operate among the bedouin population (pages 91, 165).

## **Syria and Lebanon.**

### I. GENERAL OBSERVATIONS.

Although not formally bound to do so, the mandatory Power, in its annual report for 1935, spontaneously gave the Commission information on the disorders that took place in Syria at the beginning of 1936. Further, the accredited representative fully discussed with the Commission the character of those events, their origins and the lessons to be drawn from them.

The Commission welcomed this fresh evidence of close collaboration in the application of the mandates system (pages 93, 94, 98, 99-100, 167).

\* \* \*

The Commission observed that the situation had been eased by a modification that had been made in the composition of the Syrian Government and by the decision to send a delegation to Paris. It further noted the statements made by the High Commissioner in Syria and confirmed shortly afterwards by the Government of the mandatory Power, to the effect that the latter's intention is to bring about a resumption of parliamentary life, a conciliation of the political aspirations of an important section of public opinion with the safeguarding of the rights of the minorities, and the conclusion of a treaty designed to regulate the future status of the country (pages 94-95, 99, 167).

\* \* \*

The Commission has learnt that the delegation with which the Government of the mandatory Power has begun negotiations was composed mainly of representatives of the Opposition. The accredited representative, however, assured the Commission that it was not the intention of the mandatory Power to *treat* with the Opposition, but to wait before concluding an agreement until a regularly representative regime had been restored in Syria. The consultations at present in progress in Paris would, therefore, seem to be designed solely to determine, with all the necessary care, the various tendencies of public opinion (pages 94-96, 97, 167).

\* \* \*

The Commission entirely shares the mandatory Power's anxieties with regard to the safeguarding of the rights of minorities under the system which will take the place of the mandate when the latter comes to an end. It considers that it ought to emphasise the necessity of providing guarantees for effective protection,<sup>1</sup> which the ordinary regime for the protection of minorities could not alone ensure in countries where, as experience has shown, a spirit of toleration is not yet manifest among the majority of the population. On the other hand, it is not for the Commission at present to suggest the form which these guarantees should take, inasmuch as the study of the subject is engaging the mandatory Power's attention. The Commission is fully alive to the difficulty of the problem, which is one of reconciling the safeguarding of minorities—which would appear to imply a positive right of intervention—with the status of full independence which a mandated territory acquires on its emancipation from international tutelage.

While reserving its judgment with regard to such solutions as may be submitted to it in due course, the Commission desires at once to point out that the information furnished up to now by the mandatory Power on the basis of its experience in Syria under the mandate does not furnish evidence of the existence of a degree of maturity sufficient to justify any thoughts of the emancipation of this territory without providing for a transitional period (pages 97, 100-101, 123-125, 167).

### II. SPECIAL OBSERVATIONS.

#### I. *General Administration.*

The Commission had been struck by the frequency with which the High Commissioner has intervened by decree in the exercise of presidential powers in Syria and of constitutional powers in Lebanon. It hopes that efforts will be made to ensure the normal working of the institutions (pages 102-104, 167, 168).

<sup>1</sup> See Report of the Permanent Mandates Commission on the Work of its Twentieth Session, document C.422.M.176.1931.VI, pages 228-229.

2. *Arms and Ammunition.*

The Commission hopes to find in the next annual report information regarding the regulation of the importation and sale of arms and ammunition in the territory (pages 108, 167, 168).

3. *Judicial Organisation.*

The Commission hopes that it will shortly be possible to introduce a special penitentiary regime for young offenders (pages 109, 167, 168).

4. *Freedom of Conscience.*

The Commission notes that, according to the annual report, the registration of the conversion of any Moslem to another religion continues to meet with the same opposition as in the past. It considers this opposition scarcely compatible with the principle of "complete freedom of conscience" laid down in Article 8 of the mandate (pages 110, 167, 168).

5. *Economic Equality.*

The Commission would like to receive the assurance that public tenders, in which the nationals of all countries Members of the League will have a real opportunity of participating, will be invited for the execution of the important works required in connection with the scheme for the settlement of the Assyrians (pages 105-106, 113, 167, 168).

6. *Economic System.*

The Commission has observed with interest that negotiations are in progress for regulating trade between the mandated territory and the two States which ceased to be Members of the League of Nations in 1935. It hopes that these negotiations will result in conventions which will secure advantageous markets for the mandated territory, without infringing the rights accorded to the Members of the League under Article 11 of the mandate (pages 112, 167, 168).

7. *Public Finance.*

The Commission, while glad to note the re-establishment of budgetary equilibrium, expresses the hope that the legitimate anxiety to reduce expenditure will not lead to economies likely to endanger the satisfactory working of the Administration (pages 116, 167, 168).

8. *Public Health.*

The Commission hopes that the new measures adopted by the mandatory Power to deal more effectively with malaria, which is very widespread in the territory, will be successful. It hopes to find in the next report particulars of the results obtained (pages 118, 167, 168).

9. *Social Condition of Growers.*

The Commission would be glad to find in the next report full particulars of the social and economic situation of growers and their relations with the great landowners (pages 113, 167, 168).

**TERRITORY UNDER " B " MANDATE.**

**Tanganyika Territory.**

1. *General Administration.*

The Commission has learnt with interest the administrative methods adopted in the case of the detribalised districts. It notes that this matter, which bears closely upon the problem of inter-racial relations, continues to engage the special attention of the mandatory Power (pages 42, 43, 44, 165).

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

The mandatory Power was good enough to communicate to the Commission on December 19th, 1935, a despatch addressed by the Secretary of State for the Colonies to the Governors of Tanganyika, Kenya and Uganda, on the subject of "closer union" in East Africa. This document, which constitutes the United Kingdom Government's comments on the observations made by various bodies in the territories concerned, states that the objections raised by the Joint Select Committee of 1931 to the proposal for "closer union" still persist and that there is no need in the circumstances to re-open the enquiry into this question. It is added that the policy of close co-operation between the three territories on the lines suggested by the above-mentioned Committee will be steadily pursued.



In taking note of this declaration, the Commission deems it expedient to draw attention once more to the considerations of principle regarding the question of " closer union " put forward in its report to the Council on its twenty-third session (pages 13, 39-40, 165).

### 3. *Issue of a Common Stamp for Tanganyika, Kenya and Uganda.*

The Commission noted the reasons for which the mandatory Power considers that the issue of a common stamp for Tanganyika, Kenya and Uganda is in accordance with the fiscal interests of the mandated territory. It repeats the hope expressed last year that the mandatory Power will furnish an explicit statement of its views as to the compatibility of this issue with the provisions of the mandate (pages 41-42, 165).

### 4. *Public Finance.*

(a) The Commission noted that the financial situation of the territory appeared to be very satisfactory and, in particular, that revenue had considerably increased. On the other hand, it was concerned at the growth of the public debt, which is mainly due to the deficit on the railways.

The Commission would be glad to know what steps the mandatory Power proposes to take to fund the public debt (pages 37, 44, 45, 165).

(b) The Commission, while noting the objections raised to direct taxation of the income of the non-native elements of the population, hopes that these objections will not prove insuperable. It is of opinion that the elements in question should contribute according to their capacity to the revenue of the territory (pages 45-46, 47, 165).

(c) The Commission has learnt that it is proposed to make Mombasa (Kenya) a fortified port, and that the East African territories will share the cost. It would like to have full particulars of the matter if it were intended that a contribution should be made out of the Tanganyika budget (pages 50, 165).

### 5. *Labour.*

The Commission, which has been informed as to the conditions of life and labour amongst the natives employed in the gold-mining district of Lupa, hopes to find information in the next report which will enable it to note an appreciable improvement in the conditions in question (pages 37, 52-53, 54, 58, 165).

### 6. *Liquor Traffic.*

The Commission notes that experiments are being made in the Dar-es-Salaam official laboratory with the object of finding a method of denaturing methylated spirits so effectively as to prevent the natives from drinking them. It would welcome information in the next report as to the results of these experiments.

The Commission also learned that the natives drink methylated spirits whenever they have a chance, and that large quantities are imported (pages 57, 165).

## **TERRITORIES UNDER " C " MANDATE.**

### **South West Africa.**

#### 1. *Status of the Territory.*

The accredited representative of the mandatory Power informed the Mandates Commission that the commission set up to study the constitutional problems that have arisen in the territory had completed its work and that its report would be communicated to the Mandates Commission in the near future. On this occasion, the accredited representative repeated the statement he made last year to the effect that the mandatory Power would never take any action in respect of the problems concerned until it had first communicated its intentions to the League of Nations (pages 126, 127, 166).

#### 2. *General Administration.*

The Commission was glad to hear from the accredited representative that the year under review had been one of political quiet among the various elements of the population. It hopes that the method of conciliation followed by the mandatory Power will continue to ensure a peaceful atmosphere (pages 126-127, 128, 166).

#### 3. *Public Finance.*

Whilst congratulating the mandatory Power on the improved financial position of the territory, the Commission has again noted with concern the steady increase of the territory's indebtedness to the mandatory Power.

It would be grateful to find in future reports a general statement defining the financial policy of the Administration (pages 126, 131, 166).

#### 4. *Labour.*

The Commission expresses the hope that future reports will include a special chapter on labour, giving information on such matters as the recruiting of labourers and their transport, conditions of employment, wages, housing, the accompanying of labourers by their families and all connected subjects (pages 134-135, 166).

#### 5. *Education.*

The Commission notes with satisfaction the efforts made by the mandatory Power in the educational sphere, and in particular the opening of a first Government native school in a native reserve. It hopes that it may be found possible to open similar schools in other native reserves (pages 135-136, 166).

#### 6. *Public Health.*

The Commission noted with concern the general health conditions in the mines which have led to a considerable increase in the death rate as compared with recent years.

It hopes that steps may be taken in order to reduce the sickness and death rates by adequate arrangements for the medical examination of natives in the recruiting areas and improved provisions for the treatment of the sick labourers (pages 134-135, 136-137, 166).

### **Nauru.**

#### 1. *Native Welfare.*

The Commission notes 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. It hopes that steps will be taken to ensure a proper food-supply in all possible circumstances, in order to strengthen the resistance of the natives to disease (pages 35-36, 165).

#### 2. *Labour.*

The Commission notes with satisfaction that the Administration has taken steps to improve the condition of the Chinese labourers (pages 34, 165).

It hopes that future reports will contain information as to the improvements secured by the new ordinance dealing with co-operative societies (pages 34, 165).

### **New Guinea.**

#### 1. *General Administration.*

(a) The Commission again expresses the hope that the Administration will rapidly succeed in extending its authority to the areas not yet brought under effective control.

It has noted that access to certain areas over which the Administration has not yet established full control is henceforward to be forbidden to all persons other than natives (pages 14, 15, 16, 165, 167).

(b) The Commission is happy to note the efforts being made to increase the administrative personnel. It hopes that the mandatory Power will take steps to strengthen the hands of officials in their dealings with the representatives of all private interests and that it will insist upon their making themselves familiar with the dialects spoken in their areas (pages 16-17, 18, 22-23, 165, 167).

#### 2. *Economic Regime.*

The Commission would like to find in the next report information as to the reason of the opposition manifested in the territory to an ordinance restricting the activities of foreign shipping companies. It noted that the mandatory Power has officially declared that it is in the interest of the Commonwealth and that of the territory to promulgate an ordinance providing for these restrictions. The Commission would like to know what, in the opinion of the mandatory Power, are the advantages which the territory will obtain from this regime (pages 18, 19, 165, 167).

#### 3. *Native Welfare.*

(a) The Commission hopes that the mandatory Power will take steps to enable the native population to share in the increasing prosperity of the territory (pages 20, 23, 28, 165, 167).

(b) The Commission would like to receive information as to the number of half-castes in the territory and as to their social condition (pages 21-22, 165, 167).

#### 4. *Labour.*

The Commission has taken note of the new order regarding native labour. It hopes that the Government will give its fullest attention to improving the present system of recruitment and re-engagement of labour, and more particularly to subjecting the recruiting agents to stricter control. It views with concern the intensive recruitment of labour which, according to the statistics, would appear to have been going on in certain districts, and notes with satisfaction that a number of districts have been declared "closed areas" (pages 24-26, 165, 167).



5. *Missions.*

The Commission took note of the information given regarding the missions in the territory, and particularly of the fact that the scheme to place the education of the natives entirely in the hands of the missions has been abandoned. It would be glad to receive information on the subject in future reports (pages 27, 28, 165, 167).

6. *Education.*

The Commission noted that, during the year 1934-35, the sums spent on education amounted to a total of £3,903, representing just over 1% of the budget of the territory. It wondered whether that sum was proportionate to the resources of the territory and to the sums spent on the other services of the administration (pages 20, 27-30, 165, 167).

B. PETITIONS.<sup>1</sup>

I. PETITIONS ON WHICH CONCLUSIONS WERE REACHED.

At its twenty-ninth session, the Commission considered the petitions mentioned below together with the mandatory Powers' observations thereon. Each of these petitions was reported on in writing by a member of the Commission. After discussion, the Commission adopted the conclusions set forth below. The texts of the reports submitted to the Commission are attached to the Minutes.<sup>2</sup>

**Palestine and Trans-Jordan.**

- (a) PETITION, DATED MAY 2ND, 1935, FROM M. JAMAAL HUSSEINI, PRESIDENT OF THE PALESTINE ARAB PARTY, JERUSALEM (document C.P.M.1700) (page 173).

Observations of the United Kingdom Government, dated September 3rd, 1935 (document C.P.M.1700).

Report (see Minutes, Annex 6, pages 186-188).

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated May 2nd, 1935, from M. Jamaal Husseini, President of the Palestine Arab Party, Jerusalem, and the mandatory Power's observations thereon ;

“ Whereas the first part of the petition, according to the petitioner's own statement, is not within the Commission's province, since it raises an objection to the mandate ;

“ Whereas the petition also deals with self-governing institutions, the form of Government of the territory and other essential questions which, in present circumstances, are obviously a matter of concern to the mandatory Power :

“ Considers that no special recommendation need be made to the Council in this connection.”

- (b) PETITIONS, DATED MAY 11TH, 1934, AND MAY 19TH, 1935, FROM M. ISRAEL AMIKAM, HAIFA (document C.P.M.1710) (pages 159, 172).

Observations of the United Kingdom Government, dated September 12th, 1935 (document C.P.M.1710).

Report (see Minutes, Annex 7, pages 189-190).

*Conclusions.*

“ The Commission,

“ Having considered the petitions from M. Israel Amikam, dated May 11th, 1934, and May 19th, 1935, and the observations of the mandatory Power thereon :

“ Notes that the transmission of telegrams in Hebrew characters has been introduced in certain places in the mandated territory, and

“ Expresses the hope that circumstances will enable the Palestine Government to expedite the extension of these facilities in the near future, in order that equality among the three official languages of the country may speedily be brought about.”

<sup>1</sup> The page numbers following each title are those of the Minutes of the session.

<sup>2</sup> The Commission recommends that copies of the petitions and the mandatory Powers' observations thereon should be deposited in the League of Nations Library and thus placed at the disposal of persons wishing to consult them.

- (c) PETITIONS, DATED SEPTEMBER 19TH AND 24TH, 1935, FROM M. EMIR CHEKIB ARSLAN, GENEVA (document C.P.M. 1713) (page 172).

Observations of the United Kingdom Government, dated March 5th, 1936 (document C.P.M.1755).

Report (see Minutes, Annex 8, pages 190-191).

*Conclusions.*

“ The Commission,

“ Having examined the petitions, dated September 19th and 24th, 1935, from M. Emir Chekib Arslan, Geneva, and the observations of the mandatory Power thereon :

“ Considers that these petitions do not call for any special recommendation to the Council.”

- (d) PETITION, DATED MAY 13TH, 1935 (WITH FOUR ANNEXES), FROM M. E. KARWASSARSKY, TEL-AVIV (document C.P.M.1744) (pages 150, 151, 166).

Observations of the United Kingdom Government, dated November 1st, 1935 (document C.P.M.1744).

Report (see Minutes, Annex 9, page 191).

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated May 13th, 1935, from M. E. Karwassarsky, Tel-Aviv, in the light of the observations of the United Kingdom Government contained in its letter of November 1st, 1935 :

“ Considers that no special action need be taken on this petition.”

- (e) PETITION, DATED MAY 24TH, 1935, FROM THE COUNCIL WAAD ADATH ASHKENAZIM OF JERUSALEM (document C.P.M.1745) (pages 158, 167).

Observations of the United Kingdom Government, dated November 14th, 1935 (document C.P.M.1745).

Report (see Minutes, Annex 10, pages 191-192).

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated May 24th, 1935, in which Grand Rabbi Schorr reverts to the grievances and requests already submitted by him two years ago on behalf of the Waad Adath Ashkenazim, of which he is the head ;

“ Considering that this new petition contains no allegation which can justify a conclusion different from that expressed on that occasion :<sup>1</sup>

“ Is of opinion that there are no grounds for making a special recommendation to the Council on the subject.”

- (f) PETITION, DATED APRIL 24TH, 1935, FROM DR. R. TAMINI, SECRETARY OF THE NATIONAL MEDICAL ASSOCIATION, HAIFA (document C.P.M.1746) (pages 164, 172).

Observations of the United Kingdom Government, dated November 25th, 1935 (document C.P.M.1746).

Report (see Minutes, Annex 11, page 192).

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated April 24th, 1935, from Dr. R. Tamini, of Haifa, and the observations thereon of the mandatory Power :

“ Notes that, by limiting, under the Ordinance of July 25th, 1935, the number of persons admitted to practise medicine, the mandatory Power has been able to remedy the state of affairs referred to, and

“ Accordingly considers that no further action need be taken in regard to the petition.”

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<sup>1</sup> See Minutes of the Twenty-fifth Session of the Commission, page 153.



- (g) PETITION, DATED JULY 7TH, 1935, FROM M. ALI HASSAN EL YAFAWI, HAIFA (document C.P.M.1753) (page 166).

Observations of the United Kingdom Government, dated January 6th, 1936 (document C.P.M.1753).

Report (see Minutes, Annex 12, page 193).

*Conclusions.*

“ The Commission,

“ Having considered the petition, dated July 7th, 1935, from M. Ali Hassan El Yafawi, in the light of the observations of the mandatory Government :

“ Is of opinion that no action need be taken regarding this petition.”

- (h) LETTER, DATED APRIL 30TH, 1936, FROM THE PRESIDENT OF THE JEWISH AGENCY FOR PALESTINE, ACCOMPANYING A MEMORANDUM ON THE DEVELOPMENT OF THE JEWISH NATIONAL HOME IN PALESTINE IN THE YEAR 1935 (document C.P.M.1765) (pages 139, 140, 141, 142, 143, 154, 172).

Observations of the United Kingdom Government, dated May 21st, 1936 (document C.P.M.1777).

Report (see Minutes, Annex 13, pages 193-194).

*Conclusions.*

“ The Commission,

“ Having noted the Jewish Agency's memorandum, the letter of the President of the Agency to the High Commissioner for Palestine, and the mandatory Power's observations thereon :

“ Considers that no recommendation need be made to the Council in connection with the said memorandum.”

**Syria and Lebanon.**

- (a) PETITIONS CONCERNING THE ADMINISTRATION OF THE MOSLEM WAQFS, SUBMITTED ON SEPTEMBER 11TH AND OCTOBER 20TH, 1934, BY ME. GHAFOUR AL MSOUTY (document C.P.M.1636) (pages 111, 120-121, 172).

Observations of the French Government, dated May 28th, 1935 (document C.P.M.1636).

Report (see Minutes, Annex 14, pages 194-195).

*Conclusions.*

“ The Commission,

“ Having examined the petitions concerning the administration of the Moslem Waqfs, submitted on September 11th and October 20th 1934, by Me. Ghafour Al Msouty ;

“ Confines itself for the moment to drawing attention to the statements made by the accredited representative during the meetings at which these petitions were examined by the Commission, and reserves the problems raised for more exhaustive enquiry when the mandatory Power has supplied it with documentary material.”

- (b) PETITION, UNDATED, FROM M. A. SARMINI AND OTHER MEMBERS OF THE “ EXECUTIVE COMMITTEE OF THE WAQFS ”, ALEPPO (document C.P.M. 1715) (pages 121, 172).

Observations of the French Government, dated October 17th, 1935 (document C.P.M.1715).

Report (see Minutes, Annex 15, pages 196-197).

*Conclusions.*

“ The Commission,

“ Having examined the petition, undated, from M. A. Sarmini and other members of the ‘ Executive Committee of the Waqfs ’, Aleppo, together with the relevant observations of the mandatory Power ;

“ Having noted the additional information furnished by the accredited representative ;

“ Referring to the conclusions adopted regarding the administration of the Moslem Waqfs in connection with the petitions from Me. Ghafour Al Msouty, examined at the present session :

“ Considers that, in view of the categorical statements of the mandatory Power, no special action need be taken on this petition.”

- (c) PETITION, DATED AUGUST 21ST, 1935, FROM M. JOSEPH FADEL, SECRETARY OF THE SYRIAN LEBANON AMERICAN SOCIETY OF NEW JERSEY, U.S.A. (document C.P.M.1712) (page 172).

Observations of the French Government, dated May 23rd, 1936 (document C.P.M. 1769).

Report (see Minutes, Annex 16, pages 197-198).

*Conclusions.*

“ The Commission,

“ Having considered the petition, dated August 21st, 1935, from M. Joseph Fadel, Secretary of the Syrian Lebanon American Society of New Jersey, U.S.A., and the mandatory Power's observations thereon :

“ Draws attention to the position of those Syrians and Lebanese resident abroad who have not been able to avail themselves within the prescribed period of the right of option established in Article 34 of the Treaty of Lausanne, and

“ Hopes that the mandatory Power will renew its demarches with a view to remedying this situation.”

- (d) PETITION, DATED SEPTEMBER 20TH, 1934, FROM M. PHILIPPE ZALZAL, BEIRUT (document C.P.M.1719) (pages 119, 166).

Observations of the French Government, dated October 14th, 1935 (document C.P.M.1719).

Report (see Minutes, Annex 17, pages 198-199).

*Conclusions.*

“ The Commission,

“ Having examined the petition, dated September 20th, 1934, from M. Philippe Zalzal, of Beirut, and the mandatory Power's observations thereon ;

“ Being of opinion that it is not for the Commission to pronounce on nationality questions :

“ Considers that this petition does not call for any action on its part.”

- (e) PETITIONS, DATED NOVEMBER 7TH AND 11TH, 1935, AND JANUARY 22ND, 1936, FROM SOUBHI BEY BEREKAT, DAMASCUS (document C.P.M.1770) (pages 102, 172).

Observations of the French Government, dated May 23rd, 1936 (document C.P.M. 1770).

Report (see Minutes, Annex 18, pages 199-200).

*Conclusions.*

“ The Commission,

“ Having taken note of the three petitions of Soubhi Bey Berekat, dated November 7th and 11th, 1935, and January 22nd, 1936, respectively, together with the observations of the mandatory Power thereon ;

“ Considering that the petitioner in these communications expresses opinions of a general character on the whole administration of the mandatory Power and the policy of the High Commissioner and voices aspirations of a no less general character with regard to the future of his country ;

“ Recalling the Commission's discussions on this subject with the accredited representative of the mandatory Power, at a number of sessions, including the present session, and referring to the observations it has submitted in the past and is again submitting to the Council of the League of Nations on the subject of the Syrian Administration :

“ Is of opinion that no special action is required in respect of these petitions.”



- (f) PETITION, UNDATED, FROM M. TOUFIK EL-KABANI, M. HANI EL-JELAD AND OTHER SIGNATORIES, DAMASCUS (document C.P.M.1772) (pages 119, 166).

Observations of the French Government, dated May 26th, 1936 (document C.P.M. 1772).

Report (see Minutes, Annex 19, page 200).

*Conclusions.*

“ The Commission,

“ Having examined, in the light of the statements of the mandatory Power, the petition, undated, from M. Toufik El-Kabani, M. Hani El-Jelad and others, of Damascus :

“ Considers that no action need be taken on this petition.”

- (g) PETITIONS, DATED JULY 3RD AND DECEMBER 13TH, 1935, FROM M. SAMI SLIM, BORJ EL BARAJNÉ (document C.P.M.1773) (pages 124-125, 166).

Observations of the French Government, dated May 23rd, 1936 (document C.P.M. 1773).

Report (see Minutes, Annex 20, pages 200-201).

*Conclusions.*

“ The Commission,

“ Having examined the petitions, dated July 3rd and December 13th, 1935, from M. Sami Slim, Borj el Barajné, and the relevant observations of the mandatory Power :

“ Considers that it is not called upon to make any recommendation to the Council.”

- (h) PETITIONS (FIVE IN NUMBER), DATED JANUARY 2ND, 10TH AND 11TH, 1936, REGARDING THE INCIDENTS ON THE OCCASION OF THE CEREMONIES HELD IN MEMORY OF IBRAHIM HANANO (document C.P.M.1774) (pages 93, 95, 166).

Observations of the French Government, dated May 23rd, 1936 (document C.P.M. 1774).

Report (see Minutes, Annex 21, pages 201-202).

*Conclusions.*

“ The Commission,

“ Having considered the five petitions, dated January 2nd, 10th and 11th, 1936, regarding the incidents that occurred on the occasion of the ceremonies held in memory of Ibrahim Hanano :

“ Is of opinion that they do not call for any special recommendation to the Council.”

- (i) 1. PETITION, DATED FEBRUARY 1ST, 1936, FROM M. NAJI ASSUWAIDI AND OTHER SENATORS AND DEPUTIES OF THE IRAQI PARLIAMENT AT BAGHDAD (document C.P.M.1757) (page 172).
2. PETITION, DATED FEBRUARY 8TH, 1936, FROM M. MIGUEL BECHARA, PRESIDENT OF THE “ LIGA PATRIOTICA SYRIA ”, SAO PAULO (document C.P.M.1758) (page 172).
3. PETITION, UNDATED, FROM A NUMBER OF DEPUTIES OF THE IRAQI PARLIAMENT, BAGHDAD (document C.P.M.1759) (page 172).

4. PETITIONS (THIRTY-EIGHT IN NUMBER) REGARDING THE MEASURES TAKEN IN SYRIA IN JANUARY AND FEBRUARY 1936 (document C.P.M.1775) (pages 95, 98, 172).

Observations of the French Government, dated May 22nd, 1936 (document C.P.M. 1775).

Report (see Minutes, Annex 22, pages 202-203).

*Conclusions.*

“ The Commission,

“ Having examined : (1) the petition of February 1st, 1936, from M. Naji Assuwaïdi and other senators and deputies of the Iraqi Parliament at Baghdad ; (2) the petition of February 8th, 1936, from M. Miguel Bechara, President of the “ Liga Patriótica Syria ”, São Paulo ; (3) the petition, undated, from a number of deputies of the Iraqi Parliament at Baghdad ; (4) the petitions, thirty-eight in number, regarding the measures taken in Syria in January and February 1936, forwarded on May 22nd, 1936, by the French Government, together with the mandatory Power's observations, and the explanations supplied verbally by its accredited representative ;

“ Referring to the conclusions adopted on the ninety-eight petitions regarding the question of Syrian unity examined during the present session :

“ Considers that no special recommendations to the Council are called for in regard to these petitions.”

(j) PETITIONS (NINETY-EIGHT IN NUMBER, IN SIX CATEGORIES) RELATING TO SYRIAN UNITY (document C.P.M.1776) (pages 103, 106, 110, 121-124, 172).

Observations of the French Government, dated May 23rd, 1936 (document C.P.M. 1776).

Report (see Minutes, Annex 23, pages 203-204).

*Conclusions.*

“ The Commission,

“ Having taken cognisance of the petitions, ninety-eight in number, relating to Syrian unity and having examined them in the light of the mandatory Power's observations and the statements of its accredited representative ; and

“ Having noted the apprehensions which appear to be felt by the minorities in Lebanon and Syria, and the apparent indifference towards those apprehensions of the party that is in favour of the complete liberty and unity of the territories :

“ (1) Considers that, until the future policy of the mandatory Power, which forms the subject of all the petitions examined, has been defined, it is not possible for the Commission to express any opinion on that policy ; but

“ (2) Expresses now the hope that no change will be made in the present status of the territory which might have the effect of depriving the minorities of the protection they enjoy under the tutelage of the mandatory Power, until the populations of Syria and Lebanon have furnished more convincing proofs of their spirit of mutual tolerance ;

“ (3) Expresses the fervent hope that the mandatory Power will see that the equality of treatment as between the inhabitants of Syria and Lebanon, irrespective of differences in race, religion or language, provided for in Article 8 of the mandate is fully respected at all stages of the progressive advance of those territories towards their future independence.”

**Tanganyika Territory.**

PETITIONS, DATED JUNE 9TH, JULY 30TH AND OCTOBER 15TH, 1935, FROM MR. M. J. FORTIE, WASHINGTON (documents C.P.M.1692, 1695, 1743) (pages 47, 48, 167).

Observations of the United Kingdom Government, dated February 8th and May 27th, 1936 (documents C.P.M.1754, 1754a).

Report (see Minutes, Annex 24, pages 204-205).

*Conclusions.*

“ The Commission,

“ Having examined the petitions, dated June 9th, July 30th and October 15th, 1935, from Mr. M. J. Fortie and the United Kingdom Government's observations thereon :

“ Considers that no special action is called for in regard to these petitions.”



### New Guinea.

PETITION, DATED NOVEMBER 13TH, 1935, FROM MR. R. BRIDGEMAN, INTERNATIONAL SECRETARY OF THE LEAGUE AGAINST IMPERIALISM AND FOR NATIONAL INDEPENDENCE, LONDON (document C.P.M.1748) (pages 32, 167).

Observations of the Australian Government, dated May 1st, 1936 (document C.P.M. 1764).

Report (see Minutes, Annex 25, page 206).

#### *Conclusions.*

“ The Commission,

“ Having examined the petition, dated November 13th, 1935, from Mr. Bridgeman, International Secretary of the League against Imperialism and for National Independence, and the observations of the mandatory Power :

“ Considers that, as the measures complained of have not been taken, no further action is called for.”

### II. PETITIONS REJECTED BY THE COMMISSION AS OBVIOUSLY INADMISSIBLE OR TRIVIAL.

#### Syria and Lebanon.

PETITION, DATED OCTOBER 18TH, 1935, FROM THE “ COMITÉ EXÉCUTIF DE LA JEUNESSE NATIONALE ”, LATAKIA (document C.P.M.1771) (page 166).

Observations of the French Government, dated May 26th, 1936 (document C.P.M. 1771).

### II. COMMENTS OF THE ACCREDITED REPRESENTATIVES SUBMITTED IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION.

#### A. TANGANYIKA TERRITORY.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED JUNE 23RD, 1936.

I have the honour to acknowledge the receipt of your letter of June 19th, with which you were good enough to forward an advance copy of the observations of the Permanent Mandates Commission drawn up as a result of the examination at its recent session of the administration of the Tanganyika Territory during 1935.

2. I have the honour to make the following comments on these observations :

##### (i) *Paragraph 4 (a) (Public Finance).*

In this paragraph, it is stated that the Commission is concerned at the “ growth of the public debt, which is mainly due to the deficit on the Railways ”. Apart from certain small short-term loans obtained from the Colonial Development Fund, the position is that there has been no increase in the volume of the territory's public debt since 1932. The deficits incurred on the Railways do not add to the volume of debt.

As regards the funding of the debt, the Commission has already been informed at previous sessions that most of the debt is in respect of public loans which cannot be converted before the date mentioned in the public prospectus issued when each loan was raised. The earliest date by which a public loan can be repaid is 1948 (the Guaranteed Loan 1948-68 of £2,070,000, raised in 1928).

(ii) *Paragraph 4 (b).*

It is implied in this paragraph that there is at present no direct taxation of the income of non-natives in the territory. There is, however, direct taxation of such income under the Non-Native Poll Tax, of which full details were given in paragraphs 67 and 68 of the annual report for 1935.

(Signed) J. A. CALDER.

## B. SOUTH WEST AFRICA.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED JUNE 26TH, 1936.

I have the honour to acknowledge the receipt of and to thank you for your letter of June 20th and advance copy of the observations of the Permanent Mandates Commission on the examination of the report of the Government of the Union of South Africa on the administration of South West Africa for the year 1935.

Subject to any comments which my Government may later wish to make on the Commission's observations, I would only wish to say, in regard to the observation on general health conditions in the mines, that, while the death rate for 1935 compares unfavourably with that for the years 1933 and 1934, when the numbers of natives employed in the mines were much below normal, it nevertheless shows a considerable improvement on the corresponding figure for 1931 and 1932, when the numbers of those employed were more comparable with the figure for 1935. This matter is, however, one which has been, and will continue to be, the close concern of my Government.

(Signed) C. T. TE WATER.

## C.

The accredited representatives for Palestine and Trans-Jordan, Syria and Lebanon, Nauru and New Guinea have stated that they have no comments to make on the observations contained in the report of the Permanent Mandates Commission.

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## ERRATA.

On page 32, footnote:

*Read Annex 25 instead of 26.*

On page 207, the words: " Mr. A. S. KIRKBRIDE, O.B.E. . . . "

*should read as follows:*

" Mr. A. S. KIRKBRIDE, O.B.E., M. C. . . . "

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## Abbreviations

Addit.	=	Additional
Art.	=	Article
Cttee	=	Committee
Govt.	=	Government
Int.	=	International
Kdg.	=	Kingdom
Memo.	=	Memorandum
P.M.C.	=	Permanent Mandates Commission
Prof.	=	Professor
Ref.	=	Reference

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